

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman and Todd M. Smola

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 commissioner of capital asset management and maintenance to grant an easement over certain land in the town of Sturbridge.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Ryan C. Fattman</i>	<i>Worcester and Hampden</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>

SENATE No.

By Mr. Fattman and Mr. Smola of Warren, a joint petition (accompanied by bill) (subject to Joint Rule 12) of Ryan C. Fattman and Todd M. Smola for legislation to authorize the commissioner of capital asset management and maintenance to grant an easement over certain land in the town of Sturbridge. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act authorizing the commissioner of capital asset management and maintenance to grant an easement over certain land in the town of Sturbridge.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the grant of a nonexclusive easement over certain land in the town of Sturbridge, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public 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. For the purposes of this act, the term “grantees” shall mean: (1) Pamela
2 Ann Sinel of 96 Gladding lane in the town of Sturbridge; (2) Gary F. Kellaher, Sherry L.
3 Kellaher, and Megan R. Gomes of 98 Gladding lane in the town of Sturbridge; (3) Sherri Pelski
4 of 102 Gladding lane in the town of Sturbridge; and (4) the Watsky-Gottlieb Sturbridge Realty
5 Trust of 114 Leadmine lane in the town of Sturbridge; and their successors and assigns.

6 SECTION 2. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
7 General Laws or any other special or general laws to the contrary, the commissioner of capital
8 asset management and maintenance may, in consultation with the director of fisheries and

9 wildlife, convey to the grantees a permanent and nonexclusive easement for the purposes
10 described in section 3 over McGargle road in the town of Sturbridge and a portion of the land
11 located in the Leadmine wildlife management area in the town of Sturbridge. The exact size and
12 boundaries of the easement to be conveyed shall be determined by the commissioner of capital
13 asset management and maintenance, in consultation with the director of fisheries and wildlife.
14 The easement shall be conveyed without warranties or representations by the commonwealth.

15 (b) The parcel over which the easement may be granted was acquired pursuant to section
16 6 of chapter 131 of the General Laws for the purpose of fish and wildlife management by deed
17 recorded in the Worcester registry of deeds in book 14818, page 350.

18 (c) The easement authorized pursuant to this section is shown within the dotted lines
19 identified as the “Connection” on a plan entitled, “Easement Plan, McGargle Road & Gladding
20 Lane, Sturbridge, Massachusetts,” dated November 20, 2023, prepared by Tauper Land Survey,
21 Inc., and on file with the division of capital asset management and maintenance and with the
22 division of fisheries and wildlife. The plan shall be recorded simultaneously with the recording
23 of the conveyance authorized pursuant to this section.

24 SECTION 3. The purpose of the easement is to memorialize prescriptive rights
25 purportedly acquired prior to the acquisition by the commonwealth of the Leadmine wildlife
26 management area and to allow the grantees and their invitees, subject to certain conditions,
27 reservations, and restrictions, to pass and repass by vehicular or pedestrian traffic for access and
28 egress to the properties of the grantees located at 96 Gladding lane in the town of Sturbridge, 98
29 Gladding lane in the town of Sturbridge, 102 Gladding lane in the town of Sturbridge and 114
30 Leadmine lane in the town of Sturbridge.

31 SECTION 4. The consideration for the conveyance authorized by this act shall be: (1)
32 \$1; (2) the agreement to and acceptance of certain conditions, reservations, and restrictions on
33 the use of said easement rights; and (3) the dismissal of all counterclaims the grantees brought or
34 could have brought against the commonwealth in the case of Commonwealth of Massachusetts v.
35 Palmer, et al., also known as land court case number 18 MISC 000467.

36 SECTION 5. The grantees shall be responsible for all costs and expenses of any
37 conveyance authorized by this act as determined by the commissioner of capital asset
38 management and maintenance, including, but not limited to, the costs of any engineering,
39 surveys, appraisals, title examinations, recording fees and deed preparation.