

SENATE No. 2270

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

SENATE, June 20, 2019

The committee on Ways and Means to whom was referred the Senate Bill authorizing the mutual release of all claims to certain lands in the town of Newbury (Senate, No. 2201),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2270).

For the committee,
Michael J. Rodrigues

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing the mutual release of all claims to certain lands in the town of Newbury.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the release of all claims to certain lands in the town of Newbury, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. (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 director of fisheries and wildlife,
4 may convey, by a release deed, to The Richard J. Boudreau and Pauline C. Boudreau Irrevocable
5 Trust, Karyn M. Alves, trustee, under a declaration of trust dated September 5, 2017 and
6 recorded in the Essex southern district registry of deeds in book 36202, page 289 all of the
7 commonwealth’s interests in the lot of land with the buildings thereon situated in the town of
8 Newbury on the southwesterly side of Moody street and shown as Lot A on a plan of land
9 entitled “Plan of Land Located in Newbury, Massachusetts” prepared by Engineering Land
10 Services, LLC, dated July 7, 2018, which is on file with the division of capital asset management
11 and maintenance and the division of fisheries and wildlife. The plan shall be recorded
12 simultaneously with the recording of the conveyances authorized in this act.

13 (b) The consideration for the conveyance authorized in subsection (a) shall be the mutual
14 release of the trust's interests, by release deed, in a lot of undeveloped land situated in the town
15 of Newbury on the southwesterly side of Moody street and shown as Lot B on the plan of land
16 referenced in said subsection (a). Said Lot B, which is not a buildable lot, shall be combined
17 with the Crane Pond Wildlife Management Area.

18 (c) As additional consideration for the conveyance authorized in subsection (a), the trust
19 shall convey to the commonwealth, acting by and through the division of fisheries and wildlife, a
20 perpetual restrictive covenant for the area depicted on the plan referenced in said subsection (a)
21 near the rock garden. The covenant shall prohibit the trust or successor owners of Lot A from
22 mowing or fertilizing in the restrictive covenant area to protect the wetlands resources on Lot B
23 and shall require the planting of native grasses or shrubs.

24 (d) The trust shall assume all costs associated with engineering, surveying and deed
25 preparation and any other expenses considered necessary by the commissioner of capital asset
26 management and maintenance or the director of fisheries and wildlife to execute the conveyances
27 authorized in this act.

28 SECTION 2. The commissioner of capital asset management and maintenance shall
29 establish the value of the properties to be exchanged pursuant to this act for both the highest and
30 the best use of the properties as currently encumbered and for the purposes described in section
31 1. If the consideration for the parcel conveyed pursuant to subsection (a) of section 1 is less than
32 fair market value, the commissioner shall place notice in the central register of the conveyances,
33 the amount of the transaction and the difference between the calculated value and price received

34 and The Richard J. Boudreau and Pauline C. Boudreau Irrevocable Trust, Karyn M. Alves,
35 trustee, shall pay the difference to the commonwealth.