

SENATE No. 2288

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act authorizing the transfer of certain parcels of land in the town of Hubbardston.

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

1 . (a) Notwithstanding sections 34 to 37 of chapter 7C of the General Laws, inclusive, or
2 any other general or special law to the contrary, the commissioner of capital asset management
3 and maintenance, in consultation with the commissioner of conservation and recreation, may
4 convey a certain parcel of land currently under the care and control of the department of
5 conservation and recreation and held for conservation and recreation purposes to the town of
6 Hubbardston to be used for general municipal purposes, subject to the requirements of
7 subsections (b) to (e), inclusive, and to such additional terms and conditions consistent with this
8 act as the commissioner of capital asset management and maintenance may, in consultation with
9 the commissioner of conservation and recreation, prescribe. The parcel of land is identified as
10 “Proposed Lot 12+ acres” on the plan of land entitled “Conceptual Site Plan”, dated July 2013,
11 revised August 5, 2013, prepared by Places Associates, Inc., which is on file with the department
12 of conservation and recreation, and further described in an order of taking recorded in the
13 Worcester district registry of deeds in book 16405, page 273. Prior to finalizing the transaction
14 or making the conveyance authorized in this section, the division of capital asset management
15 and maintenance may make minor modifications to the area and plan in order to carry out this
16 act.

17 (b) The town of Hubbardston shall, as a condition of the conveyance authorized in
18 subsection (a), compensate the commonwealth for the interest in land described in said
19 subsection (a) through the transfer to the department of conservation and recreation of land an
20 interest in land or funding for the acquisition of land or an interest therein equal to or greater than
21 the appraised value as determined under subsection (c) and approved by the department of
22 conservation and recreation. The fair market value of any land or interest in land proposed to be
23 conveyed by the the town of Hubbardston to the department shall be included within the
24 appraisal prepared under subsection (c). Any land or interest in land acquired by the department

25 pursuant to this section shall be permanently held and managed for conservation and recreation
26 purposes by the department. Should the appraised value of any land or interests in land
27 conveyed under this section be of greater value than the appraised value of the interests in land
28 described in said subsection (a), the commonwealth shall have no obligation to pay the
29 difference. All payments to the commonwealth as a result of the conveyances or grants
30 authorized by this act shall be deposited in the Conservation Trust established in section 1 of
31 chapter 132A of the General Laws.

32 (c) An independent appraisal of the fair market value and value in use of the parcel
33 described in subsection (a) and any land conveyed by the town of Hubbardston under subsection
34 (b) shall be prepared by a qualified appraiser commissioned by the commissioner of capital asset
35 management and maintenance; provided, however, that the commissioner may accept the
36 findings of a previous appraisal conducted by an independent appraiser. The commissioner of
37 capital asset management and maintenance shall submit the appraisal to the inspector general for
38 review and comment. The inspector general shall prepare a report of the review and file the
39 report with the commissioner of capital asset management and maintenance for submission by
40 the commissioner to the house and senate committees on ways and means and the joint
41 committee on state administration and regulatory oversight. The commissioner shall submit
42 copies of the appraisal and the inspector general's review to the house and senate committees on
43 ways and means and the joint committee on state administration and regulatory oversight not less
44 than 15 days prior to the execution of documents effecting the transfer described in section (a).

45 (d) The town of Hubbardston shall assume all costs associated with engineering, surveys,
46 appraisals, deed preparation and other expenses deemed necessary by the commissioner of
47 capital asset management and maintenance to execute the conveyances authorized by this act.

48 (e) The deed or other instrument conveying the parcel described in subsection (a) to the
49 town of Hubbardston shall provide that if the parcel ceases at any time to be used for general
50 municipal purposes, title to the parcel shall, at the election of the commonwealth, revert to the
51 commonwealth and be assigned to the care, custody and control of the department of
52 conservation and recreation upon such terms and conditions as the commissioner of capital asset
53 management and maintenance may determine. If any interest reverts to the commonwealth, any
54 further disposition shall be subject to sections 34 to 37, inclusive, of chapter 7C of the General
55 Laws.