

TOWN OF BARNSTABLE

NOTICE OF MEETINGS OF TOWN DEPARTMENTS AND ALL TOWN BOARDS
As Required by Chapter 28 of the Acts of 2009, amending MGL Chapter 30A

NAME OF PUBLIC BODY – COMMITTEE, BOARD OR COMMISSION:

REGULAR MEETING AGENDA COMMUNITY PRESERVATION COMMITTEE

DATE OF MEETING: Monday, May 20, 2024

TIME: 5:30 p.m.

PLACE: The Community Preservation Committee (CPC) meeting will be held by remote participation methods pursuant to the passage of legislation extending certain COVID-19 measures adopted during the state of emergency in the Commonwealth of Massachusetts.

Alternative public access to this meeting will be provided in the following manner:

1. The meeting will be televised live via Xfinity Channel 8 or high-definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website: <https://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>
2. Real-time public comment can be addressed to the Community Preservation Committee utilizing the Zoom link or telephone number and access code for remote access below.
Link: <https://zoom.us/j/85122504019>

Or by calling the US Toll-free Telephone Number: 888-475-4499
Meeting ID: 851 2250 4019

3. Applicants, their representatives, and individuals required or entitled to appear before the Community Preservation Committee may appear remotely and are not permitted to be physically present at the meeting and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Sarah.Beal@town.barnstable.ma.us so that they may be displayed for remote public access viewing.

Meeting materials will be available at

<https://www.townofbarnstable.us/boardscommittees/communitypreservationcommittee/> prior to the meeting.

This meeting of the Community Preservation Committee is being recorded and broadcast on the Town of Barnstable's Government Access Channel. In accordance with MGL Chapter 30A, s. 20, the Chair must inquire whether anyone else is recording this meeting and to please make their presence known

Call to Order: (ROLL CALL)

Minutes:

- Approval of the Draft Community Preservation Committee Regular Meeting Minutes from April 22, 2024.

Letters of Intent:

- A Letter of Intent has been received from the Federated Church of Hyannis requesting \$165,000 in Community Preservation Historic Preservation Funds to conserve 270 gravestones in the Universalist Cemetery that were identified in the 2024 Condition Assessment prepared by Fannin Lehner Preservation Consultants. The Federated Church owns the land where the cemetery lies and provides meeting space for several non-profit groups. The cemetery is listed on the State Register of Historic Places and has an existing preservation restriction recorded. The church will donate \$1,000 with in-kind donations from volunteers providing ongoing research and management.
- A Letter of Intent has been received from the Barnstable Fire District Prudential Committee requesting Community Preservation Open Space Funds for acquisition of 2.7 acres of land located at 153 Oakmont Road in Cummaquid, for potential public water supply. This parcel was highlighted in a 1994 USGS survey of potential public water supply areas in Cape Cod. Purchase of this parcel will protect this area from development and conserve it for use as a potential future water well field.
- A Letter of Intent has been received from the Historical Society of Santuit & Cotuit requesting \$30,000 in Community Preservation Historic Preservation Funds to fund the restoration of the Homestead buttery and the remaining HVAC work that was previously approved by CPC in 2021, with \$3,000 remaining from the 2021 grant. This work has not been started due to cost overages in other awarded areas resulting in the need for supplemental funds for completion. The property is listed on the State Register of Historic Places and has an existing preservation restriction recorded.

Application

- An Application has been received from Barnstable Land Trust (BLT) requesting \$250,000 in Community Preservation Open Space funds for acquisition of a 5.84-acre parcel addressed 4609 Falmouth Road, Cotuit, Map 024, Parcel 042. The total purchase price of the parcel is \$590,000 with an application for a Mass Conservation Partnership grant for \$300,000 to be submitted in July 2024. \$50,000 will be requested from the Cotuit Fire District Board of Water Commissioners in support of the project at an upcoming District meeting. The parcel has frontage on Falmouth Road and abuts a BLT 5.9-acre conservation area to the south. Public access will be off Santuit-Newtown Road. Acquisition would create almost 12 acres of contiguous open space conserving high value natural resources and recreation access as well protecting nearby drinking water wells (or within water protection zone or Zone II). The Town of Barnstable would be granted a conservation restriction on the property and the property will be managed by the BLT.

Correspondence Received

- Community Preservation Fund Financial Reports as of April 30, 2024, prepared by Director of Finance Mark Milne.

Project Updates:

- The Wheeler Road Grant – Closing will be scheduled for June 2024.
- Mills Property, Mashpee - Conservation Restriction (CR) to be granted to the Mass Division of Fish and Wildlife – Closing is in the process of being scheduled.
- Work continues on the Olde Colonial Court House building and is nearly complete.
- Progress is being made on the Centerville and Osterville Playground projects.

- CC Rail Trail Phase 3 CR's review has begun. The CR's are for mitigation of the land used for the easement for the pathway. Bidding for the project is scheduled for August 2024.

Member Discussion:

- Format of the June 17, 2024, CPC Meeting.

Public Comment:

Adjournment:

***Next Regularly Scheduled CPC Meeting June 17, 2024, 5:30 p.m.
CPC Annual Meeting Scheduled July 15, 2024, 5:30 p.m.***

Please Note: The list of matters is those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Committee may go into executive session. The Committee may also act on items in an order other than they appear on this agenda. Public files are available for viewing during normal business hours at the Community Preservation office located at 367 Main Street, Hyannis, MA

For your information the section of the M.G.L. that pertains to postings of meetings is as follows: Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain: the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. Meetings of a local public body, notice shall be filed with the municipal clerk, and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.



Town of Barnstable
COMMUNITY PRESERVATION COMMITTEE



www.town.barnstable.ma.us/CommunityPreservation

Email: CommunityPreservationCommittee@town.barnstable.ma.us

Committee Members

Lindsey B. Counsell – Chair • Tom Lee – Vice Chair • Marilyn Fifield – Historical Commission • Terry Duenas – At Large • Katherine Garofoli – At Large
 Stephen Robichaud– Planning Board • Tom Lee – Conservation Commission • Vacant – Recreation Commission
 Deborah Converse – Housing Authority • Farley Lewis – At Large • Felicia Penn, President– Town Council Liaison

Monday, April 22, 2024
Regular CPC Meeting DRAFT Minutes
Remote Access Meeting via Zoom Link: <https://zoom.us/j/86523621574>
5:30 PM

Lindsey Counsell – Chair	Present
Marilyn Fifield – Clerk	Present
Terry Duenas	Present
Tom Lee-Vice Chair	Present
Katherine Garofoli	Absent
Deborah Converse	Present
Stephen Robichaud	Present
Farley Lewis	Present

With a quorum present, Chair Lindsey Counsell called the meeting to order at 5:30 pm and read: “Please note that tonight’s meeting is being recorded and broadcast on the Town of Barnstable’s Government Access Channel. In accordance with MGL Chapter 30A, s. 20 the Chair must inquire whether anyone else is recording this meeting and to please make their presence known.” No one present was recording the meeting.

Call to Order (Roll Call)

Present: Terry Duenas – **yes**, Marilyn Fifield – **yes**, Deborah Converse– **yes**, Tom Lee – **yes**, Stephen Robichaud – **yes**, Farley Lewis – **yes**, and Lindsey Counsell – **yes**. Katherine Garofoli was absent.

Minutes

The motion of Farley Lewis was seconded by Marilyn Fifield to approve the draft Community Preservation Committee Regular Meeting Minutes from March 18, 2024, as submitted.

Roll Call Vote: Terry Duenas – **abstained**, Marilyn Fifield – **yes**, Deborah Converse – **yes**, Tom Lee – **yes**, Farley Lewis – **yes**, Stephen Robichaud – **yes**, and Lindsey Counsell – **yes**. 6-yes, 0- no, 1- abstained. **Motion carried.**

Letters of Intent

- A Letter of Intent was received from Barnstable Land Trust (BLT) requesting \$250,000 in Community Preservation Open Space funds for acquisition of a 5.84-acre parcel addressed 4609 Falmouth Road, Cotuit, Map 024, Parcel 042. The total purchase price of the parcel is \$590,000 with an application for a Mass. Conservation Partnership grant for \$300,000 to be submitted in July 2024.

\$50,000 will be requested from the Cotuit Fire District Board of Water Commissioners in support of the project at an upcoming District meeting. The parcel has frontage on Falmouth Road and abuts a BLT 5.9-acre conservation area to the south. Public access will be off Santuit-Newtown Road. Acquisition would create almost 12 acres of contiguous open space conserving high value natural resources and recreation access as well protecting nearby drinking water wells (or within water protection zone or Zone II). The Town of Barnstable would be granted a Conservation Restriction on the property, and the property will be managed by the BLT.

Ms. Janet Milkman, Director of Barnstable Land Trust, narrated a PowerPoint presentation that depicted the subject parcel and surrounding area, noting other Open Space properties. She explained that the property is west of the Santuit-Newtown Road intersection with Route 28 and in the Zone II overlay and an area of high conservation-value properties. She described the property as having a vernal pool and kettle hole and wooded with oak, cherry, maple, beech, and holly trees, saying that an existing trail on the abutting property owned by Barnstable Land Trust could be extended to access this property. She noted that the State has mapped this property as prime forest land. Ms. Milkman provided a brief background of the property, saying that a 34-housing unit 40B project had been proposed, although Cotuit Water District concerns expressed at the planning meeting about the scale of development in this location caused the developer to abandon the project. After the property had been on the market for a long while, Barnstable Land Trust made an offer to acquire this helpful addition to the conservation corridor in this location.

Regarding the different options to access the property, Ms. Milkman noted an unpaved road extending from Santuit-Newtown Road to the border of this parcel where a pull-off parking area could be created. Stephen Robichaud wondered, since the property abuts St. Michaels Church on Main Street, if the church parking lot could potentially offer an opportunity for partnering with the church for parking outside church hours. Ms. Milkman said she would follow up on this. She reported that the request for \$50,000 from the Cotuit Fire District Water Board would be voted on by the Prudential Committee that night and, if supported, will be on the May 29, 2024, warrant for the Cotuit Water District annual meeting. She anticipated a lot of support from residents, saying that the best way to protect water supply is to protect conservation land. Chair Counsell said that access from Route 28 is not a good idea and added that the small employee parking lot to the east of Villaggio Restaurant will be eliminated. There was discussion regarding Community Preservation Financial reports for the next CPC meeting. Chair Counsell noted that there is approximately \$11M in the Undesignated CP Fund and approximately \$3M in the Open Space/Recreation CP Fund. Tom Lee reported that the Conservation Commission could possibly help certify the vernal pond. It was noted that the Application should include the map that depicts Zones I and II to illustrate the significance of the property for drinking water sites.

The motion of Deb Converse was seconded by Tom Lee to move Barnstable Land Trust's Open Space Letter of Intent for acquisition of 4609 Falmouth Road, Cotuit, to Application stage.

Roll Call Vote: Terry Duenas – **yes**, Marilyn Fifield – **yes**, Deborah Converse – **yes**, Tom Lee – **yes**, Farley Lewis – **yes**, Stephen Robichaud – **yes**, and Lindsey Counsell – **yes**. 7-yes, 0-no, Motion **carried**.

Applications:

- None Received.

Correspondence Received

- Affordable Housing Growth & Development Trust Fund Board 2023 Report to CPC.
 - A representative from the Trust Board will attend a future CPC meeting for discussion of the Board's 2023 Report.
- Invitation to Public Workshops regarding the Marstons Mills School Property.
 - Three public meetings are scheduled:
 - Tuesday, April 30, 2024, 6 p.m. at Liberty Hall, Marstons Mills.
 - Thursday, May 2, 2024, 6 p.m. via Zoom.
 - Saturday, May 4, 2024, 9 a.m. Site Visit – Marstons Mills School - 2095 Main Street, Marstons Mills.

Project Updates:

Chairman Counsell provided the following updates:

- The Wheeler Road Grant – Closing will be scheduled for June 2024.
 - A deeded easement will be recorded for a trail from Fuller Farm to access the Wheeler property.
- Mills Property, Mashpee - Conservation Restriction (CR) to be granted to the Mass. Division of Fish and Wildlife – Closing is in the process of being scheduled.
 - The Mashpee Board of Selectmen are taking this up, and it will be finalized soon.
- The Unitarian Church project is complete.
- Work is continuing on the Olde Colonial Court House building and will be completed soon.
- Progress is being made on the Centerville and Osterville Playground projects.
- CC Rail Trail Phase 3 CR review has begun, with CRs being reviewed and submitted to Mass. Fish & Wildlife for their approval.
 - The CRs are mitigation for the actual footprint of the bikeway and use of designated hunting lands. Bidding for the project is scheduled for August 2024.

Member Discussion

- It was decided that the format for the May 20, 2024, meeting would be remote.
- It was confirmed that the upcoming Annual CPC Meeting would be held in person on July 15, 2024.

Public Comment:

None

General Discussion:

None

Adjournment:

Motion was made by Terry Duenas and seconded by Tom Lee to adjourn.

Roll Call Vote: Terry Duenas – yes; Marilyn Fifield - yes; Deb Converse – yes; Tom Lee – yes; Farley Lewis – yes; Stephen Robichaud – yes; and Lindsey Counsell – yes. Motion carried: Meeting adjourned at 5:57 p.m.

Next Regularly Scheduled CPC Meeting May 20, 2024

List of documents/exhibits used by the Committee at the meeting:

Exhibit 1 –CPC Agenda, April 22, 2024.

Exhibit 2 –Draft CPC Meeting Minutes – March 18, 2024.

Exhibit 3 – Letter of Intent – Barnstable Land Trust – 4609 Falmouth Rd, Cotuit

Exhibit 4 – PowerPoint Presentation – Barnstable Land Trust – 4609 Falmouth Rd, Cotuit

Exhibit 5 - Affordable Housing Growth & Development Trust Fund Board 2023 Report

Exhibit 6 - Invitation to Public Workshops regarding the Marstons Mills School Property.

Respectfully submitted,

Ellen M. Swiniarski

Community Preservation Coordinator

and edited by CPC Clerk Marilyn Fifield

Please Note: The list of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed, and other items not listed may also be brought up for discussion, to the extent permitted by law. It is possible that the Committee may vote to go into Executive Session. The Committee may also act on items in an order other than they appear on this agenda.

*** Public files are available for viewing during normal business hours at the Community Preservation office located at 367 Main Street, Hyannis, MA**



The Federated Church of Hyannis

320 Main Street
Hyannis, MA 02601
508-775-0298
www.federatedchurch.org

May 13, 2024

To: Community Preservation Committee, Town of Barnstable
Re: Letter of Intent for CPA grant funding

- **Project Name:** Universalist Cemetery Conservation
- **Project Outline:** The goal of this project is to conserve 270 gravestones that were identified in the 2024 Condition Assessment prepared by Fannin Lehner Preservation Consultants. The report provides the basic planning groundwork to secure funding for a phased conservation plan. Each marker requiring conservation is identified by location, name, date of death, stone material, and detailed treatment recommendations. Conservators interested in submitting bids will rely on this report to prepare their proposals.
- **Estimated Timeline:** A phased project is recommended due to the volume and difficulty of work. The timeline will depend upon the availability of qualified conservators and is likely to span several years. Work is generally limited to late spring, summer and fall in New England.
- **Funding Request Amount:** \$165,000 as estimated in the detailed Condition Assessment.
- **Partnership Information:** The Federated Church of Hyannis owns the land where the cemetery lies. The church provides meeting space for community non-profit groups, including A Baby Center, Cape Cod Council of Churches, AA groups, NA groups, and Hyannis Film Festival. In 2016 the burial ground was listed in the state register of the Massachusetts Historical Commission (BRN.819). In 2022 MHC recommended the burial ground for listing on the National Register of Historic Places, meeting Criterion A “in the areas of social history and maritime history, due to its associations with the early settlement and history of the village of Hyannis, and as a rare surviving element from the early years of the village’s seafaring activities”.
- **Secured Funding:** The church will contribute \$1,000 to the project. In-kind donation of Pamela Brown’s time in researching and managing this project is ongoing. Volunteer Bill Donle has been conducting research since 2018 and continues to offer countless hours of his time.
- **Applicant Contact:** Pamela Brown, 320 Stevens Street, Unit A2, Hyannis, MA 02601 508.775.7102 pam-cpa@comcast.net.

Thank you for your consideration of this request.

Sincerely,

Pamela Brown

Philip Scudder

Pamela Brown
Project Coordinator

Philip Scudder
Church President



BARNSTABLE FIRE DISTRICT

1841 Phinney's Lane
P.O. Box 546
Barnstable, MA 02630
508-362-6498

Prudential Committee
William A. Jones III, Chairman
Andrew Miller
Peter Eastman

Richard Buffington, Treasurer
Charles Eager, Clerk

May 8, 2024

Lindsey Counsell, Chair
Community Preservation Committee
Town of Barnstable
367 Main Street
Hyannis, MA 02601

Subject: 153 Oakmont Road Potential Future Public Water Supply Site
Project Eligibility Letter of Interest

Dear Mr. Counsell,

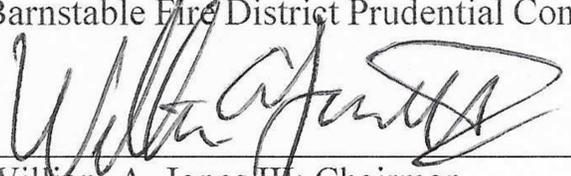
On behalf of the Barnstable Fire District, we respectfully submit this Letter of Intent to the Barnstable Community Preservation Committee requesting a grant for the purchase of 2.7 acres of land at 153 Oakmont Road in Cummaquid.

We recently learned that the area containing this parcel on Oakmont Road was highlighted in a 1994 USGS cape wide survey of potential public water supply areas. (USGS Report 94-4156). The area was designated as Tract A1W-53 on the Cape Cod Commission's Regional Policy Plan. The attached figures show the tract overlaid on the Oakmont Road lands.

