

HOUSE No. 2068

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan

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 relative to abutter appeals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/20/2023</i>

HOUSE No. 2068

By Representative Honan of Boston, a petition (accompanied by bill, House, No. 2068) of Kevin G. Honan relative to abutter appeals. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to abutter appeals.

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 17 of chapter 40A of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the second paragraph the following
3 paragraph:-

4 Other than an applicant challenging conditions imposed on a permit, a party appealing the
5 grant of zoning relief or denial of zoning enforcement has the burden of establishing that they are
6 aggrieved by the decision appealed. Parties in interest as defined in section eleven shall not be
7 aggrieved solely by virtue of their status as abutters or abutters to abutters within three hundred
8 feet. Any appeal of a grant of zoning relief or denial of zoning enforcement by a person other
9 than an applicant challenging conditions imposed on a permit shall be dismissed unless within
10 sixty days following the filing of appeal pursuant to this section the plaintiff files an affidavit
11 setting forth with particularity the specific harm to the plaintiff's property interest alleged as a
12 result of the decision appealed from and identifying persons with knowledge of said harm and
13 documents that support the allegations made in the complaint or described in the affidavit. In the

14 event that a plaintiff identifies harm from traffic, drainage or other impacts of a technical nature,
15 the filing referenced in the preceding sentence must include the affidavit of an expert qualified
16 by training, certification and education to testify as to impact of the alleged harm on the
17 plaintiff's property interest.