

FINAL REPORT AND RECOMMENDATIONS OF MN SPEAR LIBRARY BUILDING REUSE COMMITTEE

PRESENTED TO THE SHUTESBURY SELECTBOARD

JUNE 9, 2026

Introduction

The following report was prepared by the members of the M.N Spear Library Building Reuse Committee for the Shutesbury Selectboard and reflects the work undertaken by this committee since its inception in September, 2025. The members of the committee include Rita Farrell, Chair, Stephen Dallmus (Building Committee), Susie Mosher (Finance Committee), Henry Geddes (Historical Commission), Paul Lyons, and Mary Jo Johnson (Council on Aging). The committee held 16 meetings over the course of the last 8 months and met with the Selectboard and the public once to provide an update on our activities.

Background

The construction of the new Shutesbury Public Library resulted in the closing of the M.N Spear Library building, an over 100-year-old building located on Shutesbury's Town Common. This historic building had served the town well for many years but due to its small size and lack of plumbing and sanitary facilities was no longer suitable for use as a town library. Given the need to maintain continuous use of this building to comply with insurance requirements, and the strategic location and historic significance of this building, the Selectboard decided to appoint a committee on September 5, 2025 to explore potential reuse for the building.

Committee Charge and Workplan

The committee's Charge (see Addendum A) was to complete a comprehensive analysis of potential reuse of this historic building including use for municipal offices and potential use by town boards, committees and town organizations.

The workplan included the following:

1. Conduct a municipal needs assessment and develop a conceptual plan for the reuse of the building
2. Actively seek the input and advice of various Shutesbury boards committees and department heads
3. Evaluate and consider adaptive reuse plans by peer communities as templates
4. Engage the public and solicit public input.

5. Make a preliminary determination as to potential costs for the reuse options that it identifies as the most viable for the reuse
6. Engage advice and counsel of professional advisors as needed.
7. Prepare a written report to the Selectboard by November 1, 2025 (updated to February 1, 2026).

Work Undertaken by the Committee

The committee began its work by reviewing its Charge to consider potential municipal re-uses for the M.N. Spear building and developing a schedule based on the proposed work plan. The committee also determined that the Building Committee had compiled a detailed report about the conditions at the Spear building that would be very useful as we evaluated potential reuse possibilities. Note: the M.N. Spear building is on Town Common property which is considered EOE Article 97 land held by the town. Non-municipal use was not considered since the Town Common land is governed by Article 97 and any non-municipal use would likely not be approved (see Addendum F).

The following is a summary of what was completed for each of the proposed tasks in the approved workplan:

1. *Municipal needs assessment:* Two questionnaires (see Addenda B1 & B2) were created and circulated to all town officials, departments, committees and boards seeking their input as to their space needs for meetings/offices/storage and soliciting their input as to how they thought the building should be used. This survey yielded 17 responses with almost half of the respondent saying that their current space arrangements were not adequate. The needs ranged from better record storage to workspace and in the case of the police department were quite detailed regarding police needs. The summary of the questionnaire results and a compilation of comments can be found as (Addenda C1 and C2).

Conceptual Plan: The committee determined that the needs of the police department were significant, e.g. need for separate booking space, but state guidelines as to what is required for a police station (not yet developed), makes proposing a final determination challenging. In light of the needs identified by other departments located in the Town Hall aside from the police, and the uncertainty about the costs of redeveloping the M.N. Spear building, the committee decided to investigate whether a reconfiguration of the ground floor space for a police station would be cost efficient and preserve more of a community “feel”. Rough drawings showing a reconfiguration of the Selectboard meeting room space were prepared (see Addendum D).

2. *Input and advice of Shutesbury boards, committees and departments heads:* The questionnaire was the first step in soliciting input from board, committees and department heads. There was follow-up as the committee met with both the Town Administrator and

the Police Chief to discuss the police department needs as well as those of other offices within Town Hall e.g. Town Clerk.

