

HOUSE No. 4215

The Commonwealth of Massachusetts

PRESENTED BY:

Smitty Pignatelli and Adam G. Hinds

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the transfer of certain land in the towns of Lee and Lenox to Edith Wharton Restoration, Inc.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>9/9/2021</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>9/9/2021</i>

HOUSE No. 4215

By Representative Pignatelli of Lenox and Senator Hinds, a joint petition (subject to Joint Rule 12) of Smitty Pignatelli and Adam G. Hinds relative to authorizing the transfer of certain land in the towns of Lee and Lenox to Edith Wharton Restoration, Inc. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act authorizing the transfer of certain land in the towns of Lee and Lenox to Edith Wharton Restoration, Inc.

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. As used in this act the following terms shall, unless the context clearly
2 requires otherwise, have the following meanings:

3 “Boards of selectmen”, the board of selectmen of the town of Lee and the board of
4 selectmen of the town of Lenox.

5 “Conservation commissions”, the conservation commission of the town of Lee and the
6 conservation commission of the town of Lenox.

7 “The Mount”, Edith Wharton Restoration, Inc.

8 SECTION 2. The conservation commissions shall transfer the care, custody and control
9 of the land acquired for conservation and open space purposes described in this section to the

10 boards of selectmen for conservation and open space purposes and for the purpose of conveyance
11 to the Mount as described in section 3.

12 The parcel of land that shall be conveyed pursuant to this section is described as follows:
13 a parcel of land located on Laurel Lake Cross road in the towns of Lee and Lenox containing
14 approximately 1.39 acres, shown as “Lot 2” on a plan of land on file with clerks of the towns of
15 Lee and Lenox entitled, "Survey of Land in Lee & Lenox, Massachusetts Prepared for the Town
16 of Lee," dated April 2, 2012, which is a portion of land more particularly described in a deed
17 recorded with the Berkshire middle registry of the land court as document 14196, dated May 15,
18 1972.

19 SECTION 3. The boards of selectmen may convey the parcel described in section 2 to the
20 Mount subject to terms and conditions and for consideration as the boards of selectmen deem
21 appropriate; provided, that the conditions shall include a grant of public access to the shoreline.
22 The towns of Lee and Lenox may, through the conservation commissions, accept a conservation
23 restriction on all or a portion of the parcel. The towns of Lee and Lenox shall retain a right of
24 first refusal in the event of a subsequent sale of the parcel.

25 SECTION 4. (a) The boards of selectmen may either dedicate the parcel described in this
26 section or any other parcel of land for conservation and open space purposes in perpetuity to be
27 held by the conservation commissions pursuant to section 8C of chapter 40 of the General Laws.

28 (b) The described parcel of land that may be dedicated pursuant to this section shall be 2
29 parcels of land owned by the town of Lenox located on Walker street in the town of Lenox
30 containing approximately 4.48 acres in total, shown as “Open Space 1” and “Open Space 2” on a
31 plan of land on file with the clerks of the towns of Lee and Lenox entitled, "Approval Not

32 Required Plan of Land in Lenox, Massachusetts Prepared for Lenox Landings Condominium
33 Trust & Lenox Landings Barrington Brook Holdings LLC," dated December 2, 2020, prepared
34 by BEK Associates, which are portions of land shown on Lenox assessor's Property Map
35 Number 8 as Parcels 1 and 6-1, revised to January 1, 2016, and more particularly described in a
36 deed recorded with the Berkshire middle district registry of deeds in book 6459 and page 21 as
37 "Parcel II".

38 (c) If the boards of selectmen vote to dedicate the parcel described in subsection (b) or
39 another parcel pursuant to subsection (a), the dedication shall take effect as of the effective date
40 of this act.

41 SECTION 5. This act shall take effect upon its passage.