

HOUSE No. 1220

House Bill No. 964 as changed by the committee on Bills in the Third Reading, as amended on recommendation of that committee, and as passed by the House to be engrossed. March 18.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Five.

An Act relative to the Use of Buildings and Premises, the Heights and Bulk of Buildings and the Occupancy of Lots in Specified Districts of the City of Boston.

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 one of chapter four hundred and
2 eighty-eight of the acts of nineteen hundred and twenty-
3 four is hereby amended by inserting at the end of the
4 fifth paragraph, entitled "*Lot*", the following new sen-
5 tence:— Two or more buildings other than accessory
6 buildings upon a single parcel of land shall be deemed
7 to occupy separate lots,— so that said paragraph will
8 read as follows:— *Lot*: Land occupied or to be occupied
9 by a building and its accessory buildings, and including
10 the open spaces required under this act. Two or more
11 buildings other than accessory buildings upon a single
12 parcel of land shall be deemed to occupy separate lots.

1 SECTION 2. Said section one of said chapter four
2 hundred and eighty-eight is hereby further amended by
3 inserting at the end of the eighth paragraph, entitled
4 "*Yard, Rear*", the following new sentence:— Where

5 said lines are not parallel the mean depth of the rear
6 yard shall be considered its minimum depth, provided
7 that at no point shall its depth thereby be reduced to less
8 than twelve feet,— so that said paragraph will read as
9 follows:— *Yard, Rear:* An open, unoccupied space on
10 the same lot with a building and between the extreme
11 rear line of said building and the rear line of the lot. Where
12 said lines are not parallel the mean depth of the rear
13 yard shall be considered its minimum depth, provided
14 that at no point shall its depth thereby be reduced to
15 less than twelve feet.

1 SECTION 3. Section three of said chapter four hun-
2 dred and eighty-eight is hereby amended by striking out
3 clause (a) of paragraph (8) and inserting in place thereof
4 the following:— (a) a garage, except garage space for
5 not more than two automobiles, of which not more than
6 one may be a commercial automobile, licensed as pro-
7 vided in paragraph (9).

1 SECTION 4. Section four of said chapter four hundred
2 and eighty-eight is hereby amended by inserting after
3 the word "physicians" in the sixteenth line, the words:
4 — or dentists' — so that the last paragraph will read as
5 follows:— In a general residence district the building
6 commissioner may grant a permit for physicians' or den-
7 tists' offices, provided the building or use is not
8 detrimental or injurious to the residential character of
9 the neighborhood.

1 SECTION 5. Paragraph (22) of section six of said
2 chapter four hundred and eighty-eight is hereby amended
3 by striking out, in the second line of said paragraph, the
4 word "two" and inserting in place thereof the word:—

5 five—so as to read as follows:—(22) Petroleum or
6 other inflammable liquids: storage in excess of five thou-
7 and gallons or manufacture of any of its by-products.

1 SECTION 6. The last paragraph of section ten of said
2 chapter four hundred and eighty-eight is hereby amended
3 by inserting after the word "lot" in the first line the
4 words:—whether occupied by a building erected prior
5 to June fifth, nineteen hundred and twenty-four or not,—
6 so that said paragraph will read as follows:—No lot,
7 whether occupied by a building erected prior to June
8 fifth, nineteen hundred and twenty-four or not, shall be
9 so reduced that the yards, courts or other open spaces
10 shall be smaller than prescribed by this act. No yard,
11 court, or other open space shall at any time be counted
12 as required open space for more than one building.

1 SECTION 7. Section thirteen of said chapter four hun-
2 dred and eighty-eight is hereby amended by striking out,
3 in lines twenty-five to thirty, inclusive, the words "Be-
4 tween the lines of streets intersecting at an angle of less
5 than one hundred and thirty-five degrees and a line join-
6 ing points on such lines ten feet distant from their point
7 of intersection no building or structure may be erected
8 and no vegetation may be amintained above a height
9 three and one half feet above the plane through their
10 curb grades."

1 SECTION 8. Section fourteen of said chapter four hun-
2 dred and eighty-eight is hereby amended by striking out,
3 in lines ten to fifteen, inclusive, the words "*Set-back:*
4 Between the lines of streets intersecting at an angle of
5 less than one hundred and thirty-five degrees and a line
6 joining points on such lines five feet distant from their

7 point of intersection no building or structure may be
8 erected and no vegetation may be maintained above a
9 height three and one half feet above the plane through
10 their curb grades."

1 SECTION 9. Section sixteen of said chapter four hun-
2 dred and eighty-eight is hereby amended by inserting at
3 the end of paragraph (9) the following new sentence:—
4 No yard is required for one story buildings other than
5 dwellings,— so that said paragraph will read as follows:
6 — (9) No part of a yard required for a dwelling shall be
7 higher in level above the floor of the first dwelling story
8 than one foot for each two feet of distance from the
9 building or for other buildings a similar distance above
10 the second story floor. No yard is required for one story
11 buildings other than dwellings.

1 SECTION 10. The second paragraph of section seven-
2 teen of said chapter four hundred and eighty-eight is
3 hereby amended by striking out, in the second and third
4 lines of said paragraph, the words "a building or use
5 authorized on" and inserting in place thereof the words:
6 — the provisions of this act governing, — so as to read as
7 follows: — Where the boundary line of a district divides a
8 lot in a single or joint ownership at the time such district
9 is established, the provisions of this act governing the less
10 restricted portion of such lot may extend to the entire
11 lot but in no case for a distance of more than thirty feet.

1 SECTION 11. The third paragraph of section nineteen
2 of said chapter four hundred and eighty-eight is hereby
3 amended by adding at the end thereof the following new
4 sentence:— The board may adopt rules, not inconsistent
5 with the provisions of this act, governing notice and
6 procedure,— so as to read as follows:— The board of

7 appeal may vary the application of this act in specific
8 cases wherein its enforcement would involve practical
9 difficulty or unnecessary hardship and wherein desirable
10 relief may be granted without substantially derogating
11 from the intent and purpose of this act, but not otherwise.
12 No such variance be authorized except by the unanimous
13 decision of the entire membership of the board, rendered
14 upon a written petition addressed to the board and after
15 public hearing thereon, of which notice shall be mailed to
16 the petitioner and to the owners of all property deemed by
17 the board to be affected thereby as they appear in the
18 most recent local tax list and also advertised in a daily
19 newspaper published in the city of Boston. The board
20 may adopt rules, not inconsistent with the provisions of
21 this act, governing notice and procedure.

1 SECTION 12. The second paragraph of section twenty
2 of said chapter four hundred and eighty-eight is hereby
3 amended by adding at the end thereof the following:—
4 A majority of the board shall constitute a quorum for all
5 public hearings and for all acts of the board, except that
6 decisions changing the boundaries of districts on the zon-
7 ing map shall be deemed to comply with this section only
8 in case the written record of such decision is signed by
9 not less than four fifths of the members of the board
10 qualified to act. If less than a majority of the board is
11 present at any public hearing or at any executive session,
12 the members actually present may adjourn the same by
13 proclamation to such time and place as they deem ad-
14 visable, and further notice thereof shall not be necessary.
15 The board may adopt rules, not inconsistent with the
16 provisions of this act, governing notice and procedure.

1 SECTION 13. This act shall take effect upon its
2 passage.

