

# HOUSE . . . . . No. 4968

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 31, 2024.

The committee on Ways and Means, to whom was referred the Senate Bill authorizing the release of certain parcels of land in the town of Raynham from certain agricultural preservation restrictions and certain recreational use restrictions (Senate, No. 2901), reports recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4968.

For the committee,

AARON MICHLEWITZ.

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Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill authorizing the release of certain parcels of land in the town of Raynham from certain agricultural preservation restrictions and certain recreational use restrictions (Senate, No. 2901). July 31, 2024.

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## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court  
(2023-2024)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the  
2 General Laws or any other general or special law to the contrary, the commissioner of capital  
3 asset management and maintenance, in consultation with the commissioner of agricultural  
4 resources, may execute a certificate of release for portions of 3 parcels of land subject in part or  
5 in whole to an agricultural preservation restriction granted to the commonwealth by the town of  
6 Raynham. The release of the restriction shall be to enable the town of Raynham to: (i) construct a  
7 public safety facility; (ii) widen King Philip street, including, but not limited to, straightening,  
8 improving drainage and providing for a shared use path on the western side of the street; and (iii)  
9 address property delineation issues involving recreational fields. All portions of parcels to be  
10 released from the agricultural preservation restriction are shown on plan of land entitled “Borden  
11 Colony Concept Plan”, dated June 3, 2024, prepared for the town of Raynham by Greenman-  
12 Pedersen, Inc., a copy of which shall be recorded in the Bristol county northern district registry  
13 of deeds. Further detail on the portion of the parcel for the public safety facility is shown on a  
14 survey plan entitled “Raynham Public Safety Project King Philip Street”, dated September 13,

15 2021, prepared for the town of Raynham by Lighthouse Land Surveying, LLC, a copy of which  
16 the town of Raynham shall record in the Bristol county northern district registry of deeds. The  
17 portions of parcels to be released are described in a deed recorded in the Bristol county northern  
18 district registry of deeds in book 2176, page 297 and further identified as: (1) approximately  
19 435,538 square feet (10.0 acres) of 2254 King Philip street for the public safety facility, which is  
20 part of parcel 11-256-0 on the town's assessors' maps; (2) approximately 86,547 square feet  
21 (1.99 acres) of 2254 King Philip street for the public way widening of King Philip street, which  
22 is part of said parcel 11-256-0; (3) approximately 4,209 square feet (.10 acres) of 2215 King  
23 Philip street for the public way widening of King Philip street, which is part of parcel 11-256-B  
24 on the town's assessors' maps; (4) approximately 15,699 square feet (.36 acres) of 2215 King  
25 Philip street for shared use path purposes, which is a portion of said parcel 11-256-B; (5)  
26 approximately 101,891 square feet (2.34 acres) of 0 King Philip street for shared use path  
27 trailhead purposes, which is a portion of parcel 11-256-C on the town's assessors' maps; and (6)  
28 approximately 40,692 square feet (.93 acres) for recreational use easement purposes, which is  
29 part of said parcel 11-256-B.

30 (b) If the parcel authorized for release for the public safety facility pursuant to clause (i)  
31 of the second sentence of subsection (a) is proposed to be sold or transferred to an entity or  
32 person for purposes other than the public safety facility or ceases to be used for public safety  
33 purposes by the current or future owner, the agricultural preservation restriction shall be  
34 reimposed on the parcel and any such sale or transfer is void without such reimposition, unless  
35 said original restriction has been released or discharged by the commonwealth in its entirety.  
36 This provision shall be included in the certificate of release and shall run with the land.

37 SECTION 2. Notwithstanding any general or special law to the contrary, the department  
38 of capital asset management and maintenance may execute a certificate of release for portions of  
39 2 parcels of land subject in part to a recreational use restriction for the public way widening of  
40 King Philip street. All portions of parcels to be released from the recreational use restriction are  
41 shown on a plan of land entitled “Borden Colony Concept Plan”, dated June 3, 2024, prepared  
42 for the town of Raynham by Greenman-Pedersen, Inc., a copy of which shall be recorded in the  
43 Bristol county northern district registry of deeds. The portion of parcels to be released are  
44 described in a deed recorded in the Bristol county northern district registry of deeds in book  
45 2176, page 297 and further identified as: (i) approximately 10,035 square ft (.23 acres) of 2254  
46 King Philip street, which is part of parcel 11-256-0 on the town’s assessors’ maps; and (ii)  
47 approximately 6,834 square ft (.16 acres) of 2215 King Philip street, which is part of parcel 11-  
48 256-B on the town’s assessors’ maps.

