

SENATE No. 2998

The Commonwealth of Massachusetts

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

SENATE, December 19, 2024.

The committee on Senate Ways and Means to whom was referred the House Bill authorizing the Massachusetts Department of Transportation to convey a certain parcel of land in the town of Stoneham (House, No. 4965) (also based on House, No. 4973); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2998; by striking the title and inserting in place thereof the following title: "An Act authorizing the transfer of certain parcels of land in the commonwealth"; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith a conveyance of certain parcels of land in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

For the committee,
Michael J. Rodrigues

The Commonwealth of Massachusetts

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

1 SECTION 1. (a)(1) Notwithstanding section 7E of chapter 81 of the General Laws or any
2 other general or special law to the contrary, the secretary of transportation may convey to
3 Wakefield Investments, Inc. a certain parcel of land in the town of Stoneham owned by the
4 Massachusetts Department of Transportation and taken for highway purposes under Highway
5 Layout 4724 to reconstruct an off-ramp from the interstate highway route 93 northbound to
6 Montvale avenue and Maple street.

7 (2) The parcel to be conveyed is a portion of parcel 2-31 listed on the order of taking,
8 which is landlocked to the abutting property owner at 100 Maple street and is described in an
9 order of taking recorded in the Middlesex southern district registry of deeds in book 9244, page
10 114, containing 12,500 square feet of land, more or less.

11 (b) The consideration for the conveyance authorized in subsection (a) shall be the full and
12 fair market value of the parcel as determined by the secretary transportation and as agreed to by
13 the abutting property owner at 100 Maple street. The parcel shall be conveyed in its present
14 condition as is using the Massachusetts Department of Transportation’s standard form release
15 deed.

16 (c) Notwithstanding any general or special law to the contrary, Wakefield Investments,
17 Inc. shall be responsible for all of costs and expenses related to the conveyance authorized in
18 subsection (a), including, but not limited to, costs associated with any engineering, surveys,
19 layout alterations, recording costs, appraisals and deed preparation as such costs may be
20 determined by the secretary of the transportation.

21 SECTION 2. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
22 General Laws, chapter 312 of the acts of 1996 or any other general or special law to the contrary,
23 the commissioner of capital asset management and maintenance may release or amend certain
24 use restrictions held by the commonwealth for municipal recreational purposes and public safety
25 and other municipal building purposes on all or a portion of certain parcels of land on Payson
26 road in the town of Foxborough. The use restrictions are described in deeds recorded in the
27 Norfolk registry of deeds in book 20013, page 470 and book 13416, page 205 and shown as
28 parcels H-1 and H-2 on a plan entitled “Approval Not Required Subdivision Plan”, prepared for
29 Foxborough State Hospital, Foxborough, MA, dated December 10, 1998 and prepared by Rizzo
30 Associates Inc., recorded in the Norfolk registry of deeds in plan book 465, page 256. The
31 consideration for the release or amendment of the use restrictions shall be a use restriction for
32 housing purposes, which may include, but shall not be limited to, market rate housing and senior
33 housing purposes; provided, however, that the town of Foxborough may subsequently convey all
34 or a portion of the parcels to a third party for housing purposes.

35 (b) The town of Foxborough shall be responsible for all costs and expenses of any
36 transaction authorized pursuant to subsection (a) as determined by the commissioner of capital
37 asset management and maintenance including, but not limited to, the costs of any engineering,
38 surveys, appraisals, title examinations and recording fees.

39 SECTION 3. (a)(1) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
40 General Laws or any other general or special law to the contrary, the commissioner of capital
41 asset management and maintenance may convey certain parcels of land to the town of Bolton.
42 The parcels to be conveyed formerly served as part of the campus of the Lancaster Industrial
43 School for Girls and are described as: (i) the Northeast corner of the former Lancaster Industrial
44 School for Girls, located at 220 Old Common road in the town of Lancaster, that extends into the
45 town of Bolton on a plan of land entitled “Lancaster Complex South Bolton & Old Common
46 Roads Lancaster & Bolton, Massachusetts”, prepared by Design Professionals, Inc. and dated
47 November 2, 2018 which is on file with the division of capital asset management and
48 maintenance; and (ii) the Bolton dam in the town of Bolton, located near the Lancaster town line,
49 as shown on 2 maps on file with the division of capital asset management and maintenance. The
50 parcels are further described in deeds recorded in the Worcester district registry of deeds in: (i)
51 book 639, page 254; (ii) book 639, page 255; (iii) book 549, page 192; (iv) book 549, page 194;
52 and (v) book 2642, page 485. The exact location and boundaries of the parcels to be conveyed
53 shall be determined by the commissioner after completion of a survey.

54 (2) Notwithstanding any general or special law to the contrary, the town of Bolton, acting
55 by and through its select board, may enter into a purchase and sale agreement, lease or other
56 agreement to acquire the parcels or acquire rights to the parcels described in paragraph(1).

57 (3) The uses of the parcels described in paragraph(1) shall be restricted to general
58 municipal purposes. The deed or other instrument conveying a parcel to the town of Bolton
59 pursuant to this act shall state that the parcel shall be used solely for general municipal purposes
60 and shall include a reversionary clause that stipulates that if the parcels cease at any time to be
61 used for such purposes, then title to the parcel shall, at the election of the commonwealth, revert

62 to the commonwealth. The reversionary clause shall contain provisions requiring that the town of
63 Bolton receive reasonable notice of and a reasonable time to cure any allegation that either parcel
64 is not being used for general municipal purposes.

