

SENATE No. 644

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to 40B Project Definitions..

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 20 of chapter 40B of the Massachusetts General Laws is hereby
2 amended by adding the following definition:-

3 "Project," shall be defined as a development involving the construction of substantial
4 rehabilitation of units of Low or Moderate Income Housing that is the subject of an application
5 to a Board for a Comprehensive Permit or for an appeal before the Committee and as further
6 defined by regulations. To be considered a project, a minimum of 35% of the units must contain
7 a use restriction for low-income persons, or 50% if for medium-income persons.

8 A project may contain ancillary commercial, institutional, or other non-residential uses,
9 so long as the non-residential elements of the Project are planned and designed to: (a)
10 complement the primary residential uses, and (b) help foster vibrant, workable, livable, and
11 attractive neighborhoods consistent with applicable local land use plans and state sustainable
12 development principles

13 (c) are consistent with existing commercial zoning

14 The total square footage for non-residential elements shall not exceed 15% of the total
15 square footage of the residential segment. The local board may waive this restriction if the
16 project meets smart growth principles.