
The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 20, 2005.

The committee on Bonding, Capital Expenditures and State Assets, to whom were referred the petition (accompanied by bill, Senate, No. 39) of Harriette L. Chandler, Bruce E. Tarr, Michael R. Knapik, Brian Knuutila and other members of the General Court for legislation to continue the expedited disposition of surplus land; the petition (accompanied by bill, Senate, No. 42) of Susan C. Fargo and Thomas M. Stanley for legislation relative to surplus land in the Commonwealth; the petition (accompanied by bill, House, No. 1423) of Thomas M. Stanley relative to the designation of surplus property by the Commissioner of the Division of Capital Asset Management and Maintenance; the petition (accompanied by bill, House, No. 3421) of Thomas M. Stanley and James R. Miceli relative to the disposition of certain surplus state property; the petition (accompanied by bill, House, No. 3425) of Kevin G. Honan and others relative to the disposition of state-owned surplus land; the petition (accompanied by bill, House, No. 3428) of Kay Khan and others for legislation to create a hospital disposition fund from the proceeds of sales of state hospitals and the crediting of such proceeds to accounts of the Department of Mental Health and the Department of Mental Retardation; the petition (accompanied by bill, House, No. 3430) of Peter J. Koutoujian relative to the disposition of state land; the petition (accompanied by bill, House, No. 3433) of David B. Sullivan and others relative to continuing the expedited disposition of surplus land; the petition (accompanied by bill, House, No. 3840) of Bradley H. Jones, Jr., Thomas M. Stanley and others relative to the disposition of surplus property owned by the Commonwealth; the petition (accompanied by bill, House, No. 3841) of Thomas M. Stanley and others that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land formerly under the care, custody and

control of the Middlesex County Hospital; reports recommending that the accompanying bill (House, No. 4278) ought to pass. [Estimated Cost: \$9,800,000.00]

For the committee,

DAVID L. FLYNN.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE DEVELOPMENT OF UNDERUSED STATE OWNED REAL PROPERTY AND THE DISPOSITION OF STATE OWNED SURPLUS REAL PROPERTY.

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. Chapter 7 of the General Laws, appearing in the
2 2004 Official Edition, is hereby amended by striking out section
3 1, and inserting in place thereof the following section:—

4 Section 1. As used in this chapter the following words shall,
5 unless the context clearly requires otherwise, have the following
6 meanings:

7 “Commissioner”, the commissioner of administration.

8 “Eligibility”, written criteria established before a request for
9 applications that are used to determine if an application for an
10 award of grant program resources is acceptable.

11 “Finance committee”, the committee of the executive council
12 appointed to consider matters of finance.

13 “Grant program”, financial or technical assistance provided by
14 a state agency or state authority, as defined in section 1 of chapter
15 29, available to a city, town or other public or private entity other-
16 wise eligible.

17 “Grant program fiscal statement”, shall include: (1) a descrip-
18 tion of the substance of the application; (2) the average expected
19 grant amount; (3) a listing of award recipients, including the
20 award amount, if any, the fiscal year of the award and the date of
21 award; (4) the estimated proportion of monies, in-kind match or
22 other monies to be supplied by the award recipient and any other
23 source from which such match will be required; (5) a description
24 of the allocation formula and matching requirements, including
25 whether the grant is distributed on the basis of a specified formula
26 or at the grantor’s discretion; (6) a description of any constraints
27 placed on the use of the grant; and (7) contact information,

28 including the telephone number, postal address and internet email
29 address to facilitate the application process.

30 “Grant program reference”, a description in electronic format
31 that is retrievable and printable that shall include: (1) the grant
32 program application; (2) the grant program eligibility criteria;
33 (3) the application due date; and (4) the grant program fiscal state-
34 ment.

35 For the purposes of sections 39B to 43J, inclusive, the
36 following words shall have the following meanings unless the
37 context clearly requires otherwise:

38 “Agency”, the Massachusetts Development Finance Agency.

39 “Commissioner”, the commissioner of the division of capital
40 asset management and maintenance.

41 “Committee”, the state surplus land coordinating committee
42 established pursuant to section 40F.

43 “Affordable housing”, housing that is affordable for rental or
44 purchase by families or individuals whose income at initial occu-
45 pancy is equal to or less than 100 per cent of the median area
46 income as determined by the United States secretary of housing
47 and urban development for federal housing programs.

48 “Direct public use”, use of property by a governmental or
49 quasi-governmental entity including, without limitation, the com-
50 monwealth, any municipality within the commonwealth, or any
51 authority or district within the commonwealth, or any instrumen-
52 tality of any of the foregoing, and, with respect to any use of prop-
53 erty by a private non-profit organization, any use of the property
54 for affordable housing production, community economic develop-
55 ment, historic preservation or for open space acquisition or preser-
56 vation.

57 “Host municipality”, the municipality or municipalities within
58 which state owned real property conveyed, leased or otherwise
59 transferred to the agency or declared surplus pursuant to the pro-
60 visions of this chapter is located.

61 “Net cash proceeds”, all payments paid to the commonwealth
62 as and when paid, less any transaction-related expenses incurred
63 by the division of capital asset management and maintenance and
64 the Massachusetts Development Finance Agency for which it is
65 not otherwise reimbursed, and less any amounts that may be
66 owing to the federal government as a result of the disposition.

67 “Real property”, as defined in section 39A of chapter 7.

68 “State agency”, as defined in paragraph (v) said section 39A of
69 said chapter 7.

70 “Surplus real property”, real property of the commonwealth:
71 (1) previously determined to be surplus to current and foreseeable
72 state needs pursuant to section 40F or 40F½ of said chapter 7, but
73 excluding real property for which there is an established local
74 reuse plan; or (2) determined to be surplus to current and foresee-
75 able state needs pursuant to this chapter. The term surplus real
76 property shall not include property conveyed, leased or otherwise
77 transferred to the Massachusetts development finance agency pur-
78 suant to the provisions of this chapter.

1 SECTION 2. Chapter 7 is hereby further amended by striking
2 out section 40E, as so appearing, and inserting in place thereof the
3 following section:—

4 Section 40E. Real property, record title to which is held in the
5 name of a state agency or the board of trustees of a state agency or
6 similar board of a state agency, shall be deemed to be real prop-
7 erty of the commonwealth. No deed or other instrument shall be
8 required to effect the transfer to the commonwealth of title to such
9 real property, but the land court department of the trial court shall,
10 upon petition of the division of capital asset management and
11 maintenance, issue in the name of the commonwealth a certificate
12 of title to any real property, title to which is registered under
13 chapter 185 in the name of a state agency or the board of trustees
14 of a state agency or similar board of a state agency. Notwith-
15 standing any general or special law to the contrary, no person shall
16 acquire any rights by prescription or adverse possession in any
17 lands or rights in lands held in the name of the commonwealth.

