



## 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 January 15, 2016  
Re: ANNUAL SPRING TM 2016: CPA Article 16D

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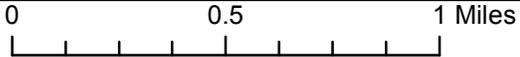
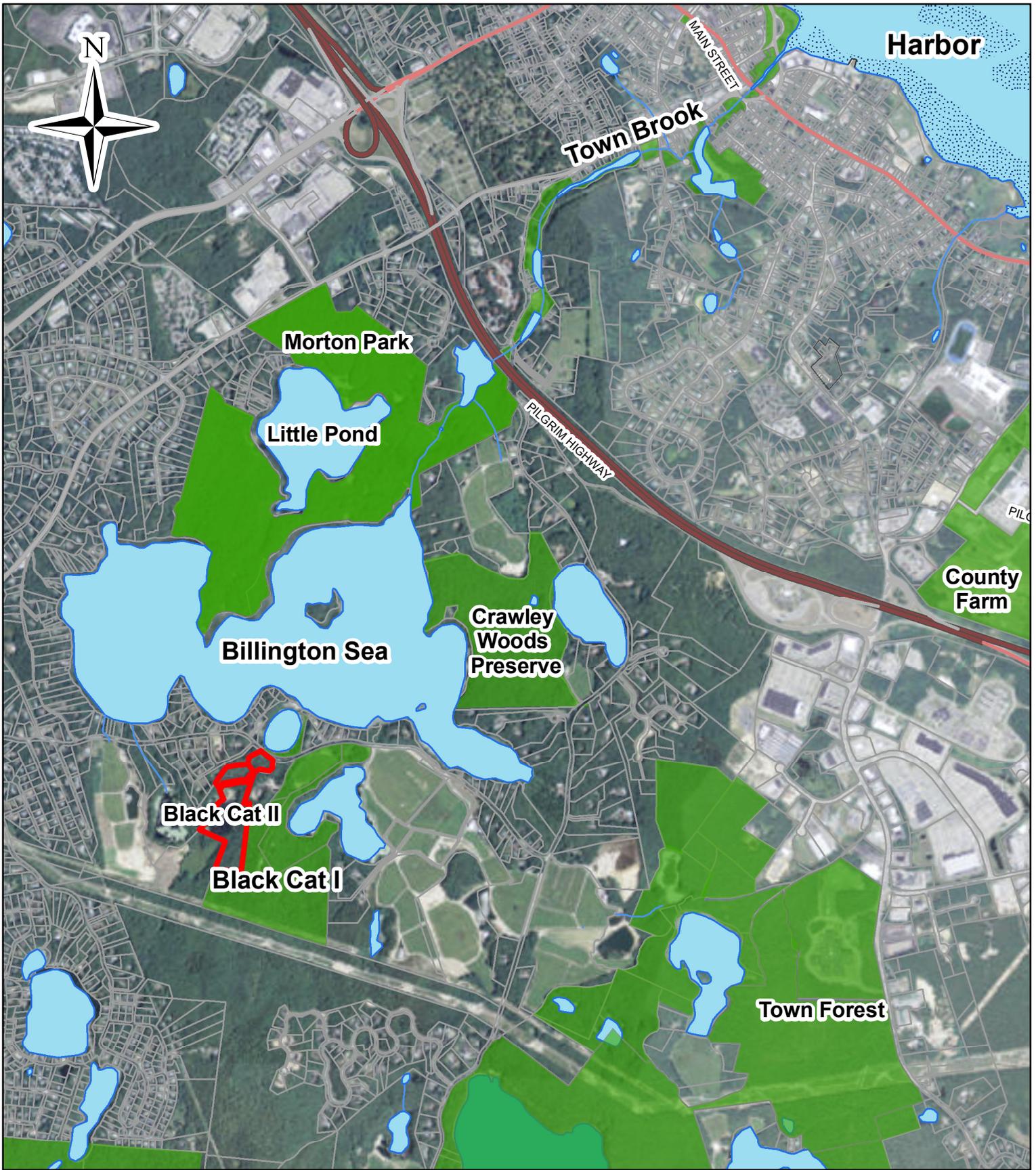
**ARTICLE 16D: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G.L. c.44B and to accept the deed to the Town of Plymouth, of a fee simple interest of land located off Black Cat Road in the Town of Plymouth comprised of 14.6 acres more or less being made up of lot 22C and lot 23B shown on Assessors Map 90 said land to be held under the care, custody and control of the Conservation Commission, to appropriate \$46,000 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 16D at its meeting held Thursday, January 14, 2016

