



Town of Orleans

Community Preservation Committee
9 School Road Orleans MA 02653-3699
Telephone (508) 240-3700 – Fax (508) 240-3388

FY25 COMMUNITY PRESERVATION PROJECT

APPLICATION SECTION A

Project Title: Eli Rogers Road Woodland and Watershed Protection Submission Date: 10/27/2023

Applicant (*note if Town, individual or non-profit*): **Orleans Conservation Trust (nonprofit)**

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

Co-Applicant, if any (*note if Town, individual or non-profit*):

Mailing Address:

Project Contact Person: Stephen O'Grady

Telephone: 508-255-0183

E-mail: stephen.ograde@orleansconservationtrust.org

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

Project purpose (*Check all that apply*):

Open Space **Historic Preservation** **Community Housing** **Recreation**

Project Location/Address: 37 Eli Rogers Road, Orleans

Community Preservation Funding Request: \$300,000

Brief Project Summary, including justification of project category checked above:

The Orleans Conservation Trust has an opportunity to protect 4.5 acres on Eli Rogers Road. The land that has an appraised value in excess of \$700,000, and OCT seeks to partner with the Town to allow the Town to protect this land at a cost less than half its true value. The land is recognized by the state as especially important for the protection of drinking water (Mass DEP Zone II Groundwater Protection District), and it includes habitat for rare species, as well as vernal pool wildlife breeding habitat. The property serves as an important habitat linkage between preserved land in Brewster and the 500-acre protected Orleans Watershed. The project will include removal of two neglected, aging cottages and their septic system – an opportunity to restore habitat and alleviate pressure on our drinking water and Pleasant Bay water quality. Because of the land's proximity to the Watershed, it also provides an opportunity for enhanced public access to that large tract of forest.

Attachments:

1. Detailed Narrative
2. Locus Map
3. Groundwater Map
4. Action Plan and Timeline
5. Financial Data
6. Fact Sheet
7. Cape Cod Chronicle article (Sept. 20)
8. Lower Cape TV article and video link (Sept 27)
9. Support Letter(s)

Eli Rogers Road Woodland and Watershed Protection: Detailed Narrative

The Orleans Conservation Trust (OCT) is raising funds to purchase 4.5 acres of land on Eli Rogers Road in Orleans. This narrative provides background information on OCT, the details of this acquisition project and how it fits within the Community Preservation Act (CPA) criteria, and the numerous benefits that this open space acquisition would confer.

OCT requests that the Community Preservation Committee (CPC) include in its budget \$300,000 towards this acquisition, with that amount subject to reduction depending on OCT's success with other funding sources it is pursuing. This grant would enable OCT to preserve this land in perpetuity, further protect the town's drinking water supply, and add connectivity among important wildlife habitats. In return for the Town's CPA contribution, **the Town would receive a Conservation Restriction (CR)**. A CR allows the Town to protect the property in perpetuity without the burden of taking on land management obligations, which OCT would take on as the title holder.

Together with OCT's other fundraising efforts, this project represents **an opportunity to protect 4.5 acres, which have an appraised value in excess of \$700,000, for just \$300,000**. That acreage could support three residential lots, which would place increased environmental strain on a highly sensitive area. This arrangement demonstrates significant leveraging of public funds and further strengthens a decades-long public-private partnership between OCT and the Town in preserving our community's natural resources.

Orleans Conservation Trust

OCT was founded in 1970 to preserve the "seaside charm and rural character" of the town. Today, OCT's mission is to "protect and restore natural lands — for people and wildlife, the health of our waters, and the character of our community." A private nonprofit organization, the Trust acquires and manages land to enhance habitat, provides opportunities for learning and for enjoying nature, promotes sound conservation practices, and works with landowners who wish to conserve property.

A half-century since our founding, OCT stewards more than 660 acres of woodlands, wetlands, and shorelines for the benefit of our town and our cherished coastal environment. We create and maintain trails for all to enjoy, lead guided walks, and put on programs where people get a deeper understanding of the place where they live.

OCT has over 1,300 members and an active 13-member board of trustees, which uses the Standards & Practices of the national Land Trust Alliance to guide its organizational success in preserving and managing lands. A dedicated staff—comprising an executive director, an outreach coordinator, a director of land stewardship, and a land stewardship technician —provides a steady professional presence to match OCT's long-standing volunteer engagement.

