

By Mr. Reilly, a petition (accompanied by bill, Senate, No. 1735) of Martin T. Reilly for legislation to amend the Historic Districts Act. Housing and Urban Development.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-two.

AN ACT TO AMEND THE HISTORIC DISTRICTS ACT.

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

1 Specifically, the Act now limits the right of appeal from
 2 a decision of the local historic commission to the "applicant
 3 aggrieved" by the decision. There is no right of appeal for
 4 abutters or persons or groups representing the public interest
 5 if the applicant is satisfied with the historic commission's de-
 6 cision. See *Springfield Preservation, Inc. v. Springfield His-*
 7 *torical Commission* 1980 Mass. Adv. Sh. 725, 402 N.E. 2d 488.

8 It is not unusual for statutes affecting neighborhoods to
 9 grant a right of appeal to abutters and others who may be af-
 10 fected by the applicant's proposals. See, e.g., *The Zoning Act*,
 11 *Chapter 40A, Section 17; Rafferty v. Sancta Maria Hospital*,
 12 *5 Mass. App. Ct. 624, 629-630 (1977)* (defining "person ag-
 13 grieved").

14 To correct this situation, it is proposed to amend the His-
 15 toric Districts Act so as to give persons affected by the deci-
 16 sions of the historic preservation organizations, the right to
 17 appeal for judicial review of questionable decisions.

18 The proposal is for two specific amendments: —

19 (1) Amend Ch. 40C, Sec. 5 by adding, after the words
 20 "other appurtenant exterior fixtures;" the following: —

21 "The words 'person aggrieved' mean the applicant,
 22 an owner of adjoining property, an owner of property within
 23 the same historic district as property affected by any action
 24 or determination of the commission, and any charitable cor-
 25 poration, one of the purposes of which is the preservation of
 26 historic buildings, structures, or districts;"

27 (2) Amend Ch. 40C, Secs. 12 and 12A by deleting "appli-
 28 cant aggrieved" and substituting therefor the words "person
 29 aggrieved".

The first part of the report is devoted to a general description of the country and its resources. It is followed by a detailed account of the various industries and occupations of the people.

The second part of the report contains a list of the principal towns and villages, with a description of their situation and extent. It also gives an account of the various public buildings and institutions.

The third part of the report is devoted to a description of the various natural curiosities and objects of interest in the country. It includes an account of the various mountains, rivers, lakes, and forests.

The fourth part of the report contains a list of the various minerals and fossils found in the country. It also gives an account of the various manufactures and trades of the people.

The fifth part of the report is devoted to a description of the various public buildings and institutions. It includes an account of the various churches, schools, and hospitals.

The sixth part of the report contains a list of the various public buildings and institutions. It also gives an account of the various public works and improvements.

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