SENATE DOCKET, NO. 3241 FILED ON: 7/1/2022

SENATE . . . . . No. 3021

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman

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 care and control of land in the town of Monson.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ryan C. Fattman	*Worcester and Norfolk*
Brian M. Ashe	*2nd Hampden*

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SENATE . . . . . No. 3021

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 3021) (subject to Joint Rule 12) of Ryan C. Fattman and Brian M. Ashe for legislation to authorize the transfer of care and control of land in the town of Monson. 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 care and control of land in the town of Monson.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to transfer certain parcels of land at the former Monson 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:

SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws, chapter 403 of the acts of 2008, chapter 59 of the acts of 2009 as amended by sections 117 to 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may transfer the care and control of the parcel of land in the town of Monson identified in section 2 from the department of developmental services to the department of fish and game to be held solely for the purposes and uses of forest, agriculture and open space protection, management and conservation, environmental education and public access for passive recreation and enjoyment, including hunting, fishing and trapping, subject to the limitations of and to protect the rights of the public under article XCVII of the amendments to the constitution of the commonwealth. The

commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, shall determine the exact boundaries of the parcel, which may require the completion of a survey. The commissioner of the division of capital asset management and maintenance, in consultation with the commissioner of fish and game, may alter the boundaries to be transferred to the care and control of the department of fish and game pursuant to this section. The department of fish and game shall not be required to pay any consideration for the parcel of land to be transferred to the department of fish and game pursuant to this act.

SECTION 2. The parcel of land to be transferred to the department of fish and game pursuant to section 1 contains approximately 458.451 acres and is shown as “Locus A” on Sheet 2 of the Plan of Land in Monson, MA prepared by Northeast Survey Consultants dated 4/1/2015 that is on file with the division of capital asset management and maintenance. In consultation with the department of fish and game, the town of Monson shall be authorized to develop and construct a walking trail from “Locus A” to connect a proposed parking site off of Upper Palmer Road to town conservation land. The town of Monson shall be responsible for the maintenance and upkeep of said walking trail.

SECTION 3. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws, chapter 403 of the acts of 2008, chapter 59 of the acts of 2009 as amended by sections 117 to 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may transfer the care, custody and control of the parcels of land identified in section 4 from the department of developmental services to the department of agricultural resources, to be held solely for the purposes and uses of agriculture and open space protection, management and conservation,

subject to the limitations of and to protect the rights of the public under article XCVII of the amendment to the constitution of the commonwealth. The commissioner of capital asset management and maintenance, in consultation with the commissioner of agricultural resources, shall determine the exact boundaries of the parcels, which may require the completion of a survey. The commissioner of the division of capital asset management and maintenance, in consultation with the commissioner agricultural resources, may alter the boundaries to be transferred to the care and control of the department of agricultural resources pursuant to this section. The department of agricultural resources shall not be required to pay any consideration for the parcels of land to be transferred to the department of agricultural resources pursuant to this act.

SECTION 4. The parcels of land to be transferred to the department of agricultural resources pursuant to section 3 are shown as “Locus B” on Sheet 3 and “Locus C” on Sheet 4 of the Plan of Land in Monson, MA prepared by Northeast Survey Consultants dated 4/1/2015 that is on file with the division of capital asset management and maintenance.

SECTION 5. The executive office of energy and environmental affairs shall be responsible for the costs and expenses of the transfers authorized by this act as determined by the commissioner of capital asset management and maintenance including, but not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording fees and deed preparation related to the conveyance of the parcels (exclusive of the cost of demolishing any structures on the parcels).