

SENATE No. 1560

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 designating and transferring certain land in the towns of Norfolk and Walpole for conservation, open space, water supply protection, and recreational purposes. .

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

SENATE No. 1560

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1560) of James E. Timilty for legislation to designate and transfer certain land in the towns of Norfolk and Walpole for conservation, open space, water supply protection, and recreational purposes. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act designating and transferring certain land in the towns of Norfolk and Walpole for conservation, open space, water supply protection, and recreational purposes. .

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) The parcels described in section 2 in the Towns of Norfolk and Walpole
2 are hereby designated for and shall be held under the protection of Article XCVII of the
3 Amendment to the Constitution solely for the purposes of open space, forest and water supply
4 protection, management and conservation, environmental education and research, and public
5 access for passive recreation and enjoyment and shall be held solely for these purposes and uses,
6 subject to the limitations of and to protect the rights of the public under Article XCVII of the
7 Amendment to the Constitution.

8 .(b) The Department of Correction, in consultation with the Executive Office of Energy
9 and Environmental Affairs and the towns of Norfolk and Walpole, may issue regulations
10 consistent with the purposes set forth in subsection (a) for the public access, use and maintenance
11 of those parcels. The department of corrections may also issue public access and use regulations
12 for the Zone I protection of Department of Correction well fields #1, #2, #3, and #4 and
13 designated security buffer zones that are under the custody, control and care of the Department
14 of Correction.

15 .(c) No building or other permanent structure, utility system or paved roadway or area,
16 excluding necessary recreational or conservation equipment and facilities, shall be constructed
17 on or over any parcel designated under subsection (a). The Department of Corrections may
18 operate, maintain, repair, replace, renovate, or remove any existing permanent structure, utility
19 system or paved roadway or area within any parcel designated under subsection (a).

20 .SECTION 2. The parcels in the town of Norfolk and Walpole under the care, custody
21 and control of the Department of Correction designated for the purposes described in Section 1
22 shall be those lands of the Commonwealth described within the “Proposed Use Boundary Line” -
23 Blocks I, II, III and IV, shown on a plan entitled “Land Use Plan of Land in Norfolk, MA &
24 Walpole, MA Prepared for the Commonwealth of Massachusetts Department of Corrections &
25 Executive Office of Energy and Environmental Affairs”, drawn by Northeast Survey
26 Consultants, Easthampton, Massachusetts, dated February 2, 2012, with copies on file with the
27 Department of Correction and the Executive Office of Energy and Environmental Affairs with
28 the exception of approximately five (5) acres described in Section 3. The exact boundaries of
29 the parcels shall be determined by the Commissioner of Capital Asset Management and
30 Maintenance in consultation with the Commissioner of the Department of Correction by a survey
31 reviewed and approved by the Commissioner of the Department of Correction and the Secretary
32 of Energy and Environmental Affairs.

33 .SECTION 3. (a) Notwithstanding sections 40F to 40I, inclusive, of chapter 7 of the
34 General Laws or any other general or special law to the contrary, the Commissioner of Capital
35 Asset Management and Maintenance, in consultation with the Commissioner of the Department
36 of Correction may convey the parcel described in section 3b, under the custody, control and care
37 of the Department of Correction, currently used for correctional purposes and protection of
38 correctional water supplies within the Stony Brook/Stop River watershed, to the Town of
39 Norfolk to be solely designated, held and used only for passive and active recreational activities
40 and facilities necessary for these uses and under the protection of Article XCVII of the
41 Amendment to the Constitution. The consideration for the parcel shall be assessed at four
42 hundred dollars per acre. Thirty days before the execution of a deed for the conveyance
43 authorized by this section or any subsequent amendment thereto, the commissioner of capital
44 asset management and maintenance shall submit the proposed deed or amendment and a report
45 thereon to the inspector general for his review and comment. The inspector general shall issue
46 his review and comment within 15 days after receipt of the proposed deed or amendment. The
47 commissioner shall submit the proposed deed or amendment, and the reports and the comments
48 of the inspector general, if any, to the house and senate committees on ways and means and the
49 joint committee on state administration and regulatory oversight at least 1 days before execution
50 of the deed or amendment. The Town of Norfolk shall be responsible for all costs and expenses
51 of the transaction authorized in this act as determined by the commissioner of capital asset
52 management and maintenance including, but not limited to, the costs of any engineering,
53 surveys, appraisals and deed preparation related to the conveyance of the parcel.

