

By Ms. Gardner of Holliston, petition of Barbara Gardner for legislation to further regulate the siting of certain facilities in cities and towns. Local Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT FURTHER REGULATING THE SITING OF CERTAIN FACILITIES.

*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 40 of the General Laws is hereby amended by adding  
2 the following section: —

3 Section 59. Notwithstanding the provisions of any law to the  
4 contrary, not more than thirty days after the receipt of a notice  
5 of intent to construct, maintain and operate a facility on a site  
6 in a city or town or notification by any department or agency of  
7 the commonwealth that this community is a host community in  
8 the final list of suggested sites of a facility, the chief executive office  
9 of said city or town shall take appropriate action to establish a  
10 local assessment committee. Said committee shall include local  
11 elected and appointed officials, residents of the city or town,  
12 including from the affected area, and representatives of any state  
13 agency with regulatory authority in the appropriate area and the  
14 developer.

15 A local assessment committee shall have the following powers  
16 and duties:

17 (1) to represent generally the best interests of the host  
18 community;

19 (2) to discuss with the developer the detailed terms, provisions  
20 and conditions of a siting agreement to protect the public health,  
21 safety and welfare and the environment of the host community,  
22 as well as to promote the fiscal welfare of the community through  
23 special benefits and compensation;

24 (3) to receive and expend such technical assistance and  
25 planning grants as may be available and any other funds which  
26 may be available for such purposes;

27 (4) to provide technical assistance to the host community;

28 (5) to cooperate wherever possible with abutting communities  
29 in negotiations with the developer over compensation for said  
30 abutting communities;

31 (6) to adopt such rules, regulations, procedures and standards  
32 as may be necessary to carry out its functions and perform its  
33 duties under this section.

34 Every developer, including the commonwealth and any political  
35 subdivision thereof, proposing to construct, maintain and operate  
36 a facility shall submit a notice of intent to the chief executive office  
37 of the host community.

38 For the purpose of this section, the term "facility" shall mean  
39 a correctional facility, halfway house, power plant, recycling  
40 plant, airport, sewage treatment facility, transit station, any  
41 facility which involves more than one municipality or any facility  
42 as defined in section one hundred and fifty A of chapter one  
43 hundred and eleven.