

SENATE No. 362

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 adoption of the accompanying bill:

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

PETITION OF:

NAME:

Richard T. Moore

DISTRICT/ADDRESS:

SENATE No. 362

By Mr. Moore, a petition (accompanied by bill, Senate, No. 362) of Richard T. Moore for legislation to further clarifying the preservation of the Blackstone River and Canal . Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

_____ **In the Year Two Thousand Eleven** _____

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:

1 SECTION 1. Chapter 21 of the general laws, as appearing in the 2008 Official
2 Edition, is hereby amended by inserting at the end thereof the following new section:-

3 Section 64. Blackstone River and Canal Commission.

4 Section 1. The Blackstone River and Canal commission, hereinafter called the
5 commission, shall consist of one member of the house of representatives to be appointed by the
6 speaker of the house of representatives, one member of the senate to be appointed by the
7 president of the senate, one person to be appointed by the city manager of the city of Worcester;
8 one person to be appointed by the board of selectmen of each of the towns of Blackstone,
9 Millville, Uxbridge, Northbridge, Grafton, Sutton, and Millbury, the commissioner of
10 conservation and recreation, ex officio, or his designee, the administrator of the highway division
11 of the department of transportation; the president of the central Massachusetts convention and
12 visitors bureau, ex-officio, or his designee; the executive director of the central Massachusetts

13 regional planning commission, ex officio, or his designee; , the president of the Worcester
14 County League of Sportsmen's Club, ex officio, or his designee, the commissioner of the
15 department of fisheries, wildlife and recreational vehicles, ex officio, or his designee, the
16 commissioner of the department of environmental protection, ex officio, or his designee, the
17 director of the Massachusetts office of business development, ex officio, or his designee, and the
18 executive director of the Blackstone river watershed association, ex officio. Persons appointed
19 from the membership of the general court and from said municipalities shall be appointed for
20 two year terms. In selecting a person from each of the said municipalities, preference shall be
21 given to residents who are members of historic commissions or other nonprofit organizations
22 concerned with the preservation and use of the former Blackstone canal or restoration of the
23 Blackstone River and its tributaries.

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

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

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

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

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

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

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

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

89 SECTION 2. Chapter 568 of the Acts of 1981, Chapter 288 of the Acts of
90 1984, and chapter 155 of the Acts of 1988 are hereby repealed.