

Roland Bartl

From: Greg Niemyski
Sent: Tuesday, November 15, 2005 10:21 PM
To: Lauren Rosenzweig
Cc: Planning Board
Subject: Re: Imminent Threat to Community Zoning and Planning Rights

The Chairman suggested that we contact Jamie and Pam for an update and express our (Acton's) opposition to this proposal.

----- Original Message -----

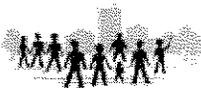
From: Lauren Rosenzweig
To: 'Greg'
Cc: PB@acton-ma.gov
Sent: Monday, November 14, 2005 6:03 PM
Subject: FW: Imminent Threat to Community Zoning and Planning Rights

Hi Greg,

I was just talking to Roland about this issue today, and I thought the legislation was going in a direction that was favorable to municipalities. Can you inquire about this at the MAGIC meeting? Apparently the vote is imminent.

--Lauren

From: Jill Stein - MCHC [mailto:info@masschc.org]
Sent: Monday, November 14, 2005 5:37 PM
To: bos@acton-ma.gov
Subject: Imminent Threat to Community Zoning and Planning Rights



here. **Leading concerns about the bill include the following:**

Jones-Stanley amends state zoning code (chapter 40A) to undermine local control over R&D and manufacturing development. Specifically, it requires cities and towns to create a special permit process for approving R&D/manufacturing facilities in all but residential districts. The special permit process downgrades local zoning because it allows developers to sue municipalities if their proposal is denied. It also places a difficult burden of proof on cities and towns to justify any denials.

Jones-Stanley also effectively eliminates the community's longstanding ability to guide the use of surplus land without having to purchase it. Such community guidance is currently provided through specific transfer legislation sponsored by local legislators accountable to the community. Jones-Stanley eliminates the traditional requirement for such locally sponsored legislation. Instead the bill provides an ineffective "legislative review" that allows automatic legislative approval of land transfers without a recorded vote, and without a specific plan for the reuse of the property. **This undermines legislative accountability and allows controversial transfers to be approved without names attached to them.** The lack of accountability in the Jones-Stanley bill is a critical deficiency.

Jones-Stanley provides no effective way for communities to acquire public lands. It extends the "right of first refusal" to municipalities at a cost that is so high it virtually prohibits the exercise

of this right. At the cost of 85% of the highest possible valuation, few cities and towns - given their struggles to keep teachers and provide health insurance to employees - would be able to purchase surplus land outright.

Considering that municipalities have forgone property taxes on these parcels for decades, and paid for services provided by local government, properties no longer needed by the state should be offered to local communities at low or no-cost for public use. Such properties would be invaluable assets to help meet urgent needs for affordable housing, open space protection and community economic development.

A public outcry stopped a similar proposal to rollback community rights before. Your input at this critical moment can tip the balance again. Please contact your state senator today and urge her/him to:

-VOTE NO ON H4278 because your local planning and zoning authority deserves to be respected, not marginalized.

-HOLD STATEWIDE HEARINGS before making major changes to local zoning authority or municipal planning rights for surplus land. Affected communities have much to offer on these issues. With your input, we can develop a better, community-based approach to the reuse of surplus lands.

Many thanks, Jill Stein

Jill Stein, Mass. Coalition for Healthy Communities, <http://www.masschc.org>, 617-852-4727, jill@masschc.org,

For contact information for your legislators, go to <http://masschc.org/write.html>
The publicly available text of H4278 can be found at <http://www.masschc.org/text.html>.
A powerpoint presentation can be found at <http://masschc.org/slides.html>.

PS. Click here for a [sample email letter](#) to your Senator. For more information, please see www.masschc.org or contact Jill Stein at 617-852-4727, or John Andrews at 781-981-7427.

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This document is a revised version of the original bill. It was released on July 13, 2000. All punctuation, paragraph breaks, and other formatting changes have been added to make the bill easier to read - they are not part of the legislation as filed.

H4278

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

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

SECTION 1
(TERMINOLOGY)

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

"Commissioner", the commissioner of administration.

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

"Finance committee", the committee of the executive council appointed to consider matters of finance.

"Grant program", financial or technical assistance provided by a state agency or state authority, as defined in section 1 of chapter 29, available to a city, town or other public or private entity otherwise eligible.

"Grant program fiscal statement", shall include: (1) a description of the substance of the application; (2) the average expected grant amount; (3) a listing of award recipients, including the award amount, if any, the fiscal year of the award and the date of award; (4) the estimated proportion of monies, in-kind match or other monies to be supplied by the award recipient and any other source from which such match will be required; (5) a description of the allocation formula and matching requirements, including whether the grant is distributed on the basis of a specified formula or at the grantor's discretion; (6) a description of any constraints placed on the use of the grant; and (7) contact information, including the telephone number, postal address

and internet email address to facilitate the application process.

"Grant program reference", a description in electronic format that is retrievable and printable that shall include: (1) the grant program application; (2) the grant program eligibility criteria; (3) the application due date; and (4) the grant program fiscal statement.

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

"Agency", the Massachusetts Development Finance Agency.

"Commissioner", the commissioner of the division of capital asset management and maintenance.

"Committee", the state surplus land coordinating committee established pursuant to section 40F.

"Affordable housing", housing that is affordable for rental or purchase by families or individuals whose income at initial occupancy is equal to or less than 100 per cent of the median area income as determined by the United States secretary of housing and urban development for federal housing programs.

"Direct public use", use of property by a governmental or quasi-governmental entity including, without limitation, the commonwealth, any municipality within the commonwealth, or any authority or district within the commonwealth, or any instrumentality of any of the foregoing, and, with respect to any use of property by a private non-profit organization, any use of the property for affordable housing production, community economic development, historic preservation or for open space acquisition or preservation.

