

Massachusetts House of Representatives
Bill Summary

Bill #: H.5467

Title: An Act authorizing the transfer of certain parcels of land in the town of Weston from the Weston conservation commission to the select board

Sponsor: Rep. Alice Peisch and Sen. Michael Barrett

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.

Summary: According to the town meeting warrant explanation, the town has identified three land parcels for the siting of new water storage tanks. The proposed locations of the new tanks are currently protected under Article 97 of Massachusetts General Law for conservation or recreation purposes. The law stipulates that in order for Article 97 land to be used for a different purpose, the Town may designate other municipal property to be classified as Article 97 protected land. The select board and conservation Commission have proposed the swap of a portion of Parcel 9 of the Case Estates as the preferred site in exchange for the three water tank parcels. The Conservation Commission voted unanimously, and the Select Board voted by majority, to support the land swap of the identified parcels.

Section 1 of the bill authorizes the town of Weston to transfer three parcels of town-owned land containing a total of approximately 4.5 acres, currently held by the conservation commission for passive recreation, open space and conservation purposes, to the Weston select board for purposes of siting water tanks as part of a large water storage project.

Section 2 requires the town of Weston to mitigate the loss of protected land in section 1 by transferring approximately 5 acres of town-owned land to the

conservation commission to be held for passive recreation, open space and conservation purposes. The legal description of the land is in the bill.

Section 3 provides for this act to take effect upon its passage.

Notes:

Language approved as Article 1 at the March 12, 2025 Special Town Meeting by a vote of 318 in favor and 32 opposed (two-thirds vote required)

According to the project description, under existing conditions, Weston's water system has no active storage; this storage deficit will worsen over time if not addressed. To consistently and effectively meet the Town's needs for residential use, firefighting, and emergency situations, a water system must have sufficient tank space at the right elevation to hold water for active storage. Active storage in a water system meets the fluctuating demands for everyday water use and includes sufficient volume for firefighting needs. This project stems from a 2019 water system master plan.