

# HOUSE . . . . . No. 5660

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, May 30, 1991.

The committee on Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, House, No. 1378) of Stephen M. Brewer and Robert D. Wetmore (by vote of the town) for legislation to release a certain restriction on land located in the town of West Brookfield, reports recommending that the accompanying bill (House, No. 5660) ought to pass. [Local Approval Received.]

For the committee,

STEVEN ANGELO.

## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Ninety-One.

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AN ACT RELEASING A CERTAIN RESTRICTION ON LAND LOCATED IN THE TOWN OF WEST BROOKFIELD.

*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. *Whereas*, The Town of West Brookfield has  
2 requested the release of an Agricultural Preservation Restriction  
3 (APR), held by the Commonwealth of Massachusetts, on 10.636  
4 acres of farmland to facilitate the expansion of the West  
5 Brookfield Elementary School, and;

6 *Whereas*, The use of said farmland represents the only  
7 economically feasible alternative available to the Town of West  
8 Brookfield for the proposed school expansion, with financial  
9 benefits for both the Town and the Commonwealth, and;

10 *Whereas*, Said school expansion clearly serves an important  
11 public purpose, and;

12 *Whereas*, As consideration for the removal of the APR, one  
13 Herman G. Patt, on behalf of the Town of West Brookfield, has  
14 agreed to convey to the Commonwealth of Massachusetts an APR  
15 on 23.712 acres of farmland in the Town of West Brookfield, and;

16 *Whereas*, At its May 10, 1990 meeting, the Agricultural Lands  
17 Preservation Committee voted that the release of said APR and,  
18 in exchange, the acceptance of an APR on the Patt property would  
19 serve to facilitate an important public purpose while furthering  
20 the goals of the APR Program to permanently protect and  
21 preserve the Commonwealth's agricultural lands, and;

22 *Whereas*, It shall not be construed to be the general policy of  
23 the Commonwealth to release an APR, or any Commonwealth  
24 held land restriction, without proper public purpose being served.

1 SECTION 2. Notwithstanding the provisions of Section  
2 Thirty-two of Chapter One Hundred and Eighty-four of the  
3 General Laws or any other general or special law to the contrary,  
4 the Commissioner of Food and Agriculture is hereby authorized

5 to release a portion of the Agricultural Preservation Restriction  
6 now held by the Commonwealth on land now owned by Herman  
7 G. Patt of the Town of West Brookfield, containing 10.636 acres  
8 and bounded and described as follows: —

9 A certain parcel of land situated southerly of North Brookfield  
10 Road, Route 67, in West Brookfield, MA and being shown on  
11 a plan of land surveyed for Herman G. Patt dated January 25,  
12 1990 by Donald A. Para, R.L.S. and being recorded in the  
13 Worcester County Registry of Deeds in Plan Book \_\_\_\_\_ ,  
14 Page \_\_\_\_\_ (not recorded to date);

15 Beginning at a point at the northeasterly corner of the parcel  
16 to be described at an iron pin at the corner of land owned by  
17 George F. Hibbard, Jr., recorded in Book 9374 Page 381, on the  
18 southerly side of North Brookfield Road, Route 67;

19 Thence S23° 32' 09" E, 200.00 feet to an iron pin;

20 Thence N64° 37' 31" E, 294.40 feet to an iron pin;

21 Thence S29° 02' 42" E, 526.21 feet to an iron pin;

22 Thence S7° 37' 03" E, 228.96 feet to an iron pin;

23 Thence S35° 20' 24" W, 447.79 feet to an iron pin;

24 Thence N72° 54' 00" W, 285.14 feet to a concrete bound;

25 Thence N40° 07' 32" E, 501.97 feet to a concrete bound;

26 Thence N72° 32' 28" W, 712.70 feet to an iron pin;

27 Thence N43° 52' 33" E, 57.30 feet to an iron pin;

28 Thence N2° 34' 28" W, 216.39 feet to an iron pin on the  
29 southerly side of North Brookfield Road, Route 67;

30 Thence N44° 27' 11" E, 66.82 feet easterly along the southerly  
31 side of North Brookfield Road to a Worcester County Highway  
32 bound;

33 Thence 215.83 feet along a 561.88 degree radius to an iron pin  
34 on the southerly side of North Brookfield Road;

35 Thence N66° 27' 41" E, 3.02 feet to the point of beginning.

36 The above described land is to be used for school expansion  
37 purposes only.

1 SECTION 3. As consideration for the removal of the  
2 Agricultural Preservation Restriction held by the Commonwealth  
3 pursuant to Section 1, Herman G. Patt shall convey an  
4 Agricultural Preservation Restriction to the Commonwealth on  
5 two parcels of land, totaling 23.712 acres, bounded and described  
6 as follows:

7 A certain parcel of land situated northerly of North Brookfield  
8 Road, Route 67, in West Brookfield, MA and being shown on  
9 a plan of land surveyed for Herman G. Patt dated April 6, 1990  
10 by Donald A. Para, R.L.S. and being recorded in the Worcester  
11 County Registry of Deeds in Plan Book \_\_\_\_\_, Plan \_\_\_\_\_  
12 (not recorded);

13 Beginning at a point at the southeasterly corner of parcel to  
14 be described in a stone wall at a corner of other land of Herman  
15 G. Patt recorded in Book 8537, Page 241.

