

TOWN OF PLYMOUTH COMMUNITY PRESERVATION COMMITTEE

MEMO

TO: Town Meeting, Board of Selectmen, and the Advisory & Finance Committee
From: The Community Preservation Committee
Date: Friday, August 30, 2019
Re: ANNUAL FALL TM 2019: CPA Article 9E

ARTICLE 9E: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G.L. c.44B on such terms and conditions as the Board of Selectmen deem appropriate and to accept the deed to the Town of Plymouth, of a fee simple interest or less in the land comprised of 53.54 acres, more or less, located at Roxy Cahoon Road in Plymouth, described more particularly in a deed recorded with the Plymouth County Registry of Deeds in Book 45012, Page 69, as further known as Map 58 Lots 23 and 22-4, such land to be held under the care, custody and control of the Conservation Commission, and to appropriate \$850,000, including the sum of money received as a LAND Grant from the Commonwealth of Massachusetts, Division of Conservation Services, for the acquisition of said land and other costs associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum pursuant to G.L.c.44B, section 11 or G.L. c.44, section 7 or any other enabling authority; and further to authorize the Board of Selectmen to grant a conservation restriction in said property in accordance with G.L.c.44B, section 12 meeting the requirements of G.L. c.184, sections 31-33; and to authorize appropriate Town officials to file on behalf of the Town any and all applications deemed necessary for grants and reimbursements from the Commonwealth of Massachusetts deemed necessary under G.L. c.132A, section 11 and to authorize them to enter into all agreements as may be necessary on behalf of the Town to effect said purchase; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

CPC RECOMMENDATION: Approval (unanimous)

The Community Preservation Committee voted unanimously Article 9E at its meeting held Tuesday, August 27, 2019

SUMMARY & INTENT:

The Community Preservation Committee is recommending this Article to Fall Town Meeting 2019 to utilize CPA Open Space Fund for the acquisition of land off Roxy Cahoon Rd. The CPC, in coordination with the Wildlands Trust and The Office of Marine and Environmental Affairs has filed an application for a four hundred thousand dollars (\$400,000.00) Massachusetts State Land Grant on July 11, 2019. The CPC is also working on acquiring private donations. The goal is to raise an additional twenty thousand dollars (\$60,000.00). **Property Description:** The Property is significant for its requiring drinking water and aquifer protection. It is entirely within a "High Yield" Aquifer Area, as designated by the Commonwealth's Department of Environmental Protection ProEP, and is very near a "Zone II Wellhead Protection Area".

NATURAL RESOURCE VALUES AND CHARACTERISTICS: The Property is within multiple areas that have been identified as ecologically significant by Natural Heritage (NHESP), including:

- Entirely within Bio Map 2 "Core Habitat, Core Component—Species of Conservation Concern", and "Critical Natural Landscape, Core Component, Landscape Blocks"
- Partially within "Priority Habitats of Rare Species, PH 530" (numerous Pine Barrens-associated species)
- Partially within "Pine Barrens Natural Community Systems, UMass". Pine Barrens are a globally rare forest type.
- Entirely within the 4450-acre "Herring River Watershed Area of Critical Environmental Concern", as designated by the Commonwealth of Massachusetts EOEEA in 1991

**APPLICATION
to the
PLYMOUTH
COMMUNITY PRESERVATION
COMMITTEE**

NOVEMBER, 2017

**PROJECT: GREAT HERRING POND WATERSHED
PROTECTION PROJECT**

LOCATION: ROXY CAHOON ROAD (WEST SIDE)

ACREAGE: Approximately 53.5 acres

CURRENT OWNERS:

CONDON, HARRISON F. III AND CONDON, PETER H.

Map 58, Parcels 22-4, 23

CURRENT ASSESSED VALUE: \$1,145,000

PROJECT SUMMARY:

Wildlands Trust ("WLT") hereby submits an application to the Plymouth Community Preservation Committee, pursuant to the possibility of the Town acquiring two contiguous parcels situated on the west side of Roxy Cahoon Road. The parcels (collectively, the "Property") comprise 53.5 acres, and are closely proximate to Great Herring Pond.

