

HOUSE No. 4483

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Blais and Joanne M. Comerford

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 release or exclusion of certain land from conservation restrictions in the town of Deerfield.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>8/11/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>8/11/2025</i>

HOUSE No. 4483

By Representative Blais of Deerfield and Senator Comerford, a joint petition (subject to Joint Rule 12) of Natalie M. Blais and Joanne M. Comerford (by vote of the town) for legislation to authorize the release or exclusion of certain land from conservation restrictions in the town of Deerfield. State Administration and Regulatory Oversight. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act authorizing the release or exclusion of certain land from conservation restrictions in the town of Deerfield.

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. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance, in consultation with the commissioner of conservation and
4 recreation, may execute a certificate of release or amendment of conservation restriction to
5 release or exclude from a conservation restriction granted to the department of environmental
6 management, predecessor to the department of conservation and recreation, by U.S. Gen New
7 England, Inc., predecessor in title to Great River Hydro LLC, that portion of land as lies within
8 the limits of lands to be acquired by the town of Deerfield for the purpose of the Massachusetts
9 department of transportation’s rehabilitation of Upper road over the Deerfield river in Deerfield,
10 Massachusetts, said portion being more particularly described in Section 1(b) of this act. The
11 conservation restriction is described in book 3812, page 90, dated July 16, 2001, recorded in the

12 franklin registry of deeds. The land for this conservation restriction is shown on maps on file
13 with the federal energy regulatory commission, license No. 2323.

14 (b) The portion of land to be released or excluded pursuant to Section 1(a) is an
15 approximately 15,977 square foot portion of the lands located along the northwesterly side of
16 Stillwater and Upper roads, shown as permanent easement parcels E-1, E-2, E-3, D-S-1, D-1, S-
17 1, and PUE-6 on plan sheets No. 9 through 11, temporary construction areas parcel TCA-1 on
18 plan sheet No. 9, and temporary occupancy areas parcels A, B, C, D, and E and further TCA-1
19 on said plan sheets in a preliminary set of right of way plans entitled "Upper Road Over
20 Deerfield River (Bridge No. D-06- 001 (OPP)), in the Town of Deerfield, Franklin County,
21 Preliminary Right of Way Plans," except as otherwise noted, to be filed with the chief engineer
22 of the highway division of the Massachusetts department of transportation, and recorded with the
23 Franklin registry of deeds. Said lands are partially identified on the Deerfield town assessors'
24 maps as parcel ID No. 89-11 and 89-13, and are fully and presently owned by Great River Hydro
25 LLC, successor in title to U.S. Gen New England, Inc., pursuant to a deed recorded in the
26 Franklin county registry of deeds in book 4823, page 84, and as clarified by the affidavit
27 recorded in book 5192, page 154, of the same.

28 (c) All parcels to be used for this construction project shall be restored to their condition
29 prior to the construction project to the furthest extent possible considering the permanent
30 structures to be installed thereon, in order to protect the conservation values of the surrounding
31 lands.

32 SECTION 2. (a) As mitigation for the release or exclusion described in section 1, to
33 ensure no net loss of land subject to article 97 of the amendments to the constitution of the

34 commonwealth, the town of Deerfield shall convey to the commonwealth, to be held under the
35 care and control of the department of conservation and recreation for the purposes of
36 conservation and recreation pursuant to said article 97, a conservation restriction as defined in
37 section 31 of chapter 184 of the General Laws over certain land in the town of Deerfield
38 consisting of approximately 5.5 acres along the Deerfield river, located on martins falls road/off
39 mill village road identified on the Deerfield town assessors' maps as parcel ID No. 87-8, which
40 is presently under the care, custody, management and control of the town of Deerfield
41 Selectboard pursuant to a deed recorded in the Franklin county registry of deeds in book 973,
42 page 319. Said land is shown on a plan titled "Plan of Land for Proposed Conservation
43 Restriction Martins Falls Road", dated April 14, 2025, on file with the town of Deerfield.

44 (b) As additional mitigation for said release or exclusion, the town of Deerfield shall
45 convey to the commonwealth, to be held under the care and control of the department of
46 conservation and recreation, an easement over other lands to enable the department of
47 conservation and recreation and its agents to access the land by foot described in section 2(a)
48 from a public way, and shall such make improvements to the easement area necessary for its use
49 by said department. The precise location of the easement may be determined by agreement
50 between the town of Deerfield and the commissioner of capital access management and
51 maintenance, in consultation with the commissioner of conservation and recreation.

52 (c) If the appraisals conducted pursuant to section 3 determine that the fair market value
53 or value in use, whichever is greater, of the land and interests in land to be conveyed to the
54 commonwealth pursuant to Section 2 is less than the corresponding value of the land authorized
55 for release or exclusion pursuant to said Section 1, the town shall compensate the commonwealth
56 in an amount equal to 110 per cent of the difference. The town shall pay such sum to the

57 department of conservation and recreation for deposit into the conservation trust established
58 under section 1 of chapter 132A of the General Laws, to be used to acquire land or interests in
59 land subject to said article 97, including due diligence costs.

60 SECTION 3. The value of the property described in this act shall be determined by an
61 independent professional appraisal of its fair market value and value in use prepared in
62 accordance with the usual and customary professional appraisal practice by a qualified appraiser
63 commissioned by the commissioner of capital asset management and maintenance, in
64 consultation with the commissioner of conservation and recreation. The commissioner of capital
65 asset management and maintenance shall submit the appraisal and a report thereon to the
66 inspector general for review and comment. The inspector general shall review and approve the
67 appraisal, and the review shall include an examination of the methodology utilized for the
68 appraisal. The inspector general shall prepare a report of the review and file the report with the
69 commissioner of capital asset management and maintenance, and the commissioner shall submit
70 copies of the appraisal, the report thereon and the inspector general's review and approval and
71 comments, if any, to the house and senate committees on ways and means and the senate and
72 house chairs of the joint committee on state administration at least 15 days prior to the execution
73 of the conveyance authorized in Section 1 of this act.

74 SECTION 4. The Massachusetts department of transportation shall assume all costs
75 associated with engineering, surveys, appraisal, deed preparation and other expenses necessary to
76 execute the conveyances authorized in this act.

77 SECTION 5. Except as partially released or amended in accordance with this act, the
78 conservation restriction identified in Section 1 shall remain in full force and effect.

SECTION 6. This act shall take effect upon its passage.