

# HOUSE . . . . . No. 4738

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## The Commonwealth of Massachusetts

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EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133  
(617) 725-4000

DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

May 9, 2008.

To the Honorable Senate and House of Representatives:

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as amended by Article LXXXIX, I am filing for your consideration the attached legislation entitled, “An Act Relative To The Granting Of An Easement By The Town Of Sharon.” Because the land in question is conservation land, Article XCVII of the Massachusetts Constitution applies.

Senators Timilty and Joyce, Representative Kafka and the Town of Sharon board of selectmen have requested that I file this legislation to allow the creation of an easement on town conservation land necessary for homeowners to have access to their house. Absent this legislation, a family in Sharon may be unable to sell their home because they may lack the legal right to access and egress their home. Authorizing the town to provide an easement on town land adjacent to the home will lift this burden from the property and enable the family to sell their home. At the time the conservation land was sold to the town, it was unknown that the conveyance included the homeowners’ residential driveway and septic system.

This legislation authorizes disposition of conservation land, triggering the no-net-loss policy under Article 97. However, there is no loss associated with the continued use of the premises in the manner

that they have been used since the conveyance of the conservation land to the town, and correcting this technical error does not compel compensation.

I urge your early and favorable consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", written in a cursive style.

DEVAL L. PATRICK,  
*Governor.*

**The Commonwealth of Massachusetts**

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In the Year Two Thousand and Eight.

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AN ACT RELATIVE TO THE GRANTING OF AN EASEMENT BY THE TOWN OF SHARON.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Notwithstanding any general or special law to the contrary, and  
2 in order to correct a mistake that occurred in the original acquisi-  
3 tion of Lot 25 Beach Street, Sharon Norfolk County Registry Dis-  
4 trict of Land Court on Certificate of Title No. 110487, the Town  
5 of Sharon may release a conservation restriction on a certain  
6 parcel of land in said town and convey an easement appurtenant to  
7 the ownership of Lot 24A, on a plan dated September 13, 1941,  
8 recorded in the Land Court as Plan No. 119 1X, filed with Cert.  
9 26919 in Book 135, page 119. Said easement is shown on said  
10 plan, bounded and described as follows:—

11 Beginning at a point, said point being on the northerly sideline  
12 of Beach Street at the property corner between Lot 24A and Lot  
13 25; thence N 33°-15'-30" W a distance of One Hundred Fifteen  
14 and 00/100 (115.00) feet; thence S 45°-44'-30" W a distance of  
15 Thirty-Five and 00/100 (35.00) feet; thence S 33°-15'-30" E a dis-  
16 tance of One Hundred and Twelve and 74/100 (112.74) feet;  
17 thence N 60°-26'-30" E a distance of Twenty-Eight and 53/100  
18 (28.53) feet by the northerly sideline of Beach Street; thence  
19 Northeasterly and curving to the left along the arc of a curve  
20 having a radius of Five Hundred Ninety-Nine and 34/100 (599.34)  
21 feet, a length of Six and 55/1 00 (6.55) feet to the point of begin-  
22 ning. Said easement contains an area of 3,985 square feet, more or  
23 less. Said easement shall provide access only to the existing resi-  
24 dence at 145 Beach Street and the existing septic system servicing  
25 that address and shall not provide access to any other parcel or  
26 use.