3. *Evaluate and consider adaptive reuse plans by peer communities as templates:* The committee did not evaluate other reuse plans by peer communities as we did not find any that appeared to be appropriate for Shutesbury. The Town of Leverett is going through the same process of investigating reuses for their Field Library, where a committee and an architectural historian spent two years examining the site. A septic design would need to be paid for, as there is no running water and no bathrooms. Leverett is going to have a Warrant Article on their next Town Meeting Warrant, asking the public if they wish to keep it under town ownership or put it up for sale.
4. *Engage the public and solicit public input:* The committee's meetings were all held in a hybrid format and open to the public. We had minimal outside attendance at our meeting but did invite the public to comment when we presented our interim report to the Selectboard at their March 17, 2026 meeting. At this meeting the committee presented an outline of the work that it had undertaken and an overview of the first draft of the Options Matrix (final draft Addendum E). Questions were raised regarding the load bearing of the building, the relocation of the police station to the Spear building or Highway Building, and whether we could just do nothing with the building. There was particular interest in the discussion around the idea of septic system installation. The committee concluded that presentation by saying that there would be no recommendation for the Annual Town Meeting and that we were going to pursue investigation into the well and septic issues for the Spear building.

Additional input was received from the Shutesbury Church Pastor Mark Ellis and congregation member Chris Footit who were consulted regarding the church's well and septic system as we felt it was prudent to explore whether we could tap into these existing resources. They both attended a number of our meetings to answer questions and observe our meetings.

5. *Make a preliminary determination as to potential costs for the reuse options that it identifies as the most viable for the reuse:* This task overlaps with task 6 and entailed a significant amount of work for the committee as we undertook researching issues ranging from what the state building code would require if the Spear were to be used in a manner as it was previously (in the eyes of the code it was a meeting space) or if there was a change in use such as the creation of a police station. Discussions were held with the Board of Health agent Catherine Hilton, the Regional Building Inspector, Jim Hawkins, sanitary engineer, Alan Weiss, local plumber Casey Bashaw, and sanitary engineer Chris Stoddard. We also checked in with a local contractor and building committee member Anna Cook to get a rough estimate of what renovations to the downstairs of town hall might cost. The committee also contacted Town Counsel Donna MacNicol regarding any

state laws that would be triggered should the town choose to do something on the Town Common such as installing a new septic system or well at the Spear building. Donna MacNicol prepared an email outlining the process (see Addendum F).

6. *Engage advice and counsel of professional advisors as needed:* see above for names professionals who were consulted. Please note no funds were expended for the professional advice received with the exception of legal advice from Town Counsel Donna MacNicol (see Addendum F).

Recommendations and Next Steps

By choice, the committee did not reach any final conclusions about what should be done with the Spear building as we felt that this decision really should rest in the hands of the Selectboard and townspeople. However, we have collected a significant amount of information that should be helpful in making that decision.

An important consideration in deciding on the future use of the Spear building is whether or not the town has the resources and the will to make a significant investment in the building. Even without such an investment, the Spear could still be used as a basic meeting and/or record storage space (thus satisfying the “continuous use” requirement for insurance purposes). Some improvements would still be needed to make the building suitable for such uses, but this option would still be the least expensive of those considered.

A more substantial investment (i.e., by adding a functioning bathroom) would greatly expand the possible uses of the building (e.g., as office spaces or a police station). This would require hooking the building up to water and waste disposal systems, adding bathroom fixtures, and various interior renovations. It would also likely trigger a need to comply with state building code requirements that the “meeting/storage space” option would not. The cost of such improvements depends on a number of variables but could exceed \$100,000.

We have provided additional information on the needs and implications of these, and an additional “Town Hall Renovation” option, in a matrix (Addendum E). The matrix highlights a range of options for the Spear building from leaving it essentially “as is” with some minor upgrades to a more substantial rehabilitation if it were to become a police station.

The last option on the matrix addresses a reorganization of the Town Hall to accommodate a police station on the lower level of that building. That option could save the town some money if it was considered unfeasible at the present time to install a well and septic system on the Town Common (due to procedural complexity and the higher initial cost).

In summary, the committee’s opinion is that the addition of a functioning bathroom at the former Spear building greatly enhances the potential options for its future use(s). However, some professional consulting services would be needed to assess the feasibility and cost of

adding a bathroom. The committee recommends that the Selectboard proceed with securing those services.

