

HOUSE No. 1836

The Commonwealth of Massachusetts

PRESENTED BY:

Ann-Margaret Ferrante

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 relative to zoning.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>1/16/2015</i>

HOUSE No. 1836

By Ms. Ferrante of Gloucester, a petition (accompanied by bill, House, No. 1836) of Ann-Margaret Ferrante relative to the granting of zoning relief by special permit granting authorities in municipalities. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to zoning.

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 10 of Chapter 40A of the General Laws, is hereby amended by
2 inserting after the third paragraph:-

3 Any municipality in which the Board of Selectmen or City Council is the Special Permit
4 Granting authority and another agency or administrator is the Permit Granting Authority, may
5 elect, by a local ordinance or amendment thereto, to provide in its zoning ordinance, that if a
6 project, within ordinance specified types and parameters, requires zoning relief of any form,
7 whether variance, special permit or otherwise, from the Permit Granting Authority, and also
8 requires zoning relief from the Special Permit Granting Authority, whether special permit or
9 otherwise, the petitioner may elect to apply for all such relief to the Special Permit Granting
10 Authority which shall then have the power as to that petition to grant all relief required including
11 relief otherwise reserved to the Permit Granting Authority. The Special Permit Granting
12 Authority shall, however, have the authority to decline to accept such a petition and to require

13 the petitioner to petition the Permit Granting Authority for all of the relief in the petition which is
14 normally reserved to that Authority before filing for the relief required from the Special Permit
15 Granting Authority, if, in its discretion, it determines that any item of the requested relief
16 normally reserved to the Permit Granting Authority should be determined by that Authority
17 because of its experience and/or expertise in that type or item or its application to the specific
18 project. Such a determination shall be made in a writing addressed to the petitioner or the
19 petitioner's representative. This Paragraph shall not apply if a use variance is required for the
20 project.