"Host municipality", the municipality or municipalities within which state owned real property conveyed, leased or otherwise

transferred to the agency or declared surplus pursuant to the provisions of this chapter is located.

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

"Real property", as defined in section 39A of chapter 7.

"State agency", as defined in paragraph (v) said section 39A of said chapter 7.

"Surplus real property", real property of the commonwealth: (1) previously determined to be surplus to current and foreseeable state needs pursuant to section 40F or 40F1/2 of said chapter 7, but excluding real property for which there is an established local reuse plan; or (2) determined to be surplus to current and foreseeable state needs pursuant to this chapter. The term surplus real property shall not include property conveyed, leased or otherwise transferred to the Massachusetts development finance agency pursuant to the provisions of this chapter.

notwithstanding the delegations which the general court has made pertaining to the acquisition, control, and disposition of real property, including section 19 of chapter 16; section 1 of chapter 19; section 7 of chapter 19A; sections 9A, 13, and 30 of chapter 21; sections 2 and 9 of chapter 21A; sections 8 and 26 of chapter 23A; section 7 of chapter 23B; section 3 of chapter 28A; section 41 of chapter 29; sections 4 and 5 of chapter 29A; sections 11, 12, 25, 26, and 27 of chapter 75; sections 7, 7A, 7C, 7D, 7E, 7G, 7H, 7L, 7M, 11, 13A, and 13B of chapter 81; section 7 of chapter 82; section 4 of chapter 83; section 39B of chapter 90; sections 2, 3, 5, and 6 of chapter 91; sections 9A, 13, 33, 34, 77 to 85, inclusive, 87, and 88 of chapter 92; sections 62R, 83, and 86 of chapter 111; section 5 of chapter 111B; section 8 of chapter 115A; sections 1 and 2 of chapter 120; section 5 of chapter 122; section 10 of chapter 124; section 2 of chapter 147; sections 31 and 32 of chapter 184; provided, however, that the commissioner shall acquire, control and dispose of real property in accordance with the terms and purposes of the aforementioned provisions. The commissioner shall not make any acquisition of real property on behalf of a state agency by eminent domain or make any such delegation of power to acquire real property by eminent domain to any state agency unless such state agency is otherwise authorized by law to exercise the power of eminent domain. The commissioner may delegate to state agencies responsibility for the acquisition and control of real property as provided for in this chapter. When responsibility is delegated to a state agency, the written approval of the commissioner shall be required before the transaction is completed, and a copy of said written approval shall be sent to the joint committee on bonding, capital expenditures and state assets.

[SECTION 2]

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

Section 40E. Real property, record title to which is held in the name of a state agency or the board of trustees of a state agency or similar board of a state agency, shall be deemed to be real property of the commonwealth. No deed or other instrument shall be required to effect the transfer to the commonwealth of title to such real property, but the land court department of the trial court shall, upon petition of the division of capital asset management and maintenance, issue in the name of the commonwealth a certificate of title to any real property, title to which is registered under chapter 185 in the name of a state agency or the board of trustees of a state agency or similar board of a state agency. Notwithstanding any general or special law to the contrary, no person shall acquire any rights by prescription or adverse possession in any lands or rights in lands held in the name of the commonwealth.

The commissioner and the committee shall exercise the powers stated in this chapter,

[(EMERGENCY DEFINED)]

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

[SECTION 3]

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

##STATE SURPLUS LAND COORDINATING COMMITTEE

Section 40F. (a) There shall be established a state surplus land coordinating committee. The

committee shall consist of 11 members, 1 of whom shall be the secretary of the executive office of administration and finance or his designee; 1 of whom shall be the secretary of the executive office of transportation and construction or his designee; 1 of whom shall be the secretary of the executive office of economic development or his designee, provided his designee is the director of the Massachusetts office of business development; 1 of whom shall be the secretary of the executive office of environmental affairs or his designee; 1 of whom shall be the director of the department of housing and community development or his designee; 1 of whom shall be the commissioner of the division of capital asset management and maintenance or his designee; 1 of whom shall be the director of the Massachusetts municipal association or his designee; 1 of whom shall be chair of the commonwealth development coordinating council or his designee; and 1 of whom shall be the chief executive officer of the Massachusetts development finance authority or his designee; 1 of whom shall be the chair of the board of directors of the Massachusetts association of regional planning agencies or his designee; and 1 of whom shall be the president of the Massachusetts association of community development corporations or his designee.

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

The committee shall annually submit a written report of its activities no later than December 31. Said report shall be submitted to the president of the senate, the speaker of the house, the house and senate chairs of the joint committee on bonding, capital expenditures and state assets, the house and senate chairs of the joint committee on economic development and emerging technologies, the clerk of the senate and the clerk of the house.

(b) The commissioner, upon the approval of the state surplus land coordinating committee, shall be responsible for the disposition of real property in the manner and to the extent provided in this chapter. The commissioner may delegate such responsibility to an administrator who has 10 years of experience in the management of commercial, industrial, institutional or public real property. When responsibility is delegated to an administrator the written approval of the commissioner shall

be required before such transaction is finalized.

[[NAME OF 99 YEAR LEASES]]

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

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

[[----- SECTION 4 -----]]

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

[[SEAL RECOMMENDATION OF SURPLUS
AFTER POLLING STATE AGENCIES]]

Section 40F1/4. (a) The commissioner shall recommend to the committee for surplus designation any real property owned by the commonwealth that is not required for use by any state agency and which in his judgment should be declared surplus real property subject to disposition by the commonwealth in accordance with the provisions of this chapter; provided, however, that prior to recommending that a parcel of real property be declared surplus, the commissioner shall determine whether any state agency has a current or foreseeable need for the property.