Addendum A

M.N. Spear Library Reuse Committee

Charge

Overview

The MN Spear Library will become vacant with the opening of our new library in town later this year. The Select Board's goal is to preserve this building and explore its constructive reuse by researching feasibility of alternative uses for the building, thereby supporting future Town investment to implement the preservation. Given this, the Select Board is planning to appoint a temporary study committee to evaluate the current MN Spear library building for future uses.

Committee Composition

This temporary study committee will consist of seven (7) members appointed by the Select Board. Preference will be given to citizens with experience in real estate, architecture, structural engineering, municipal services or the adaptive reuse of historical buildings. The committee will include representation from the historical commission, buildings and finance committees.

Charge and Purpose of Reuse Committee

The purpose of this committee is to consider a comprehensive analysis of potential re-uses for this historic building. The analysis should include future uses by the municipality, including municipal offices and other potential uses by boards, committees, and town organizations. The Committee will provide a comprehensive recommendation to the Select Board for its consideration.

Tasks to be completed:

- The Committee shall conduct a municipal needs assessment and develop a conceptual plan for reuse of the building.
- The Committee shall actively seek the input and advice of various Shutesbury Boards, Committees and Department Heads as it considers proposing future uses for these facilities.
- The Committee shall evaluate and consider adaptive reuse plans by peer communities as templates as it considers proposing future uses for the facility.

- The Committee shall engage the public and solicit public input. Public participation could be in the form of an electronic public survey, stakeholder interviews, and public forums.
- The Committee shall make a preliminary determination as to potential costs for the reuse options that it identifies as the most viable for the reuse of the building.
- Working through the Town Administrator's Office, the Committee may engage the advice and counsel of professional advisors as needed.
- The committee shall issue a written report to the Select Board by November 1, 2025, if practicable.

Addendum B1

Questionnaire for Shutesbury Committees/Boards re: M.N. Spear Building Re-use

Name of Respondent: _____ Committee/Board: _____

- 1) Do you consider your current arrangements re: meeting space, records/equipment storage, work space, etc. to be adequate? ☐ YES ☐ NO

*If No, what current or future needs are not being met? _____

- 2) If it becomes available, would your committee/board want to use the former M.N. Spear library building for:

- ☐ Meetings (assuming the technology to conduct hybrid meetings would be available) [
☐ Storage of records/files
☐ Storage of equipment/supplies
☐ Work space
☐ Other: _____

NOTE: If you're not interested in using the building, please skip to Question #7

- 3) Why would your needs be better served by using the Spear building? _____

- 4) How often do you anticipate your committee/board would need to use the Spear building?

- ☐ Rarely (approximately ___ hours/week during: ☐ daytime ☐ evenings)
☐ Weekly (approximately ___ hours/week during: ☐ daytime ☐ evenings)
☐ Daily (approximately ___ hours/day during: ☐ daytime ☐ evenings) [
☐ Other: _____

- 5) What changes/renovations do you anticipate would be needed to make the building suitable for your use? (e.g., a bathroom): _____

- 6) Would your committee/board be willing to share the use of the building?

☐ Yes ☐ No ☐ Maybe

- 7) Do you have other ideas/opinions about how the building should be used? If so, please share them here: _____

Addendum B2

Questionnaire for Shutesbury Departments/Staff re: M.N. Spear Building Re-use

Name of Respondent: _____ Department/Position: _____

1) Do you consider your current arrangements re: meeting space, records/equipment storage, work space, etc. to be adequate? ☐ YES ☐ NO

*If No, what current or future needs are not being met? _____

2) If it becomes available, would you/your department want to use the former M.N. Spear library building for:

☐ Meetings (assuming the technology to conduct hybrid meetings would be available) ☐ Storage of records/files

☐ Storage of equipment/supplies

☐ Work space

☐ Other: _____

NOTE: If you're not interested in using the building, please skip to Question #7

3) Why would your needs be better served by using the Spear building?

4) How often do you anticipate you/your department would need to use the Spear building?

