

SENATE No. 3020

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 authorizing the transfer of land in Templeton, Phillipston and Royalston.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>

SENATE No. 3020

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 3020) (subject to Joint Rule 12) of Anne M. Gobi, Joanne M. Comerford, Jonathan D. Zlotnik and Susannah M. Whipps for legislation to authorize the transfer of land in Templeton, Phillipston and Royalston. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act authorizing the transfer of land in Templeton, Phillipston and Royalston.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to transfer certain parcels of land at the former Templeton Developmental Center, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 sections 32 to 37, inclusive, of chapter 7C of the General
2 Laws, chapter 504 of the acts of 2002, chapter 59 of the acts of 2009 as amended by sections 117
3 through 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special law to
4 the contrary, the commissioner of capital asset management and maintenance shall transfer the
5 care, custody and control of the parcels of land at the former Templeton developmental center in
6 the towns of Phillipston, Templeton, and Royalston identified in section 2 from the department
7 of developmental services to the department of fish and game, to be held solely for the purposes
8 and uses of forest and open space protection, management and conservation, environmental
9 education and public access for passive recreation and enjoyment, including hunting, fishing and

10 trapping, subject to the limitations of and to protect the rights of the public under article XCVII
11 of the amendments to the constitution of the commonwealth. The commissioner of capital asset
12 management and maintenance, in consultation with the commissioner of fish and game, shall
13 determine the exact boundaries of the parcels through a survey. The commissioner of the
14 division of capital asset management and maintenance, in consultation with the commissioner of
15 fish and game, may alter the boundaries to be transferred to the care and control of the
16 department of fish and game pursuant to this section. The department of fish and game shall not
17 be required to pay any consideration for the parcels of land to be transferred to the department of
18 fish and game pursuant to this act.

19 SECTION 2. The parcels of land that may be transferred to the department of fish and
20 game pursuant to section 1 contain approximately 1,427 acres and are shown as the
21 “unencumbered area (white)” on the plan of land in Templeton, MA prepared by Northeast
22 Survey Consultants dated July 27, 2017 that is on file with the division of capital asset
23 management and maintenance, subject to modifications pursuant to section 1.

24 SECTION 3. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
25 Laws, Chapter 504 of the Acts of 2002, chapter 59 of the acts of 2009 as amended by sections
26 117 through 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special
27 law to the contrary, the commissioner of capital asset management and maintenance shall
28 transfer the care, custody and control of the parcels of land at the former Templeton
29 developmental center in the towns of Phillipston and Templeton identified in section 4 from the
30 department of developmental services to the department of agricultural resources, to be held
31 solely for the purposes and uses of agriculture and open space protection, management and
32 conservation, subject to the limitations of and to protect the rights of the public under article

33 XCVII of the amendment to the constitution of the commonwealth. The commissioner of capital
34 asset management and maintenance, in consultation with the commissioner of agricultural
35 resources, shall determine the exact boundaries of the parcels through a survey. The
36 commissioner of the division of capital asset management and maintenance, in consultation with
37 the commissioner of the department of agricultural resources, may alter the boundaries to be
38 transferred to the care and control of the department of agricultural resources pursuant to this
39 section. The department of agricultural resources shall not be required to pay any consideration
40 for the parcels of land to be transferred to the department of agricultural resources pursuant to
41 this act.

42 SECTION 4. The parcels of land that may be transferred to the department of agricultural
43 resources pursuant to section 3 contain 175 acres, more or less, and are shown as the agricultural
44 fields numbered 1, 4, 5, 10, 11, 12, 13, 14A, 14C, 15, 16, 17, 18, 19, 20, 21 and 22 on the plan of
45 land in Templeton, MA prepared by Northeast Survey Consultants dated July 27, 2017 that is on
46 file with the division of capital asset management and maintenance, subject to modifications
47 pursuant to section 3.

48 SECTION 5. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
49 Laws, Chapter 504 of the Acts of 2002, chapter 59 of the acts of 2009 as amended by sections
50 117 through 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special
51 law to the contrary, the commissioner of capital asset management and maintenance, in
52 consultation with the commissioner of agricultural resources, may convey to one or more
53 purchasers the agricultural fields and parcels at the former Templeton developmental center in
54 the towns of Royalston, Templeton, and Phillipston identified in Section 6, provided, however,
55 that: (i) prior to sale of said agricultural fields the commissioner of capital asset management and

