



Town of Groveland
Economic Development
Planning & Conservation Department
Planning Board
183 Main Street
Groveland, MA 01834

DJ McNulty, Chair
Walter F Sorenson Jr, Vice-Chair
Chris Goodwin
Brad Ligols
Patrick Millina
Jason Naves, Associate Member

MEETING NOTICE

(M.G.L Chapter 30A Sections 18-25)

Board/Committee Name: PLANNING BOARD
Date: TUESDAY, August 6, 2024
Time of Meeting: 7:00 PM
Location: Town Hall 183 Main Street
Groveland, MA 01834
Signature: *Annie Schindler*

AGENDA

Join Zoom Meeting

Meeting ID: 939 9517 4414

Passcode: 948618

For discussion and possible vote:

ZONING BYLAW UPDATES:

- Medical Marijuana, *Economic Development Committee*
- Accessory Dwelling Units, *Building Inspector/Zoning Enforcement Officer*

929-931 SALEM STREET: Project update.

OTHER ITEMS NOT REASONABLE ANTICIPATED AT TIME OF POSTING

NEXT MEETING: Set meeting schedule for the fall.

ADJOURNMENT

MARIJUANA BYLAWS

§ 50-7.4 Registered marijuana dispensaries.

A. Purposes. The purpose of this section is:

- (1)** To provide for the establishment of registered marijuana dispensaries in appropriate places and under strict conditions.
- (2)** To minimize the adverse impacts of registered marijuana dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts and other land uses potentially incompatible with said registered marijuana dispensaries.
- (3)** To regulate the siting, design, placement, security, safety, monitoring, modification and removal of registered marijuana dispensaries.

B. Applicability.

- (1)** The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted as a registered marijuana dispensary under this section.
- (2)** No registered marijuana dispensary shall be established except in compliance with the provisions of this section.
- (3)** Nothing in this bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- (4)** If any provision of this section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

C. Definitions. Where not expressly defined in the Zoning Bylaws, terms used in this section shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, MGL c. 94C, App. § 1-1, et seq., and the Department of Public Health regulations promulgated thereunder, 935 CMR 501.000, and otherwise by their plain language.

D. (Reserved)

E. General requirements and conditions for all registered marijuana dispensaries.

- (1)** All registered marijuana dispensaries shall be contained within a building and outside cultivation area that are properly secured.
- (2)** A registered marijuana dispensary shall not be located in buildings that contain any medical doctor offices or the offices of any professional practitioner authorized to prescribe the use of medical marijuana.
- (3)** The hours of operation of registered marijuana dispensaries may be regulated by the special permit granting authority, provided that the RMD may only be open to the public between 7:00 a.m. and 9:00 p.m.

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(4) No burning of any product containing marijuana or marijuana-related products shall be permitted on the premises of a registered marijuana dispensary that would create noxious odors.

(5) No registered marijuana dispensary shall be located inside a building containing residential units, or inside a movable or mobile structure.

(6) No registered marijuana dispensary shall be located on a lot within 300 feet of a residential zoning district boundary line, a house of worship, a school, playground or a day-care facility. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses to the nearest point of the property line of the proposed RMD.

(7) Signage for the registered marijuana dispensary shall include the following language: "Registration card issued by the Massachusetts Department of Public Health required." The required text shall be a minimum of two inches in height.

(8) Registered marijuana dispensaries shall provide the Groveland Police Department, Zoning Enforcement Officer, and special permit granting authority with the names, phone numbers, and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

F. Special permit requirements.

(1) A registered marijuana dispensary shall only be allowed by special permit from the Groveland Zoning Board of Appeals in accordance with MGL c. 40A, § 9, subject to all applicable laws, regulations, requirements, conditions and limitations.

(2) A special permit for a registered marijuana dispensary shall indicate which of the following uses will be conducted on the proposed site:

(a) Cultivation of marijuana for medical use (horticulture);

(b) Processing and packaging of marijuana for medical use, including marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments and other products;

(c) Retail sale or distribution of marijuana for medical use to qualifying patients.

(3) In addition to the application requirements set forth in Subsections E and F of this bylaw, a special permit application for a registered marijuana dispensary shall include the following:

(a) Copies of all required state RMD permits/licenses issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the operation of a registered marijuana dispensary;

(b) The name and address of each owner of the RMD;

(c) Evidence of the applicant's right to use the facility for a registered marijuana dispensary, such as a lease or a deed;

(d) If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the

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applicant must disclose the identity of the owners of such entities until the disclosure contains the names of the individuals;

(e) A certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the Town and certified by the Town Assessor;

(f) Proposed security measures for the registered marijuana dispensary, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

(4) Mandatory findings. The special permit granting authority shall not issue a special permit for a registered marijuana dispensary unless it finds that:

(a) The facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11;

(b) The facility demonstrates that it will meet all permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;

(c) The applicant has satisfied all of the conditions and requirements of Subsections **E** and **F** herein.

(5) Annual reporting.

(a) Each registered marijuana dispensary permitted under this bylaw shall, as a condition of its special permit, file an annual report with the special permit granting authority and the Town Clerk no later than January 31 of each year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrating continued compliance with the conditions of the special permit. Upon request of the special permit granting authority, a duly authorized representative of the registered marijuana dispensary shall appear before the special permit granting authority to testify as to the contents of such report.

(b) In addition, the permit holder shall file a copy of any incident report required under 935 CMR 501.110(9) with the Zoning Enforcement Officer and the SPGA within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations. The permit holder shall further file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the RMD.

(6) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises as a registered marijuana dispensary. The special permit shall be particular to the applicant and may be transferred to another entity for the same location only with permission from the special permit granting authority in the form of an amendment to the special permit with all information required in this § **50-7.4**.

G. Abandonment or discontinuance of use.

(1) A special permit for an RMD shall lapse if not exercised within one year of issuance.

