

1700 land or structures for an accessory dwelling unit. The executive office of housing and livable
1701 communities may issue guidelines or promulgate regulations to administer this paragraph.

1702 SECTION 9. Section 3A of said chapter 40A is hereby amended by striking out the
1703 words “section 27”, as appearing in section 152 of chapter 7 of the acts of 2023, and inserting in
1704 place thereof the following words:- section 27½.

1705 SECTION 10. Section 6 of said chapter 40A, as appearing in the 2022 Official Edition, is
1706 hereby amended by inserting after the fourth paragraph the following paragraph:-

1707 Adjacent lots under common ownership shall not be treated as a single lot for local
1708 zoning purposes if, at the time of recording or endorsement, the lots: (i) conformed to then
1709 existing requirements of area, frontage, width, yard or depth, where each such lot has not less
1710 than 10,000 square feet of area and 75 feet of frontage; and (ii) are located in a zoning district
1711 that allows for single-family residential use. Any single-family residential structure constructed
1712 on said lot shall not exceed 1,850 square feet of heated living area, shall contain not less than 3
1713 bedrooms and shall not be used as a seasonal home or short-term rental.

1714 SECTION 11. The first paragraph of section 17 of said chapter 40A, as so appearing, is
1715 hereby amended by inserting after the fourth sentence the following sentence:- If the complaint is
1716 filed by someone other than the original applicant, appellant or petitioner, then each plaintiff,
1717 whether or not previously constituting parties in interest for notice purposes, shall also
1718 sufficiently allege and must plausibly demonstrate that measurable injury, which is special and
1719 different to such plaintiff, to a private legal interest that will likely flow from the decision
1720 through credible evidence.

1721 SECTION 12. Said section 17 of said chapter 40A, as so appearing, is hereby further
1722 amended by striking out the third paragraph and inserting in place thereof the following
1723 paragraph:-

1724 The court, in its discretion, may require a plaintiff in an action under this section
1725 appealing a decision to approve a special permit, variance or site plan to post a surety or cash
1726 bond in an amount of not more than \$250,000 to secure the payment of and to indemnify and
1727 reimburse damages and costs and expenses incurred in such an action if the court finds that the
1728 harm to the defendant or to the public interest resulting from delays caused by the appeal
1729 outweighs the financial burden of the surety or cash bond on the plaintiffs. The court shall
1730 consider the relative merits of the appeal and the relative financial means of the plaintiff and the
1731 defendant. Nothing in this section shall require bad faith or malice of a plaintiff for the court to
1732 issue a bond under this section.

1733 SECTION 13. Said section 17 of said chapter 40A, as so appearing, is hereby further
1734 amended by striking out the sixth paragraph and inserting in place thereof the following
1735 paragraph:-

1736 Costs, including reasonable attorneys' fees, in an amount to be fixed by the court may be
1737 allowed against the party appealing from the decision of the board or special permit granting
1738 authority if the court finds that the appellant or appellants acted in bad faith or with malice in
1739 making the appeal to court.

1740 SECTION 14. Said chapter 40A is hereby further amended by adding the following
1741 section:-