

**SENATE . . . . . No. 01899**

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The Commonwealth of Massachusetts

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PRESENTED BY:

***Benjamin B. Downing***

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*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 relative to an exclusive and perpetual easement within Monroe State Forest.

\_\_\_\_\_  
PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Benjamin B. Downing*

*Berkshire, Hampshire, and Franklin*

*Gailanne Cariddi*

*1st Berkshire*

**SENATE . . . . . No. 01899**

By Mr. Downing, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No. 1899) of Benjamin Downing and Gailanne Cariddi for legislation relative to an exclusive and perpetual easement within Monroe State Forest. Senate Bonding, Capital Expenditures and State Assets .

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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An Act relative to an exclusive and perpetual easement within Monroe State Forest.

*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 40E and 40J of chapter 7 of the General Laws or  
2 any other general or special law to the contrary, the commissioner of capital asset management  
3 and maintenance, in consultation with the commissioner of conservation and recreation, may  
4 convey permanent easements over, under and through portions of certain parcels of land in the  
5 Monroe State Forest in the Town of Monroe, to Massachusetts Electric Company, its successors  
6 and assigns, solely for the purposes of clearing of vegetation in connection with the construction,  
7 operation, and maintenance of an electrical tie line for a wind power facility, subject to the  
8 provisions of sections 3 and 4 of this act, and to such reasonable additional terms and conditions  
9 consistent with this act as the commissioner of capital asset management and maintenance, in  
10 consultation with the commissioner of conservation and recreation may prescribe. The parcels  
11 are more particularly described in a deed to the Commonwealth of Massachusetts recorded in  
12 Book 690, Page 231 of the Franklin county registry of deeds. The permanent easement to be

13 granted shall apply to 8,000 square feet of land in the aggregate, more or less, as more fully  
14 described on plans prepared by Hill-Engineers, Architects, Planners, Inc., and numbered  
15 respectively as drawings VE-106 - 108. Each of these plans is filed with the department of  
16 conservation and recreation. Modifications to the easement description set forth in the plans  
17 described above may be made in order to conform with a final land survey, as accepted by the  
18 division and the department, before any conveyance to carry out the purposes of this act.

19 SECTION 2. There shall be an independent appraisal, or appraisals, of the easements  
20 described in section 1 to be conveyed as authorized by this act to determine the full and fair  
21 market value, or the value in use as proposed, based upon 1 or more independent professional  
22 appraisals as commissioned by the commissioner of capital asset management and maintenance.  
23 The grantee of these easements shall compensate the commonwealth in an amount greater than,  
24 or equal to, the full and fair market value, or the value in use of these easements as proposed,  
25 whichever is greater, as determined by these independent professional appraisals. For the  
26 purposes of the appraisal, the full and fair market value of the area to be conveyed shall be  
27 calculated with regard to its full development potential as assembled with other abutting lands  
28 owned or otherwise controlled by Massachusetts Electric Company, if any. The commissioner of  
29 capital asset management and maintenance shall submit these appraisals and a report thereon to  
30 the inspector general for his review and comment. Notwithstanding any general or special law to  
31 the contrary, the inspector general shall review and approve the appraisal or appraisals, and the  
32 review shall include an examination of the methodology used for the appraisal or appraisals. The  
33 inspector general shall prepare a report of his review and file the report with the commissioner of  
34 capital asset management and maintenance, the house and senate committees on ways and means  
35 and the joint committee on bonding, capital expenditures and state assets. The commissioner of

36 capital asset management and maintenance shall, 30 days before the execution of a conveyance  
37 authorized by this act, or a subsequent amendment thereto, submit the proposed conveyance or  
38 amendment and a report thereon to the inspector general for his review and comment. The  
39 inspector general shall issue his review and comment within 15 days after receipt of the proposed  
40 conveyance or amendment. The commissioner shall submit the proposed conveyance or  
41 amendment, and the reports and the comments of the inspector general, if any, to the house and  
42 senate committees on ways and means and the joint committee on bonding, capital expenditures  
43 and state assets at least 15 days before the execution of the conveyance or amendment.

44           SECTION 3. To ensure a no-net-loss of lands protected for conservation purposes, the  
45 conveyance shall only occur if the easement holder has mitigated, or caused to be mitigated, the  
46 impact and conveyed, or caused to be conveyed, to the commonwealth or its designee land or an  
47 interest in land to be held by the department of conservation and recreation or its designee for  
48 said conservation purposes. The land or interest in land shall be of greater value than as  
49 determined in accordance with section 2 and shall be acceptable to the department, in its  
50 discretion.

51           SECTION 4. Notwithstanding any general or special law to the contrary, Massachusetts  
52 Electric Company shall be responsible for all costs and expenses, including, but not limited to,  
53 costs associated with any engineering, surveys, appraisals and deed preparation, directly related  
54 to the conveyance authorized in this act as those costs may be determined by the commissioner  
55 of the division of capital asset management and maintenance.