

By Mr. Dwinell of Millbury, petition of Richard J. Dwinell relative to additional powers and duties for the Central Massachusetts Regional District Planning Commission. Local Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Four.

**AN ACT RELATIVE TO ADDITIONAL POWERS AND DUTIES FOR THE CENTRAL MASSACHUSETTS REGIONAL PLANNING DISTRICT COMMISSION.**

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

1 Notwithstanding the provisions of Section 5 of Chapter 40B of  
2 the General Laws, the powers and duties of the Central  
3 Massachusetts Regional Planning District Commission established  
4 under the provisions of said Chapter 40B, General Laws, shall  
5 include the following: —

6 1) In any municipality which is a member of the district  
7 planning commission, when the planning board has before it a  
8 proposal to establish or change a zone, the planning board shall  
9 be given written notice of the proposal to the district planning  
10 commission not less than 14 days before the hearing to be held in  
11 relation thereto. Zoning changes within the jurisdiction of such  
12 review and comment shall include, any zoning by-law or  
13 ordinance adoption or amendment which would change the  
14 district classification of, or the regulations applying to real  
15 property lying within a maximum distance of 1000 feet of the  
16 boundaries of any city or town, or any existing area, or the right  
17 of way of any existing or proposed state or federal limited or  
18 controlled access highways or boundary of an airport shown on  
19 the Massachusetts Airport Plan.

20 The district planning commission shall study the proposal  
21 submitted and shall report its findings and recommendations in

22 writing to the planning board and to the board of selectmen or  
23 city council, at or before the hearing. If a report of the district  
24 planning commission is not submitted, it shall be presumed the  
25 district planning commission takes no position on the proposal.  
26 If the review and comment of the district planning commission  
27 on a proposed change of zoning shall be favorable or indicate to  
28 stand by the district planning commission, or if no review and  
29 comment is submitted at or before the hearing then the  
30 provisions of General Laws requiring a two-thirds vote for the  
31 enactment of said change shall apply when the city council or  
32 town meeting acts on said proposal. However, if the district  
33 planning commission indicates its opposition to said change and  
34 indicates its review finds it not to be in the best interest of the  
35 region nor in harmony with any adopted regional plan of  
36 development or study plan, or functional plan, then, not  
37 withstanding the provisions of Chapter 40A, General Laws, a  
38 three-fourths vote shall be required to enact the proposed  
39 change. The review and comment of the district planning  
40 commission shall be included with the submission of each zone  
41 change to the attorney general for his approval.

42 2) When any local planning board within the district has  
43 before it a subdivision within 1000 feet of a municipal boundary  
44 as defined by the General Laws, then said board shall notify the  
45 district planning commission of its pendency. No final subdivi-  
46 sion plan shall be approved until the receipt of regional review  
47 and comment or within 60 days whichever shall be the lesser. No  
48 final subdivision plan may be approved if the district planning  
49 commission submits a finding that it is in conflict with an  
50 adopted regional plan except upon a four-fifths vote of the local  
51 planning board.