

# HOUSE . . . . . No. 1755

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By Mr. Brennan of Malden, petition of John A. Brennan, Jr., for legislation to prohibit the use of certain public lands designated for conservation or recreational purposes from being used for other purposes without the prior approval of the city or town within which such lands are located. Natural Resources and Agriculture.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

**AN ACT PROVIDING THAT CERTAIN LAND, INCLUDING LAND DESIGNATED BY THE COMMONWEALTH, ITS AUTHORITIES AND COMMISSIONS, OR ANY POLITICAL SUBDIVISION THEREOF, FOR THE PURPOSES OF CONSERVATION OR RECREATION, CANNOT BE USED FOR ANY OTHER PURPOSE WITHOUT THE PRIOR APPROVAL OF THE CITY OR TOWN IN WHICH IT IS LOCATED.**

*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. Notwithstanding any general or special law to  
2 the contrary, no public land, designated or used for the  
3 purposes of conservation or recreation by the commonwealth,  
4 or any agency thereof, or any political subdivision thereof, may  
5 be taken or used for any other purpose without the prior  
6 approval, in the manner hereinafter provided of the city or  
7 town, or of the several cities and towns, in which such land is  
8 located.

1 SECTION 2. No open space, so called, immediately adjacent  
2 to any land described in section one above may be taken for  
3 any public purpose, excepting for recreation or conservation  
4 without the prior approval, in the manner hereinafter provided,  
5 of the city or town, or of the several cities and towns, in  
6 which such land is located.

1 SECTION 3. Whenever the approval of a city or town is  
2 required for the taking or use of land under this act, such  
3 approval shall be, in a city, by vote of the city council, subject  
4 to the provisions of the charter of such city, or, in a town, by  
5 vote of the town at town meeting unless that town shall have  
6 previously provided that its Board of Selectmen or Conserva-  
7 tion Commission shall have the power to approve such propos-  
8 als.

1 SECTION 4. Whenever approval of a proposal under this act  
2 is given or denied by a city or town, the clerk of such body, or  
3 like officer, shall within thirty days thereafter make to the  
4 state secretary a return to that effect.