☐ Rarely (approximately ___ hours/week during: ☐ daytime ☐ evenings)

☐ Weekly (approximately ___ hours/week during: ☐ daytime ☐ evenings)

☐ Daily (approximately ___ hours/day during: ☐ daytime ☐ evenings)

☐ Other: _____

5) What changes/renovations do you anticipate would be needed to make the building suitable for your use? (e.g., a bathroom):

6) Would you/your department be willing to share the use of the building?

☐ Yes ☐ No ☐ Maybe

7) Do you have other ideas/opinions about how the building should be used? If so, please share them here: _____

Questionnaire Results Table

Addendum C1

Dept./Bd	Adequate?	Meeting space	Record Storage	Equip Storage	Work Space	Better serves for ...	Time needed	Renovation needed	Shared with others	Comments
Assessor(clerk)	Y and N		Y							Y
Broad Band	Y									Y
Collector	N		Y		Y					
Conservation	N		Y		Y	File Storage			Y	Y
Commission										
Cultural Council	N				Y			Clean, repaint	Y	Y
ECAC	Y									Y
Fire Dept	Y									N
Library	Y			Y					Y	Y
Planning Board	N	Y	Y			Close to TH		Bathroom, tech for mtg		Y
Police Dept	N	Y	Y	Y	Y	Privacy, Booking space	Day/Evening 16hrs./day	Bathroom, security upgrades, minor renovation for police needs	M	Y attached sheet
Record Storage Com.	N		Y		Y		Some open to public hrs.		Y	See attached
Recreation	Y	Y		Y			Rarely: 1 hour w/ky day/eve	Bathroom, water, seating tables, coffee	Y	Y
Recycle	Y									Y
Stormwater Erosion	Y	Y			Y		Month/eves 2-3 hrs	Bathroom, water, high speed internet	Y	Y
Town Administrator										Y attached sheet
Web	Y									Y
*Village Neighbors	N	Y		Y	Y					See comments

Addendum C2

Questionnaire Comments:

Plan B/ ECAC: Make it a community/meeting space or move police in then rearrange spaces in Town Hall for storage/meeting

Broadband: Other than records or overflow library storage, what other town use could be there w/o running water?

Cultural Council: An iconic gem – hopefully can be used as a workspace or open to the public. If you know of a cultural need that is not otherwise being addressed, (a visitors' info center, gallery space, a display of town artifacts or maps and photos) the Cultural Council may spend up to 20% of its state allocation

Web/ECAC/Recycle: Use solely as Police Dept. offices providing privacy for citizens coming and going that is not now possible in Town Hall. Then change the current SPD into the Town Clerk office providing privacy and much needed space for daily operations plus space for record storage

Recreation: I think using the building as a “Free Store,” would be an amazing resource for this town. It would give our community the opportunity to reuse items.

Further Recreation comments: We currently meet virtually. If adequate space for meetings and/or presentations were available in the MN Spear building we would likely avail ourselves of the building (see #5) The Recreation Committee offers or sponsors a range of events each year, and the number of events is steadily increasing. For some of these, smaller groups are responsible for the actual organizing of the event. It would be nice to have a space dedicated to meetings where these smaller groups as well as the committee as a whole could occasionally meet. (1) Because the building is in the center of town it could be opened more regularly to accommodate activities such as: a co-working space for residents who work remotely as well as residents who would appreciate a workspace such as creative writers; a café; a makers-space. These ideas are neither exhaustive nor mutually exclusive and would contribute to a lively and community minded space. Connecting with people engaged in innovative and creative work would fit well with the Recreation Committee's programming. (2) Would be great to highlight the historical integrity and information about the MN Spear building. It could be used as a museum of sorts to highlight Shutesbury's history and historical artifacts. In the past the Old Town Hall was opened during the Celebrate Shutesbury days and the MN Spear building could be used for a similar purpose (although it would be good to have it open more frequently). An event that would be consistent with the Rec Committee's purpose, in conjunction with other committees, would be regular opening for all historical buildings that highlights the historical context, architecture, usage and any artifacts that connect to our historical buildings.

Conservation Commission: Conservation files and Land Use Clerk are in the Conference Room in Town Hall. The Conference Room should be used for meetings, not storage. If the Land Use Clerk moved over there, it would need a bathroom and a copier. Our current Land Use Clerk may prefer the conference room; I don't know.

