

**SENATE . . . . . No. 2201**

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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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SENATE, April 18, 2019

The committee on State Administration and Regulatory Oversight, to whom was referred the petition (accompanied by bill, Senate, No. 1911) of Bruce E. Tarr and Lenny Mirra for legislation to authorize the mutual release of all claims to certain lands in the town of Newbury, - reports the accompanying bill (Senate, No. 2201).

For the committee,  
Marc R. Pacheco

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## The Commonwealth of Massachusetts

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

An Act authorizing the mutual release of all claims to certain lands in the town of Newbury.

*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) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the  
2 General Laws, or any other special or general laws to the contrary, the commissioner of the  
3 division of capital asset management and maintenance, in consultation with the director of the  
4 division of fisheries and wildlife, on behalf of the Commonwealth of Massachusetts, is hereby  
5 authorized to convey by a release deed to The Richard J. Boudreau and Pauline C. Boudreau  
6 Irrevocable Trust, Karyn M. Alves, Trustee, under declaration of trust dated September 5, 2017  
7 and recorded at the Essex South District Registry of Deeds at Book 36202, Page 289  
8 (hereinafter, the “Trust”), all of the Commonwealth’s interests in the lot of land with the  
9 buildings thereon, situated in the Town of Newbury, Essex County, on the southwesterly side of  
10 Moody Street, so called, shown as Lot A as shown on “Plan of Land Located in Newbury,  
11 Massachusetts” prepared by Engineering Land Services, LLC, dated July 7, 2018 and on file  
12 with the division of capital asset management and maintenance and with the division of fisheries  
13 and wildlife. Said plan shall be recorded simultaneously with the recording of the conveyances  
14 described herein.

15           (b) The consideration for such conveyance is the mutual release of the Trust’s interests  
16 by release deed in the following described lot of undeveloped land, situated in the Town of  
17 Newbury, Essex County, on the southwesterly side of Moody Street, so called, shown as Lot B  
18 as shown on “Plan of Land Located in Newbury, Massachusetts” prepared by Engineering Land  
19 Services, LLC, dated July 7, 2018 and on file with the division of capital asset management and  
20 maintenance and with the division of fisheries and wildlife. Said plan shall be recorded  
21 simultaneously with the recording of the conveyances described herein.

22           The Commonwealth recognizes that said lot is not a buildable lot and agrees that it will  
23 be combined with the Crane Pond Wildlife Management Area.

24           (c) As additional consideration, the Trust shall also convey to the commonwealth of  
25 Massachusetts, acting by and through its division of fisheries and wildlife a perpetual restrictive  
26 covenant for the area depicted on the Plan near the rock garden. Said covenant shall prohibit the  
27 Trust or successor owners of Lot A from mowing or fertilizing in the restrictive covenant area to  
28 protect the wetlands resources on Lot B and shall require the planting of native grasses or shrubs.

29           (d) The Trust shall assume all costs associated with engineering, surveying, deed  
30 preparation, and other expenses deemed necessary by the Commissioner of the Division of  
31 Capital Asset Management and Maintenance or the Commissioner of the Division of Fisheries  
32 and Wildlife to execute the conveyances described in this section.

33           SECTION 2. The Commissioner shall establish the value of the properties to be  
34 exchanged for both the highest and best use of the properties as currently encumbered and for the  
35 purposes described in section 1. If the consideration for the parcel conveyed in section 1(a) is  
36 less than fair market value, the commissioner shall place notice in the central register of the

37 conveyances, the amount of the transaction and the difference between the calculated value and  
38 price received.

39 SECTION 3. This Act shall take effect upon its passage.