

HOUSE No. 4516

The Commonwealth of Massachusetts

PRESENTED BY:

David T. Vieira

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 adoption of the accompanying bill:

An Act authorizing the Department of Fish and Game to grant an easement to the town of Bourne in exchange for a conservation restriction on town land.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>7/7/2016</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>7/7/2016</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>7/7/2016</i>

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By Mr. Vieira of Falmouth, a petition (subject to Joint Rule 12) of David T. Vieira, Randy Hunt and Viriato M. deMacedo for legislation to authorize the Division of Fisheries and Wildlife to convey a certain parcel of land located in the town of Bourne to said town. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act authorizing the Department of Fish and Game to grant an easement to the town of Bourne in exchange for a conservation restriction on town land.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the grant of an easement to the town of Bourne to allow the town to connect an effluent pipe to an existing wastewater treatment system on the Upper Cape Water Supply Reserve, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Notwithstanding chapter 30B of the general laws and sections 32 to 38,
2 inclusive, of chapter 7C of the general laws or any other general or special law to the contrary,
3 the division of fisheries and wildlife in the department of fish and game, may grant to the town
4 of Bourne an easement on land under its care and control on the Upper Cape Water Supply
5 Reserve for the right of the town to construct, operate and maintain a town-owned effluent pipe
6 that would connect to an adjoining force main of an existing wastewater treatment system on the
7 Reserve that is owned by the Air National Guard. The easement area on the Reserve is shown on

8 a plan entitled “Easement Plan of Land in Bourne, MA,” prepared by SITEC and dated June 30,
9 2016, which plan is on file with said department.

10 Section 2. In consideration of and as a condition of the grant of the easement authorized
11 in section 1, and to ensure a no net loss of lands protected by the commonwealth under Article
12 97 of the Massachusetts Constitution, the town of Bourne is authorized to grant to department of
13 fish and game a conservation restriction on two town-owned parcels of land, recorded at the
14 Barnstable County Registry of Deeds at Book 20587, Page 279, and Book 20587, Page 288,
15 located on the easterly side of Head of Bay Road in the Buzzards Bay section of the town of
16 Bourne.

17 Section 3. The costs and expenses associated with the transactions authorized by this act,
18 including engineering, survey, recording, appraisals, and other professional services, shall be
19 borne by the town of Bourne.

20 Section 4. The department of fish and game shall submit a report on the transactions
21 authorized by and taken pursuant to this act to the inspector general for his review and comment.
22 Within fifteen days following submittal, the inspector general shall file a report with the
23 commissioner of the department of fish and game, the house and senate committees on ways and
24 means, and the joint committee on bonding, capital expenditures and state assets.

25 Section 5. This act shall take effect upon its passage.