

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

11 SEP '24 PM 3:53
BARNSTABLE TOWN CLERK

DATE OF MEETING: Monday, September 16, 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/81730749277>

Or by calling the US Toll-free Telephone Number: 888-475-4499
Meeting ID: 817 3074 9277

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:

Minutes:

- Approval of the Draft Community Preservation Committee Regular Meeting Minutes from August 19, 2024.

Letters of Intent:

- None received.

Application

- An Application has been received from Orenda Wildlife Land Trust Inc. seeking \$100,000 in Community Preservation Open Space Funds for the acquisition and preservation of a 5.5-acre property on Smith's Creek, a major tributary of the Barnstable Great Marsh in West Barnstable. The total purchase price is \$400,000 with matching funds to be provided through a State Conservation Grant and private fundraising. Acquisition of this property would continue the decades-long effort by the Town of Barnstable, State Fish and Game, Barnstable Land Trust and Orenda to preserve this major Cape Cod Bay embayment. The property is a priority habitat for rare species and its preservation would protect the freshwater and tidal wetlands lying within 300 feet. The Town of Barnstable will co-hold the conservation restriction with Compact of Cape Cod Conservation Trust.

Correspondence Received

- None received.

Project Updates:

- The Federated Church of Hyannis is gathering the required 3 bids for their application for restoration of the Universalist Cemetery.
- Oakmont Road, Cummaquid open space acquisition update.
- The Town Council approved the Wheeler Holly Preserve trail easement at the September 5, 2024 meeting.
- Progress is being made on the Centerville and Osterville Playground projects.
- Bidding proposal process is underway for the CC Rail Trail by Mass DOT. Award of the project will be announced October 1, 2024.
- The Affordable Housing Growth & Development Trust Fund Board's Semi-Annual Report to CPC is anticipated to be received for the October 21, 2024, CPC meeting.
- An appraisal has been ordered for 10.4 acres located at 304 Putnam Ave, Barnstable.
- The Historical Society of Santuit and Cotuit's Phase II work Application has been forwarded to the Town Council for public hearing scheduling.
- The required CP-3 report and updates to the State Department of Revenue has been completed and submitted.

Member Discussion:

- Meeting format for the October 21, 2024, Community Preservation Committee meeting.

Public Comment:

Adjournment:

CPC Regular Meeting Scheduled October 21, 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 • Vacant – Clerk/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, August 19, 2024
Regular Public Hearing DRAFT Minutes
367 Main Street, Hyannis, MA – 2nd Floor Hearing Room
5:30 PM

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

Call to Order:

Notice of Recording: 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 recorded and broadcast on Channel 18 and, in accordance with MGL Chapter 30A, s.20, I must inquire whether anyone else is taping this meeting and to please make their presence known.” No one present was recording the meeting.

Moment of Silence in Memory of Marilyn Fifield, Community Preservation Committee Clerk and Historical Commission Representative

Chair Counsell shared that Marilyn Fifield had passed away since the last meeting of the CPC on July 15, 2024. He said that Marilyn was a Charter member of the Community Preservation Committee and served as the Clerk providing her support in the creation of minutes and was a strong advocate for historic projects serving as the CPC liaison to the Barnstable Historic Commission. (Moment of silence)

Minutes:

- Approval of the Draft Community Preservation Committee Regular Meeting minutes of July 15, 2024.
- Approval of the Draft Community Preservation Committee Annual Meeting minutes of July 15, 2024.

The motion of Katherine Garofoli was seconded by Tom Lee to approve the minutes from the July 15, 2024, Regular and Annual CPC Meetings as submitted. 5 yes, 0 no. 1 abstained. Motion carried.

Discussion – Cotuit Federated Church

Chair Counsell acknowledged the correspondence received by the Community Preservation Committee regarding the Cotuit Federated Church:

- Letter from Attorney Garnick dated May 2, 2024, with 5 Exhibits.
- Letter from Attorney Connolly to Attorney Garnick dated June 18, 2024.
- Letter from Attorney Garnick dated July 30, 2024, with 5 Exhibits.
- Letter from Attorney Connolly to Attorney Garnick dated August 8, 2024.

Attorney Gerald Garnick said he is representing the Cotuit Federated Church in the presentation concerning the Community Preservation Committee's (CPC) withholding of \$179,369 of previously granted funds. He said the presentation tonight is intended to convince the CPC to respectfully release the funds to the Cotuit Federated Church.

Attorney Garnick said that in compliance with Kaplan v. Acton concerning the use of public funds for religious organizations, only non-religious portions of the project were to be funded with CPA funds to improve the historic portion of the building:

- To become ADA compliant.
- To change the location of the sanctuary doors to School Street which was the original orientation of the entrance in 1901 when the building was built.
- Restoration of non-religious stained-glass windows.
- Return of historic shingles on the historic portion of the building.
- Installation of fire suppression systems into the historic portion of the building.

Attorney Garnick displayed a chart outlining estimates of costs associated with each item to be funded by the approved CPA grant totaling \$179,369 including a 25% contingency of \$35,874. He noted that the Church is not located in an historic district and restoration could have been accomplished without keeping with the historical tradition of 1901 building, however the Church chose to do so. He said the Church believes the matter is the result of a mutual mistake between the parties based upon not knowing that the Massachusetts Historical Commission (MHC) would deny approval of a Preservation Restriction. He stated the Church's position that the 2021 CPC Handbook in effect at the time of the Church's application, had recently been updated in 2024 adding to the application process the requirement for MHC approval of the Preservation Restriction. He further stated that a local Preservation Restriction in place of a MHC-approved Preservation Restrictions had been granted previously by the Town to the Marstons Mills Library after their denial from MHC and he made comparisons to the Church's denial from MHC.

Attorney Garnick noted that the Church's renovation of the historic portions of the building added costs requiring them to borrow from its endowment fund which will need to be paid back. He said that the CPC is being asked to reconsider their withholding of the grant funds and distribute them to the Cotuit Federated Church.

In response to Attorney Garnick's presentation, Chairman Counsell read the June 18, 2024 letter, from Attorney Connolly to Attorney Garnick into the record as the CPC's position on the matter, the content is partially outlined as follows:

Attorney Connolly's letter states that the Cotuit Federated Church was made aware from the beginning of the Letter of Intent and Application process that an application for historic designation by the Massachusetts Historic Commission and an historic Preservation

Restriction were required as a part of the grant. In support of this, Attorney Connolly cites review of CPC meeting videos, and email correspondence between the Church and the attorney CPC engaged to assist the Church with its application to MHC. The Church was unable to obtain MHC's approval for an historic designation therefore CPC was unable to release funds granted contingent upon MHC approval.

Attorney Connolly's letter clarifies also that the requirement for an applicant to obtain MHC approval of historic designation for an historic Preservation Restriction is not a new requirement added in 2024. It is noted that both the 2021 CPC Handbook and the 2024 CPC Handbook outline these consistent requirements although located in different sections of the Handbook.

Attorney Connolly's letter outlines the differences between the Marstons Mills Library's denial by MHC and the subsequent Option to Purchase referenced by the Church as a private local restriction that is not being offered to them. An Option to Purchase is not a Preservation Restriction. It is noted that unlike the Cotuit Federated Church, the Marstons Mills Library was found by MHC to be historic but was issued a denial letter similar to that issued to the Church. However, there are other factors distinguishing a library from a Church under the anti-aid amendment limiting the type of funding a CPC can grant a Church. In 2008, the Town Council established a policy not to enter into any private restrictions as they are too much work for the town to enforce. Only MHC-approved Preservation Restrictions have been accepted since 2008. While the CPC could consider a new Application, there remains the requirement that the MHC designate the property as historic in order to approve the Church for an historic Preservation Restriction.

Attorney Garnick objected to the position of the CPC provided in Attorney Connolly's letter and repeated the same points previously made and contained in his letter of July 30, 2024 to Attorney Connolly.

Public Comment:

Victoria Viera said she is a lifelong Cotuit resident and committed member of the Church. She noted the valuable historic relics that were unearthed during the Church's renovation and said the Church is a harbinger of the people of Cotuit.

Bruce Murphy said he was a long-time Church member, and he listed the many community uses of the Church such as ballroom dancing, AA groups, blood drives and meal out food preparation. He noted that the Church hall is the largest space in Cotuit and is used by the library, community nursery and the Historical Society of Santuit and Cotuit. He said also that building is the most ADA compliant in the village.

Amy Fish said she is serving as assistant moderator, which is lay leader of the Church, and said she was also on the building restoration and expansion team for the past 4 years. She also noted the valuable historic relics uncovered and the addition of solar panels to eliminate the use of fossil fuels and upgrades to the septic system to protect waterways. She said the release of the grant funds is being followed closely by the congregation and surrounding community members.

There was CPC member discussion about the changes to the CPC grant process and requirements since the examples from 18 years ago that Attorney Garnick used.

Katherine Garofoli clarified that the restrictions are all held locally by the Town of Barnstable, however, MHC sign off has been required since 2008 with no exceptions. Chair Counsell confirmed this has been a consistent requirement since 2008 and that the Cotuit Federated Church did not receive this sign off from MHC.

Chair Counsell asked CPC members if they would like to come forward with a motion and no CPC member made a motion.

There was continued CPC member discussion, and it was noted that although unfortunate, CPC is a grant program under which the Cotuit Federated Church did not meet requirements. The rules cannot be changed for one group, it puts CPC in the situation of granting private restrictions to anyone who applies.

Reverend Ballou said it was untrue when the Church had been told that a private restriction had never been granted by CPC and said that the Committee has the ability to vote to release the funds. Chair Counsell repeated that what had been said was that a private Preservation Restriction had never been granted noting that the Option to Purchase granted to Marstons Mills Library is not the same as a Preservation Restriction. Reverend Ballou said the Church waited to start the CPA-funded work until Town Council approval was obtained. Chair Counsell reminded Reverend Ballou that he had warned her in person that if the Church proceeds with CPA funded work before receiving MHC approval for the Preservation Restriction and the restriction is denied, release of CPC grant funds would be declined. He reminded Reverend Ballou that in response she had said they could not wait any longer and he had advised her that the Church was at their own risk if they proceed without approval from MHC. Chair Counsell noted that ultimately the Church did not receive MHC approval of the Preservation Restriction, and the terms of the grant program were not fulfilled as required to receive the funds.

Chair Counsell said that the CPC's position has been provided tonight regarding the matter and he referred Attorney Garnick to the Assistant Town Attorney.

Letter of Intent:

- A Letter of Intent has been received from Orenda Wildlife Land Trust Inc. seeking \$100,000 in Community Preservation Open Space Funds for the acquisition and preservation of a 5.5-acre property on Smith's Creek, a major tributary of the Barnstable Great Marsh in West Barnstable. The total purchase price is \$400,000 with matching funds to be provided through a State Conservation Grant and private fundraising. Acquisition of this property would continue the decades-long effort by the Town of Barnstable, State Fish and Game, Barnstable Land Trust and Orenda to preserve this major Cape Cod Bay embayment. The property is a priority habitat for rare species and its preservation would protect the freshwater and tidal wetlands lying within 300 feet. The Town of Barnstable will co-hold the conservation restriction with Compact of Cape Cod Conservation Trust.

Mr. Mark Robinson, Executive Director of the Compact of Cape Cod Conservation Trust said he is an adviser to Orenda Wildlife Land Trust Inc. He noted that the request Orenda is making is a significant add on to the work that the Town, the Land Trust, and the State has done to preserve the watershed to the Great Marsh and Barnstable Harbor over many years. He narrated a presentation that provided background saying that the property is 5.5 acres composed of two parcels and owned by the extended Hinkley

family of West Barnstable having been in the family for a long time. He described the property as wooded vacant land that reaches to the stream bed of Smith's Creek. He displayed several maps that outlined the different areas of endangered and threatened species saying that Cape Cod Bay is one of the few places that Diamond Back Terrapin Turtles come up from the creeks in the spring, dig holes and bury eggs and go back into the woods for winter making this a very important nesting habitat for that marine turtle. He displayed maps showing ecological significance and studies and location within the State designated area of critical concern from 1979 for the harbor and marsh. He noted there is a small 65 ft frontage on Route 6A making the property both historic and natural. He displayed a building site plan saying an appraisal of \$410,000 for a single-family house site had been obtained, however Orenda negotiated a price of \$400,000. A State grant for \$200,000 has been applied for with awards to be announced in the fall. Orenda is seeking \$100,000 in open space CPA funds with the Town to co-hold the restriction with Cape Cod Compact.

There was CPC member discussion, and it was clarified that there are no structures on the property other than an historic stone wall that delineates a property line and a deer hunting stand on a tree that will be removed. Because of steep topography along Rte 6A frontage, public access will be from Meadow Land properties within walking distance and also owned by Orenda. Katherine Garofoli mentioned that she has volunteer with Orenda for turtle monitoring and has seen terrapin turtles that have been hit by cars in this area noting that it is encouraging that the Trust can protect the nesting habitat.

The motion of Katherine Garofoli was seconded by Terry Duenas to move the Letter of Intent of Orenda Wildlife to the Application stage. Yes 6, No 0. Motion carried.

Application

- An Application has been received from the Historical Society of Santuit and Cotuit of 1148 Main Street, Cotuit, seeking \$33,000 in Community Preservation Historic Preservation Funds for Phase II work for their project: Grand Plan to Expand – Building a Future for Cotuit's Past. This funding request for Phase II work had been previously approved in their 2021 grant, but due to overages in other awarded project areas, did not commence. Phase II work includes the installation of an HVAC system in an attic storage space for archives and restoration of an area to the original buttery. The total cost of the project is \$500,000 with matching funds to be provided privately. A Preservation Restriction has previously been recorded for the Dottridge Homestead property.

Beth Johnson, President of the Historical Society of Santuit and Cotuit said she was there to answer any questions that the CPC may have. She provided background saying that the CPC had awarded funds to HSSC for their expansion project back in 2022 which is 90% complete. She noted two items from that 2022 grant that additional funds are being asked for in this application: the HVAC system in Dottridge Homestead attic, and restoration of the buttery. Ms. Johnson explained that 2022 estimates for the foundation plan were \$8,500 however, once construction began it was determined that the foundation was not legal, and the town required a structural engineer to redesign the foundation. Additionally, additional drainage systems were needed to provide a completely dry basement where archives and collections were being stored. The actual cost of the foundation work was \$41,225 resulting in an overage of almost \$33,000 more than the estimate. Ms. Johnson explained that the CPC funds requested in this

application had been used to pay for foundation work and she apologized in hindsight for not notifying CPC. The funding request of \$33,000 for phase II work is for reapproval of the two items that have not been started in the original CPC grant due to overages in the foundation work.

There was CPC member discussion regarding how the Historical Society of Santuit and Cotuit will pay for future upkeep and larger projects. Ms. Johnson said there is an endowment fund for capital expenses and scholarships and the rest of the funds are generated from private donations and grants. She said that the Board works throughout the year to maintain the property. It was suggested that the HSSC have a stewardship plan for the property.

The motion of Tom Lee was seconded by Deb Converse to approve and recommend the Application of the Historical Society of Santuit and Cotuit for \$33,000 in Community Preservation Historic Preservation funds for the completion of Phase II work. Yes 6, No 0. Motion Carried.

Correspondence Received:

Chair Counsell reviewed the following correspondence received:

- Letter from the Open Space Committee to the Town Manager regarding Barnstable Main Pathways Trail in Cummaquid.
 - Farley Lewis said this has been a long-standing issue and an easement across these parcels would be good, clarification will be needed.
- A total of 22 emails were received in support of the acquisition of 153 Oakmont Road, Cummaquid. 1 email was in opposition. The names of those who submitted public comment were read into the record and it was noted 153 Oakmont is not an item on the agenda. There was brief discussion regarding process and the need for a status update from the Barnstable Water District.
- Letter from Attorney Garnick dated May 2, 2024, with 5 Exhibits.
- Letter from Attorney Connolly to Attorney Garnick dated June 18, 2024.
- Letter from Attorney Garnick dated July 30, 2024, with 5 Exhibits.
- Letter from Attorney Connolly to Attorney Garnick dated August 8, 2024.
- Invoice from Community Preservation Coalition - FY 2025 Dues
 - The motion of Kathrine Garofoli was seconded by Terry Duenas to approve payment of the FY 2025 Annual Membership Dues for the Community Preservation Coalition in the amount of \$7,900 from the Community Preservation Administrative Fund. Yes -6, No-0. Motion carried.

Member Discussion:

- Format for the September 16, 2024, CPC meeting.
 - After a brief discussion it was decided that the September 16, 2024, CPC meeting will be held remotely.
- Election of Officers
 - After a brief discussion, it was decided that the Election of Officers would wait until the CPC has full membership.
- Draft FY 2025 CPC Plan – proposed revisions/vote to accept.
 - The motion of Deb Converse was seconded by Katherine Garofoli to accept the Draft FY 2025 CPC Plan without further revision. Yes-6, No-0. Motion carried.

