

SENATE No. 1455

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen M. Brewer

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 passage of the accompanying bill:

An Act authorizing the department of fish and game to exchange the release of a conservation restriction held over certain property in the town of Winchendon for the conveyance of other property in the same town.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|----------------------------|--|
| <i>Stephen M. Brewer</i> | <i>Worcester, Hampden, Hampshire and Middlesex</i> |
| <i>Jonathan D. Zlotnik</i> | <i>2nd Worcester</i> |

SENATE No. 1455

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 1455) of Stephen M. Brewer and Jonathan D. Zlotnik for legislation to authorize the department of fish and game to exchange the release of a conservation restriction held over certain property in the town of Winchendon for the conveyance of other property in the same town. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act authorizing the department of fish and game to exchange the release of a conservation restriction held over certain property in the town of Winchendon for the conveyance of other property in the same town.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Whereas, the deferred operation of this act would tend to defeat its purpose, which is
2 forthwith to authorize the department of fish and game to exchange the release of a conservation
3 restriction over certain property in the town of Winchendon for conveyance of other land in said
4 town, therefore it is hereby declared to be an emergency law, necessary for the immediate
5 preservation of the public convenience.

6 Be it enacted by the Senate and House of Representatives in General Court assembled,
7 and by the authority of the same, as follows:

8 SECTION 1. Notwithstanding any general or special law to the contrary, the department
9 of fish and game may release the terms of a conservation restriction and conservation easement
10 over a certain parcel of land identified in section 2 in exchange for the conveyance to said
11 department by New England Power Company (“NEP”) of a certain parcel identified in section 3,
12 which conveyance constitutes full, fair and reasonable consideration for the release.

13 SECTION 2. The parcel of land to be released from a conservation restriction and
14 conservation easement held by the department of fish and game is approximately one acre in size
15 and is identified as follows: “Proposed Transmission Easement to Benefit New England Power
16 Co.” shown on a plan of land entitled “Proposed H-134 Transmission Line, Conceptual Plan of
17 Easement, Benjamin Street, Winchendon, MA” and dated 8/22/11 (on file and available at the

18 offices of said department). The conservation restriction and conservation easement is recorded
19 in book 30926, page 54 of the Worcester South Registry of Deeds, and the parcel to be released
20 is only a portion of the total parcel encumbered by said conservation restriction and conservation
21 easement.

22 SECTION 3. The parcel of land to be conveyed by NEP to the department of fish and
23 game is approximately 30 acres in size and is identified as follows: Parcel A on a plan entitled
24 "Sketch of Land to be Conveyed to Fish & Game" and dated January 11, 2013 (on file and
25 available at the offices of said department). The conveyance shall be subject to an easement to be
26 reserved by NEP and identified on the aforementioned plan as "Approximate Proposed Easement
27 to be Retained," which easement shall include the following rights:

28 (1) the exclusive, perpetual right and easement to construct, reconstruct, install, repair,
29 replace, maintain, operate, use, inspect and patrol for the transmission and distribution of high
30 and low voltage electric energy and for the transmission of intelligence, by any means, whether
31 now existing or hereafter devised lines of towers or poles or both or any combination of the same
32 with wires and cables strung upon and from the same (any of which may be erected and/or
33 constructed at the same or different times), together with all guy wires, foundations, anchors,
34 antennae, braces, fittings, buried ground wires and any other equipment or appurtenances
35 reasonably required, collectively hereinafter referred to as the "facilities", including, without
36 limitation, such footbridges, causeways, and ways of access, if any, as may be necessary for the
37 convenient construction, reconstruction, installation, repair, replacement, maintenance,
38 operation, use, inspection and patrolling of said facilities;

39 (2) the perpetual, exclusive right and easement to renew, replace, remove, add to, modify
40 and otherwise change the facilities and each and every part thereof and all appurtenances thereto
41 and the locations thereof within the easement area;

42 (3) the perpetual right and easement to pass and repass on foot and with vehicles and
43 equipment along the easement area to and from the adjoining lands and to pass and repass over
44 other lands of the grantor to and from the easement area as reasonably required;

45 (4) the perpetual right and easement from time to time, without further payment therefor,
46 to clear and keep cleared by physical, chemical or other means, the easement area of trees,
47 underbrush and above and below ground buildings, structures or objects (the first clearing may
48 be for less than the full width and may be widened from time to time to the full width); and

49 (5) the perpetual right and easement to pave, excavate, remove soils from, fill, and/or
50 change the grade of the easement area as is reasonable, necessary and proper in connection with
51 the exercise of the foregoing rights and easements.

52 SECTION 4. Costs and expenses associated with the transactions authorized by this act
53 shall be apportioned as provided in the written agreement between the department of fish and
54 game and NEP.

55 SECTION 5. This act shall take effect upon its passage.