

SENATE No. 1990

The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court
(2015-2016)
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SENATE, Thursday August 6, 2015

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, Senate, No. 1745) of Daniel A. Wolf for legislation to authorize the Commonwealth to grant an easement to the town of Barnstable and the town of Barnstable to grant or assign several conservation restrictions to the Commonwealth,- reports the accompanying bill (Senate, No. 1990).

For the committee,
Joan B. Lovely

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An Act authorizing the Commonwealth to grant an easement to the town of Barnstable and the town of Barnstable to grant or assign several conservation restrictions to the Commonwealth.

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. Notwithstanding chapter 30B of the General Laws and sections 32 to 38,
2 inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary,
3 the Commonwealth of Massachusetts, acting through the division of capital asset management
4 and maintenance in consultation with the Division of Fisheries and Wildlife within the
5 Department of Fish and Game, may grant to the Town of Barnstable, and the Town of Barnstable
6 may acquire from the Commonwealth, a permanent exclusive easement for the right to enter,
7 use, improve, operate, maintain, manage and assign the easement area as a shared use pedestrian
8 and bicycle path as the easement area is more particularly defined in section 2. The parcel of
9 land upon which the easement is to be granted was acquired by the Commonwealth for the
10 purposes of protection of endangered species and habitat, natural habitat protection, fish and
11 wildlife conservation and associated public recreation. The exact boundaries of the easement
12 shall be determined by the Town and Commonwealth after completion of a survey in accordance
13 with registry of deeds recording standards.

14 SECTION 2: In consideration of and as a condition of the grant of the easement
15 authorized in section 1, and to ensure a no net loss of lands protected for the purposes for which
16 the commonwealth acquired the land upon which the easement is to be granted, the Town of
17 Barnstable is authorized to grant or assign, as the case may be, and the commonwealth acting
18 through the division of capital asset management and maintenance in consultation with the
19 Division of Fisheries and Wildlife within the Department of Fish and Game is authorized to
20 acquire, conservation restrictions on the following parcels of land further described as follows.

21 a. Lot 1 described on plan entitled "PLAN OF LAND IN BARNSTABLE, MA
22 PREPARED FOR: BARNSTABLE WATER COMPANY" A. M. Wilson Associates, Inc. Scale:
23 1" = 200' date 11-15-1990 Job No: 2.0487.4, Sheet 1 of 1, and recorded in the Barnstable
24 County Registry of Deeds in Plan Book 477, Page 66 and also shown as Parcel 009 on Town of
25 Barnstable Assessors Map 332 and containing 1.5 acres, more or less, with a street address of
26 844 Mary Dunn Road, Hyannis;

27 b. A lot shown as Parcel 005 on Town of Barnstable Assessors Map 332 and containing
28 0.6 acres, more or less, shown on plan recorded in said registry of deeds in Plan Book 340, Page
29 26 having a street address of 864 Mary Dunn Road, Hyannis formerly owned by the Cobb Trust,
30 now owned by the Town by deed recorded in said registry in Book 26130 Page 73;

31 c. A lot shown as Parcel 036 on Town of Barnstable Assessors Map 348 and containing
32 1.2 acres, more or less, located on the south side of the Mid-Cape Highway with a street address
33 of 0 Mid Cape Highway (Route 6) formerly owned by the Cobb Trust, now owned by the Town
34 by deed recorded in said registry in Book 25130, Page 73, Parcel 2;

35 d. A parcel containing 133 acres more or less being the eastern portion of Lot 2 on Plan
36 34248A with Certificate of Title No. 60006 starting from land now or formerly of Michael Burke
37 and Lillian M. Atwood and Nyes Lane a/k/a Hinckley's Lane shown on Assessors Map 177 as
38 Parcel 1 having a street address of 0 Hinckley's Lane, West Barnstable, formerly owned by
39 Trustees of Meetinghouse Investment Fund, now owned by the Town of Barnstable for
40 conservation purposes under Certificate of Title No. 76207; and further

41 e. Grant or assign a conservation restriction on a 9.86 acre, more or less, portion of the
42 land owned by the Cobb Trust having a street address of 755 Independence Drive, Hyannis
43 shown on Assessors Map 332 as Parcel 010002, after completion of a survey of the restricted
44 portion in accordance with registry of deeds recording standards.

45 SECTION 3. The Town of Barnstable shall be responsible for all costs and expenses,
46 including but not limited to, costs associated with any engineering, surveys, appraisals, and deed
47 preparation related to the conveyances authorized pursuant to this act as such costs may be
48 determined by the commissioner of the division of capital asset management and maintenance.