

SENATE No. 888

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 standing to file certain appeals in the superior or land court.

PETITION OF:

NAME:

Michael J. Rodrigues

DISTRICT/ADDRESS:

First Bristol and Plymouth

SENATE No. 888

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 888) of Michael J. Rodrigues for legislation relative to certain appeals in the Superior Court and the Land Court. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 779 OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act relative to standing to file certain appeals in the superior or land court.

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 17 of chapter 40A of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by inserting after the second paragraph the following paragraph:-

3 Other than an applicant challenging conditions imposed on a permit, a party appealing the
4 grant of zoning relief or denial of zoning enforcement has the burden of establishing that they are
5 aggrieved by the decision appealed. Parties in interest as defined in section eleven shall not be
6 aggrieved solely by virtue of their status as abutters or abutters to abutters within three hundred
7 feet. Any appeal of a grant of zoning relief or denial of zoning enforcement by a person other
8 than an applicant challenging conditions imposed on a permit shall be dismissed unless within
9 forty-five days following the filing of appeal pursuant to this section the plaintiff files an
10 affidavit setting forth with particularity the specific harm to the plaintiff's property interest

11 alleged as a result of the decision appealed from and identifying persons with knowledge of said
12 harm and documents that support the allegations made in the complaint or described in the
13 affidavit. In the event that a plaintiff identifies harm from traffic, drainage or other impacts of a
14 similar nature, the filing referenced in the preceding section must include the affidavit of an
15 engineer or other expert qualified by training, certification and education to testify as to impact
16 of the alleged harm on the plaintiff's property interest.