



COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON, 02133 - 725 1212

SEN. JOSEPH F. TIMILTY
NORFOLK AND SUFFOLK
DISTRICT

COMMITTEES:
URBAN AFFAIRS (CHAIRMAN)
EDUCATION

M E M O R A N D U M

TO: Members - City Council
FROM: Senator Joseph F. Timilty
RE: H 5600 - The Zoning Act revision

In H5600, the Joint Committee on Urban Affairs has proposed to establish guidelines for local land use, zoning and planning, which your community may adopt - guidelines to encourage effective, efficient and constitutional land use policies at the local level.

We disagree with the Arlington Senator when he claims that this bill "cuts off" your community's ability to plan its future - we claim it reinforces your opportunities and encourages your officials to utilize innovative measures.

Those of you who have read H5600 and discussed it with the League of Cities and Towns, the Massachusetts Selectmen's Association, the Federation of Planning Boards, the League of Women Voters, Regional Planning Councils and the Planning Directors and Officials of Massachusetts know that they have had considerable input into this bill and are supporting it. Such organizations DO NOT support anti-home measures!

House 5600 is drafted in permissive rather than mandatory language. It says, again and again, that cities and towns MAY do things, rather than shall. Occasionally it says "shall", but usually in the context of procedures which should be followed IF you decide on a course of action. The bill encourages you to use your zoning powers, guaranteed under the Home Rule amendment, rather than telling you things you can't do.

Here are a few examples:

- You may consider things like "open space, conservation of natural resources, prevention of blight, housing for persons of all income levels, water supply, in zoning, but are not limited to these purposes.
- You may, but are not required, to provide for development bonuses, cluster PUD, in return for amenities benefiting the community agreed to by the developer.
- You may provide for a Zoning Administrator if you choose.



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COMMONWEALTH OF MASSACHUSETTS
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- You may decide by local ordinance, to allow planning boards to grant some Special Permits: ZBA's, Selectmen, Council, or others may also grant these.

House 5600 corrects many technical defects and ambiguities in Chapter 40A which has not been revised for almost 20 years. It has been carefully drafted by competent lawyers, balanced judiciously to meet requirements of competing interests and written so as to reinforce the Home Rule Amendment and existing case law on zoning matters.

Members and Staff of the Committee stand ready to discuss this bill with you.

Any questions or comments may be referred to Christopher Lane at 727-2215.

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Comm. from Senator Joseph F. Timilty re:
H 5600 The Zoning Act Revision.

In City Council,

April 28, 1975

*Referred to the
Planning Board
for Report-*

*Copy sent to Planning
Board 4/30/75 dl*