

HOUSE No. 04171

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Authorizing the Town of Wellfleet to Grant an Easement on Certain Land in the Town.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>

HOUSE No. 04171

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 4171) of Sarah K. Peake and Daniel A. Wolf (by vote of the town) relative to authorizing the town of Wellfleet to grant an easement on a certain parcel of land in said town. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve
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An Act Authorizing the Town of Wellfleet to Grant an Easement on Certain Land in the Town.

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. The town of Wellfleet, acting by and through its board of selectmen or
2 conservation commission, may grant an easement on a portion of conservation land located at 50
3 Beach street, currently designated as undeveloped open space, and on a portion of an adjacent
4 undeveloped way known as Water street, also under the control of the conservation commission
5 of the town, to the owners of the adjacent property at 40 Beach street for the purpose of allowing
6 such owners to upgrade their existing septic system. The conservation land parcel at 50 Beach
7 street is shown on assessors' map 35 as parcel 26 and the grantees' parcel is shown on said map
8 35 as parcel 9. The grant of the easement is for the installation, use, repair and maintenance of
9 septic system components extending from a proposed well on the grantees' parcel 9 underneath
10 such parcel, and underneath the adjacent parcel 26 a distance of approximately 60 linear feet to
11 and within Water street to a proposed 10 x 30 foot septic leaching area, as shown on a plan

12 prepared by the commonwealth for Edward C. Boratko et al entitled "Site Plan & Proposed
13 Sewage Disposal System" dated January 26, 2009, revised most recently on August 19, 2010.
14 The grant of easement is also for the location of pipes and appurtenances necessary to connect
15 such components to the remainder of the septic system at the grantees' property. The location of
16 the proposed septic components under parcel 26 and the septic leaching area under Water street
17 shall be undetectable and shall not impact or alter the use of those parcels as open space, and the
18 purpose of designating such location, which is away from the salt marsh and coastal bank, shall
19 be the preservation of the wetlands resource area of Blackfish creek.

20 SECTION 2. In consideration for and as a condition of the grant of easement by the town of
21 Wellfleet as set forth in section 1, the grantees shall pay to the town an amount on such terms
22 and conditions as the board of selectmen shall deem to be in the best interests of the town.

23 SECTION 3. This act shall take effect upon its passage.