

SENATE No. 2559

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 commissioner of capital asset management and maintenance to modify and relocate an easement in the town of West Boylston.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>3/26/2018</i>

SENATE No. 2559

By Ms. Chandler, a petition (accompanied by bill) (subject to Joint Rule 12) of Harriette L. Chandler and James J. O'Day for legislation to authorize the commissioner of capital asset management and maintenance to modify and relocate an easement in the town of West Boylston. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act authorizing the commissioner of capital asset management and maintenance to modify and relocate an easement in the town of West Boylston.

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. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
2 General Laws, the commissioner of capital asset management and maintenance, in consultation
3 with the commissioner of conservation and recreation, may, for no consideration, modify and
4 relocate the easement described in a grant from the commonwealth to the West Boylston Water
5 District of West Boylston, dated February 26, 1970 and recorded in the Worcester south district
6 registry of deeds in book 5018, page 313 and shown on a plan recorded in plan book 334, plan
7 63.

8 (b) The modification and relocation of the easement shall be for the purposes of locating,
9 constructing, operating and maintaining a second well or well field and piping, pump stations
10 and other appurtenances associated with a public water supply, including driveway access to the

11 well and pump station and a pipe connection to the municipal water system, to serve the West
12 Boylston public water supply system.

13 (c) The modified and relocated easement shall be subject to the requirements of sections
14 2 and 3 and to such additional terms and conditions consistent with this act as the commissioner
15 of capital asset management and maintenance, in consultation with the commissioner of
16 conservation and recreation, may prescribe.

17 (d) The modified and relocated easement shall be as shown on the plan entitled
18 “Easement Plan in West Boylston, MA”, dated August 15, 2017 and prepared by Andrysick
19 Land Surveying, a division of Hancock Survey Associates, Inc.; provided, however, that the
20 boundaries of the easement as shown on the plan may be modified as determined appropriate by
21 the commissioner of capital asset management and maintenance, in consultation with the
22 commissioner of conservation and recreation; provided further, that the final plan shall be subject
23 to the approval of the department of conservation and recreation. To ensure a no-net-loss of lands
24 protected for natural resource purposes, the area of the modified and relocated easement shall be
25 not more than the area of the present easement and shall contain approximately 1.797 acres,
26 more or less. The final plan shall be recorded in the Worcester south district registry of deeds and
27 a copy thereof shall be filed with the department of conservation and recreation.

28 SECTION 2. No instrument executed by or on behalf of the commonwealth that grants
29 the modified and relocated easement authorized in section 1 shall be valid unless it provides that
30 the easement shall be used solely for the purposes described in said section 1. The grant shall
31 stipulate that the easement shall terminate if the property ceases to be used for the express
32 purposes set forth in the instrument.

33 SECTION 3. The modified and relocated easement authorized in section 1 shall be
34 granted only if the grantee agrees to assume the cost of any appraisals, surveys or other expenses
35 deemed necessary by the commissioner of capital asset management and maintenance for the
36 transactions under this act.