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November 28, 2025

Linda Sassi, Town Clerk
Town of Eastham
2500 State Hwy
Eastham, MA 02642

**Re: Eastham Annual Town Meeting of May 5, 2025 -- Case # 11859**
**Warrant Articles # 7A and 7B (Zoning)**
**Warrant Articles # 4B, 4C, and 5A (General)[1]**

Dear Ms. Sassi:

**Article 7B** - Under Article 7B, the Town voted to amend its zoning by-laws (new text in underline and deleted text in strikethrough) regarding Accessory Dwelling Units ("ADUs") to allow ADUs as of right in compliance with G.L. c. 40A, § 3 and the implementing Regulations promulgated by the Executive Office of Housing and Livable Communities ("EOHLC"), 760 CMR 71.00, "Protected Use Accessory Dwelling Units" ("Regulations").[2]

We partially approve Article 7B because the approved text does not conflict with state law. However, we disapprove and delete[3] Section 5.2.2 (1)'s setback requirements for ADUs because this text conflicts with G.L. c. 40A, § 3 and the Regulations. See Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the Constitution for the Attorney General to disapprove a by-law).

In this decision we summarize the by-law amendments adopted under Article 7B; discuss the Attorney General's standard of review of town by-laws and the recent statutory and regulatory

[1] In a decision issued on September 2, 2025, we approved Articles 4B, 4C, and 5A and by agreement with Town Counsel pursuant to G.L. c. 40, § 32, extended our deadline for a decision on Articles 7A and 7B for an additional 90-day until November 29, 2025. A decision on Article 7A was issued November 24, 2025.

[2] The Regulations can be found here: https://www.mass.gov/doc/760-cmr-7100-protected-use-adus-final-version/download.

[3] The use of the term "disapprove" collectively means "disapprove and delete" such that any text disapproved by the Attorney General (shown in bold and underline) by virtue of such disapproval is also deleted from the Town's zoning by-law and does not take effect under G.L. c. 40 § 32.

changes that allow Protected Use ADUs as of right;[4] and then explain why, based on our standard of review, we partially approve the zoning by-law amendments adopted under Article 7B. In addition, we offer comments for the Town's consideration regarding certain approved provisions adopted under Article 7B.

## I. Summary of Article 7B

Under Article 7B the Town voted to amend its zoning by-laws to amend Section 5.2, "Accessory Dwelling Units" that imposes requirements on ADUs, including allowing ADUs as-of-right in the District A Residential, District E Residential/Limited Commercial, District F Seashore, District G Water Resource Protection, Core Commercial, Trade Park, Office Residential, and Limited Commercial zoning districts, subject to the requirements of Section 5.2, and prohibiting ADUs in all other zoning districts.[5] The by-law imposes additional restrictions on ADUs including imposing dimensional requirements [Section 5.2.2 (1)]; allowing only one ADU by right [Section 5.2.3 (1)]; imposing parking requirements [Section 5.2.3 (8)]; and prohibiting an ADU from being used as a short-term rental [Section 5.2.3 (10)].

## II. Attorney General's Standard of Review of Zoning By-laws

Our review of Article 7B is governed by G.L. c. 40, § 32. Under G.L. c. 40, § 32, the Attorney General has a "limited power of disapproval," and "[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws." Amherst, 398 Mass. at 795-96. The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 ("Neither we nor the Attorney General may comment on the wisdom of the town's by-law.") "As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid." Bloom v. Worcester, 363 Mass. 136, 154 (1973). "

Article 7B, as an amendment to the Town's zoning by-laws, must be given deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002) ("With respect to the

[4] 760 CMR 71.02 defines the term "Protected Use ADU" as follows: "An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition."