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(2) A registered marijuana dispensary shall be required to remove all material, plants, equipment and other paraphernalia: a) prior to surrendering its state-issued licenses or permits; or b) within six months of ceasing operations; whichever comes first.

§ 50-7.5(Reserved) [1]

[1]

Editor's Note: Former § 7.5, Temporary Moratorium on Recreational Marijuana Establishments, expired 12-31-2018, and has therefore been removed from the bylaw.

§ 50-7.6Marijuana establishments prohibited.

[Added 12-3-2018 STM by Art. 7, approved at the May 2019 Election]

Consistent with MGL c. 94G, § 3(a)(2), all types of nonmedical "marijuana establishments," as defined in 935 CMR 500.002, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, hereinafter "recreational marijuana establishments," shall be prohibited within the Town of Groveland. This prohibition shall apply in the Town upon approval by the voters at a Town Election.

ACCESSORY APARTMENTS BYLAW

§ 50-7.1 Accessory apartments.

[Amended 5-24-2021 ATM by Art. 7]

A. Purpose and intent. The purpose and intent of the accessory apartment bylaw is to:

- (1)** Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- (2)** Increase the number of smaller, moderately priced dwelling units available for rent in Town;
- (3)** Increase the range of choice of housing accommodations;
- (4)** Provide housing units for persons with disabilities; and
- (5)** Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods.

B. Applicability. Accessory apartments shall be authorized by the Building Inspector/Zoning Enforcement Officer through the issuance of a certificate of occupancy in all single-family residential dwellings, provided the conditions and requirements of the following sections are met.

C. General requirements.

- (1)** A permit may be granted by the Building Inspector/Zoning Enforcement Officer to accommodate an accessory apartment by the installation of a common wall or the partitioning of or extension of existing habitable area. There shall be no more than one accessory apartment for a total of two dwelling units within a single-family dwelling per lot.
- (2)** Use limitation. The principal dwelling unit or accessory apartment must be occupied by the owner. For the purposes of this section "owner" shall mean one or more of those individuals who hold record title to the lot on which the principal dwelling unit and the accessory apartment are located.
- (3)** Floor area limitations. The habitable area of the principal dwelling unit shall not be less than 1,600 square feet. The habitable area of the accessory apartment shall be limited to a maximum of 900 square feet. The Groveland Zoning Board of Appeals may by special permit allow an increase of up to 10% in the accessory apartment habitable area square footage limitation if the configuration of the structure makes strict compliance with this requirement difficult. The Groveland Zoning Board of Appeals, by special permit, may also allow reasonable deviation from the stated conditions and requirements where necessary to install features that facilitate access and mobility for disabled persons, provided that the Board of Appeals finds that such deviation is not contrary to the public interest and is consistent with purpose and intent of this bylaw.
- (4)** There shall be no borders or lodgers within either the principal dwelling unit or the accessory apartment, or on the same lot with an accessory apartment.
- (5)** The total number of bedrooms of the principal dwelling unit and accessory apartment combined may not exceed the capacity of the permitted and compliant septic system serving the units per

ACCESSORY APARTMENTS BYLAW

Title V requirements. This section shall not apply to properties that are connected to the public sewer system.

(6) Utilities such as water, electric and gas as necessary for the accessory apartment shall be extensions of the existing utilities serving the principal single-family dwelling and shall not be separately metered, unless required by the utility provider.

(7) Parking shall be provided for as determined by the parking table in § 50-9.1B.

(8) To the extent possible, exterior passageways and accessways shall not detract from the single-family appearance of the dwelling. All stairways to additional stories shall be located on the side or rear of the structure.

(9) The accessory apartment will be a complete, separate dwelling unit that contains both permanent kitchen and bathroom and has its own means of egress.

(10) Floor plans of the proposed accessory apartment and principal dwelling unit and a site plan showing the structure(s) on the lot shall be filed with the application for a permit with the Building Inspector/Zoning Enforcement Officer. Plans shall demonstrate that exterior changes to the structure will not significantly alter the appearance of the single-family dwelling.

D. Occupancy requirements.

(1) Prior to issuance of a building permit, the owner shall send a notarized letter to the Building Inspector/Zoning Enforcement Officer affirming that the owner will occupy either of the principal dwelling unit or the accessory apartment as the owner's primary residence, except for temporary absences of no more than six months in any calendar year.

(2) Prior to issuance of a building permit, the owner shall send a notarized letter to the Building Inspector/Zoning Enforcement Officer stating that to the best of his or her knowledge the accessory apartment will not violate any deed restrictions applicable to the subject lot or principal dwelling unit.

(3) When a lot with a structure which has received a permit for an accessory apartment is sold, the new owner, if he or she wishes to continue to exercise the permit, must, within 60 days of the sale, submit a notarized letter to the Building Inspector/Zoning Enforcement Officer affirming that he or she will occupy either of the principal dwelling unit or the accessory apartment on the premises as his or her primary residence, except for temporary absences of no more than six months in any calendar year and acknowledging and agreeing to abide by all conditions to the previously issued occupancy certificate and special permit, if applicable.

(4) Any accessory apartment lawfully in existence at the time of the adoption of this bylaw shall be allowed to continue.

SENATE No. 858

The Commonwealth of Massachusetts

PRESENTED BY:

Brendan P. Crighton

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote Yes in My Back Yard.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/8/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/8/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/8/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/8/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/14/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>2/24/2023</i>

SENATE No. 858

By Mr. Crighton, a petition (accompanied by bill, Senate, No. 858) of Brendan P. Crighton, Sal N. DiDomenico, Michael J. Barrett, Mike Connolly and other members of the General Court for legislation to promote Yes in My Back Yard. Housing.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to promote Yes in My Back Yard.