The Property has favorable landscape context. It directly abuts a portion of the former Camp Massasoit complex that is likely to be conserved, and it also is closely proximate to the so-called "Plymouth 1000 acres", a vast tract of undeveloped land with significant conservation value. The Town's acquisition of the Property would complement these existing holdings, and expand the assemblage of protected open space around Great Herring Pond.

The Property possesses considerable natural resource values. It is entirely within areas designated by the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program ("NHESP") as BioMap 2 "Core Habitat" and "Critical Natural Landscape", and "Priority Habitat of Rare Species PH 530". The Property is also entirely within the Herring River Watershed Area of Critical Environmental Concern ("ACEC") as designated by the Commonwealth of Massachusetts in 1991 in recognition of the area's ecological significance.

The Property is situated within an area identified as significant for groundwater and surface water protection. It lies entirely within an area identified by the Commonwealth of Massachusetts as a "High Yield Aquifer Area", is closely proximate to a "Zone II Wellhead Protection Area", and is also closely proximate to Great Herring Pond, the largest of Plymouth's 365 ponds.

The proposed acquisition of the Property meets several of the "Open Space Goals and Criteria" enumerated in Plymouth's Community Preservation Committee Application, and is consistent with several of the goals and objectives articulated in Plymouth's Open Space and Recreation Plan.

OWNERSHIP/PROJECT HISTORY:

The Property has been under its current ownership since December 4, 2014. (most recent deed contained herewith in the Attachments section). It has been in the Condon family since sometime around 1915.

The Property has been listed for sale with Chattel Realty broker Tammy Lippincott for much of 2017. In November, Ms. Lippincott contacted Wildlands Trust advising that the Property's owners were open to learning more about possibly selling the land for conservation. Toward that end, on November 20 a meeting was held between the

Property's owners Peter Condon and Harrison Condon, their attorney Jonathan Graham, Ms. Lippincott, Community Preservation Chair Bill Keohan, and Wildlands Trust's Scott MacFaden to discuss the typical parameters of a Community Preservation Act open space project, including the application process, the appraisal process, and how the Community Preservation Committee builds support for its projects prior to presenting them for Town Meeting approval. One of the meeting's outcomes was an agreement between the parties to collaborate on advancing an application to the CPC, with Wildlands Trust agreeing to draft this application on behalf of the Condons, and to help facilitate the project thereafter.

ZONING/DEVELOPMENT POTENTIAL:

The Property is situated entirely within the RR Zoning District. In the absence of a conceptual or approved subdivision plan, its development potential is unknown at this time, and would require further analysis that is beyond the scope of this application.

PLANS OF LAND:

A plan of land recorded in 1995 depicts Lot 22-4, and is included herewith in the Attachments section. So far as is known as of the date of this application, there aren't any recorded or unrecorded plans of land specifically depicting Lot 23.

PROPOSED ACQUISITION PLAN/TIMELINE:

The Town would acquire the fee simple interest in the Property as soon as possible following a vote by Spring 2018 Plymouth Town Meeting approving the project, subject to the satisfactory completion of all required due diligence. The proposed project timeline would be contingent upon multiple factors, including the parties achieving agreement on a sales price.

It is anticipated that the required CPA Conservation Restriction will be completed no more than eight to twelve months following the Town's acquisition of the Property.

NATURAL RESOURCES SUMMARY:

The Property is comprised entirely of wooded upland area, with variable topography. It is within multiple areas designated as ecologically significant by NHESP, including:

- Entirely within Bio Map 2 "Core Habitat", "Core Component—Species of Conservation Concern", and "Critical Natural Landscape", Core Component, Landscape Blocks"
- Portions of the Property are within "Priority Habitats of Rare Species, PH 530"
- Partially within "Pine Barrens Natural Community Systems, UMass". Pine Barrens are a globally rare forest type.
- The Property is entirely within the 4450-acre Herring River Watershed ACEC as designated by the Commonwealth of

Massachusetts Executive Office of Environmental Affairs in 1991. As noted on EOEEA's website summarizing the ACEC's features, *"it contains eleven lakes and ponds (the largest is 376 acres), numerous freshwater wetlands, productive cranberry bogs, one of the most important anadromous fish runs along the coast, and Great Herring Pond supports a regionally important freshwater recreational fishery. The ACEC contains the remains of what is believed to be the core habitation area for the "Herring Pond Indians," a Wampanoag settlement"*.

