

HOUSE No. 3937

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin and Paul R. Feeney

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 town of Canton to grant temporary and permanent easements of certain land of the town situated in the town of Stoughton for highway purposes.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|----------------------------|------------------|
| <i>William C. Galvin</i> | <i>6th Norfolk</i> | <i>6/14/2023</i> |
| <i>Paul R. Feeney</i> | <i>Bristol and Norfolk</i> | <i>6/15/2023</i> |

HOUSE No. 3937

By Representative Galvin of Canton and Senator Feeney, a joint petition (accompanied by bill, House, No. 3937) of William C. Galvin and Paul R. Feeney (by vote of the town) that the town of Canton be authorized to grant easements of certain land of said town situated in the town of Stoughton for highway purposes. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing the town of Canton to grant temporary and permanent easements of certain land of the town situated in the town of Stoughton for highway purposes.

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. Pursuant to chapter 3 § 5A of the general laws of the Commonwealth,
2 notwithstanding the provisions of any other general or special law to the contrary, the Town of
3 Canton Select Board may grant certain permanent easements, and the Town of Canton
4 Conservation Commission may grant certain temporary easements, related to certain
5 conservation land owned by the Town of Canton under the jurisdiction of the Canton
6 Conservation Commission situated in the Town of Stoughton, and the Board of Water
7 Commissioners may grant certain temporary easements related to certain watershed protection
8 land owned by the Town of Canton under the jurisdiction of the Canton Board of Water
9 Commissioners situated in the Town of Stoughton, to the Commonwealth of Massachusetts for
10 highway purposes, to support the roadway improvements project being undertaken by the
11 Commonwealth of Massachusetts for Route 138 as identified as those permanent and temporary

12 easements on a Plan entitled “Massachusetts Department of Transportation Highway Division
13 Plan and Profile of Washington Street (Route 138) in the Town of Stoughton, Norfolk County,
14 Preliminary Right of Way Plans” being a portion of those parcels owned by the Town of Canton
15 and described in the Assessor’s records of the Town of Stoughton as Map 57, Parcels 91, 92, and
16 93, and Map 58, Parcel 1, and Parcel 7. The Select Board on behalf of the Town of Canton, is
17 authorized to accept and receive replacement land, or alternatively pursuant to said chapter 3
18 section 5A, accept and receive certain sums of money offered as mitigation pursuant to said
19 statute and to transfer said replacement land for conservation land without further vote of the
20 Town to the care, custody, management and control of the Canton Conservation Commission or
21 transfer said replacement land for watershed protection land without further vote of the Town to
22 the care, custody, management and control Board of Water Commissioners, or deposit such sums
23 of money in a Canton Conservation Commission land acquisition fund without further vote of
24 the town, to be used only for the purposes of acquiring replacement Canton conservation land or
25 in a similar fund to be established for the Board of Water Commissioners to be used only for the
26 purposes of acquiring replacement watershed protection land, as applicable.

27 SECTION 2. Pursuant to chapter 40, § 15A of the general laws, the care, custody,
28 management, and control of a portion of the land in Stoughton owned by the Town of Canton,
29 identified as “permanent easements” on a Plan entitled “Massachusetts Department of
30 Transportation Highway Division Plan and Profile of Washington Street (Route 138) in the
31 Town of Stoughton, Norfolk County, Preliminary Right of Way Plans” being part of those
32 parcels owned by the Town of Canton described in the Assessor’s records of the Town of
33 Stoughton as Map 57, Parcels 91, 92, and 93, and Map 58, Parcel 1, and Parcel 7, is approved
34 notwithstanding Article 97 of the Constitution of the Commonwealth, to be transferred from the

35 Canton Conservation Commission and the Board of Water Commissioners, as applicable, to the
36 Canton Select Board for the purposes stated in section 1 of this Act.

37 SECTION 3. Any temporary easements taken upon such conservation commission land
38 owned by the Town of Canton, for the Route 138 roadway project construction shall be
39 extinguished, and returned to the Town of Canton Conservation Commission clean, restored, and
40 in its natural state, upon completion of said project. Any temporary easements taken upon such
41 watershed protection land owned by the Town of Canton, for the Route 138 roadway project
42 construction shall be extinguished, and returned to the Town of Canton Board of Water
43 Commissioners clean, restored, and in its natural state, upon completion of said project

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