

HOUSE No. 4906

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 4839). July 28, 2020.

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 city known as the town of
3 Barnstable may convey permanent and perpetual easements over, under and through portions of
4 property owned by the town of Barnstable under the care, control and use of the Barnstable
5 conservation commission located in the town of Barnstable to NSTAR Electric Company d/b/a
6 Eversource Energy, a Massachusetts corporation, its successors and assigns hereinafter,
7 Eversource, such easements consisting of the perpetual right to: (i) enter upon to survey and to
8 construct, reconstruct, repair, replace, maintain, operate, inspect, patrol and remove lines of poles
9 or h-frames or a combination of poles, h-frames and towers with wires or cables above or
10 underground and all foundations, anchors, guys and other usual and customary accessories,
11 fixtures, equipment and appurtenances and (ii) clear and keep cleared the easement area from
12 trees and structures, all as deemed necessary for the transmission or distribution supply of
13 electric energy for light, heat, power, telecommunications or any other purposes, which lines

may be erected at the same or different time, over across, under and upon a strip of land 10 feet wide and 5 feet wide along and adjacent to certain existing Eversource easement areas, creating a continuous right of way as shown on the plan referenced in subsection (c), comprising a total width of 185 feet. Subject to such reasonable additional terms and conditions consistent with a settlement agreement between the town of Barnstable and Eversource dated June 4, 2019.

(b) The portions of land, over, under and through which the easements shall be granted are more particularly described as land identified on town of Barnstable assessors map 86-001 with an address of 876 service road in Barnstable, and were conveyed to the town of Barnstable in a deed recorded at the Barnstable registry of deeds in book 2846, page 129 and shown on a plan in plan book, 329 page 54.

(c) The easements shall consist of approximately 7800 square feet. more or less, and are shown on a plan of land dated June 24, 2019 titled "Easement Exhibit Parcels 71 & 72- Row 342", which is on file with the town of Barnstable.

(d) The town manager of the city known as the town of Barnstable may execute and record any instruments necessary on behalf of the city known as the town of Barnstable to effectuate this act.

SECTION 2. This act shall take effect upon its passage.