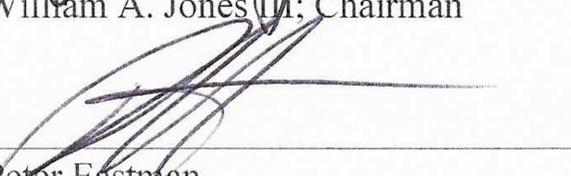
Purchase of the 153 Oakmont Parcel will conserve this area for future water supply as highlighted in the CPC 2024 action plan. If this parcel is not conserved and it is subsequently developed the entire tract will no longer be available as a future water well field.

I hope this letter is helpful in your deliberations on this Letter of Intent. Please feel free to call me or email me if you have any questions. My contact information is at the top of the page.

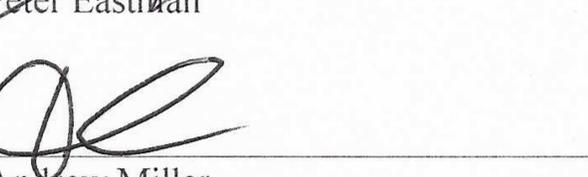
Sincerely,
Barnstable Fire District Prudential Committee



William A. Jones III, Chairman



Peter Eastman



Andrew Miller

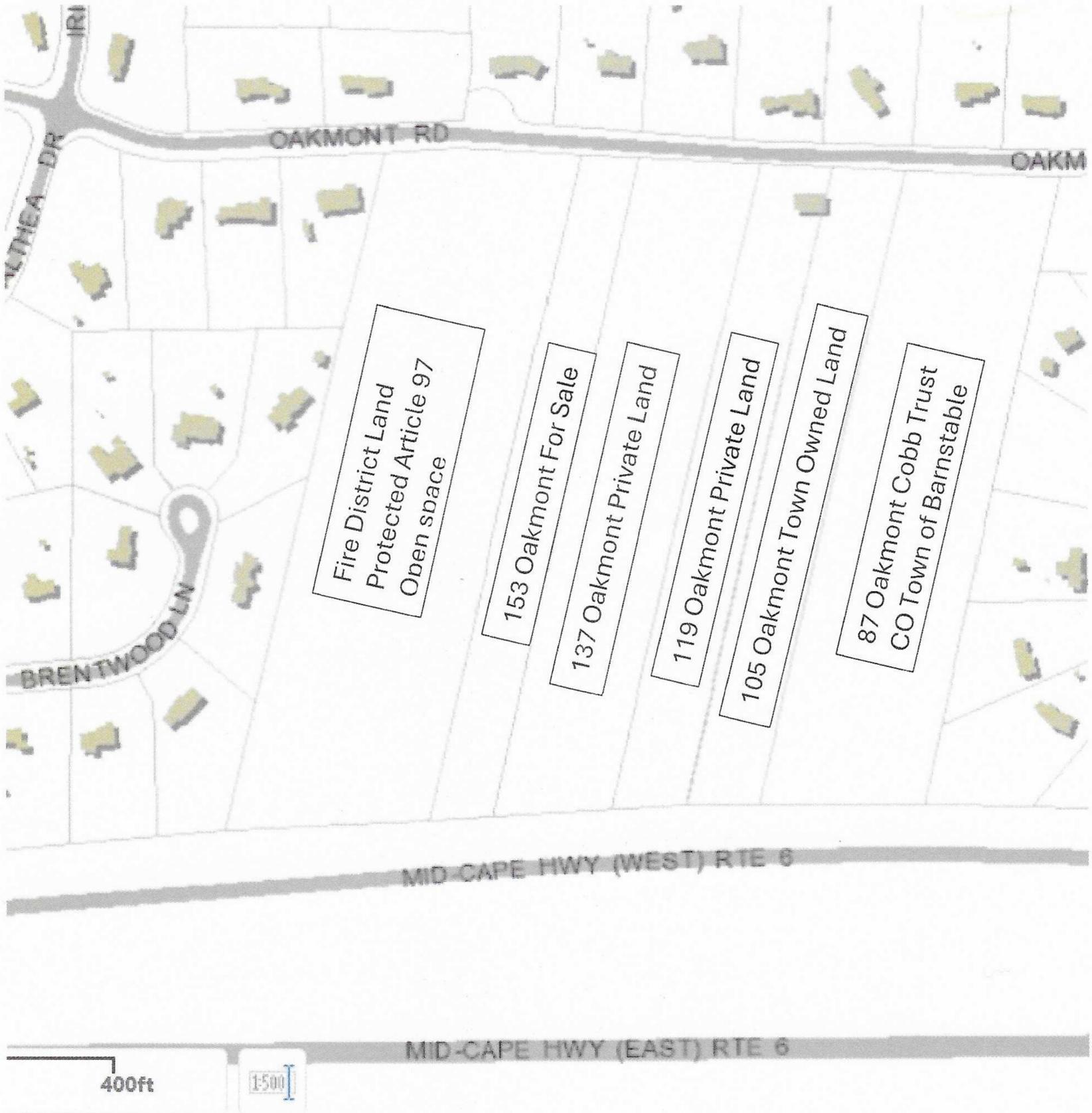


Figure 1 – Wooded Land on Oakmont Road

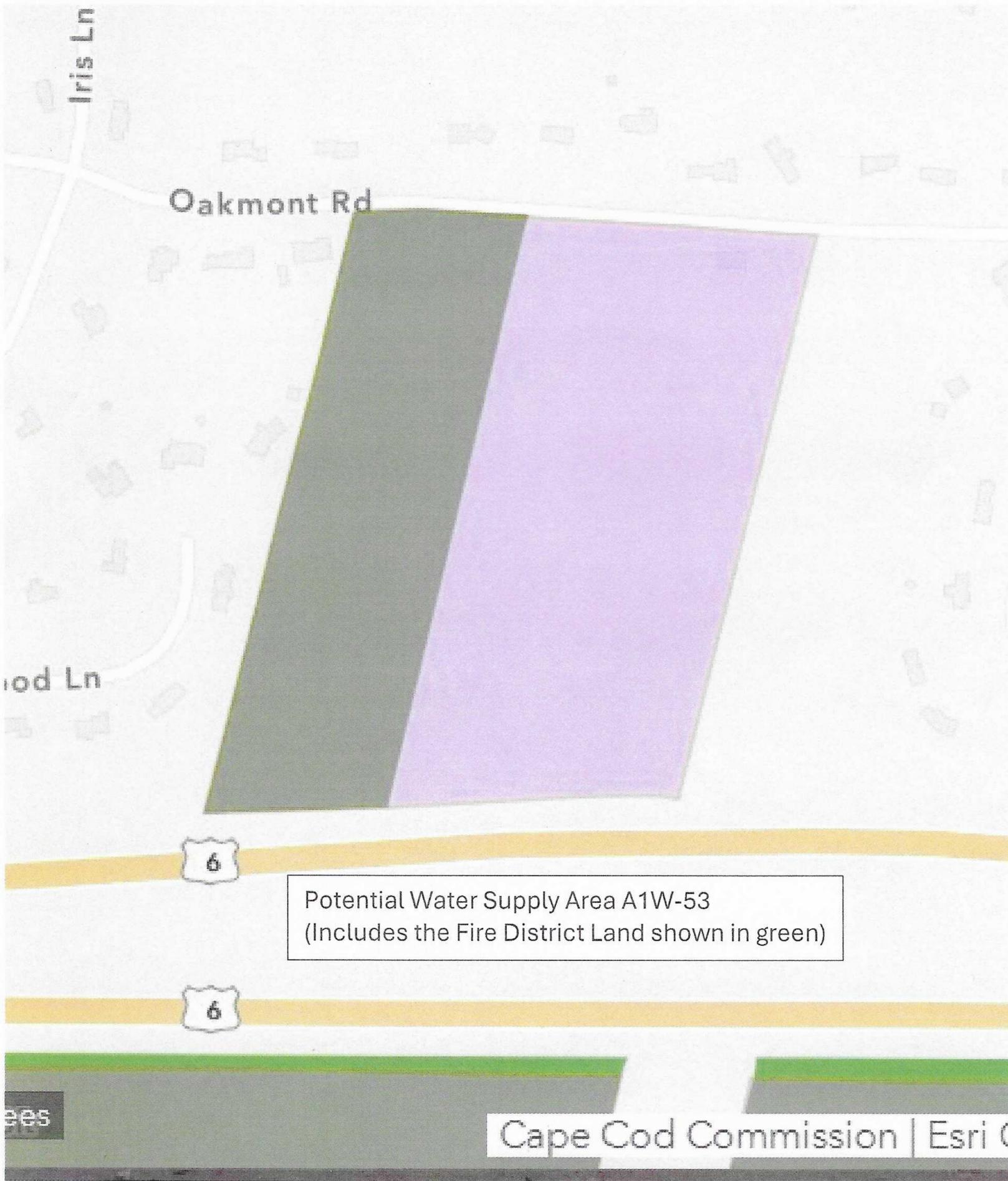


Figure 2 – Excerpt Cape Cod Commission 2018 RPP Data Viewer



The Historical Society Of
Santuit & Cotuit

LETTER OF INTENT

May 9, 2024

Project Title:

Grand Plan to Expand - Building a Future for Cotuit's Past: Phase II

Applicant: Historical Society of Santuit and Cotuit (HSSC), 1148 Main St, Cotuit

Primary Contact:

Kara Chase, HSSC Administrator, 1148 Main St, Cotuit 02635 #508-428-0461, info@cotuithistoricalsociety.org

A brief outline of the project:

This Phase II request is a continuation of our 2021" Grand Plan to Expand: Building a Future for Cotuit's Past".

We were awarded CPC funds in 2021 to upgrade the Cotuit Historical Society's historical archives and museums. We have completed 90% of the project. Unfortunately, in Phase I, we underestimated building and product costs as prices skyrocketed across the board during our renovation period. Monies that were earmarked for Phase II had to be used to complete work in Phase I.

We are now looking to start Phase II which will include:

- Restoring the authentic early 19th century Homestead buttery.
This includes removing the existing 1950s bathroom and work closet in the Dottridge Homestead and restore the area to its original use as a pantry. This will provide a more historically accurate presentation of our signature museum. The new pantry area allows for additional educational opportunities to learn about life in mid 19th century.
- Adding climate control features in the Homestead to preserve the historical artifacts that reside there.
This includes installing an HVAC system in the attic to provide a controlled heating system which will prevent mold and mildew damaging the historical artifacts, which comprise of painting, textiles, and furniture.

These items have previously been approved in 2021 but work has NOT started on these items due to overages in other awarded areas. We estimate \$20,000 for the buttery and \$13,000 for the remaining HVAC work. We still have approximately 3K left from the 2021 grant award, so we are seeking an additional \$30,000 to complete.

Estimated Timeline: 2025-2026

Funding Request Amount: \$30,000

Partnership Information: Non-profit organization

Secured Funding: HSSC Capital Campaign ongoing (private donations) HSSC endowment will provide funds to finish remaining work for Phase II (relocating new restroom and installing new septic system).

The Historical Society of Santuit & Cotuit 1148 Main Street -
P.O Box 1484 - Cotuit, MA 02635
508-428-0461 www.cotuithistoricalsociety.org info@cotuithistoricalsociety.org



May 6, 2024

Lindsey Counsell, Chairman
Community Preservation Committee
Town of Barnstable
367 Main Street
Hyannis, MA 02601

Re: **Santuit Woodlands Land Protection Project**
Map Block and Lot: 024/042

Dear Lindsey:

This application follows up on the Letter of Intent, approved for full application at the April 22nd Community Preservation Committee meeting.

On behalf of the Barnstable Land Trust (BLT), I am submitting the enclosed Community Preservation Act application for funding of \$250,000 for the purchase of a conservation restriction on a 5.84-acre property known as the Santuit Woodlands at 4609 Falmouth Road, Barnstable, as part of a conservation project in which Barnstable Land Trust will purchase the property. The property abuts Barnstable Land Trust's 5.9-acre conservation area to the south to create almost 12 acres of contiguous conservation open space and lies entirely within the Zone II Wellhead Protection Area, important for the protection of drinking water supply. The purchase of this property will allow for conservation of high value natural resources and recreation access.

BLT has requested \$50,000 in funding from the Cotuit Fire District Board of Water Commissioners in support of the project. The Town of Barnstable and the Board of Water Commissioners would jointly hold the conservation restriction on the property.

We hope the Community Preservation Committee will want to invest in the protection of this important natural resource, and passive recreational area by providing a CPA grant for this project. If you have any questions regarding this application, or request additional information, please contact me at 508-771-2585 x 101.

Sincerely,

Janet Milkman
Executive Director

CPC APPLICATION (Page 1)

Appropriated CPA funds require one or more deed restrictions (conservation / historic preservation / housing). If the restriction is prepared by the applicant, the first draft of the restriction should be provided to the CPC Coordinator. If the applicant is not preparing the restriction, a consultant will contact the applicant to assist in the drafting of the appropriate restriction after funds are appropriated. The Town of Barnstable Legal Department and Legal Consultant shall review and approve the restriction prior to the final commitment of the CPA funds to the project.

NOTE: Please see separate requirements for Historic Preservation Applications listed in the Barnstable CPC Historic Project Application Checklist in this Handbook.

Submission Date: May 6, 2024
Project Title: Santuit Woodlands Land Protection Project
Project Map/Parcel Number: 024/042
Estimated Start Date: April 2024
Estimated Completion Date: April 2025

Purpose (please circle all that apply):

<input checked="" type="checkbox"/> Open Space	<input type="checkbox"/> Public
<input type="checkbox"/> Community Housing	<input type="checkbox"/> Private
<input type="checkbox"/> Historic	<input checked="" type="checkbox"/> Non-Profit
<input type="checkbox"/> Recreation	<input type="checkbox"/> Partnership (Describe below #3)

Town Affiliation**

****Please note: All Town CPC Applications must be approved by the Town Manager.**

Applicant Contact:

Name: Janet Milkman
Organization (if applicable): Barnstable Land Trust, Inc.
Address: 1540 Main Street, West Barnstable, MA 02668
Mailing Address: Same
Daytime Phone #: (508) 771-2585
E-mail Address: janet@blt.org

Primary Contact (if different from applicant contact): SAME

Name:
Address:
Mailing Address:
Daytime Phone #:
E-mail Address:

CPC APPLICATION (page 2)

Budget Summary:

Total budget for project: **\$628,500**

CPA funding request: **\$250,000**

Matching funds (committed/under consideration):

\$298,000 Conservation Partnership Grant (pending application in July 2024)

\$50,000 Cotuit Fire District BOWC (under consideration)

\$30,500 BLT fundraising

Please address the following questions:

1. Project summary (description and goals):

BLT is working to purchase this 5.84-acre parcel in the Santuit neighborhood of Cotuit. The property abuts Barnstable Land Trust's 5.9-acre conservation area to the south to create almost 12 acres of contiguous conservation open space and lies entirely within the Zone II Wellhead Protection Area, important for the protection of drinking water supply. The purchase of this property will allow for conservation of high value natural resources and recreation access. BLT is looking for funding support for the purchase of the property through the Town's acquisition of a conservation restriction.

2. How does this project help preserve Barnstable's character?

Protecting this property will preserve the natural character of the Santuit Historic District by preserving natural forest land connected to existing protected open space and providing public access to new proposed walking trails.

3. Partnership(s) Description:

Barnstable Land Trust would own the property and the Town would co-hold the CR with the Cotuit Fire District Board of Water Commissioners.

4. Provide a detailed project timeline:

May 2024	BLT enters Purchase and Sales Agreement with owner.
May 2024	BLT submits CPA application for acquisition of a conservation restriction (CR).
May 29, 2024	Cotuit Fire District Annual Meeting – vote on funding.
June 6 & 20, 2024	Proposed Town Council meetings for approval of CPA funding
July 15, 2024	BLT submits application to State Conservation Partnership (CP) Grant program.
October 2024	Conservation buyer The Compact of Cape Cod Conservation Trusts, Inc. pre-acquires property.
October 2024	State CP Grant announcement.
Jul 24– Feb 25	CR under state review.
Mar 2025	CR for local approval.
April 2025	Closing between The Compact and BLT and recording of the CR, CPA reimbursement.

5. How does this project meet the General Criteria and Category Specific Criteria for CPC projects?

General Criteria

- *Consistency with the Local Comprehensive Plan and other planning documents that have received wide scrutiny and input and have been adopted by the town;*
 - Consistent with Final Vision Plan of LCPC, including to “Protect, restore and enhance priority natural habitats, salt and fresh water resources, and open spaces” and “Build on our outstanding recreational opportunities and enhance access to open spaces while also ensuring no environmental harm as recommended by the open space and recreation plan.”
 - Consistent with Goal 1 of Open Space and Recreation Plan (OSRP) to protect and maintain a maximum amount of open space to enhance environmental protection, recreational opportunities, and community character.
 - Consistent with Goal 2 of OSRP: Plan, coordinate and execute open space protection measures that complement community efforts to protect water supply, protect fresh and marine surface waters, preserve historic, scenic and cultural resources, and provide opportunities for farming and agriculture. Consistent with following sub-goals:
 - 2.2 Coordinate open space protection measures with efforts to protect wildlife habitat and augment the Town’s green corridors and spaces and 2.3 Coordinate open space protection measures with efforts to protect fresh and marine wetlands and surface waters.
 - Consistent with Goal 3 of OSRP: Provide diverse recreational opportunities and access throughout Barnstable and ensure that the current and future needs of all user groups are met appropriately, and the following subgoals:
 - 3.5 Provide adequate passive recreation facilities and programs;
 - 3.6 Coordinate planning for the Town’s greenway network to maximize opportunities for trailways, bikeways, Cape Cod Pathways, and connections between open spaces.
- *Preservation of the essential character of the town;* Property purchase will preserve land to protect forest land greenspace along the busy Falmouth Road.
- *Save resources that would otherwise be threatened and/or serve a currently under-served population;* conservation would protect land threatened by development. Without conservation, the property could be subdivided into two lots for development.
- *Demonstrate practicality and feasibility and demonstrate that they can be implemented expeditiously and within budget;* based on decades of expertise, experience, and flexibility at BLT this project can be completed within a year.
- *Produce an advantageous cost/benefit value;* CPA funding would leverage a state Conservation Partnership grant, Cotuit Fire District funding, and BLT private fundraising, so that CPA funds would only need to cover 40% of the total project cost.
- *Leverage additional public and/or private funds; applications that identify commitment from other funding sources will receive a higher priority;* see above, Cotuit Fire District funds, MA Conservation Partnership Grant, and private funding.
- *Serves more than one CPA purpose:* property provides conservation, passive recreation, and historic preservation opportunities.