16 Thence  $S82^{\circ} 14' 28'' W$ , partly along a stone wall, 212.00 feet  
17 to a point;

18 Thence  $N2^{\circ} 13' 36'' E$ , 622.48 feet to an iron pipe on the westerly  
19 side of a barway;

20 Thence  $N2^{\circ} 34' 05'' W$ , 263.80 feet to an iron pipe in the  
21 approximate center of an easement to now or formerly of the New  
22 England Power Service Co.;

23 Thence  $N24^{\circ} 44' 37'' E$ , 387.77 feet to an iron pipe;

24 Thence  $N3^{\circ} 03' 00'' W$ , 385.80 feet to an iron pipe;

25 Thence  $N19^{\circ} 59' 26'' E$ , 415.56 feet to a plastic stake;

26 Thence  $N33^{\circ} 02' 29'' E$ , 212.74 feet to an iron pipe;

27 Thence  $S72^{\circ} 27' 37'' E$ , 310.33 feet to an iron pipe in a stone  
28 wall;

29 Thence  $S6^{\circ} 20' 03'' W$ , along the remains of a stone wall, 235.00  
30 feet to an iron pipe in a corner of stone wall;

31 Thence  $S1^{\circ} 06' 26'' E$ , along a stone wall, 213.06 feet to a point;

32 Thence  $S26^{\circ} 44' 00'' W$ , along the remains of a stone wall, 56.94  
33 feet to a point;

34 Thence  $N86^{\circ} 04' 21'' W$ , 106.50 feet to a point;

35 Thence  $S17^{\circ} 33' 38'' W$ , 204.15 feet to an iron pipe set at the  
36 former location of a rock as shown on Land Court Plan 2683C,  
37 Sheet 2;

38 Thence  $S9^{\circ} 48' 57'' E$ , 160.55 feet to an iron pipe in the end  
39 of a stone wall;

40 Thence  $S20^{\circ} 25' 39'' W$ , along a stone wall, 202.98 feet to a drill  
41 hole;

42 Thence  $S6^{\circ} 05' 54'' W$ , along a stone wall, 123.66 feet to an iron  
43 pipe;

44 Thence  $S9^{\circ} 26' 04'' W$ , along a stone wall, 82.21 feet to a drill  
45 hole;

46 Thence  $S0^{\circ} 38' 05''$  E, along a stone wall, 63.06 feet to a drill  
47 hole;

48 Thence  $S9^{\circ} 55' 00''$  W, along a stone wall, 143.88 feet to an iron  
49 pipe;

50 Thence  $S27^{\circ} 47' 53''$  W, along a stone wall, 69.10 feet to a drill  
51 hole;

52 Thence  $S15^{\circ} 20' 30''$  W, along a stone wall, 249.41 feet to an  
53 iron pipe;

54 Thence  $S4^{\circ} 52' 09''$  W, along a stone wall, 82.28 feet to an iron  
55 pipe;

56 Thence  $S13^{\circ} 27' 33''$  W, along a stone wall, 112.17 feet to an  
57 iron pipe;

58 Thence  $S23^{\circ} 00' 51''$  W, along a stone wall, 146.58 feet to the  
59 point of beginning. All previous courses are along land of Herman  
60 G. Patt.

61 Containing an area of 17.742 acres.

62 Subject to a 60 foot easement to now or formerly the New  
63 England Power Service Company as shown on plan.

64 A certain parcel of land located on the southerly side of North  
65 Brookfield Road, Route 67, in West Brookfield, MA, shown in  
66 Worcester County Registry of Deeds Plan 2683C, Sheet 2 as Lot  
67 B1 and recorded as Land Registration Document #10122, Cert.  
68 #3019, 12/6/43.

69 Containing an area of 5.97 acres.

70 The above described land is to be made an inseparable part of  
71 the existing adjoining Patt Agricultural Preservation Restriction  
72 through the recording of an updated Agricultural Preservation  
73 Restriction, including a "right of first refusal", in such a form as  
74 the Attorney General shall prescribe.