**SUMMARY & INTENT:**

The Community Preservation Committee is recommending the purchase of land off Black Cat Road. The intention is to preserve the headwaters of the Town Brook. The water from this property runs to Billington Sea and down the Town Brook. The Town Brook is a major contributor to Plymouth Harbor. The quality of the water of Billington Sea, Town Brook and our harbor are all interrelated. Our ability to preserve the water quality is directly related to the viability of the Town to build a local sustainable economy. We as residents depend on clean water. Eco-tourism visitors also expect protected natural resources.



**Legend**

-  Black Cat II
-  Municipal Rec. Land

**Article 16D SATM  
Black Cat II**



**APPLICATION  
to the  
PLYMOUTH  
COMMUNITY PRESERVATION  
COMMITTEE**

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**FEBRUARY, 2015**

**PROJECT: TOWN BROOK HEADWATERS  
PROTECTION PROJECT, PHASE 2**

**LOCATION: BLACK CAT ROAD  
(south side)**

**ACREAGE: Approximately 14.6 acres**

**CURRENT OWNERS:**

**GEORGE R. HOLMES, JR.**  
*Map 90, Parcels 22C, 23A-~~U~~*

*23B*

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**CURRENT ASSESSED VALUES: \$7,630 (Ch. 61A value)**

*Parcel 22C: \$5,862*

*Parcel 23A-U: \$1,768*

## **PROJECT SUMMARY:**

The Wildlands Trust ("WLT") hereby submits an application to the Plymouth Community Preservation Committee, pursuant to the possibility of the Town acquiring two contiguous parcels of open space situated off of the south side of Black Cat Road.

The subject parcels collectively comprise 14.6 acres of upland woodlands and two inactive cranberry bogs, and include extensive frontage on Black Cat Road, identified in the Town of Plymouth Open Space and Recreation Plan as a "Scenic Resource" because of the scenic views it affords of forested landscapes punctuated by cranberry bogs and several significant water bodies, including Billington Sea.

The properties possess considerable natural resource values. They are 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", Priority Habitats of Rare Species "PH 276" and "Estimated Habitats of Rare Wildlife", and are proximate to, though not directly abutting, an area identified as Sandplain Natural Community Systems "Grassland".

The proposed acquisition of the subject parcels 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 the Open Space and Recreation Plan. It is also consistent with, and supports, the Town's ongoing efforts to improve the water quality of Billington Sea, one of the largest water bodies in Plymouth but also one of the most ecologically stressed.

## **PROJECT HISTORY:**

Mr. Holmes initiated discussions with the Community Preservation Committee in 2014. In early January 2015 WLT was advised of Mr. Holmes' interest in a potential sale of his land to the Town for conservation purposes, and began work on this application.

## **ZONING/DEVELOPMENT POTENTIAL:**

The subject parcels are situated entirely within the Rural/Residential Zoning District.

Parcel 23A-U, the smaller of the two subject parcels, has frontage on Black Cat Road and appears to consist entirely of upland terrain. Its larger counterpart, Parcel 22C, also appears to be primarily upland, but does include two cranberry bogs that are no longer in production. Landowner George Holmes indicates that the last harvest from the larger of the two bogs took place in the fall of 2013.

