# HOUSE . . . . . No. 3794

By Representative Kafka of Stoughton and Senator Timilty, a joint petition (accompanied by bill, House, No. 3794) of Louis L. Kafka and James E. Timilty (by vote of the town) for legislation to authorize the town of Sharon to convey a certain parcel of land to be used for a utility scale solar project. Telecommunications, Utilities and Energy. [Local Approval Received.]

## The Commonwealth of Massachusetts

**In the Year Two Thousand Eleven**

An Act relative to the transfer of land in the town of Sharon.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to allow the town to pursue alternate sources of energy to immediately defer energy costs, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 Sharon, acting by and through its board of selectmen, may transfer the care, custody, management, and control of a certain portion of a parcel of land located in the town of Sharon, originally acquired for landfill purposes and subsequently restricted to active and passive recreation and open space purposes, to the board of selectmen for municipal purposes to be used for the production of renewable energy resources and leasing in conjunction therewith. The parcel to be transferred is a portion of the property shown as lot 14 on assessors map 63, located at 156 Mountain street, and containing approximately 9.9305 acres. The parcel is shown as 'Area of Proposed Restriction Removal Area = 9.9305 Acres' on the " 'Plan of Land' Mountain Street in Sharon, Massachusetts" dated August 25, 2011, prepared by M&M Engineering. A copy of this plan is on file in the office of the town clerk. The board of selectmen may lease such parcel on such terms and conditions as they deem appropriate, for a period greater than 10 years, to a third party developer to finance, develop, own and operate a utility scale solar project.

SECTION 2. The commonwealth, acting by and through the department of environmental protection, may release the declaration of restrictive covenants granted to them by

the town of Sharon by instrument dated June 17, 1993, and recorded in the Norfolk county registry of deeds in book 10004, page 114, on the parcel of land to be transferred under section 1.

SECTION 3. In consideration for and as a condition of the transfer of land authorized in section 1, the town of Sharon shall grant a parkland and open space restriction to the commonwealth or a subdivision thereof, on a parcel of land located at Hixson Farm road in the town of Sharon, containing approximately 11.02 acres, under the care, custody, management, and control of the board of selectmen for general municipal purposes. The parcel is shown as lot 14 on assessors map 121 and is more particularly described in a deed dated December 1, 1976 recorded in the Norfolk county registry of deeds in book 5309, page 526. It is also shown as 'Lot A' and 'Lot B' on a plan entitled "Plan of Land Belonging to the Sharon Housing Authority, Sharon, Mass. February 4, 1976, scale 1" = 80', Town of Sharon Engineering Department, Henry L. Munson, P.E., Town Engineer" and recorded at said registry of deeds in plan book 258, plan 94. A copy of this plan is on file with the town clerk.

SECTION 4. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert to the care, custody, management, and control of the board of selectmen for active and passive recreation and open space purposes.

SECTION 5. The board of selectmen of the town of Sharon and the commonwealth shall take all actions they deem necessary or advisable to carry out the transfer and lease set forth in section 1 and the release of the restriction and acceptance of a new restriction as set forth in sections 2 and 3, including, without limitation, the execution of any and all documents relative thereto.