



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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February 13, 2024

Kathlene A. Sanderell, Temporary Town Clerk
Town of Deerfield
8 Conway Street
Deerfield, MA 01373

**Re: Deerfield Special Town Meeting of October 23, 2023 -- Case # 11231
Warrant Articles # 7, 8 and 9 (Zoning)
Warrant Articles # 4 and 5 (General) ¹**

Dear Ms. Sanderell:

Articles 8 and 9 - We approve Articles 8 and 9 from the October 23, 2023 Deerfield Special Town Meeting. Our comments regarding Article 9 are provided below.

Article 9 - Under Article 9 the Town voted to amend Section 4300, “Flood Plain District” to add new text (shown in underline) and delete text (shown in strikethrough). The amended Section 4300 is adopted as part of a federal requirement for communities that choose to participate in the National Flood Insurance Program (NFIP).

The text in Section 4300 appears to largely follow 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.² For this reason, we approve Article 9. The Town should consult with Town Counsel and the DCR Flood Hazard Management Program with any questions regarding the application of the Section 4300.

Article 4 – We take no action on Article 4. Under Article 4 the Town voted to “amend

¹ In a decision issued December 18, 2023, we approved Article 5. In a decision issued today, February 13, 2024 under separate cover, we approved Article 7.

² <https://www.mass.gov/doc/2020-model-floodplain-bylaw-slide-deck-with-notes/download>

the FY2024 Classification-Compensation Plan in accordance with the Deerfield General Bylaws Chapter 35, Personnel, Article III, Classification-Compensation Plan for the Fiscal Year beginning July 1, 2023.”

In G.L. c. 41, § 108A the Legislature authorized towns to adopt by-laws to establish employment classification plans but exempted such by-laws from the Attorney General’s review and approval mandated by G.L. c. 40, § 32: “Any by-law adopted under the provisions of this section shall not be subject to section thirty-two of chapter forty.” Similarly, in G.L. c. 41, § 108C the Legislature authorized towns to adopt consolidated personnel by-laws, including compensation provisions, but exempted such by-laws from Attorney General review and approval: “[S]uch consolidated by-law shall not be subject to the approval of the attorney general as provided in section thirty-two of chapter forty.”

The Legislature has therefore determined that personnel by-laws, including Classification and Compensation Plans, such as adopted here under Article 4, are not the type of by-law that is subject to Attorney General review and approval. Therefore, we take no action on Article 4. The Town should consult with Town Counsel with any questions on this issue.

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,

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cc: Town Counsel Lisa L. Mead