

**SENATE . . . . . No. 2086**

**[LOCAL APPROVAL RECEIVED.]**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Therese Murray**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act authorizing the Department of Highways and the town of Kingston to exchange certain parcels of land.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Therese Murray	Plymouth and Barnstable
Thomas J. Calter	12th Plymouth

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act authorizing the Department of Highways and the town of Kingston to exchange certain parcels of land.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Upon completion of its review and its approval of the plans for the construction of  
2 a ramp in the town of Kingston to provide access from public ways serving the Kingston MBTA Station  
3 and land in Kingston and Plymouth in the vicinity thereof to state highway route 3, southbound, the  
4 department of highways, hereinafter referred to as the “department,” shall notify the board of selectmen  
5 of the town of Kingston. The notice shall include one or more plans depicting (1) the layout of the ramp,  
6 (2) the extension of Cranberry road as approved by the town of Kingston planning board as provided in  
7 section 3 and (3) necessary easements, both construction and permanent, within the boundaries of the  
8 town’s land described as parcels 1 (being a portion of Kingston Assessors’ Map 66, Lot 50), 2 (comprised  
9 of portions of Map 66, Lot 50 & Map 75, Lot 11), 3 (being a portion of Cranberry Road Right-of-Way)  
10 and 5 (comprised of portions of Map 66, Lot 50 & Map 75, Lot 11) on the plan identified in said section  
11 3. Neither the layout of the ramp, the extension of Cranberry road nor the easements shall require the  
12 relocation of the town’s existing sewer treatment and recycling facilities.

13           SECTION 2. Notwithstanding any general or special law to the contrary, the department,  
14 following its acquisition of the land and the easements described in section 3, shall convey to the town for  
15 municipal purposes, the portion of land owned by the department shown as parcel 6 (Mass Highway 1958  
16 Layout #4722) on the Plan (as defined below) located south of the layout of the ramp no longer required

17 for highway purposes. The parcel shall not be less than 30,000 square feet, shall be contiguous to parcel 4  
18 (comprised of portions of Map 66, Lot 50 & Map 75, Lot 11) and shall be described in the notice given to  
19 the board of selectmen under section 1.

20 SECTION 3. (a) Notwithstanding any general or special law to the contrary, the board of  
21 selectmen of the town of Kingston, upon receipt of the notice required under section 1 and, as requested  
22 by the department, shall either convey by deed to the department or release the town's interest in, and the  
23 department shall acquire by the deed, eminent domain or otherwise, the land required for the ramp to be  
24 laid out as a state highway in the following described parcels of land owned by the town: not more than  
25 1.95 acres of the town's land described as parcels 1, 2 and 3 above and on that plan of land entitled "Plan  
26 of Land Parcels in Kingston Massachusetts to be Exchanged between the Town of Kingston and the  
27 Massachusetts Department of Highways," dated August 6, 2007 (the "Plan"). The deed or release shall  
28 also include such easements in said parcels 1, 2, and, 3 above and on parcel 5 described above and on the  
29 Plan as the department requires in connection with the construction and operation of the ramp. (b) The  
30 department, in accordance with section 7A of chapter 81 of the General Laws, on behalf of the town of  
31 Kingston, shall alter Cranberry road to create its extension as approved by the planning board of the town  
32 of Kingston as a roadway to the ramp. The extension shall be located within said parcels 2 and 5 as  
33 shown on the plan. (c) The extension of Cranberry road shall be designed and constructed in accordance  
34 with the design standards adopted under the town of Kingston smart growth zoning by-law and approved  
35 by the planning board of the town of Kingston.

36 SECTION 4. The board of selectmen of the town of Kingston shall apply for the permits and  
37 approvals required from the department of environmental protection to use the lands described in section  
38 3 for the purposes provided in sections 1 and 3.

39           SECTION 5. Notwithstanding any general or special law to the contrary, upon completion of the  
40 ramp in accordance with the approvals issued by the department, the department shall notify the town of  
41 the completion and shall take control of and operate the ramp as part of the department's highway system.

42           SECTION 6. The plan referred to in Section 3 shall be kept on file with the chief engineer of the  
43 department and the town administrator of the town of Kingston.

44           SECTION 7. This act shall take effect upon its passage.