18 The commissioner and the committee shall exercise the powers
19 stated in this chapter, notwithstanding the delegations which the
20 general court has made pertaining to the acquisition, control, and
21 disposition of real property, including section 19 of chapter 16;
22 section 1 of chapter 19; section 7 of chapter 19A; sections 9A, 13,
23 and 30 of chapter 21; sections 2 and 9 of chapter 21A; sections 8
24 and 26 of chapter 23A; section 7 of chapter 23B; section 3 of
25 chapter 28A; section 41 of chapter 29; sections 4 and 5 of chapter
26 29A; sections 11, 12, 25, 26, and 27 of chapter 75; sections 7, 7A,

27 7C, 7D, 7E, 7G, 7H, 7L, 7M, 11, 13A, and 13B of chapter 81;
28 section 7 of chapter 82; section 4 of chapter 83; section 39B of
29 chapter 90; sections 2, 3, 5, and 6 of chapter 91; sections 9A, 13,
30 33, 34, 77 to 85, inclusive, 87, and 88 of chapter 92; sections 62R,
31 83, and 86 of chapter 111; section 5 of chapter 111B; section 8 of
32 chapter 115A; sections 1 and 2 of chapter 120; section 5 of
33 chapter 122; section 10 of chapter 124; section 2 of chapter 147;
34 sections 31 and 32 of chapter 184; provided, however, that the
35 commissioner shall acquire, control and dispose of real property
36 in accordance with the terms and purposes of the aforementioned
37 provisions. The commissioner shall not make any acquisition of
38 real property on behalf of a state agency by eminent domain or
39 make any such delegation of power to acquire real property by
40 eminent domain to any state agency unless such state agency is
41 otherwise authorized by law to exercise the power of eminent
42 domain. The commissioner may delegate to state agencies respon-
43 sibility for the acquisition and control of real property as provided
44 for in this chapter. When responsibility is delegated to a state
45 agency, the written approval of the commissioner shall be required
46 before the transaction is completed, and a copy of said written
47 approval shall be sent to the joint committee on bonding, capital
48 expenditures and state assets.

49 For the purposes of sections 40F through 40L inclusive, the
50 term "emergency" shall mean any situation caused by unforeseen
51 circumstances which render currently used real property unusable
52 or unavailable for the purposes intended and which creates an
53 immediate need for other real property to preserve the health or
54 safety of persons or property.

1 SECTION 3. Chapter 7 is hereby further amended by striking
2 out section 40F, as so appearing, and inserting in place thereof the
3 following section:—

4 Section 40F. (a) There shall be established a state surplus land
5 coordinating committee. The committee shall consist of 11 mem-
6 bers, 1 of whom shall be the secretary of the executive office of
7 administration and finance or his designee; 1 of whom shall be the
8 secretary of the executive office of transportation and construction
9 or his designee; 1 of whom shall be the secretary of the executive
10 office of economic development or his designee, provided his

11 designee is the director of the Massachusetts office of business
12 development; 1 of whom shall be the secretary of the executive
13 office of environmental affairs or his designee; 1 of whom shall be
14 the director of the department of housing and community develop-
15 ment or his designee; 1 of whom shall be the commissioner of the
16 division of capital asset management and maintenance or his
17 designee; 1 of whom shall be the director of the Massachusetts
18 municipal association or his designee; 1 of whom shall be chair of
19 the commonwealth development coordinating council or his
20 designee; 1 of whom shall be the chief executive officer of the
21 Massachusetts development finance authority or his designee; 1 of
22 whom shall be the chair of the board of directors of the Massachu-
23 setts association of regional planning agencies or his designee;
24 and 1 of whom shall be the president of the Massachusetts associ-
25 ation of community development corporations or his designee.

26 The committee shall meet at least quarterly and shall advise and
27 direct the commissioner on all real property being considered for
28 surplus designation and on the appropriate disposition of such
29 property, including but not limited to, whether the property should
30 be declared surplus, the potential reuses for the property,
31 including, but not limited to, its suitability for housing develop-
32 ment, economic development or preservation as open space, and
33 what restrictions, if any, should be considered on its use and
34 development.

35 The committee shall annually submit a written report of its
36 activities no later than December 31. Said report shall be sub-
37 mitted to the president of the senate, the speaker of the house, the
38 house and senate chairs of the joint committee on bonding, capital
39 expenditures and state assets, the house and senate chairs of the
40 joint committee on economic development and emerging tech-
41 nologies, the clerk of the senate and the clerk of the house.

42 (b) The commissioner, upon the approval of the state surplus
43 land coordinating committee, shall be responsible for the disposi-
44 tion of real property in the manner and to the extent provided in
45 this chapter. The commissioner may delegate such responsibility
46 to an administrator who has 10 years of experience in the manage-
47 ment of commercial, industrial, institutional or public real prop-
48 erty. When responsibility is delegated to an administrator the

49 written approval of the commissioner shall be required before
50 such transaction is finalized.

51 (c) The commissioner, upon the approval of the surplus land
52 coordinating committee, may convey, lease for a term not to
53 exceed 99 years, transfer or otherwise dispose of real property to
54 the agency or surplus real property as specified in this chapter.

55 The commissioner shall provide such administrative support to
56 the committee as the committee may request.

1 SECTION 4. Said chapter 7 is hereby further amended by
2 inserting after section 40F the following section:—

3 Section 40F¼. (a) The commissioner shall recommend to the
4 committee for surplus designation any real property owned by the
5 commonwealth that is not required for use by any state agency
6 and which in his judgment should be declared surplus real prop-
7 erty subject to disposition by the commonwealth in accordance
8 with the provisions of this chapter; provided, however, that prior
9 to recommending that a parcel of real property be declared sur-
10 plus, the commissioner shall determine whether any state agency
11 has a current or foreseeable need for the property. In order to
12 establish whether there exists a current or foreseeable need, the
13 commissioner shall provide written notice and inquiry to the exec-
14 utive heads of state agencies and secretaries of the executive
15 offices who shall have 30 days to submit a written response indi-
16 cating that the property is necessary for a specific current or fore-
17 seeable need of such agency or executive office. If no agency or
18 executive office submits such a response within 30 days of
19 receiving notice, the commissioner shall recommend to the com-
20 mittee that the property be declared surplus and disposed of in
21 accordance with the provisions of this chapter. In the event that a
22 written response from a state agency or executive office is timely
23 received specifying a current or foreseeable need for the real prop-
24 erty, the commissioner shall, within 30 days and in consultation
25 with the secretary of administration and finance and with an affir-
26 matively responding agency or executive office: (1) determine
27 whether the real property shall be made available for current use
28 by a state agency or executive office, (2) determine whether the
29 real property shall be retained on account of a foreseeable use by
30 a state agency or executive office; or (3) notwithstanding the cur-

31 rent or foreseeable need of the responding state agency or execu-
32 tive office, recommend to the committee that the property should
33 be declared surplus real property subject to disposal by the com-
34 monwealth in a manner consistent with the provisions of this
35 chapter.

36 Within 10 days of providing written notice and inquiry to the
37 executive heads of state agencies and secretaries of the executive
38 offices as required by this section, the commissioner shall, for
39 informational purposes, provide written notice to the host munici-
40 pality that the property may be conveyed to the agency or may be
41 declared surplus pursuant to the provisions of this chapter. Said
42 notice shall be sent to the city manager in the case of a city under
43 Plan E form of government, the mayor and city council in the case
44 of all other cities, the chairman of the board of selectmen in the
45 case of a town, the county commissioners, the regional planning
46 agency, and the members of the general court. The commissioner
47 shall set forth in such notice a description of the property and a
48 declaration that the property is being considered for surplus desig-
49 nation.

