

SENATE No. 2147

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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

15 SECTION 2. Notwithstanding any general or special law to the contrary, the department,
16 following its acquisition of the land and the easements described in section 3, shall convey to the
17 town for municipal purposes, the portion of land owned by the department shown as parcel 6
18 (Mass Highway 1958 Layout #4722) on the Plan (as defined below) located south of the layout
19 of the ramp no longer required for highway purposes. The parcel shall not be less than 30,000
20 square feet, shall be contiguous to parcel 4 (comprised of portions of Map 66, Lot 50 & Map 75,
21 Lot 11) and shall be described in the notice given to the board of selectmen under section 1.

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

37 constructed in accordance with the design standards adopted under the town of Kingston smart
38 growth zoning by-law and approved by the planning board of the town of Kingston.

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

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

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