

ARTICLE 16F:

ARTICLE 16F: 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 containing 9.98 acres, more or less, located off Fisherman's Lane, Ship Pond Marsh, Surfside and Bayside Beaches in the Town of Plymouth, shown on Assessor's Map 50 as Lot 3, and further that said land shall be held under the care, custody and control of the Conservation Commission; and as funding therefor to appropriate \$140,000 for the acquisition, including all costs incidental and related thereto from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum pursuant to G.L. c. 44B, §11 or G.L. c.44, §7 or any other enabling authority, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum and issue notes and bonds therefor; provided, however, that any amounts to be borrowed hereunder shall be reduced by any gifts or grants received for such purposes prior to any borrowing; and further to authorize the Board of Selectmen to grant a conservation restriction in said property in accordance with G.L. c. 44B, §12 meeting the requirements of G.L. c. 184, §§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 \$140,000 (7-3-1).

The Advisory & Finance Committee recommends Town Meeting approve Article 16F. Town Meeting approval of this article will appropriate \$140,000 from the Community Preservation Fund to purchase approximately 9.98 acres of land located off Fisherman's Lane for open space and recreational purposes. The acquisition of this parcel, to be held under the care, custody and control of the Conservation Commission, is intended to preserve 1,200 feet of frontage on Ship Pond Marsh and 1,000 feet of frontage on Cape Cod Bay. The parcel consists of a barrier beach between Cape Cod Bay and Ship Pond and will provide opportunities for hike-in shore recreation from Fisherman's Lane, Bayberry Road and Douglas Avenue.



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 16F

ARTICLE 16F: 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 Fisherman's Lane, Ship Pond Marsh, Surfside and Bayside Beaches in the Town of Plymouth comprised of 9.98 acres more or less being made up of lot 3 and shown on Assessors Map 50 said land to be held under the care, custody and control of the Conservation Commission, to appropriate \$140,000 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 16F at its meeting held Thursday, January 15, 2016

SUMMARY & INTENT:

The Community Preservation Committee is recommending the purchase of land off Fisherman's Lane & Ship Pond Marsh. The intention is to preserve the 1,200 feet of frontage on Ship Pond Marsh, 1,000 feet of frontage on Cape Cod Bay, South of Surfside Beach and North of Bayside Beach. The 90 feet of frontage on Fisherman's Lane will allow access and accommodation for a trailhead. The property will also have pedestrian access from 180 feet of frontage on Bayberry Road and Douglas Avenue. The Property possesses considerable natural resource values. It is within areas designated by the Commonwealth of Massachusetts as "Barrier Beach" and "Hurricane Surge Inundation Zone" and is directly adjacent to areas just offshore that are designated as "Lobster Harvest Zone" and "Approved Shellfish Growing Area". It contains the entirety of Ship Pond's eastern shoreline as well as a barrier beach that includes extensive frontage on Cape Cod Bay.



0 0.25 0.5 Miles

Legend

- Ship Pond Beach
- Municipal Rec. Land
- Private Rec. Land

Article 16F SATM
Ship Pond
Beach Acquisition



Map Created February 2016

**APPLICATION
to the
PLYMOUTH
COMMUNITY PRESERVATION
COMMITTEE**

OCTOBER, 2015

**PROJECT: SHIP POND/BAYSIDE BEACH
ACQUISITION**

LOCATION: FISHERMAN'S LANE

ACREAGE: Approximately 6.71 acres

CURRENT OWNERS:

**SHIP POND MARSH REALTY TRUST
GLORIA A. ARRUDA, TRUSTEE**

Map 50, Parcel 3

CURRENT ASSESSED VALUE: \$38,926 (Ch. 61B value)

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 strategically situated parcel off of Fisherman's Lane, and with frontage on Ship Pond and Cape Cod Bay.

The Property possesses considerable natural resource values. It is within areas designated by the Commonwealth of Massachusetts as "Barrier Beach", and "Hurricane Surge Inundation Zone", and is directly adjacent to areas just offshore that are designated as "Lobster Harvest Zone" and "Approved Shellfish Growing Area". It contains almost the entirety of Ship Pond's eastern shoreline as well as a barrier beach that includes extensive frontage on Cape Cod Bay.

