

Kellem & Kellem, LLC

Attorneys at Law

Steven J. Kellem
Michael S. Baird
Marie E. Romans

Lawrence A. Kellem*
**founding partner 1932-2023*

RECEIVED

AUG 28 2023

Town Manager's Office
Plymouth, MA 02360

Michael E. Brust
Andrew C. Firnrohr
Howard M. Kelman

August 25, 2023

Plymouth Board of Selectmen
c/o Town Clerk
26 Court Street
Plymouth, MA 02360

BY CERTIFIED MAIL
#70050390000559742219

Plymouth Board of Assessors
c/o Town Clerk
26 Court Street
Plymouth, MA 02360

BY CERTIFIED MAIL
#70050390000559742226

Plymouth Planning Board
c/o Town Clerk
26 Court Street
Plymouth, MA 02360

BY CERTIFIED MAIL
#70050390000559742233

Plymouth Conservation Commission
c/o Town Clerk
26 Court Street
Plymouth, MA 02360

BY CERTIFIED MAIL
#70050390000559742240

Massachusetts State Forester
Department of Conservation and Recreation
251 Causeway Street, Suite 600
Boston, MA 02114-2014

BY CERTIFIED MAIL
#70050390000559742257

Re: **Map 115 Lot: A-49** area removed 15.33a
Map 115 Lot: A-44 area removed 11.99a
Map 120 Lot: 1-265 (aka Map 120, Lot 1-255) area removed 2.09a

Dear Board Members and Dear State Forester:

I represent ADM Agawam Development LLC, of 158 Tihonet Road, Plymouth, MA 02360 (1-508-295-1000) ("ADM"). The parcels listed on Exhibit A are classified under Chapter 61A/Chapter 61 of the Massachusetts General Laws, based on the record at the Registry of Deeds.

Please construe this letter as notice under Chapter 61, Section 8 and Chapter 61A, Section 14, of the intended conversion of said parcel to the specific uses and structures approved by the Planning Board for a development, known as Redbrook, as described in Planning Board File No. B542 MP.

Pursuant to the above statute, the Town of Plymouth has an option to purchase said parcel "at full and fair market value to be determined by an impartial appraisal performed by a certified appraiser hired at the expense of the [Town] or its assignee, the original appraisal to be completed and delivered to [ADM] within 30 days of [the Town's receipt of this notice]."

I am enclosing a proposed Declination of the Town's Right of First Refusal under the above statute.

Very truly yours,



Howard M. Kelman

HMK/lm
Enclosure

cc: A.D. Makepeace Company
158 Tihonet Road
Wareham, MA 02571

TOWN OF PLYMOUTH
BOARD OF SELECTMEN
26 COURT ST
PLYMOUTH, MASSACHUSETTS 02360

**DECLINATION TO EXERCISE FIRST REFUSAL OPTION TO PURCHASE LAND UNDER THE
PROVISIONS OF GENERAL LAWS CHAPTER 61, SECTION 8 AND CHAPTER 61A, SECTION 14**

_____, 2023

Howard M. Kelman, Esq.
Kellem & Kellem, LLC
1000 Plain Street
Marshfield, MA 02050

Re: Property of ADM Agawam Development LLC

Portions of the following parcels:

Map 115 Lot: A-49 area removed 15.33a

Map 115 Lot: A-44 area removed 11.99a

Map 120 Lot: 1-265 (aka Map 120, Lot 1-255) area removed 2.09a

To Whom It May Concern:

We acknowledge receipt of your written Notice of Intent dated and mailed to the Board of Assessors on August 25, 2023. Pursuant to the provisions of Chapter 61, Section 8, and Chapter 61A, Section 14 the Town shall have, in the case of an intended or determined conversion not involving sale, a one hundred and twenty day first refusal option to purchase said property at full and fair market value. The above referenced parcels consist of approximately 0.70 acres more or less to be removed from chapter. Title to parcels listed above are recorded at the Plymouth County Registry of Deeds in Book 33354, Page 194; see also the Ch. 61A lien held by the Town of Plymouth recorded in Book 58195, Page 275.

You are hereby notified, pursuant to the aforesaid provisions of the General Laws, that, after due consideration, the undersigned members of the Board of Selectmen, being at least a majority of said Board, have declined to exercise the first refusal option to purchase said land and accordingly, have voted that said option will not be exercised.

