

SENATE No. 3078

The Commonwealth of Massachusetts

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

SENATE, July 29, 2022.

The committee on State Administration and Regulatory Oversight, to whom was referred the petition (accompanied by bill, Senate, No. 3060) (subject to Joint Rule 12) of Nick Collins, Daniel J. Hunt and David Biele for legislation relative to sustainability and resiliency in the Dorchester section of the city of Boston, reports the accompanying bill (Senate, No. 3078).

For the committee,
Marc R. Pacheco

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An Act relative to sustainability and resiliency in the Dorchester section of the city of Boston.

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 sections 32 to 37, inclusive, of chapter 7C of the General
2 Laws or any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the commissioner of conservation and
4 recreation, may grant to the University of Massachusetts Building Authority, its successors,
5 lessees, or assigns, for consideration as provided in section 2, an easement for the purposes of
6 providing vehicular, pedestrian and utility access. The easement is more particularly described as
7 an area approximately 26,000 square feet, more or less, running from William Day Boulevard to
8 lands of the University of Massachusetts Building Authority, as shown on a plan entitled “Plan
9 of Proposed Access Road Easement Area, Boston” dated June 29, 2021. The exact boundaries
10 and location of the easement to be granted over the land described in this section shall be
11 determined by the commissioner of capital asset management and maintenance, subject to the
12 approval of the department of conservation and recreation and the University of Massachusetts
13 Building Authority, after completion of a survey. Said surveyed easement plan shall be recorded

14 in the Suffolk County Registry of Deeds with the grant of easements/easement agreement
15 instrument.

16 SECTION 2. (a) In consideration for the easement authorized in section 1, the University
17 of Massachusetts Building Authority, its successors, lessees, or assigns, shall compensate the
18 commonwealth through: (i) the transfer of land or an interest in land to the department of
19 conservation and recreation, with a value equal to or greater than the full and fair market value of
20 the easement described in said section 1, or its value in use as proposed, whichever is greater, as
21 determined by the independent appraisal required pursuant to subsection (b); (ii) a sum of money
22 equal to the full and fair market value of the easement or its value in use as proposed, whichever
23 is greater, as determined by an independent appraisal required pursuant to subsection (b); or (iii)
24 some combination thereof. Any funds received shall be deposited in the Conservation Trust
25 established in section 1 of chapter 132A of the General Laws and expended by the department of
26 conservation and recreation to acquire lands or interests in land to be permanently under the care
27 and control of the department for conservation and recreation purposes

28 (b) The value of the easement described in section 1 and the value of any property
29 interests to be conveyed to the commonwealth pursuant to section 1 shall be determined by an
30 independent appraisal prepared in accordance with the usual and customary professional
31 appraisal practice by a qualified appraiser commissioned by the commissioner of capital asset
32 management and maintenance, in consultation with the commissioner of conservation and
33 recreation. For the purposes of such appraisal, the full and fair market value shall be calculated
34 with regard to the financial benefit of the access provided by the parcel described in section 1 to
35 development on adjacent land to be leased by the University of Massachusetts Building
36 Authority. The commissioner of capital asset management and maintenance shall submit any

37 appraisals to the inspector general for review and comment. The inspector general shall review
38 and approve any appraisals and the review shall include an examination of the methodology
39 utilized for the appraisals. The inspector general shall prepare a report of such review and file the
40 report with the commissioner of capital asset management and maintenance for submission by
41 the commissioner of capital asset management and maintenance to the house and senate
42 committees on ways and means and the joint committee on state administration and regulatory
43 oversight. The commissioner shall submit copies of the appraisals and the inspector general's
44 report to the house and senate committees on ways and means and the joint committee on state
45 administration and regulatory oversight not less than 15 days before the execution of the
46 instrument effecting the grant of the easement described in subsection (a).

47 (c) (1) The University of Massachusetts Building Authority, its successors, lessees, or
48 assigns, shall be responsible for all costs associated with engineering, surveys, appraisals,
49 document preparation and other expenses deemed necessary by the commissioner of capital asset
50 management and maintenance to convey the easement described in section 1.

51 (2) The University of Massachusetts Building Authority, its successors, lessees, or
52 assigns, shall be responsible for all costs associated with the maintenance, repair and
53 reconstruction of the land subject to the easement described in section 1.

54 (d) No instrument granting the easement described in section 1 shall be valid unless it
55 provides that the easement shall be used solely for the purposes described in said section 1. The
56 grant of easement shall stipulate that the easement shall terminate if the property ceases to be
57 used for the express purposes set forth in the instrument granting the easement, upon such terms
58 and conditions as the commissioner of capital asset management and maintenance may

59 determine, following notice of such to the grantee by the division of capital asset management
60 and maintenance and a failure by the grantee to cure the violation to the satisfaction of the
61 division of capital asset management and maintenance.

62 SECTION 3. (a) There shall be established and set up on the books of the commonwealth
63 a Dorchester Shores Reservation and Parks Trust Fund. The purpose of the fund shall be to
64 ensure the long-term preservation, maintenance, nourishment and public safety of the Dorchester
65 Shores Reservation properties as defined by the department of conservation and recreation as
66 well as McCormack Park, Richardson Park and Atheneum Park in the Dorchester section of the
67 City of Boston. The fund shall be administered by the secretary of the executive office of energy
68 and environmental affairs established pursuant to section 1 of chapter 21A of the General Laws.

69 (b) The fund shall consist of: (i) revenue from appropriations or other money authorized
70 by the general court and specifically designated to be credited to the fund; (ii) any income derived
71 from the investment of amounts credited to the fund or repayment of loans from the fund; (iii)
72 funds from public or private sources including, but not limited to, gifts, federal or private grants,
73 donations, rebates and settlements received by the commonwealth that are specifically
74 designated to be credited to the fund; and (iv) all other amounts credited or transferred to the
75 fund from any other source. Amounts credited to the fund shall be subject to appropriation and
76 any money remaining in the fund at the end of the fiscal year shall not revert to the General
77 Fund. Annually, not later than December 1, the secretary of energy and environmental affairs
78 shall report on the activities of the fund to the clerks of the house of representatives the senate
79 and to the house and senate committees on ways and means. The report shall include an
80 accounting of expenditures made from the fund and shall include a description of the authorized

- 81 purpose of each expenditure, an accounting of the amounts credited to the fund and any
- 82 unexpended balance remaining in the fund.