SENATE DOCKET, NO. 3228 FILED ON: 9/25/2025

SENATE . . . . . No. 2922

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

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 Division of Capital Asset Management and Maintenance to grant easements to NSTAR electric company d/b/a Eversource Energy in return for NSTAR releasing or modifying easements for the benefit of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sal N. DiDomenico	*Middlesex and Suffolk*

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By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 2922) (subject to Joint Rule 12) of Sal N. DiDomenico for legislation to authorize the Division of Capital Asset Management and Maintenance to grant easements to NSTAR electric company d/b/a Eversource Energy in return for NSTAR releasing or modifying easements for the benefit of the Commonwealth. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act authorizing the Division of Capital Asset Management and Maintenance to grant easements to NSTAR electric company d/b/a Eversource Energy in return for NSTAR releasing or modifying easements for the benefit of the Commonwealth.

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

SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may, in consultation with the commissioner of the department of conservation and recreation, convey an easement to NSTAR Electric Company d/b/a Eversource Energy, its successors and assigns, solely for the purposes of: (1) clearing and keeping cleared of trees, structures and buildings; (2) constructing, maintaining, accessing, operating, replacing, repairing, patrolling and removing underground and overhead electric transmission and distribution lines and equipment; associated ground wires and telecommunication wires or cables solely for electric infrastructure monitoring; and poles, structures, conduits or other appurtenances and fixtures; and (3) constructing and maintaining substation fixtures and

appurtenant facilities for the transmission of electricity. The conveyance shall be subject to such additional conditions and restrictions as the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may determine.

The easement is anticipated to be located in an area more particularly shown as "20' Wide Permanent Easement to be Located within the Hatched Area. Final Location to be Determined by Survey of the Centerline of Duct Bank Installation" on a progress print plan of land, entitled "Easement Plan, Magazine Beach Charles River & Dr. Paul Dudley White Bike Path in Boston and Cambridge, Massachusetts, Suffolk and Middlesex Counties" dated August 28, 2025 and on file with the division of capital asset management and maintenance. The exact boundaries and location of the easement shall be determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation. The property is currently under the care and control of the department of conservation and recreation for conservation and recreation purposes.

SECTION 2. (a) In consideration for the easement authorized in section 1, NSTAR Electric Company d/b/a Eversource Energy shall compensate the commonwealth through: (i) the transfer of land or an interest in land to the department of conservation and recreation, with a value equal to or greater than the full and fair market value of the easement described in said section 1, or its value in use as proposed, whichever is greater, as determined by an independent appraisal; (ii) a sum of money equal to the full and fair market value of the easement or its value in use as proposed, whichever is greater, as determined by an independent appraisal; or (iii) some combination thereof. The commonwealth shall not be obligated to pay any consideration to NSTAR Electric Company d/b/a Eversource Energy if the appraised value of any parcels or

interests conveyed under this subsection exceeds the value of the easement in section 1. Any funds received shall be deposited in the Conservation Trust established in section 1 of chapter 132A of the General Laws.

(b) To ensure no-net-loss of lands protected for natural resource purposes, and as all or a portion of the consideration for the conveyance authorized in section 1 and calculated in accordance with subsection (a), the commonwealth may accept the conveyance of a parcel of land located at 0 Thompson Road in the town of Wendell. The parcel is approximately 53.725 acres and is more particularly shown on a plan entitled, "Plan of Land, Thompson Road, Wendell, Massachusetts" and dated December 4, 2023, which plan is on file with the division of capital asset management and maintenance. The land shall be permanently held and managed for conservation and recreation purposes by the department of conservation and recreation.

SECTION 3. The value of the easement described in section 1 and the value of any property interests to be conveyed to the commonwealth pursuant to section 2 shall be determined by an independent appraisal prepared in accordance with the usual and customary professional appraisal practice by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. The commissioner of capital asset management and maintenance shall submit any appraisals to the inspector general for review and comment. The inspector general shall review and approve any appraisals and the review shall include an examination of the methodology utilized for the appraisals. The inspector general shall prepare a report of such review and file the report with the commissioner of capital asset management and maintenance for submission by the commissioner of capital asset management and maintenance to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. The commissioner shall submit copies of the appraisals and the inspector

general's report to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight not less than 15 days before the execution of the instrument effecting the grant of easement described in section 1.

SECTION 4. No instrument granting the easement described in section 1 shall be valid unless the instrument provides that the easement shall be used solely for the purposes described in this act. The grant of easement shall stipulate that: (1) the easement shall terminate if the property ceases to be used for the express purposes set forth in the instrument granting the easement, upon such terms and conditions as the commissioner of capital asset management and maintenance, in consultation with the department of conservation and recreation, may determine, following notice of such to the grantee by the division of capital asset management and maintenance and a failure by the grantee to cure the violation to the satisfaction of the division of capital asset management and maintenance; and (2) for installation, maintenance, repair or other work performed in the easement area, the easement holder shall restore the surface condition to the equivalent or better condition as determined by the department of conservation and recreation.

SECTION 5. NSTAR Electric Company d/b/a Eversource Energy shall be responsible for all costs associated with engineering, surveys, appraisals, document preparation and other expenses deemed necessary by the commissioner of capital asset management and maintenance to effect the conveyances authorized by this act.