

HOUSE No. 4759

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the release of certain land in Rowley from operation of an agricultural covenant.

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. The department of agricultural resources holds, on behalf of the
2 commonwealth, an agricultural covenant recorded with the Essex South County Registry of
3 Deeds in book 29886, page 350, on land owned by The Herrick Farm Trust, David S. Herrick,
4 Trustee, which term shall include successors in title, heirs, and assigns as the context shall
5 require. Notwithstanding any other or general or special law to the contrary, but subject to
6 section 40E of chapter 7 and section 32 of chapter 184 of the General Laws, for a reasonable sum
7 to be paid by The Herrick Farm Trust as determined by the commissioner of agricultural
8 resources, the commissioner shall execute a certificate of release of a certain portion of land
9 subject to the agricultural covenant. The land to be released from the agricultural covenant
10 covers approximately 2.0 acres, and is shown as Parcel A, consisting of 72,364 square feet in
11 area, and Lot 2, consisting of 14,756 square feet in area, on a plan entitled “Plan of Land in
12 Rowley, MA, Property of The Herrick Farm Trust and Paul D. & Cynthia H. Lucia,” Scale 1” –
13 4 0’, dated March 30, 2017, prepared by Donohoe Survey Inc., 363 Boston St., Topsfield, MA,

14 which is recorded in the Essex South County Registry of Deeds in Plan Book 459, Plan 24. Said
15 Parcel A and Lot 2 is more particularly described as follows:

16 PARCEL A

17 A parcel of land on the southeasterly side of Dodge Road in the town of Rowley is
18 bounded and described as follows:

19 Beginning at the northeast corner of the parcel at Dodge Road; thence

20 S00°03'20"E by Lot 1 a distance of four hundred (400.00) feet; thence

21 N89°05'59"W by Lot 2 a distance of forty one (41.00) feet; thence

22 N01°47'37"W by Lot 2 a distance of one hundred fifty (150.00) feet; thence

23 N04°59'38"E by Lot 2 a distance of two hundred twenty (220.00) feet to Dodge Road;

24 thence

25 N40°49'41"E by Dodge Road a distance of forty (40.00) feet to the point of beginning.

26 LOT 2

27 A parcel of land on the southeasterly side of Dodge Road in the town of Rowley is
28 bounded and described as follows:

29 Beginning at the northeasterly corner of the parcel at Dodge Road; thence

30 S04°59'38"W by Parcel A a distance of two hundred twenty (220.00) feet; thence

31 S01°47'37"E by Parcel A a distance of one hundred fifty (150.00) feet; thence

32 S89°05'59"E by Parcel A a distance of forty one (41.00) feet; thence
33 S63°21'39"E by Lot 1 a distance of two hundred thirty eight and 94/100 (238.94) feet;
34 thence
35 S63°17'00"W a distance of one hundred forty four and 53/100 (144.53) feet; thence
36 N70°39'25"W a distance of one hundred forty eight and 69/100 (148.69) feet; thence
37 N41°05'25"W a distance of two hundred four (204.00) feet; thence
38 N02°47'45"E a distance of one hundred forty four (144.00) feet to Dodge Road, the
39 previous four courses being by land of The Herrick Farm Trust; thence
40 N35°07'46"E by Dodge Road a distance of one hundred ninety five and 32/100 (195.32)
41 feet; thence
42 N40°49'41"E by Dodge Road a distance of fifty four and 68/100 (54.68) feet to the point
43 of beginning.

44 The commonwealth and its agents and assigns, shall retain, as ancillary to, and for the
45 benefit of the land remaining under restriction of the agricultural covenant, an easement and right
46 of way to pass and repass for a 2 year period, on foot and by vehicle on all roadways, farm roads,
47 and bridges now existing or hereafter constructed on the land released under this section, for any
48 purposes set forth in the original agricultural covenant as hereby amended.

49 Monies received by the commonwealth for release of the agricultural covenant under this
50 section shall be held in in trust by the department, to be expended only to acquire new
51 agricultural covenants.

52 SECTION 2. As a condition precedent to the release of the approximate 2.0 acres of land
53 from the agricultural covenant under section 1, The Herrick Farm Trust and the commissioner
54 shall execute and record an amendment of the original agricultural covenant in order to extend
55 the current restriction for an additional 2 years on a certain parcel of 1.2504 acres, being the
56 subject of litigation captioned “Cynthia H. Lucia vs. David S. Herrick, Individually and as
57 Trustee of the Herrick Farm Trust, Essex County Docket No. 12-2353B”, the farm’s only source
58 of drinking water for the dairy operation, owned by The Herrick Farm Trust. The 1.2504 acre
59 parcel lies adjacent to other restricted farmland owned by The Herrick Farm Trust off Mill Road
60 and Dodge Street, in the town of Rowley, and is as shown as Lot 2 on a plan entitled “Plan of
61 Land in Rowley, MA, Property of David S. Herrick, Trustee, The Herrick Farm Trust, Scale 1” –
62 50’, June 17, 1995”, revised and recorded with the Essex South County Registry of Deeds in
63 Plan Book 301, Plan 79. The 1.2504 acre parcel is more particularly described as follows:

64 LOT 2

65 A parcel of land on the northeasterly side of Mill Road in the town of Rowley is bounded
66 and described as follows:

67 Beginning at the westerly corner of the parcel at Mill Road; thence

68 N55°21’26”E a distance of two hundred seventy nine and 24/100 (279.24) feet; thence

69 S05°01’09”E a distance of two hundred ninety (290.00) feet; thence

70 S43°59’47”W a distance of one hundred twenty five (125.00) feet to Mill Road, the
71 previous three courses being by land of The Herrick Farm Trust; thence

72 N42°50'34"W by Mill Road a distance of one hundred sixty three and 64/100 (163.64)
73 feet; thence

74 N29°39'52"W by Mill Road a distance of one hundred fifteen and 18/100 (115.18) feet to
75 the point of beginning.

76 SECTION 3. Except as authorized to be amended by this act, the original
77 agricultural covenant shall remain in full force and effect.