

HOUSE No. 4890

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 27, 2020.

The committee on Ways and Means, to whom was referred the Senate Bill authorizing the release of an agricultural preservation restriction of certain land in Plymouth (Senate, No. 2781), reports recommending that the same ought to pass with amendments striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4890; and by inserting the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the execution of the release of an agricultural preservation restriction of certain land in the town of Plymouth by the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

For the committee,

AARON MICHLEWITZ.

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Text of amendments, recommended by the committee on Ways and Means, to the Senate Bill authorizing the release of an agricultural preservation restriction of certain land in Plymouth (Senate, No. 2781). July 27, 2020.

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

By striking out all after the enacting clause and inserting in place thereof the following:—

1 “SECTION 1. (a) Notwithstanding any general or special law to the contrary, but subject
2 to section 38 of chapter 7C of the General Laws, the commissioner of capital asset management
3 and maintenance, in consultation with the commissioner 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 in the Plymouth county registry of deeds
7 in book 5905, page 150. The parcel of land is currently owned by Nathan N. Withington as
8 trustee of the Whip’s Farm Trust under a declaration of trust dated February 23, 2001 and
9 recorded in the Plymouth county registry of deeds in book 19405, page 263.

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

12 a certain parcel of vacant land containing 1.22 acres, more or less, situated on the
13 southerly side of Doten road, Plymouth, Plymouth county, Massachusetts more particularly
14 bounded and described as follows:

15 EASTERLY by land now or formerly of Kenneth E. Reback & Mary O'Neal as shown on
16 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 2 courses, one hundred sixty
22 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 Clifford Road
24 and Doten Road Plymouth, Massachusetts", prepared for Nathan Withington, 74 Old Sandwich
25 road, Plymouth, MA, dated March 21, 2018 and prepared by Merrill Engineers and Land
26 Surveyors, which plan shall be recorded in the Plymouth county registry of deeds.

27 SECTION 2. As a condition precedent to the release of the agricultural preservation
28 restriction pursuant to section 1, Nathan N. Withington, as trustee of the Whip's Farm Trust,
29 shall grant to the commonwealth an amended agricultural preservation restriction on the parcel,
30 but excluding therefrom the 1.22-acre parcel described in said section 1. The amended
31 agricultural preservation restriction shall prohibit the construction of dwellings thereon and shall
32 contain an option for the department of agricultural resources to purchase real estate at fair
33 market agricultural value as defined in 330 CMR 22.02.

34 SECTION 3. As consideration for the release of the agricultural preservation restriction
35 pursuant to section 1, Nathan N. Withington, as trustee of the Whip's Farm Trust, shall pay

36 \$12,200 to the department of agricultural resources for deposit into the Agricultural Preservation
37 Mitigation Expendable Trust Fund to be used to acquire new agricultural preservation
38 restrictions or agricultural lands.

39 SECTION 4. Nathan N. Withington, as trustee of the Whip's Farm Trust, shall assume all
40 costs associated with engineering, surveys, appraisals and deed preparation and any other costs
41 as deemed necessary by the commissioner of capital asset management and maintenance to
42 execute the release of the agricultural preservation restriction pursuant to this act.

43 SECTION 5. Except as partially released in accordance with this act, the agricultural
44 preservation restriction referenced in section 1, as amended, shall remain in full force and
45 effect.”; and by inserting the following emergency preamble:

46 “*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to
47 authorize forthwith the execution of the release of an agricultural preservation restriction of
48 certain land in the town of Plymouth by the commonwealth, therefore it is hereby declared to be
49 an emergency law, necessary for the immediate preservation of the public convenience.”.