

ARTICLE 16C: ARTICLE 16C: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase or otherwise for open space purposes pursuant to the Community Preservation Program and to accept two deeds for a total of \$190,000.00 to the Town of Plymouth of a fee simple interest of a 19 acre parcel of land more or less and a 15 acre parcel of land, more or less located at 911 Old Sandwich Road shown on Assessor Map 9 Lot 65 and a second parcel of land of 15 acres, more or less, located off Long Pond Road shown on Assessor Map 64 Lot 15 as further that said land shall be held under the care, custody, and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefore to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow a sum of money pursuant to G.L. c.44B or any other enabling authority, and to authorize the Treasurer, with the approval of the Board of Selectmen to borrow said sum of money and issue notes and bonds therefore; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§31-33; or take any other action relative thereto.
COMMUNITY PRESERVATION COMMITTEE

CPC RECOMMENDATION: Approval (unanimous)

The Community Preservation Committee voted unanimously in favor of article 16C at their meeting held Thursday, August 25, 2011

SUMMARY:

The intent of Article 16C is to purchase two parcels of land from one landowner. The first parcel 19 acres of land more or less is located at 991 Old Sandwich Road and shown on Assessors Map 65 Lot 9. A second parcel, 15 acres more or less, is under the same ownership and located off Long Pond Road and shown on Assessors Map 64 Lot 15. The first acquisition will improve access and connections to existing non-profit private conservation land and to Town owned conservation land. The second acquisition will also improve access and connections to private non-profit conservation land and Town owned conservation land. Also the second acquisition will improve Town access to Grassey Pond.

**TOWN OF PLYMOUTH
APPLICATION TO THE COMMUNITY PRESERVATION
COMMITTEE
AUGUST 2011**

PROJECT:	991 Old Sandwich Road Conservation Proposal
LOCATION:	991 Old Sandwich Road
ACREAGE:	Approx. 20 acres
CURRENT OWNER:	Mary Seaver

PROPOSAL SUMMARY: Mary Seaver, heir of the late Gerald Kelleher, recommends that the Plymouth Community Preservation Committee explore the desirability of acquiring a 20-acre parcel of primarily wooded upland situated between two larger parcels of open space of the Wildlands Trust and the Town of Plymouth along the Ship Pond Road corridor. The parcel features typical forestation for the area of Pitch Pine and Scrub Oak and varies topographically from level to rolling. It is strategically situated between conservation and municipal parcels and would further expand and widen the green corridor along Ship Pond Road, connecting the adjacent Emery Preserve to a wider swatch of green space moving in the direction of the Bay. Wildlands Trust has expressed an interest in holding the required CPA Conservation Restriction.

PARCEL HISTORY: Mr. Kelleher owned this parcel for decades. In the late 1990's, he sought a permit to place a cell tower on the premises, which was denied by the Zoning Board of Appeals. In June of 2005, Mr. Kelleher had the parcel appraised for \$285,000 by Mark Truran of Wareham (copy on file), with an eye toward selling it to a residential developer. Mr. Kelleher later offered it to the Town of Plymouth via the CPC in an application dated March 14, 2007, without response. Mrs. Seaver, since inheriting the parcel in 2009 has had the property evaluated for both a wind power development and a subdivision (The Town Planners informally supported the idea of a pork-chop subdivision into two lots where the front lot would acquire a residential building permit and the rear lot could still obtain a turbine dedicated to supply the Town.

Mr. Truran recently revisited the appraisal and revised it downward to \$220,000. As the development options will require great investment and an uncertain permitting environment, Mrs. Seaver prefers to offer the lot once again to the Town before proceeding. She will sell the parcel to the Town of Plymouth for \$185,000 for conservation purposes, which is significantly less than the appraised price of \$285,000, in keeping with her late brother's express interest in leaving a legacy to the Town for conservation. She wishes to do so in conjunction with an associated application to offer another lot of 15 acres, Map 60, Lot 15 on Plymouth Assessor's Map (See application of same date).