50 When the property is determined to be surplus to current state
51 uses, but not to foreseeable state uses, the commissioner shall take
52 such action as is necessary to ensure that any disposition of the
53 property is temporary and maintains the commissioner's ability to
54 make such property available to a state agency at such time as it is
55 needed.

56 (b) Prior to recommending to the committee that the property
57 be declared surplus to state uses the commissioner shall, within 10
58 days of determining that the property should be declared surplus,
59 provide written notification to the agency and the regional plan-
60 ning agency for the region where the property is located indicating
61 that the property is available for development. For parcels larger
62 than 2 acres or valued at more than 1 million dollars, or when the
63 committee considers it otherwise necessary, commission the
64 regional planning agency for the region where the property is
65 located to conduct a smart growth reuse review. Said review shall
66 consider a need for a variety of housing options, economic devel-
67 opment and open space; current and prospective zoning of the
68 site; the need for municipal capital facilities and public uses;
69 impact of traffic and transit; impact on the environment and nat-

70 ural resources and on agricultural lands; existence of historically
71 significant structures; availability of infrastructure, including
72 water supply, waste water and store water run-off; fiscal impact of
73 the development on the host municipality; remediation of contam-
74 ination; and other smart growth implications. The regional plan-
75 ning council shall complete the review within 60 days.

76 (c) The agency shall have 180 days from receipt of such notice
77 to determine whether the agency will accept title to, or another
78 interest in, said real property and to provide such notice to the
79 commissioner. Provided, however, that the agency shall send pre-
80 liminary notification to the commissioner within 30 days of its
81 receipt of such notice stating its intention to decline title to, or
82 other interest in, said real property or to undertake a due diligence
83 review within such 180 day period. The preliminary notification
84 shall not be binding upon the agency. The agency's determination
85 whether to accept title to, or an interest in, real property shall be
86 based on an analysis as to the feasibility and need for the develop-
87 ment, operation or maintenance of the property, in whole or in
88 part, substantially for institutional, governmental, industrial, or
89 commercial uses which will prevent or eliminate blight, economic
90 dislocation, economic distress, or unemployment, or for such
91 other public purposes as the agency may determine in consultation
92 with the committee. If the agency declines to accept title to, or
93 another interest in, the property pursuant to this section, it shall
94 provide to the host municipality and the regional planning agency
95 any information acquired from its analysis of the property.

96 If the agency elects to acquire the real property through a con-
97 veyance or by a lease not to exceed 99 years, the agency shall so
98 notify the commissioner within said 180 day time period by pro-
99 viding an offer to purchase or lease such real property. The offer
100 shall include a proposed redevelopment plan and a purchase or
101 lease price for the property determined by using customarily
102 accepted appraisal methodologies and subject to uses, restrictions
103 and encumbrances as the agency may determine in consultation
104 with the committee. The agency shall also send its proposed rede-
105 velopment plan to the host municipality and the regional planning
106 agency serving the area where the parcel is located.

107 Appraisals under this paragraph shall be conducted by an inde-
108 pendent licensed appraiser. In no instance in which the common-

109 wealth retains responsibility for maintaining the parcel shall the
110 terms provide for payment of less than the annual maintenance
111 costs. The commissioner may discount the appraised value by an
112 amount equal to such additional consideration the agency provides
113 in the form of additional public benefit.

114 The agency and commissioner shall execute a mutually accept-
115 able land disposition agreement not sooner than 30 days and not
116 later than 90 days, unless extended by a mutual agreement of the
117 parties, after the agency's delivery of its offer to purchase or
118 lease. Such land disposition agreement shall be subject to the
119 agency securing all necessary state and local permits and
120 approvals, and subject to a satisfactory environmental review. If
121 the agency and the commissioner do not execute a mutually
122 acceptable land disposition agreement in such time period, or at
123 the conclusion of an arbitrator's review, as applicable, the com-
124 missioner may dispose of the property in a manner consistent with
125 the provisions of this chapter; provided, however, that the com-
126 missioner shall not unreasonably withhold his acceptance of a
127 bona fide offer from the agency. If the agency is aggrieved by a
128 decision of the commissioner, it may appeal to the committee
129 within 15 days. The committee shall, within 15 days appoint an
130 independent arbitrator to review the proposal. The arbitrator shall
131 have 30 days to conduct said review. The decision of the arbitrator
132 shall be binding upon the commissioner and the agency.

133 The agency may acquire an interest in real property only after
134 approval of a redevelopment plan for such property by the board
135 of directors of the agency; provided, however, that prior to the
136 submission of said redevelopment plan to the board for approval,
137 the agency shall conduct a public hearing in the host municipality
138 to allow for local input on the redevelopment plan and as to the
139 potential reuses for the property, including but not limited to its
140 suitability for economic development, job creation, or preserva-
141 tion as open space, and what reuse restrictions, if any, should be
142 imposed on its use and development. The agency shall publish
143 notice of the hearing in the central register published by the state
144 secretary pursuant to section 20A of chapter 9 within 30 days of
145 the date of the hearing. Notification of the public hearing shall
146 also be sent to the host municipality and the regional planning
147 agency serving the area where the parcel is located. A notice of

148 the public hearing shall also be placed, at least once each week for
149 the 4 consecutive weeks preceding the hearing, in newspapers
150 with sufficient circulation to inform the people of the host municipi-
151 pality. The hearing shall be held in the host municipality no
152 sooner than 30 days and no later than 35 days after the notice is
153 published in the central register.

154 Notwithstanding any other general or special law to the con-
155 trary, any real property transferred to the agency through either a
156 conveyance or lease shall be designated by the economic assist-
157 ance coordinating council as an economic target area, an eco-
158 nomic opportunity area, and a certified project, as those terms are
159 defined in section 3A of chapter 23A, and such property shall be
160 eligible for all the incentives and benefits provided by the eco-
161 nomic development incentive program.

162 (d) Notwithstanding any other general or special law to the con-
163 trary, the agency is authorized to employ alternative methods of
164 procurement relative to the planning, design, demolition, con-
165 struction, reconstruction, improvement, renovation, enlargement,
166 expansion, remodeling, repair or build-out of any and all facilities,
167 as may be useful or necessary from time to time in connection
168 with the redevelopment of such real property by the agency in fur-
169 therance of this chapter, including, without limitation, turnkey,
170 design-build, lease, lease purchase or utilization of modular build-
171 ings.

