

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo J. Puppolo, Jr.

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 improving housing opportunities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/7/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act improving housing opportunities.

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 9 of chapter 40A, as so appearing, is hereby amended by inserting
2 after the second paragraph the following paragraph:-

3 Zoning ordinances or by-laws shall permit multifamily development by right in one or
4 more zoning districts that together cover not less than 1.5% of the developable land area
5 in a city

6 or town and which, by virtue of its infrastructure, transportation access, existing
7 underutilized

8 facilities, and/or location, are suitable for multifamily residential development. Zoning
9 ordinances or by-laws shall establish a housing density for by-right multifamily
10 development in

11 such zoning districts of not less than twenty (20) dwelling units per acre. As used herein,

12 “multifamily housing” means apartment or condominium units in buildings which
13 contain or will
14 contain more than three (3) such units.

15 SECTION 2. Section 9 of chapter 40A, as so appearing, is hereby amended by striking
16 out, in the fifth paragraph, the words “open space residential developments or”.

17 SECTION 3. Section 9 of chapter 40A, as so appearing, is hereby amended by striking
18 out the sixth paragraph and inserting in place thereof the following paragraph:-

19 Notwithstanding any provision of this section to the contrary, zoning ordinances or by-
20 laws shall provide that open space residential development shall be permitted by right in
21 residential zoning districts at the density permitted in the zoning district in which the
22 property is

23 located upon review and approval by a planning board pursuant to the applicable
24 provisions of

25 sections 81K to 81GG, inclusive, of chapter 41 and in accordance with its rules and
26 regulations

27 governing subdivision control. Zoning ordinances and by-laws shall not require the
28 submission

29 of a plan showing a standard subdivision complying with the otherwise applicable
30 requirements

31 of the ordinance or by-laws as a condition precedent to the approval of an open space
32 residential
33 development plan.

34 SECTION 4. Section 81Q of chapter 41, as so appearing, is hereby amended by inserting
35 after the second sentence the following sentence:-

36 Such rules shall not require the submission of a plan showing a standard subdivision
37 complying with the requirements of the local zoning ordinance or by-laws as a condition
38 precedent to the approval of a plan depicting an open space residential development
39 pursuant to
40 section 9 of chapter 40A.

41 SECTION 5. Chapter 40A is hereby amended by inserting after the Section 7 the
42 following section:-

43 Section 7A. Site Plan Review

44 (a) As used in this section, “site plan review” shall mean a separate review under a
45 municipality’s zoning ordinance or by-law, by the planning board, of a plan showing the
46 proposed on-site arrangement of, parking, pedestrian and vehicle circulation, utilities,
47 grading
48 and other site features and improvements existing or to be placed on a parcel of land, in

49 connection with the proposed use of land or structures. Under site plan review, an
50 applicant
51 proposing the development or redevelopment of land for a use that is authorized by right
52 under
53 the local zoning ordinance or by-law presents a plan and other information relevant to the
54 site
55 design of the proposed development to the planning board, which may take input from
56 municipal
57 departments and parties in interest. Such review shall take place under this section only
58 where
59 the proposed use does not require a special permit or variance under the local by-law or
60 ordinance.
61 (b) Cities and towns may require such site plan review under a local ordinance or by-law
62 adopted prior to the effective date of this section, or thereafter under this section. Site
63 plan
64 review may be required before a building permit is granted for the construction,
65 reconstruction,
66 or expansion of structures for a use not requiring a special permit or variance, as well as
67 before

68 the commencement of site development not requiring a building or special permit. The
69 planning
70 board may adopt, and from time to time amend, rules and regulations to implement the
71 local site
72 plan review ordinance or by-law, including provisions for the imposition of reasonable
73 fees for
74 the employment of outside consultants in the same manner as set forth in section 53G of
75 chapter
76 44.

