

By Mrs. Gray of Framingham, petition of Barbara E. Gray and Frank M. Hynes relative to developments of regional impact or a major development and the determination of additional costs to local governments generated by such proposed new developments. Local Affairs.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO DEVELOPMENTS OF REGIONAL IMPACT AND MAJOR DEVELOPMENTS, AND THE DETERMINATION OF SPECIFIC ADDITIONAL COSTS, TO LOCAL GOVERNMENTS AND THEIR CITIZENS, GENERATED BY PROPOSED NEW DEVELOPMENTS.

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 9 of Chapter 40A of the General Laws, is hereby
2 amended by inserting after the seventh paragraph the following
3 paragraphs: —

4 A "development of regional impact" or "major development,"
5 as used in this section, shall mean any development which, because
6 of its character, magnitude, or location, would have a substantial
7 effect upon the health, safety, welfare or environment, outside,
8 and in addition to, the jurisdiction of the municipality in which
9 the proposed development is located.

10 Zoning ordinances may require that developers of development
11 of regional impact and major developments, make adequate
12 provision for the public facilities needed to accommodate the
13 impacts of the developments on the health, safety, welfare or
14 environment of the citizens. Such ordinances may require
15 development funds, land affordable housing or other public
16 facilities necessary to accommodate impacts having a rational
17 nexus to the proposed development. Any funds, public facilities,
18 or lands contributed by a developer must be expressly designated
19 and used to accommodate impacts reasonably attributable to the
20 proposed development.

21 If the development approval requires the developer to
22 contribute land for a public facility or construct, expand or pay
23 for land acquisition or construction or expansion of a public
24 facility, or portion thereof, and the developer is otherwise required
25 by local ordinance to impact fees or exactions to meet the same
26 needs, the local government shall establish and implement a
27 procedure that credits a permit exaction or fee toward an impact
28 fee or exaction imposed by local ordinance for the same need.

29 A subdivision or development of regional impact shall comprise
30 a vacant area or an area designated for redevelopment, capable
31 of accommodating under the applicable existing or proposed
32 zoning at least three hundred sixty dwelling units or at least
33 300,000 square feet gross ground floor or building coverage area
34 of commercial, institutional or industrial uses, or, if the vacant
35 or redevelopment area is capable of accommodating a major
36 subdivision or development as defined in the preceding
37 paragraphs and if any part thereof is within 200 feet of any
38 municipal boundary, wetland or more than 50 acres, great pond,
39 mean water line of the ocean or any tidal or navigable river, limited
40 access state or interstate highway, site on the National Register
41 of Historic Places, recreation or conservation area of more than
42 50 acres owned or controlled by the Commonwealth or by any
43 country or special district, airport or a military or residential care
44 institution occupying more than 50 acres and owned or operated
45 by the United States, the Commonwealth or any authority thereof.

46 A major residential subdivision or development shall comprise
47 a vacant area or an area designated for redevelopment, capable
48 of accommodating under the applicable zoning at least sixty one-
49 family houses or at least one hundred dwelling units in other than
50 one- or two-family houses, or such greater number as the local
51 by-law or ordinance may specify, whether or not the entire area
52 is to be subdivided or developed as one or as several projects.

53 A major non-residential subdivision or development shall
54 comprise a vacant area or an area designated for redevelopment,
55 capable of accommodating under the applicable zoning at least
56 60,000 square feet of gross ground floor area if the zoning allows
57 commercial uses, or at least 100,000 square feet of gross ground
58 floor area if the applicable zoning allows only storage and
59 distribution or warehouse and manufacturing uses, but not retail

60 sales or services, or such greater gross ground floor or building
61 coverage area as the local ordinance or by-law may specify,
62 whether or not the entire area is to be subdivided or developed
63 as one or as several projects.

