



# Town of Orleans

19 School Road Orleans Massachusetts 02653-3699  
Telephone (508) 240-3700 – Fax (508) 240-3388

## COMMUNITY PRESERVATION PROJECT APPLICATION

**Submission Date:**

**Project Title: Portanimicut Greenbelt Open Space Acquisition**

**Applicant (note if public or private): Orleans Conservation Trust (private)**

**Address: 203 South Orleans Road, Orleans, MA 02653**

**Telephone: 508-255-0183**

**E-mail: [stephen.ogrady@orleansconservationtrust.org](mailto:stephen.ogrady@orleansconservationtrust.org)**

**Federal Tax Identification Number (if non-profit): OCT: 23-7418072**

**Contact Person (Name & Telephone): Stephen O'Grady: 508-255-0183**

**Project purpose (Check all that apply):**

**Open Space**

**Historic Preservation**

**Community Housing**

**Recreation**

**Project Location/Address: 66 Portanimicut Road, Orleans, MA**

**Community Preservation Funding Request: \$300,000.00 (to be reduced according to OCT's continued fundraising)**

**Brief Project Summary, Including Justification of Project Category Checked Above:**

The Orleans Conservation Trust (OCT) is raising funds to purchase nearly five acres of land on Portanimicut Road in South Orleans to be preserved as Open Space. The protection effort would connect nearly 100 acres of Open Space, tying together several key land acquisition projects undertaken by OCT and the Town of Orleans in the last 50 years. The newly acquired land, which abuts the Town-owned Christian Property, will allow for a better trailhead and access to that property, while also providing for an extended woodland walk. This project would provide immeasurable benefit to people and wildlife in the area, and would protect water quality and eventually provide new access to Paw Wah Pond and Pleasant Bay (see map and narrative). All these benefits make the project a rare opportunity worthy of the CPA support.

**Please attach the following information with all applications:**

- **Detailed Narrative:** A complete and detailed description of the project including goals and objectives, consistency with Community Preservation Act goals, compatibility with the Orleans Community Preservation Plan and the Orleans Comprehensive Long Range Plan, and relevance to the community and its needs.
- **Action Plan and Timeline:** Note the estimated dates for project commencement and completion and list (with an explanation) all action and steps that will be required for project completion, including any legal requirements or any impediments to implementation.
- **Financial Data:** Provide financial information for the project including total cost, additional revenue sources (public, private, in-kind, volunteer time and services), basis for the fiscal estimates and any other fiscal details currently available. Applicants are encouraged to submit more than one quotation from potential contractors.

# GUIDELINES FOR PROJECT SUBMISSION

Please submit **12** paper copies of the application materials to the Community Preservation Committee, c/o Town Administrator, Town of Orleans, 19 School Road, Orleans, MA 02653 by November 27, 2019. **If possible, please also email application materials as a PDF file to [msuchenicz2012@gmail.com](mailto:msuchenicz2012@gmail.com).**

1. Applications must be received by November 27 to be considered for recommendation at the Annual Town Meeting in May.
2. Funds will be available on July 1<sup>st</sup> following the Annual Town Meeting.
3. Applicants may include any maps, diagrams, and/or photographs pertaining to the project. Letters of Support for the project from community organizations or other sources may also be submitted (only one copy is necessary).
4. The Community Preservation Committee may require additional (or more detailed) information or further clarification to a submitted application.
5. Prior to submission of funding applications, applicants should review the Community Preservation Act (MGL, Chapter 44B, through the Community Preservation Coalition Web site), the Orleans Community Preservation Plan and the Orleans Community Preservation Bylaw, copies of which are available on the Town Web site at <https://www.town.orleans.ma.us/community-preservation-committee>. Nonprofit organizations applying for historic preservation funds for historic structures should obtain a sample copy of an acceptable historic preservation deed restriction (available at the Town Administrator's office) since this type of document will be required. Applicants other than the Town of Orleans should also obtain a sample copy of the Agreement with the Town of Orleans that all successful nonprofit applicants will be required to sign. Please contact the Chairman or Vice Chairman with any questions.
6. Eligible projects must address one or more of the uses outlined in the Community Preservation Act. The Community Preservation Act, in Sections 2 and 5 (2), defines, by category, the following uses for Community Preservation funds:

## **Open Space**

Acquisition, creation and preservation of land to protect existing water supply/aquifer areas, agricultural and forest land, coastal lands, frontage to inland water bodies, wildlife habitat, nature preserves and scenic vistas.