[5] The other zoning districts are the District B and District H Wellhead Protection Districts. General Laws Chapter 40A, Section 3 allows a Protected Use ADU "in a single-family residential zoning district," defined in the Regulations as "[a]ny Zoning District where Single-family Residential Dwellings are permitted or an allowable use, including any Zoning District where Single-family Residential Dwellings are allowed as-of-right or by Special Permit." According to the Town's Zoning Districts, single-family dwellings are also prohibited in the District B and District H Wellhead Protection Districts. For this reason, we approve Section 5.2 prohibiting ADUs in these same districts. However, the Town must ensure that Protected Use ADUs are allowed in any Single-family Residential Zoning District in the Town, and we encourage the Town to consult with Town Counsel with any questions on this issue.

exercise of their powers under the Zoning Act, we accord municipalities deference as to their legislative choices and their exercise of discretion regarding zoning orders."). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General's standard of review is equivalent to that of a court. "[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare." Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). "If the reasonableness of a zoning bylaw is even 'fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.'" Id. at 51 (quoting Crall v. City of Leominster, 362 Mass. 95, 101 (1972)). However, a municipality has no power to adopt a zoning by-law that is "inconsistent with the constitution or laws enacted by the [Legislature]." Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

## III. Summary of Recent Legislative Changes Regarding ADUs

On August 6, 2024, Governor Healey signed into law the "Affordable Homes Act," Chapter 150 of the Acts of 2024 (the "Act"). The Act includes amendments to the State's Zoning Act, G.L. c. 40A, to establish ADUs as a protected use subject to limited local regulation including amending G.L. c. 40A, § 1A to add a new definition for the term "Accessory dwelling unit" and amending G.L. c. 40A, § 3 (regarding subjects that enjoy protections from local zoning requirements, referred to as the "Dover Amendment"), to add a new paragraph that restricts a zoning by-law from prohibiting, unreasonably regulating or requiring a special permit or other discretionary zoning approval for the use of land or structures for a single ADU. The amendment to G.L. c. 40A, § 3, to include ADUs means that ADUs are now entitled to statutory protections from local zoning requirements.

On January 31, 2025, the EOHLC promulgated regulations for the implementation of the legislative changes regarding ADUs. See 760 CMR 71.00, "Protected Use Accessory Dwelling Units."[6] The Regulations define key terms and prohibit certain "Use and Occupancy Restrictions" defined in Section 71.02 as follows:

> Use and Occupancy Restrictions. A Zoning restriction, Municipal regulation, covenant, agreement, or a condition in a deed, zoning approval or other requirement imposed by the Municipality that limits the current, or future, use or occupancy of a Protected Use ADU to individuals or households based upon the characteristics of, or relations between, the occupant, such as but not limited to, income, age, familial relationship, enrollment in an educational institution, or that limits the number of occupants beyond what is required by applicable state code.

[6] See the following resources for additional guidance on regulating ADUs: (1) EOHLC's ADU FAQ section (https://www.mass.gov/info-details/accessory-dwelling-unit-adu-faqs\) (2) Massachusetts Department of Environmental Protection's Guidance on Title 5 requirements for ADUs (https://www.mass.gov/doc/guidance-on-title-5-310-cmr-15000-compliance-for-accessory-dwelling-units/download); and https://www.mass.gov/doc/frequently-asked-questions-faq-related-to-guidance-on-title-5-310-cmr-15000-compliance-for-accessory-dwelling-units/download; and (3) MassGIS Addressing Guidance regarding address assignments for ADUs (https://www.mass.gov/info-details/massgis-addressing-guidance-for-accessory-dwelling-units-adus ).

While a municipality may reasonably regulate a Protected Use ADU in the manner authorized by 760 CMR 71.00, such regulation cannot prohibit, require a special permit or other discretionary zoning approval for, or impose a "Prohibited Regulation"[7] or an "Unreasonable Regulation" on, a Protected Use ADU. See 760 CMR 71.03, "Regulation of Protected Use ADUs in Single-Family Residential Zoning Districts."[8] Moreover, Section 71.03 (3)(a) provides that while a town may reasonably regulate and restrict Protected Use ADUs, certain restrictions or regulations "shall be unreasonable" in certain circumstances.[9] In addition, while municipalities may impose dimensional requirements related to setbacks, lot coverage, open space, bulk and height and number of stories (but not minimum lot size), such requirements may not be "more restrictive than is required for the Principal Dwelling, or a Single-Family Residential Dwelling or accessory structure in the Zoning District in which the Protected Use ADU is located, whichever results in more permissive regulation…" 760 CMR 71.03 (3)(b)(2). Towns may also impose site plan review of a Protected Use ADU, but the Regulations requires the site plan review to be clear and objective and prohibits the site plan review authority from imposing terms or conditions that "are unreasonable or inconsistent with an as-of-right process as defined in M.G.L. c. 40A, § 1A." 760 CMR 71.03 (3)(b)(5).

