

HOUSE No. 1582

By Mr. Businger of Brookline, petition of Michael Joseph Connolly (Secretary of the Commonwealth), John A. Businger and Richard P. Roche that provision be made for appeals of an historic designation. Urban Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT AMENDING THE PROCEDURE BY WHICH AN APPEAL OF A HISTORICAL DESIGNATION MAY BE MADE.

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 12 of Chapter 40C of the General Laws is hereby
2 amended by striking said section and inserting in place thereof the
3 following:

4 A city or town may provide in its ordinance or by-law or in any
5 amendment thereof for a review procedure whereby any person or
6 organization may, within twenty days after the filing of the notice
7 of a determination of the commission with the city or town clerk,
8 file a written request with the commission for a review by a person
9 or persons of competence and experience in such matters, design-
10 nated by the regional planning agency of which the city or town is a
11 member. If the city or town is not a member of a regional planning
12 agency, the department of community affairs shall select the
13 appropriate regional planning agency.

14 The finding of the person or persons making such review shall be
15 filed with the city or town clerk within forty-five days after the
16 request, and shall be binding on the requesting party and the
17 commission, unless further appeal is sought in the superior court as
18 provided in section 12A.

19 Section 12A of Chapter 40C is hereby amended by striking the
20 first sentence of said section and inserting in place thereof the
21 following:

22 Any person or organization may, within twenty days after the
23 filing of a determination of the commission or within twenty days
24 of the filing of a finding by a person or persons making a review,
25 appeal to the superior court sitting in equity for the county in which
26 the city or town is situated.