

SENATE NO. 42

AN ACT AUTHORIZING THE PARTIAL RELEASE OF CERTAIN LAND IN EASTHAMPTON FROM THE OPERATION OF AN AGRICULTURAL PRESERVATION RESTRICTION

*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. Pursuant to section 40 E of chapter 7 and section thirty-two of chapter one hundred
2 eighty-four of the General Laws but notwithstanding the provisions of any other general or special law
3 to the contrary, the commissioner of capital asset management and maintenance, in consultation with
4 the commissioner of the department of agricultural resources, the latter being referred to in this act as
5 the “Department”, may execute a certificate of partial release releasing a certain parcel of land,
6 approximately 1.07 acre(s) in size, located on the southerly side of Oliver Street, Easthampton,
7 Hampshire County, Massachusetts, that is part of a larger tract of land of approximately 40 acres that
8 is subject to a certain agricultural preservation restriction, granted for compensation under chapter 20,
9 section 23 of the Massachusetts general laws, as amended, by Gabrielle B. Chicoine of Easthampton,
10 in this act referred to as the “**Original APR Owner**”, to the Commonwealth of Massachusetts, acting
11 through the department of agricultural resources, dated February 10, 1984, recorded in Book 2463,
12 Page 348, at the Hampshire County Registry of Deeds; in this act referred to as the “**APR**”. The city

13 of Easthampton, in this act referred to as “the City”, is Co-holder of the APR. The parcel of land to be
14 released from the APR is more particularly described as follows:

15 “One certain parcel of land, located on the southerly side of Oliver Street in Easthampton, Hampshire
16 County, Massachusetts, shown as “Lot 1” on a plan of land entitled: ‘Plan of Land in Easthampton,
17 Massachusetts, Prepared for William H. Chicoine, Final Date: 9/27/2000; Almar Huntley, Jr. &
18 Associates, Inc., Northampton, MA’; said plan (in this Act referred to as “**The Plan**”) having been
19 recorded at Hampshire County Registry of Deeds in Plan Book 0187, Page 0158. Lot 1 contains
20 46,260 square feet, plus or minus, according to The Plan.”

21 SECTION 2. The total land subject to the APR of approximately 40 acres, in this act referred to
22 as the “**APR Land**”, is currently owned by William H. Chicoine, in this act referred to as the
23 “**Current APR Owner**”, which term shall include his successors and assigns. The Current APR
24 Owner took title to the APR Land by deed from the Original APR Owner, dated March 3, 1986,
25 recorded in Book 2685, Page 303, at Hampshire County Registry of Deeds.

26 The proposed release of “Lot 1” from the APR is part of and pursuant to the agreed settlement of a
27 civil complaint filed against the Current APR Owner in Hampshire County Superior Court, Civil
28 Docket Number HSCV2002-00177, entitled “Commonwealth of Massachusetts, Commissioner of
29 Food and Agriculture, and the City of Easthampton vs. William Chicoine”. Release of “Lot 1” is a
30 condition and requirement pursuant to the terms of settlement of the complaint agreed upon by all
31 parties to the complaint. The complaint filed by the Department and the City of Easthampton sought to
32 nullify and abrogate The Plan, as recorded at the Hampshire County Registry of Deeds by the Current
33 APR Owner, or in his behalf, by reason of the fact that it created two lots (“Lot 1” and “Lot 2”) in a
34 portion of the APR Land and was a division of APR Land not authorized nor permitted by the terms of
35 the APR without approval of the Department as grantee of the APR, which approval was not given.

36 Superior Court case # HSCV2002-00177 included a counterclaim regarding compensation paid in
37 1984 in connection with grant of the APR.

38 In the event that all actions and conditions required to effectuate the agreed settlement of Case Number
39 HSCV2002-00177 are not performed and satisfied as required of and agreed to by the parties to the
40 complaint, including without limitation, that Current APR Owner shall release any and all claims
41 arising out of or related to the facts alleged by or against Current APR Owner in Case number
42 HSCV2002-00177 whether or not such claims were alleged by him in Case Number HSCV2002-
43 00177, the APR shall be reimposed on "Lot 1" as described above, unless the APR is released or
44 discharged by the Commonwealth in its entirety in the interim.

45 SECTION 3. Except as partially released by the recording of an executed certificate of partial
46 release covering "Lot 1" as described in section 1 above, as authorized by this Act, the APR shall
47 remain in full force and effect.

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