

HOUSE No. 3848

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act authorizing the department of fish and game to acquire conservation restrictions in and to lands owned by the city of Fitchburg..

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

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SECTION 1. The commonwealth, by and through the department of fish and game in consultation with the division of capital asset management and maintenance, may take, under chapter 79 of the General Laws, or otherwise acquire, and the city of Fitchburg may convey, easements or lesser interests through a conservation restriction under sections 31, 32, and 33 of chapter 184 of the General Laws, for the preservation and protection of wildlife and habitat and passive recreation and consistent purposes, in all or portions of certain parcels of land of said city identified in section 2. The parcels were acquired by said city for water supply purposes .The conservation restriction authorized by this act shall allow for the city to retain the right to use said premises as a potential water supply for the city. Said conservation restriction, if taken and not otherwise acquired, shall be subject to any easement or lesser interest in land held by any person or governmental agency, except for said city, that lawfully exists and is recorded in the

13 appropriate registry of deeds, unless the department of fish and game expressly takes the
14 easement or lesser interest through eminent domain under said chapter 79.

15 SECTION 2. The parcels are identified as follows:

16 All of the lands, including lands under water described as follows:

17 Land in the City of Fitchburg, Worcester County, Massachusetts, located along Rindge
18 Road, Scott Road, Ashby West Road, and Billings Road, and in the Town of Ashby, Middlesex
19 County, Massachusetts, located along Rindge Road, Mayo Road, Scott Road, Piper Road,
20 Richardson Road, and Crocker Road, being part of the City of Fitchburg's northern drinking
21 water supply watersheds, including the land and water owned by the City of Fitchburg in the
22 Scott's Reservoir, Lovell Reservoir, Falulah Reservoir, Shattuck Reservoir, and Ashby Reservoir
23 (a/k/a Fitchburg Reservoir) watersheds, and specifically excluding the land and water owned by
24 the City of Fitchburg in the Overlook Reservoir, Marshall Reservoir, and Willard Brook
25 Reservoir (a/k/a Ashby Compensating Reservoir and a/k/a Ashby Reservoir).

26 Being the same land shown on Fitchburg Assessor's Map 59R Lots 1, 2, 3, 4, 5, and 6,
27 Map 60R Lots 8, 8A, 9, 10, 11, 12, 13, 14, 18, 21, 22, 23, 24, 25, 26, and 28, Map 69R Lots 18,
28 19, 20, 26, 32, 33, 34, 35, and 44, Map 78R Lots 41, 42, 45, 55, 56, 61, 62, 63, 64, 65, and 66,
29 Map S10 Lot 18, and Map S4 Lot 8A.

30 Also being the same land shown on Ashby Assessor's Map 13 Lots 1.0, 1.1, 1.2, 1.3, 1.4,
31 1.5, 1.6, 1.7, 23.1, and 23.2, Map 14 Lots 48, 49, 50, and 52.

32 The land being described in various deeds to the City of Fitchburg and takings by the
33 City of Fitchburg recorded at the Middlesex South District Registry of Deeds ("MSRD"),

34 Worcester North District Registry of Deeds (“WNRD”), and Worcester District Registry of
35 Deeds (“WDRD”), more particularly described as follows:

36 Land in Ashby:

37 Ashby Reservoir takings, MSRD Bk. 3931 Pg. 521, MSRD Bk. 3995 Pg. 281, and
38 MSRD Pg. 4108 Pg. 9, being shown on Plan Sheets A and B, MSRD Pl. Bk. 227 Pl. 22, and Plan
39 Sheets A through D, MSRD Pl. Bk. 234 Pl. 48.

40 Ashby Reservoir Co. et al, MSRD Bk. 4120 Pg. 598, dated 3/12/1917

41 Lulu V. Hapgood, MSRD Bk. 3969 Pg. 582, dated May 20, 1915

42 Henry B. Houghton, MSRD Bk. 4053 Pg. 144, dated 5/19/1916, being shown on a plan
43 as “11” and “12”, MSRD Pl. Bk. 234 Pl. 49, dated 8/31/1915

