

To: Town of Harwich Community Preservation Committee
From: Elaine Shovlin, Chair, Real Estate & Open Space Committee
Date: April 13, 2023
Subject: Status Report—Article #37 of May 2, 2022 Town Meeting (Town purchase of conservation restriction)

Thank you for the opportunity to provide a status report for Article #37 of the May 2, 2022 Town Meeting.

Project background:

The Six Ponds Great Woods Project (aka Spruce Woods Project) is a land preservation partnership between the nonprofit Harwich Conservation Trust (HCT) and Town of Harwich. In fall of 2021, the Town Real Estate & Open Space Committee submitted a \$950,000 application to the Town Community Preservation Committee (CPC) for a proposed Town purchase with

Community Preservation Act (CPA) funds of a permanent conservation restriction to be jointly held by the Town Conservation Commission and MA Dept. of Conservation & Recreation (DCR) on an extensive area within the Six Ponds Special District of Critical Planning Concern. CPC unanimously approved the application which advanced to become Article 37 at the May 2, 2022 Town Meeting. Article 37 was unanimously approved by Town Meeting voters (see Exhibit B).

Looking further back in 2000, the Town petitioned the Cape Cod Commission to designate a 1,200-acre area in the north part of Harwich as the Six Ponds Special District of Critical Planning Concern (DCPC). This overlay zoning district enabled the Town to use creative planning and density reduction to protect the Hawksnest State Park, a large portion of the Town's wellfield area, and the six jewel-like freshwater ponds featured in the DCPC.

The Great Woods acreage was assembled over the course of the past 50 years by the Copelas family, cobbled together from purchases of old woodlots cut off from access by the Mid-Cape Highway (Route 6) running along the north. Residential subdivisions and their necessary utilities crept closer and closer along Spruce Road coming in from the east off of Route 137 until it made economic sense to develop the Copelas assemblage in the past few years.

Even with the overlay zoning district rules, an 18-lot subdivision was platted for the locus, which would fragment the forest block in its width and breadth in the watersheds for three ponds. HCT engaged with the family in private negotiations and was able to emerge in February 2022 with a deal to purchase their acreage for



Bird's eye view of the Great Woods area. Aunt Edies Pond is to the left. Aerial photo by HCT volunteer Steve Furlong.

\$2.825 million, a bargain sale at a time when the pandemic real estate frenzy was at its peak. HCT will purchase the property in June 2023 and convey the conservation restriction at that time to Town/DCR.

HCT was responsible for raising the balance of project funding with a total goal of \$3 million when adding HCT's project implementation costs and the additional HCT purchase of a key 1.5-acre lot to maintain the east-west wildlife habitat corridor (see Exhibit A). The fundraising goal was inclusive of the \$950,000 in Town CPA open space funding. Thanks to generous donors and foundations along with Town voter approved CPA funds and State funds, HCT met the fundraising goal and deadline of Dec. 31, 2022.

In July 2022, The Compact of Cape Cod Conservation Trusts, Inc. under contract to the Town submitted an application for a \$400,000 Local Acquisitions for Natural Diversity (LAND) grant to the State. On August 18th, the LAND grant administrator Vanessa Farny visited the site with Town Conservation Administrator Amy Usowski, Assistant Town Conservation Agent Melyssa Millet, and representatives from The Compact of Cape Cod Conservation Trusts and HCT.

Update since the last report to the CPC:

The conservation restriction (CR) will help facilitate the natural resource protection of more than 67 acres of unique and ecologically important land within the Six Ponds Special District, established to protect key natural resources including rare plant and wildlife habitat, wetlands and watershed land to coastal plain ponds, unfragmented forested areas, fisheries, and wildlife corridors. The project acreage to be placed under conservation restriction has been revised from approximately 75 acres to approx. 67 acres because of more definitive land research and surveys that have been completed. The mostly upland acreage still supports a potential 18-lot subdivision (see Exhibit C), which in turn, maintains and supports the value.

Note that an approx. 3.1-acre parcel shown on Exhibit C as parcel J3 has been removed from the area to be placed under CR because parcel J3 was determined to have 1/3 title interest held by Copelas after MA DCR's 379-page title exam report was completed in November 2022. The rest of the parcels proposed for CR were found to have clear title (see exhibit C for outline of acreage to be placed under CR). The MA DCR title exam has been sent to Town Counsel. HCT will still be acquiring the 1/3 interest in landlocked parcel J3.

In the fall of 2022, the Town was approved for the \$400,000 State LAND reimbursement grant. The Compact has been contracted by the Town of Harwich to complete grant compliance requirements in order to enable grant disbursement by the State to the Town. The Town would receive the \$400,000 grant in FY24 (most likely Sept. to Dec. 2023) to reimburse the open space portion of the Town's Community Preservation Fund.

