

SENATE No. 2872

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 release of parcels of land in the town of Raynham from certain restrictions.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Marc R. Pacheco

Third Bristol and Plymouth

Angelo L. D'Emilia

8th Plymouth

SENATE No. 2872

By Mr. Pacheco, a petition (accompanied by bill) (subject to Joint Rule 12) of Marc R. Pacheco and Angelo L. D'Emilia for legislation to authorize the release of parcels of land in the town of Raynham from certain restrictions. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act authorizing the release of parcels of land in the town of Raynham from certain restrictions.

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 general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the commissioner of agricultural resources,
4 may execute a certificate of release for portions of three parcels of land subject in part or whole
5 to an agricultural preservation restriction granted to the commonwealth by the town of Raynham.
6 The purpose for said release shall be to allow the town of Raynham to construct a public safety
7 facility; widen the public way of King Phillip Street which shall include straightening, improved
8 drainage, and a shared use path on the western side of the street; and address property delineation
9 issues involving recreational fields. All portions of parcels to be released from the agricultural
10 preservation restriction are shown on plan of land entitled “Borden Colony Concept Plan”, dated
11 June 3, 2024, prepared for the town of Raynham by Greenman-Pedersen, Inc, a copy of which
12 the town of Raynham shall record in the Bristol county northern district registry of deeds.

13 Further detail on the portion of the parcel for the public safety facility is shown on a survey plan
14 entitled “Raynham Public Safety Project King Phillip Street”, dated September 13, 2021,
15 prepared for the town of Raynham by Lighthouse Land Surveying, LLC, a copy of which the
16 town of Raynham shall also record in the Bristol county northern district registry of deeds. The
17 portions of parcels to be released are: (i) approximately 435,538 square feet (10.0 acres) of 2254
18 King Phillip Street for the public safety facility, which is part of parcel 11-256-0 on the town of
19 Raynham’s assessors’ maps and described in a deed recorded in the Bristol county northern
20 district registry of deeds in book 2176, page 297; (ii) approximately 86,547 square feet (1.99
21 acres) of 2254 King Phillip Street for the public way widening of King Phillip Street, which is
22 part of parcel 11-256-0 on the town of Raynham’s assessors’ maps and described in a deed
23 recorded in the Bristol county northern district registry of deeds in book 2176, page 297; (iii)
24 approximately 4,209 square feet (.10 acres) of 2215 King Phillip Street for the public way
25 widening of King Phillip Street, which is part of parcel 11-256-B on the town of Raynham’s
26 assessors’ maps and described in a deed recorded in the Bristol county northern district registry
27 of deeds in book 2176, page 297; (iv) approximately 15,699 square feet (.36 acres) of 2215 King
28 Phillip Street for shared use path purposes, which is part of parcel 11-256-B on the town of
29 Raynham’s assessors’ maps and described in a deed recorded in the Bristol county northern
30 district registry of deeds in book 2176, page 297; (v) approximately 101,891 square feet (2.34
31 acres) of 0 King Phillip Street for shared use path trailhead purposes, which is part of parcel 11-
32 256-C on the town of Raynham’s assessors’ maps and described in a deed recorded in the Bristol
33 county northern district registry of deeds in book 2176, page 297; and (vi) approximately 40,692
34 square feet (.93 acres) for recreational use easement purposes, which is part of parcel 11-256-B

35 on the town of Raynham’s assessors’ maps and described in a deed recorded in the Bristol
36 county northern district registry of deeds in book 2176, page 297.

37 (b) If the parcel authorized for release for the public safety facility pursuant to subsection
38 (a) is proposed to be sold or transferred to an entity or person for purposes other than the public
39 safety facility or ceases to be used for public safety purposes by current or future owner, the
40 agricultural preservation restriction shall be reimposed on the parcel and any such sale or transfer
41 is void without such reimposition, unless said original restriction has been released or discharged
42 by the commonwealth in its entirety. This provision shall be included in the certificate of release
43 and shall run with the land.

44 SECTION 2. Notwithstanding any general or special law to the contrary the department
45 of capital asset management and maintenance may execute a certificate of release for portions of
46 two parcels of land subject in part to a recreational use restriction for the public way widening of
47 King Phillip Street. All portions of parcels to be released from the recreational use restriction
48 are shown on plan of land entitled “Borden Colony Concept Plan”, dated June 3, 2024, prepared
49 for the town of Raynham by Greenman-Pedersen, Inc. The portion of parcels for release are: (a)
50 approximately 10,035 square ft (.23 acres) of 2254 King Phillip Street, which is part of parcel
51 11-256-0 on the town of Raynham’s assessors’ maps and described in a deed recorded in the
52 Bristol county northern district registry of deeds in book 2176, page 297; and (b) approximately
53 6,834 square ft (.16 acres) of 2215 King Phillip Street, which is part of parcel 11-256-B on the
54 town of Raynham’s assessors’ maps and described in a deed recorded in the Bristol county
55 northern district registry of deeds in book 2176, page 297.

