

HOUSE No. 1284

By Mrs. Newman of Cambridge, petition of Charles W. Eliot for legislation to establish an open land reservation program. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING AN OPEN LAND RESERVATION PROGRAM FOR THE PRESERVATION OF OPEN SPACES, IN PRIVATE OWNERSHIP, THROUGH POSTPONEMENT OF PAYMENT OF PART OF THE REAL PROPERTY TAXES ON "CLASSIFIED OPEN LAND" UNTIL THE RESTRICTIONS ON OPEN USE OF SUCH LANDS ARE CHANGED OR RELAXED.

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 21 of the General Laws is hereby amended
2 by adding the following three sections:—
3 *Section 26.* There is hereby established within the depart-
4 ment the Massachusetts open lands commission, hereinafter
5 and in sections twenty-seven and twenty-eight referred to as
6 the commission, which shall be unpaid and which shall consist of
7 the commissioner of natural resources who shall be designated
8 chairman, the commissioner of agriculture, the commissioner of
9 corporations and taxation, the commissioner of commerce and
10 development and three persons to be appointed by the governor.
11 Upon the expiration of the term of office of an appointive mem-
12 ber his successor shall be appointed for a term of three years.
13 The members of the commission may be reimbursed for expenses
14 incurred in carrying out their official duties. The commission
15 shall meet monthly and at the call of the chairman, or any three
16 members, and shall consult on matters relating to the reservation
17 of lands and waters within the commonwealth in their natural
18 or open state, including farms and wood lots, through tax ex-

19 emption and abatement programs. The commission shall, in its
20 deliberations, consult with and consider plans of state, metro-
21 politan, regional, county and municipal planning and resource
22 agencies. The commission may engage such assistants as it shall
23 deem necessary to carry out the purposes of this section.

24 *Section 27.* The commission shall designate land and water
25 areas for each city and town within the commonwealth which
26 should be retained predominantly in a natural or open state
27 by reason of their value for conservation, recreation, agriculture,
28 forestry, water supply and proper municipal, regional and state
29 resource planning. Designation shall be accomplished by ma-
30 jority vote of the commission, subject to approval in a manner
31 hereinafter provided: in the case of a city by majority vote
32 of the city council, or board of aldermen with the further ap-
33 proval of the mayor, and in a town by majority vote of a town
34 meeting or by a majority vote of each of the following agencies:
35 board of selectmen, board of assessors, planning board, if any,
36 and the conservation commission, if any. Any parcel of land
37 which lies within an area so designated shall become "classified
38 open land" for the purposes of this section, upon the filing by
39 the owner or owners thereof with the city or town clerk in
40 which such parcel is located an instrument in such form as the
41 commission shall prescribe conveying to said city or town for a
42 period of not less than twenty years such rights or interests in
43 such land as will prevent its development or use for any in-
44 dustrial, commercial or residential purpose, except farming, for-
45 estry and outdoor recreation, on such conditions as the commis-
46 sion shall prescribe. Such instrument shall be recorded in the
47 registry of deeds for district in which the land lies by the city
48 or town clerk within ten days after receipt thereof.

49 Upon the petition of the owner of any parcel of "classified
50 open land" as hereinbefore provided and the payment or tender
51 of payment by said owner of an amount equal to all of the taxes
52 rebated, over the whole period during which the rebate has been
53 in effect, or two-thirds of the most recent assessed "full fair
54 market" valuation of said parcel — whichever is greater — , the
55 city or town clerk in which said parcel is located shall execute
56 and deliver to said owner an instrument releasing all rights and
57 interests heretofore granted, and upon said execution and de-
58 livery said land shall not qualify as classified open land. Any

59 city or town may, in the same manner by which it approved
60 designation of land, and by delivering to the owner an instru-
61 ment releasing all rights and interests held by the municipality
62 under this section, take such land out of such classification (a)
63 unconditionally, or (b) upon terms and conditions as the mu-
64 nicipality and owner may agree.

65 *Section 28.* The commission is empowered to adopt rules and
66 regulations which shall provide procedures for designation, classi-
67 fication and reclassification, and standards for designation. Such
68 procedures and standards shall comply with the purposes set
69 forth in sections twenty-six and twenty-seven and shall safe-
70 guard the use of lands for such purposes.

1 SECTION 2. Section 5 of chapter 59 of the General Laws is
2 hereby amended by adding the following: — Forty-fourth, land
3 classified under section twenty-seven of chapter twenty-one to
4 the extent of eighty per cent of the assessed value thereof.

1 SECTION 3. Commission members appointed under section
2 one of this act shall be appointed initially for terms of one, two
3 and three years, respectively and thereafter shall be appointed
4 in accordance with said section.

