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## Chap. 36

of said department.

Approved May 19, 1992.

### Chapter 36. AN ACT RELATIVE TO THE PROTECTION OF THE METROPOLITAN WATER SUPPLY.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 59 of the General Laws is hereby amended by inserting after section 5G, as appearing in the 1990 Official Edition, the following section:-

Section 5H. The state treasurer, acting for and on behalf of the commonwealth, shall on July first of each year pay to the municipality in which land regulated under section one hundred and seven A of chapter ninety-two is located, and which is not held by the division or by the Authority, the difference between the current assessment for such year and the assessment of such land, not taking into consideration the effect of said section.

**SECTION 2.** Chapter 92 of the General Laws is hereby amended by striking out section 104, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 104. As used in this chapter, the following words, unless the context clearly indicates otherwise, shall have the following meanings:-

"Advisory committee", the watershed system advisory committee for the appropriate watershed system.

"Alteration", draining, dumping, dredging, damming, discharging, excavating, filling or grading; the erection, reconstruction or substantial expansion of any buildings or structures; the driving of pilings; the construction or reconstruction or paving of roads and other ways; the construction or reconstruction of utilities; the changing of run-off characteristics; the intercepting or diverting of ground waters, surface waters, reservoirs, tributaries, or aquifers; the installation or substantial expansion of drainage, sewage and water systems.

"Aquifer", a geological formation, group of formations, or part of a formation in the Wachusett watershed that is capable of yielding a significant amount of water to a well or spring, as determined by reference to maps generated by the Massachusetts geographic information service based on the United States Geological Survey water resource atlases or any other source determined to be more accurate pursuant to subsection (m) of section one hundred and seven A. The land directly overlaying an aquifer shall be deemed to be a part of said aquifer.

"Authority", the Massachusetts Water Resources Authority.

"Bonds", any bonds, notes or other evidences of indebtedness.

"Bordering vegetated wetland", a wet meadow, except meadows used for the

grazing of livestock, marsh, swamp, bog, or other area, hydrologically connected to and bordering on a tributary, reservoir, flood plain, or surface water, which supports at least fifty percent wetland species.

"Commission", the metropolitan district commission.

"Division", the division of watershed management.

"Flood plain", the land adjoining a tributary, reservoir or surface water, which is subject to inundation from a flood having a one percent chance of being equalled or exceeded in any given year, commonly known as the one hundred year flood plain, as determined by reference to the most recent edition of the flood hazard boundary maps issued by the Federal Emergency Management Agency or any other source determined to be more accurate pursuant to subsection (m) of section one hundred and seven A.

"Ground water", water below the land surface in a saturated zone, including perched ground water.

"Hazardous material or waste", any material or waste, in whatever form, which because of its quantity, concentration, corrosivity, flammability, reactivity, toxicity, or infectious, chemical, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Hazardous material or waste shall include those materials listed in section two hundred and sixty-one of title forty of the code of federal regulations, or 310 CMR 40.900 Appendix I.

"Pollutant", any substance, man-made or resulting from human activities, that can alter the biological, chemical, physical, or radiological character of water.

"Quabbin watershed advisory committee", the committee established by section one hundred and fourteen.

"Revenues", charges, reimbursements and other receipts derived by the division from operation of the watershed system and from all other activities or properties of the division including, without limiting the generality of the foregoing, proceeds of grants, gifts, investments, earnings and proceeds of insurance or condemnation.

"Surface water", water in the watersheds, including any lake, spring, impoundment, and pond, as determined by reference to the most recent edition of maps generated by the Massachusetts geographic information service based on the United States Geological Survey one to twenty-five thousand scale quadrangle maps or any other map determined to be more accurate pursuant to subsection (m) of section one hundred and seven A. Surface water shall include the land located thereunder and the banks thereto. Surface water shall exclude all reservoirs, tributaries, aquifers, ground waters, and man-made farm ponds used for irrigation, as well as all so-called great ponds of the commonwealth which do not drain into a tributary or a reservoir.

"Tributary", a body of running water, including, a river, stream, brook and

creek, which moves in a definite channel in the ground due to a hydraulic gradient and which flows ultimately into a reservoir in the watersheds or the Ware river above the Ware river intake, as determined by reference to the most recent edition of maps generated by the Massachusetts geographic information service based on the United States Geological Survey one to twenty-five thousand scale quadrangle maps or any other map determined to be more accurate pursuant to subsection (m) of section one hundred and seven A. A tributary shall include the land over which the water therein runs and the banks thereto.