The Property is also within multiple areas identified as significant by the Commonwealth of Massachusetts for groundwater and surface water protection, including:

- It lies above the Plymouth-Carver sole source aquifer, the source of most of Plymouth's drinking water.
- It lies entirely within a "High Yield Aquifer Area".
- The Property is closely proximate to a Zone II Wellhead Protection Area.

LANDSCAPE CONTEXT:

The Property's landscape context is favorable. It directly abuts the southeastern portion of the former Camp Massasoit property, much of which is expected to be permanently preserved, and a parcel directly abutting to the north that is permanently preserved. The parcel immediately abutting to the south is privately owned but undeveloped, and contains an active cranberry bog. The only developed land directly adjacent to the Property is a frontage lot to the northeast and four subdivision lots to the north, all of which abuts Lot 22-4.

The Property is closely proximate to the so-called "Plymouth 1000 acres" tract, a large expanse of open space that contains rare species and is a preservation priority, and Great Herring Pond, which lies approximately 400 feet to the east.

ACCESS/IMPROVEMENTS:

The Property has approximately 946 feet of frontage on Roxy Cahoon Road, an unpaved but publicly accessible way. Additionally, a segment of the so-called "Valley Road", believed to be an ancient way in the Town of Plymouth, traverses the northwest corner of the Property. Said segment is shown on the plan of land depicting Lot 22-4 that is included herewith in the Attachments section.

Per its owners, the Property contains no structures or improvements.

LONG-TERM MANAGEMENT PROGNOSIS:

Over the longer term, the Property should not pose a significant operational burden on Town natural resources staff or budgets, as it will be maintained as open space and is not anticipated to require much in the way of active management.

ALIGNMENT WITH COMMUNITY PRESERVATION ACT GOALS FOR OPEN SPACE

GOAL 1: *Preserve Plymouth's Rural Character.* In its current undeveloped condition, the Property enhances the rural character of the area along Great Herring Pond's southwest corridor, and helps maintain the scenic qualities of the viewshed along Roxy Cahoon Road.

GOAL 2: *Protect, rare, unique and endangered plant and wildlife habitat.* The Property is within multiple areas identified as containing significant wildlife habitat by NHESP.

GOAL 3: *Protect aquifer and aquifer recharge areas to preserve quantity and quality of future water supply.* The Property lies above the Plymouth-Carver sole source aquifer, which provides drinking water for most of Plymouth, is entirely within a "High Yield Aquifer Area" as identified by the Commonwealth of Massachusetts, and is closely proximate to a Zone II Wellhead Protection Area.

GOAL 4: *Ensure adequate size and connection of protected natural areas to maximize environmental and habitat benefits.* The Property directly abuts the southeastern portion of the former Camp Massasoit complex, much of which will be permanently preserved as open space, and a parcel to the north that is also permanently preserved. It is also closely proximate to the so-called "Plymouth 1000 acres" tract, a large expanse of open space that contains rare species and is a preservation priority.

OTHER SUPPORTING INFORMATION: The proposed acquisition would be consistent with several of the identified resource protection needs and goals and objectives enumerated in the updated 2009 Town of Plymouth Open Space and Recreation Plan, including:

Section VIII, GOALS & OBJECTIVES, pp. 100-102:

Surface Water Quality

- *Goal: "Protect the surface water quality in ponds, wetlands, waterways and coastal waters in Plymouth".*
- *Objective: "Protect lands that provide buffers to surface waters to reduce erosion and pollution in surface waters through the use of conservation restrictions, outright purchase and other conservation tools".* The proposed acquisition would protect land in close proximity to Great Herring Pond, thereby precluding any future development that could have adverse impacts on the pond's water quality.

