

Massachusetts House of Representatives Bill Summary

Bill #: H.2353

Title: An Act relative to hillside protection

Sponsor: Rep. Thomas Walsh

Committee: Municipalities and Regional Government

Hearing Date: July 22, 2025

Prior History: Refile of H.2120 (Study Order H.4573)

Current Law: Chapter 40A Section 3 of MGL lists the subjects for which zoning may not regulate, exemptions, zoning public hearings, and temporary manufactured home residences.

Chapter 132 of MGL deals with forestry.

- Sections 40-46 of this chapter, inclusive, concern the regulation of the timber industry, preservation of forests, the appointment of a state forestry committee, etc.

Chapter 358 of the Acts of 2020 included a series of revisions to Chapter 40A of MGL, which applies to 350 cities and towns in MA.

Summary: Section 1 inserts a new chapter (40Z) into the MGL to provide for ridgeline and hillside protection, promote conservation, and regulate the impact of development on certain natural resources.

Subsection 1 of this new chapter provides for definitions for terms related to ridgeline and hillside protection.

Subsection 2 outlines the purposes of this legislation which include:

Subsection 3 states that this new chapter would only take effect in any city or town that accepts the provisions by a vote of the legislative body. If they vote to accept the chapter, a city or town would be required to establish a ridgeline and hillside protection district review board consisting of up to 5 members chosen by the chief executive officer of the city or town. They could also serve as members of the planning board but not the zoning board of appeals.

Subsection 4 defines a ridgeline and hillside protection district as an area having a slope of 15 percent or more over 200 feet, or an elevation of 600 feet or more above sea level.

Subsection 5 holds that all uses of land included in a district that is not permitted pursuant to subsection 6 or subsection 7 of this legislation shall be prohibited.

Subsection 6 lists the uses which would be allowed in the district without the need for application and review of the board:

Subsection 7 lists uses that would be permitted subject to review and approval of the board, prior to the issuance of a building permit, special permit, or approval of a definitive subdivision plan.

Subsection 8 requires buildings and landscaping to blend into the natural terrain and vegetation, preserve the scenic character of the site, and conform to a variety of standards concerning building and structure heights, placement, materials, the removal of vegetation and trees, the landscaping, grading, or earth moving, the storage of petroleum or petroleum related products, managing run-off, erosion control measures, utilities, and the construction of towers, satellite dishes, windmills, antennas, or another installation.

Subsection 9 outlines the process for a landowner to submit an application for ridgeline and hillside protection review, which shall be done prior to applying for a building permit.

Applications for ridgeline and hillside protection district review of the proposed development must include the following:

- Plot Plan
- Photographs of the development site from points along the street, together with a map indicating the distance between these points and the site
- Placement, height, and physical characteristics of all existing and proposed buildings and structures on the development site.

After the review of an application, the board may determine that the proposed work may proceed with or without conditions or modifications or determine that the work is not permitted.

A landowner may appeal the decision of the board to the zoning board of appeals. The zoning board of appeals may exempt a landowner from the provisions of this legislation if they find that the enforcement would produce a substantial hardship, financial or otherwise on the landowner and that the relief would not cause substantial detriment to the public good. The board of appeals may adopt rules to implement this part of the legislation.

Subsection 10 authorizes the board to adopt rules to conduct its business for the purposes of this legislation. Any such rules shall be filed with the city or town clerk.

Section 2 of this bill grandfathers any work or project completed prior to the effective date of this act.