An Act authorizing the town of Westminster to acquire state forest land.


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

SECTION 1. The second sentence of section 2 of chapter 323 of the acts of 1970, as amended by section 2 of chapter 531 of the acts of 1991, is hereby further amended by adding the following words: - or by a governmental entity.

SECTION 2. The third sentence of said section 2 of said chapter 323, as so amended, is hereby further amended by striking out the words “period of years” and inserting in place thereof the following word: - term.

SECTION 3. Said third sentence of said section 2 of said chapter 323, as so amended, is hereby further amended by striking out the words “twenty-five years” and inserting in place thereof the following words: - the useful life of the facility together with the duration of any closure and post-closure requirements associated therewith.

SECTION 4. The first sentence of section 4 of said chapter 323 is hereby amended by adding the following words: - on the parcels of land described in section 1.
SECTION 5. Notwithstanding sections 32 to 37 of chapter 7C of the General Laws, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may convey in fee simple to the town of Westminster to the following parcel of land, hereinafter referred to as the “continuation parcel”, located within Leominster state forest, and now used for conservation and recreation purposes, to use said parcel for solid waste management and disposal services.

The continuation parcel is a parcel of land located within the town of Westminster, comprised of a portion of map 144, lot 1 on the assessor’s records of the town of Westminster, more particularly described as follows:

Beginning at a point on the town line between the town of Westminster and the city of Leominster, said point being northerly from the northeasterly corner of assessor’s map 166, lot 1, and said point being the southeast corner of the parcel herein described; thence,

Westerly along a line parallel to the southerly line of assessor’s map 144, lot 1, to a point; thence,

Northerly in a straight line to a point on a line projected from the southeasterly line of assessor’s map 141, lot 4; thence,

Northwesterly along the line projected from the southeasterly line of assessor’s map 141, lot 4, being parallel to said line to the southeast corner of assessor’s map 141, lot 4; thence,

North, northeasterly along assessor’s map 141, lot 4, and assessor’s map 141, lot 3, to a point where the border of assessor’s map 141, lot 3, turns easterly; thence,
Easterly along the southern line of assessor’s map 141, lot 3, to the intersection with
assessor’s map 144, lot 1; hence,

Southerly along the border between assessor’s map 144, lot 1, and assessor’s map 142,
lot 1; hence

Easterly along the border between assessor’s map 144, lot 1, and assessor’s map 142, lot
1, to the southeast corner of assessor’s map 142, lot 1, and a point on the town line between the
town of Westminster and the city of Leominster; hence,

Southerly along the town line between the town of Westminster and the city of
Leominster to the point of beginning.

The continuation parcel contains 85 acres, more or less, and is shown on the plan entitled
“Continuation Parcel to be conveyed to the Town of Westminster,” dated March 23, 2018, drawn
by WSP USA, Inc., on file with the town clerk of the town of Westminster.

Prior to finalizing the conveyance authorized herein, the division of capital asset
management and maintenance, in consultation with the department of conservation and
recreation, may enter into a purchase agreement with the town of Westminster setting forth the
required terms and timing of the conveyance authorized by this section, and which may include
minor modifications to the area and plan approved by the division of capital asset management
and maintenance and the department of conservation and recreation in order to carry out the
purposes of this act.

The conveyance of the continuation parcel to the town of Westminster shall not take
place until: (a) the secretary of energy and environmental affairs has issued a certificate
indicating that a single or final environmental impact report, describing the proposed solid waste
management and disposal activities on the continuation parcel including the land transfers and
applicable requirements of article 97 of the amendments to the state constitution as related to
said continuation parcel, adequately and properly complies with sections 61 to 62I, inclusive, of
chapter 30 of the General Laws; and (b) the private party contracted to provide long-term
management of solid waste as authorized by section 2 of chapter 323 of the acts of 1970 has
entered into an agreement with the department of conservation and recreation to pay into the
Conservation Trust established under section 1 of chapter 132A of the General Laws $3 per ton
of solid waste deposited as a result of incorporation of the continuation parcel into the landfill
facilities. The agreement shall be subject to any other applicable terms of the conveyance,
provide for security in the event of bankruptcy of the private party or other unanticipated events
and require that the parties amend it to the extent necessary to address the findings in the
certificate issued by the secretary of energy and environmental affairs. The payments to the
Conservation Trust shall be used by the department of conservation and recreation for the
purpose of advancing the recreational and conservation interests of the commonwealth.