Project Updates:

- The Santuit Woodlands Conservation Restriction was approved by the Town Council on July 18, 2024.
- The Marina Enterprise Fund acquisition of 211 Cedar Tree Neck Rd was approved by the Town Council on July 18, 2024.
- The Federated Church of Hyannis is gathering the required 3 bids for their application for restoration of the Universalist Cemetery.
- Additional information will be obtained and provided with the Barnstable Water District's Application for 153 Oakmont Road, Cummaquid open space acquisition.
- The Town Council acceptance of the Wheeler Holly Preserve trail easement was postponed due to a lack of quorum at their July 18, 2024, meeting.
- The Olde Colonial Court House building project has been completed. Chair Counsell noted that he and Tom Lee visited the building and said the project came out superbly. The final funding request for reimbursement will be approved.
- 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.
- The Affordable Housing Growth & Development Trust Fund Board's Semi-Annual Report to CPC is anticipated to be received for the September 16, 2024, CPC meeting.

Public Comment:

None.

General Discussion:

There was a brief discussion regarding the CPC process in general and the changes to the CPC grant process that have been made to facilitate the process such as the requirement that approval be obtained from Massachusetts Historical Commission prior to application for CPA historic preservation funds and the execution of a Grant Agreement that clearly outlines all of the terms and retirements of the CPA grant.

Adjournment:

The motion of Katherine Garofoli was seconded by Tom Lee to adjourn the meeting. 6 yes, 0 no. Motion carried, meeting adjourned at 6.58 p.m.

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

- Exhibit 1 –CPC Regular Meeting Agenda, August 19, 2024.
- Exhibit 2 – Draft Minutes for the July 15, 2024, CPC Regular Meeting.
- Exhibit 3 – Draft Minutes for the July 15, 2024, CPC Annual Meeting.
- Exhibit 4 – Letter from Attorney Garnick dated 5/2/2024 with 5 Exhibits regarding Cotuit Federated Church.
- Exhibit 5 – Letter from Town Attorney Connolly to Attorney Garnick dated June 18, 2024 regarding Cotuit Federated Church.
- Exhibit 6 – Letter from Attorney Garnick dated July 30, 2024, with 5 Exhibits regarding Cotuit Federated Church.
- Exhibit 7 - Letter from Attorney Connolly to Attorney Garnick dated August 8, 2024 regarding Cotuit Federated Church.
- Exhibit 8 – Power Point Presentation – Attorney Garnick – Cotuit Federated Church.

Exhibit 9 – Letter of Intent – Orenda Wildlife Land Trust – acquisition of a 5.5 acre property on Smith’s Creek, West Barnstable as open space.
Exhibit 10 – PowerPoint Presentation – Orenda Wildlife Land Trust – Smith’s Creek
Exhibit 11 – Application - Historical Society of Santuit and Cotuit – Phase II historic preservation work
Exhibit 12 – Updated List of Correspondence Received as of August 19, 2024.
Exhibit 13 – Invoice from the Community Preservation Coalition for Annual Membership Dues in the amount of \$7,900.

Respectfully submitted,
Ellen M. Swiniarski
Community Preservation Coordinator
Planning & Development Department

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 for specified allowable reasons. 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**



27 August 2024

Mr. Lindsey Counsell Chr.
Community Preservation Committee
Town of Barnstable
367 Main Street
Hyannis MA 02601

Dear Mr. Counsell:

Thank you and your committee for approving our Letter of Intent last week, seeking town purchase of a Conservation Restriction (CR) for \$100,000 on the 5.5 acres Orenda expects to purchase in fee simple next spring. I have attached the full application. Please let me know if more information is required.

We have a signed purchase agreement to buy the two adjoining properties for \$400,000. (We would prefer to have this real estate contract kept confidential, unless you require it.) I have attached a copy of our recent appraisal of the two lots, positing a fair market value of \$410,000.

Please let me and our advisor Mark Robinson of The Compact of Cape Cod Conservation Trusts, Inc. know if you would like us to appear at a hearing on this matter. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Daniel J. Morast".

Daniel J. Morast
President

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.

Submission Date: August 30, 2024

Project Title: Smiths Creek Land Protection Project

Property Address: 564 and 0 Main Street, West Barnstable

Project Map/Parcel Number: 133/011 and 157/004/002

Estimated Start Date: July 2024

Estimated Completion Date: June 2025

Purpose (please circle all that apply):

Open Space

Community Housing

Historic

Recreation

Town Affiliation**

Public

Private

Non-Profit

Partnership (Describe below #3)

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

Applicant Contact:

Name: Daniel J. Morast, President

Organization: Orenda Wildlife Land Trust, Inc.

Address: 4011 Main Street, Cummaquid MA 02637

Mailing Address: P.O. Box 669, West Barnstable, MA 02668

Daytime Phone #: 508 362 4798

E-mail Address: danielmorast@comcast.net

Primary Contact (if different from applicant contact):

Name: Mark H. Robinson, Executive Director, The Compact of Cape Cod Conservation Trusts, Inc.

Address: 36 Red Top Road, Brewster, MA 02631

Mailing Address: P.O. Box 443, Barnstable, MA 02630

Daytime Phone #: 508 694 7415

E-mail Address: mark@thecompact.net

CPC APPLICATION (page 2)

Budget Summary:

Total budget for project: **\$407,020**

CPA funding request: **\$100,000**

Matching funds (committed/under consideration): **\$307,020**

Please address the following questions:

1. Project summary (description and goals):

The Orenda Wildlife Land Trust, Inc. (Orenda) seeks a Community Preservation Act funding in the amount of \$100,000 in support of the purchase an ecologically important 5.5-acre property on Smiths Creek, a major tributary to the Barnstable Great Marsh in West Barnstable. Orenda proposes that the Town of Barnstable purchase a perpetual conservation restriction (CR) on the property using CPA funding. Our partner The Compact of Cape Cod Conservation Trusts, Inc. (Compact) is willing to co-hold the CR with the Town and provide monitoring and enforcement of the CR terms.

This acquisition by Orenda will continue the decades-long effort by the Town of Barnstable, State Fish and Game, the Barnstable Land Trust and Orenda to preserve this major Cape Cod Bay embayment, which includes Sandy Neck. Orenda already owns several parcels for conservation on the opposite side of Smiths Creek and manages a critical nesting habitat for Diamondback Terrapins on one.

The extended Rice/Hinckley family has owned this property for more than 100 years. In 1997 the Hinckleys donated a conservation restriction on the adjoining 16.8 acres to The Trustees of Reservations. The family did not want to see the 5.5 acres on the creek developed and approached Orenda in the winter of 2024 to see if a conservation bargain sale could be negotiated. In June 2024, a purchase agreement was signed for \$400,000 for the two parcels. Orenda hopes to raise the purchase price from a combination of privately raised funds, a state Conservation Partnership grant, and funding from the Barnstable Community Preservation Fund. A June 2025 closing is anticipated in compliance with the Conservation Partnership Grant Program and the landowners wishes. Our partner The Compact of Cape Cod Conservation Trusts, Inc. is prepared to co-hold the required conservation restriction (CR) with the Town of Barnstable and conduct the annual monitoring required under the CR.

After the parcel is purchased, Orenda will allow public access, but not develop a formal trail system, owing to the wetland and fragile nature of the parcel. Parking on the parcel is not feasible, owing to the busy traffic on Route 6A and lack of road shoulder. Orenda does provide limited parking and trail access at its Wyman Sanctuary at the end of nearby Meadow Lane.

Orenda Wildlife Land Trust, Inc.

Orenda is a 501(c)(3) organization founded in 1986 as a non-profit land conservation organization providing land donors with assurance that its landholdings will be maintained for wildlife habitat. Orenda protects open space of varying sizes, from small pockets of green space in neighborhoods to vast rural properties. Currently, we oversee nearly 750 acres of protected land across the state—440 acres which we own in fee, and 302 acres on which we hold a conservation restriction. Orenda comes the Seneca term for “protected place.”

Orenda works closely with other land trusts and conservation programs to build capacity and achieve conservation goals. In Mashpee and Falmouth, where Orenda has a combined total of more than 250 acres of

land in CR and fee interests, we partner with organizations and agencies within the Mashpee National Wildlife Refuge Partnership. Orenda is a member of both the Cape Cod Wildlife Collaborative and an informal communications cohort among land trusts on Cape Cod. In 2023, Orenda shared an internship position with Barnstable Land Trust.

To help expand and improve our Diamondback Terrapin nesting habitat at our Margaret G. Wyman Sanctuary in 2023, Orenda partnered with AmeriCorps Cape Cod and volunteer students from Sturgis Charter Public School in Hyannis. Orenda holds conservation restrictions on other land trust properties, including those of the Orleans Conservation Trust, Bourne Conservation Trust, and The Nature Conservancy. In addition, Orenda holds conservation restrictions on Town of Mashpee lands.

Orenda is a member of the Compact of Cape Cod Conservation Trusts, which provides invaluable guidance to the Trust on matters of land acquisition and operations. Our fee and CR interests are monitored by our volunteers, interns, and land stewardship staff.

Water, Biodiversity and Resource Protection:

The premises is a significant parcel for both wildlife habitat and water protection. All of Cape Cod is a high-yield aquifer, designated as a Sole Source Aquifer by the USEPA in 1982. All of the Premises' land lies within 300 feet of freshwater and tidal wetlands, including 900 feet of streambank on Smiths Creek. This land purchase will protect the coast from another septic system, whose leachate would contribute nitrogen to the harbor and cause eutrophication and possible algal blooms.

The Massachusetts Natural Heritage and Endangered Species Program has recorded one Threatened vascular plant on or near the property. While we do not know for certain, the Salt Reed-Grass is a rare plant sometimes found along the edge of brackish marshes like this one around Cape Cod Bay. Natural Heritage has also included all of the property within the BioMap, meaning it has top significance on a statewide basis for its ability to help support rare and exemplary habitats. Smiths Creek is part of the Tern Foraging Area of Barnstable Harbor. Common, least and arctic terns are Species of Special Concern in Massachusetts. Barnstable Harbor is considered a Landscape Block for BioMap.

Smiths Creek (also called Boat Cove Creek on some maps) is a major freshwater tributary to Scorton Creek, the main tidal waterway draining Barnstable Harbor. The Nature Conservancy (TNC) has identified many of the upland margins around the harbor, including this site, as critical for the inland migration of salt marsh owing to relative sea level rise. The Gulf of Maine, including Cape Cod Bay, is being affected more than other parts of the United States.¹ The gentle grades of this property will enable the salt marsh to move inland.

The upland is mostly forested with a mix of pitch pine, black and white oak, red maples, black cherry and the occasional invasive black locust. The wetland border on the stream hosts red maples and highbush blueberry and viburnum. The land rises from sea level to about 20 feet high.

Orenda supports a major nesting habitat for the Threatened Diamondback Terrapin at the mouth of Smiths Creek at the end of Meadow Lane off Route 6A. In 2023, volunteers provided daily supervision of the nesting plots. Twenty-four nests were protected and 75 hatchlings were counted. The hatchlings that survive the winter will help to repopulate Barnstable Harbor with this rare species.

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

The 5.5-acre property has 65 feet of frontage on State Route 6A, also known as the Old King's Highway. This highway was the original indigenous east-west travel route along Cape Cod Bay, linking sachemships from

¹ "Sea levels in the Gulf of Maine are projected to rise faster than the global average." Island Institute, Rockland ME.

Patuxet (now, Plymouth) to Scorton in Sandwich and Mattacheese in Barnstable/Yarmouth, and further out to Nauset. The route proceeded with fords at shallow spots on the many streams running north to the Bay and Harbor, like Smiths Creek. Plymouth Colony later usurped the route as its main arterial connecting the villages to the Plymouth market, though most goods traveled by ship. In 1973, the Massachusetts legislature adopted the Old Kings’ Highway Historic District, still the largest regional historic district in the US, to protect the historical integrity of the route. In 1981 the Mass. Dept. of Environmental Management (now, DCR) identified the Barnstable Great Marsh as one of the few Noteworthy Landscapes in the state. In 1993 Scenic America, Inc. included Route 6A as one of the most scenic in America, and Reader’s Digest seconded the motion in 2012, including Route 6A as one of only two such scenic routes in Massachusetts (see map). The protection of this parcel will prevent a new curb cut, driveway and forest cutting along the scenic roadway.

3. Partnership(s) Description:

Our partner The Compact of Cape Cod Conservation Trusts, Inc. (The Compact) is prepared to co-hold the required conservation restriction (CR) with the Town of Barnstable and conduct the annual monitoring required under the CR. The Compact is a 501(c)(3) organization founded in 1986 as a non-profit land conservation organization to preserve the rural character of Cape Cod and assist its local nonprofit partners to acquire and manage open space. In 2024, 32 local and regional conservation organizations receive direct project assistance from The Compact.

4. Provide a detailed project timeline:

PROJECT TIMELINE

Apr 2024	Offer to purchase accepted
June 2024	Purchase and sale agreement signed
June/July 2024	Appraisal completed; State grant application submitted
August 2024	Draft CR; submit CPA LOI; LOI accepted by CPC
August 2024	Submit CPA Full Application
Oct 2024	State Conservation Partnership Grant announced
Oct/Nov 2024	Town Council CPA funds/CR vote
Nov 2024	Submit CR to state for approval
Nov 2024	State grant contract signed
March 25	CR approved by State
Apr/May 2025	Gather CR local signatures
June 2025	Closing, deed and CR recorded; CPA and State grant funds received

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”
 - 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.

- *Preservation of the essential character of the town;* The 5.5-acre property has 65 feet of frontage on State Route 6A, also known as the Old King's Highway. The protection of this parcel will prevent a new curb cut, driveway and forest cutting along the scenic roadway.
- *Save resources that would otherwise be threatened and/or serve a currently under-served population;* Conservation of the property will protect land threatened by development. This land purchase will protect the coast from another septic system, whose leachate would contribute nitrogen to the harbor and cause eutrophication and possible algal blooms.
- *Demonstrate practicality and feasibility and demonstrate that they can be implemented expeditiously and within budget;* based on decades of expertise, and experience, and working in partnership with The Compact, this project can be completed within a year.
- *Produce an advantageous cost/benefit value;* CPA funding would leverage a state Conservation Partnership grant, and Orenda private fundraising, so that CPA funds would only need to cover 25% 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, MA Conservation Partnership Grant, and private funding.
- *Serves more than one CPA purpose:* property provides conservation, and historic preservation opportunities.

Open Space Criteria:

- *Protecting land bordering on wetlands in order to assist in minimizing or eliminating eutrophication of habitat.* All of the property land lies within 300 feet of freshwater and tidal wetlands, including 900 feet of streambank on Smiths Creek.
- *Permanently protect important wildlife habitat, including areas that are of local significance for biodiversity.* Natural Heritage has also included all of the property within the BioMap, meaning it has top significance on a statewide basis for its ability to help support rare and exemplary habitats. Smiths Creek is part of the Tern Foraging Area of Barnstable Harbor. Common, least and arctic terns are Species of Special Concern in Massachusetts. Barnstable Harbor is considered a Landscape Block for BioMap.
- *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 property has 65 feet of frontage on State Route 6A, also known as the Old King's Highway. The protection of this parcel will prevent a new curb cut, driveway and forest cutting along the scenic roadway.
- *Provide opportunities for passive recreation and environmental education;* the property abuts existing protected open space.
- *Protect or enhance wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats;* the property abuts existing protected opens space providing an important habitat connection.
- *Provide public access;* public access will be granted.

Historic Preservation Criteria

- *Protecting, preserving, enhancing, restoring and/or rehabilitating historic, cultural, architectural or archaeological resources of significance, especially those that are threatened.* See above. The property includes frontage on Old Kings Highway and borders Barnstable Great Marsh designated as one of the few Noteworthy Landscapes in the state
- *Demonstrating the ability to provide permanent protection for maintaining the historic resource.* The property will be protected from development in perpetuity and Orenda will maintain the property.

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):

Smiths Creek Land Protection Project

Project Budget - Fiscal Year FY25

PROJECT EXPENSES:

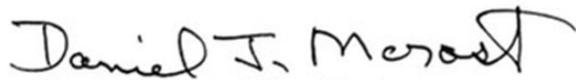
\$400,000	Negotiated Purchase Price
\$3,000	Attorney fees, title research and title insurance policy
\$3,500	Project management (negotiations, grant writing, CR drafting, closing assistance by The Compact of Cape Cod Conservation Trusts)
\$310	Recording fees for deed (Land Court and Registry)
<u>\$210</u>	<u>Recording fees for CR (Land Court and Registry)</u>
\$407,020	TOTAL PROJECTED COSTS

PROJECT REVENUE:

\$100,000	Town of Barnstable Community Preservation Fund
\$200,000	State Conservation Partnership Grant (applied) (This grant is a reimbursement; Orenda may borrow from The Compact this sum in advance of closing)
<u>\$107,020</u>	<u>Orenda fundraising campaign</u>
\$407,020	TOTAL PROJECTED REVENUES

7. Assessor’s Office identification map and map and parcel number: See attached Map.

Assessors Map 133, Parcel 011 and Assessors Map 157, Parcel 004 Lot 002



Daniel J. Morast, Pres., Orenda Wildlife Land Trust, Inc.