In June 2022, on the Town's behalf, The Compact submitted a draft conservation restriction (CR) to the State Executive Office of Energy & Environmental Affairs Division of Conservation Services (EEA DCS) for its review. The CR has been submitted for Town Counsel review and then Town Conservation Commission review at its meeting on April 20, 2023. The Select Board will then review for approval. In parallel, MA DCR's attorney has reviewed the CR.

HCT has a closing date of June 1, 2023 with the Copelas family. HCT will convey a permanent conservation restriction (CR) at that time or before June 30th to be jointly held by the Town and the Massachusetts Dept. of Conservation & Recreation. When a trailhead parking area is completed along Spruce Road, HCT looks forward to inviting CPC members and other project partners to a trail opening celebration.

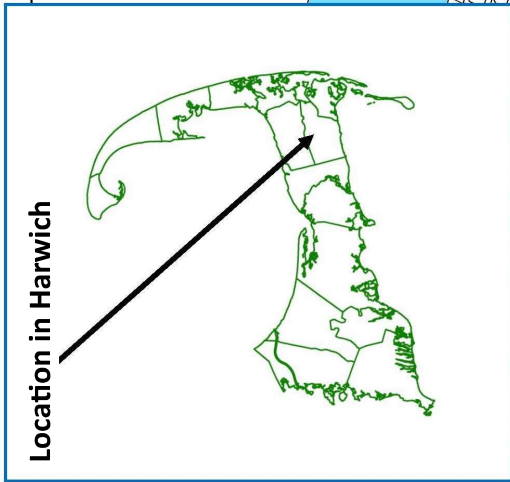
Attached Exhibits:

- Exhibit A: Map of land area in context of the Six Ponds Special District
- Exhibit B: Town Clerk attested May 2, 2022 Town Meeting vote on Article 37
- Exhibit C: Conceptual subdivision plan

