

## ARTICLE 16B:

ARTICLE 16B: 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 and to accept the deed to the Town of Plymouth, of a fee simple interest or less of land located off Little Herring Pond Road in the Town of Plymouth comprised of 43.6 acres, more or less, shown on Assessors' Map 122, Lot 10P-1022B and Lot 1022A, and further that said land shall be held under the care, custody and control of the Conservation Commission; and as funding therefor to appropriate \$400,000 for the acquisition and other costs associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum which shall be reduced by the amount of any grants received by the Town 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 enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

**RECOMMENDATION: Approval \$400,000 (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 16B. Approval of this article will appropriate \$400,000 from the Community Preservation Fund for open space and recreational purposes. These funds will be used to acquire 43.6 acres of open space land providing extensive frontage on Little Herring Pond and Triangle Pond and abutting existing open space at Pickerel Pond Preserve. Acquisition of this property will enhance the land conservation and protection in the Great Herring Pond water shed. It is also partially within several designated priority habitat areas of rare species. This land will be held in the care and control of the Conservation Commission.



## 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 14, 2015  
Re: ANNUAL FALL TM 2015: CPA Article 16B

**ARTICLE 16B: 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 and to accept the deed to the Town of Plymouth, of a fee simple interest or less of land located off Little Herring Pond Road in the Town of Plymouth comprised of 43.6 acres, more or less, shown on Assessors' Map 122, Lot 10P-1022B and Lot 1022A, said land to be held under the care, custody and control of the Conservation Commission, to appropriate \$400,000 for the acquisition and other costs associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum which shall be reduced by the amount of any grants received by the Town 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 enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; or take any other action relative thereto.**

### **COMMUNITY PRESERVATION**

CPC RECOMMENDATION: Approval (unanimous)

The Community Preservation Committee voted unanimously in favor of Article 16B at its meeting held Thursday, July 30, 2015

SUMMARY & INTENT:

The Community Preservation Committee is recommending the purchase of the property abutting west side of Little Herring Pond for the purposes of passive recreational use, the protection of priority habitats of rare species and the protection of the water quality of Little Herring, Carters Brook, Great Herring, Pickerel Pond and the Herring run accessing the Cape Cod Canal. Acquisition of this property will enhance the land conservation and water protection in the Great Herring Pond waster shed. The property provides extensive frontage on and extensive views of two ponds, Little Herring Pond and Triangle Pond, a county road layout accessible from Carters Bridge Road. The property also abuts existing open space at Pickerel Pond Preserve that is situated to the west. The Premises possesses considerable natural resource values. It is partially within several areas designated by the Natural Heritage and Endangered Species Program as important wildlife habitat, including Bio Map 2 "Core Habitat and critical Natural Landscape, and is entirely within Priority Habitats of Rare Species (Eastern Box Turtle, Eastern Pondmussel, Tidewater Mucket and Bridle Shiner. It has extensive frontage on Little Herring Pond a body of water containing "Anadromous Fish Presence" and known to support one of the region's premier herring runs.

**APPLICATION  
to the  
PLYMOUTH  
COMMUNITY PRESERVATION  
COMMITTEE**

**FEBRUARY, 2015**

**PROJECT: TWIN PONDS PRESERVATION PROJECT**

**LOCATION: PERSEVERANCE PATH/LITTLE  
HERRING POND ROAD**

**ACREAGE: Approximately 15.7 acres**

**CURRENT OWNERS:**

**SP REALTY INVESTMENT CO. LLC**  
*(Assessors Map 122, Parcel 10P-1022B)*

## **PROJECT SUMMARY:**

The Wildlands Trust ("WLT") hereby submits an application to the Plymouth Community Preservation Committee, pursuant to the possibility of the Town acquiring a significant tract of open space situated between Little Herring and Triangle Ponds in Southeast Plymouth.

The Premises comprises approximately 15.7 acres of upland woodlands, extensive frontage on and extensive views of two ponds, Little Herring Pond and Triangle Pond, strikingly diverse topography, and access from Little Herring Pond Road, a county road layout accessible from Carters Bridge Road. It is proximate to an existing open space holding, the Wildlands Trust's Pickerel Pond Preserve that is situated to the west.