NATURAL RESOURCES SUMMARY: The premises are wooded with species typical for the area, including pitch pine and scrub oak. Topography varies from level to rolling with no dramatic changes and features a very small kettle pond and associated

wetland connecting to nearby Cotton Pond on the adjacent Wildlands Trust parcel. The premises are within the area identified by the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program Biomap Project as "Core Habitat", and situated along one of the Town of Plymouth's proposed "greenbelts" connecting preserved interior open space with the bay, directly in between and abridging a parcel known as the Emery preserve of the Wildlands Trust to the south side, and municipal land of the Town of Plymouth to the north.

LANDSCAPE CONTEXT: The preservation of this parcel would connect two separate open space parcels on either side of it, tripling the width of the existing East-West corridor along Ship Pond Road and covering an area of well over 100 contiguous acres.

IMPROVEMENTS/ACCESS: An easement for access to power lines from Ship Pond Road, and a small transformer, are located at the far west end of the parcel. No other improvements exist.

ALIGNMENT WITH COMMUNITY PRESERVATION ACT GOALS FOR OPEN SPACE

GOAL 1: *Preserve Plymouth's Rural Character.* By preserving one of the contiguous parcels in an already existing conservation area, enhancing the utility of the whole as an open space preserve and as a significant piece of the puzzle in the proposed greenbelt, the rural character of the immediate area will be permanently secured.

GOAL 2: *Protect rare, unique and endangered plant and animal habitat.* The parcel falls within the area defined as "Core Habitat" by the Commonwealth's Natural Heritage and Endangered Species' Program's Biomap. Such sites are among the highest priorities for conservation action.

GOAL 3: *Ensure adequate size and connection of protected natural areas to maximize environmental and habitat benefits.* The subject premises directly abut both Wildlands Trust property and municipal land, bridging a significant gap between them, and would thus serve to combine them together into a 100 acre+ contiguous parcel of homogeneous open space along Ship Pond Road.

GOAL 4: *Enhance the quality and variety of passive and active recreational opportunities for all ages groups.* The adjacent Wildlands Trust parcel already contains a hiking trail along its entire length, from west to east, ending at Cotton Pond which shares a contiguous wetland with the subject premises. Preserving the subject premises as open space ensures that this adjacent passive recreational opportunity remains a quality experience in line with its intended purpose. Moreover, it expands the potential for this type of recreation over a much wider area by bridging the Wildlands Trust parcel with a 55 acre municipal parcel to which there would otherwise be no connection.

GOAL 5: *Balance open space with development demand to reduce service demands and tax burden.* The proposed acquisition would create a contiguous open space preserve which secures a substantial balance against the spate of recent residential developments along the opposite side of Ship Pond Road, contributing significantly to offset both the physical and fiscal impacts of further development in the area.

ADDITIONAL OBJECTIVES: The proposed acquisition is consistent with *the Town of Plymouth Open Space and Recreational Plan*, underscoring the desirability of a green belt connecting the interior preserves with the bay.

