

SENATE No. 2933

The Commonwealth of Massachusetts

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

SENATE, July 31, 2024.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, Senate, No. 2892) (subject to Joint Rule 12) of Ryan C. Fattman for legislation to provide for the disposition of certain property in the town of Upton, reports recommending that the accompanying bill (Senate, No. 2933) ought to pass.

For the committee,
Nick Collins

SENATE No. 2933

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**In the One Hundred and Ninety-Third General Court
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An Act providing for the disposition of certain property in the town of Upton.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 156 of the acts of 2005 is hereby amended by striking out sections 1 through 4,
2 and inserting in place thereof the following sections:-

3 "SECTION 1. The commissioner of capital asset management and maintenance, in
4 consultation with the department of conservation and recreation, shall, notwithstanding sections
5 32 to 37, inclusive, of chapter 7C of the General Laws, convey by deed 2 parcels of land off of
6 Maple Avenue in the town of Upton, presently under the care, custody and control of the
7 department, to the Upton Development Group, Ltd., or its nominee. The parcels are shown on a
8 plan of land entitled "Approval Not Required Plan of Land Maple Avenue, Hartford Avenue,
9 Glen Avenue Upton, Massachusetts, Worcester County" dated October 13, 2013, prepared by
10 Geo/Network Land Survey, Inc.. The exact boundaries of the parcels shall be determined by the
11 commissioner in consultation with the department.

12 SECTION 2. In consideration of the conveyance provided for in section 1, the division of
13 capital asset management and maintenance shall receive from the recipient, conveyance of 2

14 parcels of land to be placed under the care, custody and control of the department of
15 conservation and recreation, to be used for conservation purposes. The parcels are shown on a
16 plan of land entitled "Approval Not Required Plan of Land Maple Avenue, Hartford Avenue,
17 Glen Avenue Upton, Massachusetts, Worcester County" dated October 13, 2013, prepared by
18 Geo/Network Land Survey, Inc. The exact boundaries of the parcels shall be determined by the
19 commissioner in consultation with the department and recipient.

20 SECTION 3. In further consideration of the conveyance provided for in section 1, the
21 recipient shall donate \$25,000 to the department of conservation and recreation, as compensation
22 and restitution for the trespass, encroachment and contamination related to the past disposal of
23 solid and hazardous waste materials on the state parcels. At the time of conveyance,
24 compensation and restitution shall be paid and deposited in the Conservation Trust, established
25 pursuant to chapter 132A, section 1 of the General Laws. The conveyance and payment of
26 additional compensation shall satisfy the obligations of the Upton Fuels and Construction, Inc.,
27 and their stockholders to the commonwealth for the past activities identified above.

28 SECTION 4. There shall be an independent appraisal, or appraisals, of the parcels
29 described in section 1 and section 2 to be conveyed by this act to determine their market values,
30 or the values in use as proposed, based upon one or more professional appraisals as
31 commissioned by the commissioner of the division of capital asset management and
32 maintenance. The parcels described in section 2 were determined to be of three times greater
33 value than the parcels to be conveyed by the commonwealth in section 1, the commonwealth
34 shall not be obliged to pay such difference. The full and fair market value of all parcels were
35 determined by an independent appraisal, prepared in accordance with the usual and customary
36 professional appraisal practices, by a qualified appraiser commissioned and instructed by the

37 commissioner to appraise the state parcels described in section 1 as if free of contamination and
38 without the benefit of any permits, approvals or authorizations obtained by the recipient. The
39 commissioner of capital asset management and maintenance shall submit the appraisal or
40 appraisals to the inspector general for his or her review and comment. The inspector general shall
41 review and approve the appraisal or appraisals, and the review shall include an examination of
42 the methodology utilized for the appraisal or appraisals. The inspector general shall prepare a
43 report of his or her review and file the report with the commissioner of capital asset management
44 and maintenance for submission by said commissioner to the house and senate committees on
45 ways and means and the joint committee on state administration and regulatory oversight. Said
46 commissioner shall submit copies of the appraisals, and the inspector general's review and
47 approval and comments, if any, to the house and senate committees on ways and means and the
48 joint committee on state administration and regulatory oversight at least 15 days prior to the
49 execution of documents effecting the transfers described in section 1 and 2.