

**SPECIAL LEGISLATION: TRANSFER CARE, CUSTODY, AND CONTROL OF, CHANGES USES OF,
AND/OR PLACE A CONSERVATION ON WING ISLAND**

ARTICLE NO.9 : To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation authorizing the transfer from the Select Board for public bathing and recreation purposes to the Conservation Commission for conservation and passive recreation purposes, the parcel of land known as Wing Island, as acquired by the Town of Brewster pursuant to an Order of Taking dated July 14, 1961 and recorded on July 28, 1961, as described in a deed recorded with the Barnstable registry of deeds in book 1123, page 170, all as set forth below, and, further, to authorize the General Court to make changes of form only to such legislation without the approval of the Select Board, and, to authorize the Select Board to approve such changes that are within the public purposes of the vote taken hereunder, or to take any other action relative thereto.

Option 1 - With authority for a conservation restriction:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Brewster is hereby authorized pursuant to the provisions of section 15A of chapter 40 of the general laws, to transfer a parcel of land from the select board for public bathing and recreation purposes to the care, custody and control of the conservation commission for open space and passive recreation purposes, including public bathing, subject and dedicated to the purposes of Article 97 of the Massachusetts Constitution a parcel of land shown Wing Island, as acquired by the Town of Brewster pursuant to an Order of Taking dated July 14, 1961 and recorded on July 28, 1961, as described in a deed recorded with the Barnstable registry of deeds in book 1123, page 170, but reserving to town meeting of said town the authority to transfer to a nonprofit organization a conservation restriction on all or a portion of said land consistent with the requirements of sections 30 through 33 of chapter 184 of the general laws.

SECTION 2. This act shall take effect upon its passage.

Option 2 - Without authority for a conservation restriction:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Brewster is hereby authorized pursuant to the provisions of section 15A of chapter 40 of the general laws, to transfer a parcel of land from the select board for public bathing and recreation purposes to the care, custody and control of the conservation commission for open space and passive recreation purposes, including public bathing, subject and dedicated to the purposes of Article 97 of the Massachusetts Constitution a parcel of land shown as Wing Island, as acquired by the Town of Brewster pursuant to an Order of Taking dated July 14, 1961 and recorded on July 28, 1961, as described in a deed recorded with the Barnstable registry of deeds in book 1123, page 170.

SECTION 2. This act shall take effect upon its passage.

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From: Lauren F. Goldberg

Sent: Mon, 6 Feb 2023 23:53:19 +0000ARC

To: Peter Lombardi

Cc: Gregg J. Corbo; Amy E. Morin

Subject: FW: Wing Island Follow-up

Sensitivity: Normal

Attachments:

[HW_engineering_for_Wing_Island-HWsigned 02.22.pdf](#); [Wing_Island_Change_order 1 10.19.22.pdf](#); [Executed 20211228_Wing_Island Boardwalk Design and Permitting_P22-3472-G29A Contract&NTP.pdf](#); [DCR Rec Trails Grant Agreement Wing Island Boardwalk Signed 12.21.pdf](#); [Drummer_Boy_Phase_I - HWSigned.pdf](#);

Peter, in my opinion, each of the citizen petitioned articles is flawed in certain respects. I have reviewed the petitioned articles and related materials, and the attached documents that you forwarded.

Article 1 seeks to prohibit the Town from spending money previously appropriated for the Wing Island Boardwalk project.

Moot; Not specific. The article does not identify any particular appropriations to which it will apply and is general in nature. As I understand the facts, the Town has already spent all of the money the Town appropriated by Town Meeting specifically for this project, i.e., \$50K, and the article would be moot with regard to such expenditures. Further, the article does not specifically reference any particular appropriations, but nevertheless purports to limit the Town's ability to expend departmental and other operating funds in connection with this project. In my opinion, the article is not in proper form to accomplish the same. Following the appropriation of funds for the FY2023 operating budget, such funds may be expended consistent with the purposes specified. A general and unspecific article cannot limit Town officials from expending previously authorized funding in a manner consistent with such appropriation. For all these reasons, in my opinion, this portion of the article is flawed in that it does not identify the particular appropriations to which it applies and in my opinion, a vote on the article as written would provide only a "sense of the meeting" on this topic.

Select Board has Jurisdiction Over Expenditure of Gifts and Grants. With regard to expenditure of grant funds, as the petitioners recognize, Town Meeting has no authority to restrict or restrain the same, in my opinion. In accord with G.L. c.44, §53A, the Select Board, in connection with this project, has exclusive jurisdiction over whether to accept and expend gift or grant funds from private individuals or entities, or from the state. As such, any vote taken under this article with regard to such matters would constitute only a "sense of the meeting", and would not be legally binding on the Select Board. Thus, in my opinion, even if Town Meeting were to approve this article, the Select Board would not be prohibited from using gift or grant funds for the purposes for which they have been given, including paying for any work performed before the termination of the Horsely Witten Group contract at issue.

Town Has Legal Obligation to Pay for Work Performed Prior to Contract Termination. The article provides further that if Town Meeting approves the article, invoices "received by the date of the warrant for this Special Town Meeting" could still be paid. In my opinion, however, the Town has a legal obligation to pay for work undertaken at its request and may only terminate a contract without penalty in accord with the relevant terms. I have reviewed the Horsely Witten Group contract (attached) and Section 13(b) provides explicitly that the Town may terminate the contract with 10 days notice. Further, it states that the Town will be responsible for payment for all work performed until the termination date. Failure to pay for such work would, in my opinion, constitute a breach of contract and could expose the Town to significant liability.

Article 2 seeks to transfer the Wing Island land, acquired by a taking in 1961 for "public beach and recreation area" purposes, from the Select Board to the Conservation Commission for "conservation, open space and passive education" purposes. The petitioners state that this is, in fact, the manner in which the land has been held and used since its acquisition, and, therefore, that they seek to align formal custody and control with the current use of the property. Thus, the question arises as to whether such land is subject to Article 97 constitutional protections.

In the event that Article 97 protections do not apply to this land, in my opinion, a two-step process is required to make such a transfer. In accord with G.L. c.40, §15A, the board with custody and control of the property, here, the Select Board, must determine that the land is no longer needed for the purposes for which it is held. Further, Town Meeting must, by a 2/3 vote, approve the transfer. Case law establishes that there is no required sequence in which these events occur. [Board of Selectmen of Hanson v. Lindsay](#), 444 Mass. 502 (2005).

In Article 97, the Legislature has declared a public purpose of protecting the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources of the Commonwealth, by prohibiting land and easements acquired or taken for such purposes to be used for another purpose except as approved by laws enacted by a two-thirds vote of both houses of the Legislature. Public property may gain the protections of Article 97 when it is taken or acquired for the purpose of protecting the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources of the Commonwealth, or when it is specifically designated for such a purpose through a deed or restriction recorded against the property. [Hanson](#), 444 Mass. 502. The determination of whether property held by the Town is protected by Article 97 requires a highly fact-specific determination regarding the manner in which the property was acquired, how it has been used, and actions taken to prevent it from being used for other purposes. Questions involving Article 97 are often subject to reasonable differences of opinion, and the Supreme Judicial Court's interpretation of the Article has been evolving over time to expand its reach. That being said, based on my careful consideration of the facts at issue in this matter, in my opinion the land at issue is likely to be found by a reviewing court to be protected by Article 97.

Here, the property was taken over 50 years ago for "public beach and recreation area" purposes. Although it is arguable that the 1961 vote is not entirely clear as to what is meant by "recreation", I understand that the Town has used this land since it was acquired for conservation, open space, and passive education purposes. I understand further that various Town documents detail the continued use of the property for such purposes, the matter has been debated at numerous meetings and public hearings, and the use of the property has been considered by Town Meeting on various occasions. The Supreme Judicial Court in its decision in [Smith v. City of Westfield](#), 478 Mass. 49 (2017) expanded the reach of Article 97 to include land that was not acquired for Article 97 purposes, but that was subsequently permanently dedicated for such a use. Specifically, in that case, the Court held that land may be subject to Article 97 where a city or town dedicates land as a public park through a clear and unequivocal intent to dedicate the land permanently as a public park and where the public accepts such use by actually using the land as a public park. The [Smith](#) court found that this standard was met where the City actually used land for playground purposes for more than sixty years, it formally transferred the property to

the playground commission and, most significantly, by accepting federal grant funds to rehabilitate the playground, it agreed that the property would be permanently restricted for that use. In this case, it appears, therefore, in my opinion, the land was acquired and used for Article 97 purposes.

In order to transfer an interest in land protected by Article 97, there are three separate steps that must occur – a determination by the custodian of the land that the land is no longer needed for its current purpose, approval of the transfer by a 2/3 vote of Town Meeting, and approval by a 2/3 vote by both houses of the General Court. The article is flawed, in my opinion, in that it does not authorize the Select Board to file a petition for special legislation. In addition, note that recent legislation has added additional requirements a community must undertake or meet in connection with a petition for special legislation to change the custody or use of Article 97 land, which legislation expands the requirements of the long-established [EOEA policy](#). See [here](#) to review the text of Chapter 274 of the Acts of 2022, which inserted a new §5A in Chapter 3 of the General Laws.

Article 3 proposes to rescind the November 15, 2021 Special Town Meeting vote under Article 12 to accept the 2021 Drummer Boy Park Master Plan. In my opinion, the vote to “accept” the 2021 Drummer Boy Master Plan reflected the sense of the November 15, 2021 Special Town Meeting (acceptance or approval of a master plan is not required by state or local law) as to the master plan. The current Town Meeting may, of course, elect to indicate it no longer supports the 2021 Drummer Boy Park Master Plan, that it rejects the plan, or to refer that plan back to committee for further consideration. A vote under this article would, in my opinion, constitute a sense of the 2023 Special Town Meeting as to the 2021 Drummer Boy Master Plan.

Please let me know if there are further questions on these issues.

Very truly yours,

Lauren

Lauren F. Goldberg, Esq.

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Legislative Update: Codification of Requirements for Disposition or Alternative Use of Property and Interests Subject to Article 97

February 16, 2023

On November 17, 2022, the Governor signed into law Chapter 274 of the Acts of 2022, known as the Public Lands Preservation Act (the “Act”). The Act adds Section 5A to Chapter 3 of the Massachusetts General Laws, and sets forth the requirements municipalities must follow when changing the use or disposing of property subject to Article 97 of the Amendments to the Constitution of the Commonwealth (“Article 97”). The provisions of the Act mirror a long-standing policy of the Executive Office of Energy and Environmental Affairs (“EOEEA”) on the disposition or change of use of properties subject to Article 97.

Article 97 was approved on November 7, 1972, and applies retroactively. It states, in relevant part, that “[t]he people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.” Article 97 further provides that “[l]ands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.”

In essence, Article 97 provides that if a municipality acquires land for a purpose protected under Article 97, it may not convey that land or change its use without a two-thirds roll call vote of each house of the Legislature. Recent cases have held that Article 97 may also apply to land that, after its original acquisition, is expressly dedicated to purposes protected under Article 97. See Mahajan v. Department of Environmental Protection, 464 Mass. 604 (2013).

The Act sets forth a three-step process that must be followed when a municipality disposes of or changes the use of Article 97 land. A municipality must:

- (1) Notify the public and the Secretary of EOEEA (“Secretary”) of the planned disposition and conduct an alternatives analysis to show that there is no feasible alternative to disposition or change in use. This analysis must be submitted to the Secretary;
- (2) Identify replacement property which is not already subject to Article 97 that has equal or greater natural resource value, acreage, and monetary value. Natural resource value is determined by the Secretary, and acreage and monetary value is determined by an appraisal of the fair market value or value in use, whichever is greater; and

(3) Take, acquire, or dedicate the replacement land or interest identified in perpetuity for Article 97 purposes.

The Secretary may waive or modify the second and third requirements under two, limited, circumstances:

- The disposition is only for the transfer of legal control between two public entities and does not involve any other change; or
- The parcel is not of significant natural resource and recreation value, is less than 2,500 square feet, and the transfer serves a significant public interest.

Additionally, the Act allows funding, or a combination of funding and replacement land, to be provided instead of replacement land in certain circumstances. This is only allowed if the Secretary reports the following findings to the Legislature:

- The proposed disposition or change in use serves a significant public interest;
- The proposed disposition or change in use will have no adverse impacts on an “Environmental Justice Population,” as defined in M.G.L. c. 30, § 62;
- An alternatives analysis has been submitted to the Secretary which demonstrates that there is no feasible alternative to disposition or change in use; and
- There is no feasible replacement land which meets the requisite criteria, as discussed above.

If all four requirements are found by the Secretary, a public entity may then provide funding in combination with or instead of replacement land, subject to the following conditions:

- The amount of funding provided is no less than 110% of the fair market value or value in use of the property, whichever is greater. The fair market value is determined by the Secretary following an independent appraisal;
- For municipal land, the funding must be held in the Community Preservation Fund or a similar segregated account established for land preservation purposes, and dedicated solely for the acquisition of land for Article 97 purposes; and
- The funds must be used within three years to acquire replacement land in a comparable location and dedicated in perpetuity for Article 97 purposes.

The Secretary must issue an annual report by December 15th of each year of all instances in which funding was provided instead of replacement land, said report to include the amount of funds provided, the account which the funds were deposited into, whether or not the funds have been used to acquire replacement land, and, if so, a description of the land acquired.

Lastly, a procedure is laid out for petitioning the Legislature to authorize the disposition or use for another purpose of Article 97 property. All petitions must include:

- The alternatives analysis;
- A description of the replacement land or interest, if applicable;

- A copy of the appraisal;
- A copy of any waiver or modification granted, if applicable; and
- A copy of the report of the findings of the Secretary which would allow for funding to be provided instead of a replacement property, if applicable.

The Act codifies a long-standing administrative policy of EOEEA for the “No Net Loss” of Article 97 land. It is intended to bring transparency and accountability to the process where Article 97 property is conveyed or converted to a different use, and ensures that public lands cannot be developed for other uses, absent an analysis of alternatives and the dedication of equivalent natural resource value in replacement.

If you have any further questions about this Act, please contact your KP Law Attorney at 617-556-0007.

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LANDS OWNED AND MANAGED BY THE BREWSTER CONSERVATION COMMISSION											
MAP	LOT	PROPERTY NAME/ STREET NAME	ACRES/SF VEGETATION	ZONE	CURRENT USE	CONDITION (GOOD, FAIR, POOR)	RECREATION POTENTIAL	PUBLIC ACCESS / NO FEE	ADA ACCESS	ACQUISITION DATE/ PUBLIC OR OTHER GRANT	LEVEL OF PROTECTION
2	1	PINE POND 0 Dennis Line	3.500 acres Pondshore	RR	Hiking, Walking, Birdwatching, Fishing, Swimming, Canoeing	Good Natural	Undeveloped, accessed from neighboring town.	YES	Conditions at this site limit accessibility.	Tax Title Taking 11-10-2006 To Cons Com 7-26-2007	Permanent CR Held By Brewster Conservation Trust 7-26-2007
6	14	0 MAIN STREET (west end of saltmarsh)	96.500 acres Saltmarsh	RR	Walking, Birdwatching	Good Natural	Access from former Sea Street. Parking, paved access, bridge to other side of Quivett Creek	YES	Paved path is accessible.	6-24-1970	Permanent CR Granted to Commonwealth Of MA 8-30-2004 Doc. 978,472
6	15	INDIAN SPRING CONSERVATION AREA 0 MAIN STREET (2 parcels)	2.220 acres Natural Spring, Pine/Oak Woodlands	RM	Walking, Birdwatching, Horseback Riding	Good Natural	Limited, provides access to salt marsh	YES	Conditions at this site limit accessibility.	3/29/1979 Town funds	Town Conservation Land
6	43	0 WING ISLAND	122.600 acres Pine/Oak Woodlands, Beach Saltmarsh	RR	Hiking, Walking, Birdwatching, Swimming	Good Natural	High. Trails, beach, upland, salt marsh, mud flats	YES	Conditions at this site limit accessibility.	6-24-1970 \$8,577	Permanent CR Granted to Commonwealth of MA 8-30-2004 Doc. 978,472
8	4	0 SLOUGH ROAD Copelas (2 parcels)	3.845 acres Pine/Oak Woodlands Pondshore	RR	Walking, Birdwatching, Horseback Riding	Good Natural	Existing trail network accessed from Mothers Bog parcel, hiking.	YES	Conditions at this site limit accessibility.	12-12-2019 For Conservation, Watershed Protection, Passive Recreation	Permanent CR Held By Brewster Conservation Trust
9	14	HAWK' S NEST 0 SLOUGH ROAD REAR (Maebelle Ellis) (2 parcels)	28.612 acres Pine/Oak Woodlands	RR	Hiking, Walking, Birdwatching, Horseback Riding	Good Natural	Existing trail network accessed from Mothers Bog parcel, hiking	YES	Accessed through Mothers Bog parcel. No road frontage. Parking at abutting Mothers Bog parcel. No designated handicap spot.	1-26-1999 \$65,967 STATE PATHWAYS GRANT	Permanent CR Held By Brewster Conservation Trust

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9	16	<i>MOTHERS BOG CONSERVATION AREA 0 SLOUGH ROAD REAR (Jay & Melissa Jorgenson)</i>	8.857 acres Pine/Oak Woodlands	RR	Hiking, Walking, Biking, Birdwatching, Horseback Riding,, Bow Hunting In Season	Good Natural	Trail network, former bog, un- paved parking area.	YES	No designated handicap spot.	6-20-2006 \$600,000 CPA Funds & STATE SELF HELP GRANT	Permanent Wellfield Preservation Restriction Held By Brewster Water Dept. W/ Easement To Brewster Conservation Trust Doc. 1066696 21114/243 LC 1066695
9	23	0 SLOUGH ROAD Elbow Pond (3 parcels)	2.480 acres Pondshore	RR	Walking, Birdwatching, Fishing, Swimming, Canoeing	Good Natural	None, busy road, steep slope, no trail, no parking.	YES	<i>Conditions at this site limit accessibility.</i>	12-05-1955 SB To Cons. Com 3-28-013	Permanent CR Held By Brewster Conservation Trust 3-28-2013
9	51	MEETINGHOUSE ROAD CONSERVATION AREA (WINDRIFT ACRES) OFF SLOUGH ROAD (Copelas)	23.908 Acres Pine/oak Woodlands	RR	Hiking, Walking, Birdwatching, Horseback Riding, Bow Hunting In Season	Good Natural	Existing trail network accessed from Mothers Bog parcel	YES	Accessed through Mothers Bog parcel. No road frontage. Parking at abutting Mothers Bog parcel.	12-12-2019 CPA funds & STATE L.A.N.D GRANT	Permanent CR Held By Brewster Conservation Trust 12-16-2019 BK. 32547 PG. 128
9	52	MEETINGHOUSE ROAD CONSERVATION AREA OFF SLOUGH ROAD (Borden-Burks)	27.020 acres Pondshore Pine/Oak Woodlands	RR	Hiking, Walking, Birdwatching, Horseback Riding, Bow Hunting In Season	Good Natural	Existing trail network accessed from Mothers Bog parcel	YES	Accessed through Mothers Bog parcel. No road frontage. Parking at abutting Mothers Bog parcel.	4-6-2018 \$432,000 CPA Funds & STATE L.A.N.D. GRANT	Permanent CR Held By Brewster Conservation Trust 4-6-2018 BK. 31240 PG. 197 BCT Says 5-2-2018
10	23	<i>MOTHERS BOG CONSERVATION AREA 0 SLOUGH ROAD (BBJ Cranberry Trust/ Russas & Dire) (8 parcels)</i>	51.200 acres Cranberry Bog, Pine/Oak Woodlands	RR	Hiking, Walking, Birdwatching, Horseback Riding, Bow Hunting In Season	Good Natural	Trail network, former bog, un- paved parking area.	YES	Accessed via a dirt road to an informal parking area. No designated handicap spot. Existing trails from former bog and cartpath.	6-20-2006 PHASE 1 \$1,525,000 CPA Funds & STATE SELF HELP GRANT & 6-15-2007 PHASE 2 \$2,125,000 CPA Funds & STATE SELF HELP GRANT & Dennis Water District contributed \$1,000,000	Water Preservation Restriction held by Dennis Water District on 1 parcel, with rest under Permanent CR Held By Brewster Conservation Trust 6-15-2007 Doc. 1,066,695

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MAP	LOT	PROPERTY NAME/ STREET NAME	ACRES/SF VEGETATION	ZONE	CURRENT USE	CONDITION (GOOD, FAIR, POOR)	RECREATION POTENTIAL	PUBLIC ACCESS / NO FEE	ADA ACCESS	ACQUISITION DATE/ PUBLIC OR OTHER GRANT	LEVEL OF PROTECTION
11	15	0 SLOUGH ROAD Pine Pond (Edward Donovan)	3.270 acres Pondshore Old Bog	RR	Walking, Birdwatching, Canoeing, Fishing, Swimming	Good Natural	Limited. No access, mostly wetlands	YES	Conditions at this site limit accessibility.	3-1-2007 7-26-2007 Select Board to Cons Com	Permanent CR Held By Brewster Conservation Trust 7-26-2007
13	73	RED TOP ROAD (9 parcels)	4.545 acres	RL	Hiking, Walking, Birdwatching	Good Natural	No parking, no town maintained trails.	YES	Conditions at this site limit accessibility.	7-18-1980	For Conservation Purposes
14	28	0 ROCKY HILL ROAD REAR (Heirs Of Joseph Ellis)	2.500 acres Pine/Oak Woodlands	RL	Walking, Birdwatching	Good Natural	No access, landlocked.	YES	Conditions at this site limit accessibility.	1-25-2010	Permanent CR Held By Brewster Conservation Trust 12-17-2010
16	1	QUIVETT MARSH 0 MAIN STREET REAR (Heirs Of Rufus Clark)	0.401 acres Saltmarsh	RM	Walking, Birdwatching	Good Natural	Mostly wetland, no trails	YES	Conditions at this site limit accessibility.	11-19-2010 Select Board To Cons Com Art 23 May 2011 TM For Conservation & Recreation Purposes 5-19-2011	Permanent CR held by Brewster Conservation Trust 5-19-2011
16	2	QUIVETT MARSH VISTA CONSERVATION AREA 0 MAIN STREET (Addison Pratt) (2 parcels)	3.837 acres Meadow, Maple Swamp & Parking Area	RM/RR	Hiking, Walking, Birdwatching Meadow and maple swamp	Good Natural	Established parking area, accessible viewing platform with benches, trails.	YES	Parking with handicap parking space, accessible boardwalk to seating/viewing area.	6-22-2009 \$300,000 CPA Funds & Funds from Dennis Conservation Trust & STATE L.A.N.D. GRANT	Permanent CR Held By Brewster Conservation Trust 6-22-2009
16	15	0 MAIN STREET REAR (Barry Manuel & Murray Freed) (2 parcels)	2.100 acres Saltmarsh	RM/VB	Walking, Birdwatching	Good Natural	No trails or access.	YES	Conditions at this site limit accessibility.	9-6-2001 Select Board To Cons Com 7-15-2013	Permanent CR Held By Brewster Conservation Trust 7-15-2013 27541/43
16	33	0 MAIN STREET (Abuts Candlestick Lane)	1.000 acres Pine/Oak Woodlands	RM	Walking, Birdwatching	Good Natural	No trails or access.	YES	Conditions at this site limit accessibility.	12-1-1987 To Cons Com for Conservation & Passive Recreation ART 31 TM 5-4-2009	Permanent CR held by Brewster Conservation Trust 5-20-2009

