

HOUSE No. 5158

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 31, 2022.

The committee on Ways and Means, to whom was referred the Senate Bill authorizing the transfer of certain parcels of land in the towns of Templeton, Phillipston and Royalston (Senate, No. 3020), reports recommending that the same ought to pass with amendments striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5158.

For the committee,

AARON MICHLEWITZ.

HOUSE No. 5158

Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill authorizing the transfer of certain parcels of land in the towns of Templeton, Phillipston and Royalston (Senate, No. 3020). July 31, 2022.

The Commonwealth of Massachusetts

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

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

1 SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
2 Laws, chapter 504 of the acts of 2002, chapter 59 of the acts of 2009 as amended by sections 117
3 through 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special law to
4 the contrary, the commissioner of capital asset management and maintenance shall transfer the
5 care, custody and control of the parcels of land at the former Templeton developmental center in
6 the towns of Phillipston, Templeton and Royalston identified in section 2 from the department of
7 developmental services to the department of fish and game to be held solely for the purposes and
8 uses of forest and open space protection, management and conservation, environmental
9 education and public access for passive recreation and enjoyment, including hunting, fishing and
10 trapping. The commissioner of capital asset management and maintenance, in consultation with
11 the commissioner of fish and game, shall determine the exact boundaries of the parcels through a
12 survey. The commissioner of capital asset management and maintenance, in consultation with
13 the commissioner of fish and game, may alter the boundaries to be transferred to the care and
14 control of the department of fish and game pursuant to this section. The department of fish and

15 game shall not be required to pay any consideration for the parcels of land to be transferred to the
16 department of fish and game pursuant to this act.

17 SECTION 2. The parcels of land that may be transferred to the department of fish and
18 game pursuant to section 1 contain approximately 1,427 acres and are shown and described as
19 the “unencumbered area (white)” on the plan entitled “Plan of Land in Templeton, MA”
20 prepared by Northeast Survey Consultants and dated July 27, 2017, on file with the division of
21 capital asset management and maintenance, subject to modifications pursuant to section 1.

22 SECTION 3. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
23 Laws, chapter 504 of the Acts of 2002, chapter 59 of the acts of 2009, as amended by sections
24 117 through 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special
25 law to the contrary, the commissioner of capital asset management and maintenance shall
26 transfer the care, custody and control of the parcels of land at the former Templeton
27 developmental center in the towns of Phillipston and Templeton identified in section 4 from the
28 department of developmental services to the department of agricultural resources to be held
29 solely for the purposes and uses of agriculture and open space protection, management and
30 conservation. The commissioner of capital asset management and maintenance, in consultation
31 with the commissioner of agricultural resources, shall determine the exact boundaries of the
32 parcels through a survey. The commissioner of the division of capital asset management and
33 maintenance, in consultation with the commissioner of the department of agricultural resources,
34 may alter the boundaries to be transferred to the care and control of the department of
35 agricultural resources pursuant to this section. The department of agricultural resources shall not
36 be required to pay any consideration for the parcels of land to be transferred to the department of
37 agricultural resources pursuant to this act.

38 SECTION 4. The parcels of land that may be transferred to the department of agricultural
39 resources pursuant to section 3 contain approximately 175 acres, and are shown as the
40 agricultural fields numbered 1, 4, 5, 10, 11, 12, 13, 14A, 14C, 15, 16, 17, 18, 19, 20, 21 and 22
41 on the plan entitled “Plan of Land in Templeton, MA” prepared by Northeast Survey Consultants
42 and dated July 27, 2017 on file with the division of capital asset management and maintenance,
43 subject to modifications pursuant to section 3.

44 SECTION 5. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
45 Laws, chapter 504 of the Acts of 2002, chapter 59 of the acts of 2009, as amended by sections
46 117 through 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special
47 law to the contrary, the commissioner of capital asset management and maintenance, in
48 consultation with the commissioner of agricultural resources, may convey to 1 or more
49 purchasers the agricultural fields and parcels at the former Templeton developmental center in
50 the towns of Royalston, Templeton and Phillipston identified in section 6; provided, however,
51 that: (i) prior to sale of said agricultural fields the commissioner of capital asset management and
52 maintenance shall record an agricultural preservation restriction on said fields pursuant to
53 sections 31 through 33, inclusive, of chapter 184 of the General Laws; and (ii) sale of said
54 parcels shall be subject to a deed restriction restricting the use of the property and buildings
55 thereon to use for the purposes of agriculture as defined in section 1A of chapter 128 of the
56 General Laws. The commissioner of capital asset management and maintenance, in consultation
57 with the commissioner of agricultural resources, shall determine the exact boundaries of the
58 parcels through a survey. The commissioner of capital asset management and maintenance, in
59 consultation with the commissioner of agricultural resources, may alter the boundaries to be
60 conveyed pursuant to this section. The commissioner of capital asset management and

