
**Chapter 86. AN ACT PROVIDING FOR THE DISPOSITION OF CERTAIN
PROPERTY AT NORTHAMPTON STATE HOSPITAL.**

Be it enacted, etc., as follows:

SECTION 1. As used in this act, the following words shall, unless the context clearly indicates otherwise, have the following meanings:

"Committee", the Northampton state hospital citizen's advisory committee.

"Department", the department of mental health.

"Developer", the entity or entities, to which the commissioner of the division of capital planning and operations may convey all or part of the commonwealth's interest in the property located at Northampton state hospital.

"Division", the division of capital planning and operations.

"NDC", Northampton Development Corporation, hereinafter referred to as NDC, a private nonprofit corporation active in economic development activities in the city of Northampton.

"Northampton State Hospital" or "site", all land owned by the commonwealth as of January first, nineteen hundred and ninety-three located upon the site of Northampton state hospital in the city of Northampton, including, but not limited to, parcels commonly referred to as parcels "A" to "K", inclusive, including the buildings and other improvements thereupon, but excluding land referred to as Parcels "I" and "J" transferred to the department of agriculture by chapter five hundred and sixty-eight of the acts of nineteen hundred and eighty-three, as shown on a plan entitled "An Act for the Disposition of Northampton State Hospital" prepared on the Northampton GIS by the office of planning and development of the city of Northampton, on file with the division of capital planning and the city of Northampton.

SECTION 2. It shall be the policy of the commonwealth to stimulate the reuse of Northampton state hospital in an effort to create jobs and new economic opportunities in the Northampton area. Further, the policy of the commonwealth shall be, to the maximum extent feasible, to promote a mix of low income, affordable and market rate housing on the site, up to fifteen percent of which will be prioritized for clients of the department within region one to be funded and developed under the provisions of chapter fifty-two of the acts of nineteen hundred and ninety-three. Further, it is a goal of the commonwealth to make available fifteen percent of all employment generated by the development of the site for those clients of the department who reside in region one and proposals providing such employment will be preferred. Further, it is the policy of the commonwealth to promote the preservation of open space on the site, including, but not limited to, land currently used by the Northampton community gardens, land subject to agricultural preservation restrictions and conservation easements, land used for active and passive recreation, such as hiking, running and cross country skiing, and land that protects the beauty and integrity of the Smith College campus. Further, it is the policy of the commonwealth to create an opportunity for economic development among the division, the city of Northampton and other entities, including but not limited to the Northampton Development Corporation, which will promote the speedy and beneficial reuse of the site.

SECTION 3. The commissioner of the division of capital planning and operations is hereby authorized and directed, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, except as otherwise provided herein, to convey by deed or deeds, or to lease for a period not to exceed ninety-nine years, all or parts of the commonwealth's interest in all or portions of the land and buildings located at Northampton state hospital, except that land and the buildings thereon referred to in sections ten, eleven, twelve, fourteen, fifteen and sixteen of this act, to a developer or developers, selected in accordance with the provisions of this act. Said land is shown on a plan of land referred to in the definition of Northampton state hospital on file with the division, the precise configuration and area of which are to be described in a survey as provided for in section four of this act. Said deeds and leases shall be consistent with the policies set forth in this act.

SECTION 4. The division shall, within ninety days of the effective date of this act, issue a memorandum of agreement between said division and the city of Northampton concerning the reuse of the site. The division shall negotiate the terms of said agreement with the mayor of said city of Northampton with the advice of the state senator and state representative representing said city of Northampton in the general court. Said agreement shall incorporate existing zoning regulations and the provisions of the act, including, but not limited to, a commitment by said division to undertake pre-development studies of the site, to resurvey the site, to fund site assessment sufficiently to adequately determine the nature and extent of oil and hazardous materials on the site and the cost of remediation, in accordance with applicable laws and regulations and to market the site to potential developers; provided, however, that said agreement shall exclude the use of any portion of the site for an incinerator, landfill or other means of permanent disposal of solid or hazardous waste, house of correction, jail or prison. Composting or the disposal of agricultural waste may be allowed on the site as long as it is in compliance with applicable federal, state and local laws, regulations and ordinances. Said agreement shall include a timetable within which said division shall complete said surveys, evaluations and assessments of oil and hazardous materials. Said agreement shall include provisions that the citizens advisory committee shall review and have the authority to approve or reject the division's request for proposals for a developer or purchaser of the site, or portions thereof, before it is distributed and said committee shall review and have the authority to approve or disapprove the division's criteria for determining the suitability of a developer or a purchaser of the site or a portion thereof. In all other areas of review, the role of said committee shall be advisory only.

