

Massachusetts House of Representatives Bill Summary

Bill #: H.5388

Title: An Act authorizing the transfer of a certain parcel of land in the town of Marion from the Open Space Acquisition Commission to the Select Board

Sponsor: Rep. Mark Sylvia and Sen. Kelly Dooner

Committee: Municipalities and Regional Government

Hearing Date: May 13, 2026

Current Law: Article 97 of the Amendments to the Massachusetts Constitution preserves natural resources by requiring a two-thirds vote of each branch of the Legislature prior to transferring by sale or lease, or changing the use of, protected land such as open space, park land, conservation land, wetlands, forests, etc.

MGL Chapter 3, Section 5A is the Public Lands Preservation Act, which was enacted as Chapter 274 of the Acts of 2022. The act established a process for submission of petitions to authorize the use for another purpose or disposition of land or an interest in land subject to Article 97 of the Amendments to the Constitution. The Executive Office of Energy and Environmental Affairs (EEA) must receive alternatives analyses and consider requests for waivers or modifications of the replacement land requirement or the payment of money in lieu of providing replacement land.

301 CMR 5.00 implements the LAND and PARC grant programs by establishing uniform grant application procedures, project selection standards, and program administration requirements. LAND is a grant program that provides reimbursements to municipalities of up to 90% of the allowable project costs towards the purchase of land for conservation and passive outdoor recreation purposes and/or planning, design, access, or stewardship projects on LAND funded conservation land.

Summary: Section 1 of this bill authorizes the Open Space Acquisition Commission of the town of Marion to transfer a 2,977 square foot parcel of land to the town Select Board to facilitate construction of a shared-use public path. The parcel of land is owned by the town.

Section 2 provides for the town, in consideration for the transfer authorized in section 1, to transfer care, custody, management and control of a parcel of approximately 13.38 acres of land currently held for general municipal purposes to the Open Space Acquisition Commission for passive recreation and conservation purposes. The transfer would be subject to Article 97 of

the Amendments to the Constitution, as well as the terms of the Local Acquisitions for Natural Diversity (LAND) grant program requirements.

Section 3 states that this act shall take effect upon its passage.

Notes:

Article S1 approved at the March 23, 2026 Special Town Meeting; passed by 102 in favor and 0 opposed. Marion has an open town meeting.

Construction for the 3.8 mile-long project is reportedly slated to begin in 2027, after final designs are submitted to MassDOT. The Marion Shared Use Pathway will connect with the Mattapoisett rail trail at Point Road.