

ACTS, 1981. - Chap. 76.

Chap. 76. AN ACT ESTABLISHING THE SANDY NECK GOVERNING BOARD OF THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the board created by section two is hereby vested with all jurisdiction and control of all real estate now owned by the town or any of its agencies, including the board of selectmen, the conservation commission and the recreation commission on the point of land known as Sandy Neck within the town of Barnstable, more particularly bounded and described as follows:

BEGINNING at a point on the shore of Cape Cod Bay at the Town Line between the Towns of Sandwich and Barnstable;

THENCE generally easterly by the low water mark of said Cape Cod Bay about 31,000'± to "Beach Point" so-called;

THENCE southerly, westerly, and northwesterly by the low water mark of Barnstable Harbor, to a point;

THENCE northwesterly about 150' to a dike;

THENCE westerly by said dike about 1,330'± to upland;

THENCE southwesterly by said upland to a point at Mussel Point, so-called;

THENCE westerly along the northerly line of salt marsh about 750' to a point;

THENCE N 64° 34' 30" W by southerly line of upland 472.60' to a point;

THENCE N 43° 16' 30" W by southerly line of upland 572.91' to a point;

THENCE N 44° 45' 30" W by southerly line of upland 1,136.31' to a point;

THENCE S 85° 27' 00" W by southerly line of upland 293.95' to a point;

THENCE S 18° 51' 40" W by westerly line of salt marsh 375' to Bass Creek so-called;

THENCE southeasterly by said Bass Creek to a point;

THENCE S 81° 34' 10" W by said salt marsh 980'± to the shores of Barnstable Harbor;

THENCE northerly and northwesterly by the shores of Barnstable Harbor about 1900'± to a ditch;

THENCE N 45° 18' 40" E by said ditch 350'± to a point;

THENCE N 57° 58' 40" E by said ditch about 295' to edge of marsh and beginning of upland;

THENCE northwesterly and southwesterly by the northerly line of the salt marsh about 8,230'± to a point;

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THENCE S 15° 16' 20" W about 490.00' to a point at Wells Creek, so-called;

THENCE westerly by Wells Creek so-called about 250' to a point;

THENCE N 15° 16' 20" E about 617'± to a point, at Blues Point so-called;

THENCE westerly and northerly by the northerly line of marsh to a point;

THENCE N 16° 13' 40" E about 100'± to a point;

THENCE N 75° 35' 20" W by marsh 3,286.66' to a point;

THENCE N 63° 10' 10" W by marsh 621.53' to a point;

THENCE N 56° 57' 20" W by marsh 829.29' to a point;

THENCE N 71° 23' 00" W by marsh 4,601.0' to a point;

THENCE westerly, northwesterly, southwesterly and again northwesterly and again southwesterly by the Great Marshes to the Barnstable - Sandwich Town Line;

THENCE northeasterly by said Town Line to the shore of Cape Cod Bay and point of beginning.

All as shown on plan filed with the Town Clerk entitled: "Sketch Plan of Sandy Neck, West Barnstable, Mass., Scale 1"=300', April 1980, D.P.W., Eng. Section."

Specifically excluded from the provisions of this section is any real or personal estate or interest therein, not presently owned by the town or its agencies, as well as the land and buildings within Bodfish Park.

SECTION 2. The charter of the town of Barnstable is hereby amended by adding after section 5 of Article XVII the following section:

6. Sandy Neck Governing Board.

a. Establishment, composition, mode of appointment, term of office - There is hereby established as a department of the town of Barnstable a Sandy Neck governing board, hereinafter called the board. The board shall consist of seven residents of the town appointed by the selectmen. Three of such members shall be at-large members who shall hold no other office or position of the town other than town meeting member, and who shall serve for three year overlapping terms so arranged that the term of one at-large member shall expire each year. Two of such members shall be members of the recreation commission at the time of their appointment as members of the board, and shall serve for two year overlapping terms, so arranged that the term of one member shall expire each year. Two of such members shall be members of the conservation commission at the time of their appointment to the board, and shall serve for two year overlapping terms, so arranged that the term of one member shall expire

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each year. The terms of office of the members appointed from the recreation and the conservation commissions shall continue without regard to continued membership on such commissions. In the event that an insufficient number of members of such commissions are willing to serve, the selectmen may appoint any resident to the respective conservation or recreation seats, and it shall be the duty of members so appointed to communicate and coordinate the work of the board with the respective commissions.