8-20-2024

Signature of Applicant

Date



Mark H. Robinson, Exec. Dir., The Compact of Cape Cod Conservation Trusts, Inc.

8-20-2024

Signature of Applicant Partner

Date

n/a

Signature of Town Manager (Town Affiliated Projects)

Date

APPLICATION CHECKLIST

Please See Additional Historic Checklist for Historic Preservation Applications

- ☑ Cover letter clearly identifying statement of need
- ☑ Application
- ☑ If the Housing Restriction, Historic Restriction or Conservation Restriction is to be prepared by the applicant, please provide a first draft with the application.
If the application is approved by the CPC, the applicant shall finalize the deed restriction before a Town Council public hearing for appropriation will be scheduled.

Data

- ☑ Identification Map – Assessor’s Records
- ☑ Copy of Current Recorded Deed
- Pending ☐ Title Examination / Title Insurance / Tax Information
- ☑ Appraisal and/or Agreement (Open Space / Recreation)
- ☑ Survey Plan (Open Space)
- ☐ Reports (21E / Zoning / HazMat / Historic Structure Reports)
- ☐ MA Historical Commission Historic Inventory Sheet - Form B (Historic)
- ☐ Detailed Set of Plans
- ☑ Project Timeline
- ☑ Letters of Support
- Pending ☐ Certificate of Good Standing (if operating as a corporation)
- ☐ **Barnstable CPC Historic Project Application Checklist and applicable documents.**

Financial

- ☑ Project Costs and Prioritization
- ☑ Detailed Budget
- ☐ Minimum of 3 quotes from Licensed Contractors
- ☐ Matching Fund Correspondence
- ☐ Additional Fees (Closing Costs / Legal Fees)

Visual

- ☑ Maps (Should include maps identifying resource areas, priority habitats, adjacent protected open space, and other important natural features consistent with the priorities identified in the 2018 OSRP draft update)
- ☑ Natural Resource Limitations (wetlands, flood plains)
- ☐ Renderings/Plans

Submission

- ☑ **One (1) original and, ten (10) copies and/or one (1) electronic copy via email to CPC Coordinator: Ellen.Swiniarski@town.barnstable.ma.us**
Mail: Community Preservation Committee, Town Hall, 367 Main Street, Hyannis, MA 02601

QUITCLAIM DEED

WE, HERBERT L. HINCKLEY, JR., of P.O. Box 1042, East Sandwich, Barnstable County, Massachusetts 02537, and BONNIE B. HINCKLEY, of Route 6A, West Barnstable, Barnstable County, Massachusetts 02668, for consideration paid and in full consideration of an equitable division of marital assets as more fully set forth in a Commonwealth of Massachusetts, Barnstable County Probate and Family Court Judgment of Divorce dated December 18, 1987, (Docket No. 85D-0278-D1), GRANT TO HERBERT L. HINCKLEY, JR., Individually, of P.O. Box 1042, East Sandwich, Barnstable County, Massachusetts 02537, with QUITCLAIM COVENANTS, the land more particularly described as follows:

LOT #2

LAND COURT PLAN #38226B

Said premises are conveyed subject to and with the benefit of all rights, restrictions and easements of record insofar as the same are now in force and applicable.

For our title, see Certificate of Title No. 64242.

WITNESS our hands and seals this 8th day of May, 1998.

Route 6A, W. Barnstable, MA

LAND COURT, BOSTON, The land herein described will be shown on our approved plan to follow as

Herbert L. Hinckley Jr.
HERBERT L. HINCKLEY, JR.

Bonnie B. Hinckley
BONNIE B. HINCKLEY

APR 21 1998

Plan 38226 B Lot 2
(EXAMINED AS TO DESCRIPTION ONLY)
Linda A. Moore, Registrar *LM*

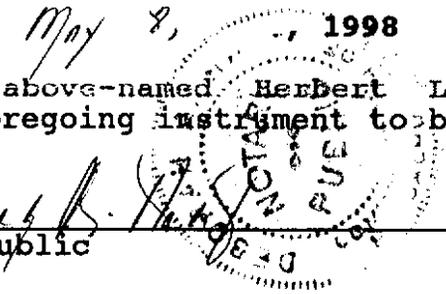
COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

Then personally appeared the above-named *Herbert L. Hinckley, Jr.* and acknowledged the foregoing instrument to be his free act and deed, before me.

[Signature]
Notary Public

My Commission Expires: *10.12.01*



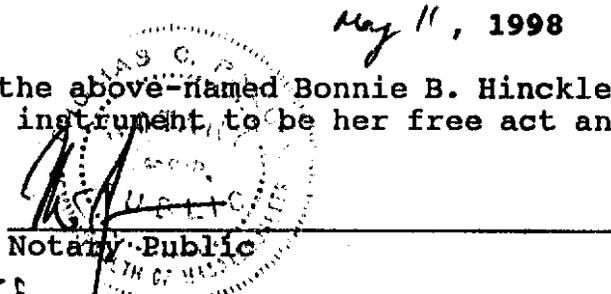
COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

Then personally appeared the above-named *Bonnie B. Hinckley* and acknowledged the foregoing instrument to be her free act and deed, before me.

[Signature]
Notary Public

My Commission Expires: *5.29.98*



FIDUCIARY DEED

I, Jennifer M. DeSena of 4 Ivie Rd., Cape Elizabeth, ME 04107, Executrix under the Will of Marshall J. Rice, late of Manchester, New Hampshire, by the power conferred under said Will (see Barnstable County Probate Court Docket No. 02P0921FE-1) and every other power, for the nominal consideration of One Hundred (\$100.00) Dollars paid grant to Jennifer M. DeSena as Successor Trustee of the Marshall J. Rice Revocable Trust, dated December 9, 1999 said Trust having a mailing address of 4 Ivie Road, Cape Elizabeth, ME 04107

with Quitclaim Covenants

the land in West Barnstable, Barnstable County, Massachusetts, consisting of an undivided one-fourth (1/4) interest in the land in said West Barnstable, Massachusetts, being shown as LOT 2 on a plan of land entitled "Plan of Land in West Barnstable Mass. belonging to the Estate of Miriam H. Rice, scale 1 in. = 50 ft. Aug. 18, 1961, Nelson Bearse and Richard Law Surveyors, Centerville, Mass.", said plan being filed in Plan Book 166, Page 141 with the Barnstable Registry of Deeds. Said premises being more particularly described as follows:

NORTHWESTERLY by Smith's Creek as shown on said plan, 926 feet more or less;

NORTHEASTERLY by land now or formerly of Forest R. Brown et ux as shown on said plan, 282 feet more or less;

SOUTHEASTERLY by lands now or formerly of Lawrence S. Johnson et ux and by a certain way as shown on said plan, a total of 629.00 feet;

SOUTHWESTERLY by Lot 1 as shown on said plan, 140.00 feet;

SOUTHEASTERLY by said Lot 1 as shown on said plan 148.15 feet; and

SOUTHWESTERLY by the Northeasterly sideline of the State Highway as shown on said plan, 65 feet more or less.

Said premises contain, according to said plan, a total of 3.96 acres.

For Title reference see Deed of Agnes H. Cash to Miriam H. Rice, Barnstable Deeds Book 556, Page 159; also Barnstable Probate 38220 (Miriam H. Rice). See also Barnstable County Probate Court Docket No. 02P0921FE-1 (Marshall J. Rice).

DEVINE, MILLIMET & BRANCH

PROFESSIONAL ASSOCIATION
300 BRICKSTONE SQUARE POST OFFICE BOX 39
ANDOVER, MASSACHUSETTS 01810

PROPERTY LOCATION: Lot 2 northerly side of Rte. 6A, West Barnstable, MA

(2)

✓

Witness my hand and seal this 26th day of May, 2004.

Jennifer M DeSena, Executrix
Jennifer M DeSena, Executrix

STATE OF New Hampshire
COUNTY OF Hillsborough

On this 26th day of May 2004, before me, the undersigned notary public, personally appeared Jennifer M. DeSena, Executrix under the Will of Marshall J. Rice (a/k/a Marshall Rice) proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Anu R. Mullikin
Notary Public
My Commission expires:



ANU R. MULLIKIN, Notary Public
My Commission Expires January 23, 2007

25577

I, BONNIE B. HINCKLEY, of West Barnstable, Barnstable County, Massachusetts, for consideration of ONE and 00/100 (\$1.00) DOLLAR paid and the division of marital assets,

grant to HERBERT L. HINCKLEY, JR., of West Barnstable, Barnstable County, Massachusetts,

with QUITCLAIM COVENANTS the land in West Barnstable, Barnstable County, Massachusetts, consisting of an undivided three-fourths 3/4 interest in the land in said West Barnstable, Massachusetts,

being shown as LOT 2 on a plan of land entitled "Plan of Land in West Barnstable Mass. belonging to the Estate of Miriam H. Rice, scale 1 in. = 50 ft. Aug. 18, 1961, Nelson Bearse and Richard Law Surveyors, Centerville, Mass.", said plan being filed in Plan Book 166, Page 141 with the Barnstable Registry of Deeds. Said premises being more particularly described as follows:

- NORTHWESTERLY by Smith's Creek as shown on said plan, 926 feet more or less;
- NORTHEASTERLY by land now or formerly of Forest R. Brown et ux as shown on said plan, 282 feet more or less;
- SOUTHEASTERLY by lands now or formerly of Lawrence S. Johnson et ux and by a certain way as shown on said plan, a total of 629.00 feet;
- SOUTHWESTERLY by Lot 1 as shown on said plan, 140.00 feet;
- SOUTHEASTERLY by said Lot 1 as shown on said plan 148.15 feet; and
- SOUTHWESTERLY by the Northeasterly sideline of the State Highway as shown on said plan, 65 feet more or less.

Said premises contain, according to said plan, a total of 3.96 acres.

For title, see deed from Parker H. Rice to Bonnie B. Hinckley dated September 12, 1977, recorded in Barnstable Registry of Deeds in Book 2581, Page 308; deed from Ann G. Rice, as Executrix Under the Will of Lindsay H. Rice, to Bonnie B. Hinckley dated January 13, 1976, recorded in Barnstable Registry of Deeds in

Grantees Address: 9 Gray Birch Road
East Sandwich, MA 02537

BARN

Book 2327, Page 339; and deed from Katherine A. Rice et ux to Bonnie B. Hinckley dated March 30, 1976, recorded in Barnstable Registry of Deeds in Book 2327, Page 340.



BONNIE B. HINCKLEY

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

December 23, 1988

Then personally appeared the above named BONNIE B. HINCKLEY and acknowledged the foregoing instrument to be her free act and deed, before me.



NOTARY PUBLIC

MY COMMISSION EXPIRES: *April 23, 1993*

RECORDED MAY 22 90

SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
USGS Topographic Locus (564 & 0 Main Street)



*"Life is by watercourses."
— Emerson*

ORENDA
Wildlife Land Trust
orendalandtrust.org

ORENDA
Wildlife Land Trust
orendalandtrust.org

ORENDA
Wildlife Land Trust
orendalandtrust.org

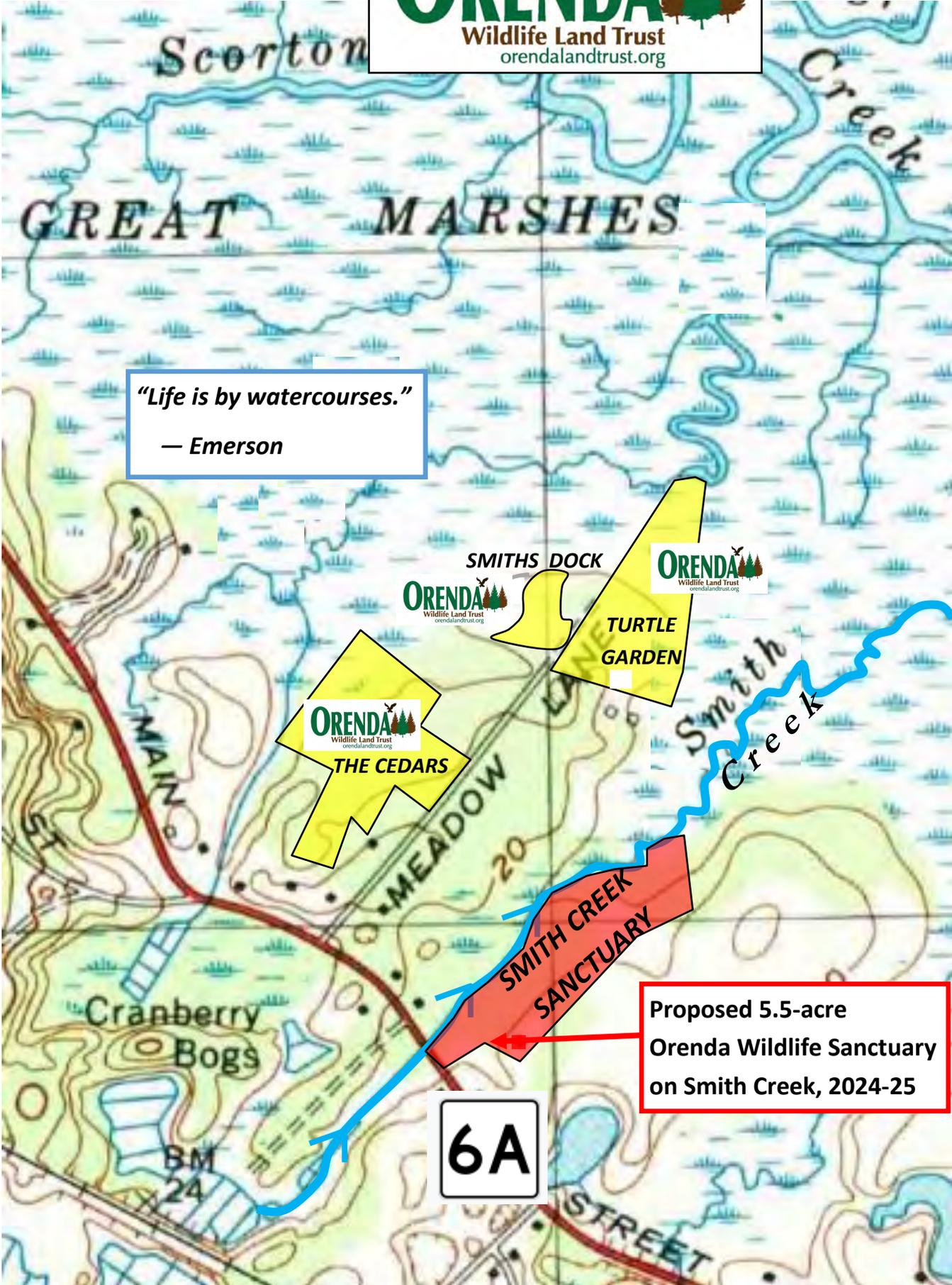
THE CEDARS

SMITHS DOCK

TURTLE GARDEN

6A

Proposed 5.5-acre
Orenda Wildlife Sanctuary
on Smith Creek, 2024-25



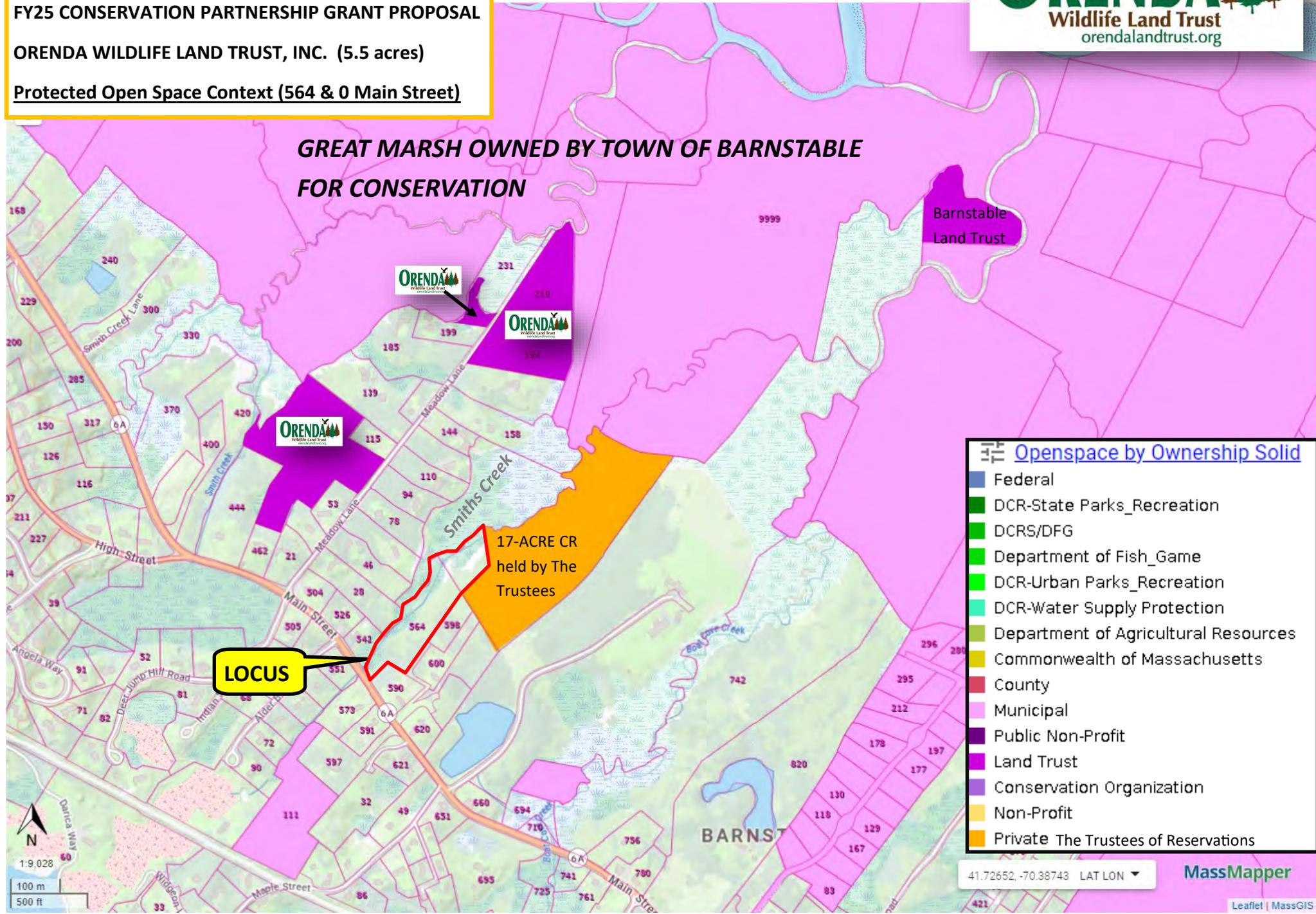
SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
Town Assessing Map Locus (564 & 0 Main Street)



SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
 FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
 ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
 Protected Open Space Context (564 & 0 Main Street)



**GREAT MARSH OWNED BY TOWN OF BARNSTABLE
 FOR CONSERVATION**



Openspace by Ownership Solid

- Federal
- DCR-State Parks_Recreation
- DCRS/DFG
- Department of Fish_Game
- DCR-Urban Parks_Recreation
- DCR-Water Supply Protection
- Department of Agricultural Resources
- Commonwealth of Massachusetts
- County
- Municipal
- Public Non-Profit
- Land Trust
- Conservation Organization
- Non-Profit
- Private The Trustees of Reservations

N
 1:9,028
 100 m
 500 ft

SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
TNC Terrestrial Resilience (564 & 0 Main Street)



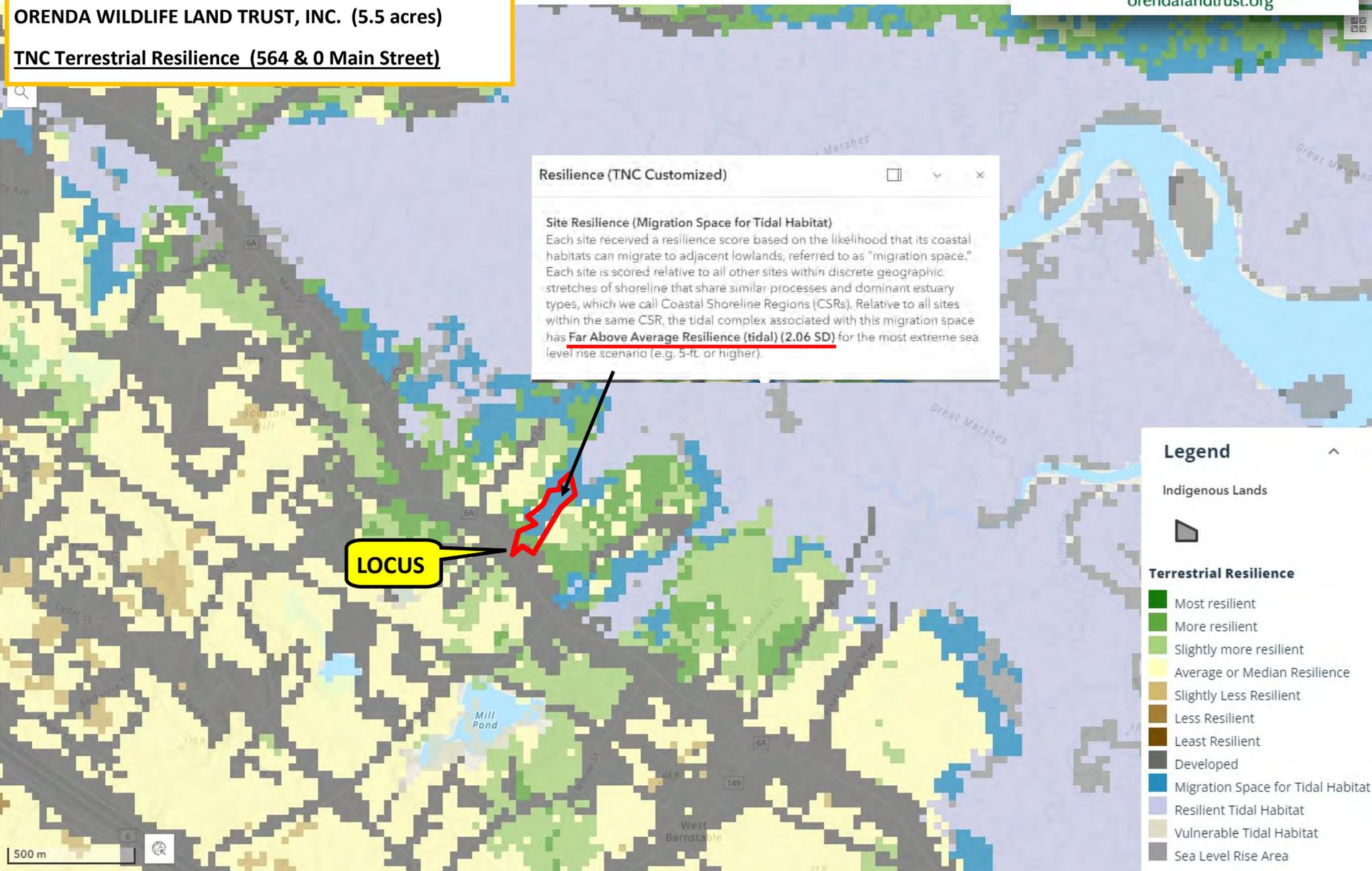
Resilience (TNC Customized)

Site Resilience (Migration Space for Tidal Habitat)
Each site received a resilience score based on the likelihood that its coastal habitats can migrate to adjacent lowlands, referred to as "migration space." Each site is scored relative to all other sites within discrete geographic stretches of shoreline that share similar processes and dominant estuary types, which we call Coastal Shoreline Regions (CSRs). Relative to all sites within the same CSR, the tidal complex associated with this migration space has Far Above Average Resilience (tidal) (2.06 SD) for the most extreme sea level rise scenario (e.g. 5-ft. or higher).

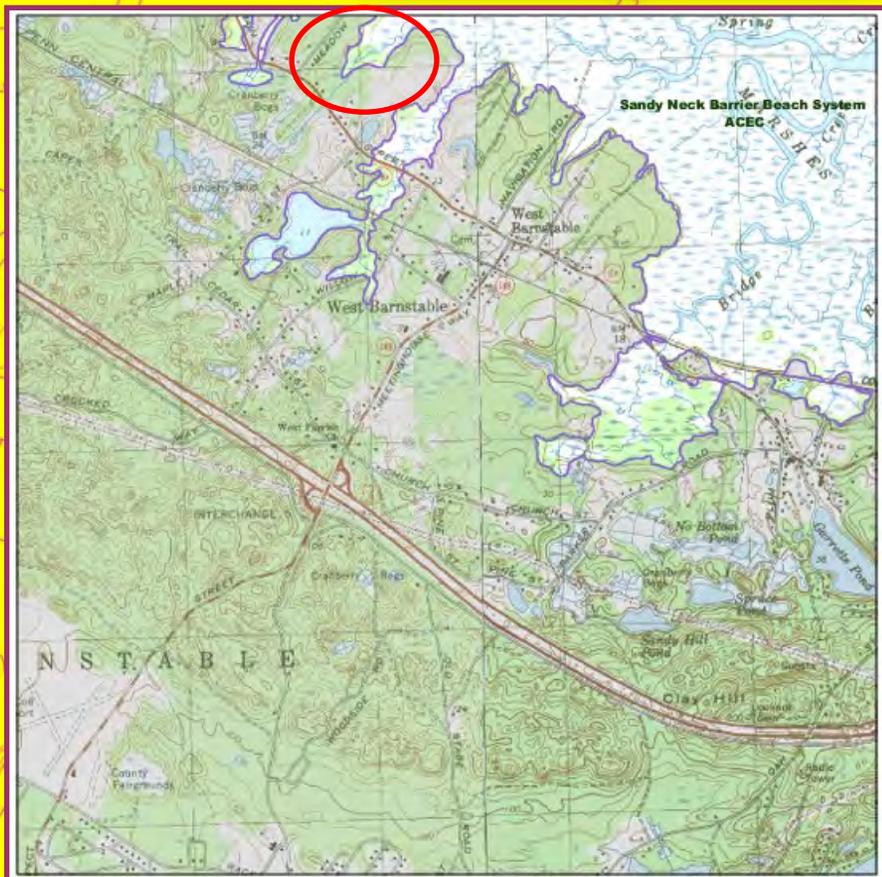
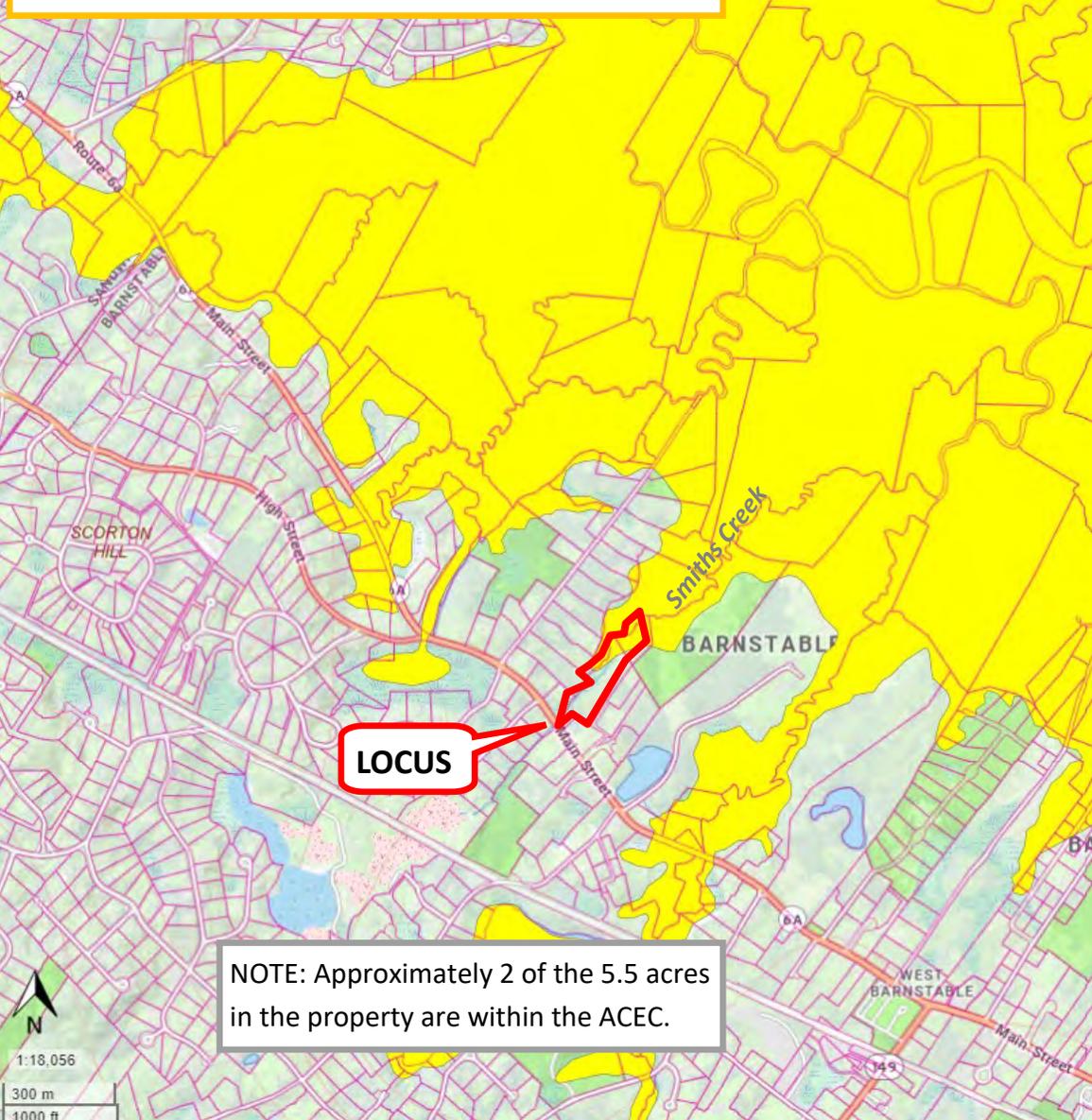
LOCUS

Legend

- Indigenous Lands
- Terrestrial Resilience**
 - Most resilient
 - More resilient
 - Slightly more resilient
 - Average or Median Resilience
 - Slightly Less Resilient
 - Less Resilient
 - Least Resilient
 - Developed
- Migration Space for Tidal Habitat
- Resilient Tidal Habitat
- Vulnerable Tidal Habitat
- Sea Level Rise Area



SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
Sandy Neck Area of Critical Environmental Concern
(564 & 0 Main Street)



Map # 22e Sandy Neck Barrier Beach System ACEC
 Map Title 5 of 7 ACEC Designated 12/15/78 9,130 Acres

Massachusetts Department of Conservation and Recreation
 Areas of Critical Environmental Concern (ACEC) Program

This map is intended to be used with the written boundary description contained in the ACEC designation document. The mapped boundary is not to be used by itself for definitive ACEC boundary delineation or regulatory interpretation. For review of site-specific projects within the ACEC boundary, determinations may need to be made in the field or in consultation with ACEC Program Staff.

For more information:
www.mass.gov/dcr/terrestrial/acec

ACEC Boundaries by Type

- Road/Rail based
- River based
- Wetland based
- Floodplain based
- Tide based
- Contour based
- Political boundary
- Property line based
- Other
- Digital update required

Areas not within an ACEC are shaded with a gray mask.

dcr Massachusetts

0.25 miles

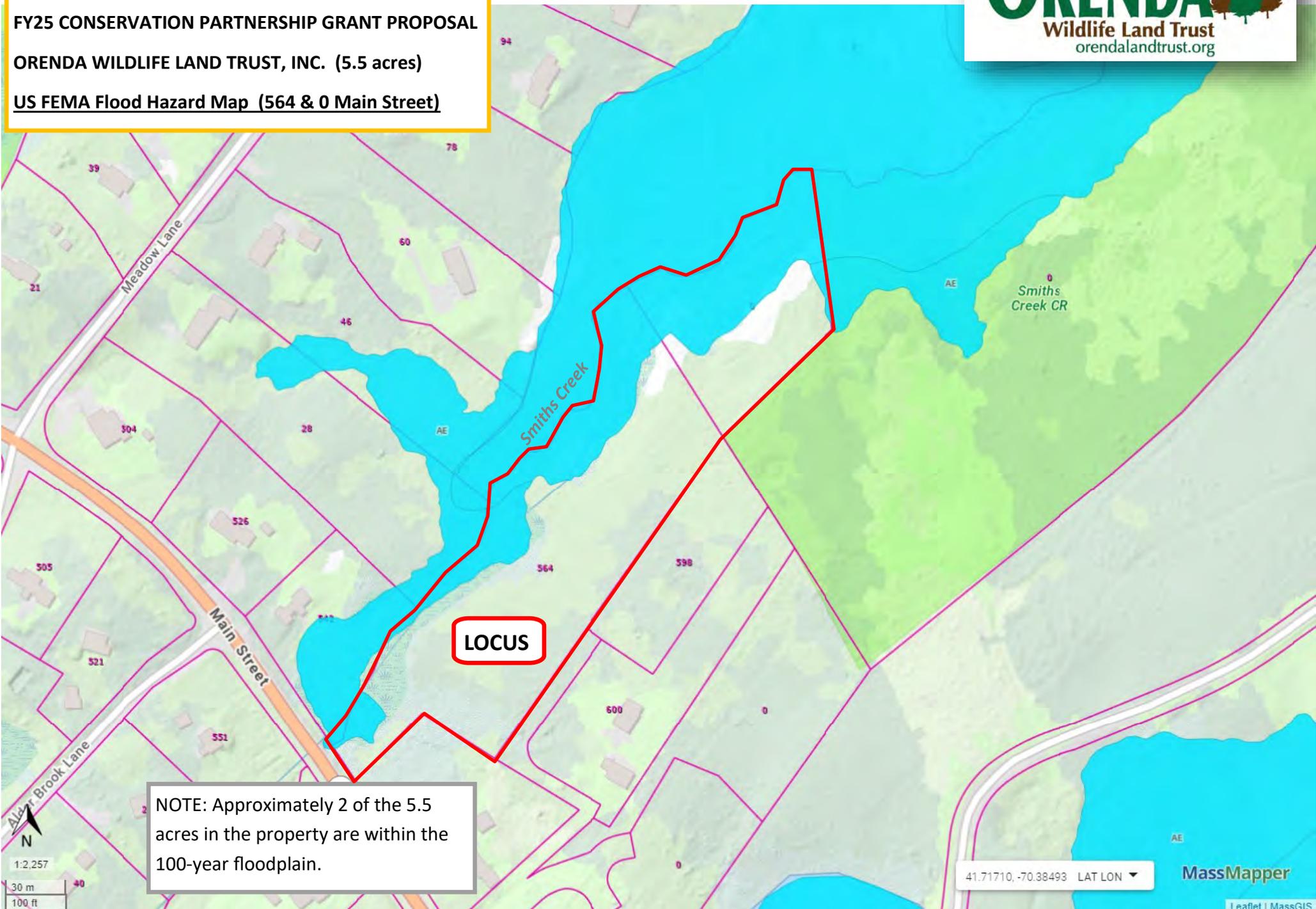
NOTE: Approximately 2 of the 5.5 acres in the property are within the ACEC.