[[POLLING OF STATE AGENCIES
FOR REUSE PROPOSALS]]

In order to establish whether there exists a current or foreseeable need, the commissioner shall provide written notice and inquiry to the executive heads of state agencies and secretaries of the executive offices who shall have 30 days to submit a written response indicating that the property is necessary for a specific current or foreseeable need of such agency or executive office. If no agency or executive office submits such a response within 30 days of receiving notice, the commissioner shall recommend to the committee that the property be declared surplus and disposed of in accordance with the provisions of this chapter. In the event that a written response from a state agency or executive office is timely received specifying a current or foreseeable need for the real property, the commissioner shall, within 30 days and in consultation with the secretary of administration and finance and with an affirmatively responding agency or executive office: (1) determine whether the

real property shall be made available for current use by a state agency or executive office, (2) determine whether the real property shall be retained on account of a foreseeable use by a state agency or executive office; or

[[COMMISSIONER HAS DETERMINED NEEDS AGENCY AGREEMENT]]

(3) notwithstanding the current or foreseeable need of the responding state agency or executive office, recommend to the committee that the property should be declared surplus real property subject to disposal by the commonwealth in a manner consistent with the provisions of this chapter.

[[NOTICE TO HOST MUNICIPALITY]]

Within 10 days of providing written notice and inquiry to the executive heads of state agencies and secretaries of the executive offices as required by this section, the commissioner shall, for informational purposes, provide written notice to the host municipality that the property may be conveyed to the agency or may be declared surplus pursuant to the provisions of this chapter. Said notice shall be sent to the city manager in the case of a city under Plan E form of government, the mayor and city council in the case of all other cities, the chairman of the board of selectmen in the case of a town, the county commissioners, the regional planning agency, and the members of the general court. The commissioner shall set forth in such notice a description of the property and a declaration that the property is being considered for surplus designation.

[[TEMPORARY DISPOSITION]]

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

[[NOTIFICATION OF SURPLUSING]]

(b) Prior to recommending to the committee that the property be declared surplus to state uses the commissioner shall, within 10 days of determining that the property should be declared surplus, provide written notification to the agency and the regional planning agency for the region where the property is located indicating that the property is available for development.

[[PLAN E FORM OF GOVERNMENT]]

For parcels larger than 2 acres or valued at more than 1 million dollars, or when the committee considers it otherwise necessary, commission the regional planning agency for the region where the property is located to conduct a smart growth reuse review. Said review shall consider a need for a variety of housing options, economic development and open space; current and prospective zoning of the site; the need for municipal capital facilities and public uses; impact of traffic and transit; impact on the environment and natural resources and on agricultural lands; existence of historically significant structures; availability of infrastructure, including water supply, waste water and store water run-off; fiscal impact of the development on the host municipality; remediation of contamination; and other smart growth implications. The regional planning council shall complete the review within 60 days.

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

[[AGENCY ELECTS TO PURCHASE OR LEASE UNDER PLAN E]]

If the agency elects to acquire the real property through a conveyance or by a lease not to exceed 99 years, the agency shall so notify the commissioner within said 180 day time period by providing an offer to purchase or lease such real property. The offer shall include a proposed redevelopment plan and a

purchase or lease price for the property determined by using customarily accepted appraisal methodologies and subject to uses, restrictions and encumbrances as the agency may determine in consultation with the committee. The agency shall also send its proposed redevelopment plan to the host municipality and the regional planning agency serving the area where the parcel is located.

[[APPRAISALS]]

Appraisals under this paragraph shall be conducted by an independent licensed appraiser. In no instance in which the commonwealth retains responsibility for maintaining the parcel shall the terms provide for payment of less than the annual maintenance costs.

[[DCAM CAN DISCOUNT THE APPRAISED VALUE]]

The commissioner may discount the appraised value by an amount equal to such additional consideration the agency provides in the form of additional public benefit.

[[AGREEMENT WITHIN 90 DAYS]]

The agency and commissioner shall execute a mutually acceptable land disposition agreement not sooner than 30 days and not later than 90 days, unless extended by a mutual agreement of the parties, after the agency's delivery of its offer to purchase or lease. Such land disposition agreement shall be subject to the agency securing all necessary state and local permits and approvals, and subject to a satisfactory environmental review.

[[IF NO AGREEMENT, DCAM WOULD APPEAL]]

If the agency and the commissioner do not execute a mutually acceptable land disposition agreement in such time period, or at the conclusion of an arbitrator's review, as applicable, the commissioner may dispose of the property in a manner consistent with the provisions of this chapter; provided, however, that the commissioner shall not unreasonably withhold his acceptance of a bona fide offer from the agency. If the agency is aggrieved by a decision of the commissioner, it may appeal to the committee within 15 days. The committee shall, within 15 days appoint an independent arbitrator to review the proposal. The arbitrator shall have 30 days to conduct said review. The decision of the arbitrator shall be binding upon the commissioner and the agency.

[[REDEVELOPMENT PLAN AND]]

The agency may acquire an interest in real property only after approval of a redevelopment plan for such property by the board of directors of the agency;

[[REDEVELOPMENT PLAN PUBLIC HEARING]]

provided, however, that prior to the submission of said redevelopment plan to the board for approval, the agency shall conduct a public hearing in the host municipality to allow for local input on the redevelopment plan and as to the potential reuses for the property, including but not limited to its suitability for economic development, job creation, or preservation as open space, and what reuse restrictions, if any, should be imposed on its use and development. The agency shall publish notice of the hearing in the central register published by the state secretary pursuant to section 20A of chapter 9 within 30 days of the date of the hearing. Notification of the public hearing shall also be sent to the host municipality and the regional planning agency serving the area where the parcel is located. A notice of the public hearing shall also be placed, at least once each week for the 4 consecutive weeks preceding the hearing, in newspapers with sufficient circulation to inform the people of the host municipality. The hearing shall be held in the host municipality no sooner than 30 days and no later than 35 days after the notice is published in the central register.

