

SENATE No. 1911

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 adoption of the accompanying bill:

An Act authorizing the mutual release of all claims to certain lands in the town of Newbury.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Bruce E. Tarr

First Essex and Middlesex

Lenny Mirra

2nd Essex

SENATE No. 1911

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1911) of Bruce E. Tarr and Lenny Mirra for legislation to authorize the mutual release of all claims to certain lands in the town of Newbury . State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act authorizing the mutual release of all claims to certain lands in the town of Newbury.

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. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
2 General Laws, or any other special or general laws to the contrary, the commissioner of the
3 division of capital asset management and maintenance, in consultation with the director of the
4 division of fisheries and wildlife, on behalf of the Commonwealth of Massachusetts, is hereby
5 authorized to convey by a release deed to The Richard J. Boudreau and Pauline C. Boudreau
6 Irrevocable Trust, Karyn M. Alves, Trustee, under declaration of trust dated September 5, 2017
7 and recorded at the Essex South District Registry of Deeds at Book 36202, Page 289
8 (hereinafter, the “Trust”), all of the Commonwealth’s interests in the lot of land with the
9 buildings thereon, situated in the Town of Newbury, Essex County, on the southwesterly side of
10 Moody Street, so called, shown as Lot A as shown on “Plan of Land Located in Newbury,
11 Massachusetts” prepared by Engineering Land Services, LLC, dated July 7, 2018 and on file
12 with the division of capital asset management and maintenance and with the division of fisheries

13 and wildlife. Said plan shall be recorded simultaneously with the recording of the conveyances
14 described herein.

15 (b) The consideration for such conveyance is the mutual release of the Trust's interests
16 by release deed in the following described lot of undeveloped land, situated in the Town of
17 Newbury, Essex County, on the southwesterly side of Moody Street, so called, shown as Lot B
18 as shown on "Plan of Land Located in Newbury, Massachusetts" prepared by Engineering Land
19 Services, LLC, dated July 7, 2018 and on file with the division of capital asset management and
20 maintenance and with the division of fisheries and wildlife. Said plan shall be recorded
21 simultaneously with the recording of the conveyances described herein.

22 The Commonwealth recognizes that said lot is not a buildable lot and agrees that it will
23 be combined with the Crane Pond Wildlife Management Area.

24 (c) As additional consideration, the Trust shall also convey to the commonwealth of
25 Massachusetts, acting by and through its division of fisheries and wildlife a perpetual restrictive
26 covenant for the area depicted on the Plan near the rock garden. Said covenant shall prohibit the
27 Trust or successor owners of Lot A from mowing or fertilizing in the restrictive covenant area to
28 protect the wetlands resources on Lot B and shall require the planting of native grasses or shrubs.

29 (d) The Trust shall assume all costs associated with engineering, surveying, deed
30 preparation, and other expenses deemed necessary by the Commissioner of the Division of
31 Capital Asset Management and Maintenance or the Commissioner of the Division of Fisheries
32 and Wildlife to execute the conveyances described in this section.

33 SECTION 2. This Act shall take effect upon its passage