

HOUSE No. 4948

Text of a further amendment, offered by Mr. Walsh of Peabody, to the Senate amendments of the House Bill authorizing the town of Canton to grant temporary and permanent easements over certain conservation land situated in the town of Stoughton for highway purposes (House, No. 3937, amended). July 30, 2024.

The Commonwealth of Massachusetts

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

By striking out all after the enacting clause and inserting in place thereof the following:-

1 SECTION 1. Pursuant to chapter 3 § 5A of the General Laws, notwithstanding the
2 provisions of any other general or special law to the contrary, the conservation commission of
3 the town of Canton may transfer to the select board of the town of Canton, for general municipal
4 purposes, certain portions of land owned by the town of Canton under the care, custody and
5 control of the conservation commission for conservation purposes and situated in the town of
6 Stoughton, said portions being identified as permanent easements on the Plan entitled
7 “Massachusetts Department of Transportation Highway Division Plan and Profile of Washington
8 Street (Route 138) in the Town of Stoughton, Norfolk County, Accepted Preliminary Right of
9 Way Plans” and being a portion of those parcels described in the assessor’s records of the town
10 of Stoughton as Map 57, Parcel 91 and Map 58, Parcel 1.

11 SECTION 2. Pursuant to chapter 3 § 5A of the General Laws, notwithstanding the
12 provisions of any other general or special law to the contrary, the board of water commissioners
13 of the town of Canton may transfer to the select board of the town of Canton for general

14 municipal purposes, certain portions of land owned by the town of Canton under the care,
15 custody and control of the board of water commissioners for water supply purposes, situated in
16 the town of Stoughton and identified as permanent easements on the Plan entitled
17 “Massachusetts Department of Transportation Highway Division Plan and Profile of Washington
18 Street (Route 138) in the Town of Stoughton, Norfolk County, Accepted Preliminary Right of
19 Way Plans” being a portion of those parcels described in the assessor’s records of the town of
20 Stoughton as Map 57, Parcels 92 and 93.

21 SECTION 3. The select board of the town of Canton may grant certain permanent
22 easements on the land identified in section 1 and section 2, to the commonwealth for highway
23 purposes, to support the roadway improvements project being undertaken by the commonwealth
24 for Route 138.

25 SECTION 4. As mitigation for the transfers described in sections 1, 2 and 3, the
26 Massachusetts Department of Transportation shall provide funding in lieu of replacement land to
27 the town of Canton, which shall be not less than 110 per cent of the fair market value or value in
28 use of the impacted lands, whichever is greater, as determined by an independent appraisal. The
29 town of Canton shall deposit such sum into its Conservation Law Fund and dedicate it solely for
30 the acquisition of land for conservation or water supply purposes. The town of Canton shall use
31 such funds within 3 years to acquire replacement land, which is in a comparable location, of
32 equal or greater natural resource value as determined by the secretary of energy and
33 environmental affairs, and of equal or greater acreage and monetary value, as determined by an
34 independent appraisal of the fair market value or value in use, whichever is greater, of the
35 impacted lands.

SECTION 5. This act shall take effect upon its passage.