SECTION 5. Following approval of the memorandum of agreement and pursuant to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, the commissioner of the division of capital planning and operations shall, from time to time, issue requests for proposals for the reuse of all or a portion of the site. Said requests for proposals shall be based on the provisions of the memorandum of agreement and this act, and shall include, but not be limited to the following:

- (a) the time and date for receipt of proposals, the address of the office to which the

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proposals are to be delivered, and the maximum time for proposal acceptance by the division;

(b) a description of the property offered;

(c) a description of all evaluation criteria that will be utilized for the evaluation of proposals, together with a statement that evaluations shall be based solely on the criteria set forth in the request for proposals;

(d) a list of all items or categories of information which must be included in each development proposal, and a format for submitting such information.

SECTION 6. The commissioner of the division of capital planning and operations shall ninety days before the execution of any land disposition agreement authorized by section three or any subsequent amendment thereto, submit the land disposition agreement or amendment and a report thereon to the inspector general who shall review and comment upon said land disposition agreement or amendment within fifteen days of receipt thereof. Said commissioner shall submit the land disposition agreement and any subsequent amendments, thereto, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means, the committee on state administration, the house and senate committees on post audit and oversight, the Northampton state hospital citizens advisory committee, and the state representative and senator representing the city of Northampton in the general court at least seventy-five days prior to execution. Said land disposition agreement shall include conditions adopted in the memorandum of agreement, including, but not limited to, provisions that (i) the developer consult with the Northampton state hospital citizens advisory committee during the planning, development, construction and management of said development on a schedule to be established by said committee (ii) any housing development proposals shall make reasonable efforts to include a mix of low, affordable and market-rate housing, promote the preservation of open space, and shall include the construction, reconstruction or rehabilitation of fifteen percent of housing units under the provisions of chapter fifty-two of the acts of nineteen hundred and ninety-three, or by other authorizations or means; provided, however, that implementation of the memorandum of agreement demonstrates through environmental impact, engineering, and market survey studies, that said parcels can support such development; and (iii) require reasonable efforts to make fifteen percent of employment opportunities generated available for clients of the department who reside in region one.

SECTION 7. Within thirty days of the effective date of this act, there shall be established a Northampton state hospital citizens advisory committee, hereinafter referred to as the committee, to consist of not more than fifteen members to be appointed by the commissioner of the division of capital planning and operations in consultation with state and local officials; provided, however, that two members shall be representatives of the alliance for the mentally ill of western Massachusetts, two members shall be representatives of the Northampton Development Corporation, two members shall be members of the greater Northampton chamber of commerce, and there shall be at least one member from each of the following: the Northampton labor council, the Northampton housing partnership, the Northampton planning board, the mayor of the city of Northampton, the Valley Community

Development Corporation, the Hampshire community action commission, the commissioner of the department of mental health or his designee, the city council industry committee of the city of Northampton, and the Franklin/Hampshire private industry council. The representative and senator in the general court representing the city of Northampton shall serve as ex-officio, non-voting members of the committee. Said committee may review, comment and make recommendations concerning the implementation of the memorandum of agreement. Said committee shall review and approve or disapprove, by majority vote, the division's requests for proposals for developers of the site before they are distributed, and shall review and approve or disapprove, by majority vote, the division's criteria for determining the suitability of developers. A vacancy on said committee shall be filled by the organization that the departed member represented, with the approval of the commissioner of the division of capital planning and operations. Said committee shall meet at least six times each year, but may meet more frequently at the direction of the chairman of said committee. The chairman of said committee shall be elected by the membership of said committee by majority vote and shall serve a one year term.

