

HOUSE No. 3800

The Commonwealth of Massachusetts

PRESENTED BY:

Colleen M. Garry

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 passage of the accompanying:

An Act releasing certain land in Dracut from operation of an agricultural preservation restriction.

PETITION OF:

NAME:

Colleen M. Garry

DISTRICT/ADDRESS:

36th Middlesex

HOUSE No. 3800

By Miss Garry of Dracut, a petition (subject to Joint Rule 12) of Colleen M. Garry (by vote of the town) that the secretary of energy and environmental affairs be directed to release an agricultural preservation restriction on a certain parcel of land held jointly by the Commonwealth and the town of Dracut. State Administration and Regulatory Oversight. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act releasing certain land in Dracut from operation of an agricultural preservation restriction.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to release certain land from the operation of 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. Notwithstanding any or general or special law to the contrary, but pursuant
2 to section 32 of chapter 7C and section 32 of chapter 184 of the General Laws, the secretary of
3 energy and environmental affairs shall execute a certificate of release of a parcel of land subject
4 to the agricultural preservation restriction held jointly by the commonwealth, acting through the
5 department of agricultural resources, referred to in this act as the department, and the town of
6 Dracut, acting through its conservation commission, on land formally owned by John and
7 Margaret Ogonowski, now Margaret Hatch. The agricultural preservation restriction, referred to
8 in this act as the original APR, is recorded with the Middlesex North County Registry of Deeds
9 in book 5105, page 331. The parcel of land to be released from the original APR, 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 and dated October 28, 2008 to be recorded at the Middlesex North County Registry
14 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 APR, an easement and
29 right of way to pass and re-pass in perpetuity on foot and by vehicle on all roadways, farm roads
30 and bridges now existing or hereafter constructed on the parcel released under this section, for
31 any and all purposes set forth in the original APR as hereby amended.

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

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

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

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

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

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

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

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

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

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

57 SECTION 3. As a condition subsequent to the release of the 2.27 acre parcel set forth in
58 section 1, Margaret Hatch and her heirs, successors and assigns, shall: (i) implement a best
59 management plan and nutrient management plan for hay production for all of the land subject to
60 the amended APR described in this act, developed in accordance with industry standards, said
61 plan and the implementation thereof to be reviewed and reported to the department by an
62 independent third party mutually satisfactory to Margaret Hatch and said department biannually;
63 (ii) implement a resource management plan developed for all of the land subject to the amended
64 APR described in this act, said plan and the implementation thereof to be reviewed and reported
65 to the department by an independent third party mutually satisfactory to Margaret Hatch and the
66 department every 5 years; (iii) implement a nutrient management plan developed for all of the
67 land subject to the amended APR described in this act, such plan and the implementation thereof
68 to be reviewed and reported to the department by an independent third party mutually

69 satisfactory to Margaret Hatch and the department every 5 years; (iv) develop and
70 implement a plan establishing hay production on the 9.519 acre parcel subject to the amended
71 APR, which shall be integrated within the best management plan and nutrient management plan
72 for hay production set forth in clause (i); or (v) implement a farm conservation plan approved by
73 the National Resources Conservation Service of the United States Department of Agriculture. If
74 Margaret Hatch fails to develop and implement a plan, the department shall select an
75 enhancement to productivity and so notify Hatch.

76 SECTION 4. Except as amended by this act, the original APR shall remain in full force
77 and effect.