

HOUSE No. 3915

The Commonwealth of Massachusetts

PRESENTED BY:

Shawn Dooley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>5/16/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>5/24/2019</i>

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By Mr. Dooley of Norfolk, a petition (subject to Joint Rule 12) of Shawn Dooley and Rebecca L. Rausch that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain parcels of land in the town of Norfolk to said town for passive and active recreational activities and facilities. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act designating and transferring certain land in the town of Norfolk for conservation, open space, water supply protection, and recreation 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 town of Norfolk are
2 hereby designated for and shall be held under the protection of Article XCVII of the amendments
3 to the constitution solely for the purposes of open space, forest and water supply protection,
4 management and conservation, environmental education and research and public access for
5 passive recreation and enjoyment.

6 (b) The department of correction, in consultation with the executive office of energy and
7 environmental affairs and the town of Norfolk, may issue regulations consistent with subsection
8 (a) for the public access, use and maintenance of those parcels.

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

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

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

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

28 SECTION 3. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
29 General Laws, of Chapter 168 of the Acts of 2013, or any other general or special law to the
30 contrary, the commissioner of capital asset management and maintenance, in consultation with
31 the commissioner of correction may convey the parcel described in subsection (b) under the care,
32 custody and control of the department of correction, currently used for correctional purposes and
33 protection of correctional water supplies within the Stony Brook/Stop River watershed, to the

34 town of Norfolk to be solely designated, held and used only for passive and active recreational
35 activities and facilities for these uses and under the protection of Article XCVII of the
36 amendments to the constitution. The consideration for the parcel shall be assessed at \$400 per
37 acre. The town of Norfolk shall be responsible for all costs and expenses of the transaction
38 authorized in this section as determined by the commissioner of capital asset management and
39 maintenance including, but not limited to, the costs of any engineering, surveys, appraisals and
40 deed preparation related to the conveyance of the parcel.

41 (b) The parcel of land in the town of Norfolk, shall consist of approximately 43 acres,
42 being a portion of those lands of the commonwealth within the “Proposed Use Boundary Line” -
43 Block I, shown on the above mentioned plan entitled “Land Use Plan of Land in Norfolk, MA &
44 Walpole, MA” described as follows: beginning at a point on Pond street (Route 115) on the
45 northerly end of the town of Norfolk Pond Street Recreational Facility and Fields parcel on
46 assessor’s map 20, block 72, parcel 56 and following the boundary between this parcel and the
47 land of the commonwealth to a point on Pond street (Route 115) on the southerly end of the town
48 of Norfolk parcel and then southerly along Pond street (Route 115) to the corner with the “Tract
49 1000E-1 USA Easement Area” found in a deed recorded in book 5788, page 1 in the Norfolk
50 county registry of deeds and thence easterly, thence northerly along the bounds of that easement
51 to a point adjacent to Stony brook, southerly of well #2, thence southwesterly along Stony brook
52 to a point on Pond street (Route 115) and thence southeasterly along Pond street (Route 115) to
53 the point of beginning. The exact boundaries of the parcel, containing approximately 43 acres,
54 shall be determined by the commissioner of capital asset management and maintenance in
55 consultation with the commissioner of correction by a survey which shall be reviewed and
56 approved by the secretary of energy and environmental affairs and the town of Norfolk. The

57 parcel described in this section includes the parcels described in section (3) and 3(b) of chapter
58 168 of the acts of 2013.