## **Community Housing**

Acquisition, creation, preservation and support of community housing defined as housing for low and moderate income individuals and families, including low and moderate income senior housing. The Community Preservation Committee is required to recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

## **Historic Preservation**

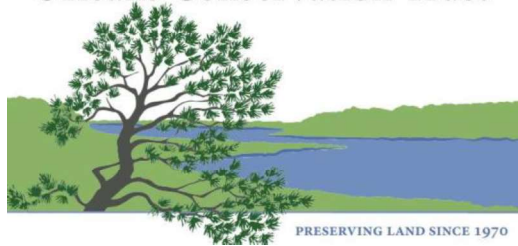
Acquisition, restoration, rehabilitation and restoration of historic structures and landscapes that have been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of the Town or that are listed on the State Register of Historic Places.

## **Recreation**

Acquisition, creation, preservation, rehabilitation and restoration of land for active and passive recreational uses, including land for community gardens, trails and noncommercial youth and adult sports and the use of land as a park, playground or athletic field and for preservation and restoration of recreational facilities. (Community Preservation funds cannot be used for a stadium, gymnasium or similar structure or for the acquisition of artificial turf for athletic fields.)

*Updated Sept. 18, 2019*

## Orleans Conservation Trust



### **OPEN SPACE AND RECREATION FUNDING REQUEST**

#### **Land Acquisition for Portanimicut Greenbelt**

The Orleans Conservation Trust (OCT) is raising funds to purchase nearly five acres of land on Portanimicut Road in Orleans. This narrative provides background information on OCT, the details of this acquisition project and how it fits within the Community Preservation Act criteria, the numerous benefits that this open space acquisition would confer, and the steps OCT is taking to raise funds for the project. The purchase is scheduled to close in two stages: in December 2019 and January 2020.

OCT requests that the Community Preservation Committee (CPC) include in its budget \$300,000 towards this acquisition, with that amount subject to reduction depending on OCT's continued fundraising and the results of grant applications. This CPA grant would allow for the preservation of this land in perpetuity, securing the area for generations of Orleans residents and visitors to enjoy.

OCT understands that Lot 2 (see attached Fundraising Outline) is of most interest to the Town of Orleans, given that it abuts the Town-owned Christian Property and would provide improved access to that property. OCT welcomes a discussion as to whether the Town should acquire a conservation restriction or a transfer of title that would allow it to own Lot 2. The Town of Orleans and the OCT have long worked together on recreation and open space opportunities in Orleans. In many cases, OCT holds a conservation restriction on land owned by the Town, or vice versa. Orleans residents and visitors have benefitted from this partnership for decades, and this is another opportunity to secure tremendous benefit for generations.

Because of OCT's private fundraising efforts, this grant represents an opportunity to preserve three buildable lots totaling 4.65 acres for just \$300,000 of Town resources, allocated through the CPC so as not to place a burden on taxpayers. Each public dollar is matched by nearly two private dollars (see attached Project Budget) while the land will benefit all Orleans landowners and visitors. The three lots were appraised at a combined value of \$1,020,000, and OCT negotiated a purchase price of just \$775,000. Therefore, this arrangement demonstrates significant leveraging of public funds.

