

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Kristin E. Kassner

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 facilitating site plan review.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kristin E. Kassner</i>	<i>2nd Essex</i>	<i>1/16/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act facilitating site plan review.

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 1A of chapter 40A of the General Laws, as appearing in the 2024
2 Official Edition, is hereby amended by inserting after the definition of “As of right” the
3 following definition:-

4 “Bulk and height of structures” shall mean the articulation and roof lines of structures;
5 provided, however, that performance standards governing bulk and height of structures may not
6 be more restrictive than the dimensional requirements set forth in the ordinance or bylaw, nor
7 require specific building materials. Articulation, as used herein, refers to the following strategies
8 to address building massing: wall offsets, height variation, wall setbacks, accent lines, stepbacks,
9 or such other industry standard types of articulation as may be proposed by the petitioner.

10 SECTION 2. Section 1A of chapter 40A of the General Laws, as appearing in the 2024
11 Official Edition, is hereby amended by inserting after the definition of “Permit granting
12 authority” the following definition:-

13 "Site plan review" shall mean the review and approval process under a municipality's
14 zoning ordinance or by-law that establishes criteria for the layout, safety, and impacts of a
15 proposed use or development, and whether a proposed use of land or structures is in compliance
16 with reasonable performance standards as defined in section 7A, provided, however, that site
17 plan review, and the performance standards applicable thereto, in connection with any use
18 specifically governed by section 3 or any other section of this chapter shall be limited to the
19 extent required by the provisions of such section.

20 SECTION 3. Chapter 40A of the General Laws, as appearing in the 2024 Official
21 Edition, is hereby amended by adding the following section:–

22 Section 7A. (a) Definitions. As used in this section, the following words shall have the
23 following meanings:

24 "Designated authority" shall mean the local municipal board, committee, and/or
25 official(s) designated in the zoning ordinance or bylaw to conduct site plan review.

26 "Performance standards" shall mean reasonable municipal zoning regulations, and
27 published industry standards and best practices, applicable to site plans and relative to traffic
28 circulation and safety, pedestrian safety and access, off-street parking and loading, emergency
29 vehicle access, stormwater drainage, screening, bulk and height of structures, exterior lighting,
30 and storage or other outdoor service areas.

31 (b) Substantive provisions of site plan review, including content of submittal
32 requirements and applicable performance standards, governing site plan review and approval by
33 the designated authority or authorities must be as set forth within a local ordinance or by-law
34 adopted pursuant to section 5. Performance standards must be reasonably definite and objective

35 so that any petitioner has knowledge of such standards prior to application submittal. No zoning
36 bylaw or ordinance may include performance standards governing the aesthetics of structures.
37 The designated authority may, where such action is in the public interest and not inconsistent
38 with the intent and purpose of this section, waive strict compliance with the performance
39 standards for site plan review. The designated authority may adopt, and from time to time
40 amend, procedural rules and regulations to implement the local site plan review ordinance or by-
41 law, including provisions for the imposition of reasonable fees for the employment of outside
42 consultants in the same manner as set forth in section 53G of chapter 44.

43 (c) A zoning ordinance or bylaw may establish applicability standards for projects that
44 are subject to site plan review, which may include a category of projects that are subject to a
45 minor or administrative site plan review process. The zoning ordinance or bylaw may require a
46 public hearing in accordance with section eleven for projects that meet or exceed specified
47 thresholds under the zoning ordinance or by-law. The decision of the designated authority for a
48 use allowed by right, or for a use requiring a special permit but reviewed by a separate
49 designated authority, shall require a simple majority vote of the designated authority and shall be
50 made within the time limits prescribed by ordinance or by-law, not to exceed 90 days from the
51 date of filing of a complete application or such extended time as may be agreed in writing by the
52 petitioner. The submission and review process for a site plan required in connection with the
53 issuance of a special permit, and subject to review by the same permit granting authority as the
54 special permit application, shall be conducted with the review of the special permit application in
55 a coordinated process and may require the same quantum of vote required for approval of a
56 special permit. The ordinance or by-law may establish the designated authority to be the building
57 commissioner, director of planning, or other municipal official who coordinates administrative

58 site plan review with other municipal employees, in which instance there shall be no vote
59 requirement for site plan review. Any appeal from administrative site plan review shall be in
60 accordance with section 17 unless an ordinance or by-law first provides for an appeal to another
61 public body of the municipality. In no instance shall the issuance or denial of a building permit
62 be a prerequisite to the filing of a civil action under this section.

