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**Chapter 179. AN ACT PROVIDING FOR IMPROVEMENTS TO THE METROPOLITAN WATER SUPPLY SYSTEM.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith certain land transfers and the granting of certain easements necessary for the improvement of the metropolitan water supply system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** The parcel of vacant land specifically described in section 2 of this act, purchased by the town of Weston and currently used by said town for open space and public trails purposes, consisting of 22.3 acres of land, more or less, is hereby transferred to the Massachusetts Water Resources Authority, for the purpose of the development, construction and maintenance of facilities for the improvement of the metropolitan area water supply system. The parcel of land specifically described in section 3 is hereby transferred to the Massachusetts Water Resources Authority for the same purpose, such transfer to be effective upon recording with the Middlesex south registry of deeds of a deed to the town of Weston from the Weston Forest and Trail Association, Inc., conveying good, clear, record title to the town of Weston no later than 60 days following the enactment of this act, and said transfer to be void if said deed is not recorded within such time.

**SECTION 2.** The parcel of land owned by the town of Weston currently under the care, custody, control, and management of the town of Weston conservation commission and held and used for conservation, open space, and trails purposes, and identified in section 1 is herein more specifically described as comprising a triangular parcel of land containing 22.3 acres, more or less, situated off the east side of Wellesley Street, in the town of Weston, bounded and described as follows:

Northerly, by land of the Massachusetts Turnpike Authority, 1415.46 feet, and another line of 639.7 feet;

Easterly, by land now or formerly of the Weston Forest and Trail Association, Inc., 910.23 feet;

Southwesterly, by land of the commonwealth of Massachusetts (Pressure Aqueduct) by two lines respectively of 802.0 feet and 811.8 feet, together measuring 1613.8 feet;

Northwesterly, by land of said commonwealth of Massachusetts, 50.8 feet; and

Southwesterly, again by land of said commonwealth, 391.8 feet. Said parcel is shown as Parcel A on a plan dated December 19, 1975, prepared by Everett M. Brooks Company, C.E. Of Newtonville, Massachusetts, and recorded in Middlesex south registry of deeds.

The parcel is further described as Parcel A in a deed of Nancy W. Danforth to the Town of Weston dated June 30, 1976 and recorded in said Deeds Book 13005, Page 574.

**SECTION 3.** The parcel of land currently owned by the Weston Forest and Trail Association, Inc., containing 13.456 acres, more or less, situated off Wellesley Street, in the Town of Weston, shown as lot 2 on a plan entitled "Plan of Land in Weston, Massachusetts,

owned by Hilbert Van Nydeck Schenck," dated March 25, 1957, recorded in the Middlesex South Registry of Deeds, Book 8967, Page 280, bounded and described as follows: Northerly, by the Massachusetts Turnpike as shown on said plan in two courses, three hundred eighty-two and 42/100 (382.42) feet, and six hundred sixty-six and 30/100 (666.30) feet, respectively; Southeasterly by land of the commonwealth of Massachusetts as shown on said plan, one thousand five hundred fifty-three and 25/100 (1553.25) feet; Southerly by land of the commonwealth of Massachusetts, as shown on said plan, two hundred forty-seven and 20/100 (247.20) feet; Westerly by land of Nancy W. Danforth, as shown on said plan, nine hundred ten and 23/100 (910.23) feet. The parcel is further described in a deed of Dorothea B. Cugini to the Weston Forest and Trail Association, Inc., dated April 7, 1962, and recorded in the Middlesex South Registry of Deeds, Book 10015, Page 381 and said land is subject to the condition and right of reverter set out in said deed.

**SECTION 4.** As additional consideration for the transfer of the town of Weston conservation land to the Massachusetts Water Resources Authority, the Massachusetts Water Resources Authority is hereby authorized and directed to comply with all of the terms of the Memorandum of Agreement between the town of Weston and the Massachusetts Water Resources Authority approved by a vote of the board of directors of said authority on March 26, 1997, duplicate originals of which are filed with the town clerk of the town of Weston and the secretary of the board of directors of the Massachusetts Water Resources Authority, except the first paragraph and the first sentence of the second paragraph of introductory part, Section 5 (Outstanding Issues) and Part II, Section 5 (Conditions Precedent to the Parties' Obligations), and the compensation and other obligations set out in Part II, Section 3 of said Memorandum of Agreement, for which compensation the compensation provided by this act shall substitute.

