

SENATE NO. 46

AN ACT RELEASING CERTAIN LAND IN DUDLEY 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
3 law to the contrary, the commissioner of capital asset management and maintenance, in consultation
4 with the commissioner of the department of agricultural resources, the latter being referred to in this
5 act as the “Department”, may execute a certificate of release of a portion of the land covered by that
6 agricultural preservation restriction granted by Stewart D. Peckham and Barbara A. Peckham, in
7 this act referred to as “Former Owner”, to the Commonwealth of Massachusetts and the town of
8 Dudley, dated February 11, 1988, recorded in Book 11743, Page 201, at the Worcester District
9 Registry of Deeds, in this act referred to as the “Original APR”; the portion of the APR land to be
10 released being more particularly described as follows:

11 One certain parcel of land, located on the westerly side of Dresser Hill Road in Dudley, Worcester
12 County, Massachusetts, shown as “Parcel A” on a plan of land entitled: “Plan of Proposed Land
13 Transfers in Dudley, Mass., between Thomas Realty, Inc. and Ronald S. Dziembowski and Rhonda

14 L. Dziembowski, February 5, 2001; scale: 1" = 60'; Para Land Surveying, Inc., Southbridge, MA";
15 said plan to be recorded in Worcester County Registry of Deeds (the "Plan"). Parcel A contains 1.0
16 acre (43,560 square feet), according to the Plan.

17 SECTION 2. The land covered by the Original APR is now owned by Ronald S. and Rhonda
18 L. Dziembowski, in this act referred to as "Current Owner" (which term shall include their
19 successors and assigns). The above-described Parcel A is to be transferred by Current Owner to
20 Thomas Realty, Inc., the owner of other, separate land located near the APR land (which owner
21 shall include its successors and assigns), namely a certain parcel of land, 5.44 +/- acres in size and
22 shown as "Parcel B" on the Plan. Thomas Realty, Inc. has agreed to and shall concurrently with the
23 transfer of Parcel A, transfer Parcel B to Current Owner.

24 In consideration of the release from the Original APR of Parcel A to be transferred to Thomas
25 Realty, Inc., Current Owner has agreed to, and shall execute, concurrently with the two described
26 land transfers, a new, current agricultural preservation restriction, in this act referred to as the "New
27 APR", prohibiting the construction of future dwellings and containing an option to purchase at
28 agricultural value running in favor of the Commonwealth of Massachusetts. The New APR shall
29 cover both an agreed 30-acre parcel of the Original APR land and also Parcel B being transferred to
30 Current Owner by Thomas Realty, Inc. and shall be recorded at the Worcester District Registry of
31 Deeds. Thomas Realty, Inc. has agreed, in consideration of the release from the Original APR and
32 the transfer to it of Parcel A, to clear and prepare for active commercial agricultural production, two
33 +/- acres of the 30-acre parcel and also approximately three acres of the 5.44 acres of Parcel B,
34 according to certain standards and specifications to be provided by the Department. The area to be
35 cleared by Thomas Realty, Inc. is depicted as "area to be cleared and prepared for cultivation 5.0
36 acres" on the Plan. Thomas Realty, Inc. has also agreed to donate the sum of two thousand dollars

37 to a non-profit agricultural land preservation organization, approved by the Department, to be used
38 for the acquisition of new agricultural preservation restrictions.

39 In the event that Current Owner fails to execute the New APR or duly transfer Parcel A, or Thomas
40 Realty, Inc. fails to prepare for agriculture the described two parcels in accordance with
41 specifications of the Department, or fails to make the described donation to the land preservation
42 organization, or fails to duly transfer Parcel B to Current Owner to become subject to the New APR
43 together with the 30-acre parcel, the Original APR shall be reimposed on the released Parcel A,
44 unless it is released or discharged by the Commonwealth in its entirety in the interim.

45 SECTION 3. Except as partially released by the recording of the above-described certificate
46 of release, as authorized by this Act, the Original APR shall remain in full force and effect.

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