

By Mrs. Newman of Cambridge, petition of Charles W. Eliot for legislation to establish an open land reservation program for the preservation of open spaces through postponement of payment of part of the real estate property taxes on classified open land. Taxation.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy.

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
- 2 amended 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 reserva-
- 17 tion of lands and waters within the commonwealth in their natu-
- 18 ral 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 alderman 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, clas-  
67 sification and reclassification, and standards for designation.  
68 Such procedures and standards shall comply with the purposes  
69 set 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.

