

# **HOUSE . . . . . No. 4855**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 30, 2018.

The committee on Ways and Means, to whom was referred the Bill relative to a certain agricultural restriction held by the commonwealth on land in the town of Westborough (House, No. 4772), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4855).

For the committee,

JEFFREY SÁNCHEZ.

**HOUSE . . . . . No. 4855**

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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 relative to a certain agricultural restriction held by the commonwealth on land in the town of Westborough.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to release forthwith a certain restriction on land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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. Section 2 of chapter 652 of the acts of 1981 is hereby repealed.

2           SECTION 2. (a) Notwithstanding section 32 to 37 of chapter 7C of the General Laws or  
3 any other general or special law to the contrary, the commissioner of the division of capital asset  
4 management and maintenance may release an agricultural use restriction and right of reverter  
5 created pursuant to chapter 652 of the acts of 1981 and reserved in a deed recorded with the  
6 Worcester county registry of deeds in book 12468, page 230.

7           (b) The consideration for the release authorized in subsection (a) shall be the difference  
8 between the fair market unrestricted value or the value in proposed use, whichever is greater, and  
9 the agricultural fair market value, as determined by an independent appraisal commissioned by  
10 the commissioner. The current owner shall pay the difference to the department of agricultural

11 resources to be used to acquire new agricultural preservation restrictions, pursuant to the rules  
12 and guidelines of the department. The commissioner shall submit the appraisal and a report  
13 thereon to the inspector general. The inspector general shall review and the appraisal and the  
14 review shall include an examination of the methodology utilized for the appraisal. The inspector  
15 general shall prepare a report of the review and file the report with the commissioner. The  
16 commissioner shall submit copies of the appraisal, the report thereon and the inspector general's  
17 review and approval and comments, if any, to the house and senate committees on ways and  
18 means and the house and senate chairs of the joint committee on state administration and  
19 regulatory oversight prior to the execution of any grant of release authorized in this act.

20 (c) The recipient of the release shall assume all costs associated with engineering,  
21 surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner  
22 of capital asset management and maintenance to execute the conveyances authorized in this  
23 section.