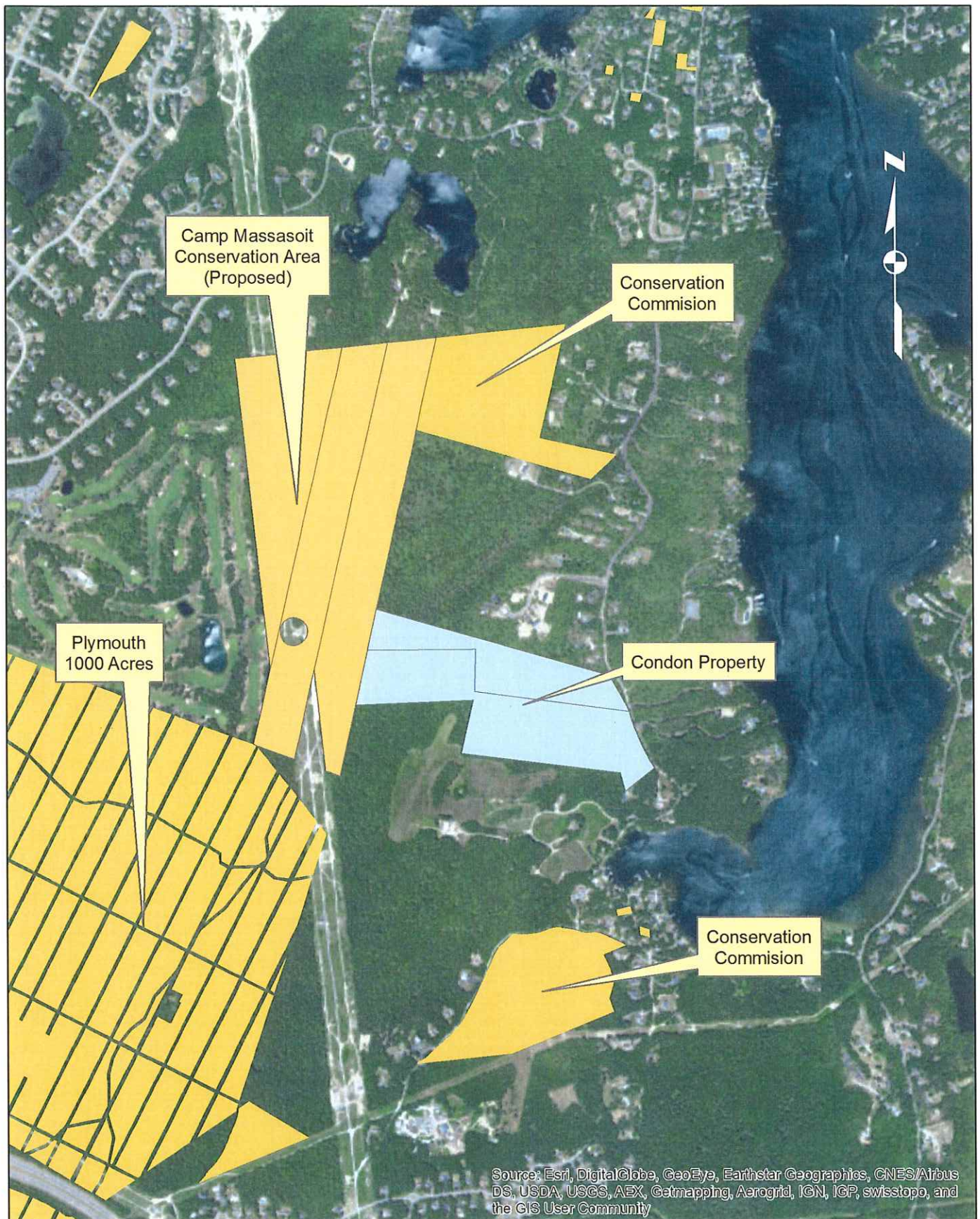
Maintenance of Biodiversity and Wildlife Habitat

- *Goal: "Maintain the biodiversity and wildlife habitat in Plymouth."*
- *Objective: "Work with non-profit conservation organizations to identify, protect, and manage lands of significant ecological habitat value, including an overall assessment of priority areas".* WLT, a nonprofit conservation organization, is helping to facilitate this project that if successful will preserve land that contains NHESP-designated rare species habitat, including Pine Barrens, and is entirely within the Herring River Watershed ACEC.

Historic Character

- *Goal: "Maintain the historic character of the Town and of individual villages that is found in certain open space land uses and recreational areas."*
- *Objective: "Identify, locate and map historic Rights of Way, including ones that are neglected or impeded".* A portion of Valley Road, which may be an ancient way in the Town of Plymouth, traverses through the Property's northwest corner.

