

**SENATE . . . . . No. 2292**

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Senate, July 18, 2019 – Substituted by amendment by the Senate (Senator Pacheco) as a new draft for Senate, No. 1198

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act providing for the assignment of a perpetual conservation restriction in the town of Middleborough..

*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 general or special law to the contrary, the town of  
2 Middleborough, acting by and through its board of selectmen or conservation commission, may  
3 assign to the Native Land Conservancy, Inc. and The Archaeological Conservancy, Inc. for no  
4 consideration a perpetual conservation restriction held by the town of Middleborough and  
5 recorded in the Plymouth county registry of deeds in book 38629, page 98, which conservation  
6 restriction is currently held by the conservation commission pursuant to sections 31 to 33,  
7 inclusive, of chapter 184 of the General Laws for the preservation of the water supply, fish and  
8 wildlife conservation, native habitat protection, forest management, passive recreation and other  
9 consistent purposes.

10           SECTION 2. As a condition of the assignment authorized in section 1, the town of  
11 Middleborough shall acquire, for conservation and passive recreation purposes pursuant to  
12 section 8C of chapter 40 of the General Laws, the land in the town of Middleborough currently

13 owned by Wildlands Trust, Inc., containing 20.35 acres, more or less, and shown on a plan  
14 entitled “JA-MAR Farm Estates Definitive Subdivision in Middleborough, Massachusetts” dated  
15 September 23, 2004, revised October 3, 2005, prepared by Outback Engineering, Inc., recorded  
16 in the Plymouth county registry of deeds in plan book 52, page 851, including Lots 1-9 and the  
17 ways shown on said plan as Turkey Circle and Ja-Mar Farm Road, which land includes the land  
18 subject to the conservation restriction described in SECTION 1, and which land shall be placed  
19 under the management and control of the town of Middleborough conservation commission.

20 SECTION 3. Upon such terms and conditions as the board of selectmen or the  
21 conservation commission of the town of Middleborough shall deem appropriate, the town of  
22 Middleborough may convey a perpetual conservation restriction to the Native Land  
23 Conservancy, Inc., and The Archaeological Conservancy, Inc., pursuant to sections 31 to 33,  
24 inclusive, of chapter 184 of the General Laws, affecting those portions of the land described in  
25 section 2 that are not already subject to the conservation restriction described in section 1 or the  
26 town of Middleborough may amend the conservation restriction described in said section 1 so  
27 that all of the land described in said section 2 shall be subject to the conservation restriction  
28 described in said section 1.

29 SECTION 4. This act shall take effect upon its passage.