

Application #\_

For Administrative Use

**TOWN OF HARWICH - COMMUNITY PRESERVATION COMMITTEE**  
**2022 CPA PROJECT FUNDING REQUEST APPLICATION**  
**FISCAL YEAR 2023-2024**

Submission Date: October 3, 2022**APPLICANT INFORMATION**Applicant: Harwich Conservation TrustTown Committee, Board or Organization: Harwich Conservation TrustLegal Mailing Address: P.O. Box 101, South Harwich, MA 02661Phone: 508-432-3997 Email Address: info@harwichconservationtrust.orgProject Manager: Michael Lach, Executive DirectorLegal Mailing Address: P.O. Box 101, South Harwich, MA 02661Phone: 508-432-3997 Email Address: mike@harwichconservationtrust.orgSecond Contact Person: Tom Evans, President, Board of TrusteesLegal Mailing Address: 90 Great Western Road, Harwich, MA 02645Phone: 508-432-5185 Email Address: thomas.m.evans@comcast.net**PROJECT INFORMATION**PROJECT TITLE: Bells Neck Road-Herring River Land Preservation ProjectPROJECT AMOUNT REQUESTED: \$125,000**PROJECT DESCRIPTION:**

To protect the public scenic view along Bells Neck Road, to protect important state-designated wildlife habitat, to protect the health of the Herring River, and to buffer an 1800s-era cemetery on adjoining Town conservation land, the Harwich Conservation Trust (HCT) asks the Community Preservation Committee to consider this application for \$125,000 in open space funds toward a \$311,500 purchase of approx. 2.87 acres. The buildable property (see Attachment 3: septic plan) has approx. 782 feet of frontage or the length of 2.5 football fields along Bells Neck Road and approx. 1,180 feet of marsh shoreline. The land includes state-designated BioMap 2 Core Habitat and Critical Natural Landscape. Preserving this land will extinguish septic system nutrient loading into the Herring River estuary, which already suffers from impaired water quality according to the Town Comprehensive Wastewater Management Plan. The property would be owned by HCT subject to a Town conservation restriction held by the Conservation Commission.

ESTIMATED START DATE: Sept. 2022ESTIMATED COMPLETION DATE: April 2024

**Three years from the release of funds (July 2023) funds may be rescinded automatically; waivers may be sought.**

## CPA CATEGORY

### APPLICANTS PLEASE TAKE NOTE \*\*please check boxes for all that apply\*\*

- ☒ **Open Space:** This application is for the “acquisition, preservation, rehabilitation and/or preservation of open space”.
- ☐ **Historic:** This application is for the “acquisition, preservation, rehabilitation and/or restoration of historic resources”. Please provide the date on which the HDHC reviewed and endorsed this application.
- ☐ **Community Housing:** This application is for the “acquisition, creation, preservation and/or support of community housing”.
- ☐ **Recreation:** This application is for the “acquisition, creation, preservation, rehabilitation and/or restoration of land for recreational use”.

**How does this project fit into Harwich’s Local Comprehensive Plan and/or other Plan?**

*Please see Attachment 1: Bells Neck Road-Herring River Land Preservation Project in Context of Open Space Planning*

**How does this project benefit the citizens of Harwich? If appropriate, has the application sought public opinion or input? If not, why?**

*Please see Attachment 2: Bells Neck Road-Herring River Land Preservation Project in Context of Public Opinion Survey*

**Please list other Commissions/Boards/Committees/Organizations that may have involvement, jurisdiction, partnering:**

<u>Commissions/Boards/Committees/Organizations</u>	Please have them initial here after their review

**Describe their response, or provide written comments/input:**

**Please list any documentation to be forthcoming and reason for delay.**

Letters of support from the Town of Harwich Real Estate Open Space Committee, Cemetery Commission, Conservation Commission, and Natural Resources Dept. will be sought and submitted prior to Dec. 1st. The reason for delay is that we reached price agreement on Sept. 30th.



**PROJECT BUDGET:** Attach a dated and detailed line item project budget estimate for your funding request. If the request involves a Town-owned asset, provide the project's projected operating expenses, including maintenance.

**COST ESTIMATE(S):** \$ \$125,000 for conservation restriction held by Town on the land  
Attach cost estimates or firm quotes (if available) for all projects.