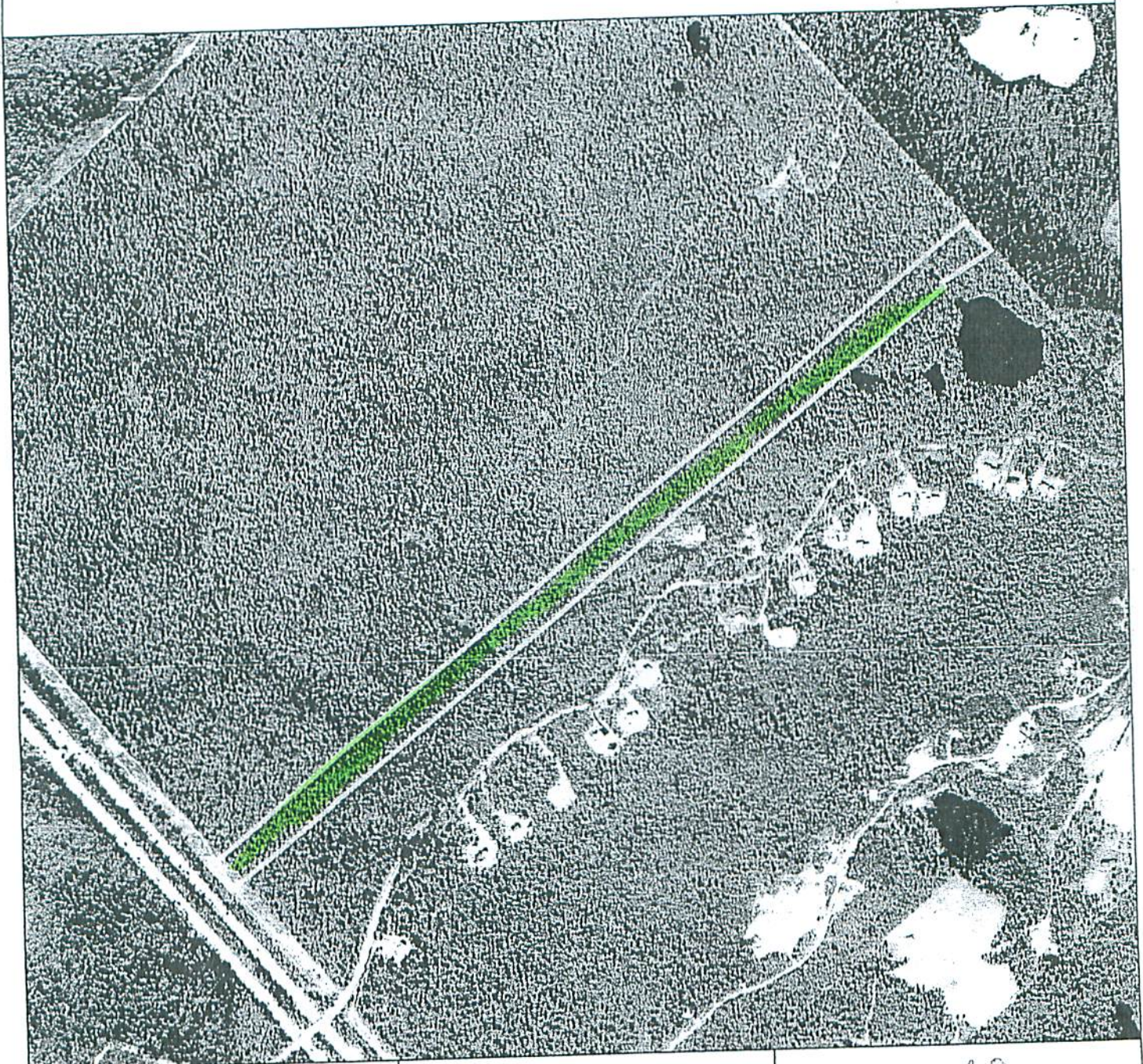
PROPOSAL BUDGET

Proposed Sale Price:	\$185,000
Due Diligence:	\$ 25,000 (estimate of potential costs of title exam, survey, closing, stewardship endmt, and EHA)
Total Cost	\$210,000

PROPOSAL TIMELINE

Submission of Application	August 2011
Initial CPC Review/Vote	August 2011
Expiration of 120-day review period under Chapter 61 in which Town must exercise right of first refusal	October 2011
Due Diligence Completed	??
Inclusion of Warrant Article for Fall Town Meeting	October 2011
Closing	November 2011

Parcel Map

**065-000-009-000**

KELLEHER GERALD P
110 HERRING POND RD
PLYMOUTH, MA 02360

This map created by



Map for Reference Only
NOT A LEGAL DOCUMENT

Because of different update schedules,
current property assessments may not
reflect recent changes to property
boundaries. Check with the Board of
Assessors to confirm boundaries used
at time of assessment.