54 .(b) The parcel in the towns of Norfolk, shall consist of approximately five (5) acres,
55 being a portion of those lands of the Commonwealth within the “Proposed Use Boundary Line” -
56 Block I, shown on the abovementioned plan entitled “Land Use Plan of Land in Norfolk, MA &
57 Walpole, MA” described as follows: beginning at a point on Pond Street (Route 115) on the
58 northerly end of the Town of Norfolk Pond Street Recreational Facility and Fields parcel on

59 assessor's map 20, block 72, parcel 56 and following the boundary between this parcel and the
60 land of the Commonwealth to a point on Pond Street (Route 115) on the southerly end of the
61 Town of Norfolk parcel and then southerly along Pond Street (Route 115) to the corner with the
62 "Tract 1000E-1 USA Easement Area" found in Deed Book 5788 Page 1 and thence easterly,
63 thence northerly along the bounds of that easement to a point adjacent to Stony Brook, southerly
64 of Well #2, thence southwesterly along Stony Brook to a point on Pond Street (Route 115) and
65 thence southeasterly along Pond Street (Route 115) to the point of beginning. The exact
66 boundaries of the parcel, containing approximately 5 acres, shall be determined by the
67 Commissioner of Capital Asset Management and Maintenance in consultation with the
68 Commissioner of the Department of Correction by a survey, reviewed and approved by the
69 Secretary of Energy and Environmental Affairs and the Town of Norfolk.

70 .SECTION 4. (a) Notwithstanding sections 40F to 40I, inclusive, of chapter 7 of the
71 General Laws or any other general or special law to the contrary, the Commissioner of Capital
72 Asset Management and Maintenance, in consultation with the Commissioner of the Department
73 of Correction may convey the parcel described in section 4b, under the custody, control and care
74 of the Department of Correction, currently used for correctional purposes to the Town of
75 Walpole to be solely designated, held and used only for passive and active recreational activities
76 and facilities and open space purposes necessary for these uses and under the protection of
77 Article XCVII of the Amendment to the Constitution. The consideration for the parcel shall be
78 assessed at four hundred dollars per acre. Thirty days before the execution of a deed for the
79 conveyance authorized by this section or any subsequent amendment thereto, the commissioner
80 of capital asset management and maintenance shall submit the proposed deed or amendment and
81 a report thereon to the inspector general for his review and comment. The inspector general shall
82 issue his review and comment within 15 days after receipt of the proposed deed or amendment.
83 The commissioner shall submit the proposed deed or amendment, and the reports and the
84 comments of the inspector general, if any, to the house and senate committees on ways and
85 means and the joint committee on state administration and regulatory oversight at least one day
86 before execution of the deed or amendment. The Town of Walpole shall be responsible for all
87 costs and expenses of the transaction authorized in this act as determined by the commissioner of
88 capital asset management and maintenance including, but not limited to, the costs of any
89 engineering, surveys, appraisals and deed preparation related to the conveyance of the parcel.

90 .(b) The parcel in the town of Walpole shall be those lands of the Commonwealth found
91 on assessor's map 55 parcel 99 and described within the "Proposed Use Boundary Line" - Block
92 V, shown on the abovementioned plan entitled "Land Use Plan of Land in Norfolk, MA &
93 Walpole, MA", containing approximately 64.5 acres. The exact boundaries of the parcel,
94 containing approximately 64.5 acres, shall be determined by the Commissioner of Capital Asset
95 Management and Maintenance in consultation with the Commissioner of the Department of
96 Correction by a survey reviewed and approved by the Secretary of Energy and Environmental
97 Affairs and the Town of Walpole.

98 .SECTION 5. The assessed cost of \$400 per acre as described in Sections 3 and 4 shall
99 be determined fair and reasonable in consideration of reductions in prison aid to Walpole and
100 Norfolk since Fiscal Year 2008.

101 .SECTION 6. The Department of Correction may receive gifts, grants or payments in a
102 Trust Account, in an amount not to exceed \$200,000, for the specific purpose of acquiring
103 environmental services and equipment, including the purchase, installation and maintenance of
104 recycling and renewable energy equipment. The Department of Correction may expend without
105 further appropriation, all such funds received for such environmental services and equipment.