

**MGL 61A Policy  
Right of First Refusal  
Town of Carlisle, MA**

1. All applicants requesting that their property be taken out of Chapter 61A must at a minimum forward the following information required by the statute: 1.) Name of the owner of record of the land; and 2.) a description of the premises adequate for identification thereof. If the land is to be sold, a copy of a bona fide purchase and sale agreement should also be included. Landowners may utilize Form 1 (attached) which when completed in its entirety shall be considered by the Board of Selectmen as the notice of intent to sell or convert to residential, commercial or industrial use ("Notice of Intent"). All supporting documentation required by Form 1 should be attached. The landowner is statutorily required to forward, by certified mail, a Notice of Intent to the Board of Selectmen and notice to the Board of Assessors, Planning Board and Conservation Commission. In addition, the landowner will be required to provide an affidavit from a notary public that these notices were mailed via certified mail to the Board of Selectmen, Board of Assessors, Planning Board and Conservation Commission.

The day following the latest date of deposit of such notices in the United States mail shall be considered the start date of the option period. The Board of Selectmen will then begin the review process.

2. Within the 120-day option period allotted by the Massachusetts General Laws, the Board of Selectmen will solicit, in writing, recommendations from the Board of Assessors, Planning Board and Conservation Commission regarding potential town purchase and use of this land. A letter from the Board of Selectmen shall be forwarded to each of the aforementioned bodies within seven (7) days of the receipt of the Notice of Intent and shall specify a date by which written recommendations will be due in the Office of the Board of Selectmen. In addition, although not statutorily required, the Board of Selectmen may also notify, in writing, the Carlisle Land Trust and the Board of Health within the same time period. The Carlisle Land Trust and the Board of Health may forward written recommendations to the Board of Selectmen.
3. Prior to voting on whether to exercise the Town's option, the Board of Selectmen shall review and take into consideration written recommendations from the Board of Assessors, Planning Board and Conservation Commission provided the recommendations are received by the date set forth by the Board of Selectmen in paragraph 2 above.

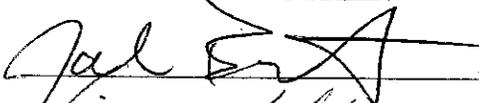
3.1 If the Town votes to exercise its option and purchase the land, all information on the parcel will be forwarded to town counsel, and other appropriate governmental bodies, in order to begin the purchase process. In accordance with the statute, written notice shall be forwarded to the landowner by certified mail and recorded at the Registry of Deeds. Notice must be filed within the 120-day option period.

Prior to voting to exercise the option to purchase the land, Town Meeting must authorize the Board of Selectmen to purchase the property and appropriate funds for the purchase. Town Meeting vote authorizing the purchase and appropriation must take place with the 120-day option period and prior to the filing of the notice to exercise the Town's option.

3.2 The Town reserves the right to assign its option to a third party, as set forth in MGL, c. 61A, if it is determined by the Board of Selectmen that it is in the towns best interest to do so. If the property is assigned, notice shall be forwarded by certified mail to the landowner and shall state the name and address of the organization as well as the terms and conditions of said assignment. Notice must be filed within the 120-option period.

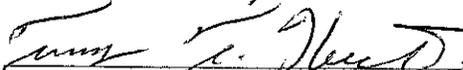
3.3 If the Board votes not to exercise its option of first refusal, the Board of Selectmen shall vote and endorse Form 2 – Waiver of Right of First Refusal. A copy of Form 2 will be forwarded to the Town Clerk for inclusion as a permanent record of the Town. A copy of Form 2 shall be forwarded to the landowner, Board of Assessors, Planning Board and Conservation Commission. In addition, the original of Form 2 shall be recorded at the Registry of Deeds.

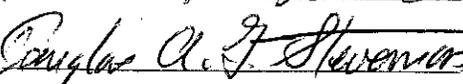
**BOARD OF SELECTMEN**

 , Chairperson

 , Vice-Chairperson

 , Member

 , Member

 , Member

Date: \_\_\_\_\_

Board of Selectmen  
Town Hall  
66 Westford Street  
Carlisle, MA 01741

Conservation Commission  
Town Hall  
66 Westford Street  
Carlisle, MA 01741

Board of Assessors  
Town Hall  
66 Westford Street  
Carlisle, MA 01741

Planning Board  
Town Hall  
66 Westford Street  
Carlisle, MA 01741

Notification of Intent to  
Sell Massachusetts General Laws  
Chapter 61A, Section 14

Gentlemen:

This is a notification of intent to sell land which is taxed under the provisions of Chapter 61A as Agricultural Land. The Town or its assignee has an option to purchase the property under the provisions of Chapter 61A, Section 14 for a period of one hundred and twenty days (120) following the mailing of this notice. The applicant will be required to provide proof that this notice was mailed certified mail to the above-noted governmental bodies.

1. **The owner:** Name and mailing address of the owner of the property.  
\_\_\_\_\_

2. **The premises:** The premises consist of \_\_\_\_\_ acres of land on \_\_\_\_\_ Street in Carlisle, MA, as described in a deed from \_\_\_\_\_ to the present owners in Book \_\_\_\_ Page \_\_\_\_ in the Middlesex Registry of Deeds.

Notice of classification under Chapter 61A was dated \_\_\_\_\_  
In Book \_\_\_\_\_, Page \_\_\_\_\_ in the Middlesex Registry of Deeds.

3. **The proposed sale:** The sale that is proposed is a sale to \_\_\_\_\_.

The purchase price is \_\_\_\_\_ for the building/acres with a performance date of \_\_\_\_\_. A copy of the purchase and sale must be attached to each Board or Commission notice as well as any other plan or instrument relevant to the purchase and sale.

4. **Notices:** Notices for exercising, or not exercising, the option by the Board of Selectmen should be mailed to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The owner or representative would be available to meet with any Board or Commission to discuss this notice.

Very truly yours,

Signature of Authorized Representative  
Name of Authorized Representative

CERTIFIED MAIL  
Return Receipt Requested

Board of Selectmen:  
Board of Assessors:  
Conservation Commission:  
Planning Board:

**NOTICE**  
**THAT MGL c. 61A OPTION WILL NOT BE EXERCISED**

The Board of Selectmen of the Town of Carlisle, Massachusetts hereby notifies you under M.G.L., c. 61A, that its right to purchase certain property owned by \_\_\_\_\_ and herein identified as \_\_\_\_\_ said land located on \_\_\_\_\_ Carlisle, Massachusetts will not be exercised.

This Notice is submitted pursuant to the provisions of Massachusetts General Laws, Chapter 61A.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Carlisle Board of Selectmen

\_\_\_\_\_, Chairperson

\_\_\_\_\_, Vice-Chairperson

\_\_\_\_\_, Member

\_\_\_\_\_, Member

\_\_\_\_\_, Member

Filed with the Town Clerk on \_\_\_\_\_, Acknowledged as received: \_\_\_\_\_.

Copy to: Board of Assessors  
Planning Board  
Conservation Commission