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20	2	PUNKHORN PARKLANDS CONSERVATION AREA (56 parcels)	377.090 acres Pine/Oak Woodlands Includes access to Slough, Walkers and Upper Mill Ponds, with a Landing at Upper Mill Pond	RR	Walking, Hiking, Biking, Birdwatching, Horseback Riding, Swimming, Boating, Fishing, Boat access/ramp and DNR storage building (10x16)	Good Natural	Informal access to many established trails for hiking and nature study.	YES	Conditions at this site limit accessibility.	Town acquisitions in 1986 and 1987	Town Conservation Land
20	33	PUNKHORN PARKLANDS CONSERVATION AREA 0 BLACK DUCK CARTWAY Walkers Pond (Krawitz)	6.395 acres Pondshore, Pine/Oak Woodlands	RR	Walking, Hiking, Birdwatching, Horseback Riding Swimming, Canoeing	Good Natural	No formal trails.	YES	Conditions at this site limit accessibility.	12-22-2004 Land Bank Funds \$325,000	Permanent CR Held By Brewster Conservation Trust 1-24-2008 LC Doc. 1,081,503
20	36	PUNKHORN PARKLANDS CONSERVATION AREA (20 parcels)	119.397 acres Pine/Oak Woodlands Shrub Swamp & Maple Swamp	RR	Walking, Hiking, Biking, Birdwatching, Horseback Riding	Good Natural	Many trails through uplands. Informal parking.	YES	Conditions at this site limit accessibility.	Town acquisitions in 1986 and 1987	Permanent CR Held By Brewster Conservation Trust 9-26-2018
25	14	A P NEWCOMB ROAD (Manuel Barry & Murray Freed)	1.200 acres Old Bog	RL	Walking, Birdwatching	Good Natural	Undeveloped woodlands, no trails	YES	Conditions at this site limit accessibility.	9-6-2001 To Cons Com 7-15-2013	Permanent CR Held By Brewster Conservation Trust 7-15-2013 7-8-2013 27541/43
26	11	0 MAIN STREET REAR (Ahlstrom)	3.290 acres Pine/Oak Woodlands Abuts Saltmarsh	RR	Walking, Hiking, Birdwatching,	Good Natural Trails to the bay	Limited access	YES	Located down a right of way/driveway. No trails on site. Limited access.	12-28-2001 \$280,000 Land Bank Funds & STATE SELF HELP GRANT	Permanent CR Held By Brewster Conservation Trust 5-23-2003 Doc. 920,219
26	12	0 MAIN STREET REAR (Ahlstrom)	1.900 acres Pine/Oak Woodlands	RM	Walking, Birdwatching,	Good Natural	Limited access	YES	No road frontage, no trails on site. Limited access	10-31-2002 STATE SELF HELP GRANT	Charitable Trust for Conservation in Deed Permanent CR Held By Brewster Conservation Trust

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26	31	CEDAR RIDGE RESERVE CONSERVATION AREA 0 MAIN STREET REAR Abuts Drummer Boy Park <i>(Eldredge)</i>	3.105 acres Cedar Grove, Coastal Bank	RM	Walking, Birdwatching,	Good Natural	Informal trail through parcel.	YES	Adjacent to Town Drummer Boy Park with paved trails, existing unimproved trail connection. Accessible parking at Drummer Boy with handicap spot.	12-31-2014 \$500,000 CPA Funds & STATE L.A.N.D. GRANT	Permanent CR Held By Brewster Conservation Trust 12-29-2014
26	39	John & Kristi Hay Trail CONSERVATION AREA 0 PINE HILL DRIVE <i>(Stranahan)</i>	9.837 acres Pine/Oak Woodlands	RM	Walking, Hiking, Birdwatching, Horseback Riding <i>John & Kristi Hay Trail</i>	Good Natural	Two car parking area at trail head, well maintained trails for hiking, nature study	YES	Two parking spaces on a private road. No designated handicap spot. Trail is steep and unimproved.	1-31-2008 \$1,200,000 CPA Funds & STATE L.A.N.D GRANT 22640/262	Permanent CR Held By Brewster Conservation Trust 1-31-2008 Bk. 22640/264
29	3	<i>PUNKHORN PARKLANDS CONSERVATION AREA</i>	8.300 acres	RR	Walking, Hiking, Biking, Birdwatching, Horseback Riding	Good Natural	No hiking trails in this area of the larger conservation parcel.	YES	<i>Conditions at this site limit accessibility.</i>	12-28-1988	Town Conservation Area
31	6	<i>PUNKHORN PARKLANDS 200 WEST GATE ROAD MATOTT HOUSE</i>	12.300 acres Pine/Oak Woodlands Old Bog	RR	Walking, Hiking, Birdwatching, Horseback Riding	Good Natural	Limited as there is a town-owned residence on this parcel	YES	<i>Conditions at this site limit accessibility.</i>	5-15-1987	Town Conservation Land Includes the Matott House Used To House Americorps/ Summer Staff
32	16	<i>PUNKHORN PARKLANDS CONSERVATION AREA 0 RUN HILL RD</i>	23.000 acres Pine/Oak Woodlands	RR	Walking, Hiking, Birdwatching, Horseback Riding	Good Natural	Well established trails and carpaths, two trail heads with parking.	YES	<i>Conditions at this site limit accessibility.</i>	7-31-1986 \$951,700 STATE SELF HELP GRANT LC doc.40690 LCP 38761A	Permanent CR Held By Brewster Conservation Trust (107458)
32	17	<i>PUNKHORN PARKLANDS CONSERVATION AREA 0 RUN HILL RD</i>	2.700 acres Pine/Oak Woodlands Wetland	RR	Walking, Hiking, Birdwatching, Horseback Riding	Good Natural	Small wetland within another conservation area, no trails	YES	<i>Conditions at this site limit accessibility.</i>	7-31-1986 STATE SELF HELP GRANT Doc. 406901 LCP 38761A	Permanent CR Held By Brewster Conservation Trust
34	65	0 LOWER MILL POND <i>Bird Sanctuary</i>	2.000 acres	RR	Walking, Birdwatching	Good Natural	Provides water access between two great ponds via small non powered watercraft	YES	<i>Conditions at this site limit accessibility.</i>	1-6-1976 Bk. 2284 Pg. 032	Bird Sanctuary Per Public Trust Town Conservation Land

LANDS OWNED AND MANAGED BY THE BREWSTER CONSERVATION COMMISSION											
MAP	LOT	PROPERTY NAME/ STREET NAME	ACRES/SF VEGETATION	ZONE	CURRENT USE	CONDITION (GOOD, FAIR, POOR)	RECREATION POTENTIAL	PUBLIC ACCESS / NO FEE	ADA ACCESS	ACQUISITION DATE/ PUBLIC OR OTHER GRANT	LEVEL OF PROTECTION
36	39	0 MAIN STREET (2 parcels)	2.690 acres	RM	Walking, Birdwatching	Good Natural	No formal access. Protects shore and buffer to a small kettle pond	YES	<i>Conditions at this site limit accessibility.</i>	5-3-1978 2699-149	Town Conservation Land
37	23	0 PAINES CREEK	3.100 acres	RM	Walking, Birdwatching	Good Natural	Mostly wetlands, no trails	YES	<i>Conditions at this site limit accessibility.</i>	11-6-1982 3605-195	Town Conservation Land
37	45	0 LOWER ROAD	5.700 acres	RM	Walking, Birdwatching	Good Natural	No trails, some wetlands	YES	<i>Conditions at this site limit accessibility.</i>	12-4-1981 3409-18	Town Conservation Land
37	60	<i>BETTY'S CURVE CONSERVATION AREA 1009 MAIN STREET Old Trailer Park (Nevin)</i>	1.000 acres Meadow	VB	Walking, Birdwatching	Good Natural	Once runoff is contained a detention basin- rain garden and benches may be installed here and on other parcel.	YES	Flat site, handicap parking at adjacent shopping center, informal parking along road layout, Picnic benches in season, hard surface (lawn) provides access.	4-8-2005 \$617,300 Land Bank Funds 19705-79 22621/1	Permanent CR Held By Brewster Conservation Trust 1-24-2008 Bought to provide area curtail run-off that was entering Stony Brook Herring Run and adjacent Brackish Marsh
37	92	<i>BETTY'S CURVE CONSERVATION AREA 1008 MAIN STREET Jolly Whaler Motel (Nevin)</i>	1.220 acres Meadow	VB	Walking, Birdwatching	Good Natural	Once runoff is contained a detention basin- rain garden and benches may be installed here and on other parcel	YES	Flat site, handicap parking at adjacent shopping center, informal parking along road layout, Picnic benches in season, hard surface (lawn) provides access.	4-8-2005 \$327,700 Land Bank Funds 19705-079 22621/1	Permanent CR Held By Brewster Conservation Trust 1-24-2008 Bk. 22621 Pg. 1 Bought to provide area curtail run-off that was entering Stony Brook Herring Run and Paine's Creek
37	94	0 MAIN STREET (From Nevin)	1.000 acres Brackish Marsh Called "Dark Swamp"	RM	Birdwatching	Good Natural	Salt marsh	YES	<i>Conditions at this site limit accessibility.</i>	4-8-2005 19705-087 BCT CR 1-24-2008	Permanent CR Held By Brewster Conservation Trust 1-24-2008
38	44	0 LANTERN LANE	4.500 acres	RM	Walking, Birdwatching	Good Natural	No trails on this parcel	YES	<i>Conditions at this site limit accessibility.</i>	12-19-19917800-73	Town Conservation Land
41	14	<i>PUNKHORN PARKLANDS CONSERVATION AREA 0 SQUANTUM PATH</i>	2.900 acres Pine/Oak Woodlands	RR	Walking, Hiking, Birdwatching Horseback Riding	Good Natural	No trails on this parcel, abuts larger conservation parcels.	YES	<i>Conditions at this site limit accessibility.</i>	3-11-1996 10094-237 5-20-2009 23717-259	Permanent CR Held By Brewster Conservation Trust 5-20-2009

LANDS OWNED AND MANAGED BY THE BREWSTER CONSERVATION COMMISSION											
MAP	LOT	PROPERTY NAME/ STREET NAME	ACRES/SF VEGETATION	ZONE	CURRENT USE	CONDITION (GOOD, FAIR, POOR)	RECREATION POTENTIAL	PUBLIC ACCESS / NO FEE	ADA ACCESS	ACQUISITION DATE/ PUBLIC OR OTHER GRANT	LEVEL OF PROTECTION
48	10	0 BRIER LANE	11.180 acres	RM	Walking, Hiking, Birdwatching	Good Natural	No parking area or trails	YES	<i>Conditions at this site limit accessibility.</i>	3-1-1974 2008-302	Town Conservation Land
54	20	0 HAZEL LANE REAR <i>(Edward Dembrowski, Jr)</i>	0.560 acres Cranberry Bog/Maple Swamp	RR/RM	Walking, Birdwatching	Good Natural	Landlocked, no access, no trails	YES	<i>Conditions at this site limit accessibility.</i>	4-18-2008 22842-27 12-17-2008 23318-299	Conservation & Passive Recreation TM 11-17-2008 Article 9 Permanent CR Held By Brewster Conservation Trust 12-16-2008
56	62	0 LONG POND ROAD	15.220 acres	RM	Walking, Hiking, Birdwatching, Horseback Riding	Good Natural	Potential future park, no trails at present	YES	<i>Conditions at this site limit accessibility.</i>	6-5-1979 2928-171	Town Conservation Land
63	32	SHEEP POND WOODLANDS CONSERVATION AREA 0 GULLS WAY	3.000 acres Pine/Oak Woodlands	RR	Walking, Hiking, Birdwatching, Horseback Riding,	Good Natural	Landlocked, no access, no trails	YES	<i>Conditions at this site limit accessibility.</i>	12-15-87 6063-294 1-21-98 11179-043 5-20-2009 23717/259	Permanent CR Held By Brewster Conservation Trust 5-20-2009 23717/259
65	68	<i>SHEEP POND WOODLANDS CONSERVATION AREA</i> 0 LONG POND ROAD REAR/ 0 GULLS WAY <i>(Glenn Rowley)</i> <i>(3 parcels)</i>	20.934 acres Pine/Oak Woodlands Old Bog Pondshore with landing Also abuts large State parking lot for Cape Cod Rail Trail	RR	Walking, Hiking, Birdwatching, Biking, Horseback Riding, Fishing, Swimming, Canoeing	Good Natural	Existing cart paths provide hiking and water access to Sheep Pond	YES	Gulls Way – flat and unpaved, might be wheelchair accessible. Adjacent to State Bike Trail paved parking area with accessible parking. Specific handicap spot.	1-18-2002 \$1,255,800 14717/150 STATE SELF-HELP GRANT 19857/153 FED LWCF Phase 1	Permanent CR Held By Brewster Conservation Trust 7-11-2002 Bk. 15352 Pg. 311
65	70	<i>SHEEP POND WOODLANDS CONSERVATION AREA</i> 0 LONG POND ROAD REAR <i>(Glenn Rowley)</i> <i>(5 parcels)</i>	24.424 acres Pine/Oak Woodlands Old Bog Pondshore with landing Also abuts large State parking lot for Cape Cod Rail Trail	RR	Walking, Hiking, Biking, Birdwatching, Horseback Riding, Fishing, Swimming, Canoeing	Good Natural	Access to larger conservation area with carpaths leading to Sheep Pond, adjacent to Cape Code Rail Trail and its public parking area	YES	Gulls Way – flat and unpaved, might be wheelchair accessible. Adjacent to State Bike Trail paved parking area with accessible parking. Specific handicap spot.	1-12-2004 \$1,522,200 18117/098 STATE SELF-HELP GRANT 19857/153 FED LWCF Phase 2	Permanent CR Held By Brewster Conservation Trust 1-24-2004 19421/26

LANDS OWNED AND MANAGED BY THE BREWSTER CONSERVATION COMMISSION											
MAP	LOT	PROPERTY NAME/ STREET NAME	ACRES/SF VEGETATION	ZONE	CURRENT USE	CONDITION (GOOD, FAIR, POOR)	RECREATION POTENTIAL	PUBLIC ACCESS / NO FEE	ADA ACCESS	ACQUISITION DATE/ PUBLIC OR OTHER GRANT	LEVEL OF PROTECTION
67	75	0 STONEHENGE DRIVE (abuts Town Hall driveway)	1.120 acres	RM	Walking, Birdwatching	Good Natural	Mostly wetlands, no trails	YES	<i>Conditions at this site limit accessibility.</i>	9-3-1982 3550-340	Town Conservation Land
68	105	HARDEN-CHAPMAN PRESERVE 0 MAIN STREET	3.570 acres Pine/Oak Woodlands	RM	Walking, Birdwatching	Good Natural	No trails, some wetlands	YES	<i>Conditions at this site limit accessibility.</i>	NO DATE 1136-194	Town Conservation Land
75	46	SHEEP POND WOODLANDS CONSERVATION AREA 0 LONG POND ROAD (Herbert Bruch) (2 parcels)	33.173 acres Beech, Pine/Oak Woodlands Pondshore	RR	Walking, Hiking, Horseback Riding, Birdwatching, Fishing	Good Natural	Access to larger conservation area with carpaths leading to Sheep Pond, adjacent to Cape Code Rail Trail and its public parking area	YES	Gulls Way – Flat And Unpaved Might Be Wheelchair Accessible; trails and carpaths are not.	12-17-1999 \$600,000 12728-111 STATE SELF-HELP GRANT 13133/179	Permanent CR Held By Brewster Conservation Trust 12-30-2013 27910/334
84	22, Portion Of 53	LONG POND WOODLANDS CONSERVATION AREA OFF ROUTE 137 (Robinson)	40.413 acres Beech, Pine/Oak Woodlands, Pondfront view	RM /RR	Walking, Hiking, Birdwatching, Horseback Riding,	Good Natural	Two parking spaces, loop trail for hiking, no established path to Long Pond frontage due to steep slope.	YES	<i>Conditions at this site limit accessibility.</i>	5-7-2019 \$1,760,000 (219327) STATE L.A.N.D. GRANT	Permanent CR Held By Brewster Conservation Trust 5-7-2019 LC doc. 1,369,469
85	43	0 LONG POND ROAD	5.800 acres Pine/Oak Woodlands abuts Orenda Conservation Area	RM	Walking, Hiking, Birdwatching	Good Natural	No established paths through this parcel.	YES	<i>Conditions at this site limit accessibility.</i>	12-23-1993 8965-308	Town Conservation Land
90	170	0 MAIN STREET (4 parcels)	1.937 Acres	RM	Walking, Birdwatching	Good Natural	No established trails.	YES	<i>Conditions at this site limit accessibility.</i>	9-10-1976 (68424)	Town Conservation Land
93	41	0 LONG POND ROAD/ ROUTE 137 (Lisa Santareello)	3.690 acres Beech, Pine/Oak Woodlands	RM	Walking, Birdwatching	Good Natural	No established trails.	YES	<i>Conditions at this site limit accessibility.</i>	7-15-2015 \$140,000 29014-73	Permanent CR Held By Brewster Conservation Trust 7-15-2015
94	83	0 MCGUERTY ROAD Abuts Field/Kelley (Helen Priebe)	1.370 acres Pine/Oak Woodlands	RR	Walking, Birdwatching	Good Natural	Part of an existing trail network through mostly water department lands.	YES	<i>This site is not considered suitable for handicap access.</i>	2-12-2008 22665-94 7-24-2008 23059-330	Permanent CR Held By Brewster Conservation Trust 7-24-2008

LANDS OWNED AND MANAGED BY THE BREWSTER CONSERVATION COMMISSION											
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94	94	WHITEGATE FARM CONSERVATION AREA 0 LONG POND ROAD (Alison Davis-Hilbert)	8.005 acres Pine/Oak Woodlands	RL	Walking, Hiking, Birdwatching, Trail leads to Water Dept. land	Good Natural	Existing trails accessed through water department lands.	YES	No road frontage. Trail from adjacent parcels crosses this parcel. Parking on adjacent Water Department lands. No designated handicap spot.	1-17-2003 \$350,000 Land Bank funds 16260-024 STATE SELF-HELP GRANT 17098/261	Permanent CR Held By Brewster Conservation Trust 10-8-2003 17768/1
94	102	0 LONG POND ROAD REAR (James & Judith Crystaloski)	5.360 acres Pine/Oak Woodlands	RL/RR	Walking, Hiking, Birdwatching,	Good Natural	Existing trails accessed through water department lands.	YES	Conditions at this site limit accessibility.	1-24-2008 \$69,680 22621-240 CPA Funds	Permanent CR Held By Brewster Conservation Trust 4-6-2-2010 Purchased for wellfield protection 24468-241
97	21	0 MILLSTONE ROAD	3.210 acres	RM	Walking, Birdwatching	Good Natural	No established trails.	YES	Conditions at this site limit accessibility.	4-16-1974 2026-320	Town Conservation Land
102	17	SPRUCE HILL CONSERVATION AREA 0 MAIN STREET (Castiglione) (3 parcels)	24.531 acres Pine/Oak Woodlands Beach	RM	Walking, Hiking, Birdwatching, Horseback Riding, Boardwalk Leads to stairs and salt water beach Beach-Swimming	Good Natural	Walking, Hiking, Birdwatching, Horseback Riding, Boardwalk Leads to stairs and salt water beach Beach-Swimming	YES	Unimproved parking and no designated handicap spot. Old carpath leading north towards Cape Cod Bay over 1/3 mile away	2-4-1986 (105228) FED LWCF GRANT LC Doc. 405150 STATE SELF- HELP GRANT Doc. 391033	Town Conservation Land Has Building by Main Street currently vacant.
105	13	ABUTS CAPTAINS GOLF COURSE 0 MID CAPE HIGHWAY	0.200 acres Pine/Oak Woodlands, Pondshore	RR	Walking, Birdwatching	Good Natural	none	YES	Conditions at this site limit accessibility.	5-14-2003 16912-243	Permanent CR Held By BCT 1-3-2011
106	5	0 LONG POND ROAD REAR	5.800 acres Pine/Oak Woodlands	RR	Walking, Hiking, Horseback Riding, Hunting	Good Natural	Existing trail network through mostly water department lands.	YES	Conditions at this site limit accessibility.	9-13-86, 5243-68 10-21-91 7719-273 10-30-2013 27791-228	Watershed Protection, Public Water Supply Development, Passive Recreation Per Special TM Art 15-29-2012 Permanent CR Held By Brewster Conservation Trust
107	41	0 FREEMANS WAY (Naumkeag- Peter Copelas) (2 parcels)	28.505 acres Pine/Oak Woodlands	RR	Walking, Hiking, Horseback Riding, Hunting	Good Natural	Existing trail network through mostly water department lands.	YES	Adjacent to State Park with trail head, accessible parking.	3-13-2014 \$660,000 28029-275 CPA funds State Grant	Permanent CR Held By Brewster Conservation Trust 3-13-2014

LANDS OWNED AND MANAGED BY THE BREWSTER CONSERVATION COMMISSION											
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115	51	0 CAPE COD BAY	6.400 acres 10-3-90	RR	Walking, Birdwatching	Good Natural	Salt marsh (Namskaket Marsh ACEC)	YES	<i>Conditions at this site limit accessibility.</i>	10-3-1990 7312-268	Town Conservation Land
116	1	0 Mitchell Lane	2.380 acres	RR	Walking, Birdwatching	Good Natural	Salt marsh (Namskaket Marsh ACEC)	YES	<i>Conditions at this site limit accessibility.</i>	3-1-1974 2008-305	Town Conservation Land
119	1-8644	ABUTS CAPTAINS GOLF COURSE 0 FREEMANS WAY	10.798 acres Pine/Oak Woodlands	RR	Walking, Hiking, Birdwatching	Good Natural	No existing trails	YES	<i>Conditions at this site limit accessibility.</i>	5-10-1996 10179-001	Town Conservation Land
119	1-B	ABUTS CAPTAINS GOLF COURSE 0 WHITE ROCK ROAD (William Marsh, Trustee)	2.340 acres Pine/Oak Woodlands, Pondshore No frontage	RR	Walking, Birdwatching	Good Natural	No existing trails.	YES	<i>Conditions at this site limit accessibility.</i>	12-31-1997 \$1,144,979 11147-037 5-26-1998 (713350)	Permanent CR Held By Brewster Conservation Trust 1-3-2011
119	1-E	ABUTS CAPTAINS GOLF COURSE 0 MID CAPE HIGHWAY (William Marsh)	0.735 acres Pine/Oak Woodlands, Pondshore	RR	Walking, Birdwatching	Good Natural	No existing trails	YES	<i>Conditions at this site limit accessibility.</i>	12-31-1997 \$1,144,979 11147-037 5-26-1998 (713350)	Permanent CR Held By Brewster Conservation Trust 1-3-2011
119	1-D	ABUTS CAPTAINS GOLF COURSE (William Marsh)	19.900 acres Pine/Oak Woodlands	RR	Walking, Birdwatching	Good Natural	No existing trails	YES	<i>Conditions at this site limit accessibility.</i>	12-31-1997 \$1,144,979 11147-037 5-26-1998 (713350)	Town Conservation Land
119	1-C	ABUTS CAPTAINS GOLF COURSE 0 UNCLE SETH'S CARTWAY	23.420 acres Pine/Oak Woodlands	RR	Walking, Hiking, Birdwatching, Horseback Riding	Good Natural	No existing trails	YES	<i>Conditions at this site limit accessibility.</i>	12-31-1997 \$1,144,979 11147-037 5-26-1998 (713350)	Town Conservation Land
127	37	0 CAPE COD BAY (3 parcels)	168.050 acres Saltmarsh	RM/RR	Walking, Birdwatching	Good Natural	Salt marsh (Namskaket Marsh ACEC)	YES	<i>Conditions at this site limit accessibility.</i>	12-19-1976 1387-437 7-15-2013 27541-43	Permanent CR Held By Brewster Conservation Trust 7-8-2013 27541/43