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: Chapter 23A of the General Laws, as so appearing, is hereby amended by
2 adding the following section:-

3 Section 68. In order to meet the housing needs of the Commonwealth, there is hereby
4 established a statewide goal of producing 427,000 new units of housing in Massachusetts by
5 2040. The housing production goal shall also include a goal of having 85,400 units of housing
6 created by 2040 that are affordable to households earning less than 80% of the Area Median
7 Income, with at least 8,500 of these affordable units for households earning less than 30 percent
8 of the Area Median Income. The housing production goal shall also include a goal of having
9 52,000 units for households earning between 80-120% of the Area Median Income.

10 The secretary of housing and economic development shall report annually to the clerks of
11 the house of representatives and the senate, who shall forward the report to the house of
12 representatives and the senate, the chairs of the joint committee on housing, and the chairs of the

13 senate and house committee on ways and means, on progress made towards meeting these
14 housing production goals. The report shall include a breakdown of market-rate units created;
15 units created that are accessible or adaptable for persons with disabilities; units created for
16 persons over the age of 55; and units created by deed restricted affordable housing available to
17 households earning less than 80% Area Median Income, less than 60% Area Median Income,
18 and less than 30% Area Median Income. The secretary of housing and economic development
19 shall also report annually on the number of residential properties purchased by foreign buyers in
20 Massachusetts. As part of the report, the secretary of housing and economic development shall
21 also include information on short-term rentals collected as required by Chapter 337 of the Acts
22 of 2018. The secretary of housing and economic development shall also report annually on the
23 number of units, broken down by municipality, on the Subsidized Housing Inventory as
24 maintained by the Department of Housing and Community Development that are income
25 restricted to income eligible households earning 80% or less than the area median income.

26 Section 2: Section 1A of Chapter 40A of the General Laws, as so appearing, is amended
27 by inserting the following definition:

28 “Bus Station” means a building located at the intersection of two or more bus lines,
29 within

30 which services are available to bus passengers; provided that a bus station does not
31 include a shelter or other structure without walls and a foundation.

32 Chapter 40A, of the General Laws, as so appearing, is hereby amended by adding the
33 following section:-

34 Section 18. (a) Any zoning regulations adopted pursuant to Chapter 40A shall allow, as
35 of right and with no minimum parking requirements for dwelling units, mixed-use development
36 or multifamily housing with a minimum gross density of 15 units per acre, subject to any further
37 limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code
38 established pursuant to section 13 of chapter 21A, and be located not more than 0.5 miles from a
39 commuter rail station, subway station, ferry terminal or bus station, if applicable.

40 (b) Any zoning regulations adopted pursuant to Chapter 40A shall allow, as of right and
41 with no minimum parking requirements for dwelling units, multifamily housing with a minimum
42 gross density of 15 units per acre, subject to any further limitations imposed by section 40 of
43 chapter 131 and title 5 of the state environmental code established pursuant to section 13 of
44 chapter 21A, and be located not more than 0.25 miles from an eligible location.

45 (c) Any development permitted pursuant to subsections (a) or (b) which includes ten or
46 more residential units shall set aside a minimum of fifteen percent of the residential units to
47 households earning at or below 80% of the Area Median Income or a minimum of ten percent of
48 the residential units to households earning at or below 50% of the Area Median Income as
49 determined by the U.S. Department of Housing and Urban Development.

50 (d) If a municipality fails to adopt new regulations or amend existing regulations to
51 comply with the provisions of this section by January 1, 2025, any noncompliant existing
52 regulation shall become null and void and such municipality shall approve or deny applications
53 in accordance with the requirements for regulations set forth in the provisions of this section
54 until such municipality adopts or amends a regulation in compliance with this section.

55 (e) A municipality shall not use or impose standards to discourage, through unreasonable
56 costs or delays, the development of housing described in this section.

57 Section 3: Section 1A of chapter 40A of the General Laws, as so appearing, is hereby
58 amended so that the definition of an accessory dwelling unit is:

59 “Accessory dwelling unit”, a self-contained housing unit, inclusive of sleeping, cooking
60 and sanitary facilities, incorporated within the same structure as a primary dwelling unit or in a
61 detached accessory structure that: (i) maintains a separate entrance, either directly from the
62 outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet
63 the requirements of the state building code for safe egress and (ii) is not larger in floor space than
64 $\frac{1}{2}$ the floor space of the primary dwelling unit or 900 square feet, whichever is greater.

65 Section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by
66 inserting after the last paragraph the following paragraphs:

67 No zoning ordinance or by-law shall prohibit or require a special permit for the use of
68 land or structures for an accessory dwelling unit, or the rental thereof, in a residential or mixed-
69 use zoning district.

70 The use of land or structures for an accessory dwelling unit may be subject to reasonable
71 regulations, including but not limited to dimensional setbacks, short-term rentals of accessory
72 dwelling units and the bulk and height of structures. However, a locality may not impose an
73 ordinance that requires any of the following:

74 a. Minimum floor space standards greater than is required by state law, as established in
75 the state sanitary code, chapter II

76 b. Maximum height standards less than 16 feet high

77 c. Rear or side setback standards that exceed what is permitted under the local zoning
78 code for the primary dwelling or what is applicable to the primary dwelling unit if it is a legally
79 existing non-conforming unit

80 d. Minimum lot size standards

81 e. Discretionary design criteria distinct to ADUs that are not imposed on other residential
82 buildings in that district.

83 f. Off-street automobile parking requirements and minimum parking requirements greater
84 than 1 per unit. Parking requirements may be satisfied through tandem driveway parking.

85 g. Requirements that the owner of the property reside in either the primary dwelling or
86 the accessory unit.

87 An accessory dwelling unit shall not be considered to exceed the allowable density for
88 the lot upon which it is located.

89 Municipalities must adopt the naming convention and definition of an ADU as
90 established herein.

91 A municipality that does not adopt an ordinance that permits Accessory Dwelling Units
92 as specified in this section shall be subject to the standards established herein. Municipalities are
93 encouraged to adopt less restrictive ordinances.