"Watershed system", (i) all real and personal property interests held by or on behalf of the commonwealth immediately prior to the effective date of this act in and for the metropolitan district commission water system which were part of or appurtenant to the Quabbin watershed, Quabbin reservoir, Ware river watershed, Wachusett watershed, Wachusett reservoir, North and South Sudbury watersheds, Sudbury reservoir, Framingham reservoirs 1, 2 and 3, Blue Hills reservoir, Bear Hill reservoir, Spot Pond reservoir, Fells reservoir, Weston reservoir, Norumbega reservoir, Chestnut Hill reservoir, including land, easements, buildings, structures, all equipment, machinery, vehicles, and appliances, improvements, water rights and rights in source of water supply and (ii) all enlargements and additions to the former metropolitan district commission water system acquired or constructed by the division for the purposes of the watershed system, including land, easements, buildings, structures, equipment, machinery, vehicles, and appliances, improvements, reservoirs, dams, water rights and rights in sources of water supply, but excluding the waterworks system of the Authority.

"Watersheds", the natural basin from within which water drains or in natural course would drain into the Quabbin reservoir, the Wachusett reservoir, or the Ware river upstream of the Ware river intake.

**SECTION 3.** Said chapter 92 is hereby further amended by inserting after section 107, as so appearing, the following section:-

Section 107A. (a) Any alteration, or the generation, storage, disposal, or discharge of pollutants is prohibited within those portions of the watersheds that lie within two hundred feet of the bank of a tributary or surface waters or within four hundred feet of the bank of a reservoir.

(b) (1) The uses and activities set forth in paragraph (2) are prohibited within those portions of the watersheds that lie:

(i) within the area between two hundred and four hundred feet of the bank of a tributary or surface waters;

(ii) within the flood plain of a tributary or waters, including that flood plain;

(iii) within bordering vegetated wetlands that border on tributaries or surface waters, or reservoirs;

(iv) within land that overlays an aquifer with a potential well yield of one hundred gallons per minute or more as determined pursuant to subsection (m); or

(v) within land that overlays an aquifer with a potential well yield of one or more but less than one hundred gallons per minute pursuant to a finding by the division, in consultation with the department of environmental protection, that regulation of said aquifer is necessary for the protection of the quality of the water in the surface waters, aquifers, reservoirs or the tributaries.

(2) The following uses are prohibited within the area regulated by paragraph (1):

(i) the disposal of pollutants from either private or publicly owned sewage treatment facilities;

(ii) the placement of the leaching field of a subsurface waste water disposal system less than four feet above the maximum water table level as measured at the time of annual high water;

(iii) the storage of liquid petroleum products of any kind; provided, however, that an end user of such product, such as a resident in connection with normal residential use or a person responsible for supplying heat to a residence, may store a reasonable volume of such material so long as such storage is in a free standing container inside of a structure, which structure shall include at a minimum a foundation thereof with a poured cement slab floor or a concrete reservoir of sufficient volume to hold one hundred and twenty-five percent of the tank's capacity;

(iv) the treatment, disposal, use, generation, or storage of hazardous material or waste, except a reasonable volume of hazardous material or waste, incidental to normal residential use;

(v) the storage and the disposal of solid waste other than a reasonable volume incidental to normal residential use;

(vi) the outdoor storage of road salt or other deicing chemicals; provided, however, that this section shall not prohibit the outdoor storage of sand, gravel, or materials used in road construction which are not hazardous materials or waste;

(vii) the outdoor storage of fertilizers, herbicides, and pesticides;

(viii) the use or storage of pesticides or herbicides which carry a mobility rating as provided for by the United States environmental protection agency or which have been determined by the commonwealth using environmental protection agency standards to pose a threat or potential threat to ground water;

(ix) the outdoor uncovered storage of manure;

(x) the servicing, washing, or repairing of boats or motor vehicles other than as reasonably incidental to normal residential use;

(xi) the operation of junk and salvage yards;

(xii) the rendering impervious of more than ten percent of any lot or two thousand five hundred square feet, whichever is greater;

(xiii) the excavation of gravel and sand to a depth greater than six feet above the maximum water table, except where incidental to the construction of permitted

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## Chap. 36

structures;

(xiv) the altering of bordering vegetated wetlands;

(xv) any other activity which could degrade the quality of the water in the watersheds as determined by the division after consultation with the department of environmental protection; provided, however, that de-icing may be performed on a roadway under procedures approved by the secretary of environmental affairs.