[[PROPERTY CAN BE DESIGNATED FOR ECONOMIC DEVELOPMENT]]

Notwithstanding any other general or special law to the contrary, any real property transferred to the agency through either a conveyance or lease shall be designated by the **economic assistance coordinating council as an economic target area, an economic opportunity area, and a certified project**, as those terms are defined in section 3A of chapter 23A, and such property shall be eligible for all the incentives and benefits provided by the economic development incentive program.

[[REDEVELOPMENT CAN BUILD STRUCTURES AND THEN LEASE]]

(d) Notwithstanding any other general or special law to the contrary, the agency is authorized to employ alternative methods of procurement relative to the planning, design, demolition, construction, reconstruction, improvement, renovation, enlargement, expansion, remodeling, repair or build-out of any and all facilities, as may be useful or necessary from time to time in connection with the redevelopment of such real property by the agency in furtherance of this chapter,

including, without limitation, turnkey, design-build, lease, lease purchase or utilization of modular buildings.

REDEVELOPMENT IS EXEMPTED FROM VARIOUS LAWS {}

The acquisition, procurement, planning, design, construction, reconstruction, improvement, renovation, enlargement, expansion, remodeling, alteration, repair, build-out, development, financing, management, maintenance, operation or leasing of all or any portion of a redevelopment project undertaken by the agency in furtherance of this chapter and any contract for construction and design or other consulting services for or relating to, the construction, reconstruction, improvement, renovation, enlargement, expansion, remodeling, alteration, repair, build-out, development, financing, management, maintenance, operation or leasing of all or any portion of real property by the agency in furtherance of this chapter shall be **exempt from the provisions** of section 38A1/2 to 380, inclusive, of chapter 7, section 44A to 44J, inclusive, of chapter 149, and section 39M of chapter 30 or any other special or general law or rule or regulation providing for the advertising or bidding of construction, development, financing, management, leasing or improvements to, or the acquisition or disposition of interests in real or personal property, but the provisions of sections 26 to 27F, inclusive, and section 29, all of said chapter 149 shall apply to those elements of redevelopment project undertaken by the agency in furtherance of this chapter that, but for the exemptions provided herein, would be subject to such sections.

SELECTION PROCEDURES TO DISCOURAGE WINNING THE BID {}

Notwithstanding such exemptions, the procedures to be followed and the terms and conditions of such procurement process, including **written procedures for the selection of construction, design, and other professionals** for the redevelopment of real property by the agency in furtherance of this chapter, shall be determined by the agency in consultation with, and subject to review by, the **inspector general** of the commonwealth as set forth in this section, and the procedures shall also be approved by the board of directors of the agency. The inspector general shall comment in writing on such procurement process and shall submit such comments to the agency, the house and senate chairs of the joint committee on bonding, capital expenditures and state assets, the house and senate chairs of the joint committees on economic development and emerging technologies, the clerk of the senate and the

clerk of the house not less than 30 days before the agency begins the procurement of design and construction services.

In order to effectuate an open, competitive and fair procurement and an effective contracting process, the agency shall, not less than 45 days prior to the advertisement of the invitation for competitive bids using the procurement process, submit to the inspector general all procedures and criteria developed for the implementation of the alternative method, including a description of the project, the construction bid package, and evaluation criteria. The inspector general shall submit written comments on the procedures to the agency not less than 30 days prior to the advertisement. The agency shall submit the procedures and criteria and the comments of the inspector general to the house and senate chairs of the joint committee on bonding, capital expenditures and state assets, the house and senate chairs of the joint committees on economic development and emerging technologies, the clerk of the senate and the clerk of the house at least 15 days prior to the advertisement for any contract to be awarded on the basis of an alternative method. Such procedures and criteria shall be approved by a vote of the board of directors of the agency. The agency shall submit to the committees a report of the results of such procurement. If the agency awards the **contract to other than the lowest responsive bidder**, the agency shall submit to said committees and to the inspector general a written justification describing in detail why such award is in the best interests of the agency.

ONE-STOP PERMITTING FOR DEVELOPERS {}

Notwithstanding any other general or special law to the contrary, each public or state agency in the commonwealth involved in the permitting, development or financing of economic development projects is hereby authorized and directed to develop a coordinated **one-stop program** for businesses, institutions and private parties that may intend to locate in the real property in order to enable development activities within such real property to be more effectively promoted by the commonwealth.

PAYMENTS IN LIEU OF TAXES AFTER 5-YEAR TAX-FREE PERIOD {}

Notwithstanding any other general or special law to the contrary, the agency or any individual, person, firm, corporation, or other entity which leases real property from the commonwealth other than for a public purpose shall make a **payment in lieu of tax** to the local taxing authority in an amount equal to the appropriate local tax rate times the

assessed value of the real and personal property located therein. Provided, however, that if said agency or individual, person, firm, corporation, or other entity creates a minimum of **100 new jobs** on the leased property they shall not be required to make said payment in lieu of taxes for 5 years; provided further, that nothing in this section shall prohibit the municipality from entering into an agreement with said lessee relative to providing incentives and benefits pursuant to section 3A of chapter 23A.

