

HOUSE No. 3647

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 passage of the accompanying bill:

permit extension act of 2009.

PETITION OF:

NAME:

Michael J. Rodrigues

DISTRICT/ADDRESS:

8th Bristol

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

PERMIT EXTENSION ACT OF 2009.

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 General Laws are hereby amended by inserting after Chapter 43D the
2 following new Chapter 43E:-

CHAPTER 43E

Permit Extension Act of 2009.

5 Section 1. This Act shall be known and may be cited as the “Permit Extension Act of 2009.”

6 Section 2. Definitions.

7 “Approval” means, except as otherwise provided in section 3 of this Act, any permit, order,
8 certificate, license, certification, permission, determination, interpretation, exemption, variance, waiver,
9 building permit, or other approval or determination of rights from any municipal, regional or state
10 governmental entity, including any agency, department, commission, or other instrumentality thereof,
11 concerning the use or development of real property, including without limitation permits, orders,
12 certificates, licenses, certifications, permissions, determinations, interpretations, exemptions, variances,
13 waivers, building permits, or other approvals or determination of rights arising under or based on or
14 relating to chapter 21, chapter 21A, chapter 21D, sections 61 to 62H, inclusive, of chapter 30, chapters
15 30A, 40A to 40C, inclusive, 40R, 41, 43D, section 21 of chapter 81, chapters 91, 131, 131A, sections 4
16 and 5 of chapter 249, chapter 258, or chapter 665 of the acts of 1956; or any local bylaw or ordinance.
17 Approval shall also mean the subdivision zoning freeze provisions of section 6 of chapter 40A.

18 “Development” means the division of a parcel of land into two or more parcels, the construction,
19 reconstruction, conversion, structural alteration, relocation or enlargement of any building or other
20 structure or facility, or of any grading, soil removal or relocation, excavation or landfill or any use or
21 change in the use of any building or other structure or land or extension of the use of land.

22 “Tolling Period” means the period beginning January 1, 2008 and continuing through January 1,
23 2010.

24 Section 3. Suspension of Permit Term.

25 a. For any Approval in effect or existence during the Tolling Period, in addition to the lawful term
26 of the Permit, said Approval shall be extended for a period of two years.

27 b. Nothing in this Act shall be deemed to extend or purport to extend:

28 1. any permit or approval issued by the government of the United States or any agency or
29 instrumentality thereof, or to any permit or approval by whatever authority issued of which the
30 duration of effect or the date or terms of its expiration are specified or determined by or pursuant to
31 law or regulation of the federal government or any of its agencies or instrumentalities.

32 2. any administrative consent order issued by the Massachusetts Department of
33 Environmental Protection in effect or issued during the extension period.

34 c. Nothing in this Act shall affect the ability of the Massachusetts Department of Environmental
35 Protection to revoke or modify a specific permit or approval, or extension thereof pursuant to this Act,
36 when that specific permit or approval contains language authorizing the modification or revocation of the
37 permit or approval by the department.

38 d. In the event that any Approval tolled pursuant to this Act is based upon the connection to a
39 sanitary sewer system, the Approval's extension shall be contingent upon the availability of sufficient
40 capacity, on the part of the treatment facility, to accommodate the development whose approval has been
41 extended. If sufficient capacity is not available, those permit holders whose approvals have been
42 extended shall have priority with regard to the further allocation of gallonage over those approval holders
43 who have not received approval of a hookup prior to the date of enactment of this Act. Priority regarding
44 the distribution of further gallonage to any permit holder who has received the extension of an approval
45 pursuant to this Act shall be allocated in order of the granting of the original approval of the connection.

46 e. Nothing in this Act shall be construed or implemented in such a way as to modify any requirement
47 of law that is necessary to retain federal delegation to, or assumption by, the State of the authority to
48 implement a federal law or program.

49 Section 4. Effective Date.

50 This Act shall take effect immediately.