**LAND and/or BUILDING ACQUISITION PROJECTS:** The following **must** also be submitted, as applicable:

- By Dec. 1st
- ☒ Surveys and/or plot plans for the property
  - ☐ Appraisals and agreements (if not available then submit by December 1, 2022)
  - ☒ Name of present owner and attach copy of deed conveying property unto present owner.
  - ☒ Property address, Harwich Assessor's property identification (Map#, Parcel #).
  - ☒ For proposed Open Space land purchases, be prepared to discuss public access with the Committee.

\*\*\*\*\*  
By signing below, the Applicant represents and warrants that all the information included is true and correct to the best of the signer's knowledge and belief. Further, the Applicant acknowledges in the event that the Community Preservation Committee agrees to grant funds to Applicant (and subject to Town Meeting approval), this application together with any Terms and Conditions shall constitute a binding agreement, between the Applicant and the Community Preservation Committee. Further, Applicant acknowledges and agrees to execute any additional grant agreements should the Community Preservation Committee so request.

**ATTESTATION: I HEREBY ATTEST THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

Signature - Chief Executive Officer or Board Chair

Title

*Michael W. Lach*

Executive Director

Printed Name Michael Lach

Date October 3, 2022

**APPLICATIONS MUST BE RECEIVED BY OCTOBER 3, 2022 NO LATER THAN 4 PM**

Revised: May 16, 2022

**List of Attachments:**

- Attachment 1: Bells Neck Road-Herring River Land Preservation Project in Context of Open Space Planning
- Attachment 2: Bells Neck Road-Herring River Land Preservation Project in Context of Public Opinion Survey
- Attachment 3: Plan showing locations of approved septic system on locus & cemetery on adjacent Town land
- Attachment 4: Map of Land in Context of Herring River Estuary
- Attachment 5: Map of Land in Context of Herring River & BioMap2 Core Habitat
- Attachment 6: Map of Land in Context of Herring River & BioMap2 Critical Natural Landscape (CNL)
- Attachment 7: Deed
- Attachment 8: Town Assessor Field Cards (2 sheets)
- Attachment 9: Project Budget and Schedule
- Attachment 10: Aerial Photo of 2.87 acres in Context of Herring River

## **Attachment 1: Bells Neck Road-Herring River Land Preservation Project in Context of Open Space Planning**

### **How does this project fit into Harwich's Local Comprehensive Plan and/or other Plan?**

This land preservation project addresses objectives in the 2017 Town of Harwich Open Space & Recreation Plan and 2018 Barnstable County Regional Policy Plan by preserving and enhancing groundwater and surface water; inland and coastal wetlands; and wildlife and plant habitats. Protecting this property from development will extinguish road run-off and septic loading to the marsh and Herring River. By preserving this key marsh front property, together we can protect wetland habitat, forested upland and significant shoreline habitat.

Preservation of this property is consistent with the following town and regional open space planning goals and objectives:

#### **1. Town of Harwich 2017 Open Space and Recreation Plan**

- ✓ *Page 64, Goal VI: Preserve and Enhance the Following Natural Resources: Groundwater and Surface Water; Coastal Water and Adjacent Shoreline Areas; Inland and Coastal Wetlands; and Wildlife and Plant Habitats*
- ✓ *Page 65, Objective 2. Preserve and improve the ecological integrity of marine and fresh surface waters.*
- ✓ *Page 66, Objective 8. Preserve, protect and enhance the quality and quantity of inland and coastal wetlands in Harwich.*
- ✓ *Page 67, Objective 9. Continue to prevent the loss or degradation of critical wildlife and plant habitats, minimize the impact of new development on wildlife and plant habitats, and maintain existing populations and species diversity.*

#### **2. Barnstable County 2018 Regional Policy Plan**

*In July 1991, the Barnstable Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a Regional Policy Plan (RPP), amended in 1996, 2002 and 2009, and 2018 which states (references are to the 2018 Plan):*