(c) This section shall not apply to uses, structures or facilities lawfully in existence or for which all applicable municipal, state and federal permits and approvals, other than building permits and permits for septic systems, have been obtained prior to July first, nineteen hundred and ninety-two. This section shall not apply to any reconstruction, extension, or structural change to any structure in lawful existence as of said date; provided, however, that such reconstruction, extension, or structural change (i) does not constitute a substantial change to or enlargement of that lawfully existing structure, and (ii) does not degrade the quality of the water in the watershed.

(d) In addition to and without limiting subsection (a) or subsection (b), the construction of a dwelling on land set forth in subsection (b) which exceeds a density of two bedrooms per acre is prohibited. No use may generate more than two hundred and twenty gallons of sanitary sewage per acre per day. In making such calculations all contiguous real property within the area regulated by said subsection (a) or said subsection (b) owned by the same person shall be used in the aggregate to determine the total acreage for density purposes; provided, however, that said area may be so used for determining area density for only one parcel.

(e) In addition to and without limiting subsection (a), (b) or (d), the construction of any dwelling which exceeds a density of one and one-third bedrooms per acre is prohibited within those portions of the watersheds that overlay aquifers with potential well yields of between one hundred and three hundred gallons per minute as determined pursuant to subsection (m) or land whose regulation has been determined to be necessary for the protection of the quality of the water in the surface waters, aquifers, reservoirs and tributaries pursuant to clause (v) of paragraph (1) of subsection (b). No use may generate more than one hundred and forty-seven gallons of sanitary sewage per acre per day.

(f) In addition to and without limiting subsection (a), (b), (d), or (e), the construction of any dwelling which exceeds a density of one bedroom per acre is prohibited within those portions of the watersheds that overlay aquifers with potential well yields of over three hundred gallons per minute as determined pursuant to subsection (m). No use may generate more than one hundred and ten gallons of sanitary sewage per acre per day.

(g) Nothing in subsection (d), (e) or (f) shall be deemed to limit such

construction if a sewer system exists prior to July first, nineteen hundred and ninety-two to which a direct connection shall be made without expansion of capacity and said connection is used for all sanitary sewage of any dwelling or other structure resulting from said construction.

(h) Nothing in this section shall prevent the construction of one single family dwelling, on any lot existing as such prior to July first, nineteen hundred and ninety-two within the areas regulated by this section. Nothing in this section shall prevent any owner occupied lot existing as such on July first, nineteen hundred and ninety-two from being subdivided into one additional lot. Wherever possible there shall be no alterations within the area regulated by subsection (a).

(i) Subsequent to the issuance of regulations as provided for in this section, any person owning an interest in real property located in a community with land that lies within the watersheds, by written request may submit to the division the determination of a land surveyor registered with the board of registration of professional engineers and of land surveyors as to whether such owner's real property interests are located within areas regulated by this section. The division shall have been deemed to have concurred with said determination unless within sixty days from the submission of said determination the division issues a written notice of denial to the owner. The division shall issue regulations pursuant to section one hundred and eight regarding such submissions and any requirements thereto. All surveys and additional materials or studies required to make a determination, whether or not requested by the division, shall be prepared and delivered at the sole cost of the person desiring the determination.

(j) A tributary or portions thereof may be exempted from the provisions of this section, if after taking into account the rate of flow, slope, soil characteristics, proximity to a reservoir or the Ware river above the Ware river intake, the current level of water quality and the current degree of development, the division, in consultation with the department of environmental protection, determines that such exemption poses no significant risk to the quality of the water.

(k) The division, after consultation with the department of environmental protection, shall issue regulations pursuant to section one hundred and eight for appealing the inclusion of a location in the areas regulated by this section. It shall be the responsibility of the appellant to prove that the location was improperly included. If the appeal is decided in the appellant's favor, a court of competent jurisdiction shall award to appellant reasonable attorney fees, costs and expenses incurred in said action.