**SECTION 5.** Upon the recording of the certificate described in section 6 of this act, the Massachusetts Water Resources Authority shall pay to the town of Weston the amount of \$3,000,000, which amount shall be held in trust by said town, and shall only be used by the town, acting through its conservation commission with the approval of its board of selectmen, without further appropriation, for the purchase of conservation land. In addition, notwithstanding any other provisions of law to the contrary, the 12 acres, more or less, of land described in figure 4 of the Memorandum of Agreement described in section 4, now held by the commonwealth for water supply purposes, is hereby transferred from the commonwealth to the town of Weston to be held as conservation land, and the Massachusetts Water Resources Authority is hereby authorized and directed to have prepared a plan of said land in form suitable for recording, which plan the Massachusetts Water Resources Authority shall record with the certificate described in section 6.

**SECTION 6.** Within 60 days of the effective date of this act, the Massachusetts Water Resources Authority shall record in the Middlesex south registry of deeds a certificate signed by said authority's executive director before a notary public, confirming that as of the date of enactment hereof, the authority is the owner of record of the parcel of land described in section 2. A copy of this act shall be recorded as an attachment to the certificate.

In the event that a deed of the parcel of land described in section 3 of this act is recorded within 60 days of the effective date of this act as set forth in section 1 said certificate shall also state that the authority is the owner of record of the parcel of land described in section 3 as of the date of recording of said deed.

**SECTION 7.** The land identified in sections 2 and 3 shall be used by the Massachusetts Water Resources Authority solely for the construction of the Norumbega reservoir covered water storage tank and associated piping, valves and appurtenances for connecting the water tank to the water system. In the event that the Massachusetts Water Resources Authority no longer uses the land described in sections 2 and 3 for the purposes described herein, the land shall revert to its prior status as conservation land. No portion of the land shall be used for the construction of a water disinfection facility, so-called. Nothing herein shall preclude the Massachusetts Water Resources Authority from using said land for wetlands replication.

**SECTION 8.** Notwithstanding the provisions of sections 38A½ to 38 O, inclusive, of chapter 7 of the General Laws, the provisions of sections 44A through 44M, inclusive, of chapter 149 of the General Laws, the provisions of section 39M of chapter 30 of the General Laws, or any other general or special law or regulation to the contrary providing for the planning, design, construction or improvements to real property, the Massachusetts Water Resources Authority is hereby authorized and directed to utilize such alternative means of procurement of design and construction for the development of a covered water storage tank system with a capacity of approximately 115 million gallons, together with appurtenances for its connection to the Hultman Aqueduct and the metrowest water supply tunnel, such storage tank construction collectively referred to as the Norumbega water storage project, as it determines to be reasonable and prudent in the circumstances; provided, however, that the authority shall either retain the services of an owner's representative, using the authority's existing procurement methods for professional services, or establish a staff position for an owner's representative, who shall advise the authority during the development of design and construction standards and provide other appropriate advice for the project. The design/construction contractor for the project shall be certified as paying prevailing wages that would be applicable as if the contract were to be awarded under the aforesaid provisions of the General Laws. No person shall be restrained from participating as a design/construction contractor who had participated in earlier study or initial design phases of the project.

**SECTION 9.** Notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of the division of capital planning and operations acting for and on behalf of the commonwealth, is hereby authorized and directed to transfer, for nominal consideration of \$1, five permanent subsurface water supply tunnel easements under certain parcels of land in the towns of Southborough and Wayland, which parcels were acquired by the commonwealth acting through a predecessor agency to the metropolitan district commission for watershed, park, open space and passive recreation purposes, to the Massachusetts Water

Resources Authority for the purposes of installing, maintaining and operating sections of a regional water supply tunnel, which when completed will provide water service to the metropolitan Boston area water supply system.

The first permanent subsurface tunnel easement is located in the town of Southborough, being bounded and described as follows:

Beginning at a point in the easterly side line of Framingham Road at land of the Commonwealth of Massachusetts by its Metropolitan District Commission ("M.D.C."). Said point of beginning being southeasterly a distance of five hundred two and nine-tenths (502.9) feet along the arc of a curve having a radius of one thousand eight hundred thirty and zero tenths (1,830.0) feet from the point of curvature of the said Framingham Road and running; thence,

Northwesterly along said Framingham Road and curving to the left along the arc of a curve having a radius of one thousand eight hundred thirty and zero tenths (1,830.0) feet, a length of fifty-five and one-tenth (55.1) feet to a point; thence,

S 84° - 32' - 53" E along land of said M.D.C., a distance of two thousand four hundred twenty and seven-tenths (2,420.7) feet to a point; thence,

S 84° - 17' - 01" W along the land of now or formerly Joseph and Margaret Sullivan, a distance of ninety-four and two-tenths (94.2) feet to a point; thence,

S 05° - 55' - 35" E along the land of now or formerly Joseph and Margaret Sullivan, a distance of thirty-two and four-tenths (32.4) feet to a point; thence,

N 84° - 32' - 53" W along land of said M.D.C., a distance of two thousand three hundred eleven and five-tenths (2,311.5) feet to the point of beginning.

