

Chap. 434. AN ACT ELIMINATING THE FILING OF AN ESTIMATED INCOME TAX DECLARATION UNDER CERTAIN CONDITIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 62B of the General Laws is hereby amended by adding at the end the following paragraph: —

A declaration of estimated tax need not be filed under this section unless the amount of estimated tax is more than four dollars.

SECTION 2. This act shall apply to declarations required to be filed for taxable years commencing after December thirty-first, nineteen hundred and sixty-three.

Approved May 27, 1963.

Chap. 435. AN ACT AUTHORIZING THE WATER RESOURCES COMMISSION TO ESTABLISH ENCROACHMENT LINES AND FLOOD PLAIN ZONES IN THE DRAINAGE AREAS OF THE SUDBURY AND CONCORD RIVERS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of protecting the health, safety and property of persons in the event of floods, the water resources commission, hereinafter called the commission, is hereby authorized to establish and re-establish in accordance with sound engineering principles encroachment lines in such portions of the drainage areas of the Sudbury and Concord rivers and their tributaries as are subject to seasonal or periodic floodings. The areas within such lines in the direction of the stream shall constitute flood plain zones.

The commission shall not issue any order establishing or re-establishing such lines until after it has held a public hearing thereon in each city and town in which such zones are proposed to be located. The commission shall give notice of the proposed establishment or re-establishment of such lines and the location of such zones and of the public hearing thereon to every owner of record and to every mortgagee of record of property within such proposed lines and zones by personal service or by mail, postage prepaid, directed to his last and usual place of abode, if known, or to his last and usual place of business, if known, and by publication for each of three successive weeks in a newspaper of general circulation in the city or town.

A certified copy of any order establishing or re-establishing such lines and flood plain zones indicating clearly the areas included within such zones, together with maps or plans when necessary, shall (1) be filed by the commission in the office of the secretary of state and in the office of each city or town clerk in the cities and towns within which such flood plain zones are located, and (2) be mailed by the commission forthwith upon such filing, postage prepaid, to each owner of record and mortgagee of record of property within such lines and zones as so established or re-established, directed to his last and usual place of abode, if known, or to his last and usual place of business, if known. Such order shall take effect thirty days after such filing.

SECTION 2. Any person aggrieved by an order of the commission made under authority of this act may within thirty days after the filing of said order as provided in section one appeal to the superior court sitting in equity for the county in which any part of the land affected is located, and said court shall, after a hearing, confirm, alter, amend or

revoke any such order. The service of notice of appeal shall be made by the appellant upon the chairman of the commission, or a person designated by him for the purpose.

Said court shall have jurisdiction in equity to enforce the provisions of this act, and may restrain any violation thereof.

SECTION 3. The commission may alter or amend any lines established under the provisions of section two of chapter forty A of the General Laws by a city or town if it is deemed necessary by the commission to effectuate the purposes of this act.

SECTION 4. After the commission has established the encroachment lines for a particular section of either of said rivers or its tributaries, no obstruction or encroachment shall be placed within the flood plain zone by any person or public body until granted a license to do so by the department of public works under chapter ninety-one of the General Laws. The department of public works, in considering the application for any such license, shall obtain and consider the recommendations of the commission, which shall be notified of the time and place of a hearing on said application by the department of public works.

Approved May 27, 1963.

Chap. 436. AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. Chapter 307 of the acts of 1925 is hereby amended by striking out section 1 and inserting in place thereof the following section: — *Section 1.* The town of Nantucket may supply itself and the inhabitants thereof with water for the extinguishment of fires and for domestic and for other purposes, and may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

SECTION 2. Section 2 of said chapter 307 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The said town, for the purposes aforesaid, is hereby authorized to acquire by purchase or take by eminent domain under chapter seventy-nine of the General Laws the entire water rights, estates, franchises and privileges of any corporation supplying water to its inhabitants and thereby become entitled to all its rights and privileges and subject to all its duties and liabilities; and may lease, or take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook or stream or of any ground water sources by means of driven or other wells or filter galleries, within the town, and the water rights and water sources connected therewith; provided, that the amount of water which may be taken shall from time to time be determined by vote of the town; and also may take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, all lands, rights of way and easements necessary for collecting, storing, purifying and preserving such water and for conveying the same to any part of said district; provided, that no source of water supply and no lands necessary for preserving the quality of the water shall be taken without first obtaining the advice and approval of the department of public health, and that the location of all dams, reservoirs, wells or