(l) The division, in accordance with procedures for notice and a hearing as provided by chapter thirty A, may grant upon appeal or petition with respect to particular uses or structures, and shall grant upon request with respect to crossings of tributaries and bordering vegetated wetlands a variance from the provisions of this section where the division specifically finds that owing to circumstances

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## Chap. 36

relating to the soil conditions, slope, or topography of the land affected by such uses or structures, desirable relief may be granted without substantial detriment to the public good and without impairing the quality of water in the watersheds. The division shall issue regulations pursuant to section one hundred and eight regarding such proceedings. The division may impose reasonable conditions, safeguards and limitations to any variance as it may find desirable in its sole discretion which, based upon such hearing record, are necessary to protect the water in the watersheds. The division shall issue regulations pursuant to section one hundred and eight regarding such proceedings. The division may impose reasonable conditions, safeguards and limitations to any variance as it may find desirable in its sole discretion which, based upon such hearing record are necessary to protect the water in the watersheds. The division shall record and index in the grantor index in the registry of deeds or register in the registry district of the land court for the county or district where the land lies, a notice of said variance, and conditions thereto, which notice shall describe the land by metes and bounds or by reference to a recorded or registered plan showing its boundaries.

(m) The location of tributaries and surface waters shall be determined by reference to maps generated by the Massachusetts geographic information service based on the most recent edition of the United States Geological Survey one to twenty-five thousand scale quadrangle maps. The location of flood plains shall be determined by reference to the most recent edition of the flood hazard boundary maps issued by the director of the Federal Emergency Management Agency. The location and the potential well yield of aquifers shall be determined by reference to maps generated by the Massachusetts geographic information service based on the United States Geological Survey water resource atlases. The division, in consultation with the department of environmental protection, may adopt more accurate maps pursuant to notice and a public hearing as provided in chapter thirty A and shall file such more accurate maps with the clerks of the house of representatives and the senate ninety days prior to such maps taking effect.

(n) The provisions of this section shall not apply to the division in the performance of its responsibilities and duties to protect the quality of the water in the watersheds, or to the Authority in the performance of its responsibilities and duties to maintain, operate and improve the waterworks system. The provisions of this section shall not apply to activities relating to normal maintenance or improvement of land in agricultural use as defined in section forty of chapter one hundred and thirty-one, or regulations promulgated thereunder; provided, however, that such activities do not impair the quality of the water. Nothing in this section shall be construed to limit conversion of land for agricultural use, or preparation of land for agricultural use; provided, however, that such conversion shall be made under a plan approved by the United States Department of Agriculture Soil Conservation Service and the commission in consultation with the

department of food and agriculture. The provisions of this section shall not apply to the maintenance, repair, replacement or reconstruction of public roadways existing as of September first, nineteen hundred and eighty-nine or railroad track and rail bed existing as of September first, nineteen hundred and ninety, including associated drainage systems, that are necessary to preserve or restore the facility's serviceability for the number of travel lanes and uses existing as of September first, nineteen hundred and ninety; provided, however, that in the case of any replacement the design is substantially the functional equivalent of, and is of similar alignments to that which is being replaced; provided, further, that design plans and specifications for said work on roadways, or railroad track and rail beds are provided to the division prior to the work's commencement. The provisions of this section shall not apply to the construction of public highways, railroad track and rail beds and facilities directly related to their operation; and provided, further, that the secretary of environmental affairs has determined that such highway or transportation service construction project requires direct access to or location in the lands set forth in this section to avoid or minimize damages to the environment and that said secretary and the division have determined that said construction does not materially impair the quality of the water in the watershed. The provisions of this section shall not apply to the maintenance, repair or expansion of lawfully located structures or facilities used in the service of the public to provide electric, gas, water, sewer, telephone, telegraph and other telecommunication services; provided, however, that such maintenance, repair or expansion activities, structures, or facilities do not materially impair the quality of water in the watersheds as determined by the division after consultation with the department of environmental protection. The provisions of this section shall not apply to the maintaining, repairing or replacing but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other telecommunication services in bordering vegetated wetlands; provided, however, that such maintenance and repair activities do not materially impair the quality of water in the watersheds. Nothing herein shall limit the ability of a person, municipality, the United States government or the commonwealth to undertake temporary operations to clean up, prevent or mitigate releases of hazardous materials or wastes. The provisions of this section shall not be construed to limit changes in agricultural crops produced. Nothing in this section shall be construed to limit the use of new or existing agricultural technologies that do not degrade the quality of the water in the watersheds more than the present agricultural technologies that such new or existing agricultural technologies replace.