The above described easement parcel contains an area of 114,645 square feet more or less and is more particularly shown as Parcel Number MW-58A on sheets MWT-19 through MWT-21 on a plan entitled "MASSACHUSETTS WATER RESOURCES AUTHORITY METROWEST WATER SUPPLY TUNNEL PERMANENT SUBSURFACE TUNNEL EASEMENT PLAN & PROFILE, SOUTHBOROUGH, WORCESTER COUNTY, date: January 17, 1996 revised: March 6, 1996 scale: 1" = 40' Sverdrup Corporation Eng.- Arch. Boston, MA, Judith Nitsch Engineering, Inc., Civil Engineers/Land Surveyors/Planners, One Appleton Street, Boston, MA 02116" (hereinafter, the "Worcester Plan"). The Worcester Plan has been recorded at the Worcester county registry of deeds as Plan No. 10 of 1996 in Plan Book 702.

The second permanent subsurface tunnel easement is located in the town of Southborough, being bounded and described as follows:

Beginning at a point in the easterly side line of Valley Road at land of the Commonwealth of Massachusetts by its M.D.C. and running; thence,

N 20° - 32' - 21" W along the easterly side line of said Valley Road, a distance of fifty-five and six-tenths (55.6) feet to a point; thence,

S 84° - 32' - 53" E along land of said M.D.C., a distance of three thousand fourteen and six-tenths (3014.6) feet to a point; thence,

N 71° - 19' - 15" E along land of said M.D.C., a distance of one thousand two hundred four and nine-tenths (1,204.9) feet to a point; thence,

S 19° - 57' - 27" W along land of Patricia C. Lavin, a distance of sixty-four and zero tenths (64.0) feet to a point; thence,

S 71° - 19' - 15" W along land of said M.D.C., a distance of one thousand one hundred seventy-five and six-tenths (1,175.6) feet to a point; thence,

N 84° - 32' - 53" W along land of said M.D.C., a distance of three thousand and nine-tenths (3,000.9) feet to the point of beginning.

The above-described easement parcel contains an area of 209,897 square feet, more or less and is more particularly shown as Parcel Number MW-59B on sheets MWT-21 thru MWT-25 on the above-referenced Worcester Plan. For title reference, see deed dated January 4, 1896 recorded in Worcester County Registry of Deeds Book 1495, Page 245.

The third permanent subsurface tunnel easement is located in the westerly part of the town of Wayland, easterly of Sycamore road, beneath Dudley Pond, designated "Great Pond" of the commonwealth, being bounded and described as follows:

Beginning at a point in the division line between land of David and Lynn Paoella and land of the Commonwealth of Massachusetts (Dudley Pond). Said point of beginning being the northwest corner of the easement parcel to be described herein, and running; thence,

N 86° - 49' - 46" E along land of said Commonwealth of Massachusetts to land of John S. and Marilyn S. Darack, a distance of ninety-two (92±) feet plus or minus to a point; thence,

Southwesterly along land of said Commonwealth of Massachusetts and of land of said John S. And Marilyn S. Darack, a distance of seventy-two (72±) feet plus or minus to the point; thence,

Northwesterly along land of said Commonwealth of Massachusetts and land of said David and Lynn Paoella, a distance of forty-nine (49±) feet plus or minus to the point of beginning. The last two mentioned courses being by the shore line of Dudley Pond.

The above described easement parcel contains an area of 2,135 square feet more or less and is more particularly shown as Parcel Number MW-270 on Sheet MWT-32 on a plan entitled "MASSACHUSETTS WATER RESOURCES AUTHORITY METROWEST WATER SUPPLY TUNNEL PERMANENT SUBSURFACE TUNNEL EASEMENT PLAN & PROFILE, FRAMINGHAM, WAYLAND AND WESTON, MIDDLESEX COUNTY, date: January 17, 1996 scale: 1" = 40' Sverdrup Corporation Eng. - Arch. Boston, MA, Judith Nitsch Engineering, Inc., Civil Engineers/Land Surveyors/Planners, One Appleton Street, Boston, MA 02116" (hereinafter, the "Middlesex Plan"). The Middlesex Plan has been recorded in the Middlesex south district registry of deeds as Plan No. 186 of 1996. For title reference, see Order of Taking recorded January 1, 1898 in Middlesex south registry of deeds, Book 2635, Page 001.