#### **Orleans Conservation Trust**

OCT was founded in 1970 to preserve the "seaside charm and rural character" of the town. Today, OCT's mission is to "preserve land and educate the public in order to sustain our natural resources and the character of Orleans for generations to come." OCT seeks to acquire lands and interests in lands, to manage and maintain those lands in their natural state, to protect wildlife habitat, and to educate residents and visitors about the importance of preserving environmental quality in Orleans and the Cape Cod region. OCT has helped protect more than 630 acres in Orleans, owning 490 acres in fee simple and holding another 141 acres under conservation

restrictions. The Trust also has a strong educational outreach program featuring guided walks and speaker programs.

OCT has over 1,100 members and an active 13-member board of trustees, which uses the Standards & Practices of the National Land Trust Alliance to guide its organizational success in preserving and managing lands. A dedicated staff—comprising an executive director, a land stewardship coordinator, and an administrative assistant—provides a steady professional presence to match OCT’s long-standing volunteer engagement. OCT’s annual operating budget is approximately \$230,000, with income derived primarily from membership dues, grants, and donations.

### **Land Protection Project**

OCT intends to purchase three parcels totaling 4.65 acres on historic and scenic Portanimicut Road in South Orleans. Two of the parcels at 66 Portanimicut are undeveloped forest land, with one containing a small wetland. On the third parcel is a run-down cottage that OCT intends to remove, but the land around it remains largely in a natural state. OCT did investigate whether the home was still usable and concluded that it was not. The home is not a historic structure.

Acquisition of the #66 lots will preserve a critically needed connection between two large areas of conservation land to the north and south of Portanimicut Road, creating the “Portanimicut Greenbelt” (see map). Furthermore, we have been informed that longtime OCT supporter Rachia Heyelman will bequeath more than 20 acres of land in the same neighborhood to the Trust. The Heyelman lands span both sides of Portanimicut Road; acreage on the north side is contiguous with the #66 lots and will provide access to both Paw Wah Pond and Pleasant Bay. Thus, protecting the #66 lots will connect nearly 100 acres of existing and future conservation land. It will open a route for a long woodland walk terminating at Paw Wah Pond and Pleasant Bay.

### **Meeting the Goals of the Orleans Comprehensive Plan and the Conservation, Open Space and Recreation Plan**

The funds from CPA that will make this purchase possible will go a long way towards meeting goals outlined in the Orleans Comprehensive Plan and the Conservation, Open Space, and Recreation (CROS) Plan.

The Natural Resources section of the Comprehensive Plan includes goals of groundwater and surface water resource protection, maintaining coastal water quality, and protecting wetland, wildlife, and plant habitat. Similarly, the CROS Plan includes protection of freshwater resources, and coastal and saltwater resources. The land at 66 Portanimicut meets all of these goals, sitting entirely within the Pleasant Bay Marine Recharge Area, and containing about 0.5 acres of blueberry-maple swamp with a dense cooling canopy, offering prime conditions for vernal pool breeding activity. This kettlehole (no inlet or outlet) wetland is likely a vernal pool and is listed as a potential vernal pool by the Natural Heritage and Endangered Species Program (NHESP). OCT intends to certify the pool in the spring of 2020. The Comprehensive Plan prioritizes protection of these especially sensitive wetlands.

The Open Space and Recreation section of the Comprehensive Plan states that the Town should strive to “protect as open space as much land as possible, in order to preserve a healthy natural

environment, safeguard ground water quality, provide habitat for wildlife, provide extensive opportunities for recreation and retain the picturesque quality of the Town.” Another goal is to provide, improve, and expand opportunities for passive recreation during all seasons to support the needs of residents and visitors of all ages. The CROS Plan reiterates much of the same and goes further to encourage protection of resources with recreational value and states that Orleans should coordinate its open space protection based on land that is already preserved.

The importance of the connection that the #66 lots provide cannot be overstated. It will secure and enhance a critical wildlife corridor connecting water resources including two Atlantic white cedar swamps, Paw Wah Pond, a large saltmarsh, and Pleasant Bay itself. Note, too, that five other conservation areas are located within one-third mile of this assemblage. Much of South Orleans is already a refuge for wildlife; continuing to fill gaps and expand this haven will naturally have beneficial effects.