Very truly yours,

BOARD OF SELECTMEN

By: _____

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

On this ____ day of _____, 2023 before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was his Selectman nameplate, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:

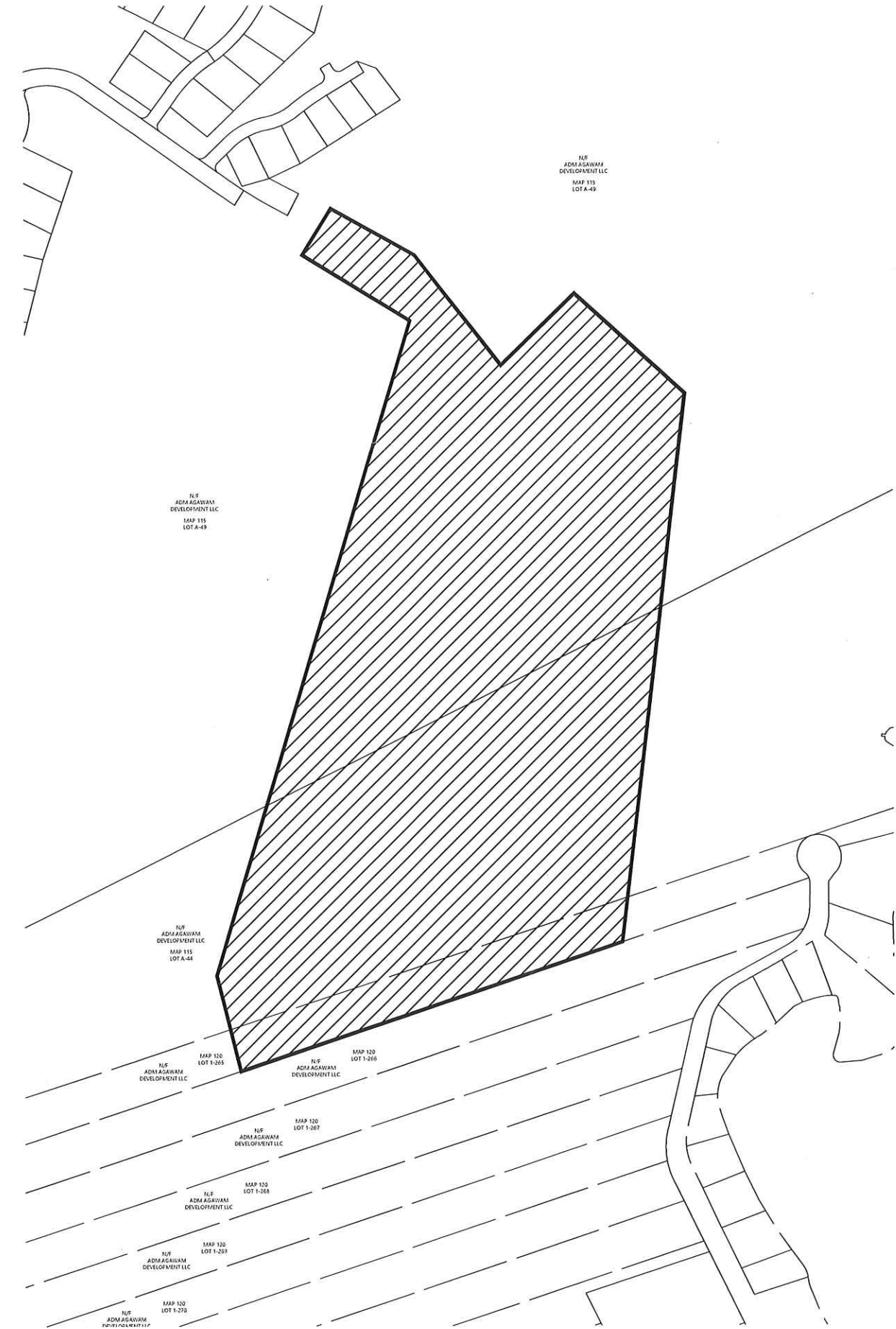
My commission expires:

ADM Agawam Development LLC
Redbrook
Chapter 61A/61 Removal

7/21/2023

Map	Lot	Total Lot Area	Area to be removed from 61A/61
115	A-49	138.40	15.33
115	A-44	41.53	11.99
120	1-265	6.90	2.09
		Total	29.41

All areas listed in acres



 AREA REMOVED FROM FROM CHAPTER 61/61A STATUS



Redbrook
Chapter 61/61A Removal
Plymouth, Massachusetts

Figure 1

7/21/2023