

# Massachusetts House of Representatives

## Bill Summary

**Bill #:** H.5379

**Title:** An Act relating to the transfer of interest in land in West Brookfield

**Sponsor:** Rep. Donald Berthiaume and Sen. Peter Durant

**Committee:** Municipalities and Regional Government

**Hearing Date:** May 13, 2026

**Current Law:** Article 97 of the Amendments to the Massachusetts State Constitution protects natural resources by requiring a two-thirds vote of both branches of the General Court prior to conveying or changing the use of park land, conservation land, wetland, forests, open space, etc.

MGL Chapter 3, Section 5A is the Public Lands Preservation Act, which requires specific procedures to be followed to ensure no net loss of Article 97 protected land.

Chapter 132 of the Acts of 2022 authorized the town of West Brookfield to acquire permanent and temporary easements on certain land in order to facilitate the construction, alteration, maintenance, improvement and repair to state highway Route 9 in 2 construction phases. As a condition of the change of use and control of the affected parcels of land, the town was required to convey to the state Department of Fish and Game a parcel of land containing approximately 23.02 acres for fish and wildlife conservation, natural habitat protection, associated public recreation and other related purposes.

**Summary:** This legislation authorizes the town of West Brookfield to amend an existing special act to acquire additional easements as part of an ongoing highway project along a section of state Route 9 in that community.

Section 1 amends section 2 of the 2022 special act by adding certain permanent and temporary easements located upon land owned by the Department of Fish and Game, which was acquired for fish and wildlife conservation, natural habitat protection, and associated public recreation.

Section 2 provides for the act to take effect immediately upon passage.

**Notes:** Home rule petition language approved as Article 10 at the June 4, 2024 Annual Town Meeting by unanimous voice vote.

According to the Executive Office of Energy and Environmental Affairs' Determination of Natural Resource Value, after the 2022 special act was approved, the Department of Fish and Game acquired a parcel of land at 652 West Main Street, which is within the project area. In order to proceed with Phase 2 of the Route 9 reconstruction project, the town needs additional

easements on this newly acquired land which is now subject to Article 97. The town seeks to amend the existing law to include the new impact.