44 Harry G. Wright, MSRD Bk. 4018 Pg. 113, dated 12/8/1916

45 John W. Johnson, MSRD Bk. 4057 Pg. 437, dated 6/8/1916

46 Warren S. Bowker, MSRD Bk. 3982 Pg. 325, dated 7/8/1915

47 Albert M. Wilder, MSRD Bk. 3969 Pg. 583, dated 5/20/1915

48 Mary Louise Billings et al, MSRD Bk. 4018 Pg. 112, dated 12/8/1915

49 Mary Louise Billings et al, MSRD Bk. 3982 Pg. 322, dated 7/8/1915

50 Mary Louise Billings, MSRD Bk. 4133 Pg. 364, dated 5/1/1917

51 Fernando A. Farnsworth, MSRD Bk. 4103 Pg. 597, dated 12/12/1916

52 Charles W. Russell, MSRD Bk. 4698 Pg. 275, dated 1/30/1924

53 Charles J. Foster, MSRD Bk. 3969 Pg. 581, dated 5/20/1915

54 Etta G. Brooks, MSRD Bk. 5256 Pg. 483, dated 7/20/1928

55 Etta G. Brooks as guardian, MSRD Bk. 5256 Pg. 484, dated 7/20/1928

56 Joseph L. LeBlanc, MSRD Bk. 5629 Pg. 190, dated 2/27/1932

57 Lora Page et al, MSRD Bk. 4023 Pg. 375, dated 1/6/1916

58 Minnie S. Page, MSRD Bk. 3982 Pg. 324, dated 7/8/1915

59 Andrew Salminen, MSRD Bk. 4249 Pg. 84, dated 4/7/1919

60 Julia A. Goodnow, MSRD Bk. 3982 Pg. 326, dated 7/8/1915

61 John Piper, MSRD Bk. 3931 Pg. 521, dated 11/27/1914

62 Anna E. Godding, MSRD Bk. 4053 Pg. 142, dated 5/19/1916

63 Levi W. Mayo, MSRD Bk. 4053 Pg. 142, dated 5/19/1916, excepting that portion

64 conveyed by the City of Fitchburg to Levi W. Mayo, MSRD Bk. 4058 Pg. 18, dated 6/7/1916,

65 both parcels being shown on a plan as “14” and “15”, MSRD Pl. Bk. 234 Pl. 50, dated 8/31/1915

66 Curtis W. Huckins, MSRD Bk. 4103 Pg. 596, dated 12/12/1916

67 Flora L. Chapin, MSRD Bk. 4103 Pg. 597, dated 11/21/1916

68 Lydia D. Huckins, MSRD Bk. 3931 Pg. 521, dated 11/27/1914, excepting that portion

69 conveyed by the City of Fitchburg to Esther Miner, MSRD Bk. 4267 Pg. 140, dated 6/20/1919

70 Fred Harper, MSRD Bk. 3982 Pg. 323, dated 7/8/1915

71 N. Curtis Rublee et al, MSRD Bk. 4053 Pg. 146, dated 5/19/1916

72 Albert J. and Frederick W. Hirsch, MSRD Bk. 5256 Pg. 482, dated 7/20/1928

73 Fred Taylor, MSRD Bk. 10014 Pg. 175, dated 4/10/1962

74 Ruth A. Muller, MSRD Bk. 16036 Pg. 11, dated 11/27/1984

75 M. Irene Salminen, MSRD Bk. 12126 Pg. 623, dated 12/15/1971

76 M. Irene Salminen, MSRD Bk. 12360 Pg. 233, dated 12/20/1972

77 Marion A. Gove (f/k/a Derby), MSRD Bk. 10802 Pg. 192, dated 4/26/1965

78 Julia F. Gillis, MSRD Bk. 5780 Pg. 279, dated 1/12/1934, excepting that portion

79 conveyed by the City of Fitchburg to the Commonwealth of Massachusetts, MSRD Bk. 11108

80 Pg. 116, dated 3/7/1966

81 Land partly in Fitchburg and partly in Ashby:

82 Joel T. Whitney et al, MSRD Bk. 4805 Pg. 114 and WNRD Bk. 410 Pg. 280, dated

83 9/12/1924

84 Laura D. Ranney, MSRD Bk. 5629 Pg. 188 and WNRD Bk. 494 Pg. 386, dated

85 1/22/1932

86 Raymond G. Morin et ux, MSRD Bk. 15655 Pg. 28 and WNRD Bk. 1349 Pg. 325, dated

87 3/5/1984

88 Andrew Riutta et ux, MSRD Bk. 4289 Pg. 492 and WNRD Bk. 350 Pg. 599, dated
89 6/4/1919

90 John Shea et al, WNRD Bk. 317 Pg. 421, dated 8/27/1915

91 William F. Scott, MSRD Bk. 4169 Pg. 567 and WNRD Bk. 339 Pg. 548, dated
92 10/11/1917

93 Nancy Raymond by will, Worcester County Probate #48964, being the same two tracts
94 as conveyed by Polly Raymond to Nancy Raymond, WDRD Bk. 976 Pg. 71, dated 8/10/1866

