

# HOUSE . . . . . No. 1251

By Mr. Hynes of Marshfield, petition of Frank M. Hynes and Garrett J. Bradley relative to low and moderate income housing. Housing.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT AMENDING THE DEFINITION OF 'UNECONOMIC' IN CHAPTER 40B, SO CALLED.

*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. The definition of “Uneconomic” in section 20 of  
2 chapter 40B of the General Laws, as appearing in the 2000 Official  
3 Edition, is hereby amended by adding the following sentence:—  
4 Notwithstanding the foregoing, no condition or regulation imposed  
5 by a board of zoning appeals shall be deemed to render a low or  
6 moderate income housing project uneconomic if such condition or  
7 regulation: (1) in the opinion of the zoning board of appeals,  
8 imposes reasonable limitations concerning the bulk and height of  
9 structures, yard sizes, lot areas, setbacks, open space, parking and  
10 building coverage; and (2) in the opinion of the zoning board of  
11 appeals, operates to prevent the development of a parcel that is  
12 physically or environmentally unsuitable for the density of develop-  
13 ment proposed.

1 SECTION 2. Said section 20 of said chapter 40B, as so  
2 appearing, is hereby further amended by inserting after the word  
3 “needs” in line 43 the following:— or (3) in the imposition of such  
4 rules or regulations, as may be varied in whole or in part, in the  
5 opinion of the zoning board of appeals, reasonably balances the  
6 regional need for low or moderate income housing with a municipal-  
7 ity’s reasonable limitations concerning the bulk and height of  
8 structures, yard sizes, lot areas, setbacks, open space, parking and  
9 building coverage; or (4) operates to prevent the development of a

10 parcel that is, in the opinion of the zoning board of appeals, physi-  
11 cally or environmentally unsuitable for the density of development  
12 proposed.

1 SECTION 3. Section 23 of said chapter 40B, as so appearing, is  
2 hereby amended by adding the following paragraph:—

3 No decision by a board of appeals to deny a comprehensive  
4 permit shall be vacated, nor shall a decision by a board of appeals to  
5 approve a comprehensive permit with conditions and requirements  
6 imposed be ordered modified, where said board of appeals includes  
7 as a basis for its decision the need to deny or condition said compre-  
8 hensive permit due to factors relating to the bulk and height of  
9 structures, yard sizes, lot areas, setbacks, open space, parking and  
10 building coverage or environmental suitability of the parcel or  
11 overall density of the proposed project.