HOUSE DOCKET, NO. 1041 FILED ON: 1/19/2011

HOUSE . . . . . No. 1265

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to encourage smart growth zoning and housing production.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kevin G. Honan	*17th Suffolk*	*1/19/2011*
Cheryl A. Coakley-Rivera	*10th Hampden*	*2/1/2011*
Michael J. Moran	*18th Suffolk*	*2/3/2011*

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HOUSE . . . . . No. 1265

By Mr. Honan of Boston, a petition (accompanied by bill, House, No. 1265) of Kevin G. Honan, Cheryl A. Coakley-Rivera and Michael J. Moran for legislation to encourage smart growth zoning and housing production. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3575* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

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

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

area zoned in whole or in part for commercial or industrial use with or without existing structures.

SECTION 3. Section 6f of said Chapter 40R, as so appearing, is hereby amended by inserting the following sentence at the end of said section:- For any overlay district in an area of such a city or town which is served neither by a municipal sewer system nor by a municipal water supply system, a hardship shall be presumed to exist, and the Department shall approve overlay zoning at lower densities than the minimum allowable densities otherwise established by this chapter, provided that the reduced density requested shall not be less than 4 units per acre, regardless of housing type.