

SENATE No. 2044

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the department of fish and game to release a certain conservation restriction in the town of Winchendon in exchange for acquiring a certain other parcel, 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 any general or special law to the contrary, the department of fish and
2 game may release a portion of the conservation restriction and conservation easement,
3 approximately 1 acre in size, identified as “Proposed Transmission Easement to Benefit New
4 England Power Co.”, shown on a plan of land entitled “Proposed H-134 Transmission Line,
5 Conceptual Plan of Easement, Benjamin Street, Winchendon, MA”, dated 8/22/11 and on file in
6 the offices of the department. The release of the conservation restriction and conservation
7 easement shall comply with paragraph (IV) of the restriction and easement, as recorded in book
8 30926, page 54 in the Worcester district registry of deeds. The release shall only be executed if
9 the New England Power Company agrees to the consideration provided for in subsection (b).

10 (b) In consideration for the release authorized in subsection (a), the New England Power
11 Company shall convey to the department of fish and game a certain parcel of land,
12 approximately 30 acres in size, identified as Parcel A on a plan entitled “Sketch of Land to be
13 Conveyed to Fish & Game” and dated January 11, 2013 and on file in the offices of the
14 department. The conveyance shall constitute full, fair and reasonable consideration for the
15 release. The conveyance shall be subject to an easement to be reserved by the New England

16 Power Company and identified on the aforementioned plan as “Approximate Proposed Easement
17 to be Retained”, which easement shall include:

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

29 (2) the perpetual, exclusive right and easement to renew, replace, remove, add to,
30 modify or otherwise change the facilities or any part thereof and all appurtenances thereto and
31 the locations thereof within the easement area;

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

35 (4) the perpetual right and easement from time to time, without further payment
36 therefor, to clear and keep cleared by physical, chemical or other means, the easement area of
37 trees, underbrush and above-ground and below-ground buildings, structures or objects; provided,
38 however, that the first clearing may be for less than the full width and may be widened from time
39 to time to the full width; and

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

43 (c) Costs and expenses associated with the transactions authorized in this act shall be
44 apportioned as provided in the written agreement between the department of fish and game and
45 the New England Power Company.