- ✓ *Goals organized around three systems, one of which is Natural Systems: water resources, wetland resources, wildlife and plant habitat, and open space. These goals serve "to protect and restore the quality and function of the region's natural environment that provides the clean water and healthy ecosystems upon which life depends" (RPP, 2018, pp. 60);*
- ✓ *Water Resources Goal: "to maintain a sustainable supply of high quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources;*
- ✓ *Wildlife and Plant Habitat Goal: "to protect, preserve, or restore wildlife and plant habitat to maintain the region's natural diversity. And objectives include: to (m)aintain existing plant and wildlife populations and species diversity;"*
- ✓ *Wetland Resource Goal: "to protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers;"*
- ✓ *Open Space Goal: "to conserve, preserve, or enhance a network of open space that contributes to the region's natural and community resources and systems" (RPP, 2018, pp. 61);,*



## **Attachment 2: Bells Neck Road-Herring River Land Preservation Project in Context of Public Opinion Survey**

**How does this project benefit the citizens of Harwich? If appropriate, has the application sought public opinion or input? If not, why?**

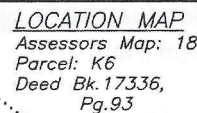
The following public opinion survey data is excerpted from Appendix G of the 2017 Town Open Space & Recreation Plan:

As part of the Town Planning Department's effort to update the Town Open Space & Recreation Plan, a public survey was conducted in 2015 with both hard copy and on-line versions available to the general public. A total of 379 survey responses were received with the large majority returned electronically.

70% of responses were from full-time residents, and 12% were from part-time residents. The latter was a considerable increase from 1.7% in the previous survey five years earlier. 17% of respondents identified themselves as visitors or "other".

85% of respondents said it is "very important" for the Town to continue to acquire and preserve open space and natural areas in Harwich. An additional 10% responded that it is "important". 5% responded that continued acquisition and preservation is "neutral" or "not important".

99% of respondents said it is "important" to acquire land for protection of groundwater, drinking water and watersheds and 96% of respondents said it is "important" to acquire wildlife habitat areas, such as woodland, wetlands and rare species habitat.

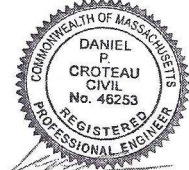
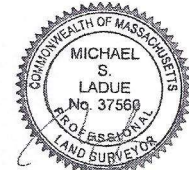


\*Wetland Delineation By Paul Shea, PWS  
of IEC, Inc., 162 W. Long Pond Rd.,  
Plymouth, Ma  
September, 2016  
reconfirmed, March, 2019  
& Mathew Creighton, PWS  
of BSC Group, 349 Rte 28,  
W.Yarmouth, MA  
May 22, 2019

..... Limit Zone A  
 (EI 12-NAVD)  
 ..... Zone AE  
 (EI 11-NAVD)  
 ..... per FIRM 25001C0611-J

Groundwater Found: El. 1.4  
Index Well: TSW-89  
Zone A (10/16, 12.0') => +1.8  
Adj. High GW Depth = El. 3.2

Design Flow: 4 bedrooms @ 110 gal/day = 440 gal.  
 Septic Tank: 440 gal. x 200% = 880 gal.  
 Use: 1500 Gal. Tank  
 Leaching Facility:  
 3 Rows Of Cultec 100 Chambers (40' Long Rows)  
 Proposed Area: 3 x 40 LF of Chamber x 5sf/lf = 600 sf  
 Capacity: 600 sf x 0.74 gal/1sf = 444 gal.  
 \*Per Mass.DEP Certification For General Use  
 NOTE: Garbage disposal is not permitted with this design.



**NOTE:**  
 \* This property is located within  
 Special Flood Hazard Area  
 Zone AE Flood Elev. 11  
 per FIRM 25001C0611J  
 \*\* This property is not located within  
 a Zone II, Drinking Water Protection  
 District

\*Elevation Datum is NAVD-88

Sht: 1 of 4

Rev: 6/10/19, 9/14/19, 10/10/19, 11/23/19 (resurvey south lot line)