Land Protection Project

OCT intends to purchase two parcels totaling 5.5 acres on Eli Rogers Road. About 5 acres are in Orleans, and half an acre is in Brewster (See Locus Map). Currently, title to the parcels is held by the Compact of Cape Cod Conservation Trusts, which took out a loan and purchased the property for \$1M on June 30, 2023, giving OCT an opportunity to raise the funds to protect the property.

The land includes a 4-bedroom home as well as two neglected and aging cottages. OCT plans to remove the cottages and resell the 4-bedroom home. To resell the home, the lot on which it sits will be divided

so that maximum acreage can be protected (i.e., the home will be on the minimum lot size allowed by Orleans zoning). The result will be the protection of 4.5 acres at a reasonable price, with a reduced number of houses and septic systems on the property. In an effort to assist with the local housing shortage, OCT has engaged several local groups who are involved in providing workforce housing to determine whether they would be interested in purchasing the home.

Despite the three structures on the property, most of the land is beautiful woodland, with a pine-oak canopy and huckleberry understory. Though mostly upland, the southern end of the property includes a small, pristine wetland, which may be a vernal pool. The state's Natural Heritage and Endangered Species Program recognizes "Rare Species Core Habitat" as well as vernal pool wildlife breeding habitat on the property. The land serves as an important habitat connection between the 500-acre Orleans Watershed to the north and 5 acres of abutting preserved land in Brewster. Further, Nickerson State Park is less than half a mile to the west, increasing the ecological value of 37 Eli Rogers.

Most importantly, the entire property is within the Mass DEP Zone II Groundwater Protection District, signifying its importance for the protection of drinking water. It lies just across Eli Rogers Road from the 500-acre Orleans Watershed, and the closest drinking water well is just 1,600 feet from the property. Further, the property is in the Pleasant Bay Watershed, and "undevelopment" of the two cottages will reduce nutrient contributions into Pleasant Bay (See Groundwater Map).

Because of its proximity to the Watershed, the land also provides an opportunity for enhanced public access to that large tract of forest. OCT has engaged Water Department and other Town staff as well as the Chair of the Board of Water & Sewer Commissioners to explore that possibility.

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

The project advances the following objectives of the Town of Orleans 2019 Conservation, Recreation and Open Space Plan (see page 3 of CROS Plan):

- *Conservation Goal – Protect and enhance Orleans' fragile environmental resources.*
 - The project advances this objective by protecting freshwater resources; preserving sensitive land-based resources; creating open space that will be managed to protect natural resources while encouraging appropriate public use; and coordinating protection of resources which cross town boundaries.
- *Open Space Goal – Preserve and manage unspoiled natural areas to protect the Town's special places, maintain a healthy natural environment, provide habitat for wildlife, and retain Orleans' rural character.*
 - The project advances this goal by protecting land significant to groundwater protection; protecting environmentally sensitive lands; protecting water quality of salt and fresh water bodies; protect natural resources of recreational and economic value; continuing ongoing town action necessary for an effective open space program; and coordinating open space protection with adjacent towns and regionally across Cape Cod.
 - The Open Space Goal also states the following Priority Action:
 - "Protect well sites by purchasing available abutting property where available"
- *Recreation Goal – Meet residents' recreational needs by making the most of the Town's unparalleled recreational assets.*

- The project advances this goal by preserving land with connections to existing open space areas, to create the potential for new passive recreation opportunities which may cross town boundaries.

In the Prioritization of Needs in the CROS Plan, acquisition of this property meets the following needs: wellfields, aquifers, recharge areas for water; Natural or Wildlife Preserves (rare species habitat of higher priority); Recreational Potential (passive); Wetlands; and Forest Lands.

Meeting the Goals of the Orleans Comprehensive Plan

The project advances the following objectives of the 2006 Orleans Comprehensive Plan:

- Natural Resources
 - Groundwater Resources Goals that all new public supply wells will provide high quality drinking water without the need for treatment of biological or industrial contamination; and that the mass of nitrogen entering coastal waters does not exceed a level that would accelerate natural eutrophication.
 - Surface Water Resources Goal to preserve and improve the ecological integrity of fresh and marine waters.
 - Wetland, Wildlife and Plant Habitat Goals to prevent loss or degradation of critical wildlife and plant habitat, minimize the impact of new development on wildlife and plant habitat, and maintain existing populations and species diversity; and to protect all vernal pools in the Town.
- Open Space and Recreation
 - To protect as open space as much land as possible, in order to preserve a healthy natural environment, safeguard ground water quality, provide habitat for wildlife, provide extensive opportunities for recreation and retain the picturesque quality of the Town.
- Land Use and Growth Management
 - Land use regulations should ensure that surface and ground water resources are of the highest possible quality.

