

SENATE No. 3055

The Commonwealth of Massachusetts

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

SENATE, July 26, 2022.

The committee on Senate Ways and Means, to whom was referred the House Bill authorizing the transfer of certain land in the towns of Lee and Lenox to Edith Wharton Restoration, Inc (House, No. 4215),-- reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3055.

For the committee,
Michael J. Rodrigues

The Commonwealth of Massachusetts

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

1 SECTION 1. For the purposes of this act, the following words shall have the following
2 meanings unless the context clearly requires otherwise:

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 identified in this section, which was acquired for conservation and open space
10 purposes, to the boards of selectmen for conveyance to the Mount as provided in section 3.

11 The parcel of land to be conveyed is located on Laurel Lake Cross road in the towns of
12 Lee and Lenox, containing approximately 1.39 acres, and shown as “Lot 2” on a plan of land on
13 file with clerks of the town of Lee and the town of Lenox entitled “Survey of Land in Lee &
14 Lenox, Massachusetts Prepared for the Town of Lee”, dated April 2, 2012. The land is a portion

15 of a parcel more particularly described in a deed recorded in the Berkshire middle district
16 registry of deeds as registered land document 14196.

17 SECTION 3. Notwithstanding any general or special law to the contrary, but subject to
18 paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws, the boards of
19 selectmen may convey the parcel described in section 2 to the Mount; provided, however, that
20 the conveyance shall be conditioned upon a grant of public access to the shoreline in perpetuity.
21 The conservation commissions shall accept a conservation restriction on all or a portion of the
22 parcel. The deed conveying the parcels by the town of Lee and the town of Lenox shall retain a
23 right of first refusal in the event of a subsequent sale of the parcel.

24 SECTION 4. (a) In consideration for the conveyance authorized in section 2, the board of
25 selectmen of the town of Lenox shall dedicate 2 parcels of land described in subsection (b) for
26 conservation and open space purposes in perpetuity which shall be held by the conservation
27 commissions pursuant to section 8C of chapter 40 of the General Laws.

28 (b) The parcels of land to be dedicated pursuant to this section are identified as 2 parcels
29 of land owned by the town of Lenox, located on Walker street, containing approximately 4.48
30 acres in total, and shown as “Open Space 1” and “Open Space 2” on a plan of land on file with
31 the clerks of the town of Lee and the town of Lenox entitled “Approval Not Required Plan of
32 Land in Lenox, Massachusetts Prepared for Lenox Landings Condominium Trust & Lenox
33 Landings Barrington Brook Holdings LLC”, dated December 2, 2020, prepared by BEK
34 Associates. The parcels are further identified as portions of land shown on Lenox assessors’ map
35 8 as parcels 1 and 6-1, revised to January 1, 2016, and more particularly described as Parcel II in
36 a deed recorded in the Berkshire middle district registry of deeds in book 6459, page 21.

37 (c) A vote of the board of selectmen of the town of Lenox to dedicate the parcels
38 described in subsection (b) shall take effect as of the effective date of this act.

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