SECTION 8. The commissioner of the division of capital planning and operations is hereby authorized to grant to the trustees of Smith College easements across two existing roads located on land known as "Parcel K" on the GIS map referred to in the definition of Northampton state hospital for the purposes of access, egress, drainage and utilities to and for the adjacent Smith College athletic fields, pursuant to the memorandum of agreement and subject to the terms of this act, so long as such easement shall not prohibit the lease or sale of portions of the parcel to a developer or developers other than Smith College for the purpose of creating housing or other uses in accordance with this act. The precise configuration and area of the two easements shall be described in a land survey accompanying the memorandum of agreement, provided, however, that nothing in this act shall preclude Smith College from acquiring all, or a portion of parcel K for uses that are not in conflict with the provisions of said agreement.

SECTION 9. The commissioner of the division of capital planning and operations is hereby authorized to retain or grant rights of way or easements for access, egress, utilities and drainage across property described in section three and across other commonwealth property contiguous to said property, and the commonwealth may accept from the developer rights of way or easements in roadways or across property to be conveyed by deed or leased pursuant to section three for purposes of access, egress, drainage and utilities.

SECTION 10. The division of capital planning and operations is hereby authorized and directed to convey by deed, a parcel of land and stone monument at Northampton state hospital commemorating the hanging of James Halligan and Domenic Daley, to the city of Northampton for use as a historic park. The precise configuration of said site shall be described in a land survey to be submitted to the division by the Northampton St. Patrick's Association; provided, however, that said site contains approximately eighteen thousand square feet of land and includes said monument and shall be maintained and protected by said city of Northampton in cooperation with the Northampton St. Patrick's Association. The conveyance of said site shall be without consideration and shall not be subject to the provi-

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sions of chapter seven of the General Laws.

SECTION 11. The amount of consideration for the sales, lease, sublease, granting of easements or other conveyances authorized by the provisions of this act shall be equal to the fair market value or any portion thereof, as established by taking the average appraised fair market value from three independent appraisals from three independent appraisers selected by the commissioner of capital planning and operations through the competitive bidding process and with a methodology approved by the inspector general. Said commissioner shall, in like manner, conduct an appraisal of such property, or any portion thereof, every ten years to determine the current fair market value; provided, however, that such appraisal shall not include any privately constructed building thereon. Any subsequent sale, lease, sublease or other conveyance shall be adjusted based upon such subsequent appraisals. Consideration for parcels within the site, portions thereof, easements or other conveyances at less than fair market value shall be allowed if: 1) said commissioner, in consultation with the Northampton state hospital citizens advisory committee, determines that a direct public benefit is provided to citizens eligible for the services of the department; or 2) said commissioner, in consultation with the Northampton state hospital citizens advisory committee, determines that a direct public benefit shall be provided to the citizens of the commonwealth and approves such lesser consideration. The developer's obligations under the provisions of this act shall not be considered by the commissioner in determining a direct public benefit to citizens eligible for the services of the department and approving such lesser consideration. All funds derived from the sale, lease, sublease, granting of easements or other conveyances related to parcels within the site shall be credited to the General Fund.

SECTION 12. The division of capital planning and operations is hereby authorized and directed to transfer care and custody of a parcel of agricultural land at the Northampton state hospital, containing thirty-six acres to the department of food and agriculture for permanent protection as agricultural land. Said parcel is known as "Parcel D" and is a parcel of land on the southerly side of Rocky Hill road, in the city of Northampton. Said parcel is described as follows:

Parcel D:

A certain parcel of land on the southerly line of Rocky Hill Road, in the City of Northampton, Hampshire County, Massachusetts:

Beginning at a point on the southerly line of Rocky Hill Road, said point being the northwesterly corner of the premises described herein;

thence running southeasterly and easterly the southerly line of Rocky Hill Road, 1625' + to a point;

thence running southeasterly by land now or formerly of Charles Rust, 783.75' to a point;

thence running westerly and southwesterly along a curve and land now or formerly of the New York, New Haven and Hartford Railroad, approximately 1073.5' to a point;

thence running northwesterly along land now or formerly of R. S. Sanderson 1039.5' to a point;

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thence running northerly continuing by land now or formerly of Sanderson 897.9' to a point of beginning.