Neither Mr. Holmes nor WLT are aware of any existing or pending subdivision plans for the properties, whether conceptual or definitive, and their development potential isn't clear. The

parcels do appear to be enrolled in Chapter 61A, which does provide the Town with the Right of First Refusal should there be any proposal to change the property's use.

### **ACQUISITION PLAN:**

The Town would acquire the entirety of the Premises as soon as possible following a vote by Plymouth Town Meeting approving the project, subject to the satisfactory completion of all required due diligence. The next town meeting will occur in April.

It is anticipated that the required CPA Conservation Restriction will be completed no more than six months following the Town's acquisition of the Premises.

### **NATURAL RESOURCES SUMMARY:**

Lot 23A-U is entirely wooded. Lot 22C includes the two inactive cranberry bogs and an adjacent area to the north that is mostly open, and from which sand was apparently taken over the years as part of cranberry growing operations.

The parcels lie within or are proximate to 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"
- Lot 23A-U is partially within Priority Habitats of Rare Species "PH 276" and "Estimated Habitats of Rare Wildlife"
- Situated to the south of Lot 22C, though not directly abutting, is a linear area identified as Sandplain Natural Community Systems "Grassland"

### **LANDSCAPE CONTEXT:**

The subject parcels are proximate to multiple water bodies of varying sizes. Trask Pond lies just to the north across Black Cat Road, with Billington Sea just beyond that, and the Briggs Reservoir is closely proximate to the east. Several large parcels of conservation interest directly abut Lot 22C to the east and west. A high-voltage power line is situated approximately 250 feet to the south of Lot 22C, and just below the power line is a large tract of town-owned land. The Mass GIS data layer for this parcel suggests, but does not conclusively affirm, that this parcel is protected open space.

### **IMPROVEMENTS/ACCESS/WATER RIGHTS:**

The following improvements associated with its long history of cranberry production remain on Lot 22C:

- 4" well
- Aluminum flumes
- Cargo Container (this will be removed prior to any Town purchase)

Lot 23A-U includes frontage on Black Cat Road. Lot 22C appears to be accessed by a common driveway extending in from Black Cat Road (depicted on a 1975 plan included herewith as an attachment). The deed for the subject properties does not specifically mention any rights of access, though it is possible that Lot 22C could benefit from prescriptive rights.

The deed does reference the right to use a water system that connects with Trask Pond, ostensibly for the purposes of cranberry production. Title examination work will be required to conclusively ascertain the status of these deeded rights.

**LONG-TERM MANAGEMENT PROGNOSIS:** Should the Town acquire the subject parcels, it is not anticipated that they would require significant management attention, and wouldn't therefore impose a burden on Town staff or budgets.

**OTHER:** Mr. Holmes indicates that the last cranberry harvest taken from the bog on Lot 22C occurred in the fall of 2013, and the bog has not been actively managed subsequent to that time.

The Town assessors maps show a parcel situated between the subject lots, but does not provide any information as to its ownership status. Mr. Holmes asserts that this parcel is under his ownership. It could be that it is considered part of one of Mr. Holmes' adjacent lots for which we have specific map and lot numbers.

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

**GOAL 1:** *Preserve Plymouth's Rural Character.* The Premises has extensive frontage on Black Cat Road, and it is part of the scenic open vistas that comprise an integral part of Plymouth's rural character.

**GOAL 2:** *Protect rare, unique, and endangered plant and wildlife habitat.* The properties lie partially within several NHESP-designated areas of ecological significance, including Bio Map 2 "Core Habitat" and "Critical Natural Landscape", "Priority Habitats of Rare Species PH 276" and "Estimated Habitats of Rare Wildlife", and Lot 22C is proximate to an area identified as Sandplain Natural Community Systems "Grassland".

**GOAL 6:** *Increase the town's ability to protect environmentally sensitive, historic and culturally significant properties.* The Town's acquisition of the subject parcels would support the ongoing effort to improve the water quality of Billington Sea, one of the largest water bodies in Plymouth and an environmentally sensitive and historically significant resource.

**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:

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.

