



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Maura T. Healey
GOVERNOR

Kimberley Driscoll
LIEUTENANT GOVERNOR

Rebecca L. Tepper
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1081
<http://www.mass.gov/eea>

February 28, 2025

NOTICE OF PUBLIC HEARING

The Executive Office of Energy and Environmental Affairs has reopened the public comment period on proposed new regulations authorized by Chapter 274 of the Acts of 2022, An Act to Preserve Open Space in the Commonwealth, and will hold a third public hearing on the proposed regulations. 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. A copy of the proposed regulations, a Notice to Reviewers, and other materials are available on the EEA website at <https://www.mass.gov/info-details/article-97-an-act-preserving-open-space-in-the-commonwealth-mgl-c-3-ss-5a>

Testimony may be presented orally or in writing. EEA will consider written comments received by **5:00 PM on March 26, 2025**. EEA encourages electronic submission of written comments to Michael.gendron2@mass.gov. Please reference 301 CMR 52 in the subject line. Written comments can be mailed to: Executive Office of Energy and Environmental Affairs, Attn: Michael Gendron, 100 Cambridge Street, Suite 900, Boston, MA 02114.

A public hearing on these regulations will take place **4:00 PM on Wednesday, March 26, 2025**. Registration is required to obtain access to the virtual hearing room. 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. Register for the Zoom Webinar: https://zoom.us/webinar/register/WN_si76wRmWS5GSlzurW1Glug#/registration

Simultaneous oral and ASL interpretation will be provided 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 or call 617-872-3270, and an ADA Coordinator will receive your request. Last minute requests will be accepted but we may be unable to fulfill the request. This Public Meeting Notice is available in alternative languages (Español -- Tiếng Việt -- Chinese -- Kreyòl Ayisyen -- Português) at <https://www.mass.gov/orgs/executive-office-of-energy-and-environmental-affairs> under "Upcoming Events".

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

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