We incorporate by reference our more extensive comments regarding these recent statutory and regulatory changes related to ADUs in our decision to the Town of East Bridgewater, issued on April 14, 2025 in Case # 11579.[10] Against the backdrop of these statutory and regulatory

[7] 760 CMR 71.03 prohibits a municipality from subjecting the use of land or structures on a lot for a Protected Use ADU to any of the following: (1) owner-occupancy requirements; (2) minimum parking requirements as provided in Section 71.03; (3) use and occupancy restrictions; (4) unit caps and density limitations; or (5) a requirement that the Protected Use ADU be attached or detached to the Principal Dwelling.

[8] For example, a design standard that is not applied to a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located or is so "restrictive, excessively, burdensome, or arbitrary that it prohibits, renders infeasible, or unreasonably increases the costs of the use or construction of a Protected Use ADU" would be deemed an unreasonable regulation. See 760 CMR 71.03 (3)(b).

[9] Section 71.03 (3)(a) provides that while a town may reasonably regulate and restrict Protected Use ADUs, a restriction or regulation imposed "shall be unreasonable" if the regulation or restriction, when applicable to a Protected Use ADU: (1) does not serve a legitimate Municipal interest sought to be achieved by local Zoning; (2) serves a legitimate Municipal interest sought to be achieved by local Zoning but its application to a Protected Use ADU does not rationally relate to the legitimate Municipal interest; or (3) serves a legitimate Municipal interest sought to be achieved by local Zoning and its application to a Protected Use ADU rationally relates to the interest, but compliance with the regulation or restriction will: (a) result in complete nullification of the use or development of a Protected Use ADU; (b) impose excessive costs on the use or development of a Protected Use ADU without significantly advancing the Municipality's legitimate interest; or (c) substantially diminish or interfere with the use or development of a Protected Use ADU without appreciably advancing the Municipality's legitimate interest.

[10] This decision, as well as other recent ADU decisions, can be found on the Municipal Law Unit's website at www.mass.gov/ago/munilaw (decision look up link) and then search by the topic pull down menu for the topic "ADUS."

parameters regarding Protected Use ADUs, we review the zoning amendments adopted under Article 7B.

## IV. Section 5.5.2 (1)'s Setback Requirements Conflict with G.L. c. 40A, § 3 and the Regulations

Section 5.2.2 (1), requires an ADU to meet the setback requirements applicable to accessory structures as follows (new text in underline, deleted text in strikethrough and emphasized text in bold):

> An Accessory Dwelling Unit (ADU) that conforms to the dimensional requirements of the Eastham Zoning Bylaw, with the exception of lot size shall be permitted as a by right use accessory to a lawful ~~single-family~~ principal dwelling, in the zoning districts indicated above. Accessory Dwelling units in detached structures shall be subject to the same setback applicable **to accessory structures** in the respective zoning districts.

We disapprove the text shown above in bold and underline that requires an ADU to comply with the dimensional standards applicable "to accessory structures," because the Regulations require that any dimensional requirements imposed upon an ADU be the most permissive requirements between the principal dwelling, a single-family dwelling or an accessory structure, as explained below.