Surface Water Quality

- *Goal: Protect the surface water quality in ponds, wetlands, waterways and coastal areas 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 such as regulatory measures".* The proposed acquisition would result in the Town's outright purchase of land in close proximity to three water bodies, including Billington Sea, and thus ensure that the subject parcels' buffering capacity will always remain in place.

Scenic Views

- *Goal: "Maintain the existing scenic views in Plymouth that give Plymouth a distinctive sense of place."*
- *Objective: "Protect the views of and from the inventoried scenic views and keep this list current".* The subject parcels are situated along Black Cat Road, identified on pg. 42 in the Open Space Plan as a "Scenic Resource" because of its "views of forested areas, cranberry bogs and several ponds".

## PROJECT BUDGET

*Proposed Sales Price* \$ TBD following Appraisal

### Funding Sources

*Town of Plymouth CPC Funds* \$ TBD

*Other* \$ TBD

### Project Costs

*Due Diligence* \$ 30,000<sup>1</sup> (to potentially include survey plan, EHA, closing and legal costs)

*Stewardship Endowment* \$ 10,000<sup>2</sup>

**Project Total** \$ TBD

<sup>1</sup>Estimated figure—some of the indicated due diligence steps, particularly a survey, may not be required.

<sup>2</sup>Any conservation restriction holder, including Wildlands Trust, will require a stewardship endowment contribution. The Town provides this contribution, and not the landowner. The indicated contribution is an estimate, and will need to be verified by a property-specific stewardship endowment calculation.

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## PROJECT TIMELINE

- Submission of Application to CPC—February 2015
- Appraisal completed--March 2015
- CPC Deliberations on Application/Vote—Winter 2015
- Execution of P+S/Letter of Intent—Late Winter/Early Spring 2015
- Town Meeting Vote on Warrant Article Authorizing CPC Expenditure on Project—April 2015
- Due Diligence Initiated/Completed—Spring 2015
- Closing—Pending completion of due diligence, within six to eight weeks after Town Meeting vote authorizing project
- Completion of WLT CR--Within six months after Closing

## **ATTACHMENTS/EXHIBITS**

- **ASSESSORS FIELD CARDS FOR SUBJECT PARCELS**
  - **DEED AND ASSOCIATED PLAN OF LAND FROM 1975  
DEPICTING THE 30' ENTRANCE STRIP INTO LOT 22C**
  - **LANDSCAPE CONTEXT MAP DEPICTING SUBJECT  
PROPERTY AND ADJACENT OPEN SPACE HOLDINGS**
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See Blk 5232  
Pg. 300  
Pg. 304

See Plan  
Book 19  
Page 965

Book 4385 Page 146  
BOOK 4385 PAGE 146

I, RUTH R. HOLMES, of Plymouth, Plymouth County, Massachusetts, for consideration paid grant to GEORGE R. HOLMES, JR., of Boot Pond Road, in Plymouth, Plymouth County, Massachusetts, with QUITCLAIM COVENANTS, all my undivided interest in and to three certain lots or tracts of land with the buildings thereon situated on the adjoining Black Cat Road, in PLYMOUTH, Plymouth County, Massachusetts, being more particularly bounded and described as follows:-

**PARCEL ONE:** A certain lot of woodland in said Plymouth lying Southerly of Billington Sea, so-called, being a portion of the premises conveyed to John Stephens by Rossetar Cotton by deed dated February 11, 1819, and recorded in Plymouth County Registry of Deeds, Book 134, Page 199, and bounded:-

Beginning at a pine tree being in the range between the third and fourth Great Lakes, - said tree is on the range of William Jackson's land and has stones about it;  
thence Northwesterly by West about 25 rods to a pine tree and stones, being the corner of land now or formerly of Thomas Jackson;  
thence Southwesterly to a pine tree marked, being the corner of land now or formerly of Sarah E. Bradford;  
thence in said Bradford's range South 48° East, 12 rods, to the Easterly side of a wall;  
thence South 56° 30' West, 21 rods 20 links;  
thence South 53° 30' West, 4 rods, 20 links;  
thence North 71° 15' West to Jackson's line, now or formerly of Sarah E. Bradford's;  
thence Southwesterly to a corner being a large tree marked in range of land formerly of Jesse Harlow;  
thence Southeasterly by said land about 69 rods to the line of the fourth Great Lot to a pine tree marked;  
thence Northeasterly by line of the third and fourth Great Lots about 68 rods to the first bound.

