SENATE DOCKET, NO. 86 FILED ON: 1/14/2011

SENATE . . . . . No. 841

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to standing to file certain appeals in the superior or land court..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Rodrigues	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 86 FILED ON: 1/14/2011

SENATE . . . . . No. 841

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 841) of Michael J. Rodrigues for legislation relative to certain appeals in the Superior Court and the Land Court. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1695* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to standing to file certain appeals in the superior or land court..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 17 of chapter 40A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

Other than an applicant challenging conditions imposed on a permit, a party appealing the grant of zoning relief or denial of zoning enforcement has the burden of establishing that they are aggrieved by the decision appealed. Parties in interest as defined in section eleven shall not be aggrieved solely by virtue of their status as abutters or abutters to abutters within three hundred feet. Any appeal of a grant of zoning relief or denial of zoning enforcement by a person other than an applicant challenging conditions imposed on a permit shall be dismissed unless within thirty days following the filing of appeal pursuant to this section the plaintiff files an affidavit setting forth with particularity the specific harm to the plaintiff's property interest alleged as a result of the decision appealed from and identifying persons with knowledge of said harm and documents that support the allegations made in the complaint or described in the affidavit. In the event that a plaintiff identifies harm from traffic, drainage or other impacts of a technical nature, the filing referenced in the preceding section must include the affidavit of an engineer or other expert qualified by training, certification and education to testify as to impact of the alleged harm on the plaintiff's property interest.