

**HOUSE . . . . . No. 4683**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Tami L. Gouveia and James B. Eldridge***

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*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 Water Supply District of Acton to enter into a lease, license or other disposition of land held for water supply purposes for the construction, operation and maintenance of a solar energy generating and energy storage facility.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>

**HOUSE . . . . . No. 4683**

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By Representative Gouveia of Acton and Senator Eldridge, a joint petition (subject to Joint Rule 12) of Tami L. Gouveia and James B. Eldridge that the Water Supply District of Acton be authorized to enter into a lease, license or other disposition of land held for water supply purposes for the construction, operation and maintenance of a solar energy generating and energy storage facility. Municipalities and Regional Government.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act authorizing the Water Supply District of Acton to enter into a lease, license or other disposition of land held for water supply purposes for the construction, operation and maintenance of a solar energy generating and energy storage facility.

*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. Notwithstanding any general or special law to the contrary, the Water  
2   Supply District of Acton, established by Chapter 326 of the Acts of 1912, as amended, may  
3   authorize a disposition of all or portions of parcels of land located off of Lawsbrook Road and  
4   Knox Trail in Acton, totaling approximately 19 acres, to allow for both their continued use for  
5   water supply and protection purposes and for the construction, operation and maintenance of a  
6   solar energy generating facility, which may also include energy storage components, to generate  
7   electricity for transmission to the local electrical distribution network, or for direct use at water  
8   supply and treatment facilities owned and operated by the Water Supply District of Acton, or  
9   both. Said parcels of land located off of Lawsbrook Road are shown on Acton Assessors’ Map  
10   H4 as lots 113, 130, 134, 135, 139-1, 119, 114, and 126 and described more particularly in a

11 Quitclaim Deed registered with the Middlesex South Registry Division of the Land Court as  
12 Document 475084, and in documents recorded with the Middlesex South Registry of Deeds at  
13 Book 11803, Page 266; Book 11280, Page 135; Book 11824, Page 156; and Book 11828, Page  
14 413. Said parcels of land located off of Knox Trail are shown on Acton Assessors' Map J3 as  
15 lots 34 and 34-5, and described more particularly in documents recorded with the Middlesex  
16 South Registry of Deeds at Book 62821, Page 180; and Book 11919, Page 434.

17 SECTION 2. Subject to chapter 30B of the General Laws and for the purposes of section  
18 1 above, the Commissioners of the Water Supply District of Acton may enter into a lease, license  
19 or other disposition of all or portions of the above-described parcels of land upon such terms and  
20 conditions as the Commissioners shall deem appropriate. The lease, license or other disposition  
21 shall provide that the lessee or licensee shall compensate the Water Supply District of Acton for  
22 the use of the property for the purposes described in section 1 above.

23 SECTION 3. In consideration for the lease, license or other disposition of the property  
24 pursuant to sections 1 and 2 above, to ensure no net loss of land held for water supply and  
25 protection purposes, the Water Supply District of Acton shall establish a stabilization fund for  
26 the purpose of acquiring land for water supply and protection purposes, into which five percent  
27 of each lease payment or other proceeds received as compensation from the lessee or licensee, as  
28 described in section 2 above, shall be deposited, up to a cumulative amount equal to the fair  
29 market value or value in proposed use, whichever is greater, of the leased premises or the land  
30 subject to the license or other disposition, as applicable, as determined by an independent  
31 appraisal prepared in accordance with the usual and customary professional appraisal practices  
32 by a qualified appraiser. In the event that, at the time of termination of the lease or license, the  
33 cumulative amount deposited into the stabilization fund is less than the appraised value described

34 in this section, the Water Supply District of Acton shall deposit into the stabilization fund the  
35 difference between the appraised value and the cumulative amount already deposited into the  
36 stabilization fund, which deposit shall be made at the time of termination of the lease or license.  
37 Furthermore, in the event that, after the date of entering the lease, license or other disposition as  
38 authorized herein, the Water Supply District of Acton acquires additional land for water supply  
39 and protection purposes that is of equal or greater fair market value, or equal or greater resource  
40 value, as determined by the Executive Office of Energy and Environmental Affairs, than the  
41 leased premises or land subject to the license or other disposition, then no additional deposits to  
42 the stabilization fund from the payments or proceeds received in connection with the lease,  
43 license or other disposition will be required, and the stabilization fund may be closed.

44 SECTION 4. This Act shall take effect upon its passage.