

# HOUSE . . . . No. 419

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By Mr. Herter of Boston, petition of Sydney M. Williams (for the Massachusetts Federation of Planning Boards) for establishment of an unpaid state planning board and prescribing its powers and duties. State Administration.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Thirty-Five.

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An Act seeking to promote More Economical and Orderly Development of the Commonwealth through the Creation of an Unpaid State Planning Board.

*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 seventeen of chapter six of  
2 the General Laws, as most recently amended by  
3 section one of chapter three hundred and five of the  
4 acts of nineteen hundred and thirty-two, is hereby  
5 further amended by inserting after the word "board"  
6 in the seventh line the following: — , the state plan-  
7 ning board, — so as to read as follows: — *Section 17.*  
8 The armory commissioners, the art commission, the  
9 commission on administration and finance, the com-  
10 missioner of state aid and pensions, the commissioners  
11 on uniform state laws, the public bequest commis-  
12 sion, the state ballot law commission, the board of  
13 trustees of the Soldiers' Home in Massachusetts, the  
14 milk regulation board, the state planning board and

15 the trustees of the state library shall serve under the  
16 governor and council, and shall be subject to such  
17 supervision as the governor and council deem neces-  
18 sary or proper.

1 SECTION 2. Said chapter six is hereby further  
2 amended by adding after section forty-two, added  
3 by section two of said chapter three hundred and  
4 five, under the heading "State Planning Board,"  
5 the following three new sections: —

6 *Section 43.* There shall be a state planning board  
7 of seven members, in this and the two following  
8 sections called the board, consisting of the commis-  
9 sioner of public works, the commissioner of the  
10 metropolitan district commission, the commissioner  
11 of conservation, or, in each instance, a representative  
12 designated by a commissioner from the personnel of  
13 his department, and four members appointed by the  
14 governor, with the advice and consent of the council,  
15 who shall be designated in their initial appointments  
16 to serve respectively for two, three, four and five  
17 years, and one of whom shall be designated by the  
18 governor as chairman. Any designation of his rep-  
19 resentative by a commissioner shall be made by a  
20 writing filed in his office, and shall run for such  
21 period as he may prescribe therein, and may at any  
22 time be revoked by him. All members of the board  
23 shall serve without compensation. Upon the ex-  
24 piration of the term of office of an appointive mem-  
25 ber, his successor shall be appointed in the manner  
26 aforesaid to serve for five years. The board may  
27 employ an executive secretary and an engineer.  
28 The board may appoint such assistants and tempo-  
29 rary technical advisers as the work of the board may

30 require. The executive secretary, engineer and  
31 temporary technical advisers shall not be subject to  
32 chapter thirty-one and may be removed by the board  
33 at any time.

34 *Section 44.* The board shall prepare and perfect  
35 from time to time a state master plan which shall  
36 show existing and proposed state parks, state forests,  
37 state parkways, state public reservations, state high-  
38 ways, chapter ninety ways, so-called, sites for state  
39 public buildings, state airways and air terminals,  
40 and other pertinent features, including any informa-  
41 tion as to character or use of land in the common-  
42 wealth which shall be necessary to a knowledge by  
43 the board of planning problems of more than local  
44 importance, and similar elements without the com-  
45 monwealth which have or are likely to have an im-  
46 portant bearing on elements within the common-  
47 wealth. Such master plan shall be adopted and  
48 amended by a majority vote of the board. In  
49 making such plan the board shall locate and arrange  
50 such proposed state highways and chapter ninety  
51 ways, so-called, so that they will best serve the needs  
52 of transportation and traffic and will best develop  
53 the resources of the commonwealth, and shall lo-  
54 cate proposed state parks, state parkways and state  
55 public reservations where they will be co-ordinated  
56 so far as practicable with state and other highways  
57 and so that they will preserve natural scenery and  
58 serve the present and future recreation needs of the  
59 people. Such master plan shall be a guide to the  
60 board in making recommendations to the officers,  
61 boards, commissions and departments of the com-  
62 monwealth, and the making of such plan shall be  
63 regarded as an essential prerequisite to the carrying

64 out of subsequent improvement projects by such  
65 agencies.

