



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND SEVENTY-SEVEN

Chapter 403 Acts 1977

AN ACT ESTABLISHING THE MIDDLESEX CANAL COMMISSION AND AUTHORIZING THE DEVELOPMENT OF THE MIDDLESEX CANAL HERITAGE PARK

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. There is hereby established the Middlesex Canal Commission, hereinafter the Commission, for the purpose of planning for, establishing, laying out, developing, and maintaining a park to be known as the Middlesex Canal Heritage Park, hereinafter Heritage Park, along the former Middlesex Canal located in the municipalities of Lowell, Chelmsford, Billerica, Wilmington, Woburn, Winchester, Medford, Somerville, and Boston.

SECTION 2. Said Commission shall consist of fifteen members, one of whom shall be appointed by the Speaker of the House; one member appointed by the President of the Senate; the director of state planning, the commissioner of environmental management, or their designees, who shall be ex officio voting members; the executive director of the Metropolitan Area Planning Council, and the executive director of the Northern Middlesex Area Commission, who shall be ex officio voting members; and one member from each of the following municipalities to be appointed by the chief executive of said municipality:

Lowell, Chelmsford, Billerica, Wilmington, Woburn, Winchester, Medford, Somerville, and Boston.

Members appointed from the general court and from the municipalities named in this section shall be appointed for two-year terms. Vacancies caused by unexpired terms shall be filled in the same manner as the original appointment. In selecting members from municipalities, chief executives shall give preference to residents who are members of historic district commissions or non-profit organizations concerned with the preservation of the former Middlesex Canal.

The Commission shall annually choose from its membership a chairman, vice-chairman, a secretary, and a treasurer, who shall comprise the executive committee. Between regular meetings of the Commission, the executive committee shall be empowered to act on behalf of the Commission. The full Commission shall meet at least once annually, and at such other times as it may determine, or as may be determined necessary by the executive committee. A quorum shall be a majority of the members of the Commission or executive committee, as the case may be. All matters shall be decided by a majority vote.

SECTION 3. The Commission shall have the following powers and duties:

1. The Commission may assess and evaluate remaining features and related structures of the former Middlesex Canal for their use in the Heritage Park.
2. The Commission may prepare, adopt, and implement plans for the restoration of portions of the Middlesex Canal and related structures for use in the Heritage Park. The Commission may establish the boundaries of the Heritage Park within the municipalities listed in section 2 of this act, subject to approval by vote of the city council or town meeting in each such municipality.

3. Within the boundaries of the Heritage Park, the Commission may restore and/or develop such land and water areas and structures for active and passive recreational and educational uses as may be made available to the Commission either through acquisition or gift. Development may include, among other things, the placing of descriptive and directional signs on or near Middlesex 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 under whose jurisdiction the property falls, or on property or easements under the jurisdiction of the Commission. The erection of signs on state property or on easements or property owned by the Commission shall be at the expense of the department of public works.
4. The Commission shall evaluate the feasibility and make recommendations to the commissioner of environmental management with regard to the establishment, ownership, and operation of a Middlesex Canal State Heritage Park.

In furtherance of the above, the Commission shall have the power to acquire by purchase, lease, or other devise such lands, structures, or rights-of-way, either in fee simple or otherwise, along said former Middlesex Canal as the Commission determines necessary for the establishment and maintenance of said Heritage Park.

The Commission may accept gifts, including gifts of real property in fee simple or otherwise, or staff services, and other in-kind services. The Commission may also apply for and receive grants or loans from any federal

or state agency or any other public or private entity. The Commission may employ experts, consultants, and clerical and other assistants.

SECTION 4. The Commission shall report from time to time, but at least annually, to the general court, the governor, and the chief executive of each municipality named in section two of this act on its activities and plans for the Heritage Park.