

By Ms. Pollard, a petition (accompanied by bill, Senate, No. 1019) of Sharon M. Pollard for legislation to authorize the Department of Environmental Management to grant certain easements on, over and across certain land in the town of Merrimac for the construction of a sanitary sewer. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-one.

AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO GRANT CERTAIN EASEMENT ON, OVER AND ACROSS CERTAIN LAND IN THE TOWN OF MERRIMAC FOR THE CONSTRUCTION OF A SANITARY SEWER.

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. The Department of Environmental Management in the name and on behalf of the Commonwealth, is
2 hereby authorized to grant to the Town of Merrimac an ease-
3 ment approved as to form by the Attorney General for the
4 construction, maintenance and operation of a sanitary sewer
5 on, over and across land of the Commonwealth in the Town
6 of Merrimac. Said land contained in the easement areas is
7 bounded and described as follows: —

9 1. A permanent easement beginning at a point along the
10 boundary line dividing the land of the Commonwealth from
11 the land of George and Maria Meimarides, said point being
12 southerly along said boundary line 1 foot more or less from
13 its intersection with the land of Alfred A. & June S. Prokop,
14 thence S 71° 27' 46" E 25 feet more or less to a point, thence
15 S 87° 50' 50" E. 165 feet more or less to a point, thence
16 N 89° 12' 4" E 221 feet more or less to a point, thence S 1°
17 42' 45" W 208 feet more or less to a point, thence S 14° 33' 46"
18 W 109 feet more or less to the land of Richard L. & Anne L.
19 Levesque, thence westerly along the land of Levesque 24 feet
20 more or less to a point, thence N 14° 33' 46" E 127 feet more
21 or less to a point, thence N 1° 42' 45" E 184 feet more or

22 less to a point, thence S $89^{\circ} 12' 4''$ W 206 feet more or less to
23 a point, thence N $87^{\circ} 50' 50''$ W 173 feet more or less to a
24 point, thence N $71^{\circ} 27' 46''$ W 15 feet more or less to the
25 land of Meimarides, thence northerly along the land of
26 Meimarides 24 feet more or less to the place of the beginning.

27 The area of permanent easement (1) is 14,625 square feet
28 more or less.

29 (2) A permanent easement beginning at a point along the
30 boundary line dividing the land of the Commonwealth from
31 the land of Levesque, said point being southerly along said
32 boundary line 5 feet more or less from the northwestern
33 corner of the land of Levesque, thence southerly along said
34 boundary line 55 feet more or less to a point, thence N 12°
35 $38' 10''$ W 30 feet more or less to a point, thence N $14^{\circ} 33' 46''$
36 E 23 feet more or less to the place of beginning.

37 The area of permanent easement (2) is 190 square feet more
38 or less.

39 (3) A permanent easement beginning at a point along the
40 boundary line dividing the land of the Commonwealth from
41 the land of Walter V. and Beulah A. Hawkes, said point being
42 westerly 30 feet more or less from the intersection of said
43 boundary line with the boundary line dividing the land of
44 the Commonwealth from the land of Levesque, thence west-
45 erly along the land of Hawkes 21 feet more or less to a point,
46 thence N $5^{\circ} 29' 10''$ W 63 feet more or less to a point, thence
47 N $29^{\circ} 31' 51''$ W 126 feet more or less to a point, thence
48 N $12^{\circ} 38' 10''$ W 87 feet more or less to the land of Levesque,
49 thence southerly along the land of Levesque 66 feet more or
50 less to a point, thence S $12^{\circ} 38' 10''$ E 19 feet more or less
51 to a point, thence S $29^{\circ} 31' 51''$ E 126 feet more or less to
52 a point, thence S $5^{\circ} 29' 10''$ E 63 feet more or less to the
53 place of beginning.

54 The area of easement (3) is 4,460 square feet more or less.

55 (1) A temporary easement beginning at a point along the
56 boundary line dividing the land of the Commonwealth from
57 the land of Hawkes, said point being the southwestern cor-
58 ner of the previously described permanent easement num-
59 ber (3), thence N $5^{\circ} 29' 10''$ W along said permanent ease-
60 ment 63 feet more or less to a point, thence N $29^{\circ} 31' 51''$ W

