

HOUSE No. 3755

Text of an amendment recommended by the committee on Ways and Means to the Senate Bill relative to an exclusive and perpetual easement within Monroe State Forest (Senate, No. 1988, amended).

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

The Committee on Ways and Means recommends that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

1 "SECTION 1. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws
2 or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the commissioner of conservation and
4 recreation, may grant permanent easements over, under and through portions of certain parcels of
5 land in the Monroe State Forest in the town of Monroe, to Massachusetts Electric Company, its
6 successors and assigns, solely for the purposes of clearing vegetation in connection with the
7 construction, operation and maintenance of an electrical tie line for a wind power facility, subject
8 to sections 3 and 4, and subject to such reasonable additional terms and conditions consistent
9 with this act as the commissioner of capital asset management and maintenance, in consultation
10 with the commissioner of conservation and recreation, may prescribe. The parcels are more
11 particularly described in a deed to the Commonwealth of Massachusetts recorded in the Franklin
12 county registry of deeds in book 690, page 231. The permanent easements to be granted shall

13 apply to 8,000 square feet of land in the aggregate, more or less, as more fully described on plans
14 prepared by Hill-Engineers, Architects, Planners, Inc., and numbered respectively as drawings
15 VE-106 - 108, dated April 18, 2008 and labeled as “Clearing Area #1” through “Clearing Area
16 #8”, as filed with the department of conservation and recreation. Modifications to the easement
17 description set forth in the plans described above may be made in order to conform with a final
18 land survey, as accepted by the division and the department, before any grant of easements to
19 carry out this act.

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

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

45 SECTION 3. To ensure a no-net-loss of lands protected for conservation purposes, the granting
46 of any easements authorized in section 1 shall only occur if the easement holder has mitigated, or
47 caused to be mitigated, the impact and conveyed, or caused to be conveyed, to the
48 commonwealth or its designee land or an interest in land to be held by the department of
49 conservation and recreation or its designee, for conservation purposes. The land or interest in
50 land shall be of greater value than as determined in accordance with section 2 and shall be
51 acceptable to the department, in its discretion.

52 SECTION 4. Notwithstanding any general or special law to the contrary, Massachusetts Electric
53 Company, or its successors and assigns, shall be responsible for all costs and expenses including,
54 but not limited to, costs associated with any engineering, surveys, appraisals and deed
55 preparation directly related to the grant of easements authorized in this act, as those costs may be
56 determined by the commissioner of capital asset management and maintenance."; and by striking
57 out the title and inserting in place thereof the following title: "An Act authorizing the

- 58 Commissioner of Capital Asset Management and Maintenance to grant easements within
- 59 Monroe State Forest.”