

By Mr. Antonioni, a petition (accompanied by bill, Senate, No. 1619) of Robert A. Antonioni and Mary Jane Simmons for legislation to authorize the Department of Environmental Management to acquire conservation restrictions to lands of the city of Leominster. State Administration.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO TAKE OR ACQUIRE CONSERVATION RESTRICTIONS IN AND TO LANDS OF THE CITY OF LEOMINSTER.

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
2 consultation with the division of capital asset management and
3 maintenance, may take under chapter 79 of the General Laws or
4 otherwise acquire fee interest, easements or lesser interests in land
5 through conservation restrictions under sections 31 and 32 of
6 chapter 184 of the General Laws in and to all or a portion of cer-
7 tain parcels of land owned by the city of Leominster identified in
8 section 2, if the city of Leominster conveys these property inter-
9 ests. The division shall not exercise the power of eminent domain
10 under chapter 79 without the prior written consent of the city of
11 Leominster. The acquisition shall be for the purpose of ensuring
12 the preservation and protection of water supply, wildlife and
13 habitat and for passive recreation and other consistent uses. The
14 property to be conveyed, known as the Leominster Watershed
15 Lands, was taken or acquired by the city of Leominster for water-
16 shed and water supply purposes and is currently used for those
17 purposes. The conservation restrictions authorized by this act
18 shall allow for the continuation of water supply and watershed
19 purposes on all or a portion of the parcels; however, said conser-
20 vation restrictions may restrict or regulate, but may not unreason-
21 able limit, the acts or uses associated with conducting these

22 purposes. The conservation restrictions, if taken and not otherwise
23 acquired, shall be subject to any easement or lesser interest in land
24 held by any person or governmental agency, except for said city of
25 Leominster, that lawfully exists and that is recorded in the appro-
26 priate registry of deeds, unless the department of environmental
27 management expressly takes such easement or lesser interest
28 through eminent domain in accordance with the provisions of
29 chapter 79.

1 SECTION 2. The parcels are identified as follows: All of the
2 lands, including lands under water, in the City of Leominster, as
3 described in Assessors Map #360, parcel 2, Map #361, parcel 1,
4 Map #362, parcel 1, Map #362, parcel 6, Map #363, parcel 2,
5 Map #429, parcel 12, Map #512, parcel 2, Map #512, parcel 4,
6 Map #513, parcel 2, Map #548, parcel 2, and Map #548, parcel 4,
7 also meaning to include, although not necessarily covered in its
8 entirety by the above-referenced parcels but surrounded by the
9 lands described therein Notown Reservoir, Goodfellows Reservoir,
10 Simonds Reservoir, Haynes Reservoir, Morse Reservoir, Distrib-
11 uting Reservoir and Fall Brook Reservoir.

1 SECTION 3. This act shall take effect upon its passage.