61 126 feet more or less to a point, thence N 12° 38' 10" W 87
62 feet more or less to the land of Richard L. & Anne L. Leves-
63 que, thence northwesterly along the land of Levesque 25
64 feet more or less to a point, thence northerly along the land
65 of Levesque 40 feet more or less to the point of intersection
66 with the southern corner of the previously described per-
67 manent easement number (2), thence N 12° 38' 10" W along
68 said permanent easement 30 feet more or less to a point,
69 thence N 14° 33' 46" E 23 feet more or less to the land of
70 Levesque, thence northerly along the land of Levesque 5
71 feet more or less to the northwestern corner of the land of
72 Levesque, thence easterly along the land of Levesque 3 feet
73 more or less to the point of intersection with the south-
74 western corner of the previously described permanent ease-
75 ment number (1), thence N 14° 33' 46" E along said perman-
76 ent 127 feet more or less to a point, thence N 1° 42' 45" E
77 184 feet more or less to a point, thence S 89° 12' 4" W 206
78 feet more or less to a point, thence N 87° 50' 50" W 173 feet
79 more or less to a point, thence N 71° 27' 46" W 15 feet more
80 or less to the land of George & Maria Meimarides, thence
81 southerly along the land of Meimarides 11 feet more or less
82 to a point, thence S 71° 27' 46" E 13 feet more or less to a
83 point, thence S 87° 50' 50" E 181 feet more or less to a point,
84 thence N 89° 12' 4" E 186 feet more or liess to a point,
85 thence S 1° 42' 45" W 185 feet more or less to a point, thence
86 S 14° 33' 46" W 145 feet more or less to a point, thence
87 S 12° 38' 10" E 180 feet more or less to a point, thence S 29°
88 31' 51" E 126 feet more or less to a point, thence S 5° 29'
89 10" E 65 feet more or less to the land of Hawkes, thence
90 easterly along the land of Hawkes 10 feet more or less to
91 the place of beginning.

92 The area of temporary easement (1) is 9,700 square feet
93 more or less.

94 (2) A temporary easement beginning at a point along the
95 boundary line dividing the land of the Commonwealth from
96 the land of Alfred A. and June S. Prokop, said point being
97 the northwestern corner of the land of the Commonwealth,
98 thence southerly along the land of Meimarides 1 foot more
99 or less to the northwestern corner of the previously described

100 permanent easement number (1), thence S 71° 27' 46" E
101 along said permanent easement 25 feet more or less to a
102 point, thence S 87° 50' 50" E 165 feet more or less to a point,
103 thence N 89° 12' 46" E 144 feet more or less to the land of
104 Daldo R. Fassio, thence westerly along the land of Fassio
105 and along the land of Earl T. & Theresa I. Boisvert, along
106 the land of Marion Graham & Alma P. Thompson, along the
107 land of John & Josephine Sanilik, and along the land of
108 Prokop 22 feet more or less to the place of beginning.

109 The area of temporary easement (2) is 3,495 square feet
110 more or less.

111 (3) A temporary easement beginning at a point along the
112 boundary line dividing the land of the Commonwealth from
113 the land of Joseph and Boles C. Masys, said point being the
114 southeastern corner of the land of said Masys, thence N 89°
115 12' 4" E more or less to a point, thence N 1° 42' 45" E 10
116 feet more or less to a point, thence S 89° 12' 4" W 40 feet
117 more or less to the land of Masys, thence southerly along
118 the land of Masys 10 feet more or less to the place of begin-
119 ing.

120 The area of temporary easement (3) is 400 square feet
121 more or less.

122 (4) A temporary easement beginning at a point along the
123 line dividing the land of the Commonwealth from the land
124 of Richard L. & Anne L. Levesque, said point being the
125 southeastern corner of the previously described easement
126 number (1), thence N 14° 33' 46" E along said permanent
127 easement 109 feet more or less to a point, thence N 1° 42' 45"
128 E 188 feet more or less to a point, thence N 89° 12' 4" E 10
129 feet more or less to a point, thence S 1° 42' 45" W 188 feet
130 more or less to a point, thence S 14° 33' 46" W 107 feet
131 more or less to the land of Levesque, thence southwesterly
132 along the land of Levesque 12 feet more or less to the place
133 of beginning.

134 The area of temporary easement (4) is 3,065 square feet
135 more or less.

136 (5) A temporary easement beginning at a point along the
137 boundary line dividing the land of the Commonwealth from
138 the land of Hawkes, said point being the southeastern cor-

139 ner of the previously described permanent easement number
140 (3), thence N 5° 29' 10" W along said permanent easement
141 63 feet more or less to a point, thence N 29° 31' 51" W 126
142 more or less to a point, thence N 12° 38' 10" W 19 feet more
143 or less to the land of Levesque, thence southeasterly along
144 the land of Levesque 163 feet more or less to a point, thence
145 S 5° 29' 10" E 47 feet more or less to the land of Hawkes,
146 thence westerly along the land of Hawkes 10 feet more or
147 less to the place of beginning.