66 Whenever such an improvement is proposed to be  
67 established by the commonwealth, the state agency  
68 having charge of the establishment thereof shall re-  
69 quest of the board a report thereon, and such report  
70 shall be furnished within forty-five days after such  
71 request. No property shall be acquired for such a  
72 proposed improvement, no new construction work  
73 involving an expenditure of more than fifty thousand  
74 dollars shall be commenced or authorized in con-  
75 nection with such an improvement, and no agree-  
76 ment for any contribution by the commonwealth  
77 toward the establishment of a chapter ninety way,  
78 so-called, shall be made, until such a report is so  
79 furnished; provided, that this requirement shall be  
80 deemed to be waived in case such a report has been  
81 requested of the board and it has failed to furnish  
82 the same within forty-five days after such request.  
83 In case such an improvement is not established in  
84 conformity with the report so furnished, the state  
85 agency having charge of the establishment thereof  
86 shall file in its office a statement setting forth its  
87 reasons for rejecting or varying from such report,  
88 and such statements shall be open to public inspec-  
89 tion. The board shall, so far as possible, secure the  
90 co-operation of adjacent states and of counties and  
91 municipalities within the commonwealth in the co-  
92 ordination of their proposed improvements with such  
93 master plan. The board shall file an annual report  
94 and shall include therein such recommendations  
95 with respect to the formulation of development  
96 programs as it may deem advisable, and it may file  
97 special reports with the general court at any time.

98 The words "chapter ninety ways, so-called", as  
99 used in this section, shall include any city or town  
100 or county way constructed or maintained in whole  
101 or in part from the proceeds of contributions from  
102 the Highway Fund under authority of paragraph two  
103 (a) of section thirty-four of chapter ninety.

104 The state planning board shall study all state  
105 highways existing and hereafter to be built with  
106 reference to the conditions existing on abutting prop-  
107 erty, in regard to intersections and other relevant  
108 matters, and prepare definite regulations affecting  
109 the rights of abutting property to light, air and  
110 access to such roads. The purpose of these regu-  
111 lations shall be to protect such roads for traffic  
112 clearance, to promote traffic safety, to protect the  
113 amenities, and to promote the public welfare.  
114 With this end in view the board is empowered to fully  
115 regulate all questions of access, and to limit inter-  
116 secting ways to such number and by such method  
117 as it may decree in each particular instance. It is  
118 hereby declared that all such regulations are made  
119 in the interests of health, safety, and the public  
120 welfare.

121 *Section 45.* The board shall co-operate with mu-  
122 nicipal planning boards for the purpose of guiding  
123 and accomplishing a co-ordinated, adjusted and  
124 harmonious development of the commonwealth. It  
125 shall encourage the creation of such boards and  
126 gather information relating to municipal planning  
127 for their use, and shall also promote the adoption of  
128 municipal zoning and gather information relative  
129 thereto for the use of municipalities adopting or  
130 proposing to adopt the same, and shall aid in in-  
131 terpreting and administering such local laws.

132 The several state officers, boards, commissions and  
133 departments, and the several municipal planning  
134 boards, boards of appeal and building inspectors,  
135 may consult with it and shall furnish or make avail-  
136 able to it on request all data and information within  
137 their control or knowledge.

1 SECTION 3. Sections five and six of chapter  
2 twenty-eight of the General Laws, as appearing in  
3 the Tercentenary edition thereof, are hereby re-  
4 pealed. As soon as may be after the effective date  
5 of this act, all books, papers, maps, charts, plans,  
6 records, and all other equipment in the possession of  
7 the metropolitan planning division hereby abolished,  
8 or of any member or officer thereof, shall be delivered  
9 to the state planning board.

