

employees' retirement board is hereby authorized and directed to grant a superannuation retirement allowance to Thomas I. Sullivan upon his application therefor, based on his actual years of creditable service rendered subsequent to January first, nineteen hundred and eighty-one and prior to the last day of the month in which said Thomas I. Sullivan attains the age of seventy, or any earlier date on which said Thomas I. Sullivan actually retires. Any such superannuation retirement allowance shall be in the alternative to any other benefit, allowance, pension, or other payment otherwise payable pursuant to the provisions of said chapter thirty-two.

**SECTION 2.** This act shall take effect upon its passage.

Approved December 23, 1986.

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**Chapter 624. AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN STATE OWNED PROPERTY AT THE "ELM BANK" SO CALLED PROPERTY IN THE TOWN OF DOVER.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is the immediate redevelopment or protection of underutilized state owned property for the public benefit, therefore it is declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

**SECTION 1.** The deputy commissioner of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to transfer, lease or convey all or partial interest in a certain parcel of land, hereinafter referred to as "Elm Bank", together with the buildings thereon, in the town of Dover and the town of Wellesley to individuals and entities for the purposes and subject to the terms and conditions described in this act, Elm Bank development guidelines, which are on file with the division of capital planning and operations, and in a "Master Plan" to be prepared for the property by said division of capital planning and operations. Said master plan shall include a property description and a site plan showing the boundary of parcels available for disposition, narrative and graphic presentation of the characteristics of the land and buildings, recommended reuses of each parcel of the Elm Bank property, and development guidelines and restrictions including, but not limited to, aquifer and environmental protection, bridge repair or reconstruction, infrastructure development, design review, landscape and historic preservation, that shall be incorporated into requests for proposals and property disposition agreements. An analysis of the value of the land, buildings and water resource shall be prepared as part of said master plan. Public information and public participation efforts shall be provided for in the master planning process.

The Elm Bank property in the town of Dover is bounded and described as follows: Southerly by land now or formerly of the Trustees of Dartmouth College about two thousand nine hundred and twenty-four

(2,924) feet by a line which throughout the greater part of its length runs substantially parallel to Dover Road and approximately one thousand (1,000) feet distant northerly therefrom through the middle of an existing driveway extended westerly to the Charles River and continuing to the middle line of said river; and at its easterly end said line continues by the middle of said driveway a stake near a twin white oak at a point near said river; from said last point line turns substantially at a right angle and runs southeasterly about thirty seven (37) feet to the bank of said river and further in the same direction in the middle line of said river; said tract is bounded on all other sides by the middle line of said Charles River and contains estimation about one hundred seventy (170) acres of land.

The land is also shown on a compiled plan dated June nineteenth, nineteen hundred and seventy-two entitled Plan of Land in Dover and Wellesley, Norfolk County, MA, Scale 1" = 200' prepared by Gale Engineering Co., Inc., shown thereon as Area + 182.1 acres +, said plan recorded in the registry of deeds in the county of Norfolk.

Also a certain parcel of land with the structures thereon situated in the town of Wellesley on the opposite side of said Charles River from the land in the town of Dover described above, extending from Washington street in the town of Wellesley to said Charles river, containing approximately twenty four thousand and fifty square feet of land, and being shown on a plan of land in Wellesley, Mass., by C.H. Gannet Co., dated June 26, 1940 recorded with Norfolk Deeds as No. 416 of 1940 Registry Book 2288, page 253. Said parcel being bounded and described as follows:

Beginning on said Washington Street at a drill hole in the wall (said drill hole being six and 22/100 (6.22) feet northeasterly from an old drill hole indicated on a "Plan of Land in Wellesley, Ma. owned by Isabella Dexter" dated June 1, 1933, recorded with Norfolk Deeds, Book 1994, Page 581);

Thence running south 26 degrees 23' east by land formerly of the estate of Alice C. Baltzell, four hundred eighteen and 32/100 (418.32) feet to a stake;

Thence turning and running south 64 degrees 54' east by said land formerly of said Alice C. Baltzell, twenty-four and 25/100 (24.25) feet to a stake, and continuing to the Charles River, a total distance of twenty-seven (27) feet more or less;

Thence turning and running in a general southwesterly direction by said Charles River eighty-three (83) feet more or less to a point opposite the end of a fence at land now or formerly of Schaller;

Thence turning and running north 25 degrees 56' west by said land formerly of said Schaller one hundred seventy four (174) feet to the northeasterly corner of said Schaller land;

Thence running north 26 degrees 23' west by land formerly of the estate of Alice C. Baltzell, three hundred fourteen and 31/100 (314.31) feet to a cut in the face of the wall;

Thence turning and running north 63 degrees 58' east by said Washington Street, fifty (50) feet to the point of beginning.

