

## SECTION 5: INVENTORY OF LANDS OF CONSERVATION & RECREATION INTEREST

Article 97 of the State Constitution provides permanent protection for certain lands acquired for natural resources purposes, meaning “conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources.” Lands of this nature are often owned by the municipal conservation commission, recreation commission, water department, or by a state or federal conservation agency (i.e., the EOEA or the Division of Fish & Wildlife). Private, public and non-profit conservation and recreation lands can also be protected under Article 97. Removing the permanent protection status of such lands is extremely difficult, as is evidenced by the following required steps:

- The municipal conservation commission or recreation commission must vote that the land in question is surplus to its needs;
- The removal of permanent protection status must be approved at a Town Meeting/City Council vote and pass by a 2/3 vote;
- The municipality must file an Environmental Notification Form with the EOEA’s Massachusetts Environmental Policy Act (MEPA);
- The removal of permanent protection status must be approved by the State Legislature and pass by a 2/3 vote; and
- In the case of land either acquired or developed with grant assistance from the EOEEA’s Division of Conservation Services, the converted land must be replaced with land of equal monetary value and recreational or conservation utility.

In other words, it is intentionally difficult to remove a property’s permanent protection status so that it may be developed. Private lands can also be protected in perpetuity through deed restrictions or conservation easements. Municipal lands under active use (schools, town halls, highway department facilities, police/fire facilities, etc.) are *not* considered permanently protected, nor are private lands that are within the State’s special taxation programs (Chapter 61)

**Table OSR-8**  
**North Brookfield Land Protection Summary**

| <u>Description and Status</u>   | <u># of Parcels</u> | <u>Acres</u> |
|---|---------------------|--------------|
| Town Owned Limited Protection (municipal buildings)                             | 20                  | 76.37        |
| Town-Owned Permanently Protected<br>(conservation land, cemeteries, recreation) | 31                  | 409.67       |
| State-Owned Permanently Protected   | 20                  | 745.12       |
| Privately-Owned Permanently Protected (Mass Audubon, APR)                       | 18                  | 1,052.49     |
| Privately Owned Limited Protection  | 140                 | 4,164.38     |
| Total Amount of Land Permanently Protected                                      | 35                  | 2,207.28     |
| Total Amount of Land Under Limited Protection                                   | 160                 | 4,240.75     |