

SENATE No. 3073

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

SENATE, July 29, 2022.

The committee on Senate Ways and Means to whom was referred the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to grant easements to the town of Hubbardston for the reconstruction of the Evergreen Road bridge over Mason Brook (Senate, No. 2064), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 3073).

For the committee,
Michael J. Rodrigues

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An Act authorizing the Division of Capital Asset Management and Maintenance to grant easements to the town of Hubbardston for the reconstruction of the Evergreen Road bridge over Mason Brook.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the division of capital asset management and maintenance, in consultation with the department of conservation and recreation to grant easements over certain water supply land in the town of Hubbardston for a bridge reconstruction project, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 (a) Notwithstanding sections 34 to 37, inclusive, of chapter 7C of the General Laws, the
2 commissioner of capital asset management and maintenance, in consultation with the
3 commissioner of conservation and recreation, may grant permanent easements over portions of
4 certain parcels of land acquired for water supply purposes in the town of Hubbardston to the
5 town of Hubbardston for completion of a bridge reconstruction project. The portions of land are
6 located adjacent to and under the Evergreen road bridge over Mason brook. The easements shall
7 be used for the repair, reconstruction, operation, maintenance or improvement of the bridge,
8 subject to the requirements of this act and to such additional terms and conditions consistent with
9 this act as the commissioner may prescribe. The portions of land are shown as parcel E-2,

10 containing 340 square feet, more or less, parcel E-3, containing 1,560 square feet, more or less,
11 and parcel E-4, containing 1,210 square feet, more or less, on a plan of land entitled “Easement
12 Plan of Land Evergreen Road Hubbardston, Massachusetts”, dated January 3, 2019, which is on
13 file with the division of capital asset management and maintenance.

14 (b) As consideration for the easements, the town of Hubbardston shall: (i) transfer to the
15 department of conservation and recreation land or an interest in land of equal or greater
16 appraised value; (ii) pay to the department of conservation and recreation an amount equal to or
17 greater than the appraised fair market value; or (iii) a combination of clauses (i) and (ii) as
18 approved by the department of conservation and recreation. Any land or interest in land acquired
19 by the department under this subsection shall be permanently held and managed for conservation
20 and recreation purposes by the department. If the appraised value of any land or interest in land
21 conveyed under this subsection is of greater value than the appraised value of the interest in land
22 in subsection (a), the commonwealth shall not be obligated to pay the difference. Any payments
23 to the commonwealth pursuant to this subsection shall be deposited in the Conservation Trust
24 established in section 1 of chapter 132A of the General Laws.

25 (c) The commissioner of capital asset management and maintenance shall provide for an
26 independent appraisal of the value of the easements and any land or interest in land proposed to
27 be conveyed by the town of Hubbardston to the department of conservation and recreation as
28 consideration. The appraisal shall be prepared in accordance with the usual and customary
29 professional appraisal practices by a qualified appraiser. The commissioner shall submit any
30 appraisals to the inspector general for review and comment. The inspector general shall review
31 and approve any such appraisals; provided, however, that the review shall include an
32 examination of the methodology utilized for the appraisals. The inspector general shall prepare a

33 report of the review and file the report with the commissioner of capital asset management and
34 maintenance. The commissioner shall submit copies of the appraisals and the inspector general's
35 review and approval and comments, if any, to the senate and house committees on ways and
36 means and the joint committee on state administration and regulatory oversight not less than 15
37 days before the execution of any documents effecting the transfers authorized in this act.

38 (d) The town of Hubbardston shall be responsible for all costs associated with
39 engineering, surveys, appraisals and deed preparation and any other costs as deemed necessary
40 by the commissioner of capital asset management and maintenance to execute the conveyances
41 authorized in this act.

42 (e) Any instrument executed pursuant to this act shall provide that the easements shall be
43 used solely for the purposes of this act and shall include a reversionary clause that stipulates that
44 if the property ceases to be used for the express purposes authorized in this act, the property shall
45 revert to the commonwealth on such terms and conditions as the commissioner of capital asset
46 management and maintenance, in consultation with the commissioner of conservation and
47 recreation, may determine. Prior to effecting any such reversion, the commissioner of capital
48 asset management and maintenance shall provide the town of Hubbardston with notice of such
49 nonconforming use and an opportunity to cure the violation to the satisfaction of the division. If
50 the town fails to cure the defect to the satisfaction of the division, the property shall revert to the
51 commonwealth and any further disposition thereof shall be subject to sections 34 to 37,
52 inclusive, of chapter 7C of the General Laws and the prior approval of the general court.