

HOUSE No. 6300

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 31, 1996.

The committee on Ways and Means, to whom was referred the Bill providing for the disposition of certain property at Foxborough State Hospital (House, No. 6202), reports that the same ought to pass with an amendment substituting therefore the accompanying bill (House, No. 6300).

For the committee,

PAUL R. HALEY.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Six.

AN ACT PROVIDING FOR THE DISPOSITION OF CERTAIN PROPERTY AT FOXBOROUGH STATE HOSPITAL.

1 *Whereas*, The deferred operation of this act would tend to defeat
2 its purpose, which is to immediately provide for the disposition of
3 certain property at Foxborough State Hospital, therefore it is hereby
4 declared to be an emergency law, necessary for the immediate
5 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. As used in this act, the following words shall,
2 unless the context clearly indicates otherwise, have the following
3 meanings:

4 “Auditorium”, the Assembly Hall on Payson Road.

5 “Commissioner”, the commissioner of the division of capital
6 planning and operations.

7 “Committee”, the Foxborough State Land Planning Committee
8 or its successor organization.

9 “Developer”, a person, entity or governmental body that
10 acquires an ownership or leasehold interest in the site, as here-
11 inafter defined, or a portion thereof pursuant to this act.

12 “Division”, the division of capital planning and operations.

13 “Excluded property”, certain land, buildings and improvements
14 located within the boundaries of the site, as hereinafter defined,
15 and identified on the plan, as hereinafter defined. as (i) two ceme-
16 teries; (ii) cottage B with an address of 66 Baker Street; (iii) the
17 cottage with an address of 55 North Street and (iv) the cottage
18 with an address of 32 Payson Road, which land, buildings and
19 improvements shall be shown on the survey, as hereinafter
20 defined, but which are excluded from the disposition of the site, as
21 hereinafter defined.

22 “Plan”, the plan entitled “Reuse Consensus Plan for
23 Foxborough State Hospital Property” dated April twentieth. nine-

24 teen hundred and ninety-four, prepared by the division and
25 approved by the committee on said April twentieth, and endorsed
26 by vote of the Foxborough board of selectmen on August eighth,
27 nineteen hundred and ninety-five, on file with the division, which
28 plan may be enhanced, refined or amended from time to time as
29 provided herein.

30 “Practice field”, a portion of the site containing the existing
31 practice field area and the buildings and improvements associated
32 therewith and all rights, easements and other interests appurtenant
33 thereto.

34 “Site”, the approximately one hundred and sixty acres of state-
35 owned land known as the former Foxborough State Hospital and
36 the buildings and improvements thereon and the rights, easements
37 and other interests appurtenant thereto, including (i) parcels A,B,
38 C,D,E (except that the practice field shall not be included in
39 parcel E, and hereinafter throughout this act all references to
40 parcel E shall be deemed to exclude the practice field) F, G, H
41 and I as described on a drawing prepared by the Bay Colony
42 Group entitled “Drawing Prepared for Foxborough State Land
43 Planning Committee” and dated April fifteenth, nineteen hundred
44 and ninety-four; (ii) the excluded property; and (iii) the practice
45 field, all of which shall be more precisely defined in the survey, as
46 hereinafter defined.

47 “Survey”, a survey of the site to be undertaken by the commis-
48 sioner in accordance with the plan and pursuant to section three.

1 SECTION 2. The commissioner shall appoint a representative
2 from the division to be a non-voting member of the committee
3 who shall attend each of the meetings of said committee.

4 The committee shall be responsible for representing the inter-
5 ests of the town of Foxborough in all deliberations with the divi-
6 sion concerning the implementation of the plan for the
7 Foxborough State Hospital as expressed in the Memorandum of
8 Agreement dated July thirty-first, nineteen hundred and ninety-
9 five between the division, the Massachusetts historical commis-
10 sion and the town of Foxborough. Its responsibilities shall
11 include, but not be limited to, reviewing, commenting and making
12 recommendations on proposals to develop the state hospital prop-
13 erty. It shall provide guidance and assistance to the division in
14 developing criteria for determining the suitability of developers.