172 The acquisition, procurement, planning, design, construction,
173 reconstruction, improvement, renovation, enlargement, expansion,
174 remodeling, alteration, repair, build-out, development, financing,
175 management, maintenance, operation or leasing of all or any por-
176 tion of a redevelopment project undertaken by the agency in fur-
177 therance of this chapter and any contract for construction and
178 design or other consulting services for or relating to, the construc-
179 tion, reconstruction, improvement, renovation, enlargement,
180 expansion, remodeling, alteration, repair, build-out, development,
181 financing, management, maintenance, operation or leasing of all
182 or any portion of real property by the agency in furtherance of this
183 chapter shall be exempt from the provisions of section 38A½ to
184 38O, inclusive, of chapter 7, section 44A to 44J, inclusive, of
185 chapter 149, and section 39M of chapter 30 or any other special or
186 general law or rule or regulation providing for the advertising or

187 bidding of construction, development, financing, management,
188 leasing or improvements to, or the acquisition or disposition of
189 interests in real or personal property, but the provisions of sections
190 26 to 27F, inclusive, and section 29, all of said chapter 149 shall
191 apply to those elements of redevelopment project undertaken by
192 the agency in furtherance of this chapter that, but for the exemp-
193 tions provided herein, would be subject to such sections.

194 Notwithstanding such exemptions, the procedures to be fol-
195 lowed and the terms and conditions of such procurement process,
196 including written procedures for the selection of construction,
197 design, and other professionals for the redevelopment of real
198 property by the agency in furtherance of this chapter, shall be
199 determined by the agency in consultation with, and subject to
200 review by, the inspector general of the commonwealth as set forth
201 in this section, and the procedures shall also be approved by the
202 board of directors of the agency. The inspector general shall com-
203 mit in writing on such procurement process and shall submit
204 such comments to the agency, the house and senate chairs of the
205 joint committee on bonding, capital expenditures and state assets,
206 the house and senate chairs of the joint committees on economic
207 development and emerging technologies, the clerk of the senate
208 and the clerk of the house not less than 30 days before the agency
209 begins the procurement of design and construction services.

210 In order to effectuate an open, competitive and fair procure-
211 ment and an effective contracting process, the agency shall, not
212 less than 45 days prior to the advertisement of the invitation for
213 competitive bids using the procurement process, submit to the
214 inspector general all procedures and criteria developed for the
215 implementation of the alternative method, including a description
216 of the project, the construction bid package, and evaluation cri-
217 teria. The inspector general shall submit written comments on the
218 procedures to the agency not less than 30 days prior to the adver-
219 tisement. The agency shall submit the procedures and criteria and
220 the comments of the inspector general to the house and senate
221 chairs of the joint committee on bonding, capital expenditures and
222 state assets, the house and senate chairs of the joint committees on
223 economic development and emerging technologies, the clerk of
224 the senate and the clerk of the house at least 15 days prior to the
225 advertisement for any contract to be awarded on the basis of an

226 alternative method. Such procedures and criteria shall be approved
227 by a vote of the board of directors of the agency. The agency shall
228 submit to the committees a report of the results of such procure-
229 ment. If the agency awards the contract to other than the lowest
230 responsive bidder, the agency shall submit to said committees and
231 to the inspector general a written justification describing in detail
232 why such award is in the best interests of the agency.

233 Notwithstanding any other general or special law to the con-
234 trary, each public or state agency in the commonwealth involved
235 in the permitting, development or financing of economic develop-
236 ment projects is hereby authorized and directed to develop a coordi-
237 nated one-stop program for businesses, institutions and private
238 parties that may intend to locate in the real property in order to
239 enable development activities within such real property to be
240 more effectively promoted by the commonwealth.

241 Notwithstanding any other general or special law to the con-
242 trary, the agency or any individual, person, firm, corporation, or
243 other entity which leases real property from the commonwealth
244 other than for a public purpose shall make a payment in lieu of tax
245 to the local taxing authority in an amount equal to the appropriate
246 local tax rate times the assessed value of the real and personal
247 property located therein. Provided, however, that if said agency or
248 individual, person, firm, corporation, or other entity creates a min-
249 imum of 100 new jobs on the leased property they shall not be
250 required to make said payment in lieu of taxes for 5 years; pro-
251 vided further, that nothing in this section shall prohibit the munic-
252 ipality from entering into an agreement with said lessee relative to
253 providing incentives and benefits pursuant to section 3A of
254 chapter 23A.

255 (e) If the agency declines to accept title to, or another interest
256 in, the property within 180 days as provided for by subsection
257 (b) of this section, the commissioner shall, within 30 days of
258 being notified of said refusal by the agency, formally recommend
259 to the committee that said property be officially declared surplus
260 to state and agency uses. Upon receiving the commissioner's offi-
261 cial recommendation that the property should be declared surplus,
262 the committee shall:

263 (i) within 10 days provide written notice, for each city or town
264 in which the property is located, to the city manager in the case of

265 a city under Plan E form of government, the mayor and city
266 council in the case of all other cities, the chairman of the board of
267 selectmen in the case of a town, the county commissioners, the
268 regional planning agency, and the members of the general court.
269 The committee shall set forth in such notice a description of the
270 property and a declaration that the property is being considered
271 for surplus designation. The committee shall also inform the
272 municipality that if said municipality does not exercise or assign
273 its right of first refusal pursuant to section 40F½, it may elect to
274 adopt the provisions of chapter 43D and designate the property a
275 priority development site pursuant to said chapter 43D;

276 (ii) within 45 days conduct a public hearing in the host munici-
277 pality to allow for local input as to whether the property should be
278 officially declared surplus, the potential reuses for the property if
279 it is officially declared surplus, including, but not limited to, its
280 suitability for housing development, economic development, job
281 creation, or preservation as open space, and what reuse restric-
282 tions, if any, should be imposed on its use and development. The
283 committee shall publish notice of the hearing in the central reg-
284 ister published by the state secretary pursuant to section 20A of
285 chapter 9 within 30 days of the date of the hearing. A notice of the
286 public hearing shall also be placed, at least once each week for the
287 4 consecutive weeks preceding the hearing, in newspapers with
288 sufficient circulation to inform the people of the affected locality.
289 The hearing shall be held in the host municipality no sooner than
290 30 days and no later than 35 days after the notice is published in
291 the central register;

292 (iii) within 10 days, for parcels larger than 2 acres or valued at
293 more than 1 million dollars, or when the committee considers it
294 otherwise necessary, commission the regional planning agency for
295 the region where the property is located to conduct a smart growth
296 reuse review. Said review shall consider a need for a variety of
297 housing options, economic development and open space; current
298 and prospective zoning of the site; the need for municipal capital
299 facilities and public uses; impact of traffic and transit; impact on
300 the environment and natural resources and on agricultural lands;
301 existence of historically significant structures; availability of
302 infrastructure, including water supply, waste water and storm water
303 run-off; fiscal impact of the development on the host munici-

304 pality; remediation of contamination; and other smart growth
305 implications. The regional planning council shall complete the
306 review within 60 days;

307 (iv) within 120 days report in writing to the commissioner on
308 the parcel being considered for surplus designation on the appro-
309 priate disposition for such parcel. Said report shall include a
310 determination of whether the parcel should be declared surplus,
311 the potential reuses for the property if it is declared by the com-
312 mittee to be surplus, including its suitability for housing develop-
313 ment, economic development or preservation as open space, and
314 what restrictions, if any, should be imposed on its use and devel-
315 opment. The report shall also include the recommendation of the
316 host municipality, if any, and the smart growth report of the
317 regional planning council, if applicable.

