

**SENATE . . . . . No. 2901**

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Senate, July 29, 2024 - New draft (Senator Pacheco) to Senate Bill authorizing the release of parcels of land in the town of Raynham from certain restrictions (Senate, No. 2872).

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act authorizing the release of certain parcels of land in the town of Raynham from certain agricultural preservation restrictions and certain recreational use restrictions.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith the release of certain agricultural preservation restrictions and recreational use restrictions on certain parcels of land in the town of Raynham, 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. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the  
2   General Laws or any other general or special law to the contrary, the commissioner of capital  
3   asset management and maintenance, in consultation with the commissioner of agricultural  
4   resources, may execute a certificate of release for portions of 3 parcels of land subject in part or  
5   in whole to an agricultural preservation restriction granted to the commonwealth by the town of  
6   Raynham. The release of the restriction shall be to enable the town to: (i) construct a public  
7   safety facility; (ii) widen King Phillip street including, but not limited to, straightening,  
8   improving drainage and providing for a shared use path on the western side of the street; and (iii)  
9   address property delineation issues involving recreational fields. All portions of parcels to be  
10  released from the agricultural preservation restriction are shown on plan of land entitled “Borden

11 Colony Concept Plan”, dated June 3, 2024, prepared for the town of Raynham by Greenman-  
12 Pedersen, Inc., a copy of which shall be recorded in the Bristol 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 northern district registry of deeds. The portions  
17 of parcels to be released are described in a deed recorded in the Bristol northern district registry  
18 of deeds in book 2176, page 297 and further identified as: (i) approximately 435,538 square feet  
19 (10.0 acres) of 2254 King Phillip street for the public safety facility, which is part of parcel 11-  
20 256-0 on the town’s assessors’ maps; (ii) approximately 86,547 square feet (1.99 acres) of 2254  
21 King Phillip street for the public way widening of King Phillip street, which is part of said parcel  
22 11-256-0 ; (iii) approximately 4,209 square feet (.10 acres) of 2215 King Phillip street for the  
23 public way widening of King Phillip street, which is part of parcel 11-256-B on the town’s  
24 assessors’ maps; (iv) approximately 15,699 square feet (.36 acres) of 2215 King Phillip street for  
25 shared use path purposes, which is a portion of said parcel 11-256-B; (v) approximately 101,891  
26 square feet (2.34 acres) of 0 King Phillip Street for shared use path trailhead purposes, which is a  
27 portion of parcel 11-256-C on the town’s assessors’ maps; and (vi) approximately 40,692 square  
28 feet (.93 acres) for recreational use easement purposes, which is part of said parcel 11-256-B.

29 (b) If the parcel authorized for release for the public safety facility pursuant to clause (i)  
30 of the second sentence of subsection (a) is proposed to be sold or transferred to an entity or  
31 person for purposes other than the public safety facility or ceases to be used for public safety  
32 purposes by current or future owner, the agricultural preservation restriction shall be reimposed  
33 on the parcel and any such sale or transfer is void without such reimposition, unless said original

34 restriction has been released or discharged by the commonwealth in its entirety. This provision  
35 shall be included in the certificate of release and shall run with the land.

36 SECTION 2. Notwithstanding any general or special law to the contrary the department  
37 of capital asset management and maintenance may execute a certificate of release for portions of  
38 2 parcels of land subject in part to a recreational use restriction for the public way widening of  
39 King Phillip street. All portions of parcels to be released from the recreational use restriction  
40 are shown on a plan of land entitled “Borden Colony Concept Plan”, dated June 3, 2024,  
41 prepared for the town of Raynham by Greenman-Pedersen, Inc., a copy of which shall be  
42 recorded in the Bristol northern district registry of deeds. The portion of parcels to be released  
43 are described in a deed recorded in the Bristol northern district registry of deeds in book 2176,  
44 page 297 and further identified as: (i) approximately 10,035 square ft (.23 acres) of 2254 King  
45 Phillip street, which is part of parcel 11-256-0 on the town’s assessors’ maps; and (ii)  
46 approximately 6,834 square ft (.16 acres) of 2215 King Phillip street, which is part of parcel 11-  
47 256-B on the town’s assessors’ maps.

