

HOUSE No. 3575

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to encourage smart growth zoning and housing production..

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

1 SECTION 1. Section 2 of chapter 40R of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by inserting the words “and scheduled bus stops” within the
3 “eligible locations” definition following the words “transit stations.”

4 SECTION 2. Said Section 2 of said chapter 40R, as so appearing, is hereby further
5 amended by striking out section (3) of the definition of “eligible locations” and inserting in place
6 thereof the following:- (3) areas approved by the planning board or the legislative body of the
7 city or town that by virtue of their infrastructure, transportation access (including highway or
8 roadway access), existing underutilized facilities, and/or location make highly suitable locations
9 for residential or mixed use smart growth zoning districts. Without limitation, the Department
10 shall recognize as an area of concentrated development qualifying as an eligible location any
11 area zoned in whole or in part for commercial or industrial use with or without existing
12 structures.

13 SECTION 3. Section 6f of said Chapter 40R, as so appearing, is hereby amended by
14 inserting the following sentence at the end of said section:- For any overlay district in an area of

15 such a city or town which is served neither by a municipal sewer system nor by a municipal
16 water supply system, a hardship shall be presumed to exist, and the Department shall approve
17 overlay zoning at lower densities than the minimum allowable densities otherwise established by
18 this chapter, provided that the reduced density requested shall not be less than 4 units per acre,
19 regardless of housing type.