

**Massachusetts House of Representatives**  
**Bill Summary**

**Bill #:** H.5463

**Title:** An Act relative to a conservation restriction in the town of Middleton

**Sponsor:** Rep. Bradley Jones

**Committee:** Municipalities and Regional Government

**Hearing Date:** June 23, 2026

**Current Law:** Article 97 of the Amendments to the Mass. Constitution preserves protected land and natural resources by requiring a two-thirds vote of both Legislative branches prior to conveying or changing the use of wetlands, forests, park land, open space, conservation land, recreation land, etc.

Mass. General Law Chapter 3, Section 5A, the Public Lands Preservation Act or Open Space Act, requires municipalities to file documentation with the Executive Office of Energy and Environmental Affairs which includes the purpose of a land transfer, an appraisal of the land value, an alternatives analysis, and plan to replace the land or dedicate funding to acquire replacement land.

MGL Chapter 40, Section 8C establishes conservation commissions in cities and towns and lists their powers, duties and responsibilities.

MGL Chapter 184, Section 31 defines conservation restrictions, which are used to preserve the land and prohibit certain uses of such land.

**Summary:** According to the town meeting warrant article description, this special legislation authorizes the release of a portion of an existing conservation restriction to allow the Middleton conservation commission to accept from the Essex County Greenbelt Association a replacement conservation restriction, while releasing the current one. The conservation restriction will cover an area of approximately 9.33 acres of land. The Greenbelt Association is a nonprofit organization dedicated to the conservation of farmland, wildlife habitat, and scenic landscapes throughout Essex County.

Section 1 of the bill authorizes the town of Middleton to release or exclude from a conservation restriction certain portions of land totaling 38,197 square feet on Leitner Way in Middleton.

Section 2 provides for the town conservation commission to accept and hold a conservation restriction on a parcel of land containing 9.33 acres. This would ensure no net loss of Article 97 land.

Section 3 requires Monastiero Consulting Services, LLC to pay all costs necessary to execute the conveyances, including engineering, surveys, appraisal, deed preparation and related expenses.

Section 4 provides for those portions of the existing conservation restriction that are not being partially released or amended to remain in effect.

Section 5 provides for this act to take effect upon its passage.

Notes:

Language approved as Article 27 at the May 12, 2026 Annual Town Meeting by a two-thirds majority vote.

Monastiero Consulting Services, LLC developed the Leitner Way subdivision as part of "Essex Woods". Approval of the subdivision was contingent upon placing a conservation restriction on a portion of the land. An error made when recording the restriction required a correction. The developer will pay all costs associated with the corrected conservation restriction.