

**SENATE . . . . . No. 100**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act establishing a linkage exaction program in the city of Gloucester.

*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. Purpose and Findings - Whereas, the City of Gloucester seeks to foster  
2 responsible development consistent with the needs of the community and in the context of sound  
3 planning and adequate and sustainable municipal infrastructure, therefore it is deemed necessary  
4 to develop and implement a program by which private projects are evaluated to determine their  
5 impacts on public infrastructure and required to address those impacts financially in addition to  
6 any and all other conditions upon which approval may be predicated.

7           SECTION 2. Establishment of a Linkage Exaction Ordinance - (A) The city council of  
8 the city of Gloucester may, by ordinance, require the payment of a linkage exaction as a  
9 condition of approval of a development impact project plan, as defined by the ordinance, for any  
10 future development within the jurisdiction of this act. The linkage exaction shall only be imposed  
11 on the construction, enlarging, expansion, substantial rehabilitation, or change of use of non-  
12 residential and residential projects that require some form of zoning relief or exceed a threshold  
13 which shall be established by the city council. The linkage ordinance shall be used solely for the  
14 purposes of defraying the costs of capital improvements provided by the city caused by and

15 necessary to support future development such as, but not limited to the following: capital  
16 improvements to school facilities, public facilities, roads, sewers, water supply lines, affordable  
17 housing, child care facilities, job training facilities, public safety service and facilities, and parks,  
18 playgrounds and other recreational facilities. (B) The linkage exaction ordinance may be enacted  
19 if the following criteria are met: (1) A rational nexus shall be established that shows the  
20 relationship between the creation of new residential dwelling units, and office, commercial and  
21 industrial structures and their impact on the following services including, but not limited to,  
22 school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child  
23 care facilities, job training facilities, public safety facilities, and parks, playgrounds and other  
24 recreational facilities. (2) The city shall develop and prepare a study for any project for which a  
25 linkage exaction fee is levied that examines the proposed project and projects the cost of capital  
26 improvements necessary to accommodate said project. Any exaction which may be established  
27 pursuant with this act shall be set in accordance with the methodology set forth in the study.

28 (3) The exaction shall be established on the basis of the cost projections in the capital  
29 improvement plans and study as described in clause (2) of subsection B of section two and the  
30 expected level of allowed development pursuant to the city's zoning ordinance, as it may be  
31 amended. (4) The city shall have the authority to create distinct and separate revolving trust  
32 accounts for each linkage ordinance enacted by the city for the services delineated in clause (1)  
33 of subsection B of section two for necessary improvements resulting from future development.  
34 No exaction shall be paid to the city's general treasury or used as general revenues subject to the  
35 provisions of section fifty-three of chapter forty-four of the General Laws. (5) The level of any  
36 exaction shall be reviewed at least every three years and reset as required based upon the  
37 recommendation of the office of community development and the mayor of said city. (6) Any

38 funds not expended or encumbered by the end of the calendar quarter immediately following six  
39 years from the date the linkage fee was paid shall, upon application of the applicant or his  
40 assigns, be returned to such landowner with interest from the fee's deposit in an interest bearing  
41 account, provided that the applicant or his assigns submits an application for a refund to the  
42 office of community development within one hundred and eighty days of the expiration of the  
43 six year period.

44 SECTION 3. This act shall take effect upon its passage.