

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Walsh, Marian (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 relative to protection of parkways and boulevards.

PETITION OF:

NAME:

Walsh, Marian (SEN)

DISTRICT/ADDRESS:

Suffolk and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00158 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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AN ACT RELATIVE TO PROTECTION OF PARKWAYS AND BOULEVARDS.

*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.

2           Chapter 92 of the General Laws, as amended by chapter 26 of the Acts of 2003, is hereby  
3           amended by inserting after section 37 the following section: -

4           Section 37A. When used in this section, the following words shall, unless the context otherwise  
5           requires, have the following meaning:

6           “Commercial purpose,” property used or held for use for business purposes including but not  
7           limited to any commercial, business, retail, trade, service recreational, agricultural, artistic,  
8           sporting, fraternal, governmental, educational, medical or religious enterprise, for non-profit  
9           purposes.

10 “Industrial purpose,” property used or held for use for manufacturing, milling, converting,  
11 producing, processing or fabricating materials; the extraction or processing of materials  
12 unserviceable in their natural state to create commercial products or materials; the mechanical,  
13 chemical or electronic transformation of property into new products and any use that is incidental  
14 to or an integral part of such use, whether for profit or non-profit purposes; and property used or  
15 held for uses for the storage, transmitting and generating of utilities regulated by the department  
16 of telecommunications and energy.

17 “Sign,” any structure, device, light, letter, word, model, banner, pennant, insignia, trade flag, or  
18 representation which is designed to be seen from outside a building and which advertises or  
19 announces a use conducted or goods, products, services or facilities available, but excluding  
20 electric signs in windows or doors, window displays of merchandise and signs incidental to the  
21 display of merchandise.

22 No land abutting a boulevard or parkway under the division’s care and control shall be used for a  
23 commercial or industrial purpose unless the commissioner, in consultation with the director, and  
24 after public notice and hearing, has granted the applicant for such use a special permit. The  
25 commissioner shall grant such special permit only if he finds that all of the following conditions  
26 are met: (a) there will be no significant adverse effect on traffic and parking on such boulevards  
27 or parkways and adjacent streets; (b) landscaping treatment will be provided that ensures that the  
28 natural and aesthetic quality of the boulevard or parkway and the surrounding neighborhood will  
29 be maintained; and (c) the applicant will provide that the design of all structures is compatible  
30 with the surrounding neighborhood. The commissioner may grant the permit subject to such

31 reasonable terms and conditions that are related to traffic and parking, landscaping, and design as  
32 provided above.

33 No sign shall be displayed or erected on land abutting a boulevard or parkway under the  
34 division's care and control unless the commissioner, in consultation with the director, and after  
35 public notice and hearing, has granted the applicant for such use a special permit. The  
36 commissioner shall grant such special permit only if he finds that the following conditions are  
37 met: (a) landscaping treatment will be provided that ensures that the natural and aesthetic quality  
38 of the boulevard or parkway and the surrounding neighborhood will be maintained; and (b) the  
39 applicant will provide that the design of all structures is compatible with the surrounding  
40 neighborhood. The commissioner may grant the permit subject to such reasonable terms and  
41 conditions that are related to landscaping and design as provided above.”