SENATE DOCKET, NO. 1305 FILED ON: 1/18/2013

SENATE . . . . . No. 382

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act further clarifying the preservation of the Blackstone River and Canal .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard T. Moore	*Worcester and Norfolk*

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SENATE . . . . . No. 382

By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 382) of Richard T. Moore for legislation to further clarify the preservation of the Blackstone River and Canal . Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *362* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act further clarifying the preservation of the Blackstone River and Canal .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 21 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end thereof the following new section:-

Section 64. Blackstone River and Canal Commission.

Section 1. The Blackstone River and Canal commission, hereinafter called the commission, shall consist of one member of the house of representatives to be appointed by the speaker of the house of representatives, one member of the senate to be appointed by the president of the senate, one person to be appointed by the city manager of the city of Worcester; one person to be appointed by the board of selectmen of each of the towns of Blackstone, Millville, Uxbridge, Northbridge, Grafton, Sutton, and Millbury, the commissioner of conservation and recreation, ex-officio, or his designee, the administrator of the highway division of the department of transportation; the president of the central Massachusetts convention and visitors bureau, ex-officio, or his designee; the executive director of the central Massachusetts regional planning commission, ex-officio, or his designee; the president of the Worcester County League of Sportsmen's Club, ex-officio, or his designee, the commissioner of the department of fisheries, wildlife, ex-officio, or his designee, the commissioner of the department of environmental protection, ex-officio, or his designee, the director of the office of business development, ex-officio, or his designee, and the executive director of the Blackstone river watershed association, ex-officio. Persons appointed from the membership of the general

court and from said municipalities shall be appointed for two year terms. In selecting a person from each of the said municipalities, preference shall be given to residents who are members of historic commissions or other nonprofit organizations concerned with the preservation and use of the former Blackstone Canal or restoration of the Blackstone River and its tributaries.

Section 2. The purpose of the commission shall be the restoration for public use and enjoyment of the Blackstone River and Canal. Said commission is hereby authorized to develop plans for the establishment of a Blackstone River and Canal heritage state park and Blackstone Valley bikeway by acquisition of land, rights-of-way, existing structures and related facilities and land areas of the former Blackstone Canal, located in the municipalities of Worcester, Blackstone, Millville, Uxbridge, Northbridge, Grafton, Sutton, and Millbury, as may become available to the commission from time to time by option, gift, purchase, lease or otherwise of the fee in such land or of easements or other contractual rights, including conveyances as may be necessary.

In pursuance of said purpose said commission shall have the following powers and duties:

(a) Said commission may assess and evaluate remaining features and related structures of the former Blackstone Canal for their use in the Blackstone River and Canal Heritage Park, hereinafter called the heritage park.

(b) Said commission may prepare, adopt, and implement plans for the restoration of portions of the Blackstone Canal and related structures for use in the heritage park. With the approval of the municipalities named in this section, said commission may establish the boundaries of the heritage state park within such municipalities. Within said boundaries of the heritage state park said commission may restore and develop such land and water areas and structures as may be available to said commission for recreational and educational uses. Such development may include the placing of descriptive and directional signs on or near the Blackstone Canal right-of-way, on private property with the written permission of the owners of said property, on municipal property with the written permission of the respective municipality, on state-owned property with the written permission of the state agency which has jurisdiction over such property, or on property under the jurisdiction of the commission.

(c) Said commission shall consider the feasibility and make recommendations to the commissioner of conservation and recreation regarding the establishment, ownership, and operation of a Blackstone River and Canal heritage state park. In accordance with its purposes, powers, and duties, the commission may accept gifts from any source, including gifts of real property or less than fee simple interests in real property, staff services, and other in kind services. Said commission may apply for and receive grants or loans from any federal or state agency or any other public or private entity.

55 (d) Said commission shall choose from its number for terms of two years, a chairman, a
56 vice-chairman, and a secretary, who shall comprise the executive committee. During the periods
57 of time between regular meetings of said commission, the executive committee shall be
58 empowered to act on behalf of said commission. Said commission shall meet annually and at
59 other times as determined by the executive committee. The executive committee shall meet at the
60 call of the chairman or at the call of the majority of the members of the executive committee. A
61 quorum of said commission or of the executive committee shall be a majority of the members of
62 said commission or executive committee, respectively. All matters shall be decided by a majority
63 vote. The commission shall report annually, and at such other times it may choose, to the general
64 court, the governor, and the chief elected official of each municipality named in this section on
65 its activities and plans for a heritage state park.

66 Section 3. Not less than fourteen business days before the appropriate board or official of
67 a member city or town, or a state agency, permits or approves an activity or action on land
68 abutting the route of the Blackstone Canal, or within one mile of the center line of said canal, the
69 applicant for said activity or action shall give notice in writing to the commission through its
70 chairman of said activity or action. Said commission may, at the discretion of the chairman, or
71 of a majority of the executive committee, hold a public hearing on said activity or action to
72 determine if the activity or action complements or adversely impacts on the Blackstone Canal or
73 the Blackstone River and Canal heritage state park, and may make such recommendations as the
74 commission may determine to be in the best interests of said canal or heritage state park. The
75 commission may require that any preservation or improvement agreement reached between the
76 applicant and the commission shall be recorded with the registry of deeds.

77 Failure to notify the commission in accordance with the provisions of this section shall
78 cause such permit or approval to be deemed rescinded upon written notification from the
79 commission to said appropriate permit-granting board, official, or agency. In the event that an
80 applicant, having failed to show evidence that it notified the commission, shall have substantially
81 completed work under said permit or approval, the commission may, after a public hearing,
82 impose a fine in an amount not to exceed five percent of the total project costs, said fine to be
83 paid to the treasurer of the Blackstone River Watershed Association, or its successor
84 organization. For the purposes of this section, the term appropriate board or official shall
85 include, but not be limited to: the city council, board of selectmen, planning board, zoning board
86 of appeals, building commissioner, board of health, conservation commission, historical
87 commission or public works department.

88 SECTION 2. Chapter 568 of the Acts of 1981, Chapter 288 of the Acts of 1984, and
89 chapter 155 of the Acts of 1988 are hereby repealed.