

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

1           SECTION 1. Notwithstanding any general or special law to the contrary but  
2 subject to section 32 of chapter 7C of the General Laws and section 32 of chapter 184 of the  
3 General Laws, the department of agriculture resources and the town of Dracut shall, to promote  
4 the public good, execute a certificate of release of a parcel of land subject to an agricultural  
5 preservation restriction held jointly by the commonwealth, through the department of agricultural  
6 resources, and the town of Dracut, through its conservation commission, on land owned by  
7 Margaret Hatch as trustee of the Margaret M. Ogonowski Family Trust. The agricultural  
8 preservation restriction is recorded in the Middlesex northern district registry of deeds in book  
9 5105, page 331. The parcel of land to be released from the original restriction, covering  
10 approximately 2.27 acres and shown as proposed lot 1 in “Detail A” on a plan entitled  
11 “Feasibility Sketch Plan, Scheme A, 315 Marsh Hill Road, Dracut, Massachusetts prepared for  
12 Margaret Ogonowski, 315 Marsh Hill Road, Dracut, Massachusetts”, prepared by Meisner Brem  
13 Corporation, dated October 28, 2008, which shall be recorded in the Middlesex northern district  
14 registry of deeds, is more particularly described as follows:

- 15           Beginning at a point being N 62° 00’ 45” E a distance of 92.02 feet
- 16           from a drill hole at the beginning of a wall on the south side of Marsh Hill Road;
- 17           thence N 81° 42’ 57” E a distance of 119 feet to a point;
- 18           thence turning and running parallel to a driveway, due south a distance of 814’ more or
- 19 less to a point;
- 20           thence turning due east a distance of 234 feet more or less, to a point;
- 21           thence turning due north a distance of 275 feet more or less, to a point;
- 22           thence turning due west a distance of 185 feet more or less, to a point;
- 23           thence turning due north a distance of 631 feet more or less to a point a stone wall at the
- 24 south side of Marsh Hill Road; and

25           thence S 56° 52' 49" W along said stone wall along Marsh Hill Road a distance of 212.24  
26 feet to the point of beginning.

27           The commonwealth and the town of Dracut, and their agents and assigns, shall retain, as  
28 ancillary to and for the benefit of the land remaining under the original restriction, an easement  
29 and right of way to pass and repass in perpetuity on foot and by vehicle on all roadways, farm  
30 roads and bridges now existing or hereafter constructed on the parcel released under this section,  
31 for any purposes set forth in the original restriction as hereby amended.

32           SECTION 2. As a condition precedent to the release of the 2.27 acre parcel from the  
33 agricultural preservation restriction pursuant to section 1, Margaret Hatch and the department of  
34 agricultural resources shall execute and record an amendment to the original agricultural  
35 preservation restriction in order to place a currently unrestricted parcel of 9.519 acres of land  
36 owned by Margaret Hatch under her former name of Margaret Ogonowski, under the original  
37 restriction in accordance with the terms and provisions of the original restriction. The 9.519 acre  
38 parcel is shown as New Lot 8 on a plan of land entitled "Fox Run III Subdivision Plan of Land in  
39 Dracut, Middlesex County, Massachusetts prepared for Gerald Lussier & Douglas Dooley, 34  
40 Broadway Road, Dracut, Massachusetts, 01826 scale 1" = 50'" dated December 14, 1998,  
41 revised December 24, 1998, and recorded with the Middlesex northern district registry of deeds  
42 in plan book 199, plan 120, and is more particularly described as follows:

43           Beginning at the south east corner of said parcel and at the intersection of two stone walls  
44 on the northerly side of so called Proprietors lane;

45           thence southwesterly by said wall and Proprietors lane a distance of 453.35 feet to the  
46 intersection of two walls at the land now or formerly of Keefe;

47           thence N 3° 30' 48" E by a wall a distance of 872.89 feet to a drill hole;

48           thence N 77° 7' 19" E by a distance of 112.3 feet to a stone bound;

49           thence N 5° 40' 05" a distance of 74.57 to a point at lot number 15;

50           thence, along lot number 15 S 87° 59' 30" E a distance of 317.21 feet to a stone wall at  
51 land of Lannon;

52           thence S 2° 00' 25" W along said wall a distance of 341.52 feet to the land now or  
53 formerly of John and Margaret Ogonowski; and

54           Thence S 2° 05' 41" W along the wall at land of Ogonowski a distance of 607.63 feet to  
55 the point of beginning.

56           The parcel shall remain encumbered by sewer and power easements as shown on the  
57 above referred plan.

58 SECTION 3. As a condition subsequent to the release of the 2.27 acre parcel from the  
59 agricultural preservation restriction pursuant to section 1, Margaret Hatch and her heirs,  
60 successors and assigns, shall: (i) implement a best management plan and nutrient management  
61 plan for hay production for all of the land subject to the amended agricultural preservation  
62 restriction described in this act, developed in accordance with industry standards, such plan and  
63 the implementation thereof to be reviewed and reported to the department by an independent  
64 third party mutually satisfactory to Margaret Hatch and the department biannually; (ii)  
65 implement a resource management plan developed for all of the land subject to the amended  
66 restriction, such plan and the implementation thereof to be reviewed and reported to the  
67 department by an independent third party mutually satisfactory to Margaret Hatch and the  
68 department every 5 years; (iii) implement a nutrient management plan developed for all of the  
69 land subject to the amended restriction, such plan and the implementation thereof to be reviewed  
70 and reported to the department by an independent third party mutually satisfactory to Margaret  
71 Hatch and the department every 5 years; and (iv) develop and implement a plan establishing hay  
72 production on the 9.519 acre parcel subject to the amended restriction, which plan shall be  
73 integrated within the best management plan and nutrient management plan for hay production set  
74 forth in clause (i); or, in the alternative, implement a farm conservation plan approved by the  
75 Natural Resources Conservation Service in the United States Department of Agriculture. If  
76 Margaret Hatch fails to develop and implement a plan, the department shall select an  
77 enhancement to productivity and notify Margaret Hatch who shall implement the plan.

78 SECTION 4. Except as authorized to be amended by this act, the original agricultural  
79 preservation restriction described in section 1 shall remain in full force and effect.