

# **HOUSE . . . . . No. 4054**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, December 4, 2017.

The committee on State Administration and Regulatory Oversight to whom was referred the joint petition (accompanied by bill, House, No. 3458) of Jeffrey N. Roy, Richard J. Ross and Karen E. Spilka (with the approval of the town council) that the commissioner of Capital Asset Management and Maintenance be authorized to lease a certain parcel of land to the city known as the town of Franklin for landfill capping, solid waste transfer station and recycling center purposes, reports recommending that the accompanying bill (House, No. 4054) [Local Approval Received] ought to pass.

For the committee,

JENNIFER E. BENSON.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act authorizing the conveyance of Article 97 land to the city known as the town of Franklin.

*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. Notwithstanding to the provisions of sections 34 to 37 of Chapter 7C of the  
2 General Laws, the Commissioner of Capital Asset Management and Maintenance, in  
3 consultation with the Commissioner of Conservation and Recreation, may convey the fee interest  
4 in 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 City  
6 known as the Town of Franklin, to be used for the purposes of landfill capping, solid waste  
7 transfer station and recycling center, subject to the requirements of sections 2 through 5 and to  
8 such additional terms and conditions consistent with this act as the Commissioner of Capital  
9 Asset Management and Maintenance may prescribe in consultation with the Commissioner of  
10 Conservation and Recreation. The parcel of land contains 4.71 acres, more or less, and is shown  
11 on a plan of land entitled "Landfill Site Plan" to be filed with the Norfolk County Registry of  
12 Deeds. Prior to finalizing the transaction or making the conveyance authorized herein, the

13 division of Capital Asset Management and Maintenance may make minor modifications to the  
14 area and plan in order to carry out the purposes of this act.

15 SECTION 2. An independent appraisal of the fair market value and value in use of the  
16 parcel described in section 1 and section 3 shall be prepared in accordance with the usual and  
17 customary professional appraisal practices by a qualified appraiser commissioned by the  
18 Commissioner of Capital Asset Management and Maintenance. Consideration for the grant of the  
19 above-described interest shall be the full and fair market value or the value in proposed use,  
20 whichever is greater, as determined by the Commissioner of Capital Asset Management, and  
21 calculated with regard to its full development potential as assembled with other lands owned or  
22 otherwise controlled by the grantee. If the appraised value of the parcel in section 1 exceeds the  
23 value of the parcels in section 3, the town shall pay the difference to the Commonwealth and  
24 shall be deposited in the Conservation Trust established in section 1 of chapter 132A General  
25 Laws.

26 The Commissioner of Capital Asset Management and Maintenance shall submit the  
27 appraisal or appraisals to the inspector general for his or her review and comment. The Inspector  
28 General shall review and approve the appraisal or appraisals, and the review shall include an  
29 examination of the methodology utilized for the appraisal or appraisals. The Inspector General  
30 shall prepare a report of his or her review and file the report with the Commissioner of Capital  
31 Asset Management and Maintenance for submission by said Commissioner to the House and  
32 Senate Committees on Ways and Means and the Joint Committee on State Administration and  
33 Regulatory Oversight. Said Commissioner shall submit copies of the appraisals, and the  
34 Inspector General's review and approval and comments, if any, to the House and Senate  
35 Committees on Ways and Means and the Joint Committee on State Administration and

36 Regulatory Oversight at least 15 days prior to the execution of documents affecting the transfers  
37 described in section 1.

38 SECTION 3. To ensure a no-net-loss of lands protected for natural resource purposes, the  
39 Town shall convey to the Commonwealth under the care and control of Department of  
40 Conservation and Recreation to be held for conservation and recreation purposes under Article  
41 97 of the amendments to the constitution of the commonwealth the fee interest totaling 29.25+/-  
42 of four town tax title properties identified as assessor's parcels: 306-023; 311-020; 311-019; and  
43 311-018. The Town shall also grant to the Commonwealth under the care and control of  
44 Department of Conservation and Recreation a pedestrian access easement over parcel 288-008  
45 and an easement for operational access over parcel 277-006 at a mutually agreed upon location.  
46 Further, the Town agrees to trail improvements and the installation of fencing and guardrail at  
47 mutually agreed upon locations north of Beaver street.

48 SECTION 4. The grantee shall assume all costs associated with engineering, surveys,  
49 appraisals, deed preparation and other expenses deemed necessary by the Commissioner of  
50 Capital Asset Management and Maintenance to execute the conveyances authorized by this act.

51 SECTION 5. No instrument executed pursuant to this act shall be valid unless it provides  
52 that the area conveyed shall be used solely for the purposes described in section 1. The  
53 instrument authorized in section 1 shall include a reversionary clause that stipulates the property  
54 shall revert to the Commonwealth and be assigned to the care, custody and control of the  
55 Department of Conservation and Recreation, upon such terms and conditions as the  
56 Commissioner of Capital Asset Management and Maintenance may determine, if the property  
57 ceases to be used for the express purposes authorized in this act. If any interest reverts to the

58 Commonwealth, any further disposition shall be subject to sections 34 to 37, inclusive, of  
59 chapter 7C of the General Laws and the prior approval of the General Court.