PLYMOUTH COMMUNITY PRESERVATION COMMITTEE

FALL 2011 / SPRING 2012 APPLICATION

Project Name: KELLEHER LOT -- OLD SANDWICH ROAD

CPA Funding requested: \$ 210,000 (REQUIRED)

Total project cost: \$ 210,000

Category (check all that apply): ☒ Open Space / Recreation ☐ Historic ☐ Housing

Lot and Plat: LOT 9, MAP 65

Assessors Map #: 65

Number of acres in parcel: 19

Number of proposed housing units: 0

Are there any existing deed restrictions on this property? ☐ Yes (please describe) ☒ No ☐ Don't know

Project Sponsor/ Organization: KELLEHER ESTATE / WILDLANDS TRUST

Contact Name: Theodore Bosen Esq.

Address: P.O. Box 883 Sagamore Bch, MA 02561

Phone #: (508) 888-8888 E-mail: ted@bosenlaw.net

Applicant Signature: Theodore J. Bosen Date Submitted: 8/17/11
Attorney for Kelleher Estate

Application Requirements:

A complete application consists of this application page (the specific amount of CPA funding is required), along with the following:

1. A detailed description of the project explaining how your proposal benefits the Town of Plymouth and how it meets CPA goals and selection criteria outlined at the end of this application packet. Are there any special permit, variance or other approvals required? Are there any legal ramifications or impediments to this project?
2. A detailed project budget including any additional revenue sources. Will there be any annual costs to the town once the project is operational?
3. A project timeline.
4. Additional supporting information such as photographs, plot plans, and maps (if applicable).

Please send 11 copies (double-sided) of your application to: The Community Preservation Committee, Plymouth Town Hall, 11 Lincoln Street, Plymouth, MA. 02360. Applications may also be dropped off at the Town Clerk's office or in the CPC mailbox at Plymouth Town Hall.

The deadline for submitting an application is twelve weeks before Spring or Fall Town Meetings.

MEMORANDUM OF UNDERSTANDING

Project Name/Applicant Name and Address:

KELLEHER LOT - OLDSANDWICH RD

KELLEHER ESTATE

By Theodore L. Bosen, Attorney at Law

P.O. Box 883

Telephone:

Sagamore Bch, MA 02562

Email:

(508) 888-8888

ted@bosenlaw.net

I understand that there are certain conditions and responsibilities involved in receiving CPA funding.

My signature below indicates that I have read the following conditions and agree to follow them if my application is recommended to and approved by Town Meeting:

1. I understand that the funding process follows procedures described in the Community Preservation Act, M.G.L. Ch. 44B and that this places certain restrictions on how payments may be made.
2. In order to acknowledge the Community Preservation Act, and thus the contributions of the Plymouth taxpayers, I will:
 - Order, pay for and place a temporary "Community Preservation Works" sign or banner in front of the project. The Community Preservation Committee will provide the approved design. Approximate cost for the banner is generally \$250 - \$300.
 - Acknowledge the contributions of the Community Preservation Act in all press releases, newsletters, and other publicity.
 - Include recognition of the Community Preservation Act if a permanent plaque or sign is placed on the project.
3. If requested I will supply the Community Preservation Committee with quarterly financial up-dates on the project.
4. As needed, I will assist in the process of obtaining the required deed restriction to help protect the property in perpetuity.