Open Space Criteria

- *Protecting land bordering on wetlands in order to assist in minimizing or eliminating eutrophication of habitat; protection of the property,* The parcel includes wetland and wetland buffer.

- *Permanently protect important wildlife habitat, including areas that are of local significance for biodiversity.* The locus parcel is thickly wooded upland on Prime Forest and Farmland Soils, with mostly deciduous tree species including oak, cherry, maple, beech and occasional holly.
- *Contain a variety of habitats, with diversity of geologic features and types of vegetation;* the property includes both wetland and upland, with varied topography.
- *Preserve scenic, agricultural, historic, archeological or wooded character.* The locus parcel is thickly wooded maintaining the wooded character of the historic Santuit Village.
- *Provide opportunities for passive recreation and environmental education;* the property abuts existing BLT open space. A trail loop encompassing both parcels will provide new passive recreation opportunities.
- *Protect or enhance wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats;* the property abuts existing protected opens space to the north and south, providing an important habitat connection.
- *Provide public access;* provides access to a walking trail for passive recreation.

Historic Preservation Criteria

- *Protecting, preserving, enhancing, restoring and/or rehabilitating historic, cultural, architectural or archaeological resources of significance, especially those that are threatened.* The property lies within the Santuit Historic District. Preserving the property will retain some of the scenic quality, and historic character of the neighborhood.
- *Demonstrating a public benefit;* via a walking trail, the public will have access to the propert.
- *Demonstrating the ability to provide permanent protection for maintaining the historic resource.* The property will be restricted from development and Barnstable Land Trust will maintain the property in perpetuity.

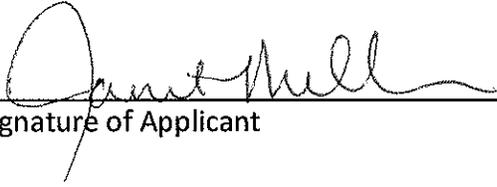
Recreation Criteria

- *Jointly benefit Conservation Commission and Recreation Commission initiatives by promoting passive recreation such as hiking, biking and crosscountry skiing on town-owned property;* provides public access to a new walking trail.

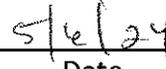
6. Provide a detailed budget, including the following information, as applicable: (Fiscal Year, Total Cost, CPC Funds Requested, Other Sources of Funding sought and received, and cost estimates/quotes received):

Project Costs:	
Land Acquisition FY 25	\$590,000
Project Costs	\$ 38,500
Total Project Costs	\$628,500
Funding Sources:	
Conservation Partnership Grant	\$298,000
Cotuit Water Board	\$ 50,000 (pending Annual Meeting Vote)
Town CPA Funds	\$250,000 (proposed)
BLT Private Fundraising	\$ 30,500
Total Funding	\$628,500

7. Assessor's Office identification map and map and parcel number:
See attached Map. Assessors Map 024, Parcel 042



Signature of Applicant



Date

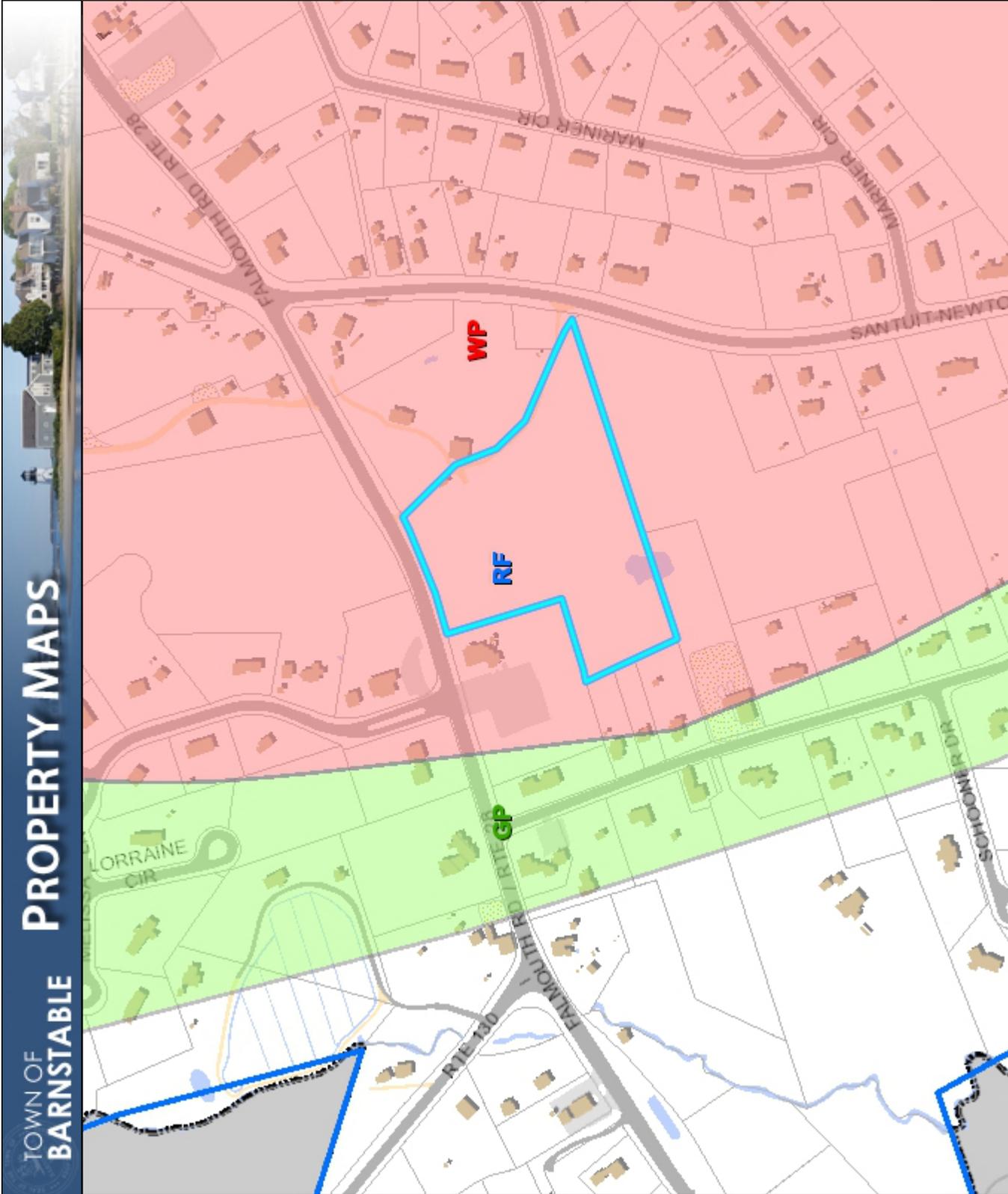
Signature of Applicant Partner

Date

Signature of Town Manager (Town Affiliated Projects)

Date

TOWN OF BARNSTABLE PROPERTY MAPS



- ### Legend
- Zoning Districts
 - GP - Groundwater Protection
 - WP - Well Protection
 - Parcels
 - Town Boundary
 - + Railroad Tracks
 - Buildings
 - Approx. Building
 - Buildings
 - Parking Lots
 - Paved
 - Unpaved
 - Roads
 - Paved Road
 - Unpaved Road
 - Bridge
 - Paved Median
 - Water Bodies



Town of Barnstable GIS Unit
 367 Main Street, Hyannis, MA 02601
 508-862-4624
gis@town.barnstable.ma.us

Parcel lines shown on this map are only graphic representations of Assessor's tax parcels. They are not true property boundaries and do not represent accurate relationships to physical objects on the map such as building locations.

This map is for illustration purposes only. It is not adequate for legal boundary determination or regulatory interpretation. This map does not represent an on-the-ground survey. It may be generalized, may not reflect current conditions, and may contain cartographic errors or omissions.

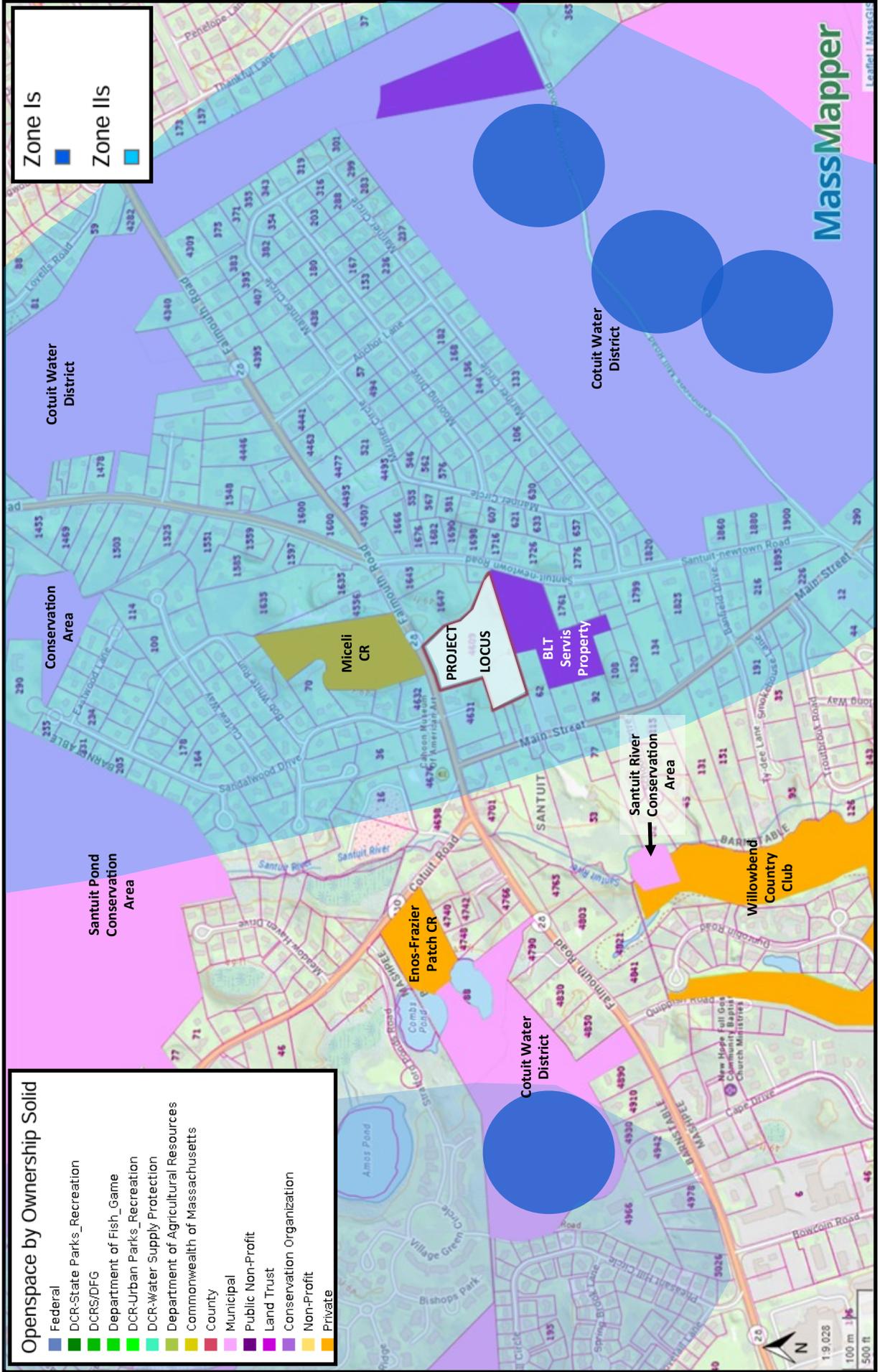
Map printed on: 11/14/2023

0 333 667 Feet

Approx. Scale: 1 inch = 333 feet

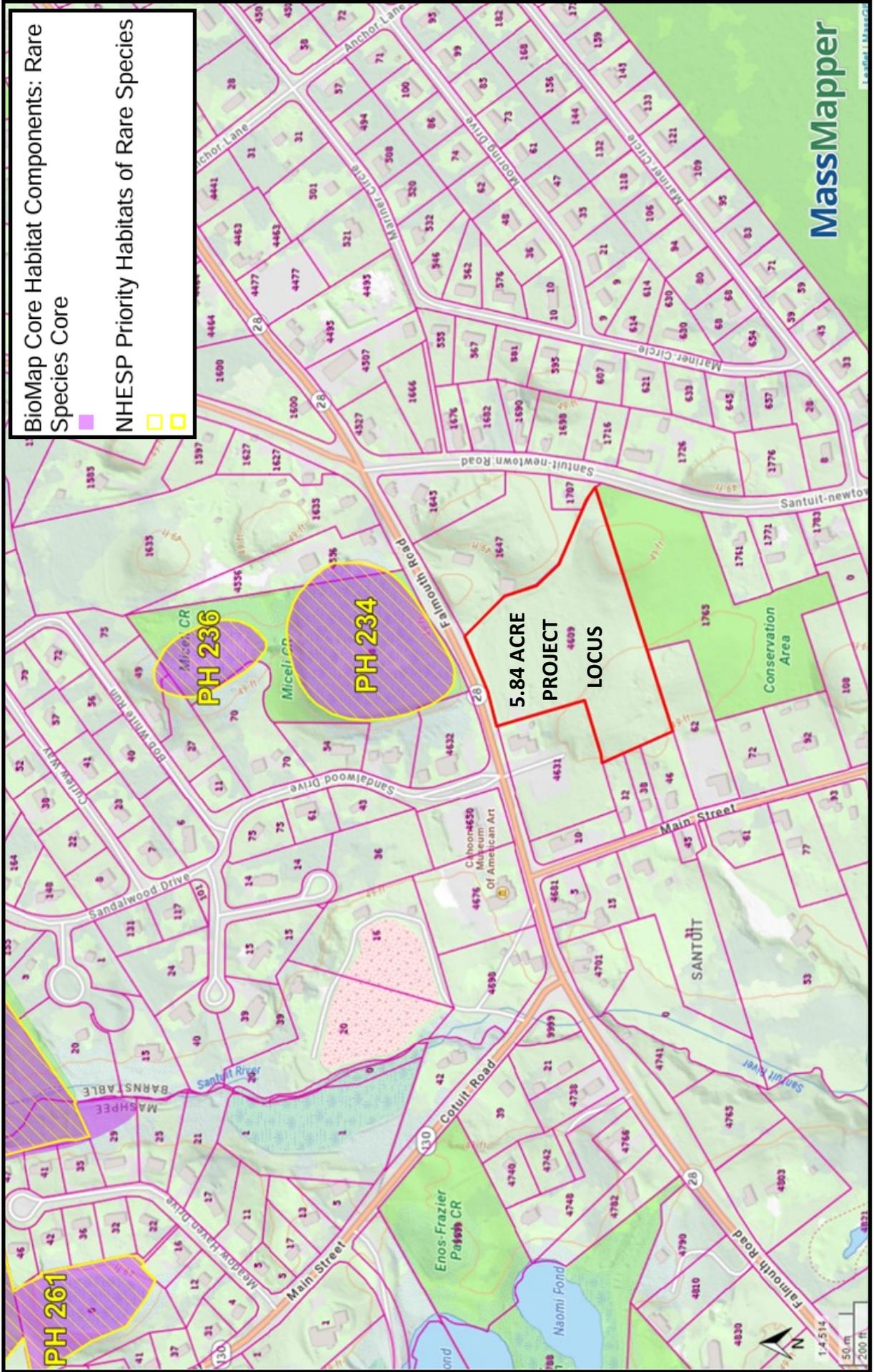
Santuit Woodlands Land Protection Project

Existing Protected Open Space and Zone II Wellhead Protection Areas



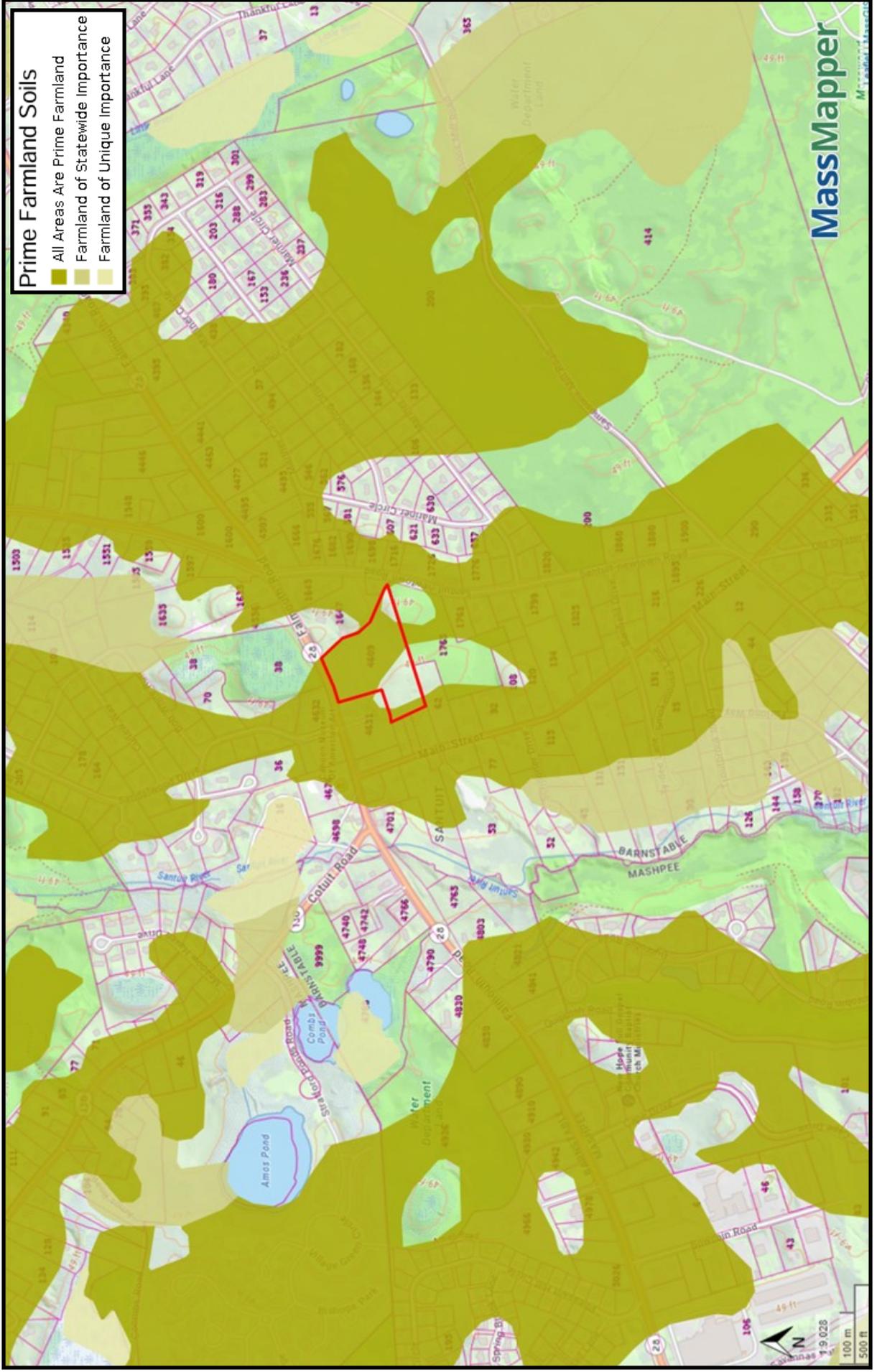
Santuit Woodlands Land Protection Project