(o) Upon written request by the division, the department of environmental protection shall have the authority, including the authority to render administrative penalties under section sixteen of chapter twenty-one A, to enforce the provisions



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## Chap. 36

of this section for violations thereof.

(p) The duties and obligations imposed by this chapter shall be in addition to all other duties and obligations imposed by any other general or special law or regulation.

(q) The division shall hold in at least one-half of the communities in the affected watersheds an informational public hearing, giving notice thereof at least thirty days prior thereto by advertisement in newspapers of general circulation in each such community and by written notification to the boards of selectmen, city councils, or town councils, whichever is appropriate, in each such community. The division, at the time of such hearing, shall make available maps showing the areas affected by this section and shall explain the provisions of this section and the impact this section will have on the affected communities and landowners therein.

(r) Nothing in this section shall impede or prevent the construction of a new municipal sewer system or new municipal water system if the division determines that water quality will not be adversely impacted from said construction and provided that such new systems comply with all existing regulations and standards applicable to water pollution abatement projects.

**SECTION 4.** Section 108 of said chapter 92, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following five sentences:-

The division after consultation with the department of environmental protection, shall make rules and regulations by July first, nineteen hundred and ninety-two and from time to time thereafter for the protection of the watersheds. The regulations shall include provisions that require notice to the department and the division of applications for variances for uses or structures that affect the watersheds. Notice of hearings on the proposed regulations shall be sent to the chief executive officer of all cities and towns within the watersheds and any other cities and towns affected by such regulations. The division shall file copies of the regulations promulgated in accordance with this section with the clerk of the house of representatives and the clerk of the senate and send copies to the chief executive officer of all the cities and towns within the watersheds and any other cities and towns affected by such regulations. The regulations shall not take effect until sixty days have elapsed from the time of said filing.

**SECTION 5.** The department of environmental protection shall amend its regulations on sewer system extension and connection permits to further protect the watersheds by July first, nineteen hundred and ninety-two. Such regulations shall, at a minimum, provide for enhanced design standards to minimize the potential of pollutants or groundwater infiltration within the watersheds.

**SECTION 6.** Notwithstanding the provisions of section three of chapter five hundred and sixty-four of the acts of nineteen hundred and eighty-seven in administering the program authorized under said section three, the division of

watershed management within the metropolitan district commission is hereby authorized to expend all funds remaining unexpended under said section three on July first, nineteen hundred and ninety-two for the acquisition of development rights or other interests in land, in areas regulated by sections one to eleven, inclusive, of this act; provided, however, that no more than eight million dollars may be expended, in the aggregate, annually, pursuant to this section and section twelve; and provided, further, that said expenditures shall be consistent with procedures and priorities adopted by said division or said commission relative to factors which may affect land in which such interests may be acquired, such factors to include, but not be limited to, the following; *(i)* threat from development activities that endanger water supply water quality; *(ii)* vulnerability to contributing to water resources degradation, whether by reason of proximity to water supply intake structures, proximity to surface water bodies, or degree of slope as related to soil erosion and flooding, soil conditions, and runoff rates; *(iii)* protection of rare and endangered plant or animal species habitat; *(iv)* protection of habitat for diverse species of fish, wildlife and wild plants; *(v)* immediate proximity to property now owned by the commonwealth for the purpose of said division or said commission; *(vi)* location as part of continuous corridors between public or private conservation lands; and *(vii)* loss of market value by reason of the restrictions contained in this act. In addition, notwithstanding the provisions of section twenty-seven of chapter five hundred and sixty-four of the acts of nineteen hundred and eighty-seven, the department of environmental protection in administering section twenty-seven, shall expend a sum not to exceed four million dollars for the protection of the Salem Beverly water supply. For all purposes of other general and special laws debt service on bonds issued for extending the watershed of the metropolitan district commission's division of watershed management shall be deemed debt service of the division, and such extensions by said division made pursuant to this section shall be considered a capital improvement for the purposes of section one hundred and thirteen of chapter ninety-two of the General Laws.

**SECTION 7.** Any municipality located in whole or part in the natural basin from within which water drains or would drain into the Quabbin reservoir, the Wachusett reservoir or the Ware river upstream of the Ware river intake, which receives approval from the department of environmental protection for a sewer system extension project shall receive most favored status for any grant application for such sewer project and shall be entitled to not less than twenty-five percent of the points available for such grant applications under chapter five hundred and fifty-seven of the acts of nineteen hundred and seventy-nine, or under any other state grant programs now existing or hereafter created.

