

**HOUSE . . . . . No. 4076**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*James Arciero and Edward J. Kennedy*

*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 town of Westford Select Board to dedicate two parcels of land currently held by the conservation commission for the Beaver Brook Road Bridge improvement project.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>7/27/2021</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>8/5/2021</i>

**HOUSE . . . . . No. 4076**

By Representative Arciero of Westford and Senator Kennedy, a joint petition (accompanied by bill, House, No. 4076) of James Arciero and Edward J. Kennedy (by vote of the town) that the town of Westford be authorized to dedicate two parcels of land in said town for the Beaver Brook Road Bridge improvement project. Municipalities and Regional Government. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act authorizing the town of Westford Select Board to dedicate two parcels of land currently held by the conservation commission for the Beaver Brook Road Bridge improvement project.

*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. The town of Westford may transfer from the conservation commission to the  
2 select board a permanent easement and a temporary easement on property currently held for  
3 purposes of conservation and recreation, said easements located on property identified as  
4 assessor's map 20, lot 16, described in a deed recorded with the Middlesex north registry of  
5 deeds in book 3713, page 328, which easements are adjacent to Beaver Brook road, said  
6 easements to be dedicated by the select board for the purposes of repairing,  
7 reconstructing, operating, maintaining and/or improving a bridge on said road, including, but not  
8 limited to, slope stabilization, guy wire and overhead wire placement, rip rap and erosion control,  
9 and future maintenance, subject to the requirements of sections 2 through 5 and to such  
10 additional terms and conditions consistent with this act as the commissioner of the division of  
11 capital asset management and maintenance, in consultation with the commissioner of the

12 department of the executive office of energy and environmental affairs, may prescribe. The  
13 parcels of said land on which said easements are located are shown on a plan of land entitled  
14 "Massachusetts Department of Transportation Highway Division Plan and Profile of Beaver  
15 Brook Road (Bridge No. W-26-014)," revised through March 19, 2021, as follows: "parcel PUE-  
16 S-2," containing 1 ,729 square feet, more or less, and "parcel TE-4," containing 1 ,620 square  
17 feet, more or less. Prior to finalizing the transaction herein, the commissioner of the division of  
18 capital asset management and maintenance may make minor modifications to the plan and  
19 easement areas in order to carry out the purposes of this act.

20 SECTION 2. To mitigate impacts to public lands protected for natural resources, the  
21 commissioner of the division of capital asset management and maintenance may, in her  
22 discretion, require the town of Westford to compensate the commonwealth for the interests in  
23 land described in section 1 through the dedication of other land for conservation and recreation  
24 purposes and/or the transfer of funds, the value of such compensation, if any, to be determined  
25 by the commissioner. Any funds shall be deposited in a fund dedicated to conservation of land in  
26 the town of Westford.

27 SECTION 3. The commissioner of the division of capital asset management and  
28 maintenance may commission an independent appraisal of the value of the easements described  
29 in section 1, which shall be prepared in accordance with the usual and customary  
30 professional appraisal practices by a qualified appraiser. Consideration for the grant of the  
31 above-described easement interests may be the value of the easement interests, or some lesser  
32 consideration, including nominal consideration, as determined by the commissioner of the  
33 division of capital asset management and maintenance, in her discretion.

34           SECTION 4. The town of Westford shall assume any and all costs associated with  
35 engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the  
36 commissioner of the division of capital asset management and maintenance to execute the  
37 dedications authorized by this act.

38           SECTION 5. No instrument executed pursuant to this act shall be valid unless it provides  
39 that the easements shall be used solely for the purposes described in section 1.

40           SECTION 6. This act shall take effect upon its passage.