NHESP Priority Habitat and BioMap Rare Species Core Habitat



Santuit Woodlands Land Protection Project

Prime Farmland Soils



PHILLIP D. SHAPERO of Newton, Middlesex County, Massachusetts,

for good and sufficient consideration of under One Hundred (\$100.00) Dollars.

paid, grant to JANET GAIL SHAPERO of 53 Park Avenue, Newton, Middlesex County, Massachusetts with QUITCLAIM COVENANTS

the land in Santuit, Barnstable, Barnstable County, Massachusetts, and bounded and described as follows:

BEGINNING at a cement bound set in the northeasterly corner of the granted premises as shown on a plan herein-after mentioned;

THENCE S 44° 52' 50" E as shown on said plan, a distance of one hundred seventy-two and 11/100 (172.11) feet to an iron pipe;

THENCE S 20° 19' 20" E as shown on said plan, a distance of one hundred and 77/100 (100.77) feet to an iron pipe;

THENCE S 42° 57' 20" E as shown on said plan, a distance of ninety-nine and 06/100 (99.06) feet to an iron pipe;

THENCE S 68° 26' 05" E as shown on said plan, a distance of one hundred eighty-seven and 55/100 (187.55) feet to a cement bound;

THENCE S 59° 08' 10" E as shown on said plan, a distance of thirty-five and 71/100 (35.71) feet to a cement bound;

THENCE S 41° 16' 10" E as shown on said plan, a distance of thirty and 37/100 (30.37) feet to a cement bound;

THENCE S 72° 09' 08" W as shown on said plan a distance of seven hundred seventy-seven and 33/100 (777.33) feet to a cement bound;

THENCE N 24° 59' 35" W as shown on said plan, a distance of two hundred thirty-six and 15/100 (236.15) feet to a cement bound;

THENCE N 72° 35' 20" E as shown on said plan, a distance of two hundred and six and 27/100 (206.27) feet;

THENCE N 15° 35' 06" W as shown on said plan, a distance of two hundred seventy and 61/100 (270.61) feet;

THENCE N 74° 24' 54" E as shown on said plan, a distance of seventy and 00/100 (70.00) feet to a bound;

THENCE Northeasterly by Route 28 a State highway as shown on said plan, on a curved line having a radius of nine hundred twenty-two and 79/100 (922.79) feet and an arc distance of two hundred and 69/100 (200.69) feet to a bound; and

THENCE N 61° 57' 15" E as shown on said plan, a distance of fifteen and 07/100 (15.07) feet to the point of beginning.

GRANTOR: Barnstable Land Trust, Inc.
PRIMARY GRANTEE: Town of Barnstable
SECONDARY GRANTEE: Cotuit Fire District
ADDRESS OF PREMISES: 4609 Falmouth Road, Village of Cotuit, Barnstable, MA
FOR GRANTOR'S TITLE SEE: Barnstable County Registry of Deeds at Book _____, Page _____.
FOR GRANTOR'S PLAN SEE: Barnstable County Registry of Deeds at Plan Book 278, Page 18.

GRANT OF CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

BARNSTABLE LAND TRUST, INC., a Massachusetts nonprofit corporation with an office and mailing address at 1540 Main Street, West Barnstable, MA 02668, being the sole owner of the Premises as defined herein, for my successors and assigns (“Grantor”), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant, with QUITCLAIM COVENANTS, to the **INHABITANTS OF THE TOWN OF BARNSTABLE**, a Massachusetts municipal corporation with principal offices at Town Hall, 367 Main Street, Hyannis, Barnstable County, Massachusetts 02601-3907, acting by and through its **TOWN MANAGER**, its permitted successors and assigns (“**Primary Grantee**”), for consideration of Two Hundred and Fifty Thousand and 00/100 Dollars (\$250,000.00) paid, and to the **COTUIT FIRE DISTRICT**, a Massachusetts municipal corporation duly organized pursuant to Chapter 328 of the Acts of 1926, with a principal place of business at 64 High Street, Cotuit, Massachusetts 02635, acting by and through its **BOARD OF WATER COMMISSIONERS**, its permitted successors and assigns (“**Secondary Grantee**”), for consideration of Fifty Thousand and 00/100 Dollars (\$50,000.00) paid, **IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES**, the following Conservation Restriction on land located in the Town of Barnstable, Barnstable County, Commonwealth of Massachusetts containing 5.84 acres (“Premises”), which Premises is more

particularly described in Exhibit A and shown in the attached reduced copy of a survey plan in Exhibit B, both of which are incorporated herein and attached hereto. As used herein, the terms “Grantee” and “Grantees” shall refer to the Primary Grantee and the Secondary Grantee collectively.

The Primary Grantee acquired this Conservation Restriction utilizing, in part, Community Preservation Act funds pursuant to Chapter 44B § 1 et seq of the Massachusetts General Laws, as applied pursuant to Chapter 149, §298 of the Acts of 2004, as amended by Chapter 352, §129-133 of the Acts of 2004 (the so called “Barnstable County Community Preservation Act” or “CPA”), which funds were authorized for such purposes by a vote of the Barnstable Town Council at a duly called meeting held on _____, on Agenda Item _____, an attested copy of which vote is attached hereto as Exhibit C (the “CPA Vote”).

The Secondary Grantee acquired this Conservation Restriction, pursuant to authority granted by vote of the Cotuit Fire District on Article _____ of the Cotuit Fire District Annual Meeting held on _____, an attested copy of which vote is attached hereto as Exhibit D (the “Cotuit Fire District Vote”). The Cotuit Fire District acquires this Restriction subject to approval of the Department of Environmental Protection (“DEP”) pursuant to Massachusetts General Laws Chapter 40, Section 41.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction (“Purposes”) are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and available for passive outdoor recreational use, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

Conservation Partnership. The fee interest in the Premises was acquired utilizing, in part, assistance from the Conservation Partnership program which requires, pursuant to Section 2A of Chapter 286 of the Acts of 2014 and Section 2A of Chapter 102 of the Acts of 2021, the conveyance of this Conservation Restriction.

The Conservation Values protected by this Conservation Restriction include the following:

- **Open Space.** The Premises contributes to the protection of the scenic and natural character of Barnstable and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts land already conserved, including the 5.9-acre± Barnstable Land Trust owned conservation area to the south and the 7.25-acre conservation restriction protected “Miceli Property” abutting across Falmouth Road to the north.
- **Soils and Soil Health.** The Premises includes 4.1 acres± of Prime Farmland Soils and 4.6 acres± of Prime Forest Land and Forest of Statewide Importance as identified by the USDA Natural Resources Conservation Service (source MassGIS MassMapper). The protection of the Premises will promote healthy soils and healthy soils practices as such terms are

defined in Chapter 358 of the Acts of 2020, which added definitions of these terms to Section 7A of Chapter 128 of the Massachusetts General Laws.

- Wildlife Habitat. The Premises is proximate to areas designated by the MA Division of Fisheries and Wildlife acting by and through its Natural Heritage and Endangered Species Program (NHESP) as “Priority Habitats of Rare and Endangered Species”, the protection of which aligns with NHESP’s wildlife and habitat protection objectives. The Premises includes a potential vernal pool (unmapped) providing important habitat for a wide variety of wildlife for breeding, feeding, migration and shelter habitat.
- Public Access. Public access to the Premises will be allowed for passive outdoor recreation, education, and nature study. The Premises connects to existing conservation opens space owned by Barnstable Land Trust and provides the potential for an approximately half-acre trail loop to provide close-to-home recreational opportunities for the public.
- Biodiversity. The Premises is proximate to areas designated as BioMap Wetland Core Habitat and Critical Natural Landscape Wetland Buffer, as defined by the Massachusetts Natural Heritage and Endangered Species Program. BioMap, last updated in 2022, was designed to guide strategic biodiversity conservation in Massachusetts by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. BioMap is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan.
- Water Quality. The Premises lies within the watershed to the Santuit River, Shoestring Bay and Popponeset Bay. Protection of intact natural forested landscapes can help maintain water quality for public drinking water and the health of coastal embayments;
- Wetlands. The potential vernal pool wetlands on the Premises provide valuable habitat for a diverse array of wildlife species as well as provide the many other public benefits of wetlands protection recognized by the Commonwealth of Massachusetts (Section 40 of Chapter 131 of the Massachusetts General Laws).
- Water Supply. The Premises includes Zone II Wellhead Protection Areas as identified by the MA Department of Environmental Protection, the protection of which is critical to maintaining the public drinking water supply.
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July 1991, the Barnstable County 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, 2009, 2012, and 2018, which provided, *inter alia* (references are to the 2018 RPP, amended in 2021 to accommodate climate change goals and objectives):
 - “To protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers.” (Wetland Resources Goal, p. 55).

- “To protect, preserve, or restore wildlife and plant habitat to maintain the region’s natural diversity” (Wildlife and Plant Habitat Goal, p. 55).
- In reference to this Wildlife and Plant Habitat Goal, the RPP states, “For many years habitat loss due to development has been the primary threat to the region’s habitats” (p. 32); and
- “To conserve, preserve, or enhance a network of open space that contributes to the region’s natural community resources and systems” (Open Space Goal, p. 55). In reference to this Open Space Goal, the RPP states, “the open space of the Cape is critical to the health of the region’s natural systems, economy, and population. Open space provides habitat for the region’s diverse species and protection of the region’s drinking water supply” (p. 30).

Granting this Conservation Restriction will advance each of these goals outlined in the RPP. The Wetlands Goal will be addressed in protecting the Premises’ wetland resources and their upland buffer zone. The Wildlife and Plant Habitat Goal will be served because the Premises contains a host of important plant and wildlife species and is in close proximity to NHESP Priority Habitat of Rare Species and BioMap Core Habitat and Critical Natural Landscape areas. The Open Space Goal will be advanced because the Premises abuts 4.9 acres of existing conservation land and will expand passive recreation opportunities for the public.

- Consistency with Clearly Delineated Town of Barnstable Conservation Policy. Protection of the Premises will further the Town of Barnstable’s documented goals regarding conservation land. The Town outlined its conservation goals in its *Open Space and Recreational Plan* (1984, amended 1987, 1998, 2005, 2010, 2018), identifying goals, policies, and actions to guide conservation efforts, among them the goal of preserving “quality open spaces throughout the Town which protect and enhance its visual heritage.” Additional objectives include (*references are to the 2018 Plan*):

- 1) "Preservation of open space for protection of drinking water resources, and for protection of other natural, historic and scenic resources is a community-wide priority; and;
- 2) Protection of open space should continue to be an integral component of the Town's efforts." (p. 6)

To achieve this vision, the Plan sets several goals for the town including:

- 1) "To protect and maintain the maximum amount of open space to enhance environmental protection, recreational opportunities, and community character, and;
- 2) “Plan, coordinate and execute open space protection measures that complement community efforts to protect water supply, protect fresh and marine surface waters, [and] preserve historic, scenic and cultural resources...” (pp. 10-11).

Additionally, the Barnstable Town Council's Strategic Plan for fiscal year 2021-2022 identified the goal to preserve and protect significant natural and historic resources for visual quality, outdoor recreation, wildlife habitat, and cultural history.

Moreover, in 1981, the Town of Barnstable adopted a Conservation Restriction Program consisting of policies and guidelines, in particular an *Open Space Policy*, approved by the Board of Selectmen, Assessors, and Conservation Commission, which encourages the use of conservation restrictions in perpetuity to protect natural resources in accordance with the purposes of the *Open Space and Recreation Plan*, and which further specified that purposes of a conservation restriction could include the following:

- preserve scenic view;
- prevent disturbance of wetlands;
- preserve a shoreline;
- prevent the cutting of trees or forests;
- preserve open space;
- preserve important natural habitats of fish, wildlife or plants; and,
- limit or prevent construction on land of natural resource value.

The Town of Barnstable promotes the Cape Cod Pathways program intended to create a series of looped and through-routes in the town and beyond for public walking and scenic enjoyment. The Premises will provide the opportunity for new recreational trails for use by the public.

- Consistency with Clearly Delineated State Conservation Policy. The Premises possesses significant open space, natural, aesthetic, ecological, plant and wildlife habitat, solid and water resource quality, watershed, and scenic values (collectively "conservation values") of great importance to the Grantees and the people of Barnstable and the Commonwealth of Massachusetts, including the advancement of the following goals of the State's 2023 Statewide Comprehensive Outdoor Recreation Plan (SCORP):
 - 1.3) Support the acquisition of land that will protect water supply and also be open for recreation;
 - 4.2. Acquire new blocks of land with preference to those parcels that are designated as an Urban Area by the 2020 US Census, in Environmental Justice Census blocks, or the trailhead is within a half-mile of a transit stop;

The protection of the Premises will preserve land within the Zone II Wellhead protection Area while also provide new trails for passive recreation. The location of the Premises on Falmouth Road, a major transit route for Cape Cod, provides new recreational opportunities for the broader community.

- Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of "conservation purposes" as defined in 26 CFR 1.170A-14(d)(1), because its conservation would: reserve the land for education regarding the natural world; protect wildlife habitats; and it would contribute to the preservation of open space because it is proximate to other parcels already conserved.

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, wind turbine, solar panel, solar array, conduit, line, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantees;
7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantees' intention to maintain the entire Premises under unified ownership;

9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Adverse Impacts to Stone Walls, Boundary Markers Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;
12. Inconsistent Uses. Using the Premises for commercial purposes that are inconsistent with the Purposes or that would materially impair the Conservation Values, or for any other uses or activities that are inconsistent with the Purposes or that would materially impair the Conservation Values.

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A, the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that no stockpiling or composting shall take place within 100 feet of any wetland;
4. Natural Habitat and Ecosystem Improvement. With prior written approval of the Grantees, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
5. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate

successor official) and by the Grantees. A copy of the results of any such investigation on the Premises is to be provided to the Grantees;

6. Trails. Maintaining and constructing trails as follows:

- a. Trail Maintenance. Conducting routine maintenance of trails, which may include widening trail corridors up to eight (8) feet in width overall, with a treadway up to five (5) feet in width.
- b. New Trails. With prior written approval of the Grantees, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above.
- c. Trail Features. With prior written approval of the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;

7. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantees' interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;

8. Motorized Vehicles. Using motorized vehicles by persons with mobility impairments and as otherwise permitted herein.

9. Outdoor Passive Recreational and Educational Activities. Hiking, horseback riding, cross-country skiing, snowshoeing, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor recreational and educational activities;

C. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

D. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Reserved Right requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

E. Notice and Approval

1. Notifying Grantees. Whenever notice to or approval by Grantees is required, Grantor shall notify or request approval from Grantees, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
 - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals.
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantees to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, the Secondary Grantee, within thirty (30) days of receipt of Grantor's request, shall notify the Primary Grantee of the Secondary Grantee's decision. Within sixty (60) days of the Primary Grantee's receipt of Grantor's request, the Primary Grantee shall either affirm, amend or reverse the decision of the Secondary Grantee, shall notify the Secondary Grantee thereof in writing, and shall issue its decision to the Grantor in writing. The Primary Grantee's decision shall in all cases be the final and controlling decision binding on both Grantees. In the event that no decision is received from the Secondary Grantee within thirty (30) days, the Primary Grantee shall proceed to issue its decision within sixty (60) days of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.
3. Resubmittal. Grantees' failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantees, and their duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration) and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantees will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantees for the enforcement of this Conservation Restriction.
2. Notice and Cure. In the event the Grantees determine that a violation of this Conservation Restriction has occurred and intend to exercise any of the rights described herein, the Grantees shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantees may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantees determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantees may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantees all reasonable costs and expenses (including counsel fees) incurred by the Grantees in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.
4. Coordination between Primary and Secondary Grantee. Whenever there is a question of whether there is a violation of this Conservation Restriction, or how to proceed in addressing the violation, the Primary Grantee shall consult with the Secondary Grantee. The Primary Grantee shall then determine whether there is a violation and how to proceed in addressing the violation. The Primary Grantee's decision shall in all cases be the final and controlling decision binding on both Grantees. In the event that no response is received from the Secondary Grantee within thirty (30) days, the Primary Grantee shall notify Grantor and proceed as provided in Paragraph IV.B.2.

C. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantees. Any election by the Grantees as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise their rights hereunder shall not be deemed or construed to be a waiver of such rights.

D. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantees do not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantees or their agents.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantees to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantees will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS

Subject to the provisions of this Conservation Restriction, the Grantor hereby grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Paragraph III.B.9 provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the Purposes and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.9. The Grantees may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. This grant of public access to the Premises is solely for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantees hereto express their intent to benefit from exculpation from liability to the extent provided in such section.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the

Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official (“Secretary”), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor’s and Grantee’s Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then the Grantees, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantees shall use their share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee’s Receipt of Property Right

Grantor and Grantees agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantees, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the conveyance, bears to the value of the unrestricted Premises. The proportionate value of the Primary Grantee’s property right as of the Effective Date (See Paragraph XII) was determined to be 42 %¹. The proportionate value of the Secondary Grantee’s property right as of the Effective Date (See Paragraph XII) was determined to be 8 %². Such proportionate value of the Grantees’ property right shall remain constant.

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantees shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantees shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantees in accordance with Paragraph VI.B and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantees shall use their share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

¹ Town CPA funds: \$250k /\$590k = 42%

² Cotuit Fire District funds: \$50k /\$590k = 8%

B. Execution of Instruments

The Grantees are authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantees its attorneys-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantees, shall be in gross and shall not be assignable by the Grantees, except when all of the following conditions are met:

1. the Grantees require that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under and 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Any transfers shall receive prior approval by Grantee to assure that the Premises is transferred to a qualified conservation organization. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantees may record it in the Barnstable County Registry of Deeds, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantees shall, within sixty (60) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantees agree that they will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantees may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantees as "qualified organizations" or "eligible donees" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantees, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive.

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantees and Grantor, approved by the Town of Barnstable and by the Secretary in the public interest

pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the Barnstable County Registry of Deeds.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantees have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the Barnstable County Registry of Deeds.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Barnstable Land Trust, Inc.
1540 Main Street
Barnstable, MA 02668

To Primary Grantee: Town of Barnstable, c/o Town Manager
367 Main Street
Hyannis, MA 02601-3907

To Secondary Grantee: Cotuit Fire District, c/ Board of Water Commissioners
64 High Street,
Cotuit, Massachusetts 02635

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this

instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the Grantor and Grantees with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. BASELINE DOCUMENTATION REPORT

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report (“Baseline Report”) “Santuit Woodland Conservation Restriction Baseline Report”, and dated _____ prepared by Grantees with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantees and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantees to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. No Surety Interest

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. Executory Limitation

If either Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then that Grantee's rights and obligations under this Conservation Restriction shall run to the other Grantee. If both Grantees shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then their rights and obligations under this Conservation Restriction shall run to the Town of Barnstable Conservation Commission. If the Town of Barnstable Conservation Commission is no longer in existence at the time the rights and obligations under this Conservation Restriction would otherwise vest in it, or if the Town of Barnstable Conservation Commission is not qualified or authorized to hold conservation restrictions as provided for assignments pursuant to Paragraph VII, or if it shall refuse such rights and obligations, then the rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.

D. Prior Encumbrances

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

E. The following signature pages are included in this Grant:

Grantor – Barnstable Land Trust, Inc.

Primary Grantee Acceptance – Town of Barnstable Town Manager

Secondary Grantee Acceptance – Cotuit Fire District Board of Water Commissioners

Approval of Town of Barnstable Town Council

Approval of Department of Environmental Protection

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

F. The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copy of Recorded Plan of Premises

Exhibit C: Town Vote Authorizing the Use of CPA Funds

Exhibit D: Cotuit Fire District Vote Authoring Funds
Exhibit E: Town Vote Approving CR

DRAFT

WITNESS my hand and seal this ____ day of _____, 2025 as authorized by vote of the Barnstable Land Trust, Inc., at a meeting duly held on _____, 2025, authorizing grant of the foregoing Conservation Restriction to the Town of Barnstable and the Board of Water Commissioners of the Cotuit Fire District.

Barnstable Land Trust, Inc.

Leigh Townes, President,
Barnstable Land Trust, Inc.

Jill McCleary, Treasurer
Barnstable Land Trust, Inc.

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. _____ 2025

Then personally appeared the above-named Leigh Townes, President, Barnstable Land Trust, Inc. and Jill McCleary, Treasurer, Barnstable Land Trust, Inc., the corporation named in the foregoing instrument, and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the document, and each acknowledged she is duly authorized to act on behalf of said corporation, and each further acknowledged the foregoing instrument to be the free act and deed of said corporation, before me.

Notary Public
My commission expires:

ACCEPTANCE AND APPROVAL OF TOWN MANAGER

I, Mark S. Ells, as Town Manager of the Town of Barnstable, Massachusetts, hereby approve in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws and accept the foregoing Conservation Restriction from the Barnstable Land Trust, Inc. to the Town of Barnstable and the Board of Water Commissioners of the Cotuit Fire District.

TOWN OF BARNSTABLE
TOWN MANAGER:

Mark S. Ells

Barnstable, ss

On the _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Mark S. Ells, the person whose name is signed on the document and proved to me through satisfactory evidence of identification, which was _____, and who being by me duly sworn did say that he is the Town Manager of the Town of Barnstable; that he is duly authorized to act on behalf the Town of Barnstable and he acknowledged the foregoing instrument to be his free act and deed.

Notary Public
My Commission Expires

ACCEPTANCE OF THE GRANT BY THE BOARD OF WATER COMMISSIONERS OF THE COTUIT FIRE DISTRICT

We, the undersigned, being a majority of the Board of Water Commissioners of the Cotuit Fire District hereby certify that at a public meeting duly held on _____, 2025, acting pursuant to the authority granted under Article ____ of the Cotuit Fire District Annual Meeting held on May 29, 2024, voted to approve and accept the foregoing Conservation Restriction from Barnstable Land Trust, Inc.

COTUIT WATER DISTRICT

By a majority of the Board of Water Commissioners:

Scott Horsley

Mark Robinson

David Churbuck

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared _____, _____, and _____, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL OF THE TOWN OF BARNSTABLE
TOWN COUNCIL**

At a public meeting duly held on _____, 2025, the Town Council of the Town of Barnstable, Massachusetts, voted to approve the foregoing Conservation Restriction from the Barnstable Land Trust, Inc. to the Town of Barnstable and the Board of Water Commissioners of the Cotuit Fire District in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws and hereby certifies approval of the foregoing Conservation Restriction. An attested copy of the vote of the Town Council is attached hereto and included herein as Exhibit E.

TOWN COUNCIL PRESIDENT: _

Felicia R. Penn

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

On the _____ day of _____, 2025, before me, the undersigned notary public, personally appeared **Felicia R. Penn**, the person whose name is signed on the document and proved to me through satisfactory evidence of identification, which was _____, and who being by me duly sworn did say that he is the President of the Town Council of the Town of Barnstable; that he is duly authorized to act on behalf the Town Council; and he acknowledged the foregoing instrument to be the free act and deed of Town of Barnstable Town Council.

Notary Public
My Commission Expires:

APPROVAL OF DEPARTMENT OF ENVIRONMENTAL PROTECTION

The undersigned, Department of Environmental Protection, _____, hereby certifies that the foregoing Conservation Restriction from the Barnstable Land Trust, Inc. to the Town of Barnstable and the Board of Water Commissioners of the Cotuit Fire District for Watershed and Water Supply Protection has been reviewed and approved pursuant Section 41 of Chapter 40 of the Massachusetts General Laws, Chapter 40, Section 41.

Dated: _____, 2025

Rebecca L Tepper
Secretary of Energy and Environmental Affairs

THE COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Rebecca L Tepper, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF
THE COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby approves the foregoing Conservation Restriction from the Barnstable Land Trust, Inc. to the Town of Barnstable and the Board of Water Commissioners of the Cotuit Fire District in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2025

Rebecca L Tepper
Secretary of Energy and Environmental Affairs

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Rebecca L Tepper, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Description of the Premises

The land in Barnstable, Massachusetts, containing 5.84 acres, +/-, shown on a plan of land titled "Plan of Subdivision of Land in Santuit, Barnstable, Mass, for Theodore Nigro, Scale: 1 inch = 40 Feet", dated May 21, 1973, by Robert H. Waite, registered land surveyor, West Yarmouth, Mass., recorded at the Barnstable County Registry of Deeds in Plan Book 278, Page 18.

For Grantors Title see Barnstable County Registry of Deeds at Book _____, Page _____.

Town Barnstable Assessors Map 024, Parcel 042

Street Address: 4609 Falmouth Road (Route 28), Village of Cotuit, Barnstable MA 02635

DRAFT

EXHIBIT B

Reduced Copy of Plan of Premises

For official full size plan see Barnstable County Registry of Deeds Plan Book 278 Page 18.

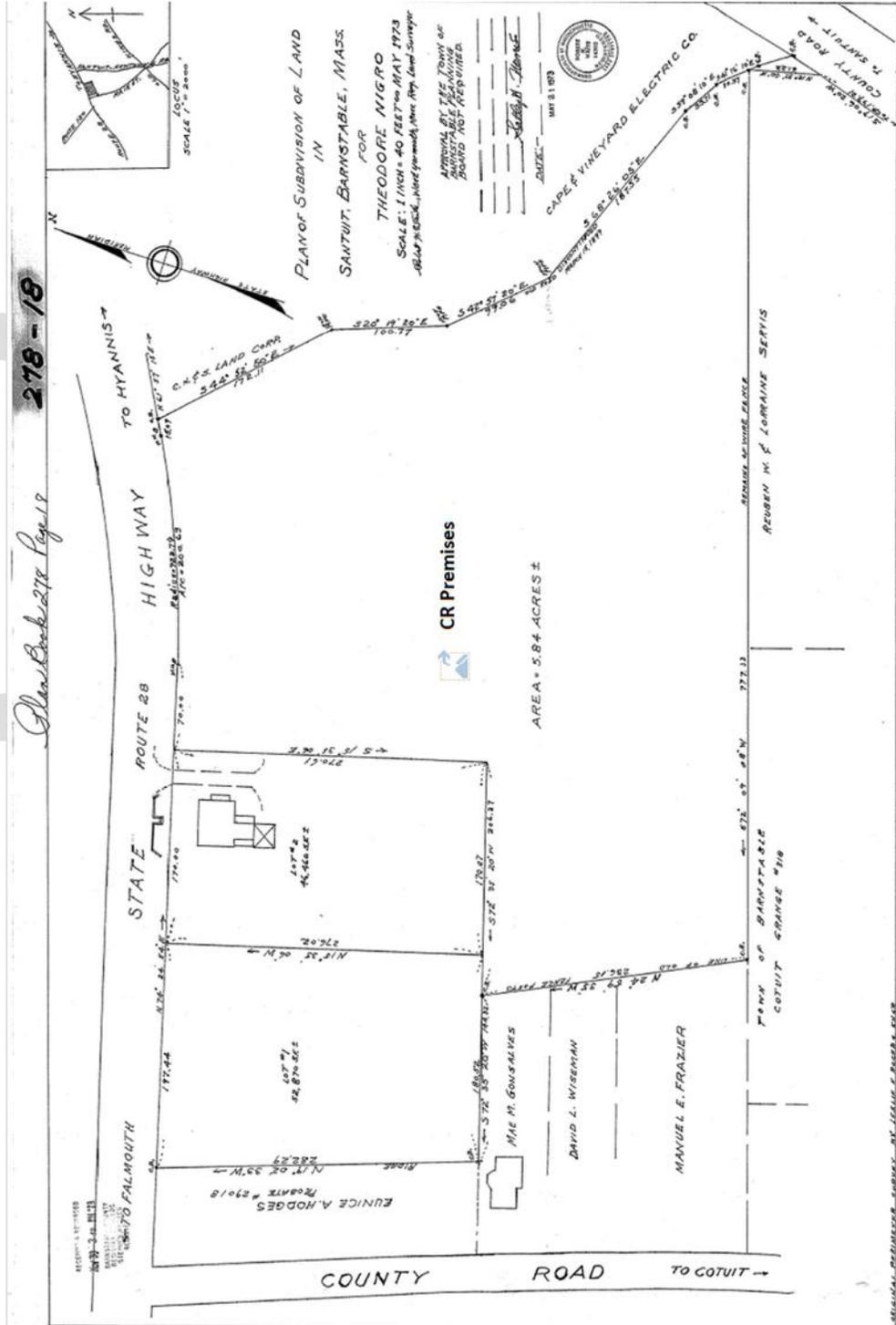


EXHIBIT C

Town Vote Authorizing the Use of CPA Funds

DRAFT

EXHIBIT D

Cotuit Fire District Vote Authoring Funds

DRAFT

EXHIBIT E

Town Vote Approving CR

DRAFT

REAL PROPERTY APPRAISAL

OF THE PROPERTY
IDENTIFIED AS

4609 FALMOUTH ROAD
COTUIT, MA



PREPARED FOR:

MS. JANET MILKMAN
EXECUTIVE DIRECTOR
BARNSTABLE LAND TRUST
1540 MAIN STREET
WEST BARNSTABLE, MA 02668

EFFECTIVE DATE OF APPRAISAL:

MARCH 27, 2024

BY:

CLANCY APPRAISAL COMPANY, INC.
REAL ESTATE APPRAISERS AND CONSULTANTS
24 SPRING BARS ROAD, #3B
FALMOUTH, MASSACHUSETTS 02540

CLANCY APPRAISAL CO., INC.
24 Spring Bars Road, #3B
Falmouth, MA 02540-3910
(508) 540-9515 – Fax (508) 540-6586
Email info@clancyappraisal.net

Ms. Janet Milkman
Executive Director
Barnstable Land Trust
1540 Main Street
West Barnstable, MA 02668

March 29, 2024

RE: 4609 Falmouth Road
Cotuit, MA

Dear Ms. Milkman:

In accordance with your request, I have appraised the 5.84 acres of vacant land identified as 4609 Falmouth Road, Cotuit, MA. I have utilized a Restricted Appraisal Report.

The Intended Use of this Restricted Appraisal Report is to provide an opinion of the “As Is” Current Market Value of the Fee Simple Estate of the subject land containing 5.84 acres of land located at 4609 Falmouth Road, Cotuit, MA, with the Hypothetical Condition for a 2-lot residential subdivision, for acquisition purposes. The Intended Users are Barnstable Land Trust, Inc., The Compact of Cape Cod Conservation Trusts, Inc. and MA Executive Office of Energy and Environmental Affairs.

This report is based upon the appraiser’s personal inspection of the subject property, and after a thorough examination of all the data contained in this report, it is my opinion that the As Is Current Market Value of the Fee Simple Estate of the above-captioned property, as of March 27, 2024, is as follows:

FIVE HUNDRED NINETY THOUSAND DOLLARS
(\$590,000)

Should questions arise in connection with this report, or if I may be of further assistance to you in this matter or any other, please feel free to call upon me.

Respectfully submitted,

Joseph M. Clancy

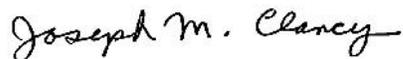
Appraiser:
Joseph M. Clancy, MRA
MA Certified General
Real Estate Appraiser #76

CERTIFICATION OF APPRAISAL

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and they are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice* (“USPAP”).
8. Joseph M. Clancy has made a personal inspection of the property that is the subject of this report.
9. No one else provided significant real property appraisal assistance to the person signing this certification.
10. This appraisal report has been made in conformity with and is subject to the requirements of the Code of Professional Ethics and the Standards of Professional Conduct of the Massachusetts Board of Real Estate Appraisers, with which the Appraiser is affiliated.
11. I am appropriately licensed and certified to appraise the subject property in the state in which it is located.
12. The signatory appraiser has provided no prior appraisal services regarding the subject property in the prior 3 years.

Respectfully submitted,



Appraiser:

Joseph M. Clancy, MRA
MA Certified General
Real Estate Appraiser #76

STATEMENT OF LIMITING CONDITIONS

The certification of the appraiser appearing in this appraisal report is subject to the following conditions and to such other specific and limiting conditions as are set forth by the appraiser in the report.

1. The appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or the title thereto, nor does the appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
2. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. The appraiser has made no survey of the property.
3. The appraiser is not required to give testimony or appear in court because of having made this appraisal with reference to the property in question, unless arrangements have been previously made, therefore.
4. Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.
5. The appraiser assumes that there are no hidden or unapparent conditions of the property, no known existence of hazardous substances or detrimental environmental conditions, subsoil or structures that would render it more or less valuable. The appraiser assumes no responsibility for such conditions or for engineering that might be required to discover such factors. Any statement in this appraisal relative to the highest and best use, the bearing capacity of the soil, and the uses to which the property can and will be put, are based on the writer's conclusions and on a surface examination only. Soil or engineering tests made by engineers indicating contrary results may affect the conclusions reported herein. The writer assumes no liability beyond surface examination for the lack of engineering data required to support proposed uses for the property.
6. Information, estimates and opinions furnished to the appraiser and contained in this report were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished the appraiser can be assumed by the appraiser.
7. Disclosure of the contents of this appraisal report is governed by the Bylaws and Regulations of the professional appraisal organizations with which the appraiser is affiliated.

STATEMENT OF LIMITING CONDITIONS (Continued)

8. Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to property value, the identity of the appraiser, professional designations, reference to any professional appraisal organizations, or the firm with which the appraiser is connected) shall be used for any purposes by anyone but the client specified in the report, the borrower if appraisal fee paid by same, the mortgagee or its successors and assigns, mortgage insurers, consultants, professional appraisal organizations, any state or federally approved financial institution, any department, agency, or instrumentality of the United States or any state or the District of Columbia, without the previous written consent of the appraiser; nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, without the written consent and approval of the appraiser.

9. On all appraisals subject to satisfactory completion, repairs, or alterations, the appraisal report and value conclusions are contingent upon completion of the improvements in a workmanlike manner.

10. This assignment was undertaken for the client specified herein. The appraiser does not recognize or assume any duty to persons other than that client in the formulation of this report and its conclusions. The client may make such reasonable use of this report as is consistent with the function of the report, but any third or other party into whose possession the report may come should not assume that its rationales or conclusions will serve any other client or function.

11. Note the use of the single quote (') will denote feet in this report.

12. Environmental Disclaimer: The value estimated in this report is based on the assumption that the property is not negatively affected by the existence of hazardous substances or detrimental environmental conditions. The appraiser is not an expert in the identification of hazardous substances or detrimental environmental conditions. The appraiser's routine inspection of and inquiries about the subject property did not develop any information that indicated any apparent significant hazardous substances or detrimental environmental conditions that would affect the property negatively. It is possible that tests and inspections made by a qualified hazardous substance and environmental expert would reveal the existence of hazardous materials and environmental conditions on or around the property that would negatively affect its value.