**SECTION 8.** Any sewer extension project of any municipality which is located within the natural basin from within which water drains or in the natural course would drain into the Quabbin reservoir, the Wachusett reservoir or the Ware river

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**Chap. 36**

upstream of the Ware river intake, which appears on the priority list pursuant to chapter five hundred and fifty-seven of the acts of nineteen hundred and seventy-nine or extended priority list for collection system projects administered by the department of environmental protection, division of water pollution control or any other comparable list or rating substituted therefor and which receives favorable status for funding in a particular fiscal year shall retain such status for the balance of the fiscal year in which the status was granted or until the municipal legislative body refused to fund such project, whichever date first occurs.

**SECTION 9.** The cost of the redesign of any sewer system proposal that has been submitted to the department of environmental protection as of the effective date of this act that is required by regulations promulgated pursuant to section five shall be borne by the commonwealth.

**SECTION 10.** There is hereby established a special commission to monitor and review the implementation of this act. The members of said commission shall consist of: three members of the house of representatives, at least two of whom shall represent communities significantly affected by the restrictions of this act; two members of the senate, at least one of whom shall represent communities significantly affected by the restrictions of this act; the director of the division of watershed management, or his designee; the secretary of environmental affairs, or his designee; the superintendent of the Quabbin watershed, or his designee; and the superintendent of the Wachusett-Sudbury watershed, or his designee.

Said commission may list all land parcels affected by this act and may list all individuals that own property and are affected by this act. Said commission shall also recommend any legislative proposals that would make this act more fair to landowners affected and would make this act more practical and more workable.

Said commission shall also issue a report including proposed legislation. Said report shall contain recommendations for both metropolitan water supply conservation. Said report shall be filed with the clerk of the house of representatives and the clerk of the senate by April thirtieth, nineteen hundred and ninety-two.

**SECTION 11.** If any party aggrieved by the implementation of this act seeks a remedy in the courts of the commonwealth or in the federal courts and succeeds in having this act or any portion thereof declared unconstitutional, a court of competent jurisdiction may award to said aggrieved party his legal expenses and costs.

**SECTION 12.** The division of watershed management within the metropolitan district commission is hereby authorized to expend a sum not exceeding one hundred and thirty-five million dollars for the acquisition of development rights or other interests in land, in areas regulated by sections one to eleven, inclusive; provided, however, that no more than eight million dollars may be expended, in the aggregate, annually, pursuant to this section and section six; and provided, further, that said expenditures shall be consistent with procedures and priorities

adopted by said division or said commission relative to factors which may affect land in which such interests may be acquired, such factors to include, but not be limited to, the following:

(i) threat from development activities that endanger water supply water quality; (ii) vulnerability to contributing to water resources degradation, whether by reason of proximity to water supply intake structures, proximity to surface water bodies, or degree of slope as related to soil erosion and flooding, soil conditions, and runoff rates; (iii) protection of rare and endangered plant or animal species habitat; (iv) protection of habitat for diverse species of fish, wildlife and wild plants; (v) immediate proximity to property now owned by the commonwealth for the purpose of said division or said commission; (vi) location as part of continuous corridors between public or private conservation lands, and; (vii) loss of market value by reason of the restrictions contained in this act. For all purposes of other general and special laws, debt service on bonds issued for extending the watershed of the metropolitan district commission's division of watershed management shall be deemed debt service of the division, and such extensions by said division made pursuant to this section shall be considered a capital improvement for the purposes of section one hundred and thirteen of chapter ninety-two of the General Laws.

**SECTION 13.** To meet the expenditures necessary in carrying out the provisions of section twelve, the state treasurer, upon written request of the governor, shall issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of one hundred and thirty-five million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, The Metropolitan Water Supply Protection Loan, Act of 1992, and shall be issued for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and twenty-two. All interest and payments on account of the principal of such obligations shall be payable from the General Fund. Bonds and the interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

**SECTION 13A.** The issuance of any bonds pursuant to the provisions of this act shall be exempt from any executive or administrative order, directive or policy limiting the issuance of bonds by the commonwealth.

