

HOUSE No. 2666

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 1, 1960.

The committee on Metropolitan Affairs, to whom were referred so much of the Governor's Address (Senate, No. 1) as relates to the establishment of a division of metropolitan planning under the Metropolitan District Commission and the establishment of an advisory council representing local governments (page 17); the petition (accompanied by bill, House, No. 624) of Freyda P. Koplow for legislation to establish a metropolitan area planning district and planning council; the petition (accompanied by bill, House, No. 625) of Freyda P. Koplow for legislation to establish a metropolitan area planning district and planning council; the petition (accompanied by bill, House, No. 626) of Harrison Chadwick for legislation to establish a greater Boston planning district and planning council; the petition (accompanied by bill, House, No. 1405) of Raymond S. McLay and others for legislation to establish a metropolitan area planning district and planning council; the petition (accompanied by bill, House, No. 1655) of James J. Craven, Jr., for legislation to establish a metropolitan area planning district and planning council; and the petition (accompanied by bill, House, No. 2172) of Robert H. Quinn for legislation to establish a metropolitan area planning district and planning council, report the accompanying bill (House, No. 2666).

For the committee,

GEORGE V. KENNEALLY.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty.

AN ACT ESTABLISHING A DIVISION OF METROPOLITAN PLANNING
UNDER THE METROPOLITAN DISTRICT COMMISSION.

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. Chapter 28 of the General Laws, as most re-
2 cently amended, is hereby further amended by inserting after
3 section 4 a heading, "DIVISION OF METROPOLITAN PLANNING,"
4 and by inserting the following sections: —

5 *Section 5.* There is hereby established in and under the
6 metropolitan district commission a division of metropolitan
7 planning consisting of a metropolitan area planning district,
8 hereinafter called the "district," and a metropolitan area plan-
9 ning council, hereinafter called the "council," the purpose and
10 functions of which are to provide for regional planning in the
11 metropolitan Boston area which will perform the necessary
12 research and develop a comprehensive program of planning
13 for the region as a whole, on a solely advisory basis without
14 impinging on the authority of any municipality, and to estab-
15 lish a central agency, and furnish access to research facilities
16 that individual cities and towns could not afford, in order that
17 constructive planning will aid the balanced growth of the area
18 and prevent the repetition of costly errors of the past.

19 *Section 6.* The district shall consist of the city of Boston
20 and the cities and towns in the metropolitan Boston area re-
21 ceiving one or more services from the metropolitan district
22 commission which accept the provisions of this act. Any city
23 or town, within the above described area, which shall here-
24 after receive one or more services from the said commission
25 shall automatically and concurrently become a member of the
26 district. Any city or town not within the district, but con-
27 tiguous to a city or town within the district, shall become a
28 member of the district upon application to said district. Any
29 city or town not contiguous to a city or town within the dis-
30 trict may become a member of the district if its application is
31 approved by a majority of the said council.

32 *Section 7.* The membership of the council shall be deter-
33 mined as follows: — The administrative head of each city and
34 town within the district shall, not later than ninety days
35 after the passage of this act, and triennially thereafter on or
36 before April first, beginning in the calendar year nineteen hun-
37 dred and sixty-one, appoint one well-qualified person to serve
38 as the representative of his city or town in the council; pro-
39 vided, however, that in cities or towns having a population in
40 excess of fifty thousand in accordance with the last decennial
41 state or national census, two such representatives shall be ap-
42 pointed. The following shall be members *ex officio*: the
43 chairman of the planning board and the commissioner of pub-
44 lic works of the city of Boston, the chairman of the trustees of
45 the Metropolitan Transit Authority, the chairman of the
46 Massachusetts Port Authority, the chairman of the Massachu-
47 setts Turnpike Authority, the chairman of the Mass Trans-
48 portation Commission, the director of urban renewal, the com-
49 missioner of public works, the commissioner of public safety,
50 the commissioner of commerce, or their designees. In addi-
51 tion, the governor of the commonwealth shall, not later than
52 ninety days after the passage of this act, and giving due re-
53 gard to diversity of interests and geographical location, desig-
54 nate twenty additional members selected from various civic,
55 educational, professional, labor and business groups, who will
56 serve at the pleasure of the governor.

57 *Section 8.* The governor of the commonwealth shall appoint
58 a chairman of the council from the list of appointees to the
59 council, who shall serve until the fourth Wednesday in April
60 of the ensuing year, or until such time as his successor shall
61 have been duly qualified. Thereafter, elections for the office
62 of chairman of the council shall be held annually in the month
63 of April, the new term of said office to be effective annually
64 on the fourth Wednesday in the month of April. There shall
65 be an executive committee consisting of fifteen members, the
66 chairman of which shall be the chairman of the council. The
67 council shall also elect a secretary and the remaining thirteen
68 members of said committee. Each such member shall serve
69 for a term of one year. Five of said members shall be from the
70 representatives of cities; provided, that at least one such mem-
71 ber elected is from the city of Boston; five shall be from the
72 representatives of towns; and the remaining five members

73 shall be from the group of representatives appointed by the
74 governor.

75 *Section 9.* All meetings of the council shall be held at least
76 quarterly at the call of the chairman and at such other times
77 as the council may determine. The council shall establish its
78 own rules of procedure, and shall keep a record of its meetings,
79 resolutions, transactions, findings and determinations, all of
80 which shall be a public record.

