

## 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 16E

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**ARTICLE 16E: 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 Hedges Pond Road in the Town of Plymouth comprised of 7.8 acres more or less being made up of a portion of lot 36B and 37B shown on Assessors Map 55 said land to be held under the care, custody and control of the Conservation Commission, to appropriate \$35,000.00 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.**

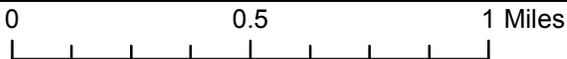
### **COMMUNITY PRESERVATION**

CPC RECOMMENDATION: Approval (unanimous)

The Community Preservation Committee voted unanimously in favor of Article 16E at its meeting held Thursday, January 14, 2016

SUMMARY & INTENT:

The Community Preservation Committee is recommending the purchase of land off Hedges Pond Road. The intention of the Article would increase the size and amenities of the Hedges Pond Recreation Area and Preserve (a CPA acquisition from 2007). This would be the second acquisition with CPA funds to increase the original size of the Hedges Pond Rec Area and Preserve. The property is also entirely within the 4450-acre Herring River Watershed Area which is land recognized as a area of Critical Environmental Concern ("ACEC") as designated by the Commonwealth of Massachusetts Executive Office of Environmental Affairs. The property possesses considerable natural resource value. It is in close proximity to areas designated by Natural Heritage and Endangered Species Program ("NHESP") as important Wildlife habitat, including Priority Habitats of Rare Species.



**Legend**

-  Hedges Pond III
-  Municipal Rec. Land
-  Private Rec. Land

**Article 16E SATM  
Hedges Pond III**



Map Created February 2016

**APPLICATION  
to the  
PLYMOUTH  
COMMUNITY PRESERVATION  
COMMITTEE**

**DECEMBER, 2015**

**PROJECT: HEDGES POND "3" ADDITION**

**LOCATION: OFF HEDGES POND ROAD**

**ACREAGE: Approximately 7.8 acres**

**CURRENT OWNER:**

**LUCIA A. CUMMINGS TRUST  
LUCIA A. CUMMINGS, TRUSTEE**

*Map 55, Parcel 36B-2 and  
37B*

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**CURRENT ASSESSED VALUE: \$157,100**

**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 7.8-acre parcel of land off of the east side of Hedges Pond Road in South Plymouth, and directly adjacent to the Town's Hedges Pond Recreation Area and Preserve.

The Premises possesses considerable natural resource values. It is proximate to areas designated by the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program ("NHESP") as important wildlife habitat, including Priority Habitats of Rare Species "PH 1396" and "Estimated Habitats of Rare Wildlife". It directly abuts the southeastern portion of the Hedges Pond Recreation Area and Preserve, and would expand this recently established and very popular town conservation and recreation amenity. The Property is also entirely within the 4450-acre Herring River Watershed Area of Critical Environmental Concern ("ACEC") as designated by the Commonwealth of Massachusetts Executive Office of Environmental Affairs in 1991.

The Property is of recreational significance. It is strategically situated along a proposed hiking trail that would connect the Hedges Pond Recreation Area and Preserve with a large tract of town conservation land and the "Little Red Schoolhouse" to the south, and would serve as a critical link in that trail system.

The proposed acquisition of the subject 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 HISTORY/PROJECT HISTORY:**

The Property has been under its current ownership since 1993.

A representative of the current owner recently engaged the Plymouth CPC in a conversation about potentially selling the land to the Town for conservation purposes. This application is the next step in advancing toward that potential outcome.

**ZONING/DEVELOPMENT POTENTIAL/CHAPTER 61 STATUS:**

The subject parcels are situated entirely within the "20MD" Zoning District.

Although the Property appears to be all upland, it does not have any road frontage, and its development potential would thus appear to be limited.

The Property does not contain acreage sufficient to qualify for enrollment in Chapter 61.

*JS*

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)

**LANDSCAPE CONTEXT:**

The Hedges Pond Recreation Area and Preserve abuts to the west and north, Rt. 3 abuts to the east, one lot of the Alewife Road/Pisces Lane subdivision abuts to the southwest, and several small undeveloped parcels under various private ownerships abut to the south.

The Old Colony YMCA's Camp Clark is situated to the northwest, though not directly abutting the subject Property.

