

SENATE NO. 38

AN ACT DESIGNATING CERTAIN LAND IN THE TOWNS OF ACTON AND CONCORD FOR CONSERVATION, AGRICULTURE, OPEN SPACE AND RECREATIONAL PURPOSES

*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.

2 (a) The parcels of land identified in section 2 under the custody, control and care of the
3 department of correction or the department of highways, are hereby designated for and shall
4 be held solely for the purposes of open space protection, management and conservation,
5 agriculture, forests, and limited public access for passive and specified active recreation and
6 enjoyment.

7 (b) The department of correction, in consultation with the department of highways, the
8 executive office of environmental affairs and the towns of Acton and Concord, may issue
9 regulations consistent with the purposes set forth in subsection (a) for the access, use, and
10 maintenance of those parcels designated in said subsection that are under the custody,
11 control and care of the department of correction. The department of highways, in
12 consultation with the department of correction, the executive office of environmental affairs
13 and the towns of Acton and Concord may issue regulations consistent with the purposes set

14 forth in subsection (a) for the access, use, and maintenance of those parcels designated in
15 said subsection that are under the custody, control and care of the department of highways.

16 (c) No parcel designated under subsection (a) shall be altered if the alteration is: (i) of a
17 substantial nature; or (ii) inconsistent with a permitted purpose under subsection (a); or (iii)
18 prohibited in subsection (d), or any applicable regulation or other law; or (iv) not approved
19 previously in writing by the department having the custody, control and care of the parcel.

20 (d) No building or other permanent structure, utility system, or paved roadway or area,
21 excluding non-solid fencing and recreational equipment shall be constructed on or over any
22 parcel designated under subsection (a).

23 (e) Notwithstanding any other provision of this section to the contrary, the department of
24 correction and department of highways may access, use and maintain any infrastructure
25 existing as of the date of this act that is located on or over any parcel designated in
26 subsection (a), provided that such parcel is under the respective custody, control and care of
27 that department. The term “infrastructure” shall include, without limitation, any building,
28 structure, roadway, utility system, drainage system, and other improvement and
29 appurtenance. Any such infrastructure and related access is reserved for its current purposes
30 and uses and shall be excluded from subsection (a).

31 (f) The designation of any parcel under subsection (a) shall be subject to any easement,
32 restriction, condition, lease, license, agreement or grant of any right or interest in the parcel
33 in existence as of the effective date of this act and shall include any building, structure,
34 improvement, appurtenance or road, located on or over the parcel; and. shall further include

35 without limitation, the use, maintenance, and related parking and access to: (i) a 5-bedroom
36 house located on a portion of the parcel identified and described in paragraph 2 of
37 subsection (a) of section 2; (ii) approximately 15 acres of active recreation land on a portion
38 of the parcel identified and described in paragraph 3 of subsection (a) of section 2; (iii) an
39 easement for the water supply system of the town of Concord located on the parcel
40 identified and described in paragraph 3 of subsection (b) of section 2; and (iv) a road located
41 on the parcel identified and described in paragraph 3 of subsection (b) of section 2, used to
42 access the adjoining land owned by the town of Concord identified on assessor's map 1997.

43 SECTION 2.

44 (a) The parcels in the town of Acton designated for the purposes described in section 1 are
45 those lands of the commonwealth described in:

- 46 1. Assessor's map G5, parcels 95 and 96, these parcels being a portion of the land granted
47 to the commonwealth by deed recorded at the Middlesex south district registry of deeds
48 (the "registry") at book 2647, page 41;
- 49 2. Assessor's map H4, parcel 5, this parcel being a portion of the land granted to the
50 commonwealth by a deed recorded at the registry at book 2647, page 41, but not to
51 include from this parcel approximately 5.56 acres of land of the commonwealth
52 described as Parcel No. 4 on a plan of road recorded at the registry as plan number 2056
53 of 1950;
- 54 3. Assessor's map H4, parcel 6, this parcel being a portion of the land granted to the
55 commonwealth by deed recorded at the registry at book 2647, page 41, but not to
56 include from this parcel approximately 2.63 acres of land of the commonwealth

57 described as Parcel No. 2 on a plan of road recorded at the registry as plan number 2056
58 of 1950; but specifically excluding that portion of this parcel, which land shall be
59 subject to the restrictions of section 3, that is adjacent to the southerly location line of
60 the November 14, 1950, state highway alteration of Massachusetts avenue (Route 2), as
61 shown on a plan of road recorded at the registry at plan 2056 of 1950, and being those
62 lands within a distance of 200 feet southerly of and parallel to said highway location
63 line extending from the Acton-Concord town line westerly to the intersection with
64 School street, as shown on said plan;

- 65 4. Assessor's map G4, parcel 176, this parcel having been taken by the commonwealth by
66 an order of taking recorded at the registry at book 11703, page 603 and shown as Parcel
67 C on a plan of land recorded at the registry as plan number 684 of 1969;
- 68 5. Assessor's map G4, parcel 184, this parcel having been taken by the commonwealth by
69 an order of taking recorded at the registry at book 12717, page 213 and shown as Parcel
70 E on a plan of land recorded at the registry as plan number 1204 of 1974;
- 71 6. Assessor's map G4, parcel 185, this parcel having been taken by the commonwealth by
72 an order of taking recorded at the registry at book 12731, page 578 and shown as Parcel
73 F on a plan of land recorded at the registry as plan number 1323 of 1974;
- 74 7. Assessor's map G4, parcel 187, this parcel being granted to the commonwealth by a
75 deed recorded at the registry at book 7704, page 475 and being approximately 3.5 acres
76 of a parcel of land shown as Lot 2 on a plan of land recorded at the registry as plan
77 number 339 of 1939, but not to include approximately 34,254 square feet of this parcel
78 having been taken by the commonwealth by an order of taking recorded at the registry at