MORAN ENGINEERING ASSOC.,LLC

508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA

PROPOSED CONDITIONS SITE & SEPTIC PLAN

Prepared For: Jamie Kline

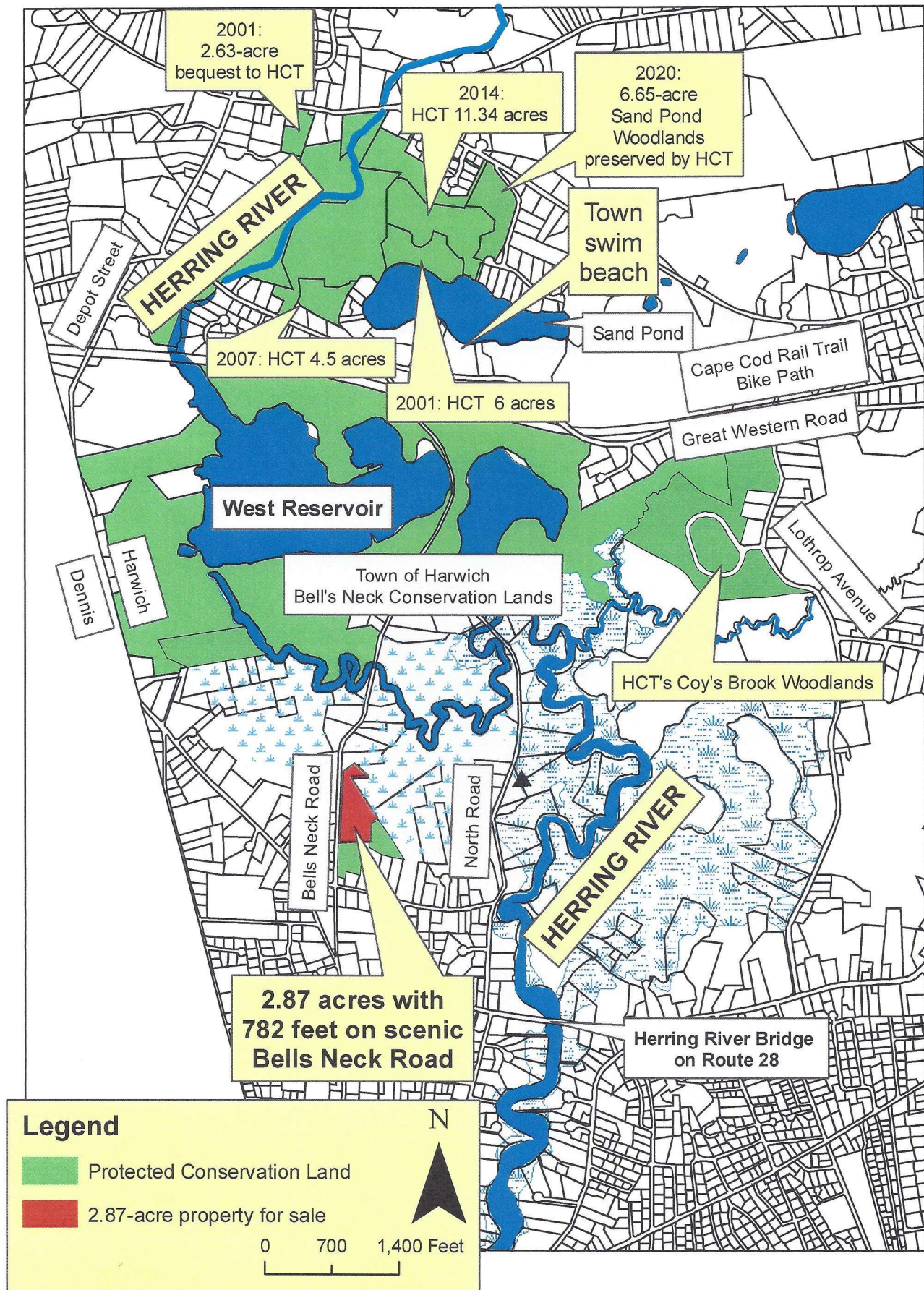
61 BELLS NECK ROAD WEST HARWICH, MA

PROJECT: 19-049

DATE: 4/17/19

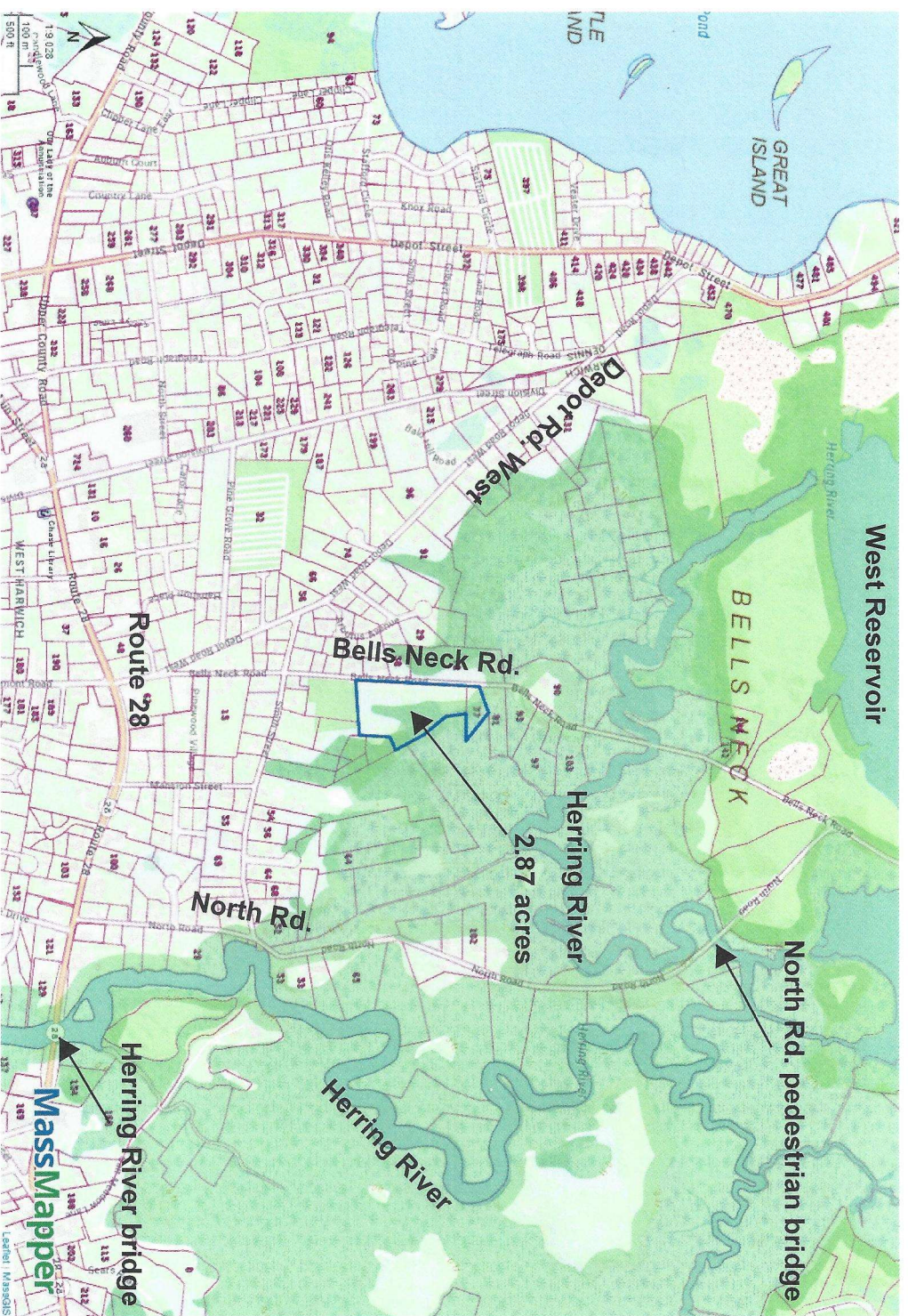


## Attachment 4: Map of Land in Context of Herring River Estuary





Attachment 5: Map of Land in Context of Herring River & BioMap2 Core Habitat