95 Land in Fitchburg:

96 Werner W. Johnson, WNRD Bk. 858 Pg. 85, dated 4/15/1960

97 Frederick W. Hirsch et al, WNRD Bk. 784 Pg. 220, dated 2/15/1956

98 George Gray, WNRD Bk. 381 Pg. 553, dated 3/7/1922

99 Silvio J. Vaillancourt, WNRD Bk. 495 Pg. 25, dated 3/11/1932

100 William F. Scott, WNRD Bk. 494 Pg. 428, dated 1/30/1932

101 John O. Johnson, WNRD Bk. 494 Pg. 325, dated 1/11/1932

102 Commonwealth of Massachusetts, WNRD Bk. 988 Pg. 564, dated 3/28/1966

103 Charles H. Gates, WNRD Bk. 389 Pg. 106, dated 8/11/1922

104 Henry C. Wehner, WNRD Bk. 392 Pg. 68, dated 11/24/1922

105 Garabed Arslanian et al, WNRD Bk. 349 Pg. 337, dated 2/14/1919

106 Albert J. Hirsch et al, WNRD Bk. 338 Pg. 173, dated 4/20/1917

107 Mary Louise Sperling, trustee of Ashby Trust, WNRD Bk. 2464 Pg. 113, dated 8/2/1993

108 Arline Russo, WNRD Bk. 2464 Pg. 191, dated 8/12/1993

109 Sarah E. Haskins, WNRD Bk. 392 Pg. 297, dated 1/13/1923

110 Sarah E. Haskins et al, WNRD Bk. 392 Pg. 298, dated 1/13/1923

111 Sarah E. Haskins, WNRD Bk. 455 Pg. 540, dated 2/25/1928

112 Charles H. Gates, WNRD Bk. 397 Pg. 228, dated 7/13/1923

113 J. Calvin Spaulding, WNRD Bk. 379 Pg. 419, dated 11/30/1921

114 Ernest H. Whitney, WNRD Bk. 675 Pg. 112, dated 8/30/1950

115 Thomas Chrost et ux, WNRD L.C. Cert. # 1256 Doc. #4904-1, dated 3/26/1986

116 Ernest M. DiGeronimo, WNRD Bk. 1131 Pg. 183, dated 6/24/1974, excepting that

117 portion shown on a plan as “6.06 Acres□”, WNRD Plan Bk. 438 Pl. 25, which is subject to an

118 Agricultural Preservation Restriction, WNRD Bk. 5043 Pg. 335

119 Alva Crocker et al, WDRD Bk. 854 Pg. 65, dated 4/14/1871

120 Abby E. Lane et al, WDRD Bk. 854 Pg. 82, dated 6/22/1871

121 Mary E. Lane et al, WDRD Bk. 854 Pg. 84, dated 6/22/1871

122 Francis Caouette, WNRD Bk. 304 Pg. 449, dated 12/3/1914

123 Burbank Hospital, WNRD Bk. 339 Pg. 88, dated 6/12/1917

124 Francis Caouette, WNRD Bk. 462 Pg. 469, dated 1/2/1929

125 Moses Lafaille, WNRD Bk. 26 Pg. 311, dated 7/18/1888

126 James A. Goodfellow, WNRD Bk. 26 Pg. 322, dated 7/20/1888

127 George J. Allen, WDRD Bk. 971 Pg. 356, dated 11/30/1875

128 Eleazar Davis, WDRD Bk. 971 Pg. 358, dated 11/30/1875

129 Charles W. Hill, WDRD Bk. 971 Pg. 359, dated 11/30/1875

130 Aaron Wilkins, WDRD Bk. 999 Pg. 367, dated 11/30/1875

131 Daniel Works Estate, WDRD Bk. 988 Pg. 144, dated 11/30/1875

132 Matti Anttila, WNRD Bk. 446 Pg. 655, dated 7/13/1927

133 Roy Dilling, Jr. et ux, WNRD Bk. 1434 Pg. 47, dated 12/9/1985, being shown on a plan

134 as “Parcel A”, WNRD Plan Bk. 285 Pl. 25

135 The parcels described herein are shown on sheets F-2 through F-10 of a booklet of plans

136 on file with the City of Fitchburg’s Engineering Department entitled “Land Plans: Falulah

137 Watershed System of the Fitchburg Water Dept.”, dated Feb. 1943.

138 SECTION 3. This act shall take effect upon its passage.