

# HOUSE . . . . . No. 6310

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, December 7, 1987.

The committee on Ways and Means, to whom was referred the Bill relative to constructing a comprehensive geriatric care center to replace Cushing Hospital in Framingham (House, No. 6187), reports that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 6310).

[Bond Issue: \$47,500,000.00.]

For the committee,

BARBARA E. GRAY.

## The Commonwealth of Massachusetts

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

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

1     *Whereas*, The deferred operation of this act would tend to defeat  
2 its purpose, which is the construction of a public health facility  
3 purpose, which is the construction of a public health facility and  
4 the creation of elderly and affordable family housing through the  
5 redevelopment of state-owned property in Framingham at the site  
6 of Cushing Hospital, therefore it is hereby declared to be an  
7 emergency law, necessary for the immediate preservation of the  
8 public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. The deputy commissioner of the division of  
2 capital planning and operations, hereinafter referred to as the  
3 “deputy commissioner”, is hereby authorized to undertake such  
4 planning and study as is necessary to create an integrated  
5 development district, including facilities and improvements  
6 thereon, at the present site of the Cushing Hospital in  
7 Framingham, for the construction of a replacement public health  
8 hospital known as the Massachusetts Geriatric Center, hereinafter  
9 referred to as the “Center”, for the department of public health,  
10 on an approximately thirteen-acre parcel, hereinafter referred to  
11 as “parcel one”, and for the construction of state-assisted elderly  
12 housing and mixed-income family housing on an approximately  
13 eighty-eight acre parcel, hereinafter referred to as “parcel two”.

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

15     **Parcel One:**

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

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

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

31 Said parcel 1 contains approximately 13 acres of land as shown  
32 on the above referenced plan, the precise boundaries of which shall  
33 be determined by the studies prepared pursuant to section 2.

34 **Parcel Two:**

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

39 Beginning a point designated by a stone monument on the  
40 westerly line of Dudley Road said point being the northeasterly  
41 corner of the premises herein described; thence running  
42 southeasterly along the westerly line of Dudley Road a distance  
43 of 1744.47 feet to a point at the intersection of the westerly line  
44 of Dudley Road and the southerly line of South Road; thence  
45 turning at a point on the southerly line of South Road and running  
46 southwesterly along South Road a distance of 965 feet, more or  
47 less, to a point; thence turning and running southeasterly a  
48 distance of 535 feet, more or less, to a point; thence turning and  
49 running southwesterly a distance of 985 feet, more or less, to a  
50 point on the easterly line of Winter Street; thence turning and  
51 running northeasterly along the easterly line of Winter Street a  
52 distance of 120 feet, more or less, to a point; thence turning and  
53 running northeasterly a distance of 220 feet, more or less, to a  
54 point; thence turning and running northwesterly a distance of 200  
55 feet, more or less, to a point; thence turning and running  
56 southwesterly a distance of 220 feet, more or less, to a point on  
57 the easterly line of Winter Street; thence turning and running  
58 northwesterly along the easterly line of Winter Street a distance  
59 of 1090 feet, more or less, to a point; thence turning and running

60 northeasterly a distance of 150 feet, more or less, to a point on  
61 the westerly line of West Road; thence turning and running  
62 northwesterly along the westerly of West Road a distance of 1680  
63 feet, more or less, to a point at the intersection of the westerly line  
64 of West Road with the southerly line of North Road; thence  
65 crossing North Road and running northeasterly 710 feet, more  
66 or less, to a point; thence turning and running southeasterly 760  
67 feet, more or less, to a point; thence turning and running easterly  
68 180 feet, more or less, to a point; thence turning and running  
69 southeasterly 190 feet, more or less, to a point on the easterly line  
70 of Dudley Road, said point being the point of beginning.

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

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

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

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

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

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

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

3 a) Among other criteria in selecting in developer, the deputy  
4 commissioner shall encourage and consider proposals that exceed  
5 the minimum six percent requirement for on-site housing  
6 opportunities for department of mental health clients; and

7 b) Further development shall be in accordance with the master  
8 plan and with the center to be constructed on parcel one.

9 c) Tenant selection for the elderly housing units shall be in  
10 accordance with state elderly congregate housing procedures  
11 regarding regional outreach and consideration of applicants'  
12 medical condition.

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

12 a) Provisions that the developer set aside a minimum of six  
13 percent of the total number of housing units for clients of the  
14 department of mental health, so long as the commissioner of the  
15 department of mental health certifies that such need exists;

16 b) Affirmative action provisions as determined appropriate by  
17 the deputy commissioner for jobs and business participation  
18 relative to minorities, women and town of Framingham residents  
19 during construction and as a permanent feature of the  
20 development;

21 c) Appropriate restrictions prohibiting discrimination in  
22 employment and in the sale or lease of housing units on the basis  
23 of race, sex, age, national origin, religion or handicap, and  
24 appropriate fair housing provisions;

25 d) Provisions for the assumption by the developer of various  
26 obligations for providing public services and improvements on the  
27 property in accordance with standards established in the master

- 28 plan, as reasonably determined by the deputy commissioner; and  
29 e) Provisions for preference to eligible Framingham residents and  
30 eligible employees of the Cushing Center in the allocations of  
31 affordable housing units developed on the site and consistent with  
32 appropriate regulations promulgated by the Executive Office of  
33 Communities and Development.  
34 f) Remedies on behalf of the commonwealth in the event the  
35 developer fails to fulfill his obligation as set forth in the land  
36 disposition agreement.

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

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

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

14 The state treasurer may borrow from time to time on the credit

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