The Property is the largest remaining undeveloped parcel adjacent to Ship Pond, and is one of the few remaining undeveloped coastal properties in all of Plymouth.

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 Plymouth's Open Space and Recreation Plan.

PROJECT HISTORY:

Ms. Arruda contacted the Trust earlier this year seeking assistance with preparing this application. That initial contact was followed up more recently with additional information about the Property, and a reaffirmation of the owner's interest in selling it for conservation.

ZONING/DEVELOPMENT POTENTIAL/CHAPTER 61 STATUS:

The Property is situated entirely within the R25 Zoning District. Given its location within a coastal zone and "Hurricane Surge Inundation Zone", its development potential is unclear.

The Property is enrolled in Chapter 61B, and the Town would have a Right of First Refusal in the event the property owners sought to change the current use of the land by pursuing development plans.

PLANS OF LAND

The Town of Plymouth Assessors Field Card for the subject Property, included as an attachment herewith, indicates that the Property contains 5.59 acres. However, also included herewith is an updated plan of land prepared in August 2015. This plan was commissioned by the landowners to correct a scrivener's error on a 2011 plan that depicts the subject Property. The 2011 plan is believed to be accurate in all other respects, including its indicated acreage total of 6.71 acres.

ACQUISITION PLAN/TIMELINE:

The Town would acquire either the fee simple interest in the subject Property as soon as possible following a vote by Spring 2016 Plymouth Town Meeting approving the project, subject to the satisfactory completion of all required due diligence.

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

NATURAL RESOURCES SUMMARY:

The Property includes almost the entirety of Ship Pond's eastern shore. It is within areas designated by the Commonwealth of Massachusetts as "Barrier Beach", and "Hurricane Surge Inundation Zone", and is directly adjacent to areas just offshore that are designated as "Lobster Harvest Zone" and "Approved Shellfish Growing Area".

It is not known whether any rare species such as Piping Plovers might occur on the Property, but it is possible given its extensive barrier beach habitat. Should the Town acquire the Property, it should pursue further investigations into the extent and quality of its habitat.

LANDSCAPE CONTEXT:

The Atlantic Ocean abuts to the east, Ship Pond abuts to the west, the Bayberry Road and Douglas Avenue neighborhoods abut to the south, and the Pond View Circle neighborhood abuts to the north.

Although the Property does not directly abut any protected open space parcels, there are two town-owned parcels across Ship Pond to the northwest that appear to be conservation land, a third parcel on the pond's southwestern shore that is also town-owned, and another parcel to the south that is town-owned but does not appear to be designated as conservation land.

IMPROVEMENTS/ACCESS/:

There are no improvements located on the subject Property.

The Plan of Land depicting the Property (included herewith as an attachment) indicates that it has frontage on both Fisherman's Lane to the north and Bayberry Road and Douglas Avenue to the south, and is serviced by a cart path/woods road entering from the west. However, it is not clear as to the condition of these potential access points on the ground, and further investigation is needed to assess their legal status and functional viability.

HISTORIC VALUES/NOTES OF INTEREST

The Property includes the remains of a device used to transport maritime vessels between Ship Pond and Cape Cod Bay. The exact provenance of this structure is not known.

LONG-TERM MANAGEMENT PROGNOSIS:

Should the Town acquire the Property, it should not pose a significant operational burden on Town natural resources staff.

ALIGNMENT WITH COMMUNITY PRESERVATION ACT GOALS FOR OPEN SPACE

GOAL 1: *Preserve Plymouth's Rural Character.* The subject Property is the largest remaining undeveloped parcel in proximity to Ship Pond, and provides scenic vistas of a barrier beach and the Atlantic Ocean. . . .

GOAL 2: *Protect rare, unique, and endangered plant and wildlife habitat.* Barrier beaches are considered rare and unique resources that buffer mainland areas from direct contact with the ocean, and often provide habitat for rare species such as Piping Plover.

