

HOUSE No. 4864

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
24 BEACON STREET · BOSTON, MA 02133

KARYN POLITO
LIEUTENANT GOVERNOR

July 31, 2018

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment House Bill No. 1102, “An Act Authorizing the Town of Rehoboth to Transfer a Conservation Easement on a Certain Parcel of Land” because it does not reflect fully the intent and authorization of the Town of Rehoboth.

This bill lacks a critical provision adopted by the Town of Rehoboth at its Annual Town Meeting held on May 21, 2018 that would amend the terms of a conservation easement instead of effectuating a full release of the easement without proper mitigation. The amendment is necessary to ensure appropriate preservation of conservation land and no net loss of town conservation land. As a former selectman, I strongly support the ability of cities and towns to address these local issues on a local basis. Furthermore, such mitigation is aligned with important state policy and priorities.

For these reasons, I recommend that House Bill No. 1102 be amended by:

- (i) Striking out, in the first sentence of Section 1, the words “release and convey” and inserting in place thereof the following word:- “amend.
- (ii) Inserting after the first sentence of Section 1 the following paragraph:-

The above-referenced conservation easement may be amended by: (i) striking out the words “passive recreation such as picnicking, walking, cross-country skiing, snowshoeing, hiking, fishing, occasional horseback riding;” on pages 1 and 2; (ii) striking out the words “The Conservation Easement hereby granted shall be for the use and benefit of the Town of Rehoboth and its agents, employees, guests, invitees and other parties, to whom the grantee may give rights to use the Conservation Easement” on page 3; (iii) striking out sections 6 and 7 on page 5; and (iv) at the end of the document, adding the words: “Approval by secretary of energy and environmental affairs, commonwealth of Massachusetts; the undersigned, secretary of executive office of energy and environmental affairs of the commonwealth of Massachusetts, hereby certifies that the foregoing conservation restriction has been approved in the public interest pursuant to section 32 of chapter 124 of the General Laws.”

Thank you for your prompt consideration.

Respectfully submitted

Charles D. Baker,
Governor