

HOUSE No. 4964

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 31, 2024.

The committee on Ways and Means, to whom was referred the Bill An Act authorizing the town of Westford to release agricultural preservation restrictions over land owned by Westford Gateway, LLC. (House, No. 4385), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4964).

For the committee,

AARON MICHLEWITZ.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing the town of Westford to release agricultural preservation restrictions over land owned by Westford Gateway, LLC.

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 any general or special law to the contrary, the town of
2 Westford may execute a certificate of release over so much of the agricultural preservation
3 restrictions granted to the town of Westford by Keith A. Bohne and Nanci Bohne as lies within
4 the limits of lands to be acquired by the Massachusetts Department of Transportation in
5 connection with the rehabilitation of Boston road in Westford, Massachusetts. The agricultural
6 preservation restrictions are described in: (i) book 8569, page 242 dated May 15, 1997 recorded
7 in the Middlesex north registry of deeds; (ii) book 9155, page 153 dated March 26, 1998
8 recorded in the Middlesex north registry of deeds; and (iii) book 10124, page 169 dated May 3,
9 1999 recorded in the Middlesex north registry of deeds. The agricultural preservation restrictions
10 are shown on a plan of land entitled “Compiled Plan of Land 66 Boston Road Westford,
11 Massachusetts” dated May 6, 1997 and recorded in plan book 194, page 7 in the Middlesex north
12 registry of deeds. The transfer of such land shall be subject to and completed in accordance with
13 the requirements of this act.

14 (b) The lands over which the certificate of release shall apply are located along the
15 northeasterly side of Boston road and shown as parcels 20-E-1, 20-GR-PUE-2 and 20-PUE-14
16 on a preliminary right of way plan entitled “Proposed – Not to Scale Project #609035 Westford –
17 Westford Gateway, LLC Parcel Sketch – 01-30-24” except as otherwise noted, to be filed with
18 the Chief Engineer of the highway division of the Massachusetts Department of Transportation,
19 and recorded with the Middlesex north registry of deeds.

20 (c) All parcels to be used for this construction project shall be restored to their condition
21 prior to the construction project to protect the conservation values of the surrounding lands.

22 SECTION 2. As mitigation for the release described in section 1, the Massachusetts
23 Department of Transportation shall provide funding in lieu of replacement land to the town of
24 Westford, which shall be not less than 110 per cent of the fair market value or value in use of the
25 impacted lands, whichever is greater, as determined by an independent appraisal. The town of
26 Westford shall deposit such sum into its Community Preservation Fund and dedicate it solely for
27 the acquisition of land for conservation or agricultural preservation purposes. The town of
28 Westford shall use such funds within 3 years to acquire replacement land which is in a
29 comparable location, of equal or greater natural resource value as determined by the secretary of
30 energy and environmental affairs, and of equal or greater acreage and monetary value, as
31 determined by an independent appraisal of the fair market value or value in use, whichever is
32 greater, of the impacted lands.

33 SECTION 3. The Massachusetts Department of Transportation shall assume all costs
34 associated with engineering, surveys, appraisal, deed preparation and other expenses necessary to
35 execute the release authorized in section 1.

36 SECTION 4. Except as partially released in accordance with this act, the agricultural
37 preservation restrictions identified in section 1 shall remain in full force and effect.

38 SECTION 5. This act shall take effect upon its passage.