

## 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 16G

---

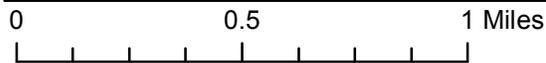
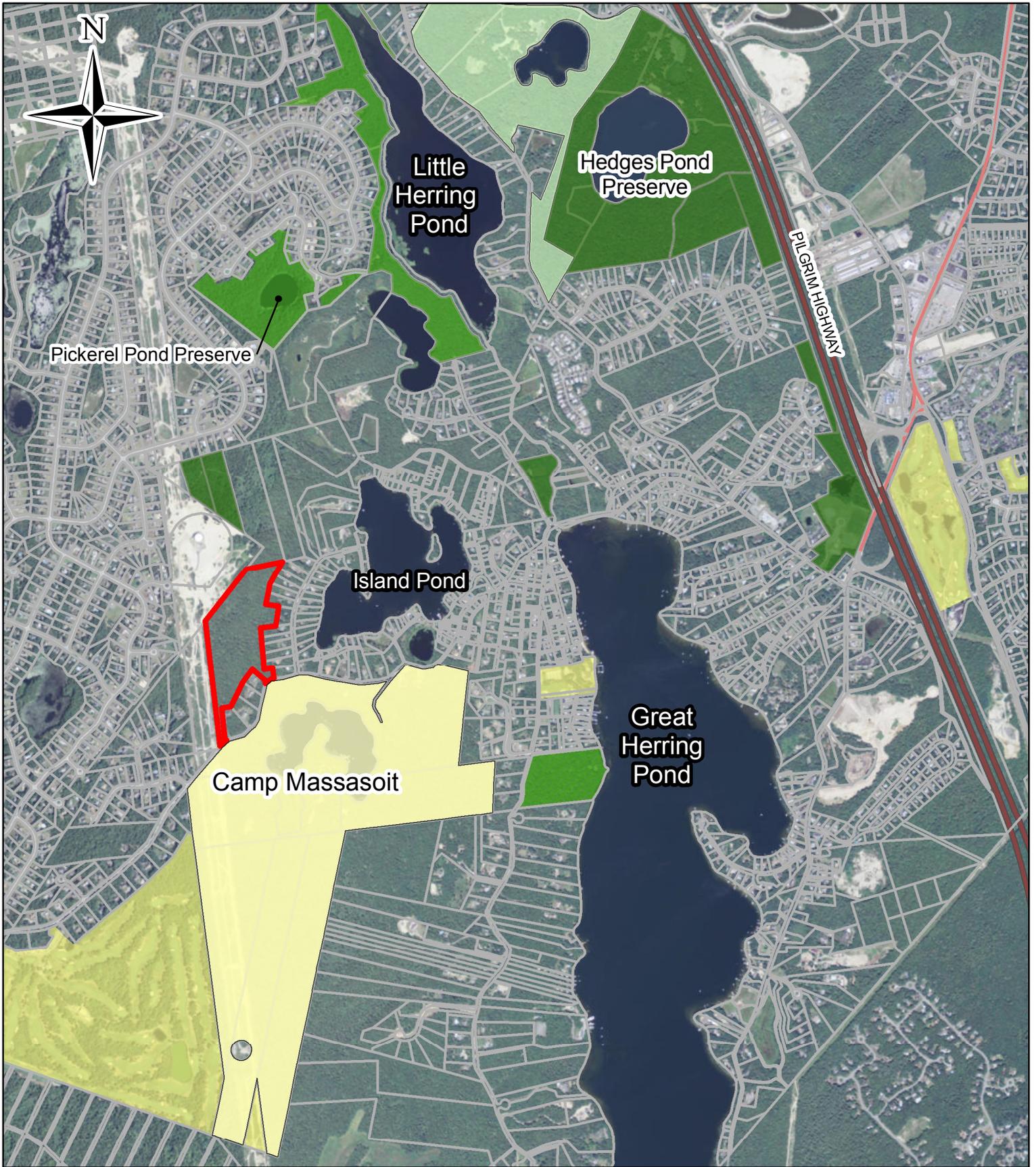
**ARTICLE 16G: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G.L. c.44B and to accept the deed to the Town of Plymouth, of a fee simple interest or less of land located off Little Sandy Pond Road and Livingston Drive in the Town of Plymouth comprised of 26 acres more or less and shown on Assessors Map 59 Lot 27-66 to be held under the care, custody and control of the Conservation Commission, to appropriate \$175,000 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 16G at its meeting held Thursday, January 14, 2016