48 SECTION 3. As a condition of the releases authorized in sections 1 and 2, the town of  
49 Raynham shall convey to the commonwealth: (i) to be held under the care, custody and control  
50 of the department of agricultural resources for agricultural protection, an agricultural  
51 preservation restriction as defined in section 31 of chapter 184 of the General Laws on 3 parcels  
52 of town-owned land identified as: (A) 0 Thrasher street, containing approximately 93,008 square  
53 ft (2.14 acres), shown as parcel 6A-9-A on the town’s assessors’ maps and described in a deed  
54 recorded in the Bristol northern district registry of deeds in book 17949, page 181; (B) 0 R  
55 South Main street, containing approximately 276,035 square ft (6.34 acres), shown as parcel 6A-  
56 9-C on the town’s assessors’ maps and described in a deed recorded in the Bristol northern

57 district registry of deeds in book 26453, page 81; and (C) 0 South Main street, containing  
58 approximately 117,524 square ft (2.7 acres), shown as parcel 14-99-0 on the town’s assessors’  
59 maps and described in a deed recorded in the Bristol northern district registry of deeds in book  
60 26453, page 81; (ii) to be held under the care, custody and control of the department of  
61 agricultural resources for agricultural protection on a portion of a certain parcel of land,  
62 containing approximately 435,600 square feet (10 acres), shown on a plan of land entitled  
63 “Borden Colony Concept Plan”, dated June 3, 2024 and prepared for the town of Raynham by  
64 Greenman-Pedersen, Inc., a copy of which shall be recorded in the Bristol northern district  
65 registry of deeds; provided, however, that the parcel will be donated to the town by a private  
66 landowner and is a portion of the land identified as 2254 King Phillip street, shown as parcel 6A-  
67 9-0 on the town’s assessors’ maps and described in a deed recorded in the Bristol northern  
68 district registry of deeds in book 7282, page 191; and (iii) to be held under the care, custody and  
69 control of the department of fish and game for ecological protection and wildlife-related  
70 recreational opportunities a certain parcel of town-owned land located as 345 Hall street,  
71 containing approximately 1,960,200 square feet (45 acres), shown as parcel 3-310-0 on the  
72 town’s assessors’ maps and described in a deed recorded in the Bristol northern district registry  
73 of deeds in book 27977, page 59.

74 SECTION 4. The value of the interests in land described in this act shall be determined  
75 by an independent appraisal of the fair market value and value of the parcels prepared in  
76 accordance with the usual and customary professional appraisal practices by a qualified appraiser  
77 commissioned by the commissioner of capital asset management and maintenance, in  
78 consultation with the commissioner of agricultural resources. The commissioner of capital asset  
79 management and maintenance shall submit any such appraisals to the inspector general for

80 review and comment. The inspector general shall review and approve the appraisals and the  
81 review shall include an examination of the methodology utilized for the appraisals. The inspector  
82 general shall prepare a report of such review and file the report with the commissioner of capital  
83 asset management and maintenance. After receiving the report, the commissioner shall submit  
84 copies of the report to the house and senate committees on ways and means and the joint  
85 committee on state administration and regulatory oversight at least 15 days prior to the execution  
86 of any documents effecting the conveyance authorized in this act.

87           SECTION 5. As consideration for the certificates of release authorized in sections 1 and  
88 2, the town of Raynham shall transfer land or interests therein to the commonwealth to be held  
89 by the department of fish and game or the department of agricultural resources, as the case may  
90 be, that shall be of equal or greater acreage and natural resource value than the parcels described  
91 in said sections 1 and 2 and authorized to be released from the agricultural protection restriction  
92 or recreation restriction. If the appraisals conducted pursuant to section 4 determine that the fair  
93 market value or value in use, whichever is greater, of the land and interests in land to be  
94 conveyed to the commonwealth pursuant to section 3 is less than the corresponding value of the  
95 land authorized for release pursuant to said sections 1 and 2, the town shall compensate the  
96 commonwealth in an amount equal to 110 per cent of the difference, minus the value of the  
97 recreational use restriction to be released pursuant to said section 2. The town shall pay such  
98 sum to the department of agricultural resources for deposit into the Agricultural Preservation  
99 Restriction Mitigation Expendable Trust Fund to be used to acquire new agricultural preservation  
100 restrictions, including due diligence costs, pursuant to the rules and regulations of the  
101 department. If the town pays a sum of money for deposit, it shall further deposit an amount  
102 equal to the remainder of the difference, corresponding to the value of the recreational use

103 release pursuant to said section 2 in a fund dedicated to the conservation of land for recreational  
104 and open space purposes in the town.

105 SECTION 6. The town of Raynham shall assume all costs associated with engineering,  
106 surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner  
107 of capital asset management and maintenance for any release or conveyance authorized in this  
108 act.