94 The Department of Housing and Community Development shall create and implement
95 guidelines for which municipal regulations are permissible.

96 Nothing in this paragraph shall authorize an accessory dwelling unit to violate the
97 environmental, building, fire, health or sanitary codes, historic or wetlands laws, or ordinances or
98 by-laws.

99 Section 4: The following section is added to Chapter 40A of the Massachusetts General
100 Laws:-

101 Section 19. (a) The purpose of this section shall be to promote and incentivize the reuse
102 of vacant commercial parcels and properties for residential and mixed-use housing, by removing
103 barriers to housing development and establishing a streamlined, ministerial approval process for
104 those types of developments.

105 (b) A development proponent may submit an application for a housing development that
106 shall be a use by right and that shall be subject to a streamlined, ministerial review established
107 under section (d) if the proposed residential or mixed-use development satisfies all of the
108 requirements established in section (c).

109 For the purposes of this section, "Vacant commercial parcel" shall mean any parcel of
110 land zoned for commercial or mixed-use that has no legal structures or improvements on it.

111 "Vacant commercial property" shall mean a commercial or mixed-use building that is not
112 currently legally occupied or in which no person(s) or entity conducts a lawfully licensed
113 business.

114 (c) A development project shall be subject to the streamlined, ministerial review process
115 provided by section (d) if the proposed development satisfies all of the following criteria:

116 1. It is located within a vacant property or on a vacant parcel in an area zoned for
117 commercial or mixed-use purposes.

118 2. At least 20% of the residential floor space area is dedicated to units affordable to
119 households earning up to 80% of the area median income as determined annually by the U.S
120 Department of Housing and Urban Development

121 3. The development is a multi-family housing project

122 4. The development meets all applicable state environmental, fire, building health and
123 sanitary codes, historic or wetlands laws, and any other applicable state ordinances or by-laws.

124 5. The residential density for the development either:

125 a. Meets or exceeds the minimum allowable residential density for the existing zoning
126 designation for the parcel if existing zoning allows multifamily residential use; or

127 b. Meets or exceeds the minimum allowable residential density for the nearest zoning
128 district that permits multi-family housing, if the current zone does not allow multi-family
129 residential use

130 6. The development meets the objective zoning standards for the applicable zone
131 established in subsection 5.

132 For the purposes of this section, objective zoning standards shall mean standards that
133 involve no personal or subjective judgment by a public official and are uniformly verifiable by
134 reference to an external and uniform benchmark or criterion available and knowable by both the
135 development applicant or proponent and the public official before submittal. The applicable

136 objective standards shall be those in effect at the time that the development application is
137 submitted to the local government pursuant to this article.

138 No zoning ordinance or by-law may impose minimum automobile parking requirements,
139 maximum density requirements or subjective design standards on a development application
140 submitted pursuant to this section.

141 For the purposes of this section, subjective design standards shall mean standards that can
142 be interpreted multiple ways, such as compatibility with neighboring properties or promoting
143 harmony and balance in the community.

144 (d) If the local government determines that the proposed development meets the criteria
145 established in section (c), it shall approve the project.

146 If the local government determines that the proposed development does not meet the
147 criteria established in section (c), it shall provide the development proponent written
148 documentation of which standard or standards the development conflicts with, and an
149 explanation for the reason or reasons the development conflicts with that standard or standards,
150 within the 60 days. If the local government fails to do so, the project shall be granted automatic
151 approval.

152 Review of the application shall be conducted by the local agency, official, or board
153 responsible for approving or rejecting housing development projects. That review shall be
154 objective and be strictly focused on assessing compliance with the criteria established in section
155 (c), as well as any reasonable objective standards published and adopted by ordinance or
156 resolution by a local jurisdiction, except those prohibited in section (c).

157 A local government may adopt an ordinance to implement the provisions of this article.

158 The Department of Housing and Community Development shall publish guidelines and
159 coordinate with local governments to ensure compliance with the application process established
160 by this law.

161 Section 5: Section 5 of Chapter 40A of the General Laws, as so appearing, is amended by
162 inserting in paragraph 5 the following after "in accordance with section 3 of chapter 40R.":-

163 (5) an inclusionary zoning ordinance or bylaw, that shall not unduly constrain the
164 production of housing in the area impacted by the inclusionary zoning ordinance or bylaw. The
165 Department of Housing and Community Development shall be responsible for developing
166 guidelines to ensure that municipalities do not adopt inclusionary zoning ordinances or bylaws
167 that constrain the production of housing in that community.

168 Section 6: The secretary of housing and economic development, secretary of energy and
169 environmental affairs, the secretary of transportation, and the executive director of the
170 Massachusetts Development Finance Agency shall jointly submit a report to the joint committee
171 on housing identifying greyfields sites across the commonwealth, options for redevelopment or
172 reuse that may include housing, public use or facilities, mixed use development, or natural
173 restoration and open space, and identify programs within the appropriate state and quasi-public
174 agencies that can be used to support communities in repurposing underutilized land.

175 For the purposes of this act, the term "greyfields" may include, but is not limited to, land
176 with development that is outdated, underutilized, failing, or vacant, including commercial,
177 residential, and industrial properties. This term may also include land that is owned by the
178 Commonwealth, its agencies, or its political subdivisions.

179 Section 7: Section 34 of Chapter 7C of the General Laws, as so appearing, are hereby
180 amended by inserting the following paragraph:-

181 (c) Prior to disposition of publicly owned real property of the commonwealth pursuant to
182 chapter 7C, the commissioner of capital asset management and maintenance in coordination with
183 the secretary of the executive office of housing and economic development shall determine
184 whether such real property shall be made available for low or moderate income housing pursuant
185 to this chapter. In making such determination the commissioner and the secretary shall take into
186 account the following factors:

187 (i) existing zoning that limits the siting of low or moderate-income housing in the city or
188 town in which the publicly owned real property is located;

189 (ii) financial or other deterrents to the production of low or moderate-income housing in
190 the city or town in which the real property is located; and

191 (iii) ensuring that real property for disposition under this chapter is fairly made available
192 to all regions of the commonwealth, including gateway municipalities, rural areas and suburban
193 areas.

