

By Mr. Galotti of Belmont, petition of Carol C. Amick and Edward F. Galotti relative to the election of conservation commissions. Local Affairs.

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO THE ELECTION OF CONSERVATION COMMISSIONS

*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 40 of the General Laws is hereby  
2 amended by striking out section 8C, as most recently amended  
3 by section 3 of chapter 893 of the acts of 1971, and inserting in  
4 place thereof the following sections:—

5 *Section 8C.* A city or a town which accepts this section may  
6 establish a conservation commission, hereinafter called the  
7 commission, for the promotion and development of the natural  
8 resources and for the protection of watershed resources of said  
9 city or town. Such commission shall conduct researches into its  
10 local land areas and shall seek to co-ordinate the activities of  
11 unofficial bodies organized for similar purposes, and may  
12 advertise, prepare, print and distribute books, maps, charts, plans  
13 and pamphlets which in its judgment it deems necessary for its  
14 work. It shall keep an index of all open areas within the city or  
15 town, as the case may be, with the plan of obtaining information  
16 pertinent to proper utilization of such open areas, including lands  
17 owned by the commonwealth or lands owned by a city or town.  
18 It shall keep an index of all open marshlands, swamps and all  
19 other wet lands in a like manner, and may recommend to the city  
20 council or selectmen and subject to the approval of the city  
21 council or selectmen, to the department of natural resources and  
22 to the state reclamation board a program for the better

23 promotion, development or utilization of all such areas. It shall  
24 keep accurate records of its meetings and actions and shall file an  
25 annual report which shall be printed in the case of towns in the  
26 annual town report. The commission may appoint such clerks  
27 and other employees as it may from time to time require. The  
28 commission shall consist of not less than three nor more than  
29 seven members. In cities the members shall be appointed by the  
30 mayor, subject to the provisions of the city charter, except that  
31 in cities having or operating under a Plan D or Plan E form of  
32 city charter, said appointments shall be by the city manager,  
33 subject to the provisions of the charter; and in towns they shall  
34 be elected, or appointed by the selectmen, excepting towns  
35 having a manager form of government, in which towns appoint-  
36 ments shall be made by the town manager, subject to the  
37 approval of the selectmen. When a commission is first estab-  
38 lished, the terms of the members shall be for one, two or three  
39 years, and so arranged that the terms of approximately one third  
40 of the members will expire each year, and their successors shall  
41 be appointed for terms of three years each. Any member of a  
42 commission so appointed may, after a public hearing, if  
43 requested, be removed for cause by the appointing authority. A  
44 vacancy occurring otherwise than by expiration of a term shall in  
45 a city be filled for the unexpired term in the same manner as an  
46 original appointment, and in a town in the manner provided in  
47 section eleven of chapter forty-one. Said commission may receive  
48 gifts of funds, lands, buildings and other properties in the name  
49 of the city or town, subject to the approval of the city council in  
50 a city, or the selectmen in towns. Such gifts shall be held in the  
51 name of the city or town, but may be managed by the  
52 commission for the purposes set forth in this section.

1 SECTION 2. Section 1 of chapter 41 of the General Laws, as  
2 most recently amended by section 2 of chapter 658 of the acts of  
3 1966, is hereby further amended by inserting after the line  
4 reading "A tree warden for the term of one or three years" the  
5 line:— Three to seven members of the conservation commission,  
6 if the town so votes, for the term of three years.