61 maintenance shall use competitive best value bidding processes and procedures when making
62 any disposition under this section. Not less than 30 days before the date on which bids, proposals
63 or other offers to purchase the parcels, or any portion thereof, are due, the commissioner of
64 capital asset management and maintenance shall place a notice in the central register published
65 by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating: (i) the
66 availability of the parcels; (ii) the nature of the competitive bidding process; (iii) the time, place
67 and manner for the submission of bids and proposals and the opening of the bids or proposals;
68 and (iv) other information that the commissioner deems relevant. The commissioner shall also
69 place notification in the central register of the individual or firm selected as party to any real
70 property transaction involving any such parcels and the amount of the transaction. The
71 commissioner of capital asset management and maintenance may transfer to the care, custody
72 and control of the department of agricultural resources any of said agricultural fields or parcels
73 that has not been conveyed by said commissioner pursuant to this section on or before December
74 31, 2023 and the commissioner of agricultural resources shall accept care, custody and control of
75 said parcels or agricultural fields; provided, however, that the commissioner of agricultural
76 resources may require the demolition and removal of any structures on the parcels prior to
77 accepting care, custody and control of any of said parcels or agricultural fields.

78 SECTION 6. The agricultural fields and parcels that may be conveyed pursuant to
79 Section 5 are the agricultural fields numbered 2, 3, 6, 7, 8, 9 and 14B and the parcels labeled LA
80 1, LA 2, LA 3, LA 4 and LA 5 on the plan entitled "Plan of Land in Templeton, MA" prepared
81 by Northeast Survey Consultants and dated July 27, 2017 on file with the division of capital asset
82 management and maintenance, subject to modifications pursuant to section 5.

83 SECTION 7. The executive office of energy and environmental affairs shall be
84 responsible for the costs and expenses of the transfers authorized by sections 1, 3 and 5 as
85 determined by the commissioner of capital asset management and maintenance, including, but
86 not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording fees
87 and document preparation related to the transfer of the care, custody and control of the parcels
88 pursuant to sections 1 through 6, inclusive.

89 SECTION 8. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
90 Laws, chapter 504 of the Acts of 2002, chapter 59 of the acts of 2009, as amended by sections
91 117 through 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special
92 law to the contrary, the commissioner of capital asset management and maintenance may sell or
93 lease to 1 or more purchasers or lessees the parcels of land, with any buildings thereon, at the
94 former Templeton developmental center in the towns of Templeton, Phillipston and Royalston
95 not transferred to the care, custody and control of the department of fish and game, the
96 department of agricultural resources or a private party pursuant to this act. The commissioner of
97 capital asset management and maintenance shall determine the exact boundaries of the parcels
98 through a survey. The commissioner shall use appropriate competitive bidding processes and
99 procedures when making any disposition under this section. Not less than 30 days before the date
100 on which bids, proposals or other offers to purchase the parcels, or any portion thereof, are due,
101 the commissioner shall place a notice in the central register published by the state secretary
102 pursuant to section 20A of chapter 9 of the General Laws stating: (i) the availability of the
103 parcels; (ii) the nature of the competitive bidding process; (iii) the time, place and manner for the
104 submission of bids and proposals and the opening of the bids or proposals; and (iv) other
105 information that the commissioner deems relevant. The commissioner shall also place

106 notification in the central register of the individual or firm selected as party to any real property
107 transaction involving any such parcels and the amount of the transaction.

108 SECTION 9. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
109 Laws, chapter 504 of the Acts of 2002, chapter 59 of the acts of 2009 as amended by sections
110 117 through 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special
111 law to the contrary, the commissioner of capital asset management and maintenance may: (i)
112 convey the portions of roads located at the former Templeton developmental center including,
113 without limitation, the road known as Freight Shed road, to the Massachusetts Department of
114 Transportation; and (ii) convey portions of roads located at the former Templeton developmental
115 center not conveyed to the Massachusetts Department of Transportation, including, without
116 limitation, the road known as Freight Shed road, to the towns in which such portions of roads are
117 located, subject to the requirement that the grantee in each instance maintains the portions of
118 roads conveyed to it as a public way. The commissioner of capital asset management and
119 maintenance shall determine the exact boundaries of the portions of said roads to be conveyed to
120 each grantee through surveys.

121 SECTION 10. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
122 Laws, chapter 504 of the Acts of 2002, chapter 59 of the acts of 2009 as amended by sections
123 117 through 124, inclusive, of chapter 131 of the acts of 2010, or any other general or special
124 law to the contrary, the commissioner of capital asset management and maintenance may convey
125 any water lines or other utilities located in any of the roads referred to in section 9 to the town,
126 municipal light and power plant, or other entity that provides water service in the town in which
127 such water lines or other utilities are located. The commissioner of capital asset management and

128 maintenance shall determine the exact boundaries of such water lines or other utilities to be
129 conveyed to each grantee through surveys.