

**HOUSE . . . . . No. 4288**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Fourteen**  
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An Act authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to grant easements to NStar Electric Company.

*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 sections 32to38, inclusive, of chapter 7C of the General  
2 Laws or any other general or special law to the contrary, the commissioner of the division of  
3 capital asset management and maintenance, in consultation with the commissioner of the  
4 department of conservation and recreation, may, convey permanent subsurface easements over,  
5 under and through portions of the median strip located between Columbia Road and William J.  
6 Day Boulevard between H Street and just beyond G Street and across Columbia Road at H  
7 Street, located in the City of Boston, which land is currently under the control of and used by the  
8 department of conservation and recreation, to NSTAR Electric Company, a Massachusetts  
9 corporation, its successors and assigns, solely for the purposes of laying, constructing,  
10 maintaining, accessing, operating, replacing, repairing, abandoning and removing underground  
11 electric transmission lines and appurtenant facilities for the transmission of electricity, subject to  
12 the provisions of sections 3 and 4 of this act, and to such reasonable additional terms and  
13 conditions consistent with this act as the commissioner of said division, in consultation with the  
14 commissioner of said department, may prescribe. Said parcels are more particularly described as  
15 a portion of the land subject to an Order of Taking dated January 18, 1962 and recorded in Book  
16 7624, Page 575 of the Suffolk county registry of deeds. Said underground transmission lines  
17 shall be situated on Columbia Road at H Street for approximately 48 linear feet, and on the  
18 median strip between Columbia Road and William J. Day Boulevard between H Street and just  
19 beyond G Street for approximately 831 linear feet, and appurtenant structures shall be located in  
20 such land on the median strip and under G Street just beyond G Street for approximately 34,483  
21 square feet, more or less, and the permanent easement to be granted shall apply to approximately  
22 0.79 acres of land in the aggregate, more or less, and as more fully described on a plan labeled  
23 Figure 1 and entitled “South Boston 115kV Project Proposed Pipe Type Cable Alignment Within  
24 Carson Reservation” prepared by TRC Companies, Inc. and dated September 17, 2013. The

25 foregoing plan is filed with the department of conservation and recreation. Modifications to the  
26 easement descriptions set forth in the plan described above may be made in order to conform to  
27 the requirements of a decision by the department of public utilities and with a final land survey,  
28 as accepted by said departments, prior to any conveyance to carry out the purposes of this act.  
29 The final survey shall be recorded in the Suffolk district registry of deeds.

30 SECTION 2. There shall be an independent appraisal, or appraisals, of the easements  
31 described in section 1 to be conveyed as authorized by this act to determine the full and fair  
32 market value, or the value in use as proposed, based upon one or more professional appraisals as  
33 commissioned by the commissioner of capital asset management and maintenance. NSTAR  
34 Electric Company shall compensate the commonwealth in an amount greater than, or equal to,  
35 the full and fair market value, or the value in use of said easements as proposed, whichever is  
36 greater, as determined by said independent appraisals. NSTAR Electric Company shall assume  
37 all costs associated with any engineering, surveys, appraisals, deed preparation and other  
38 expenses deemed necessary by the commissioner of the division of capital asset management and  
39 maintenance to execute the conveyance authorized by this act. All money paid to the  
40 commonwealth by NSTAR Electric Company as a result of the conveyance of the easements  
41 authorized by this act shall be deposited in the general fund of the commonwealth. The  
42 commissioner of capital asset management and maintenance shall submit said appraisals and a  
43 report thereon to said inspector general for his review and comment. Said inspector general shall  
44 review and approve said appraisal or appraisals, and said review shall include an examination of  
45 the methodology utilized for said appraisal or appraisals. The inspector general shall prepare a  
46 report of his review and file said report with the commissioner for submission by said  
47 commissioner to the house and senate committees on ways and means and the chairmen of the  
48 joint committee on state administration. Said commissioner shall submit copies of said  
49 appraisals, his report, and the inspector general review and approval, and comments, if any, to  
50 the house and senate committees on ways and means and the chairmen of the joint committee on  
51 state administration prior to the execution of said conveyance.

52 SECTION 3. Notwithstanding any general or special law to the contrary, upon the  
53 passage of this act for the conveyance of the land described in section 1 to NSTAR Electric  
54 Company, the department of conservation and recreation may grant a temporary license, not to  
55 exceed 5 years, at a nominal amount to said NSTAR Electric Company that will provide NSTAR  
56 Electric Company with immediate and complete access, control, liability and responsibility of  
57 the property for the purposes described in this section until the conveyance pursuant to said  
58 section takes effect.

59 SECTION 4. No easement instrument conveying, by or on behalf of the commonwealth,  
60 the easement shall be valid unless such instrument provides that said easements shall be used  
61 solely for the purposes described in this section. The easement instrument shall include a clause  
62 which shall state that in the event that said easements cease to be used by NSTAR Electric  
63 Company, or its successors or assigns, for the purposes described in this section at any time said

64 easements shall revert to the commonwealth under the control of and use by the department of  
65 conservation and recreation, upon such terms and conditions as the commissioner of the division  
66 of capital asset management and maintenance may determine. Should said easements revert to  
67 the commonwealth, any further disposition of said easements shall be subject to sections 32 to 38,  
68 inclusive, of chapter 7C of the General Laws, and the prior approval of the general court. The  
69 terms of the easement shall require that for any installation, maintenance, repair of other work  
70 performed in the easement area, the easement holder shall not limit surface access to parkland or  
71 roadways for a period of time longer than deemed acceptable by the department of conservation  
72 and recreation and shall restore the surface condition to the equivalent or better condition as  
73 determined by said department.

74 SECTION 5. To ensure a no-net-loss of lands protected for natural resource purposes  
75 and as a condition of the conveyance authorized in this act, the NSTAR Electric Company shall  
76 compensate the commonwealth for the easements described in this section through the transfer to  
77 the department of conservation and recreation of land, an interest of land or funding for the  
78 acquisition of land or an interest therein equal to or greater than the appraised value as  
79 determined in this section. The fair market value of any land or interest in land proposed to be  
80 conveyed by the NSTAR Electric Company to the department shall be included within the  
81 appraisal. The land, interest in land, or funding must be acceptable to the department of  
82 conservation and recreation and any land or interest in land, whether conveyed by the NSTAR  
83 Electric Company or acquired by the department, shall be permanently held and managed for  
84 conservation and recreation purposes by the department. Should the appraised value of any land  
85 or interests in land be determined to be greater than the appraised value of easements described  
86 in section 1, the commonwealth shall have no obligation to pay the difference. All payments paid  
87 to the commonwealth as a result of the grants authorized under this section shall be deposited in  
88 the Conservation Trust established in section 1 of chapter 132A of the General Laws.