

# SENATE . . . . . No. 2456

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>4/14/2021</i>

# SENATE . . . . . No. 2456

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By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2456) (subject to Joint Rule 12) of Marc R. Pacheco and Angelo L. D'Emilia (by vote of the town) for legislation to authorize the release of certain land in the town of Raynham from the operation of an agricultural preservation restriction. State Administration and Regulatory Oversight. [Local approval received]

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act authorizing the release of certain land in the town of Raynham 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. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the  
2   General Laws or any general or special law to the contrary, the commissioner of capital asset  
3   management and maintenance, in consultation with the commissioner of agricultural resources,  
4   may execute a certificate of release for a portion of a certain parcel of land subject to an  
5   agricultural preservation restriction granted to the commonwealth by the town of Raynham. The  
6   parcel is shown as “Parcel A” on a plan entitled “Plan of Land of Parcel 11-256 King Philip  
7   Street in Raynham, Massachusetts”, dated October 23, 2020, prepared for the town of Raynham  
8   by Arthur F. Borden & Associates, Inc., and contains approximately 435,600 square feet to be  
9   filed with the Bristol County Northern District Registry of Deeds.

10           (b) The parcel authorized for release pursuant to subsection (a) is more particularly  
11   bounded and described, according to said plan, as follows: Beginning at a point in the

Northeasterly sideline of King Philip Street, being the Southwesterly corner of the parcel herein described and the northwesterly corner of land also now or formerly Town of Raynham,

Thence, by and with the northwesterly sideline of King Philip Street the following four (4) courses,

N 26-16-45 W, a distance of 285.88 ft.,

N 22-26-40 W, a distance of 155.40 ft.,

N 21-23-35 W, a distance of 96.82 ft.,

N 08-29-55 W, a distance of 96.32 ft., being the northwest corner of the parcel herein described and the remaining portion of Lot #3,

Thence, N 66-32-00 E, by and with the southerly line of land of the remaining portion of Lot #3, a distance of 666.36 ft. to a point,

Thence, S 23-28-00 E, by and with the westerly line of land and of the remaining portion of Lot #3, a distance of 630.72 ft. to a point,

Thence, S 66-32-00 W, by and with the southerly line of land of the remaining portion of Lot #3, a distance of 453.01 ft. to a point and the northeasterly corner of land also now or formerly Town of Raynham,

Thence, S 66-32-00 W, by and with the northerly line of now or formerly Town of Raynham, a distance of 230.39 ft. to a point in the northwesterly sideline of King Philip Street and the point of beginning.

31 (c) The parcel authorized for release pursuant to subsection (a) shall only be used for the  
32 construction of a fire/police station.

33 (d) If the parcel authorized for release pursuant to subsection (a) is sold or transferred to  
34 an entity or person for purposes other than the fire/police station or ceases to be used for  
35 fire/police station purposes by the current or future owner, the agricultural preservation  
36 restriction shall be reimposed on the parcel, unless said restriction has been released or  
37 discharged by the commonwealth in its entirety. This provision shall be included in the  
38 certificate of release and shall run with the land.

39 SECTION 2. As a condition for the release authorized in section 1, an updated appraisal  
40 shall be obtained to determine the fair market value of the parcel subject to release. The appraisal  
41 shall conform to the appraisal standards of the department of agricultural resources and shall be  
42 satisfactory to the commissioner of agricultural resources and the commissioner of capital asset  
43 management and maintenance. If an updated appraisal cannot be obtained, the department of  
44 agricultural resources may determine the fair market value in a manner satisfactory to the  
45 commissioner of capital asset management and maintenance.

46 SECTION 3. (a) To ensure a no-net-loss of protected open space and as a condition of the  
47 release authorized in section 1, the town of Raynham shall dedicate for conservation purposes  
48 under Article XCVII of the amendments to the constitution of the Commonwealth and under the  
49 care and control of the conservation commission of the town of Raynham, two certain parcels of  
50 town-owned land, one located on Thrasher Street, consisting of approximately 93,008 square  
51 feet, shown as "Parcel A" in a plan entitled "Plan of Land Assessor's Map 6A, Plot 9 Off  
52 Thrasher Street in Raynham, Bristol County, MA" dated March 25, 2003, recorded in the Bristol

County Northern District Registry of Deeds at book 420, page 31 and taken by the town of Raynham pursuant to an order of taking dated March 12, 2009, recorded with the Bristol County Northern District Registry of Deeds in book 17949, page 181; the other consisting of approximately 9 acres of land, more or less, shown as “Lot A” in a plan entitled “Plan of Land of South Main Street in Raynham, Massachusetts” dated March 13, 2020, recorded in the North Bristol County Registry of Deeds at book 527, pages 58-59 and taken by the town of Raynham pursuant to an order of taking dated October 2, 2020, recorded with the North Bristol County Registry of Deeds in book 26453, page 81.

(b) The town of Raynham shall provide an appraisal for the parcels described in subsection (a) to determine the fair market value. The appraisal shall conform to the appraisal standards of the department of agricultural resources and shall be satisfactory to the commissioner of agricultural resources and the commissioner of capital asset management and maintenance. If the fair market value of the parcel is less than the fair market value of the parcel authorized for release pursuant to section 1, the town of Raynham shall compensate the commonwealth in an amount equal to the difference. Any sums due under this section shall be paid by the town of Raynham to the department of agricultural resources for deposit into the Agricultural Preservation Restriction Mitigation Expendable Trust Fund to be used to acquire new agricultural preservation restrictions, including due diligence costs, pursuant to the rules and regulations of the department.