194 Upon making the determination that publicly owned real property shall be made to
195 available for disposition under this chapter, the commissioner and the secretary shall,
196 notwithstanding chapter 7C or any other law to the contrary, declare the property available for
197 development of low or moderate-income housing in accordance with this chapter.

198 Section 8: Section 13 of chapter 21A, as so appearing, is hereby amended by striking out
199 the first paragraph and inserting in place thereof the following paragraph:-

200 “A board of health may adopt a local on-site sewage disposal systems regulation, only to
201 the extent that it imposes standards or other requirements that are more stringent than or
202 otherwise exceed those set forth in Title 5 of the State Environmental Code, 310 CMR 15.000,
203 and only if, prior to adoption by the board of health, the Department of Environmental Protection
204 shall review and approve any such proposed on-site sewage disposal systems regulation based
205 upon findings that the proposed regulation has a generally recognized scientific basis, is a
206 recommended best practice technique, is necessary to protect unusual local resources that
207 warrant special or enhanced protection, and does not conflict with Title 5 of the State
208 Environmental Code, 310 CMR 15.000.”

HOUSE No. 1379

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas and Kevin G. Honan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote Yes in My Back Yard.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/10/2023</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/20/2023</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/25/2023</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/26/2023</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/26/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>1/30/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/30/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>1/30/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/31/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/31/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/2/2023</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/3/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/3/2023</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/6/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/6/2023</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>2/8/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/9/2023</i>

<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/10/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/21/2023</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>2/23/2023</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>3/14/2023</i>

HOUSE No. 1379

By Representatives Vargas of Haverhill and Honan of Boston, a petition (accompanied by bill, House, No. 1379) of Andres X. Vargas, Kevin G. Honan and others for legislation to increase housing development. Housing.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to promote Yes in My Back Yard.

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: Chapter 23A of the General Laws, as so appearing, is hereby amended by
2 adding the following section:-

3 Section 68. In order to meet the housing needs of the Commonwealth, there is hereby
4 established a statewide goal of producing 427,000 new units of housing in Massachusetts by
5 2040. The housing production goal shall also include a goal of having 85,400 units of housing
6 created by 2040 that are affordable to households earning less than 80% of the Area Median
7 Income, with at least 8,500 of these affordable units for households earning less than 30 percent
8 of the Area Median Income. The housing production goal shall also include a goal of having
9 52,000 units for households earning between 80-120% of the Area Median Income.

10 The secretary of housing and economic development shall report annually to the clerks of
11 the house of representatives and the senate, who shall forward the report to the house of
12 representatives and the senate, the chairs of the joint committee on housing, and the chairs of the

13 senate and house committee on ways and means, on progress made towards meeting these
14 housing production goals. The report shall include a breakdown of market-rate units created;
15 units created that are accessible or adaptable for persons with disabilities; units created for
16 persons over the age of 55; and units created by deed restricted affordable housing available to
17 households earning less than 80% Area Median Income, less than 60% Area Median Income,
18 and less than 30% Area Median Income. The secretary of housing and economic development
19 shall also report annually on the number of residential properties purchased by foreign buyers in
20 Massachusetts. As part of the report, the secretary of housing and economic development shall
21 also include information on short term rentals collected as required by Chapter 337 of the Acts of
22 2018. The secretary of housing and economic development shall also report annually on the
23 number of units, broken down by municipality, on the Subsidized Housing Inventory as
24 maintained by the Department of Housing and Community Development that are income
25 restricted to income eligible households earning 80% or less than the area median income.

26 Section 2: Section 1A of Chapter 40A of the General Laws, as so appearing, is amended
27 by inserting the following definition:

28 "Bus Station" means a building located at the intersection of two or more bus lines,
29 within

30 which services are available to bus passengers; provided that a bus station does not
31 include a shelter or other structure without walls and a foundation.

32 Chapter 40A, of the General Laws, as so appearing, is hereby amended by adding the
33 following section:-

34 Section 18. (a) Any zoning regulations adopted pursuant to Chapter 40A shall allow, as
35 of right and with no minimum parking requirements for dwelling units, mixed-use development
36 or multifamily housing with a minimum gross density of 15 units per acre, subject to any further
37 limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code
38 established pursuant to section 13 of chapter 21A, and be located not more than 0.5 miles from a
39 commuter rail station, subway station, ferry terminal or bus station, if applicable.

40 (b) Any zoning regulations adopted pursuant to Chapter 40A shall allow, as of right and
41 with no minimum parking requirements for dwelling units, multifamily housing with a minimum
42 gross density of 15 units per acre, subject to any further limitations imposed by section 40 of
43 chapter 131 and title 5 of the state environmental code established pursuant to section 13 of
44 chapter 21A, and be located not more than 0.25 miles from an eligible location.

45 (c) Any development permitted pursuant to subsections (a) or (b) which includes ten or
46 more residential units shall set aside a minimum of fifteen percent of the residential units to
47 households earning at or below 80% of the Area Median Income or a minimum of ten percent of
48 the residential units to households earning at or below 50% of the Area Median Income as
49 determined by the U.S. Department of Housing and Urban Development.

50 (d) If a municipality fails to adopt new regulations or amend existing regulations to
51 comply with the provisions of this section by January 1, 2025, any noncompliant existing
52 regulation shall become null and void and such municipality shall approve or deny applications
53 in accordance with the requirements for regulations set forth in the provisions of this section
54 until such municipality adopts or amends a regulation in compliance with this section.

