

SENATE No. 780

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Authorizing the Aquarion Water Company to Establish a Water Distribution and Water Supply System in a Portion of the Town of Sutton..

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 38 and 39A of chapter 40 of the General Laws,
2 or chapter 112 of the acts of 1984, or any other general or special law to the contrary, aquarion
3 water company of Massachusetts, inc., successor to Oakwood Heights water district of Millbury,
4 established by chapter 835 of the acts of 1971, together with its successors, referred to in this act
5 as the aquarion water company, may enter into agreement with the town of Sutton acting by and
6 through its board of selectmen to establish a water distribution and water supply system and
7 maintain and operate the system within the town of Sutton for the purpose of supplying water
8 taken from aquarion’s water distribution system outside the town of Sutton, and from within the
9 area of the town of Sutton described in section 2, to the inhabitants of that part of the town of
10 Sutton described in section 2 of this act.

11 SECTION 2. The following area may be supplied with water in accordance with this
12 act:

13 Beginning at a point on the Millbury/Sutton town line at the centerline of burbank road;

14 THENCE southerly 10,910 feet by the centerline of burbank road to the centerline of
15 boston road;

16 THENCE easterly 110 feet by the centerline of boston road to the centerline of armsby
17 road;

18 THENCE southerly 5, 490 feet by the centerline of armsby road to the centerline of
19 burnap road;

20 THENCE southerly 2,070 feet by the centerline of burnap road to the centerline of central
21 turnpike;

22 THENCE southerly perpendicular to the centerline of central turnpike 700 feet to a point;

23 THENCE westerly parallel to the centerline of central turnpike 24,350 feet to the Oxford
24 town line;

25 THENCE northerly 9,200 feet along the Oxford town line to a town line corner;

26 THENCE westerly 3,440 feet along the Oxford town line to a town line corner;

27 THENCE northerly 5,280 feet along the Oxford town line to a town line corner;

28 THENCE easterly 750 feet along the Oxford town line to a town line corner;

29 THENCE easterly 19,790 feet along the Millbury town line to the point of beginning.

30 Said area contains 7,098 acres more or less.

31 SECTION 3. Subject to the terms of the agreement between Aquarion water company
32 and the town of Sutton acting by and through its board of selectmen and, notwithstanding any

33 general or special law to the contrary, the Aquarion water company may, within the area
34 described in section 2 of this act, subject to the procedural requirement set forth in section 4B of
35 chapter 165 General Laws, and in accordance with chapter 79 of the General Laws, take by
36 eminent domain or acquire by lease, purchase or otherwise, and hold the waters, or any portion
37 thereof, of any pond, brook, spring or stream, or ground sources of supply, by means of driven,
38 artesian or other wells, and the water and flowage rights connected with any such water sources,
39 and for such purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all
40 lands, rights-of-way and other easements necessary for collecting, storing, holding, processing,
41 purifying and preserving the purity of the water and for conveying the same to any part of the
42 town of Sutton described in section 2. Aquarion water company may construct and maintain on
43 the lands acquired and held under this act proper dams, wells, springs, reservoirs, standpipes,
44 tanks, pumping plants, buildings, fixtures and other structures, including also the establishment
45 and maintenance of filter beds and purification works or systems, and may make excavations,
46 procure and operate machinery and provide such other means and appliances and do such other
47 things as may be necessary for the establishment and maintenance of complete and effective
48 water distribution system and for that purpose may construct pipe lines, wells and reservoirs and
49 establish pumping works and may construct, lay and maintain aqueducts, conduits, pipes and
50 other works under or over any land, water sources, railroads, railways and other public or other
51 ways and along such ways, in said section of the town of Sutton, in such manner as not
52 unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining,
53 operating and repairing such aqueducts, conduits, pipes and other works and for all proper
54 purposes of this act, Aquarion water company may dig up or raise and embank any such lands,
55 highways or other ways in such manner as to cause the least hindrance to public travel on such

56 ways. Aquarion water company shall not enter upon, construct or lay any aqueduct within the
57 location of any railroad corporations except as such time an in such manner as it may agree upon
58 with such corporation, or in case of failure so to agree, as may be approved by the department of
59 public utilities. Aquarion water company may enter upon any lands for the purpose of making
60 surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily
61 any lands necessary for the construction of any work or for any other purposes authorized by this
62 act.

63 SECTION 4. Any person sustaining damages in his property by any taking under this
64 act or any other thing done under authority thereof may recover such damages from Aquarion
65 water company under chapter 79 of the General Laws, but the right to damage for the taking of
66 any water, water rights, or water source or for any injury thereto, shall not vest until water is
67 actually withdrawn or diverted under authority of this act.

68 SECTION 5. This act shall take effect upon its passage.