

HOUSE No. 3651

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Blais and Adam G. Hinds

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 authorizing the release of certain land in the town of Cummington from the operation of an agricultural preservation restriction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/18/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/18/2019</i>

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

An Act authorizing the release of certain land in the town of Cummington from the operation of an agricultural preservation restriction.

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. Notwithstanding any general or special law to the contrary, the
2 commissioner of agricultural resources may release a certain portion of the agricultural
3 preservation restriction granted to the commonwealth by the trustees of the Massachusetts Farm
4 and Conservation Lands Trust in an instrument dated December 12, 1983, recorded in
5 Hampshire county registry of deeds at book 2413, page 82. The parcel is shown as “Parcel A” on
6 a plan entitled "Plan of Land in Cummington, Massachusetts Prepared For Town of
7 Cummington", dated May 21, 2018 prepared by Holmberg & Howe Land Surveyors and
8 contains approximately 33,075 square feet.

9 The parcel is more particularly bounded and described, according to said plan, as follows:

10 Beginning at a point at a stone wall intersection at the northwest corner of land of the
11 town of Cummington known as the Bryant cemetery said point being N 24°24’21” E 135.73 feet
12 from the southwest corner of the Bryant cemetery on the northeasterly side of Trow road; thence,
13 N 24°24’21” E through land of Russel L. Sears, Jr. & Russell L. Sears, III as trustees of the

14 Bryant farm realty trust 138.02 feet to an iron pin to be set at the northwest corner of said parcel
15 A; thence, S 63°30'43" E through said land of Bryant farm realty trust 233.89 feet to an iron pin
16 to be set at the northeast corner of parcel A; thence, S 21°06'06" W through said land of Bryant
17 farm realty trust 140.73 feet to a point at the stone wall intersection at the northeast corner of
18 said Bryant cemetery; thence, N 62°59'41" W along a stone wall and said Bryant cemetery
19 242.10 feet to the point of beginning.

20 Except as partially released by this act, the agricultural preservation restriction shall
21 remain in full force and effect.

22 The parcel shall only be used for cemetery purposes. Construction of a cemetery shall be
23 supervised by the department of agricultural resources. If the parcel is sold or transferred to an
24 entity or person for purposes other than the cemetery purposes or ceases to be used for cemetery
25 purposes by the current or future owner, the agricultural preservation restriction shall be
26 reimposed on the parcel, unless said restriction has been released or discharged by the
27 commonwealth in its entirety.

28 SECTION 2. This act shall take effect upon its passage.