# Legend

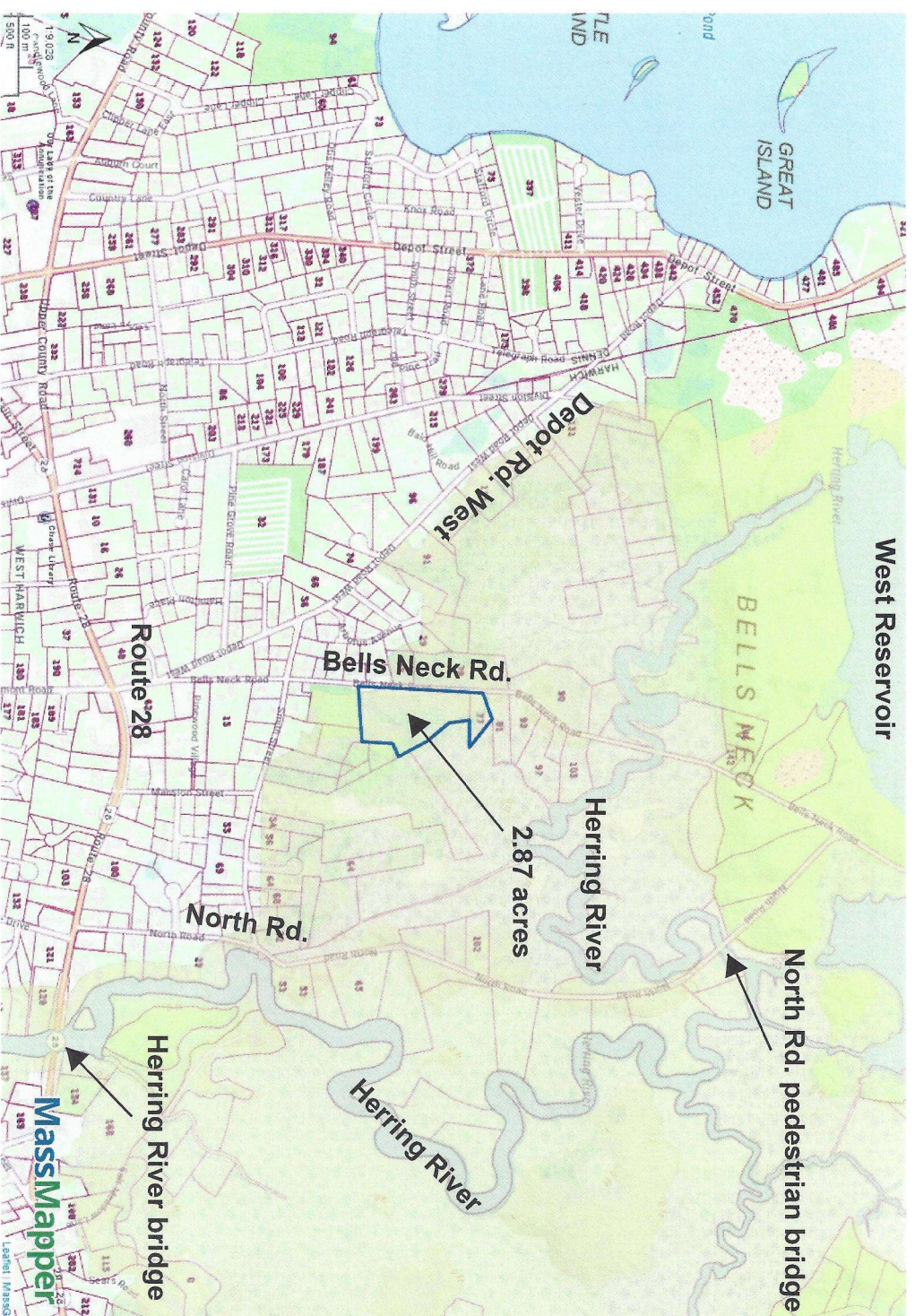
BioMap2 Core Habitat



BioMap2 **Core Habitat** identifies specific areas necessary to promote the long-term persistence of Species of Conservation Concern (those listed under the Massachusetts Endangered Species Act or identified in the State Wildlife Action Plan), exemplary natural communities, and intact ecosystems.



Attachment 6: Map of Land in Context of Herring River & BioMap2 Critical Natural Landscape (CNL)



Legend

BioMap2 Critical Natural Landscape

BioMap2 Critical Natural Landscape was created to identify and prioritize intact landscapes in Massachusetts that are better able to support ecological processes and disturbance regimes, and a wide array of species and habitats over long time frames.



