



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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September 8, 2022

Paul M Munchbach, Town Clerk
Town of Dedham
450 Washington Street
Dedham, MA 02702

**Re: Dedham Annual Town Meeting of May 16, 2022 -- Case # 10640
Warrant Article # 19 (Zoning)
Warrant Articles # 21 and 23 (General)**

Dear Mr. Munchbach:

Articles 19, 21 and 23 - We approve Articles 19, 21 and 23 from the May 16, 2022 Dedham Annual Town Meeting. Our comments regarding Article 19 are provided below.

Article 19 - Under Article 19 the Town amended the zoning by-laws, Section 8.1, “Floodplain Overlay District” to make certain identified additions and deletions. The amended Section 8.1 appears to be part of the federal requirement for communities that choose to participate in the National Flood Insurance Program (NFIP) to ensure that the Town’s zoning by-laws contain the necessary language for compliance with the NFIP.

The text of Section 8.1 largely follows the “Massachusetts 2020 Model Floodplain Bylaw” provided by the Massachusetts Department of Conservation and Recreation Flood Hazard Management Program. (DCR Flood Hazard Management Program) See <https://www.mass.gov/guides/floodplain-management#-2020-massachusetts-mo>. The DCR Flood Hazard Management Program is the state coordinating office for the NFIP and, according to their website, they have provided the Model Floodplain Bylaw to Massachusetts communities “to assure that their local bylaws...contain the necessary and proper language for compliance with the” NFIP.¹ For this reason, we approve Section 8.1. The Town should consult with Town Counsel and the DCR Flood Hazard Management Program with any questions regarding the proper application of Section 8.1.

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. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the

¹ <https://www.mass.gov/doc/october-2020-qa-presentation-with-notes/download>

by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

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cc: Town Counsel Lauren F. Goldberg