

**HOUSE . . . . . No. 4278**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***William Smitty Pignatelli and Benjamin B. Downing***

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*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 CHANGE OF USE AND THE LEASE OF CERTAIN LAND  
IN THE TOWN OF LEE FOR A SOLAR POWERED GENERATION FACILITY.**

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>7/3/2012</i>
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>7/3/2012</i>

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By Representative Pignatelli of Lenox and Senator Downing, a joint petition (accompanied by bill, House, No. 4278) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) that the town of Lee be authorized to reclassify and lease certain recreational land in said town for the construction of a solar powered generation facility. Municipalities and Regional Government. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Twelve**  
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**AN ACT AUTHORIZING THE CHANGE OF USE AND THE LEASE OF CERTAIN LAND  
IN THE TOWN OF LEE 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:*

1           SECTION 1. The town of Lee, acting by and through its board of selectmen, may change  
2 the use of up to 10 acres of a parcel of land in such town, currently designated as recreational  
3 land, to municipal use and lease such portion for the purpose of constructing and maintaining a  
4 solar array and appurtenances to benefit the town. The parcel of land, located off Stockbridge  
5 road and containing approximately 121 acres, was acquired by the town of Lee for a municipal  
6 golf course or other recreational use. The deed to the town, dated September 14, 1993, was  
7 recorded in the Berkshire middle district registry of deeds in book 1417, page 1024. The town  
8 may lease up to 10 acres and enter into an agreement to purchase all or a portion of the electricity  
9 generated by the solar arrays for a term of up to 20 years for such consideration as the board of  
10 selectmen determines to be appropriate. The proposed solar project is shown on a plan entitled

11 “PV Solar Layout” prepared by Broadway Electrical Co., Inc. dated January 30, 2012, and  
12 revised June 11, 2012.

13 SECTION 2. In consideration for and as a condition of the change of use and lease of up  
14 to 10 acres of recreational land as set forth in section 1, the town of Lee shall dedicate for  
15 recreational use, up to 10 acres of a certain parcel of land containing 47 acres, more or less,  
16 granted to the town by the Mead Corporation in 2002, by deed dated August 30, 2002 and  
17 recorded in said Berkshire middle district registry of deeds in book 2298, page 90.

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