

# **HOUSE . . . . . No. 4867**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 31, 2018.

The committee on Ways and Means, to whom was referred the Bill relative to [sic] Article 97 Land Conveyance in the town of Petersham (House, No. 4753), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4867).

For the committee,

JEFFREY SÁNCHEZ.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act authorizing the commissioner of capital asset management and maintenance to release a restriction in the town of Petersham.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the department of conservation and recreation to release a watershed preservation restriction over a portion of certain land in the town of Petersham, 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 sections 32 to 37 of chapter 7C of the General Laws or any  
2 other general or special law to the contrary, the commissioner of capital asset management and  
3 maintenance, in consultation with the department of conservation and recreation, may release an  
4 area of land from a watershed preservation restriction, within the meaning of section 31 and with  
5 the benefit of 32 of chapter 184 of the General Laws, which is currently under the care and  
6 control of the department of conservation and recreation and held for watershed preservation  
7 purposes, subject to the requirements of this act and any additional terms and conditions  
8 consistent with this act as the commissioner of capital asset management and maintenance may  
9 determine in consultation with the commissioner of conservation and recreation. The watershed

10 preservation restriction is recorded in the Worcester South district registry of deeds in book  
11 56243, page 62. The portion of the watershed preservation restriction authorized for release (i)  
12 shall be located adjacent to the southerly boundary of parcel 135 as the boundary is shown on the  
13 plan recorded in said registry of deeds in plan book 923, plan 38, hereinafter the “restriction  
14 plan”, (ii) may be delineated to address an existing septic system encroachment upon the area  
15 subject to the watershed preservation restriction, and (iii) shall be shown on a survey plan  
16 acceptable to the division and department. The division may make minor modifications to the  
17 area and the survey plan in order to carry out the purposes of this act, prior to finalizing the  
18 transaction and recording the survey plan.

19 SECTION 2. Prior to finalizing the release authorized under section 1, the  
20 owners of parcels 134 and 135, as shown on the restriction plan, shall complete an exchange of  
21 land consisting of the land subject to the release authorized under section 1 and a portion of  
22 parcel 135. The size and boundaries of the land exchange shall be acceptable to the department  
23 of conservation and recreation, and shall be shown on the survey plan required in section 1. Prior  
24 to the division of capital asset management and maintenance executing and recording the release  
25 authorized in section 1, to ensure a no-net-loss of lands protected for natural resource purposes,  
26 the watershed preservation restriction shall be amended, for no monetary consideration, to the  
27 satisfaction of the department of conservation and recreation, to include the land covered by the  
28 land exchange not presently subject to the watershed preservation restriction.

29 SECTION 3. Notwithstanding any general or special law to the contrary, the Hardwick  
30 Road Realty Trust shall be responsible for all costs and expenses associated with the release and  
31 conveyances made pursuant this act as determined by the commissioner of capital asset

- 32 management and maintenance including, but not limited to, the costs of any engineering surveys,
- 33 appraisals or document preparation.