

COMMONWEALTH OF MASSACHUSETT
AGRICULTURAL PRESERVATION RESTRICTION

By (We) George M Schroder, Jr, Elizabeth A Kidder and , of
Beverly Jane Kidder
Northampton Hampshire County, Massachusetts (the

"Grantor"), being married (or an individual, trust or corporation organized . . .), with an address at Park Hill Road (George M. Schroder, Jr.) 137 Franklin St., Greenfield, MA (Elizabeth A. & Beverly Jane Kidder)

for consideration of One hundred five thousand dollars

(\$ 105,000.00) paid, grant to the Commonwealth of Massachusetts acting through the Commissioner of Food and Agriculture (the "Commissioner") with an address at 100 Cambridge Street, Boston, Massachusetts, its successors and assigns ("the "Grantee"), and the Town of Northampton acting through its Conservation Commission

an Agricultural Preservation Restriction (the "Restriction") in perpetuity on those parcels of land located in the Municipality of Northampton and described in Exhibit A attached hereto and incorporated herein by reference (the "Premises") in accordance with the following terms and conditions:

A. The Grantor covenants for themselves, their heirs, devisees, legal representatives, successors and assigns, that the Premises will at all times be held, used and conveyed subject to, and not used in violation of, the following restrictions as said restrictions may be limited or affected by the provisions of Paragraph B below:

- (1) No building, residential dwelling, tennis court, artificial swimming pool, asphalt driveway, road, parking lot, mobile home, utility pole, tower, conduit or line or other temporary or permanent structure or improvement requiring construction shall be constructed, placed or permitted to remain on the Premises, except structures existing on the Premises at the time of the execution of this Restriction.
- (2) No loam, peat, gravel, soil, sand, rock or other mineral resource, or natural deposit shall be excavated, dredged, or removed from the Premises unless approved by the Grantee under Section C, herein.

- (3) No soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste, low level radioactive or hazardous waste or other substance or material whatsoever shall be placed, stored, dumped or permitted to remain on the Premises except in connection with the agricultural use of the Premises.
- (4) No use shall be made of the Premises, and no activity thereon shall be permitted which is or may be inconsistent with the intent of this grant, being the perpetual protection and preservation of agricultural lands. No activity, including, but not limited to, drainage or flood control activities shall be carried on which is detrimental to the actual or potential agricultural use of the Premises, or detrimental to water conservation, soil conservation, or to good agricultural and/or forestry management practices or which is otherwise wasteful of the natural resources of the Commonwealth of Massachusetts.
- (5) The Premises shall be conveyed as a unit, whether or not said Premises are comprised, as of the date of this Restriction, of more than one separate legal parcel. No subdivision or division of the Premises, or any portion thereof into two or more lots, whether new or existing as of the date of this Restriction, shall be permitted except that, in accordance with the procedures set forth under Section C herein, the Grantee may in its discretion approve such division of land as it deems necessary to further the purposes of this Restriction and General Laws Chapter 184 and 132A.
- (6) No use or development of the Premises other than for agricultural purposes shall be permitted, including the construction and/or placement of one or more dwelling unit(s) on the Premises.

8. Notwithstanding any provision of this instrument to the contrary, the Grantor hereby reserves to and for themselves and their heirs, devisees, legal representatives, successors and assigns, all other customary rights and privileges of ownership including the right to privacy and to carry out regular agricultural practices, and the right to conduct or permit the following activities on the Premises:

- (1) The maintenance and use of existing trails and farm and wood roads on the Premises, substantially in their present condition or as reasonably necessary for the uses thereof or hereinafter permitted.
- (2) The construction or placing of buildings or structures for agricultural purposes only, including buildings for related retail sales, construction or placing of one or more residential dwelling unit(s), including appurtenant improvements and amenities, including but not limited to an asphalt driveway, septic system, water system, and other utilities, all to be used for family living, structures for housing seasonal agricultural employees or other agriculturally related purposes, all subject to the prior written approval of the Grantee as provided in Paragraph C hereof.