The same connection is equally as important for the recreational value that an extended trail and improved access would provide in this area. The Christian Property Town Conservation Area, which abuts the #66 lots, contains a popular walking trail, but a more accessible parking area and new trailhead are needed. The existing trailhead is difficult to find and traverses a private driveway. Nor is there designated parking for several informal trails on the preserved land south of Portanimicut Road. OCT intends to add a parking area on the lot now occupied by the dilapidated cottage, which will provide better access and a longer walk in the woods. OCT also hopes to upgrade the trail system by extending trails, adding trail markers, and a kiosk with trail maps and information about the enlarged greenbelt made possible by CPC funds for the new acquisition.

Additionally, Portanimicut Road is one of the most scenic streetscapes in all of Orleans, and preserving this land will prevent erosion of the neighborhood’s rural and historic character. The Historic Preservation and Community Character section of the Comprehensive Plan has a goal of preserving the “important historic and cultural features of the Cape landscape.” A drive down Portanimicut Road is like a drive back to “Old Cape Cod,” which is very much a part of the allure of our seaside community.

Finally, it is worth emphasizing that protecting the #66 lots will prevent the construction of three homes with their associated septic, traffic, and other impacts. Buildable lots like these are in high demand for new home construction in Orleans.

### **Fundraising for the Acquisition**

OCT is contractually obligated to purchase all three lots by January, 2020 and OCT will complete the purchase. OCT has already raised \$540,000 toward the cost of purchase (see the attached budget), but it faces a significant shortfall of more than \$300,000. If we fail to raise the necessary funds to preserve the land for open space and recreation, OCT will be forced to obtain a temporary loan to complete the purchase and then explore options that would include resale of a lot for housing development. Needless to say, such a result would be detrimental to wildlife, water quality, and recreational opportunities in the area.

This is one of the largest fundraising campaigns OCT has undertaken, and OCT has already expended every effort to raise the necessary funds. We have solicited private donations from