SUMMARY & INTENT:

The Community Preservation Committee is recommending the purchase of land off Little Sandy Pond Road and Livingston Drive. The property has frontage along Little Sandy Pond Road and Livingston Drive. The land is across the street from Camp Massasoit and Elbow Pond. To the north the Town owns open space, which abuts the property. To the north there is a well servicing the residential drinking water to the Ponds of Plymouth. The power lines to the west side act as a natural wildlife corridor. The property is in a location for passive recreational walking trails.



**Legend**

-  Island Pond Parcel
-  Protected Rec. Land
-  Private Rec. Land

**Article 16G SATM  
Island Pond  
Subwatershed  
Protection Project**



Map Created February 2016

**APPLICATION  
to the  
PLYMOUTH  
COMMUNITY PRESERVATION  
COMMITTEE**

**APRIL, 2015**

**PROJECT: ISLAND POND SUBWATERSHED  
PROTECTION PROJECT**

**LOCATION: LITTLE SANDY POND ROAD  
(north side)**

**ACREAGE: Approximately 26.2 acres**

**CURRENT OWNERS:**

**ISLAND POND REALTY TRUST  
BRUCE W. LIVINGSTON, TRUSTEE**

*Map 59, Parcel 27-66*

*lot 27-66*

---

**CURRENT ASSESSED VALUE: \$998.00 (Ch. 61A  
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 sizable parcel of open space situated off of the north side of Little Sandy Pond Road.

The subject property consists of over 26 acres of upland woodlands, and includes two areas of frontage on Little Sandy Pond Road. A Town-owned open space parcel and a well that supplies drinking water to the Ponds at Plymouth development directly abuts to the northwest.

The property possesses considerable natural resource values. Approximately two-thirds of its extent lies within an area designated by the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program ("NHESP") as "Priority Habitat of Rare Species, PH 1396" and "Estimated Habitats of Rare Wildlife". It is also entirely within the 4450-acre Herring River Watershed Area of Critical Environmental Concern ("ACEC") designated in 1991 by the Commonwealth of Massachusetts. The ACEC designation reflects the area's multiple ecological and cultural values, including a significant anadromous fish run and an encampment that is believed to have housed a Native American community adjacent to Great Herring Pond. The Premises also lie above the Plymouth-Carver sole source aquifer, an invaluable natural resource that provides Plymouth with clean drinking water.

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:**

The project was brought to our attention in April of this year by Bruce Livingston, a Trustee of the Trust that controls the property. Mr. Livingston is interested in exploring the potential for preserving the property, which is the remnant of a much larger parcel acquired by his father in the 1960's.

## **ZONING/DEVELOPMENT POTENTIAL:**

The Premises are situated entirely within the R25 Zoning District.

It has two areas of frontage along Little Sandy Pond Road: an approximately 100' strip at its southwest corner, and an approximately 60' access at its southeast corner. Either access point might be sufficient for a potential subdivision road. The landowner possesses a conceptual subdivision plan that depicts a 20-lot maximum subdivision (copy included herewith as an attachment). Four of these lots have already been built.

The parcel is enrolled in Chapter 61, 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.

### **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 October.

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:**

The Premises are entirely wooded, with a mix of mature coniferous and deciduous species. Along its northwestern boundary is an area that Mass GIS identifies as "Pine Barrens Natural Community Systems Pitch Pine". Plymouth's Pine Barren Forests are a globally rare habitat type.

The Premises' topography is variable. It does not appear to include any wetlands or streams.

Approximately two-thirds of the Premises lies within an area designated by NHESP as "Priority Habitat of Rare Species, PH 1396" and "Estimated Habitats of Rare Wildlife". Such areas are prioritized for the contribution they make to the perpetuation of the Commonwealth's biodiversity.