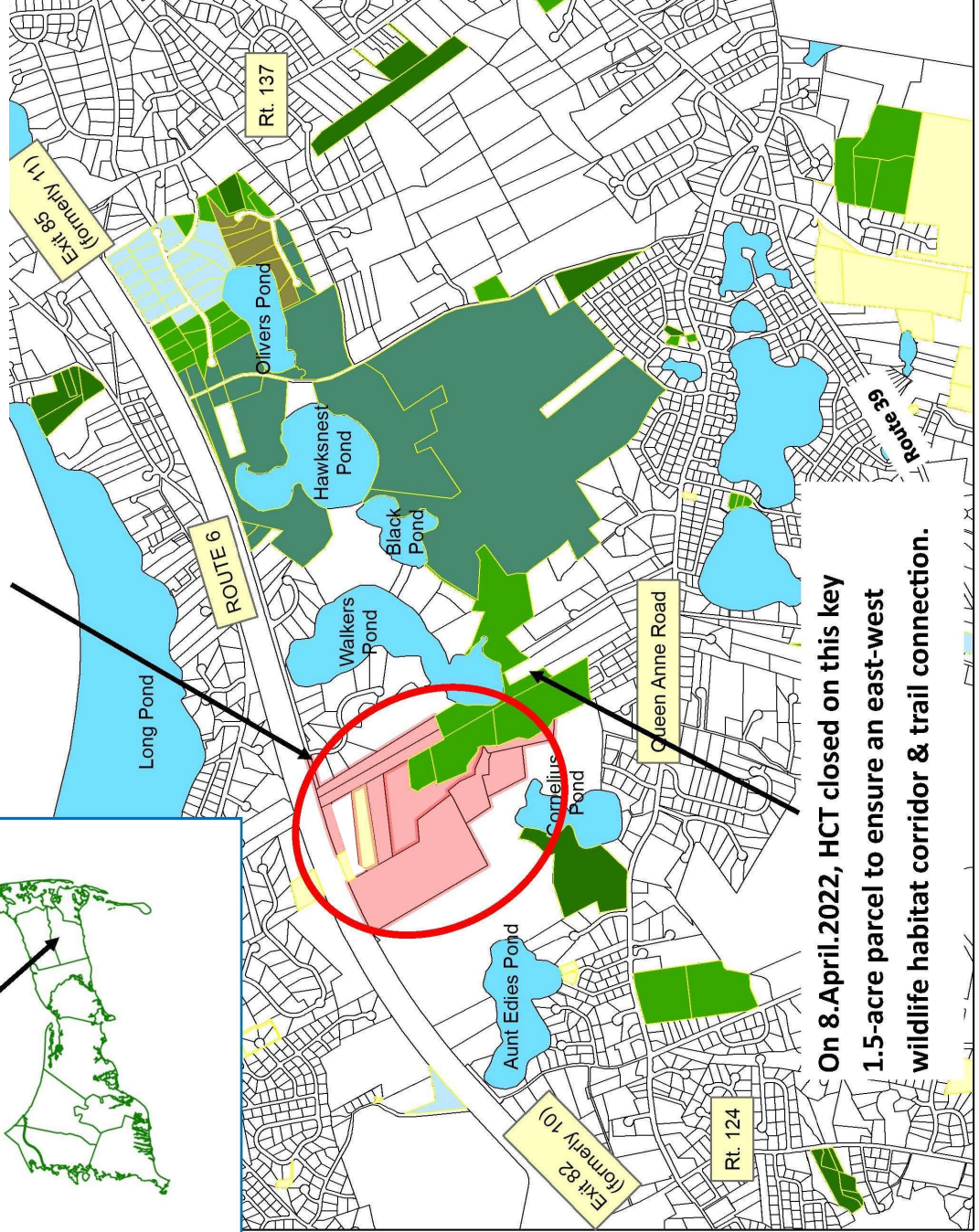
EXHIBIT A

Map of Six Ponds Great Woods Project

The circled area is the approximate location of the parcels that will be acquired by HCT and subject to the conservation restriction to be jointly held by the Town Conservation Commission and MA Dept. of Conservation & Recreation. Preserving the land will create a wildlife habitat corridor and walking trail connection with adjoining Town conservation land, HCT protected land, and Hawknest State Park.



- Legend
- MA Division of Fisheries & Wildlife
 - MA Dept of Environmental Management
 - Harwich Conservation Trust
 - Town of Harwich-CONSERVATION
 - Town of Harwich-SELECTMEN
 - Town of Harwich-WATER DEPT
 - Shaded circled parcels to be preserved



On 8.April.2022, HCT closed on this key 1.5-acre parcel to ensure an east-west wildlife habitat corridor & trail connection.

EXHIBIT B
Attested Town Meeting Vote



Town of Harwich
TOWN CLERK'S OFFICE

Emily Mitchell, Town Clerk
Harwich Town Hall • 732 Main Street • Harwich, MA 02645
Tel: 508-430-7516 • Fax: 508-430-7517

The following is a True Copy of Article 37 of the Annual Town Meeting held on May 2, 2022, and the vote passed thereunder.

COMMUNITY PRESERVATION ACT – PURCHASE CONSERVATION RESTRICTION at the
SPRUCE WOODS PROJECT

ARTICLE 37: To see if the Town will vote to authorize the Conservation Commission, with the approval of the Board of Selectmen, to acquire by gift or purchase for water quality protection, conservation and passive recreation purposes pursuant to G.L. c. 40, §8C and G.L. c. 44B, a conservation restriction pursuant to G.L. c 184, §§31-33 on approximately 75 acres of undeveloped land off of Spruce Road, located within the Six Ponds District of Critical Planning Concern (DCPC), further described in the Town of Harwich/Real Estate and Open Space Committee's application to the Community Preservation Committee entitled Spruce Woods Project dated September 22, 2021, a copy of which is on file with the Town Clerk; and to appropriate \$604,486 from the FY2021 Certified Open Space Reserves, \$210,000 from the FY2023 Anticipated Revenues, and \$135,514.00 from FY2021 Certified Undesignated Fund Balance, for a total appropriation of \$950,000 to fund said acquisition; provided that any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Open Space Reserves; and further, to authorize the Board of Selectmen and the Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary or convenient on behalf of the Town to effect said acquisition; and to act fully thereon. By request of the Community Preservation Committee and the Open Space Committee. Estimated cost: \$950,000.

MOTION: Jonathan P. Chorey, Chair of the Finance Committee, made a motion to accept and adopt as printed and the sums of \$604,486 to be funded from the FY 2021 Certified Open Space Reserve, \$210,000 from the FY 2023 Anticipated Revenue, and \$135,514 from FY 2021 Certified Undesignated Fund Balance. Duly Seconded.

ACTION: The motion carried unanimously.