Said "Parcel D" contains approximately thirty-six acres of land. The department of food and agriculture is hereby authorized and directed to grant an agricultural preservation restriction and public right-of-way to the city of Northampton for said parcel. The agricultural preservation restriction shall be recorded as authorized by chapters one hundred and thirty-two A and one hundred and eighty-four of the General Laws. The public right-of-way easement shall allow the public to pass and repass on foot trails for the purposes of hiking, winter sports, and nature study in a way that does not disturb crops, and shall allow the city of Northampton, through its conservation commission, to clear and mark trails for this purpose, provided, however, that nothing in this section shall prohibit an agriculture-related educational or commercial enterprise from being located on this parcel. Transfer of said parcel shall be without consideration and shall not be subject to the provisions of chapter seven of the General Laws.

SECTION 13. The division of capital planning and operations is hereby authorized and directed to grant a conservation restriction and a public right-of-way easement on a parcel of land at the Northampton state hospital to the city of Northampton. Said conservation restriction is described as follows:

Beginning at point at the northeast corner of a conservation restriction on land of the department of food and agriculture described by a conservation restriction recorded in the Hampshire County Registry of Deeds, in Book 3568, Page 153, said point being in the center of the Mill River.

Thence, running northeasterly, easterly, southeasterly, easterly, and northeasterly along the center of the Mill Road about 2355 feet to a point on the northwest corner of land of Smith College;

Thence, running southeasterly 150 feet more or less to a point one hundred feet south of the average high water mark of the Mill River;

Thence, running southwesterly, westerly, northwesterly, westerly, and southwesterly parallel and 100 feet from the average high water mark of the Mill River about 2355 feet;

Thence running N 06 -55'-42" W 150 feet more or less to the point of beginning;

Said parcel contain 8 acres, more or less.

Said parcel is subject to all easements of record.

The conservation restrictions shall be recorded as authorized by sections thirty-one to thirty-three, inclusive, of chapter one hundred and eighty-four, and section eight C of chapter forty of the General Laws. The public right-of-way easement shall allow the public to pass and repass on foot trails for the purpose of fishing, hiking, winter sports, and nature study and shall allow the city of Northampton, through its conservation commission, to clear and mark trails for this purpose.

SECTION 14. The division of capital planning and operations is hereby authorized and directed to convey by deed a parcel of land at the Northampton state hospital, containing approximately five acres of land to the city of Northampton for use as the Northampton community gardens and to provide underground utilities for any redeveloper and their suc-

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cessors to the balance of the Northampton state hospital site. Said parcel is known as "Parcel G" on the GIS map referred to in the definition of Northampton state hospital, and is a parcel of land on the northerly line of Burts Pit road in the city of Northampton. Said parcel is described as follows:

Parcel G: A certain parcel of land located on the northerly line of Burts Pit Road, in the city of Northampton.

Beginning at a point on the northerly line of Burts Pit Road, said point being the northwesterly corner of the premises herein described:

thence running northeasterly by land of the commonwealth of Massachusetts approximately 630 feet to a point;

thence running southwesterly by land of the commonwealth of Massachusetts, "Parcel A", approximately 500 feet to a point;

thence running southwesterly and continuing by land of said commonwealth, approximately 540 feet to a point on the northerly line of Burts Pit Road;

thence running northwesterly along the northerly line of Burts Pit Road, approximately 870 feet to the point of beginning. The above Parcel G contains approximately 5 acres of land.

