

By Mr. Shea of Newton, petition of H. James Shea, Jr., for legislation to establish a division of urban design in the Department of Natural Resources, State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT ESTABLISHING A DIVISION OF URBAN DESIGN IN THE DEPARTMENT OF NATURAL RESOURCES.

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

1 Chapter 21 of the General Laws is hereby amended by
2 inserting after section 25, under the caption DIVISION OF
3 URBAN DESIGN, the following four sections:—

4 *Section 25A.* There shall be within the department a
5 division of urban design which shall be under the supervision
6 and control of urban design, hereinafter called the board, to
7 consist of the commissioner of natural resources, the commis-
8 sioner of community affairs, the commissioner of public works
9 or his designee, a person to be appointed by the attorney
10 general, and a person to be appointed by the governor. The
11 board shall appoint, subject to the provisions of chapter
12 thirty-one, an executive secretary and a clerk.

13 *Section 25B.* For the purpose of promoting the health,
14 safety, and convenience of the public, and to provide for
15 adequate transportation facilities and to prevent overcrowd-
16 ing of land, the division shall establish minimum standards
17 and patterns for land use control for all land which is
18 adjacent to a state highway to a distance of five hundred feet.
19 The division shall have the power of eminent domain, as
20 provided for in chapter seventy-nine, and may regulate and
21 restrict the erection, construction, reconstruction, alteration or
22 use of buildings and structures, on any such land. The
23 division shall have the authority to plan and establish new
24 state highways.

25 *Section 25C.* The division shall fix a reasonable time for a
26 public hearing upon the question of the exercise of any of the
27 powers granted in section twenty-five B and shall cause
28 notice to be given of such hearing at least ten days prior to
29 the date set therefor, by publication in a newspaper having
30 general circulation in the area affected. Such hearing shall be
31 held in the area affected and all interested parties shall have
32 the right to attend such hearing and to be heard.

33 *Section 25D.* Any person aggrieved by a determination of
34 the division to carry out any of the powers granted by section
35 twenty-five B, which determination shall be in writing and
36 signed by a majority of the members of the board of urban
37 design, may, after a public hearing as provided for in section
38 twenty-five C, institute a civil proceeding in the superior
39 court for the county in which the land concerned is situated
40 by filing a complaint alleging that such determination of the
41 division exceeds the authority granted in section twenty-five
42 B or that such determination, if carried out, will be contrary
43 to the public welfare. The complaint shall contain a prayer
44 that such determination be annulled.