GOAL 4: *Ensure adequate size and connection of protected natural areas to maximize environmental and habitat benefits.* The subject properties are proximate to large tracts of protected open space, and link with them to create wildlife corridors and a greenbelt within Plymouth's agricultural heartland.

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 a barrier beach, a significant and uncommon habitat type.

Surface Water Quality

- *Goal: Protect the surface water quality in ponds, wetlands, waterways and coastal waters in Plymouth.*

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¹Estimated figure—some of the indicated due diligence steps, particularly a survey, may not be required, as the landowners have commissioned an updated plan that is included herewith as an attachment.

²Any 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 (conditional)

- Submission of Application to CPC—October 2015
 - CPC Deliberations on Application/Vote—Fall/Early Winter 2015
 - Appraisal completed—Fall/Early Winter 2015
 - Execution of P+S—Early Winter 2015
 - Due Diligence Initiated/Completed—Winter/Early Spring 2016
 - Town Meeting Vote on Warrant Article Authorizing CPC Expenditure on Project—April 2016
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- 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 CARD FOR SUBJECT PROPERTY**
 - **DEED FOR SUBJECT PROPERTY**
 - **AUGUST 2015 PLAN OF LAND DEPICTING SUBJECT PROPERTY**
 - **LANDSCAPE CONTEXT MAP DEPICTING PROPERTY AND ADJACENT FEATURES (SUBJECT COMPRISES MOST OF SHIP POND'S EASTERN SHORELINE, AND ALSO INCLUDES OCEAN FRONTAGE)**
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Unofficial Property Record Card - Plymouth, MA

General Property Data

Parcel ID 050-000-003-000	Account Number 9401
Prior Parcel ID 9220 -C01 -050*0545*	
Property Owner SHIP POND MARSH REALTY TRUST	Property Location SHIP PD MARSH
ARRUDA GLORIA A TR	Property Use 61B NATURE
Mailing Address 24 POND VIEW CIR	Most Recent Sale Date 9/29/2010
	Legal Reference 39048-13
City PLYMOUTH	Grantor LAPHAM,RUTH L ESTATE OF
Mailing State MA Zip 02360	Sale Price 50,000
Parcel Zoning R25	Land Area 5,559 acres

Current Property Assessment

Card 1 Value	Building Value 0	Xtra Features Value 0	Land Value 38,926	Total Value 38,926
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Building Description

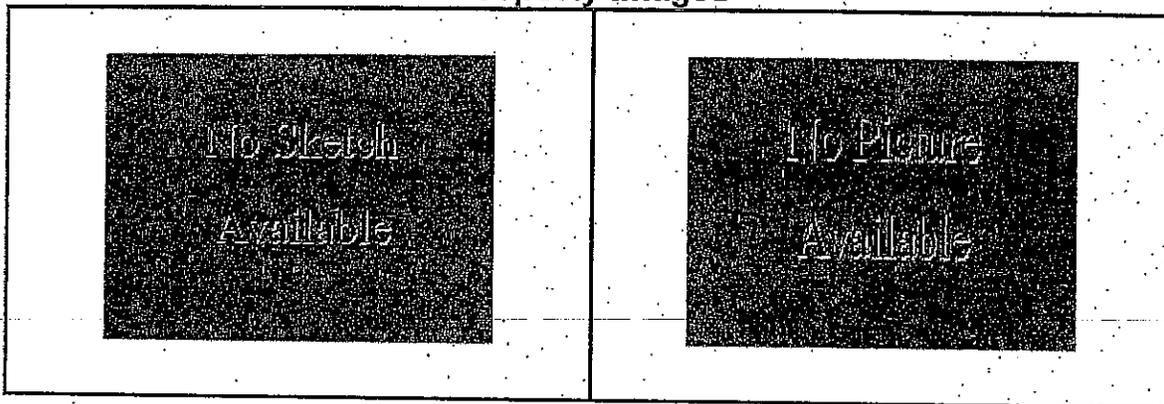
Building Style N/A	Foundation Type N/A	Flooring Type N/A
# of Living Units N/A	Frame Type N/A	Basement Floor N/A
Year Built N/A	Roof Structure N/A	Heating Type N/A
Building Grade N/A	Roof Cover N/A	Heating Fuel N/A
Building Condition N/A	Siding N/A	Air Conditioning 0%
Finished Area (SF) N/A	Interior 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 5.559 acres of land mainly classified as 61B NATURE 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.

