

SENATE No. 2459

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for the release of a certain agricultural preservation restriction on a parcel of land in the town of Berkley.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>

SENATE No. 2459

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2459) (subject to Joint Rule 12) of Marc R. Pacheco and Keiko M. Orrall for legislation to provide for the release of a certain agricultural preservation restriction on a parcel of land in the town of Berkley. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act providing for the release of a certain agricultural preservation restriction on a parcel of land in the town of Berkley.

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 or 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 secretary of energy and environmental affairs shall execute a certificate of
4 release a portion of a certain parcel of land subject to an agricultural preservation restriction held
5 jointly by the commonwealth, acting through the department of agricultural resources and the
6 town of Berkley, acting through its conservation commission, on land owned currently by Robert
7 and Jacqueline Chamberlain. The agricultural preservation restriction is recorded with the
8 northern Bristol county registry of deeds in book 2093, page 276. The parcel of land to be
9 released from the agricultural preservation restriction, covering approximately 1 acre, is more
10 particularly described as follows:

11 Beginning at a spike in the northeasterly corner of land owned by Robert Chamberlain
12 and Jacqueline Chamberlain, described as 12 Friend Street, Assessor Map 14, Lot 3; and lying in
13 the southerly line of Friend Street;

14 thence S 82° 46' 37" E 86.00 feet bounded by the said line of Friend Street;

15 thence by the following five courses across "Town Line Farm", so-called: S 45° 26' 33"
16 W 375.00 feet, S 34° 28' 18" E 128.35 feet, S 55° 31' 42" W 50.00 feet, N 43° 37' 36" W 368.54
17 feet, and N 39° 10' 05" E 20.00 feet to the southwesterly corner of the first mentioned Chamberlain
18 land;

19 thence by the following two courses bounded by the said Chamberlain land: S 50° 49' 55"
20 E 182.30 feet to a spike, and N 46° 09' 05" E 347.73 feet to the spike at the point of beginning;
21 containing about 42,107 square feet.

22 (b) The commonwealth and the town of Berkley and their agents and assigns shall retain,
23 as ancillary to and for the benefit of the land remaining under the agricultural preservation
24 restriction, an easement and right of way to pass and repass in perpetuity on foot and by vehicle
25 on all roadways, farm roads and bridges now existing or hereafter constructed on the parcel
26 released under this section for all purposes set forth in the restriction as herein amended.

27 SECTION 2. As a condition precedent to the release of the 1-acre parcel set forth in
28 section 1, Robert and Jacqueline Chamberlain and the department shall execute and record an
29 amendment to the agricultural preservation restriction referenced in section 1 to place a currently
30 unrestricted 1-acre parcel of land owned by Robert and Jacqueline Chamberlain under the
31 restriction in accordance with the terms and conditions of the original restriction. The 1-acre
32 parcel is a portion of the parcel described in a deed to Elmer A. Chamberlain and Harriet P.

33 Chamberlain dated August 20, 1976 and recorded with the northern Bristol district registry of
34 deeds in book 1712, page 206, and is more particularly described as follows:

35 Beginning at a pipe in the northwesterly corner of land formerly owned by Gilbert
36 Nichols, said pipe is in a turn in the land owned Out Door Ventures, LLC;

37 thence N 14° 29' W 246.08 feet bounded by the last mentioned land to a pipe at another
38 turn in said land;

39 thence N 80° 31' 00" E 306.00 feet to a pipe in the tide meadow at a corner of the said
40 Nichols land;

41 thence by the following four courses bounded by the said Nichols land: S 45° 16' 00" W
42 145.86 feet to a pipe, S 7° 47' 43" W 92.10 feet to a pipe, S 34° 31' 00" W 88.44 feet, and S 73°
43 31' 00" W 77.22 feet to the pipe at the point of beginning; containing 42,107 square feet.

44 SECTION 3. Except as amended by this act, the original agricultural preservation
45 restriction described in section 1 shall remain in full force and effect.