

HOUSE No. 5165

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 adoption of the accompanying bill:

An Act authorizing the conveyance of a parcel of land in the town of Brewster.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>10/22/2020</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>10/22/2020</i>

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By Ms. Peake of Provincetown, a petition (subject to Joint Rule 12) of Sarah K. Peake and Julian Cyr (by vote of the town) that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of the Nickerson State Park in the town of Brewster to said town. State Administration and Regulatory Oversight. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing the conveyance of a parcel of land in the town of Brewster.

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 sections 32 to 37 of chapter 7C of the General Laws or any
2 other general or special law to the contrary, the division of capital asset management and
3 maintenance, in consultation with the department of conservation and recreation, may convey to
4 the town of Brewster a portion, containing approximately 10,000 square feet, of the Nickerson
5 State Park parcel located in the town, under the care and control of the department and held for
6 conservation and recreation purposes, which parcel is identified on the town of Brewster’s
7 assessors’ maps as parcel 114/63/0, for public way and sidewalk purposes, and subject to such
8 additional terms and conditions consistent with this act as the commissioner of capital asset
9 management and maintenance, in consultation with the commissioner of conservation and
10 recreation, may prescribe. The deed or other instrument conveying the parcel to the town of
11 Brewster shall provide that the parcel shall be used solely for public way and sidewalk purposes.

12 The commissioner of capital asset management and maintenance may determine the exact
13 boundaries of the parcel, which may require the completion of a survey.

14 SECTION 2. To ensure a no-net-loss of lands protected for natural resource purposes,
15 and as a condition of the conveyance authorized by section 1, the town of Brewster shall
16 compensate the commonwealth for the land described in section 1 through the payment of
17 \$2,000 to the department of conservation and recreation. The payment shall be deposited in the
18 Conservation Trust established in section 1 of chapter 132A of the General Laws and shall be
19 expended by the department, in its discretion, towards acquiring lands or interests in land to be
20 permanently held and managed for conservation and recreation purposes by the department.

21 SECTION 3. Notwithstanding any general or special law to the contrary, the town of
22 Brewster shall be responsible for all costs and expenses of the conveyance of the land to the
23 town pursuant to section 1 of this act as determined by the commissioner of capital asset
24 management and maintenance, which shall include, but not limited to, the costs of any
25 engineering, surveys, recording fees and deed preparation related to the conveyance of said
26 parcel to the town of Brewster.