- (3) The installation, maintenance, repair, replacement, removal and relocation of utility facilities and services over the Premises for the purpose of providing utility services to the Premises and unrestricted land of the Grantor as shown on Exhibit B attached hereto and incorporated by reference, and the right to grant easements over the Premises for such utility purposes in accordance with the provisions of Massachusetts General Laws, Chapter 184, Section 32. As used herein, the term "utility facilities and services" shall not include sanitary disposal systems serving any residential or non-residential use of land.

C. The parties hereby covenant and agree that prior to the construction of any building or structure provided for in Paragraph B (2) and for all other approvals required from the Grantee relative to this Restriction, the following procedure shall be followed:

- (1) The Grantor shall notify the Grantee, in writing of any intended use or intent to engage in any activity when such use or activity (including construction) requires approval hereunder, and shall submit to the Grantee plans and such other information as the Grantee requires to reasonably determine that the use, activity, structure or building is consistent with the purpose of this Agricultural Preservation Restriction. Prior to making an application for approval under this section, the owner shall not secure other applicable permits required by local law, prior to notifying the holder(s) of the restriction of an intended use, activity, or structure requiring approval.
- (2) The Grantee shall approve, with or without conditions, only upon finding that (a) the proposed use, activity, structure or building is authorized by this Agricultural Preservation Restriction General Laws Chapter 184 and 132A, (b) that said use, activity, structure or building shall not defeat or derogate from the intent of this Agricultural Preservation Restriction to provide for the perpetual protection and preservation of agricultural lands, and (c) in the case of a co-holder that the co-holder has made findings under (a) and (b)

of this paragraph. If based on said findings, the Grantee shall approve, or approve with conditions said request, it shall issue a certificate of approval suitable for recording. Said certificate shall include the language of Paragraph A, (5) of this restriction. If the Grantee is unable to make the findings necessary for approval it shall state in writing its reason therefore to the Grantor.

- (3) The Grantee reserves the right to inspect approved use, activity, structure or building for conformity with its Certificate of Approval. In the case of a building or structure, upon its satisfactory completion in accordance with said approval, the Grantee shall issue to the Grantor a Certificate of Completion in recordable form, which when executed by the Commissioner of Food and Agriculture and duly recorded shall be binding on all co-holders of this restriction.

The foregoing Restriction is authorized by Massachusetts General Laws Chapter 184, Sections 31 through 33, and Chapter 132A, Sections 11A through 11D, and otherwise by law, and is intended to insure the protection and preservation of agricultural lands.

This Agricultural Preservation Restriction shall be administered on behalf of the Grantee by the Commissioner, or if jointly held with a municipality, jointly and severally, by the Board of Selectmen and Conservation Commission or where no such conservation commission has been established, as otherwise provided by General Laws, Chapter 132A, Section 11A. This restriction shall be enforced by the Grantee as it in its sole discretion may decide. Nothing herein shall impose upon the Grantee any duty to maintain or require that the Premises be maintained in any particular state or condition, notwithstanding the Grantee's acceptance hereof.

The Agricultural Preservation Restriction hereby conveyed does not grant to the Grantee, to the public, or to any other person any right to enter upon the Premises, except that the Grantor hereby grants to the Grantee and its successors at law thereto, the right to enter the Premises in a reasonable manner and at reasonable times, for the purpose of inspecting the Premises to determine compliance herewith, of enforcing this Agricultural Preservation Restriction, or of taking any and all actions with

ANN 2527
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WITNESS the execution hereof under seal this 25th day of
July, 19 89.

George M. Schroder, Jr.

Elizabeth A. Kidder

Beverly Jane Kidder

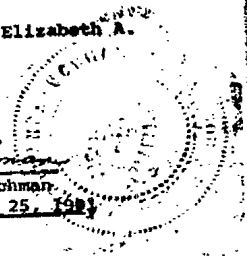
COMMONWEALTH OF MASSACHUSETTS

Franklin ,ss.

July 25 1989

Then personally appeared the above-named George M. Schroder, Jr., Elizabeth A. Kidder and Beverly Jane Kidder and acknowledged the foregoing instrument to be their free act and deed, before me.

Ferdinanda Uohman
Notary Public Ferdinanda Uohman
My Commission Expires July 25, 1989



APPROVAL OF THE

COMMONWEALTH OF MASSACHUSETTS

The undersigned Commissioner of Food and Agriculture of the Commonwealth of Massachusetts hereby certifies that the foregoing Agricultural Preservation Restriction granted by George M. Schroder, Jr., Elizabeth A. Kidder & Beverly Jane Kidder to the Commonwealth of Massachusetts and Municipality of Norhampton with respect to parcels of land located in Norhampton Massachusetts described therein has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32 through 33 and Chapter 132A, Section 11A through 11D.

Date 8/2/89

August Schumae
By: August Schumae
Commissioner of Food and Agriculture

COMMONWEALTH OF MASSACHUSETTS

Suffolk ,ss.

8-2 1989

Then personally appeared the above-named August Schumae and acknowledged the foregoing to be his free act and deed, before me.

Shirley M. Thomas
Notary Public
My Commission Expires 1-20-95

APPROVED AS TO FORM:
Department of the Attorney
General

[Signature]
3/1/90

APPROVED IN ACCORDANCE WITH
CHAPTER 579 OF THE ACTS OF
1980, AS AMENDED

BY *[Signature]*
Deputy Commissioner of
Capitol Planning and
Development

APPROVAL OF THE CITY OF NORTHAMPTON

We, the City Council of the City of Northampton, hereby approve the acceptance of the foregoing Agricultural Preservation Restriction granted by George M. Schroder, Jr., Elizabeth A. Kidder and Beverly Jane Kidder to the City of Northampton and the Commonwealth of Massachusetts, with respect to parcels of land located in Northampton, Massachusetts described therein in the public interest pursuant to Massachusetts General Laws, Chapter 184, Sections 31 through and including 33 and, Chapter 132A, Sections 11A through 11D.

[Signature]
Paul D. Bixby, Councillor
[Signature]
Joan E. Kochin, Councillor
[Signature]
Leonard Budgar, Councillor
[Signature]
John Fitzgerald, Councillor
Raymond W. Labarge, Councillor

[Signature]
Mary L. Ford, Councillor
[Signature]
William C. Ames, Councillor
[Signature]
Michael Ahearn, Councillor
[Signature]
James G. Brooks, Councillor

APPROVED:
[Signature]
David B. Musante, Jr., Mayor

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, SS:

December 13, 1989

Then personally appeared before me the above-named DAVID B. MUSANTE, JR., and acknowledged the foregoing to be his free act and deed.

[Signature]
Kathleen G. Fallon, Notary Public
My Commission expires: 8/19/90

EXHIBIT "A"

the land situate in the city of Northampton, County of Hampshire, BEING the same premises conveyed to George W. Schroder, Jr., Elisabeth A. Kidder and Beverly Jane Kidder by deed of Carmen Sicard et al and deed of Sandra J. Mackey both deeds dated March 3, 1986 and recorded in the Hampshire County Registry of Deeds, Book 2685, Page 193 and Book 2685, Page 196, respectively, bounded and described as follows:

TRACT 1. Real estate situate in said Northampton, together with the buildings thereon, and bounded as follows: On the North by the highway "Park Hill Road" so-called, beginning at a point on said highway at the Northeast corner of land of Holsey J. Searle and running Easterly on line of said highway to land Joseph P. Wilson; thence Southerly following line of land of said Wilson and land of George L. Hall to land of William H. Jenkins; thence Westerly on line of said Jenkin's land to land of Payson Lyman, formerly land of H. S. Lyman; thence Northerly on line of land of said Lyman and land of said Searle to the aforesaid highway and the place of beginning, containing twenty-four acres, more or less, and being all of and the same premises as conveyed to Emily P. Donovan by deed of James Donovan dated December 6th, 1887, recorded with Hampshire County Registry of Deeds, Book 414, Page 291.

