HOUSE . . . . . No. 4862

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 31, 2018.

The committee on Ways and Means, to whom was referred the Senate Bill relative to an easement plan for the Milton Inline Inspection Project (Senate, No. 2369), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4862.

For the committee,

JEFFREY SÁNCHEZ.

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Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill relative to an easement plan for the Milton Inline Inspection Project (Senate, No. 2369). July 31, 2018.

The Commonwealth of Massachusetts

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

By striking out all after the enacting clause and inserting in place thereof the following:–

SECTION 1. (a) Notwithstanding section 34 of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may grant to Boston Gas Company a perpetual, permanent surface and sub-surface easement and right-of-way for the purposes set forth below, as shown on the plan entitled "Proposed Right of Way, Milton Inline Inspection Project, Milton, MA" (the "Easement Plan"), to be located on portions of a parcel of land under the care and control of the department of conservation and recreation and held for conservation and recreation purposes in the town of Milton known as the Blue Hills Reservation and identified as Milton Tax Parcel ID M-10-DCR, comprised of three easement areas identified as "Easement A" for surface and subsurface facilities, "Easement B" for subsurface facilities and "Easement C" for surface and subsurface facilities that will be enclosed by a security fence, all as shown on the Easement Plan (collectively, the "Easement Area"). The easement shall be exclusive, except for that certain Permit dated June 8, 1967 granted to Algonquin Gas Transmission Company, now known as Algonquin Gas Transmission, LLC, with respect to Easement C and non-exclusive with respect to Easement A and Easement B.

Easement A is a right of way corridor being approximately 20 feet in width with the gas main being the centerline and is comprised of approximately 815 square feet in the aggregate as more particularly delineated on the Easement Plan. Easement B is a right of way corridor being approximately 20 feet in width with the gas main being the centerline and is comprised of approximately 2,220 square feet in the aggregate as more particularly delineated on the Easement Plan. Easement C is an approximately 31 feet by 78 feet area, comprised of approximately 2,418 square feet in the aggregate, enclosed by a security fence located 5 feet from the easement boundaries as more particularly delineated on the Easement Plan. The easement shall grant the right to install, construct, reconstruct, repair, replace, relocate, add to, operate and maintain underground and aboveground gas systems, including but not limited to gas mains, gas service lines and pipes, and pigging launching and receiving stations, together with all necessary appurtenances and accessories thereto (the "Gas Facilities"), as Boston Gas may now and from time-to-time deem necessary, together with the perpetual right and easement to pass and repass on foot and with vehicles and equipment within and along the Easement Area and to access the Easement Area as reasonably required over the adjoining lands of the grantor to and from the "Dirt Access Road" located on the abutting property owned by Boston Gas and identified as Town of Milton Assessor Map I, Block 38, Lot 5, as shown on the Easement Plan; the perpetual right and easement to clear and keep cleared the Easement Area of land of trees, underbrush and above and below ground buildings or structures; the perpetual right and easement at any time and at all times to renew, replace, remove, add to, modify and otherwise change the Gas Facilities and the locations thereof within the Easement Area; and the perpetual right and easement to change the grade of the Easement Area but only as is reasonable, necessary and proper in

connection with the exercise of the foregoing rights and easements, subject to the provisions of sections 3 and 4 below.

(b) The exact boundaries of the easement are as shown on the Easement Plan, which shall be recorded with the Norfolk County Registry of Deeds. The easement shall be subject to such additional terms and conditions as the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may prescribe, to ensure that environmental impacts associated with the use of the parcels are addressed and that the conveyance results in a net benefit to the park system. The easement shall contain a restriction that the easement shall only be used for the purpose of installing, constructing, reconstructing, repairing, replacing, adding to, operating and maintaining the Gas Facilities described above.

SECTION 2. The consideration for the easement shall be the full and fair market value or the value in use, whichever is greater, of the easement as determined by the commissioner of capital asset management and maintenance pursuant to an independent professional appraisal contracted by the division. An appraisal for the full and fair market value and the value in use of the easements shall be prepared in accordance with usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. The inspector general shall review and approve the appraisals. The inspector general shall prepare a report of his review of the methodology utilized for the appraisal and shall file the report with the commissioner of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. The commissioner of capital asset management and maintenance shall, 30 days before the grant of an easement authorized by this act, or a

subsequent amendment thereto, submit the proposed easement and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days after receipt of the proposed easement. The commissioner shall submit the proposed easement, and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days before the execution of the easement.

SECTION 3. To ensure a no-net-loss of lands protected for conservation purposes, and to mitigate impacts upon parkland, in addition to the consideration due under section 2, the grant of easements shall only occur if the grantee has mitigated the impact of its activities to the satisfaction of the commissioner of conservation and recreation and the commissioner of capital asset management and maintenance. Mitigation shall include payment of a sum equal to such appraised fair market value or value in use or the sum of $10,000, whichever is greater, for the funding of the acquisition of land or an interest therein to be under the care and control of the department of conservation and recreation for conservation and recreation purposes. Said funding shall be acceptable to the department and shall be deposited in the Conservation Trust established in section1 of chapter 132A of the General Laws. Any land or interest therein acquired by the department with such funding shall be permanently held and managed for conservation and recreation purposes by the department.

SECTION 4. Notwithstanding any general or special law to the contrary, Boston Gas Company shall be responsible for all costs and expenses including, but not limited to, actual costs incurred in connection with any engineering, surveys, appraisals and easement preparation related to the easement authorized in this act.