

SENATE No. 1745

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel A. Wolf

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 adoption of the accompanying bill:

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.

PETITION OF:

NAME:

Daniel A. Wolf

DISTRICT/ADDRESS:

Cape and Islands

SENATE No. 1745

By Mr. Wolf, a 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. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the granting of an easement essential for further developing and extending the Cape Cod Rail Trail shared use pedestrian and bicycle path from its present terminus in the Town of Dennis through the Town of Yarmouth and to Independence Drive in the Town of Barnstable, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience., therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public [Emergency Preamble Context].

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 Fisheries and Wildlife
4 within the Department of Fish and Game, may grant to the Town of Barnstable, and the Town of
5 Barnstable may acquire from the Commonwealth, a permanent exclusive easement for the right
6 to enter, use, improve, operate, maintain, manage and assign the easement area as a shared use
7 pedestrian and bicycle path as the easement area is more particularly defined in section 2. The

8 parcel of land upon which the easement is to be granted was acquired by the Commonwealth for
9 the purposes of protection of endangered species and habitat, natural habitat protection, fish and
10 wildlife conservation and associated public recreation. The exact boundaries of the easement
11 shall be determined by the Town and Commonwealth after completion of a survey in accordance
12 with registry of deeds recording standards.

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

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

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

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

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

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