The Premises are also located entirely within the 4450-acre Herring River Watershed ACEC, formally designated as such by the Commonwealth in 1991. This designation reflects the area's multiple ecological and cultural features, including its eleven lakes and ponds (the largest is the 376-acre Great Herring Pond), numerous wetlands and cranberry bogs, regionally significant anadromous fish runs, and several hundred acres of protected open space.

### **LANDSCAPE CONTEXT:**

Little Sandy Pond Road and several developed frontage lots abut to the south. Camp Massasoit and Elbow Pond are also situated to the south, just across Little Sandy Pond Road. A town-owned open space parcel and a drinking water well servicing the Ponds at Plymouth development abut to the northwest. A high-tension power line abuts to the west. To the east are multiple single-family homes with frontage on Livingston Drive. To the north/northeast lie several large undeveloped parcels under private ownership.

**IMPROVEMENTS/ACCESS:**

So far as is known at the time of this application, there are no improvements existing on the Premises. It has two areas of frontage on Little Sandy Pond Road that provide access.

**LONG-TERM MANAGEMENT PROGNOSIS:**

Should the Town acquire the subject property, it is not anticipated that it would require significant management attention, as it would join with and complement existing Town holdings. Therefore, the acquisition of the subject parcels wouldn't impose a burden on Town staff or budgets.

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

**GOAL 1:** *Preserve Plymouth's Rural Character.* The Premises is one of the largest remaining undeveloped parcels along the north side of Little Sandy Pond Road, and helps the area maintain a rural feel and appearance.

**GOAL 2:** *Protect rare, unique, and endangered plant and wildlife habitat.* Approximately two-thirds of the Premises lies within NHESP-designated "Priority Habitat of Rare Species PH 1396" and "Estimated Habitats of Rare Wildlife". Such designations are afforded to areas that possess significant habitat for rare species. The Premises are also located entirely within the Herring River Watershed ACEC as described previously herein.

**GOAL 3:** *Protect aquifer and aquifer recharge areas to preserve quality and quantity of future water supply.* The Premises includes 26 acres of upland terrain with well-drained soils that lies above the Plymouth-Carver sole source aquifer. Protecting such properties is the most effective means of ensuring the aquifer's long-term integrity and viability. The Premises also directly abuts a drinking water well that serves the Ponds at Plymouth development.

**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.

Water Supply

- *Goal: Protect the sources of drinking water supply in Plymouth through the use of open space conservation and management.*

The proposed acquisition would protect land above the Plymouth-Carver sole-source aquifer, a priceless natural resource that supplies Plymouth with high-quality drinking water. The project would also protect land that is directly adjacent to a drinking water well that serves the Ponds at Plymouth development.

**PROJECT BUDGET**

*Proposed Sales Price*

\$ TBD following Appraisal

Funding Sources

*Town of Plymouth CPC Funds*

\$ TBD

*Other*

\$ TBD

Project Costs

*Due Diligence*

\$ 15,000<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.

## **PROJECT TIMELINE**

- Submission of Application to CPC—May 2015
- CPC Deliberations on Application/Vote—Spring 2015
- Appraisal completed—Late Spring/Early Summer 2015
- Execution of P+S/Letter of Intent—Summer 2015
- Town Meeting Vote on Warrant Article Authorizing CPC Expenditure on Project—October 2015
- Due Diligence Initiated/Completed—Fall 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

52

## **ATTACHMENTS/EXHIBITS**

- **ASSESSORS FIELD CARDS FOR SUBJECT PARCEL**
  - **DEED FOR SUBJECT PARCEL**
  - **CONCEPTUAL SUBDIVISION PLAN FOR SUBJECT PARCEL DEPICTING POTENTIAL 18-LOT SUBDIVISION**
  - **LANDSCAPE CONTEXT MAP DEPICTING SUBJECT PROPERTY AND ADJACENT OPEN SPACE HOLDINGS**
-

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

**General Property Data**

Parcel ID 059-000-027-066	Account Number 59181
Prior Parcel ID 9600 -C01 -059*0018D	
Property Owner ISLAND POND REALTY TRUST	Property Location LITTLE SANDY POND RD
LIVINGSTON W BRUCE	Property Use C61 10Y
Mailing Address 17 PILGRIM RD	Most Recent Sale Date 6/30/1995
	Legal Reference 13668/065
City HINGHAM	Grantor
Mailing State MA Zip 02043	Sale Price 45,000
Parcel Zoning R25	Land Area 26.272 acres