56 maintenance shall record an agricultural preservation restriction on said fields pursuant to
57 sections 31 through 33, inclusive, of chapter 184 of the General Laws; and (ii) sale of said parcels
58 shall be subject to a deed restriction restricting the use of the property and buildings thereon to
59 use for agricultural purposes as defined in section 1(a) of chapter 128 of the General Laws. The
60 commissioner of capital asset management and maintenance, in consultation with the
61 commissioner of agricultural resources, shall determine the exact boundaries of the parcels
62 through a survey. The commissioner of the division of capital asset management and
63 maintenance, in consultation with the commissioner of agricultural resources, may alter the
64 boundaries to be conveyed pursuant to this section. The commissioner of capital asset
65 management and maintenance shall use a competitive best value bidding process and procedures
66 when making any disposition under this section. Not less than 30 days before the date on which
67 bids, proposals or other offers to purchase the parcels, or any portion thereof, are due, the
68 commissioner of capital asset management and maintenance shall place a notice in the central
69 register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws
70 stating: (i) the availability of the parcels; (ii) the nature of the competitive bidding process; (iii)
71 the time, place and manner for the submission of bids and proposals and the opening of the bids
72 or proposals; and (iv) other information that the commissioner deems relevant. Said
73 commissioner shall also place notification in the central register of the individual or firm selected
74 as party to any real property transaction involving any such parcels and the amount of the
75 transaction. The commissioner may transfer to the care, custody and control of the department of
76 agricultural resources any of said agricultural fields or parcels that has not been conveyed by the
77 commissioner pursuant to this section on or before December 31, 2023, and the commissioner of
78 agricultural resources shall accept care, custody and control of said parcels or agricultural fields,

79 provided, however, that the commissioner of agricultural resources may require the demolition
80 and removal of any structures on the parcels prior to accepting care, custody and control of any
81 of said parcels or agricultural fields.

82 SECTION 6. The agricultural fields and parcels that may be conveyed pursuant to
83 Section 5 are the agricultural fields numbered 2, 3, 6, 7, 8, 9 and 14B and the parcels labeled LA
84 1, LA 2, LA 3, LA 4, and LA 5 on the plan of land in Templeton, MA prepared by Northeast
85 Survey Consultants dated July 27, 2017 that is on file with the division of capital asset
86 management and maintenance, subject to modifications pursuant to section 5.

87 SECTION 7. The executive office of energy and environmental affairs shall be
88 responsible for the costs and expenses of the transfers authorized by sections 1, 3, and 5 of this
89 act as determined by the commissioner of capital asset management and maintenance, including,
90 but not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording
91 fees and document preparation related to the transfer of the care, custody and control of the
92 parcels pursuant to sections 1 through 6, inclusive.

93 SECTION 8. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
94 Laws, Chapter 504 of the Acts of 2002, chapter 59 of the acts of 2009 as amended by sections
95 117 through 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special
96 law to the contrary, the commissioner of capital asset management and maintenance may sell or
97 lease to one or more purchasers or lessees the parcels of land, with any buildings thereon, at the
98 former Templeton developmental center in the towns of Templeton, Phillipston and Royalston
99 not transferred to the care, custody and control of the department of fish and game, the
100 department of agricultural resources, or a private party pursuant to the preceding sections. The

101 commissioner of capital asset management and maintenance shall determine the exact
102 boundaries of the parcels through a survey. The commissioner shall use appropriate competitive
103 bidding processes and procedures when making any disposition under this section. Not less than
104 30 days before the date on which bids, proposals or other offers to purchase the parcels, or any
105 portion thereof, are due, the commissioner shall place a notice in the central register published by
106 the state secretary pursuant to section 20A of chapter 9 of the General Laws stating: (i) the
107 availability of the parcels; (ii) the nature of the competitive bidding process; (iii) the time, place
108 and manner for the submission of bids and proposals and the opening of the bids or proposals;
109 and (iv) other information that the commissioner deems relevant. The commissioner shall also
110 place notification in the central register of the individual or firm selected as party to any real
111 property transaction involving any such parcels and the amount of the transaction.

112 SECTION 9. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
113 Laws, Chapter 504 of the Acts of 2002, chapter 59 of the acts of 2009 as amended by sections
114 117 through 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special
115 law to the contrary, the commissioner of capital asset management and maintenance may: (i)
116 convey the portions of roads located at the former Templeton developmental center including,
117 without limitation, the road known as Freight Shed road, to the Massachusetts department of
118 transportation, and (ii) convey portions of roads located at the former Templeton developmental
119 center not conveyed to the Massachusetts department of transportation, including, without
120 limitation, the road known as Freight Shed road, to the towns in which such portions of roads are
121 located, subject to the requirement that the grantee in each instance maintains the portions of
122 roads conveyed to it as a public way. The commissioner of capital asset management and

123 maintenance shall determine the exact boundaries of the portions of said roads to be conveyed to
124 each grantee through surveys.

125 SECTION 10. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
126 Laws, Chapter 504 of the Acts of 2002, chapter 59 of the acts of 2009 as amended by sections
127 117 through 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special
128 law to the contrary, the commissioner of capital asset management and maintenance may convey
129 any water lines or other utilities located in any of the roads referred to in section 9 to the town,
130 municipal light and power plant, or other entity that provides water service in the town in which
131 such water lines or other utilities are located. The commissioner of capital asset management and
132 maintenance shall determine the exact boundaries of such water lines or other utilities to be
133 conveyed to each grantee through surveys.