

City of Northampton

MASSACHUSETTS

In City Council, April 15, 2021

Upon the recommendation of Mayor David J. Narkewicz, Conservation Commission and Planning & Sustainability

21.244 An Order to Acquire and Amend Easements at the Mill River Greenway-Smith College

Ordered, that

WHEREAS, The ***Open Space and Recreation Plan: 2018-2025*** recommends expanding public access along the Mill River as part of the ***Mill River Greenway*** and the ***Climate Resilience and Regeneration Plan (2021)*** recommends moving to renewable energy and electrification of thermal loads;

WHEREAS, The Trustees of the Smith College granted the City an ***Open Space Restriction and Public Right of Way Easement*** recorded at Hampshire Registry of Deeds at Book 5900, Page 26 (3/14/2000) and Book 5898, Page 39 (3/9/2000);

WHEREAS, The City of Northampton would like to revise this restriction to be a formal conservation restriction in accordance with MGL Chapter 184, Section 31;

WHEREAS, Smith College would reserve the right to use area within 200 feet of the gravel road shown on a plan entitled "*Boundary Survey of Land of the Commonwealth of Massachusetts, formerly the Northampton State Hospital, Northampton, Massachusetts*" dated December 17, 1996 and recorded at Hampshire Registry of Deeds (Plan Book 183, Page 3, Sheet 3) for any parking uses. This area is currently allowed for parking for recreation uses and expanding to non-recreation uses will have no adverse impact on the conservation values;

WHEREAS, Smith College would reserve the right for underground piping and heat exchange for ground sourced heat pumps on the premises so that, other than during construction, reconstruction, and repair activities, the facilities will not be visible above grade. This use is consistent with the City's *Climate Resilience and Regeneration Plan* and will have no adverse impact on conservation values;

WHEREAS, Smith College is prepared to simultaneously expand the existing easement "to allow the public to pass and repass on foot trails for the purpose of fishing, hiking, winter sports..." to include all trails within 100 feet of the Mill River, on the northeasterly side of the Mill River, northerly and westerly of the Smith College crew house, and westerly of College Lane on the Smith College campus;

WHEREAS, The amendments of the open space restriction requires approval of the Massachusetts General Court under Article 97 of the Amendments to the State Constitution.

Ordered, that

The Mayor and the Conservation Commission is authorized to amend the existing ***Open Space Restriction and Public Right of Way Easement*** to expand the uses of existing parking areas, allow underground piping for ground source heat pumps, and accept the new expanded easement;

Further, the City requests and petitions that our legislative delegation file legislation substantially as follows:

An Act authorizing the City of Northampton to amend a certain conservation easement.

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

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Northampton, acting by and through its mayor and conservation commission, may amend the Open Space Restriction and Public Right of Way Easement recorded at Hampshire Registry of Deeds at Book 5900, Page 26 and Book 5898, Page 39 to allow any parking within 200 feet of the gravel road shown on a plan entitled "Boundary Survey of Land of the Commonwealth of Massachusetts, formerly the Northampton State Hospital, Northampton, Massachusetts" dated December 17, 1996 and recorded at Hampshire Registry of Deeds at Plan Book 183, Page 3, Sheet 3 and allow underground piping and heat exchange for ground source heat pumps and to record the new restriction as a conservation restriction under the authority of MGL Chapter 184, Section 31.

SECTION 2. As a condition and in consideration for the amendment to the easement as provided in section 1 of this act, and at the same time as such release, the city of Northampton, acting by and through its conservation commission, shall accept an expanded public right-of-way easement to allow the public to pass and repass on foot trails for the purpose of fishing, hiking, winter sports on all trails within 100 feet of the Mill River on the northerly side of the river, northerly and westerly of the Smith College crew house, and westerly of College Lane on the Smith College campus, Northampton.