318 The determination of the committee shall be binding upon the
319 commissioner.

1 SECTION 5. Said chapter 7 is hereby further amended by
2 striking out section 40F½, as appearing in the 2004 Official Edi-
3 tion, and inserting in place thereof the following section:—

4 Section 40F½. (a) If, pursuant to section 40F¼, the committee
5 determines that a parcel is surplus to both state and agency uses
6 the commissioner shall proceed with the disposition of the prop-
7 erty in accordance with the provisions of this chapter. Notwith-
8 standing any other general or special law to the contrary, any
9 surplus property officially declared surplus by the committee shall
10 be designated by the economic assistance coordinating council as
11 an economic target area, an economic opportunity area, and a cer-
12 tified project, as those terms are defined in section 3A of chapter
13 23A, and such property shall be eligible for all the incentives and
14 benefits provided by the economic development incentive pro-
15 gram; provided, further, that any property officially declared sur-
16 plus by the committee shall, upon local approval, automatically
17 qualify as a priority development site for the purposes of chapter
18 43D.

19 The commissioner shall establish the value of surplus real prop-
20 erty using customarily accepted appraisal methodologies. The
21 value shall be calculated both for (i) the highest and best use of
22 the property as currently zoned and (ii) subject to uses, restric-

23 tions and encumbrances defined by the committee. Appraisals
24 under this paragraph shall be conducted by an independent
25 licensed appraiser. In no instance in which the commonwealth
26 retains responsibility for maintaining the parcel shall the terms
27 provide for payment of less than the annual maintenance costs.

28 Prior to disposing of the surplus property, the commissioner
29 shall provide to the host municipality a written right of first
30 refusal to purchase the property on the conditions established in
31 this section. The host municipality shall have the right of first
32 refusal to purchase the surplus property for a direct public use at
33 85 per cent of the fair market value of the property as established
34 pursuant to this chapter. The host municipality shall have the right
35 of first refusal to purchase the surplus property for a purpose other
36 than a direct public use at fair market value as established pur-
37 suant to this chapter. Such right of first refusal must be exercised,
38 if at all, by the host municipality within 90 days of such notice by
39 giving written notification to the commissioner of the host munic-
40 ipality's intent to purchase the property. The host municipality
41 shall have 180 days from the date of official notification by the
42 commissioner that the host municipality has the right of first
43 refusal to close on the purchase of the property. In the event that a
44 host municipality fails to close on the purchase of the property
45 within such time, the sole remedy of the commonwealth against
46 the host municipality for such failure is to proceed with the dispo-
47 sition of the surplus property without further right of purchase by
48 the host municipality; provided, however, that if said failure to
49 close on the purchase of the property was in bad faith, the com-
50 monwealth shall not be required to share proceeds of the sale with
51 the host municipality as provided in subsection (e). The commis-
52 sioner, at his discretion, may negotiate with a host municipality
53 exercising its right of first refusal flexible financing arrangements
54 to facilitate the purchase of the property under this section; pro-
55 vided, however, that no such arrangements shall provide for a
56 period of more than 5 years for all payments due under this
57 section. A host municipality receiving a right of first refusal as
58 provided herein may engage the services of the agency to perform
59 planning, feasibility, marketing, and other studies or to provide
60 project management services in connection with any reuse or
61 redevelopment of the surplus property.

62 A host municipality shall be permitted to assign its right of first
63 refusal to purchase the surplus property for a direct public use at
64 85 per cent of the fair market value of the property as established
65 pursuant to this chapter to a non-profit organization for a direct
66 public use of said organization. If the municipality or assignee
67 acquires any portion of the property for open space purposes, or if
68 any of the property is restricted for open space purposes, a conser-
69 vation restriction pursuant to chapter 184 of the general laws shall
70 be retained by the commonwealth on such parcels.

71 (b) If the host municipality does not exercise or assign its right
72 of first refusal, or if the host municipality or its assignee fails to
73 close on the purchase in a timely manner pursuant to this section,
74 the commissioner shall proceed with the disposition of the surplus
75 property. The commissioner shall within 60 days:

76 (i) publicly declare the property available for disposition and
77 identify any restrictions on its use and development imposed by
78 the committee;

79 (ii) place a notice in the central register published by the state
80 secretary pursuant to section 20A of Chapter 9 stating the avail-
81 ability of the property and requesting proposals from any public or
82 private entity, agency, individual partnership, or joint venture
83 regarding the use, reuse, rehabilitation, renovation, reconstruction,
84 purchase, ownership, lease, construction, or development of the
85 property. Said notice shall also include the time and location for
86 submission of bids and proposals and the opening thereof, and
87 other information the commissioner may deem relevant. Provided
88 further, that said notice shall simultaneously be filed with the
89 chairs of the joint committee on bonding, capital expenditures and
90 state assets.

91 All responses to the request for proposals issued pursuant to
92 this section shall be submitted to the commissioner within 60 days
93 after the publishing of the notice in the central register. The com-
94 missioner shall, within 30 days, review all the proposals received
95 and shall recommend to the committee what he deems to be the 3
96 proposals which represent the highest and best use of the property.
97 The commissioner shall simultaneously send notice to each city or
98 town in which the property is located, to the city manager in the
99 case of a city under Plan E form of government, the mayor and
100 city council in the case of all other cities, the chairman of the

101 board of selectmen in the case of a town, the county commis-
102 sioners, the regional planning agency, and the members of the
103 general court of the proposals selected by the commissioner and
104 recommended to the committee. The committee shall, with 21
105 days of receiving a recommendation from the commissioner, con-
106 duct a public hearing in the host municipality on the proposals
107 recommended by the commissioner. The committee by a majority
108 vote shall, within 60 days of receiving the commissioner's recom-
109 mendations and after a public hearing in the host municipality,
110 select the proposal which it deems represents the highest and best
111 use of the property. In determining the highest and best use of the
112 property as required by this section, the commissioner and the
113 committee shall pay due consideration to the impact upon the host
114 municipality, including, but not limited to, impact to housing,
115 infrastructure, natural resources, open space and economic devel-
116 opment.

117 If no proposals are received by the commissioner pursuant to
118 the request for proposals issued pursuant to this section, or if the
119 committee determines that the proposals received and recom-
120 mended by the commissioner do not represent the highest and best
121 use of the property, the commissioner shall dispose of the property
122 using appropriate alternative competitive processes and proce-
123 dures. Such alternative competitive processes and procedures may
124 include, but are not limited to, absolute auction, sealed bids and
125 requests for price and development proposals. The commissioner
126 shall dispose of the property within 90 days of receiving notifica-
127 tion from the committee; provided, further, that the commissioner
128 shall, 30 days prior to disposition of the property pursuant to an
129 alternative competitive process, notify the host municipality and
130 the committee of the alternative competitive process to be used.
131 The commissioner shall, at least 30 days prior to the disposition of
132 the surplus property using an alternative competitive process,
133 place notice in the central register published by the state secretary
134 pursuant to section 20A of chapter 9 stating the availability of
135 such property, the nature of the competitive process and other
136 information deemed relevant, including the time and location of
137 the auction, the submission of bids or proposals and the opening
138 thereof.