Fundraising for the Acquisition

There are four major fundraising components for this project:

1. OCT has applied for a Massachusetts Conservation Partnership Grant of \$175,000 (results expected between October and December);
2. The resale of the 4-bedroom home on a 40,000 sq. foot lot (resale likely by spring 2024);
3. OCT submits this application for an Orleans Community Preservation Act Grant for \$300,000;
4. OCT conducts private fundraising in spring 2024 for the remaining funds.

As previously noted, The Compact of Cape Cod Conservation Trusts, which has frequently partnered with OCT and the Town on open space projects in the past, has acquired the property in a “purchase and hold” role, giving OCT time to raise the funds for the property. The Compact took a loan to complete the purchase, and OCT is paying the carrying costs of that loan.

Depending on the results of the state grant, as well as the unknown revenue from the future resale of the home, OCT may be in a position to reduce its CPA grant request, though \$300,000 seems a very fair price to ensure the land's protection, given its appraised value in excess of \$700,000.

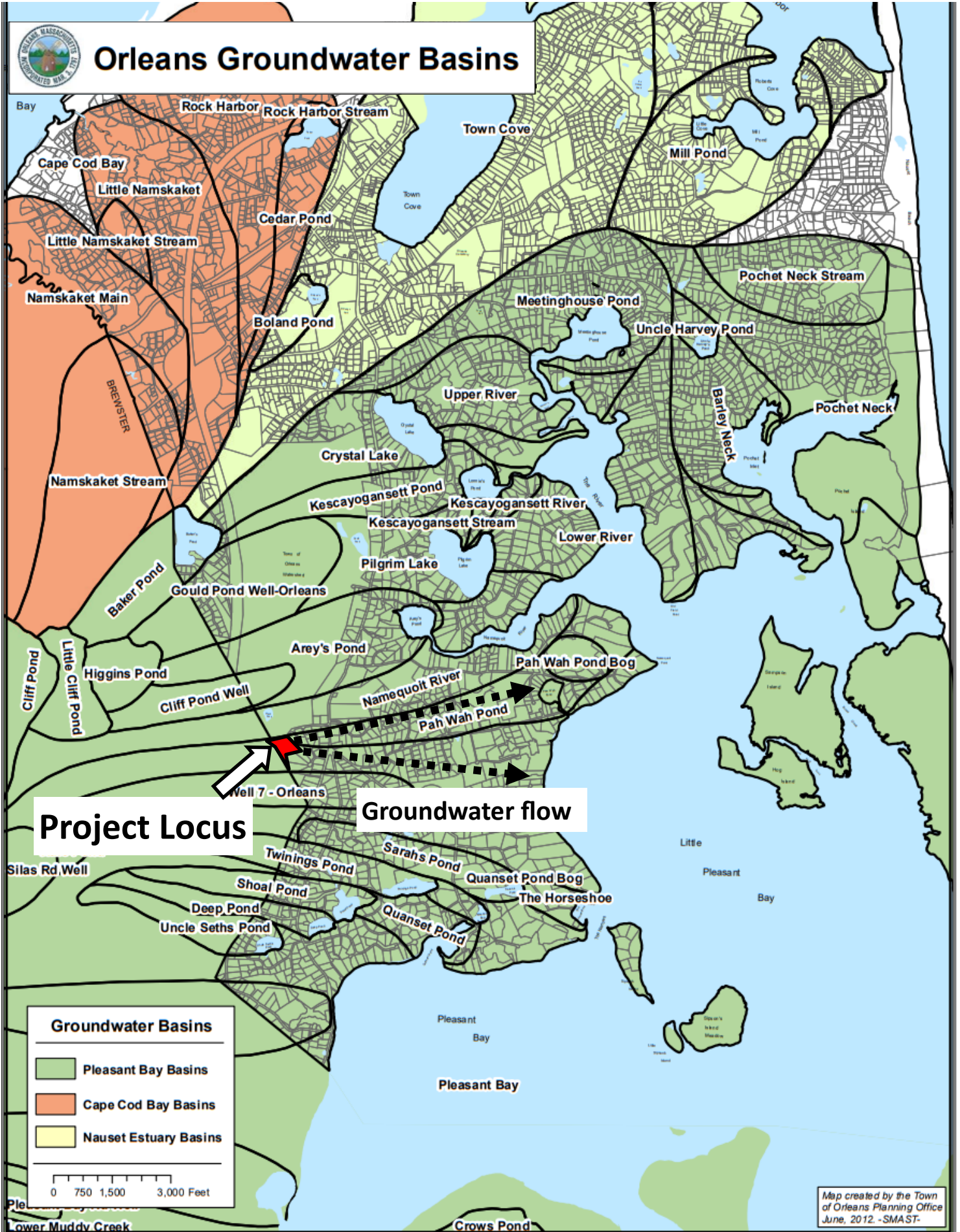
Summary

OCT has successfully preserved land in Orleans for over 50 years, completing hundreds of projects to protect more than 660 acres. Many of those projects would not have been possible without a strong partnership with the Town, and OCT probably would not have taken such risk to get this property under contract were it not for that long history of collaboration. This property represents a rare opportunity to further protect Orleans' drinking water supply, protect and connecting rare species and vernal pool habitat, and to open possibilities for enhanced passive recreation in the area, all at a significant discount. All these factors make the project worthy of your support.

Eli Rogers Road Woodlands and Wetland Protection: Locus Map



Eli Rogers Road Woodlands and Wetland Protection: Groundwater Map



Action Plan and Timeline

May 4, 2023:

- Property listed on open market

June 30, 2023:

- The Compact of Cape Cod Conservation Trusts (The Compact) takes out a loan and purchases the property for \$1M, giving Orleans Conservation Trust (OCT) and the Town an opportunity to protect the property

July 14, 2023:

- OCT applies for Massachusetts Conservation Partnership Grant for \$175,000

November 2023:

- State makes Conservation Partnership Grant funding decisions
- OCT divides lot, carving off approximately 40,000 sq feet around the 4-bedroom home, leaving 4.5 acres for conservation
- OCT applies for Orleans CPA grant
- Demolition of cottages and followed by eco-restoration

March 2024:

- CPC makes funding recommendations for Town Meeting

May 2024:

- Town Meeting vote on CPA budget

June 2024:

- OCT grants Conservation Restriction (CR) to Town, and OCT assumes ongoing management of the property (state grant compliance package, including CR, due June 30)
- OCT completes private fundraising

Eli Rogers Woodland and Watershed Protection: Financial Data

<u>Item</u>	<u>Cost</u>
Property Purchase Price	\$999,000
Closing costs and recording fees	\$11,100
Environmental Site Inspection	\$4,525
Real Estate Taxes first half FY24	\$2,578
Appraisal (for CP Grant)	\$2,000
CP Grant application fee	\$1,000
CR drafting fee	\$800
Asbestos inspection and abatement	\$7,680
Demolition of 2 cottages	\$15,000
Eco-restoration and stewardship fund contribution	\$20,000
Home Inspection	\$595
New well for main home	\$12,000
TOTAL COST	\$1,076,278
<u>Possible Revenue Sources</u>	
Orleans CPA	\$300,000
State Conservation Partnership Grant	\$175,000
Resale of home	unknown
OCT Private Fundraising	unknown



Purchase of 37 Eli Rogers Road - Fact Sheet

BACKGROUND:

- The Orleans Conservation Trust (OCT) has secured a time limited opportunity to protect 4.56 acres at 37 Eli Rogers Road (including 0.47 acres in Brewster).
- The property was listed on May 4, and OCT got it under agreement on May 13 for \$1M.
- OCT has conducted due diligence including appraisals, a home inspection, environmental assessment and asbestos inspection, as well as extensive title research.
- After working with the Compact of Cape Cod Conservation Trusts to obtain a bank loan on short notice, OCT authorized the Compact to purchase the property on June 30, getting it off the market and giving OCT a chance to fundraise. The Compact currently holds title to the property.

ABOUT THE LAND:

- Total acreage: 4.56 acres (5.48 acres including proposed 40,000 sq. ft. house lot for resale; see attached map).
- The land sits fully within the Zone II MassDEP Wellhead Protection Areas, signifying its importance to protecting drinking water. It also sits in the Pleasant Bay watershed.
- The land is identified by the Natural Heritage Endangered Species Program as important habitat for rare species as well as vernal pool wildlife breeding habitat.
- The land is proximate to a certified vernal pool and includes a freshwater wetland which may itself be another vernal pool.
- There is adequate upland area and frontage for 3 or 4 buildable lots, or up to 16 bedrooms.
- The appraised value of the 4.56 acres is greater than \$700,000.
- The land abuts the 500-acre Orleans Watershed to the north and 4.73 acres of preserved land to the west, owned by the Town of Brewster, purchased in partnership with the Town of Orleans for watershed protection in 2010.