LANDS OWNED AND MANAGED BY THE BREWSTER CONSERVATION COMMISSION											
MAP	LOT	PROPERTY NAME/ STREET NAME	ACRES/SF VEGETATION	ZONE	CURRENT USE	CONDITION (GOOD, FAIR, POOR)	RECREATION POTENTIAL	PUBLIC ACCESS / NO FEE	ADA ACCESS	ACQUISITION DATE/ PUBLIC OR OTHER GRANT	LEVEL OF PROTECTION
132	34	MID CAPE HIGHWAY 0 UNKNOWN (3 parcels)	7.500 acres Pine/Oak Woodlands	I	Walking, Birdwatching	Good Natural	No trails.	YES	<i>Conditions at this site limit accessibility.</i>	10-3-1990 7312-268	Town Conservation Land
133	13	0 STATE PARK	1.300 acres Pine/Oak Woodlands	RR	Walking, Birdwatching	Good Natural	Adjacent to Nickerson State Park and Dream Day camp	YES	<i>Conditions at this site limit accessibility.</i>	9-10-1970 1484-90	Town Conservation Land
135	4	BAKERS POND CONSERVATION AREA HIGGINS POND ROAD 0 NSP REAR (3 parcels)	9.220 acres Pine/Oak Woodlands	RR	Walking, Hiking, Birdwatching, Horseback Riding	Good Natural	Part of the Bakers Pond conservation area. No trails on this piece.	YES	Open area for parking in Brewster. No delineated handicap spot. There is a formal parking area with a handicap spot in Orleans, connecting to these trails.	12-1-1987 6043-112	Permanent CR Held By Brewster Conservation Trust 11-7-2011
136	8	BAKERS POND CONSERVATION AREA 0 BAKERS POND ROAD (4 parcels)	49.660 acres Pine/Oak Woodlands	RR	Walking, Hiking, Birdwatching, Horseback Riding	Good Natural	Established trail system. Informal parking, larger lot in Orleans portion of Bakers Pond Conservation Area.	YES	Open area for parking in Brewster. No delineated handicap spot. There is a formal parking area with a handicap spot in Orleans, connecting to these trails.	11-9-79 3012-44 7-15-13	Permanent CR Held By Brewster Conservation Trust 5-20-2013 27387/108
137	51	BAKERS POND CONSERVATION AREA BAKERS POND CONSERVATION AREA (7 parcels)	30.970 acres Pine/Oak Woodlands	RR	Walking, Hiking, Birdwatching, Horseback Riding	Good Natural	No established trails north of Olde Owl Pond Road.	YES	Open area for parking in Brewster. No delineated handicap spot. There is a formal parking area with a handicap spot in Orleans, connecting to these trails.	ATM 5-9-88 ART 55 Conservation, passive recreation and watershed protection pursuant to chapter 40 sec. 86 11-15-1988 6519-069	Town Conservation Land

LANDS OWNED AND MANAGED BY THE BREWSTER CONSERVATION COMMISSION											
MAP	LOT	PROPERTY NAME/ STREET NAME	ACRES/SF VEGETATION	ZONE	CURRENT USE	CONDITION (GOOD, FAIR, POOR)	RECREATION POTENTIAL	PUBLIC ACCESS / NO FEE	ADA ACCESS	ACQUISITION DATE/ PUBLIC OR OTHER GRANT	LEVEL OF PROTECTION
144	44	0 ROUTE 39 REAR	11.332 acres Pine/Oak Woodlands, Pondshore	RR/I	Walking, Hiking, Birdwatching, Horseback Riding	Good Natural	Access through power lines, adjacent to other conservation areas.	Yes	Conditions at this site limit accessibility.	9-30-1992 8227-242 11-3-2003 17879-109 5-19-2011 To Cons Com 25456-86	To Preserve In Natural State And for Passive Recreation Permanent CR Held By Brewster Conservation Trust 5-19-2011
144	65	READ KINGSBURY CONSERVATION AREA WOOD DUCK ROAD 0 RUDDY DUCK ROAD (Jackson)	3.040 acres Pine/Oak Woodlands	RR	Walking Hiking, Birdwatching,	Good Natural	Trail network, limited parking.	YES	Conditions at this site limit accessibility.	2-14-2012 CPA funds & Funds from Town of Orleans	Permanent CR granted to Town of Orleans Water Protection District 3-8-2012 26204/331
145	33	ORLEANS TOWN LINE	2.000 acres	RR	Walking, Hiking, Birdwatching	Good Natural	No access, no trails	YES	Conditions at this site limit accessibility.	Tax Title to Cons Com. 11-13-2002 15905-015	Permanent CR Held By BCT 12-17-2010
145	27	READ KINGSBURY CONSERVATION AREA 0 WOOD DUCK ROAD (Mathews) (2 parcels)	22.562 acres Pine/Oak Woodlands	RR	Walking, Hiking, Birdwatching,	Good Natural	Trail network, limited parking	YES	Small parking area down right of way. Steep access road to site.	12-17-2010 \$750,000 CPA funds 25098-236 STATE L.A.N.D. GRANT & Funds from Town of Orleans	With Land Court Easement 12-29-1998 Town of Orleans Water Protection Restriction 221474
146	9	ABUTS NSP 0 MID CAPE HIGHWAY	9.070 acres Pine/Oak Woodlands, Shrub Swamp	RR	Walking, Hiking, Horseback Riding	Good Natural	Adjacent to Nickerson State Park, near highway. No trails.	YES	Conditions at this site limit accessibility.	11-9-1979 3012-44 5-20-2009 23717-259	Permanent CR Held By Brewster Conservation Trust 5-20-2009

Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

CONSERVATION EASEMENT AND RESTRICTION
Quivett Creek/Paines Creek Marsh, Brewster

KNOW ALL PERSONS BY THESE PRESENTS that the Town of Brewster, by and through its Board of Selectmen and its Conservation Commission, with an address of 2198 Main Street, Brewster, Barnstable County, Massachusetts, 02631 (hereinafter "Grantor"), for no monetary consideration as this transfer is a gift, to further protect conservation land in the vicinity of Crowes Pasture, in fulfillment of its pledge under a U.S. Fish and Wildlife Service Coastal Wetlands Conservation grant awarded in 2004 to the Town of Dennis, grants with QUITCLAIM COVENANTS, in perpetuity and for the purposes set forth in Article 97 of the Amendments to the Massachusetts Constitution to The Commonwealth of Massachusetts, acting by and through its Department of Conservation and Recreation, 251 Causeway Street, Boston, Massachusetts 02114, its successors and permitted assigns (hereinafter "Grantee"), an Easement and Conservation Restriction as defined in Chapter 184, Sections 31-33 of the General Laws (hereinafter "Restriction") and in accordance with a Town Meeting Warrant, Article 24, May 5, 2003, and Chapter 161 of the Acts of 2004, upon land in (West) Brewster, Barnstable County, Massachusetts, which is further described in Exhibit A attached hereto and incorporated herein by reference (hereinafter the "Premises").

Street Address: Quivett Creek Marsh, Brewster

I. PURPOSES: The purpose of this Restriction is to effect the purposes of the National Coastal Wetlands Conservation Grant program administered by the Department of Interior, acting by and through the United States Fish and Wildlife Service, under Title 16, Chapter 59A, Section 3954 of the United States Code, on the Premises, and, in addition to or in furtherance thereof, and to retain the Premises predominantly in their natural, scenic and open condition; to protect and promote the conservation of wetlands, soils, natural watercourses, and wildlife thereon; to engage in programs and practices to enhance wildlife habitats, including, but not limited to, the state-sponsored Wetlands Restoration Program and invasive species control; to protect the horticultural and archaeological resources of the Premises; to protect and enhance the conservation value of the abutting conservation areas; to allow public access for passive recreational use and enjoyment of the open space and natural resources; to allow scientific research and educational activities; and to prevent any use of the Premises that will significantly impair or interfere with these conservation values.

The conservation and permanent protection of the Premises will yield a significant public benefit for the following reasons:

1. The Premises consist of approximately 188 acres of tidelands, vegetated wetland and salt marsh. The Premises provide important coastal zone habitat for wildlife, including migrating shorebirds and anadromous fish.
2. The Premises are immediately adjacent to over 250 acres of contiguous protected open space. Under the ownership of the Town of Dennis, Town of Brewster, and the Brewster Conservation Trust, the high quality beaches, marshes, dunes, and buffering upland of

Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

this area provide nationally significant wildlife habitat and a regionally significant recreational resource for the public.

3. The preservation of the Premises, by reducing alterations to the natural character thereof, will further protect and enhance the scenic and ecological attributes in an area where residential development is rapidly compromising the remaining open spaces.
4. The right of the public to utilize the Premises for conservation, scientific research, education and passive recreation purposes.

II. PROHIBITED ACTIVITIES: In order to carry out the purposes set forth in Article I above, the Grantor covenants for itself and its legal representatives, successors and assigns that the Premises will at all times be held, used and conveyed subject to and not in violation of this Restriction. The Grantor shall refrain from and will not permit any activity which shall be inconsistent with the aforesaid purposes of this grant or which is detrimental to the conservation values as aforesaid, including water quality, soil conservation, wildlife conservation, scenic landscape protection or which is otherwise wasteful of the natural resources of the Premises.

Subject to the exceptions set forth in Article III, below, prohibited activities shall include, but shall not be limited to, the following:

- A. Construction or placing of any building, residential dwelling, tennis court, ball fields, swimming pool, artificial water impoundment, billboard or other advertising display, landing strip or pad, roadway, asphalt or concrete pavement, antenna, pole, utility pole, conduit or line, telecommunication tower, or any other temporary or permanent structure or facility on, under or above the Premises, including, without limitation, a sewage or waste disposal system. Grantor and Grantee hereby expressly acknowledge that no buildings or structures exist on the Premises at the time of the execution of this Restriction.
- B. Dumping, placing or storing of equipment, mobile home, trailer, automotive vehicle or parts, soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste, radioactive waste, hazardous waste, or the installation of aboveground or underground storage tanks on or in the Premises.
- C. Excavation, dredging or removal of any loam, peat, gravel, soil, sand, rock or other mineral substance, or natural deposit from the Premises unless approved by the Grantee pursuant to the notice procedure set forth in Article IV, below.
- D. Pollution, alteration, depletion, diversion, channelization, damming, draining, or extraction of surface water, natural water courses, marshes, vernal pools, subsurface water, or any other water bodies.

Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

- E. Removal, destruction or cutting of trees, shrubs or other natural vegetation, including cutting of salt marsh hay.
- F. Purposeful introduction of species of animals or plants that are not native to Barnstable County, as defined by current published lists of native species, including The Vascular Plants of Massachusetts: A County Checklist, by Bruce A. Somrie and Paul Somers, published by the Massachusetts Division of Fisheries and Wildlife Natural Heritage & Endangered Species Program (1999), or as amended or contained in a similar professionally acceptable publication available in the future.
- G. Camping, commercial fishing, commercial hunting or commercial trapping.
- H. Subdivision of the Premises under Chapter 41, Section 81K et seq., of the General Laws, or use or assignment of the dimensions, area or acreage of the Premises for purposes of subdivision or development of unrestricted land, whether or not such land is adjacent to the Premises and whether or not such land is owned by the Grantor, its successors and assigns.
- I. Activities significantly detrimental to drainage, flood control, water conservation, erosion control, or soil conservation.
- J. The excavation of holes, the dislocation of stone walls, cellar holes or other landscape features on the Premises with the intent of collecting; the conducting of archeological surveys, or otherwise removing archaeological artifacts (prehistoric and/or historic), except by an Archeological Field Investigation Permit from the State Archeologist or successor official through submission of a project notification form (PNF) in accordance with Chapter 9, Section 27C of the General Laws, and associated regulations, and with the concurrence of Grantee.
- K. Archeological investigations, except under an Archaeological Field Investigation Permit issued by the State Archeologist in accordance with Chapter 9, Section 26A of the General Laws, and associated regulations.
- L. Off-road vehicular use.
- M. Other uses of the Premises or activities which would significantly impair the conservation values protected by this Restriction, or which are prohibited by federal, state, or local law or regulation.

III. PERMITTED ACTIVITIES: Notwithstanding any provisions herein to the contrary, the Grantor reserves to itself and to its legal representatives, successors and assigns the right to conduct or permit the following activities on the Premises:

Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

A. 1. The maintenance and use of existing ways, trails, and stone walls on the Premises, substantially in their present condition, or as reasonably necessary for the current uses thereof or hereinafter permitted, 2. and with Grantee's approval under Article IV, the construction of new trails so long as such use is not significantly detrimental to water quality, soil conservation, wildlife conservation and/or management activities permitted herein or which is otherwise wasteful of the natural resources of the Premises.

B. The erection and maintenance of signs identifying the participation of the parties to this Restriction; the sources of contributions; its status as a conservation reservation; the restrictions on the use of the Premises; the identity or location of trails, areas of interest, natural features, historic significance or other public information; the number, design and location of which to be approved by the Grantee pursuant to the procedures set forth in Article IV below.

C. The cutting, removal or planting of trees, shrubs and other vegetation to further the conservation interests protected by this Restriction: to prevent threat of injury or damage to persons or property; to prevent or mitigate pest infestation, blight or disease; to control, manage or eradicate invasive species not native to Barnstable County; to improve wildlife habitat, to enhance biodiversity; and to provide for fire prevention/management and safety.

D. The Premises shall be open to the general public, regardless of residence, race, color national origin, sex, sexual preference, age or disability, for hunting and fishing as otherwise allowed by law, including erection of portable and temporary duck blinds or deer stands, and for passive recreation activity, such as hiking, horseback riding, snowshoeing, cross-country skiing, nature study or research, wildlife observation and beach related activities and other like activities.

E. Archeological investigations consisting of site inspections and subsurface excavations subject to and in accordance with an Archeological Field Investigation Permit issued by the State Archeologist or successor official under Chapter 9, Section 26A of the General Laws, and associated regulations, and written permission of the Grantees in accordance with Article IV, below; none of which shall be unreasonably denied, delayed or withheld.

F. 1. Maintenance of fences, gates, and stone walls, and roads, parking areas, trails, bridges, and culverts, and associated stormwater management facilities, 2. and with Grantee's approval under Article IV, the construction of same that are not inconsistent with the purposes of this Restriction.

G. Habitat enhancement and restoration projects, including but not limited to, enhancement of tidal flow in Quivett Creek and maintenance of the Sea Street dike, enhancement of the

Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

anadromous fish run for Quivett Creek/Bound Brook, and invasive species management/control projects.

H. Use of motorized vehicles for conducting any of the uses and activities permitted by Article III by the Grantor, or the Commonwealth and their agents carrying out their lawful duties.

I. The use of the Premises for educational purposes and scientific research provided said uses are consistent with the purposes of this Restriction.

J. Publicly-regulated commercial and recreational wild shellfishing, and town shellfish enhancement programs, but not the issuance of any aquacultural leases;

Notwithstanding the foregoing permitted activities, proposed modifications to the landscape, including but not limited to the creation of trails, management of vegetation and forest resources, and installation of signage and educational kiosks, shall not be undertaken if they disturb, remove, damage or destroy archaeological resources or artifacts on the Premises. Proposals for landscape modifications must be reviewed in advance by the Grantee in accordance with Article IV, below, and, if the Grantee determines necessary, by the State Archeologist or successor official through Grantor's submission of a project notification form (PNF) in accordance with Chapter 9, Section 27C of the General Laws and associated regulations. Depending on the nature, scale or location of a proposed undertaking, Grantee may require the Grantor or project proponent to engage the services of a professional archaeologist to evaluate the impacts of the proposed modification.

IV. NOTICE BY GRANTOR: Unless otherwise provided herein or by law, Grantor shall notify Grantee in writing, sent certified mail, return receipt requested, sixty (60) days before allowing or undertaking any uses or activities on the Premises which require the approval of the Grantee under Article II or III, above. Grantor shall also in the same manner notify the Grantee before allowing or undertaking any uses or activities that may significantly impair the conservation interests found within the Premises or are contrary to the purposes of this Restriction. Grantor shall submit to Grantee such plans and other information as Grantee shall reasonably require determining whether the use or activity is consistent with the purposes of this Restriction. All communications in this regard should be mailed to:

Commissioner
Department of Conservation and Recreation
251 Causeway Street
Boston, MA 02114-2104

Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

With respect to those activities or uses that require Grantee's approval, Grantee shall grant or withhold their approval in writing within sixty (60) days of receipt of Grantor's written request therefor. Grantee's approval may be withheld only upon a reasonable determination by the Grantee, that the action as proposed would be inconsistent with the purposes of this Restriction, would materially impair the conservation interests to be protected by this Restriction, or would violate any statute, ordinance, bylaw, rule or regulation. Approval from Grantee is necessary for Grantor to allow or undertake the use or activity for which approval is sought. Failure of a party to respond within sixty (60) days of receipt of written request from the other party shall be deemed to constitute approval of the matters described in the notice, so long as the notice references the provisions of this Article relating to constructive approval after the passage of time. In the event the activity proposed is necessary to address an emergency situation, either to avert environmental degradation, ecological damage or risk to public health and safety, Grantee shall respond forthwith and with all deliberate speed.

V. REMEDIES; WAIVER: The rights hereby granted shall include the right to enforce this Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to its condition prior to the time of the injury complained of (it being agreed that the Grantee may have no adequate remedy at law), and shall be in addition to and not in limitation of any other rights and remedies available to the Grantee, including arbitration.

This Restriction shall be enforced by Grantee in its sole discretion. Nothing herein shall impose upon the Grantee any affirmative obligation or liability relating to the condition of the Premises. Failure by the Grantee to enforce any provision or condition set forth herein, or to exercise any rights hereby conveyed, shall not constitute a release or waiver of any such right or condition.

VI. RIGHT OF ACCESS; MANAGEMENT; INSPECTION: The Restriction hereby conveyed includes the grant of the right to Grantee, its successors and assigns, to enter upon, and to permit members of the public to enter upon and use the Premises and existing and future ways and trails thereon for the purposes set forth in Article III.D, above.

The Restriction also includes the grant of the right to Grantee, its successors and assigns, to enter upon the Premises in a reasonable manner and at reasonable times for the purpose of inspecting the Premises to determine compliance with the terms of this Restriction. In the event of any violation, Grantee must notify Grantor thereof and request Grantor to remedy such violation. Prior to exercising its rights under this grant, the Grantee shall, except under emergency circumstances, provide reasonable notice to the Grantor or its successors or designees and opportunity to address and/or correct any alleged violations. If Grantor fails to cure the violation within thirty (30) days after receipt of notice thereof from the Grantee, the Grantee can request that the Grantor meet in an effort to resolve the alleged violation. If the Grantor refuses to meet within thirty (30) days after the Grantee's request, or if, despite the good faith efforts of the parties, the Grantor and the Grantee fail to resolve a dispute regarding the alleged violation at such meeting,

Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

then the Grantee may enter upon the Premises to take reasonable measures to remedy or abate the violation and may pursue its remedies as described in Article V or in this Article VI.

If Grantee prevails in any action to enforce the terms of this Restriction, the Grantor or Grantor's successors and assigns, as the case may be, shall reimburse the Grantee for all reasonable costs and expenses (including attorney's fees) incurred in enforcing this Restriction or in taking reasonable measures to remedy or abate any violation thereof. If Grantor prevails in any action brought by Grantee to enforce the terms of this Restriction, the Grantee or its successors and assigns, as the case may be, shall, to the extent allowed by law, reimburse the Grantor for all reasonable costs and expenses (including attorney's fees) incurred in defending such action to enforce this Restriction, provided the Grantee's action is deemed by the court or by other competent authority to be unreasonable or arbitrary and capricious.

VII. BINDING EFFECT; RELEASE, RECORDATION, VOLUNTARY CONVERSION:

The burden of this Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor, and its successors and assigns in perpetuity. Grantor and Grantee agree to execute and record notices or other instruments reasonably necessary and appropriate to assure its perpetual enforceability.

This Restriction may only be voluntarily released in whole or in part by the Grantee pursuant to Ch. 184, § 32 of the General Laws, Article 97 of the Amendments to the Massachusetts Constitution, and 43 C.F.R. 12.71 and 50 C.F.R. 80.14, which requires the Department to request disposition instructions from the Regional Director of the U.S. Fish and Wildlife Service (compensating the awarding agency, acquiring replacement real property under the same program or transfer of title to the U.S Fish and Wildlife Service or a third-party designated or approved by the U.S. Fish and Wildlife Service.)

VIII. ASSIGNMENT: The benefits of this Restriction shall be in gross and shall not be assignable by the Grantee, its successors and assigns, unless the assignee is a "qualified organization" as defined in Section 170(h) (3) of the Internal Revenue Code of 1986, as amended, including, without limitation, a government entity, provided that, by virtue of the Coastal Wetlands Conservation Program grant associated with the purchase of this Restriction, the Department has first obtained the approval of the Regional Director of the U. S. Fish and Wildlife Service to such assignment, and provided further, that, as a condition of such assignment, the assignee is required to hold this Restriction and enforce its terms for conservation purposes. The Grantee shall notify the Grantor in writing at least thirty (30) days before assigning this Restriction, and Grantor shall have thirty days from the date of such notice to approve the assignment in writing, which approval shall not be unreasonably withheld. Failure of Grantor to respond to the notice of assignment within thirty (30) days shall be deemed approval thereof.

Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

IX. SUBSEQUENT TRANSFERS: The Grantor agrees to incorporate the terms of this Restriction, in full or by reference, in any deed or other legal instrument by which Grantor conveys or transfers any interest in all or a portion of the Premises, including without limitation, a leasehold interest. The Grantor shall notify the Grantee in writing at least thirty (30) days before conveying or transferring the Premises, or any part thereof or interest therein (including a lease).

X. EXTINGUISHMENT, INVOLUNTARY CONVERSION:

The Grantor and Grantee agree that the granting of this Restriction gives rise to a property right immediately vested in the Grantee and which has a fair market value, which value is equal to the amount by which the Restriction reduces the appraised fair market value of the Premises as if unrestricted. That is, using the before and after appraisal method, the Grantee's share equals the market value of the property before the restriction is placed upon the Premises less the market value of the remainder property after the Restriction is placed upon the Premises.

Should this Restriction be extinguished over all or any portion of the Premises by judicial decree or by act of public authority, the Grantee shall be entitled to a portion of the proceeds equal to the proportionate value of the Restriction, as hereinabove defined, as determined by an appraisal at the time of the extinguishment, and subject to the provisions set forth in the Notice of Grant Agreement attached to this Restriction as Exhibit B, and to the rights of the Service, which shall be entitled to fourteen and 55/100 percent (14.55%) of the portion of the proceeds payable to the Grantee, unless the Regional Director of the Service consents to or requires the Commonwealth's use of the Service's portion of the proceeds to acquire other land or interests in land of equal or greater monetary or resource value.

The Grantor and Grantee expressly agree that the Grantee shall deposit its share of the proceeds (less court costs, reasonable attorney fees and other expenses incurred by the Commonwealth in obtaining the proceeds) in the Conservation Trust established under G.L. c. 132A, §1, as amended, or successor account, if available, and if not available, then to the General Fund of the Commonwealth, subject to the requirement that all proceeds payable to the Grantor and Grantee shall be used to undertake, with such proceeds, joint or separate activities, including but not limited to wetland restoration projects and the purchase of other land or interests in land, to further the conservation and recreation interests of the Grantor and Grantee. The Grantor and Grantee, their successors and assigns, shall cooperate to mutually identify and carry out such activities. It is understood and agreed by the Grantor and Grantee that such activities will be limited to projects affecting land, tidelands or waters in or adjacent to the Quivett Creek watershed and located within the corporate limits of the Town of Brewster.

If the conservation interests protected hereby are unaffected by the taking, and the only interest taken by public authority is the Grantor's interest, and recovered proceeds are awarded on the basis of the value of the Premises as restricted by this Restriction, then the proceeds from such taking shall be payable in their entirety to Grantor.

Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

Whenever all or any part of the Premises or any interest therein is taken by a public authority (other than The Commonwealth) under power of eminent domain, or if all or any part of this Restriction is extinguished by act of public authority (other than The Commonwealth), then the Grantor and Grantees shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. If the public authority is The Commonwealth, the Grantor and Grantee shall pursue their remedies separately.