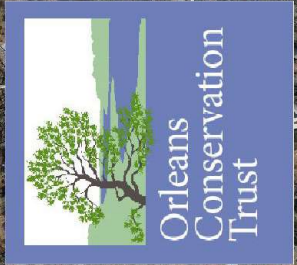
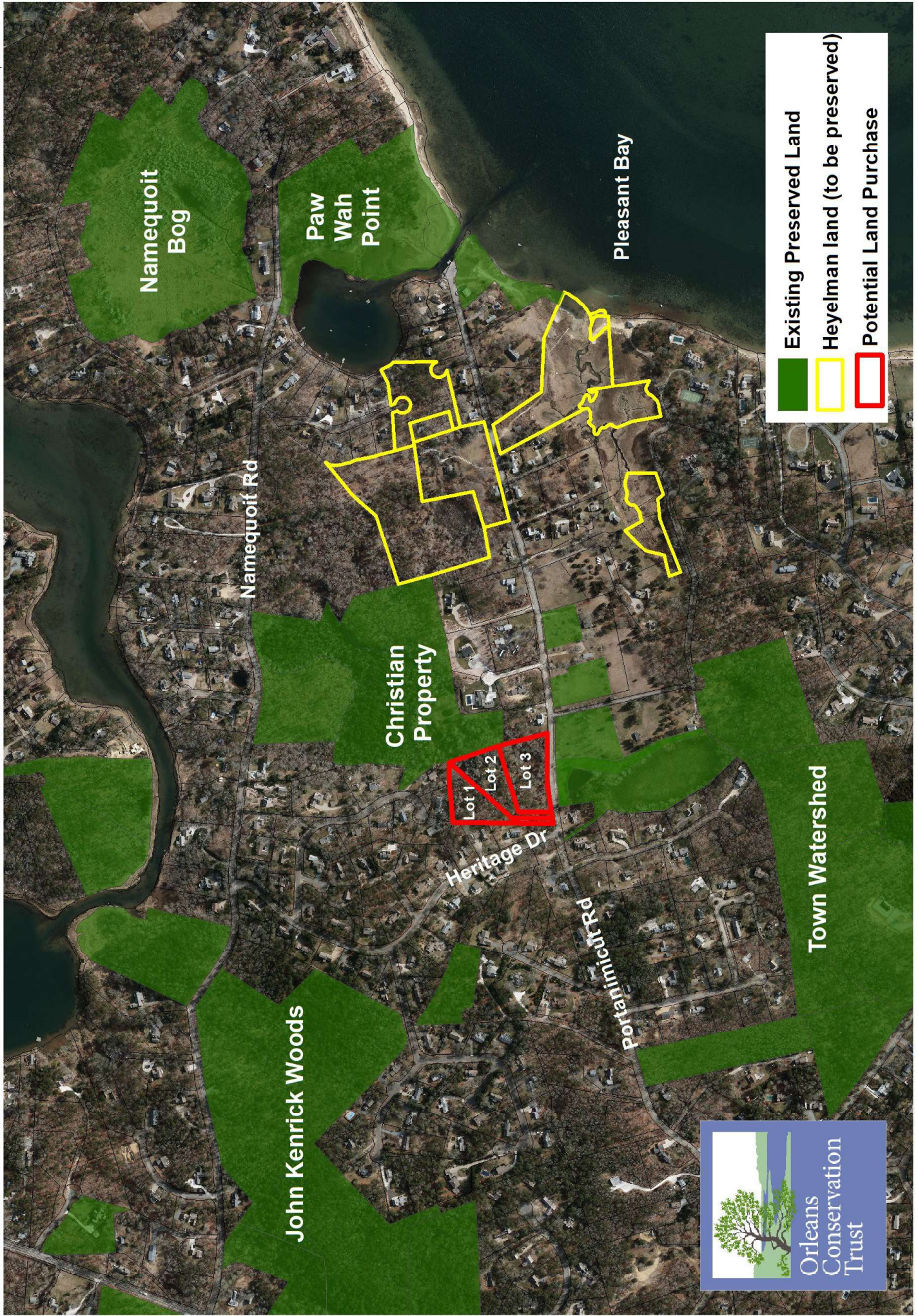
landowners in all parts of Orleans and beyond. We have conducted many meetings to educate neighbors about the opportunity and to request their financial support. OCT's efforts have also stimulated significant media coverage, including at least five informative and encouraging articles in the local press to date. We have submitted over a dozen applications to charitable foundations, though these grants are always highly competitive, and we are often disadvantaged because of the cost of land and limited acreage available on the Cape.

We have also applied for and recently received a \$75,000 grant from the Massachusetts Conservation Partnership Grant Program, the maximum possible under this program. The competition for these grants is intense, and the award was one of only seven given statewide, further validating the importance that OCT sees in this land acquisition. Further, we have assisted the seller in obtaining a Massachusetts Conservation Land Tax Credit—one of the reasons we were able to negotiate such a favorable price.

### **Summary**

OCT has successfully preserved land in Orleans for nearly 50 years, protecting more than 630 acres. The protection effort described here would connect nearly 100 acres of open space, tying together several key land acquisition projects undertaken by OCT and the Town of Orleans in those 50 years. This project would provide immeasurable benefit to people and wildlife in the area, while protecting water quality, eventually providing new access to Paw Wah Pond and Pleasant Bay, and preserving the historic and rural character of Portanimicut Road. All of these factors make the project a rare opportunity worthy of your support.