41.78536, -70.39438 LAT LON



SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
US FEMA Flood Hazard Map (564 & 0 Main Street)



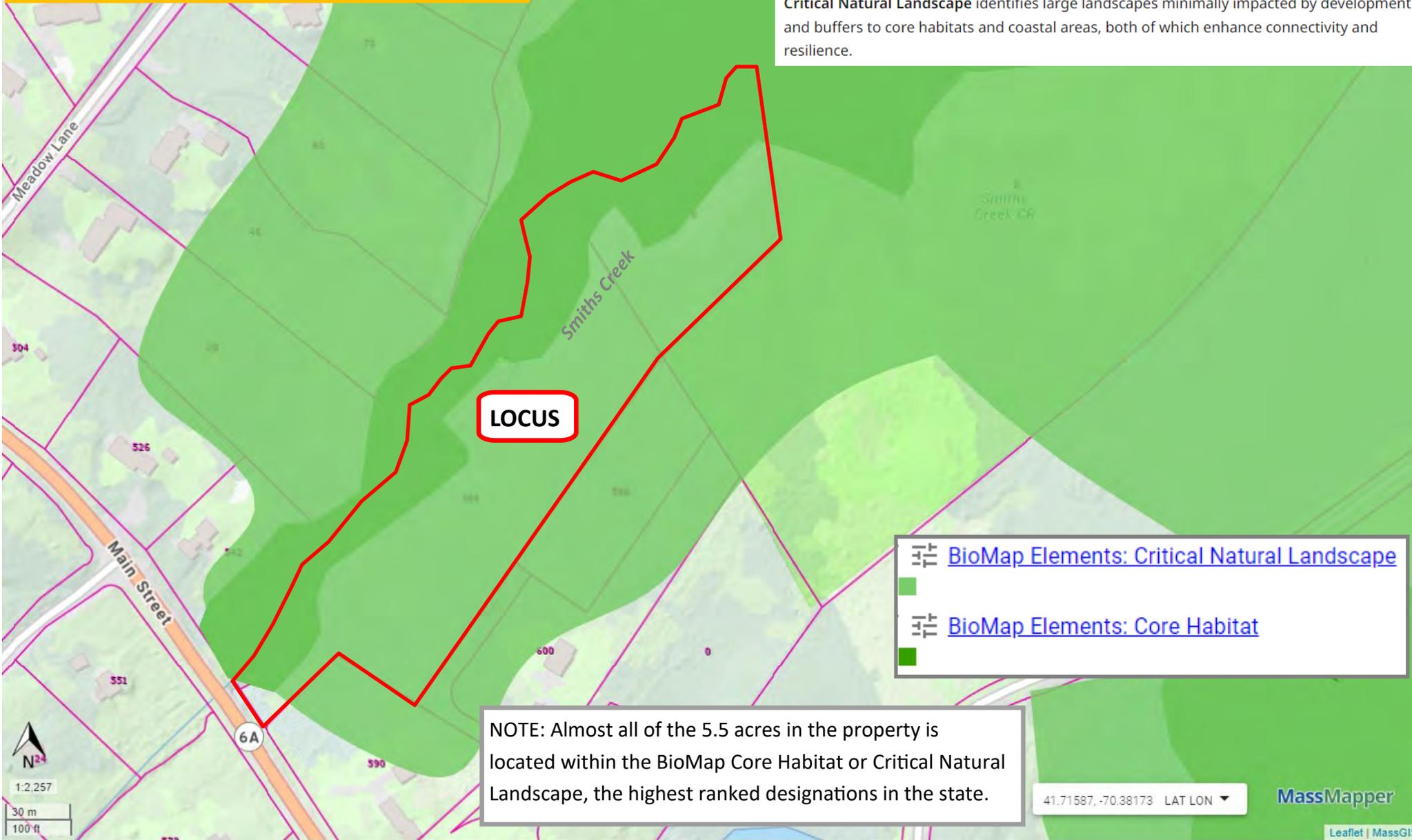
NOTE: Approximately 2 of the 5.5 acres in the property are within the 100-year floodplain.

SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
Massachusetts BioMap Context (564 & 0 Main Street)

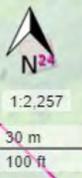


Core Habitat identifies areas critical for the long-term persistence of rare species, exemplary natural communities, and resilient ecosystems.

Critical Natural Landscape identifies large landscapes minimally impacted by development and buffers to core habitats and coastal areas, both of which enhance connectivity and resilience.



NOTE: Almost all of the 5.5 acres in the property is located within the BioMap Core Habitat or Critical Natural Landscape, the highest ranked designations in the state.

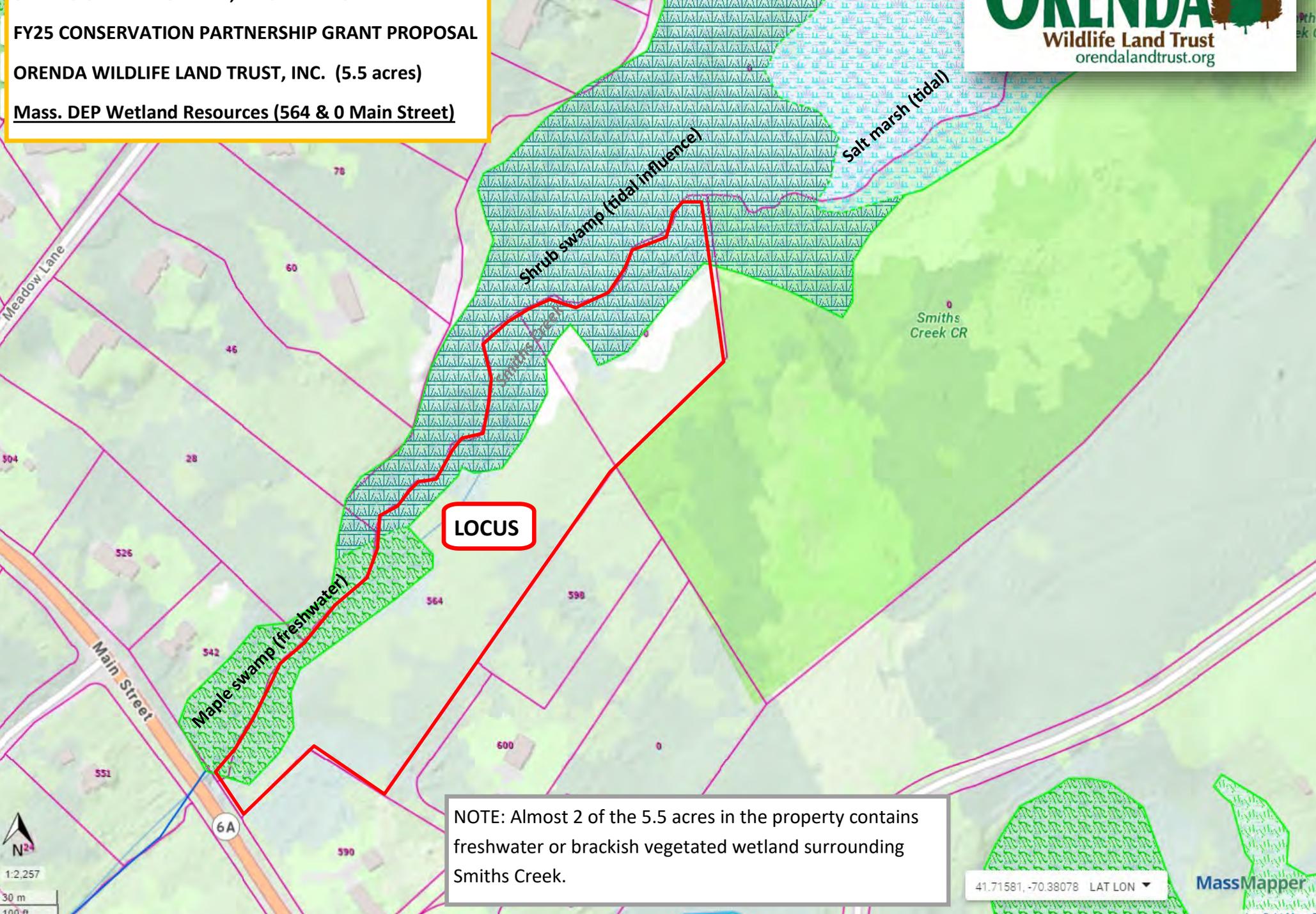


41.71587, -70.38173 LAT LON

MassMapper

Leaflet | MassGIS

SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
Mass. DEP Wetland Resources (564 & 0 Main Street)



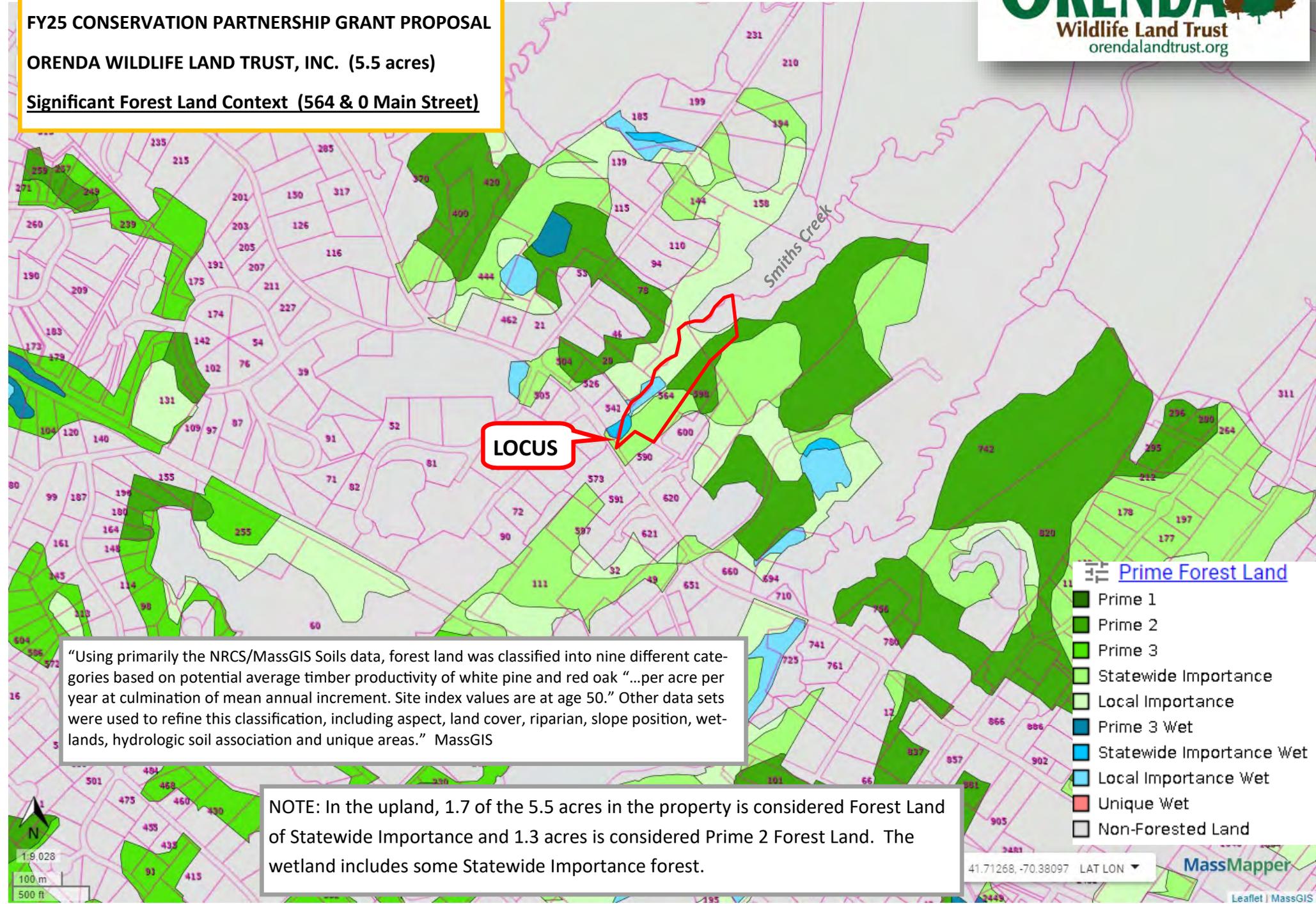
LOCUS

NOTE: Almost 2 of the 5.5 acres in the property contains freshwater or brackish vegetated wetland surrounding Smiths Creek.

41.71581, -70.38078 LAT LON

MassMapper
Leaflet | MassGIS

SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
Significant Forest Land Context (564 & 0 Main Street)



LOCUS

“Using primarily the NRCS/MassGIS Soils data, forest land was classified into nine different categories based on potential average timber productivity of white pine and red oak “...per acre per year at culmination of mean annual increment. Site index values are at age 50.” Other data sets were used to refine this classification, including aspect, land cover, riparian, slope position, wetlands, hydrologic soil association and unique areas.” MassGIS

NOTE: In the upland, 1.7 of the 5.5 acres in the property is considered Forest Land of Statewide Importance and 1.3 acres is considered Prime 2 Forest Land. The wetland includes some Statewide Importance forest.