Theodore L. Bosen

Print Name

Attorney for Kelleher Estate

Theodore L. Bosen

Signature

8/17/11

Date

**TOWN OF PLYMOUTH
APPLICATION TO THE COMMUNITY PRESERVATION
COMMITTEE
AUGUST 2011**

PROJECT:	Off Long Pond Road Conservation Proposal
LOCATION:	Off Long Pond Road
ACREAGE:	Approx. 15 acres
CURRENT OWNER:	Mary Seaver, Admin. Estate of Gerald Kelleher

PROPOSAL SUMMARY: Mary Seaver, Administratrix and sole heir of the estate of her brother, the late Gerald Kelleher, recommends that the Plymouth Community Preservation Committee explore the desirability of acquiring a 15-acre parcel of primarily wooded upland situated between several large parcels of open space of the Town of Plymouth, and Commonwealth of Massachusetts bordering the Bloody Pond and Grassy Pond area off of Long Pond Road. The parcel features typical forestation for the area of Pitch Pine and Scrub Oak and varies topographically from a low of about 100 ft above sea level to a high ridge of 170-180 feet above sea level, containing one of the highest points in South Plymouth coastal region. It is strategically surrounded by conservation and municipal open space parcels such as to complete a large green corridor along the southerly side of Bloody Pond, connected by an ancient way and a marked trail to adjacent parcels. The Mass Division of Fisheries and Wildlife has expressed interest in holding the required CPA Conservation Restriction.

PARCEL HISTORY: Mr. Kelleher owned this parcel for decades. Mrs. Seaver, since inheriting the parcel in 2009, had the property evaluated favorably for a wind power development, but lack of a clear right of way for construction vehicles at present presents a legal obstacle to such plans. Before going further to pursue such an option, Mrs. Seaver will, in keeping with her late brother's express interest in leaving a legacy to the Town for conservation, offer the parcel for conservation purposes to the Town for \$60,000. She wishes to do so in conjunction with an associated application to offer another lot of 20 acres, Map 65, Lot 9 on Plymouth Assessor's Map (See application of same date).

NATURAL RESOURCES SUMMARY: The premises are wooded with species typical for the area, including pitch pine and scrub oak. Topography varies from level to a dramatic ridge along its eastern border. The wider area features a very small coastal plain pond, Grassy Pond, to the west, and the 98-acre Bloody Pond to the north, with public access for fishing along adjacent town land. Access to the parcel is by a bog road coming from Long Pond Road and a marked trail. Grassy Pond, situated to the west of the parcel and along the bog road is a classic example of a coastal plain pond, with typical flora and fauna, and within the area identified by the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program Biomap Project as "Core Habitat." Boody Pond is a kettle hole pond reaching a depth of about 38 feet with clear water an undeveloped eastern shoreline. Periodic surveys through 1987 have

confirmed a thriving population of a number of fish species in Bloody Pond. Both ponds are fed by groundwater and connected to the aquifer. The premises provide an upland buffer for each of these pond areas. Parcel 16, adjacent to the subject lot, has recently been placed into conservation through the conservation commission and now renders the subject lot completely surrounded by conservation land. Placing this, too, into conservation would complete a large contiguous area of conservation land bordering both Grassy and Bloody Ponds.

LANDSCAPE/ACCESS CONTEXT: The preservation of this parcel would connect several adjacent parcels of open space surrounding both Grassy Pond and the southern shore of Bloody Pond, greatly expanding the upland buffer around those ponds and providing the remaining component of the ancient way traversing the entire area, Bog Hill Road, which presently can only be traversed in its entirety by trespassing over the Kelleher portion. In addition, the parcel's inclusion in the broader conservation zone adds to it access to some of the highest peaks in the South Plymouth coastal region.

ALIGNMENT WITH COMMUNITY PRESERVATION ACT GOALS FOR OPEN SPACE

GOAL 1: *Preserve Plymouth's Rural Character.* By preserving one of the contiguous parcels in an already existing conservation area, enhancing the utility of the whole as an open space preserve, the rural character of the immediate area will be permanently secured.

GOAL 2: *Protect rare, unique and endangered plant and animal habitat.* The parcel serves as an upland buffer to the area defined as "Core Habitat" by the Commonwealth's Natural Heritage and Endangered Species' Program's Biomap. Such sites are among the highest priorities for conservation action.