Being the same premises conveyed to Thomas B. Swift by deed of Nathaniel Brown dated April 21, 1885, and recorded in said Registry, Book 618, Page 394, and later conveyed to Solomon M. Holmes, Sr. by deed of said Thomas P. Swift dated April 18, 1899, and recorded in said Registry in Book 776, Page 378.

Excepting therefrom that portion thereof which said Solomon M. Holmes, Sr. conveyed to his son, George M. Holmes by deed dated August 27, 1902, and recorded with said Registry of Deeds, Book 862, Page 561. The lot above described, with the aforesaid excepted portion, is the second lot described in the deed from Solomon M. Holmes, Sr. to his five sons, Solomon M. Holmes, Jr., William B. Holmes, Ernest V. Holmes, Irwin W. Holmes, and George M. Holmes, dated October 26, 1914, and recorded with said Registry in Book 1237, Pages 516 and 519, inclusive.

**PARCEL TWO:** Also hereby conveying a certain tract of Wild Brown Meadow situated in said Plymouth, Westerly of the road leading back of Billington Sea which leads by Trask Pond, so-called, but not bounded on said road but described as follows:-

Beginning at a red oak tree marked on two sides, being at the corner of land now or formerly of Merritt W. Bumpus & Co., conveyed to them by Charles C. Davis, and running South 6 rods to a pine tree marked and a pile of stones, the

corner of land now or formerly of Solomon M. Holmes;  
thence by said Holmes' land Northwesterly by West, 15 rods, more or less,  
to a pile of stones at another corner of said land;  
thence East Northeast 10 rods, more or less, to an oak tree marked at the  
corner of said Merritt W. Bumpus & Co. land;  
thence by said land, 7 rods, more or less, to the point of beginning.

Together with the right to use and maintain the existing water way between  
the "Bump Bog" and the "George's Bog", and the right to use and maintain a  
pump or pumps and the pump house as described in deed of Webster L. Holmes  
dated January 28, 1952, recorded with said Plymouth Deeds, Book 2189, Page 440.

This conveyance is made subject to a right to use and maintain the existing  
water way from Trask Pond Through the "Bump Bog" and the right to use and  
maintain pump or pumps and the pump house on said "Bump Bog" land as described  
in deed of Maynard Holmes to Webster L. Holmes dated January 28, 1952, and  
duly recorded with Plymouth County Registry of Deeds.

Excepting, however, from the above so much thereof as was conveyed to Colburn  
C. Wood dated August 29, 1963, and recorded with said Registry, Book 3047,  
Page 298.

**PARCEL THREE:** A certain lot of swamp and woodland known as "Bump Bog", partly  
made into cranberry bog, situated in said Plymouth, Plymouth County, Massachu-  
setts, Southerly from Trask Pond, and bounded as follows:-

Beginning at the corner of the road running back of Billington Sea and  
the road leading from said road just Easterly of Trask Pond to Micajah's Pond;  
thence Southerly by said road leading to Micajah's Pond about three  
hundred fifty (350) feet to an oak tree marked on four sides;  
thence Westerly about three hundred (300) feet to a large oak tree marked  
on four sides;  
thence Northerly by a line distant fifteen (15) feet Westerly from the  
swamp to the road back of Billington Sea; and  
thence by said road Easterly to the point of beginning.

There is excepted, however, from the above-described parcels one, two and three  
all that portion of the same as was conveyed by Carolyn R. Holmes et al to  
Roy and Claudia Holmes by deed dated September 15, 1975, and duly recorded in  
Plymouth County Registry of Deeds, Book 4125, Page 757.

