

SENATE DOCKET, NO. 573 FILED ON: 1/13/2009

**SENATE . . . . . No. 770**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mr. Hedlund**

*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 passage of the accompanying bill:

An Act relative to affordable housing built near wetlands.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Mr. Hedlund

Plymouth and Norfolk

Bruce E. Tarr

First Essex and Middlesex

James Cantwell

4th Plymouth

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO AFFORDABLE HOUSING BUILT NEAR WETLANDS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1: Section 21 of chapter 40B of the Massachusetts General laws is hereby amended by adding the following paragraph:-

Applications to build low and moderate income housing units using a comprehensive permit shall not be exempt from local bylaws and ordinances concerning building in or the disturbance of environmentally sensitive areas including, but not limited to, bordering vegetative wetlands, watersheds, scenic rivers, marshes, wildlife sanctuaries, and vernal pools. Compliance with these local bylaws and ordinances shall not be considered an uneconomic condition. Local boards shall have the sole discretion to waive these local bylaws and ordinances.

SENATE DOCKET, NO. 581 FILED ON: 1/13/2009

**SENATE . . . . . No. 771**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mr. Hedlund**

*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 passage of the accompanying bill:

An Act relative to affordable housing use restrictions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mr. Hedlund	Plymouth and Norfolk
Bruce E. Tarr	First Essex and Middlesex
James Cantwell	4th Plymouth

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO AFFORDABLE HOUSING USE RESTRICTIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1: Section 21 of chapter 40B of the Massachusetts General laws is hereby amended by adding the following paragraph:-

All low and moderate income housing units built using a comprehensive permit must include a use restriction that remains in effect in perpetuity. Local boards shall have the sole discretion to waive this clause provided that it is replaced with a use restriction that remains in effect for a minimum of 30 years.

SENATE DOCKET, NO. 587 FILED ON: 1/13/2009

**SENATE . . . . . No. 772**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mr. Hedlund**

*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 passage of the accompanying bill:

**An Act relative to affordable housing built in historic districts.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mr. Hedlund	Plymouth and Norfolk
James Cantwell	4th Plymouth
Bruce E. Tarr	First Essex and Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO AFFORDABLE HOUSING BUILT IN HISTORIC DISTRICTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1: Section 21 of chapter 40B of the Massachusetts General laws is hereby amended by adding the following paragraph:-

Applications to build low or moderate income housing in an historic district as defined in MGL Chapter 40C must obtain a certificate of appropriateness as outlined in Section 6 of Chapter 40C. The local historic commission shall hold its hearing concurrently with the local zoning board and have its conditions included in the permit. None of the conditions may be appealed to the housing appeals committee as an uneconomic condition. An application may not be denied based upon its location within an historic district.