STATEMENT OF LIMITING CONDITIONS (Continued)

13. The Americans with Disabilities Act (ADA) became effective January 26, 1992. I have not made a specific compliance survey or analysis of this property to determine whether or not the physical aspects of the improvements are in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative impact upon the value of the property. Since I have no direct evidence relating to this issue, I did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

14. The Gramm-Leach-Bliley Act was signed into law on November 12, 1999. The intent of the Act is to protect consumer's personal information obtained by a financial institution from being disclosed or released without notice and without the permission of the consumer. Compliance with the law became mandatory after July 1, 2001. These regulations apply to appraisers as well as other providers of financial services, and apply to nonpublic personal information, or personally identifiable financial information.

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

PROPERTY APPRAISED: 4609 Falmouth Road, Cotuit, MA

ASSESSORS IDENTIFICATION: 024/ 042

RIGHTS APPRAISED: Fee Simple Estate

VALUES APPRAISED: **“As Is” Current Market Value with the Hypothetical Condition for a 2-lot subdivision.**

DATE OF APPRAISED VALUE: **March 27, 2024**

RECORD OWNERS: Janet Gail Shapero

HAZARDOUS WASTE CONDITIONS: None apparent

ZONING: RF – Residential F

IMPROVEMENTS: None

LAND AREA: 5.84 acres

HIGHEST & BEST USE: 2-lot Residential Subdivision per The Compact of Cape Cod Conservation Trusts, Inc. Plan

EXPOSURE TIME: 6-12 months

INDICATION OF VALUES: **\$600,000 – As Is**

The appraiser utilized a Sketch Subdivision Layout dated 3/12/2024 created by The Compact of Cape Cod Conservation Trusts, Inc., as a basis for The Highest & Best Use. This creates a Hypothetical Condition that the land could potentially be utilized as a 2-lot subdivision. The plan has NOT been submitted to the Planning Board for approval or review.

AERIAL VIEW



SUBJECT PHOTOS
4609 Falmouth Road, Cotuit



REAR FROM GRAVEL PARKING AREA



FRONT



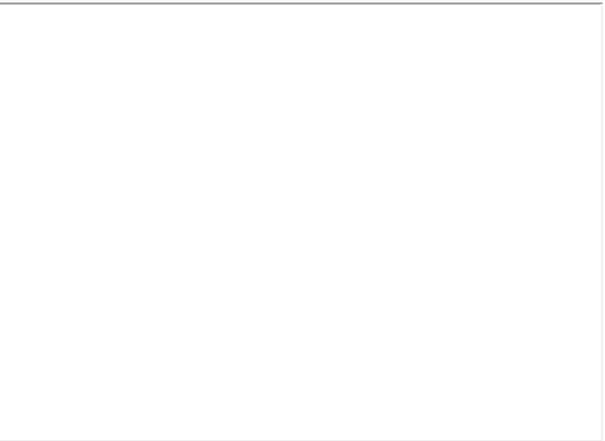
FRONT



STREET FACING EAST



STREET FACING WEST



INTENDED USE/USERS OF APPRAISAL

The Intended Use of this Restricted Appraisal Report is to provide an opinion of the “As Is” Market Value of the Fee Simple Estate of the subject land containing 5.84 acres of land located at 4609 Falmouth Road, Marstons Mills, MA, with the Hypothetical Condition for a 2-lot residential subdivision, for acquisition purposes. The Intended Users are Barnstable Land Trust, Inc., The Compact of Cape Cod Conservation Trusts, Inc. and MA Executive Office of Energy and Environmental Affairs.

DEFINITIONS

Market Value is defined as:

“The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is consummation of a sale as of a specific date and passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised and each acting in what he considers his own best interest;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.”¹

Fee Simple Estate is defined as:

“Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power and escheat.”²

Restricted Appraisal Reports: Standards Rule 2-2 states that when intended users do not include parties other than the client, a Restricted Use Appraisal may be provided. The essential difference of a Restricted Appraisal versus a Self-Contained or Summary Appraisal report is the limited amount of information provided. Information and data are *stated* as opposed to being described or summarized. The underlying reasoning for this abbreviated level of communication is that the client is assumed to have a sufficient level of knowledge to enable him or her to understand a report of this type. If uninformed intended users were to be given such an abbreviated report, they could easily misunderstand it or potentially be misled.

¹ FIRREA, Office of the Controller of the Currency (OCC), Rule 12 CFR 34.42 (f)

² Appraisal Institute, Fifth Edition, Chicago, Illinois, Page 78.

SCOPE OF WORK

The appraiser was requested to provide a Real Property Appraisal utilizing a Restricted Appraisal Report.

Accurately providing an opinion of the As Is Market Value requires an inspection of the subject property, and an analysis of the subject site. The appraisal is a summary of the methods and sources used, and the steps taken in order to competently value the subject property. The contractual agreement here was to estimate the Market Value of the Fee Simple interest of the subject property as of a current date.

The first step was to inspect the property site in order to gain as much information as possible regarding the physical and functional features of the overall property. The site was inspected on March 27, 2024. The next phase of information gathering included obtaining a recorded deed and reviewing information at several town offices including the assessor's records, tax information, zoning bylaws and map, building department, and special permit granting authority.

The appraiser utilized a Sketch Subdivision Layout dated 3/12/2024 created by The Compact of Cape Cod Conservation Trusts, Inc., as a basis for The Highest & Best Use. This creates a Hypothetical Condition that the land could potentially be utilized as a 2-lot subdivision. The plan has NOT been submitted to the Planning Board for approval or review.

The subject property is then evaluated within the context of the neighborhood and town as to its conformance with nearby properties and compliance with pertinent regulations.

Finally, all necessary information is put into written report form in order that the reader of the report, assumed to have no prior knowledge of the property, can follow a logical sequence of information that adequately describes the property and the area, and leads to and supports the value conclusion as stated.

All data was gathered from sources deemed reliable. These sources include; present property owners, grantors, grantees, real estate brokers or their representatives, municipal records, MLS and other publications.

The verification of data involved contacting grantors, grantees, real estate brokers or their representatives, municipal records, registries of deeds, and banks.

ESTIMATED MARKETING TIME/EXPOSURE TIME

Marketing time is defined as the amount of time it might take to sell a property interest at the estimated Market Value level during the period immediately after the effective date of an appraisal. The average marketing time for these properties has been 3-6 months. Although marketing periods are difficult to estimate, I am of the opinion that, properly promoted, the subject property could be sold within 6-12 months of the date first offered for sale on the open market.

Exposure time is the amount of time it might take to sell a property interest at the estimated Market Value level during the period immediately before the effective date of an appraisal. Exposure Time is estimated to be less than one year.

Exact marketing times are difficult to estimate with precision due to a lack of a large volume of sales on which to base conclusions in this market area. However, it is possible to provide a range that is reflective of the opinions of informed individuals who work within this market. The above opinions are based on prevailing conditions in this market, the marketing times of several comparable properties, opinions of knowledgeable individuals, and the appraiser's judgment.

OWNER OF RECORD/LEGAL DESCRIPTION

Title to 4609 Falmouth Road, Marstons Mills is recorded in Book 4288, Page 068 in the Barnstable County Registry of Deeds, dated October 18, 1984, in the name of Janet Gail Shapero.

The property was conveyed to Janet Gail Shapero on October 18, 1984 for nominal consideration of \$100 from Phillip D. Shapero.

No other transactions have been recorded within five years prior to the effective date of this appraisal.

The property was listed for sale for **\$625,000** by Premier Commercial on July 7, 2023.

RECORDED DEED

BOOK 4288 PAGE 068

50837

PHILLIP D. SHAPERO of Newton, Middlesex County, Massachusetts,
for good and sufficient consideration of under One Hundred
(\$100.00) Dollars.

paid, grant to JANET GAIL SHAPERO of 53 Park Avenue, Newton,
Middlesex County, Massachusetts with QUITCLAIM COVENANTS

the land in Santuit, Barnstable, Barnstable County, Massachusetts,
and bounded as follows:

BEGINNING at a cement bound set in the northeasterly
corner of the granted premises as shown on a plan herein-
after mentioned;

THENCE S 44° 52' 50" E as shown on said plan, a distance
of one hundred seventy-two and 11/100(172.11) feet to an iron
pipe;

THENCE S 20° 19' 20" E as shown on said plan, a distance
of one hundred and 77/100(100.77) feet to an iron pipe;

THENCE S 42° 57' 20" E as shown on said plan, a distance
of ninety-nine and 06/100(99.06) feet to an iron pipe;

THENCE S 68° 26' 05" E as shown on said plan, a distance
of one hundred eighty-seven and 55/100(187.55) feet to a cement
bound;

THENCE S 59° 08' 10" E as shown on said plan, a distance
of thirty-five and 71/100(35.71) feet to a cement bound;

THENCE S 41° 16' 10" E as shown on said plan, a distance
of thirty and 37/100 (30.37) feet to a cement bound;

THENCE S 72° 09' 08" W as shown on said plan a distance
of seven hundred seventy-seven and 33/100(777.33) feet to a
cement bound;

THENCE N 24° 59' 35" W as shown on said plan, a distance
of two hundred thirty-six and 15/100 (236.15) feet to a cement
bound;

THENCE N 72° 35' 20" E as shown on said plan, a distance
of two hundred and six and 27/100 (206.27) feet;

THENCE N 15° 35' 06" W as shown on said plan, a distance of
two hundred seventy and 61/100(270.61) feet:

THENCE N 74° 24' 54" E as shown on said plan, a distance of
seventy and 00/100 (70.00) feet to a bound;

THENCE Northeasterly by Route 28 a State highway as shown
on said plan, on a curved line having a radius of nine hundred twenty-
two and 79/100 (922.79) feet and an arc distance of two hundred
and 69/100 (200.69) feet to a bound; and

THENCE N 61° 57' 15" E as shown on said plan, a distance of
fifteen and 07/100 (15.07) feet to the point of beginning.

RECORDED DEED

BOOK 4288 PAGE 669

Containing an area of 5.84 acres, more or less, and being shown on a plan of land entitled "Plan of Subdivision of Land in Santuit, Barnstable, Massachusetts for Theodore Nigro, Scale: 1 inch = 40 feet, May, 1973, Robert H. Waite, West Yarmouth, Massachusetts, Registered Land Surveyor," and said plan is duly recorded with Barnstable County Registry of Deeds in Plan Book 278, Page 18.

Also excepting and excluding from said grant so much of said above described premises as was taken by the County of Barnstable and by the Commonwealth of Massachusetts for the purpose of widening, alteration, and laying out of highways; see Barnstable County Deeds Book 440, Page 127, and Book 485, Page 429.

For title reference see Deed of Henry Brass recorded in Barnstable County Registry of Deeds, Book 3821, Page 067 & 068, and Foreclosure Deed of Phillip D. Shapero and Henry Brass recorded in Barnstable County Registry of Deeds, Book 2260, Page 292.

WITNESS *my*.....hand and seal this *16*..day of *OCT*....., 1984.

..... *Phillip D. Shapero*.....
.....
.....

COMMONWEALTH OF MASSACHUSETTS

Middlesex.....ss. *OCTOBER 16*....., 1984

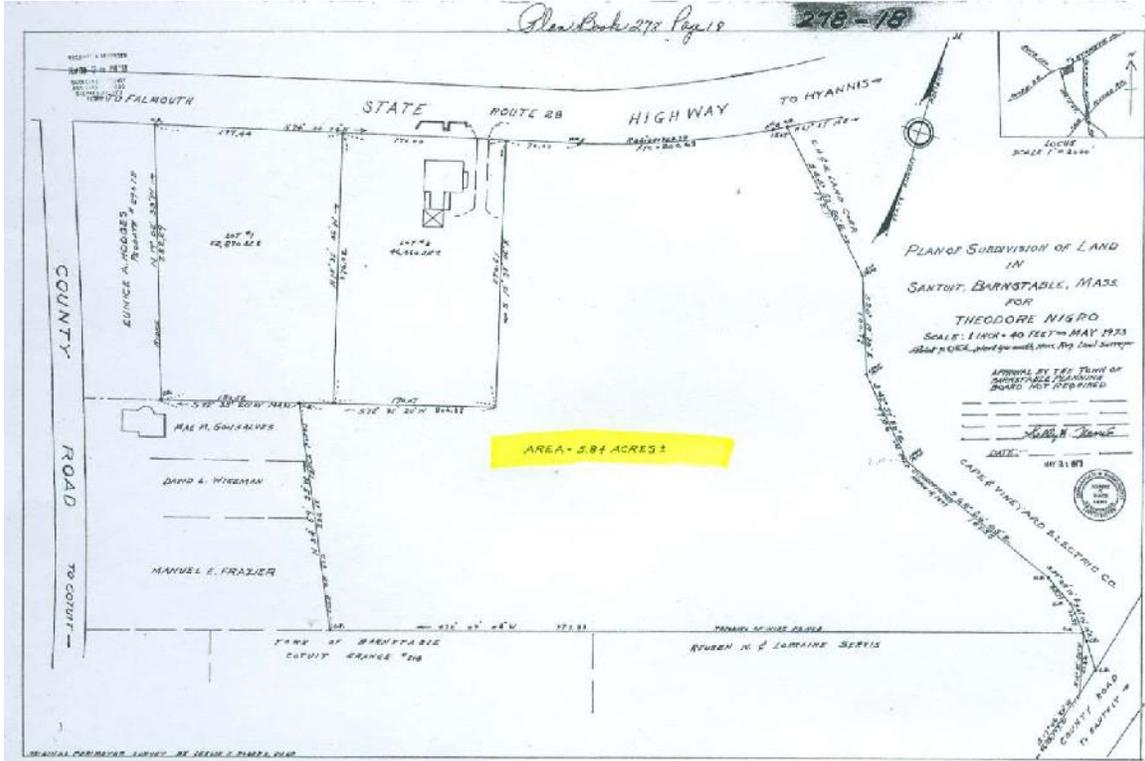
Then personally appeared the above named *Phillip D. Shapero* and acknowledged the foregoing instrument to be *his*...free act and deed, before me,

Jason A. Gorenberg
.....
notary public
my commission expires *3-14-86*.

RECORDED OCT 18 84

RECORDED PLAN

Plan Book 272 Page 19 272-19



PROPERTY DATA

Site Description:

The property consists of one parcel of vacant land according Recorded Plan in Book 278 Page 18 and the Assessor's Map, with **5.84 acres**. The has 285.70' of road frontage along Falmouth Road (AKA Route 28). There is a dirt parking lot being used by the **Villaggio Prime Bar & Grille- Italian Restaurant** for two dumpsters, that is expected to be discontinued. There is a small wetland area that borders the southerly lot line with 62 Main Street. This location would not adversely impact any potential development of the site.

The property consists of densely wooded primary forest land that is potentially developable with the construction of about 320 L/F of a private roadway from Falmouth Road.

The appraiser utilized a Sketch Subdivision Layout dated 3/12/2024 created by The Compact of Cape Cod Conservation Trusts, Inc., as a basis for The Highest & Best Use. This creates a Hypothetical Condition that the land could potentially be utilized as a 2-lot subdivision. The plan has NOT been submitted to the Planning Board for approval or review.

The Compact of Cape Cod Conservation Trusts, Inc, Plan shows that the property can be *potentially subdivided* into 2 residential house lots along a proposed 320' long roadway servicing lots 1+2. The two lots range in size from 2-acres to 3.84-acres.

The 5.84 acre site is irregular in shape and the topography is very steep and rolling from the road layout. The total elevation change is estimated to be 70' from Falmouth Road, then drops to about 60' in the middle of the rear portion of the site. The site then drops to 30' at the rear of the site near the wetland.

Utilities to the site include town water, natural gas, overhead electricity, telephone, and cable TV. There is no sidewalk along this side of the road. There are no known easements or encroachments that would adversely affect the property. The property is located in Zone X, a non-flood zone; according to Community Panel Number 25001C0543J dated 7/16/2014. **The site is in a Zone II, a Wellhead Protection area.**

Zoning:

The subject property is in a RF (**Residential F**) **Zoning District** that requires a minimum lot size of 87,120 SF lots, with 150' of frontage. The parcel lies within the **Wellhead Protection Overlay District**. The overlays may require additional permitting. **Allowable uses** include: one family detached dwellings. **Conditional Uses** are by a special permit if first obtained from the ZBA and include home occupation, public or private regulation golf courses, Bed-and-Breakfast. Special Permits obtain from the Planning Board will allow for open space residential developments, private initiated affordable housing developments on seven (7) acres of more.

PROPERTY DATA (cont'd)

Soil:

According to the attached Soil Survey Map, the soil is classified as *Carver coarse sand, 15 to 35 percent slopes (CdD)*, a very deep, moderately steep and steep, excessively drained soil. This soil is poorly suited to septic tank absorption fields. ..

Assessment and Real Estate Taxes:

The property is identified by the Barnstable Assessors, and according to the assessor's records, the subject property is assessed for ad valorem purposes for Fiscal Year 2024 as shown below:

<u>Assessors ID</u>	<u>FY 2024 Assessments</u>	<u>FY 2024 R. E. Taxes</u>
Map 024/ 042	\$220,800	\$1,783.95

Per Tax Collectors office taxes are current.

Description of Hypothetical Subdivision:

Based on The Compact of Cape Cod Conservation Trusts, Inc, Sketch Subdivision Layout, 2 residential house lots are considered the yield for The 5.84 acre parcel of vacant land. The lots are 87,120 SF or 2.0 acres and 167,270.4 SF or 3.84 acres in size. There is about 320 L/F of proposed roadway for Lots 1 + 2.

The lot sizes are summarized below:

- Lot 1 = 87,120 SF or 2.0 Acres**
- Lot 2 = 167,270.4 SF of 3.84 Acres**

CdD—Carver coarse sand, 15 to 35 percent slopes. This very deep, moderately steep and steep, excessively drained soil is on hills and ridges in areas of ice-contact deposits and on the side slopes of swales on outwash plains. It makes up approximately 7.5 percent (19,251 acres) of the survey area. It is mapped throughout the county. Areas are irregular in shape and range from 5 to 500 acres in size.