55 (e) A municipality shall not use or impose standards to discourage through unreasonable
56 costs or delays the development of housing described in this section.

57

58 Section 3: Section 1A of chapter 40A of the General Laws, as so appearing, is hereby
59 amended so that the the definition of an accessory dwelling unit is:

60 "Accessory dwelling unit", a self-contained housing unit, inclusive of sleeping, cooking
61 and sanitary facilities, incorporated within the same structure as a primary dwelling unit or in a
62 detached accessory structure that: (i) maintains a separate entrance, either directly from the
63 outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet
64 the requirements of the state building code for safe egress and (ii) is not larger in floor space than
65 $\frac{1}{2}$ the floor space of the primary dwelling unit or 900 square feet, whichever is greater.

66 Section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by
67 inserting after the last paragraph the following paragraphs:

68 No zoning ordinance or by-law shall prohibit or require a special permit for the use of
69 land or structures for an accessory dwelling unit, or the rental thereof, in a residential or mixed-
70 use zoning district.

71 The use of land or structures for an accessory dwelling unit may be subject to reasonable
72 regulations, including but not limited to dimensional setbacks, short-term rentals of accessory
73 dwelling units and the bulk and height of structures. However, a locality may not impose an
74 ordinance that requires any of the following:

- 75 a. Minimum floor space standards greater than is required by state law, as
76 established in the state sanitary code, chapter II
- 77 b. Maximum height standards less than 16 feet high
- 78 c. Rear or side setback standards that exceed what is permitted under the local
79 zoning code for the primary dwelling or what is applicable to the primary dwelling unit if it is a
80 legally existing non-conforming unit
- 81 d. Minimum lot size standards
- 82 e. Discretionary design criteria distinct to ADUs that are not imposed on other
83 residential buildings in that district.
- 84 f. Off-street automobile parking requirements and minimum parking requirements
85 greater than 1 per unit. Parking requirements may be satisfied through tandem driveway parking.
- 86 g. Requirements that the owner of the property reside in either the primary dwelling
87 or the accessory unit.

88 An accessory dwelling unit shall not be considered to exceed the allowable density for
89 the lot upon which it is located.

90 Municipalities must adopt the naming convention and definition of an ADU as
91 established herein.

92 A municipality that does not adopt an ordinance that permits Accessory Dwelling Units
93 as specified in this section shall be subject to the standards established herein. Municipalities are
94 encouraged to adopt less restrictive ordinances.

95 The Department of Housing and Community Development shall create and implement
96 guidelines for which municipal regulations are permissible.

97 Nothing in this paragraph shall authorize an accessory dwelling unit to violate the
98 environmental, building, fire, health or sanitary codes, historic or wetlands laws, or ordinances or
99 by-laws.

100 Section 4: The following section is added to Chapter 40A of the Massachusetts General
101 Laws:-

102 Section 19. (a) The purpose of this section shall be to promote and incentivize the reuse
103 of vacant commercial parcels and properties for residential and mixed-use housing, by removing
104 barriers to housing development and establishing a streamlined, ministerial approval process for
105 those types of developments.

106 (b) A development proponent may submit an application for a housing development that
107 shall be a use by right and that shall be subject to a streamlined, ministerial review established
108 under section (d) if the proposed residential or mixed-use development satisfies all of the
109 requirements established in section (c).

110 For the purposes of this section, "Vacant commercial parcel" shall mean any parcel of
111 land zoned for commercial or mixed-use that has no legal structures or improvements on it.
112 "Vacant commercial property" shall mean a commercial or mixed-use building that is not
113 currently legally occupied or in which no person(s) or entity conducts a lawfully licensed
114 business.

115 (c) A development project shall be subject to the streamlined, ministerial review process
116 provided by section (d) if the proposed development satisfies all of the following criteria:

117 1. It is located within a vacant property or on a vacant parcel in an area zoned for
118 commercial or mixed-use purposes.

119 2. At least 20% of the residential floor space area is dedicated to units affordable to
120 households earning up to 80% of the area median income as determined annually by the U.S
121 Department of Housing and Urban Development

122 3. The development is a multi-family housing project

123 4. The development meets all applicable state environmental, fire, building health
124 and sanitary codes, historic or wetlands laws, and any other applicable state ordinances or by-
125 laws.

126 5. The residential density for the development either:

127 a. Meets or exceeds the minimum allowable residential density for the existing
128 zoning designation for the parcel if existing zoning allows multifamily residential use; or

129 b. Meets or exceeds the minimum allowable residential density for the nearest
130 zoning district that permits multi-family housing, if the current zone does not allow multi-family
131 residential use

132 6. The development meets the objective zoning standards for the applicable zone
133 established in subsection 5.

134 For the purposes of this section, objective zoning standards shall mean standards that
135 involve no personal or subjective judgment by a public official and are uniformly verifiable by
136 reference to an external and uniform benchmark or criterion available and knowable by both the
137 development applicant or proponent and the public official before submittal. The applicable
138 objective standards shall be those in effect at the time that the development application is
139 submitted to the local government pursuant to this article.

140 No zoning ordinance or by-law may impose minimum automobile parking requirements,
141 maximum density requirements or subjective design standards on a development application
142 submitted pursuant to this section.

143 For the purposes of this section, subjective design standards shall mean standards that can
144 be interpreted multiple ways, such as compatibility with neighboring properties or promoting
145 harmony and balance in the community.

146 (d) If the local government determines that the proposed development meets the criteria
147 established in section (c), it shall approve the project.

148 If the local government determines that the proposed development does not meet the
149 criteria established in section (c), it shall provide the development proponent written
150 documentation of which standard or standards the development conflicts with, and an
151 explanation for the reason or reasons the development conflicts with that standard or standards,
152 within the 60 days. If the local government fails to do so, the project shall be granted automatic
153 approval.