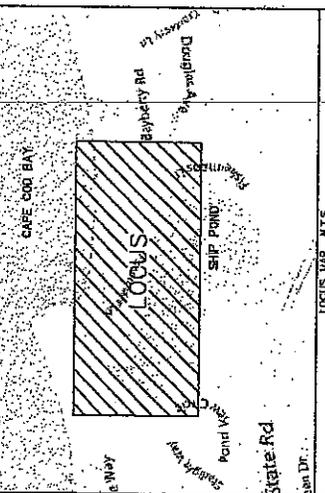
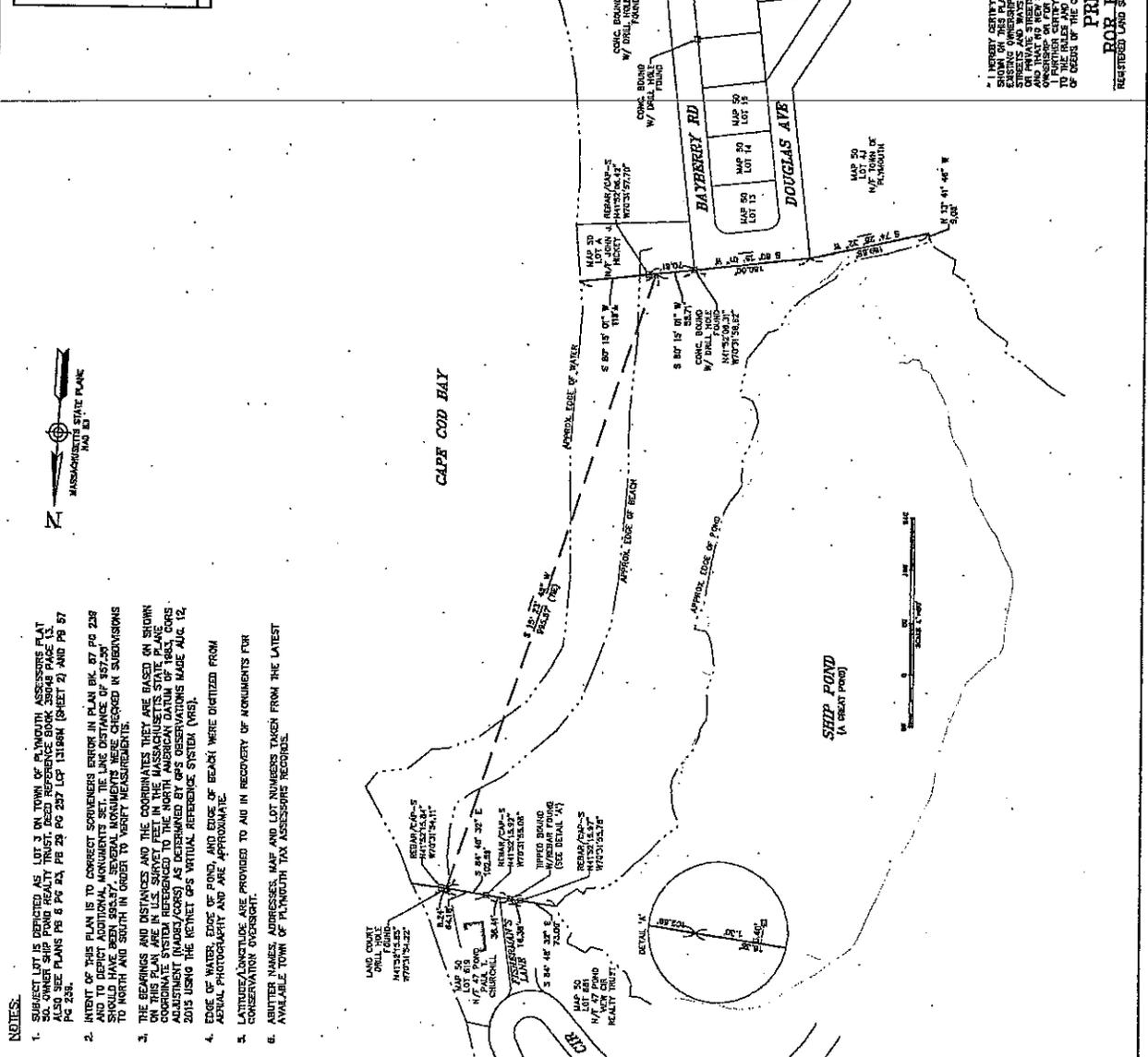
PREPARED FOR
 RACHELLE L. BOUCHER, ESS.
 40 COURT STREET
 PLYMOUTH, MA 02360