The Premises possesses considerable natural resource values. It is partially within several areas designated by the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program ("NHESP") as important wildlife habitat, including Bio Map 2 "Core Habitat" and "Critical Natural Landscape", and is entirely within Priority Habitats of Rare Species "PH 1396" and "Estimated Habitats of Rare Wildlife". It has extensive frontage on Little Herring Pond, designated by NHESP as a water body containing "Anadromous Fish Presence" and known to support one of the region's premier herring runs.

The proposed acquisition meets several of the nine "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 the current Town of Plymouth Open Space and Recreation Plan.

## **PROJECT HISTORY:**

The current owner acquired the Premises in May 2005. Sometime later that year, the landowner negotiated an agreement with the Plymouth Planning Board that would allow for the construction of up to, but no more than, 10 single-family house lots under the Village Open Space Density by-law ("VOSD"). A copy of a plan depicting this potential subdivision is enclosed herewith as an attachment. Despite the referenced agreement, the landowner deferred further action toward permitting the VOSD project, at least in part due to the recession-induced decline of the real estate market.

In December 2014, a meeting was held to discuss the preparation of this application, and the scope of an appraisal. Attendees at the meeting included Attorney Robert Betters and Engineer Dennis DiPrete, representing the landowner; CPC Chair Bill Keohan and Environmental Technician Kim Tower, representing the Town of Plymouth; consultant Valerie Massard, working on behalf of the CPC; appraiser Eric Reenstierna; and Scott MacFaden, representing Wildlands Trust. All agreed on the goal of coordinating efforts toward submitting this application, obtaining an appraisal, and consummating an agreement that would allow the CPC to advance the proposed acquisition at the upcoming Plymouth Spring Town Meeting in April.

### **DEVELOPMENT POTENTIAL/PERMITTING STATUS:**

The landowner and its representatives have been proceeding through the permitting process for the potential VOSD subdivision, and as of 12/31/14 one public hearing had been held on the project. The most recent meeting was scheduled for January 5, at which time the landowner's representatives were poised to request a continuance.

As regards environmental permitting, NHESP has reviewed the project, and its comment letter is included herewith in the attachments section. It is not known if the landowner and/or their representatives have at any time filed any documents with the Plymouth Conservation Commission.

### **APPRAISAL:**

Cambridge-based appraiser Eric Reenstierna has been engaged by the landowner and the CPC to prepare an appraisal of the subject property. The anticipated delivery date for the appraisal was sometime in January.

### **ACQUISITION PLAN:**

Assuming agreement is reached on a sales price, the project should be poised to advance to Spring Town Meeting for approval in April 2015. The Town could potentially close on the land within a month after Town Meeting, pending the satisfactory completion of standard due diligence.

### **LANDSCAPE FEATURES/NATURAL RESOURCES SUMMARY:**

The Premises comprises a ridgeline that is the boundary between Little Herring and Triangle Ponds, and includes extensive frontage on both water bodies. The site's topography is quite variable. Slopes range between 3% all the way to 50%, with the highest elevation of approximately 90' found in the center of the property.

The Premises are almost entirely wooded. It is partially or entirely within multiple areas designated as ecologically significant by the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program ("NHESP"), including:

- Partially within Bio Map 2 "Core Habitat" and "Critical Natural Landscape"
- Entirely within Priority Habitats of Rare Species "PH 1396" and "Estimated Habitats of Rare Wildlife"
- Species responsible for the above designations are the Eastern Box Turtle, Eastern Pondmussel, Tidewater Mucket, and Bridle Shiner
- Has frontage on Little Herring Pond, identified as including "Anadromous Fish Presence"

### LANDSCAPE CONTEXT:

The Premises literally comprises most of the landscape boundary between Little Herring and Triangle Ponds. Wildlands Trust's Pickerel Pond Preserve is situated not far to the west. Single-family residential development lies to the north and southeast. The northern edge of Great Herring Pond is approximately 1/3 of a mile to the south.

### IMPROVEMENTS/ACCESS:

The subject property includes no improvements. It is accessed from the south via Little Herring Pond Road, a Plymouth County Right of Way which at present is an unimproved narrow dirt road.

### LONG-TERM MANAGEMENT PROGNOSIS:

The most likely users of the site will be residents of adjacent neighborhoods who live within walking distance, and who will enjoy passive recreational uses typical for such properties, including hiking and nature study. Uses such as these typically do not require much in the way of improvements, and therefore, it is not anticipated that the Town's acquisition of the Premises would impose any significant management or stewardship obligations.