- Prime Forest Land**
- Prime 1
 - Prime 2
 - Prime 3
 - Statewide Importance
 - Local Importance
 - Prime 3 Wet
 - Statewide Importance Wet
 - Local Importance Wet
 - Unique Wet
 - Non-Forested Land



SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
Climate and Storm Vulnerability (564 & 0 Main Street)



Critical Facilities and Infrastructure

FEMA Flood Zones (FIRM)

- "A" zones - areas of 100 year flood
- "V" zones - velocity zone

Hurricane Surge (*)

- Category One Hurricane
- Category Two Hurricane
- Category Three Hurricane
- Category Four Hurricane

- Public Water Zone 2

- Critical Facility not in SLOSH zone (**)
- Critical Facility in SLOSH zone (**)

- Hurricane Evacuation Route
- Evacuation route in SLOSH Zone

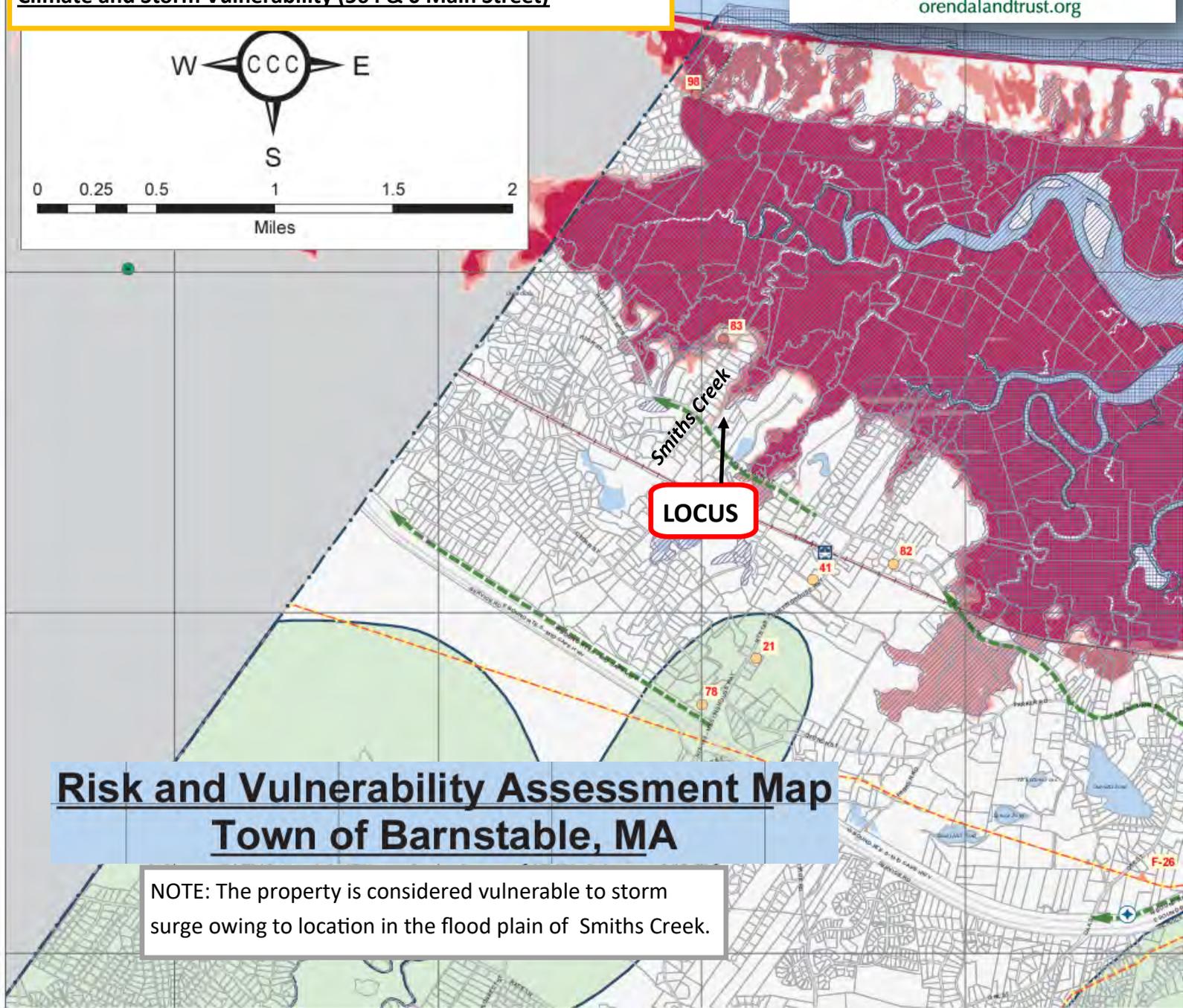
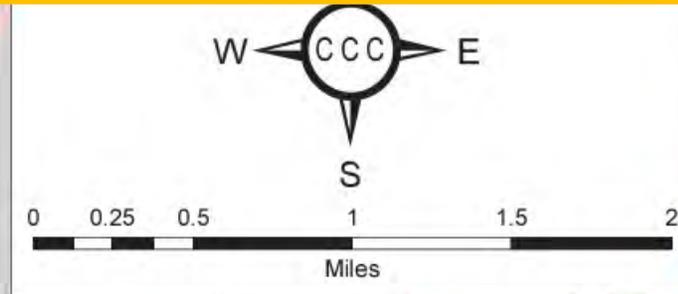
- Outlined Areas of Repetitive Loss Claims**
- (See note about repetitive loss)

- Public Water Supply (***)
- Public Water Corrosion Control
- Hazardous Materials Handler

- Electric Transmission Line
- Rail Road

- Bus/Train Station
- Ferry Terminal

- Major Roads
- Town Line



Risk and Vulnerability Assessment Map
Town of Barnstable, MA

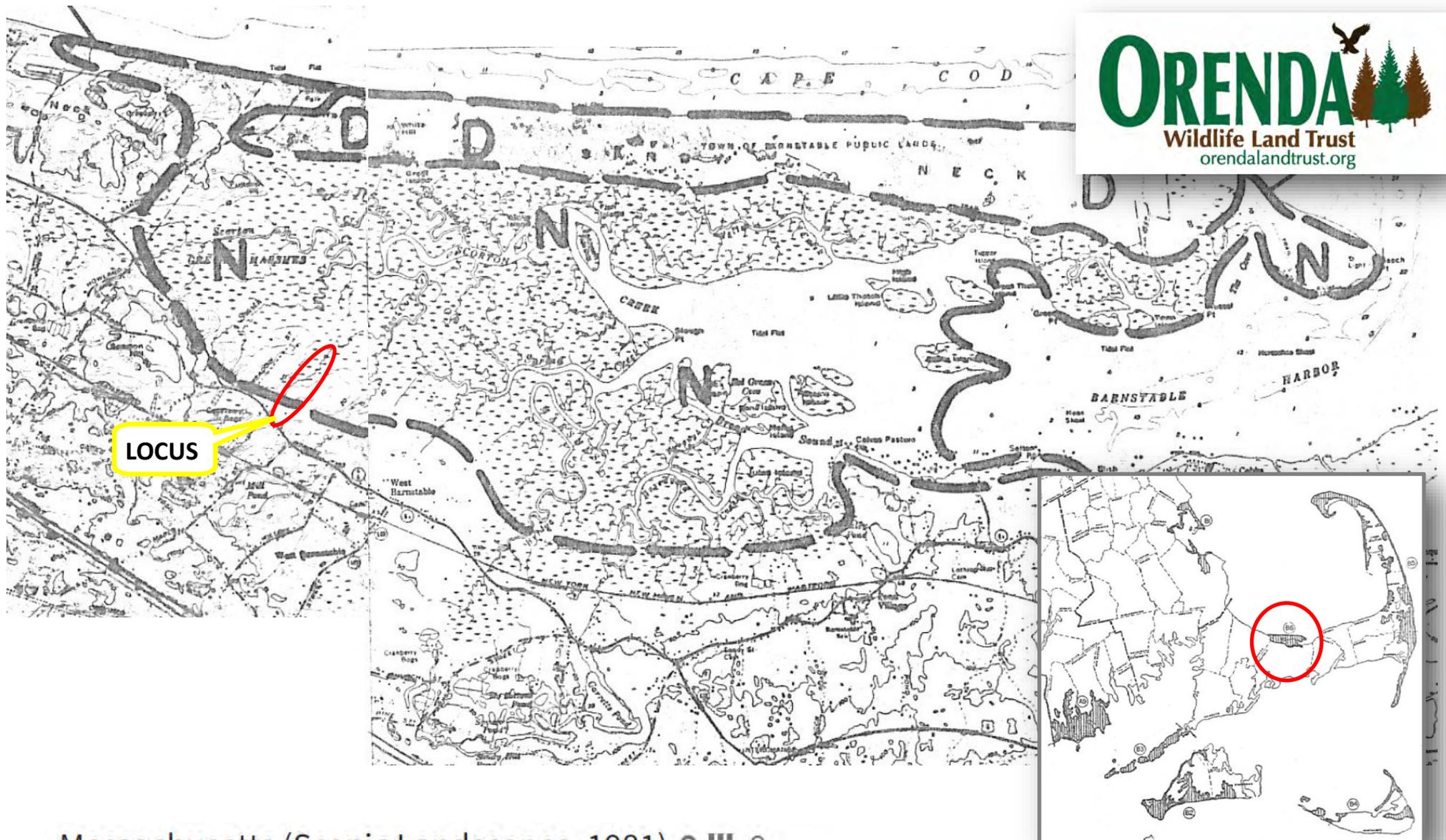
NOTE: The property is considered vulnerable to storm surge owing to location in the flood plain of Smiths Creek.

SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
Scenic Value Significance (564 & 0 Main Street)



NOTE: The property includes 65 feet of frontage on Route 6A.

The Old King's Highway (MA Route 6A) has often been cited as one of the most Scenic Drives in the United States. See also Scenic America, Inc. 2002. The only other Massachusetts route named in this 2005 list of 120 highways is Route 2, Pioneer Valley in W. Mass.



Massachusetts (Scenic Landscapes, 1981) 📍 🗺 📄

Author(s) MassGIS (Office : Mass.)

Description The Scenic Landscapes datalayer depicts areas identified as part of the Massachusetts Landscape Inventory Project, Department of Environmental Management, 1981. The data is general in nature and is intended for general planning purposes only. DEM's office of Historic Resources is currently launching a project to inventory significant cultural, historic, and scenic landscapes. This effort may update or even replace this data layer. The Department of Environmental Management is maintaining this datalayer. For more information, contact Patrice Kish, Director of the Office of Historic Resources (617)626-1378.

NOTE: The property lies within the **Noteworthy Landscape**, of which only 5% of Massachusetts was identified by the State in 1981. It is part of the Barnstable Great Marsh Unit.

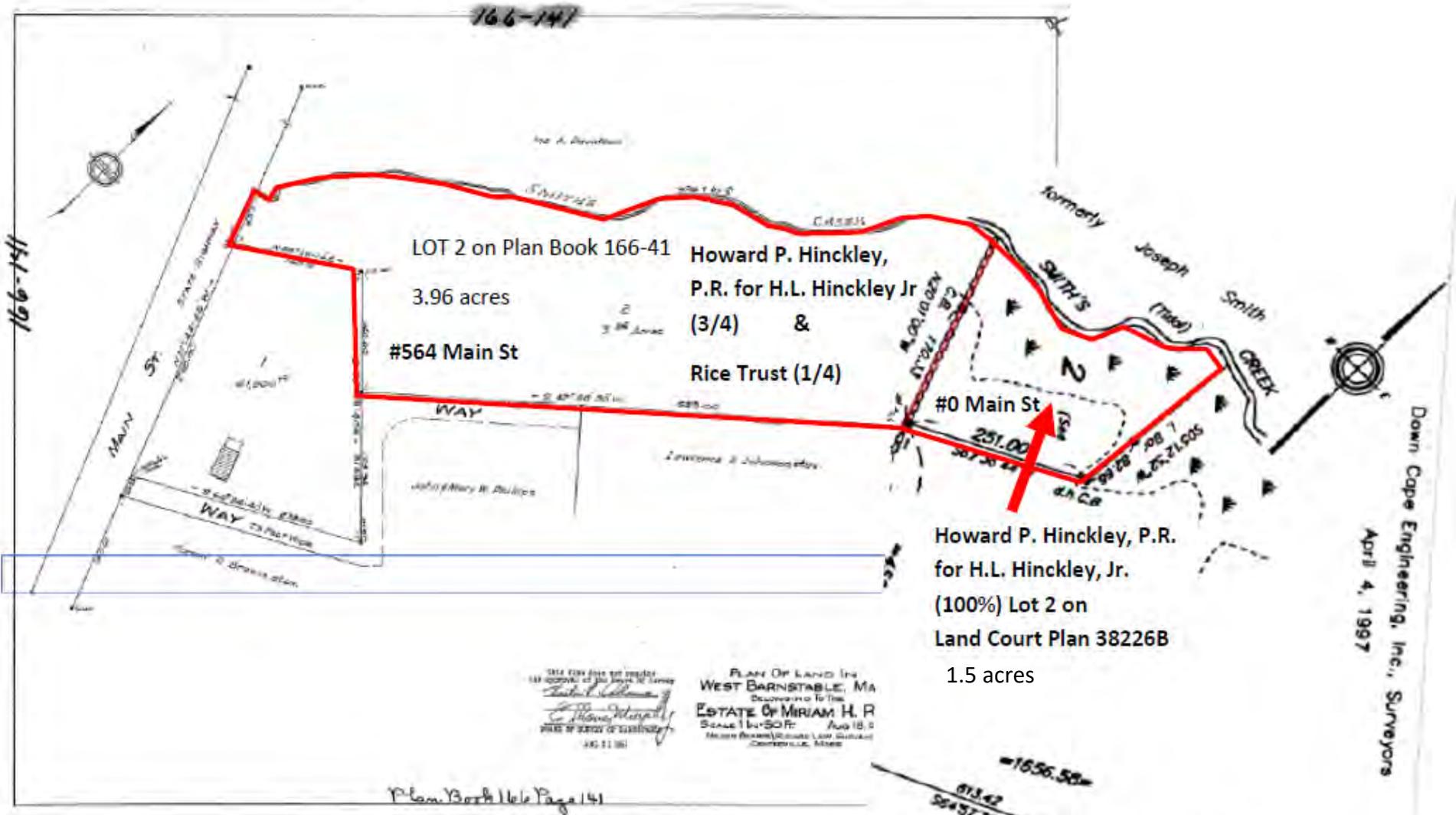
OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT AS ILLUSTRATED DURING THE AMERICAN REVOLUTION ON 1781 BRITISH NAVAL CHART BY JOSEPH F.W. DES BARRES

LOCUS



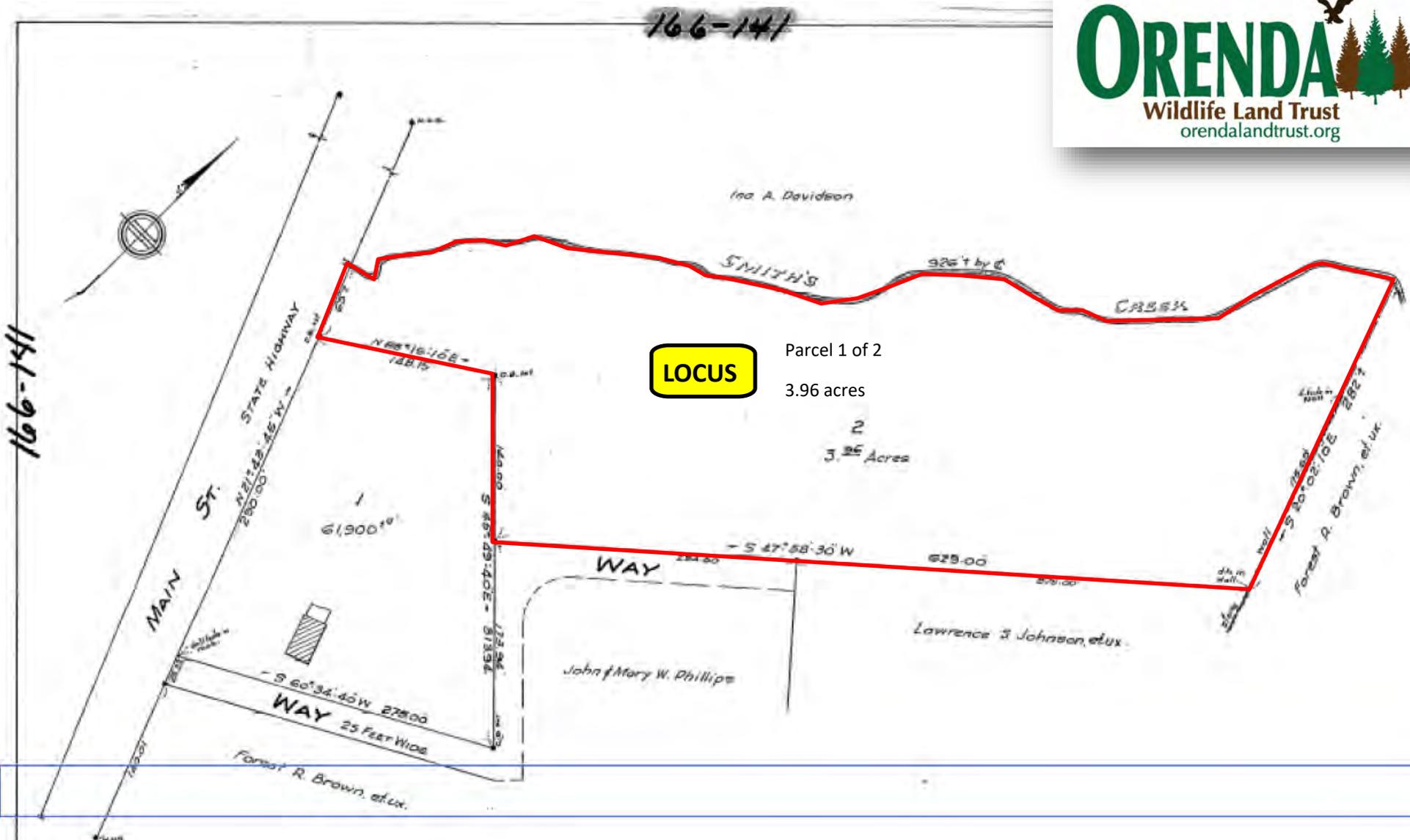
NOTE: All of the property is located within the Old Kings Highway Regional Historic District, established 1973, the largest such district in the US.

SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
Historic Value Significance (564 & 0 Main Street)



SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
Composite Property Boundaries (564 & 0 Main Street)
(see full plans of record following)

38226B
 Sheet 1 of 2



LOCUS

Parcel 1 of 2
3.96 acres

SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
Survey Plans of Record (1 of 2) (564 & 0 Main Street)

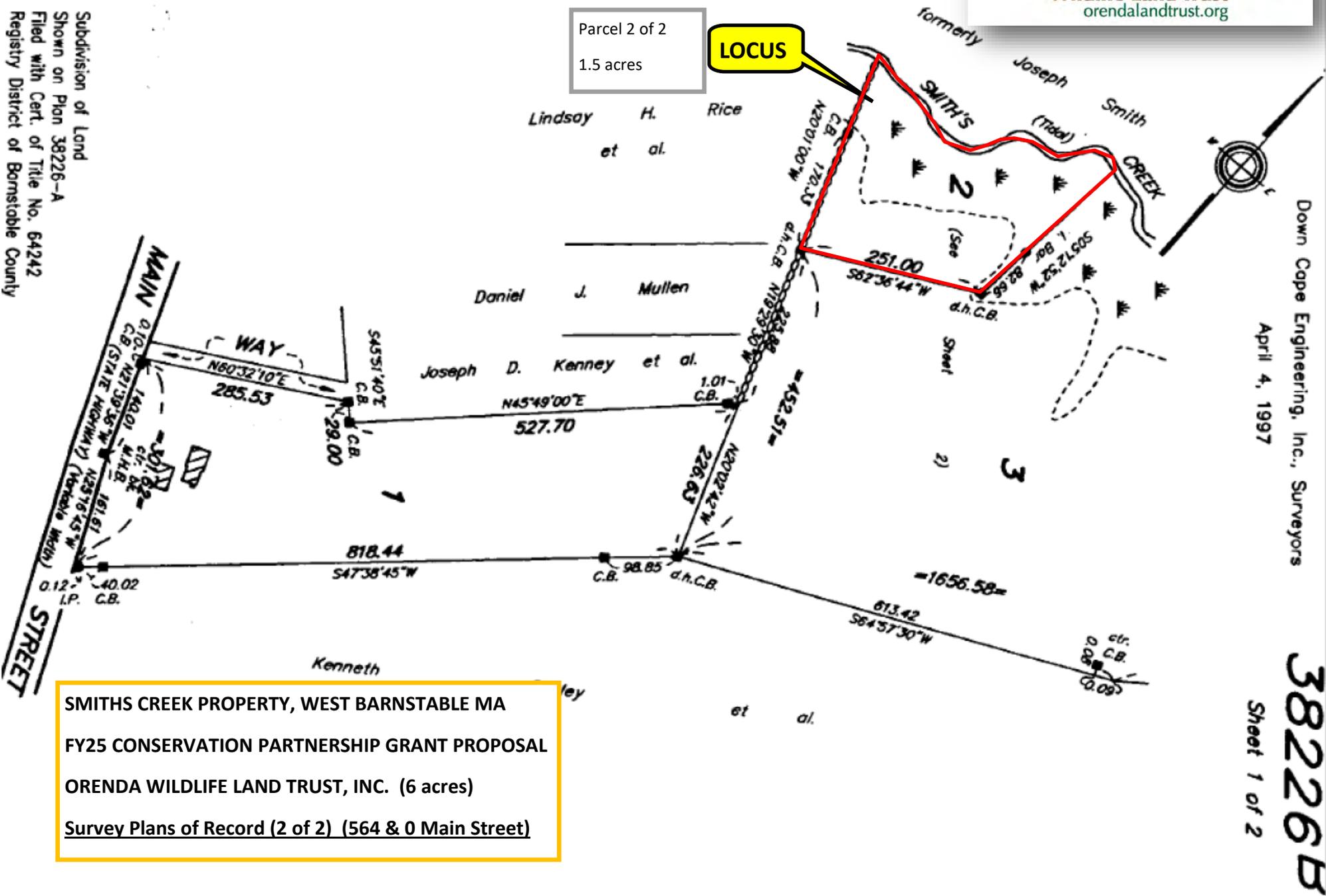
This Plan does not require the approval of the Board of Survey
Victor L. Adams
Charles Murphy
BOARD OF SURVEY OF BARNSTABLE
AUG 21 1961

PLAN OF LAND IN
WEST BARNSTABLE, MASS.
BELONGING TO THE
ESTATE OF MIRIAM H. RICE
SCALE 1 IN = 50 FT. AUG 18, 1961
Nelson Beane/Richard Law, Surveyors
CENTREVILLE, MASS.

BARNSTABLE
REGISTRY OF DEEDS
JAN 3 - 1962
S.H. J. M.L.M.
RECORDED



Subdivision of Land
 Shown on Plan 38226-A
 Filed with Cert. of Title No. 64242
 Registry District of Barnstable County



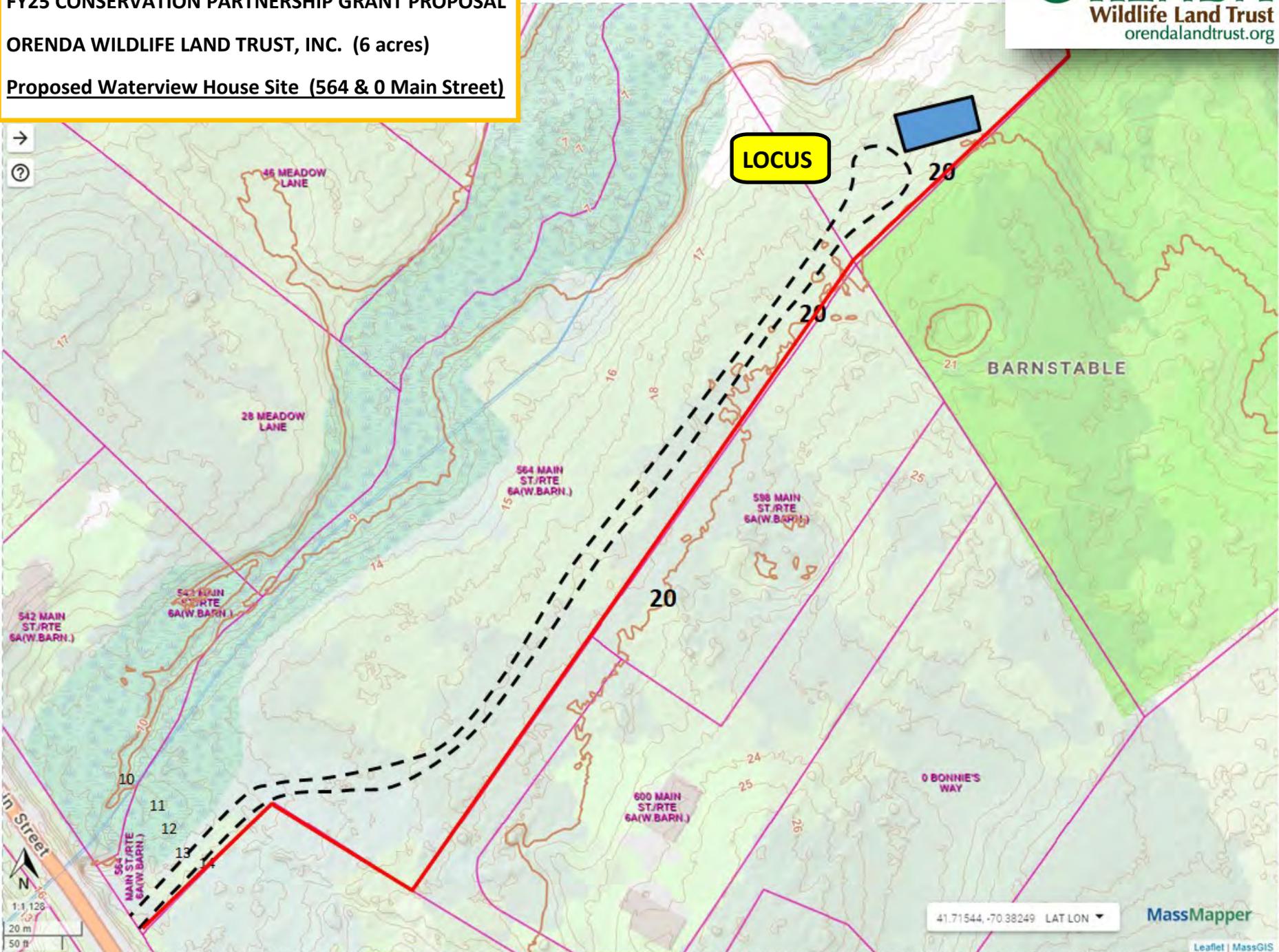
Parcel 2 of 2
 1.5 acres

LOCUS

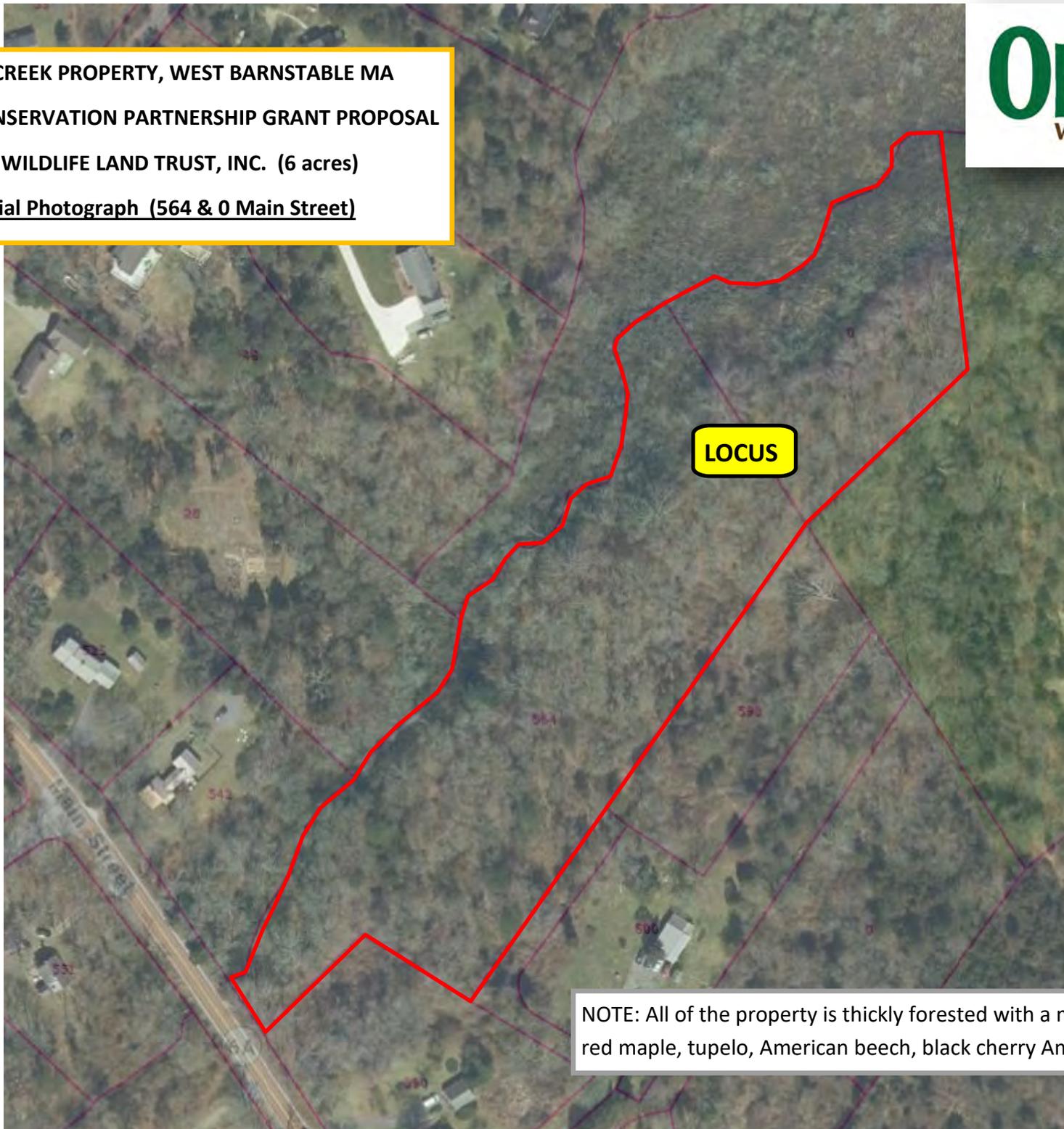
SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
 FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
 ORENDA WILDLIFE LAND TRUST, INC. (6 acres)
Survey Plans of Record (2 of 2) (564 & 0 Main Street)

Down Cape Engineering, Inc., Surveyors
 April 4, 1997
 38226B
 Sheet 1 of 2

SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (6 acres)
Proposed Waterview House Site (564 & 0 Main Street)



SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (6 acres)
2021 Aerial Photograph (564 & 0 Main Street)



NOTE: All of the property is thickly forested with a mix of black and white oak, red maple, tupelo, American beech, black cherry American holly, pitch pine.

SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (6 acres)
2024 Site Photographs (564 & 0 Main Street)



PHOTO#2. Smiths Creek flows the length of the northern sideline of the property.



PHOTO#1. The locus property shows as the upland knoll across the mouth of Smiths Creek (foreground).



PHOTO#3. Clearing on knoll at north end of the property could be potential house site.

PHOTO#4. Mixed pines, oaks and maples in the upland.





MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

[MASS.GOV/MASSWILDLIFE](https://www.mass.gov/masswildlife)

June 10, 2024

Kelly Grant
The Compact of Cape Cod Conservation Trusts, Inc.
PO Box 443
Barnstable, MA 02630

RE: Comments for Grant Proposal
Site Name: Smiths Creek Conservation Project
Town: Barnstable
Heritage Hub Form ID: IR-86149

Dear Applicant,

Thank you for contacting the Natural Heritage and Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife (the "Division") for the presence / absence of state-listed species protected under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) at your grant application site.

Currently, the NHESP has documented habitat of the following state-listed species in the vicinity of the subject property: 1 Threatened Vascular Plant.

This evaluation is based on the most recent information available in the NHESP database, which is constantly being expanded and updated through ongoing research and inventory.

For any additional questions regarding this letter, please contact (508) 389-6360.

MASSWILDLIFE



THE COMPACT
OF CAPE COD CONSERVATION TRUSTS, INC.

18 June 2024

Ms. Melissa Cryan
MA Div. of Conservation Services
Exec. Office of Energy & Environmental Affairs
100 Cambridge Street
Boston MA 02114

Dear Melissa:

I am writing in strong support of the application of the Orenda Wildlife Land Trust, Inc. (Orenda) for a FY25 Conservation Partnership grant towards its expected purchase of a 5-5-acre property in West Barnstable along Smiths Creek. I am assisting Orenda in negotiations and financial assistance. Orenda leaped at the opportunity to preserve this parcel owing to its proximity to Orenda's crucial terrapin nesting habitat at the mouth of Smiths Creek. The price is a bargain, given the probable elevated waterview of the Barnstable Great Marsh and Sandy Neck dunes from a house site.

The Compact is willing to hold the required overlay conservation restriction that will further preserve the land. We have served in that capacity elsewhere for Orenda.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Mark H. Robinson
Executive Director

cc: Orenda

APPRAISAL REPORT

FOR

**564 MAIN STREET/ROUTE 6A AND 0 MAIN STREET/ROUTE 6A,
BARNSTABLE, MASSACHUSETTS**

FOR

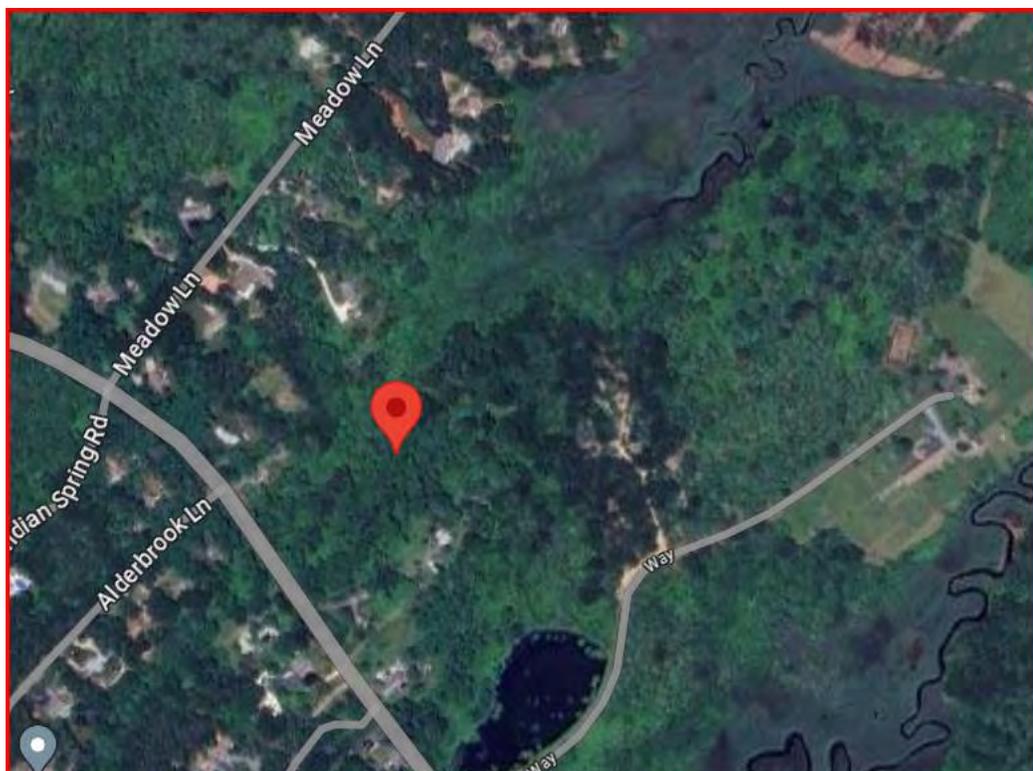
ORENDA WILDLIFE LAND TRUST, INC.