XI. AMENDMENT: If circumstances arise under which amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this Restriction; provided that no amendment may be made that will be inconsistent with the purposes of this Restriction, affect its perpetual duration, nor adversely affect any of the significant conservation values of the Premises. Any such amendment shall be recorded with the Barnstable Registry of Deeds and Barnstable Land Registry District, after receiving all necessary approvals under Chapter 184, Section 32 of the General Laws, Article 97 of the Amendments to the Massachusetts Constitution if a disposition, and written consent of the Regional Director of the U.S. Fish and Wildlife Service.

XII. SEVERABILITY: If any section or provision of this Restriction shall be held to be unenforceable by any court of competent jurisdiction, the Restriction shall be construed as though such section had not been included in it. If any section or provision of the Restriction shall be susceptible of two constructions, one of which would render such section or provision invalid, then such section or provision shall be given the construction that would render it valid. If any section or provision of this instrument is ambiguous, it shall be interpreted in accordance with the policies and provisions expressed in Article 97 of the Amendments to the Massachusetts Constitution, the requirements of the Department of the Interior, U.S. Fish and Wildlife Service, Coastal Wetlands Conservation Grant Program, Chapter 184, Sections 31 - 33 and Chapter 132A of the General Laws.

XIII. MISCELLANEOUS:

- A. No Massachusetts deed excise tax stamps are required by Chapter 64D, Section 1, as the Commonwealth is a party to this instrument.
- B. This Restriction is conveyed subject to matters of record at the Barnstable Registry of Deeds and the Barnstable Land Registry District.
- C. Meaning and intending to convey a Restriction as provided herein on land more particularly described in Exhibit A, attached hereto.

Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

XIV. EFFECTIVE DATE:

This Restriction shall become effective upon recording in the Barnstable County Registry of Deeds and the Barnstable Land Registry District after all the signatures and approvals required under G.L. c.184, §§31-33 have been affixed hereto.

XV. NOTICE OF GRANT AGREEMENT. The above described Restriction was used as match as part of a grant received by the Grantee from Grant Agreement Number C-11-L-1, dated June 30, 2004 between the United States Fish and Wildlife Service (Service) and the Commonwealth of Massachusetts, Department of Conservation and Recreation. All present and future terms, conditions and administration of this Restriction, shall remain subject to the terms and conditions described in the Notice of Grant Agreement, attached as Exhibit B, recorded herewith in the Barnstable District Registry of Deeds, and the other administrative requirements of the applicable grant funding program of the Service. The terms, conditions and other administrative requirements in the Notice of Grant Agreement shall not be construed as terms of the Restriction that are enforced by the Grantee.

Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

IN WITNESS WHEREOF, the Town of Brewster, by and through its Board of Selectmen and its Conservation Commission, has caused its seal to be affixed hereto and these presents to be signed, acknowledged and delivered this 21st day of June, 2004.

TOWN OF BREWSTER
BOARD OF SELECTMEN

Peter G. Norton
Peter G. Norton
Edward S. Lewis
Edward S. Lewis

James W. Foley
James W. Foley
Robert B. Hirschman
Robert B. Hirschman

Dyanne Cooney
Dyanne Cooney

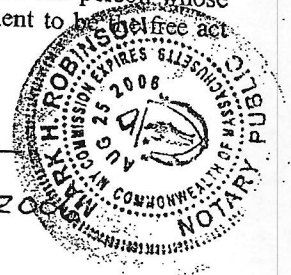
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 21st day of June, 2004, before me, the undersigned notary public, appeared Peter G. Norton, Chairman of the Town of Brewster, Board of Selectmen, and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the document and acknowledged the foregoing instrument to be his free act and deed of the Town of Brewster Board of Selectmen.

Mark H. Robinson
Mark H. Robinson, Notary Public

My commission expires: 25 August 2008



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Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

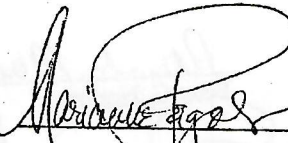
ASSENT AND APPROVAL BY
THE BREWSTER CONSERVATION COMMISSION

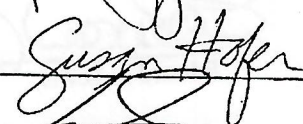
The Town of Brewster Conservation Commission hereby assents, approves and executes the foregoing Conservation Restriction and certifies that the Conservation Restriction is in the public interest, on June 15, 2004.


TOWN OF BREWSTER
CONSERVATION COMMISSION


Donald Schall


Jeffrey Bradrich


Marianna Pigos


Susan Hofer

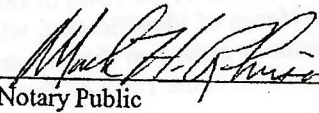

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COMMONWEALTH OF MASSACHUSETTS

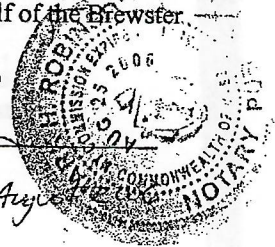
Barnstable, ss.

June 15, 2004.

Then personally appeared the above-named ^{Donald Schall} ~~Chairman~~ ^{vice-} Chairman of the Conservation Commission, and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the document and acknowledged the foregoing instrument to be his free act and deed on behalf of the Brewster Conservation Commission, before me.


Notary Public

My commission expires: 25 Aug



Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

EXHIBIT A

Description of the Premises

The land in Brewster, Barnstable County, Massachusetts, containing 188 acres, more or less, and more particularly bounded and described as follows:

REGISTERED LAND:

PARCEL I:

Northeasterly by a portion of land now or formerly of James H. Connolly, et al, three hundred eighty-nine and 40/100 (389.40) feet;
Southeasterly, one hundred fourteen and 86/100 (114.86) feet, and
Southeasterly, ninety-seven and 74/100 (97.74) feet, all by Lot 11;
Southwesterly, seventy-seven and 79/100 (77.79) feet; and
Westerly, all by a ditch on said Connolly et al land.

All of said boundaries are determined by the Court to be located as shown on subdivision plan 7760-K, dated April 9, 1974, drawn by Nickerson & Berger, Inc., Alblon G. Hart, Jr., Surveyor, and filed in the Land Registration Office at Boston, a copy of which is filed in Barnstable County Registry of Deeds in Land Registration Book 108, Page 69 with Certificate of Title No. 15089 and shown thereon as Lot 12, and containing 1.17 acres more or less.

Said land is subject to and has the benefit of the reservation and provisions as set forth in Document No. 191537. For Grantor's title see Certificate of Title No. 63288.

UNREGISTERED LAND:

PARCEL II:

All of the beachland, marshland and wetland shown as such on a plan entitled, "Plan of Wing's Island and Adjacent Marsh in Brewster, Mass. as made for the Town of Brewster, Scale 1 in. equals 100 ft., April 1961, Nickerson and Berger, Civil Engr's., Orleans Mass.," recorded in the Barnstable County Registry of Deeds in Plan Book 164 Page 3, the beachland, marshland and wetland containing approximately 122.7 acres; excepting from said plan, the area of upland containing approximately 30.9 acres, shown as "Wing's Island" on said plan, leaving 91.7 acres remaining. Said land being bounded and described according to said plan as follows:

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Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

Westerly by a creek which extends Southerly from Quivet Creek and other meadowland about 1110 feet more or less to the upland of A. Percie Newcomb et al;

Thence Southerly by the upland of said Newcomb, Lewis J. McGowen, Cyril Shovelier, Robert Cope and the Cape Cod Jr. Museum, Inc about 2750 feet more or less to the State Highway, thence by said State Highway about 500 feet to land of R.A. Nevin;

Thence Easterly by the upland of R. A. Nevin, Brant D. Ellis, Helen A. White et als about 2450 feet more or less;

Thence Northerly about 130 feet, more or less to Paines Creek;

Thence Easterly again about 900 feet more or less by land of the Town of Brewster and Paines Creek to Cape Cod Bay;

Thence Northerly by the Town of Brewster, Paines Creek, Cape Cod Bay and Quivet Creek about 3100 feet more or less to the point of beginning;

EXCEPTING from this description, approximately 30.9 acres of upland shown as "Wing's Island" on the aforesaid Plan, which is excluded from this Restriction.

For Grantor's title, see Order of Taking by the Town of Brewster Board of Selectmen dated July 14, 1961 and recorded in the Barnstable County Registry of Deeds in Book 1123, Page 170.

PARCEL III:

All of the lands bordering on a tidal stream known as Quivet Creek in the Town of Brewster, shown as Area "B", containing fifteen parcels of land in Area "B" numbered 1 through 15, inclusive, on a plan entitled, "Plan Showing Marsh at Quivet Creek, Brewster, Mass. as surveyed for The Brewster Conservation Commission, Scale 1" = 100' March 1969, Nickerson & Berger, Civil Engineers, Eastham & Chatham, Mass.," recorded in the Barnstable County Registry of Deeds in Miscellaneous Tube 158, Sheets 1 and 2, said land being more particularly bounded and described according to said plan as follows:

Westerly by Sea Street, a public way, 370 feet, more or less, Southerly, Westerly, Southeasterly, Southwesterly, Westerly and again Southwesterly by the edge of the upland of Lloyd W. and Blanche A. Coggsall, 800 feet, more ore less; Southerly by the location of the State Highway, Route 6A, 295 feet, more or less; Southwesterly by land of Charles E. Johnson, 204.14 feet; Easterly by land of said Johnson, 98.75 feet; Southerly by land of said Johnson 107.72 feet; Southerly and Southeasterly by a meandering line, along the edge of the upland by various owners, as shown on said plan, a total distance of 7.900 feet, more or less; Easterly by the center line of a tidal creek, and land of the Town of Brewster, 1,100 feet, more or less; and Northerly by

Quivett Creek/Paines Creek Marsh, Brewster MA Conservation Restriction

the meandering line of a tidal creek known as Quivet Creek and the Dennis-Brewster Town Line, a total distance of 12,000 feet, more or less, as shown on said plan.

Excepting, however from said Area "B" the land shown thereon as Parcel 5.

BEING all of the property described in a taking by the Town of Brewster dated June 1, 1970 and recorded in the Barnstable Registry of Deeds in Book 1476, Page 428.

(end of description)

EXHIBIT B**Notice of Grant Agreement**

The Commonwealth of Massachusetts, Department of Conservation and Recreation and its successors and assigns (hereinafter DEPARTMENT) acknowledges that the property described in Exhibit A is subject to a Conservation Easement and Restriction (hereinafter Restriction) acquired as match for the National Coastal Wetlands Grant Program administered by U.S. Fish and Wildlife Service, Division of Federal Aid, its successors and assigns (hereinafter SERVICE) and that the Restriction described is subject to all the terms and conditions of Grant Agreement Number C-11-L-1 (hereinafter Grant Agreement) between the Service and the Department. A copy of the Grant Agreement is kept on file at the offices of the Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035-9589 and at the offices of the Department, 251 Causeway Street, Suite 600, Boston, Massachusetts 02114.

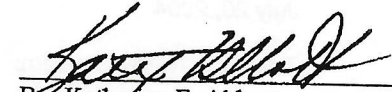
The Department acknowledges that the Restriction, which is the subject of this Grant Agreement, is acquired for the approved purpose of long-term conservation of coastal wetland ecosystems, thereby preserving and protecting in perpetuity these multiple, interrelated land features which are critical to coastal fish, wildlife and their habitats. The Department further acknowledges that the Restriction will be administered for the long-term conservation of said lands and waters and the hydrology, water quality and fish and wildlife dependent thereon. The Department, as the Grant Recipient, hereby acknowledges that it is responsible for exercising sufficient control over the Restriction to ensure that the property is used and will continue to be used for the approved purposes for which the Restriction is acquired and that the Restriction may not be assigned or the terms and conditions modified, in whole or in part, to any other party or for any other purpose, whatsoever, without the written consent of the Regional Director of the U.S. Fish and Wildlife Service.

If the Department loses control of the Restriction, control must be fully restored to the Department or the Restriction must be replaced, within three years, with a like Restriction or other interest in land of equal value at current market prices and equal benefits. Further, if the property subject to the Restriction is used for activities that interfere with accomplishment of approved purposes, the violating activities must cease and any resulting adverse effects must be remedied.

If the Department determines the Restriction is no longer needed or useful for its original purpose and the Service concurs, the Department, may with the prior consent of the Service: either (1) acquire a Restriction or other interest in land of equal value that serves the same approved purpose as the original Restriction and to administer the newly acquired Restriction or other interest in land for the same purposes specified in the original Grant Agreement, or (2) to repay the Service, in cash, the proportionate federal share of the current fair market value of the Restriction, or any portion thereof, or (3) as a last resort, transfer the Restriction to the Service or to a third-party designated or approved by the Service.

The Department, as Grant Recipient, hereby confirms its obligations and responsibilities with regards to the acquired Restriction pursuant to terms and conditions associated with Grant Agreement C-11-L-1.

IN WITNESS WHEREOF, the Commonwealth of Massachusetts, Department of Conservation and Recreation, has set its hand and seal this 30th day of June, 2004.


By: Katherine F. Abbott
Its: Commissioner



Town of Brewster

BREWSTER, MASSACHUSETTS 02631-1898

(508) 896-4506 - Fax (508) 896-8089

OFFICE OF:
MILDRED A. UNGER
TOWN CLERK

July 20, 2004

To Whom It May Concern:

This is to certify that at the Annual Town Meeting held May 5, 2003, with a quorum being present, the following article was adopted unanimously.

CONSERVATION RESTRICTION/QUIVETT CREEK AND PAINES CREEK

ARTICLE NO. 24: To see if the Town will authorize the Board of Selectmen and/or the Conservation Commission to grant a perpetual conservation restriction under M.G.L. Chapter. 184, Sec. 31-33 to the Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement, or its successor agency, over land described more particularly below:

a) the parcels owned by the Town of Brewster along Quivett Creek and shown on Brewster Assessor's Map 21 as Lot 3, and Map 1 as the Westerly portion of Lot 1, which parcels are described in an Order of Taking by the Town dated June 1, 1970 and recorded in the Barnstable County Registry of Deeds in Book 1476 Page 428 and in a deed from Charles E. Johnson dated October 11, 1974 and shown as Document No. 191537 on Land Court Certificate No. 63288 registered in the Barnstable Land Registry District; said parcels together being shown as Area B on a plan of land recorded in Miscellaneous Tube No. 158, Sheets 1 and 2 in the Barnstable Registry of Deeds; and,

b) the property owned by the Town of Brewster at Quivett and Paines Creeks shown on a plan of land recorded in the Barnstable County Registry of Deeds in Plan Book 164 Page 3 and shown as the Easterly portion of Lot 1 on Brewster Assessor's Map 1, which parcel is described in an Order of Taking by the Town dated July 14, 1961 and recorded in Deeds Book 1123, Page 170, *excluding therefrom*, however, the approximately 30.9 acres of upland on said parcel identified as "Wing's Island" on said plan of land and Assessor's Map;

said property being affected by this Article totaling approximately 188.2 acres of marsh, more or less; and that the Selectmen are authorized, if necessary, to petition and obtain approval for this transaction from the Massachusetts General Court in

306 #68308

Bk 18982 Pg 307 #6830

OFFICE OF:
MILDRED A. UNGER
TOWN CLERK

accordance with Article 97 of the Amendments to the Massachusetts Constitution, or to
take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

MOTION: I move that the town vote to approve article no. 24 as printed in the
warrant, however to substitute "an appropriate Massachusetts agency" in place of
the "Massachusetts Department of Fisheries, Wildlife and Environmental Law
Enforcement" over land described herein.

ACTION: ADOPTED UNANIMOUSLY

A TRUE COPY ATTEST:

Joanna Krauss
Town Clerk

Mildred A. Unger
Town Clerk



BARNSTABLE COUNTY
REGISTRY OF DEEDS
A TRUE COPY, ATTEST
John F. Meade
JOHN F. MEADE, REGISTER

BARNSTABLE REGISTRY OF DEEDS

For Your Information (FYIs)
Agenda Item #17

1. Drafts of the Summer 2023 Permit Mail-in Form and Community Pool Insert
2. Brewster Housing Coordinator Update December 2022
3. Brewster Conservation Trust request for appointment to the Pond Property Planning Committee- Tino Kamarck
4. Resident Letter to Select Board regarding Wing Island
5. Letter to Town Administration and Select Board

MAILING INSTRUCTIONS FOR 2023 BREWSTER RESIDENT BEACH, SHELLFISH & RECYCLING CENTER PERMITS & COMMUNITY POOL PASSES

All permits will be issued via the mail-in program (cash or check) or online sales (credit card). There will be no in-person sales of permits at Town Hall. Please contact permits@brewster-ma.gov with any questions regarding the permit process and communitypool@brewster-ma.gov with questions regarding the pool operations. Permit/Pool Pass rates for 2023 are as follows:

Resident Beach Parking Permits	Brewster Recycling Center Permits	Shellfish License
\$25.00 for 1 st vehicle	\$50.00 1 st permit	\$40.00 per household
\$25.00 for 2 nd vehicle	\$15.00 each additional permit	\$15.00 age 70+ at Council on Aging
\$40.00 each additional vehicle		*Only one permit per household allowed*
Summer 2023 Community Pool Passes		
\$200 for Family Pass (same household)	\$100 for Individual Pass	\$150 for two-Person Households
\$75 for Individual Seniors (aged 70+)	\$125 for two-person household seniors (at least one aged 70+)	

Permit Rules & Regulations:

- Beach Permits are required from June 15 through September 3, 2023.
- Current Recycling Center Permits expire on June 30, 2023.
- Community Pool will be open from at least June 26 through August 15, 2023 from 7am through 6pm, except on Wednesdays, the pool will open at 12pm.
- Shellfish Licenses are valid from January 1st through December 31, 2023. All Rules and Regulations for shellfish licenses can be obtained on our website: www.brewster-ma.gov, under Natural Resources Department.
- Copy of a valid car registration is required for each vehicle, with the license plate number clearly legible.
- If the address on the registration is not a Brewster address, a copy of your current Brewster Real Estate tax bill with an annual minimum amount of \$450.00 is required to be eligible for resident permits.
- Dependent Children under the age of 19 (or up to age 24 with a college ID) who live with the listed property owner are eligible for permits with a valid registration and identification (driver's license, picture ID or student ID) with the same year-round address as the listed property owner.
- Renters and life-tenants must provide a copy of a current 12-month lease or 12 months of utility bills in their name, in addition to a copy of a valid vehicle registration.
- For properties held in a Trust and/or LLC, a copy of the pages which show the property address and names of Trustees and/or LLC members must be provided. *Only named Trustees/LLC members are eligible for permits. This excludes Trustees of life-estates, remainderman, and beneficiary interests. *
- If the vehicle is leased, along with the valid registration, a copy of the lease or monthly bill that connects your name with the registered vehicle you are seeking permit for must be submitted.
- For vehicles registered to a business, a business card with your name and the name of the business to which the vehicle is registered to or a letter on company letterhead authorizing your personal use that connects you to the business and the vehicle must be submitted.
- Residents must have a beach permit to enter the former Cape Cod Sea Camps Bay Property to use the resident only beach and/or community pool.

For the full set of permit rules and regulations visit www.brewster-ma.gov/beach-information

For the full set of Community Pool rules and regulations visit www.brewsterrecreation.com

Current Senior Shellfish permit holders will need to reapply at the Council on Aging, at no cost for the 2023 season. Please bring your current shellfish permit to the Council on Aging for a new 2023 permit.

The Brewster Recycling Center will continue to use license plate reader technology to verify permit holders.

Beginning April 10, 2023 residents/taxpayers will have the option to purchase 2023 permits and pool passes online via credit card payments at www.brewster-ma.gov. Please note that you will be directed to a third-party vendor for processing and there is a convenience fee charge for online purchases.

BREWSTER RESIDENT/TAXPAYER 2023 ORDER FORM

To purchase permits by mail, please send copies of the following:

- Vehicle registration (s)
- Proof of Residence (only if your vehicle is not registered in Brewster)
 - If your vehicle is not registered in Brewster, include a copy of your current Brewster Real Estate tax bill in the amount of \$450 or more.
- Self-addressed, stamped envelope (*failure to provide will delay processing*)
 - Not needed if ordering Recycling Center Permits ONLY
- Check payable to “Town of Brewster”

PLEASE READ: Renters must provide current 12-month lease or 12 months’ worth of utility bills
 If your vehicle is registered to a business, please include a business card
 If your vehicle is leased, please include a copy of your lease or a monthly bill
 For properties held in a Trust/LLC, documents showing named trustees/members

Name:	Telephone:
Brewster Address:	Mailing Address (if different):
Email Address:	

Vehicle Information: Please designate which permit(s) are to be placed on which vehicle in the section below, additionally please indicate the type of pool pass (family, individual, etc.)

TYPE OF PERMIT FOR EACH VEHICLE:	LICENSE PLATE #	STATE	AMOUNT DUE:
EXAMPLE: 1 st Recycling, Family Pool & 1 st Beach	123ABC	MA	\$275.00

<ul style="list-style-type: none"> • Please include one check for all permits made payable to the Town of Brewster, along with a stamped, self-addressed envelope. • Check for permits MUST be separate from Real Estate Tax Payments. 	<p>TOTAL AMOUNT DUE: _____ \$</p> <p>MAIL TO: Town of Brewster, Attention: Permit Office 2198 Main Street Brewster, MA 02631</p> <p>*Instructions for placement of beach permits are located on the back of the permit*</p>
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Brewster Community Pool to Open Summer 2023

As we continue to expand public opportunities to residents, we are pleased to announce that the Community Pool will be open to Brewster residents Summer 2023. The community pool is located on the former Sea Camps Bay Property at 3057 Main Street.

All Brewster residents/taxpayers will be able to purchase pool passes through our mail-in program or online at www.brewster-ma.gov/beach-information. Residents must have a 2023 beach permit to enter the Bay property to use the resident only beach and/or community pool. Pool passes are non-transferable and non-refundable.

Please review the relevant Community Pool documents on the Brewster Recreation Department website www.brewsterrecreation.com. Questions regarding pool passes, contact permits@brewster-ma.gov and questions regarding pool operations, lessons, classes, etc., please contact communitypool@brewster-ma.gov.

Frequently Asked Questions

- Q.** When will the pool be open?
- A.** The pool will be open to pool pass holders June 26 through August 15, from 7am until 6pm daily, except on Wednesdays when the pool will open at noon. A pool schedule will be posted at www.brewsterrecreation.com.
- Q.** Will the pool be open in bad weather?
- A.** The pool will remain open if raining. However, if there is severe weather, including thunder and lightning the pool will close for a period of time to be determined by Town staff.
- Q.** As a pool pass holder, can I bring guests with me to the pool?
- A.** In June, the Town will offer residents who have purchased a pool pass the chance to purchase 10 guest passes for the 2023 season. Guest passes are not available through the mail-in program or online purchase.
- Q.** How old do you have to be to use the pool without adult supervision?
- A.** Anyone 14 years and under, must be accompanied by an adult (someone 18+)
- Q.** Is having a pool pass required to participate in aquatics classes/swim lessons?
- A.** Yes, a pool pass is required to access the pool area.
- Q.** Will there be dedicated days/times for lap swim, lessons, and classes? and how do you sign up?
- A.** Yes, please visit the Recreation Department webpage to view the pool schedule as well as information on lessons and classes. Sign up is required through the Recreation Department and there is an additional fee for classes/lessons. The schedule will be available later this Spring at www.brewsterrecreation.com.
- Q.** Can I rent the pool or pavilion for an event?
- A.** The pool and/or pavilion is not available for rent this summer.
- Q.** Will there be dedicated parking for the pool?
- A.** Yes, there are 30+ parking spaces adjacent to the pool area as well as 4 handicapped spaces. There will also be overflow parking available near the athletic fields.
- Q.** What is the maximum number of people allowed in the pool area?
- A.** Up to 100 persons are allowed in the pool area at one time. Pool area includes the Pavilion.
- Q.** Will residents who have not purchased a pool pass have an opportunity to use the pool?
- A.** Yes, there will be four designated days this summer for residents to use the pool for \$5 per person. Please visit www.brewsterrecreation.com for more information.