Attachment 7: Deed

MASSACHUSETTS STATE EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 12-09-2020 @ 08:09am  
Ctl#: 76 Doc#: 69806  
Fee: \$820.80 Cons: \$240,000.00

Bk 33555 Pg18 #69806  
12-09-2020 @ 08:09a

BARNSTABLE COUNTY EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 12-09-2020 @ 08:09am  
Ctl#: 76 Doc#: 69806  
Fee: \$734.40 Cons: \$240,000.00

**Quitclaim Deed**

I, Darryl J. Swanson, a married man, of 79 Old Freemans Way, Brewster, MA 02631, in consideration of (TWO HUNDRED AND FORTY THOUSAND DOLLARS) \$240,000.00  
**GRANT TO** David S. Nutter, of 13850 Triadelphia Mill Road, Dayton, MD 21036

With ***QUITCLAIM COVENANTS***

the land in Harwich (West) Barnstable County, Massachusetts, together with any buildings thereon, being Unregistered Land, as shown on the hereinafter mentioned plans, more particularly described as follows:

A certain piece of woodland and bog land bounded as follows:

**PARCEL 1**

Beginning at the northwesterly corner by Anthony Kelleys Road, so-called, in the range of land formerly owned by Isaiah Baker,

Thence S 32 degrees E, as trees as marked in range formerly of said Kelley twenty-two (22) rods to a ditch in range formerly of Judah Berry;

Thence N 45 degrees W, by a ditch in range formerly of said Berry twelve (12) rods seventeen (17) links to the land formerly of said Baker ten (10) rods twenty one (21) links to the first mentioned bound.

Containing 110 rods, be the same more or less.

Said property is identified as Parcel IV in deed recorded in Barnstable County Registry of Deeds in Book 3497, Page 16.

Thence Southerly by said road five (5) rods to range formerly of N.D. Kelley;

**PARCEL II**

Beginning at the southwest corner of the premises on the Bells Neck Road so called at as stake in the range of land of Ernest L. Snow and running Northerly by said road to land in the range of Osmyn Berry thence Easterly by said Osmyn Berrys land to the land of Herbert F. Berry thence Southerly by land of said Herbert F. Berrys land and land of James W. Cummings to Esther D. Smiths range thence westerly by said Esther D. Smiths land and land of Ernest L. Snow to the



place of beginning containing two and one fourth (2 1/4) acres be the same more or less reserving the right of way to pass over the Southerly part of this land to land of Herbert F. Berry.

Subject to and with the benefit of all rights, rights of way, easements, appurtenances, reservations, and restrictions of record, if any, as the same are of legal force and effect.

This deed releases any and all homestead rights created either automatically by operation of law or by a written declaration that is recorded, and I hereby warrant and represent that there are not any other persons entitled to any rights of Homestead under MGL.c.188 in the premises conveyed by this deed.

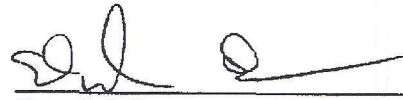
For Title see deed recorded with Barnstable County Registry of Deeds in Book 29664, Page 207.

For title see deed recorded in the Barnstable County Registry of Deeds in Book 362, Page 28 and in Book 24795, Page 250.

**For Grantor's Title, see deed dated and recorded in the Barnstable County Registry of Deeds at Book 32684, Page 81 AND Book 30300 Page 70.**

Property Address: 61 & 77 Bells Neck Road, West Harwich, MA 02671

Executed as a sealed instrument this Nov. 20<sup>th</sup>, 2020.



Darryl J. Swanson

Commonwealth of Massachusetts

BARNSTABLE, SS

On this Nov. 20<sup>th</sup>, 2020, before me, the undersigned notary public, personally appeared Darryl J. Swanson proved to me through satisfactory evidence of identification, which was MA Owen Kenna to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as their free act and deed.

