

By Mr. Peterson of Grafton, petition of George N. Peterson, Jr., relative to zoning ordinances and by-laws restricting residential development in cities and towns. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT AMENDING THE ZONING 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 SECTION 1. Section 3 of Chapter 40A of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 inserting at the end thereof the following paragraph:—

4 No zoning ordinance or by-law shall regulate or restrict the rate
5 of residential development in a city or town unless the planning
6 board of said city or town has first adopted a master plan pursuant
7 to the provisions of section 81D of chapter 41; provided, that if a
8 city or town, after public hearing, receipt of credible evidence,
9 and upon specific findings, determines that an emergency exists as
10 to the rate of residential development that threatens public health,
11 safety and welfare, it may adopt a zoning ordinance of a master
12 plan, provided that the planning board of said city or town imme-
13 diately undertakes the preparation of a master plan upon the adop-
14 tion of said ordinance or by-law; provided further, that any such
15 zoning ordinance or by-law regulating the rate of residential
16 development adopted pursuant to this section shall be limited in
17 duration and, in any event, shall not exceed two years.

1 SECTION 2. Section 6 of 40A, as so appearing in the 2002
2 Official Edition, is hereby amended in the fifth paragraph by
3 striking out, line 77, the words “the use of.”