GOAL 3: *Ensure adequate size and connection of protected natural areas to maximize environmental and habitat benefits.* The subject premises directly abut Town of Plymouth open space, open space of the Commonwealth's Fisheries and Wildlife Division, and conservation-restricted open space, bridging them with a component of a contiguous access road and trail, and greatly expanding the depth of the contiguous open space as a whole.

GOAL 4: *Enhance the quality and variety of passive and active recreational opportunities for all age groups.* The parcel provides access along Bog Hill Road to its high peaks, further enhancing the hiking experience and passive recreation, and providing significant expansion as a buffer for the two ponds. Preserving the subject premises as open space ensures that this adjacent passive recreational opportunity remains a quality experience in line with its intended purpose.

GOAL 5: *Balance open space with development demand to reduce service demands and tax burden.* The proposed acquisition would create a contiguous open space preserve which secures a substantial balance against the spate of recent residential development in the South Plymouth area along Long Pond and Mountain Hill Roads contributing significantly to offset both the physical and fiscal impacts of further development there.

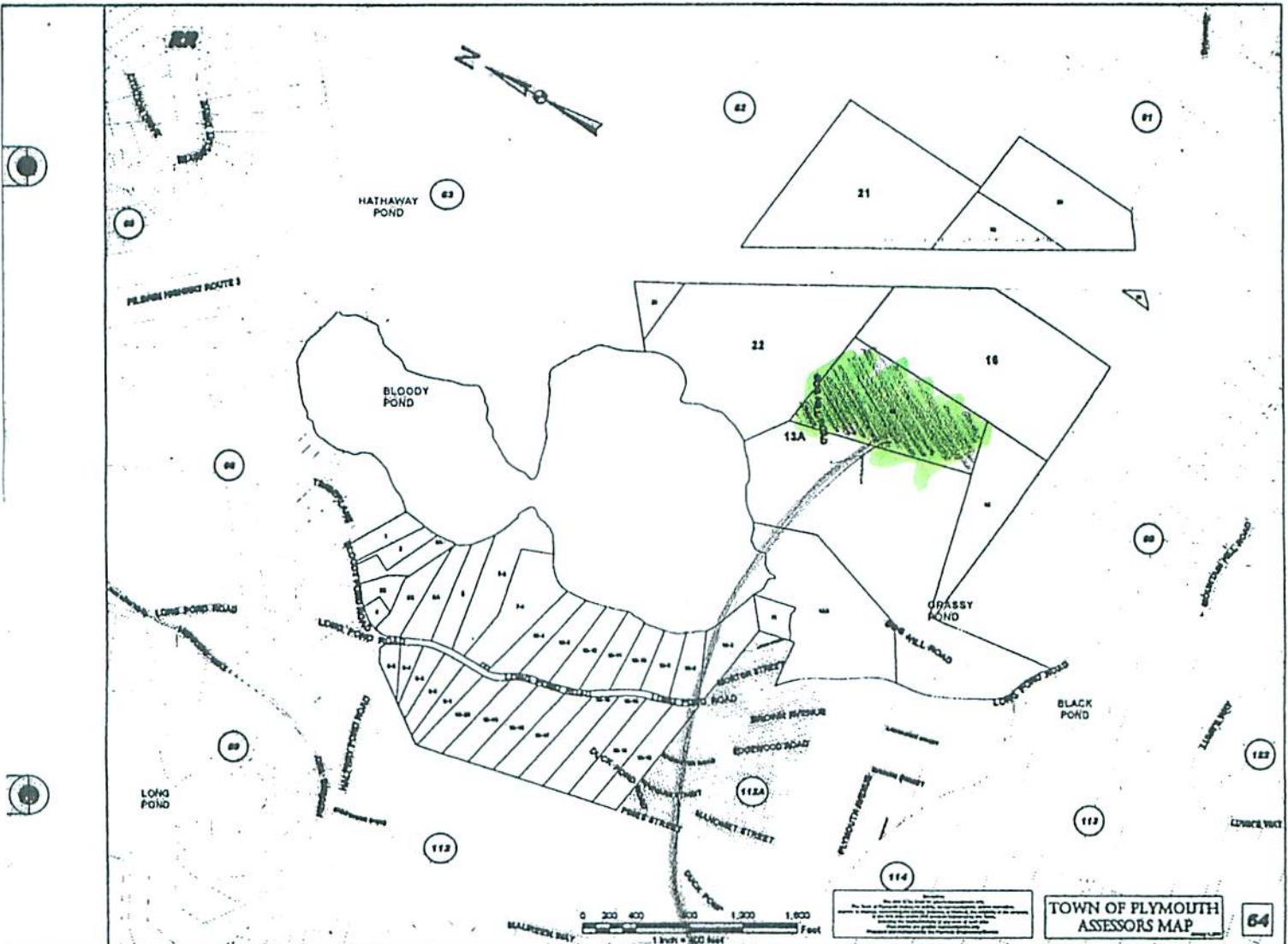
ADDITIONAL OBJECTIVES: The proposed acquisition is consistent with *the Town of Plymouth Open Space and Recreational Plan*, underscoring the desirability of preserving both contiguous areas of environmental concern while expanding passive recreational opportunities.

