

SENATE NO. 158



AN ACT RELATIVE TO PROTECTION OF PARKWAYS AND BOULEVARDS

*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.

2 Chapter 92 of the General Laws, as amended by chapter 26 of the Acts of 2003, is hereby
3 amended by inserting after section 37 the following section: -

4 Section 37A. When used in this section, the following words shall, unless the context otherwise
5 requires, have the following meaning:

6 “Commercial purpose,” property used or held for use for business purposes including but not
7 limited to any commercial, business, retail, trade, service recreational, agricultural, artistic,
8 sporting, fraternal, governmental, educational, medical or religious enterprise, for non-profit
9 purposes.

10 “Industrial purpose,” property used or held for use for manufacturing, milling, converting,
11 producing, processing or fabricating materials; the extraction or processing of materials
12 unserviceable in their natural state to create commercial products or materials; the mechanical,
13 chemical or electronic transformation of property into new products and any use that is
14 incidental to or an integral part of such use, whether for profit or non-profit purposes; and
15 property used or held for uses for the storage, transmitting and generating of utilities regulated
16 by the department of telecommunications and energy.

17 “Sign,” any structure, device, light, letter, word, model, banner, pennant, insignia, trade flag, or
18 representation which is designed to be seen from outside a building and which advertises or
19 announces a use conducted or goods, products, services or facilities available, but excluding
20 electric signs in windows or doors, window displays of merchandise and signs incidental to the
21 display of merchandise.

22 No land abutting a boulevard or parkway under the division’s care and control shall be used for
23 a commercial or industrial purpose unless the commissioner, in consultation with the director,
24 and after public notice and hearing, has granted the applicant for such use a special permit. The
25 commissioner shall grant such special permit only if he finds that all of the following conditions
26 are met: (a) there will be no significant adverse effect on traffic and parking on such boulevards
27 or parkways and adjacent streets; (b) landscaping treatment will be provided that ensures that
28 the natural and aesthetic quality of the boulevard or parkway and the surrounding neighborhood
29 will be maintained; and (c) the applicant will provide that the design of all structures is
30 compatible with the surrounding neighborhood. The commissioner may grant the permit

31 subject to such reasonable terms and conditions that are related to traffic and parking,
32 landscaping, and design as provided above.

33 No sign shall be displayed or erected on land abutting a boulevard or parkway under the
34 division's care and control unless the commissioner, in consultation with the director, and after
35 public notice and hearing, has granted the applicant for such use a special permit. The
36 commissioner shall grant such special permit only if he finds that the following conditions are
37 met: (a) landscaping treatment will be provided that ensures that the natural and aesthetic
38 quality of the boulevard or parkway and the surrounding neighborhood will be maintained; and
39 (b) the applicant will provide that the design of all structures is compatible with the surrounding
40 neighborhood. The commissioner may grant the permit subject to such reasonable terms and
41 conditions that are related to landscaping and design as provided above.”

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

The undersigned, citizen of _____, respectfully petitions for the passage of the accompanying bill and for legislation.

RELATIVE TO PROTECTION OF PARKWAYS AND BOULEVARDS

Marian Walsh(M W0)	Suffolk and Norfolk
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