

**HOUSE . . . . . No. 3646**

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Nine**  
\_\_\_\_\_

An Act to safeguard municipal permitting..

*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 6 of Chapter 40A is hereby amended by striking the second  
2 paragraph and replacing it with the following:

3 A zoning ordinance or by-law shall provide that construction or operations under a  
4 building permit shall conform to any subsequent amendment of the ordinance or by-law unless  
5 the use or construction is commenced within a period of not more than twelve months after the  
6 issuance of the permit and, in cases involving construction, unless such construction is continued  
7 through to completion as continuously and expeditiously as is reasonable. Construction or  
8 operations under a special permit or site plan approval shall conform to any subsequent  
9 amendment of the zoning ordinance or by-law or of any other local land use regulations unless  
10 the use or construction is commenced within a period of two years after the issuance of the  
11 permit and, in cases involving construction, unless such construction is continued through to  
12 completion as continuously and expeditiously as is reasonable. For the purpose of the prior  
13 sentence, construction involving the redevelopment of previously disturbed land shall be deemed  
14 to have commenced upon substantial investment in site preparation and/or infrastructure

- 15 construction, and construction of developments intended to proceed in phases shall proceed
- 16 expeditiously, but not continuously, among phases.