b. Powers and duties - The board shall have full management, control and jurisdiction of real and personal property vested therein by law, for the purposes of preservation, conservation, education and passive recreation such as hiking, swimming, hunting, camping and fishing. Consistent with the foregoing purposes, the board is hereby authorized and empowered:

to adopt rules and regulations for the conduct of its affairs and business;

to adopt rules and regulations for the public health, safety and convenience with respect to the use by the public of Sandy Neck, including without limitation rules and regulations governing: fees; parking; operation; inspection; equipment and limitations of type and numbers of vehicles; but excluding rules and regulations relating to shellfishing, which shall remain within the jurisdiction of the board of selectmen; such regulations to be adopted only after a public hearing, notice of which is published in a newspaper of general circulation in the town at least fourteen days prior to the hearing and to become effective only after publication in a manner provided for town by-laws in the General Laws;

to employ such persons as may be necessary in its judgment to carry out the purposes of this section, and enforce all laws, rules and regulations within its jurisdiction, subject to appropriation;

to negotiate and enter into such other contracts relating to the area under its control, with federal, state and local government agencies, corporations and individuals, relating to goods, services, grants, and the use of such area, as it deems advisable, and may receive gifts relating to the same, and to receive gifts of personalty related to such area, all subject to the restrictions and limitations of the general laws, charter or by-law;

to acquire by gift or purchase, or take for the town by eminent domain under chapter seventy-nine of the General Laws, any land, easement or right therein within the area bounded and described as follows:

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THENCE generally easterly by the low water mark of said Cape Cod Bay about 31,000'± to "Beach Point" so-called;

THENCE southerly, westerly, and northwesterly by the low water mark of Barnstable Harbor, to a point;

THENCE northwesterly about 150' to a dike;

THENCE westerly by said dike about 1,330'± to upland;

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which land is not already appropriated to public use for the purposes enumerated above; but no land, easement or right therein shall be taken or purchased under this section unless the taking or purchase thereof has previously been authorized by vote of the town, nor until an appropriation of money, to be raised by loan or otherwise, has been made by a two-thirds vote of the town.

The board of selectmen may designate such employees of the Sandy Neck governing board as it deems advisable as enforcement persons, who shall have within the area the jurisdiction of the Sandy Neck governing board, the powers and duties of police officers under section ninety-eight of chapter forty-one of the General Laws, who shall be subject to the provisions of section ninety-six B of chapter forty-one of the General Laws but who shall not be subject to the provisions of chapter thirty-one of the General Laws; and provided, further, that nothing in this section shall be construed to restrict in any way the authority of any police officer of the town.

c. Finances - The board shall be subject to all the requirements of the law relating to municipal finance applicable to other town departments.

d. Responsibilities in the nature of trusts - The board shall carry out all responsibilities and duties of the nature of trusts imposed upon itself, the town or any officer or agency thereof, with respect to any property within its jurisdiction and control, and shall take any action necessary to preserve the same for the benefit of the inhabitants of the town.

SECTION 3. The board of selectmen shall, when making its first appointments to the at-large seats on the Sandy Neck governing board, designate one such member to be for one year, one for two years, and one for three years. When making its first appointments to the recreation and conservation seats on the board, so created, it shall designate one of each such appointments to be for one year and one of each for two years,

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respectively.

SECTION 4. This act shall take effect upon its passage.

Approved April 9, 1981.

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Chap. 77. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO S N CROCKER & SON, INC.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Wareham is hereby authorized to grant to S N Crocker & Son, Inc., a license under the provisions of section fifteen of said chapter one hundred and thirty-eight for the sale of all alcoholic beverages not to be drunk on the premises.

Approved April 9, 1981.

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Chap. 78. AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO GRANT A PERMANENT EASEMENT TO THE TENNESSEE GAS PIPELINE COMPANY.

Be it enacted, etc., as follows:

The department of environmental management, acting for and on behalf of the commonwealth, is hereby authorized to grant to the Tennessee Gas Pipeline Company a permanent easement, approved as to form by the attorney general, to install and maintain cathodic protection equipment for the protection and safety of the public, to prevent corrosion on the existing gas pipeline on a portion of the Great Brook Farm State Park in the town of Carlisle as shown on a plan, entitled "Ground Bed Addition (Proposed), LL Ma(2)867, District 267, Division F--Ref, DWG to T12-200-2-166", dated March 11, 1980, drawn by Joe Trolino, and on file with the department of environmental management and on Right of Way Agreement, recorded at the Middlesex county registry of deeds, Northern District, in Book 1851, at pages 227-228.

Approved April 9, 1981.