

SENATE No. 3230

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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 Massachusetts Department of Transportation to acquire interests in certain portions of land owned by the town of Andover which were acquired by the town for Article XCVII purposes.

PETITION OF:

NAME:

Barry R. Finegold

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No. 3230

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 3230) (subject to Joint Rule 12) of Barry R. Finegold for legislation to authorize the Massachusetts Department of Transportation to acquire interests in certain portions of land owned by the town of Andover which were acquired by the town for Article XCVII purposes. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act authorizing the Massachusetts Department of Transportation to acquire interests in certain portions of land owned by the town of Andover which were acquired by the town for Article XCVII purposes.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the Massachusetts Department of Transportation to acquire certain portions of land owned by the town of Andover which were acquired by the town for Article XCVII purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

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. Notwithstanding any general or special law to the contrary, the
2 Massachusetts Department of Transportation may acquire from the town of Andover, acting by
3 and through its conservation commission, for highway purposes interests in certain portions of
4 land owned by the conservation commission of the town of Andover and identified as permanent
5 easement parcel numbers 20-E-1 and 20-PUE-1-T on a plan of land entitled “Massachusetts
6 Department of Transportation Highway Division Plan And Profile Of Tewksbury Street Over
7 CSX Railroad (Bridge No. A-09-015) In The Town of Andover, Essex County, Preliminary

Right of Way Plans”. The impact to the protected land to be acquired by the Massachusetts Department of Transportation is limited to permanent easements of approximately 704 square feet for guy wire placement, guardrail removal and bridge special slope paving.

SECTION 2. The secretary of energy and environmental affairs may waive the requirement that suitable replacement land be provided by any entity acquiring an interest in land protected by Article XCVII of the Amendments to the Constitution of the Commonwealth pursuant to clause (B) of the last sentence of subsection (a) of section 5A of chapter 3 of the General Laws. As reasons for such waiver, the land transferred pursuant to this act is of insignificant natural resource and recreation value, is less than 2,500 square feet in area and the benefit serves a significant public interest.

SECTION 3. The Massachusetts Department of Transportation shall assume all costs associated with engineering, surveys, appraisals, deed preparation and other expenses necessary to execute the conveyances authorized by this act.