

SENATE No. 2335

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato M. deMacedo

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 an agricultural preservation restriction of certain land in Plymouth.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Viriato M. deMacedo

Plymouth and Barnstable

Mathew J. Muratore

1st Plymouth

SENATE No. 2335

By Mr. deMacedo, a petition (accompanied by bill, Senate, No. 2335) (subject to Joint Rule 12) of Viriato M. deMacedo and Mathew J. Muratore for legislation to authorize the release of an agricultural preservation restriction of certain land in Plymouth. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

An Act authorizing the release of an agricultural preservation restriction of certain land in Plymouth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the release of a certain parcel of land in the Town of Plymouth subject to an agricultural preservation restriction, 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:

1 SECTION 1. (a) Notwithstanding any general or special law to the contrary, but subject
2 to section 32 of chapter 7C, the commissioner of capital asset management and maintenance, in
3 consultation with the commissioner of the department of agricultural resources, may execute a
4 certificate of release of a 1.22 acre portion of the land encumbered by the agricultural
5 preservation restriction established by grant from Paul J. Whipple, trustee, et al. to the
6 Commonwealth dated September 5, 1984, and recorded with the Plymouth County Registry of
7 Deeds in Book 5905, Page 150 as is now owned by Nathan N. Withington, as Trustee of the
8 WHIP’S FARM TRUST, under Declaration of Trust dated February 23, 2001, recorded at the
9 Plymouth County Registry of Deeds in Book 19405, Page 263 (the “Withington APR Parcel”).

10 (b) The 1.22 acre parcel of land over which the certificate of release shall apply is
11 described as follows:

12 A certain parcel of vacant land containing 1.22 acres +/- situated on the southerly side of
13 Doten Road, Plymouth, Plymouth County, Massachusetts more particularly bounded and
14 described as follows:

15 EASTERLY by land now or formerly of Kenneth E. Reback & Mary O'Neal as shown
16 on the plan referred to below, two hundred four and 71/100 (204.71) feet;

17 SOUTHERLY by Lot 52-2 as shown on said plan, two hundred seventy nine and 34/100
18 (279.34) feet;

19 WESTERLY by land now or formerly of Claire E. Galletti Trust as shown on said plan,
20 two hundred and 41/100 (200.41) feet; and

21 NORTHERLY by Doten Road as shown on said plan in two courses, one hundred
22 sixty seven and 73/100 (167.73) feet and eighty one and 21/100 (81.21) feet.

23 Said parcel is shown as Lot 52-1 on a certain plan entitled "PLAN OF LAND
24 CLIFFORD ROAD AND DOTEN ROAD PLYMOUTH, MASSACHUSETTS PREPARED
25 FOR: NATHAN WITHINGTON 74 OLD SANDWICH ROAD PLYMOUTH, MA 02360
26 MARCH 21, 2018 SCALE 1"=40'" prepared by Merrill Engineers and Land Surveyors, which
27 plan is to be recorded at the Plymouth County Registry of Deeds.

28 SECTION 2. As a condition precedent to the release authorized in section 1, the
29 landowner shall grant to the Commonwealth an amended agricultural preservation restriction on
30 the Withington APR Parcel, but excluding therefrom the 1.22 acre +/- parcel described in Section

31 1(b) above. Said amended agricultural preservation restriction shall preclude the construction of
32 future dwellings and shall contain an Option to Purchase Real Estate at Fair Market Agricultural
33 Value (as defined in 330 CMR 22.02).

34 SECTION 3. As a condition of the release authorized in this act, the landowner shall
35 make a contribution of \$12,200.00 to the department of agricultural resources for deposit into the
36 Agricultural Preservation Mitigation Expendable Trust Fund to be used to acquire new
37 agricultural preservation restrictions or agricultural lands.

38 SECTION 4. Except as partially released in accordance with this act, the above-
39 referenced agricultural preservation restriction encumbering the Withington APR Parcel, as
40 amended pursuant to Section 2 above, shall remain in full force and effect.

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