81 *Section 10.* The duties of the division shall be as follows:—

82 (a) The division shall advise the metropolitan district com-
83 mission and the cities and towns involved on projects to be
84 undertaken by the metropolitan district commission and on
85 projects to be studied by the division of metropolitan planning.

86 (b) The division shall be responsible for adequate research,
87 including the preparation and compilation of data, maps,
88 charts and tables, necessary for the improvement of the physi-
89 cal, social and economic conditions of the region.

90 (c) The division shall be responsible for the preparation and
91 revision from time to time of comprehensive plans for the
92 physical, social and economic improvement of the district, or
93 parts thereof, with respect to the optimum use of the land
94 areas in the district and the most efficient provisions for the
95 utilities serving these land areas.

96 (d) The division shall maintain the fullest co-operation with
97 the cities and towns in the district at all times, and shall render
98 them all possible assistance in their planning activities, es-
99 pecially when two or more of the municipalities have common
100 problems.

101 *Section 11.* The council shall indicate its approval or dis-
102 approval by majority vote of such plans proposed or prepared
103 by the division for the development and redevelopment of the
104 district, or parts thereof, as may be laid before it.

105 *Section 12.* The recommendations of the division and of the
106 council shall be advisory only, and said recommendations shall
107 not have the force of law.

108 *Section 13.* There shall be a mutual exchange between the
109 division and all offices, boards, commissions, departments,
110 divisions and agencies of the commonwealth, and all offices,
111 boards, commissions and departments of the county govern-
112 ments within the district, and all offices, boards, commissions
113 and departments of the municipal governments within the

114 district, and any project operated as a public enterprise within
115 the district of any public data, records and information within
116 their knowledge and control pertaining to the district, or to
117 parts thereof, which may be required for the preparation of
118 plans made pursuant to section eleven.

119 *Section 14.* The executive committee shall carry out the
120 policies of the council. All actions taken by the executive com-
121 mittee shall be in the name of and in behalf of the council.
122 The members of the executive committee shall serve without
123 compensation, but they shall be reimbursed for their necessary
124 expenses, including travel allowances to and from their homes,
125 incurred in the performance of their duties.

126 *Section 15.* The commissioner of the metropolitan district
127 commission shall engage a director of the division to head the
128 work of the division and council at such salary as he deems
129 proper. The director shall be responsible for assembling and
130 setting the compensation of a technically qualified staff to dis-
131 charge the professional duties of the division. The qualifica-
132 tions for the position of director shall be approved by the civil
133 service commission, but the director shall not be subject to
134 chapter thirty-one nor to section nine A of chapter thirty of
135 the General Laws, the provisions of section three of chapter
136 twenty-eight to the contrary notwithstanding. The director
137 shall be accorded the full rights and privileges of the con-
138 tributory retirement system of the commonwealth, as provided
139 in chapter thirty-two of the General Laws.

140 *Section 16.* The personnel of the staff shall be selected by
141 the director only after due consideration of their qualifications,
142 which shall be approved by the civil service commission, but
143 such personnel shall not be subject to chapter thirty-one of the
144 General Laws. The personnel of the staff shall be accorded
145 the full rights and privileges of the contributory retirement
146 system of the commonwealth as provided in chapter thirty-
147 two of the General Laws. The division may hire from time to
148 time such temporary or part-time experts or consultants as the
149 director may deem necessary, and such temporary or part-time
150 personnel may be employed without regard to the provisions
151 of chapters thirty-one and thirty-two of the General Laws.

152 *Section 17.* The director is empowered to establish as many
153 technical advisory committees as needed to assist him in ex-
154 ploring, planning or consummating the programs and projects

155 of the division. The chairman, commissioner or head of any
156 public agency operating within the district shall delegate one
157 or more well-qualified representatives from his agency to serve
158 on any of the said technical advisory committees when so
159 requested by the director.

160 *Section 18.* The cost of the division shall be borne 50 per
161 cent by the commonwealth out of the general fund and 50 per
162 cent by the metropolitan district commission in accordance
163 with the provisions of section 60 of chapter 92 of the General
164 Laws; provided, however, that to the total cost of the district
165 shall first be applied any contribution of federal funds, and,
166 further provided, that any city or town not receiving one or
167 more services from the metropolitan district commission shall
168 be assessed by the metropolitan district commission for its
169 portion of the cost of the division on the basis of the popula-
170 tion of such city or town by the most recent decennial census
171 in relation to the population of the cities and towns comprising
172 the metropolitan area planning district.

173 *Section 19.* The division is authorized to accept and re-
174 ceive for its own uses and consistent with its own purposes any
175 funds or moneys from any source, including grants, bequests,
176 gifts or contributions made by the state or federal government,
177 by any individual, corporation or association.

178 *Section 20.* The provisions of this act are severable, and
179 if any of its provisions shall be held unconstitutional by any
180 court of competent jurisdiction, the decision of such court shall
181 not affect or impair any of the remaining provisions.

1 SECTION 2. This act shall take effect upon its passage.

HOUSE OF REPRESENTATIVES No. 3557

5th Amendment of Constitution

Article V of the Constitution of the United States

That the Congress shall have the power to propose amendments to this Constitution, which amendments shall be valid when ratified by three-fourths of the States, and to call for a convention for the purpose of proposing amendments to this Constitution, which amendments shall be valid when ratified by three-fourths of the States.

Article V

WALTER F. BRIDGES

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