

SENATE No. 1936

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

SENATE, Wednesday, November 20, 2013

The committee on Ways and Means, to whom was referred the Senate Bill designating and transferring certain land in the towns of Norfolk and Walpole for conservation, open space, water supply protection, and recreational purposes (Senate, No. 1560)(the committee on Bonding, Capital Expenditures and State Assets in section 3, by striking out in line 33 the words “Chapter 7” and inserting in place there of the words:- “Chapter 7C”; and in section 4, by striking out in line 70 the words “Chapter 7” and inserting in place there of the words:- “Chapter 7C”),- reports, recommending that the same ought to pass with an amendment substituting a new draft of the same title (Senate, No. 1936).

For the committee,
Stephen M. Brewer

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An Act designating and transferring certain land in the towns of Norfolk and Walpole for conservation, open space, water supply protection, and recreational purposes.

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. (a) The parcels of land described in section 2 in the towns of Norfolk and
2 Walpole are hereby designated for and shall be held under the protection of Article XCVII of the
3 smendments to the constitution solely for the purposes of open space, forest and water supply
4 protection, management and conservation, environmental education and research and public
5 access for passive recreation and enjoyment.

6 (b) The department of correction, in consultation with the executive office of Energy and
7 Environmental Affairs and the towns of Norfolk and Walpole, may issue regulations consistent
8 with subsection (a) for the public access, use and maintenance of those parcels. The department
9 of correction may also issue public access and use regulations for the Zone I protection of
10 department of correction well fields #1, #2, #3, and #4 and designated security buffer zones that
11 are under the care, custody and control of the department of correction.

12 (c) No building or other permanent structure, utility system or paved roadway or area,
13 excluding necessary recreational or conservation equipment and facilities, shall be constructed
14 on or over any parcel designated in subsection (a). The department of correction may operate,

15 maintain, repair, replace, renovate or remove any existing permanent structure, utility system or
16 paved roadway or area within any parcel designated in said subsection (a).

17 (d) The department of correction may construct additional or new structures as necessary
18 to any existing utility system on any parcel designated under subsection (a).

19 SECTION 2. The parcels of land in the town of Norfolk and Walpole under the care,
20 custody and control of the department of correction designated for the purposes described in
21 section 1 shall be those lands of the commonwealth described within the “Proposed Use
22 Boundary Line” - Blocks I, II, III and IV, shown on a plan entitled “Land Use Plan of Land in
23 Norfolk, MA & Walpole, MA Prepared for the Commonwealth of Massachusetts Department of
24 Corrections & Executive Office of Energy and Environmental Affairs”, drawn by Northeast
25 Survey Consultants, Easthampton, Massachusetts, dated February 2, 2012, with copies on file
26 with the department of correction and the executive office of energy and environmental affairs
27 with the exception of approximately 5 acres described in section 3. The exact boundaries of the
28 parcels shall be determined by the commissioner of capital asset management and maintenance
29 in consultation with the commissioner of orrection by a survey which shall be reviewed and
30 approved by the commissioner of correction and the secretary of energy and environmental
31 affairs.

32 SECTION 3. (a) Notwithstanding sections 32 to 36, inclusive, of chapter 7C of the
33 General Laws or any other general or special law to the contrary, the commissioner of capital
34 asset management and maintenance, in consultation with the commissioner of correction may
35 convey the parcel described in subsection (b) under the care, custody and control of the
36 department of correction, currently used for correctional purposes and protection of correctional

37 water supplies within the Stony Brook/Stop River watershed, to the town of Norfolk to be solely
38 designated, held and used only for passive and active recreational activities and facilities
39 necessary for these uses and under the protection of Article XCVII of the amendments to the
40 constitution. The consideration for the parcel shall be assessed at \$400 per acre. Thirty days
41 before the execution of a deed for the conveyance authorized in this section or any subsequent
42 amendment thereto, the commissioner of capital asset management and maintenance shall submit
43 the proposed deed or amendment and a report thereon to the inspector general for review and
44 comment. The inspector general shall issue such review and comment within 15 days after
45 receipt of the proposed deed or amendment. The commissioner shall submit the proposed deed
46 or amendment, and the reports and the comments of the inspector general, if any, to the house
47 and senate committees on ways and means and the joint committee on state administration and
48 regulatory oversight at least 1 day before execution of the deed or amendment. The town of
49 Norfolk shall be responsible for all costs and expenses of the transaction authorized in this
50 section as determined by the commissioner of capital asset management and maintenance
51 including, but not limited to, the costs of any engineering, surveys, appraisals and deed
52 preparation related to the conveyance of the parcel.

