

SENATE No. 367

To accompany the petition of W. Arthur Trowt and another for legislation to restrict the exemption of utility property used for gas storage from the operation of a zoning ordinance or by-law. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Five.

AN ACT RESTRICTING THE EXEMPTION OF UTILITY PROPERTY
USED FOR GAS STORAGE FROM THE OPERATION OF A ZONING
ORDINANCE OR BY-LAW.

*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 40A of the General Laws is hereby amended
2 by striking out section 10 thereof and substituting in
3 its place the following: —

4 *Section 10.* A building, structure or land used or to
5 be used by a public service corporation may be exempted
6 from the operation of a zoning ordinance or by-law if,
7 upon petition of the corporation, the department of pub-
8 lic utilities shall, after public notice and hearing, decide
9 that the present or proposed situation of the building,
10 structure or land in question is reasonably necessary for
11 the convenience or welfare of the public; provided, how-
12 ever, that no building, structure or land used or to be
13 used for the storage of gas shall, if situated within a dis-
14 trict zoned exclusively or primarily for residence, be so
15 exempted.

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