**Current Property Assessment**

Card 1 Value	Building Value 0	Xtra Features Value 0	Land Value 998	Total Value 998
--------------	------------------	-----------------------	----------------	-----------------

**Building Description**

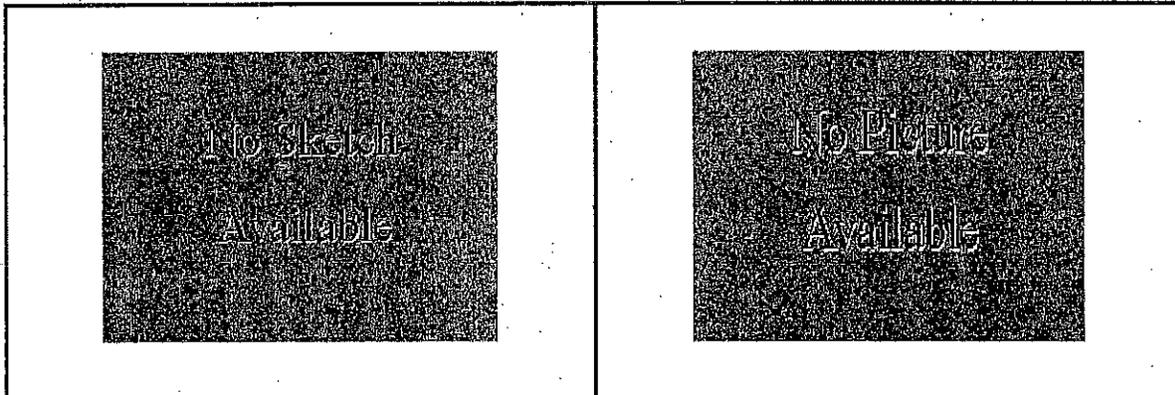
Building Style	Foundation Type	Flooring Type N/A
# of Living Units 0	Frame Type	Basement Floor N/A
Year Built N/A	Roof Structure	Heating Type N/A
Building Grade	Roof Cover:	Heating Fuel N/A
Building Condition N/A	Siding	Air Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of Bsmt Garages 0
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 26.272 acres of land mainly classified as C61 10Y with a(n) style building, built about N/A , having exterior and roof cover, with 0 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.

54

BK 13668 PG 065

53857  
Received & Recorded  
PLYMOUTH COUNTY  
REGISTRY OF DEEDS  
30 JUN 1995 01:06PM  
JOHN D. RIORDAN  
REGISTER  
Bk 13668 Pg 65.

QUITCLAIM DEED

I, Charles H. Resnick of Todd Pond Road, Lincoln, Middlesex County, Commonwealth of Massachusetts, with a one-fourth undivided interest, as a tenant in common, for consideration of forty five thousand five hundred dollars (\$45,500.00) paid, grant with quitclaim covenants to W. Bruce Livingston and Barbara E. Alexander, Trustees under Declaration of Trust dated May 23, 1995 by W. Bruce Livingston and Barbara E. Alexander, known as the Island Pond Realty Trust, which trust will be duly recorded with this deed at the Plymouth County Registry of Deeds, all of my right, title and interest in the following described real estate:

The land in Plymouth, Plymouth County, Commonwealth of Massachusetts, bounded and described:

Beginning at a point where the WESTERLY boundary of Lot No. 31 as show on a plan entitled, "Plan of Lots 20 through 47, Livingston Drive & Little Sandy Pond, Plymouth, Massachusetts", dated October 24, 1972 and recorded with Plymouth County Registry of Deeds as Plan No. 448 of 1973, meets the NORTHERLY boundary of Little Sandy Pond Road (sometimes called "Carter Bridge Road") as shown on said Plan;

*Truster's Address 38 Hillside St Quincy MA 02169  
17 Pilgrim rd Hingham MA 02043*

55

Thence turning and running SOUTH  $27^{\circ} 07' 35''$  WEST one hundred forty and  $41/100$  (140.41) feet along the NORTHWESTERLY boundary of Lot No. 38 as shown on said Plan and one hundred forty-eight and  $16/100$  (148.16) feet along the NORTHWESTERLY boundary of Lot No. 37 as shown on said Plan;