The Northampton community gardens shall be operated by the recreation department in the city of Northampton in consultation with the community garden committee and the citizens advisory committee. No capital improvements shall be made on said parcel without the approval of the city of Northampton in consultation with said committees; provided, however, that nothing in this act shall prevent said city from replicating reasonably equivalent conditions of this site on another parcel if the city in consultation with said committees determines that a one hundred fifty foot wide strip on the eastern boundary of said parcel is required for the productive reuse of Northampton state hospital. Nothing in this act shall prohibit the transfer of all or a portion of the community gardens, with the approval of the Northampton community gardens committee, to prime agricultural land located at the Northampton state hospital site, currently under the care and custody of the department of food and agriculture and subject to an agricultural preservation restriction. Any such transfer shall be initiated by the Northampton city council property committee and approved by the mayor; provided, however, that pending the transfer, lease or sale of the existing athletic field located between the Haskell building and the Northampton community gardens, the commissioner of the division of capital planning and operations may transfer care and custody of the said athletic field to the Northampton soccer club for conducting games and team practices. Said Northampton soccer club shall assume all costs and liabilities associated with maintaining said field and the adjacent parking area. Said commissioner may permit said club to utilize space in a surplus building near said athletic field for the purposes of the club's membership. Nothing in this section shall imply the assumption of liability by the commonwealth for any activities overseen or organized by said Northampton soccer club on said athletic field.

SECTION 15. The commissioner of the division of capital planning and operations is hereby authorized to convey by deed to the Northampton housing authority, in the name

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and on behalf of the commonwealth by deed, certain parcels of land located in the city of Northampton, hereinafter referred to as "the parcels", for the purpose of providing state-aided affordable housing and housing for clients of the department of mental health, subject to the provisions of this act, and to such conditions as the commissioner of the division of capital planning and operations may prescribe in consultation with the executive office of communities and development and said department of mental health.

In the event that any of the parcels are not used for the purposes described in this act within five years of the effective date of this act, or if the Northampton housing authority, by majority vote with a quorum present, determines that it does not wish to use one or more of the parcels, or if the Northampton housing authority ceases to use any of the parcels for such purposes, title to the parcels shall revert to the commonwealth and shall be reused and may be disposed of in accordance with the provisions of this act, under the conditions and guidelines established by the memorandum of agreement.

The parcels are bounded and described as follows:

Parcel 1.

A certain parcel of land in the city of Northampton, County of Hampshire, commonwealth of Massachusetts, being more particularly bounded and described as follows:

Beginning at a point which is N 09 -07'-28" E 249.60 feet from West Street (route 66), as shown on the plan entitled "Plan of Land in Northampton, Massachusetts, surveyed for the City of Northampton, Date: September 16, 1981, by Almer Huntley, Jr. & Associates, Inc., Surveyors, Engineers, Planners, 125 Pleasant Street, Northampton MA." (unrecorded);

Thence: N 30 -04'-19" W, 258.35 feet to a chain link fence at land of Trustees of Smith College;

Thence: N 48 -27'-46" E, 324.00 feet by land of Trustees of Smith College to a point;

Thence: N 82 -13'-48" E, by land of Trustees of Smith College 200 feet more or less to the centerline of the Mill River;

Thence: Southerly by the centerline of the Mill River 378 feet more or less to the corner of Parcel A as shown on said plan;

Thence: S 82 -13'-48" W, 215 feet more or less to a point;

Thence: S 66 -59'-27" W, 135.07 feet to the point of beginning.

Containing 3.2 acres more or less.

Parcel 2.

A parcel of land in the City of Northampton, County of Hampshire, commonwealth of Massachusetts, being more particularly bounded and described as follows:

Beginning at an iron pipe on the southerly sideline of Grove Street at the most easterly corner of land of Elizabeth A. and Therese Gilbert and David Gordon as shown on plan of land entitled "Plan of Land in Northampton, Massachusetts surveyed for Timothy R. Feeney, Scale: 1"=20', Date: May 17, 1988, Heritage Surveys, Bruce A. Coombs, R.L.S. College Highway, Southampton, Massachusetts", recorded in the Hampshire Registry of Deeds in Plan Book 154, page 45, being the most northwesterly corner of the described parcel;

Thence: Easterly by the southerly sideline of Grove Street 185.2 feet more or less to

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land of Chester and Helen Monska;

Thence: Southeasterly by land of said Monska 257.5 feet more or less to a point at land of the Massachusetts Electric Company;

Thence: Southwesterly along land of Massachusetts Electric Company 147.7 feet more or less to a point;

Thence: Northwesterly by land of Massachusetts Electric Company 87 feet more or less to a point;

Thence: Northwesterly by land of Massachusetts Electric Company 74 feet more or less to a point;

Thence: Southwesterly by land of Massachusetts Electric Company 12 feet more or less to an iron pin, at land now of formerly of Elizabeth A. and Therese Gilbert and David Gordon;

Thence: Northerly by land now or formerly of Elizabeth A. and Therese Gilbert and David Gordon 151.34 feet more or less to the point of beginning.