53 (b) The parcel of land in the town of Norfolk, shall consist of approximately 5 acres,
54 being a portion of those lands of the commonwealth within the "Proposed Use Boundary Line" -
55 Block I, shown on the abovementioned plan entitled "Land Use Plan of Land in Norfolk, MA &
56 Walpole, MA" described as follows: beginning at a point on Pond Street (Route 115) on the
57 northerly end of the Town of Norfolk Pond Street Recreational Facility and Fields parcel on
58 assessor's map 20, block 72, parcel 56 and following the boundary between this parcel and the
59 land of the Commonwealth to a point on Pond Street (Route 115) on the southerly end of the

60 Town of Norfolk parcel and then southerly along Pond Street (Route 115) to the corner with the
61 “Tract 1000E-1 USA Easement Area” found in Deed Book 5788 Page 1 and thence easterly,
62 thence northerly along the bounds of that easement to a point adjacent to Stony Brook, southerly
63 of Well #2, thence southwesterly along Stony Brook to a point on Pond Street (Route 115) and
64 thence southeasterly along Pond Street (Route 115) to the point of beginning. The exact
65 boundaries of the parcel, containing approximately 5 acres, shall be determined by the
66 commissioner of capital asset management and maintenance in consultation with the
67 commissioner of correction by a survey which shall be reviewed and approved by the secretary
68 of energy and environmental affairs and the town of Norfolk.

69 SECTION 4. (a) Notwithstanding sections 32 to 36, inclusive, of chapter 7C of the
70 General Laws or any other general or special law to the contrary, the commissioner of capital
71 asset management and maintenance, in consultation with the commissioner of correction may
72 convey the parcel described in subsection (b) under the care, custody and control of the
73 department of correction, currently used for correctional purposes, to the town of Walpole to be
74 solely designated, held and used only for passive and active recreational activities and facilities
75 and open space purposes necessary for these uses and under the protection of Article XCVII of
76 the amendment to the constitution. The consideration for the parcel shall be assessed at \$400 per
77 acre. Thirty days before the execution of a deed for the conveyance authorized by this section or
78 any subsequent amendment thereto, the commissioner of capital asset management and
79 maintenance shall submit the proposed deed or amendment and a report thereon to the inspector
80 general for his review and comment. The inspector general shall issue such review and comment
81 within 15 days after receipt of the proposed deed or amendment. The commissioner shall submit
82 the proposed deed or amendment, and the reports and the comments of the inspector general, if

83 any, to the house and senate committees on ways and means and the joint committee on state
84 administration and regulatory oversight at least 1 day before execution of the deed or
85 amendment. The town of Walpole shall be responsible for all costs and expenses of the
86 transaction authorized in this section as determined by the commissioner of capital asset
87 management and maintenance including, but not limited to, the costs of any engineering,
88 surveys, appraisals and deed preparation related to the conveyance of the parcel.

89 (b) The parcel of land in the town of Walpole shall be those lands of the commonwealth
90 found on assessor's map 55, parcel 99 and described within the "Proposed Use Boundary Line" -
91 Block V, shown on the abovementioned plan entitled "Land Use Plan of Land in Norfolk, MA &
92 Walpole, MA", containing approximately 64.5 acres. The exact boundaries of the parcel,
93 containing approximately 64.5 acres, shall be determined by the commissioner of capital asset
94 management and maintenance in consultation with the commissioner of correction by a survey
95 which shall be reviewed and approved by the secretary of energy and environmental affairs and
96 the town of Walpole.

97 SECTION 5. The assessed cost of \$400 per acre as described in sections 3 and 4 shall be
98 determined fair and reasonable in consideration of reductions in prison aid to the towns of
99 Walpole and Norfolk since fiscal year 2008.

100 SECTION 6. The department of correction may receive gifts, grants or payments related
101 to the parcels described in this act in a trust account, in an amount not to exceed \$200,000, for
102 the specific purpose of acquiring environmental services and equipment, including the purchase,
103 installation and maintenance of recycling and renewable energy equipment. The department may

104 expend, without further appropriation, all such funds received for environmental services and
105 equipment.

106 SECTION 7. This act shall expire 5 years after its effective date if the towns of Norfolk
107 and Walpole fail to move forward with their plans to acquire the parcels described in this act.