TRACT 2. The following piece of land situated in Northampton and described as follows: Beginning at a stake and stones near sawmill brook. Thence Easterly on line of land formerly owned by Emerson Searle now owned by William E. Byrnes 44 rods, 13 links to land formerly occupied by James Donovan but now by Michael Sniado. Thence Southerly on line of said land to land formerly of A. Dimmock but now of William H. Jenkins. Thence Westerly on line of said land to land formerly owned by Emerson Searle aforesaid but now owned by William E. Byrnes. Thence Northerly to the place of beginning. Containing about 7 acres and 117 rods. Being the premises conveyed to Michael Sniado by deed of Payson W. Lyman dated December 19, 1913 and recorded in said Registry, Book 698, Page 4.

TRACT 3. Beginning at the Northwest corner of the lot to be conveyed, on the road from "Park Hill" to "Crow Hill", and at the Northeast corner of land owned by Frank Mientka; thence Easterly along said road five hundred eighty-one (581) feet to land of Michael Sniadowski, thence continuing Easterly on said land of Michael Sniadowski fourteen hundred eleven (1411) feet to other land of Michael Sniadowski and land of one Jenkins; thence turning and running Southerly seven hundred twenty-one (721) feet on land of said Jenkins to land of F. E. Lyman; thence turning and running Westerly two thousand thirty-two (2032) feet more or less on land of F. E. Lyman to land of Frank Mientka; thence turning and running Northerly six hundred thirty-eight (638) feet on land of Frank Mientka to the point of beginning; containing thirty-one and one-quarter (31 1/4) acres; as shown on a plan by W. C. Tannatt, Jr., C. E., dated February 12, 1919. Being the same premises conveyed to Michael Sniadowski by deed of Arthur Z. Kingsley dated April 28, 1930 and recorded in said Registry, Book 862, Page 415.

SUBJECT to the right of way granted to Northeastern Gas Transmission Company by Joseph Sniade by deed dated May 21, 1951 and recorded in said Registry, Book 1094, Page 474. SUBJECT ALSO to the right of way granted to Tennessee Gas Pipeline Company by George M. Schroder, Jr., Elizabeth A. Kidder and Beverly Jane Kidder dated December 5, 1988 and recorded in said Registry, Book 3304, Page 192.

RESERVING TO George M. Schroder, Jr. a portion of the above described premises shown on a plan entitled "Plan Of Land In Northampton, Massachusetts Surveyed For Elizabeth A. Kidder & George M. Schroder, Jr. & Beverly Jane Kidder" dated January 5, 1989 by Heritage Surveys, Inc., Registered Professional Land Surveyors, P.O. Box 1 - College Highway, Southampton, Massachusetts, and recorded in said Registry, Plan Book 162, Page 84, (see deed of Elizabeth A. Kidder and Beverly Jane Kidder to George M. Schroder, Jr. dated September 8, 1989 and recorded in said Registry, Book 3446, Page 41) bounded and described as follows:

BEGINNING at an iron pin on the southerly side of Park Hill Road said point being at land now or formerly of Ravenwold Farm, Inc., being the northerly corner of the premises herein described; thence proceeding S 40° 53' 53" E a distance of 189.87 feet to an iron pin; thence proceeding S 37° 47' 17" W a distance of 939.63 feet to an iron pin; thence proceeding N 38° 20' 32" W a distance of 199.26 feet to an iron pin in the southerly line of Park Hill Road; thence proceeding N 51° 39' 28" E a distance of 30.33 feet to a point; thence proceeding N 37° 47' 17" E a distance of 899.67 feet to the place of beginning, the last two courses being along the southerly line of Park Hill Road. Containing 4.000 Acres.

BEING the same premises conveyed to George M. Schroder, Jr., Elizabeth A. Kidder and Beverly Jane Kidder by deed of Carmen Sicard et al and deed of Sandra J. Mackey both deeds dated March 3, 1986 and recorded in the Hampshire County Registry of Deeds, Book 2685, Page 193 and Book 2685, Page 196, respectively.

Hampshire ss. March 23 1990 at 10 o'clock and 11 minutes A.M., Rec'd ent'd and exam'd with Hampshire Reg. of Deeds, Book 3535 Page 323
Attest _____
REGISTER