# Potential Land Purchase: 66 Portanimiticut Rd



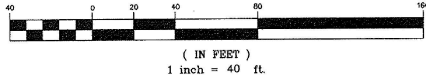
Definitive Subdivision  
Plan of Land  
situated in  
Orleans, MA  
prepared for  
Thomas R. Heaton

RECEIVED AND RECORDED  
MAR 30 A 9:31  
BARNSTABLE COUNTY  
REGISTERED DEEDS  
REGISTERED

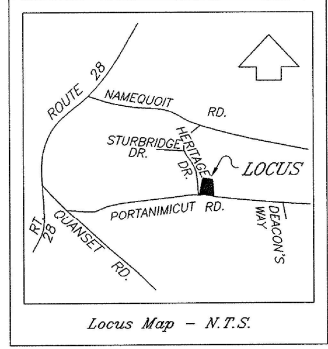
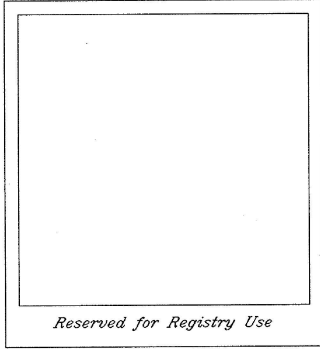
RECEIVED AND RECORDED  
MAR 30 A 9:31  
BARNSTABLE COUNTY  
REGISTERED DEEDS  
REGISTERED

Scale: 1"=40'  
Date: August 10, 2006

GRAPHIC SCALE



Ryder & Wilcox, Inc.  
P.E. & P.L.S.  
So. Orleans, MA



Job. No. 9861

I, Cynthia S. May, Clerk of the Town of Orleans hereby certify that the notice of approval of this plan by the Planning Board has been received and recorded at this office and no notice of appeal was received during the twenty days next after such receipt and recording of said notice.

Date: October 27, 2006

Town Clerk: Cynthia S. May

ORLEANS PLANNING BOARD  
APPROVAL REQUIRED

Date approved: September 26, 2006

Date signed: March 13, 2007

Gene Mitchell, Chairman

RECORD OWNER AND APPLICANT:

Thomas R. Heaton  
PO Box 71  
S. Orleans, MA 02662

REFERENCES:

Assr's. Map 75 Pcl. 77 & 78  
Dd. Bk. 6095 Pg. 136  
Pl. Bk. 140 Pg. 1  
Pl. Bk. 146 Pg. 29  
L.C.P. 35475

ZONE:

Residential (R)

xxx - Denotes proposed house number.

I certify that this plan has been prepared in conformity with the rules and regulations of the registers of deeds.

