

**SENATE . . . . . No. 1024**

---

**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 to streamline zoning appeals.

PETITION OF:

NAME:

*Bruce E. Tarr*

DISTRICT/ADDRESS:

*First Essex and Middlesex*

**SENATE . . . . . No. 1024**

---

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1024) of Bruce E. Tarr for legislation to streamline zoning appeals. The Judiciary.

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act to streamline zoning appeals.

*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 17 of Chapter 40A of the General Laws, as appearing in the most  
2 recent edition, is hereby amended by striking the words “all members of” in the first sentence of  
3 the first paragraph.

4           SECTION 2. Said Section 17 of Chapter 40A of the General Laws is hereby further  
5 amended by striking the word, “members” in the second sentence of the first paragraph and  
6 inserting in place thereof the word “clerk”.

7           SECTION 3. Said Section 17 of Chapter 40A of the General Laws is hereby further  
8 amended by inserting the following at the end of the second paragraph, “Other persons may be  
9 permitted to intervene, upon motion, provided that no person may join in the filing of an appeal  
10 under this section outside the twenty-day appeal period provided herein.”

11 SECTION 4. Said Section 17 of Chapter 40A of the General Laws is hereby further  
12 amended by inserting a new third paragraph before the paragraph that begins with “The clerk of  
13 the court shall...” as follows:

14 Within thirty (30) days of the filing of a complaint, each plaintiff other than the project  
15 proponent shall submit to the court a statement with supporting affidavits of the basis for each  
16 plaintiff’s claim of aggrievement. Upon receipt of each plaintiff’s statement of standing, any  
17 defendant may, within thirty (30) days, submit a response and supporting affidavits. The court  
18 shall hold a hearing, either evidentiary or non-evidentiary, within ninety (90) days of the filing of  
19 the complaint, and shall determine whether each plaintiff has individually proven standing as a  
20 person aggrieved, by a preponderance of the evidence, with no benefit of any presumption. The  
21 court shall dismiss any plaintiff who fails to meet its burden.

22 SECTION 5. Said Section 17 of Chapter 40A of the General Laws is hereby further  
23 amended by striking the second sentence of the paragraph that begins with “The clerk of the  
24 court shall...” in its entirety and inserting in place thereof the following:

25 If there are remaining plaintiffs found to have standing as persons aggrieved, the court  
26 shall then hear all evidence pertinent to the authority of the board or special permit granting  
27 authority and determine the facts, and, upon the facts as so determined, annul such decision if  
28 found to exceed the authority of such board or special permit granting authority or make such  
29 other decree as justice and equity may require.

30 SECTION 6. Section 11 of Chapter 665 of the Acts of 1956, as appearing in the most  
31 recent edition, is hereby amended by inserting after the first sentence, the following sentence,

32 “Other persons may be permitted to intervene, upon motion, provided that no person may join in  
33 the filing of an appeal under this section outside the twenty day appeal period provided herein.”

34 SECTION 7. Said Section 11 of Chapter 665 of the Acts of 1956 is hereby further  
35 amended by inserting the following after the words “fifty thousand square feet of space” in the  
36 first paragraph:

37 Within thirty (30) days of the filing of a complaint, each plaintiff other than the project  
38 proponent shall submit to the court a statement with supporting affidavits of the basis for each  
39 plaintiff’s claim of aggrievement. Upon receipt of each plaintiff’s statement of standing, any  
40 defendant may, within thirty (30) days, submit a response and supporting affidavits. The court  
41 shall hold a hearing, either evidentiary or non-evidentiary, within ninety (90) days of the filing of  
42 the complaint, and shall determine whether each plaintiff has individually proven standing as a  
43 person aggrieved, by a preponderance of the evidence, with no benefit of any presumption. The  
44 court shall dismiss any plaintiff who fails to meet its burden.

45 SECTION 8. Said Section 11 of Chapter 665 of the Acts of 1956 is hereby further  
46 amended in the first paragraph by striking the words “the court shall” in the sentence that begins  
47 with “Upon an appeal” and inserting in its place thereof the following: “and if there are  
48 remaining plaintiffs found to have standing as persons aggrieved, the court shall then”