Library: The new library, when it opens, will be very tight on storage space. If the Spear is going to be reused for storage, I would appreciate storing seasonal equipment there.

Recycle: A nice meeting room with bathrooms would be great

Collector: I have no space for records that must be retained permanently. No changes to Spear building if used for storage. 1. Move Police Dept. into Spear. 2. Move Town Clerk into SPD office space. Move treasurer inside small office since he's never here. 3. Move me into the entire side of the room so a counter can be installed. Then I can use part of the closet across the hall for storage.

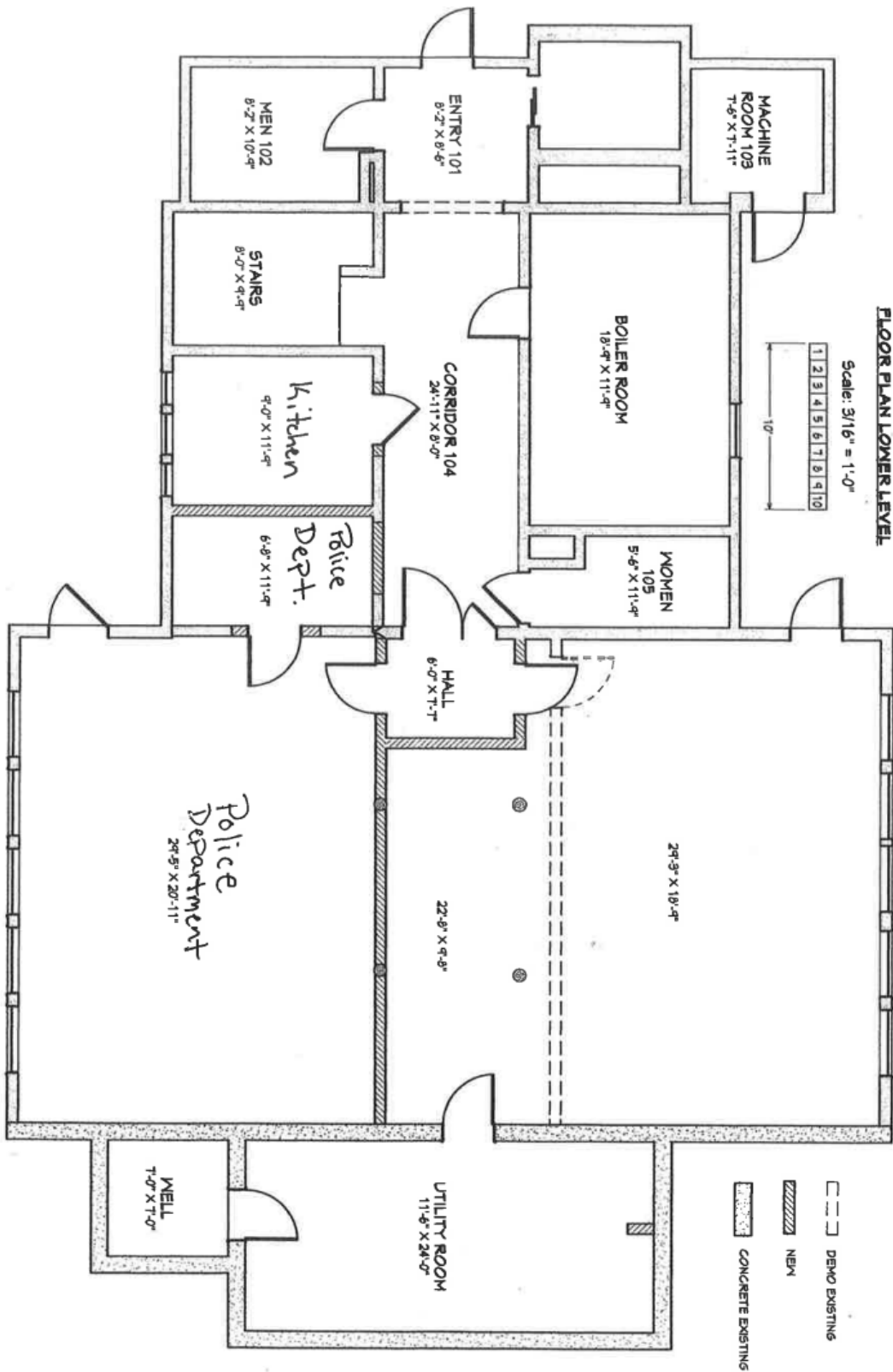
Stormwater Erosion: Can't anticipate new committee's needs, but ease of meeting scheduling for hybrid meetings when Town Hall isn't available.