The fourth permanent subsurface tunnel easement is located in the westerly part of the town of Wayland, beneath Dudley pond, designated the "Great Pond" of the commonwealth, being bounded and described as follows:

Beginning at the point in the division line between land of the town of Wayland and land of the Commonwealth of Massachusetts (Dudley Pond). Said point of beginning being the southwest corner of the easement parcel to be described herein and running; thence,

Northeasterly and Southeasterly by the shore line of said Dudley Pond and land of said Town of Wayland and land of John S. And Marilyn S. Darack, a distance of one hundred five (105±) feet plus or minus to a point; thence,

S 86° - 49' - 46" W along land of said Commonwealth of Massachusetts, a distance of eighty-four and zero tenths (84.0) feet to the point of beginning.

The above described easement parcel contains an area of 1,466 square feet more or less and is more particularly shown as Parcel Number MW-273 on Sheet MWT-32 on the above referenced Middlesex Plan. For title reference, see Order of Taking recorded January 1, 1898 in Middlesex south registry of deeds Book 2635, Page 001.

The fifth permanent subsurface tunnel easement is located in the westerly part of Wayland, beneath Dudley pond, a designated "Great Pond" of the commonwealth, being bounded and described as follows:

Beginning at a point in the division line between land of John S. And Marilyn S. Darack and the land of the Commonwealth of Massachusetts (Dudley Pond). Said point of beginning being the northwest corner of the easement parcel to be described herein, and running; thence,

N 86° - 49' - 46" E along land of said Commonwealth of Massachusetts, a distance of one thousand eight hundred twenty-seven (1,827±) feet plus or minus to a point;

Southwesterly along land of Joel Alvin Stein, and land of Daniel J. And Claudette Kerrigan, and land of Laurence J. Stybel and Maryanne Peabody, a distance of seventy-two (72±) feet plus or minus to a point; thence,

Said course being by the shore line of Dudley Road.

S 86° - 49' - 46" W along land of said Commonwealth of Massachusetts, a distance of one thousand seven hundred fifty-nine (1,759±) feet plus or minus to a point; thence,

Northwesterly along land of said John S. And Marilyn S. Darack a distance of fifty-four (54±) feet plus or minus to the point of beginning. Said course being by the shore line of Dudley Pond.

The above described easement parcel contains an area of 89,932 square feet more or less respectively, and are more particularly shown as Parcel Number MW-274 on sheets MWT-32 through MWT-34 on the above referenced Middlesex Plan. For title reference, see Order of Taking recorded January 1, 1898 in Middlesex south registry of deeds, Book 2635, page 001.

**SECTION 10.** Notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws or of any other general or special law to the contrary, the commissioner of the division of capital planning and operations acting for and on behalf of the commonwealth, is hereby authorized and directed to transfer, for nominal consideration of \$1, a permanent water supply easement in, under and through a certain parcel of land situated easterly of the Crane swamp in the towns of Marlborough, Northborough and South-

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borough Massachusetts, which parcel was acquired by the commonwealth acting through a predecessor agency to the metropolitan district commission for watershed and open space purposes, to the Massachusetts Water Resources Authority for the purpose of constructing, installing, maintaining and operating a water filtration, disinfection and treatment system, together with all necessary pipes, basins, plants, facilities and tunnels, which when completed will provide water service to the Metropolitan Boston area water supply system.

The permanent water supply easement is bounded and described as follows:

A certain parcel of land situated in the city of Marlborough, and the towns of Southborough and Northborough, bounded and described as follows:

Beginning at the southwest corner of the parcel to be described herein. Said point being located at the end of a stone wall; thence,

N 11° 06' W by land now or formerly of the Metropolitan District Commission (MDC) a distance of three thousand four hundred fifty-five (3455) feet to a point; thence,

N 31° 11' - 29" W continuing along land of the MDC, a distance of three hundred and zero hundredths (300.00) feet to a point on a curve, and being non-tangent to said curve and to land now or formerly of the Consolidated Rail Corporation (ConRail); thence,

Northeasterly along land of said ConRail and curving to the right along the arc of a curve having a radius of two thousand eight hundred thirty-one and ninety-three hundredths (2,831.93) feet and an arc length of two hundred seventy-seven and twenty-five hundredths (277.25) feet to a point of tangency; thence,