56 SECTION 3. To ensure a no-net-loss of protected open space and as a condition of the
57 releases authorized in sections 1 and 2, the town of Raynham shall: (a) convey to the
58 commonwealth, to be held under the care, custody, and control of the department of agricultural
59 resources for agricultural protection, an agricultural preservation restriction as defined in section
60 31 of chapter 184 of the General Laws on three certain parcels of Town-owned land identified
61 as: (i) 0 Thrasher Steet, containing approximately 93,008 square ft (2.14 acres) shown as parcel
62 6A-9-A on the town of Raynham’s assessors’ map and described in a deed recorded in the
63 Bristol county northern district registry of deeds in book 17949, page 181; (ii) 0 R South Main
64 Street, containing approximately 276,035 square ft (6.34 acres) shown as parcel 6A-9-C on the
65 town of Raynham’s assessors’ map and described in a deed recorded in the Bristol county
66 northern district registry of deeds in book 26453, page 81; and (iii) 0 South Main Street,
67 containing approximately 117,524 square ft (2.7 acres) shown as parcel 14-99-0 on the town of
68 Raynham’s assessors’ map and described in a deed recorded in the Bristol county northern
69 district registry of deeds in book 26453, page 81; (b) convey to the commonwealth, to be held
70 under the care, custody, and control of the department of agricultural resources for agricultural
71 protection, an agricultural preservation restriction as defined in section 31 of chapter 184 of the
72 General Laws on a portion of a certain parcel of land, containing approximately 435,600 square
73 feet (10 acres) as shown on a plan of land entitled “Borden Colony Concept Plan”, dated June 3,
74 2024 prepared for the town of Raynham by Greenman-Pedersen, Inc. Said parcel is to be
75 donated to the town of Raynham by a private landowner and is a portion of the land identified as
76 2254 King Phillip Street, shown as parcel 6A-9-0 on the town of Raynham’s assessors’ maps and
77 described in a deed recorded in the Bristol county northern district registry of deeds in book
78 7282, page 191; and (c) convey to commonwealth to be held under the care, custody, and control

79 of the department of fish and game for ecological protection and wildlife-related recreational
80 opportunities a certain parcel of Town-owned land identified as 345 Hall Street, containing
81 approximately 1,960,200 square feet (45 acres) shown as parcel 3-310-0 on the town of
82 Raynham's assessors' map and described in a deed recorded in the Bristol county northern
83 district registry of deeds in book 27977, page 59.

84 Section 4. The value of the interests in land described in sections 1, 2 and 3 shall be
85 determined by an independent appraisal of the fair market value and value of said parcels
86 prepared in accordance with the usual and customary professional appraisal practices by a
87 qualified appraiser commissioned by the commissioner of capital asset management and
88 maintenance, in consultation with the commissioner of the department of agricultural resources.
89 The commissioner of capital asset management and maintenance shall submit the appraisal to the
90 inspector general for review and comment. The inspector general shall review and approve the
91 appraisals and the review shall include an examination of the methodology utilized for the
92 appraisals. The inspector general shall prepare a report of such review and file the report with the
93 commissioner of capital asset management and maintenance. After receiving the report, the
94 commissioner shall submit copies of the report to the house and senate committees on ways and
95 means and the joint committee on state administration and regulatory oversight at least 15 days
96 prior to the execution of any documents effecting the conveyance authorized in said section 1
97 and 2.

98 SECTION 5. As consideration for the conveyances authorized in sections 1 and section 2,
99 the town of Raynham's intent is to transfer land or interest in land to the commonwealth to the
100 department of fish and game and department of agricultural resources that it believes to be of
101 equal or greater acreage and natural resource value than the parcels described in sections 1 and 2

102 and authorized to be released from an agricultural protection restriction or recreation restriction.
103 If the appraisals conducted pursuant to section 4 should determine that the fair market value or
104 value in use, whichever is greater, of the land and interests in land to be conveyed to the
105 commonwealth pursuant to section 3 is less than the corresponding value of the land authorized
106 for release pursuant to sections 1 and 2, the town of Raynham shall compensate the
107 commonwealth in an amount equal to 110% of the difference minus the value of the recreational
108 use restriction to be released pursuant to section 2. The town of Raynham shall pay such sum to
109 the department of agricultural resources for deposit into the Agricultural Preservation Restriction
110 Mitigation Expendable Trust Fund to be used to acquire new agricultural preservation
111 restrictions, including due diligence costs, pursuant to the rules and regulations of the
112 department. In this event, the town of Raynham shall further deposit an amount equal to the
113 remainder of the difference, corresponding to the value of the recreational use release pursuant to
114 section 2, in a fund dedicated to the conservation of land for recreational and open space
115 purposes in the town of Raynham.

116 SECTION 6. The town of Raynham shall assume any and all costs associated with
117 engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the
118 commissioner of capital asset management and maintenance for the purpose of any release or
119 conveyance authorized by this act.

120 SECTION 7. This act shall take effect upon its passage.