

By Mr. Dolan of Ipswich, petition of Robert C. Benson, John F. Dolan and another for legislation to redefine conservation plans, powers of conservation commissions and requiring the approval of the General Court relative to diversions. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT TO REDEFINE CONSERVATION PLANS, POWERS OF CONSERVATION COMMISSIONS AND REQUIRING APPROVAL OF THE GENERAL COURT TO DIVERSIONS OF USE.

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. Section 8C of chapter 40 of the General Laws, as
2 most recently amended by chapter 885 of the acts of 1967, is
3 amended by deleting the third and fourth sentences thereof and
4 inserting in place thereof the following sentences:— Among
5 such plans may be a conservation and passive outdoor recrea-
6 tion plan which shall be, as far as possible, consistent with the
7 town master plan and with any regional plans relating to the
8 area. It may, from time to time, amend such plan. Such plan
9 shall show open areas including marshland, swamps and other
10 wetlands, shall show which areas are subject to restrictions or
11 wetland zoning provisions and any other matters which may be
12 shown on a plat index under section thirty-three of chapter one
13 eighty-four of the general laws. Acquisitions of interests in land
14 under this section and other municipal open lands shall be shown
15 thereon as well as lands owned by other entities kept open
16 through any legal requirement. It shall show other areas which
17 it believes public necessity requires to be desirable for and re-
18 tained open for conservation and passive recreation use.

1 SECTION 2. The sixth sentence of said section 8C shall be

2 deleted and in place thereof there shall be inserted the following
3 sentence: — The commission may appoint a director, clerks, con-
4 sultants and other employees and may contract for materials
5 and services within available funds.

1 SECTION 3. Said section 8C of chapter 40 of the General Laws
2 is further amended by deleting the twelfth and thirteenth sen-
3 tences and the following sentence shall be substituted in place
4 thereof: — Said commission may receive gifts, bequests or de-
5 vises in the name of the city or town subject to the approval of
6 the city council in a city or the selectmen in a town and, by
7 majority votes of the commission, of the city council or of any
8 town meeting, the commission may acquire in said name by
9 purchase, lease or otherwise the fee in such land or water rights,
10 conservation restrictions, easements or other contractual rights
11 including conveyances on conditions or with limitations or re-
12 versions, as may be necessary to acquire, maintain, improve,
13 protect, limit the future use of or otherwise conserve and prop-
14 erly utilize open spaces in other land and water areas within
15 their city or town and it shall manage and control the same.

1 SECTION 4. There shall be added at the end of section 8C of
2 chapter 40 of the General Laws the following sentences: — Land
3 held in fee by municipalities under this section shall be forever
4 kept open to the public and no inconsistent use thereof shall be
5 made thereof without leave of the general court. The superior
6 court shall have jurisdiction in equity upon petition of ten
7 taxable inhabitants of such municipality to restrain any in-
8 consistent use.

1 SECTION 5. Section 21 of chapter 45 of the General Laws shall
2 be amended by inserting, after the word "selectman" the words:
3 — or, if the town so votes, by the conservation commission of
4 said town.