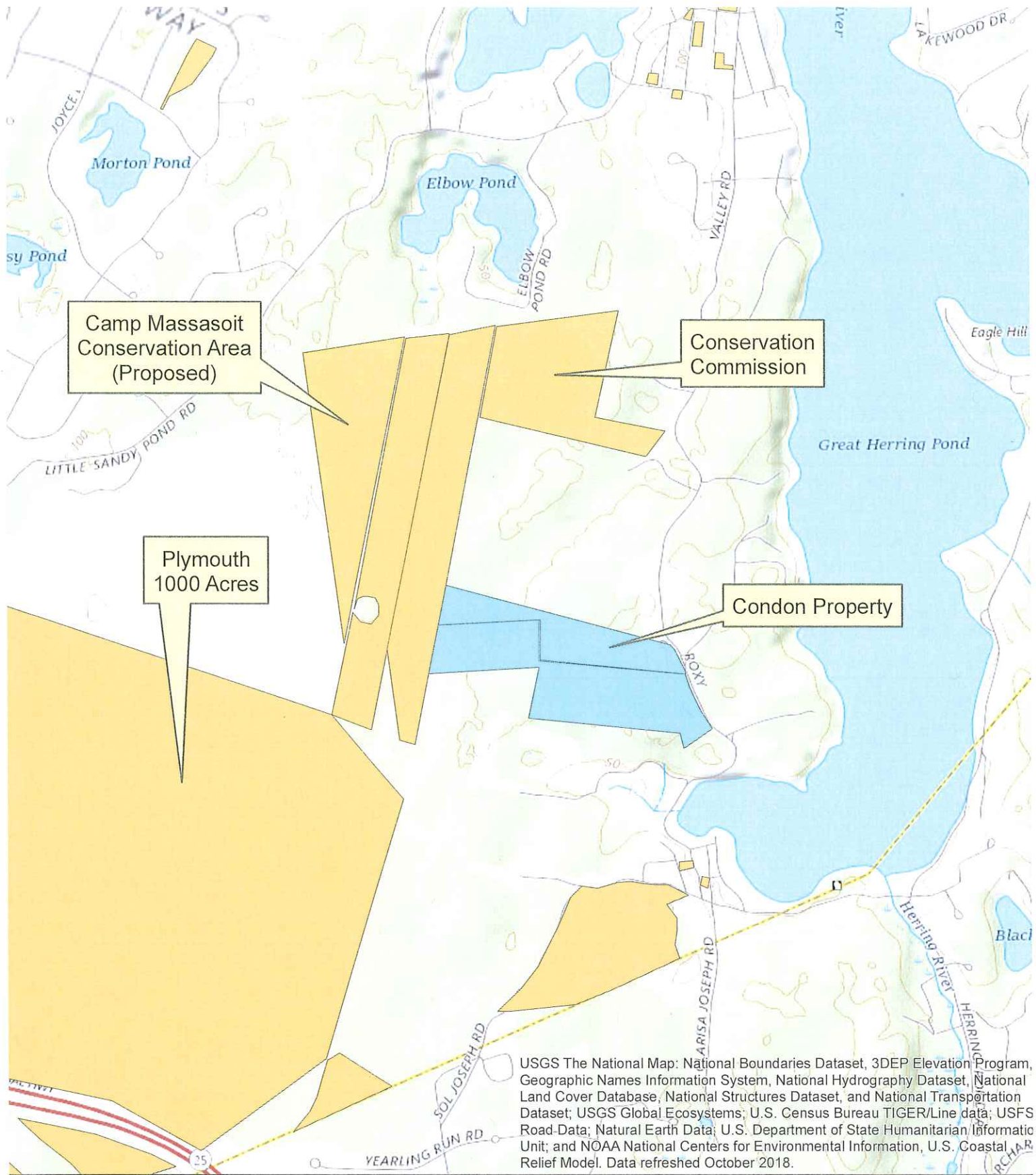
Condon Property Context Map



0

Miles
0.85

1.7



Condon Property Great Herring Pond Watershed Protection Project Context Map

0 0.125 0.25 0.5 Miles

15