Said conveyances shall be made subject to, and together with those easements, rights-of-way, takings, and restrictions as recited in a deed from the Trustees of the Stigmative Fathers, Inc. to the commonwealth, acting by and through its board of trustees of state colleges dated

January thirtieth, nineteen hundred and seventy-six and recorded with the registry of deeds in the county of Norfolk, Book 5197 Page 372.

**SECTION 2.** The deputy commissioner of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to transfer the care, control and management of a certain parcel of land being a portion of land described in section one, hereinafter referred to as parcel "A", together with the buildings thereon, in the town of Dover, to the metropolitan district commission, for public park and water supply protection purposes. This transfer of control shall be in accordance with such terms and conditions as the division of capital planning and operations shall prescribe, and may include provision for management of the athletic fields for public use on the parcel through an annual use and occupancy agreement with a local municipal or nonprofit agency and a conservation easement along the Charles River.

Said Parcel "A" contains approximately one hundred and forty acres of land, and is shown more particularly on a plan entitled "Elm Bank Disposition Plan", dated May 1986, which is on file with the division of capital planning and operations. The precise configuration of Parcel "A" shall be described in a land survey accompanying the Master Plan to be prepared for the site under the provisions of section one.

**SECTION 3.** The deputy commissioner of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to lease for a term of up to fifty years or convey a permanent easement described in section one and rights for development of wells, access roads, and distribution lines for a public water supply, to a legally constituted entity established by the towns of Dover, Natick, Needham and Wellesley or to one of these four towns that has a contractual agreement with the other three towns for water supply development, management and protection. The specific well sites, access roads and distribution lines shall be selected following the completion of well development feasibility studies, and shall be included in the aforementioned Master Plan for Elm Bank. The Elm Bank site shall be deemed to be a local source as used in section eight D of chapter twenty-one of the General Laws and subsection (d) of section eight of chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four provided that the towns will not be required to develop the site if the department of quality engineering determines that the supply is not fit for drinking or cannot be economically developed. Said determination shall be made by July first, nineteen hundred and eighty-nine. If the department of environmental quality engineering determines that the Elm Bank site can be developed, then the communities shall acquire all required permits for development of the well under the provisions of sections eight B to eight D, inclusive, of chapter twenty-one and chapter twenty-one G of the General Laws within three years of such determination. Within three years of the receipt of the required permits, water from the site shall be utilized by at least one community in the consortium. If Department of Environmental Quality Engineering determines that the Elm Bank site cannot be economically developed by the communities, or if the pre-

scribed timetables are not met, then the water rights of the Elm Bank shall revert to the commonwealth. Contractual rights existing on the effective date of this act among the towns of Wellesley and Needham and the Massachusetts Water Resources Authority shall remain in effect until January first, nineteen hundred and ninety. The quantity of the water that the towns of Wellesley and Needham have the right to obtain from the Massachusetts Water Resources Authority thereafter shall be reduced by the amount of water that the towns of Wellesley and Needham obtain from the Elm Bank site. This lease or conveyance of easement shall be predicated on such terms and conditions as the deputy commissioner shall prescribe, including, but not limited to:

(a) The water shall be shared by the towns of Dover, Natick, Needham and Wellesley. To the extent that the safe yield of the Elm Bank site exceeds the needs of the four towns, any excess shall be made available to the Massachusetts Water Resources Authority on an at cost basis under the terms of an agreement to be negotiated between the Massachusetts Water Resources Authority and the four towns. The four towns shall not sell water to any other community or water supplier except as legislatively authorized on the effective date of this act, to each other, to water suppliers within the four towns, and the Massachusetts Water Resources Authority.

(b) An agreement shall be developed by said towns to define the various legal, financial and administrative responsibilities for water supply development and to designate a lead community or other constituted entity which can legally act as lessee or easement grantee, and which will develop and manage the project.

(c) The design, operation, construction and maintenance of the wells shall not be exempt from the applicable requirements of the department of environmental quality engineering and applicable federal and state laws, policies adopted by the water resources commission established by section eight A of chapter twenty-one A of the General Laws and regulations adopted under the provisions of section sixty-two H of chapter thirty of the General Laws.

(d) Pumping from the Elm Bank site shall be restricted by said water resources commission in consultation with the department of environmental quality engineering in order to maintain minimum stream flows in the Charles river, established under sections eight B to eight D, inclusive, of chapter twenty-one of the General Laws.

(e) No existing water supply source in any of the four towns will be abandoned unless the department of environmental quality engineering determines that the supply is not fit for drinking and cannot be economically restored.