1 SECTION 38. Section 1 of chapter 176J of the General Laws,
2 as appearing in the 2004 Official Edition, shall be amended by
3 striking in line 10, “case characteristics” and replacing it with
4 “rate basis type”.

1 SECTION 39. Said section 1 of chapter 176J, as so appearing,
2 shall be further amended by inserting after the definition of
3 “Adjusted average market premium price” the following:—

4 “Base premium rate”, the midpoint rate within a modified com-
5 munity rate band for each rate basis type of each health benefit
6 plan of a carrier.

1 SECTION 40. Said section 1 of chapter 176J, as so appearing,
2 shall be further amended by striking lines 12-13 and replacing it
3 with the following:—

4 “Benefit level”, the health benefits, including the benefit pay-
5 ment structure of or service delivery and network of, provided by
6 a health benefit plan.

1 SECTION 41. Said section 1 of chapter 176J, as so appearing,
2 is further amended by striking lines 14-23 and replacing it with
3 the following:—

4 “Carrier”, an insurer licensed or otherwise authorized to
5 transact accident and health insurance under chapter 175; a non-
6 profit hospital service corporation organized under chapter 176A;
7 a nonprofit medical service corporation organized under
8 chapter 176B; a health maintenance organization organized under
9 chapter 176G.

1 SECTION 42. Said section 1 of chapter 176J, as so appearing,
2 is further amended by striking lines 24-25 in its entirety.

1 SECTION 43. Section 1 of chapter 176J, as so appearing, is
2 further amended by inserting after the definition of “Commis-
3 sioner” the following:—

4 “Commonwealth Care Seal of Approval”, the corporation’s
5 approval that a health benefit plan which it offers meets certain
6 standards regarding value.

7 “Corporation”, the Commonwealth Care Insurance Exchange
8 Corporation, as established in chapter 176Q.

9 “Creditable coverage”, coverage of an individual under any of
10 the following health plans with no lapse of coverage of more than
11 63 days:

12 (a) a group health plan;

13 (b) a health plan, including, but not limited to, a health plan
14 issued, renewed or delivered within or without the commonwealth
15 to an individual who is enrolled in a qualifying student health
16 insurance program pursuant to section 18 of chapter 15A or a
17 qualifying student health program of another state;

18 (c) Part A or Part B of Title XVIII of the Social Security Act;

19 (d) Title XIX of the Social Security Act, other than coverage
20 consisting solely of benefits under section 1928;

21 (e) 10 U.S.C. chapter 55;

22 (f) a medical care program of the Indian Health Service or of a
23 tribal organization;

24 (g) a state health benefits risk pool;

25 (h) a health plan offered under 5 U.S.C. chapter 89;

26 (i) a public health plan as defined in federal regulations autho-
27 rized by the Public Health Service Act, section 2701(c)(1)(I), as
28 amended by Public Law 104-191;

29 (j) a health benefit plan under the Peace Corps Act, 22 U.S.C.
30 2504(e); or

31 (k) any other qualifying coverage required by the Health Insur-
32 ance Portability and Accountability Act of 1996 as it is amended,
33 or by regulations promulgated under that act.

1 SECTION 44. Said section 1 of chapter I76J, as so appearing,
2 is further amended by striking in line 38 the word “person” and
3 replacing it with the words “employee or eligible individual”

1 SECTION 45. Said section 1 of chapter 176J, as so appearing,
2 is further amended by inserting after the definition “Eligible
3 dependent” the following:—

4 “Eligible individual”, an individual who is a resident of the
5 commonwealth.

1 SECTION 46. Said section 1 of chapter 176J, as so appearing,
2 is further amended by striking in lines 48, 49 and 50 “companies
3 which are affiliated companies or which are eligible to file a com-

214 host municipality; provided, however, that a host municipality that
215 expedites permitting in accordance with part (i) of subsection (d)
216 of section 40F¼ and takes affirmative actions in furtherance of the
217 commonwealth's objectives for the parcel shall be entitled to 20
218 per cent of the remaining net cash proceeds after funding the costs
219 identified in clauses (i) and (ii) of this section. If said municipality
220 exercises its right of first refusal as authorized pursuant to subsec-
221 tion (a) of section 40F½ it shall not receive a percentage of the
222 sale proceeds; provided, however, that if a municipality assigns its
223 right of first refusal pursuant to said subsection (a) of section
224 40F½ to a non-profit organization for a direct public use, it shall
225 receive 10 per cent of the net cash proceeds remaining after
226 funding the costs identified in clauses (i) and (ii);

227 (iv) after distribution of net cash proceeds pursuant to clauses
228 (i), (ii) and (iii), the first \$2,800,000 shall be deposited in District
229 Local Technical Assistance Fund established pursuant to section
230 2000 of chapter 29; and

231 (v) after distribution of net cash proceeds pursuant to clauses
232 (i), (ii), (iii) and (iv), the remaining net cash proceeds shall be
233 deposited in smart growth housing trust fund established pursuant
234 to section 35AA of chapter 10.

1 SECTION 6. Said chapter 7 is hereby further amended by
2 inserting after section 40F½ the following section:—

3 Section 40F¾. The commissioner shall be responsible for the
4 acquisition and control of real property in the manner and to the
5 extent provided in this chapter. The commissioner may delegate
6 such responsibility to an administrator, who has 10 years of expe-
7 rience in the management of commercial, industrial, institutional
8 or public real property. When responsibility is delegated to an
9 administrator the written approval of the commissioner shall be
10 required before such transaction is finalized.

11 The commissioner shall acquire interest in real property on
12 behalf of the commonwealth for the use of state agencies by gift,
13 purchase, devise, grant, eminent domain, rental, lease, rental-pur-
14 chase or otherwise.

15 In acquiring buildings for the use of state agencies, first consid-
16 eration shall be given to any structures that have been certified as
17 historic landmarks as provided by sections 26 through 27C inclu-

18 sive of chapter 9, that have been listed in the National Register of
19 Historic Places as provided by 16 U.S.C. section 470a (1974) or
20 that have been designated historic landmarks by local historic
21 commissions, unless use of such buildings would not be feasible
22 in terms of costs and requirements when compared with other
23 available properties.

24 Notwithstanding any other general or special law to the con-
25 trary, real property acquired for the use of state agencies shall be
26 held in the name of the commonwealth.

27 The commissioner shall assist in the preparation and shall
28 approve of plans for the organization of all space within and
29 around buildings and appurtenant structures used by state agen-
30 cies, and shall assign the use of space within and around the state
31 house, subject to such rules as the committee on rules of the 2
32 branches acting concurrently may adopt, in accordance with the
33 provisions of sections 10, 16A and 17 of chapter 8 the John W.
34 McCormack state office building; the Leverett Saltonstall state
35 office building; the Springfield office building; the Pittsfield
36 office building; the Erich Lindemann building; the Charles F.
37 Hurley building; any real property acquired for the use of state
38 agencies, the greater part of which is not needed by any one state
39 agency; and any other real property assigned by law to the divi-
40 sion of capital asset management and maintenance.

