

**SENATE . . . . . No. 105**

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**The Commonwealth of Massachusetts**

**In the Year Two Thousand Nine**

An Act relative to protection of parkways and boulevards..

*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. Chapter 92 of the General Laws, as amended by chapter 26 of the Acts of  
2 2003, is hereby amended by inserting after section 37 the following section: -

3 Section 37A. When used in this section, the following words shall, unless the context  
4 otherwise requires, have the following meaning:

5 “Commercial purpose,” property used or held for use for business purposes including but  
6 not limited to any commercial, business, retail, trade, service recreational, agricultural, artistic,  
7 sporting, fraternal, governmental, educational, medical or religious enterprise, for non-profit  
8 purposes.

9 “Industrial purpose,” property used or held for use for manufacturing, milling,  
10 converting, producing, processing or fabricating materials; the extraction or processing of  
11 materials unserviceable in their natural state to create commercial products or materials; the  
12 mechanical, chemical or electronic transformation of property into new products and any use that  
13 is incidental to or an integral part of such use, whether for profit or non-profit purposes; and

14 property used or held for uses for the storage, transmitting and generating of utilities regulated by  
15 the department of telecommunications and energy.

16 “Sign,” any structure, device, light, letter, word, model, banner, pennant, insignia, trade  
17 flag, or representation which is designed to be seen from outside a building and which advertises  
18 or announces a use conducted or goods, products, services or facilities available, but excluding  
19 electric signs in windows or doors, window displays of merchandise and signs incidental to the  
20 display of merchandise.

21 No land abutting a boulevard or parkway under the division’s care and control shall be  
22 used for a commercial or industrial purpose unless the commissioner, in consultation with the  
23 director, and after public notice and hearing, has granted the applicant for such use a special  
24 permit. The commissioner shall grant such special permit only if he finds that all of the  
25 following conditions are met: (a) there will be no significant adverse effect on traffic and parking  
26 on such boulevards or parkways and adjacent streets; (b) landscaping treatment will be provided  
27 that ensures that the natural and aesthetic quality of the boulevard or parkway and the  
28 surrounding neighborhood will be maintained; and (c) the applicant will provide that the design  
29 of all structures is compatible with the surrounding neighborhood. The commissioner may grant  
30 the permit subject to such reasonable terms and conditions that are related to traffic and parking,  
31 landscaping, and design as provided above.

32 No sign shall be displayed or erected on land abutting a boulevard or parkway under the  
33 division’s care and control unless the commissioner, in consultation with the director, and after  
34 public notice and hearing, has granted the applicant for such use a special permit. The  
35 commissioner shall grant such special permit only if he finds that the following conditions are

36 met: (a) landscaping treatment will be provided that ensures that the natural and aesthetic quality  
37 of the boulevard or parkway and the surrounding neighborhood will be maintained; and (b) the  
38 applicant will provide that the design of all structures is compatible with the surrounding  
39 neighborhood. The commissioner may grant the permit subject to such reasonable terms and  
40 conditions that are related to landscaping and design as provided above.”