SECTION 6. As a condition of said conveyance of the continuation parcel to the town
of Westminster, and to ensure a no-net-loss of lands for conservation and recreation purposes,
the town of Westminster shall simultaneously cause or direct the conveyance to the
commonwealth, acting by and through the division of capital asset management and
maintenance, in consultation with the department of conservation and recreation, of land of
greater acreage and greater resource value deemed suitable by the secretary of the executive
office of energy and environmental affairs for incorporation into Leominster state forest or other
conservation lands, hereinafter referred to as the “compensating forest land”, which land the
town of Westminster may acquire, hold, convey or arrange for conveyance by others, to the commonwealth. Any land proposed to be included as compensating forest land shall be acceptable to the department of conservation and recreation. The town of Westminster may convey the fee or an easement or other interest in the continuation parcel to the private party contracted to provide long-term management of solid waste as authorized by section 2 of chapter 323 of the acts of 1970.

SECTION 7. An independent appraisal of the fair market value and of the value in proposed use of the continuation parcel described in section 5, and the fair market value of the compensating forest land described in section 6, shall be prepared in accordance with the usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. The commissioner of capital asset management and maintenance shall submit the appraisal to the inspector general for review and approval. The inspector general shall thereafter prepare a report of the review and file the report with the commissioner of capital asset management and maintenance for submission by the commissioner to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. The commissioner shall submit copies of the appraisal and the inspector general’s review to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight prior to the execution of documents affecting the transfer described in section 5. The appraisals shall be updated as necessary, or as otherwise required by the inspector general or the commissioner of capital asset management and maintenance, so as to have valuation dates within 1 year of the date of the conveyance of the continuation parcel authorized by section 5.
SECTION 8. The town of Westminster or its designated facility operator shall, as consideration for the conveyance authorized by section 5, compensate the commonwealth, by paying into the Conservation Trust established pursuant to section 1 of chapter 132A of the General Laws, the appraised fair market value of the continuation parcel set forth in the appraisal described in section 7. The payment to the Conservation Trust shall be made simultaneously with the conveyance authorized by section 5 and be used by the department of conservation and recreation for the purpose of advancing the recreation and conservation interests of the commonwealth.

SECTION 9. If the fair market value or value in proposed use for the continuation parcel, whichever is greater, exceeds the fair market value for the compensating forest land, as determined by the independent appraisals described in section 7, then the difference, minus the amounts paid in accordance with section 8, shall be paid by the town of Westminster or its designated facility operator to the Conservation Trust simultaneously with the conveyance authorized by section 5, hereinafter the “additional closing payment”. The additional closing payment and the amounts paid in accordance with section 8 may be credited against the total expected payments to be made to the department of conservation and recreation pursuant to the agreement described in section 5. If the appraisal value for the continuation parcel is greater than the appraisal value for the compensating forest land in combination with the present value of payments, as determined by an independent evaluation approved by the commissioner of capital asset management and maintenance, to be made to the department of conservation and recreation pursuant to the agreement described in section 5, then the entire present value of the payments to be made to the department of conservation and recreation under the agreement described in section 5 shall be paid as the additional closing payment, and no additional
payments shall be paid to the department of conservation and recreation pursuant to the
agreement; provided, however, that the secretary of the executive office of energy and
environmental affairs may determine and approve such additional compensation or mitigation to
be paid or performed by the town or its designated facility operator to further ensure the no-net-
loss of conservation and recreation land for the commonwealth. Nothing in this act shall be
construed as precluding the secretary of the executive office of energy and environmental affairs
from requiring additional compensation or mitigation to ensure the no-net-loss of conservation
and recreation land through implementation of sections 61 to 62I, inclusive, of chapter 30 of the
General Laws or otherwise.

SECTION 10. The town of Westminster or its designated facility operator shall cause to
be prepared a recordable plan with a more precise description of the continuation parcel based
upon survey information, which plan is suitable for recording along with the deed conveying the
continuation parcel to the town of Westminster. The town of Westminster or its designated
facility operator shall assume all costs associated with engineering, surveys, appraisals, deed
preparation and other expenses deemed necessary by the commissioner of capital asset
management and maintenance to execute the conveyance of the continuation parcel as authorized
by this act.

SECTION 11. Notwithstanding any general or special law to the contrary, the
requirements of sections 33 to 37, inclusive, of chapter 7C of the General Laws, chapter 30B of
the General Laws, chapter 40 of the General Laws and chapter 149 of the General Laws shall not
apply to any of the transactions contemplated by this act, including but not limited to the
disposition of the continuation parcel by the commonwealth to the town of Westminster, the
acquisition of compensating forest land by the commonwealth, the grant by the town of
Westminster of a fee or easement or other interest in the continuation parcel to the private party contracted to provide long-term management of solid waste as authorized by section 2 of chapter 323 of the acts of 1970 or the city of Fitchburg and the town of Westminster entering into a contract or contracts with said private party for the long-term management of solid waste.

SECTION 12. This act shall take effect upon its passage.