Brewster Housing Coordinator Update December 2022

Jill Scalise

Ongoing Activities/ Projects

1. Community Outreach and Education (Housing Production Plan (HPP) Strategy #14)
 - Responded to email and phone requests for information and assistance, 58 total requests for housing information (36) or assistance (22). Open office hours Thursdays 10-noon.
 - Website announcement about January Community Development Block Grant (CDBG) Hearing.
2. Brewster Affordable Housing Trust (BAHT) (HPP assorted strategies, Select Board (SB) Strategic Plan H-1)
 - Approved Housing Trust 5-year financial plan.
 - Coordinated with Community Preservation Committee (CPC) for joint meeting in January. Meeting will discuss Trust Guidelines, financial plan, CPC funding of Trust, and status of buydown program.
3. Community Housing Parcel off Millstone (SB Strategic Plan H-4, HPP Strategies #12 & 16)
 - Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) submitted Comprehensive Permit application to the Zoning Board of Appeals (ZBA). Hearing will begin in February.
4. Redevelop Existing Properties for Affordable Housing (HPP Strategy #5)
 - Serenity at Brewster (55+ rental housing, 27 affordable units): Site operating, affordable units all leased. Market rate units remain available.
5. Comprehensive Permit Projects (HPP Strategy #16)
 - Brewster Woods (30 affordable rental units): Site visit, Certificate of Occupancy received from Building Department. CCRTA began bus shelter installation by Frederick Court, there will also be a bus stop at Brewster Woods. Leasing in process. Move-ins expected in January. Followed up with abutter concerns.
 - Habitat for Humanity Red Top Road (2 affordable homes): Building permits issued. Meeting with Habitat, Water Department, and DPW about schedule and coordination of Town Water for the site.
6. Preservation of Housing and Related Support of Brewster Residents (SB H-3, HPP Strategy #20)
 - Regional CDBG: The Select Board supported a request to continue as lead community for the Regional CDBG application. Public Hearing for the grant application will be held in January.
 - Continue fielding inquiries about Brewster's rental assistance program, 3 households currently funded.
7. Subsidized Housing Inventory (SHI) (HPP Strategy #21 & 22)
 - 212 Yankee Drive- Town owned, vacant affordable property. BAHT approved mold and infestation remediation work to be addressed first. Site visit with Donna Kalinick & The Resource Inc. (TRI) to determine the scope of work. Ms. Kalinick completed Advertised Quote Solicitation, quotes due in January. Additional septic inspection work completed; Board of Health waived inspection report fee. Began clearing garage, DPW will provide assistance to complete clean out of garage.
 - 11 Sean Circle- repairs in-process by mortgage company including septic work, boiler, and new roof.
 - 50 Paul Hush Way marketed for resale. Worked with owner, DHCD, and HAC on resale process and outreach.
8. Housing Production Plan (HPP) (Select Board Strategic Plan Goal H-2)
 - Continue implementation of HPP.
9. Collaboration (HPP Strategy #7)
 - Participated in Cape Cod CDBG Advisory Group meeting with Bailey Boyd Associates and Community Development Partnership Housing Captain huddle. Joined Brewster representatives for Cape Cod Commission Regional Housing Strategy Meeting. Presented at Lower Cape Peer Group meeting.

Personnel

- Participated in Housing Trust, CPC, and Select Board meetings. Worked with: Assessor's, Building, Council on Aging, Finance, Health, Planning, Public Works, Water, and Town Administration.
- Attended site visit of Sea Camps and CHAPA's Making the Case Call.



BREWSTER CONSERVATION TRUST

36 Red Top Road Brewster, Massachusetts 02631
www.brewsterconservationtrust.org

13 March 2023

Mr. David Whitney, Chair
Town of Brewster Select Board
2198 Main Street
Brewster, MA 02631

Dear Mr. Whitney:

The intent of this letter is to notify the Town of Brewster Select Board that the Brewster Conservation Trust's Pond Property Planning Committee (PPPC) representative, Seamus Woods has requested to step down from the committee. As such, the Board of Trustees of the Brewster Conservation Trust have appointed Tino Kamarck to represent the Trust as the new non-voting representative on the PPCC. For PPCC communication purposes only here is Tino's contact information:

Martin (Tino) Kamarck



tino@brewsterconservationtrust.org

In addition, I will continue to serve as Alternate Representatives, to substitute for the designated representative if he is unable to attend a meeting.

Please let me know if you need any additional information. On behalf of the Trust, thank you again for the opportunity to participate in this exciting process.

Respectfully,

Amy Henderson
Executive Director

Cc: Peter Lombardi
Donna Kalinick
Doug Wilcock, PPPC Chair

Norine D. Hodges, 154 Sunnyside Road, Schoharie, NY 12157

Nbhodges154@yahoo.com

518 339-8156

Dear Mary Chaffee,

March 7, 2023

I am ecstatic that the marshes of Wing Island will be safe. One motto I have tried to live by since my Girl Scout days, is 'leave a place better than you found it.' I believe strongly in modeling this and have since taught it to my children and grandchildren.

Stewardship over the land, sea, and air began a long time ago. Genesis 1:15, 'God establishes man and woman in the garden and tells them to cultivate and take care of it.' Genesis 1:28, "...dominion over the fish, birds and every living thing." One definition of land stewardship: the conservation of your property's natural resources and features over a long period of time. (<https://vision2.com>).

You have chosen to do this for your community, stewardship. It has become your responsibility to secure this small corner of the world for future generations. 'Each of you should use whatever gift you have received to serve others, as faithful stewards...' (Another definition of steward): 'an overseer or manager... providing protection, trust, supervision, governance, oversight, conservancy, maintenance, safe-keeping, guardianship, control, management.' (<https://vision2.com>).

According to some: "We have forgotten how to be good guests, how to walk lightly on the earth as its other creatures do." Barbara Ward. "The ultimate test of man's conscience may be his willingness to sacrifice something today for future generations whose thanks will not be heard." Gaylor Nelson. "Because nature is free, we often take it for granted and over exploit it. We clear forests, pollute rivers and build over wetlands without taking account of the benefits we get from nature. We create huge social and economic costs for ourselves." Karen Ellis

Finally, a few last thoughts of others: "The earth will not continue to offer its harvest except with faithful stewardship. We cannot say we love the land and then take steps to destroy it for use by future generations." John Paul II. "Nature is painting for us day after day pictures of infinite beauty." John Ruskin.

"Like music and art, love of nature is a common language that can transcend political or social boundaries." Jimmy Carter. The boardwalk and all that black paving tar would have been permanent, man-made structures interfering with and changing the beautiful and important natural habitat of the West Brewster marshes' wholesome existence. I hope you will feel encouraged that following the process brought a beneficial solution to maintaining our special marshes and wildlife while still allowing for others enjoyment now and for future generations.

With gratitude yours,
Norine Dillingham Hodges





Meadow Dibble | 92 Columbia Rd. #2 | Portland, ME 04103

Cynthia Bingham, Select Board
Mary Chaffee, Select Board
Ned Chatelain, Select Board
Kari Hoffmann, Select Board
David Whitney, Select Board
Peter Lombardi, Town Manager
Donna Kalinick, Assistant Town Manager
Brewster Town Offices
2198 Main Street
Brewster, MA 02631

Monday, March 13, 2023

Dear Members of the Select Board and Administrators of the Town of Brewster,

I was born in Brewster and spent nearly a decade raising my own children there. In 2016, I experienced a brutal awakening to the reality of my hometown's deep investment in slavery. It was this discovery that led me to found [Atlantic Black Box](#), a nonprofit that empowers communities throughout New England to research and begin reckoning with local complicity in the slave trade and the global economy of enslavement. For almost four years now, I have held the position of Visiting Scholar at Brown University's Center for the Study of Slavery and Justice. From my new home in Maine, I run a public history consulting practice through which I am helping to lead a statewide truth-seeking and historical recovery initiative on behalf of the state's Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations.

I write to you today to share my deep concern that Brewster's history has been treated with a lack of rigor and an alarming degree of negligence over many decades, which negatively impacts current residents and visitors. I believe that the town urgently needs to create a Diversity, Equity, and Inclusion Committee capable of addressing these and other concerns.

Anyone passing through Brewster is likely to conclude that this town values its history. Driving along Main Street, one encounters few indications that much has changed since the community reached the apex of its economic prosperity in the mid-nineteenth century. Indeed, the living-museum quality of this idyllic seaside village that long promoted itself to summer visitors as the “Sea Captain’s Town” is a large part of its draw.

Maintaining Brewster’s olde-timey image comes at a significant cost to residents and business owners, of course. Maybe not everyone keeps tabs on the town’s heavy investment in preservation efforts, but many will have experienced its strictures when looking to apply a new coat of paint or hang a sign. While some complain about the stiff regulations aimed at maintaining a stately façade, most townsfolk in the historic district comply without too much fuss. After all, if Brewster’s lost-in-time image helps to attract tourist dollars, the prevailing assumption is that everyone ultimately benefits from such cosmetics.

I have come to conclude that Brewster does not actually value its true history. What it venerates are the profits that continue to accrue to the town thanks to the wealth amassed by its 18th and 19th century residents, most notably through a vigorous maritime trade with the West Indies that was entirely fueled by labor forcibly extracted from enslaved Africans. These men, women, and children were stolen from their homelands and forced to board slaving vessels that were frequently built and commanded by New Englanders¹—some of them Cape Codders. If the captives managed to survive the wretched Middle Passage from the continent to the Caribbean, they faced conditions so cruel on the islands’ sugar plantations that their average life expectancy on arrival was just seven years. It was to capitalize on the product of their forced labor—molasses and sugar, primarily—that Brewster men flocked in droves to the West Indies during the period local historians like to refer to as the Golden Age of Sail. For the hundreds of thousands of enslaved Africans who were worked to death during that same period, there was nothing remotely golden about it.

You may be tempted to dismiss my claims or chalk them up to exaggeration. After all, how could Brewster’s history and its economic foundations be so bound up with slavery if these imputed facts have not made their way into books or exhibits or classrooms?

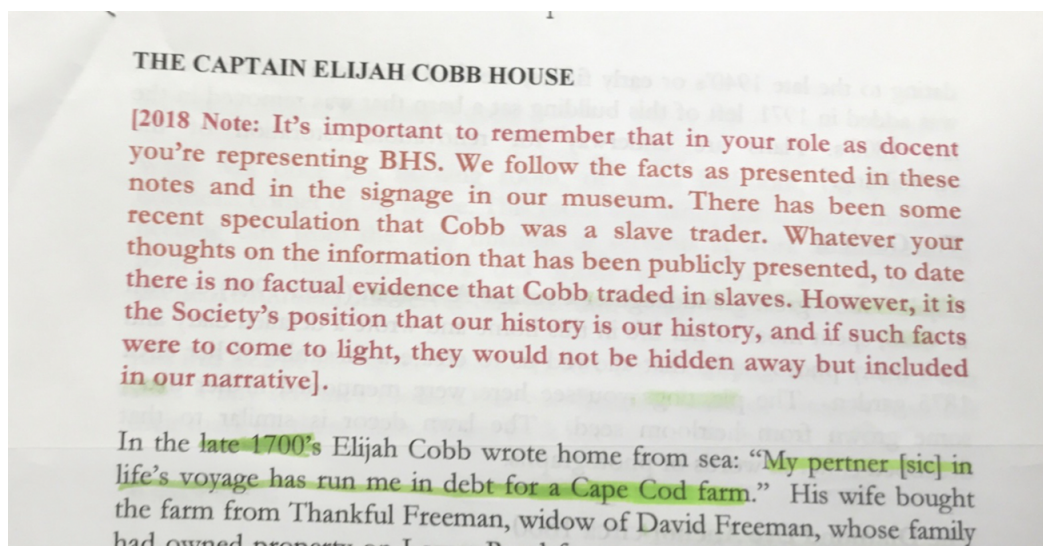
To be sure, it is decidedly not thanks to the Town’s Historic Vault that I owe this knowledge; the archive lacks an accurate finding guide (according to Town Clerk Collette Williams, not all of the documents [listed](#) are actually available) and its digitized sources are mashed together in a [massive file](#) that is nearly useless because it has not been indexed. Nor is it on the shelves of the Brewster Ladies’ Library that I managed to locate any books on the topic; here one mostly finds bracing tales about intrepid Yankee mariners written by their descendants. I certainly didn’t learn this information thanks to exhibits at the Brewster

¹ Scholars have identified 1,740 known transatlantic slaving voyages out of New England, which only represents the tip of the iceberg and does not account for domestic or “Intra-American” slave trading (see slavevoyages.org). Recent scholarship by Dr. Kate McMahon has revealed that Massachusetts and Maine vessels were actively involved in the illicit slave trade through the Civil War.

Historical Society's Cobb House Museum, where it is only recently that an underwhelming sign acknowledges that there were "slaves" in Brewster (a DEI committee would understand this language to be outdated). Students at the town's elementary schools do not learn about Brewster's many [early residents of African and Native heritage](#) who were forced to labor here. Nor certainly are golfers in any way enlightened by the "history" presented at the town-funded Captains' Golf Course, which perpetuates countless falsehoods when honoring the town's most renowned sea captains at each hole—and this, even after I reached out to Michael Pregot and course administrators to correct the record. It goes without saying that the shiny brass plaques adorning the fancy facades of those captains' mansions fail to mention the grim origins of the wealth that built them.

None of the institutions stewarded or funded by the town teaches us about Brewster's deep investment in slavery except, perhaps, the cemeteries. By cross-referencing headstone inscriptions with information gleaned from vital records and a couple additional sources, I learned that, by far and away, the number one place of death for Brewster men in the 19th century when they weren't dying at home was Cuba (see my spreadsheet, "[Brewster Sea Captains with known involvement in the West Indies, Africa, & South America](#)"). Why Cuba? Following the Haitian Revolution, this Spanish-controlled Caribbean island had become the global hub of the sugar trade. Consequently, it also served as nexus of the illicit slave trade. Equal opportunity profiteers, Brewster men were additionally doing heavy trade in the American South and across South America, where once again slavery was the engine driving each economy.

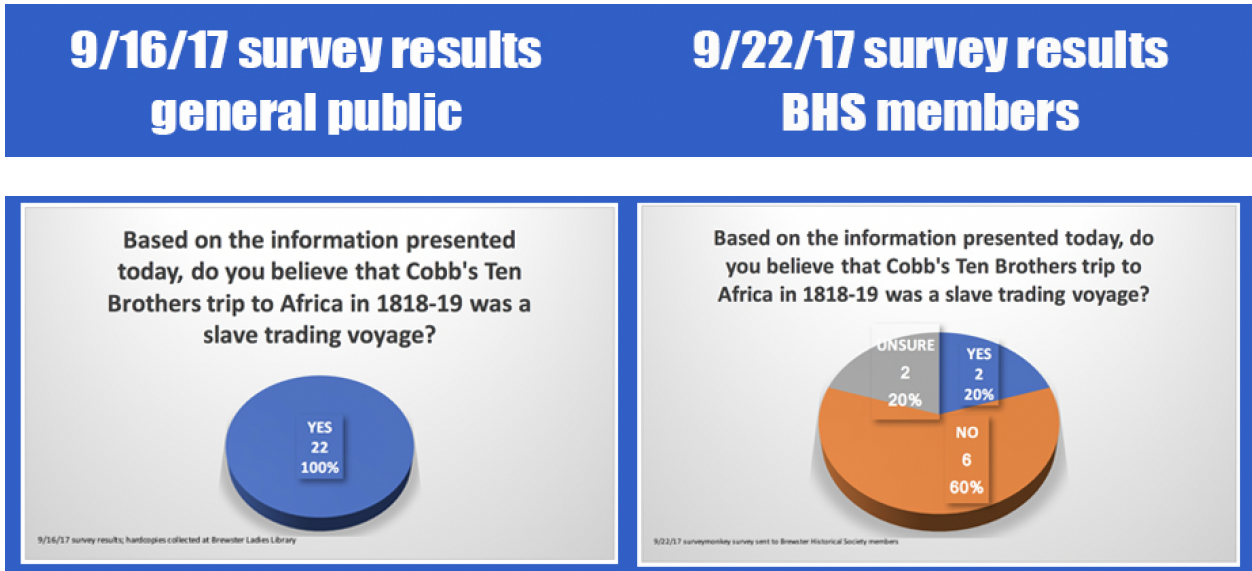
Brewster men were sailing to Africa, as well. Elijah Cobb made at least two African voyages, in 1818 and again in 1818-19, which he curiously chose not to mention in his memoir. If you ask docents at the Cobb House whether the sea captain might have been involved in slave trading, they have been instructed to respond that there is no evidence to back what BHS leadership has characterized as purely speculative theory.



I have [published evidence](#) indicating that Cobb, like every other Brewster man and boy on that voyage, was guilty of illicit slave trading (you can read a short summary of my findings [here](#)). To boot, Cobb knowingly sailed a diseased vessel into Boston harbor and caused a yellow fever epidemic in 1819 that had massive repercussions up and down the eastern seaboard. A report published in the *New England Journal of Medicine* in 1820 outlines many of the basic facts of the case even as it raises a dozen red flags.² And yet the Brewster Historical Society has failed to incorporate these facts in its interpretation or to investigate the report's suspicious elisions over the past six years since I brought them to light.

After presenting a talk on September 16, 2017 for BHS titled "The Diseased Ship," I asked audience members to complete a short survey. The results indicated that respondents unanimously believed, based on the evidence presented, that Elijah Cobb and the crew of the *Ten Brothers* had been involved in an illegal slave trading voyage in 1818-19. In the days following my presentation, I shared these results with BHS President Sally Gunning. She told me she was hearing feedback from BHS members who were not convinced of Cobb's guilt. I then asked her if I could send an electronic version of the survey specifically to BHS members, and she agreed. Once the results were in, I compiled them alongside the earlier responses.

The discrepancies are illuminating. Among those polled on the day of my presentation, in response to the question, "Based on the information presented today, do you believe that Cobb's *Ten Brothers* trip to Africa in 1818-19 was a slave trading voyage?" 100% of respondents answered "yes." To the same question, only 20% of BHS members agreed, while 20% were unsure and 60% said "no."



² You can read my short summary of events surrounding the 1818-19 voyage of the *Ten Brothers* [here](#). For a detailed account and a list of sources, read my article "[The Case of the Ten Brothers: Connecting the Dots of a Cape Ship's Triangle Trade](#)" in *Cape Cod Genealogical Society Journal*, Volume 9, No. 2 [Fall 2019]

(See attached chart for all compiled survey results)

In view of the misgivings expressed by BHS members, I offered to meet with them shortly after my 2017 talk to address any concerns they had about my research findings or methods. BHS declined. I then suggested we might conduct a public debate. Again, BHS declined. I offered to volunteer at the Cobb House Museum. BHS declined. I applied for a table at the BHS farmer's market. BHS declined. I inquired about Atlantic Black Box making a donation to join BHS's business partners. BHS declined on the basis that ABB is a nonprofit. Finally, I addressed a [formal letter on October 19, 2019](#) to the members of the BHS board, informing them of my forthcoming [article](#) in the *Cape Cod Genealogical Society Journal* and once again requesting acknowledgement of my research findings, welcoming the opportunity to answer any questions they may have. Two months later, and after some prompting, I received from Sally Gunning the following response:

“The Board reviewed your material but felt that since I had already acknowledged its receipt there was nothing new in it requiring a new response. I'm sure you can appreciate that an historical society can present only the known facts.”

It appears that only BHS members are capable of determining which facts are “known” and thus valid. I have made the case, based on a preponderance of evidence, that the ship *Ten Brothers* was in fact engaged in slave trading under Cobb's command. What standard of proof is the BHS President invoking?

The BHS Board has repeatedly proven woefully lacking in its command of local history, dogmatically insistent on turning a blind eye to evidence, unwilling to do basic due diligence, and committed to a highly partial and skewed interpretive approach. Because there is no other historical organization in town to which I can appeal, and because the town lacks a DEI committee, BHS has been able to continue stonewalling without challenge.

I witnessed, some months back, BHS leadership disrespect Brewster resident Barbara Burgo, the co-founder of the Cape Cod Cape Verdean Museum and Cultural Center, who could be a tremendous resource for the town. This outrage follows a pattern. In the latest BHS mailing, Sally Gunning promotes her upcoming talk asking, “If you were shipwrecked on a primitive tropical island, would you prefer to ‘go native’ or don gentlemen's clothes?” As an academic researcher trained in decolonization and antiracism, there are few BHS newsletters that I don't find deeply offensive or troubling for their lack of cultural competency or the problematic set of values they reveal. I was again appalled to learn recently that BHS has raised funds to acquire the “[White Lady](#)” figurehead from J. Henry Sears's vessel *Imperial*; that money could have been invested in researching Sears's complicity in slavery through his heavy involvement in the cotton trade. Similarly, BHS expended resources a couple years back to acquire Elijah Cobb's document chest; those funds would have been better spent attempting to reconstruct the historical record that this empty chest once contained. Such acquisitions betray a set of values in which fetishized

objects are prioritized over historical truth. In light of its willful irresponsibility in carrying out its mission, I believe that the town of Brewster should engage a public process to evaluate whether the BHS should continue to benefit from taxpayer dollars.

If the BHS can publish a blog post about Brewster's enterprising Benjamin Bangs without thinking to mention that he was the town's most [egregious enslaver](#); or write about Brewster's historic Cape Verdean population without consulting Brewster's current Cape Verdean residents, among whom there is a museum director; or welcome visitors to the Harris-Black House without foregrounding or even mentioning anywhere the fact that it belonged to a [family of color](#); or fail to mention at the Cobb Museum that the man of the house brought the plague to Boston and was publicly accused of illicit slave trading—this is because the Brewster Historical Society is operating inside a dangerous echo chamber and within a culture so steeped in a legacy of white supremacy that it is blind to the harms it continues to perpetuate in the name of historical interpretation.

In order to truly value its history, Brewster must acknowledge the source of its wealth. And the town's elected officials should support an ongoing public dialogue about the sorts of actions these hard truths might require of us today. Instead, the town-funded BHS serves as the arbiter of what constitutes "legitimate" history. You may counter that the Historical Society is not an official arm of the town, but what happens at BHS reflects directly on all of Brewster. Moreover, so long as the town is strictly confining its historical investments to the preservation of its olde-timey image, its interest in history can only be said to be surface-deep.

This reckoning is not to be avoided. In addition to a grave moral responsibility, Brewster has an opportunity to draw valuable lessons from its history that it can impart through meaningful educational programming and cultural heritage tourism. The Royall House Museum and Slave Quarters in Medford, Massachusetts has enjoyed praise and received an influx of visitors from schools and from all parts after reinterpreting the site through the lens of racial history. Other regional organizations, such as Historic New England and the New England Museums Association, are demonstrating leadership in urging their members to uncover their ties to slavery and colonization and to recover the stories of the Black and Indigenous people connected to their sites.

The Brewster Select Board devised a plan at the height of the racial awakening following the murder of George Floyd to create a Diversity, Equity, and Inclusion committee. I was aghast to learn that town officials have since abandoned that commitment. Even as awareness has spread across all sectors of our society about the critical role these accountability systems play in helping companies, schools, and municipal organizations such as yours to prevent continued harms against Black, Indigenous, and other people of color as well as their critical importance in promoting social justice, attracting and retaining a diverse population, fostering inclusion, improving community relations, and

meeting their legal obligations, the fact that Brewster has concluded it does not need such a group is simply unconscionable.

In the absence of a town DEI committee, where can I register my deep concerns about the lack of acknowledgement surrounding Brewster's history of complicity in slavery and the legacies of that past as they continue to manifest in the present? Certainly not with BHS, which has continuously swatted away my outstretched hand. Where can important voices like that of Barbara Burgo hope to be heard?