The Regulations, 760 CMR 71.03 (3)(b)(2), "Regulation of Protected Use ADUs in Single family Residential Zoning Districts;" "Dimensional Standards," that requires the Town to apply the most permissive dimensional standard, in relevant part as follows (with emphasis added):

> (b) Municipality shall apply the analysis articulated in 760 CMR 71.03 (3)(a) to establish and apply reasonable Zoning or general…by-laws, or Municipal regulations for Protected Use ADUs, but in no case shall a restriction or regulation be found reasonable where it exceeds the limitations, or is inconsistent with provisions, described below, as applicable:…(2) Dimensional Standards. Any requirement concerning dimensional standards, such as dimensional setbacks, lot coverage, open space, bulk and height, and number of stories, that are more restrictive than is required for the Principal Dwelling, or a Single-family Residential Dwelling or accessory structure in the Zoning District in which the Protected Use ADU is located, whichever results in more permissive regulation, provided that a Municipality may not require a minimum Lot size for a Protected Use ADU.

Because Section 5.2.2 (1) imposes the same setback requirements on an ADU as those imposed on "accessory structures" instead of the most permissive dimensional standards imposed on the principal dwelling, single-family residential dwelling, or accessory structure in the same zoning district, this provision conflicts with the Regulations and we therefore disapprove the words "to accessory structures" shown above in bold and underline. The Town should consult with Town Counsel with any questions regarding the proper application of Section 5.2.2 (1).

## V. The Remaining Approved ADU Requirements Must be Applied Consistent with G.L. c. 40A, § 3 and 760 CMR 71.00

We offer comments for the Town's consideration regarding certain approved provisions adopted under Article 7B to ensure that the Town applies these provisions consistent with G.L. c. 40A, § 3 and the Regulations.

### A. Sections 5.2.2 (1) and 5.2.3 (4)'s Dimensional Requirements

As approved under Section IV above, Section 5.2.2 (1) imposes frontage, setback and height requirements, with the exception of lot size, on ADUs. Section 5.2.3 (4) imposes site coverage standards to ADUs as follows: "An Accessory Dwelling Unit (ADU) does not require a minimum acreage of buildable upland, but is subject to the site coverage standards under Zoning Bylaw Section 7.4.3."

While we approve Section 5.2.3 (4) and the remaining provisions in Section 5.2.2 (1), we offer comments for the Town's consideration to ensure these sections that impose dimensional standards and site coverage requirements are applied consistent with the Regulations.

In applying Sections 5.2.2 (1) and Section 5.2.3 (4), the Town must ensure that any imposed dimensional requirements are applied consistent with the Regulations. Importantly, because a Protected Use ADU is a Dover Amendment protected use, the Town can only impose "reasonable regulations." Therefore, if a dimensional requirement is used in a manner to prohibit or unreasonably restrict a Protected Use ADU, such application would run afoul to the Dover amendment protections given to a Protected Use ADU under G.L. c. 40A § 3 and the Regulations. Moreover, the Town must ensure that these dimensional requirements are analyzed on a case-by-case basis as it relates to a particular property because in some circumstances the provision could be unreasonable as applied to a particular property.

In addition, the Town must ensure that the application of these dimensional requirements serve, and are rationally related to, a legitimate municipal interest and will not, as applied, result in a nullification, impose an excessive cost or substantially diminish or interfere with the use or development of a Protected Use ADU. See 760 CMR 71.03 (3)(a). If the Town cannot satisfy this standard, the regulation may be deemed to be unreasonable. The Town should consult with Town Counsel to ensure the proper application of any dimensional requirements to a Protected Use ADU.

### B. Section 5.2.3 (12)'s Requirements for Nonconforming Structures and Lots

Section 5.2.3 (12) imposes requirements related to ADUs in non-conforming structures or uses or on non-conforming lots as follows:

> If the principal dwelling to which an ADU will be added is a pre-existing nonconforming structure or use or is located on a nonconforming lot, and the alteration or extension to add an ADU will increase such nonconformity or create a new nonconformity, said extension or alteration shall be subject to G.L. c. 40A, Section 6 and Section 4 of the Zoning Bylaw, provided however, that a special permit shall not be required but a majority of the Board of Appeals shall make a finding that the proposed alteration of the structure is not substantially more detrimental to the neighborhood than the existing structure or use.

