

**SENATE . . . . . No. 2872**

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**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**

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By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2872) (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.

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**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.