

**HOUSE . . . . . No. 4301**

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**The Commonwealth of Massachusetts**

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By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill authorizing the department of highways and town of Kingston to exchange certain parcels of land (Senate, No. 2147, amended) ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4301. October 28, 2009.

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An Act authorizing the Massachusetts Department of Transportation and the town of Kingston to exchange certain parcels of land.

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PETITION OF:

NAME:

Charles Murphy

DISTRICT/ADDRESS:

21st Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

The committee on Ways and Means recommends that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

1           “**SECTION 1.** The Massachusetts department of transportation shall conduct a review  
2 and approve plans for the construction of a ramp in the town of Kingston to provide access from  
3 public ways serving the Kingston MBTA station and land in the town of Kingston and the town  
4 of Plymouth in the vicinity thereof to state highway route 3 southbound. Upon completion of its  
5 review and its approval of plans, the department shall notify the board of selectmen of the town  
6 of Kingston. The notice shall include plans depicting: (1) the layout of the ramp; (2) the  
7 extension of Cranberry road as approved by the town of Kingston planning board as provided in  
8 section 3; and (3) necessary easements, both construction and permanent, within the boundaries  
9 of the town’s land described as follows: (a) parcel 1 being a portion of Kingston assessors’ map  
10 66, lot 50; (b) parcel 2 consisting of portions of map 66, lot 50 and map 75, lot 11; (c) parcel 3  
11 being a portion of Cranberry road right-of-way; and (d) parcel 5 consisting of portions of map  
12 66, lot 50 and map 75, lot 11 on the plan identified in said section 3. The layout of the ramp, the  
13 extension of Cranberry road and the easements shall not require the relocation of the town’s  
14 existing sewer treatment and recycling facilities.

15           **SECTION 2.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws  
16 or any other general or special law to the contrary, the commissioner of capital asset  
17 management and maintenance shall, in consultation with the Massachusetts department of  
18 transportation, following the acquisition of the land and easements described in section 3, convey  
19 for municipal purposes the portion of land shown as parcel 6 on the plan described in said  
20 section 3 located south of the layout of the ramp, including any and all rights-of-way and  
21 easements appurtenant thereto, currently owned by the commonwealth and under control of the  
22 department, which is no longer required for highway purposes, to the town. The parcel shall not  
23 be less than 30,000 square feet, shall be contiguous to parcel 4, consisting of portions of map 66,  
24 lot 50 and map 75, lot 11, and shall be described in the notice given to the board of selectmen  
25 under section 1. The exact boundaries of the parcel shall be determined by the commissioner of  
26 the division of capital asset management and maintenance in consultation with the department of  
27 highways after completion of a survey. This parcel shall be conveyed by deed without warranties  
28 or representations by the commonwealth.

29           **SECTION 3.** Notwithstanding any general or special law to the contrary, the board of selectmen  
30 of the town of Kingston, upon receipt of the notice required under section 1 and as requested by  
31 the division of capital asset management and maintenance, in consultation with the

32 Massachusetts department of transportation, shall either convey by deed to the commonwealth,  
33 acting by and through the division on behalf of the department, or release the town's interest in,  
34 and the commonwealth acting by and through the division on behalf of the department shall  
35 acquire by the deed, eminent domain or otherwise, the land required for the ramp to be laid out  
36 as a state highway in the following described parcels of land owned by the town: not more than  
37 1.95 acres of the town's land described as parcels 1, 2 and 3 on that plan of land entitled 'Plan of  
38 Land Parcels in Kingston, Massachusetts to be Exchanged between the Town of Kingston and  
39 the Massachusetts Department of Highways,' dated August 6, 2007. The deed or release shall  
40 also include such easements in said parcels 1, 2, 3 and 5 as described on the plan as the  
41 department requires in connection with the construction and operation of the ramp. The  
42 department, in accordance with section 7A of chapter 81 of the General Laws, on behalf of the  
43 town of Kingston, shall alter Cranberry road to create its extension as approved by the planning  
44 board of the town of Kingston as a roadway to the ramp. The extension shall be located within  
45 said parcels 2 and 5 as shown on the plan. The extension of Cranberry road shall be designed and  
46 constructed in accordance with the design standards adopted under the town of Kingston smart  
47 growth zoning by-law and approved by the planning board of the town of Kingston.

48 **SECTION 4.** The board of selectmen of the town of Kingston shall apply for the permits and  
49 approvals required from the department of environmental protection to use the lands described in  
50 said section 3 for the purposes provided in said sections 1 and 3. The route 3 southbound ramp  
51 shall be designed to meet desirable state and federal standards and operate at acceptable levels of  
52 service

53 **SECTION 5.** Notwithstanding any general or special law to the contrary, upon completion of the  
54 ramp in accordance with the approvals issued by the Massachusetts department of transportation,  
55 the department shall notify the town of the completion and shall take control of and operate the  
56 ramp as part of the department's highway system.

57 **SECTION 6.** The plan referred to in section 3 shall be kept on file with the chief engineer of the  
58 Massachusetts department of transportation and with the town administrator of the town of  
59 Kingston.

60 **SECTION 7.** Notwithstanding any general or special law to the contrary, the town of Kingston  
61 shall be responsible for all costs and expenses, including but not limited to, costs associated with  
62 any engineering, surveys, appraisals, and deed preparation related to the conveyance authorized  
63 pursuant to this act as such costs may be determined by the commissioner of the division of  
64 capital asset management and maintenance.”; and by striking out the title and inserting in place  
65 thereof the following title: “An Act Authorizing the Massachusetts Department of Transportation  
66 and the Town of Kingston to Exchange Certain Parcels of Land.”.