

HOUSE No. 4839

The Commonwealth of Massachusetts

PRESENTED BY:

Randy Hunt

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 city known as the town of Barnstable to grant an easement.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------------|-------------------------|------------------|
| <i>Randy Hunt</i> | <i>5th Barnstable</i> | <i>4/22/2020</i> |
| <i>William L. Crocker, Jr.</i> | <i>2nd Barnstable</i> | <i>4/22/2020</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>4/22/2020</i> |
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> | <i>4/28/2020</i> |

HOUSE No. 4839

By Mr. Hunt of Sandwich, a petition (accompanied by bill, House, No. 4839) of Randy Hunt and others (by vote of the town) that the city known as the town of Barnstable be authorized to grant an easement to Eversource Energy. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing the city known as the town of Barnstable to grant an easement.

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. (a) Notwithstanding sections 32 to 38 , inclusive, of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the Town of Barnstable, may
3 convey permanent and perpetual easements over, under and through portions of property owned
4 by the Town of Barnstable under the care, control and use of the Barnstable Conservation
5 Commission located in the town of Barnstable Massachusetts, to NSTAR Electric Company
6 d/b/a Eversource Energy, a Massachusetts corporation, its successors and assigns
7 (“Eversource”), such easements consisting of (a) the perpetual right to enter upon to survey and
8 to construct, reconstruct, repair, replace, maintain, operate, inspect, patrol and remove a line or
9 lines of poles and /or H- Frames and or combination of poles, H- Frames, and towers with wires
10 and/or cables above and or underground, and all foundations, anchors, guys and other usual and
11 customary accessories, fixtures, equipment and appurtenances and (b) to clear and keep cleared
12 the easement area from trees and structures, all as deemed necessary for the transmission and or

13 distribution supply of electric energy for light, heat, power, telecommunications or any other
14 purposes (which line or lines may be erected at the same or different time) over across, under and
15 upon a strip of land 10 feet wide and 5 feet wide along and adjacent to certain existing
16 Eversource easement areas, creating a continuous right of way as shown on the attached plan
17 referenced below, comprising a total width of 185 feet. Subject to the provisions of section 2
18 and to such reasonable additional terms and conditions consistent with a Settlement Agreement
19 between the Town of Barnstable and Eversource Energy dated June 4, 2019. The portions of
20 land, over, under and through which the easements shall be granted are more particularly
21 described as land identified on Town of Barnstable Assessors Map 86-001 with an address of
22 876 Service Road Barnstable, Massachusetts, and conveyed to the Town of Barnstable in a deed
23 recorded at the Barnstable Registry of Deeds in Deed Book 2846 Page 129 and shown on a plan
24 in Plan Book 329 Page 54. The easements consisting of approximately 7800+/- square feet more
25 or less shown on a Plan of Land dated June 24, 2019 titled "EASEMENT EXHIBIT Parcels 71
26 & 72- ROW 342" which plan is on file with the Town of Barnstable

27 (b) The town manager of the city known as the town of Barnstable may execute and
28 record any instruments necessary on behalf of the city known as the town of Barnstable to
29 effectuate this section.