15 The committee shall meet in open session at least six times each
16 year, but may meet more frequently as necessary.

1 SECTION 3. The commissioner is hereby authorized and
2 directed to undertake the survey and such additional planning and
3 studies and the preparation of plans and specifications, and to
4 enhance, refine and amend, with the approval of the committee,
5 the plan as the commissioner deems necessary; provided, how-
6 ever, that no such amendment shall have the effect of making the
7 uses, permitted densities and development guidelines outlined in
8 the section of the plan entitled "Parcel by Parcel Plan" less restric-
9 tive than those described in the version of the plan dated April
10 twentieth, nineteen hundred and ninety-four. The survey shall
11 define the boundaries of the site, parcels A, B, C, D, E, F, G, H,
12 and I, the excluded property, the auditorium and the practice field,
13 all as the commissioner and the committee deem appropriate.

1 SECTION 4. The excluded property shall continue to be owned
2 by the commonwealth and used and maintained by the department
3 of mental retardation.

1 SECTION 5. The commissioner is hereby authorized and
2 directed, notwithstanding the provisions of sections forty E to
3 forty J, inclusive, of chapter seven of the General Laws, and
4 except as otherwise provided herein, to convey by deed or deeds
5 to the town of Foxborough, for consideration negotiated between
6 said town and the commissioner all or part of the commonwealth's
7 interest in all or portions of the land and buildings located at
8 Foxborough State Hospital, except for the excluded land, that
9 comprise parcel E for open space, recreation and ancillary uses on
10 conditions as agreed upon by the division and the town, and the
11 auditorium on such terms and conditions as the commissioner
12 deems appropriate to maintain its use in the same general manner
13 as its current capacity. If the town of Foxborough does not take
14 possession of said parcel E in accordance with the provisions of
15 this section within three years from the effective date of this act,
16 the commissioner is authorized to dispose of parcel E in accor-
17 dance with the terms and conditions set forth in section seven. If
18 parcel E is not used by the town of Foxborough for the purposes

19 described herein, then, upon notice from the commissioner, the
20 entire real estate interest in parcel E shall revert to the common-
21 wealth, and the commissioner is authorized to dispose of parcel E
22 in accordance with the provisions of section seven.

1 SECTION 6. The commissioner is hereby authorized, subject to
2 the provisions of sections forty E to forty J, inclusive, of chapter
3 seven of the General Laws, to sell or lease the practice field to a
4 developer subject to the restriction that it be used as a practice
5 field and related uses and for no other purpose. If the practice
6 field is not used as a practice field and for such related uses, the
7 ownership of the practice field shall revert to the commonwealth.
8 Upon notice from the commissioner, the entire real estate interest
9 in said field shall be offered at full and fair market value to the
10 town of Foxborough pursuant to the provisions of section ten. If
11 the town declines said offer, the commissioner is authorized to
12 dispose of said field in accordance with the provisions of sections
13 seven, eight and ten.

1 SECTION 7. The commissioner is hereby authorized and
2 directed, subject to the provisions of sections forty E to forty J,
3 inclusive, of chapter seven of the General Laws, and after consul-
4 tation with the committee or except as otherwise provided herein,
5 to convey by deed or deeds, or to lease for a period not to exceed
6 ninety-nine years, including all renewals and extensions, all or
7 part of the commonwealth's interest in all or portions of the land
8 and buildings located at Foxborough State Hospital except for the
9 excluded land, parcel E, and the auditorium, to a developer or
10 developers, selected in accordance with the provisions of this act.
11 Said land is shown on the plan, the precise configuration and area
12 of which are to be described in a survey as provided for in section
13 three of this act.

1 SECTION 8. The commissioner is hereby authorized, after con-
2 sultation with the committee and subject to the provisions of sec-
3 tions forty E to forty J, inclusive, of chapter seven of the General
4 Laws, and in accordance with this act and the plan and subject to
5 such terms and conditions as the commissioner may from time to
6 time prescribe, to solicit, evaluate and select development pro-
7 posals, to enter into land disposition agreements, to sell, lease for
8 a term or terms of up to ninety-nine years, including all renewals