Typically, the surface is covered with an organic layer. This layer is about 1 inch of loose, undecomposed pine needles, leaves, and twigs and 2 inches of matted, partly decomposed and well decomposed organic material. The surface layer is brown, loose coarse sand about 7 inches thick. The subsoil is coarse sand about 33 inches thick. The upper 10 inches is strong brown and very friable, the next 9 inches is yellowish brown and very friable, and the lower 14 inches is brownish yellow and loose. The substratum to a depth of 65 inches or more is light yellowish brown, loose coarse sand.

Included with this soil in mapping are small areas of Eastchop, Freetown, Hinckley, Plymouth, and Swansea soils and areas where slopes are less than 15 percent. Also included are areas where isolated stones and boulders are on the surface. Included soils make up about 35 percent of this unit.

Permeability is very rapid in the subsoil and substratum of the Carver soil. Available water capacity is very low. Depth to the seasonal high water table is more than 6 feet.

Most areas are used as woodland. This soil is generally unsuited to cultivated crops, hay, and pasture because of the very low available water capacity, the slope, and a severe hazard of erosion.

This soil is poorly suited to woodland. The droughtiness and the slope are limitations affecting woodland management. Operating equipment may be hazardous on the steeper slopes. Removal or control of competing vegetation helps to obtain the best growth of newly established seedlings. The most common trees are pitch pine, white oak, scarlet oak, and black oak.

The slope is the main limitation if this soil is used as a site for buildings. Extensive land shaping is generally needed. Buildings and lots should be designed so that they conform to the natural slope of the land. Erosion is a severe hazard during and after construction. Planting well suited grasses as soon as possible after the surface is disturbed minimizes the erosion hazard.

This soil is poorly suited to septic tank absorption fields because of the slope and the very rapid permeability in the substratum. The soil may not adequately filter the effluent. The poor filtering capacity may result in the pollution of ground water. The hazard of pollution increases with the density of housing. Installing the distribution lines on the contour or in areas that were graded during construction of the dwelling helps to overcome the slope. Precautionary measures may be necessary in some areas.

The capability subclass is VIIc.

HYPOTHETICAL 2 LOT SUBDIVISION PLAN (NOT RECORDED)

SKETCH SUBDIVISION LAYOUT, 4609 FALMOUTH ROAD, BARNSTABLE

PREPARED BY THE COMPACT OF CAPE COD CONSERVATION TRUSTS

MARCH 12, 2024



HIGHEST AND BEST USE

The highest and best use of the real estate represents the premise upon which the opinion of Market Value is based.

“highest and best use of land or a site as though vacant”

Among all reasonable, alternative uses, the use that yields the highest present land value, after payments are made for labor, capital, and coordination. The use of a property based on the assumption that the parcel of land is vacant or can be made vacant by demolishing any improvements.¹

“highest and best use of property as improved”

The use that should be made of a property as it exists. An existing improvement should be renovated or retained as is so long as it continues to contribute to the total market value of the property, or until the return from a new improvement would more than offset the cost of demolishing the existing building and constructing a new one.²

In both cases, a series of steps is followed to arrive at the highest and best use by eliminating uses that do not meet the requirements. The appraiser considers uses that are:

1. Legally Permissible
2. Physically Possible
3. Financially Feasible
4. Maximally Productive

AS IF VACANT: As the site is vacant it is likely that, given its RF residential zoning, it would be developed with residential uses. With an 87,120 SF minimum lot size requirement by the Town of Barnstable, a conventional subdivision would be utilized to create a 2-lot development for lots 1 + 2 with a roadway. Then, about 320’ of a road with utilities for lot 2 would be necessary to obtain required frontage.

Therefore, a 2-lot subdivision with a 320 L/F of road is considered Legally Permissible, Physically Possible, Financially Feasible, and the Maximally Productive use of the site. The 2-lot subdivision is considered the Highest & Best Use.

AS IMPROVED: None

¹ Appraisal Institute, 5th Edition, page 93.

T

²Ibid page 93

THE APPRAISAL PROCESS

The Intended Use of this report is to provide an opinion of the “As Is” Current Market Value of the subject property with the Hypothetical Condition for a 2- lot subdivision. **The Effective Date of the appraisal is March 27, 2024.** This is achieved by a systematic gathering, classification and analysis of data that is required in the development and consideration of the three approaches to value: the Cost Approach, the Sales Comparison Approach, and the Income Capitalization Approach.

The Cost Approach consists of estimating the replacement cost new of all property improvements, deducting the accrued depreciation from all sources, and then adding the estimated market value of the underlying land, which is estimated separately. This approach is not applicable to vacant land.

The Sales Comparison Approach involves a comparison of the subject to similar properties that have actually sold in arm’s length transactions or are offered for sale. Sale and asking prices are adjusted to reflect the significant differences, if any that exist between the sale property and the subject property, and the adjusted prices correlated into a probable final value estimate for the subject property. Individual lot sales will be recited for use in valuing the property.

The Income Capitalization Approach involves an analysis of the income earning capabilities of the property being appraised by estimating the actual or market income value for one year (Direct) or over a projected holding period (Discounted Cash Flow Analysis) and deducting the operating expenses necessary to support the potential gross rental income estimate. The net operating income remaining after operating expenses is capitalized into an estimate of probable Market Value by capitalizing the one year’s net operating income or by discounting the stream of net operating income estimates and the reversion value estimate over the holding into an estimate of probable market value for the subject property. This approach is not applicable to vacant land.

VALUATION RATIONALE:

The subject property is a vacant 5.84-acre developable tract of land. The Highest and Best Use is as a 2-lot residential subdivision. The Cost and Income Approaches have no application in this instance. As a developable property, the subject usually responds best to the Cost of Development Approach, supported by the Sale Comparison Approach for the individual two lots.

THE SALES COMPARISON APPROACH

The Sales Comparison Approach is essential in most appraisals of real property value. In applying the Sales Comparison Approach, the appraiser;

1. Seeks similar properties for which pertinent sales, listings, offerings, and/or rental data are available;
2. Ascertains the conditions of sale, including the price, motivating forces, and its bona fide nature;
3. Analyzes each of the comparable properties' important attributes in relation to the corresponding attributes of the property being appraised under the general divisions of time, location, physical characteristics, and terms of sale;
4. Considers the dissimilarities in the characteristics in terms of their probable effect on the sale price;
5. Formulates, in light of the comparisons made, an opinion of the relative value of the property being appraised.

An opinion of value of a property is derived using this approach. Similar vacant lots that have been sold recently or are currently offered for sale in the same or competing areas are compared to the subject property. Four categories of data are basic and apply to all types of property. They are (1) date of sale, (2) conditions and terms influencing each sale, (3) location of each property, and (4) physical size and characteristics of each property.

The following comparable sales data describes the sales used to provide an opinion of the individual market value of the 2 lots in the subdivision from sales of similar building lots in Cotuit.

VACANT LAND SALES

Sale #1 – is an 89,621 SF or 2.06-acre building lot located at **27 Camelback Road, Marstons Mills**. This lot is part of a 3-lot subdivision that was formerly 12 substandard sized lots that lost zoning protection. The lot is in a Residence-F Zoning District with a 2-acre minimum lot size. The lot sold on **12/30/2022 for \$359,000**. The site has a buffer around the perimeter and was partially cleared of trees and vegetation. The appraiser considers the location to be slightly superior to the subject.

Race Mill Realty Trust to RCD Realty Trust in CTF 231953

Note: 27 Camelback resold for \$525,000 on 10/23/2023 as part of a new home builder's package project.

VACANT LAND SALES

Sale #2 – is a 72,600 SF or 1.67-acre building lot located at **6 Elmwood Drive, Marstons Mills**. This lot is part of a 3-lot subdivision that was formerly 12 substandard sized lots that lost zoning protection. The lot is in a Residence-F Zoning District with a 2-acre minimum lot size. The lot sold on **1/13/2023 for \$359,000**. The site has a buffer around the perimeter and was partially cleared of trees and vegetation. The appraiser considers the location to be slightly superior to the subject.

Race Mill Realty Trust to Philippe Generoso in CTF 232047

This lot was marketed for \$414,000 8/14/2023. A Purchase Contract is signed for \$400,000 with an anticipated closing date on 4/12/2024.

Sale #3 – is a 93,207 SF or 2.14-acre building lot located at **34 Elmwood Road, Marstons Mills**. This lot is part of a 3-lot subdivision that was formerly 12 substandard sized lots that lost zoning protection. The lot is in a Residence-F Zoning District with a 2-acre minimum lot size. The lot sold on **12/29/2022 for \$369,000**. The site has a buffer around the perimeter and was partially cleared of trees and vegetation. The appraiser considers the location to be slightly superior to the subject.

Race Mill Realty Trust to Laura S. MacPhail in CTF 231939

Sale #4 – is a 93,207 SF or 2.14-acre building lot located at **34 Elmwood Road, Marstons Mills**. This lot is part of a 3-lot subdivision that was formerly 12 substandard sized lots that lost zoning protection. The lot is in a Residence-F Zoning District with a 2-acre minimum lot size. The lot sold on **3/7/2024 for \$400,000**. The site has a buffer around the perimeter and was partially cleared of trees and vegetation. The appraiser considers the location to be slightly superior to the subject.

Laura S. MacPhail to Fabio Reis Nunes in CTF 235338

Sale #5 – is a 57,590 sf or 1.32-acre building lot located at **67 Brittany Drive, Cotuit**. The site is in a Residence-F Zoning District. The lot sold on **5/19/2023 for \$330,000**. The site abuts Lovells Pond in the rear; however, the site has no view. A new 3 BR/3 Bath dwelling was constructed and sold for **\$1,600,000 on 3/20/2024**. The appraiser considers the location to be superior to the subject.

Vincent Raspante to Pierce Building Company, LLC in Book 35795 Page 336

Listing #1 – is a 1.39-acre building lot, located at 1767 Service Road, West Barnstable. The subdivision is in a Residence-F Zoning District. The lot has been listed **for sale for 271 days on market (DOM) at \$320,000**. The site has potential for a distant ocean view, has a passed percolation test, and a well installed. The broker is Keller Williams Realty. The lot previously sold for **\$135,000 on 9/1/2022**. The appraiser considers this location to be similar to the subject.

Seller : Bradley Milley in Book 35342 Page242

These five (5) recent land sales yield an unadjusted indicated value range for comparable building lots from \$335,000 to \$400,000. The lowest lot value is for Sale #5 with a 1.32-acre parcel. The higher end of the range for Sale #4 at \$400,000 with 2.14-Acres on 3/7/2024, and reflects a lot sale in a superior subdivision with frontage on a neighborhood street, that borders Race Lane in the rear. A Land Listing at 1767 Service Road is for **\$320,000** for a 1.39-Acre lot on a busy road. This lot has been listed for 271 days (DOM) and considered overpriced at this time. .

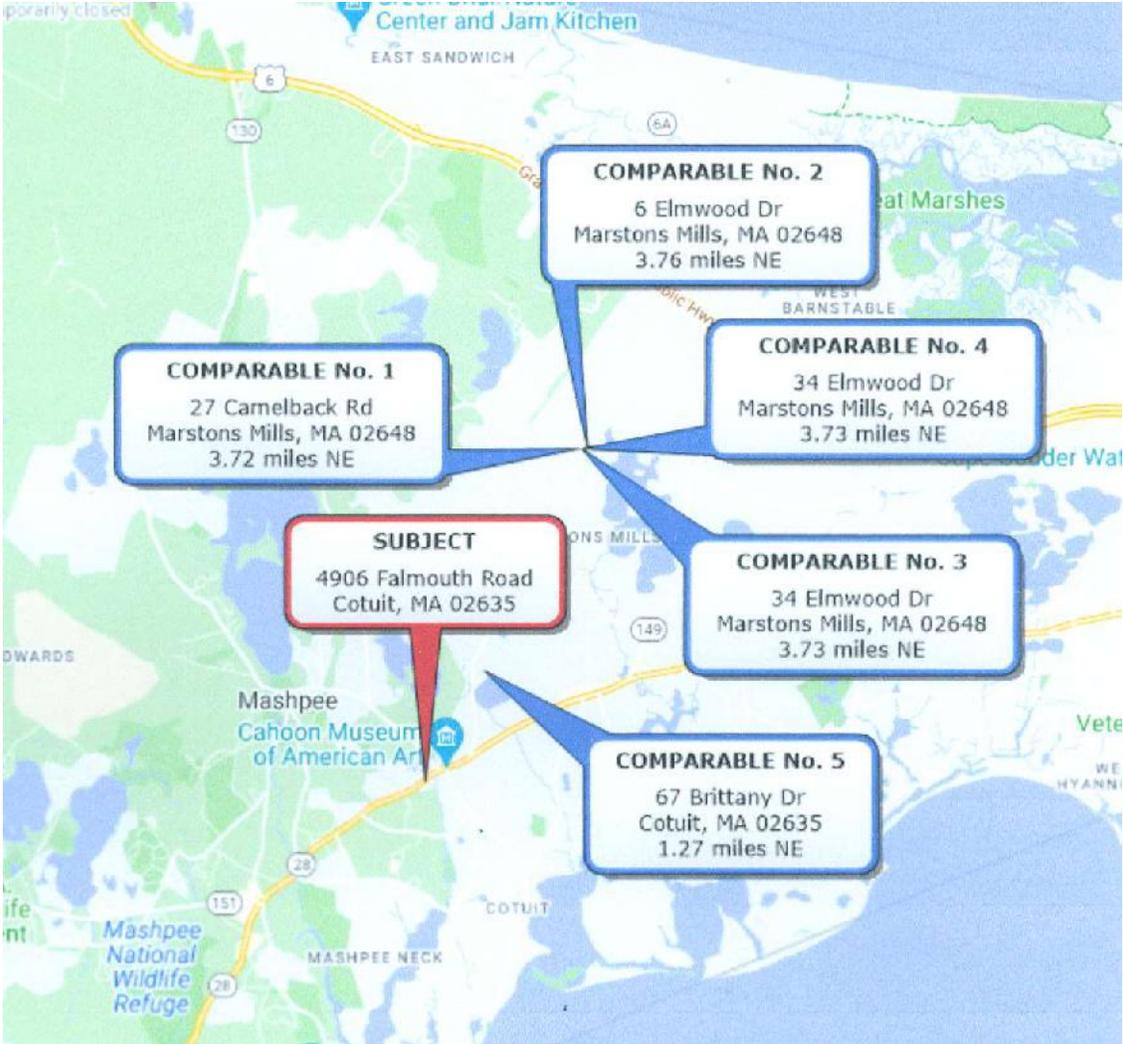
INDIVIDUAL LOT VALUATION

Based on a review of the five land sales and one land listing, I conclude on **\$425,000** for lot 1 and **\$475,000** for lot 2, as shown as two lots on the proposed road on the Concept Plan. This value considers the rear lot has topography that will make construction and siting of a dwellings off the road and will be suitable for a walkout basement.

Lot 1 = 87,120 SF or 2.0 Acres =	\$425,000
Lot 2 = 167,270.4 SF of 3.84 Acres =	<u>\$475,000</u>
TOTAL =	\$900,000

Next, I will provide a Cost of Development calculation to provide an As Is Market Value of the site.

COMPARABLE LAND SALES LOCATION MAP



COST OF DEVELOPMENT PROCEDURE

This procedure involves the comparison of building lots that have sold on the open market to estimate the Market Value of the lots in the proposed subject development. In the case of the subject property, the Gross Sales Proceeds for all five lots has been estimated. From this estimate, all relevant expenses must be subtracted in order to obtain a current value estimate.

Costs to be incurred for the subject development are as follows:

1. Estimation of costs to complete the infrastructure;
2. estimation of the absorption rate, or sellout period;
3. estimation of real estate sales commissions;
4. calculation of an adequate profit allowance to provide incentive for a developer to undertake a project of this type;
5. estimation of miscellaneous expenses including real estate taxes and overhead;
6. deduct these direct expenses from the Gross Sales Proceeds to arrive at the Net Estimated Sales Revenue;
7. select the proper interest or risk rate for the time needed to complete the project from the "Present Worth of One" table and multiply times the cash flow per year.

2 Lot Subdivision Costs:

1. Road Construction at for 320 Linear Feet = **\$128,000**.
2. Engineering = **\$4,000**.
3. Permitting = \$1,000
4. Sales Commissions and Overhead – at 5%.
5. Tax Stamps @ \$6.48/\$1,000.
6. Legal – estimated at \$1,000/lot.
7. Property taxes – \$1,784.
8. Developer's Profit – 15%
9. Discount Rate – None-1 Year sellout.

The total costs to the development along with infrastructure expenses are estimated to be as **\$301,616**.

Deducting the estimated expenses of \$301,616 from the finished lot values of \$900,000, and no discount required for a one year sellout period obtains my opinion of the "As Is" Current Market Value of the 2 lots to be **\$598,384**, rounded to **\$600,000**, as of March 27, 2024.

DISCOUNTED CASH FLOW

4609 Falmouth Road, Cotuit
Marstons Mills

	<u>Year 1</u>	<u>TOTALS</u>
2 lots over 1 year sell-out		
Gross Revenue Per Year	\$900,000	\$900,000
LESS EXPENSES:	\$120,000	
300 L/F Road @ \$400/FT		\$120,000
Sales Commissions 4%	\$32,000	\$32,000
Permitting	\$1,000	\$1,000
Engineering	\$4,000	\$4,000
Real Estate Taxes	\$1,784	\$1,784
Tax Stamps @\$6.48/\$1000	\$5,832	\$5,832
Legal \$1,000 per lot	\$2,000	\$2,000
Incentive/Profit 15%	\$135,000	\$135,000
TOTAL EXPENSES	\$301,616	\$301,616
NET INCOME	\$598,384	\$598,384
DISCOUNTED 8%	1	
DISCOUNTED INCOME	\$598,384	\$598,384
Rounded to \$600,000		

**RECONCILIATION OF VALUE INDICATORS
AND FINAL VALUE OPINIONS**

The final step in the appraisal process is to reconcile the indicated values from each approach to value into a single, final opinion of As Is Current Market Value for the subject property.