[[180 DAYS TO ACCEPT TITLE]]

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

[[WRITTEN NOTICE]]

(i) within 10 days provide **written notice**, for each city or town in which the property is located, to the city manager in the case of a city under Plan E form of government, the mayor and city council in the case of all other cities, the chairman of the board of selectmen in the case of a town, the county commissioners, the regional planning agency, and the members of the general court. The committee shall set forth in such notice a description of the property and a declaration that the property is being considered for surplus designation. The committee shall also inform the municipality that if said municipality does not exercise or assign its right of first refusal pursuant to section 40F1/2, it may elect to adopt the provisions of chapter 43D and designate the property a priority development site pursuant to said chapter 43D;

[[PUBLIC HEARING]]

(ii) within 45 days conduct a public hearing in the host municipality to allow for local input as to whether the property should be officially declared surplus, the potential reuses for the property if it is officially declared surplus, including, but not limited to, its suitability for housing development, economic development, job creation, or preservation as open space, and what reuse restrictions, if any, should be imposed on its use and development. The committee shall publish notice of the hearing in the central register published by the state

secretary pursuant to section 20A of chapter 9 within 30 days of the date of the hearing. A notice of the public hearing shall also be placed, at least once each week for the 4 consecutive weeks preceding the hearing, in newspapers with sufficient circulation to inform the people of the affected locality. The hearing shall be held in the host municipality no sooner than 30 days and no later than 35 days after the notice is published in the central register;

[[REGIONAL PLANNING COUNCIL REVIEW]]

(iii) within 10 days, for parcels larger than 2 acres or valued at more than 1 million dollars, or when the committee considers it otherwise necessary, commission the **regional planning agency** for the region where the property is located to conduct a **smart growth reuse review**. Said review shall consider a need for a variety of housing options, economic development and open space; current and prospective zoning of the site; the need for municipal capital facilities and public uses; impact of traffic and transit; impact on the environment and natural resources and on agricultural lands; existence of historically significant structures; availability of infrastructure, including water supply, waste water and storm water run-off; fiscal impact of the development on the host municipality; remediation of contamination; and other smart growth implications. The regional planning council shall complete the review within 60 days;

(iv) within 120 days report in writing to the commissioner on the parcel being considered for surplus designation on the appropriate disposition for such parcel. Said report shall include a determination of whether the parcel should be declared surplus, the potential reuses for the property if it is declared by the committee to be surplus, including its suitability for housing development, economic development or preservation as open space, and what restrictions, if any, should be imposed on its use and development. The report shall also include the recommendation of the host municipality, if any, and the smart growth report of the regional planning council, if applicable.

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

[[SECTION 5]]

SECTION 5. Said chapter 7 is hereby further amended by striking out section 40F1/2, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

[[LAND CAN BE DESIGNATED
FOR ECONOMIC DEVELOPMENT]]

Section 40F1/2. (a) If, pursuant to section 40F1/4, the committee determines that a parcel is surplus to both state and agency uses the commissioner shall proceed with the disposition of the property in accordance with the provisions of this chapter. Notwithstanding any other general or special law to the contrary, any surplus property officially declared surplus by the committee shall be designated by the **economic assistance coordinating council** as an economic target area, an economic opportunity area, and a certified project, as those terms are defined in section 3A of chapter 23A, and such property shall be eligible for all the incentives and benefits provided by the economic development incentive program; provided, further, that any property officially declared surplus by the committee shall, upon local approval, automatically qualify as a priority development site for the purposes of chapter 43D.

[[TERMS OF APPRAISAL]]

The commissioner shall establish the value of surplus real property using customarily accepted appraisal methodologies. The value shall be calculated both for (i) the highest and best use of the property as currently zoned and (ii) subject to uses, restrictions and encumbrances defined by the committee. Appraisals under this paragraph shall be conducted by an independent licensed appraiser. In no instance in which the commonwealth retains responsibility for maintaining the parcel shall the terms provide for payment of less than the annual maintenance costs.

[[RIGHT OF FIRST REFUSAL BY SEA]]

Prior to disposing of the surplus property, the commissioner shall provide to the host municipality a written **right of first refusal** to purchase the property on the conditions established in this section. The host municipality shall have the right of first refusal to purchase the surplus property for a direct public use at **85 per cent** of the fair market value of the property as established pursuant to this chapter. The host municipality shall have the right of first refusal to purchase the surplus property for a **purpose other than a direct public use** at fair market value as established pursuant to this chapter. Such right of first refusal must be exercised, if at all, by the host municipality within **90 days** of such notice by giving written notification to the commissioner of the host municipality's intent to purchase the property.

[[ASSIGNMENT OF RIGHT OF FIRST REFUSAL]]

The host municipality shall have 180 days from the date of official notification by the commissioner that the host municipality has the right of first refusal to close on the purchase of the property. In the event that a host municipality **fails to close** on the purchase of the property within such time, the sole remedy of the commonwealth against the host municipality for such failure is to proceed with the disposition of the surplus property **without further right of purchase** by the host municipality; provided, however, that if said failure to close on the purchase of the property was in bad faith, the commonwealth **shall not be required to share proceeds of the sale with the host municipality** as provided in subsection (e). The commissioner, at his discretion, may negotiate with a host municipality exercising its right of first refusal flexible financing arrangements to facilitate the purchase of the property under this section; provided, however, that no such arrangements shall provide for a period of more than **5 years for all payments due** under this section. A host municipality receiving a right of first refusal as provided herein may engage the services of the agency to perform planning, feasibility, marketing, and other studies or to provide project management services in connection with any reuse or redevelopment of the surplus property.

[[ASSIGNMENT OF RIGHT OF FIRST REFUSAL]]

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

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

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

(ii) place a notice in the central register published by the state secretary pursuant to

section 20A of Chapter 9 stating the availability of the property and requesting proposals from any public or private entity, agency, individual partnership, or joint venture regarding the use, reuse, rehabilitation, renovation, reconstruction, purchase, ownership, lease, construction, or development of the property. Said notice shall also include the time and location for submission of bids and proposals and the opening thereof, and other information the commissioner may deem relevant. Provided further that said notice shall simultaneously be filed with the chairs of the joint committee on bonding, capital expenditures and state assets.

