

# **HOUSE . . . . . No. 4251**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, November 15, 2021.

The committee on Ways and Means, to whom was referred the Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement in the town of Savoy (House, No. 4088), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4251).

For the committee,

AARON MICHLEWITZ.

**HOUSE . . . . . No. 4251**

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The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement in the town of Savoy.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of a certain easement in the town of Savoy, 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           (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or  
2 any other general or special law to the contrary, the commissioner of capital asset management  
3 and maintenance, in consultation with the commissioner of conservation and recreation, may  
4 grant to the town of Savoy, for consideration as provided in subsection (b), an easement for the  
5 purposes of installing, operating, maintaining and repairing communications infrastructure  
6 enclosed by a security fence, consisting of a guyed wood utility pole and associated wires,  
7 anchor rods and wireless internet antennas and an adjacent equipment shelter on a concrete slab,  
8 with all rights necessary and incidental thereto, subject to such additional terms and conditions  
9 consistent with this act and as the commissioner of capital asset management and maintenance,  
10 in consultation with the department of conservation and recreation, may prescribe over certain  
11 land currently held in the care, custody and control of the department of conservation and

12 recreation. The easement area is more particularly described as an area of approximately 2,500  
13 square feet located off Tower road approximately 200 feet north of the Savoy fire tower on  
14 Borden mountain in the Savoy state forest. The exact boundaries and location of the easement to  
15 be granted over the land described in this section shall be determined by the commissioner of  
16 capital asset management and maintenance, in consultation with the department of conservation  
17 and recreation, after completion of a survey.

18 (b) In consideration for the easement authorized in subsection (a), the town of Savoy  
19 shall compensate the commonwealth through: (i) the transfer of land or an interest in land to the  
20 department of conservation and recreation, with a value equal to or greater than the full and fair  
21 market value of the easement described in said subsection (a), or its value in use as proposed,  
22 whichever is greater, as determined by an independent appraisal; (ii) a sum of money equal to the  
23 full and fair market value of the easement or its value in use as proposed, whichever is greater, as  
24 determined by an independent appraisal; or (iii) some combination thereof. The commonwealth  
25 shall not be obligated to pay any consideration to the town if the appraised value of any parcels  
26 or interests conveyed under this subsection exceeds the value of the easement in subsection (a).  
27 Any funds received shall be deposited in the Conservation Trust established in section 1 of  
28 chapter 132A of the General Laws and shall be expended by the department of conservation and  
29 recreation to fund the acquisition of land or an interest therein to be under its care and control for  
30 conservation and recreation purposes.

31 (c) The value of the easement described in subsection (a) and the value of any property  
32 interests to be conveyed to the commonwealth pursuant to subsection (b) shall be determined by  
33 an independent appraisal prepared in accordance with the usual and customary professional  
34 appraisal practice by a qualified appraiser commissioned by the commissioner of capital asset

35 management and maintenance, in consultation with the commissioner of conservation and  
36 recreation. The commissioner of capital asset management and maintenance shall submit any  
37 appraisals to the inspector general for review and comment. The inspector general shall review  
38 and approve any appraisals and the review shall include an examination of the methodology  
39 utilized for the appraisals. The inspector general shall prepare a report of such review and file the  
40 report with the commissioner of capital asset management and maintenance for submission by  
41 the commissioner of capital asset management and maintenance to the house and senate  
42 committees on ways and means and the joint committee on state administration and regulatory  
43 oversight. The commissioner shall submit copies of the appraisals and the inspector general's  
44 report to the house and senate committees on ways and means and the joint committee on state  
45 administration and regulatory oversight not less than 15 days before the execution of the  
46 instrument effecting the grant of the easement described in subsection (a).

47 (d) No instrument granting the easement described in subsection (a) shall be valid unless  
48 it provides that the easement shall be used solely for the purposes described in said subsection  
49 (a). The grant of easement shall stipulate that the easement shall terminate if the property ceases  
50 to be used for the express purposes set forth in the instrument granting the easement, upon such  
51 terms and conditions as the commissioner of capital asset management and maintenance may  
52 determine, following notice of such to the grantee by the division of capital asset management  
53 and maintenance and a failure by the grantee to cure the violation to the satisfaction of the  
54 division of capital asset management and maintenance.

55 (e) The town of Savoy shall be responsible for all costs associated with engineering,  
56 surveys, appraisals, document preparation and other expenses deemed necessary by the

57 commissioner of capital asset management and maintenance to convey the easement described in  
58 subsection (a).