

The Commonwealth of Massachusetts



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GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

October 13, 1987

To the Honorable Senate and House of Representatives:

I am today submitting the attached legislation relative to the construction of a comprehensive geriatric care center on the present site of Cushing Hospital in Framingham. This legislation will authorize development of a facility specifically designed to meet the needs of our older citizens and will make unneeded land at the facility available for housing and other uses.

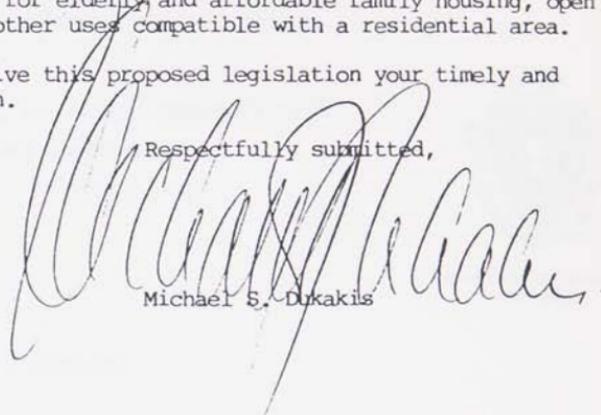
The Cushing Hospital campus, located on 100 acres of state-owned property in Framingham, currently houses one of the seven public health hospitals operated by the Department of Public Health, whose primary emphasis is on geriatric care. The facilities were originally built with a 20-year life expectancy. Now over forty years old, the rapid deterioration of the physical plant poses serious concerns about the hospital's ability to efficiently provide high quality patient care. The urgency of this situation presents the opportunity to develop a plan for this campus which addresses the needs of the growing over-65 population, as well as the Commonwealth's need for affordable family housing.

The number of Massachusetts citizens aged 65 years and older is projected to increase by over 13 percent between 1980 and 1990. The Commonwealth's efforts to meet the long term care needs of this population must focus on enabling elders to live as independently as possible, while also ensuring access to high quality institutional care when needed. Consistent with these efforts and the efforts of the Cushing Geriatric Center Task Force, this legislation authorizes construction of a new comprehensive geriatric care center to replace the existing Cushing Hospital, in addition to construction of state-assisted elderly housing on the Cushing Hospital campus.

In an effort to address these needs, the intent of this legislation is to construct a 266-bed geriatric center to provide health care and social services to the over-65 population, and to make surplus land available for elderly and affordable family housing, open space, recreation and other uses compatible with a residential area.

I hope you will give this proposed legislation your timely and favorable consideration.

Respectfully submitted,



Michael S. Dukakis

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT RELATIVE TO CONSTRUCTING A COMPREHENSIVE GERIATRIC CARE CENTER TO REPLACE CUSHING HOSPITAL IN FRAMINGHAM.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is the construction of a public health
3 facility and the creation of elderly and affordable family hous-
4 ing through the redevelopment of state-owned property in
5 Framingham at the site of Cushing Hospital, therefore it is hereby
6 declared to be an emergency law, necessary for the immediate
7 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. The Deputy Commissioner of the Division of
2 Capital Planning and Operations, hereinafter referred to as the
3 “Deputy Commissioner”, is hereby authorized to undertake such
4 planning and study as is necessary to create an integrated develop-
5 ment district, including facilities and improvement thereon, at the
6 present site of the Cushing Hospital in Framingham, for the con-
7 struction of a replacement public health hospital to be known as
8 the Massachusetts Geriatric Center, hereinafter referred to as the
9 “Center”, for use by the Department of Public Health, on an
10 approximately thirteen-acre parcel, hereinafter referred to as
11 “parcel one”, and for the construction of state-assisted elderly
12 housing and mixed income family housing on an approximately
13 eighty-eight acre parcel, hereinafter referred to as “parcel two”.

14 Parcels one and two are bounded and described as follows:

15 **Parcel One:**

16 A certain parcel of land located on the westerly line of West
17 Road in Framingham, Middlesex County, Massachusetts,
18 excepted from Parcel 2, and bounded and described as follows:

19 Beginning at a point to be located at the intersection of the
20 westerly line of West Road with the northerly line of “F” Road;

21 thence running northwesterly along the easterly line of West Road
22 760 feet, more or less, to a point on the southerly line of "D" Road;
23 thence turning at a 90 degree angle and running northeasterly
24 along the southerly line of "D" Road 730 feet, more or less, to
25 a point; thence turning at a 90 degree angle and running south-
26 easterly along the center line of an existing hospital building 760
27 feet, more or less, to a point in the northerly line of "F" Road,
28 thence turning at a 90 degree angle and running southwestery
29 along the northerly line of "F" Road 730 feet, more or less, to
30 the point of the beginning.

31 Said parcel I contains approximately 13 acres of land as shown
32 on the below referenced plan, the precise boundaries of which shall
33 be determined by the studies prepared pursuant to section 2.

34 **Parcel Two:**

35 A certain parcel of land located on the westerly line of West
36 Road and the westerly line of Dudley Road in Framingham,
37 Middlesex County, Massachusetts, and bounded and described
38 as follows:

39 Beginning at a point designated by a stone monument on the
40 westerly line of Dudley Road said point being the northeasterly
41 corner of the premises herein described; thence running south-
42 easterly along the westerly line of Dudley Road a distance of
43 1,744.47 feet to a point at the intersection of the westerly line of
44 Dudley Road and the southerly line of South Road; thence turn-
45 ing at a point on the southerly line of South Road and running
46 southwestery along South Road a distance of 965 feet, more or
47 less, to a point; thence turning and running southeasterly a
48 distance of 535 feet, more or less, to a point; thence turning and
49 running southwestery a distance of 985 feet, more or less, to a
50 point on the easterly line of Winter Street; thence turning and
51 running northeasterly along the easterly line of Winter Street a
52 distance of 120 feet, more or less, to a point; thence turning and
53 running northeasterly a distance of 220 feet, more or less, to a
54 point; thence turning and running northeasterly a distance of 200
55 feet, more or less, to a point; thence turning and running
56 southwestery a distance of 220 feet, more or less, to a point on
57 the easterly line of Winter Street; thence turning and running
58 northwesterly along the easterly line of Winter Street a distance
59 of 1,090 feet, more or less, to a point; thence turning and running

60 northeasterly a distance of 150 feet, more or less, to a point on
61 the westerly line of West Road; thence turning and running north-
62 westerly along the westerly line of West Road a distance of 1,680
63 feet, more or less, to a point at the intersection of westerly line
64 of West Road with the southerly line of North Road; thence cross-
65 ing North Road and running northeasterly 710 feet, more or less,
66 to a point; thence turning and running southeasterly 760 feet, more
67 or less, to a point; thence turning and running easterly 180 feet,
68 more or less, to a point; thence turning and running southeasterly
69 190 feet, more or less, to a point on the easterly line of Dudley
70 Road, said point being the point of beginning.

71 The above described parcel, exclusive of parcel 1, contains
72 approximately 88 acres of land and is shown on a plan entitled
73 "Existing Conditions, Site Parcels" prepared by HFMH
74 Architects, Inc. on file with the division of capital planning and
75 operations. The precise boundaries of the said parcel 2 shall be
76 determined by the studies prepared pursuant to section 2. Except-
77 ing from both parcel one and parcel two all lands contained within
78 public ways owned or controlled by either the Commonwealth of
79 Massachusetts or the town of Framingham.

1 SECTION 2. The deputy commissioner is hereby authorized
2 to expend the sum of forty-two million dollars for studies, design,
3 preparation of plans, and construction of the Center on parcel
4 one, and to expend an additional sum of five million dollars to
5 demolish existing structures and building foundations and to
6 otherwise prepare parcel two for development and render said
7 parcel safe from physical constraint and environmental hazard.
8 Any capital expenditure authorized in this act shall be exempt
9 from the provisions of sections 25C through 25G inclusive of
10 Chapter 111 of the General Laws or any other general or special
11 law requiring a determination of need.

1 SECTION 3. The deputy commissioner is hereby authorized
2 to expend the sum of five hundred thousand dollars to develop
3 a master plan for the reuse of parcel two for elderly and family
4 housing to evaluate alternative proposals, and to negotiate and
5 monitor land disposition agreements in accordance with a
6 memorandum of agreement by and among the executive office
7 of administration and finance, the division of capital planning and

8 operations, the executive office of human services and the
9 department of public health. Such memorandum shall provide the
10 basis for a planning process, including the formation of a citizens
11 advisory committee of up to fifteen members, hereinafter referred
12 to as "the committee," comprised of residents of the town of
13 Framingham, housing development experts, design and planning
14 professionals and other participants whom the deputy commis-
15 sioner, with the advice of elected officials, deems appropriate. The
16 committee shall include state and local elected officials from the
17 district as ex-officio members. The deputy commissioner shall
18 consider development guidelines, which the committee shall
19 prepare for the reuse of parcel two, for elderly, family, and other
20 mixed-income housing as the committee deems appropriate. Said
21 guidelines shall be advisory only and in no event shall the deputy
22 commissioner delegate his legal authority to the committee.

1 SECTION 4. The deputy commissioner is hereby authorized,
2 subject to the provisions of section 40E through 40J inclusive of
3 chapter 7 of the General Laws, to sell and convey by deed parcel
4 two to an entity or entities, hereinafter referred to as "the
5 developer," for the purpose of developing affordable housing,
6 including forty units of state-assisted elderly housing, family
7 housing, and open space, recreation, and other uses compatible
8 with the residential area, said elderly housing to be located in
9 proximity to the center, integrated into the overall master plan,
10 and compatible with the committee's development guidelines.

1 SECTION 5. The deputy commissioner shall, pursuant to the
2 provisions of section 40F through 40J inclusive of chapter 7 of
3 the General Laws, solicit, evaluate and select development
4 proposals and negotiate and enter into land disposition
5 agreements between the division of capital planning and
6 operations and the developer for parcel two, based on the
7 requirements of this act and the master plan. The deputy
8 commissioner may reject any and all proposals if deemed in the
9 best interest of the Commonwealth.

1 SECTION 6. The disposition of parcel two shall be subject to
2 the following terms and conditions:

- 3 a) Among other criteria in selecting the developer, the deputy
4 commissioner shall encourage and consider proposals that exceed
5 the minimum six percent requirement for on-site housing
6 opportunities for department of mental health clients; and
7 b) Future development shall be in accordance with the master
8 plan and with the Center to be constructed on parcel one.
9 c) Tenant selection for the elderly housing units shall be in
10 accordance with state elderly congregate housing procedures
11 regarding regional outreach and consideration of applicants'
12 medical condition.

1 SECTION 7. The deputy commissioner shall, thirty days
2 before the execution of any agreement or agreements pertaining
3 to parcel two authorized by this act, or of any subsequent
4 amendment thereof, submit the agreement or agreements or
5 amendment to the committees on state administration and ways
6 and means. The deputy commissioner shall also submit the
7 agreement or agreements or amendments thirty days before
8 execution to the inspector general for his review and comment
9 within fifteen working days of his receipt of any agreement or
10 amendment. The agreement or agreements shall include, but are
11 not limited to, the following conditions:

- 12 a) Provision that the developer set aside a minimum of six
13 percent of the total number of housing units for clients of the
14 department of mental health, so long as the commissioner of the
15 department of mental health certifies that such need exists;
16 b) Affirmative action provisions as determined appropriate by
17 the deputy commissioner for jobs and business participation
18 relative to minorities, women and town of Framingham residents
19 during construction and as a permanent feature of the
20 development;
21 c) Appropriate restrictions prohibiting discrimination in
22 employment and in the sale or lease of housing units on the basis
23 of race, sex, age, national origin, religion or handicap, and
24 appropriate fair housing provisions;
25 d) Provisions for the assumption by the developer of various
26 obligations for providing public services and improvements on the
27 property in accordance with standards established in the master
28 plan, as reasonably determined by the deputy commissioner; and

29 e) Remedies on behalf of the commonwealth in the event the
30 developer fails to fulfill his obligation as set forth in the land
31 disposition agreement.

1 SECTION 8. The amount of consideration for the sale or lease
2 of parcel two shall be determined pursuant to section 40F and
3 section 40H of chapter 7 of the General Laws. The consideration
4 for said parcel shall take into account the developer's obligations
5 required by this act, the master plan, and the agreement.

1 SECTION 9. The deputy commissioner, notwithstanding the
2 provisions of sections 40E through 40J inclusive of chapter 7 of
3 the General Laws, is hereby authorized to acquire by transfer,
4 lease or eminent domain taking, to retain or grant, or to accept
5 from the developer any and all rights of way and easements across
6 parcel two as required by and consistent with the master plan,
7 for purposes of access, construction, and installation and
8 maintenance of utilities.

1 SECTION 10. To defray costs necessary for the preparation
2 and improvement of parcels one and two, the state treasurer shall,
3 upon request of the governor, issue and sell bonds of the
4 Commonwealth in an amount to be specified by the governor from
5 time to time, but not to exceed in the aggregate, the amount of
6 forty-seven million five hundred thousand dollars. All bonds
7 issued by the Commonwealth, as aforesaid, shall be designated
8 on their face Cushing Hospital Development Loan Act of 1987,
9 and shall be issued for such maximum term of years, not exceeding
10 twenty years, as the governor may recommend to the General
11 Court pursuant to section three of Article LXII of the
12 Amendments to the Constitution of the Commonwealth. Bonds
13 shall be general obligations of the Commonwealth.

14 The state treasurer may borrow from time to time on the credit
15 of the Commonwealth such sums of money as may be authorized
16 by this section and may issue and renew from time to time notes
17 of the Commonwealth therefore, bearing interest payable at such
18 time and at such rate as shall be fixed by the state treasurer.