41 The commissioner, with the written approval of the commis-
42 sioner of administration, may transfer use of, and responsibility
43 for maintenance of, buildings, including equipment therein, within
44 or between state agencies. No such transfer within or between
45 state agencies which involves either a change in the purposes for
46 which such building is currently used or a change in use in excess
47 of 50 per cent of the usable floor space, shall be made without the
48 prior approval of the general court. Any such transfer shall be
49 based on a determination, made by the commissioner with the
50 advice of the executive heads of affected agencies and secretaries
51 of the executive offices in which such agencies are located, that
52 such property is not needed, is under utilized, or is not being put
53 to optimum use under current conditions. The commissioner shall
54 notify the house and senate committees on ways and means and
55 the representatives to the general court from the city or town in
56 which such real property is located not less than 30 days prior to

57 the final authorization of any transfer which does not require the
58 approval of the general court, and such transfer shall only be made
59 when the general court is in session except as provided hereafter.
60 Such transfer may be made when the general court is not in ses-
61 sion, and the thirty day notification requirement may be waived,
62 only if the commissioner certifies in writing that an emergency
63 exists; provided, however, that any such transfer may be autho-
64 rized for a period not to exceed 6 months, and provided, further,
65 that the commissioner shall submit his certification to and notify
66 the house and senate ways and means committees of such transfer
67 at the earliest possible opportunity.

1 SECTION 7. Section 40H of said chapter 7, as so appearing, is
2 hereby amended by striking out, in lines 23 and 24, the words
3 “state administration” and inserting in place thereof the following
4 words:— bonding, capital expenditures and state assets.

1 SECTION 8. Section 40I of said Chapter 7 is hereby amended
2 by striking out section 40I, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 40I. The clerk of the house of representatives and the
5 clerk of the senate shall, within 10 days of the filing of any legis-
6 lation authorizing the conveyance, lease, transfer, or other disposi-
7 tion of any state-owned real property forward a copy of said bill
8 to the commissioner. Within 90 days of the receipt of said copy,
9 the commissioner shall submit in writing a report to the commis-
10 sioner of administration, the legislative committee before which
11 the bill is pending, and the joint committee on bonding, capital
12 expenditures and state assets together with a recommendation for
13 either the approval or the disapproval of the bill and his reasons
14 therefor.

15 If the commissioner is recommending the approval of a bill
16 proposing the disposition of a parcel exceeding 2 acres, said
17 report shall include: (1) a description of the property including its
18 current use, structures, and approximate metes and bounds; (2) the
19 value of the property, determined through procedures customarily
20 accepted by the appraising profession as valid for such purposes,
21 calculated both for (a) the highest and best use of the property as
22 currently encumbered and (b) uses and encumbrances that would

23 be imposed by the bill if enacted; (3) all current and foreseeable
24 direct public uses identified by following the division's proce-
25 dures for such purposes as they apply to the property to be dis-
26 posed (4) other potential public and private uses of the property;
27 and (5) any other information the general court may require.

28 The commissioner shall expeditiously review and recommend
29 approval or disapproval of any proposal to the general court for
30 the sale, rental or other disposition of real property acquired on
31 behalf of state agencies, and shall dispose of real property as man-
32 dated by the general court.

1 SECTION 9. Chapter 40B of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by adding the
3 following section:—

4 Section 30. There shall be established within each regional
5 planning district created under this chapter or by special act a
6 technical assistance center for the delivery of coordinated, com-
7 prehensive, and continuing technical services to and among local
8 governments. Technical assistance services may be provided in
9 any subject area within the capability of each technical assistance
10 center that improves local government capacity, efficiency, knowl-
11 edge and ability to respond to issues, opportunities, laws and
12 requirements including, but not limited to: required municipal
13 asset inventory and management; communication systems
14 including broadband, wireless and related facilities; emergency
15 and incident response systems; electronic government opportuni-
16 ties; remote image and data collection; digital data management
17 and archiving; geographic information systems; geo-location of
18 infrastructure; internet and internet-related technologies; data
19 sharing and regional backup; computer system evaluation and net-
20 working; intelligent transportation systems; statistical trends and
21 modeling; digital recordation of accidents, fires and crime; tech-
22 nical specifications relating to management of the sanitary code,
23 water supplies, air quality, storm water and natural resource area;
24 and other land use and smart growth zoning issues.

25 Said regional planning districts shall annually consult with each
26 member city and town to ensure locally needed technical assis-
27 tance services that (i) aid communities in evaluating new tech-
28 nologies, equipment and systems; (ii) aid communities in

29 improving the efficiency of local government; (iii) reduce costs
30 incurred by local governments for performing duties required
31 thereof; (iv) build capacity and provide needed skills; (v) aid com-
32 munities in meeting new state or federal regulations or require-
33 ments; (vi) provide specific services or initiate demonstration
34 projects; (vii) facilitate sharing of information or best practices
35 among and between communities; (viii) facilitate inter-municipal
36 cooperation or cost sharing; (ix) provide training and skill devel-
37 opment of community employees; (x) aid in improvement of local
38 standards, procedures and regulations; and (xi) promote smart
39 growth zoning, regulations, or standards.

40 Said regional planning districts shall coordinate and focus their
41 programs to augment the services of the local technical assistance
42 centers. A core program of technical services shall be maintained
43 in the fields of management and data, environment, transportation
44 and community development. Other fields may be covered as
45 appropriate and resources allow. Agencies of the commonwealth
46 initiating or following through on programs or regulations
47 requiring outreach or technical assistance shall first consider uti-
48 lizing the local technical assistance centers while seeking the serv-
49 ices previously enumerated and may enter directly into contracts
50 with the regional planning agencies or their technical assistance
51 centers as the would with any city or town. This provision shall
52 not limit the ability of state agencies to work directly with indi-
53 vidual communities.

1 SECTION 10. Chapter 29 of the General Laws is hereby
2 amended by inserting after section 2NNN, the following
3 section:—

4 Section 2000. There shall be established and set upon the
5 books of the commonwealth a separate fund to be known as the
6 District Local Technical Assistance Fund. Amounts credited to the
7 fund shall be administered by the Bureau of Municipal Assistance
8 within the Department of Revenue which shall determine that the
9 funds are used for activities consistent with the purpose of this act
10 and the Massachusetts management and accounting reporting
11 system, so-called. Said amounts shall be used solely for the
12 administration and implementation of the provisions of this act.

13 Recipients of said funds shall provide matching resources of
14 not less than 10%, no more than $\frac{1}{2}$ of which may be in-kind serv-
15 ices, and shall report such annually on their expenses and program
16 activities to the commonwealth and local governments.

17 Each regional planning district created under chapter 40B or by
18 special act shall be granted a fixed annual base award of \$150,000
19 from said fund, with the exception of the Metropolitan Area Plan-
20 ning Council, which shall receive a base appropriation of
21 \$200,000, the Martha's Vineyard commission which shall receive
22 a full annual appropriation of \$100,000 and the Nantucket plan-
23 ning and economic development commission, which shall receive
24 a full annual appropriation of \$50,000 as their full annual appro-
25 priation. $\frac{1}{2}$ of the remainder of the annual appropriation to said
26 fund shall be apportioned among said entities based on the per-
27 centage of the commonwealth's population served by each entity,
28 with the other $\frac{1}{2}$ apportioned based on the percentage of the com-
29 monwealth's communities served by each entity.