PROPOSAL BUDGET

Proposed Sale Price:	\$60,000
Due Diligence:	\$ 25,000 (estimate of potential costs of title exam, survey, closing, stewardship endowment, and EHA)
Total Cost	\$85,000

PROPOSAL TIMELINE

Submission of Application	August 2011
Initial CPC Review/Vote	August 2011
Expiration of 120-day review period under Chapter 61 in which Town must exercise right of first refusal	October 2011
Due Diligence Completed	??
Inclusion of Warrant Article for Fall Town Meeting	October 2011
Closing	November 2011



LOT 15

LOT 15

PLAN OF LAND
IN
PLYMOUTH, MASSACHUSETTS

OWNED BY

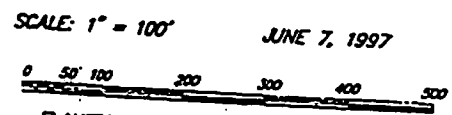
PARKER F. POND, JR.

AND

ETHAN & LINDA B. WARREN

AND SUBJECT TO CONSERVATION RESTRICTIONS
PREPARED FOR THE

MASSACHUSETTS DEPARTMENT OF FISHERIES, WILDLIFE & ENVIRONMENTAL LAW ENFORCEMENT



FLAHERTY, STEFANI & BRACKEN INC.
67 SAMOSET STREET
PLYMOUTH, MASSACHUSETTS

BLOODY POND

TOWN OF PLYMOUTH CONSERVATION COMMISSION

LOT 22

40.00' wide easement
see book 4117 page 648

ETHAN & LINDA B. WARREN
DEED BOOK 5388 PAGE 65

EXISTING DRIVEWAY

40.00' wide easement
see book 4117 page 648

PARKER F. POND, JR.
BOOK 3888 PAGE 700

LOT 12A
17.5± ACRES

LOT 13A
42± ACRES

LOT 10-J
THOMAS A. & ALICE T. NYLOP

LOT 11
ALICE NYLOP, ALICE

PLAT 112A
THOMAS A. & ALICE NYLOP
"BAY VIEW TERRACE"

ABANDONED CRANBERRY
BAG
LOCATED 12-83

CONSERVATION RESTRICTION LINE

ETHAN & LINDA B. WARREN

3C

LONG

(PUBLIC)

POND

(50.00' WIDE)

ROAD

(SEE PLAN "75-240")

