

HOUSE No. 701

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act providing for park expansion and urban wildlife preservation in Belmont and Cambridge.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	24th Middlesex
Mr. Tolman	

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 21 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT PROVIDING FOR PARK EXPANSION AND URBAN WILDLIFE PRESERVATION IN BELMONT AND CAMBRIDGE.

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

- (a) In this Act, the term "Silver Maple Forest" shall refer to a property also known as the Belmont Uplands and comprised of Parcel 40-1 on the assessors' map of the town of Belmont and an adjoining triangular parcel in the city of Cambridge.
- (b) Notwithstanding sections 40F to 40J of chapter 7 of the General Laws or any other general or special law to the contrary, the department of conservation and recreation may acquire, by deed, easement, restriction, covenant or condition, but not through eminent domain, the Silver Maple Forest and may apply for that purpose funds authorized by Chapter 312 of the Acts of 2008 or any other lawfully available funds.
- (c) Within 90 days of the effective date of this act, the commissioner of conservation and recreation shall conduct an appraisal of the fair market value of the Silver Maple Forest.
- (d) Within 120 days of the effective date of this act, the commissioner shall determine an amount that the commonwealth may allocate from any lawfully available funds for the purpose of acquiring the Silver Maple Forest. This amount shall be the state contribution.
- (e) Upon determining the state contribution, the commissioner shall inform the board of selectman in the town of Belmont, the board of selectmen in the town of Arlington and the city council in the city of Cambridge, in this section called the local authorities, the results of the appraisal and the amount of the state contribution, if any.
- (f) Within 120 days of the transmittal by the commissioner, the local authorities shall each certify, in language to be determined by the commissioner, the amount of funds under their control which are available for contribution towards the cost of the acquisition of the Silver Maple Forest by the commissioner. The funds may include funds appropriated by the appropriating bodies in the town of Arlington, the town of Belmont and the city of Cambridge and may also include private funds received by, or on behalf of, the local authorities and held in escrow for application towards the acquisition.
- (g) If the amount of the funds so certified equals or exceeds the difference between the appraised fair market value of the property and the state contribution, and if the owner of the property enters into an agreement to convey the property for conservation purposes, the commissioner shall, upon receipt of the funds, forthwith consummate the acquisition; provided, however, that any deed conveying the parcel shall contain the restriction required under subsection (h). If the amount of funds received does not equal or exceed the difference, this section shall become null and void.
- (h) Notwithstanding any general or special law to the contrary, the property described in subsection (a) shall be conveyed subject to a conservation restriction imposed under section 31 of chapter 184 of the General Laws, for the preservation and protection of wildlife and habitat and passive public recreation and consistent purposes. The conservation restriction, if taken and not otherwise acquired, shall be subject to any easement or lesser interest in land held by any person or governmental agency, except for the owner, that lawfully exists and is recorded in the appropriate registry of deeds.