**LONG-TERM MANAGEMENT PROGNOSIS:**

In the event the Town acquires the subject Property it should not pose a significant operational burden on Town natural resources staff, as it would be acquiring undeveloped land without any improvements that would be absorbed into the existing Hedges Pond Recreational Area and Preserve.

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

**GOAL 2:** *Protect rare, unique, and endangered plant and wildlife habitat.* The subject Property is proximate to areas identified by NHESP as significant wildlife habitat, including "Priority Habitat for Rare Species", and is also located entirely within the Herring River Watershed ACEC.

**GOAL 4:** *Ensure adequate size and connection of protected natural areas to maximize environmental and habitat benefits.* The subject Property directly abuts the Hedges Pond Recreation Area and Preserve, and the Town's acquisition of the Premises would expand that important open space and recreational amenity.

**GOAL 7:** *Improve public access and trail linkages to existing conservation, recreational and other land uses.* The subject Property can provide a critical link in a hiking trail network that would connect the Hedges Pond Recreation Area and Preserve with the "Little Red Schoolhouse" and adjacent town conservation land on Herring Pond Road.

**OTHER SUPPORTING INFORMATION:** The proposed acquisition would be consistent with several of the goals and objectives enumerated in the updated 2012 Town of Plymouth Open Space and Recreation Plan, including:

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

Maintenance of Biodiversity and Wildlife Habitat

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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

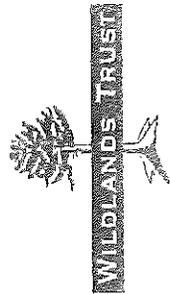
- *Goal: "Maintain the existing scenic views in Plymouth that give Plymouth a distinctive sense of place."*
- *Objective: "Protect the views of and from the inventoried scenic views and keep this list current".* The subject parcels are situated along Black Cat Road, identified on pg. 42 in the Open Space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



**Legend**

-  Hedges Pond III
-  Town (pending)

**Hedges Pond III**  
 Potential Addition to Hedges Pond  
 Recreation Area & Preserve



Map Created December 2015

**PROJECT BUDGET**

*Proposed Sales Price* \$ TBD following Appraisal

**Funding Sources**

*Town of Plymouth CPC Funds* \$ TBD

*Other* \$ TBD

**Project Costs**

*Due Diligence* \$ 5,000<sup>1</sup> (to potentially include 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.

## 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
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## **ATTACHMENTS/EXHIBITS**

- **TOWN OF PLYMOUTH ASSESSORS FIELD CARD FOR SUBJECT PROPERTY**
- **DEED FOR SUBJECT PROPERTY**
- **LANDSCAPE CONTEXT MAP DEPICTING PROPERTY AND ADJACENT OR PROXIMATE OPEN SPACE AND IMPORTANT NATURAL FEATURES**