Until a town DEI committee is formed, I will continue sending my concerns your way and sharing them with the public.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meadow Dibble', with a long horizontal flourish extending to the right.

Meadow Dibble, PhD

Public History & Education Consulting LLC

Project Lead, [Place Justice](#)

Founder & Executive Director, [Atlantic Black Box](#)

Visiting Scholar at Brown University's [Center for the Study of Slavery & Justice](#)

NB: If you would like to review my professional credentials, you can [access my resume here](#); if you would like references, I invite you to contact the office of Maine's Speaker of the House or Brown's Center for the Study of Slavery and Justice.

The Diseased Ship

Cape Cod Sea Captains & the Transatlantic Slave Trade

talk hosted by Brewster Historical Society

9/16/17 survey results general public

9/22/17 survey results BHS members

Did you know, before now, that Cape Cod sea captains conducted trade in Africa?



9/16/17 survey results; hardcopies collected at Brewster Ladies Library

Did you know, before now, that Cape Cod sea captains conducted trade in Africa?



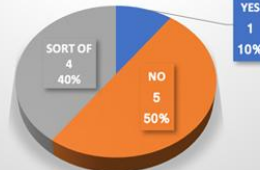
9/22/17 surveymonkey survey sent to Brewster Historical Society members

Did you know that Cape Cod sea captains were involved in the slave trade?



9/16/17 survey results; hardcopies collected at Brewster Ladies Library

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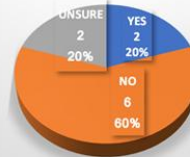
9/22/17 surveymonkey survey sent to Brewster Historical Society members

Based on the information presented today, do you believe that Cobb's Ten Brothers trip to Africa in 1818-19 was a slave trading voyage?



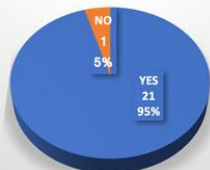
9/16/17 survey results; hardcopies collected at Brewster Ladies Library

Based on the information presented today, do you believe that Cobb's Ten Brothers trip to Africa in 1818-19 was a slave trading voyage?



9/22/17 surveymonkey survey sent to Brewster Historical Society members

Would you like to learn more about this aspect of our local history?



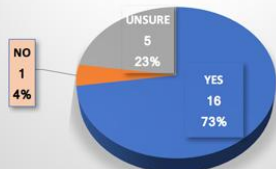
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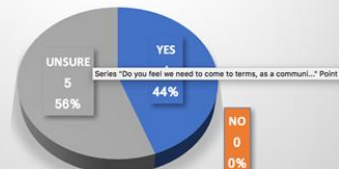
9/22/17 surveymonkey survey sent to Brewster Historical Society members

Do you feel we need to come to terms, as a community, with this legacy?



9/16/17 survey results; hardcopies collected at Brewster Ladies Library

Do you feel we need to come to terms, as a community, with this legacy?



9/22/17 surveymonkey survey sent to Brewster Historical Society members

People of Color in Harwich Vital Records 1694-1850

Compiled by Meadow Dibble & Jeff Schwartz



may 24 day 1717 daved and Ann negroos ware married

October 1 day 1726 parouh negro of Harwich and Hannah Attaquin Indian woman of Barnstable had their intention of marriage Entered here

on the 16 day of November 1728 then Solomon pequin and mary Cape Indians ware married before me Nathanaell Freeman Justice peace

Novemb 13th 1742 Then Jolley Negro & Thankfull Will both of Harwich Ware Married in Harwich p Joseph Doan Justice Peace

These are to Enter ye intention of Marriage between Fortine a Negro Man of Harwich & Nancy Negro Woman of Barnstable Januy 1st 1742

Jan 20th 1742 Then Fortine Negro of Harwich & Nancy of Barnstable were Married in Harwich by Revd Nathl Stone

[names Pompma and Quoy and David Quanset, Jacob Paump]

Intention of Marriage between Joshua Pompma & Darkis Quanset both of Harwich Decmbr 28th 1751

Feb 11th then Saml Crook & Sarah Sequettom were Married by David Gorham Justice Peace

Jan 3 1760 Jesse Cesar & Sarah Pequin were Married by Revd Mr Isaiah Dunster by Thomas Winslow Esqr not Mr Dunster

Novr 12th 1761 John Squattom & Hannah Cussen were Married in Harwich by Thoms Winslow Esq

Feb 16 Phillip Cuffee & Patiance Cowet were married in Harwich by Revd Isaiah Dunster

Mingo Tona & Zilpha Cuffee were married in Harwich by Revd Isaiah Dunster

May 15th 1756 Then the Intention of Marriage between James Quach & Rebeca Manases both of Harwich were Entred with me

Intention of Marriage between Samuel Crook & Sarah Sequattom both of Harwich July 23rd 1757

? Intention of Marriage between Jo Cuffe & Mercy Tom both of Harwich Octr 29th 1757

Intention of Marag between Joseph Nowet & Hope Cowet both of Harwich Jan 28th 1758

Intention of Marriage between Jessa Cesar & Sarah Pequin both of Harwich Decbr 7th 1759

Intention of Marriage between Jerema Jo of Harwich & Hannah Tunagin Barnstable Jan 25th 1761

Intention of Marriag between John Sowottman & Hannah Cussen both of Harwich Oct 10th 1761

Intention of marriage between Phillip Cuffee & Patience Cowet both of Harwich Decemb 25th 1763

Intention of marriage between Fortin Negro & Mary George both of Harwich June 30th 1764

Intention of Marriage between Nathl Cowet & Sarah Olive both of Harwich Decb 24th 1763

Harwich Vital Records 1694-1850

- Mingo Tona and Zilpha Cuffee c. 1756
- James Quach and Rebeca Manases 1756
- Samuel Crook and Sarah Sequattom 1757
- Jo Cuffe and Mercy Tom 1757
- Joseph Nowet and Hope Cowet 1758
- Jessa Cesor and Sarah Pequin 1759
- Jerema Jo and Hannah Tunagin 1761
- John Sowottman and Hannah Cussen 1761
- Phillip Cuffee and Patience Cowet 1763
- Nathl Cowet and Sarah Olive 1763
- Fortin Negro and Mary George 1764

Brewster Sea Captains with known involvement in the West Indies, Africa, & South America

Sources: Brewster Vital Records; Brewster Ship Masters, By J. Henry Sears; Lower Road Cemetery; First Parish Cemetery

Name	Dates	Known vessels	W. Indies	Africa	S. America	Notes
Baker, Franklin Capt.	1802 -1840		X			master of vessels in the West Indies trade; lost "on his passage from Boston to St. Thomas" *Lower Road Cemetery
Berry, George W.	d. 1822		X			Died in the W Indies July 1822
Berry, Zoheth Jr.	1795-1821		X			Died the 8 of Jany 1821 at St Jago (Santiago) De Cuba (or November 28, 1820 at 21 years 1 month 11 days, as on headstone?) *Lower Road Cemetery
Clark, Isaac Jr.	d. July 8th 1818		X			died at Havana July 8th 1818
Clark, Prince Jr.	1769-1822		X			(born June 1, 1769) died at Havana July 18, 1822
Cobb, Elijah	July 4, 1768-1848	Monsoon (ship), Paragon, Ten Brothers, Jane, Mary (Brig), Sally & Mary (Brig), ship William Tell (1811)	X	X		"Capt. Lombard in the coasting business" "common sailor and made several voyages to the W. Indies" before 1786 "trade in gold dust and ivory in Africa" William Tell to Lisbon & Havana
Crosby, Capt. Joshua			X			died at Aux Cayes 1819 (Haiti) **First Parish Cemetery Died in the Island of St Domingo Janeary 1819
Crosby, Albert			X			
Crosby, Benjamin Snow	1810-1851	Eurotus, Oregon, Archelaus (a West India trader)	X		X	Valparaiso died in New Orleans in command of Oregon
Crosby, James	1796-1834		X		X	(HJS): he was in the West India and S. American trade
Crosby, Capt. Joshua	January 31, 1819 at 26 years		X			died at Aux Cayes W.I. (Haiti) *Lower Road Cemetery & First Parish Cemetery
Crosby, Joshua	1822-1853		X			(HJS): he commanded vessels in the West India trade and died on one of his voyages
Crosby, Sylvanus		crew Iris	X			
Foster, Capt.	March 4, 1825 at 43					died at Havana *Lower Road Cemetery
Foster, Capt. Heman	1799-1833	Stephen (Med.tr)	X			died at Havana July 18 died in Havana, May 1833 (or July 18, 1833, as on headstone?) *Lower Road Cemetery
Foster, Captain Barna C.	d. 1828		X			lost on a passage from Boston to St Piers February 1828 (Martinique)
Foster, Freeman	1782	brig Rice Plant, ships Ten Brothers, Choctaw	X	?	?	Rice Plant to Cuba 1831; his work was between Boston and the West Indies, New Orleans and Russian ports of Archangel and Cronstadt: (HJS) "left behind him a reputation for strict integrity and sterling manhood"
Foster, James Jr.	d. 1821		X			Died at the Havana 1821
Herd, Francis	d. 1831		X			died at Sea on a passage from Havana to Boston Novr 6th 1831
Hopkins, Charles	1835-1866	Clippers Kingfisher, Mountain Wave, Santa Claus, Brig Loranna	X			Brig Loranna sailed to Havana died in Havana Oct. 24 1866 (buried in Cuba) *Lower Road Cemetery
Hopkins, Franklin	1802-1868		X			(HJS) while a young man commanded vessels in the coasting trade and also in the West India trade
Hopkins, Jiles	d. 1821		X			Died at the Havannah the of Decm 1821
Lincoln, Robert M.	d. at "Marteneco" Sep 25, 1821 at 15		X			died at St Piers, Martinico (St. Pierre, Martinique) **First Parish Cemetery
Lincoln, Warren		Iris, Draco, Mary	X			12 year old cabin boy under Capt. Freeman Mayo. Escaped from pirates off Cuba in the Iris.
Mayo, Capt. Benjamin	d. 1838		X			died at St. Pierre's Martinique Died, at St Peires March 16th 1838 (VR) *Lower Road Cemetery

Mayo, Capt. Nathan A.	June 21, 1825 at 58		X			died at St Jago 1825 **First Parish Cemetery
Mayo, Brewster		crew Iris	X			Cuba
Mayo, Capt Samuel	d. 1829		X			died at Matanzas July 3rd 1829 (Cuba)
Mayo, Freeman	1789	Master of brig Iris	X			Escaped from pirates off Cuba
Mayo, Nathan A.	d. 1825		X			died at St. Iago de Cuba (Santiago) June 29 1825
Nickerson, Captain David	1772-1819	Monsoon, schooner Hope, ship Ten Brothers		X		had command of the ships Monsoon and Ten Brothers, and schooner Hope. Died on his Passage from Africa for Boston in the Schooner Hope of Brewster the 26th of February 1819
Nickerson, Francis F.	1817-1869	Carib			X	had charge of the bark Carib,
Pepper, Bangs	1806-1885	Brig Senator and other ships not known	X			listed by First Parish as engaged in the West Indian trade; (HJS) master of the brig "Senator" in the West India trade
Wing, Josiah		crew Iris	X			
Winslow, Elkanah	1802-1851	schooners Combine, Vinton, Watchman; barque Sabra	X			all those schooners in the West India trade died at Manzanilla Mexico *Lower Road Cemetery

The Diseased Ship:

Revealing Brewster's Connections to the Slave Trade

In 2016, I discovered that Captain Elijah Cobb (July 4, 1768 – November 21, 1848), whose memoir was published in 1925 by Yale University Press, initiated a triangular Atlantic journey in 1818-19 that had all the characteristics of a slaving voyage. I have been piecing together the story he left out of his memoir ever since.

It's an epic tale of 19th-century greed that weaves together what for the past couple of years we've been calling the "twin plagues" of racism and disease. Most of Brewster's prominent seafaring families were implicated in this sordid tale. But so too were the Boston authorities who, in turning a blind eye to Cobb's machinations, caused a public health crisis that reverberated throughout the Atlantic world in 1819 and beyond.

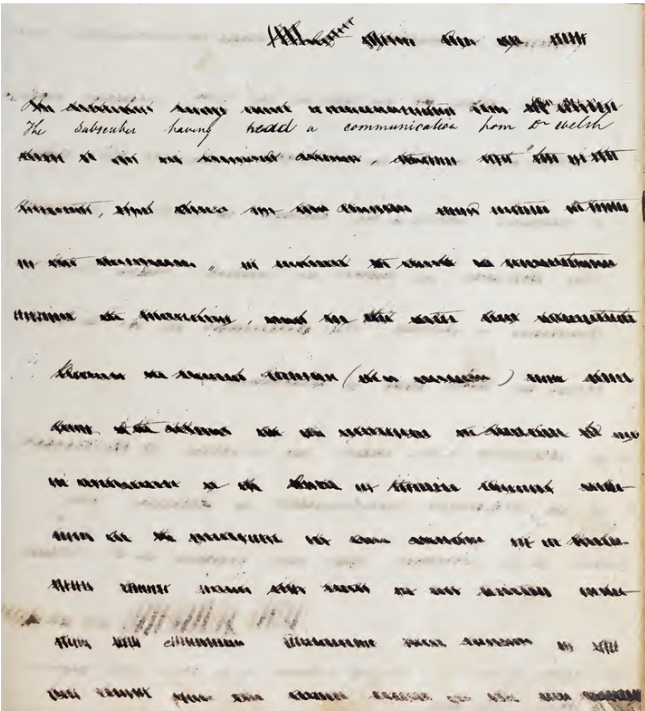
When Cobb sailed the ship *Ten Brothers* back to Boston from West Africa via the West Indies on 1 August 1819, he flouted quarantine regulations and prematurely docked at Long Wharf. Customs agents found little in the ship's hold, aside from a putrid stench and clouds of mosquitoes, vectors of a virulent virus that had already felled seven members of the expedition. Within days, a "malignant fever" was burning through Boston's wharves.

Through contact tracing, physicians established that the first 18 victims had direct ties to the *Ten Brothers*. Given the presence of such tell-tale symptoms as yellow skin and black vomit, a number of prominent physicians reported to the Board of Health that the city was in the throes of a yellow fever outbreak, identifying the ship as its indisputable source. Torn between the need to allay public fears and to appease Boston's powerful merchant elite, the Board of Health declared the *Ten Brothers* a "diseased vessel" and ordered it scuttled and sunk. But the health officers simultaneously denied that Yellow Jack was afoot, since acknowledging the presence of this deadly disease would require them to halt all shipping into and out of the busy harbor.

To maintain their charade, authorities were forced to assume increasingly contorted postures. In the press, they underreported mortality rates while quietly arranging for midnight burials. They conducted a sham investigation while redacting reports submitted by their own physicians and seeking to discredit them.

The public, however, was not fooled. People could still smell the extraordinarily foul *Ten Brothers*, just as they could plainly see that it had not been sunk. Responding to public outrage,

the Board of Health issued its order a second time, again assuring Bostonians that the deed had been done... only it hadn't. Three times within the span of two weeks, health officials issued the same order—an order that was systematically ignored by the ship's wealthy owners, who brazenly arranged to sell the *Ten Brothers* even as mortality rates soared and citizens fled to the countryside by the thousands.



Redacted 1819 report from in the internal records of Boston's Health Office

Captain Elijah Cobb was publicly accused of illicit slave trading and of knowingly sailing a diseased vessel into Boston harbor. But this case never made its way to court. Boston's Board of Health cleared Cobb—and, conveniently, itself—of all wrongdoing. As Cobb settled into a quiet retirement back on Cape Cod, the virus continued to spread through port cities along the eastern seaboard and throughout the Atlantic world. The unsunk vessel sailed on to Brazil—that is, the primary destination for enslaved Africans in the Americas.

While the *Ten Brothers* can not be viewed as the singular cause of 1819's devastating yellow fever pandemic, it was undeniably the most identifiable vector and proved an

important touchstone in the ongoing medical debate about the virus's source and means of transmission.

Almost exactly two hundred years before the Biogen superspreader event took place on Boston's Long Wharf in 2020 launching a coronavirus outbreak that experts estimate has since infected hundreds of thousands of people worldwide, a different public health crisis erupted from that very spot. Unlike the influenza pandemic of 1918, however, the health crisis caused by the *Ten Brothers* on returning from West Africa could not serve to inform our thinking about how to navigate the twin plagues of disease and racism that confront us today, having never made its way into the history books. The "Case of the Ten Brothers" is a cautionary tale that was never told.

I've got a book proposal in the works. In the meantime, since 2017 I've been sharing this story in the form of a talk titled "The Diseased Ship" as a way to raise awareness about the depth of New England's complicity in slavery. The Brewster Historical Society, which occupies Elijah Cobb's 1799 mansion, has categorically refused to acknowledge my research findings or to reinterpret the site in light of what I've uncovered.

About the author

Meadow Dibble, Ph.D. is a writer, researcher, and antiracist historical recovery advocate working to surface New England's suppressed narratives through her practice Public History & Education Consulting LLC. In 2018 she founded [Atlantic Black Box](#), a grassroots public history project that empowers communities throughout the Northeast to take up the critical work of researching and reckoning with the region's complicity in the slave trade and the global economy of enslavement. Meadow is currently serving as Project Lead on the [Place Justice Project](#), a statewide truth-seeking and historical recovery initiative of Maine's Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations

The Case Of The *Ten Brothers*

Part I: Connecting the Dots of a Cape Ship's Triangle Trade

by Meadow Dibble

"They saw so much and told so little."

—Ralph D. Paine

"Ask me no questions and I'll tell you no lies."

—Elijah Cobb

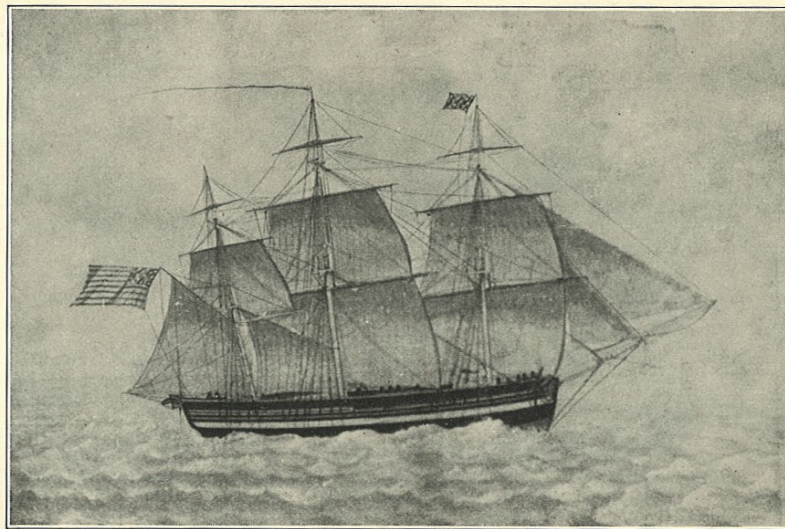
Exactly two hundred years ago last August, a gut-wrenching stench blew into Boston on a warm southerly breeze, wrapping the city's busy waterfront in a suffocating embrace. Dock workers, well-accustomed to unpleasant odors, were nonetheless doubled over by the pungency of the noxious fumes. Customs officials set aside their accounting to scan the horizon for the source of the corruption, but all they could see was an unbroken slate of sea and sky across which the rain seemed to etch a foreboding scrawl. Then it appeared, the long-awaited 90-foot square rigger belonging to an elite group of Boston merchants.¹ Their ship had finally come in, only—mortifyingly—it reeked to high heaven.

"It is a matter of common remark that no ship has arrived in our harbor for many years in so foul a state as the *Ten Brothers*," attested one witness.² "It has ... been stated by people of veracity that the ship was extremely foul," echoed another, "so as to be offensive to the senses, even when coming up the harbor."³ What exactly had happened on board this ship after its crew of Cape Cod men pulled anchor and sailed for Sierra Leone eleven months earlier, on 1 September 1818? What cargo had the vessel carried from West Africa to the West Indies? And what could have imbued its every timber with a putrescence so revolting that no amount of scrubbing or fumigating could successfully mask the horrific stench?

The Case of the Empty Archive

Not a single original document related to the 1818–19 voyage of the ship *Ten Brothers* has survived to help us answer these questions. Scour the archives and you will find none of the official paperwork required in organizing a major transatlantic trading venture. There is no ship's log, no port clearance, no bill of lading. Of the crew list, not a trace. The dossier is quite simply missing, as if it had been tossed overboard and the wake created by its plunge had immediately repaired to form a seamless blue surface, betraying no memory of the ship's passage on these seas.

One encounters many stark gaps in the maritime record when attempting to research the African voyages initiated by New Englanders throughout the nineteenth century, particularly those that took place following the United States' 1808 federal ban on slave trading. Scholars frequently lament that countless custom records went up in flames in Boston's devastating fire of 1872, but not all losses can be attributed to mere accident. Stephen **Chambers**, in his important work *No God But Gain*, notes that "deliberate sabotage" often conspired with time and fire to "swallow the evidence" of the region's involvement in the slave economies of the Americas.⁴ In one strange local case with significant repercussions, the Registrar of Barnstable County accused his predecessor, William **Otis**, of having absconded with all of the files related to Cape Cod's maritime activities of the early 1800s.⁵ To which one can add the more generalized practice of actively destroying private documents, leading author Henry **Kittredge** to deplore that "too often have tidy housewives among their descendants burned their log books and their letters."⁶



Ship *Ten Brothers*.

The dearth of documentation related to New England's nineteenth-century maritime commerce with Africa helps to explain why our collective memory has retained so little about the *Ten Brothers* voyage of 1818–19 beyond the fact that it proved fatal to a number of men from Brewster's most prominent seafaring families. Perhaps even this knowledge would have eventually sunk to the depths of our collective subconscious had evidence of their untimely foreign deaths not been literally carved in stone and erected

to endure the eons over a set of empty graves in the town's oldest cemeteries.

Still, none of this explains why the numerous reports produced when the ship's return to Boston caused a major public health crisis, and which became a matter of public record, have failed to elicit the interest of either community researchers or historians for the past 200 years.⁷

The Case of the Truncated Memoir

Brewster's Elijah **Cobb** (1768–1848), who was responsible for sailing the *Ten Brothers* back to home port, was the man in the best position to offer an account of this fateful transatlantic voyage, but there is no mention of it in his popular memoir, the first printed edition of which likely appeared in a local newspaper in 1857. In fact, there is an entire period of **Cobb's** career that we never learn about from him directly. His narrative breaks off before he can describe his final eight years cruising the Atlantic world, between 1812 and 1820. In a note that accompanied the manuscript, Elijah Winslow **Cobb** explains that his grandfather's failing health prevented him from recounting the rest of his overseas adventures. Yet letters dating to 1845 in the Caro Dugan collection at the Brewster Ladies Library demonstrate that even at age 77—that is, two years after having left off his memoir project—the elderly gentleman continued to give proof of legible handwriting and a sharp wit.

A second edition of the memoir—this one edited by Ralph D. **Paine** and published in 1925 by Yale University Press—attempts to remedy Elijah **Cobb's** initial elision. Included in the appendix are a number of letters he wrote while anchored in the harbor at Principe, off the coast of West Africa. Had **Paine** chosen not to append this correspondence or failed to provide some context for it in his Forward, most readers would never suspect that a major episode in the sea captain's life—indeed, in that of his community—was missing from his narrative.