154 Review of the application shall be conducted by the local agency, official, or board
155 responsible for approving or rejecting housing development projects. That review shall be

156 objective and be strictly focused on assessing compliance with the criteria established in section
157 (c), as well as any reasonable objective standards published and adopted by ordinance or
158 resolution by a local jurisdiction, except those prohibited in section (c).

159 A local government may adopt an ordinance to implement the provisions of this article.

160 The Department of Housing and Community Development shall publish guidelines and
161 coordinate with local governments to ensure compliance with the application process established
162 by this law.

163 Section 5: Section 5 of Chapter 40A of the General Laws, as so appearing, is amended by
164 inserting in paragraph 5 the following after ""in accordance with section 3 of chapter 40R."":-

165 (5) an inclusionary zoning ordinance or bylaw, that shall not unduly constrain the
166 production of housing in the area impacted by the inclusionary zoning ordinance or bylaw. The
167 Department of Housing and Community Development shall be responsible for developing
168 guidelines to ensure that municipalities do not adopt inclusionary zoning ordinances or bylaws
169 that constrain the production of housing in that community.

170 Section 6: The secretary of housing and economic development, secretary of energy and
171 environmental affairs, the secretary of transportation, and the executive director of the
172 Massachusetts Development Finance Agency shall jointly submit a report to the joint committee
173 on housing identifying greyfields sites across the commonwealth, options for redevelopment or
174 reuse that may include housing, public use or facilities, mixed use development, or natural
175 restoration and open space, and identify programs within the appropriate state and quasi-public
176 agencies that can be used to support communities in repurposing underutilized land.

177 For the purposes of this act, the term greyfields may include, but is not limited to, land
178 with development that is outdated, underutilized, failing, or vacant, including commercial,
179 residential, and industrial properties. This term may also include land that is owned by the
180 commonwealth, its agencies, or its political subdivisions.

181 Section 7: Section 34 of Chapter 7C of the General Laws, as so appearing, are hereby
182 amended by inserting the following paragraph:-

183 (c) Prior to disposition of publicly owned real property of the commonwealth pursuant to
184 chapter 7C, the commissioner of capital asset management and maintenance in coordination with
185 the secretary of the executive office of housing and economic development shall determine
186 whether such real property shall be made available for low or moderate income housing pursuant
187 to this chapter. In making such determination the commissioner and the secretary shall take into
188 account the following factors:

189 (i) existing zoning that limits the siting of low or moderate income housing in the city or
190 town in which the publicly owned real property is located;

191 (ii) financial or other deterrents to the production of low or moderate income housing in
192 the city or town in which the real property is located; and

193 (iii) ensuring that real property for disposition under this chapter is fairly made available
194 to all regions of the commonwealth, including gateway municipalities, rural areas and suburban
195 areas.

196 Upon making the determination that publicly owned real property shall be made to
197 available for disposition under this chapter, the commissioner and the secretary shall,

198 notwithstanding chapter 7C or any other law to the contrary, declare the property available for
199 development of low or moderate income housing in accordance with this chapter.

200 Section 8: Section 13 of chapter 21A, as so appearing, is hereby amended by striking out
201 the first paragraph and inserting in place thereof the following paragraph:-

202 “A board of health may adopt a local on-site sewage disposal systems regulation, only to
203 the extent that it imposes standards or other requirements that are more stringent than or
204 otherwise exceed those set forth in Title 5 of the State Environmental Code, 310 CMR 15.000,
205 and only if, prior to adoption by the board of health, the Department of Environmental Protection
206 shall review and approve any such proposed on-site sewage disposal systems regulation based
207 upon findings that the proposed regulation has a generally recognized scientific basis, is a
208 recommended best practice technique, is necessary to protect unusual local resources that
209 warrant special or enhanced protection, and does not conflict with Title 5 of the State
210 Environmental Code, 310 CMR 15.000.”

SENATE No. 904

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to accessory dwelling units.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/30/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/2/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/2/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/6/2023</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/8/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/11/2023</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/16/2023</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>2/16/2023</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>2/16/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/16/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>3/2/2023</i>

SENATE No. 904

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 904) of Bruce E. Tarr, Sal N. DiDomenico, Michael O. Moore, Hannah Kane and other members of the General Court for legislation relative to accessory dwelling units. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 908 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to accessory dwelling units.

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 appearing in the 2018
2 Official Edition, is hereby amended by inserting after the last paragraph the following 3
3 paragraphs:-

4 No zoning ordinance or by-law shall prohibit or require a special permit for the use of
5 land or structures for an accessory dwelling unit, or the rental thereof, in a single-family
6 residential zoning district on a lot with 5,000 square feet or more or on a lot of sufficient area to
7 meet the requirements of title 5 of the state environmental code established by section 13 of
8 chapter 21A, if applicable; provided, however, that the single-family dwelling or the accessory
9 dwelling unit is occupied by at least 1 person with disabilities or 1 person who is elderly.

10 As used in this section, “accessory dwelling unit” shall mean a self-contained housing
11 unit, inclusive of sleeping, cooking and sanitary facilities, incorporated within the same structure
12 as a single-family dwelling or in a detached accessory structure and that: (i) maintains a separate
13 entrance, either directly from the outside or through an entry hall or corridor shared with the
14 single dwelling; (ii) shall not be sold separately from the single family dwelling; (iii) is not
15 smaller in floor area than 450 square feet; (iv) may include up to two bedrooms; and (v) is not
16 larger in floor area than ½ the floor area of the single family dwelling or 900 square feet,
17 whichever is smaller; “person with disabilities” shall mean a person who has been determined to
18 be disabled (i) in accordance with criteria established by local by-law or ordinance, if any, or (ii)
19 by the Social Security Administration or MassHealth, notwithstanding any local by-law or
20 ordinance; and “elderly” shall mean a person sixty-five years of age or older.

