

To: Town of Harwich Community Preservation Committee
From: Elaine Shovlin, Chair, Real Estate & Open Space Committee
Date: August 31, 2022
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 and Update:

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 proposed use in funding a Town purchase



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

of a permanent conservation restriction to be jointly held by the Town Conservation Commission and MA Dept. of Conservation & Recreation on an approx. 75-acre 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 C).

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, a 19-lot subdivision was platted for the locus in 2021, 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 all 75 acres for \$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.

HCT is 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). HCT has a fundraising deadline of Dec. 31, 2022. As of Aug. 31, 2022, when accounting for project contributions both pledged to and received by HCT, HCT has approximately \$500,000 left to raise.

In July 2022, The Compact of Cape Cod Conservation Trusts under contract to the Town submitted an application for a \$400,000 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.

The Town should hear by November whether its FY23 LAND grant application was selected for funding. If selected for funding, then The Compact would complete grant compliance steps from Dec. 2022 to June 2023 in order to enable grant disbursement by the State to the Town, which 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 of Cape Cod Conservation Trusts submitted a draft conservation restriction (CR) to the State for its review (see Exhibit B: State Acknowledgement of CR Receipt). After receiving State comments, The Compact will submit the CR for Town Conservation Commission review as well as Select Board review and approval.

HCT has a closing date of June 1, 2023 with the Copelas family. HCT will convey a permanent conservation restriction (CR) at that time to be jointly held by the Town and the Massachusetts Dept. of Conservation & Recreation.

Attached Exhibits:

- Exhibit A: Map of approx. 75-acre area in context of the Six Ponds Special District
- Exhibit B: Acknowledgement from Mass. Exec. Office of Energy & Env. Affairs for receipt of draft conservation restriction to be reviewed by the State
- Exhibit C: Town Clerk attested May 2, 2022 Town Meeting vote on Article 37








EXHIBIT A

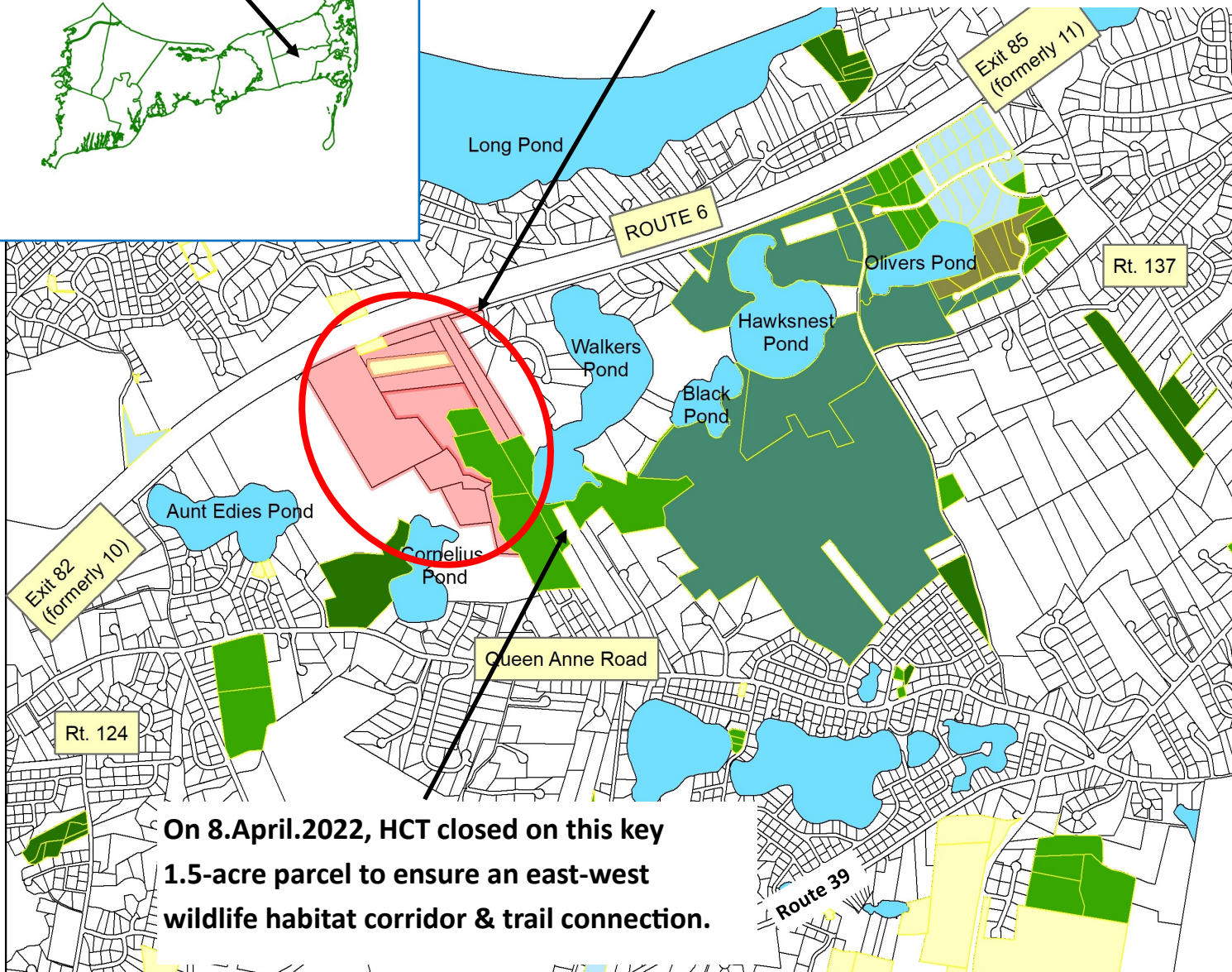
Map of Six Ponds Great Woods Project

Location of approx. 75 acres

This approximately 75-acre assemblage of parcels shaded in red is the focus of Article 37 approved at the May 2, 2022 Town Meeting. Preserving the acreage could result in creating a 400-acre assemblage in the Six Ponds Special District when combined with adjoining town, state, and HCT lands.

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 = approx. 75 acres



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



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Kathleen A. Theoharides
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/eea>

Mark Robinson

June 24, 2022

Re: Acknowledgment of Receipt of Conservation Restriction ("CR")

CR Number: HARWICH #035

CR Reference #: 17157

Grantor & Grantee: Harwich Conservation Trust & Town of Harwich

CR Address: off Spruce Road

Town: HARWICH

Dear Mark:

This letter serves to acknowledge receipt of the subject draft Conservation Restriction. Please use the assigned CR Reference #: 17157 and the CR Number (HARWICH # 035) in all future correspondence with our office and in the name of any digital files sent to us for this CR.

Your CR submission will be reviewed as soon as possible. Once an initial review has been conducted, you will receive comments and requested revisions. Please contact me if you have any questions.

Sincerely,

DENISE PIRES
DCS Program Coordinator
Denise.Pires@mass.gov

EXHIBIT C
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.

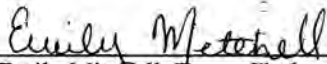
COMMUNITY PRESERVATION ACT – PURCHASE CONSERVATION RESTRICTION at the
SPRUCE WOODS PROJECT

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