

HOUSE No. 5236

Text of an amendment, offered by Mr. Speliotis of Danvers, to the Senate Bill authorizing the town of Scituate to use certain conservation land for general municipal purposes (Senate, No. 2915). January 4, 2021.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. (a) Notwithstanding any general or special law to the contrary, the town of
2 Scituate, acting by or through its board of selectmen, may use approximately 7.11 acres of the
3 Ellis Estate land known as the public safety complex, for general municipal purposes. The land is
4 a portion of the land acquired by the town by deed recorded in the Plymouth county registry of
5 deeds in book 3528, page 768 for conservation purposes.

6 (b) The authorization contained in subsection (a) shall be contingent upon the transfer of
7 the care, custody and control of the property identified in this subsection from the board of
8 selectmen to the conservation commission for conservation purposes and the grant of a
9 conservation restriction, in perpetuity, in accordance with Article 97 of the Amendments to the
10 Constitution of the commonwealth to Wildlands Trust, Inc. or other qualified conservation trust:

11 (i) 4 parcels on Clapp road, containing approximately 28.004 acres of land, and identified
12 as: (A) 0 Clapp Road, shown as parcel 25-5-3-A on the town’s assessors’ maps and recorded in
13 the Plymouth county registry of deeds in book 5266, page 496; (B) parcel 25-5-3-0 as shown on
14 the assessors’ maps and recorded in the Plymouth county registry of deeds, book 5270, page 249;

15 (C) parcel 25-5-2-R as shown on the assessors' maps and recorded in the Plymouth county
16 registry of deeds in book 5266, page 498; (D) a portion of parcel 23-1-6 as shown on the
17 assessors' maps and more particularly described in a deed recorded in the Plymouth county
18 registry of deeds in book 46740, page 160 and a deed recorded in the Plymouth county registry
19 of deeds in book 46740, page 166, excluding approximately 6.6 acres as shown on a plan of land
20 entitled, "Grove Street Athletic Field Concept Plan" prepared by Horsley Whitten Group, dated
21 January 15, 2019, a copy of which the town of Scituate shall record in the Plymouth county
22 registry of deeds; and

23 (ii) 0 Rear Captain Peirce road, containing approximately 8.118 acres, identified as parcel
24 26-1-32 on the assessors' maps and more particularly described in a deed recorded in the
25 Plymouth county registry of deeds in book 3945, page 737, which parcel was referenced in an
26 instrument of taking recorded in the Plymouth county registry of deeds in book 4396, page 109,
27 with a notice of the taking dated December 30, 1977 and the right of redemption evidenced by a
28 final decree recorded in the Plymouth county registry of deeds in book 6487, page 186.

29 (c) The authorization contained in subsection (a) shall be further contingent upon the
30 grant to the Wildlands Trust, Inc. or other qualified conservation trust, of a conservation
31 restriction, in perpetuity, pursuant to sections 31 to 33, inclusive, of chapter 184 of the General
32 Laws or other applicable law, complying with Article 97 of the Amendments to the Constitution
33 of the commonwealth, on approximately 70 acres of the Ellis Estate land currently under the
34 care, custody and control of the conservation commission, situated easterly of Chief Justice
35 Cushing highway and northerly of Mann Lot road, being shown as parcel 12-3-1 on the town's
36 assessors' maps and as lot 1 on a plan of land recorded in the Plymouth county registry of deeds
37 in plan book 15, page 191, excluding the land and building used by the Scituate Arts

38 Association, Incorporated containing approximately 3.8 acres and shown on a plan by the
39 Scituate public works department entitled, “Proposed Ellis Property Conservation Commission
40 Restriction,” dated April 9, 2018, a copy of which the town of Scituate shall record in the
41 Plymouth county registry of deeds.

42 (d) The town may grant to the Wildlands Trust, Inc. or other qualified conservation trust,
43 of a conservation restriction, in perpetuity, pursuant to sections 31 to 33, inclusive, of chapter
44 184 of the General Laws or other applicable law, complying with Article 97 of the Amendments
45 to the Constitution of the commonwealth, on approximately 14.2 acres of the Ellis Estate land,
46 also known as the school committee land, currently under the care, custody and control of the
47 conservation commission, situated easterly of Chief Justice Cushing highway and northerly of
48 Mann Lot road and shown as parcel 25-1-2 on the town’s assessors’ maps and shown as “School
49 Committee 14.2 +/- Acres” on a plan of land prepared by the Scituate public works department
50 entitled, “Proposed Ellis Property Conservation Commission Restriction”, dated April 9, 2018, a
51 copy of which the town of Scituate shall record in the Plymouth county registry of deeds.

52 SECTION 2. This act shall take effect upon its passage.