  
Notary Public:

My Commission Expires:





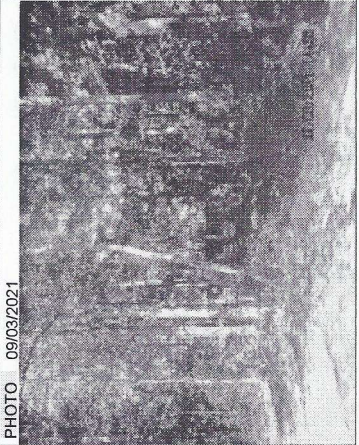
[illegible]

Key: 2379

Town of HARWICH - Fiscal Year 2022

12/7/2021 1:00 pm SEQ # 2,170

L E G A L		CURRENT OWNER		PARCEL ID		LOCATION		CLASS		CLASS%		DESCRIPTION		BN ID		BN		CARD	
NUTTER DAVID S		13850 TRIADAPLHIA MILL RD		DAYTON, MD 21036		18-K6-0		61 BELLS NECK RD		1300		100		DEV LAND				1 of 1	
TRANSFER HISTORY		DOS		T		SALE PRICE		BK-PG (Cert)		PMT NO		BY		INSP		NF		BY	
NUTTER DAVID S		12/09/2020		V		240,000		33555-18		824		12/18/2019		1		NEW CONST		09/03/2021	
SWANSON DARRYL J		02/11/2020		H		92,000		32684-81											
BOWEN RICHARD		09/01/2010		F		1		24795-250											
CD		T		AC(SF)/UN		Nch		Inf1		Inf2		Lpl		VC		CREDIT AMT		ADJ VALUE	
100		S		40,000		3		1.00		1.00		1.00		2		175,370			
200		A		0.918		3		1.00		1.00		1.00		2		96,420			
300		A		0.414		3		1.00		1.00		1.00		2		6,150			
TOTAL		2.250 Acres		ZONING		FRNT		0											
Nch		NGH 3		N		CONS REST 33547/159													
Inf1		VACANT		O															
Inf2		FACTOR 100		T															
E																			
TY		QUAL		COND		DIM/NOTE		YB		UNITS		ADJ PRICE		RCNLD					
BUILDING		CD		ADJ		DESC													
MODEL																			
STYLE																			
QUALITY																			
FRAME																			
YEAR BLT				SIZE ADJ		DETAIL ADJ		OVERALL											
NET AREA																			
CAPACITY				UNITS		ADJ													
TOTAL RCN																			
CONDITION ELEM																			
EFF YR/AGE																			
COND																			
FUNC																			
ECON																			
DEPR																			
RCNLD																			
% GD																			



BLDG COMMENTS

PHOTO 09/03/2021

DETACHED

BUILDING

ILLINOIS



**Attachment 9: Project Budget and Schedule**  
**Bells Neck Road-Herring River Land Preservation Project**

**PROJECT BUDGET**

**EXPENSES:**

Purchase of 2.87 acres	\$311,500
Land stewardship (signage, surveying)	\$ 2,500
Project management	\$ 4,000
Legal	\$ 4,000
R.E. tax remainder FY23	\$ 2,050
Appraisal	\$ 950

Total Expenses \$325,000

**INCOME - FUNDING SOURCES:**

Town of Harwich CPA Open Space funds	\$125,000	(applied Oct. 3, 2022)
Funds to be raised by HCT	\$185,000	(pending)
Fields Pond Foundation	\$ 10,000	(apply May 2023)
Cape Cod Five Foundation	\$ 5,000	(apply May 2023)

Total Income \$325,000

**PROJECT SCHEDULE 2022-2024**

- Sept. 29, 2022 Purchase price negotiated and offer signed
- Oct. 3, 2022 HCT submits CPA funding application to CPC
- Nov. 2022 Appraisal completed and submitted to CPC
- Nov. 2022 Due to competitive real estate market and seller's closing timeframe, the nonprofit Compact of Cape Cod Conservation Trusts, Inc. temporarily buys and holds property while CPA funding application reviewed by CPC/Town Mtg. and HCT applies for grants
- Dec. 2022 CPC reviews and approves application
- Feb. 2023 Select Board reviews CPC recommended article and adds to Town Mtg. warrant
- May 2023 Town Meeting voters review/approve \$125,000 open space funding authorization
- Sept. 2023-Feb. 2024 Conservation restriction (CR) reviewed/approved by Town & State
- Spring 2024 Compact conveys title to HCT; HCT conveys CR to Town Conservation Commission



Attachment 10: Aerial Photo of 2.87 acres in Context of Herring River

Aerial by HCT volunteers Steve & Eileen Furlong