148 The area of temporary easement (3) is 1,260 square feet
149 more or less.

150 At the completion of construction, the temporary ease-
151 ments described herein shall revert to the Commonwealth.
152 sheet 12 of 19, dated March 21, 1980, Curran Associates, Inc.
153 Sewer Easements, Attatash Avenue and Bisson Avenue",
154 sheet 12 of 19, date dMarch 21, 1980, Curran Associates, Inc.
155 Northampton, Massachusetts and registered on Plan Book
156 number 160 page 88 in the Essex County Registry of Deeds.

157 A permanent easement beginning at a point along the
158 western boundary of Pine Bluff Avenue, said point being the
159 northeastern corner of the land of Robert G. & Victoria
160 Chilton, thence westerly along the land of Chilton 28 feet
161 more or less to a point, thence southwesterly along the land
162 of Chilton, along the land of Charles W. Bisson et al., and
163 along the land of Kenneth R. & Jennifer S. Defoski 139 feet
164 more or less to Lake Avenue, thence southwesterly along the
165 northern end of Lake Avenue to the northeastern corner of
166 the land of Louise M. Klodenski, thence southwesterly along
167 the land of Klodenski, along the land of Raymond J. & Rita
168 M. Seppa, and along the land of Walter V. Stranger 172 feet
169 more or less to a point, thence southerly along the land of
170 Stranger 145 feet more or less to a point, thence S 86° 42'
171 13" W 89 feet more or less to a point along the eastern
172 boundary of a contiguous permanent sewer easement from
173 the Commonwealth of Massachusetts shown on "Plan of
174 Sewer Easements: Attitash Avenue—Bisson Avenue (Sheet
175 12" by Curran Associates, Inc., Northampton, Mass. and re-
176 corded in the Essex County Registry of Deeds. Plan Book
177 , page , said point being southerly along said boundary

178 20 feet from the northeastern corner of said contiguous ease-
179 ment, thence northerly along said contiguous permanent
180 easement 20 feet to a point, thence N 86° 42' 13" E 68 feet
181 more or less to a point, thence N 16° 29' 44" W 141 feet more
182 or less to a point, thence N 67° 48' 21" E 207 feet more or less
183 to a point, thence 21 feet more or less to the western right of
184 way line of Pine Bluff Avenue, thence southeasterly along
185 Pine Bluff Avenue 25 feet more or less to the place of begin-
186 ning.

187 The area of the permanent easement is 11,830 square feet
188 more or less.

189 1) A temporary easement beginning at a point along the
190 land of Walter V. Stranger, said point being the southern-
191 most point of the previously described permanent easement
192 abutting the land of Stranger, thence S 86° 42' 13" W 78 feet
193 more or less to the eastern boundary of a contiguous tempo-
194 rary sewer easement shown on Sheet 12 as previously refer-
195 enced, thence southerly along said contiguous temporary
196 sewer easement 10 feet more or less to a point, thence N 86°
197 42' 13" E 79 feet more or less to the land of Stranger, thence
198 northerly along the land of Stranger 10 feet more or less to
199 the place of beginning.

200 The area of temporary easement (1) is 785 square feet
201 more or less.

202 A temporary easement abutting the northern and western
203 sides of the previously described permanent easement along
204 its entire length for a distance of 584 feet more or less, the
205 width of said temporary easement being 10 feet or the dis-
206 tance between the permanent easement and the edge of the
207 water of Lake Attitash, whichever is less.

208 The area of the temporary easement (2) is 5,840 square
209 feet more or less.

210 These easements are designated on a plan titled "Plan of
211 Sewer Easements Attitash Park Shoreline", Sheet 16 of 19,
212 dated March 21, 1980, Curran Associates, Inc. Northampton,
213 Massachusetts and registered on Plan Book number 160 page
214 88 in the Essex County Registry of Deeds.

1 SECTION 2. In consideration for said conveyances provided

2 for in section 1 the Town of Merrimac shall, upon completion
3 of the project on the property of the Commonwealth as here-
4 before provided, restore said area to its original condition
5 prior to construction. Said restoration shall include but not
6 be limited to regrading of the construction area, repaving
7 areas damaged by the construction, replanting areas damaged
8 by the construction, restoring such fences as may be damaged
9 by construction, and restoring such areas as may be desig-
10 nated by the Commissioner of the Department of Environ-
11 mental Management.