(f) Demand management measures, such as leak detection and repair, a metering program which meets said water resources commission standards under the provisions of sections eight B to eight D, inclusive, of chapter twenty-one of the General Laws, a meter modernization and replacement program, a commitment to true cost pricing, and aquifer protection bylaws and programs to protect existing and future well sites are in effect in the said four towns.

(g) The towns shall make every reasonable effort to minimize any adverse impacts of the wells on other uses of the Elm Bank property, which are described in the following section.

(h) A local water resources management plan shall have been adopted

after approval by the said water resources commission.

(i) These and any other condition of use shall be enforced by the said water resources commission, the department of environmental quality engineering, and the division of capital planning and operations.

**SECTION 3A.** The Massachusetts Water Resources Authority shall reduce its total long-range water supply planning capacity estimates, as published on page 21 of the Summary of the Massachusetts Water Resources Authority Water Supply Study and Environmental Impact Report – 2020, dated March nineteen hundred and eighty-six, by the amount of water determined to be available from the Elm Bank site through the permitting process as identified in section three.

**SECTION 4.** The deputy commissioner of capital planning and operations in consultation with the executive office of communities and development is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to lease for a term of up to fifty years or convey by a deed approved as to form by the attorney general, a certain parcel of land being a portion of land described in section one, and the buildings thereon including the mansion, so-called, hereinafter referred to as parcel "B", commonly known as the "Mansion Area Parcel", in the town of Dover, to an individual or entity, for residential development purposes. This lease or conveyance shall be in accordance with such terms and conditions as said deputy commissioner and the secretary of the executive office of communities and development shall prescribe, including, but not limited to:

(a) Protection of the water quality in the aquifer beneath the property shall be a primary consideration in the housing development plan.

(b) No less than sixty units of housing for rental or purchase by families or individuals with incomes at the time of occupancy no greater than eighty per cent of the statewide median income of all families or individuals.

(c) Tenant selection procedures shall include affirmative action provisions.

(d) Renovation of the mansion for multiple housing units shall be done with consideration of preserving its historical and architectural features and formal gardens.

(e) Any new construction, whether for housing, school, or park purposes, shall be situated and designed to enhance the historic and natural attributes of the property. New construction shall be limited to an area within two hundred feet of existing structures foundations, except for structures associated with the metropolitan district commission park to be developed under the provision of section two.

Said parcel "B" contains approximately thirty-five acres of land, and is shown more particularly on a plan entitled "Elm Bank Disposition Plan" dated May nineteen hundred and eighty-six, which is on file with the division of capital planning and operations. The precise configuration of parcel "B" shall be described in a land survey accompanying the Master Plan to be prepared for the site under the provisions of section one.

**SECTION 5.** The deputy commissioner of capital planning and operations is hereby authorized to retain or grant rights of way on

easements across property described in sections one to five, inclusive, of this act for access, utilities installation and maintenance, and construction purposes. In the master plan and disposition agreements, the entrance from Washington street in the town of Wellesley shall be designated as the primary access to the property and use of Turtle Lane, a private way, and the use of a private driveway shall be restricted to emergency access, except that a temporary easement through Turtle lane shall be authorized for construction of the Framingham extension relief sewer.

**SECTION 6.** The division of capital planning and operations is hereby authorized to expend from amounts appropriated under line item 1102-7871 of section two C of chapter two hundred and six of the acts of nineteen hundred and eighty-six a sum not to exceed one hundred and fifty thousand dollars for the purposes of preparing the Master Plan under the provisions of section one, requests for proposals, and disposition documents, including, but not limited to, hiring planning, real estate, and legal consultants to prepare site plans, surveys, appraisals, site studies and environmental impact reports, if required, to determine the guidelines for the disposition and development of parcels described in section one. At least thirty days before adoption of said Master Plan, the deputy commissioner of capital planning and operations shall submit a copy of said Master Plan to the joint committee on state administration, the house and senate committees on ways and means, and the inspector general. Following adoption of said Master Plan and pursuant to the provisions of sections forty E to forty J, inclusive of chapter seven of the General Laws, the deputy commissioner shall solicit and select development proposals and negotiate and execute land disposition instruments based on the requirements of this act and the development guidelines adopted in said Master Plan.

Approved December 23, 1986.

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**Chapter 625. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE NINETEEN HUNDRED AND EIGHTY-SIX ANNUAL TOWN MEETING IN THE TOWN OF FALMOUTH.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of Falmouth at its annual town meeting held in April, nineteen hundred and eighty-six, and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the warrant for such meeting had been published and posted as required by law.

**SECTION 2.** This act shall take effect upon its passage.

Approved December 23, 1986.