*Village Neighbors: Although not a town entity, here are the comments: A place to store and share supplies and tools, place to meet and work. We have no common space.

Assessors: [Clerk's responses, not met as a committee to discuss] Assessors' workspace is perfectly adequate. There is a municipal-wide need for permanent record storage that would be better served by a town hall improvement such as a vault; better than using the Spear building. Many departments have more compelling needs than I experience in the Assessors' office for what the Spear building offers. My heart would hope that if the Library Department ever have future need for space for performances /research/unknown uses, the Spear would be prioritized for that department such that Mirick Spear's vision and investment would remain honored.

Council on Aging: The COA should have exclusive use of the Senior Lounge unless it approves of another group using it. The COA cannot use the old Library because we need kitchen, water, and bathroom.

Addendum D



Addendum E

M.N. Spear Library Reuse Committee: Options Matrix

Option:	Water source needed	Septic connection needed	Interior renovations	Architect needed⁶	Additional Maintenance costs	Utility costs	Addresses multiple needs	Action needed	Approx Cost	Grant Money Available
1. Spear becomes meeting space only (no bathroom)	No	No	Moderate ³	No	Minor	Moderately Lower ¹¹	Possible	Yes ⁷	Lowest ⁸	
2. Adding bathroom to Spear Bldg.	Yes ¹	Yes ²	Minor	No	Minor	Moderately higher	Yes	Yes	\$40-50K	
3. Spear becomes Police "station"	Yes ¹	Yes ²	Substantial ⁴	probably	Moderate	Higher ¹²	Yes	Yes ⁷ , ^{7a}	Significant ⁹	
4. Reorganization of Town Hall	No	No	Substantial ⁵	probably	No change	Moderately Higher ¹²	Yes	Yes ^{7a}	Significant ¹⁰	

Footnotes:

- 1 New on-site well or tie into Town Hall well
- 2 Connection to Church septic system possible
- 3 Replace furnace; technology; partition walls?
- 4 TBD; additional building code requirements possible
- 5 Assumes that PD would be moved downstairs; depends on specific plans; could be done in stages
- 6 TBD; dependent on extent and nature of renovations
- 7 Minimum level of activity required for insurance purposes
- 7a Future State certification/standards from POST Committee are likely
- 8 Furnace replacement? Technology; possible partition walls; furniture
- 9 Probably > \$100K
- 10 Could be > \$100K
- 11 Less overall use
- 12 More use of space throughout day



Addendum F

Brennan Mailloux Administrative Assistant <adminassist@shutesbury.org>

Fwd: Change of Use for Town Common

1 message

Rita Farrell <ritafarrell@shutesbury.org>

Wed, Apr 29, 2026 at 9:48 PM

To: Shutesbury Town Administrator <townadmin@shutesbury.org>, Brennan Mailloux Administrative Assistant <adminassist@shutesbury.org>

FYI. Brennan can you please make copies of this email for the spear building committee members.

Thanks

----- Forwarded message -----

From: Donna MacNicol <donna.mtb@verizon.net>

Date: Wed, Apr 29, 2026 at 2:50 PM

Subject: Change of Use for Town Common

To: Rita Farrell <ritafarrell@shutesbury.org>

Rita -

As we discussed yesterday, the first issue that must be addressed concerning use of the town common for underground utilities for the Fields Library building is whether placing of utilities under the town common for use of the building would constitute a change of use for Article 97 land held by the Town.

The Common is considered Article 97 land. Thus the Executive Office of Environmental Affairs is the agency tasked with determining if the above use of the Town Common would constitute a change of use for Article 97 land and thus require the process detailed below.