Containing 1.25 acres more or less.

Parcel 3.

A certain parcel of land in the city of Northampton, County of Hampshire, commonwealth of Massachusetts being more particularly bounded and described as follows:

Beginning at the northwesterly corner of the described premises at a point on the easterly sideline of Laurel Street at other land of the grantor, said point being 160 feet more or less southerly of the southerly sideline of Chapel Street;

Thence: Northeasterly by land of the grantor and land of Joan C. Ray 200 feet more or less to a corner at other land of the grantor;

Thence: Southerly by other land of the grantor 365 feet more or less to a corner at other land of the grantor;

Thence: Westerly by other land of the grantor 180 feet more or less to the easterly sideline of Laurel Street;

Thence: Northerly 325 feet by the easterly sideline of Laurel Street to the point of beginning.

Containing 1.5 acres more or less.

Parcel 4.

A certain parcel of land in the City of Northampton, County of Hampshire, commonwealth of Massachusetts, being more particularly bounded and described as follows:

Beginning at a concrete bound on the southwesterly sideline of Burts Pit Road at the most easterly corner of land of Katherine T. Day at a fence corner;

Thence: Southeasterly by the southwesterly sideline of Burts Pit Road 428 feet more or less to a fence line at land of Northampton state hospital;

Thence: Southwesterly by said fence line 185 feet more or less to a fence corner;

Thence: Northwesterly by said fence line 256 feet more or less to a fence corner;

Thence: Continuing northwesterly on the same line 165 feet more or less to the intersection of the fence at land of Katherine R. Day; the preceding 3 courses by land of Northampton state hospital;

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Thence: Northeasterly by fence between land of said Day and Northampton state hospital 185 feet more or less to the point of beginning.

Containing 1.8 acres more or less.

For further reference, see a plan entitled "89 WIBI Northampton Housing Authority", dated November sixteenth, nineteen hundred and eighty-nine and prepared by TWM Northeast E.J. Flynn Engineers, Inc. The precise configuration and area shall be described in a land survey accompanying the memorandum of agreement. The Northampton housing authority shall assume the cost of appraisals, surveys and other expenses as deemed necessary by the commissioner of the division of capital planning and operations for the conveyance by deed of this property. Conveyance of said parcels shall be without consideration and shall not be subject to the provisions of chapter seven of the General Laws.

SECTION 16. The commissioner of the division of capital planning and operations is hereby authorized and directed to convey by deed, in a form, to the city of Northampton a parcel of land located at 91 Grove street on the site. Said parcel is to be used by the city or its assigns for the purpose of providing an emergency shelter for the homeless. Said parcel contains approximately one acre of land, the precise configuration of which shall be determined in a survey accompanying the memorandum of agreement. Conveyance of said parcel shall be without consideration and shall not be subject to the provisions of chapter seven of the General Laws.

SECTION 16A. The commissioner of capital planning and operations (DCPO) shall report in writing to the house and senate committees on ways and means, the committee on state administration, the inspector general, and the house and senate committees on post audit and oversight any violations of the provisions of this act.

SECTION 17. Section 2 of chapter 132 of the acts of 1993 is hereby amended by striking out line item 5500-8893 and inserting in place thereof the following item:-

5500-8893 For selected demolition and asbestos and hazardous waste removal and abatement, for planning, marketing, surveying, site evaluation and site preparation at Northampton state hospital \$5,000,000

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

Approved August 5, 1994

Chapter 87. AN ACT RELATIVE TO BOILERMAKERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately clarify that boilermaking is excluded from the definition of pipefitting for purposes of licensing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows: