SENATE DOCKET, NO. 4366 FILED ON: 11/18/2026

SENATE . . . . . No.

The Commonwealth of Massachusetts

PRESENTED BY:

Dylan A. Fernandes

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 convey easements to Boston Gas Company over a certain parcel of land in the town of Bourne.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Dylan A. Fernandes	*Plymouth and Barnstable*

SENATE DOCKET, NO. 4366 FILED ON: 11/18/2026

SENATE . . . . . No.

By Mr. Fernandes, a petition (accompanied by bill) (subject to Joint Rule 12) of Dylan A. Fernandes for legislation to authorize the division of capital asset management and maintenance to convey easements to Boston Gas Company over a certain parcel of land in the town of Bourne. 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 convey easements to Boston Gas Company over a certain parcel of land in the town of Bourne.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of easements over certain parcels of land within Joint Base Cape Cod in the town of Bourne, 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:

SECTION 1. (a) 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, in consultation with the commissioner of fish and game, may convey, amend, assign or otherwise transfer to Boston Gas Company a 30 feet wide perpetual easements for: (i) the purpose of installing, constructing, reconstructing, repairing, replacing, renewing, modifying, adding to, inspecting, operating and maintaining underground gas mains, gas service lines and pipes, together with all necessary appurtenances and accessories thereto; (ii) the transmission and distribution of natural gas and all by-products thereof; (iii) the clearing and keeping clear of Pave Paws road of trees, underbrush and above-ground and below-

ground buildings or structures that may interfere with the safe operation and maintenance of the facilities; (iv) access to Pave Paws road and facilities from the public way; and (v) temporary workspace necessary for the construction of said facilities. The easements may be granted on the properties described in subsection (b) currently held for fish and wildlife conservation, natural habitat protection and associated public recreation in accordance with Article 97 of the Amendments to the Constitution of the commonwealth. The grant of easement shall be on such terms and conditions as the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, may determine.

(b) The easements described in subsection (a) may be granted on the parcel more particularly described as the following: located within Joint Base Cape Cod, shown on the town of Bourne assessor's map as tax parcel number 17.0_3_0. The permanent easements are a total of approximately 43,402 square feet, as more particularly shown as: (i) "Boston Gas Company Proposed Easement for 12-inch 270# Steel & 8-inch Plastic Gas Mains 30' Wide, Area = 38,907 Sq. Ft"; and (ii) "Boston Gas Company Proposed Easement for 12-inch 270# Gas Main Connection 30' Wide, Area = 4,495 Sq. Ft." on the plan entitled "Easement Plan of Land, Pave Paws Road, Bourne, MA, Barnstable County" prepared by CHA, 141 Longwater Drive, Suite 104, Norwell, MA 02061-1620 and dated September 18, 2026, last revised October 14, 2026. The temporary easement for temporary workspace area is approximately 3,646 square feet, as more particularly shown as "Boston Gas Company Temporary Workspace Area, Area = 3,646 Sq. Ft." on said easement plan of land.

SECTION 2. In consideration for the conveyance authorized in section 1, and to ensure no net loss of land subject to Article 97 of the Amendments to the Constitution of the commonwealth, Boston Gas Company shall: (i) convey to the commonwealth an approximately

1 acre parcel of land shown as “Proposed Conveyance to Boston Gas Company, 1.000 Acres” on a plan entitled “Plan of Land to be Conveyed by Stop & Shop Supermarket Company, LLC, Bourne, MA” prepared by Vanasse Hangen Brustlin, Inc. and dated October 23, 2026 for the purposes of fish and wildlife conservation, natural habitat protection and associated public recreation in accordance with said Article 97; and (ii) immediately following the construction of 12-inch 270# gas main tie-in connection, release a portion of the existing Boston Gas Company easement dated June 28, 1965 and recorded with the Barnstable county registry of deeds in book 1308, page 1190, which area to be released is approximately 8,841 square feet, as more particularly shown as “Portion of Existing Boston Gas Company Easement to be Released Post Construction of 12-inch 270# Gas Main Connection, 50’ Wide, Area = 8,841 Sq. Ft.” on the easement plan of land described in section 1(b).

SECTION 3. (a) The value of the easements described in section 1 and the value of the 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 may, in consultation with the commissioner of fish and game, accept an appraisal of said easements and property interest conducted prior to the effective date of this act. The commissioner of capital asset management and maintenance shall submit the appraisal to the inspector general for their review and comment. The inspector general shall review and approve the appraisal, and the review shall include an examination of the methodology used for the appraisal. The inspector general shall prepare a report of their review and file the report with the commissioner for submission by the commissioner 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 before the execution of the conveyances.

(b) Boston Gas Company shall compensate the commonwealth in an amount greater than, or equal to, the full and fair market value or the value in use of the easements authorized in section 1, whichever is greater, as determined by the independent appraisals. The commonwealth shall not be obligated to pay any consideration to Boston Gas Company if the appraised value of any parcels or interests conveyed to the commonwealth exceeds the value of the easements authorized in section 1. Any money paid to the commonwealth by Boston Gas Company as a result of the conveyance of the easements authorized by this act shall be deposited in the Biodiversity Fund established by 35D½ of chapter 10 of the General Laws, to be used for future land acquisition by the department of fish and game.

(c) If the independent appraisal pursuant to subsection (a) shows that the fair market value or value in use, whichever is greater, of the interests described in section 1 are not equal to or greater than the fair market value or value in use, whichever is greater, of the property interest to be conveyed to the commonwealth pursuant to section 2, then Boston Gas Company shall compensate the commonwealth in an amount equal to or greater than this difference in monetary value. Any money paid to the commonwealth by Boston Gas Company as a result of the conveyance of the easements authorized by this act shall be deposited in the Biodiversity Fund established by section 35D½ of chapter 10 of the General Laws, to be used for future land acquisition by the department of fish and game.

SECTION 4. Boston Gas Company 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.