

HOUSE No. 2782

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 27, 1961.

The committee on Natural Resources, to whom were referred the petition (accompanied by bill, Senate, No. 294) of Stuart DeBard for legislation to expand the powers of conservation commissions; and the petition (accompanied by bill, House, No. 276) of John F. Dolan for legislation to establish conservation commissions for cities and towns, report the accompanying bill (House, No. 2782).

For the committee,

JOHN F. DOLAN.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO CONSERVATION COMMISSIONS AND ESTABLISHING A CONSERVATION PROGRAM FOR CITIES AND TOWNS.

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 8C of chapter 40 of the General Laws, inserted by
2 section 1 of chapter 223 of the acts of 1957, is hereby amended
3 by striking out the last two sentences and inserting in place
4 thereof the following sentence: — Said commission may receive
5 gifts of property, real and personal, including funds, in the
6 name of the city or town subject to the approval of the city
7 council in a city and the selectmen in a town, said properties or
8 funds to be managed and controlled by the commission for the
9 purposes of this section. Said commission may acquire by gift,
10 purchase, grant, bequest, devise, lease or otherwise the fee in
11 land or water rights, or any lesser interest, development right,
12 easement, covenant, or other contractual right including con-
13 veyances on conditions or with limitations or reversions necessary
14 to acquire, maintain, improve, protect, limit the future use of
15 or otherwise conserve and properly utilize open spaces and
16 other land and water areas within their city or town, and said
17 interests or rights shall be held and managed and controlled as
18 aforementioned. For the purposes of this section an "open
19 space" is any land space or area characterized by (a) great
20 scenic beauty or (b) whose existing openness, natural condition,
21 or present limited state of use, if retained, would enhance the
22 present or potential value of abutting or surrounding urban
23 development, or (c) would retain or enhance the conservation
24 and proper utilization of its natural or scenic resources. In the
25 management and control of said gifts, rights or interests, the
26 commission shall utilize the properties for the purposes of this
27 section and may authorize the use of said properties acquired
28 hereunder, in accordance with the provisions of clause fifty-one
29 of section five and section eleven of chapter one hundred and
30 thirty-two A, as they relate to use.