There could be a significant, and possibly beneficial, caveat to the above. A portion of the site has apparently been used on an informal basis for launching kayaks and canoes on Little Herring Pond. It is not known as of the date of this application whether it would be feasible for the Town to improve this launch site should it acquire the property. However, given the relative paucity of quality access sites to many of Plymouth's great ponds, it is recommended that the Town at least evaluate the possibility of creating a formal launch site in the event it acquires the Premises.

### OTHER:

The Town of Plymouth's assessors records indicate that the landowner also owns an adjacent 3.6-acre parcel. However, said parcel is not offered for sale at this time due to a title issue, and the actions that may be required to correct the title issue are not known. Should the Town acquire the larger parcel, consideration should be afforded to assessing the possibility of acquiring this smaller parcel, provided the title defects are correctable. It is known that local residents have been in the practice of storing kayaks and canoes on this smaller parcel.

## **ALIGNMENT WITH COMMUNITY PRESERVATION ACT GOALS FOR OPEN SPACE**

**GOAL 1:** *Preserve Plymouth's Rural Character.* The Premises' wooded and undeveloped character provides an aesthetic counterpoint to adjacent residential development.

**GOAL 2:** *Protect rare, unique, and endangered plant and wildlife habitat.* The Premises lie partially or entirely within several NHESP-designated areas of ecological significance, including

Bio Map 2 "Core Habitat" and "Critical Natural Landscape", "Priority Habitats of Rare Species PH.1396" and "Estimated Habitats of Rare Wildlife", and have frontage on Little Herring Pond, identified by NHESP as including "Anadromous Fish Presence".

**GOAL 5:** *Balance open space with development demand to reduce service demands and tax burden on town.* The Town's acquisition of the Premises would preclude its conversion to a housing development, thereby obviating the need for large expenditures on road improvements, schools, and other infrastructural investments that would potentially strain town budgets.

**GOAL 7:** *Improve public access and trail linkages to existing conservation, recreational and other land uses.* The Premises includes woods roads that can easily transition to serving as walking paths. Also, as indicated elsewhere herein, a portion of the site has been used on an informal basis, but apparently without the landowner's permission, for kayak and canoe access to Little Herring Pond. The Town's acquisition of the Premises would secure public ownership of the site, and allow for the potential of establishing a formal access site to the pond.

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

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

Recreation

- *Goal: "Improve the availability and maintenance of recreation areas throughout Plymouth.* The Town's acquisition of the Premises would secure a site that is already used by local residents for a variety of passive recreational pursuits, including water access.

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 will preserve wildlife habitat identified as significant by the Commonwealth of Massachusetts.

Scenic Views

- *Goal: "Maintain the existing scenic views in Plymouth that give Plymouth a distinctive sense of place."*
- *Objective: "Protect lands with distinctive landscapes".* The Premises includes the entirety of the landmass serving as the boundary between two ponds, and provides scenic views of both water bodies from its higher elevations.

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**AN APPRAISAL REPORT  
OF A 19.6-ACRE PARCEL OF VACANT LAND**

**LITTLE HERRING POND ROAD  
PLYMOUTH, MASSACHUSETTS**

**EFFECTIVE JANUARY 15, 2015**

**CLIENTS:**

**TOWN OF PLYMOUTH  
11 LINCOLN STREET  
PLYMOUTH, MA 02360**

**ROBERT BETTERS, ESQ.  
WITHINGTON & BETTERS  
15 CASWELL LANE  
PLYMOUTH, MA 02360**

**APPRAISER:**

**ERIC T. REENSTIERNA, MAI**

**OF**

**ERIC REENSTIERNA ASSOCIATES LLC**  
*Real Estate Appraisers and Consultants*

ERIC REENSTIERNA ASSOCIATES LLC

*Real Estate Appraisers and Consultants*

24 Thorndike Street, Cambridge, MA 02141

617-577-0096

March 20, 2015

Mr. William Keohan  
Town of Plymouth  
Community Preservation Committee  
11 Lincoln Street  
Plymouth, MA 02360

Robert C. Betters, Esq.  
Withington and Betters  
15 Caswell Lane  
Plymouth, MA 02360

Dear Messrs. Keohan and Betters,

In accordance with your request, I have made an analysis of a 19.6-acre parcel of vacant land at Little Herring Pond Road, Plymouth, Massachusetts, for the purpose of estimating the Market Value of the Fee Simple Estate in the property, "as is," as of January 15, 2015.

