

HOUSE No. 4901

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of a certain parcel of land in the town of Brewster, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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, inclusive, of chapter 7C of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the department of conservation and
4 recreation, may convey a certain portion of the Nickerson state park parcel, held for conservation
5 purposes and located in the town of Brewster, containing approximately 10,000 square feet,
6 currently used as a public way, and shown on a plan on file with the department of conservation
7 and recreation, to the town of Brewster for public way and sidewalk purposes, and subject to
8 such additional terms and conditions consistent with this act and as the commissioner of capital
9 asset management and maintenance, in consultation with the department of conservation and
10 recreation, may prescribe. The Nickerson state park parcel is identified on the town of Brewster’s
11 assessors’ map as parcel ID 114-63-0, and in the Barnstable county registry of deeds in book

12 5418, page 157. The deed or other instrument conveying the certain portion of the Nickerson
13 state park parcel to the town of Brewster shall provide that the parcel shall be used solely for
14 public way and sidewalk purposes. The commissioner of capital asset management and
15 maintenance shall determine the exact boundaries of the certain portion of the Nickerson state
16 park parcel following completion of a survey.

17 SECTION 2. As a condition of the conveyance authorized by section 1, the town of
18 Brewster shall compensate the commonwealth for the land described in section 1 through the
19 payment of \$2,000 to the department of conservation and recreation. The payment shall be
20 deposited in the Conservation Trust established in section 1 of chapter 132A of the General Laws
21 and shall be expended by the department of conservation and recreation, in its discretion, for the
22 purpose of acquiring lands or interests in land to be permanently held and managed for
23 conservation and recreation purposes by the department of conservation and recreation.

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