N 89° 30' - 39" E along land of said ConRail, a distance of seven hundred twenty-eight and seventeen hundredths (728.17) feet to a corner of land now or formerly of MIP Realty Trust; thence,

S 41° 45' - 15" W along land of MIP Realty Trust and land now or formerly of ABC Realty Trust, a distance of one hundred eighty-seven and sixty-nine hundredths (187.69) feet to a point; thence,

S 51° 45' - 15" W a distance of one hundred thirty-seven (137.0) feet to a stone bound with drill hole; thence,

S 36° 11' - 00" W a distance of eighty-one and thirty hundredths (81.30) feet to a point; thence,

S 55° 58' - 49" E a distance of six hundred twenty-seven and seventy-seven hundredths (627.77) feet to a stone bound with drill hole; thence,

N 74° 14' - 00" E a distance of two hundred eleven and eighty-five hundredths (211.85) feet to a stone bound with drill hole; thence,

S 77° 09' - 13" E a distance of five hundred sixty-five and fourteen hundredths (565.14) feet to a stone bound with drill hole, the last six courses are all by land of said ABC Realty Trust; thence,

S 44° 17' - 41" E by land of said ABC Realty Trust, D'Angelo Drive and One Westec Realty Trust, a distance of eight hundred twenty-eight and eighty-three hundredths (828.83) feet to a point, thence,

S 51° 38' - 48" W along land now or formerly of Three Westec Realty Trust, a distance of one hundred twelve and sixty-four hundredths (112.64) feet to a stone bound with drill hole; thence,

S 52° 49' - 18" E a distance of two hundred eighty-nine and forty hundredths (289.40) feet to a point of curvature; thence,

Southeasterly curving to the left along the arc of a curve having a radius of one hundred and zero hundredths (100.00) feet and an arc length of fourteen and sixty-four hundredths (14.64) feet to a point of tangency; thence,

S 61° 12' - 25" E a distance of three hundred twenty-eight and five hundredths (328.05) feet to a point of curvature; thence,

Northeasterly curving to left along the arc of a curve having a radius of one hundred and zero hundredths (100.00) feet and an arc length of seventy-two and thirty hundredths (72.30) feet to a point of tangency; thence,

N 77° 22' - 15" E a distance of eight hundred forty-seven and forty hundredths (847.40) feet to a corner of land now or formerly of the MDC. The previous six courses were all by land of said Three Westec Realty Trust; thence,

S 35° - 36' W along land of the MDC, a distance of two thousand five hundred forty-three (2543) feet to the corner of a stone wall and land of Sudbury Valley Trustees, Inc.; thence,

N 57° - 55' W along the center of the stone wall, a distance of seven hundred ten (710) feet to an angle point in said stone wall; thence,

N 55° - 56' W along the center of said stone wall, a distance of three hundred forty-seven (347) feet to a corner of said stone wall; thence,

S 15° - 54' W continuing along the center of said stone wall, a distance of four hundred and seventy-nine (479) feet to a corner of said stone wall; thence,

S 80° - 32' W continuing along the center of said stone wall, a distance of five hundred and four (504) feet to an angle in said stone wall; thence,

S 78° - 17' W continuing along the center of said stone wall, a distance of four hundred thirteen (413) feet to the end of said stone wall and the point of beginning. The last five courses mentioned were all by land of said Sudbury Valley Trustees, Inc.

The above described parcel contains an area of 189.66 acres, more or less, and is more particularly shown as lot "A" on a plan entitled: "MASSACHUSETTS WATER RESOURCES AUTHORITY METROWEST WATER SUPPLY TUNNEL PROPERTY PLAN - SHAFT "D" MARLBOROUGH, SOUTHBOROUGH AND NORTHBOROUGH, MASSACHUSETTS date: March 7, 1996, Scale: 1" = 200', Sverdrup Corporation Eng. - Arch. Boston, MA Judith Nitsch Engineering, Inc., Civil Engineers/Land Surveyors/Planners, One Appleton Street, Boston, MA 02116."

For title reference, see Worcester Registry of Deeds Book 2673 Page 6, Book 1642 Page 423, Book 1522 Page 32, Book 1607 Page 53; and Middlesex South District Registry of Deeds Book 4055 Page 266, Book 2473 Page 281, Book 2879 Page 566 and Book 6272 Page 346.