For title to Parcel One and Parcel Two, see the deed of Carlton F. Holmes and  
Esther L. Holmes to the grantor and others dated May 11, 1965, recorded in  
Book 3204, Pages 208 and 209. See also the deed of Colburn C. Wood, Jr. to  
George R. Holmes et al dated October 24, 1966, recorded in Book 3628, Page 152.  
See also the Probate of the Estate of George R. Holmes in Plymouth County  
Probate records #100796.

Consideration for this conveyance is nominal.

WITNESS my hand and seal this 23rd day of March, 1976.

*Ruth Holmes*

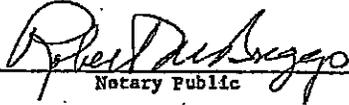
Book 4385 Page 148  
BOOK 4385 PAGE 148

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

March 23, 1976

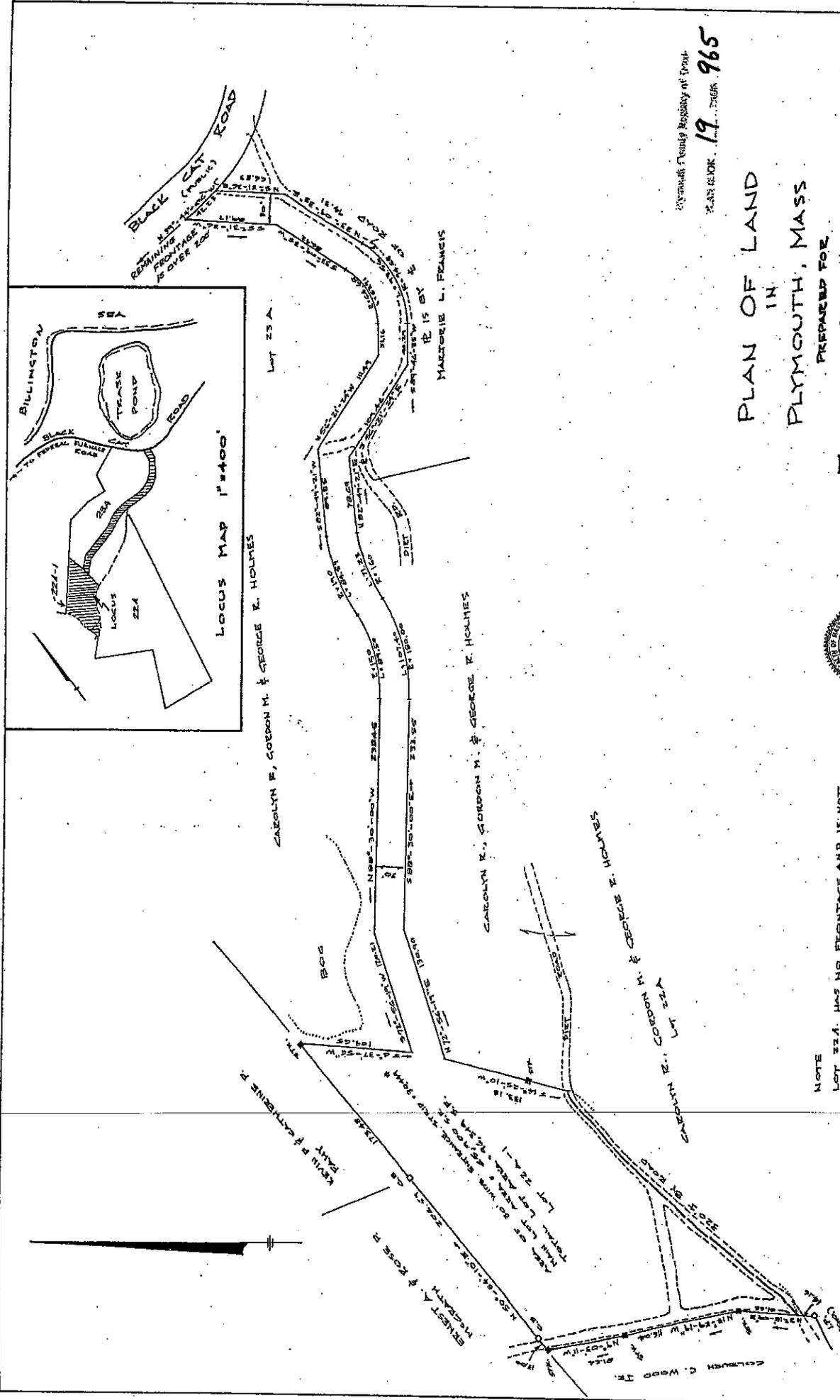
Then personally appeared the above-named Ruth R. Holmes and acknowledged the foregoing instrument to be her free act and deed, before me.

