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**Chapter 21. AN ACT RELEASING CERTAIN LAND IN THE TOWN OF AMHERST FROM THE OPERATION OF AN AGRICULTURAL PRESERVATION RESTRICTION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to release forthwith a certain agricultural preservation restriction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any other general or special law to the contrary, pursuant to section 40E of chapter 7 and section 32 of chapter 184 of the General Laws, the commissioner of capital asset management and maintenance, together with the commissioner of the department of agricultural resources, hereinafter referred to as the department, may execute a certificate of release which, when executed, will constitute a complete and unconditional release of a parcel of land from an agricultural preservation restriction originally granted by Peter J. Wysocki to the commonwealth and the town of Amherst and recorded in book 3405, page 22, at the Hampshire county registry of deeds.

The parcel contains approximately 1.7 acres.

The current owners of the land are Stanley F. Gawle and Dorothy A. Gawle, trustees of the Dorothy A. Gawle and Stanley F. Gawle living trust under declaration of trust, dated January 14, 2004 and by deed, recorded at the Hampshire county registry of deeds, in book 7761, page 118. The current owners may transfer the parcel to J. Roger Cherewatti and Ilona M. Cherewatti, by deed, to be recorded at the Hampshire county registry of deeds.

**SECTION 2.** In consideration of the release of the parcel described in section 1, J. Roger Cherewatti and Ilona M. Cherewatti shall, prior to or concurrently with the conveyance from the trust:

(a) Grant to the commonwealth and to the town of Amherst an agricultural preservation restriction on a parcel of land containing approximately 1.81 acres, shown as parcel 40 on map 9C of the town of Amherst cadastre.

(b) Grant to the commonwealth and to the town of Amherst an agricultural preservation restriction on a parcel of land containing approximately 9.31 acres owned by the trust, contiguous to the parcel.

(c) Donate to the town of Amherst \$25,000 for the acquisition of land to be placed under an agricultural preservation restriction elsewhere in the town of Amherst or to be used toward satisfaction of the obligations of the town of Amherst to the commonwealth under section 4.

**SECTION 3.** The town of Amherst shall appropriate and unconditionally commit for payment \$50,000 for the acquisition of land to be placed under an agricultural preservation restriction elsewhere in the town of Amherst or to be used toward satisfaction of the obligations of the town of Amherst to the commonwealth under section 4.

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**SECTION 4.** Pursuant to section 32 of chapter 184 of the General Laws and Executive Order 193, prior to the department and the commissioner of capital asset management and maintenance executing a certificate of release of the parcel, the department shall receive from the town of Amherst either compensation for the fair market value of the parcel, as determined by an appraisal to be obtained by the town of Amherst satisfactory to the department, or an enforceable written agreement, in this act referred to as the compensation agreement, authorized and approved by the Amherst town meeting in accordance with section 5, which renders the department satisfied, in its sole discretion, that it will receive and be compensated for the fair market value of the parcel no later than the end of the fiscal year 2012. In addition to receiving the fair market value, the department must receive, or be completely satisfied, in its sole discretion, that it will receive, mitigation satisfactory to the department for the loss of farmland subject to an agricultural preservation agreement, pursuant to an enforceable written agreement to be made between the town of Amherst and the department, satisfactory to the department prior to execution of a certificate of release of the parcel.

**SECTION 5.** Upon the execution by the appropriate town authority of the duly authorized and approved compensation agreement, the obligations of the town to make the payments for release of the parcel shall constitute a pledge of the full faith and credit of the town and shall be payable in the same manner and without further action by town meeting, as an obligation incurred in accordance with chapter 44 of the General Laws.

**SECTION 6.** Except as partially released by the recording of the above described certificate of release of the parcel executed by the commissioner of agricultural resources and by the commissioner of capital asset management and maintenance, as authorized by this act, the original agricultural preservation restriction shall remain in full force and effect.

Approved March 7, 2007.

## **Chapter 22. AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND IN THE TOWN OF FOXBOROUGH.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of certain lands in the town of Foxborough, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** The commissioner of capital asset management and maintenance may, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws and any oth-