Thence turning and running SOUTH  $62^{\circ} 52' 25''$  EAST one hundred sixty-seven and  $35/100$  (167.35) feet to the NORTHEASTERLY corner of Lot No. 17 as shown on said Plan;

Thence turning and running along the NORTHWESTERLY boundaries of Lots 17 and 16 as shown on said Plan two hundred sixty (260.0) feet to the NORTHEASTERLY boundary of Lot No. 36 as shown on said Plan;

Thence turning and running NORTH  $79^{\circ} 43' 30''$  WEST along the NORTHEASTERLY boundary of said Lot No. 36 one hundred ninety (190) feet to the NORTHERLY corner of said Lot No. 36;

Thence turning and running SOUTH  $10^{\circ} 16' 30''$  WEST along the NORTHWESTERLY boundaries of Lots numbered 36, 35, 34, 33, and 32 as shown on said Plan respectively: one hundred two and  $32/100$  (102.32) feet, one hundred two and  $68/100$  (102.68), one hundred ten (110) feet, one hundred seven and  $73/100$  (107.73) feet and one hundred seven and  $73/100$  (107.73) feet;

Thence turning and running SOUTH  $79^{\circ} 43' 30''$  EAST ninety and  $5/100$  (90.05) feet to the NORTHWESTERLY corner of said Lot No. 31;

BK 13668 PD069

Resnick to Commonwealth Electric Company, a Massachusetts Corporation, duly recorded at Plymouth County Registry of Deeds in Book 8918, Page 306. Also being the same premises described in an easement dated November 19, 1965 from Florence Manchester, Donald W. Manchester and Chauncey Lewis, recorded with Plymouth County Registry of Deeds in Book 3256, Page 307. See also Plan 754 of 1966 recorded in Plymouth County Registry of Deeds.

This conveyance is made with the benefit of any and all rights of the Grantors appurtenant to the premises conveyed and subject to the rights of others entitled thereto to use the paths or roadways heretofore established on the premises conveyed.

Subject to real estate taxes assessed by the Town of Plymouth for the year ending June 30, 1995.

For reference to our title see Quitclaim Deed from Florence Manchester and Chauncey N. Lewis to William Livingston and Florence G. Livingston recorded with Plymouth Registry of Deeds, Book 3417, page 537 and Quitclaim Deed dated December 21, 1978 from William Livingston and Florence G. Livingston to Charles H. Resnick recorded with Plymouth Registry of Deeds, Book 4591, Page 77.