  
Notary Public

My Commission Expires: January 21, 1977

REC'D DEC 22 1977 AT 3-56 PM AND RECORDED

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Plymouth County Registry of Deeds  
 PLAN BOOK 19 PAGE 965

PLAN OF LAND  
 IN  
 PLYMOUTH, MASS  
 PREPARED FOR



NOTE  
 LOT 23A HAS NO FRONTAGE AND IS NOT TO BE CONSIDERED A BUILDING LOT AS DEFINED IN THE SUBDIVISION CONTROL LAW.  
 LOT 23A HAS MORE THAN THE FRONTAGE REQUIRED BY THE CURRENT ZONING BY-LAW BEING OVER 200'.  
 LOT 23A TO BE COMBINED WITH LOT 23B

PLYMOUTH PLANNING BOARD  
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED

Robert G. Bowman, CLERK  
 7 October 1975

DATE

BY  
 LAWRENCE E. HUGHES  
 REGISTERED LAND SURVEYOR  
 PLYMOUTH, MASS. 01951

TUNE 24, 1975  
 SCALE 1"=60'

ZONE 15 RZ  
 PLAT 90 LOTS 23A, 23B, 23C

### Unofficial Property Record Card - Plymouth, MA

#### General Property Data

Parcel ID 090-000-023A-000U Account Number 15128  
 Prior Parcel ID 8190 -C01 -090\*0114\*  
 Property Owner HOLMES GEORGE R JR Property Location UPLAND NR BILL SEA  
 Property Use BOGC  
 Mailing Address 27 BOOT POND RD Most Recent Sale Date 1/1/1900  
 Legal Reference 4385/176  
 City PLYMOUTH Grantor  
 Mailing State MA Zip 02360-3101 Sale Price 0  
 Parcel Zoning RR Land Area 2.060 acres

#### Current Property Assessment

Card 1 Value Building Value 0 Xtra Features Value 0 Land Value 1,768 Total Value 1,768

#### Building Description

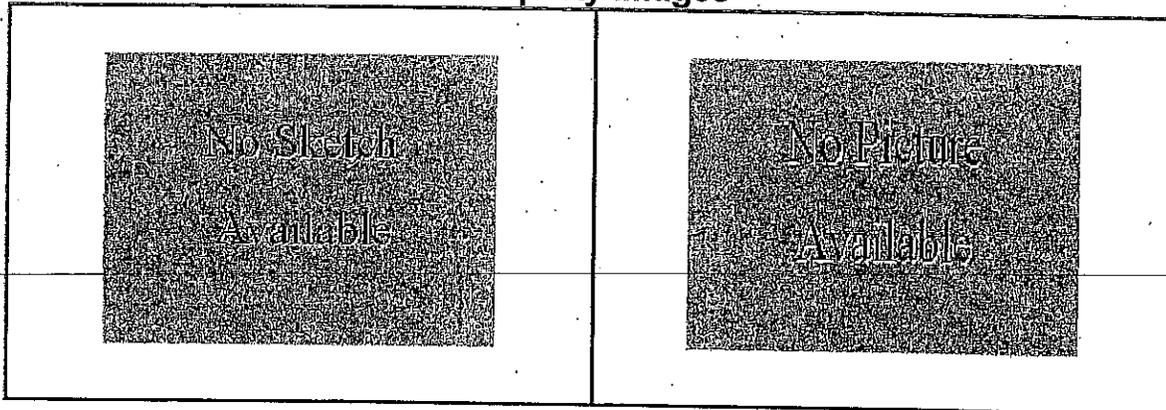
Building Style N/A	Foundation Type N/A	Flooring Type N/A
# of Living Units N/A	Frame Type N/A	Basement Floor N/A
Year Built N/A	Roof Structure N/A	Heating Type N/A
Building Grade N/A	Roof Cover N/A	Heating Fuel N/A
Building Condition N/A	Siding N/A	Air Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of Bsmt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

