

SENATE No. 2593

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato M. deMacedo

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 Division of Capital Asset Management and Maintenance to grant easements to NSTAR electric company d/b/a Eversource Energy in return for NSTAR releasing or modifying easements for the benefit of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>

SENATE No. 2593

By Mr. deMacedo, a petition (accompanied by bill, Senate, No. 2593) (subject to Joint Rule 12) of Viriato M. deMacedo and David T. Vieira for legislation to authorize the Division of Capital Asset Management and Maintenance to grant easements to NSTAR electric company d/b/a Eversource Energy in return for NSTAR releasing or modifying easements for the benefit of the Commonwealth. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act authorizing the Division of Capital Asset Management and Maintenance to grant easements to NSTAR electric company d/b/a Eversource Energy in return for NSTAR releasing or modifying easements for the benefit of the Commonwealth.

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 32 to 38, inclusive, of chapter 7C 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 department of fish and game, may
4 convey permanent and perpetual easements over, under and through portions of property owned
5 by the commonwealth under the care, control and use of the division of fisheries and wildlife in
6 the department of fish and game located in the town of Bourne Massachusetts, to NSTAR
7 Electric Company d/b/a Eversource Energy, a Massachusetts corporation, its successors and
8 assigns, solely for the purposes of clearing and keep cleared of trees, structures and buildings and
9 the right to construct, maintain, access, operate, replace, repair, patrol, abandon and remove
10 underground and overhead electric transmission and distribution lines and equipment and poles,

11 structures, conduits or other appurtenances and fixtures along with the construction and
12 maintenance of substation fixtures and appurtenant facilities for the transmission of electricity,
13 subject to the provisions of section 3 through 5 and to such reasonable additional terms and
14 conditions consistent with this act as the commissioner of capital asset management and
15 maintenance , in consultation with the department of fish and game, may prescribe.

16 The portions of land, over, under and through which the easements shall be granted are
17 more particularly described as a portion of land located at 726 Sandwich Road in Bourne,
18 Massachusetts consisting of 146,101.39+/- square feet or 3.521 acres more or less shown on a
19 Plan of Land dated May 7,2018 titled “ BOURNE SUBSTATION PROPOSED EASEMENT
20 MODIFICATION, BOURNE MASSACHUSETTS” shown as parcel A, B, C and D, and
21 recorded in the Barnstable District registry of deeds in Plan Book 675, Page 70 which plan is on
22 file with the department of fish and game. Modifications to the easement descriptions in said
23 plan may be made in order to conform to the requirements of a decision by the department of
24 public utilities and with a final land survey, as accepted by the departments, prior to any
25 conveyance to carry out this act. The final survey shall be recorded in the Barnstable District
26 registry of deeds.

27 SECTION 2. The fair market value of the easements described in section 1 and the land
28 in section 5, or the value in use as proposed, shall be based on independent professional
29 appraisals, as commissioned by the commissioner of capital asset management and maintenance.
30 NSTAR Electric Company d/b/a Eversource Energy shall compensate the commonwealth in an
31 amount greater than or equal to the full and fair market value, or the value in use of the
32 easements as proposed, whichever is greater, as determined by the independent appraisals.
33 NSTAR Electric Company d/b/a Eversource Energy shall assume all costs associated with any

34 engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the
35 commissioner of capital asset management and maintenance to execute the conveyances
36 authorized by this act. All money paid to the Commonwealth by NSTAR Electric Company as a
37 result of the conveyance authorized by section 1 shall be deposited in the general fund.

38 The commissioner of capital asset management and maintenance shall submit the
39 appraisals and a report thereon to the inspector general for review and comment. The inspector
40 general shall review and approve the appraisals and the review shall include an examination of
41 the methodology utilized for the appraisals. The inspector general shall prepare a report of the
42 review and file the report with the commissioner of capital asset management and maintenance,
43 and the commissioner shall submit copies of the appraisals, the report thereon and the inspector
44 general's review and approval and comments, if any, to the house and senate committees on
45 ways and means and the senate and house chairs of the joint committee on state administration
46 prior to the execution of the conveyances authorized by this act.

47 SECTION 3. Notwithstanding any general or special law to the contrary, on the effective
48 date of this act, the division of fisheries and wildlife in the department of fish and game may
49 grant a temporary license, not to exceed 5 years, to NSTAR Electric Company, d/b/a Eversource
50 Energy in order to provide NSTAR Electric Company d/b/a Eversource Energy with immediate
51 and complete access to, control of and liability and responsibility for the easements described in
52 section 1 shall for the purposes of this act until the conveyances authorized by this act take
53 effect.

54 SECTION 4. No instrument conveying by or on behalf of the commonwealth an
55 easement described in section 1 shall be valid unless such instrument provides that the easement

56 shall be used solely for the purposes described in this act. The easement instrument shall include
57 a provision that shall state that in the event that the easement ceases to be used by NSTAR
58 Electric Company d/b/a/ Eversource Energy, or its successors or assigns, for the purposes
59 described in this act, the easement shall revert to the commonwealth under the care, control and
60 use by the division of fisheries and wildlife in the department of fish and game, upon the terms
61 and conditions that the commissioner of capital asset management and maintenance may
62 determine. If the easement reverts to the commonwealth, any further disposition of the easement
63 shall be subject to sections 32 to 38, inclusive, of chapter 7C of the General Laws and the prior
64 approval of the general court.

65 The terms of the easement shall require that for installation, maintenance, repair or other
66 work performed in the easement area, the easement holder shall restore the surface condition to
67 the equivalent or better condition as determined by the division of fisheries and wildlife in the
68 department of fish and game.

69 SECTION 5. To ensure a no-net-loss of lands protected for natural resource purposes
70 and as a condition of the conveyance authorized in section 1, NSTAR Electric Company d/b/a/
71 Eversource Energy shall in addition to any compensation from NSTAR Electric Company d/b/a/
72 Eversource Energy to the Commonwealth required pursuant to section 2, compensate the
73 commonwealth for the easements described in this act through the release or modification of the
74 easements now owned by NSTAR Electric Company d/b/a Eversource Energy over
75 commonwealth property located at 726 Sandwich Road Borne Massachusetts more particularly
76 described as Parcel L on a plan dated May 7, 2018 titled "BOURNE SUBSTATION
77 PROPOSED EASEMENT MODIFICATION BOURNE, MASSACHUSETTS, and recorded in
78 the Barnstable District registry of deeds in Plan Book 675, Page 70, with such release or

79 modification of these easements specified in the plan, which is on file with the department of fish
80 and game. The easement interest therein to be released by NSTAR Electric Company d/b/a
81 Eversource Energy consists of 262,869 +/- square feet or 6.035 acres more or less, and the land
82 to which this easement applies shall, upon the release of the easement, be permanently held and
83 managed for conservation and fish and wildlife purposes by the division of fisheries and wildlife
84 in the department of fish and game. If the appraised value of the easement interests therein
85 released or modified pursuant to this section shall be determined to be greater than the appraised
86 value of the easement described in section 1, the commonwealth shall have no obligation to pay
87 the difference.