

SENATE No. 2086

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Therese Murray

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 authorizing the department of highways and the town of Kingston to exchange certain parcels of land.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Therese Murray	Plymouth and Barnstable
Thomas J. Calter	12th Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE DEPARTMENT OF HIGHWAYS AND THE TOWN OF KINGSTON TO EXCHANGE CERTAIN PARCELS OF LAND.

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.** Upon completion of its review and its approval of the plans for the construction of
2 a ramp in the town of Kingston to provide access from public ways serving the Kingston MBTA Station
3 and land in Kingston and Plymouth in the vicinity thereof to state highway route 3, southbound, the
4 department of highways, hereinafter referred to as the “department,” shall notify the board of selectmen
5 of the town of Kingston. The notice shall include one or more plans depicting (1) the layout of the ramp,
6 (2) the extension of Cranberry road as approved by the town of Kingston planning board as provided in
7 section 3 and (3) necessary easements, both construction and permanent, within the boundaries of the
8 town’s land described as parcels 1,2,3 and 5 on the plan identified in said section 3. Neither the layout of
9 the ramp, the extension of Cranberry road nor the easements shall require the relocation of the town’s
10 existing sewer treatment and recycling facilities.

11 **SECTION 2.** Notwithstanding any general or special law to the contrary, the department,
12 following its acquisition of the land and the easements described in section 3, shall convey to the town for
13 municipal purposes, the portion of land owned by the department shown as parcel 6 on plan located south
14 of the layout of the ramp no longer required for highway purposes. The parcel shall not be less than

15 30,000 square feet, shall be contiguous to parcel 4 and shall be described in the notice given to the board
16 of selectmen under section 1.

17 **SECTION 3.** (a) Notwithstanding any general or special law to the contrary, the board of
18 selectmen of the town of Kingston, upon receipt of the notice required under section 1 and, as requested
19 by the department, shall either convey by deed to the department or release the town's interest in, and the
20 department shall acquire by the deed, eminent domain or otherwise, the land required for the ramp to be
21 laid out as a state highway in the following described parcels of land owned by the town: not more than
22 1.95 acres of the town's land described as parcel 1,2 and 3 on that plan of land entitled " Plan of Land
23 Parcels in Kingston Massachusetts to be Exchanged between the Town of Kingston and the
24 Massachusetts Department of Highways," dated August 6, 2007. The deed or release shall also include
25 such easements in parcels 1, 2, 3 and 5 as the department requires in connection with the construction and
26 operation of the ramp. (b) The department, in accordance with Section 7A of chapter 81 of the General
27 Laws, on behalf of the town of Kingston, shall alter Cranberry road to create its extension as approved by
28 the planning board of the town of Kingston as a roadway to the ramp. The extension shall be located
29 within parcels 2 and 5 as shown on the plan. (c) The extension of Cranberry road shall be designed and
30 constructed in accordance with the design standards adopted under the town of Kingston smart growth
31 zoning by-law and approved by the planning board of the town of Kingston.

32 **SECTION 4.** The board of selectmen of the town of Kingston shall apply for the permits and
33 approvals required from the department of environmental protection to use the lands described in section
34 3 for the purposes provided in sections 1 and 3.

35 **SECTION 5.** Notwithstanding any general or special law to the contrary, upon completion of the
36 ramp in accordance with the approvals issued by the department, the department shall notify the town of
37 the completion and shall take control of and operate the ramp as part of the department's highway system.

38 **SECTION 6.** The plan referred to in Section 3 shall be kept on file with the chief engineer of the
39 department and the town administrator of the town of Kingston.

40 **SECTION 7.** This act shall take effect upon its passage.