Given that it was the traffic in human flesh that had attracted European and, eventually, American seamen to Africa beginning in 1501, the Yale graduate who edited this volume (and who, incidentally, was a Skull and Bones member) must have sensed how disingenuous it would appear not to address the question most likely to be on the minds of readers, namely: *Could Elijah **Cobb** and his crew have been engaged in the slave trade?* Acknowledging that an illegal commerce in slaves was still flourishing throughout the coastal regions visited by the *Ten Brothers* during its two consecutive trips to the continent, in 1818 and again in 1818–19, **Paine** emphasizes that these were “lawful trading voyages” and portrays the captain's actions as benevolent—heroic, even. “Like many another

American shipmaster he risked the deadly fever in order to sell his goods to the natives.”⁸

In a 1935 profile of Elijah **Cobb** included in the “Neutral Traders” chapter of *Shipmasters of Cape Cod*, author Henry **Kittredge** initiates a trend that has persisted to the present day when he distills the essence of **Cobb’s** thirty-seven-year seafaring career into a single event—one that we might, in the tradition of Mark **Twain**, title “A Massachusetts Yankee in Citizen Robespierre’s Private Chamber.” Like **Paine**, **Kittredge** touches briefly on the sea captain’s Africa voyages and is quick to absolve him of any suspicion of wrongdoing. “Though the slave trade was flourishing there at the time,” he writes of West Africa, “**Cobb** kept clear of it.”⁹

In the *Dictionary of American Biography*, the author of the entry devoted to Elijah **Cobb** reaches a similar conclusion and adds with creative flair: “His cargo seems to have been oil and ivory, with no trace of rum or slaves.”¹⁰ On what evidence, we may wonder, are such assertions based? The principal source for both summaries was what “R.G.A.” of the *Dictionary* refers to as **Cobb’s** “interesting, matter-of-fact autobiography to 1812.” The statement is curious, to say the least, since the Brewster sea captain left the African voyages out of his memoir entirely. So it is that we find ourselves cycling through a surreal sort of feedback loop in which an account of questionable accuracy (**Paine’s**) comes to stand in for the absent original (**Cobb’s**), and eventually achieves authoritative status through frequent repetition by subsequent commentators.

Today, on the shelves of the Brewster Historical Society’s gift shop, located in what was once the sea captain’s own kitchen at 739 Lower Road, a streamlined version of Elijah **Cobb’s** memoir has taken the place of Yale’s out-of-print edition.¹¹ In her Editor’s Note, Deborah Hill, who is related to **Cobb** by marriage, mentions that she has excised both **Paine’s** “fine introduction which explains the historical background of **Cobb’s** adventures” and the appended letters, without clarifying the rationale behind these significant changes.¹² In removing from her slim 2012 volume all information pertaining to the African voyages, she effectively eliminates the unpleasant static it created within the feedback loop. By inference, the reader is led to conclude that these journeys were inconsequential, or at least irrelevant in completing **Cobb’s** portrait. At the same time, Hill underscores the importance of situating the captain’s “escapades” within their historical context. Rather than refer readers to a more complete or less biased account than **Paine’s**, however, the author recommends “reading my novel, *This Is the House*, which is based on this memoir and uses the facts as a background drum-roll.”¹³ With this sleight of hand, Hill suppresses original source material in favor of a fictionalized account in which she readily admits that “fact and fiction blend and blur.”¹⁴ The memoir’s truncated nature is not problematic, from this perspective, but rather represents an opportunity to

reimagine history unfettered by fact. As such, in her role as editor, Hill affirms that the advent of the venerable sea captain's 1812 homecoming "is the perfect place to stop" his nonfiction account.¹⁵ Among other advantages, **Cobb's** elision allows the romance novelist to invoke creative license in weaving a tale of "daring, drive, and passion" in which the "enterprising" sea captain Elijah **Merrick**, modeled after **Cobb**, embarks on a transatlantic trading venture to West Africa prompted by heartbreak but inspired by only the best of intentions.

"I will not enter the slave trade," Elijah **Merrick** assures merchant Benjamin **Fuller** in no uncertain terms. But that is not what his colleague had in mind. The lovesick protagonist of *This Is the House* would offer "beads and buttons, knives and colored cloth" to "natives" along the Gold Coast in exchange for ivory and gold dust. From the Portuguese plantation owners on Príncipe, **Merrick** would secure a cargo of coffee by supplying them with "ice and fresh apples and grapes."¹⁶

"Did it happen this way?" Hill asks rhetorically in her introduction to the novel. "It could have," she insists.¹⁷

The problem is, it didn't.

A Tendentious Game of Telephone

What does it say about us if we allow Elijah **Cobb's** full-stop, happy ending to stand unchallenged? Can we really claim to know a man if we are prepared to overlook the final 36 years of his life, especially since it was principally during these later decades that Cobb managed to acquire the wealth that allowed him to purchase over twenty properties around town?¹⁸ And what do we get if we mistake his highly selective personal narrative for a reliable historical account without attempting to fill in the blanks or to produce supporting documentation for his many surprising boasts? The answer lies somewhere between mythology and hagiography.

In a 1978 article published in the *Cape Cod Times*, Sue Mellen describes **Cobb** as a "romantic hero" with a "classically handsome figure."¹⁹ It is hardly surprising then that the "Captain America" chapter of Theresa Barbo's *Hidden History of Cape Cod* (2015) is devoted to none other than Elijah **Cobb**. But the shocking or suppressed knowledge that the title might lead one to expect is nowhere present in her work. Instead, echoing earlier admirers, Barbo describes the mariner's trajectory as exemplary of the "bravery, vision and character that was commonplace in yesteryear."²⁰ Our reverence for this particular captain seems both pervasive and enduring. Just a few months ago, when I asked a docent at the **Cobb** Museum to tell me a bit about the man of the house, she replied: "We know he was very smart, because he was named captain at such a young age. And we know he was a very hard worker, because he made a fortune at sea." I recognized in her

description the classic formula behind the old bootstrapper story, serialized by Horatio **Alger**. In a scenario that the Chelsea author would spin into a hundred different yarns, the young protagonist manages to overcome his humble beginnings through grit, wit, courage, and determination, at last achieving a well-deserved ascent to wealth and glory. **Cobb**, it would seem, fits this profile to a T.

Born on the Fourth of July, the Brewster boy would turn eight on the day the Declaration of Independence was signed. Having been bound to a neighbor two years earlier and forced to earn his keep through hard labor after his father died at sea, young Elijah was hardly in a position to enjoy the sort of freedom described as an entitlement by our aspirational national document. Looking back on his eventful career sixty years after embarking on his first overseas voyage, **Cobb** doesn't mind admitting to any number of illegal and unscrupulous acts that made him a favorite among Boston's shipping elite. As an ambitious young seaman, he had smuggled contraband, cheated the Embargo, bribed his way into and out of European ports, outrun the British navy... anything, it would seem, to secure big returns on his employers' investments. In bragging about these exploits, **Cobb** comes off as a bit of a rogue, but a fairly likeable one. He's the sort of swashbuckler featured in so many Hollywood films whom we idolize for his pluck and cunning, his willingness to risk anything for the love of the chase. Having risen through the ranks of our young merchant marine to amass fortune and fame, **Cobb** presents as a true "self-made man," the very embodiment of our national character and aspirations, the American Dream incarnate.

The similarities between his hardscrabble story of upward mobility and those immortalized by Horatio **Alger** are very likely not a matter of coincidence. After all, the novelist would have been intimately familiar with **Cobb's** story. Prior to getting his start as a writer, **Alger** spent two years in Brewster as minister of the First Parish church, from 1864–66, just a few short years after the sea captain's death. What's more, before being abruptly run out of town on charges of child sexual abuse, he used the outbuilding located on the **Cobb** property at Lower Road as a summer camp for boys.²¹ It is unlikely that Alice Cox was aware of this sordid scandal when she dubbed Cobb "Brewster's Horatio **Alger**"—a man who rose "from rags to riches through Yankee ingenuity and tenacity."²² But then few people are, even today. It would seem that Brewster has been keeping more than one secret over the centuries, for Cox appears equally unaware of **Cobb's** Africa voyages when she celebrates his "proficiency as a shipmaster and his perseverance and shrewdness in overcoming the obstacles he faced."²³ Captain America indeed.

Our community has long taken it for granted that Elijah **Cobb** was the "upright man" described on his headstone. But by uncritically venerating the village patriarch, who lived to the impressive age of 80 and was buried with

every honor, is it not possible that we have been harboring a criminal?²⁴ Seven Brewster men and boys were not fortunate enough to have survived the voyage this merchant trader initiated in 1819. The tragic truth behind the two-hundred-year-old *Ten Brothers* catastrophe, however, is that our town was hardly alone in suffering as a result of this collective quest for profit. From his commanding position at the helm of this ship, Elijah **Cobb** made a number of highly questionable choices—choices that decided the fate of thousands.

On Consorts and Accomplices

When the 230-ton merchant vessel *Ten Brothers* sailed out of Boston Harbor on 1 September 1818 bound for West Africa, Elijah **Cobb** was not serving in the role of captain; that honor went to Joseph **Mayo**, Jr., then going on thirty. Rather, as the initiator of the voyage and senior member of the party, **Cobb's** title was that of supercargo, responsible for all aspects of trade. It was he who would have ordered the ship to be loaded with a cargo of rum, tobacco, cloth, and “hardware”—precisely the sorts of commodities in high demand throughout the Gallinas region of Sierra Leone, where the *Ten Brothers* made port following its six-week transatlantic crossing.²⁵ That particular coastline was heavily frequented in this era by British, Dutch, French, Portuguese, and American vessels, which regularly called at the slaving fort Lomboko, “most of them in defiance of their own nation’s laws,” according to historian Marcus Rediker. The illegal slave trade was so pervasive along these shores, he tells us, that “almost everyone would have had a brush with it.”²⁶

By November, the *Ten Brothers* had successfully rendezvoused with a second vessel, the schooner *Hope*, at whose helm stood David **Nickerson**. The forty-seven-year-old Brewster native was **Cobb's** contemporary and had served as his second-in-command on the ship *Monsoon*. It is worth noting that this latter vessel was involved in at least two documented slaving voyages that departed from Massachusetts, first in 1805 and again in 1807, though it remains unclear whether Brewster men were on board at that time.²⁷ By **Nickerson's** side was Isaac **Clark**, who had long occupied the most prominent positions in Brewster’s civic and religious life. Sarah Augusta **Mayo** reports in her memoir *Looking Back* that when **Cobb** first invited his close friend to join this venture **Clark** demurred. “But Capt. **Cobb** was so sanguine as to the results,” she writes, “and held out such inducements, that grandfather decided to accept the offer.”²⁸ The fact that **Clark** had lost his eldest son to yellow fever in Havana, Cuba that same summer may have been a contributing factor in his decision to embark on this African voyage in September.

Sailing southward along the Gold and Windward Coasts, the pair of vessels continued over the better part of six months to pursue its tag-team trade along shorelines dotted with barracoons, or “slave factories.” This configuration, in which an agile schooner or sloop serves as auxiliary tender to a large-capacity ship or brig, was typical of slaving voyages. But according to testimony supplied by the crew of the *Ten Brothers* on the ship’s return to Boston, this was assuredly *not* a slaving voyage. Whether or not these Cape Cod seamen were in fact telling investigators the truth, it seems fair to assume that they would have denied involvement in a trade that had been declared a federal crime in 1808 and prohibited to citizens of Massachusetts as early as 1788.²⁹

A Passport to the Realms of Blessedness³⁰

On 19 January 1819, the *Ten Brothers* and *Hope* reunited in the harbor at Príncipe, or “Prince’s Island,” as they called it, where Portuguese plantations fueled by slave labor produced coffee for export.³¹ Situated just a hundred miles north of the equator, the island was a tropical paradise—a true “gem of the ocean,” in the words of Peter **Leonard**, a surgeon with the British Navy who knew it was also a thriving hub of the transatlantic slave trade. As his ship, the *HMS Dryad*, cruised these waters in an effort to suppress the traffic, **Leonard** could not help but comment that “nature must have been in one of her most fanciful humours when she formed a land so beautiful and romantic.” But the European and American crews that regularly dropped anchor in this harbor did not come to take in the lush scenery. What made the island a favored destination among slaving vessels was the relative shelter it provided from the infectious diseases so common along the coast. Ironically, it was precisely here, in this haven, just a decade before the *Dryad*’s passage, that yellow fever caused havoc among the Cape Cod contingent.³²

The outbreak began on board the *Hope*, where it appears Captain **Nickerson** became Patient Zero. Before the suffering man could be removed to shore sometime around 4 February, the virus had spread to fourteen-year-old Kimball **Clark**, who died in agony three days later. In a letter to his wife, **Cobb** confided that “such senes [sic] of distrefs & death, is severely trying to me”; indeed, it had been his doleful task that same week to close the yellowed eyes of Isaac **Clark**, the dear friend whom he had coaxed out of retirement with the promise of a highly lucrative trading venture. It may well have been **Cobb** himself who served as a vector for the virus when it jumped ships and struck down Captain **Mayo** of the *Ten Brothers* on 18 February. With the fever now ravaging both crews, the ailing **Cobb** assumed a frenzied command of the larger of the two vessels. In the same instant, he charged nineteen-year-old John **Dillingham** III—“the only one willing to

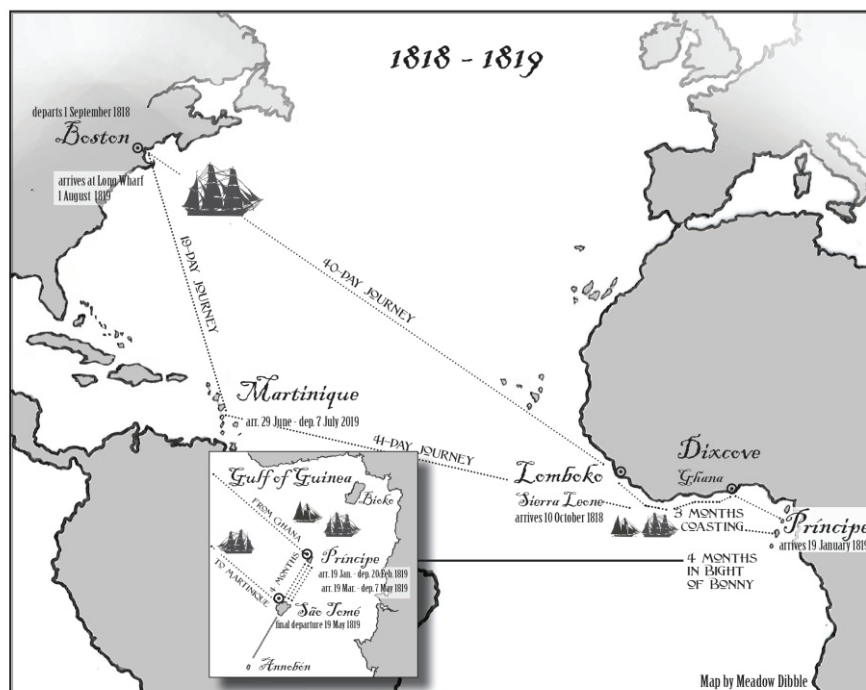
undertake”—with the responsibility of sailing the *Hope* back to Boston with the incapacitated and highly infectious David **Nickerson** on board. When writing of these calamities to his wife, Mary **Pinkham Cobb** (1770–1835), **Cobb** presciently expressed doubt that **Nickerson** could survive the journey while assuring her that he himself would prevail in the face of this illness.³³

Appointing an agent onshore at Príncipe to look after his interests, **Cobb** ordered the *Ten Brothers* put to sea on 21 February. “I shall work up to the windward of these islands & pafs away 3 or 4 weeks, until the sickly season pafses,” he explained, suggesting he had set a course for the neighboring islands of São Tomé and Annobón.³⁴ Such trying circumstances had nearly “unmanned” him, **Cobb** confessed to the woman he referred to in his memoir as his “pertner [sic] in life’s voyage.”³⁵ He would gladly have departed for home then and there had he not advanced “3 or 4000 Dollars of goods . . . in orders for coffee.” It apparently went without saying, between these “pertners,” that no amount of tragedy could justify leaving such a sizable amount of money on the table. Despite having already lost at least four members of his party to the virulent fever, and with several crewmembers still sick and highly “alamed” [sic], the veteran captain made it clear that he wasn’t about to leave the region without first collecting a profitable cargo in return for his investment. To appease his men, they would spread sail and head south for a bit. “Git good air,” wrote **Cobb**, “& *I hope*, fresh sperits [sic].”

It would seem that the commander often described by commentators as deeply pious also had a supreme confidence in the power of mind over matter. “Amagination [sic] in this country works wonders,” **Cobb** offered optimistically, as if the plague could be overcome by a mere change in outlook.³⁶ Everything was in God’s hands anyway, he rationalized in his letter to Mary. The only thing he and his crew could really do was to “take all reasonable precaution, and trust our lives & healths, to an alwise, aljust, & mercifull God, *who cannot err*” [sic; emphasis in original].³⁷

It turns out **Cobb** wasn’t big on taking precautions. Rather than steer clear of danger, Brewster’s boldest maverick sailed straight for it, time and time again. He may have carried through with his plan to flee the fever raging at Príncipe in favor of São Tomé, as he had assured his wife he would, but it does not appear that he apprised her of his next move. In effect, after a month’s absence, the captain ordered the *Ten Brothers* back to the very port where his men had died, exposing his remaining crew once again to the deadly disease over the next sixty sweltering days in order to complete the transaction he had partially paid for. Nor did he tell Mary what he had confided to his son, Elijah Jr.—that while enjoying the “good air” of São Tomé (which Peter Leonard, by contrast, described as a “poisonous atmosphere”), the intrepid Yankee trader appears to have contracted for yet more goods, even as young Godfrey **Lincoln** succumbed to yellow fever

THE JOURNEY OF THE SHIP TEN BROTHERS AND THE SCHOONER HOPE



before his very eyes. After concluding the business he had left unfinished at Príncipe, Cobb sailed the *Ten Brothers* back to São Tomé a second time, undaunted by this latest fatality and resolved to round out his cargo before departing Africa at the end of April.

Given his obsessive determination to wring a profit from this deadly voyage, one is forced to wonder what commodity could possibly warrant repeatedly placing the lives of his men at risk.

“Coffee,” the merchant captain wrote his wife and son.

“Indian corn,” he later assured inspectors from the Board of Health.

Neither, of course, was a high-profit-margin item. And neither was found on board the *Ten Brothers* in any significant quantity upon the vessel’s return to Boston.

Triangulating the Trade

Elijah Cobb’s activities in West Africa have received little more than passing mention from his many admirers over the years. On the rare occasions that the 1818–19 voyage of the *Ten Brothers* has been evoked, accounts have consistently jumped from the outbreak of the sickness (which commentators almost always fail to identify as yellow fever) to the

destruction of the vessel (also erroneously described every time). What they have all left out, oddly, is the leg of this journey that concluded when the ship dropped anchor at the third point of its Atlantic triangle.

Although J. Henry **Sears** devoted eleven pages to the veteran sea captain's many overseas exploits in his 1906 work *Brewster Ship Masters*, the author spent surprisingly little time describing **Cobb's** two trips to West Africa. "During the second voyage there was much sickness of a contagious character," **Sears** wrote, "and the ship on her return was sunk at the end of the wharf, to prevent contagion in the city of Boston."³⁸ **Ralph Paine**, in his 1925 *Forward*, stated simply that **Cobb's** crew "suffered grimly" on the Guinea Coast before concluding: "His ship had to be scuttled at a Boston wharf, so foul was she with deadly fever, and there was fear that the contagion might spread ashore. This was the end of his seafaring career of nearly forty years."³⁹ **Henry Kittredge**, after including three of the letters the sea captain wrote from Príncipe in his own 1935 summary of the "dreadful tragedy," concluded simply: "Luck and robust health brought **Cobb** home in safety from this, his last voyage."⁴⁰ The late **Ellen St. Sure**, who for decades served as Town Archivist to Brewster, summarized the entire African episode in a single paragraph, describing how a virulent fever led to a "human catastrophe" for **Cobb** and his friends. "When the ship returned to Boston," **St. Sure** wrote in 2000, fast forwarding through six significant months, "the survivors were first quarantined on board, then allowed ashore and the *Ten Brothers* was burned at anchor in the bay."⁴¹

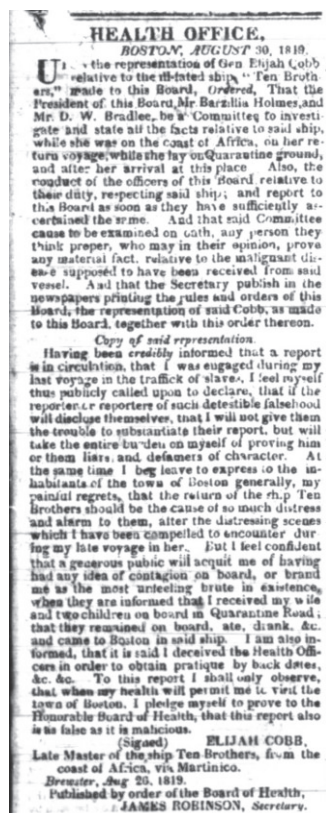
Thus has a major aspect of the *Ten Brothers'* 1818–19 voyage remained conspicuously absent from previous accounts—namely the fact that, from Africa, the vessel did not sail straight back to Boston. Embarking first on a 40-day passage westward to Martinique, it traced across the broad Atlantic the second leg of what would ultimately become a triangle. How this part of call came to be effaced from our collective memory is curious, since **Cobb** himself had announced his intention to touch at the West Indies before sailing home in letters to both his wife and his son that were appended to his memoir.⁴² Remarkably, neither **Paine** nor any of **Cobb's** other local commentators seem to have taken note of this significant detail; only historian Robert Blake notes that the vessel "arrived at quarantine from Africa via Martinique."⁴³ No one raised an eyebrow at the highly suspicious trajectory the vessel followed and which is so suggestive of a slaving voyage. Consequently, not one of them was forced to wonder—publicly, at least—what sort of cargo the Brewster man may have carried from Africa to a Caribbean island covered with sugar plantations run on slave labor.

Factoring Martinique into the economic equation at the heart of this merchant venture leads us to challenge some of the readily accepted assertions. Given the basic laws of supply and demand, how plausible is **Cobb's** claim, for example, that the cargo unladed from the *Ten Brothers* at

the port of St. Pierre consisted of 1,800 bushels of Indian corn, as he later reported to the Boston authorities?

By 1819, New England vessels had for nearly two centuries been transporting provisions destined for consumption by enslaved Africans to Europe's monoculture plantations of the West Indies. Grains, livestock, lumber, salt cod, and tools were shipped southward along well-worn trade routes that hugged the eastern seaboard in what was known as the "coasting" trade. This flourishing sector, to which New England owed its economic ascent in the eighteenth and nineteenth centuries, involved supplying the Caribbean's planter class with everything it needed to keep captive Africans churning out sugar and molasses at a murderous rate.⁴⁴ In this context, the notion that a New England ship would sail all the way to Africa simply to purchase foodstuffs for resale in the West Indies seems absurd. This is especially true in the case of Indian corn. To be sure, maize could be purchased along the Gold Coast of Africa in the nineteenth century, but the savvy merchant we know **Elijah Cobb** to have been would hardly have made a transatlantic crossing to procure a load of low-value grain for resale on the ocean's opposite shore when Indian corn was produced in abundance right here in the Northeast.

To state the question plainly: If **Elijah Cobb** could have easily obtained a cargo of Indian corn in New England and shipped it coastwise to Martinique, why would he engage in the far more time-consuming, less economical, and infinitely more dangerous transshipment of this grain across the Atlantic? The simple answer is, he would not. It was only after investigators from Boston's Board of Health asked **Cobb** to explain the presence of some putrid ears of corn they had found scattered among the timbers of his vessel that **Cobb** claimed they were remnants of a cargo of 1,800 bushels of Indian corn he had sold in Martinique. As we shall soon see, however, this statement was in direct contradiction with earlier reports he had made about the nature of his merchandise. Indian corn was actually a common feature of slaving voyages. Crushed and boiled, it formed a thick gruel used to keep captive



Health Office—Cobb's Defense

Africans alive during their transatlantic passage to the Americas, even when the enslaved would have preferred death. In fact, the British Navy had come to consider its presence in large quantities on board vessels stopped off the African coast as potentially indicative of a crew's intention to engage in slave trading.