PLAN OF LAND
SHIP POND
PLYMOUTH, MASSACHUSETTS

RESERVITY USE ONLY

PLANNING DESIGN INC. HAS BEEN ADVISED THAT THE PROPERTY OWNERS SHOWN ON THIS PLAN USE THE LATEST DATED EXISTING UNDERPINNINGS AND THE LINES OF THE EXISTING PRIVATE STREETS OR WATER ALREADY ESTABLISHED. PLANNING DESIGN INC. HAS NO OPINION AS TO THE ACCURACY OF ANY LINES OR DIMENSIONS OF EXISTING UNDERPINNINGS OR STRUCTURES. THE PLAN COMPANIES ARE NOT RESPONSIBLE FOR THE ACCURACY OF ANY DIMENSIONS OF THE COMMUNITIES OF MASSACHUSETTS.

PRELIMINARY
FOR REVIEW ONLY
 REGISTERED LAND SURVEYOR



- NOTES:**
1. SUBJECT LOT IS IDENTIFIED AS LOT 7 IN TOWN OF PLYMOUTH ASSESSORS PLAN 500 UNDER SHIP POND BEACH TRACT. ALSO SEE PLANS PB 8 PG 23, PB 29 PG 287, LOT 13160N (SHEET 2), AND PB 57 PG 238.
 2. INTENT OF THIS PLAN IS TO CORRECT SURVEYING ERRORS IN PLAN BK. 57 PG. 238 AND TO DEPICT ADDITIONAL MONUMENTS SET. THE LANE DISTANCE OF 857.35' SHOULD HAVE BEEN 853.37'. SEVERAL MONUMENTS WERE CHECKED IN SUBDIVISIONS TO NORTH AND SOUTH IN ORDER TO VERIFY MEASUREMENTS.
 3. THE BEARINGS AND DISTANCES AND THE COORDINATES THEY ARE BASED ON SHOWN COORDINATE ARE IN U.S. SURVEY FEET IN THE MASSACHUSETTS STATE PLANE. COORDINATE ADJUSTMENT (NAD83/CORS) AS DETERMINED BY GPS OBSERVATIONS MADE JULY 14, 2015 USING THE RETRIEVE GPS VIRTUAL REFERENCE SYSTEM (VRS).
 4. EDGE OF WATER, EDGE OF POND, AND EDGE OF BEACH WERE DIGITIZED FROM AERIAL PHOTOGRAPHY AND ARE APPROXIMATE.
 5. LATITUDE/VALUES ARE PROVIDED TO AID IN RECOVERY OF MONUMENTS FOR CONSERVATION PURPOSES.
 6. NUMBER IN SIZE OF DIMENSIONS, MAP AND LOT NUMBERS TAKEN FROM THE LATEST AVAILABLE TOWN OF PLYMOUTH TAX ASSESSING RECORDS.

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