HOUSE DOCKET, NO. 4478 FILED ON: 7/13/2012

HOUSE . . . . . No. 4277

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

William Smitty Pignatelli and Benjamin B. Downing

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 passage of the accompanying:

AN ACT AUTHORIZING THE CHANGE OF USE AND THE LEASE OF CERTAIN LAND IN THE TOWN OF LENOX FOR A SOLAR POWERED GENERATION FACILITY.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William Smitty Pignatelli	*4th Berkshire*
Benjamin B. Downing	*Berkshire, Hampshire, and Franklin*

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By Representative Pignatelli of Lenox and Senator Downing, a joint petition (accompanied by bill, House, No. 4277) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) that the town of Lenox be authorized to reclassify and lease a certain parcel of land known as the old landfill in said town for the construction of a solar powered generation facility. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

AN ACT AUTHORIZING THE CHANGE OF USE AND THE LEASE OF CERTAIN LAND IN THE TOWN OF LENOX FOR A SOLAR POWERED GENERATION FACILITY.

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. The town of Lenox, acting by and through its conservation commission and board of selectmen, may transfer a parcel of land known as the old landfill, currently under the control of the conservation commission and held for the purposes of conservation and open space, to the conservation commission and board of selectmen. The transfer and change of use of the eastern 2 acres of the old landfill parcel of land in the town of Lenox is for the purpose of installing and operating solar panels and solar array and appurtenances for electrical power and distribution to benefit the town. The entire parcel of land is located off Willow Creek road. It was conveyed to the town to be held by the conservation commission, by deed dated August 6, 1993 and recorded in the Berkshire registry district of the land court as certificate 6370. The land is shown on the town assessors map 14 as parcel 2.

The town of Lenox, acting by and through its board of selectmen, may lease the eastern 2 acres of the old landfill described in section 1 and may lease all or a portion of the Waste Water Plant parcel located at 239 Crystal street in said town, from time to time, by one or more leases for such term of years up to 20 years and for such consideration as the board of selectmen shall determine to be appropriate, for the purpose of installing and operating thereon solar panels for electric power and distribution. The town of Lenox, acting by and through its board of selectmen, may grant such easements in, on, under and across said parcels for utility and access purposes, as reasonably necessary to install and operate such solar arrays. The board of selectmen may enter into a power purchase agreement with the lessee of such parcels to purchase all or a portion of the electricity production of the solar array.

SECTION 2. In consideration for, and as a condition of the change of use and lease of approximately 2 acres of conservation land as set forth in section 1, the town of Lenox shall dedicate for conservation and protected open space purposes approximately 2 acres of municipal town-owned land.

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