63 (d) Site plan review may impose only those conditions that are necessary to ensure
64 substantial compliance of the proposed use of land or structures with the requirements of the
65 zoning ordinance or by-law, provided that no condition may impose restrictions greater than
66 those expressly regulated within the zoning ordinance or bylaw and no conditions may be
67 imposed regarding matters over which jurisdiction exclusively lies in another body pursuant to
68 any general or special law, and further provided that any off-site conditions shall only address
69 direct adverse impacts related to performance standards expressly governed by the zoning
70 ordinance or bylaw and which conditions are proportionate in both nature and extent to the
71 impacts of the project on adjacent properties or adjacent roadways.

72 (e) A site plan application may be denied only on the grounds that: (i) the proposed site
73 plan does not meet the specific requirements set forth in the zoning ordinance or by-law; or (ii)
74 the petitioner failed to submit the information and fees required by the zoning ordinance or by-
75 law necessary for an adequate and timely review of the design of the proposed land or structures.

76 (f) The designated authority shall cause to be made a detailed record of its proceedings,
77 indicating the vote of each member upon each question, or if absent or failing to vote, indicating
78 such fact, and setting forth clearly the reason for its decision and of its official actions, copies of
79 all of which shall be filed within fourteen days in the office of the city or town clerk and shall be

80 deemed a public record, and notice of the decision shall be mailed forthwith to the petitioner and,
81 if such site plan review required a public hearing pursuant to the zoning ordinance or bylaw, to
82 the parties in interest designated in section eleven. Each such notice shall specify that appeals, if
83 any, shall be made pursuant to section seventeen and shall be filed within twenty days after the
84 date of filing of such notice in the office of the city or town clerk. Failure by the designated
85 authority to take final action within said ninety days or extended time, if applicable, shall be
86 deemed to be an approval of the site plan. The petitioner who seeks such approval by reason of
87 the failure of the designated authority to act within such time prescribed, shall notify the city or
88 town clerk, in writing within fourteen days from the expiration of said ninety days or extended
89 time, if applicable, of such approval. If site plan review required a public hearing, the petitioner
90 shall send such notice to parties in interest designated in section eleven by mail and each such
91 notice shall specify that appeals, if any, shall be made pursuant to section seventeen and shall be
92 filed within twenty days after the date the city or town clerk received such written notice from
93 the petitioner that the designated authority failed to act within the time prescribed. After the
94 expiration of twenty days without notice of appeal pursuant to section seventeen, or, if appeal
95 has been taken, after receipt of certified records of the court in which such appeal is adjudicated,
96 indicating that such approval has become final, the city or town clerk shall issue a certificate
97 stating the date of approval, the fact that the designated authority failed to take final action and
98 that the approval resulting from such failure has become final, and such certificate shall be
99 forwarded to the petitioner.

100 (g) A site plan approval granted under this section shall lapse within a specified period of
101 time, not less than three years from the date of the filing of such approval with the city or town
102 clerk, if substantial use or construction has not yet begun, except as extended for good cause by

103 the designated authority. Such specified period shall not include time required to pursue or await
104 the determination of an appeal under section 17 or to pursue or await the appeal of any other
105 permit, license, determination or approval which are prerequisites to issuance of a building
106 permit. The aforesaid minimum period of three years may, by ordinance or by-law, be increased
107 to a longer period.

108 SECTION 4. Sections 1 through 3 shall take effect for all municipalities upon the
109 effective date of this act; provided, however, that in municipalities that adopted a zoning
110 ordinance or by-law requiring some form of site plan review prior to the effective date of this act,
111 the provisions of this section shall not be effective with respect to such zoning ordinance or by-
112 law until the date that is one year after the effective date of this act.