

HOUSE No. 4175

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 6, 2019.

The committee on Ways and Means, to whom was referred the Senate Bill authorizing the mutual release of all claims to certain lands in the town of Newbury (Senate, No. 2270), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4175.

For the committee,

AARON MICHLEWITZ.

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Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill authorizing the mutual release of all claims to certain lands in the town of Newbury (Senate, No. 2270). November 6, 2019.

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In the One Hundred and Ninety-First General Court
(2019-2020)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance, in consultation with the director of fisheries and wildlife,
4 may convey, by a release deed, to The Richard J. Boudreau and Pauline C. Boudreau Irrevocable
5 Trust, Karyn M. Alves, trustee, under a declaration of trust dated September 5, 2017, and
6 recorded in the southern Essex district registry of deeds in book 36202, page 289, all of the
7 commonwealth’s interests in the lot of land with the buildings thereon situated in the town of
8 Newbury on the southwesterly side of Moody street and shown as “Lot A” on a plan of land
9 entitled “Plan of Land Located in Newbury, Massachusetts” prepared by Engineering Land
10 Services, LLC, dated July 7, 2018, which is on file with the division of capital asset management
11 and maintenance and the division of fisheries and wildlife. The lot is a portion of the land
12 acquired by the commonwealth for wildlife conservation purposes in a deed recorded in the
13 southern Essex registry of deeds in book 4606, page 221. The plan shall be recorded
14 simultaneously with the recording of the conveyances authorized in this act at the southern Essex
15 district registry of deeds.

16 (b) The consideration for the conveyance authorized in subsection (a) shall be the mutual
17 release of the trust's interests by release deed, in a lot of undeveloped land situated in the town of
18 Newbury on the southwesterly side of Moody street and shown as "Lot B" on the plan of land
19 referenced in said subsection (a). Lot B, which is not a buildable lot, shall be combined with the
20 Crane pond wildlife management area and shall be held for wildlife conservation purposes.

21 (c) As additional consideration for the conveyance authorized in subsection (a), the trust
22 shall convey to the commonwealth, acting by and through the division of fisheries and wildlife, a
23 perpetual restrictive covenant to protect the wetlands resources for the area depicted on the plan
24 of land referenced in said subsection (a), near the rock garden shown as "Proposed Restrictive
25 Covenant Area" consisting of approximately 962 square feet. The covenant shall prohibit the
26 trust or successor owners of "Lot A", as shown on the plan referenced in subsection (a), from
27 mowing or fertilizing in the restrictive covenant area, to protect the wetlands resources on "Lot
28 B", as shown on the plan referenced in subsection (a), and shall require the planting of native
29 grasses or shrubs.

30 (d) The trust shall assume all costs associated with engineering, surveying and deed
31 preparation and any other expenses considered necessary by the commissioner of capital asset
32 management and maintenance or the director of fisheries and wildlife to execute the conveyances
33 authorized in this act.