

By Mr. Miceli of Wilmington (by request), petition of James J. Gaffney III and another for legislation to designate certain airports as open space under the law establishing property classifications for tax purposes. Taxation.

**The Commonwealth of Massachusetts**

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

AN ACT DESIGNATING CERTAIN AIRPORTS AS OPEN SPACE PROPERTY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 580 of the Acts of 1978 is amended in that section of said  
2 act which refers to Chapter 59A of the General Laws. The Amend-  
3 ment shall strike out the definition of Open Space Property found  
4 in Section 1 of Chapter 59A as changed by Chapter 580 above; and  
5 replace said definition with the following new definition of "Open  
6 Space Property": —

7 "Open space property", all real property and improvements  
8 thereto which is used for profit or nonprofit purposes, and  
9 which is characterized principally by an open or natural con-  
10 dition and whose preservation provides the public with the bene-  
11 fit of the conservation of natural resources such as air, water,  
12 and wildlife, or whose preservation contributes to the enjoyment  
13 and economic value of surrounding residential, commercial or  
14 industrial and manufacturing property. No private association or  
15 club shall be deemed owners of "open space property" that discrim-  
16 inates its membership on grounds of race, religion, or sex. Such  
17 associations shall be deemed owners of "commercial property."  
18 The undeveloped land of any privately owned airport shall be  
19 deemed "open space property," so long as the owner grants free use  
20 to the public for the landing, taking off, and taxiing of aircraft and  
21 provided that said airport meets the minimum requirements set  
22 forth by the Massachusetts Aeronautics Commission in rules and

23 regulations issued under Section 39, Chapter 90 of the General  
24 Laws and is certified by the Massachusetts Aeronautics Commis-  
25 sion to be within the needs of civil aeronautics as established by the  
26 state airport plan prepared under Section 39A of Chapter 90 of the  
27 General Laws and is approved for commercial operations by the  
28 Massachusetts Aeronautics Commission. In addition to airport  
29 land which is left in an open or natural state, land which is cleared,  
30 paved or otherwise improved for runways, taxiways, or aircraft  
31 parking areas shall be deemed "undeveloped land" and "open  
32 space property." However, any airport land which is occupied by  
33 structures or used for any commercial purpose not related to  
34 aviation shall not be considered "open space property."