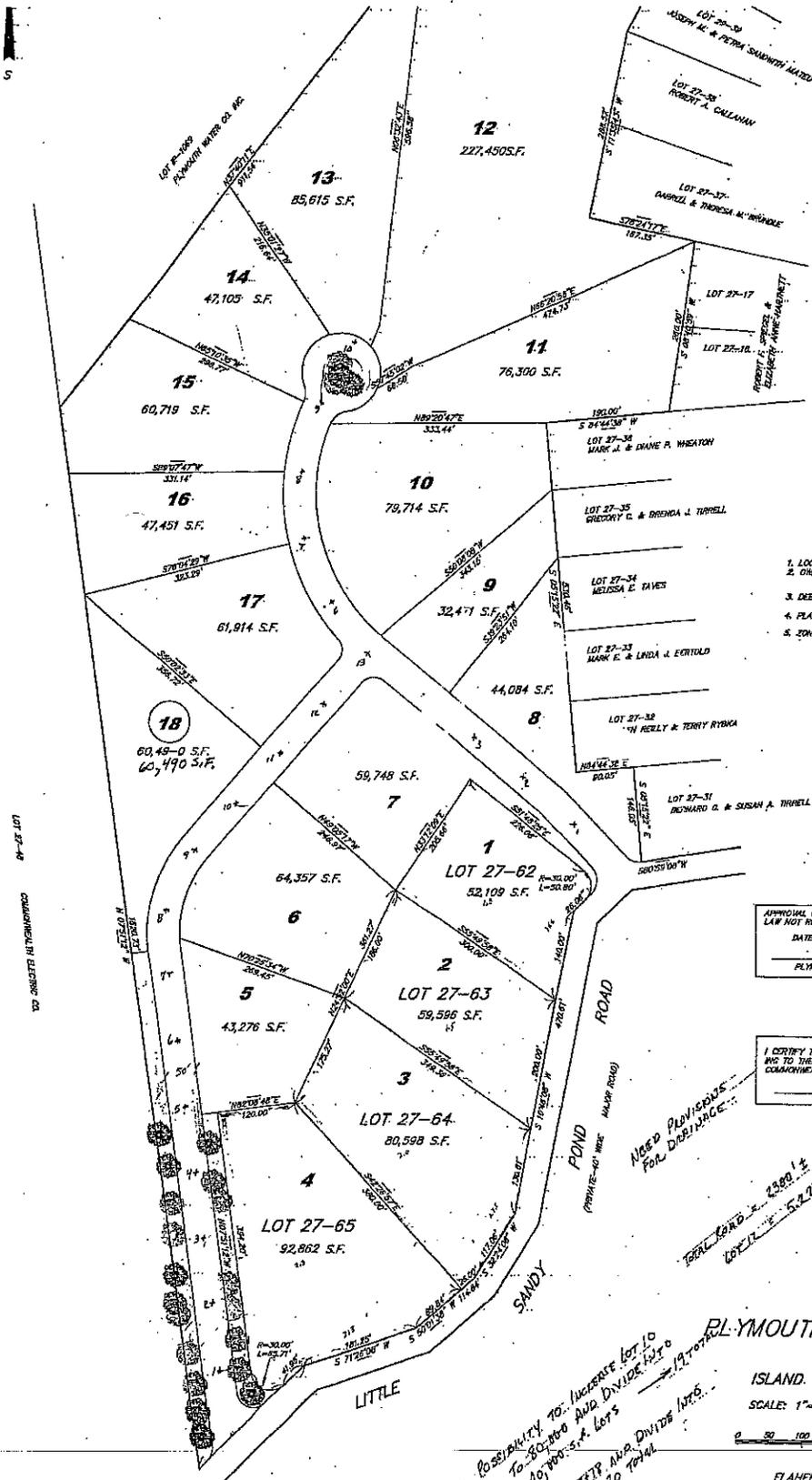
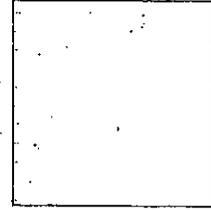
Witness my hand and seal this 8<sup>th</sup> day of

June, 1995.

5

LOCUS MAP

REGISTRY USE ONLY



- NOTES
1. LOCUS PLAT 29 LOT 27-30
  2. OTHER ISLAND POND REALTY TRUST BRUCE R. LIVINGSTON TRUSTEE
  3. DEED REFERENCE BOOK 13868 PAGE 65
  4. PLAN REFERENCE PLAN BOOK 31 PAGE 582
  5. ZONED R2S

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.

DATE \_\_\_\_\_

CLERK \_\_\_\_\_

PLYMOUTH PLANNING BOARD

I CERTIFY THIS PLAN WAS PREPARED CONFORMING TO THE RULES AND REGULATIONS OF THE COMMONWEALTH OF MASS. REGISTERS OF DEEDS.