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

*Ralph G. Bennett*  
 CLERK

7 October 1975

DATE

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



*[Signature]*

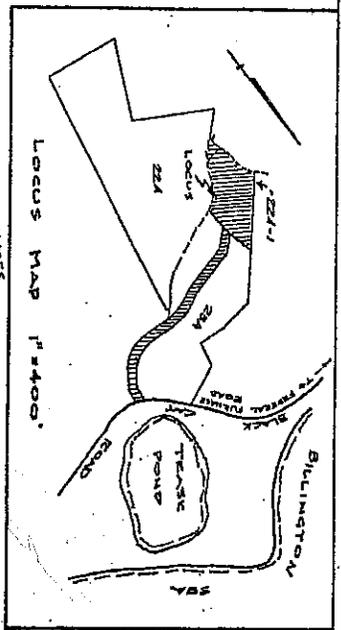
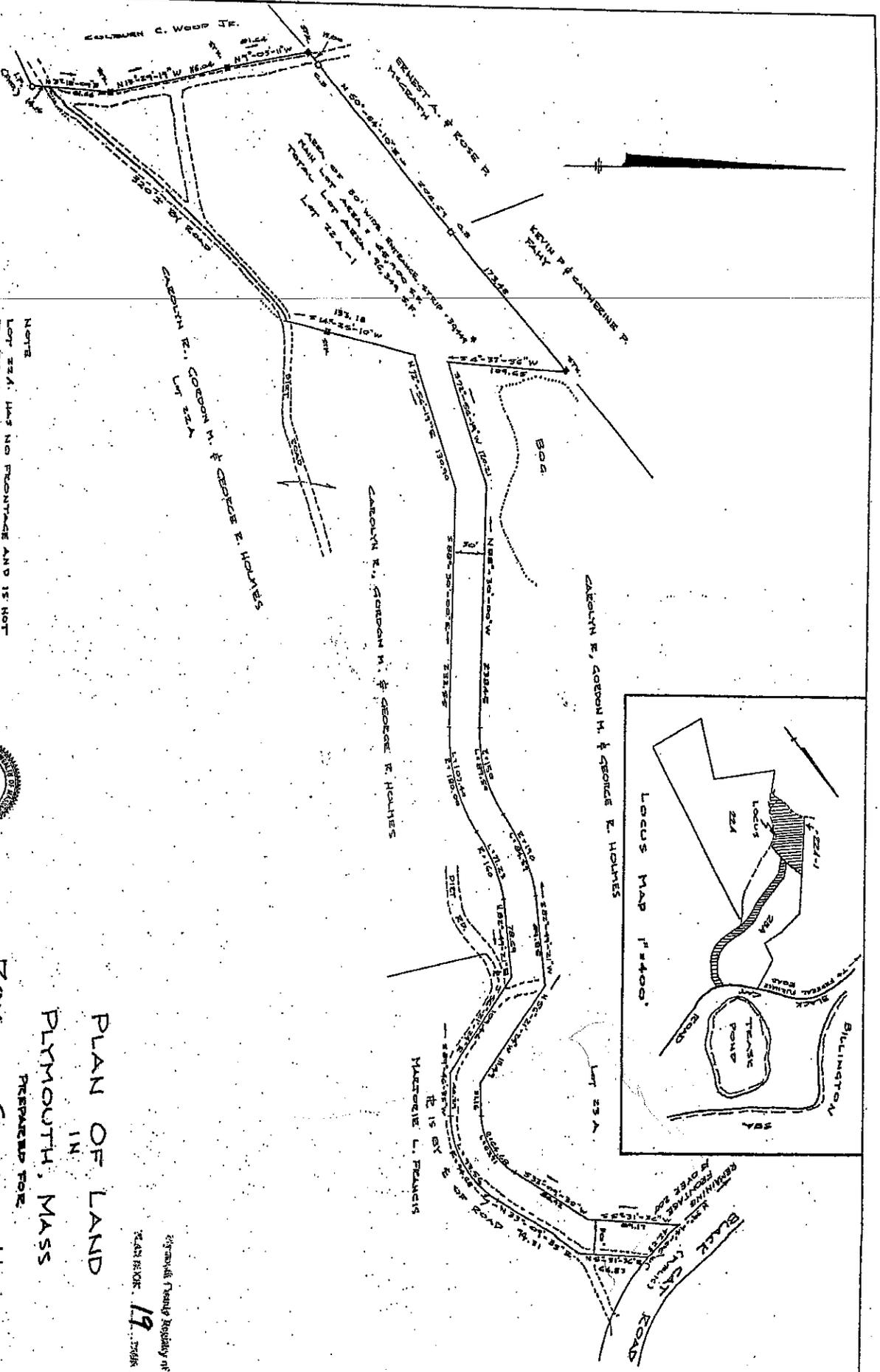
ZONE 1B R2B  
 PART TO LOTS 23A, 23A, 23B

PLAN OF LAND  
 IN  
 PLYMOUTH, MASS  
 PREPARED FOR  
 ROY AND CLAUDIA HOLMES  
 SCALE 1"=60'  
 JUNE 24, 1975

BY  
 LAWRENCE E. HUGHES  
 REGISTERED LAND SURVEYOR  
 PLYMOUTH, MASS

14-22-77

277-967  
 19 965



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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 Micaiah's Pond;  
thence Southerly by said road leading to Micaiah'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 L. Holmes*

I, LUCIA A. CUMMINGS, of Plymouth, Plymouth County, Massachusetts,  
for consideration paid, the sum of less than One Hundred (\$100.00)  
Dollars,  
grant to,

