

The Commonwealth of Massachusetts

SENATE, May 22, 1961.

The committee on Bills in the Third Reading to which was referred the House Bill granting consent to the acquisition by the United States of land for the Conant Brook flood control reservoir and the so-called Three Rivers channel improvement on the Chicopee River watershed, and authorizing the Water Resources Commission to establish certain flood protection zones (printed in House, No. 3088), reports recommending that the same be amended by substituting therefor a new draft entitled "An Act granting the consent of the commonwealth to the acquisition by the United States of land for the Conant Brook Flood control reservoir and the so-called Three Rivers channel improvement on the Chicopee river watershed, and authorizing the water resources commission to establish certain encroachment lines and flood plain zones" (Senate, No. 675), and that, when so amended, the same will be correctly drawn.

For the committee,

F. X. McCANN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-One.

AN ACT GRANTING THE CONSENT OF THE COMMONWEALTH TO THE ACQUISITION BY THE UNITED STATES OF LAND FOR THE CONANT BROOK FLOOD CONTROL RESERVOIR AND THE SO-CALLED THREE RIVERS CHANNEL IMPROVEMENT ON THE CHICOPEE RIVER WATERSHED, AND AUTHORIZING THE WATER RESOURCES COMMISSION TO ESTABLISH CERTAIN ENCROACHMENT LINES AND FLOOD PLAIN ZONES.

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. Consent is hereby given pursuant to the seven-
2 teenth clause of the eighth section of the first article of the con-
3 stitution of the United States to the acquisition by the United
4 States by purchase, condemnation or otherwise of any tract of
5 land within the commonwealth required for use in connection
6 with the construction, maintenance and operation of the
7 projects authorized by Congress under the flood control acts of
8 June twenty-second, nineteen hundred and thirty-six, June
9 twenty-eighth, nineteen hundred and thirty-eight and Decem-
10 ber twenty-second, nineteen hundred and forty-four, the water
11 supply act of nineteen hundred and fifty-eight and all other
12 acts amendatory thereto for the benefit of navigation, conser-
13 vation and recreation, and the control of destructive flood
14 waters, with respect to the project hereinafter specified; pro-
15 vided, that a suitable plan of the tract of land so acquired has
16 been or shall be filed in the office of the state secretary within
17 one year after the acquisition thereof. The commonwealth
18 shall retain concurrent jurisdiction with the United States in
19 and over any such land to the extent that all civil and criminal
20 processes lawfully issued under authority of the commonwealth
21 may be executed thereon in the same way and manner as if
22 this consent had not been given; and exclusive jurisdiction
23 over any such tract or any part thereof shall revert in the com-

24 monwealth whenever it shall cease to be the property of the
25 United States.

26 The project hereinbefore referred to is: — The Conant brook
27 flood control reservoir and the so-called Three Rivers channel
28 improvement on the Chicopee river watershed.

1 SECTION 2. For the purpose of protecting the health, safety
2 and property of persons in the event of floods, the water
3 resources commission, hereinafter called the commission, is
4 hereby authorized to establish and re-establish in accordance
5 with sound engineering principles encroachment lines within
6 such areas along Conant brook and Chicopee brook in the
7 town of Monson, and along the Chicopee river in the towns
8 of Palmer, Belchertown, Wilbraham and Ludlow and the cities
9 of Springfield and Chicopee and the tributaries of said brooks
10 and river, as are subject to seasonal or periodic floodings. The
11 areas within such lines in the direction of the stream shall
12 constitute flood plain zones.

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

24 A certified copy of any order establishing or re-establishing
25 such lines and flood plain zones indicating clearly the areas
26 included within such zones, together with maps or plans when
27 necessary, shall (1) be filed by the commission in the office
28 of the secretary of state and in the office of each city or town
29 clerk in the cities and town within which such flood plain
30 zones are located, and (2) be mailed by the commission forth-
31 with upon such filing, postage prepaid, to each owner of record
32 and mortgage of record of property within such lines and

33 zones as so established or re-established, directed to his last
34 and usual place of abode, if known, or to his last and usual
35 place of business, if known. Such order shall take effect thirty
36 days after such filing.

1 SECTION 3. Any person aggrieved by an order of the com-
2 mission made under authority of this act may within thirty
3 days after the filing of said order as provided in section two
4 appeal to the superior court sitting in equity for the county
5 in which any part of the land affected is located, and said
6 court shall, after a hearing, confirm, alter, amend or revoke
7 any such order. The service of notice of appeal shall be made
8 by the appellant upon the chairman of the commission, or a
9 person designated by him for the purpose.

10 Said court shall have jurisdiction in equity to enforce the
11 provisions of sections two to five, inclusive, of this act, and
12 may restrain any violation thereof.

1 SECTION 4. The commission may alter any lines estab-
2 lished under the provisions of section two of chapter forty A
3 of the General Laws by a city or town if it is deemed neces-
4 sary by the commission to effectuate the purposes of sections
5 two to five, inclusive, of this act.

1 SECTION 5. After the commission has established the en-
2 croachment lines for a particular section of the said river or
3 its tributaries, no obstruction or encroachment shall be placed
4 within the flood plain zone by any person or public body until
5 granted a license to do so by the department of public works
6 under chapter ninety-one of the General Laws. The depart-
7 ment of public works, in considering the application for any
8 such license, shall obtain and consider the recommendations
9 of the commission, who shall be notified of the time and place
10 of a hearing on said application by the department of public
11 works.