This letter is introductory to an Appraisal Report, intended to comply with the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation and the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute. The subject property, comparable market data, and analyses are described in full in the text and other explanatory materials that follow. Extraordinary assumptions, hypothetical conditions, and any instructions of the client are described in full, as well. The analysis presented here applies the Sales Comparison Approach to Value, using a Subdivision Approach method. This letter is part of the larger document and, to be properly understood, must remain attached.

On the basis of the analyses presented here, it is my opinion that the Market Value of the Fee Simple Estate in the subject property, "as is," expressed as cash to the seller in a hypothetical transfer, as of January 15, 2015 is Eight Hundred Thirty Thousand U.S. Dollars (\$830,000.).

The estimated exposure time and marketing time are both twelve months.

If I may be of further service to you, please call me.

Sincerely,



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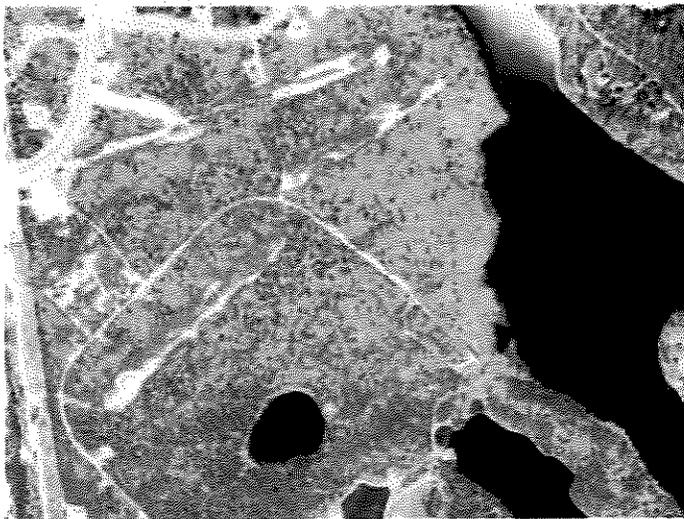
Eric T. Reenstierna, MAI  
Mass. Cert. General R.E. Appraiser #343



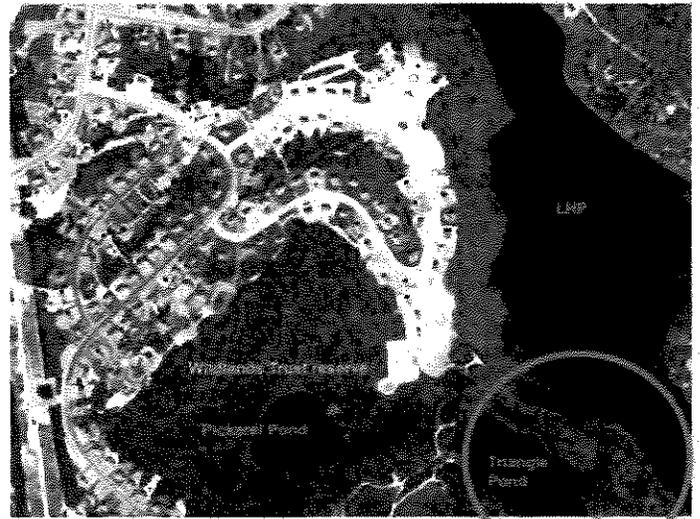


Unfortunately, significant areas of original Core Habitat that were unprotected have been lost to development since 2001. At least 11,000 acres that had been identified as Core Habitat in 2001 experienced subsequent development and fragmentation, and are therefore excluded from Core Habitat in *BioMap2*. Even more alarmingly, almost 27% and 42% of the original *BioMap* Core Habitat and Supporting Natural Landscape, respectively, are within 100 meters of development created since 1999. This represents a significant loss of critical habitats for biodiversity during recent years.

Some Core Habitat in the first *BioMap* (a) has since been developed and is therefore not included in *BioMap2* (b).



a



b

Land proposed for 50 houses with  
 multi-lane asphalt driveway and walk