I have a call into EEA, but have not received a call back yet. But as I said yesterday, given the EEA's charge it is likely that the use of the Town Common even for underground utilities would be considered a change in use. If that is correct, then the Committee would need to follow the procedure outlined in the Guidance On Public Land Protection, link below.

Because it would be the Town owning the utilities, for a town building etc. there maybe some leeway or even if the process must be followed, then the fact that the Tow Common would not actually change and would still be available as the Town Common, may play in the Town's favor. Regardless, it could still be a complex process.

1) Change of Use:

A change of use for Article 97 land in Massachusetts is any shift from protected natural resource, conservation, or public recreational purposes to another use, or any change in physical/legal control. This requires a 2/3 vote of the state legislature, often via the [Public Lands Preservation Act \(PLPA\)](#) process.

Key Aspects of Change of Use (Art. 97)

Definition: Any alteration in the use or ownership of land held for conservation or open space, including transfers, leases, or easements.

Trigger: It occurs when land previously dedicated to public parks, conservation, or natural resources is converted to non-conservation or incompatible uses.

Examples: Examples include constructing buildings, expanding roadways into parkland, **granting utility easements over protected land**, or converting a playground into a parking lot.

Synonyms/Related Terms: Article 97 Action, [Land Disposition](#), [Conversion](#), [Use for Another Purpose](#), or Transfer of Control.

Exclusions: Temporary or revocable permits that do not change the land's purpose or transfer control are generally not considered a change of use.

If the Town was able to put the utilities under the town common, there could later be an issue with selling the building because a utility easement would have to be granted to the buyer for the utilities .

2) Process if determined there would be a change in use:



The Act applies to any change in use or disposition of land or interests in land subject to Art. 97. A change in use or disposition (referred to herein as an " ...

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
EOEA ARTICLE 97 LAND DISPOSITION POLICY
FEBRUARY 19, 1998**

I. Statement of Policy

It is the policy of EOEA and its agencies to protect, preserve and enhance all open space areas covered by Article 97 of the Article of Amendment to the Constitution of the Commonwealth of Massachusetts. Accordingly, as a general rule, EOEA and its agencies shall not sell, transfer, lease, relinquish, release, alienate, or change the control or use of any right or interest of the Commonwealth in and to Article 97 land. The goal of this policy is to ensure no net loss of Article 97 lands under the ownership and control of the Commonwealth and its political subdivisions. Exceptions shall be governed by the conditions included in this policy. This policy supersedes all previous EOEA Article 97 land disposition policies.

An Article 97 land disposition is defined as a) any transfer or conveyance of ownership or other interests; b) any change in physical or legal control; and c) any change in use, in and to Article 97 land or interests in Article 97 land owned or held by the Commonwealth or its political subdivisions, whether by deed, easement, lease or any other instrument effectuating such transfer, conveyance or change. A revocable permit or license is not considered a disposition as long as no interest in real property is transferred to the permittee or licensee, and no change in control or use that is in conflict with the controlling agency's mission, as determined by the controlling agency, occurs thereby.

II. Conditions for Disposition Exceptions

EOEA and its agencies shall not support an Article 97 land disposition unless EOEA and its agencies determine that exceptional circumstances exist. A determination of "exceptional circumstances" is subject to all of the following conditions being met:

1. all other options to avoid the Article 97 disposition have been explored and no feasible and substantially equivalent alternatives exist (monetary considerations notwithstanding).

Note: The purpose of evaluating alternatives is to avoid using/affecting Article 97 land to the extent feasible. To that end, the scope of alternatives under consideration shall be commensurate with the type and size of the proposed disposition of Article 97 land, and must be performed by the proponent of the disposition to the satisfaction of EOEA and its agencies. The scope of alternatives extends to any sites that were available at the time the proponent of the Article 97 disposition first notified the controlling agency of the Article 97 land, and which can be reasonably obtained: (a) within the appropriate market area for private proponents, state and/or regional entities; or (b) within the appropriate city/town for municipal proponents.

the disposition of the subject parcel and its proposed use do not destroy or threaten a unique or significant resource (e.g., significant habitat, rare or unusual terrain, or areas of significant public recreation), as determined by EOEA and its agencies;

