

November 22, 2024

## NOTICE OF PUBLIC HEARING

This Public Meeting Notice is available in alternative languages ([繁體中文](#), [Kreyòl ayisyen](#), [Português, Portugal](#), [Español](#), [Tiếng Việt](#))

The Executive Office of Energy and Environmental Affairs (EEA) will hold a public hearing on proposed new regulations authorized by chapter 274 of the Acts of 2022, An Act to Preserve Open Space in the Commonwealth. The proposed regulations, 301 CMR 52.00: *Disposition or Change in Use of Article 97 Interests*, are required by the Act and provide procedures and requirements for proposals to change the use or dispose of land or interests in land subject to Article 97 of the Amendments to the Constitution of the Commonwealth. EEA is seeking public comment on the proposed regulations.

A copy of the proposed regulations is available on the EEA website at [Article 97 & An Act Preserving Open Space in the Commonwealth \(M.G.L. c. 3, § 5A\) | Mass.gov](#). Copies may also be obtained by sending an email to [Michael.gendron2@mass.gov](mailto:Michael.gendron2@mass.gov).

EEA will hold a hybrid in-person and virtual public hearing on these regulations at **1:00 PM on Tuesday, December 17, 2024**. The in-person hearing will be held in the large meeting room at the MassWildlife Field Headquarters at 1 Rabbit Hill Road, Westborough, MA 01581.

Registration is required to obtain access to the virtual hearing room, which will be provided via Zoom. To register, go to: [link](#). There is no requirement to register in advance of the hearing to attend; registration and access to the hearing is available both prior to and during the meeting until it has ended.

Simultaneous oral translation will be provided at the hearing through the virtual hearing room.

Reasonable accommodations for people with disabilities are available upon request. To submit a request for an accommodation please email [eeadiversity@mass.gov](mailto:eeadiversity@mass.gov) or call 617-872-3270, and an ADA Coordinator will receive your request. Please include a description of the request in as much detail as possible and a way we can contact you if we need more information. Please allow at least two weeks (14 days) advance notice. Last minute requests will be accepted but we may be unable to fulfill the request.

Testimony may be presented orally at the public hearing or in writing. EEA will consider written comments that are received by **5:00pm on December 23, 2024**. EEA encourages electronic submission of written comments to [Michael.gendron2@mass.gov](mailto:Michael.gendron2@mass.gov). Please refer to 301 CMR 52 in the subject line. Written comments may also be mailed to: Executive Office of Energy and Environmental Affairs, Attn: Michael Gendron, 100 Cambridge Street, Suite 900, Boston, MA 02114.

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**Small Business Impact Statement**  
(As required by M.G.L. c. 30A §§ 2, 3 & 5)

**CMR No.: 301 CMR 52:00 Change in Use or Disposition of Article 97 Interests**

**Estimate of the Number of Small Businesses Impacted by the Regulation: 0**

**Select Yes or No and Briefly Explain**

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Will small businesses have to create, file, or issue additional reports?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Will small businesses have to implement additional recordkeeping procedures?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Will small businesses have to provide additional administrative oversight?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Will small businesses have to hire additional employees in order to comply with the proposed regulation?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Are performance standards more appropriate than design standards?</b> N/A
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Will the regulation have the effect of creating additional taxes and/or fees for small businesses?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</b> The regulations apply only to public entities.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Can the regulation provide for less stringent compliance or reporting requirements for small businesses?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Can the compliance or reporting requirements be consolidated or simplified for small businesses?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Can performance standards for small businesses replace design or operational standards?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</b> The regulations apply only to public entities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Were any small businesses or small business organizations contacted during the preparation of this document? If so, please describe</b> The regulations do not apply to small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Are there regulations of the promulgating agency, or of another agency or department of the commonwealth, which may duplicate or conflict with the proposed regulation?</b> No.