NEED PLANNING BOARD APPROVAL

TOTAL ROAD = 2389.1 ±  
 LOT 27-62 = 522.22 ACRES

C.25  
 15' ±  
 FINISH TO  
 UTILITY = 10

PLAN OF LAND  
 IN  
 PLYMOUTH, MASSACHUSETTS

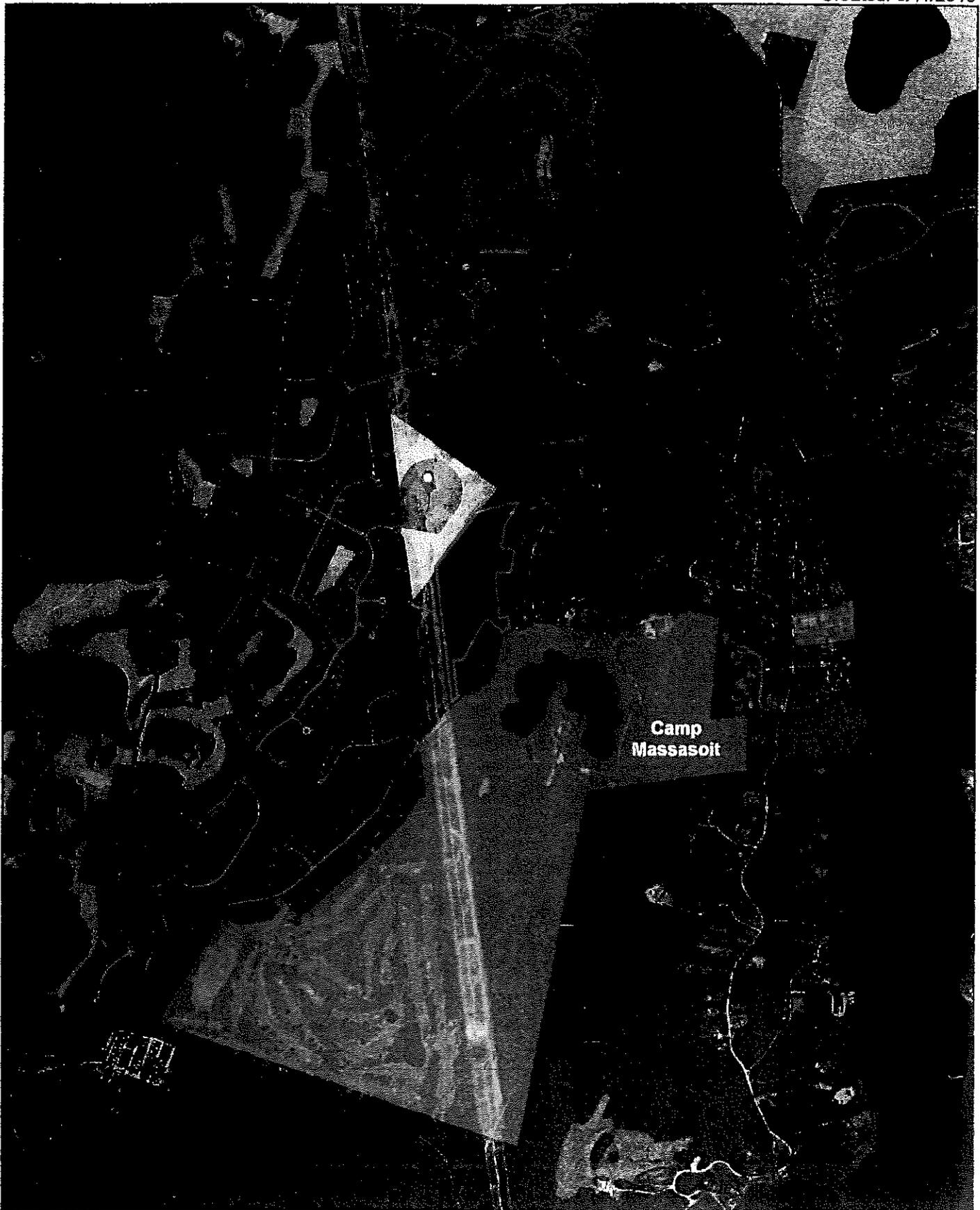
OWNED BY  
 ISLAND POND REALTY TRUST  
 SCALE: 1"=80' SEPTEMBER 26, 2002



FLAHERTY, STEFANI & BRACKEN INC.  
 67 SANSSET STREET  
 PLYMOUTH, MASSACHUSETTS

PROBABILITY TO INCREASE LOT 10  
 TO 40,000 ± S.F. LOTS  
 COMBINE LOTS 17 AND 18 INTO  
 3 LOTS = 20 TOTAL

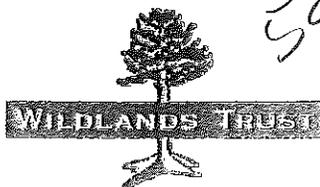
58



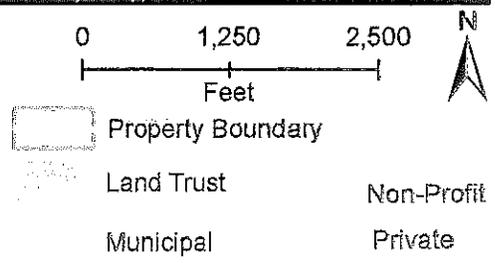
# Island Pond Subwatershed Protection Project

