

HOUSE No. 4978

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 1, 2024.

The committee on Ways and Means, to whom was referred the Senate Bill providing for the disposition of certain property in the town of Upton (Senate, No. 2933), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4978.

For the committee,

AARON MICHLEWITZ.

HOUSE No. 4978

Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill providing for the disposition of certain property in the town of Upton (Senate, No. 2933). August 1, 2024.

The Commonwealth of Massachusetts

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

By striking out all after the enacting clause and inserting in place thereof the following:—

1 Chapter 156 of the acts of 2005 is hereby amended by striking out sections 1 to 4,
2 inclusive, and inserting in place thereof the following 4 sections:-

3 SECTION 1. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
4 General Laws, the commissioner of capital asset management and maintenance, in consultation
5 with the department of conservation and recreation, shall, , convey 2 parcels of land off of Maple
6 avenue in the town of Upton, presently under the care, custody and control of the department, to
7 the Upton Development Group, Ltd. or its nominee. The parcels are shown on a plan of land
8 entitled “Approval Not Required Plan of Land Maple Avenue, Hartford Avenue, Glen Avenue
9 Upton, Massachusetts, Worcester County” dated October 13, 2013, prepared by Geo/Network
10 Land Survey, Inc.. The exact boundaries of the parcels shall be determined by the commissioner,
11 in consultation with the department.

12 SECTION 2. As consideration for the conveyance authorized in section 1, the division of
13 capital asset management and maintenance shall receive from the grantee 2 parcels of land to be
14 placed under the care, custody and control of the department of conservation and recreation to be

15 used for conservation purposes. The parcels are shown on a plan of land entitled “Approval Not
16 Required Plan of Land Maple Avenue, Hartford Avenue, Glen Avenue Upton, Massachusetts,
17 Worcester County” dated October 13, 2013, prepared by Geo/Network Land Survey, Inc. The
18 exact boundaries of the parcels shall be determined by the commissioner, in consultation with the
19 department and recipient.

20 SECTION 3. As further consideration for the conveyance authorized the recipient shall
21 donate \$25,000 to the department of conservation and recreation as compensation and restitution
22 for the trespass, encroachment and contamination related to the past disposal of solid and
23 hazardous waste materials on the commonwealth’s parcels. At the time of conveyance,
24 compensation and restitution shall be paid and deposited in the Conservation Trust, established
25 pursuant to section 1 of chapter 132A of the General Laws. The conveyance and payment of
26 additional compensation shall satisfy the obligations of the Upton Fuels and Construction, Inc.,
27 and its stockholders to the commonwealth for the past activities identified above.

28 SECTION 4. There shall be an independent appraisal of the parcels described in section 1
29 and 2 to determine their market values, or the values in use as proposed, based upon any
30 professional appraisals as commissioned by the commissioner of the division of capital asset
31 management and maintenance. The parcels described in said section 2 were determined to be of
32 3 times greater value than the parcels to be conveyed by the commonwealth in said section 1 and
33 the commonwealth shall not be required to pay the difference. The full and fair market value of
34 all parcels were determined by an independent appraisal, prepared in accordance with the usual
35 and customary professional appraisal practices, by a qualified appraiser commissioned and
36 instructed by the commissioner to appraise the commonwealth’s parcels described in said section
37 1 as if free of contamination and without the benefit of any permits, approvals or authorizations

38 obtained by the grantee. The commissioner of capital asset management and maintenance shall
39 submit the appraisal or appraisals to the inspector general for review and comment. The
40 inspector general shall review and approve the appraisal or appraisals, and the review shall
41 include an examination of the methodology utilized for the appraisal or appraisals. The inspector
42 general shall prepare a report of such review and file the report with the commissioner of capital
43 asset management and maintenance for submission by the commissioner to the house and senate
44 committees on ways and means and the joint committee on state administration and regulatory
45 oversight. Said commissioner shall submit copies of the appraisals and the inspector general's
46 review and approval and comments, if any, to the house and senate committees on ways and
47 means and the joint committee on state administration and regulatory oversight at least 15 days
48 prior to the execution of documents effecting the conveyances authorized in this act.