

# HOUSE . . . . . No. 4357

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 28, 2014.

The committee on Ways and Means, to whom was referred the Senate Bill authorizing the transfer of certain parcels of land in the town of Hubbardston (Senate, No. 2288), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4357.

For the committee,

BRIAN S. DEMPSEY.

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Fourteen**  
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*By striking out all after the enacting clause and inserting in place thereof the following:*

1           "SECTION 1. Notwithstanding sections 32 to 37 of chapter 7C of the General Laws,  
2 inclusive, or any other general or special law to the contrary, the commissioner of capital asset  
3 management and maintenance, in consultation with the commissioner of conservation and  
4 recreation, may convey a certain parcel of land currently under the care and control of the  
5 department of conservation and recreation and held for conservation and recreation purposes to  
6 the town of Hubbardston to be used for general municipal purposes, subject to the requirements  
7 of sections 2 to 5, inclusive, and to such additional terms and conditions as the commissioner of  
8 capital asset management and maintenance may, in consultation with the commissioner of  
9 conservation and recreation, prescribe. The parcel of land is identified as 'Proposed Lot 12+  
10 acres' on the plan of land entitled 'Conceptual Site Plan', dated July 2013, revised August 5,  
11 2013, prepared by Places Associates, Inc., which is on file with the department of conservation  
12 and recreation, and further described in an order of taking recorded in the Worcester district  
13 registry of deeds in book 16405, page 273. Prior to finalizing the transaction or making the  
14 conveyance authorized in this section, the division of capital asset management and maintenance  
15 may make minor modifications to the area and plan in order to carry out this act.

16           SECTION 2. The town of Hubbardston shall, as a condition of the conveyance  
17 authorized in section 1, compensate the commonwealth for the interest in land described in said  
18 section 1 through the transfer to the department of conservation and recreation an interest in land  
19 or though the payment of an amount equal to or greater than the appraised value as determined  
20 under section 3 and approved by the department of conservation and recreation. The fair market  
21 value of any land or interest in land proposed to be conveyed by the the town of Hubbardston to  
22 the department shall be included within the appraisal prepared under section 3. Any land or  
23 interest in land acquired by the department pursuant to this section shall be permanently held and  
24 managed for conservation and recreation purposes by the department. Should the appraised  
25 value of any land or interests in land conveyed under this section be of greater value than the  
26 appraised value of the interests in land described in said section 1, the commonwealth shall have  
27 no obligation to pay the difference.

28 SECTION 3. An independent appraisal of the fair market value and value in use of the  
29 parcel described in section 1 and any land conveyed by the town of Hubbardston under section 2  
30 shall be prepared by a qualified appraiser commissioned by the commissioner of capital asset  
31 management and maintenance.. The commissioner of capital asset management and  
32 maintenance shall submit the appraisal to the inspector general for review and comment. The  
33 inspector general shall prepare a report of the review and file the report with the commissioner of  
34 capital asset management and maintenance for submission by the commissioner to the house and  
35 senate committees on ways and means and the joint committee on state administration and  
36 regulatory oversight. The commissioner shall submit copies of the appraisal and the inspector  
37 general's review to the house and senate committees on ways and means and the joint committee  
38 on state administration and regulatory oversight not less than 15 days prior to the execution of  
39 documents effecting the transfer described in section 1.

40 SECTION 4. The town of Hubbardston shall assume all costs associated with  
41 engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the  
42 commissioner of capital asset management and maintenance to execute the conveyances  
43 authorized by this act.

44 SECTION 5. The deed or other instrument conveying the parcel described in section 1 to  
45 the town of Hubbardston shall provide that if the parcel ceases at any time to be used for general  
46 municipal purposes, title to the parcel shall, at the election of the commonwealth, revert to the  
47 commonwealth and be assigned to the care, custody and control of the department of  
48 conservation and recreation upon such terms and conditions as the commissioner of capital asset  
49 management and maintenance may determine. If any interest reverts to the commonwealth, any  
50 further disposition shall be subject to sections 32 to 37, inclusive, of chapter 7C of the General  
51 Laws."