If it wasn't Indian corn the *Ten Brothers* delivered to Martinique, could it have been coffee that **Cobb** unladed at the island? After all, this is the commodity he told his wife he'd been awaiting in Príncipe, and it was supposedly with the aim of picking up an additional cargo of beans that he'd sailed back to São Tomé a second time. Here, too, a few moments spent contemplating market conditions in the nineteenth-century Caribbean are enough to reveal the improbability of such a claim. For whose consumption would the coffee have been destined, for example? The French and creole planters of Martinique were hardly in the habit of treating their enslaved work force to such luxury items. Nor would they have been so foolish as to purchase imported beans when the crop grew plentifully on their own islands.

For the past two hundred years, **Cobb's** commentators have relied on facile assumptions rather than logic when discussing his commerce in Africa. Today we can do better—and we must, because historical erasure is not a victimless crime. If it wasn't Indian corn **Cobb** sold in Martinique, and if it wasn't coffee, then we have to face the horrific but very likely possibility that the commodity Brewster's revered patriarch delivered to the Caribbean island was a cargo of enslaved Africans. That would explain the presence of Indian corn on board, for it would have served to feed them. It would explain why the *Ten Brothers* sailed in consort with the *Hope*. It would explain why the two vessels lingered along the "Slave Coast" for over half a year. It would explain why **Cobb** was willing to risk the lives of his friends and crewmembers in order to complete his commercial transactions in the Gulf of Guinea. And it is perhaps the only explanation for the *Ten Brothers'* unbearable stench. Rotting corn or coffee could not have generated the haunting odor described by witnesses. That was far more likely due to the imprisonment below decks of between 300–400 captives chained to one another in suffocating proximity for the length of an interminable Middle Passage. Impossible to mask or remove, the noxious stench that Boston could not ignore was, in all likelihood, the very smell of human suffering—an almost palpable reminder of those men, women, children, and infants forced to lie in their own excrement and vomit alongside the rotting corpses of those having already succumbed to yellow fever or dysentery.

Such scenes of almost unimaginable horror were of course no longer playing out in the ship's hold when the *Ten Brothers* sailed into Boston Harbor. Whatever captives had survived the Atlantic crossing would have

been made to disembark in Martinique and been auctioned off before the island's plantation owners could suspect this human cargo of being compromised. But the nauseating stench of death that enveloped the harbor as **Cobb's** vessel made its fateful approach would have been unmistakable to the people of this coastal city. Slave ships, they knew from experience, could be smelled from miles off.⁴⁵

If the offense had simply been committed against their olfactory senses and some hypothetical cargo of Africans—a population considered by most Americans of that era to be only hypothetically human, after all—then everyone might have continued to look the other way as they long had done, disgusted, perhaps, but tolerating with resignation a commerce pursued by the region's most powerful merchants four full decades after slave trading had been prohibited to residents of Massachusetts. But the diseased ship had miseries in store for more than just those whose absent bodies hung in the air like abstractions made manifest.

The Case of the Empty Cargo Hold

By the time the *Ten Brothers* docked at Boston's Long Wharf, it had been under the command of its former supercargo for five months. All told, seven Brewster men had succumbed to the risks inherent in doing business in what had long been known among mariners as the White Man's Grave. On learning the devastating news, wives and mothers ordered white marble headstones to be engraved with the names of their loved ones and the places where they'd died, as if the practice of situating tragedy in latitude and longitude could somehow ease their pain. With the ship at last at anchor in Boston Harbor, it was time to see what prize had warranted such significant loss of life.

When a customs officer by the name of **Eaton** braved the vessel's repulsive stench to assess the value of its return cargo, the surviving crew refused to accompany him into the dank hold. Though the *Columbian Centinel*—"printer to the state"—had announced days earlier that Boston traders could expect a shipment of "ivory and coffee" as soon as the vessel was released from quarantine, a committee appointed by the city's Board of Health noted the presence of neither during its investigation.⁴⁶ A later report issued by a special committee of New York's House of Assembly mentions a few insect-ridden gunny bags full of rotting coffee beans, but nowhere near the amount that would constitute a commercial cargo.⁴⁷ What had the *Ten Brothers* brought back from its nearly year-long journey to Africa and the West Indies, aside from a noxious odor? Mosquitoes. Lots of them. Of the *Aedes aegypti* species, to be specific. And they were carrying the dreaded yellow fever virus that had ravaged the ship's crew.

Within days of the *Ten Brothers*' arrival at home port, the population's disgust with this "most foul vessel" would turn to terror as many of those having boarded the merchant ship became a shocking shade of yellow, bled from every orifice, and died in contorted fits of agony. **Eaton** was among the first to perish, but not before he had infected the crews of other ships in the busy harbor in the course of his inspections. Daniel **Badger**, who had retrieved a box from the hold, was another early victim. Despite the Brewster crew's refusal to participate in the unlading process, three more of them fell ill, left the ship, and carried the virus beyond the confines of the port before expiring in pools of their own black vomit. While the *Columbian Centinel* emphatically assured readers that there was no cause for alarm, word on the street placed the death toll in the hundreds, even thousands. Rumors spread about ailing neighbors surreptitiously carted off after dark, about countless midnight burials kept off the official tallies. City-dwellers fled *en masse* to the countryside. Businesses were abruptly shuttered.

There was never any doubt as to the source of the yellow fever outbreak that ravaged Boston's waterfront that summer. The entire city, it seems, was unanimous in accusing the *Ten Brothers* of carrying a plague in the place of a cargo, like some malignant Trojan horse. Taking decisive action eleven days after the ship docked at Long Wharf, the Board of Health declared it a diseased vessel and ordered it scuttled and sunk. On 30 August 1819, a month after its arrival, a committee was tasked with investigating and stating "all the facts, relative to the ship *Ten Brothers*; while she was on the coast of Africa, on her return voyage, while she lay on quarantine ground, and after her arrival at this place..."⁴⁸ Meanwhile, the man responsible for visiting the plague upon the city of Boston was by then comfortably settled back in his stately mansion by Cape Cod Bay, now home to the Brewster Historical Society.

With Boston in an uproar and fingers pointed directly at him, it seems Elijah **Cobb** grew hot under his fancy collar. The captain had been publicly accused of two heinous crimes: illicit slave trading and knowingly sailing a diseased ship into Boston harbor. If found guilty on either account—to say nothing of both—he would face stiff punishment. Evading quarantine regulations could earn a ship captain six months in jail or a fine of \$1,000. As for contraband slave trafficking, it had become a federal offense a full decade earlier. Shortly after these incidents took place, in fact, Congress passed the Act of 1820 equating slave trading with piracy and making it punishable by death. On 26 August 1819, **Cobb** penned a vehement rebuttal to the allegations that had been lodged against him. A week later, his indignant statement was printed in the *Columbian Centinel*.

“Having been credibly informed that a report is in circulation, that I was engaged during my last voyage in the traffick [sic] of slaves, I feel myself thus publicly called upon to declare, that if the reporter or reporters of such detestible [sic] falsehood will disclose themselves, that I will not give them the trouble to substantiate their report, but will take the entire burden on myself of proving him or them liars, and defamers of character. At the same time I beg leave to express to the inhabitants of the town of Boston generally, my painful regrets, that the return of the ship Ten Brothers should be the cause of so much distress and alarm to them, after the distressing scenes which I have been compelled to encounter during my late voyage in her. But I feel confident that a generous public will acquit me of having had any idea of contagion on board, or brand me as the most unfeeling brute in existence, when they are informed that I received my wife and two children on board in Quarantine Road; that they remained on board, ate, drank, etc. and came to Boston in said ship. I am also informed, that it is said I deceived the Health Officers in order to obtain pratique by back dates, etc. etc. To this report I shall only observe, that when my health will permit me to visit the town of Boston, I pledge myself to prove to the Honorable Board of Health, that this report also is as false as it is malicious.”

(Signed) ELIJAH COBB

Late Master of the ship Ten Brothers, from the coast of Africa, via Martinico.

Brewster, Aug 26, 1819.

This statement deserves more attention than present constraints allow. In Part II of this article, I will describe the shocking events that occurred in the days, weeks, and months following the *Ten Brothers*' return to Boston through a detailed analysis of archival materials. In closing this first chapter, which I have devoted to the voyage itself, it seems important to underscore the fact that two hundred years ago, every head of household in Brewster would have known that the people of Boston had accused Elijah **Cobb** of slave trading. And it strikes me as worth pondering how we, as a community, came to forget so essential a fact, preferring instead to celebrate him uncritically. What does it mean that the shipmaster's commentators have consistently turned a blind eye to the highly suspicious circumstances surrounding his African trading voyages? As we reverently maintain the gravesites of those who died on the fateful voyage of 1818–19, why hasn't it occurred to us to wonder if there were other casualties, from other communities, as the vessel advanced along its triangular trajectory? And

what are we to make of the fact that, contrary to all previous claims, the *Ten Brothers* was not actually destroyed after the Board of Health ordered it scuttled and sunk back in 1819? Indeed, I discovered that the Diseased Ship sailed on in 1820. And the yellow fever epidemic it imported to Boston? It spread.

Part II of this article will appear in the Spring issue of the *Cape Cod Genealogical Journal*.

¹ Among the owners of the ship *Ten Brothers* were Israel **Thorndike**, Jr., whose father was then considered the wealthiest man in New England, and William **Dodge** of Ipswich, whose continuous investment in the *Ten Brothers* dated back to 1812. Israel Thorndike, Sr. made at least part of his sizeable fortune in the slave trade. In a letter dated October 4, 1791, “Brown & Thorndike, owners,” gave sailing orders to Nicholas Thorndike, master: “proceed to Cape Francis... & purchas from five to fourteen good negroes, as the price may be, & lay in such food for them as is best suited to preserve their Health & proceed to the Havanna, in the Island of Cuba youl. be Very Carefull to keep them well Secured at all times, & on your arrival youl sell them for the most that Can be Obtained, & purchas as much Molasses as your Vessel will stow.” Israel Thorndike, Sr. was also active in privateering and in the China trade before refocusing his energies on textile manufacturing. John Douglas Forbes and Israel Thorndike. *Israel Thorndike, Federalist Financier*. (Published for the Beverly Historical Society by Exposition Press, 1953), 29.

² “Contagion and the Fever of the Last Season,” *New England Journal of Medicine* (April 1820).

³ Enoch Hale, “The Late Fever in Boston,” *New England Medical Journal* (October 1820).

⁴ Stephen Chambers, *No God but Gain: The Untold Story of Cuban Slavery, the Monroe Doctrine, and the Making of the United States* (Verso, 2015), 13.

⁵ Isaiah **Green**, Collector of Customs in District VII (comprising all of Barnstable County) from 1814 to 1819, wrote on May 5, 1814 to then Secretary of the Treasury George W. **Campbell** to complain that his predecessor, William **Otis**, refused to surrender “the marine bonds and papers belonging to this office, such as the abstracts of Registers, Enrolments and Licenses issued and surrendered, Tonnage, and marine hospital books, etc.” In his introduction to the truncated *Alphabetical List of Ship Registers, District of Barnstable, Massachusetts*, J. W. McElroy, Deputy Archivist for New England at the National Archives Project, wrote, “Whether at this date, the Barnstable records had already been lost in the same fire that destroyed those of Edgartown or whether ex-Collector Otis had done away with them to prevent the material from falling into his successor’s hands, cannot be determined.” National Archives Project. (1938). *Alphabetical list of ship registers, district of Barnstable, massachusetts, 1814-1913: Compiled from original documents stored in the New Bedford Customs house*. Boston, Mass.: [s.n.].

⁶ Henry Crocker **Kittredge**. *Shipmasters of Cape Cod*. (Houghton Mifflin, 1935), 72.

⁷ The only scholarly attention the *Ten Brothers* has received to date was from historian John B. Blake, who discusses the viral outbreak associated with this ship in the chapter “Quarantine and Yellow Fever” of his 1959 work *Public Health in the Town of Boston* (Cambridge: Harvard University Press). Like other commentators, however, Blake similarly concludes that the ship was destroyed and the epidemic contained.

⁸ *Ibid.*

⁹ *Op. cit.*, 86

- ¹⁰ R.G.A., “Elijah Cobb,” *Dictionary of American Biography*, (New York: Charles Scribner’s Sons, 1937) 240.
- ¹¹ The Brewster Historical Society’s gift shop, I learned to my great surprise, was named after my grandfather, Robert E. Dibble.
- ¹² Deborah Hill. *Recollections of a Cape Cod Mariner*. (North Road Publishing, 2012) vi.
- ¹³ *Ibid.*
- ¹⁴ Deborah Hill. *This Is the House*. (North Road Publishing, 2011) v.
- ¹⁵ *Ibid.*
- ¹⁶ *Op. cit.*, 388.
- ¹⁷ *Op. cit.*, v.
- ¹⁸ Ellen St. Sure, “Historic Brewster Comes Alive,” (October 2000).
- ¹⁹ Sue Mellen, “Veteran Sea Captains Abounded in 1860 Brewster,” *Cape Cod Times*, 1978.
- ²⁰ Theresa Mitchell Barbo, *Hidden History of Cape Cod*, The History Press, 2015, p. 55.
- ²¹ The fact that this outbuilding was used as a summer camp by Horatio Alger is mentioned in correspondence between the Brewster Historical Society and the Massachusetts Historical Commission that deals with the eligibility of Elijah Cobb’s house for inclusion on the National Register.
- ²² Alice Cox, “Elijah Cobb—Brewster’s Horatio Alger,” *Summerscape* (June 18, 1987).
- ²³ *Ibid.*
- ²⁴ Between voyages and after retiring from the sea in 1820, Cobb managed to serve Brewster in just about every capacity imaginable. He was Town Treasurer and Town Clerk, Inspector General, Justice of the Peace, Representative and Senator to the Massachusetts legislature. As a member of the militia he climbed to the rank of Brigadier General.
- ²⁵ “Hardware” was often used euphemistically to refer to weapons in the context of transatlantic merchant voyages. In a letter to his wife dated 4 February 1819, Elijah Cobb describes a different (or perhaps an additional) cargo to the one detailed in his deposition to Boston’s Board of Health, this one consisting of “Tobacco, Flour, Tea, & salmon.”
- ²⁶ Marcus Rediker. *The Amistad Rebellion*. (New York: Penguin, 2012) 42.
- ²⁷ See <http://www.slavevoyages.org>, voyage ID #28038 and #28040, source T70/1584: *British National Archive* (Kew) Treasury.
- ²⁸ Sarah Augusta Mayo. *Looking Back*. (Brewster, MA: The Brewster Ladies’ Library Association) 34.
- ²⁹ Lilian Brandt, “The Massachusetts Slave Trade,” *New England Magazine* (Vol. 21, September 1899).
- ³⁰ Elijah Cobb penned this phrase in a letter to his wife dated 18 February 1819 in which he described the death of Captain Mayo. Elijah Cobb. *Elijah Cobb, 1768–1848; a Cape Cod Skipper*. New Haven: Yale university press, 1925.
- ³¹ Peter Leonard, writing just ten years after the *Ten Brothers’* passage at Príncipe, affirmed that “the only article exported from the island is coffee, almost all of which goes to Boston in America, and Bordeaux in France.” Peter Leonard. *Records of a voyage to the western coast of Africa in His Majesty’s ship Dryad, during the years 1830, 1831, and 1832*. (Edinburgh: William Tate, 1833) 123.
- ³² It is entirely possible, actually, that it was either the *Hope* or the *Ten Brothers* that brought yellow fever to Príncipe in January 1819 after months spent trading along the African coast.
- ³³ Cobb would have had a good deal of first-hand experience with yellow fever, after nearly forty years sailing between ports where the disease regularly caused havoc. It is likely, in fact, that he had been exposed on some previous voyage and developed an immunity.
- ³⁴ This corresponds to the vessel’s itinerary as described in the report published by the Board of Health. See “Case of the Ten Brothers,” *New England Journal of Medicine* (January 1820; 9:99).

³⁵ Cobb, 48.

³⁶ Cobb, 94–96.

³⁷ Cobb, 94.

³⁸ J. Henry Sears. *Brewster Ship Masters*. (C. W. Swift, 1906), 19–20.

³⁹ Cobb, 16.

⁴⁰ Kittredge, 89.

⁴¹ Ellen St. Sure, “Historic Brewster Comes Alive,” (October 2000).

⁴² What’s more, Martinique figures in the report published by inspectors of Boston’s Board of Health in the January 1820 issue of the *New England Journal of Medicine*, as well as in several subsequent commentaries that appeared in later issues of the same journal.

⁴³ Robert Blake. *Public Health in the Town of Boston* (Cambridge: Harvard University Press), 197.

⁴⁴ On average, Africans who survived the Middle Passage only to be sold into Caribbean slavery could expect to live no more than eight years once put to work on these brutal sugar plantations.

⁴⁵ In his autobiography of 1789, Olaudah **Equiano** wrote: “The stench of the hold while we were on the coast was so intolerably loathsome, that it was dangerous to remain there for any time... It became absolutely pestilential. The closeness of the place, and the heat of the climate, added to the number in the ship, which was so crowded that each had scarcely room to turn himself, almost suffocated us... The air soon became unfit for respiration, from a variety of loathsome smells, and brought on a sickness among the slaves, of which many died.” Olaudah **Equiano**. *The Interesting Narrative of the Life of Olaudah Equiano, Or Gustavus Vassa, The African Written By Himself*. (London, 1789).

⁴⁶ “Case of the Ten Brothers,” *New England Journal of Medicine*, January 1820; 9:98–104.

⁴⁷ An advertisement appearing in the 7 August 1819 issue of the *Independent Chronicle & Boston Patriot* would seem to contradict this report, as it lists items unladed from the Ten Brothers as consisting of “141 bags shell Coffee—50 do clean do.; 90 prime Ivory Teeth—476 Scrivillers; 1 bag Gum Copal; 1 pair 2 pound Cannons.”

⁴⁸ *Op. cit.*, 98.



Harris-Black House Research

I recently reached out to Beth Finch, a docent for the Brewster Historical Society who interprets the Harris-Black House now located at Brewster's Drummer Boy Park. I had a distant recollection of having learned that the Harris-Black house was in fact owned and occupied by a Black (that is, African-descended) family. Yet, when I watched the [BHS video](#) about the site, the family's Black heritage is nowhere mentioned.

On the 1840 census, Nathan and Elizabeth Harris Black were indeed listed as "free people of color," meaning that they had African ancestry, even if they might also have had Indigenous ancestry.

I feel it is very important that the Brewster Historical Society acknowledge this fact in their interpretations of the Harris-Black house. Family history should be researched as exhaustively as possible, in collaboration with descendants. The results should be made available to the public on the BHS website and elsewhere. A plaque should be affixed to the house.

The [Robbins House](#) in Concord and the [Royall House and Slave Quarters](#) in Medford offer good examples of how such historic house museums owned and occupied by enslaved or free people of color should be interpreted.

In the Brewster Historical Society video, Beth Finch states that Elisebeth/Elizabeth Harris Black inherited the house in question and that she married "Nathan Black, the first Nathan Black of that name. They were married in 1822... He came from South Yarmouth."

According to my research, in 1800, Nathan Black is listed in the US Census as head of a household of five in Harwich under the category "All other free persons except Indians not ____." Also grouped in this category are Jese Cesar, John Homes, Jesse Cesar, and Reuben Fortune.

The Nathan Black of the 1800 census can obviously NOT be the one born in 1799 who married Elisebeth Harris Black and who, according to the BHS video, came to inhabit the Harris-Black House. The first Nathan Black was already raising a family in Brewster... did another actually come from South Yarmouth, I wonder? Or was he perhaps one of the five members of the elder Nathan Black's household in 1800?

Down from a total of 29 free persons of color listed as having resided in Brewster/Harwich in 1800, the 1810 census lists only three individuals under “all other persons except Indians” in Brewster and one in Harwich. I find no reference to Nathan Black, as names are not given.

I was again unable to find the Black family in the 1820 census, though in the combined categories of “colored males” and “colored females” there are 15 people of color said to be living in Brewster out of a total population of 1,285.

The census of 1830 uses the category “Free Colored Persons,” of which there are a total of 13; this is where I found Nathan Black, whose family now numbers 8; also listed in this category are heads of household Susan Toby and Jedidiah Cesar.

The 1840 census also uses the “Free Colored Persons” category. Now Nathan Black’s family includes 10 members and there are a total of 19 people of color living in Brewster—two of them under the roofs and presumably in the employ of white households.

If the 1850 census uses the general terms “Col. males” (5) and “Col. females” (4), this time every member of Nathan Black's household is named and the race of each is listed as “Black.”

By 1860, however, the Blacks are no longer classified as “Black” but rather as “Mulatto”—all but Susanna, that is, who is “White.” Nathan, Elizabeth, Elizabeth Harris, and Julietta Chase were all also designated as “paupers” at this time.

Oddly, the 1870 census tally lists no people of color in the town of Brewster. Still, every member of the Black family comes up as “Mulatto” with the exception of Bridget (white, from Ireland) and Elizabeth, who mysteriously is now “White” after having been previously listed as both “Black” and “Mulatto.”

In 1880, Elizabeth is again confirmed in her new status as “White.” Nathan Black (age 35) has also become “White,” as have all his kids.

It is here, in 1880, that the Cash family appears, with George listed as “Black,” his wife “White,” and their children “Mulatto.”

There can be no doubt but that the Nathan Black family were people of African heritage. The fact that the 1850 census lists every family member in the Black household as “Black” should clear up any confusion created by the changing census categories from one decade to the next.

It is of course possible that the Black family had some Indigenous ancestry as well, perhaps on Elisebeth/Elizabeth Harris Black’s side. It seems especially plausible given the matrilineal custom reenacted down through the generations of deeding the property to the woman rather than the man.

I have to imagine that people at the Brewster Historical Society combed through all of the same census records I did in an effort to learn more about the former owners and inhabitants of the Harris-Black House. They must have seen, like me, that the Black family was alternately categorized under “All other free persons except Indians...” and “Free Colored Persons” and “Black” and “Mulatto” over nearly a century before eventually being called “White.” Why did no one at BHS think it worth mentioning that these were people of color?

The fact that Nathan Black’s family was Black—and not only that, but that they were among only a handful of others and were the most longstanding family of color in Brewster— should radically change the way in which that building is interpreted.

Brewster, US Census 1830: “Free Colored Persons”

Heads of household	Nathan Black	Susan Toby	Jedidiah Cesar
colored males under 10	2	1	
10-24			
24-36			
36-55	1		
55-100			
100+			
colored females under 10	2	1	
10-24	1		1
24-36	1		
36-55		1	1

55-100	1		
100+			
	8	3	2

total 13 “Free Colored Persons”

Brewster, US Census 1840: “Free Colored Persons”

heads of household	Nathan Black	Susan Toby	Jedidiah Cesar	totals
colored males under 10	3	1		4
10-24	2			3
24-36			1	1
36-55	1			1
55-100				1
100+				
colored females under 10	2		2	4
10-24	1	1		2
24-36				
36-55	1	1		2
55-100			1	1
100+				
	10	3	4	19

the two other “Free Colored Persons” were living in white households:

- in 1840, Tempy Clark had one male “Free Colored Person” – a male between the ages of 55 and 100 living under her roof

· in 1840, Freeman Foster had one male “Free Colored Person” between the ages of 16 and 24 living under his roof

Brewster, US Census 1850

population total: 1525

“Col. males”: 5

“Col. females”: 4

name	sex	age	race	birth year	house	
Nathan Black	Male	51	Black	1799	185	farmer
Elisabeth Black	Female	47	Black	1803	185	
David R Black	Male	25	Black	1825	185	
Timothy Black	Male	20	Black	1830	185	sea
Hannah Black	Female	21	Black	1829	185	
Alva H Black	Male	14	Black	1836	185	
Desire R Black	Female	8	Black	1842	185	
Sarah H Black	Female	7	Black	1843	185	