

**SENATE . . . . . No. 2117**

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**The Commonwealth of Massachusetts**

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SENATE, October 21, 2003.

The committee on Ways and Means, to whom was committed the Senate Bill authorizing the division of capital asset management and maintenance to transfer a certain parcel of conservation/recreation land within the town of Sandwich (Senate, No. 1681), report recommending that the same ought to pass with an amendment, substituting a new draft with the same title (Senate, No. 2117).

For the committee,

THERESE MURRAY.

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Three.

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AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO TRANSFER A CERTAIN PARCEL OF CONSERVATION/RECREATION LAND WITHIN THE TOWN OF SANDWICH.

*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. Notwithstanding sections 40F to 40I, inclusive, of  
2 chapter 7 of the General Laws, the commissioner of capital asset  
3 management and maintenance, on behalf of and in consultation  
4 with the director of the division of state parks and recreation, may  
5 convey title to a certain parcel of land and any improvement  
6 thereon, currently under the control of and used by the division of  
7 state parks and recreation for conservation and recreational pur-  
8 poses for the Shawme Crowell State Forest in the town of Sand-  
9 wich together with an easement in, over, and upon existing ways  
10 and access roads to and from said parcel of land and Route 130  
11 for all purposes for which ways are used in the town of Sandwich,  
12 including the installation of water mains and other utilities as  
13 appurtenant thereto, to the Sandwich water district, its successors  
14 and assigns, for purposes of constructing, maintaining, and oper-  
15 ating a water tower for public water supply, subject to the require-  
16 ments of sections 2, 3, 4, and 6, and to such additional terms and  
17 conditions consistent with this act as the commissioner may pre-  
18 scribe in consultation with the division of state parks and recre-  
19 ation. The exact boundaries of the parcel of land, containing  
20 approximately 1 acre, and of the easements shall be determined by  
21 the commissioner in consultation with the division of state parks  
22 and recreation after completion of a survey.

1 SECTION 2. The deed conveying, by or on behalf of the com-  
2 monwealth, the title to the property described in section 1 shall  
3 not be valid unless the deed provides that the property shall be

4 used solely for the purposes described in section 1. The deed shall  
5 include a stipulation that title to the land or permanent utility or  
6 right-of-way easements shall revert to the commonwealth and be  
7 assigned to the care, custody, and control of the division of state  
8 parks and recreation if all or any part of the land or easements  
9 cease to be utilized for the express purposes for which they were  
10 conveyed.

1 SECTION 3. The grantees of the property shall pay the cost of  
2 any appraisals, surveys and other expenses considered necessary  
3 by the commissioner of capital asset management and mainte-  
4 nance for the granting of title.

1 SECTION 4. The grantees shall compensate the commonwealth  
2 through the payment of money or provision of the services  
3 described herein, the fair market value of which is equal to the full  
4 and fair market value of the property or its value in use as pro-  
5 posed, as determined by independent appraisal; provided that the  
6 lease recipient shall provide, at a minimum, 2,000,000 gallons of  
7 water per year, free of cost, to the Shawme Crowell State Forest  
8 for a period of 20 years commencing in 2039, construct a  
9 restroom for state parks and recreation fire observation staff at the  
10 base of the existing fire observation tower, including water serv-  
11 ices and supply, at no cost to the department of environmental  
12 management; provided further, that the state parks and recreation  
13 fire observation facility shall operate no longer than April 1 to  
14 October 30, inclusive, annually, allow access to tower gates for  
15 state parks and recreation staff, maintain year-round the access  
16 road to the existing fire observation tower in such condition that  
17 2-wheel vehicles may safely utilize the access road and seasonally  
18 maintain the grass and vegetation within and immediately abutting  
19 the fire observation tower; provided further, that the building  
20 plans shall be approved by the division of state parks and recre-  
21 ation prior to construction; provided further, that construction, use  
22 and operation of the water tower may not interfere with existing  
23 telecommunications or fire observation operations at any time;  
24 and, provided further, that the division of state parks and recre-  
25 ation shall have the right to enter into lease agreements for the  
26 placement of communications antennas on the water tower in

27 accordance with section 110 of chapter 88 of the acts of 1997,  
28 subject to prior approval of the deed recipient, said approval not  
29 to be unreasonably withheld or delayed.

1 SECTION 5. The commissioner of capital asset management  
2 and maintenance shall, 30 days before the execution of any agree-  
3 ment authorized by this act, or any subsequent amendment  
4 thereof, submit the agreement or amendment and a report thereon  
5 to the inspector general for his review and comment. The  
6 inspector general shall issue his review and comment within 15  
7 days of receipt of any agreement or amendment. The commis-  
8 sioner shall submit the agreement and any subsequent amend-  
9 ments, the reports and the comments of the inspector general, if  
10 any, to the house and senate committees on ways and means and  
11 the chairmen of the joint committee on state administration at  
12 least 15 days before the execution of the agreement. The grantees  
13 of the property shall pay the purchase price or perform the serv-  
14 ices as determined in accordance with section 4 as set forth in the  
15 agreement and section 6.

1 SECTION 6. Any compensation, whether in the form of serv-  
2 ices, property or funds, received by the commonwealth pursuant  
3 to sections 4 and 5 shall be deposited in the Conservation Trust  
4 established in section 1 of chapter 132A of the General Laws for  
5 improvements to facilities, structures, and trails within Shawme  
6 Crowell State Forest and Scusset Beach State Reservation.