

SENATE No.

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Tarr, Bruce (SEN)

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 establishing a linkage exaction program in the city of Gloucester

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Tarr, Bruce (SEN)	First Essex and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING A LINKAGE EXACTION PROGRAM IN THE CITY OF GLOUCESTER.

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. Purpose and Findings - Whereas, the City of Gloucester seeks to foster
2 responsible development consistent with the needs of the community and in the context of sound
3 planning and adequate and sustainable municipal infrastructure, therefore it is deemed necessary
4 to develop and implement a program by which private projects are evaluated to determine their
5 impacts on public infrastructure and required to address those impacts financially in addition to
6 any and all other conditions upon which approval may be predicated.

7

8 SECTION 2. Establishment of a Linkage Exaction Ordinance - (A) The city council of the city
9 of Gloucester may, by ordinance, require the payment of a linkage exaction as a condition of
10 approval of a development impact project plan, as defined by the ordinance, for any future
11 development within the jurisdiction of this act. The linkage exaction shall only be imposed on
12 the construction, enlarging, expansion, substantial rehabilitation, or change of use of non-
13 residential and residential projects that require some form of zoning relief or exceed a threshold

14 which shall be established by the city council. The linkage ordinance shall be used solely for the
15 purposes of defraying the costs of capital improvements provided by the city caused by and
16 necessary to support future development such as, but not limited to the following: capital
17 improvements to school facilities, public facilities, roads, sewers, water supply lines, affordable
18 housing, child care facilities, job training facilities, public safety service and facilities, and parks,
19 playgrounds and other recreational facilities.

20

21 (B) The linkage exaction ordinance may be enacted if the following criteria are met:

22

23 (1) A rational nexus shall be established that shows the relationship between the creation of new
24 residential dwelling units, and office, commercial and industrial structures and their impact on
25 the following services including, but not limited to, school facilities, public facilities, roads,
26 sewers, water supply lines, affordable housing, child care facilities, job training facilities, public
27 safety facilities, and parks, playgrounds and other recreational facilities.

28

29 (2) The city shall develop and prepare a study for any project for which a linkage exaction fee is
30 levied that examines the proposed project and projects the cost of capital improvements
31 necessary to accommodate said project. Any exaction which may be established pursuant with
32 this act shall be set in accordance with the methodology set forth in the study.

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34 (3) The exaction shall be established on the basis of the cost projections in the capital
35 improvement plans and study as described in clause (2) of subsection B of section two and the

36 expected level of allowed development pursuant to the city's zoning ordinance, as it may be
37 amended.

38

39 (4) The city shall have the authority to create distinct and separate revolving trust accounts for
40 each linkage ordinance enacted by the city for the services delineated in clause (1) of subsection
41 B of section two for necessary improvements resulting from future development. No exaction
42 shall be paid to the city's general treasury or used as general revenues subject to the provisions of
43 section fifty-three of chapter forty-four of the General Laws.

44

45 (5) The level of any exaction shall be reviewed at least every three years and reset as required
46 based upon the recommendation of the office of community development and the mayor of said
47 city.

48

49 (6) Any funds not expended or encumbered by the end of the calendar quarter immediately
50 following six years from the date the linkage fee was paid shall, upon application of the applicant
51 or his assigns, be returned to such landowner with interest from the fee's deposit in an interest
52 bearing account, provided that the applicant or his assigns submits an application for a refund to
53 the office of community development within one hundred and eighty days of the expiration of
54 the six year period.

55

56 SECTION 3. This act shall take effect upon its passage.