MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
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November 13, 2020

Lisa M. Pedroli, Town Clerk
Town of Hopedale
78 Hopedale Street
Hopedale, MA 01747

Re: Hopedale Annual Town Meeting of July 21, 2020 -- Case # 9892
Warrant Article # 19 (Zoning)
Warrant Article # 17 (General)

Dear Ms. Pedroli:

Article 17 - We approve Article 17 from the July 21, 2020 Hopedale Annual Town Meeting.

Article 19 - Because of procedural defects in the adoption of Article 19, the Attorney General has elected to proceed under the authority conferred by G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, and place this Article on "hold."

In the materials submitted to us the Town certified the following information pursuant to G.L. c. 40, § 32, and c. 40A, § 5: (1) the Planning Board Hearing notice was posted on February 26, 2020 for a Planning Board Hearing on March 4, 2020. Thus, the Planning Board Hearing notice was posted for only seven days, not fourteen days as required by G.L. c. 40A, § 5; and (2) the Planning Board Hearing notice that was published and posted did not contain information where the map for the zoning amendment could be inspected. Although the full text of Article 19 was provided in the notice, Article 19 was a vote to amend the zoning map and information where the map could be inspected was not included in the posting or publishing, as required by G.L. c. 40A, § 5. Apart from these defects, the notice appears to satisfy the requirements of the statute.

Therefore, the 90-day period prescribed for the Attorney General's review of Article 19 is suspended in accordance with G.L. c. 40, § 32.

A signed copy of Form 299 is enclosed. Once the procedures outlined in Form 299 are completed, and after the expiration of the 21-day period required by Chapter 299 of the Acts of 2000, please return a copy of Form 299 to us along with your certification that a true copy has

been posted and published as required by Chapter 299. Please feel free to contact this Office with any questions about this procedure.

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 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 Brian Riley

FORM #2
Submission #2

TOWN OF HOPEDALE

78 Hopedale Street - P.O. Box 7
Hopedale, Massachusetts 01747

Tel: 508-634-2203 X215 Fax: 508-634-2200

Email: lpedroli@hopedale-ma.gov

Lisa M. Pedroli, CMMC
Town Clerk
Notary Public

July 29, 2020

To Whom It May Concern:

This is to certify that the Annual Town Meeting of the Town of Hopedale was held on July 21, 2020 on the lawn of the Community House located at 43 Hopedale Street in Hopedale MA. The meeting was called to order at 5:30 PM with three hundred twenty-nine (329) registered voters recorded as present (a quorum being fifty (50) registered voters). The following action took place:

ARTICLE 17: To see if the Town will vote to enact a chapter of the Town of Hopedale's General Bylaws, to be inserted and numbered sequentially, entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of January 1, 2021, a copy of which is on file with the Town Clerk, or take any other action relative thereto.

Thomas A. Wesley, Board of Selectman made a motion to dispense reading the article which was seconded and carried. Mr. Wesley then moved to enact the following chapter, to be inserted and numbered sequentially, into the Town of Hopedale's General Bylaws, draft attached, entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of January 1, 2021, a copy of which is on file with the Town Clerk this motion, was seconded and carried.

Stretch Energy Code
[Article 17, 7/21/2020 ATM]

§ _____ . Definitions.

INTERNATIONAL ENERGY CONSERVATION CODE (IECC) — The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal

governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. Since July 1, 2010, the baseline energy conservation requirements of the Massachusetts State Building Code defaulted to the latest published edition, the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

STRETCH ENERGY CODE — Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ _____. Purpose.

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

§ _____. Applicability.

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, or 51 as applicable.

§ _____. Authority.

The Town of Hopedale, seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR, mandate adherence to this appendix.

§ _____. Stretch Code incorporated by reference.

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, and is herein incorporated by reference into the Town of Hopedale's bylaws.

§ _____. Enforcement.

This bylaw shall be enforced by the Building Commissioner in accordance with 780 CMR.

Lisa M. Pearson

A True Copy, ATTEST
Town Clerk