1 SECTION 4. Section five of chapter forty of the  
2 General Laws, as appearing as aforesaid, is hereby  
3 amended by inserting after clause (37) the following  
4 new clause:—

5 (38) For the necessary expenses of its planning  
6 board or representatives thereof incurred in con-  
7 nection with the initiation and development of a  
8 regional plan in co-operation with one or more other  
9 municipalities having common planning problems  
10 and/or with the state planning board.

1 SECTION 5. Section twenty-three of chapter one  
2 hundred and twenty-one of the General Laws, as  
3 amended by chapter three hundred and sixty-four of  
4 the acts of nineteen hundred and thirty-three, is  
5 hereby amended by striking out the words “, encour-  
6 age the creation of local planning boards, gather

7 information in regard to town planning for the use of  
8 such boards”.

1 SECTION 6. Said chapter one hundred and twenty-  
2 one, as amended by chapter three hundred and sixty-  
3 four of the acts of nineteen hundred and thirty-three,  
4 is hereby further amended by striking out section  
5 twenty-six.

1 SECTION 7. All persons holding office or employ-  
2 ment in the department of public welfare and per-  
3 forming immediately prior to the taking effect of this  
4 act any duties thereby imposed upon the state plan-  
5 ning board, and all persons then employed in the  
6 metropolitan planning division, shall have preference  
7 in appointment or employment under said planning  
8 board in so far as, in its opinion, the respective ap-  
9 plicants are qualified and to the extent permitted by  
10 appropriations made, and shall be eligible to such  
11 appointment or employment without civil service  
12 examination, but otherwise shall be subject to the  
13 civil service laws and rules, where they apply.

It is the duty of the State to provide for the education of its citizens. The State is not to be regarded as a mere collection of individuals, but as a community with its own life and interests. The State is to be the guardian of the public good, and it is its duty to see that the rights of the individual are not sacrificed to the interests of a few. The State is to be the promoter of the general welfare, and it is its duty to see that the laws are so framed as to secure the greatest happiness for the greatest number. The State is to be the protector of the weak against the strong, and it is its duty to see that the rights of the poor are not trampled upon by the rich. The State is to be the promoter of the moral and intellectual improvement of its citizens, and it is its duty to see that the schools are so managed as to secure the best results for the least expense. The State is to be the promoter of the physical improvement of its citizens, and it is its duty to see that the public health is so maintained as to secure the longest and healthiest life for all its subjects. The State is to be the promoter of the religious improvement of its citizens, and it is its duty to see that the laws are so framed as to secure the greatest freedom of worship for all its subjects. The State is to be the promoter of the artistic improvement of its citizens, and it is its duty to see that the public buildings are so constructed as to secure the greatest beauty for the least expense. The State is to be the promoter of the scientific improvement of its citizens, and it is its duty to see that the public institutions are so managed as to secure the greatest advancement of knowledge for the least expense. The State is to be the promoter of the moral improvement of its citizens, and it is its duty to see that the laws are so framed as to secure the greatest freedom of thought and expression for all its subjects. The State is to be the promoter of the intellectual improvement of its citizens, and it is its duty to see that the public schools are so managed as to secure the greatest advancement of learning for the least expense. The State is to be the promoter of the physical improvement of its citizens, and it is its duty to see that the public buildings are so constructed as to secure the greatest beauty for the least expense. The State is to be the promoter of the religious improvement of its citizens, and it is its duty to see that the laws are so framed as to secure the greatest freedom of worship for all its subjects. The State is to be the promoter of the artistic improvement of its citizens, and it is its duty to see that the public buildings are so constructed as to secure the greatest beauty for the least expense. The State is to be the promoter of the scientific improvement of its citizens, and it is its duty to see that the public institutions are so managed as to secure the greatest advancement of knowledge for the least expense. The State is to be the promoter of the moral improvement of its citizens, and it is its duty to see that the laws are so framed as to secure the greatest freedom of thought and expression for all its subjects. The State is to be the promoter of the intellectual improvement of its citizens, and it is its duty to see that the public schools are so managed as to secure the greatest advancement of learning for the least expense.