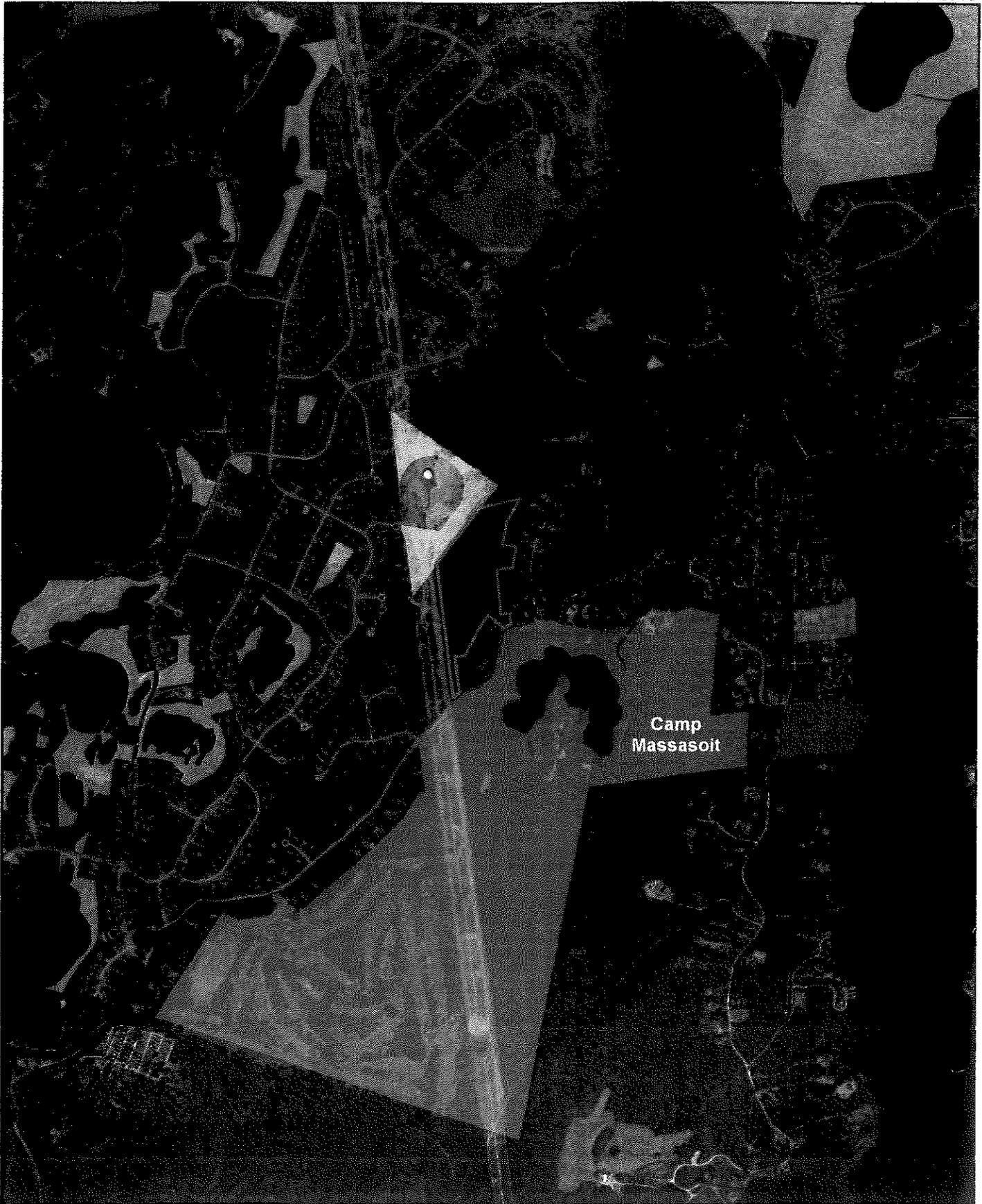
26.2 Acres

Locus Map



59





# Island Pond Subwatershed Protection Project

26.2 Acres  
Locus Map