9 and extensions, or otherwise grant, convey, or transfer to a devel-
10 oper or transfer the care and control of to any instrumentality of
11 the commonwealth, any interest in parcels 5 A, B, C, D, E, F, G, H
12 and I or portions thereat and any facilities thereon, except the
13 excluded property, including without limitation, any associated
14 improvements or appurtenances constructed thereon existing or
15 subsequently acquired or procured pursuant to this act, on such
16 terms and conditions and for such consideration as the commis-
17 sioner deems appropriate, or as otherwise agreed upon herein; pro-
18 vided, however, that any such proposal, plan or agreement shall
19 exclude the use of any portion of the site for an incinerator, land-
20 fill, or other means of permanent disposal of solid or hazardous
21 waste, house of correction, jail or prison. Upon the expiration of
22 any lease entered into under the provisions of this act, the com-
23 missioner shall have the authority to dispose of the site or portions
24 thereof so leased subject to this act and sections forty E to forty J,
25 inclusive, of chapter seven of the General Laws.

1 SECTION 9. The commissioner is hereby authorized to retain
2 or grant rights of way or easements for access, egress, utilities and
3 drainage across the site and across other commonwealth property
4 contiguous to said property, and the commonwealth may accept
5 from any developer or developers rights of way or easements in
6 roadways or across the property to be conveyed by deed or leased
7 pursuant to this act for the purposes of access, egress, drainage
8 and utilities as the commissioner deems necessary and appropriate
9 to carry out the purposes of the plan, and this act; provided, how-
10 ever, that any such rights of way or easements for parcel E shall
11 be reviewed and approved by the committee prior to the authoriza-
12 tion thereof by the commissioner.

1 SECTION 10. The sale price paid for any sale, lease, con-
2 veyance or disposition for any parcel or site pursuant to sections
3 seven and eight shall be for the full and fair market value of the
4 property, determined by independent appraisal, for the uses
5 described in the plan including, but not limited to, any restrictions
6 and requirements imposed by said plan. The inspector general
7 shall review and approve said appraisal and said review shall
8 include an examination of the methodology utilized for said
9 appraisal. The inspector general shall prepare a report of his

10 review and file said report with the commissioner for submission
 11 to the house and senate committees on ways and means and the
 12 joint committee on state administration in accordance with this
 13 section.

14 The town of Foxborough shall assume the costs in full of
 15 preparing a recordable survey describing said land, and shall also
 16 assume the costs of recording said plan with said Registry of
 17 Deeds.

18 The sale price paid for sale, lease, conveyance or disposition for
 19 any parcel or site pursuant to this act shall be deposited in the
 20 General Fund of the commonwealth.

21 The commissioner shall, thirty days before the execution of any
 22 agreement authorized by this act, or any subsequent amendment
 23 thereof, submit the agreement or amendment and a report thereon
 24 to the inspector general for his review and comment.

25 The inspector shall issue his review and comment within fifteen
 26 days of receipt of any agreement or amendment. The commis-
 27 sioner shall submit the agreement and any subsequent amendments
 28 thereof, the reports, and the comments of the inspector general, if
 29 any, to the house and senate committees on ways and means and
 30 the joint committee on state administration at least fifteen days
 31 prior to execution.

1 SECTION 11. Section 2 of chapter 132 of the acts of 1993 is
 2 hereby amended by striking out item 5800-9000 and inserting in
 3 place thereof the following item: —

5800-9000	For selected demolition, asbestos and hazardous waste removal and other environmental remediation work and abatement, for planning, marketing, surveying, site evaluation, site preparation and improvements, decommissioning and demolishing the sewage treatment plant on the Foxborough State Hospital site: provided, that the commissioner of the division of capital planning and operations is hereby authorized to spend not more than twenty thousand dollars for repair and improvement, but not for ongoing maintenance, of the two cemeteries located on the grounds of the Foxborough State Hospital: provided, further, that not less than four hundred and fifty thousand dollars shall be utilized for the installation of a sewer line to serve the needs of the Foxborough campus.....	6,450,000
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1 SECTION 12. Section 3 of said said chapter 132 is hereby
 2 amended by striking out, in line 4, the words "one hundred sixty-

3 six million two hundred ninety thousand seven hundred fifty-five
4 dollars” and inserting in place thereof the following words:— one
5 hundred seventy-two million two hundred ninety thousand seven
6 hundred and fifty-five dollars.