**SECTION 14.** The department of environmental protection shall transmit to the clerk of the house of representatives who shall forward copies thereof to the house and senate committees on ways and means and the joint committee on natural resources and agriculture on or before December first, nineteen hundred and ninety-two, proposed rules and regulations pursuant to section one hundred and

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## Chap. 36

sixty of chapter one hundred and eleven of the General Laws relative to the prevention of pollution and securing the sanitary protection of all waters used as sources of water supply in the commonwealth other than those referred to in sections one to eleven, inclusive, of this act.

**SECTION 15.** The division of watershed management of the metropolitan district commission shall provide a program for technical assistance to communities impacted by this act. Said technical assistance, without excluding other programs and initiatives, shall be for planning studies, and zoning bylaw studies, health bylaw studies and subdivision bylaw studies.

**SECTION 16.** Notwithstanding the provisions of section nine C of chapter twenty-nine of the General Laws, the governor shall annually allot a sum not less than eight million dollars for the purposes set forth in section six and sections nine to twelve, inclusive, of this act and section twenty-two of chapter two hundred and seventy-five of the acts of nineteen hundred and eighty-nine.

The executive office of administration and finance and the executive office of environmental affairs shall annually make a joint report to the general court detailing the expenditure of monies authorized to be allocated herein and of monies appropriated by the general court for the purposes of implementing this act including amounts set forth in section twelve by filing the same with the clerk of the house of representatives and the clerk of the senate by July thirty-first of each year detailing such expenditures for the fiscal year ending on the previous June thirtieth.

The executive office of administration and finance and the executive office of environmental affairs shall annually make a report to the general court detailing the expenditure of monies authorized to be allocated herein and of monies appropriated by the general court for the purposes of implementing this act including amounts set forth in section twelve. Said annual report shall be filed with the general court by July thirty-first of each year detailing such expenditures for the fiscal year ending on the previous June thirtieth.

**SECTION 17.** Notwithstanding any general or special law to the contrary, or any rule or regulation to the contrary any property within the Quabbin reservoir or Ware river or Wachusett watersheds, that is zoned residential or is subject to a valid and current conservation restriction or is taxed under the provisions of chapter sixty-one or sixty-one A of the General Laws shall be exempted from any taking by any agency of the commonwealth or any authority within the commonwealth for the specific purpose of watershed protection, except with the consent of the owner.

In the event any of the conservation restrictions or classifications under said chapters sixty-one and sixty-one A on such property are removed the commonwealth shall have the right to purchase the property under the same terms and

conditions by which the city or town may act under said chapter sixty-one or sixty-one A; provided, however, that the commonwealth shall not exercise this right unless such city or town, or its assignee, fails to exercise its option, under said chapters sixty-one and sixty-one A in which case the commonwealth shall have an additional sixty days in which to act.

**SECTION 18.** The secretary of environmental affairs, through the Massachusetts environmental policy act and the department of environmental protection shall not issue any certificates or permits relating to the construction of any new regional airports within ten miles of the Quabbin, Ware or Wachusett reservoirs, until such time as all issues pertaining to such an airport are fully discussed with time for public input. At a minimum, all issues relating to the storage and dumping of fuel, construction, and traffic and their effect on the watershed shall be examined.

**SECTION 19.** The department of environmental protection, the division of watershed management within the metropolitan district commission and the Massachusetts Water Resources Authority shall, within one hundred and eighty days after the effective date of this act, file with the clerks of the house of representatives and the senate a report identifying all properties affected by this act and analyzing the nature and extent of such effect, including without limitation the possibility that the value of such properties and real estate tax revenue therefrom will be reduced, as well as the economic impact which this act would have on the commonwealth and on each city and town affected thereby. Prior to its submission, such report shall be circulated for comment among appropriate public officials of each city and town affected by the provisions of this act, and the owner of each property identified in the report shall be notified of the potential applicability of this act.

Approved May 20, 1992.

**Chapter 37. AN ACT DIRECTING THE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO INSTALL AND MAINTAIN A PLAQUE TO HONOR THE LASTING CONTRIBUTIONS OF GENERAL MARQUIS DE LAFAYETTE AND THE FRANCO-AMERICAN COMMUNITY.**

*Be it enacted, etc., as follows:*

The superintendent of state office buildings is hereby authorized and directed, subject to the approval of the art commission established under section nineteen of chapter six as to size and content, to accept, install and maintain a plaque in the state house to honor the lasting contributions of General Marquis de Lafayette and