CONSERVATION VALUE:

- Protect drinking water by preserving land abutting the Town Watershed and within Zone II;
- Protect and enhance the water quality of Pleasant Bay by decommissioning an existing septic system and preventing more development and a higher septic load in the Pleasant Bay Watershed;
- Protect a wildlife corridor, a freshwater wetland, rare wildlife habitat and vernal pool species breeding habitat;
- Provide an opportunity for enhanced public access into the watershed as well as possible future access to larger preserved acreage in Brewster.

STRUCTURES AND “UNDEVELOPMENT”:

- There are three main structures on the property:
 - 4-bedroom home
 - Two aging, neglected 2-bedroom cottages
- The 4-bedroom home is slated for resale by OCT. OCT is exploring housing partnerships to see whether the home can be used for community workforce housing.
 - Resale will require dividing the property to carve off the minimum amount of upland to create a lot, and OCT is undertaking this division
- OCT intends to remove the cottages and associated outbuildings and decommission the cottages' septic system, easing pressure on our drinking water supply and nutrient loading in Pleasant Bay.

FUNDRAISING:

OCT's fundraising efforts consists of four major components:

1. We have applied for a Massachusetts Conservation Partnership Grant for \$175,000.
2. We will apply for a Community Preservation Act Grant for \$300,000, given the property's significance toward protecting the town's drinking water supply.
3. We will resell the 4-bedroom home as soon as we're able.
4. We will conduct private fundraising as needed, including solicitations to individuals, foundations, and other organizations.



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HATHAM WEATHER



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Trust Seeks To Purchase Land Abutting Orleans Watershed

20 September 2023

By: Ryan Bray

Topics: Conservation, Orleans News, Orleans Conservation Trust



The Orleans Conservation Trust is seeking to raise just over \$1 million to purchase and protect a 4.5-acre parcel on Eli Rogers Road that abuts the town’s watershed. PHOTO COURTESY ORLEANS CONSERVATION TRUST

ORLEANS – On Eli Rogers Road, there is a parcel subdivided into four lots abutting the town's 500-acre watershed. When the neighboring property went up for sale this spring, the Orleans Conservation Trust knew that similar development could be possible.

"Right next door, we have the example of what is likely to have happened if OCT didn't swoop in here," said the trust's executive director, Stephen O'Grady.

Effluent from Title 5 septic systems that come with such subdivisions pose a potential environmental threat to the watershed, which is the main source of drinking water for Orleans residents. When the property at 37 Eli Rogers Rd. went on the market in June, the trust wasted little time making a move to purchase and protect the 4.5-acre site.

The Compact of Cape Cod Conservation Trusts took out a loan to purchase the property, and the Orleans trust is now in the process of raising just north of \$1 million to buy the land from the compact.

"That's the thing that's really right in their wheelhouse, sort of supporting the land trusts around the Cape to be able to complete these complex acquisition projects that we can't necessarily do on our own," O'Grady said.

The property includes a four-bedroom home as well as two cottages. O'Grady said there was significant interest from other buyers, prompting the compact to close on the land just nine days after it went up for sale, a record turnaround time for the trust for an acquisition of that size, he said.

"We went out twice when it was listed with two different groups of directors here on the board, and each time we went someone was pulling in when we were pulling out from our tour with realtors," he said.

The property was last sold in 2013 for \$625,000, according to town assessing records. It currently has an assessed value of \$798,000.

Plans are for the two cottages to be torn down, O'Grady said, noting that they have been vacant for close to a decade and have not been maintained. But the trust hopes to sell the main home to help offset the \$1.075 million it needs to raise to purchase the property. O'Grady said the sale of the home could cut that figure in half.

The state Department of Environmental Protection recognizes the Eli Rogers Road property as a Zone 2 Groundwater Protection District, meaning it is highly prioritized for the protection of drinking water.

"We need to work creatively in the 21st century to reshape the Cape's open space to protect critical resource areas like public wellfields," Mark Robinson, the compact's executive director, said in a statement. "Less is certainly more when it comes to reducing impacts of development here in

this corner of Orleans across from the 500-acre watershed. Removing houses and septic systems here is a net plus for habitat restoration and aquifer protection."

Apart from the home and cottages, the property is "largely in its natural state," according to O'Grady. The wetland habitat is home to rare species, and the existing woodlands offer an opportunity for improved public access, the trust said in a statement.

Efforts by the trust to purchase and protect the property have been celebrated by town officials, including Alan McClennen, who chairs the town's board of water and sewer commissioners.