A True Copy, Attest:

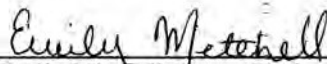
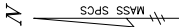
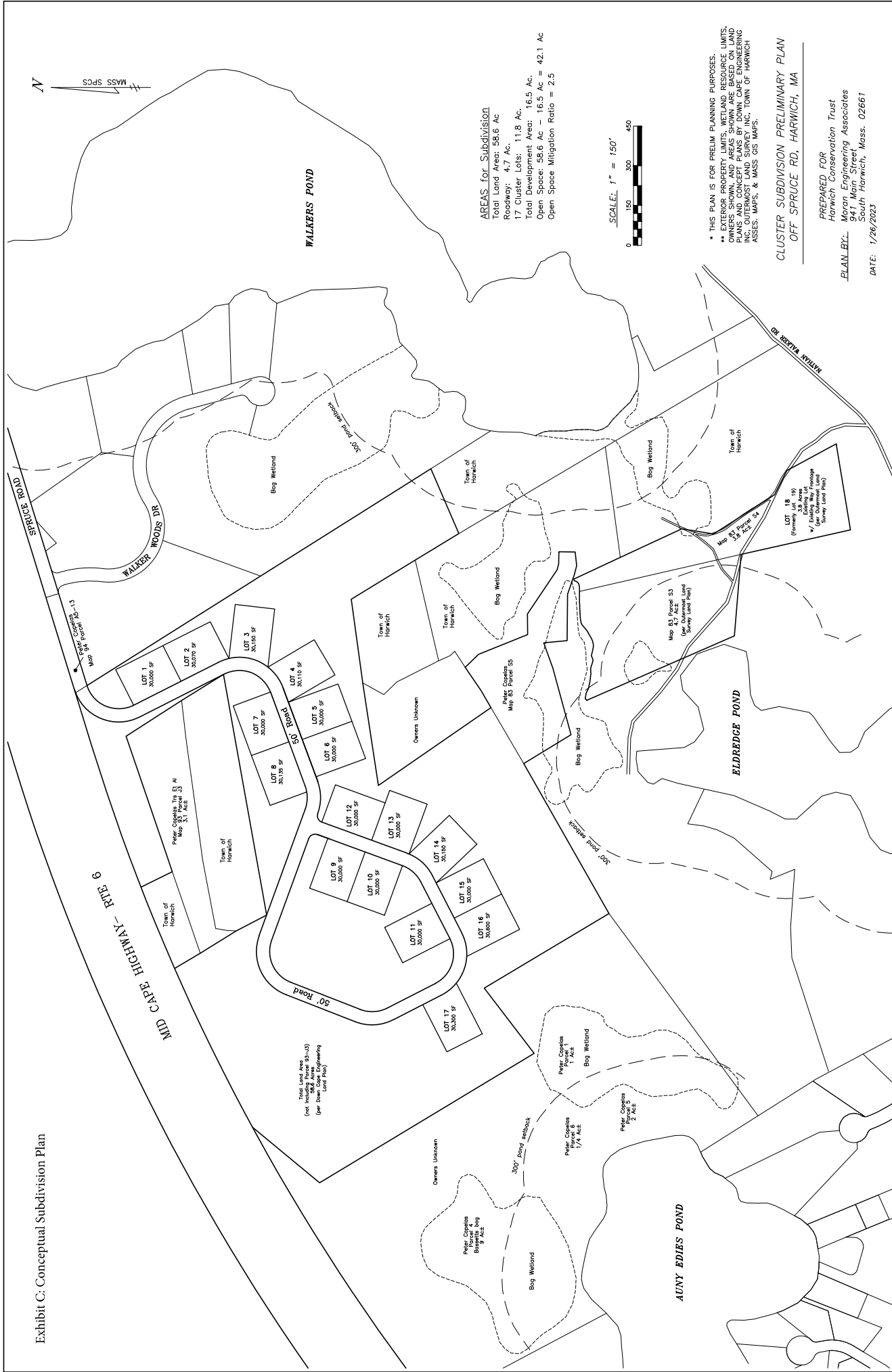
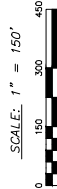

Emily Mitchell, Town Clerk

Exhibit C: Conceptual Subdivision Plan



AREAS for Subdivision
Total Land Area: 98.6 Ac
Roadway: 4.7 Ac
17 Cluster Lots: 11.8 Ac.
Total Development Area: 16.5 Ac.
Open Space: 56.6 Ac - 16.5 Ac = 42.1 Ac
Open Space Mitigation Ratio = 2.5



SCALE: 1" = 150'

* THIS PLAN IS FOR PRELIM PLANNING PURPOSES.
** EXTERIOR PROPERTY LIMITS, WETLAND RESOURCE LIMITS, AND EXTERIOR EASEMENTS ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY. THIS PLAN IS NOT TO BE USED FOR CONCEPT PLANS BY DOWN CAPE ENGINEERING INC., OUTERMOST LAND SURVEY INC., TOWN OF HARWICH ASSES. MAPS, & MASS GIS MAPS.

CLUSTER SUBDIVISION PRELIMINARY PLAN
OFF SPRUCE RD, HARWICH, MA

PREPARED FOR
Harwich Conservation Trust
Moran Engineering Associates
941 Main Street
South Harwich, Mass. 02661

DATE: 1/26/2023