

SENATE No. 00841

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:

An Act relative to standing to file certain appeals in the superior or land court..

PETITION OF:

NAME:

Michael J. Rodrigues

DISTRICT/ADDRESS:

First Bristol and Plymouth

SENATE No. 00841

By Mr. Rodrigues, petition (accompanied by bill, Senate, No. 841) of Rodrigues for legislation relative to certain appeals in the Superior Court and the Land Court [Joint Committee on the Judiciary].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1695 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to standing to file certain appeals in the superior or land court..

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 2008
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 thirty 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 section must include the affidavit of an engineer or other
16 expert qualified by training, certification and education to testify as to impact of the alleged harm
17 on the plaintiff's property interest.