{ { COMMISSIONER AND SELECT FROM RECEIVED PROPOSALS } }

All responses to the request for proposals issued pursuant to this section shall be submitted to the commissioner within 60 days after the publishing of the notice in the central register. The commissioner shall, within 30 days, review all the proposals received and shall recommend to the committee what he deems to be the **3 proposals which represent the highest and best use of the property**. The commissioner shall simultaneously send notice to each city or town in which the property is located, to the city manager in the case of a city under Plan E form of government, the mayor and city council in the case of all other cities, the chairman of the board of selectmen in the case of a town, the county commissioners, the regional planning agency, and the members of the general court of the proposals selected by the commissioner and recommended to the committee. The committee shall, with 21 days of receiving a recommendation from the commissioner, conduct a **public hearing** in the host municipality on the proposals recommended by the commissioner. The committee by a majority vote shall, within 60 days of receiving the commissioner's recommendations and after a public hearing in the host municipality, **select the proposal which it deems represents the highest and best use of the property**. In determining the highest and best use of the property as required by this section, the commissioner and the committee shall **pay due consideration to the impact upon the host municipality**, including, but not limited to, impact to housing, infrastructure, natural resources, open space and economic development.

{ { COMMISSIONER AND SELECT OFFERS AND TO BE MADE } }

If no proposals are received by the commissioner pursuant to the request for proposals issued pursuant to this section, or

if the committee determines that the proposals received and recommended by the commissioner do not represent the highest and best use of the property, the commissioner shall dispose of the property using appropriate **alternative competitive processes and procedures**. Such alternative competitive processes and procedures may include, but are not limited to, absolute auction, sealed bids and requests for price and development proposals. The commissioner shall dispose of the property **within 90 days** of receiving notification from the committee; provided, further, that the commissioner shall, 30 days prior to disposition of the property pursuant to an alternative competitive process, notify the host municipality and the committee of the alternative competitive process to be used. The commissioner shall, at least 30 days prior to the disposition of the surplus property using an alternative competitive process, place notice in the central register published by the state secretary pursuant to section 20A of chapter 9 stating the availability of such property, the nature of the competitive process and other information deemed relevant, including the time and location of the auction, the submission of bids or proposals and the opening thereof.

{ { JOINT COMMITTEE HEARING IF OVER 25 ACRES } }

(c) For surplus property exceeding **25 contiguous acres** as of the effective date of this section, the committee shall file a report with the **joint committee** on bonding, capital expenditures and state assets which shall include the committee's recommendation as to the proposed disposition of said surplus property. Within 30 days of said filing, said joint committee shall hold a public hearing on the committee's recommendations. Thereafter, said joint committee shall report its findings to the general court for approval, and shall provide a copy of said findings to the committee.

{ { AUTOMATIC APPROVAL AFTER 75 DAYS } }

The general court shall, within 75 days of the filing of the report by the committee, either approve or disapprove said recommendations without amendment. If the general court fails to take action on the committee's recommendation within 75 days of receipt, the general court shall be deemed to have approved said recommendations.

{ { NOTICE OF SALE } }

(d) The commissioner shall place a notice in the central register, and notify in writing all parties entitled to notice regarding the disposition of surplus property pursuant to

this chapter, identifying the individual or firm selected as party to such real property transaction, along with the amount of such transaction. If the commissioner accepts an amount below the value calculated pursuant to this section he shall include the justification therefore, specifying the difference between the calculated value and the price received.

The grantee or lessee of any surplus real property shall be responsible for all costs including, but not limited to, appraisals, surveys, plans, recordings and any other expenses relating to the transfer, as shall be deemed necessary by the commissioner.

This chapter shall not apply to the disposition of real property prior July 1, 2005.

The commissioner shall ensure that any rental agreement, and in the case of a conveyance, a deed or separate disposition agreement as deemed appropriate by the commissioner, shall set forth all such reuse restrictions; shall provide for effective remedies on behalf of the commonwealth, including that title to the property, or such lesser interest as is the subject of the disposition agreement, shall revert to the commonwealth in the event of a violation of any such reuse restriction; and shall provide, in the case of a disposition to a public agency for a direct public use, that the title to the property, or such lesser interest as is the subject of the disposition agreement, shall revert to the commonwealth in the event the property is no longer utilized for such direct public use.

No agreement for the rental or other disposition of state-owned real property, and no deed, executed by or on behalf of the commonwealth, shall be valid unless such agreement or deed contains the following declaration, signed by the commissioner:

The undersigned certifies under penalties of perjury that I have fully complied with the provisions of sections 40F, 40F1/4, 40F1/2, 40F3/4, 40H, and 40J of chapter 7 of the General Laws in connection with the property described herein.

Commissioner,
DCAMM

Date: _____

The commissioner shall maintain, for a period of at least 6 years, a file containing a copy of each document necessary to establish fulfillment of the requirements of this chapter as it relates to the disposition of surplus property. Such file shall be open to public inspection.

(e) All net cash proceeds realized by the commonwealth from the conveyance, lease or other transfer or real property to the agency or from the sale of surplus real property pursuant to this chapter shall be allocated, on an annual basis, as follows:

{ { DCRA AND STATE GOVERNMENT COSTS COVERED FIRST } }

(i) to fund costs incurred by the division of capital asset management and maintenance, the Massachusetts development finance agency, or the regional planning agency associated with the disposal or pre-development of the property including, but not limited to, appraisals, surveys, site evaluation, site preparation, plans, recordings, smart growth review and any other expenses relating to the disposal or pre-development or the property pursuant to the provisions of this chapter;

{ { MAINTENANCE AND UPKEEP } }

(ii) to reimburse host municipalities for bona fide costs incurred by said municipalities for the maintenance and upkeep of the property in question;

{ { SHARE TO HOST MUNICIPALITY IF THEY COOPERATE } }

(iii) a minimum of 10 per cent of the remaining net cash proceeds after funding the costs identified in clauses (i) and (ii) to a host municipality; provided, however, that a host municipality that **expedites permitting** in accordance with part (i) of subsection (d) of section 40F1/4 and takes **affirmative actions in furtherance of the commonwealth's objectives for the parcel** shall be entitled to 20 per cent of the remaining net cash proceeds after funding the costs identified in clauses (i) and (ii) of this section.

