

SENATE No. 2897

The Commonwealth of Massachusetts

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

SENATE, July 25, 2024.

The committee on Senate Ways and Means to whom was referred the House Bill 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 (House, No. 3937); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2897; by striking the title and inserting in place thereof the following title: "An Act authorizing the town of Canton to grant temporary and permanent easements over certain conservation land situated in the town of Stoughton for highway purposes."; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the town of Canton to grant certain easements to the commonwealth for highway purposes, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

For the committee,
Michael J. Rodrigues

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1 SECTION 1. (a) Notwithstanding any general or special law to the contrary, the select
2 board of the town of Canton may grant certain permanent easements and the town of Canton
3 conservation commission may grant certain temporary easements related to certain conservation
4 land owned by the town of Canton under the jurisdiction of the conservation commission and
5 situated in the town of Stoughton, and the board of water commissioners may grant certain
6 temporary easements related to certain watershed protection land owned by the town of Canton
7 under the jurisdiction of the board of water commissioners and situated in the town of Stoughton
8 to the commonwealth for highway purposes. The easements shall be granted to support the
9 roadway improvements project being undertaken by the commonwealth for state highway route
10 138 and are identified as those permanent and temporary easements on a plan of land entitled
11 “Massachusetts Department of Transportation Highway Division Plan and Profile of Washington
12 Street (Route 138) in the Town of Stoughton, Norfolk County, Preliminary Right of Way Plans”,
13 being a portion of those parcels acquired by the town of Canton for watershed pursuant to an
14 order of taking recorded in the Norfolk registry of deeds in book 706, page 308 and identified on
15 the town of Stoughton assessors’ map 57 as parcels 91, 92 and 93 and on map 58 as parcels 1
16 and 7. The select board on behalf of the town of Canton may accept and receive replacement
17 land or certain sums of money offered as mitigation and to dedicate such land for: (i)

18 conservation purposes without further vote of the town and transfer such land to the care,
19 custody, management and control of the conservation commission; or (ii) dedicate such land for
20 watershed protection land without further vote of the town and transfer such land to the care,
21 custody, management and control board of water commissioners; provided, however, that if the
22 town of Canton receives any monetary consideration, the town shall deposit such funds into: (i) a
23 Canton conservation commission land acquisition fund without further vote of the town to be
24 used only to acquire replacement conservation land; or (ii) a similar fund to be established for the
25 board of water commissioners to be used only for the to acquire replacement watershed
26 protection land.

27 SECTION 2. Upon completion of the roadway project referenced in section 1, any
28 temporary easements taken upon conservation commission land owned by the town of Canton
29 and any temporary easements taken upon watershed protection land owned by the town of
30 Canton shall be extinguished and returned to the town of Canton conservation commission or
31 board of water commissioners, as applicable, in a clean, restored and natural state.