LUCIA A. CUMMINGS, Trustee of the LUCIA A. CUMMINGS Trust, a written Trust  
dated December 18, 1992, which Trust is recorded just prior hereto, whose  
principal address is 24 Rocky Hill Road, P.O. Box 898, Plymouth,  
Massachusetts 02362,

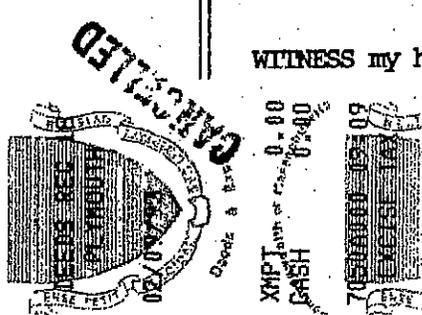
with QUITCLAIM COVENANTS:

Two certain parcels of land on the westerly side of Hedges Pond Road in  
Plymouth, Plymouth County, Massachusetts, known as Lot No. 2 set off to  
Betsey Hush and Lot No. 3 set off to Mary Hush of the 1850 Division of  
Herring Pond Indian Land (a plan of which is filed at the State Library,  
State House, Boston, MA) and designated as Lots 37A & 37B and Lots 36A &  
36B on Plat 55 of the Plymouth Assessors Map, excepting and reserving from  
said two lots that portion thereof and rights therein taken by the  
Massachusetts Department of Public Works for State Highway purposes by an  
order dated January 10, 1956 recorded in Plymouth County Registry of Deeds  
Book 2478 Page 34.

For title see Estate of Edward Bonardi, Middlesex Probate No. 467047. See  
also deed of George A. Parks recorded in Book 2500 Page 55.

WITNESS my hand and seal this 29<sup>th</sup> day of January, 1993.

*Lucia A. Cummings*  
LUCIA A. CUMMINGS



COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

*January 29*, 1993

Personally appeared before me this day LUCIA A. CUMMINGS and  
acknowledged the foregoing instrument to be her free act and deed.

*Doris J. Lockhart*  
Notary Public

My commission expires: *6/1/95*

Received & Recorded  
PLYMOUTH COUNTY  
REGISTRY OF DEEDS  
09 FEB 1993 09:21AM  
JOHN D. RIORDAN  
REGISTER

← END OF INSTRUMENT →

### 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

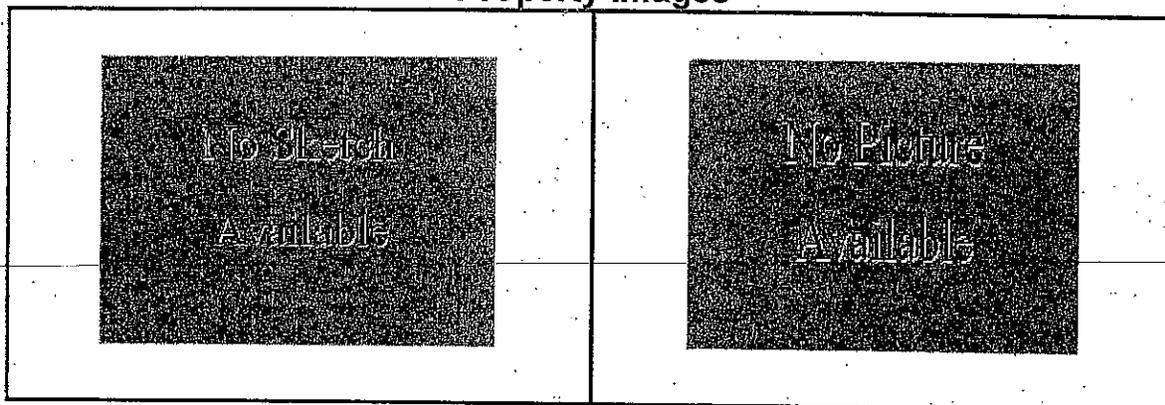
Building Style N/A	Foundation Type N/A	Flooring Type N/A
# of Living Units N/A	Frame Type N/A	Basement Floor N/A
Year Built N/A	Roof Structure N/A	Heating Type N/A
Building Grade N/A	Roof Cover N/A	Heating Fuel N/A
Building Condition N/A	Siding N/A	Air Conditioning 0%
Finished Area (SF) N/A	Interior 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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