

# HOUSE . . . . . No. 3175

By Mr. Grimaldi of Springfield, petition of James L. Grimaldi for legislation relative to restrictions upon land available for the construction of single family dwellings. Urban Affairs.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

### AN ACT PERTAINING TO RESTRICTIONS UPON LAND AVAILABLE FOR THE CONSTRUCTION OF SINGLE FAMILY DWELLINGS.

1     *Whereas*, The deferred operation of this act would tend to  
2 defeat its purpose which is (1) to reduce urban sprawl and to  
3 alleviate problems of transportation to centers of industry and  
4 commerce, (2) to correct the failure to recognize and preserve  
5 land as a natural resource by repeated practices of waste there-  
6 of when large areas of land with wide frontages are required  
7 for the erection thereon of a single family dwelling, (3) to pre-  
8 vent the discriminating effects of arbitrary and unreasonable  
9 requirements of certain ordinances and by-laws regulating the  
10 use of land for the construction of single family dwellings,  
11 (4) to encourage the best use of land, a limited asset,  
12 (5) to prevent practices which are contrary to the best in-  
13 terests of the general public in the commonwealth; and

14     *Whereas*, Census projections foretell that between now and  
15 the year two thousand there shall be a need to provide in this  
16 commonwealth and nation as many dwellings as have been  
17 built since this nation's founding, because of our never ceasing  
18 growth in population; and

19     *Whereas*, Availability of housing for all economic levels of  
20 the present and future citizens of the commonwealth is neces-  
21 sary in order to foster and complement industrial and commer-  
22 cial growth, house employees of new industries and encourage  
23 our young people to seek their fortune within the common-  
24 wealth; and

25 *Whereas*, There is need to preserve and ensure for the future  
26 the basic agriculture of the state in the midst of ominous warn-  
27 ings that today's abundance of food will soon not be enough;  
28 and

29 *Whereas*, Some present zoning practices serve to increase  
30 municipal costs of maintenance and service of roads, water and  
31 utility mains, fire and police protection, school transportation,  
32 and other community services, when measured on either a  
33 street-linear-foot basis or on a per-dwelling basis;

34 *Therefore*, It is hereby declared to be an emergency law,  
35 necessary for the immediate preservation of the public con-  
36 venience and welfare.

*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 two of chapter forty A of the General  
2 Laws is hereby amended by adding the following paragraph:—

3 Subject to the operation of applicable provisions of the sani-  
4 tary code relating to the disposal of sanitary-sewage in unsew-  
5 ered areas, no provision of any ordinance or by-law regulating  
6 the use of land on which a single family residential building  
7 may be constructed shall be valid which requires the width of  
8 the lot measured at the building line to be greater than seventy-  
9 five feet and the area thereof to be greater than one hundred  
10 feet and the area thereof to be greater than fifteen thousand  
11 square feet; provided, further, front yard requirements shall  
12 not exceed twenty-two per cent of the depth of the lot meas-  
13 ured from the street line, and side yard requirements shall not  
14 exceed fifteen per cent of the width of the lot measured at the  
15 building line. The provisions of the previous sentence shall not  
16 be deemed to prevent the voluntary creation of lots providing  
17 larger areas, frontages or yards.

1 SECTION 2. The provisions of this act shall apply only to  
2 land located at least two hundred feet from a building in exist-  
3 ence on the effective date hereof but shall not apply to publicly  
4 owned land.