

# **HOUSE . . . . . No. 4439**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, April 30, 2018.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, House, No. 2662) of Carolyn C. Dykema for legislation to authorize the Department of Transportation to acquire certain parcels of land in the town of Southborough, reports recommending that the accompanying bill (House, No. 4439) ought to pass.

For the committee,

JENNIFER E. BENSON.

**HOUSE . . . . . No. 4439**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Southborough.

*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. Notwithstanding the provisions of sections 34 to 37 of chapter 7C of the  
2 General Laws, the commissioner of capital asset management and maintenance, in consultation  
3 with the commissioner of conservation and recreation, may convey certain parcels of land or  
4 interests therein, currently under the care and control of the department of conservation and  
5 recreation and held for watershed protection, conservation and recreation purposes, to the  
6 Massachusetts Department of Transportation to be used for highway purposes, subject to the  
7 requirements of sections 2 through 4 and to such additional terms and conditions consistent with  
8 this act as the commissioner of capital asset management and maintenance may prescribe in  
9 consultation with the commissioner of conservation and recreation. The parcels of land are  
10 shown as Parcel 11-6 (1,168± sq. ft.), Parcel 11-8 (761± sq. ft.), Parcel 11-PUE-10 (93± sq. ft.),  
11 Parcel 11-PUE-11 (71± sq. ft.), Parcel 11-PUE-12 (299± sq. ft.), and Parcel 11-PUE-24 (287±  
12 sq. ft.) on a plan for Southborough-2016 Alteration, Project File No. 607488, Layout No. 8552,  
13 by Greenman-Pedersen, Inc., 181 Ballardvale Street, Suite 202, Wilmington, Massachusetts

14 01887, which plan is on file with the chief engineer of the highway division of the Massachusetts  
15 Department of Transportation. The exact boundaries of the parcels shall be determined by the  
16 commissioner the division of capital asset management and maintenance. The department of  
17 conservation and recreation may issue a license to the Massachusetts Department of  
18 Transportation to allow use and occupancy of the parcels for highway purposes and associated  
19 construction work while the division of capital asset management maintenance proceeds to  
20 effectuate the conveyances authorized by this act.

21 Section 2. An independent appraisal of the fair market value and value in use of the  
22 parcels described in section 1 shall be prepared in accordance with the usual and customary  
23 professional appraisal practices by a qualified appraiser commissioned by the commissioner of  
24 capital asset management and maintenance. Consideration for the grants of the above-described  
25 parcels or interests therein shall be the full and fair market value or the value in proposed use,  
26 whichever is greater, as determined by the commissioner of capital asset management and  
27 maintenance. The commissioner of capital asset management and maintenance shall submit the  
28 appraisal to the inspector general for his or her review and comment. The inspector general shall  
29 review and approve the appraisal, and the review shall include an examination of the  
30 methodology utilized for the appraisal or appraisals. The inspector general shall prepare a report  
31 of his or her review and file the report with the commissioner of capital asset management and  
32 maintenance. After receiving the report, the commissioner shall submit copies of the report to the  
33 house and senate committees on ways and means and the joint committee on state administration  
34 and regulatory oversight at least 15 days prior to the execution of documents affecting the  
35 transfers described in section 1.

36           Section 3. To ensure a no-net-loss of lands protected for natural resource purposes, the  
37 Massachusetts Department of Transportation shall compensate the commonwealth for the  
38 interest in land described in section 1 through the transfer to the department of conservation and  
39 recreation of land, an interest in land or funding for the acquisition of land or an interest therein  
40 equal to or greater than the value of the highest appraised value as determined under section 2.  
41 The land or interest in land must be acceptable to the department of conservation and recreation;  
42 and any land or interest in land, whether conveyed by the Massachusetts Department of  
43 Transportation or acquired by the department, shall be permanently held and managed for  
44 watershed protection , conservation and recreation purposes by the department. Should the value  
45 of the land or interests in land being conveyed to the commonwealth exceed the appraised value  
46 determined under section 2, neither the division of capital asset management and maintenance  
47 nor the department of conservation and recreation shall have any obligation to pay the difference  
48 to the Massachusetts department transportation. Any monetary payments paid to the  
49 commonwealth as a result of the conveyances or grants authorized by this act shall be deposited  
50 in the Conservation Trust established in section 1 of chapter 132A General Laws.

51           Section 4. The Massachusetts Department of Transportation shall assume all costs  
52 associated with engineering, surveys, appraisals, deed preparation and other expenses deemed  
53 necessary by the commissioner of capital asset management and maintenance to execute the  
54 conveyances authorized by this act.