

HOUSE No. 5388

The Commonwealth of Massachusetts

PRESENTED BY:

Mark D. Sylvia and Kelly A. Dooner

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 transfer of a certain parcel of land in the town of Marion from the Open Space Acquisition Commission to the Select Board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mark D. Sylvia</i>	<i>10th Bristol</i>	<i>4/17/2026</i>
<i>Kelly A. Dooner</i>	<i>Third Bristol and Plymouth</i>	<i>4/17/2026</i>

HOUSE No. 5388

By Representative Sylvia of Fairhaven and Senator Dooner, a joint petition (accompanied by bill, House, No. 5388) of Mark D. Sylvia and Kelly A. Dooner (by vote of the town) relative to authorizing the transfer of a certain parcel of land in the town of Marion. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act authorizing the transfer of a certain parcel of land in the town of Marion from the Open Space Acquisition Commission to the Select Board.

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 any general or special law to the contrary, the open
2 space acquisition commission of the town of Marion may transfer the care, custody, management
3 and control of the portion of the town-owned land described in subsection (b), which is currently
4 held by the open space acquisition commission for purposes including, but not limited to, park,
5 recreation and conservation purposes, to the select board of the town of Marion for purposes of a
6 shared use path.

7 (b) The portion of land authorized to be transferred pursuant to subsection (a) contains
8 2,977 square feet, more or less, and is shown as “BP-8” on plans entitled “Massachusetts
9 Department of Transportation Highway Division Plan and Profile of Shared Use Path – Phase 1
10 in the Town of Marion, Plymouth County, Preliminary Right of Way Plans”, dated February 18,
11 2026, a copy of which is on file with the town clerk, being a portion of the town-owned parcel of

12 land identified as lot 32C on the town of Marion assessor’s map 11 and described in a deed
13 recorded with the Plymouth registry of deeds in book 25219, page 181.

14 SECTION 2. (a) Notwithstanding any general or special law to the contrary, as mitigation
15 for the transfer authorized in section 1, the select board of the town of Marion shall transfer the
16 care, custody, management and control of the town-owned parcel of land described in subsection
17 (b), which is currently held by the select board for general municipal purposes, to the open space
18 acquisition commission of the town of Marion to be held for passive recreation and conservation
19 purposes pursuant to section 8C of chapter 40 of the General Laws, subject to the terms of the
20 Local Acquisitions for Natural Diversity (LAND) grant program requirements pursuant to 301
21 C.M.R. 5.00 and the protections of Article XCVII of the Amendments to the Constitution of the
22 Commonwealth.

23 (b) The town-owned parcel of land to be transferred pursuant to subsection (a) as
24 mitigation for the transfer authorized in section 1 contains 13.38 acres, more or less, and is: (i)
25 located at Old Indian Trail; (ii) identified as lot 15 on the town of Marion assessor’s map 26; (iii)
26 described in a deed recorded with the Plymouth registry of deeds in book 20438, page 114; and
27 (iv) shown as Lot 4 on a plan entitled “Approval Not Required Plan of Land in Marion Prepared
28 for Joseph and Lynn Goldovitz,” which plan is recorded with the Plymouth registry of deeds as
29 plan #341 of 2001.

30 SECTION 3. This act shall take effect upon passage.