**SECTION 11.** The board of selectmen of the town of Framingham, acting for and on behalf of the town of Framingham, is hereby authorized and directed, notwithstanding any general or special law, to grant one permanent subsurface water tunnel easement under a certain parcel of land in the town of Framingham, acquired by the town of Framingham for park and recreational purposes, to the Massachusetts Water Resources Authority for nominal consideration of \$1 for the purposes of installing, maintaining and operating sections of a metrowest regional water supply tunnel, which when completed will provide water service to meet the needs of the metropolitan Boston area.

The permanent subsurface tunnel easement is situated off the easterly end of Cornell Circle in the town of Framingham, bounded and described as follows:

Beginning at a point in the division line between land of the Commonwealth of Massachusetts by its M.D.C. and land of the town of Framingham. Said point of beginning being the northwest corner of the easement parcel to be described herein, and running; thence,

N 71° - 07' - 21" E along land of said M.D.C. a distance of three hundred thirty-six and six-tenths (336.6) feet to a point; thence,

S 37° - 41' - 22" E along other land of the Town of Framingham, a distance of fifty-two and eight-tenths (52.8) feet to a point; thence,

S 71° - 07' - 21" W along land of said Town of Framingham, a distance of four hundred seventy and eight-tenths (470.8) feet to a point; thence,

N 47° - 54' - 48" E along land of now or formerly of Joseph M. Clement, a distance of ninety-seven and eight-tenths (97.8) feet to the point; thence,

N 48° - 24' - 19" E along land of said Joseph M. Clement and said land of the M.D.C., a distance of twenty-nine and eight-tenths (29.8) feet to the point of beginning.

The above described easement parcel contains an area of 20,197 square feet, more or less, and is more particularly shown as Parcel Number MW-195 on Sheet MWT-17 on the above referenced Middlesex Plan. For title reference, see Land Court Certificate 108488 for the Town of Framingham, dated: July 25, 1962 and recorded in Middlesex County South Registry of Deeds, Book 672, Page 138.

**SECTION 12.** The board of selectmen of the town of Wayland, acting for and on behalf of the town of Wayland, is hereby authorized and directed, notwithstanding any general or special law, to grant one permanent subsurface water tunnel easement under a certain parcel of land in the town of Wayland, acquired by the town of Wayland for park and recreational purposes and now known as the Richardson Conservation Area to the Massachusetts Water Resources Authority for nominal consideration of \$1 for the purposes of installing, maintaining and operating sections of a metrowest regional water supply tunnel, which when completed will provide water service to meet the needs of the metropolitan Boston area.

The permanent subsurface tunnel easement is located in the town of Wayland, being bounded and described as follows:

A certain parcel of land off the westerly side of Old Connecticut Fahill the Town of Wayland, Massachusetts at land now or formerly of the Town of Wayland, bounded and described as follows:

Beginning at a point in the westerly line of land of Herbert D. and Bette L. Place and land of the Town of Wayland, said point of beginning being S 01° - 21' - 04" E, a distance of sixty-seven and eight-tenths (67.8) feet, from the northwesterly corner land of said Place and running; thence,

S 01° - 21' - 04" E along land now or formerly of said Herbert D. And Bette L. Place, a distance of fifty (50) feet to a point; thence,

S 86° - 49' - 46" W along land now or formerly of the Town of Wayland, a distance of one thousand one hundred twenty-six and zero tenths (1,126.0) feet to a point; thence,

N 34° - 03' - 02" W along the Framingham/Wayland town line, a distance of fifty-eight and three-tenths (58.3) feet to a point; thence,

N 86° - 49' - 46" E along land now or formerly of the Town of Wayland, a distance of one thousand one hundred fifty-seven and four-tenths feet to the point of the beginning.

The above described easement parcel contains an area of 57,123 square feet, more or less, and is more particularly shown as Parcel Number MW-247 on Sheet MWT-30 on the above referenced Middlesex Plan. For title reference, see deed of the Town of Wayland dated March 23, 1970, recorded in Middlesex county south registry of deeds, Book 11813, Page 549.

**SECTION 13.** The board of selectmen of the town of Weston, acting for and on behalf of the town of Weston, is hereby authorized and directed, notwithstanding any general or special law to grant four permanent subsurface water tunnel easements under certain parcels of land in the town of Weston, acquired by the town of Weston, for park and recreational purposes, to the Massachusetts Water Resources Authority for nominal consideration of \$1 for the purposes of installing, maintaining and operating sections of the metrowest regional water supply tunnel, which when completed will provide water service to meet the needs of the metropolitan Boston area.