It appears that Section 5.2.3 (12) intends to reflect the requirements of G.L. c. 40A, § 6 regarding pre-existing nonconforming structures that provides: "Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood."

Section 5.2.3 (12) explicitly exempts an ADU from a special permit requirement therefore, we approve it. However, because ADUs are a Dover Amendment protected use, only in limited circumstances, may it be appropriate for the Town to require even a Section 6 *finding* for an ADU associated with a nonconforming structure or lot. See Petrucci v. Bd. of Appeals of Westwood, 45 Mass. App. Ct. 818 (1998) (no Section 6 "finding" required where applicant successfully demonstrated the unreasonableness of the application of the dimensional requirements to the structure…"). In circumstances where the regulations creating the increased nonconformity can lawfully be applied to the ADU, the Town may require that the applicant demonstrate that the altered structure use will not be substantially more detrimental to the neighborhood than the existing structure so long as the town applies objective, nondiscretionary criteria and no special permit is required. However, changing the use of a nonconforming structure to an ADU use, a statutorily protected use, cannot trigger scrutiny of the impact on a neighborhood because the ADU is a Dover Amendment protected use and cannot be denied. Moreover, a Protected Use ADU is not "nonconforming" to any zoning rule that cannot lawfully be applied to it under the ADU statute and regulations. See Watros v. Greater Lynn Mental Health and Retardation Ass'n, Inc., 421 Mass. 106, 115 (1995); see also Ellsworth vs. Mansfield, Case No. 08 MISC 382311, 2011 WL 3198174, at *4 (Mass. Land Ct. July 25, 2011) (no Section 6 finding required for Dover-protected educational use because "effectively, G.L. c. 40A, § 3 removes the non-conformity (the lack of frontage) because it would not be a 'reasonable regulation' of the proposed school in these circumstances"). As a result, construction or alteration of a structure for an ADU will not increase a nonconformity unless the nonconformity is created by regulations that can reasonably be applied to the ADU. We strongly suggest that the Town discuss the application of G.L. c. 40A, § 6 to Section 5.2.3 (12) with Town Counsel.

C. Sections 5.2.3 (1) and 5.2.6.1's Rental Requirement

The existing text in Section 5.2.3 (1) (not amended under Article 7B and therefore not now before the Attorney General for review and approval) requires ADUs to be rented or leased on a year-round basis as follows (new text in underline and emphasized text in italic):

> …In order to address the Town's need for year-round housing as identified in its Housing Production Plan, an ADU shall be actively *rented or leased on a year-round basis* until such time as the ADU no longer meets the definition of Accessory Dwelling Unit as defined by section 21 of this Zoning Bylaw and G.L. c. 40A, Sec. 1A.

Section 5.2.6.1 requires ADUs to be rented for a period of ten months as follows ( new text in underline, deleted text in strikethrough and emphasized text in italic):

> Prior to issuance of a Building Permit ~~or a Special Permit~~, a certificate in the form of a notarized affidavit to verify that ~~either the principal dwelling~~ or the Accessory Dwelling Unit (ADU) will be rented and/or leased for a period of not less than ~~twelve (12)~~ *ten (10)* consecutive months shall be submitted to the Building Commissioner.

We approve the changes to Sections 5.2.3 (1) and 5.2.6.1 because based on our standard of review, and because Eastham is a "seasonal community," we cannot conclude that the limitation on the rental of ADUs conflicts with state law.

General Laws Chapter 40A, Section 3 and the Regulations provide that towns cannot "unreasonably restrict" the rental of an ADU that is not a Short-term Rental ("STR"). Specifically, the Regulations define an ADU in 760 CMR 71.02 as follows (with emphasis added):

> A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and requirements that:…
>
> (c) is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rentals as defined in M.G.L. c. 64G, § 1; provided, however, *that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a short-term Rental*.