#### Legal Description

#### Narrative Description of Property

This property contains 2.060 acres of land mainly classified as BOGC with a(n) N/A style building, built about N/A, having N/A exterior and N/A roof cover, with N/A unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

#### Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

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**Unofficial Property Record Card - Plymouth, MA**

**General Property Data**

Parcel ID 090-000-022C-000	Account Number 15125
Prior Parcel ID 8190 -C01 -090*0111*	
Property Owner HOLMES GEORGE R JR	Property Location OFF BLACK CAT RD
	Property Use BOGC
Mailing Address 27 BOOT POND RD	Most Recent Sale Date 1/1/1900
	Legal Reference 4385/146
City PLYMOUTH	Grantor
Mailing State MA Zip 02360-3101	Sale Price 0
Parcel Zoning RR	Land Area 12.610 acres

**Current Property Assessment**

Card 1 Value	Building Value 0	Xtra Features Value 300	Land Value 5,562	Total Value 5,862
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**Building Description**

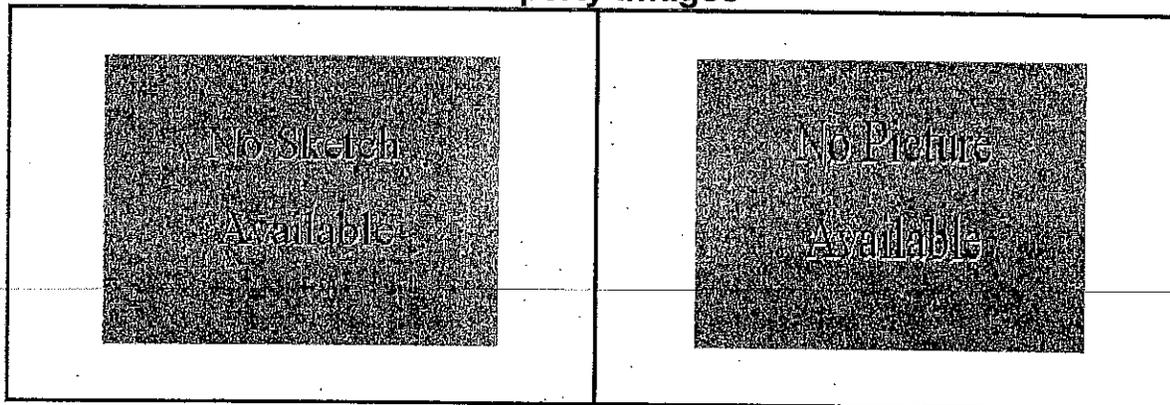
Building Style N/A	Foundation Type N/A	Flooring Type N/A
# of Living Units N/A	Frame Type N/A	Basement Floor N/A
Year Built N/A	Roof Structure N/A	Heating Type N/A
Building Grade N/A	Roof Cover N/A	Heating Fuel N/A
Building Condition N/A	Siding N/A	Air Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of Bsmt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

**Legal Description**

**Narrative Description of Property**

This property contains 12.610 acres of land mainly classified as BOGC with a(n) N/A style building, built about N/A , having N/A exterior and N/A roof cover, with N/A unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

**Property Images**



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.