79 book 12731, page 578 and shown as Parcel F on a plan of land recorded at the registry as
80 plan number 1323 of 1974; and

81 8. Assessor's map G4, parcel 198, this parcel having been granted to the commonwealth by
82 a deed recorded at the registry at book 7704, page 476 and being approximately the 18
83 acres of a parcel of land shown on a plan of land recorded at the registry as plan number
84 165 of 1949, but not to include approximately 3.10 acres of this parcel owned by the
85 commonwealth and described as Parcel No. 9 on a plan of road recorded at the registry
86 as plan number 2056 of 1950.

87 (b) The parcels in the town of Concord designated for the purposes described in section 1 are
88 those lands of the commonwealth described in:

89 1. Assessor's parcel ID 2007, this parcel being a portion of the land granted to the
90 commonwealth by a deed recorded at the registry at book 2647, page 41, but not to
91 include from this parcel approximately 0.31 acre of land owned by the commonwealth
92 described as Parcel No. 11 on a plan of road recorded at the registry as plan number
93 2093 of 1950, and approximately 3,800 square feet of land owned by the
94 commonwealth described as Parcel No. 13 on the plan; but specifically excluding that
95 portion of this parcel, which land shall be subject to the restrictions of section 3, that is
96 adjacent to the northerly location line of the November 14, 1950, state highway
97 alteration of Union Turnpike (Route 2) as shown on a plan of road recorded at the
98 registry at plan 2093 of 1950, and being those lands within a distance of 200 feet
99 northerly of and parallel to said highway location line extending from the Acton-
100 Concord town line easterly to the eastern property boundary of said parcel.

101 2. Assessor's parcel ID 2016, this parcel being a portion of the land granted to the
102 commonwealth by a deed recorded at the registry at book 2647, page 41, but not to
103 include from this parcel approximately 0.70 acres of land owned by the commonwealth
104 described as Parcel No. 12 on a plan of road recorded at the registry as plan number
105 2093 of 1950; but specifically excluding that portion of this parcel, which land shall be
106 subject to the restrictions of section 3, that is adjacent to the southerly location line of
107 the November 14, 1950, state highway alteration of Union Turnpike (Route 2) as shown
108 on a plan of road recorded at the registry at plan 2093 of 1950, and being those lands
109 within a distance of 200 feet southerly of and parallel to said highway location line
110 extending from the Acton-Concord town line easterly to the intersection with the New
111 York, New Haven and Hartford Railroad Company railroad right-of-way, as shown on
112 said plan, further including those lands within a distance of 200 feet southwesterly of
113 and parallel to said railroad easement extending southeasterly for the length of said
114 easement to the northeasterly boundary point of Assessor's parcel ID 2016.

115 3. Assessor's parcel IDs 1999-2 and 1999-3, these parcels having been granted to the
116 Commonwealth by a deed recorded at the registry at book 5578, page 569 Area V, Area
117 X and Area Y in a notice recorded at the registry at book _____, page _____, but
118 specifically excluding those portions of these parcels, which land shall be subject to the
119 restrictions of section 3 described as Area V and Area Y adjacent to the northerly
120 location line of the February 1, 1938, state highway alteration of Elm street (Route 2A)
121 as shown on a plan of road recorded at the registry at plan 100 of 1938, and the northerly
122 location line of the June 11, 1940, state highway alteration of Elm street (Route 2A), as
123 shown on a plan of road recorded at the registry at plan 519 of 1940, and being those

124 lands within a distance of 200 feet northerly of and parallel to said highway location
125 lines extending from the property boundary that divides Lot 2 and Lot 3 as shown on
126 plan entitled "Plan of Land in Concord Formerly Belonging to George H. Pierce", dated
127 July 29, 1931 and recorded with the registry at plan 696 of 1931, northwesterly along
128 Elm street to a stone wall at the land now or formerly of Robbins, as shown on said plan of
129 land; and an additional portion of the land described as Area V, being those lands
130 adjacent to the northerly location line of the February 1, 1938 State Highway alteration
131 of Barretts Mill road, as shown on plans of road recorded at the registry at plan 100 and
132 plan 225 of 1938, and being those lands within a distance of 200 feet northerly of and
133 parallel to said highway location lines extending from the property boundary that divides
134 Lot 2 and Lot 3, as shown on plan entitled "Plan of Land in Concord Formerly
135 Belonging to George H. Pierce", dated July 29, 1931, and recorded with the registry at
136 plan 696 of 1931, northeasterly along Barretts Mill road to a stone wall at the land now
137 or formerly of Keefe shown on said plan of land.

138 SECTION 3.

139 The department of correction may receive gifts or grants, in an amount not to exceed
140 \$100,000, for the specific purpose of acquiring environmental services and equipment,
141 including the purchase, installation and maintenance of recycling equipment. The
142 department of correction may expend without further appropriation, all such funds received
143 for such environmental services and equipment.