77 (c) An ordinance or by-law requiring site plan review, whether adopted under this
78 section or previously adopted under the municipality's home rule authority, shall comply
79 with
80 the provisions of this and all following subsections of Section 7A. The ordinance or by-
81 law shall
82 establish the submission, review, and approval process for applications, which may
83 include the
84 requirement of a public hearing held pursuant to the provisions of section eleven of this
85 chapter.
86 Approval of a site plan shall require a simple majority vote of the planning board and the

87 planning board's written decision shall be filed with the city or town clerk within the time
88 limits

89 prescribed by the ordinance or by-law, not to exceed 90 days from the date of filing of the
90 application. If no decision is filed within the time limit prescribed, the site plan shall be
91 deemed

92 constructively approved as provided in section 9, paragraph 11 of this chapter.

93 (d) The decision of the planning board may require only those conditions that the
94 applicant has agreed to make or that otherwise are within the planning board's power
95 under the

96 applicable ordinance or by-law and is determined by the planning board to be necessary
97 to

98 ensure substantial compliance of the proposed improvements with the requirements of the
99 zoning

100 ordinance or by-law or to reasonably mitigate any extraordinary direct adverse impacts of
101 the

102 proposed improvements on adjacent properties. A site plan application may be denied
103 only on

104 the grounds that: (i) the proposed site plan cannot be conditioned to meet the
105 requirements set

106 forth in the zoning ordinance or by-law; (ii) the applicant failed to submit the information
107 and
108
109 fees required by the zoning ordinance or by-law necessary for an adequate and timely
110 review of
111 the design of the proposed land or structures; or (iii) there is no feasible site design
112 change or
113 condition that would adequately mitigate any extraordinary direct adverse impacts of the
114 proposed improvements on adjacent properties.
115 (e) Zoning ordinances or by-laws shall provide that a site plan approval granted under
116 this section shall lapse within a specified period of time, not less than two years from the
117 date
118 the planning board files its decision with the city or town clerk, if substantial use or
119 construction,
120 including substantial investment in site preparation or infrastructure construction, has not
121 yet
122 begun. The aforesaid minimum period of two years may, by ordinance or by-law, be
123 increased

124 to a longer period. If an appeal is filed, the commencement of the lapse period shall be
125 measured
126 from the date of the dismissal of the appeal or entry of final judgment in favor of the
127 applicant.

128 The period for lapse may be extended for good cause by a majority vote of the planning
129 board.

130 (f) Site plan review decisions may be appealed under Section 17 in the same manner as a
131 special permit. A complaint by a plaintiff challenging a site plan approval under this
132 section shall

133 allege the specific reasons why the planning board exceeded its authority in approving
134 the site
135 plan and shall allege specific facts establishing how the plaintiff is aggrieved by such
136 decision.

137 The planning board's decision in such a case shall be affirmed unless the court concludes
138 that the
139 decision exceeded the planning board's authority under subsection (d).

140 (g) The submission and review process for a site plan submitted in connection with an
141 application for a use that requires a special permit or use variance shall be in conjunction
142 with

143 the submission and review of such special permit or variance application in a coordinated
144
145 process and shall not be subject to a separate site plan review hearing or process under
146 this
147 section or any local ordinance or by-law.

148 (h) In municipalities that adopted a zoning ordinance or by-law requiring some form of
149 site plan review prior to the effective date of this act, the provisions of this Section 7A
150 shall not
151 be effective with respect to such zoning ordinance or by-law until one year after the
152 effective
153 date of this act.

154 SECTION 6. The twelfth paragraph of Section 9 of chapter 40A, as so appearing, is
155 hereby amended by deleting the words “a two-thirds vote of boards with more than five
156 members, a vote of at least four members of a five member board, and a unanimous vote
157 of a
158 three member board” and inserting in place thereof the following words:-
159 the concurring vote of a majority of the members then in office.

160 SECTION 7. The fourth paragraph of Section 15 of chapter 40A, as so appearing, is

161 hereby amended by deleting the words “all members of the board of appeals consisting of
162 three
163 members, and a concurring vote of four members of a board consisting of five members”
164 and
165 inserting in place thereof the following words:-
166 the concurring vote of a majority of the members of the board of appeals then in office.