2. Article 97 Land Disposition Policy

February 19, 1998

3. 4. 5. 6. as part of the disposition, real estate of equal or greater fair market value or value in use of proposed use, whichever is greater, and significantly greater resource value as determined by EOEA and its agencies, are granted to the disposing agency or its designee, so that the mission and legal mandate of EOEA and its agencies and the constitutional rights of the citizens of Massachusetts are protected and enhanced;

the minimum acreage necessary for the proposed use is proposed for disposition and, to the maximum extent possible, the resources of the parcel proposed for disposition continue to be protected;

the disposition serves an Article 97 purpose or another public purpose without detracting from the mission, plans, policies and mandates of EOEA and its appropriate department or division; and

the disposition of a parcel is not contrary to the express wishes of the person(s) who donated or sold the parcel or interests therein to the Commonwealth.

III. Procedures for Disposition

Although legislation can be enacted to dispose of Article 97 land without the consent of an EOEA agency, it is the policy of EOEA to minimize such occurrences. To that end, and to ensure coordination, EOEA agencies shall:

1. 2. 3. 4. 5. 6. 7. 8. 9. develop an internal review process for any potential Article 97 land disposition to ensure that, at a minimum, the conditions in Section II above are met;

develop, through the Interagency Lands Committee, a joint listing of all requests, regardless of their status, for the disposition of Article 97 land;

notify the Interagency Lands Committee of any changes to the Article 97 land disposition list;

monitor all legislation that disposes of Article 97 land, and communicate with legislative sponsors regarding their intent;

recommend to the Secretary that the Governor veto any legislation that disposes of Article 97 land, the purchase, improvement, or maintenance of which involved

state funds, on and for which the EOEa agency has not been consulted and received documentation (including information on title, survey, appraisal, and a MEPA review, all at the proponent's expense);
obtain the concurrence of the Secretary of EOA for any proposed Article 97 land disposition decision prior to finalizing said decision;
if recommending an Article 97 disposition, attach to all Article 97 legislative recommendations and TR-1 forms a justification of the disposition and an explanation of how it complies with this policy, signed by the EOEa agency head;
ensure that any conditions approved by EOEa and its agencies to any Article 97 land disposition are incorporated within the surplus declaration statement submitted to and published by DCPO as required by M.G.L. C. 7, §40F and 40F1/2 and throughout the disposition process, and if such conditions are not incorporated in said statement throughout the disposition process, the EOEa agency head shall recommend to the Secretary that the Governor veto any resulting legislation;
recommend to the Secretary that the Governor veto legislation that disposes of Article 97 land of which the agency disapproves; and

Page 2 of 3 Article 97 Land Disposition Policy
February 19, 1998

IV. 10. ensure that any Article 97 land disposition is authorized by enacted legislation and approved by all municipal, state and federal agencies, authorities, or other governmental bodies so required and empowered by law prior to conveyance.

Applicability of the Policy to Municipalities

To comply with this policy, municipalities that seek to dispose of any Article 97 land must:

1. obtain a unanimous vote of the municipal Conservation Commission that the Article 97 land is surplus to municipal, conservation and open space needs;
2. obtain a unanimous vote of the municipal Park Commission if the land proposed for disposition is parkland;
3. obtain a two-thirds Town Meeting or City Council vote in support of the disposition;
4. obtain two-thirds vote of the legislature in support of the disposition, as required under the state constitution;
5. comply with all requirements of the Self-Help, Urban Self-Help, Land and Water Conservation Fund, and any other applicable funding sources; and
6. comply with EOEa Article 97 Land Disposition Policy [note: the municipality must also file an Environmental Notification Form with EOEa's MEPA office].

After the effective date of this policy, any municipality that proposes, advocates, supports or completes a disposition of Article 97 land without also following the terms of this policy, regardless of whether or not state funds were used in the acquisition of the Article 97 land, shall not be eligible for grants offered by EOEa or its agencies until the municipality has complied with this policy. Compliance with this policy by municipalities shall be determined by the EOEa Secretary, based on recommendations by the EOEa Interagency Lands Committee.

Trudy Coxe, Secretary

Executive Office of Environmental Affairs

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Hope this information is helpful for tomorrow's meeting.

Donna

Donna MacNicol
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413-772-8600

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