Philip O. Scholomiti  
Professional Land Surveyor



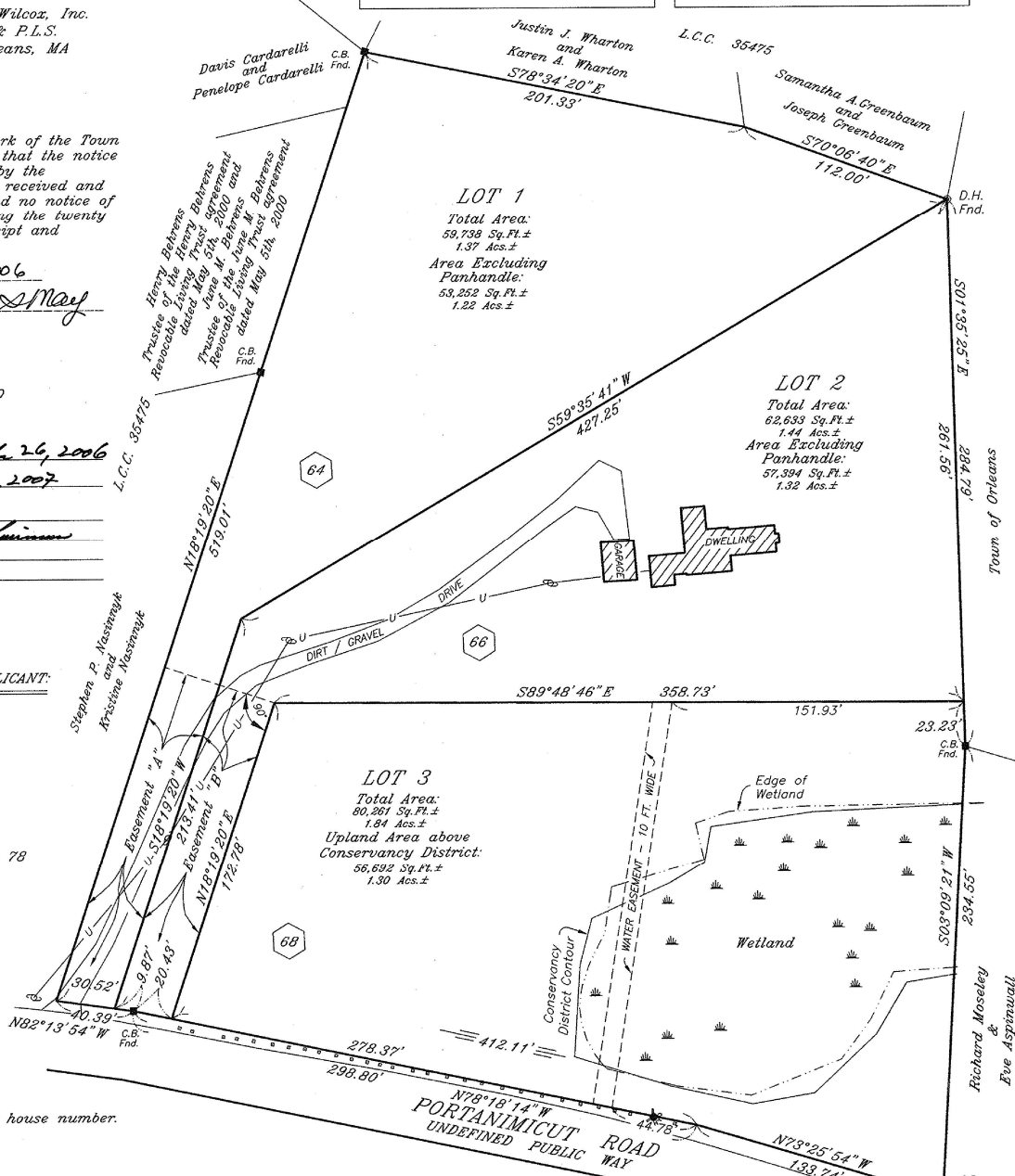
8/10/06  
Date

LEGEND

- C.B. Fnd. - Concrete Bound Found
- Utility Pole
- Overhead Utility Line
- Fire Hydrant
- Guard Post

PLAN NOTE:

See covenant to be recorded herewith.



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# Orleans Conservation Trust



## Action Plan and Timeline

<b>DATE</b>	<b>ACTION</b>
June 6, 2019	OCT signs purchase agreement for 3 buildable lots at 66 Portanimcit Rd.
June 30, 2019	OCT launches fundraising campaign.
September 25, 2019	OCT receives \$75,000 Mass. Conservation Partnership Grant
November, 2019	OCT submits application for CPA funds.
December 20, 2019	OCT scheduled to close on Lot 2.
January 20, 2020	OCT scheduled to close on Lot 1 and Lot 3. OCT takes out a loan to do so.
July, 2020	Upon favorable Town Meeting vote, OCT is reimbursed the funds requested through the Community Preservation Act, repays its loan, begins demolishing cottage on Lot 2.

## 66 Portanimicut Land Acquisition Fundraising Outline

<b>Costs Associated with Purchase</b>	
Purchase Price for 3 Lots	\$775,000.00
Appraisal	\$1,050.00
Legal Fees (closing costs, title research, etc.)	\$2,500.00
Recording Fees	\$225.00
Cottage Demolition & Asbestos Abatement	\$44,400.00
Mailings/ Printings/ Copies/ Maps	\$400.00
Event Expenses	\$300.00
Creation of Parking Area and Trailhead, Restoration Following Cottage Demolition	\$20,000.00
Property Taxes (est'd for 1-yr until assessment change to exempt)	\$6,800.00
Staff Time	\$7,000.00
<b>TOTAL</b>	<b>\$857,675.00</b>