1 SECTION 11. Section 9 of chapter 40A of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 striking out the 15th paragraph and inserting in place thereof the
4 following paragraph:—

5 Zoning ordinances or by-laws shall also provide that research
6 and development uses, whether or not such uses are currently per-
7 mitted as a matter of right, may be permitted in any non-residen-
8 tial zoning district upon the issuance of a special permit provided
9 the granting authority finds that such uses do not substantially
10 derogate from the public good. "Research and development uses"
11 shall include any 1 or more of investigation, development, labora-
12 tory and similar research uses and any related office uses and,
13 subject to the following limitations: limited manufacturing uses
14 and uses accessory to any of the foregoing in any field of science.
15 "Limited manufacturing" shall, subject to the issuance of such
16 special permit, be an allowed use provided that the following
17 requirements are satisfied: (1) such manufacturing activity is
18 related to research uses; (2) no manufacturing activity customarily
19 occurs within 50 feet of a residential district; and (3) substantially
20 all manufacturing activity customarily occurs inside of buildings
21 with any manufacturing activities customarily occurring outside

22 of buildings subject to such conditions as may be imposed in the
23 special permit.

1 SECTION 12. The commissioner shall, notwithstanding the
2 provisions of sections 40F, 40F¹/₄, 40F¹/₂, 40F³/₄, 40H and 40I of
3 chapter 7 of the General Laws and upon the execution of a mutu-
4 ally acceptable agreement between the commissioner and the
5 Worcester Business Development Corporation, sell a certain
6 parcel of state owned land to the Worcester Business Develop-
7 ment Corporation. Said parcel is described by the city of
8 Worcester assessor's office as being at a point on the westerly
9 sideline of Plantation street at the most southeasterly corner of the
10 parcel to be described; said point also being the most northeast-
11 erly corner of land now or formerly known as Parcel 10 of the
12 Amended Definitive Subdivision Plan for Worcester Business
13 Development Corporation, dated January 3, 1990 and recorded in
14 the Worcester county registry of deeds, Plan Book 633, Page 78;

15 THENCE N. 71° 47' 26" W. along land known as Parcel 10, a
16 distance of nine hundred twenty-one and 45/100 (921.45) feet to a
17 point on a stone wall;

18 THENCE N. 15° 38' 45" W. following a stone wall, a distance
19 of four hundred seventy-five and 09/100 (475.09) feet to a point at
20 the end of a stone wall;

21 THENCE N. 83° 00' 00" W., a distance of four hundred sixty-
22 one and 28/10 (461.28) feet to a point at the end of a stone wall;

23 THENCE N. 21° 04' 00" W. along a stone wall, a distance of
24 two hundred eighty-seven and 35/100 (287.35) feet to an angle in
25 the stone wall;

26 THENCE N. 52° 10' 50" W. continuing along the stone wall, a
27 distance of two hundred forty-seven and 05/100 (247.05) feet to
28 an angle in the stone wall;

29 THENCE N. 34° 56' 10" E. continuing along the stone wall, a
30 distance of twenty-two and 29/100 (22.29) feet to an angle in the
31 stone wall;

32 THENCE N. 66° 40' 00" E. continuing along the stone wall, a
33 distance of eight hundred thirty-three and 90/100 (833.90) feet to
34 an angle in the stone wall;

35 THENCE S. $43^{\circ} 22' 40''$ E. continuing along the stone wall, a
 36 distance of seven hundred thirty-nine and $50/100$ (739.50) feet to
 37 an angle in the stone wall;

38 THENCE S. $67^{\circ} 21' 50''$ E. continuing along the stone wall, a
 39 distance of seven hundred thirty and $17/100$ (730.17) feet to a
 40 point on the westerly sideline of Plantation street;

41 THENCE along the westerly sideline of Plantation Street, in
 42 part by a stone wall, the following four (4) courses:

43 S. $18^{\circ} 21' 30''$ W., a distance of eighty-seven and $41/100$
 44 (87.41) feet to a point;

45 S. $15^{\circ} 19' 30''$ W., a distance of two hundred thirty-eight and
 46 $20/100$ (238.20) feet to a point;

47 S. $10^{\circ} 37' 00''$ W., a distance of two hundred seventy-one and
 48 $77/100$ (271.77) feet to a point; and

49 S. $19^{\circ} 17' 00''$, a distance of one hundred eighty-one and $70/100$
 50 (181.70) feet to the point of beginning.

51 Containing 32.4086 acres, more or less.

1 SECTION 13. The sums set forth in section 17, for the purposes
 2 set forth in this act and subject to the conditions specified under
 3 the provisions of this act, are hereby authorized for expenditure
 4 unless specifically designated otherwise, subject to the provisions
 5 of law regulating the disbursement of public funds and approval
 6 thereof.

ECONOMIC DEVELOPMENT.

1599-xxxx	For a reserve to supplement funding provided by section 2 of chapter 132 of the acts of 1993, as most recently amended by section 17 of chapter 86 of the acts of 1994, for selected demolition and asbestos and hazardous waste removal and abatement, for planning, marketing, surveying, site evaluation and site preparation at Northampton State Hospital; provided that said demolition and asbestos and hazardous waste removal and abatement, planning, marketing, surveying, site evaluation and site preparation process shall be managed by the Massachusetts Development Finance Agency	7,000,000.
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1 SECTION 14. The state comptroller is hereby authorized and
 2 directed to transfer \$2,800,000 from the General Fund to the Dis-

3 trict Local Technical Assistance Fund established pursuant to
4 section 2000 of chapter 29 of the General Laws.

1 SECTION 15. Notwithstanding the provisions of this act or any
2 other general or special law to the contrary, any state owned real
3 property in the town of Tewksbury, including the Tewksbury state
4 hospital, shall not be conveyed, leased or otherwise disposed of
5 except by laws enacted by a two-thirds vote, taken by the yeas and
6 nays, of each branch of the general court.

1 SECTION 16. Notwithstanding the provisions of this chapter,
2 or any other general or special law to the contrary, any state
3 owned real property in the city of Waltham, including but not lim-
4 ited to, the Fernald state school, so-called, and any state owned
5 real property in the city of Waltham and the town of Lexington,
6 including, but not limited to, the former Middlesex state hospital,
7 so-called, shall not be conveyed, leased or otherwise disposed of
8 except by laws enacted by a two-thirds vote, taken by the yeas and
9 nays, of each branch of the general court.

1 SECTION 17. Notwithstanding the provisions of this chapter,
2 or any other general or special law to the contrary, the town of
3 North Reading and the town of Wilmington shall receive 20 per-
4 cent of the net cash proceeds, as that term is defined in this act,
5 from the sale of real property pursuant to chapter 271 of the acts
6 of 1998, as most recently amended by chapter 7 of the acts of
7 2001. The percentage of the net cash proceeds shall be divided
8 between the towns based on the percentage of the real property
9 within each town.

1 SECTION 18. This act shall take effect upon its passage.