"We turn on our faucets each day and are thankful we have clean, fresh water," McClennen said in a statement. "The Orleans Conservation Trust's proactive efforts to purchase an additional 4.5 acres of land on Eli Rogers Road will offer further protection. We thank them for their work to ensure our water supply is protected."

Beyond the potential sale of the home, the trust has applied for a \$175,000 Massachusetts Conservation Partnership grant to put toward the land purchase. O'Grady said the trust also plans to submit an application this fall for Community Preservation Act funding to be considered at the annual town meeting in May. The trust will also undertake additional private fundraising.

Email Ryan Bray at ryan@capecodchronicle.com

Two

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Orleans Land Purchase Creates More Than Conservation

Lower Cape News editorial staff

The purchase of 4.5 acres on Eli Rogers Road creates impact far larger than its size, touching on drinking water, watershed, species protection and even human housing.

"This is definitely one of the more complex projects that we have taken on, certainly different than our typical path of coming in with an undeveloped property, conserving that land, and more or less leaving it as it or maybe managing the habitat a little ..." — Steve O'Grady, Executive Director, Orleans Conservation Trust

What did Orleans Conservation Trust Do?

The Orleans Conservation Trust purchased 4.5 acres off Eli Rogers Rd this summer -- and triggered a process that impacts drinking water, the Pleasant Bay watershed, species and environment conservation, housing, and land fragmentation in one strategic acquisition.

The state designates the land as Zone 2 ground water protection district, which means it is essential for protecting drinking water. The land currently holds houses and septic systems, and by removing all but one of these, the trust minimizes nitrogen and other elements, buffering the town's water supply and removing source pollutants from the Pleasant Bay watershed. It also conserves habit and supports multiple species including box turtles and spotted salamanders.

In an unusual twist, however, the trust is also collaborating with regional housing organizations to put an existing four bedroom house into use as a year-round home. It is also collaborating with both the water district in Orleans and across town lines with Brewster and the adjacent Brewster Conservation Trust land to plan for appropriate public access and future planning.

What does the property include?

The property includes two run down cottages, one four bedroom home in need of some repair, a vernal pond, and upland woodlands. A similar property next door was subdivided into four house lots; Orleans Conservation Trust executive director Steve O'Grady says would have been a likely outcome for this property as well.

What will happen next?

The [Orleans Conservation Trust](#) says that it needs to finish fundraising and grant writing to pay off the property purchase. It will begin removing the old septic systems, complete an environmental assessment and "undevelop" the property. It will also work with a regional housing organization to return one house

to year round use. And, it will collaborate with the Orleans Water District and the Brewster Conservation Trust to plan appropriate public access as well.

What about fragmentation?

The pressures of development have created a landscape where protected blocks of land are not contiguous. This fragmentation makes it difficult for wildlife and habitat to flow across distance and creates islands of conservation instead of a larger system. Land conservation efforts have been working to build interconnected blocks of protected land that are linked to each other, essentially filling in some of the gaps between the island. The Eli Rogers Rd. property helps connect several other areas to each other, providing a pathway for wildlife and habitat.



Town of Orleans Conservation Commission

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

Tel: (508) 240-3700 Ext. 2425 / Fax: (508) 240-3388

Thursday October 19, 2023

Walter North, Chair
Community Preservation Committee

Re: 37 Eli Rogers Road – Community Preservation Committee Application

Dear Mr. North,

At its regularly scheduled meeting on October 17, 2023, the Orleans Conservation Commission reviewed the Orleans Conservation Trust's (OCT) application to the Community Preservation Committee (CPC) to acquire and conserve 37 Eli Rogers Rd, Orleans.

The Commission understands that if the application is successful, 4.5-acres of land would be protected to enhance habitat, prevent strain on water quality, and provide public access to open space. The Town's CPA contribution would grant us a Conservation Restriction over the parcel, giving the Town the opportunity to protect the property in perpetuity without the burden of land management obligations. We understand that if the application is successful, we should anticipate and would welcome holding a Conservation Restriction on the property.

The Commission voted unanimously (7-0-0) to support OCT's application, asking the CPC to include \$300,000 in its budget towards acquisition of 37 Eli Rogers Rd. We recognize these unique lands that offer environmental and passive recreational value to the Town are becoming increasingly limited and opportunities for land preservation are finite, so we ask that you support this land acquisition.

Please feel free to contact the Conservation Department if you have any questions regarding our support of this application.

Sincerely,

Drusy Henson, Chair, Orleans Conservation Commission