

# HOUSE . . . . . No. 3915

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*Shawn Dooley*

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*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.

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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.

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## The Commonwealth of Massachusetts

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

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

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

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

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

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

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