

**HOUSE . . . . . No. 5142**

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**The Commonwealth of Massachusetts**

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CHARLES D. BAKER  
GOVERNOR

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KARYN POLITO  
LIEUTENANT GOVERNOR

*July 29, 2022*

To the Honorable Senate and House of Representatives,

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as appearing in Article LXXXIX of said Amendments, I am filing for your consideration the attached legislation entitled “An Act Relative to Certain Land in the Town of Winchester.”

I am filing this special legislation at the request of the Winchester Select Board.

This bill authorizes the Town to transfer a 4 acre parcel of Town land to the control of the Winchester School Committee in order to facilitate completion of a major elementary school construction project. The transfer was approved by Town Meeting vote on April 25, 2022. Counsel for the Town has very recently determined that, contrary to the Town’s previous understanding, the parcel may be subject to article 97 protections, which would mean that the transfer requires approval by a two-thirds roll call vote of the Legislature.

The Town seeks to secure the Legislature’s roll call approval for this transfer before the July 31 close of formal sessions in order to ensure that the project can comply with upcoming grant deadlines to secure funding from the Massachusetts School Building Association (MSBA). The Town has explained that failure to secure approval for the transfer and the MSBA funding will put the long planned project in jeopardy.

I urge your prompt consideration of this bill on the expedited timeframe the Town has requested.

Respectfully submitted,

Charles D. Baker,  
*Governor*

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act relative to certain land in the town of Winchester.

*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 any general or special law to the contrary, the select board  
2 of the town of Winchester may, pursuant to a vote of the Winchester annual town meeting on  
3 April 25, 2022 and the requirements of section 15A of chapter 40 of the General Laws, transfer  
4 the care, custody and control of a certain parcel of land currently under the care and control of  
5 the select board of the town of Winchester for water supply purposes to the school committee of  
6 the town of Winchester for school purposes. The parcel of land that may be transferred under this  
7 section comprises approximately 3.97 acres, is more or less located off Brantwood road in the  
8 town of Winchester, is known as assessor’s parcel 14 321 0, and is more particularly described in  
9 whole or in part as Parcel 3 in a deed registered with the Middlesex south registry of deeds as  
10 Instrument 152,399.

11           SECTION 2. As a condition of any disposition of land pursuant to section 1, and to  
12 ensure no net loss of land subject to Article 97 of the amendments to the constitution of the  
13 Commonwealth, the town of Winchester shall dedicate solely for purposes subject to Article 97,

14 land of at least 3.97 acres in size and equal or greater recreational and natural resource value as  
15 the land so disposed.

16 SECTION 3. This act shall take effect on passage.