

SENATE No. 2915

Senate, September 24, 2020 -- Substituted by amendment by the Senate (Senator O'Connor) as a new draft for Senate, No. 2300.

The Commonwealth of Massachusetts

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

An Act authorizing the town of Scituate to use certain conservation land for general municipal purposes.

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. (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.

4 (b) As mitigation for the change in use of the parcel of land identified in subsection (a),
5 the town shall place the following parcels of land under the protections of Article 97 of the
6 Amendments to the Constitution of the Commonwealth:

7 (i) 4 parcels on Clapp road, containing approximately 28.004 acres of land, and identified
8 as: (A) 0 Clapp Road, shown as parcel 25-5-3-A on the town’s assessors’ maps and recorded in
9 the Plymouth county registry of deeds in book 5266, page 496; (B) parcel 25-5-3-0 as shown on
10 the assessors’ maps and recorded in the Plymouth County Registry of Deeds, Book 5270, Page
11 249 (C) parcel 25-5-2-R as shown on the assessors’ maps and recorded in the Plymouth county
12 registry of deeds in book 5270, page 298; (D) a portion of parcel 23-1-6 as shown on the

13 assessors' maps and more particularly described in a deed recorded in the Plymouth county
14 registry of deeds in book 46740, page 160 and a deed recorded in the Plymouth county registry
15 of deeds in book 46740, page 166, excluding approximately 6.6 acres as shown on a plan of land
16 prepared by Horsley Whitten Group, dated January 15, 2019, a copy of which Scituate shall
17 record in the Plymouth county registry of deeds; and

18 (ii) 0 Rear Captain Peirce road, containing approximately 8.118 acres, identified as parcel
19 26-1-32 on the assessors' maps and more particularly described in a deed recorded in the
20 Plymouth county registry of deeds in book 3945, page 737, which parcel was referenced in an
21 instrument of taking recorded in the Plymouth county registry of deeds in book 4396, page 109,
22 with a notice of the taking dated April 9, 1980 and the right of redemption evidenced by a final
23 decree recorded in the Plymouth county registry of deeds in book 6484, page 186.

24 (c) To ensure a no-net loss of lands protected for conservation purposes, the authorization
25 contained in subsection (a) shall be contingent upon the transfer of the care, custody and control
26 of the property identified in subsection (b) from the board of selectmen to the conservation
27 commission for conservation purposes and the grant of a conservation restriction, in perpetuity,
28 complying with Article 97 of the Amendments to the Constitution of the Commonwealth.

29 (d) 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 70.00 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
37 deeds in plan book 15, page 191, excluding the land and building used by the Scituate Arts
38 Association, Inc. containing approximately 3.8 acres and shown on a plan by the Scituate Public
39 Works Department entitled Proposed Ellis Property Conservation Commission Restriction, dated
40 April 9, 2018, a copy of which Scituate shall record in the Plymouth county registry of deeds.

41 (e) The town may grant to the Wildlands Trust, Inc. or other qualified conservation trust,
42 of a conservation restriction, in perpetuity, pursuant to sections 31 to 33, inclusive, of chapter
43 184 of the General Laws or other applicable law, complying with Article 97 of the Amendments
44 to the Constitution of the Commonwealth, on approximately 14.20 acres of the Ellis Estate land,
45 also known as the school committee land, currently under the care, custody and control of the
46 conservation commission, situated easterly of Chief Justice Cushing highway and northerly of
47 Mann Lot road and shown as parcel 25-1-2 on the town's assessors' maps and shown as "School
48 Committee 14.2 +/- Acres" on a plan of land prepared by the Scituate Public Works Department
49 entitled "Proposed Ellis Property Conservation Commission Restriction", dated April 9, 2018, a
50 copy of which Scituate shall record in the Plymouth county registry of deeds.

51 SECTION 2. This act shall take effect upon its passage."