

**Joint Committee on State Administration and Regulatory Oversight  
Bill Summary**

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<b>BILL NUMBER</b>	House, No. 3599
<b>TITLE</b>	An Act relative to certain easements
<b>SPONSORS</b>	Representative David Vieira [BY REQUEST]
<b>HEARING DATE</b>	February 12, 2026 at 2:00 pm in B-1
<b>PRIOR HISTORY</b>	2021/2022 Favorable (S.2011) 2023/2024 Favorable (S1968)

**SUMMARY**

SECTION 1. Lots created for the Native American Indians at Chappaquiddick, Dudley, Gay Head, Herring Pond or Mashpee, and the lots created from the partition of common lands in those former Indian districts, shall be deemed to have been granted in fee simple absolute with no restraint on alienation (absolute title to the land).

If express easements do not exist, the superior court shall have jurisdiction to establish ways to a public way over public land. If public lands are not available to provide an easement, new easements shall be created to the nearest public way by the superior court with the court also establishing all necessary parties required for an equitable solution.

The easements shall be considered ways that existed when the subdivision control law became effective in the city or town where the land lies to ensure that the easement is suitable for vehicular traffic related to residential land and utilities. The frontage of the easements will be subject to zoning or other ordinance or by-law to allow for residential dwellings on the lots.

**HOUSE . . . . . No. 3599**

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By Representative Vieira of Falmouth (by request), a petition (accompanied by bill, House, No. 3599) of Mark Harding relative to certain easements at Chappaquiddick, Dudley, Gay Head, Herring Pond and Mashpee. Tourism, Arts and Cultural Development.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
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An Act relative to certain easements.

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

PREAMBLE. By Chapter 463 of the Acts of 1869, the Legislature enfranchised all Native American Indians and declared that they were citizens of the Commonwealth, entitled to all the rights, privileges and duties of other citizens. The Act also affirmed that lands previously set off to any Indian were to become the property of such person and his heirs in fee simple. Thereafter, various acts were adopted for the disposition of common lands at Chappaquiddick, Dudley, Gay Head, Herring Pond and Mashpee. The previously set off lands and the lands divided from the common lands were intended to have the full rights and benefits of property ownership, including the right to reasonable residential use and access.

SECTION 1. Notwithstanding any general or special law to the contrary, lots created for the Native American Indians at Chappaquiddick, Dudley, Gay Head, Herring Pond or Mashpee, and the lots created from the partition of common lands in those former Indian districts, shall be deemed to have been granted in fee simple absolute with no restraint on alienation. If express

easements do not exist for such lots, the superior court shall have jurisdiction to establish forty-foot wide easements to a public way over public lands, including land held by any land bank, for vehicular access and underground utilities to such lots. If public lands are not available to provide an express easement to any such lot, new forty-foot wide easements shall be created to the nearest public way by the superior court, with the court establishing all the necessary parties required for an equitable resolution. Such easements shall be considered ways that were in existence when the subdivision control law became effective in the city or town in which the land lies, providing sufficient frontage, width, suitable grades and adequate construction to support the needs of vehicular traffic in relation to the residential use of the land, for adequate public safety and for the installation of underground utilities to serve such land and the buildings erected or to be erected thereon. The frontage of the easements shall be of such distance as is required by zoning or other ordinance or by-law, to allow for residential dwellings on such lots.

**Joint Committee on State Administration and Regulatory Oversight  
Bill Summary**

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<b>BILL NUMBER</b>	House, No. 5047
<b>TITLE</b>	An Act authorizing the division of capital asset management and maintenance to take by eminent domain certain land in the town of Norwood
<b>SPONSORS</b>	Representative John Rogers and Senator Michael Rush
<b>HEARING DATE</b>	February 12, 2026 at 2:00pm in B-1
<b>PRIOR HISTORY</b>	None
<b>CURRENT LAW</b>	Chapter 79: Eminent domain
<b>SUMMARY</b>	Allows DCAMM to take by eminent domain, Norwood Hospital in Norwood.

**HOUSE . . . . . No. 5047**

By Representative Rogers of Norwood and Senator Rush, a joint petition (subject to Joint Rule 12) of John H. Rogers and others that the commissioner of the Division of Capital Asset Management and Maintenance be authorized to take by eminent domain a certain parcel of land in the town of Norwood. 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 take by eminent domain certain land in the town of Norwood.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize and direct forthwith the division of capital asset management and maintenance to take a certain parcel of land in the town of Norwood, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

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

Notwithstanding section 2 of chapter 79 of the General Laws and any other general or special law to the contrary, the division of capital asset management and maintenance shall, for the purpose of ensuring access to health care for the public, take by eminent domain, pursuant to said chapter 79: (1) a certain parcel of land, commonly known as Norwood hospital, owned by MPT of Norwood-Steward, LLC located at 800 Washington street in the town of Norwood identified on the town of Norwood assessor’s map as map 2, lot 6-1 and being one of the parcels described in a deed recorded with the Norfolk county registry of deeds in book 36099, page 419; and (2) any adjacent parcels of land owned by MPT of Norwood-Steward, LLC as necessary to effectuate the purposes of this act.



**Joint Committee on State Administration and Regulatory Oversight  
Bill Summary**

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**BILL NUMBER** Senate, No. 2922

**TITLE** 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

**SPONSORS** Senator Sal DiDomenico

**HEARING DATE** February 12, 2026 at 2:00 pm in B-1

**SUMMARY**

This bill provides an easement for the installation and maintenance of electric infrastructure. In return the company 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, 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.

**SENATE . . . . . No. 2922**

By Mr. DiDomenico, a petition (accompanied by bill) (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.