

SENATE No. 1899

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. Downing

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 relative to an exclusive and perpetual easement within Monroe State Forest.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Benjamin B. Downing

Berkshire, Hampshire, Franklin and Hampden

Gailanne M. Cariddi

1st Berkshire

SENATE No. 1899

By Mr. Downing, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No. 1899) of Benjamin Downing and Gailanne Cariddi for legislation relative to an exclusive and perpetual easement within Monroe State Forest. Senate Bonding, Capital Expenditures and State Assets .

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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An Act relative to an exclusive and perpetual easement within Monroe State Forest.

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 40E and 40J of chapter 7 of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the commissioner of conservation and
4 recreation, may convey permanent easements over, under and through portions of certain parcels
5 of land in the Monroe State Forest in the Town of Monroe, to Massachusetts Electric Company,
6 its successors and assigns, solely for the purposes of clearing of vegetation in connection with
7 the construction, operation, and maintenance of an electrical tie line for a wind power facility,
8 subject to the provisions of sections 3 and 4 of this act, and to such reasonable additional terms
9 and conditions consistent with this act as the commissioner of capital asset management and
10 maintenance, in consultation with the commissioner of conservation and recreation may
11 prescribe. The parcels are more particularly described in a deed to the Commonwealth of
12 Massachusetts recorded in Book 690, Page 231 of the Franklin county registry of deeds. The
13 permanent easement to be granted shall apply to 8,000 square feet of land in the aggregate, more

14 or less, as more fully described on plans prepared by Hill-Engineers, Architects, Planners, Inc.,
15 and numbered respectively as drawings VE-106 - 108. Each of these plans is filed with the
16 department of conservation and recreation. Modifications to the easement description set forth in
17 the plans described above may be made in order to conform with a final land survey, as accepted
18 by the division and the department, before any conveyance to carry out the purposes of this act.

19 SECTION 2. There shall be an independent appraisal, or appraisals, of the
20 easements described in section 1 to be conveyed as authorized by this act to determine the full
21 and fair market value, or the value in use as proposed, based upon 1 or more independent
22 professional appraisals as commissioned by the commissioner of capital asset management and
23 maintenance. The grantee of these easements shall compensate the commonwealth in an amount
24 greater than, or equal to, the full and fair market value, or the value in use of these easements as
25 proposed, whichever is greater, as determined by these independent professional appraisals. For
26 the purposes of the appraisal, the full and fair market value of the area to be conveyed shall be
27 calculated with regard to its full development potential as assembled with other abutting lands
28 owned or otherwise controlled by Massachusetts Electric Company, if any. The commissioner of
29 capital asset management and maintenance shall submit these appraisals and a report thereon to
30 the inspector general for his review and comment. Notwithstanding any general or special law to
31 the contrary, the inspector general shall review and approve the appraisal or appraisals, and the
32 review shall include an examination of the methodology used for the appraisal or appraisals. The
33 inspector general shall prepare a report of his review and file the report with the commissioner of
34 capital asset management and maintenance, the house and senate committees on ways and means
35 and the joint committee on bonding, capital expenditures and state assets. The commissioner of
36 capital asset management and maintenance shall, 30 days before the execution of a conveyance

37 authorized by this act, or a subsequent amendment thereto, submit the proposed conveyance or
38 amendment and a report thereon to the inspector general for his review and comment. The
39 inspector general shall issue his review and comment within 15 days after receipt of the proposed
40 conveyance or amendment. The commissioner shall submit the proposed conveyance or
41 amendment, and the reports and the comments of the inspector general, if any, to the house and
42 senate committees on ways and means and the joint committee on bonding, capital expenditures
43 and state assets at least 15 days before the execution of the conveyance or amendment.

44 SECTION 3. To ensure a no-net-loss of lands protected for conservation
45 purposes, the conveyance shall only occur if the easement holder has mitigated, or caused to be
46 mitigated, the impact and conveyed, or caused to be conveyed, to the commonwealth or its
47 designee land or an interest in land to be held by the department of conservation and recreation
48 or its designee for said conservation purposes. The land or interest in land shall be of greater
49 value than as determined in accordance with section 2 and shall be acceptable to the department,
50 in its discretion.

51 SECTION 4. Notwithstanding any general or special law to the contrary,
52 Massachusetts Electric Company shall be responsible for all costs and expenses, including, but
53 not limited to, costs associated with any engineering, surveys, appraisals and deed preparation,
54 directly related to the conveyance authorized in this act as those costs may be determined by the
55 commissioner of the division of capital asset management and maintenance.