{ { LOSS OF HOST MUNICIPALITY SHARE IF THEY REFUSE TO BUY } }

If said municipality exercises its right of first refusal as authorized pursuant to subsection (a) of section 40F1/2 it shall not receive a percentage of the sale proceeds; provided, however, that if a municipality assigns its right of first refusal pursuant to said subsection (a) of section 40F1/2 to a non-profit organization for a direct public use, it shall receive 10 per cent of the net cash proceeds remaining after funding the costs identified in clauses (i) and (ii);

[[CAPITAL ASSET MANAGEMENT AND PLANNING]]

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

[[FUND TO SMART GROWTH HOUSING FUND]]

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

[[--- SECTION 6 ---]]

SECTION 6. Said chapter 7 is hereby further amended by inserting after section 40F1/2 the following section:-

[[COMMISSIONER POWERS OVER STATE REAL PROPERTY]]

Section 40F3/4. The commissioner shall be responsible for the acquisition and control of real property in the manner and to the extent provided in this chapter. The commissioner may delegate such responsibility to an administrator, who has 10 years of experience in the management of commercial, industrial, institutional or public real property. When responsibility is delegated to an administrator the written approval of the commissioner shall be required before such transaction is finalized.

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

In acquiring buildings for the use of state agencies, first consideration shall be given to any structures that have been certified as historic landmarks as provided by sections 26 through 27C inclusive of chapter 9, that have been listed in the National Register of Historic Places as provided by 16 U.S.C. section 470a (1974) or that have been designated historic landmarks by local historic commissions, unless use of such buildings would not be feasible in terms of costs and requirements when compared with other available properties.

Notwithstanding any other general or special law to the contrary, real property acquired for the use of state agencies shall be held in the name of the commonwealth.

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

The commissioner, with the written approval of the commissioner of administration, may transfer use of, and responsibility for maintenance of, buildings, including equipment therein, within or between state agencies. No such transfer within or between state agencies which involves either a **change in the purposes** for which such building is currently used or a change in use in excess of 50 per cent of the usable floor space, shall be made without the **prior approval of the general court**. Any such transfer shall be based on a determination, made by the commissioner with the advice of the executive heads of affected agencies and secretaries of the executive offices in which such agencies are located, that such property is not needed, is under utilized, or is not being put to optimum use under current conditions. The commissioner shall notify the house and senate committees on ways and means and the representatives to the general court from the city or town in which such real property is located not less than 30 days prior to the final authorization of any transfer which does not require the approval of the general court, and such transfer shall only be made when the general court is in session except as provided hereafter. Such transfer may be made when the general court is not in session, and the thirty day notification requirement may be waived, only if the commissioner certifies in writing that an emergency exists; provided, however, that any such transfer may be authorized for a period not to exceed 6 months, and provided, further, that the commissioner shall submit his certification to and notify the house and senate ways and means committees of such transfer at the earliest possible opportunity.

[[--- SECTION 7 ---]]

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

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

[[FROM THE BUDGETARY CENTER]]

[[----- SECTION 8 -----]]

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

[[LEGISLATION]]

Section 40I. The clerk of the house of representatives and the clerk of the senate shall, within 10 days of the filing of any legislation authorizing the conveyance, lease, transfer, or other disposition of any state-owned real property forward a copy of said bill to the commissioner. Within 90 days of the receipt of said copy, the commissioner shall submit in writing a report to the commissioner of administration, the legislative committee before which the bill is pending, and the joint committee on bonding, capital expenditures and state assets together with a recommendation for either the approval or the disapproval of the bill and his reasons therefor.

If the commissioner is recommending the approval of a bill proposing the disposition of a parcel exceeding 2 acres, said report shall include: (1) a description of the property including its current use, structures, and approximate metes and bounds; (2) the value of the property, determined through procedures customarily accepted by the appraising profession as valid for such purposes, calculated both for (a) the highest and best use of the property as currently encumbered and (b) uses and encumbrances that would be imposed by the bill if enacted; (3) all current and foreseeable direct public uses identified by following the division's procedures for such purposes as they apply to the property to be disposed (4) other potential public and private uses of the property; and (5) any other information the general court may require.

The commissioner shall expeditiously review and recommend approval or disapproval of any proposal to the general court for the sale, rental or other disposition of real property acquired on behalf of state agencies, and shall dispose of real property as mandated by the general court.

[[----- SECTION 9 -----]]

Section 30. There shall be established within each regional planning district created under this chapter or by special act a **technical assistance center** for the delivery of coordinated, comprehensive, and continuing technical services to and among local governments. Technical assistance services may be provided in any subject area within the capability of each technical assistance center that improves local government capacity, efficiency, knowledge and ability to respond to issues, opportunities, laws and requirements including, but not limited to, required municipal asset inventory and management; communication systems including broadband, wireless and related facilities; emergency and incident response systems; electronic government opportunities; remote image and data collection; digital data management and archiving; geographic information systems; geolocation of infrastructure; internet and internet-related technologies; data sharing and regional backup; computer system evaluation and networking; intelligent transportation systems; statistical trends and modeling; digital recordation of accidents, fires and crime; technical specifications relating to management of the sanitary code, water supplies, air quality, storm water and natural resource area; and other land use and smart growth zoning issues.