The first permanent subsurface tunnel easement is located off the westerly side of Wellesley Street, in the town of Weston, and is used for town-owned conservation purposes, being bounded and described as follows:

A certain parcel of land off the westerly side of Wellesley Street in the Town of Weston at land now or formerly of Peter H. And Julie W. Hyde, and land of the Massachusetts Turnpike Authority, bounded and described as follows:

Beginning at a point in southerly line of land of the Massachusetts Turnpike Authority and land of said Peter H. And Julie W. Hyde, and running; thence,

S 02° - 40' - 42" E along land now or formerly of said Peter H. and Julie W. Hyde, a distance of forty-one and six-tenths (41.6) feet to a point; thence,

S 86° - 49' - 46" W along land now or formerly of the Town of Weston Conservation Commission, a distance of one thousand one hundred forty-two and seven-tenths (1,142.7) feet to a point; thence,

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N  $15^{\circ} - 47' - 43''$  E along land now or formerly of the Westgate Church, a distance of twenty-three and seven-tenths (23.7) feet to a point; thence,

Northeasterly along land of the Massachusetts Turnpike Authority and curving to the right along the arc of a nontangent curve having a radius of five thousand three hundred seventy-five and zero tenths (5,375.0) feet, a length of one hundred thirty-seven and six-tenths (137.6) feet to a point; thence,

N  $87^{\circ} - 01' - 02''$  E along land of the Massachusetts Turnpike Authority, a distance of nine hundred ninety-nine and six-tenths (999.6) feet to the point of beginning.

The above described easement parcel contains an area of 47,912 square feet, more or less, and is more particularly shown as Parcel Number MW-349 on Sheets MWT-46 through MWT-47 on the above-referenced Middlesex Plan. For title referenced, see deed of the Town of Wayland, dated: June 30, 1976 and recorded in the Middlesex registry of deeds, Book 13005, Page 574.

The second permanent subsurface tunnel easement is situated off the westerly side of Oak Street in the town of Weston, at land now or formerly of Weston Forest and Trail Association, Inc., being bounded and described as follows:

Beginning at a point in the division line between land of Weston Forest and Trail Association, Inc., and land of the Town of Weston. Said point of beginning being S  $13^{\circ} - 14' - 49''$  W and a distance of sixty-one and four-tenths (61.4) feet from the northeasterly corner of said land of the Town of Weston at the intersection with land of the Massachusetts Turnpike Authority and running; thence,

S  $13^{\circ} - 14' - 49''$  W along land now or formerly of Weston Forest and Trail Association, Inc., a distance of fifty-one and six-tenths (51.6) feet to a point; thence,

S  $89^{\circ} - 02' - 05''$  W along land now or formerly of the Town of Weston, a distance of nine hundred seventeen and three-tenths (917.3) feet to a point in the southerly line of land of the Massachusetts Turnpike Authority; thence,

Northeasterly along the right of way of the Massachusetts Turnpike Authority and curving to left along the arc of a nontangent curve having a radius of six thousand one hundred fifty and zero tenths (6,150.0) feet, a length of five hundred eighty-five and five-tenths (585.5) feet to a point; thence,

N  $89^{\circ} - 02' - 05''$  E along land now or formerly of the Town of Weston, a distance of three hundred forty-six and eight-tenths (346.8) feet to the point of beginning.

The above described easement parcel contains an area of 28,883 square feet, more or less, and is more particularly shown as Parcel Number MW-354 on Sheets MWT-49 through MWT-50 on the above referenced Middlesex Plan. For title reference, see Deed of the Town of Weston dated June 30, 1976 and recorded in Middlesex county south registry of deeds, Book 13005, Page 574.

The third permanent subsurface tunnel easement is situated off the westerly side of Oak street in the town of Weston, being bounded and described as follows:

Beginning at the northwesterly corner of Weston assessors Parcel 56-1-01. Said point of beginning being at the intersection of land of the Commonwealth of Massachusetts by its

M.D.C. and other land of the Commonwealth of Massachusetts (Massachusetts Water Resources Authority); and running; thence,

S 88° - 51' - 53" E along the right of way of said Massachusetts Turnpike Authority a distance of six hundred thirty and six-tenths (630.6) feet to a point; thence,

S 89° - 02' - 05" W along land of now or formerly of the Town of Weston, a distance of five hundred eighty-seven and nine-tenths (587.9) feet to a point in the easterly line of said land of the M.D.C.; thence,

N 62° - 17' - 01" W along land of the M.D.C., a distance of forty-eight and two-tenths (48.2) feet to the point of beginning.