The Cost of Development Approach was the only approach to value that could be considered appropriate for the valuation of the property based on the present value of the lots that were valued through the Sales Comparison Approach. The appraiser researched land sales in Cotuit and in Marstons Mills from 2021 to 2024. There is a shortage of vacant buildable house lots in Barnstable currently.

In 2022 there were 23 land sales. In 2023 there were 18 land sales. In 2024 YTD there are 3 land sales. Based on this sales data, I considered a one-year sellout as reasonable with two lots in a one year period. Market conditions remain stable, with residential Mortgage rates at about 7%, the Prime Rate remains at 8.50%, and the stock market is at an all-time high at 39,536. Land values in Barnstable are expected to increase in 2024.

The Cost Approach and Income Approach are not considered an applicable approach for the appraisal of raw land.

The use of a 2-lot subdivision as the basis of the Market Value constitutes a **Hypothetical Condition**, that if were not allowed by the Barnstable Planning Board, it would change the conclusion.

Therefore, the final value conclusion of the “As Is” Market Value of the subject property, as of March 27, 2024, is:

**FIVE HUNDRED NINETY THOUSAND DOLLARS
(\$590,000)**

QUALIFICATIONS OF JOSEPH M. CLANCY, APPRAISER

EDUCATIONAL BACKGROUND:

1971 – Bridgewater State College (B.A./History)

APPRAISAL EDUCATION:

1972 – Northeastern University, Fundamental Real Estate Appraisal

1973 – Northeastern University, Advanced Real Estate Appraisal

1975 – American Institute of Real Estate Appraisers, Course 1A

1976 – Society of Real Estate Appraisers, (now the Appraisal Institute) – R-2 Workshop & Examination

1985 – American Society of Appraisers, Code of Ethics Exam

<u>Date</u>	<u>Courses/Seminars</u>	<u>School/Organization</u>
1/22/88	Residential Land Development	SREA #51
6/9/89	Preview of New 2-4 Family Report	SREA, MBREA, AIREA
10/24/90	Case Study 2-4 Family Appraisal & FDIC Appraisal Guidelines & Appraising in a Downward Market	A.I.R.E.A.
6/13/91	Real Estate Law for the Real Estate Appraiser	The Appraisal Institute
11/8 through 11/23/91	Capitalization Theory & Techniques Part A, Course 1BA (6 days)	The Appraisal Institute
3/25/93	Industrial Valuation	The Appraisal Institute
9/27/93	The New Uniform Residential Appraisal Report (URAR)	The Appraisal Institute
9/28/93	Appraisal Reporting of Complex Residential Properties	The Appraisal Institute
5/3/94	Feasibility Analysis Highest & Best Use of Nonresidential Properties	The Appraisal Institute
2/22/96	Appraisal of Retail properties (7 hours)	The Appraisal Institute
4/24 & 4/25/96	I410 Standards of Professional Practice (15-hour course)	The Appraisal Institute
10/22/96	Subdivision Analysis (7 hours)	The Appraisal Institute
5/18/98	Appraisal Research, Technology & The Internet: Wired to Work (7.5 hours)	MA Board of R.E.Appraisers
9/24/98	USPAP Update Seminar (7.5 hours)	MA Board of R.E.Appraisers
12/1/98	Subdivision Planning for Appraisers Seminar (7.5 hours)	MA Board of R.E.Appraisers
3/18 & 3/19/99	Attacking & Defending an Appraisal in Litigation (15 hours)	MA Board of R.E.Appraisers
6/10/99	Twenty Common Appraisal Errors (3 hours)	MA Board of R.E.Appraisers

QUALIFICATIONS OF JOSEPH M. CLANCY, APPRAISER (cont'd)

<u>Date</u>	<u>Courses/Seminars</u>	<u>School/Organization</u>
9/16/99	FHA's Homebuyer Protection Plan & The Appraisal Process (7 hours)	The Appraisal Institute
12/16/99	FHA's Appraiser Examination	U.S. Department of HUD
4/25/00	Cape Cod Land Bank Forum (3 hours)	MBREA
10/11/01	Real Estate Fraud & The Appraiser's Role (7.5 hour seminar)	MBREA
10/15/01	Supporting Capitalization Rates (7.5 hour seminar)	MBREA
2/5/02	Land Valuation (1-day seminar)	The Lincoln Institute of Land Policy
6/6/02	Real Estate Law & the Registry of Deeds (7.5 hours)	MBREA
7/14+7/28/04	Uniform Standards of Professional Appraisal Practice (USPAP) – (15 hours)	MBREA
12/15/04	Commercial Appraisal Problem Solving (7.5 hours)	MBREA
4/9/05	Appraisal Mini Workshop (7.5 hours)	MBREA
4/27/05	Apartment Appraisal Seminar 10220098 (7.5 hours)	MBREA
5/6/05	Fair Lending Seminar 10220022 (7.5 hours)	MBREA
3/3/07	12 Things Commercial Appraisers Should Know 10220119 (7.5 hours)	MBREA
11/5/07	EXPO 2007 – Commercial Program 10220157 (6.0 hours)	MBREA
1/23/08	USPAP Update Seminar – (V. 2008-09) (7 hours)	MBREA
4/9/08	Appraising in a Foreclosure Market (7 hours)	MBREA
5/22/08	Introduction to Commercial Appraisals (3.5 hours)	MBREA
10/27/10	USPAP Update Course – (V.2010-11) (7 hours)	MBREA
11/10/10	Appraising Easements 10220177 (7 hours)	MBREA
3/16/11	Income Property Appraisal Overview 10220167 (7 hours)	MBREA
3/27/11	The Nuts & Bolts of Green Building for Appraisers 10480077 (3 hours)	McKissock
4/18/11	Online Appraising Convenience Stores (7 hours)	Appraisal Institute
5/16/11	Online small Hotel/Motel Valuation (7 hours)	Appraisal Institute
6/9/11	Uniform Appraisal Dataset 10220206 (7 hours)	MBREA
12/9/11	USPAP Update Seminar – (V.2012-13) (7 hours)	MBREA
3/13/13	Appraising & Analyzing Retail Shopping Centers for Mortgage Underwriting 10480079 (7 hours)	McKissock
5/12/13	Appraising FHA Today 10480044 (7 hours)	McKissock
5/30/13	Online Forecasting Revenue (7 hours)	Appraisal Institute
3/25/14	USPAP Update Seminar – (V.2014-15) (7 hours)	McKissock

QUALIFICATIONS OF JOSEPH M. CLANCY, APPRAISER (cont'd)

<u>Date</u>	<u>Courses/Seminars</u>	<u>School/Organization</u>
6/26/14	Restaurant Valuation Issues 10220237 (7 hours)	MBREA
11/11/14	Appraisal of Self Storage Facilities 10480137 (7hrs)	McKissock
4/4/15	Appraisal of Fast Food Facilities 10480145 (7hrs)	McKissock
2/8/16	USPAP Update Seminar-(V.2016-17) (7 hours)	McKissock
1/2/17	Appraisal of Land subject to Ground Leases 10480146 (7 hours)	McKissock
2/19/17	Appraisal of Industrial Incubators 10480151 (7hrs)	McKissock
4/27/17	Appraisal of Owner-Occupied Commercial Properties 10480150 (7hrs)	McKissock
1/15/18	USPAP Update Seminar (V.2018-19)(7 hours)	McKissock
4/4/18	Basic Hotel Appraising – Limited Service Hotels 630001 (7 hours)	McKissock
12/29/18	Advanced Hotel Appraising – Full Service Hotels 10480162 (7 Hours)	McKissock
3/7/19	Appraisal of Land Subject to Ground Leases 10480146 (7 Hours)	McKissock
11/2/20	USPAP Update Seminar (V.2020-2021)(7hrs)	McKissock
2/15/21	Sales Comparison: A Fresh Approach 1320031 (7hrs)	Hondros
3/7/21	Appraisal of Industrial & Flex Buildings 630057 (7hrs)	McKissock
3/28/21	Appraisal of Owner-Occupied Commercial Properties 10480150 (7hrs)	McKissock
2/2/22	USPAP Update Seminar (V.2022-2023)(7hrs)	McKissock
11/16/22	Appraisal of Assisted Living Facilities 10480143 (7hrs)	McKissock
3/26/23	The Basics of Expert Witness for Commercial Appraisers 630022 (7hrs)	McKissock
5/18/23	Introduction to Commercial Appraisal Review 630055 (7hrs)	McKissock
11/30/23	USPAP Update Seminar (V.2024-2025) (7hrs)	MBREA

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS:

Date	Name of Organization	Designation
1985-2018	American Society of Appraisers	ASA (Former Sr. Member)
1/15/03	MA Board of Real Estate Appraisers	MRA

Prepared Residential and/or Commercial Appraisals for:

Bank of Canton, Canton, MA
 Boston Private Bank & Trust, Boston, MA
 Cape Cod Co-operative Bank, Yarmouthport, MA

QUALIFICATIONS OF JOSEPH M. CLANCY, APPRAISER (cont'd)

Cape Cod Five Cents Savings Bank, Orleans, MA
City National Bank, Los Angeles, CA
Citizens Mortgage Corp., Manchester, NH
Citizens-Union Savings Bank, Fall River, MA
Community Bank, Brockton, MA
Dedham Institution For Savings, Dedham, MA
Eastern Bank, Boston, MA
Edgartown National Bank, Edgartown, MA
First Citizens Federal Credit Union, New Bedford, MA
Florence Savings Bank, Florence, MA
Harbor One Credit Union, Brockton, MA
Holbrook Cooperative Bank, Holbrook, MA
Martha's Vineyard Savings Bank, Edgartown, MA
Salem Five Mortgage Corp., Plymouth, MA
Service Credit Union, Portsmouth, NH
Sovereign Bank, Cape Cod & Islands Region
The Village Bank, Auburndale, MA
The Washington Trust Company, Westerly, RI
West Bank, W. Springfield, MA

Governmental Agencies:

Department of HUD, Boston, MA
F.D.I.C., E. Hartford, CT
MassHousing, Boston, MA
National Credit Union Administration, Braintree, MA

EXPERIENCE:

Full-time appraiser since 1972. Prepared narrative appraisal reports for various banks, towns, and individuals on residential and commercial properties.

EXPERT WITNESS:

Testified before the following tribunals:

- Commonwealth of Massachusetts Appellate Tax Board
- Barnstable County Family & Probate Court
- Barnstable County Superior Court
- Dukes County Family & Probate Court
- Dukes County Superior Court
- Suffolk County Family & Probate Court
- U. S. Bankruptcy Court, Boston, MA
- JAMS (Judicial Arbitration & Mediation Services)

QUALIFICATIONS OF JOSEPH M. CLANCY, APPRAISER (cont'd)

OTHER:

- Town of Falmouth – The 300 Committee & Land Bank
- Town of Mashpee – Self-Help Appraisals
- Town of Bourne – Land Bank Committee & Board of Selectmen
- Town of Yarmouth – Land Bank Committee & Board of Selectmen
- Town of Chatham – Land Bank Committee
- Town of Barnstable – The Barnstable Community Preservation Committee

LICENSE:

Certified General Real Estate Appraiser, Commonwealth of Massachusetts; License #76, Serial #460207, expires 7/23/2025

CLANCY APPRAISAL CO., INC.
24 Spring Bars Road, Suite 3B
Falmouth, MA 02540
(508) 540-9515 – Fax (508) 540-6586
Email: info@clancyappraisal.net



TOWN OF BARNSTABLE
Community Preservation Fund
Schedule of Unreserved Fund Balances By Program Area
As of April 30, 2024

	Program Area			Budget Reserve	Undesignated	Total
	Community Housing	Historic Preservation	Open Space Recreation			
Remaining Balance Available From FY 2023	\$ 546,161	\$ 85,486	\$ (0)	\$ -	\$ 9,176,118	\$ 9,807,766
FY 2024 Estimated Revenue	-	-	-	-	5,033,896	5,033,896
FY 2024 Actual revenue over estimate					257,694	257,694
FY 2024 Set-asides	503,390	503,390	503,390	-	(1,510,170)	-
FY 2024 Debt Service	-	(72,525)	-	-	(306,270)	(378,795)
FY 2024 Administration	-	-	-	-	(200,000)	(200,000)
FY 2024 Budget Reserve	-	-	-	3,017,456	(3,017,456)	-
Total Balance Available in FY 2024	\$ 1,049,551	\$ 516,351	\$ 503,390	\$ 3,017,456	\$ 9,433,813	\$ 14,520,561
<u>FY24 Awards:</u>						
2024-061 German POW Bottle		(1,825)				(1,825)
2024-060 Affordable Housing Trust Fund	(1,049,551)				(1,450,449)	(2,500,000)
2024-075 150 Wheeler Road					(905,000)	(905,000)
2024-083 COMM - Drinking Water Protection			(100,000)			(100,000)
Subtotal	(1,049,551)	(1,825)	(100,000)	-	(2,355,449)	(3,506,825)
<u>Returned Funds:</u>						
2020-136 Mid-point Apts. 560 West Main St.					400,000	400,000
Subtotal	-	-	-	-	400,000	400,000
Remaining Balance	\$ -	\$ 514,526	\$ 403,390	\$ 3,017,456	\$ 7,478,364	\$ 11,413,736

TOWN OF BARNSTABLE
Community Preservation Fund
Active Appropriations
As of April 30, 2024

Category	Town Council Order	Project Title	Budget	Expended	Encumbered	Balance	% USED
OSR	2008-022	MILLS PROPERTY	\$ 150,000.00	\$ -	\$ 150,000.00	\$ -	100.0%
CH	2013-072	AFFORDABLE ACCESSORY HOUSING	200,000.00	163,717.85	-	36,282.15	81.9%
OSR	2014-010	LAND ACQUISITION-HYANNIS	50,000.00	-	-	50,000.00	0.0%
HP	2014-142	BURGESS BARN RESTORATION	193,849.00	118,419.70	6,513.09	68,916.21	64.4%
OSR	2015-130	CAPE COD RAIL TRAIL EXTENSION	215,515.00	206,869.42	881.85	7,763.73	96.4%
OSR	2015-138	111 PRINCE AVE. ACQUISITION	300,000.00	277,075.00	-	22,925.00	92.4%
HP	2015-153	TOWN HALL RENOVATIONS	185,000.00	97,403.62	-	87,596.38	52.7%
HP	2016-114	WB COMMUNITY BUILDING WINDOWS	327,996.00	312,711.99	265.00	15,019.01	95.4%
OSR	2016-171	RECREATION FIELD STUDY	137,528.00	124,620.00	3,060.00	9,848.00	92.8%
CH	2017-048	AFFORDABLE HOUSING PROGRAM	75,000.00	35,100.00	-	39,900.00	46.8%
HP	2018-009	CENTERVILLE REC BLDG RESTORATION	163,800.00	109,463.09	-	54,336.91	66.8%
CH	2018-019	ACCESSORY AFFORDABLE APT	200,000.00	-	-	200,000.00	0.0%
OSR	2019-005	CCRT SHARED PEDESTRIAN/BIKE PATH	80,000.00	79,151.11	848.89	-	100.0%
HP	2019-083	SAINT MARY'S RESTORATION	147,725.00	141,808.00	-	5,917.00	96.0%
OSR	***	HYANNIS GOLF COURSE	1,449,000.00	1,156,260.00	-	292,740.00	79.8%
OSR	2020-011	BARNSTABLE HOLLOW FIELD	162,180.00	160,573.60	-	1,606.40	99.0%
HP	2020-013	ANNUAL TOWN REPORT RESTORATION	136,055.00	132,372.84	986.00	2,696.16	98.0%
HP	2021-187	BARNSTABLE HISTORICAL SOCIETY	89,950.00	60,005.00	-	29,945.00	66.7%
OSR	2022-003	CENTERVILLE RECREATION CENTER	816,793.00	26,377.50	306,196.90	484,218.60	40.7%
OSR	2022-004	BARNSTABLE HOLLOW FIELD PLAYGROUND	125,000.00	-	-	125,000.00	0.0%
HP	2022-035	STURGIS LIBRARY BUILDING	165,000.00	128,285.63	-	36,714.37	77.7%
HP	2022-143	DOTTRIDGE ICEHOUSE	87,500.00	84,590.14	-	2,909.86	96.7%
OSR	2022-152	LITTLE LEAGUE RESTROOMS	200,000.00	-	-	200,000.00	0.0%
HP	2022-153	COTUIT FEDERATED CHURCH	179,369.00	-	-	179,369.00	0.0%
HP	2023-064	ZION UNION MUSEUM RESTOR	1,337,890.00	5,860.00	-	1,332,030.00	0.4%
HP	2023-069	OLDE COLONIAL COURTHOUSE	125,000.00	82,021.63	29,488.15	13,490.22	89.2%
OSR	2023-142	CC RAIL TRAIL PHASE 3	195,000.00	3,216.11	130,200.00	61,583.89	68.4%
OSR	2023-143	CC RAIL TRAIL PHASE 4	300,000.00	4,073.47	1,200.00	294,726.53	1.8%
OSR	2023-147	ACCESSIBLE PLAYGROUND EQ	1,362,962.00	256.06	32,250.00	1,330,455.94	2.4%
OSR	2024-075	150 WHEELER ROAD	905,000.00	-	-	905,000.00	0.0%
OSR	2024-083	COMM WATER DEPT	100,000.00	-	-	100,000.00	0.0%
TOTALS			\$ 10,163,112.00	\$ 3,510,231.76	\$ 661,889.88	\$ 5,990,990.36	41.1%

OSR	Open Space/Recreation program	\$ 6,548,978.00	\$ 2,038,472.27	\$ 624,637.64	\$ 3,885,868.09
HP	Historic preservation program	\$ 3,139,134.00	\$ 1,272,941.64	\$ 37,252.24	\$ 1,828,940.12
CH	Community housing program	\$ 475,000.00	\$ 198,817.85	\$ -	\$ 276,182.15
TOTALS BY CATEGORY		\$ 10,163,112.00	\$ 3,510,231.76	\$ 661,889.88	\$ 5,990,990.36

*** Balance in Hyannis Golf Course subject to annual appropriation by the Town Council.