21 The zoning ordinance or by-law may require that the single-family dwelling or the
22 accessory dwelling unit be owner-occupied and may limit the total number of accessory dwelling
23 units in the municipality to a percentage not lower than 5 percent of the total non-seasonal
24 housing units in the municipality. The use of land or structures for an accessory dwelling unit
25 may be subject to reasonable regulations concerning dimensional setbacks and the bulk and
26 height of structures. Not more than 1 additional parking space shall be required for an accessory
27 dwelling unit but, if parking is required for the single family dwelling, that parking shall either
28 be retained or replaced. An accessory dwelling unit allowed under this section is considered
29 owner-occupied upon transfer of title of the single-family dwelling in whole or in part to a trust
30 in which at least 1 beneficiary is a person with disabilities or a person who is elderly; provided,
31 however, that either the single-family dwelling or the accessory dwelling unit remains occupied
32 by that beneficiary. Nothing in this paragraph shall authorize an accessory dwelling unit to

- 33 violate the building, fire, health or sanitary codes, historic or wetlands laws, or ordinances or by-
- 34 laws.

HOUSE No. 1296

The Commonwealth of Massachusetts

PRESENTED BY:

Christine P. Barber

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to accessory dwelling units.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/12/2023</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>1/19/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/20/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/23/2023</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/26/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/27/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/30/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/1/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/8/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/11/2023</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/13/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/15/2023</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>2/15/2023</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>2/16/2023</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/16/2023</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>2/16/2023</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>2/16/2023</i>

<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/16/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/16/2023</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/16/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/21/2023</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>2/21/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/22/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/22/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>2/23/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/23/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/23/2023</i>
<i>Samantha Montaña</i>	<i>15th Suffolk</i>	<i>2/24/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>3/2/2023</i>

HOUSE No. 1296

By Representative Barber of Somerville, a petition (accompanied by bill, House, No. 1296) of Christine P. Barber and others relative to accessory dwelling units. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1370 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to accessory dwelling units.

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 appearing in the 2014
2 Official Edition, is hereby amended by inserting after the last paragraph the following 3
3 paragraphs:-

4 No zoning ordinance or by-law shall prohibit or require a special permit for the use of
5 land or structures for an accessory dwelling unit, or the rental thereof, in a single-family
6 residential zoning district on a lot with 5,000 square feet or more or on a lot of sufficient area to
7 meet the requirements of title 5 of the state environmental code established by section 13 of
8 chapter 21A, if applicable; provided, however, that the single-family dwelling or the accessory
9 dwelling unit is occupied by at least 1 person with disabilities or 1 person who is elderly.

10 As used in this section, “accessory dwelling unit” shall mean a self-contained housing
11 unit, inclusive of sleeping, cooking and sanitary facilities, incorporated within the same structure
12 as a single-family dwelling or in a detached accessory structure and that: (i) maintains a separate
13 entrance, either directly from the outside or through an entry hall or corridor shared with the
14 single dwelling; (ii) shall not be sold separately from the single family dwelling; (iii) is not
15 smaller in floor area than 450 square feet; (iv) may include up to two bedrooms; and (v) is not
16 larger in floor area than ½ the floor area of the single family dwelling or 900 square feet,
17 whichever is smaller; “person with disabilities” shall mean a person who has been determined to
18 be disabled (i) in accordance with criteria established by local by-law or ordinance, if any, or (ii)
19 by the Social Security Administration or MassHealth, notwithstanding any local by-law or
20 ordinance; and “elderly” shall mean a person sixty-five years of age or older.

21 The zoning ordinance or by-law may require that the single-family dwelling or the
22 accessory dwelling unit be owner-occupied and may limit the total number of accessory dwelling
23 units in the municipality to a percentage not lower than 5 percent of the total non-seasonal
24 housing units in the municipality. The use of land or structures for an accessory dwelling unit
25 may be subject to reasonable regulations concerning dimensional setbacks and the bulk and
26 height of structures. Not more than 1 additional parking space shall be required for an accessory
27 dwelling unit but, if parking is required for the single family dwelling, that parking shall either
28 be retained or replaced. An accessory dwelling unit allowed under this section is considered
29 owner-occupied upon transfer of title of the single-family dwelling in whole or in part to a trust
30 in which at least 1 beneficiary is a person with disabilities or a person who is elderly; provided,
31 however, that either the single-family dwelling or the accessory dwelling unit remains occupied
32 by that beneficiary. Nothing in this paragraph shall authorize an accessory dwelling unit to

33 violate the building, fire, health or sanitary codes, historic or wetlands laws, or ordinances or by-
34 laws.

Annie Schindler

From: Stephen David <stephen@sdavidlaw.com>
Sent: Thursday, July 18, 2024 5:30 PM
To: Annie Schindler; Samuel Joslin
Cc: Meredith Buckley
Subject: 929-931 Salem Street Groveland

Dear Annie and Sam,

I thought I would give you a preview of the work coming up. I met with Angelo, Comm Tank and Wildco pes the Canopy provider. We will begin install the steel beams when all steel has arrived by next week. On Monday we are starting construction of the footings for the canopy. All material for the completion of the top of the Vault should be present at the end of this month. We will beging tying rebar and should be done by August 9th. We will install and weld plates and should be done by august 16th.and pour the week of August 19th .

Canopy construction and the drilling and installation of conduits for the pumps and canopy will be on going during august.

Keep you posted.

Enjoy the rest of the summer.

Law offices of Stephen T. David, P.C.
601 High Street, Suite 101
Dedham, MA 02026
P: 781-461-1060 F: 781-461-0286

PLANNING BOARD FALL MEETING SCHEDULE

The following dates are the first and third Tuesday of the next couple of months. A Definitive Subdivision application was just submitted, so ensuring we have quorums will be important moving forward.

August 20th

September 3rd

September 17th

October 1st

October 15th