The above described easement parcel contains an area of 6,744 square feet, more or less, and is more particularly shown as Parcel Number MW-353 on Sheets MWT-48 through MWT-49 on the above referenced Middlesex Plan. For title reference, see deed recorded in Middlesex county registry of deeds, Book 13005 Page 574.

The fourth permanent subsurface tunnel easement is situated on the easterly side of Ridgeway road in the town of Weston, being bounded and described as follows:

Beginning at a point at the intersection of easterly sideline of Ridgeway Road and land of the Commonwealth of Massachusetts (Massachusetts Turnpike Authority). Said point of beginning being the northwest corner of the easement parcel to be described herein; and running; thence,

N 73° - 50' - 56" E along land of said Massachusetts Turnpike Authority, a distance of five and three-tenths (5.3) feet to a point; thence,

N 70° - 00' - 08" E along land of the Town of Weston, a distance of eighty-four and eight-tenths (84.8) feet to a point; thence,

S 73° 50' - 56" W along land of said Town of Weston to the easterly sideline of Ridgeway Road, a distance of one hundred sixteen and two-tenths (116.2) feet to a point; thence,

N 24° - 09' - 43" E along land of said Town of Weston and the easterly sideline of Ridgeway Road, a distance of sixty-five and six-tenths (65.6) feet to the point of beginning.

The above described easement parcel contains an area of 3,039 square feet, more or less and is more particularly shown as Parcel Number MW-373 on Sheet MWT-55 on the above-referenced Middlesex Plan. For title reference, see Certificate of Title No. 142959 filed in Middlesex county registry district of the land court in Book 845, Page 9.

**SECTION 14.** For the purposes of sections 9 to 13, inclusive, the Massachusetts Water Resources Authority may, at any time and from time to time, take by eminent domain, pursuant to the provisions of chapter 79 of the General Laws, or acquire by purchase or otherwise, such additional lands, easements, and other property or interests in property, public or private, as it may deem necessary or desirable.

**SECTION 15.** Notwithstanding the provisions of any general or special law to the contrary, for the purposes of sections 9 to 13, inclusive, the commissioner of the division of capital planning and operations may grant such other easements and may relocate any property or improvements in any real estate of the commonwealth as he deems appropriate

to provide for construction, access, utilities, or drainage for the easements authorized by said sections 9 to 13, inclusive.

**SECTION 16.** Notwithstanding the provisions of any general or special law to the contrary, the city of Marlborough and the Massachusetts Water Resources Authority are hereby authorized and directed to enter into a mitigation agreement relative to the construction of the Wachusett reservoir treatment plant.

**SECTION 17.** Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Water Resources Authority shall develop a plan to address the well contamination and dewatering of wells issues arising in all of the towns affected by the construction projects which will be allowed to proceed as a result of the enactment of sections 9 to 13, inclusive. Said plan shall be submitted to the boards of selectmen in the towns affected by said sections 9 to 13, inclusive.

**SECTION 18.** Any agency, department, office or commission with regulatory jurisdiction shall, notwithstanding the provisions of any general or special law to the contrary, cooperate with the Massachusetts Water Resources Authority to assure the attainment of the objectives of this act and to assure that substantive and procedural regulatory requirements are exercised to achieve the purposes of this act.

Approved November 26, 1997.

**Chapter 180. AN ACT RELATIVE TO CERTAIN STATE LAND IN THE TOWN OF DANVERS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 52 of the acts of 1993 is hereby amended by striking out section 7 and inserting in place thereof the following section:-

*Section 7.* The commissioner of capital planning and operations is hereby authorized, subject to the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, to lease for a term of up to 30 years plus two extensions of 30 years each to an individual or entity, a parcel of land not exceeding 7.89 acres in size to be identified by said commissioner within the boundaries of the Danvers State Hospital.

Such lease shall be in accordance with such terms and conditions as the commissioner shall prescribe; provided, however, that the property shall be used primarily for the purpose of providing alcohol and drug detoxification programs and related public health programs for the department of public health; and provided further, that all interests in said property shall revert to the commonwealth in the event that said property ceases to be used for such purpose. The commissioner is hereby authorized to enter into negotiations with the lessee under said lease for the purchase by said lessee of such land, and to sell such land to said lessee upon such terms and conditions as the commissioner may prescribe.

**SECTION 2.** As used in this section and sections 3 to 16, inclusive, the following words shall, except as otherwise provided, have the following meanings unless the context clearly requires otherwise:-