Said regional planning districts shall annually consult with each member city and town to ensure locally needed technical assistance services that (i) aid communities in evaluating new technologies, equipment and systems; (ii) aid communities in improving the efficiency of local government; (iii) reduce costs incurred by local governments for performing duties required thereof; (iv) build capacity and provide needed skills; (v) aid communities in meeting new state or federal regulations or requirements; (vi) provide specific services or initiate demonstration projects; (vii) facilitate sharing of information or best practices among and between communities; (viii) facilitate inter-municipal cooperation or cost sharing; (ix) provide training and skill development of community employees; (x) aid in improvement of local standards, procedures and regulations; and (xi) promote smart growth zoning, regulations, or standards. Said regional planning districts shall coordinate and focus their programs to augment the services of the local technical assistance centers. A core program of technical services shall be maintained in the fields of management and data, environment, transportation and

community development. Other fields may be covered as appropriate and resources allow. Agencies of the commonwealth initiating or following through on programs or regulations requiring outreach or technical assistance shall first consider utilizing the local technical assistance centers while seeking the services previously enumerated and may enter directly into contracts with the regional planning agencies or their technical assistance centers as the would with any city or town. This provision shall not limit the ability of state agencies to work directly with individual communities.

SECTION 10

DISTRICT LOCAL TECHNICAL ASSISTANCE FUND

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

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

Recipients of said funds shall provide matching resources of not less than 10%, no more than 1/2 of which may be in-kind services, and shall report such annually on their expenses and program activities to the commonwealth and local governments. Each regional planning district created under chapter 40B or by special act shall be granted a fixed annual base award of \$150,000 from said fund, with the exception of the Metropolitan Area Planning Council, which shall receive a base appropriation of \$200,000, the Martha's Vineyard commission which shall receive a full annual appropriation of \$100,000 and the Nantucket planning and economic development commission, which shall receive a full annual appropriation of \$50,000 as their full annual appropriation. 1/2 of the remainder of the annual appropriation to said fund shall be apportioned among said entities based on the percentage of the commonwealth's population served by each entity, with the other 1/2 apportioned based on the percentage of the commonwealth's communities served by each entity.

SECTION 11

ZONING MUST PROVIDE SPECIAL PERMITS FOR R&D USES

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

Zoning ordinances or by-laws shall also provide that research and development uses, whether or not such uses are currently permitted as a matter of right, may be permitted in any non-residential zoning district upon the issuance of a special permit provided the granting authority finds that such uses do not substantially derogate from the public good. "Research and development uses" shall include any 1 or more of investigation, development, laboratory and similar research uses and any related office uses and, subject to the following limitations: limited manufacturing uses and uses accessory to any of the foregoing in any field of science.

SPECIAL PERMITS FOR LIMITED MANUFACTURING

"Limited manufacturing" shall, subject to the issuance of such special permit, be an allowed use provided that the following requirements are satisfied: (1) such manufacturing activity is related to research uses; (2) no manufacturing activity customarily occurs within 50 feet of a residential district; and (3) substantially all manufacturing activity customarily occurs inside of buildings with any manufacturing activities customarily occurring outside of buildings subject to such conditions as may be imposed in the special permit.

SECTION 12

WORCESTER BUSINESS DEVELOPMENT CORPORATION

SECTION 12. The commissioner shall, notwithstanding the provisions of sections 40F, 40F1/4 40F1/2, 40F3/4, 40H and 40I of chapter 7 of the General Laws and upon the execution of a mutually acceptable agreement between the commissioner and the Worcester Business Development Corporation, sell a certain parcel of state owned land to the Worcester Business Development Corporation. Said parcel is described by the city of Worcester assessor's office as being at a point on the westerly sideline of Plantation street at the most southeasterly corner of the parcel to be described; said point also being the most northeasterly corner of land now or formerly known as Parcel 10 of the Amended Definitive Subdivision Plan for Worcester Business Development Corporation, dated January 3, 1990

and recorded in the Worcester county registry of deeds, Plan Book 633, Page 78;

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

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

THENCE N. 83° 00' 00" W., a distance of four hundred sixty-one and 28/100 (461.28) feet to a point at the end of a stone wall;

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

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

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

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

THENCE S. 43° 22' 40" E. continuing along the stone wall, a distance of seven hundred thirty-nine and 50/100 (739.50) feet to an angle in the stone wall;

THENCE S. 67° 21' 50" E. continuing along the stone wall, a distance of seven hundred thirty and 17/100 (730.17) feet to a point on the westerly sideline of Plantation street; @@

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

S. 18° 21' 30" W., a distance of eighty-seven and 41/100 (87.41) feet to a point;

S. 15° 19' 30" W., a distance of two hundred thirty-eight and 20/100 (238.20) feet to a point;

S. 10° 37' 00" W., a distance of two hundred seventy-one and 77/100 (271.77) feet to a point; and

S. 19° 17' 00", a distance of one hundred eighty-one and 70/100 (181.70) feet to the point of beginning.

Containing 32.4086 acres, more or less.

[[----- SECTION 13 -----]]

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

ECONOMIC DEVELOPMENT.

1599-xxxx

[[NORTHAMPTON STATE HOSPITAL]]

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

[[----- SECTION 14 -----]]

[[APPROPRIATION TO TECH ASSISTANCE FUND]]

SECTION 14. The state comptroller is hereby authorized and directed to transfer \$2,800,000 from the General Fund to the District Local Technical Assistance Fund established pursuant to section 2000 of chapter 29 of the general laws.

[[----- SECTION 15 -----]]

[[TEWKSBURY STATE HOSPITAL EXEMPTED]]

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

SECTION 16

[[THIS REQUIRE FOR WALTHAM PROPERTIES]]

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

SECTION 17

[[NORTH READING RECEIVED CASE]]

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

SECTION 18

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