49 SECTION 3. As a condition of the releases authorized in sections 1 and 2, the town of  
50 Raynham shall convey to the commonwealth: (i) to be held under the care, custody and control  
51 of the department of agricultural resources for agricultural protection, an agricultural  
52 preservation restriction as defined in section 31 of chapter 184 of the General Laws on 3 parcels  
53 of town-owned land identified as: (A) 0 Thrasher street, containing approximately 93,008 square  
54 ft (2.14 acres), shown as parcel 6A-9-A on the town’s assessors’ maps and described in a deed  
55 recorded in the Bristol county northern district registry of deeds in book 17949, page 181; (B) 0  
56 R South Main street, containing approximately 276,035 square ft (6.34 acres), shown as parcel  
57 6A-9-C on the town’s assessors’ maps and described in a deed recorded in the Bristol county  
58 northern district registry of deeds in book 26453, page 81; and (C) 0 South Main street,  
59 containing approximately 117,524 square ft (2.7 acres), shown as parcel 14-99-0 on the town’s

60 assessors' maps and described in a deed recorded in the Bristol county northern district registry  
61 of deeds in book 26453, page 81; (ii) an agricultural restriction as defined in section 31 of  
62 chapter 184 of the General Laws to be held under the care, custody and control of the department  
63 of agricultural resources for agricultural protection on a portion of a certain parcel of land,  
64 containing approximately 435,600 square feet (10 acres), shown on a plan of land entitled  
65 "Borden Colony Concept Plan", dated June 3, 2024 and prepared for the town of Raynham by  
66 Greenman-Pedersen, Inc., a copy of which shall be recorded in the Bristol county northern  
67 district registry of deeds; provided, however, that the parcel will be donated to the town by King  
68 Phillip Realty Trust and is a portion of the land identified as 0 South Main street, shown as  
69 parcel 6A-9-0 on the town's assessors' maps and described in a deed recorded in the Bristol  
70 county northern district registry of deeds in book 7282, page 191; and (iii) to be held under the  
71 care, custody and control of the department of fish and game for ecological protection and  
72 wildlife-related recreational opportunities a certain parcel of town-owned land located as 345  
73 Hall street, containing approximately 1,960,200 square feet (45 acres), shown as parcel 3-310-0  
74 on the town's assessors' maps and described in an order of taking recorded in the Bristol county  
75 northern district registry of deeds in book 25460, page 285.

76 SECTION 4. The value of the interests in land described in this act shall be determined  
77 by an independent appraisal of the fair market value and value in use of the parcels prepared in  
78 accordance with the usual and customary professional appraisal practices by a qualified appraiser  
79 commissioned by the commissioner of capital asset management and maintenance, in  
80 consultation with the commissioner of agricultural resources. The commissioner of capital asset  
81 management and maintenance shall submit any such appraisals to the inspector general for  
82 review and comment. The inspector general shall review and approve the appraisals and the

83 review shall include an examination of the methodology utilized for the appraisals. The inspector  
84 general shall prepare a report of such review and file the report with the commissioner of capital  
85 asset management and maintenance. After receiving the report, the commissioner shall submit  
86 copies of the report to the house and senate committees on ways and means and the joint  
87 committee on state administration and regulatory oversight at least 15 days prior to the execution  
88 of any documents effecting the conveyance authorized in this act.

89 SECTION 5. As consideration for the certificates of release authorized in sections 1 and  
90 2, the town of Raynham shall transfer land or interests therein to the commonwealth to be held  
91 by the department of fish and game or the department of agricultural resources, as the case may  
92 be, that shall be of equal or greater acreage and natural resource value than the parcels described  
93 in said sections 1 and 2 and authorized to be released from the agricultural protection restriction  
94 or recreation restriction. If the appraisals conducted pursuant to section 4 determine that the fair  
95 market value or value in use, whichever is greater, of the land and interests in land to be  
96 conveyed to the commonwealth pursuant to section 3 is less than the corresponding value of the  
97 land authorized for release pursuant to said sections 1 and 2, the town shall compensate the  
98 commonwealth in an amount equal to 110 per cent of the difference, minus the value of the  
99 recreational use restriction to be released pursuant to said section 2. The town shall pay such sum  
100 to the department of agricultural resources for deposit into the Agricultural Preservation  
101 Restriction Mitigation Expendable Trust Fund to be used to acquire new agricultural preservation  
102 restrictions, including due diligence costs, pursuant to the rules and regulations of the  
103 department. If the town pays a sum of money for deposit, it shall further deposit an amount equal  
104 to the remainder of the difference, corresponding to the value of the recreational use release

105 pursuant to said section 2 in a fund dedicated to the conservation of land for recreational and  
106 open space purposes in the town.

107           SECTION 6. The town of Raynham shall assume all reasonable costs associated with  
108 engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the  
109 commissioner of capital asset management and maintenance for any release or conveyance  
110 authorized in this act.