HOUSE . . . . No. 1868

The Commonwealth of Massachusetts

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PRESENTED BY:

William M. Straus

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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 promoting smart growth via cluster development.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
William M. Straus	*10th Bristol*

HOUSE . . . . No. 1868

By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 1868) of William M. Straus for legislation to promote smart growth by requiring that cluster developments be allowed in residential zoning districts. Municipalities and Regional Government.

The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court
(2015-2016)

_____

An Act promoting smart growth via cluster development.

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 9 of chapter 40A, as so appearing, is hereby amended by striking

2 out, in the fifth paragraph, the words "cluster developments or".

3   SECTION 2.   Section 9 of chapter 40A, as so appearing, is hereby amended by striking

4 out the sixth paragraph and inserting in place thereof the following paragraph:-

5   Notwithstanding any provision of this section to the contrary, zoning ordinances or by-

6 laws shall provide that cluster developments shall be permitted by right in residential zoning

7 districts at the density permitted in the zoning district in which the property is located upon

8 review and approval by a planning board pursuant to the applicable provisions of sections 81K to

9 81GG, inclusive, of chapter 41 and in accordance with its rules and regulations governing

10 subdivision control. Zoning ordinances and by-laws shall not require the submission of a plan

11 showing a standard subdivision complying with the otherwise applicable requirements of the

12 ordinance or by-laws as a condition precedent to the approval of a cluster development plan.