The Regulations, 760 CMR 71.03 (3)(a) provides that while a town may reasonably regulate and restrict Protected Use ADUs, a restriction or regulation imposed "shall be unreasonable" if the regulation or restriction, when applicable to a Protected Use ADU: (1) does not serve a legitimate Municipal interest sought to be achieved by local Zoning; (2) serves a legitimate Municipal interest sought to be achieved by local Zoning but its application to a Protected Use ADU does not rationally relate to the legitimate Municipal interest; or (3) serves a legitimate Municipal interest sought to be achieved by local Zoning and its application to a Protected Use ADU rationally relates to the interest, but compliance with the regulation or restriction will: (a) result in complete nullification of the use or development of a Protected Use ADU; (b) impose excessive costs on the use or development of a Protected Use ADU without significantly advancing the Municipality's legitimate interest; or (c) substantially diminish or interfere with the use or development of a Protected Use ADU without appreciably advancing the Municipality's legitimate interest.

On August 6, 2024, Governor Healey signed into law the "Affordable Homes Act," Chapter 150 of the Acts of 2024 (the "Act"). The Act adds a new Section 32, "Seasonal Communities," to Chapter 23B that recognizes cities and towns that experience substantial seasonal changes in housing, visitors, and employment and provides those communities with tools to address their unique housing needs caused by seasonal changes.

The EOHLC designated Eastham as a Seasonal Community pursuant to Section 32 (b) because it has over 35 % seasonal housing units. The Town then voted at its 2025 Annual Town Meeting to accept the Seasonal Communities designation. See Article 5A on the 2025 Annual

Town Meeting Warrant.

Once a town is designated a "Seasonal Communities" the Town must, among other things, adopt a by-law:

> • to permit undersized lots to be used for the creation of attainable year-round housing on lots that: (i) are located in a zoning district that allows for single-family residential use, (ii) comply with municipal floor area ratio by-laws and (iii) comply with all laws governing wastewater and sewer systems. Any residential housing built upon an undersized lot shall not be used as a seasonal home or short-term rental of less than 6 months and shall be used as year-round housing; and
> • to permit the construction of tiny houses to be used as year round housing; A "tiny house" is defined as "a detached structure containing a dwelling unit containing 400 square feet or less in floor area, excluding lofts." Tiny houses must meet state and local building code requirements and all movable tiny houses must be registered with the Registry of Motor Vehicles.

As a Seasonal Community, we cannot say Eastham's rental limitations in Sections 5.2.3 (1) and 5.2.6.1's are an "unreasonable regulation." However, we that strongly encourage the Town to consult with Town Counsel to ensure compliance with the as-of-right protections given to ADUS under G.L. c. 40A § 3.

## VI. Conclusion

We partially approve Article 7B, except for: the words "to accessory structures" from section 5.2.2 (1) that we disapprove and delete as shown in Section VI in bold and underline.

The Town should consult closely with Town Counsel when applying the remaining approved ADU provisions to ensure that they are applied consistent with G.L. c. 40A, § 3 and 760 CMR 71.00. If the approved provisions in Article 7B are used to deny a Protected Use ADU, or otherwise applied in ways that constitute an unreasonable regulation in conflict with 760 CMR 71.03 (3), such application would violate G.L. c. 40A, § 3 and the Regulations. The Town should consult with Town Counsel and EOHLC to ensure that the approved by-law provisions are applied consistent with G.L. c. 40A, § 3 and the Regulations, as discussed herein.

Finally, we remind the Town of the requirements of 760 CMR 71.04, "Data Collection," that requires municipalities to maintain certain records, as follows:

> Municipalities shall keep a record of each ADU permit applied for, approved, denied, and issued a certificate of occupancy, with information about the address, square footage, type (attached, detached, or internal), estimated value of construction, and whether the unit required any variances or a Special Permit. Municipalities shall make this record available to EOHLC upon request.

The Town should consult with Town Counsel or EOHLC with any questions about complying with Section 71.04.

**Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute.**

Very truly yours,

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