

HOUSE No. 4923

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 4683). July 31, 2020.

The Commonwealth of Massachusetts

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

An Act authorizing the Water Supply District of Acton to enter into a lease, license or other disposition of land held for water supply purposes for the construction, operation and maintenance of a solar energy generating and energy storage facility.

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 any general or special law to the contrary, the Water
2 Supply District of Acton, established by chapter 326 of the acts of 1912, as amended, may
3 authorize a disposition of all or portions of parcels of land located off of Lawsbrook road and
4 Knox trail in Acton, totaling approximately 19 acres, to allow for both their continued use for
5 water supply and protection purposes and for the construction, operation and maintenance of a
6 solar energy generating facility, which may also include energy storage components, to generate
7 electricity for transmission to the local electrical distribution network, or for direct use at water
8 supply and treatment facilities owned and operated by the Water Supply District of Acton, or
9 both; provided however, that sections 26 to 27H, inclusive, of chapter 149 of the General Laws
10 shall apply to all construction, reconstruction, installation, demolition, maintenance and repair.
11 Said parcels of land located off of Lawsbrook road are shown on Acton assessors’ map H4 as
12 lots 113, 130, 134, 135, 139-1, 119, 114, and 126 and described more particularly in a quitclaim

13 deed registered with the Middlesex south registry division of the land court as document 475084,
14 and in documents recorded with the Middlesex south registry of deeds at book 11803, page 266;
15 book 11280, page 135; book 11824, page 156; and book 11828, page 413. Said parcels of land
16 located off of Knox trail are shown on Acton assessors' map J3 as lots 34 and 34-5, and
17 described more particularly in documents recorded with the Middlesex south registry of deeds at
18 book 62821, page 180; and book 11919, page 434.

19 SECTION 2. Subject to chapter 30B of the General Laws and for the purposes of section
20 1, the commissioners of the Water Supply District of Acton may enter into a lease, license or
21 other disposition of all or portions of the above-described parcels of land upon such terms and
22 conditions as the commissioners shall deem appropriate. The lease, license or other disposition
23 shall provide that the lessee or licensee shall compensate the Water Supply District of Acton for
24 the use of the property for the purposes described in section 1 above.

25 SECTION 3. In consideration for the lease, license or other disposition of the property
26 pursuant to sections 1 and 2 above, to ensure no net loss of land held for water supply and
27 protection purposes, the Water Supply District of Acton shall establish a stabilization fund for
28 the purpose of acquiring land for water supply and protection purposes, into which 5 per cent of
29 each lease payment or other proceeds received as compensation from the lessee or licensee, as
30 described in section 2, shall be deposited, up to a cumulative amount equal to the fair market
31 value or value in proposed use, whichever is greater, of the leased premises or the land subject to
32 the license or other disposition, as applicable, as determined by an independent appraisal
33 prepared in accordance with the usual and customary professional appraisal practices by a
34 qualified appraiser. In the event that, at the time of termination of the lease or license, the
35 cumulative amount deposited into the stabilization fund is less than the appraised value described

36 in this section, the Water Supply District of Acton shall deposit into the stabilization fund the
37 difference between the appraised value and the cumulative amount already deposited into the
38 stabilization fund, which deposit shall be made at the time of termination of the lease or license.
39 In the event that, after the date of entering the lease, license or other disposition as authorized
40 herein, the Water Supply District of Acton acquires additional land for water supply and
41 protection purposes that is of equal or greater fair market value, or equal or greater resource
42 value, as determined by the executive office of energy and environmental affairs, than the leased
43 premises or land subject to the license or other disposition, then no additional deposits to the
44 stabilization fund from the payments or proceeds received in connection with the lease, license
45 or other disposition shall be required, and the stabilization fund may be closed.

46 SECTION 4. This act shall take effect upon its passage.