GRASSY POND

LOT 9 PLAT 60

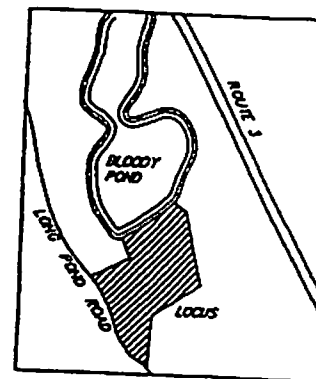
COMMONWEALTH OF MASSACHUSETTS
DIVISION OF FISHERIES AND WILDLIFE
SEE "PLAN OF LAND IN PLYMOUTH, MASS.
PREPARED FOR MAURO P. ALFIERI
1-80' SEPT. 20, 1981
BY LAWRENCE HUGHES"

LOT 14
COMMONWEALTH OF MASSACHUSETTS
DIVISION OF FISHERIES AND WILDLIFE

AREA OF SPECIAL RESTRICTIONS WITHIN THE CONSERVATION
RESTRICTION AREA
3.64 ACRES

MAURO P. POND JR.
CONSERVATION RESTRICTION
AREA 1
7.82 ACRES

EDGE OF WETLAND RESOURCE AREA



LOCUS MAP

CONSERVATION RESTRICTION AREA

AREA OF SPECIAL RESTRICTIONS WITHIN
THE CONSERVATION RESTRICTION AREA

I CERTIFY THIS PLAN WAS PREPARED
CONFORMING TO THE RULES AND
REGULATIONS OF THE COMMONWEALTH
OF MASSACHUSETTS REGISTERS OF DEEDS

Russell Stedman

FOR REGISTRY USE

I HEREBY CERTIFY THAT THE PROPERTY LINES
SHOWN ON THIS PLAN ARE THE LINES DIVIDING
EXISTING OWNERSHIP, AND THE LINES OF
STREETS AND WAYS SHOWN ARE THOSE
OF PUBLIC OR PRIVATE WAYS ALREADY
ESTABLISHED, AND THAT NO NEW LINES
FOR DIVISION OF EXISTING OWNERSHIP
OR FOR NEW WAYS ARE SHOWN

DATE: JUNE 6, 1987

Russell Stedman
PROFESSIONAL LAND SURVEYOR



PLYMOUTH COMMUNITY PRESERVATION COMMITTEE

FALL 2011 / SPRING 2012 APPLICATION

Project Name: KELLEHER LOT - OFF LONG POND RD

CPA Funding requested: \$ 85,000 (REQUIRED)

Total project cost: \$ 85,000

Category (check all that apply): ☒ Open Space / Recreation ☐ Historic ☐ Housing

Lot and Plat: Lot 15, Map 64

Assessors Map #: 04

Number of acres in parcel: 15

Number of proposed housing units: 0

Are there any existing deed restrictions on this property? ☐ Yes (please describe) ☒ No ☐ Don't know

Project Sponsor/ Organization: KELLEHER ESTATE / DIV OF FISHERIES + WILD.

Contact Name: Theodore L. Bosen

Address: P.O. Box 883 Sagamore Bch MA 02562

Phone #: (508) 888-8888 E-mail: ted@bosenlaw.net

Applicant Signature: Theodore L. Bosen Date Submitted: 8/17/11

Attorney / Kelleher Estate

Application Requirements:

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MEMORANDUM OF UNDERSTANDING

Project Name/Applicant Name and Address:

KELLEHER LOT - OFF LONG POND ROAD
KELLEHER ESTATE
c/o Theodore L. Basen, Attorney at Law
P.O. Box 883
Sagamore Bch, MA 02562
Telephone: (508) 888-8888
Email: Ted@basenlaw.net

I understand that there are certain conditions and responsibilities involved in receiving CPA funding.

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 - Include recognition of the Community Preservation Act if a permanent plaque or sign is placed on the project.
3. If requested I will supply the Community Preservation Committee with quarterly financial up-dates on the project.
4. As needed, I will assist in the process of obtaining the required deed restriction to help protect the property in perpetuity.

Theodore L. Basen
Print Name Attorney for Kelleher Estate
Signature Theodore L. Basen

8/17/11
Date