

# SENATE . . . . . No. 2781

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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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SENATE, June 29, 2020.

The committee on Senate 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. 2335), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2781).

For the committee,  
Michael J. Rodrigues

**SENATE . . . . . No. 2781**

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**The Commonwealth of Massachusetts**

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

An Act authorizing the release of an agricultural preservation restriction of certain land in Plymouth.

*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 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 +/- situated on the southerly side of  
13 Doten Road, Plymouth, Plymouth County, Massachusetts more particularly bounded and  
14 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 two 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  
24 CLIFFORD ROAD AND DOTEN ROAD PLYMOUTH, MASSACHUSETTS, prepared for  
25 Nathan Withington, 74 Old Sandwich Road, Plymouth, MA, dated March 21, 2018 and prepared  
26 by Merrill Engineers and Land Surveyors, which plan shall be recorded in the Plymouth county  
27 registry of deeds.

28 SECTION 2. As a condition precedent to the release of the agricultural preservation  
29 restriction pursuant to section 1, Nathan N. Withington, as trustee of the Whip's Farm Trust,  
30 shall grant to the commonwealth an amended agricultural preservation restriction on the parcel,  
31 but excluding therefrom the 1.22-acre parcel described in said section 1. The amended  
32 agricultural preservation restriction shall prohibit the construction of dwellings thereon and shall

33 contain an option for the department of agriculture resources to purchase real estate at fair  
34 market agricultural value as defined in 330 CMR 22.02.

35 SECTION 3. As consideration for the release of the agricultural restriction pursuant to  
36 section 1, Nathan N. Withington, as trustee of the Whip's Farm Trust, shall pay \$12,200 to the  
37 department of agricultural resources for deposit into the Agricultural Preservation Mitigation  
38 Expendable Trust Fund to be used to acquire new agricultural preservation restrictions or  
39 agricultural lands.

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

44 SECTION 5. Except as partially released in accordance with this act, the agricultural  
45 preservation restriction referenced in section 1, as amended, shall remain in full force and effect.