<b>Funds Raised</b>	
Private Gifts Received (Individuals and Foundations)	\$215,000.00
Private Pledges for 2019 and 2020 Gifts	\$150,000.00
Massachusetts Conservation Partnership Grant	\$75,000.00
OCT Land Acquisition Fund Contribution	Up to \$100,000.00 (reduced if future gifts received)
<b>TOTAL</b>	<b>\$540,000.00</b>

<b>Left to Fundraise</b>	
Total Costs Associated with Purchase	\$857,675.00
Total Funds Raised or Pledged	\$540,000.00
<b>TOTAL</b>	<b>\$317,675.00</b>

<b>Anticipated Revenue</b>	
Private Gifts	\$17,675.00
Town of Orleans Community Preservation Act Funds	\$300,000.00
<b>TOTAL</b>	<b>\$317,675.00</b>

**Open Space Committee**  
**Endorsement of**  
***OCT's Portanimicut Greenbelt***  
Monday, November 25, 2019

The mission of the Orleans Open Space Committee (OSC) is to “assist the Town in the preservation and acquisition of lands for conservation, recreation and open space...”. Further to that mission, OSC is charged “***to work with other Town committees and private land trusts for the common interest of acquiring and preserving open space***”.

In pursuing that collaborative “charge”, OSC strongly endorses the Orleans Conservation Trust (OCT) application to the Community Preservation Committee (CPC) for the purchase of three lots that comprise the **Portanimicut Greenbelt** project at 66 Portanimicut Road.

OSC agrees with OCT that the three lots of the 66 Portanimicut property contribute a small, but critical bridge between already owned Town lands. The three lots will establish a permanent conservation corridor in an area of critical concern. They will safeguard and compound the value of already conserved lands by creating a **Greenbelt** environmental bridge that expands protection for wildlife, flora and fauna, water quality and public trails.

The Orleans Conservation Trust (OCT) is of paramount importance to the conservation of land in Orleans. In its 50 year history, OCT has secured permanent protection for more than 630 acres that have enormously enriched the Orleans public space. We salute their efforts in raising funds for this new acquisition, and **enthusiastically support OCT's application** to CPC for the remaining funds needed to realize this vastly significant **Portanimicut Greenbelt**.

Respectfully submitted, The **Open Space Committee**

Robert Cunningham, Chair  
Stephanie Gaskill, Vice Chair  
Christopher Keating, Clerk  
Judy Brainerd, Liaison to CPC  
Hardie Truesdale, Photographer



# Town of Orleans Conservation Commission

Town Hall • 19 School Road • Orleans, Massachusetts 02653-3699

Tel: (508) 240-3700 Ext. 425 / Fax: (508) 240-3388

Tuesday, November 26, 2019

Stephen O'Grady  
Director, Orleans Conservation Trust  
203 Rt 28  
Orleans, MA 02653

Re: CPC Application for 66 Portanimicut Road, Orleans

Dear Mr. O' Grady,

At its November 26<sup>th</sup> meeting, the Commission reviewed your application to the Community Preservation Committee to acquire and conserve the land at 66 Portanimicut Road.

The proposed acquisition is particularly beneficial as it directly abuts the Christian property, a 7.85-acre Town owned conservation property. The Commission understands if the application is successful, a large mosaic of property, both Town and Trust owned, would stretch from Heritage Drive all the way to Paw Wah Pond, resulting in nearly 100 acres of connected, preserved land.

The Commission voted unanimously (6-0-0) in support of your application to the Community Preservation Committee for funds to assist in the acquisition and conservation of 66 Portanimicut Road. Please feel free to contact the Conservation Department if you have any questions regarding our actions.

Sincerely,

Mike Brink, Chairman, Orleans Conservation Commission

cc: Julia Enroth, Chair, Community Preservation Committee