65 (4) The consideration for the conveyance shall be the fair market value of the parcels as
66 determined by the commissioner of capital asset management and maintenance based upon an
67 independent professional appraisal, taking into consideration the restriction on the use of the
68 parcels pursuant to paragraph (2). The commissioner shall submit the appraisal to the inspector
69 general for review and comment. The inspector general shall review and approve the appraisal
70 and the review shall include an examination of the methodology utilized for the appraisal. The
71 inspector general shall prepare a report and file the report with the commissioner of capital asset
72 management and maintenance. After receiving the report, the commissioner shall submit copies
73 of the report to the house and senate committees on ways and means and the joint committee on
74 state administration and regulatory oversight not less than 15 days prior to the execution of
75 documents affecting the conveyance pursuant to this act.

76 (b)(1) If the town of Bolton does not complete the purchase of the parcels pursuant to
77 subsection (a) on or before December 31, 2025 or such date thereafter as agreed to by the town
78 of Bolton and the commissioner of capital asset management and maintenance, then,
79 notwithstanding sections 33 to 37, inclusive, of chapter 7C of the General Laws or any other
80 general or special law to the contrary, the commissioner of capital asset management and
81 maintenance may sell, lease for a term of up to 99 years, including all renewals and extensions,
82 or otherwise grant, convey or transfer to purchasers or lessees an interest in the parcels, or any
83 portions thereof on such other terms and conditions as the commissioner of capital asset
84 management and maintenance considers appropriate.

85 (2) The commissioner of capital asset management and maintenance shall use appropriate
86 competitive bidding processes and procedures when making any disposition pursuant to this
87 section. Not less than 30 days before the date on which bids, proposals or other offers to
88 purchase the parcels, or any portion thereof, are due, the commissioner of capital asset
89 management and maintenance shall place a notice in the central register published by the state
90 secretary pursuant to section 20A of chapter 9 of the General Laws stating: (i) the availability of
91 the parcels; (ii) the nature of the competitive bidding process; (iii) the time, place and manner for
92 the submission of bids and proposals and the opening of the bids or proposals; and (iv) any other
93 information that the commissioner deems relevant. The commissioner shall place notice in the
94 central register of the individual or firm selected as party to any real property transaction
95 involving the property and the amount of the transaction.

96 (c) Any purchase and sale agreement, lease or other document relating to the sale, lease,
97 transfer or other disposition of the parcels, or any portions thereof, pursuant to this section shall
98 provide that the commonwealth shall have no liability to any purchaser, lessee, transferee or
99 successor to any purchaser, lessee or transferee of all or part of the parcels for any claims arising
100 out of or related to the conditions, known or unknown, of the parcels or otherwise in connection
101 with any sale, lease, transfer or other disposition thereof.

102 (d) A deed executed pursuant to this section may retain or grant rights of way or
103 easements for access, egress, utilities and drainage across any other portions of the parcels and
104 the commonwealth may accept from a purchaser rights of way or easements in roadways or
105 across any portions of the parcels to be conveyed or transferred for access, egress, drainage and
106 utilities as the commissioner of capital asset management and maintenance may determine
107 necessary and appropriate to carry out this section.

108 (e) The purchaser or lessees of the parcels or portions thereof pursuant to subsection (b)
109 shall be responsible for all costs and expenses related to the purchase, lease or transfer of such
110 parcels including, but not limited to, costs associated with surveys, deed preparation and
111 recording fees as determined by the commissioner of capital asset management and maintenance.

112 (f) The cash proceeds of the sale of the parcels described in this section, or any portion
113 thereof, shall be deposited into the General Fund.

114 SECTION 4. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
115 General Laws or any other general or special law to the contrary, the commissioner of capital
116 asset management and maintenance, in consultation with the court administrator of the trial court
117 of the commonwealth, may convey certain adjacent parcels of land in the city of Framingham
118 acquired for the purpose of erecting a building for the first district court of southern Middlesex
119 for nominal consideration to the city of Framingham; provided, however, that the commissioner
120 shall not convey said parcels until: (i) the completion of a regional justice center at 121 Union
121 avenue in the city of Framingham; and (ii) a determination by the commissioner, in consultation
122 with the court administrator, that the parcels are surplus to the needs of the trial court. The
123 parcels are located at 600 and 602 Concord street in the city of Framingham and are further
124 described in deeds recorded in the Middlesex southern district registry of deeds in book 7816,
125 page 107 and book 9859, page 328. The parcels shall be conveyed by deed without warranties or
126 representations by the commonwealth and without restrictions on use or future conveyance by
127 the city. The conveyance shall be subject to such additional conditions and restrictions as the
128 commissioner, in consultation with the court administrator, may determine. The commissioner
129 may, in consultation with the court administrator, determine the exact boundaries of the parcels
130 prior to conveyance.

131 (b) Notwithstanding any general or special law to the contrary, the city of Framingham
132 shall be responsible for all costs and expenses of any transaction authorized by this section as
133 determined by the commissioner of capital asset management and maintenance, including, but
134 not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording fees
135 and deed preparation.