BY

**MICHAEL SUTTON
APPRAISAL COMPANY OF CAPE COD, INC.
170 ROUTE 6A, P. O. BOX 1655
ORLEANS, MASSACHUSETTS**

DATE OF VALUE: JULY 12, 2024

DATE OF REPORT: JULY 15, 2024



Appraisal Company of Cape Cod, Inc.
Real Estate Appraisal and Consulting

Residential
Commercial
Vacant Land
Expert Witness

BOX 1655, 170 ROUTE 6A
ORLEANS, MASSACHUSETTS 02653
(508) 255-8822 FAX (508) 255-9257
TOLL FREE (877) 760-8900
www.capecodappraiser.com

Michael Sutton
Certified General Real Estate
Appraiser – MA Lic. #786
Mikesutton@capecodappraiser.com

Orenda Wildlife Land Trust, Inc.
c/o Mark Robinson
P.O. Box 669
West Barnstable, MA 02668

Re: 564 and 0 Main Street/Route 6A, West Barnstable, MA

Dear Mr. Robinson:

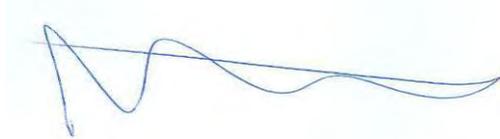
At your request, I have prepared the attached appraisal report for two vacant contiguous parcels of land located at 564 Main Street/Route 6A, West Barnstable, MA and 0 Main Street/Route 6A, West Barnstable, MA. The properties are further identified in the Town of Barnstable Assessor's records as Parcel No. 133-011-000 and 157-004-002. 564 Main Street/Route 6A, West Barnstable is a 3.96 acre parcel of vacant land with 65 feet of frontage on Route 6A in West Barnstable shown as Lot 2 on the Barnstable County Registry of Deeds (BCRD) Plan Book 166 Page 141 and is currently owned by $\frac{3}{4}$ interest in Howard P. Hinkley, P.R. for Herbert L. Hinkley, Jr. and $\frac{1}{4}$ interest in Rice Trust. 564 Route 6A, West Barnstable is also shown as Parcel 133-011-0 in the Barnstable Assessor's records. 0 Main Street/Route 6A, West Barnstable, is shown as Lot 2 on BCRD Land Court Plan No. 38226-B and is currently owned by Howard P. Hinkley, P.R. for Herbert L. Hinkley, Jr. 0 Route 6A, West Barnstable is also shown as Parcel 157-004-002 in the Barnstable Assessor's records. A copy of the plans and the field cards are attached hereto. Both properties are hereinafter referred to as the subject properties.

The purpose of this appraisal report is to provide an opinion of market value for the subject properties in fee simple estate for possible purchase by the client with use with the Commonwealth of Massachusetts Conservation Partnership Grant Program.

The subject properties abut Smiths Creek which runs out to the Great Marsh. Only the 564 Main Street/Route 6A, West Barnstable property has frontage on a street and that frontage is only 65 feet wide and the wetland portion of the frontage leaves little area for a driveway. As a result of lack of frontage and wetland setback regulations, the appraiser is making the Extraordinary Assumption that the two lots combined can only support one single family home the location of which would likely be placed as far northeast as possible and mostly on the 0 Main Street/Route 6A, West Barnstable lot to take advantage of the potential view of the Great Marsh and Sandy Neck. The appraiser has been provided with a plan showing a potential building site for one single family home and that plan is shown hereinafter as the Potential House Site Plan.

I personally inspected the properties on July 10, 2024 and again on July 12, 2024 and I have gathered all the data I considered necessary to arrive at an opinion of value for the subject properties. As a result of my investigation and my analysis of the information gathered, my opinion of market value for the subject properties combined as one single family building site, as of July 12, 2024, is as follows:

**FOUR HUNDRED TEN THOUSAND AND 00/100 DOLLARS
(\$410,000)**



July 15, 2024
Date

Michael Sutton - Certified General Real
Estate Appraiser; MA License #786

Potential House Site Plan

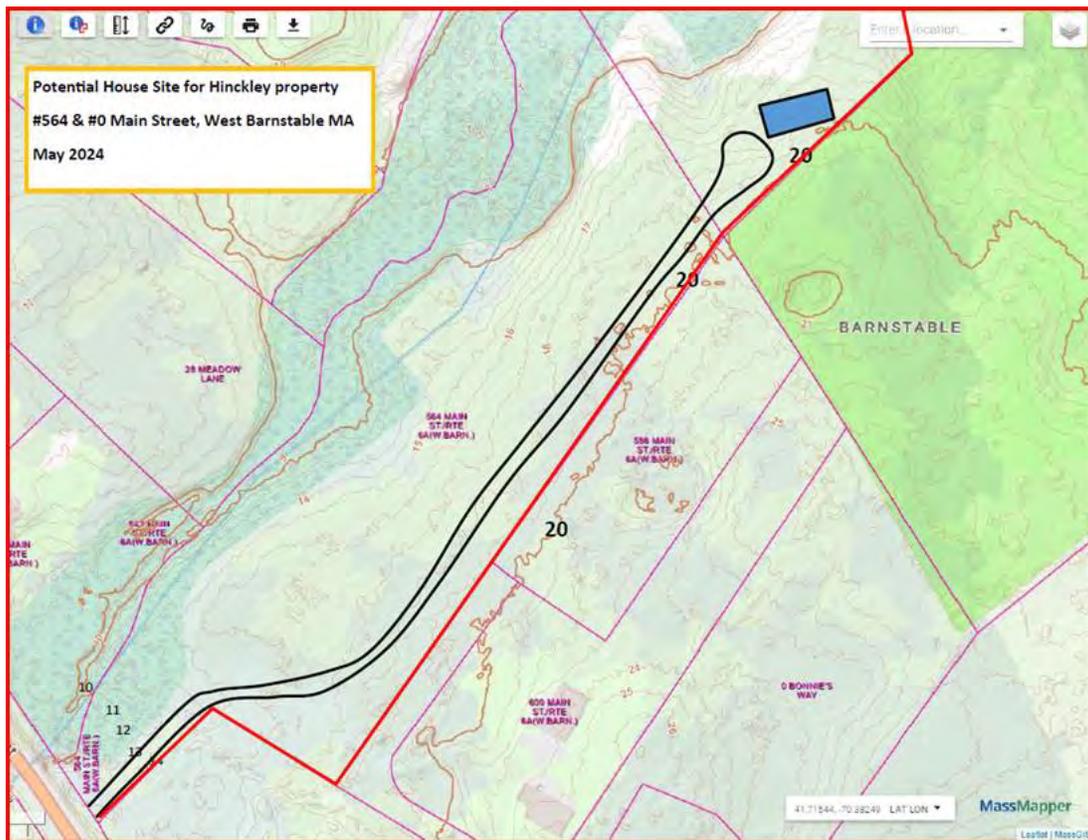


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SUMMARY OF SALIENT FACTS AND CONCLUSIONS

LOCATION: 564 and 0 Main Street/Route 6A, West Barnstable, Massachusetts

OWNER OF RECORD: 564 Main Street/Route 6A: Howard P. Hinkley, P.R. for Herbert L. Hinkley, Jr. (3/4) and Rice Trust (1/4)
0 Main Street/Route 6A: Howard P. Hinkley, P.R. for Herbert L. Hinkley, Jr.

SITE AREA: 564 Main Street/Route 6A: 3.96 Acres
0 Main Street/Route 6A: 1.50 Acres

IMPROVEMENTS: None

PROPERTY RIGHTS APPRAISED: Fee Simple

VALUE APPRAISED: Market Value

DATE OF VALUE: July 12, 2024

DEED REFERENCE: BCRD Book 21403 Page 305
BCRD Certificate of Title No. 148,478

CLIENT: Orenda Wildlife Land Trust, Inc.

ZONING: RF

FLOOD ZONE: Portions of both lots in the AE Zone (reference FEMA Flood Map #25001C0534J; dated July 16, 2014) – see map herein – but building area outside the AE except for a possibly a portion of the access driveway by Main Street/Route 6A

HYPOTHETICAL CONDITIONS: None

EXTRAORDINARY ASSUMPTIONS: Yes – see page 10

HIGHEST AND BEST USE: One Single Family Building Lot

VALUE BY:	Cost Approach: N/A Income Approach: N/A Sales Comparison Approach: \$410,000
-----------	--

PHOTOS

Main Street/Route 6A – Front of 564 Main Street/Route 6A on right



Rear of Lot Northeastern Marsh Area



Interior Upland



Interior Upland – Great Marsh in distance



Another Interior Upland



DEFINITION OF APPRAISAL REPORT

This is an Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for such report and the Specifications for Analytical Narrative Appraisal Reports issued by the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, effective February 13, 2015. It presents discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Additional documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated below. The appraiser is not responsible for unauthorized use of this report.

PURPOSE/CLIENT/USERS/USE OF APPRAISAL

Purpose: The purpose of this appraisal report is to determine the fair market value of the subject properties.

Appraiser's Client: Orenda Wildlife Land Trust, Inc.

Intended Users: Intended users of the report of appraisal include 1) the client; 2) The Compact of Cape Cod Conservation Trusts, Inc.; 3) the Commonwealth of Massachusetts, Executive Office of Energy & Environmental Affairs and its agents including the Massachusetts Division of Conservation Services.

Intended Use: The report of appraisal is to be used by the client for possible purchase consideration and for use with the Commonwealth of Massachusetts Conservation Partnership Grant Program.

Appraisal Company of Cape Cod, Inc.

HYPOTHETICAL CONDITIONS

USPAP defines a hypothetical condition as follows: “a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.

Comment: Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.” See USPAP 2020-2021 Edition, Definitions Page 4.

There are no Hypothetical Conditions to this report.

EXTRAORDINARY ASSUMPTIONS

USPAP defines an extraordinary assumption as follows: “an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser’s opinions or conclusions.

Comment: Uncertain information might include physical, legal, or economic characteristics of the subject property; or conditions external to the property, such as market conditions or trends; or the integrity of data used in the analysis.” See USPAP 2020-2021 Edition, Definitions Page 4.

There is an Extraordinary Assumption to this Report that the subject properties combined can only support one single family building lot. Only 564 Main Street has frontage on a street and that frontage is only 65 feet and most of the frontage is considered wetland. Both properties are completely within 200 feet of a river – Smiths Creek. As both lots abut Smiths Creek to the northwest, most of the land is within the 200 foot riverfront buffer zone. The appraiser was provided with an opinion from the Barnstable Conservation Department that the owners could likely negotiate a permit for one single family home on the two lots combined. The appraiser was provided with a plan of land showing a potential house site that would best capture at least a likely second floor view of Sandy Neck – see the Potential House Site Plan hereinabove. For purposes of this appraisal, the appraiser will assume the two sites combined could support at least one single family home and possible support any other accessory improvements such as a detached garage, tennis courts or pool and possibly a family apartment or ADU.

ESTIMATED MARKETING TIME/EXPOSURE

The estimated marketing time for the subject property is six months. The estimated exposure time is estimated to be slightly longer.

Marketing time is defined by The Dictionary of Real Estate Appraisal, Sixth Edition, 2015, Page 140 as “an opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal.” Exposure time is defined by USPAP as “an opinion, based on supporting market data, of the length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.” See USPAP 2020-2021 Edition, Definitions Page 4. These opinions are based on the

prevailing conditions in this market, the marketing time of several comparable properties, the opinion of knowledgeable individuals, and the appraiser's judgment.

DEFINITION OF MARKET VALUE

Fair Market Value for this appraisal per the Commonwealth of Massachusetts Specifications for Analytical Narrative Appraisal Reports, February 13, 2015, is defined as the most probable price that 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 and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of the title from seller to buyer under conditions whereby:

- (1) buyer and seller are typically motivated;
- (2) both parties are well informed or well advised, and acting in what they consider their own best interests;
- (3) a reasonable time is allowed for exposure in the open market;
- (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (5) 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.

DATE OF VALUE

The property was inspected on July 10, 2024 and again on July 12, 2024 and later date is the date of value of this Report.

PROPERTY RIGHTS APPRAISED

The property rights to be appraised in this case are the fee simple interests in the property subject to existing easements, and/or restrictions and reservations of record. Fee simple estate is defined as an "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."

Source: The Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6th Ed. (Chicago, The Appraisal Institute, 2015)

OUTSTANDING OIL, GAS, MINERAL, SAND/GRAVEL RIGHTS

There are no outstanding oil, gas, mineral, sand or gravel rights to any other third party.

SCOPE OF WORK

The purpose of this appraisal report is to determine the fair market value of the subject properties in fee simple interest.

Information is gathered from public records, real estate brokers, other appraisers and other parties knowledgeable of the real estate market as well as from field observations of the site and the neighborhood. For example, the appraiser has access to public records including the assessor's records which would provide map and parcel location of the subject and comparable sales used in the valuation. In addition, the Cape Cod & Islands Multiple Listing Service (CCIMLS), the Warren Group Report, and the Barnstable County Registry of Deeds were utilized to search for and verify comparable sales. Field observation and inspection of the site was conducted by the appraiser on July 10, 2024 and again on July 12, 2024.

The appraiser determined in the highest and best use section, that the highest and best use of the subject properties together is as one single family home building lot.

The sales comparison approach was the sole method of valuation developed to reach an opinion of market value of the subject properties as the income approach was not deemed appropriate as the subject properties are vacant and located in a residentially zoned area and as such would not typically be purchased for income purposes and the cost approach was not deemed appropriate as this approach is most relevant when the real estate to be appraised consists of building structures that are new or nearly new and in this case the subject properties are vacant. To develop the opinion of value of the subject properties, the appraiser must consider other comparable sales of buildable lots in the area.

The scope of work required to complete this assignment included the following:

- I personally inspected the subject property on July 10, 2024 and again on July 12, 2024;
- Analysis of the market area, and of the overall market, for similar properties in similar locations to the subject property;
- Research and communications at the Town of Barnstable with respect to the subject property for zoning and conformance thereto and conservation issues, potential uses, assessment, availability of public utilities etc.;
- Research at the Barnstable County Registry of Deeds;
- Analysis and development of the highest and best use;
- Investigation and verification of all comparable sales;
- Development of the sales comparison approach to establish value; and
- Reconciliation to arrive at a final value estimate.

Sources of information included:

- Site inspection;
- Potential House Site Plan;
- Barnstable Conservation Commission opinion;
- Assessor's Maps and Cards; Town Zoning Maps, By-Laws and codes; State Maps/Codes;

- Warren Group Report and the CCIMLS databases and brokers;
- Barnstable County Registry of Deeds; and
- Appraiser's files and published data.

I have reviewed the scope of the appraisal and have considered this scope in the context of its use, purpose and intended user. It is my opinion that the scope of the appraisal meets the client's needs.

PART II – FACTUAL DATA

AREA, CITY AND NEIGHBORHOOD DATA

REGIONAL ANALYSIS – BARNSTABLE COUNTY

Cape Cod is a peninsula that is located on the eastern portion of Massachusetts. Cape Cod is approximately 65 miles long from its inception at the Cape Cod Canal to the outermost town of Provincetown. It is renowned as a tourist center and has become increasingly popular as a retirement center. Cape Cod is made up of 15 towns all located within the county of Barnstable.

Population appears to have stabilized most recently according to the graphs below. The age of the population continues to get older. Barnstable County is especially concerned about environmental issues such as water and septic. Barnstable County started tackling these problems by creating the Cape Cod Commission and by increasing vigilance of environmental restrictions and stricter zoning controls. It is currently estimated that approximately 50 to 60 per cent of Cape Cod land has been developed, approximately one third of the land is in town owned or conservation areas or otherwise not available for development, and approximately 10 to 15 per cent of the land is available for further development. The dearth of available vacant land is most prevalent in the “lower Cape” towns of Provincetown, Truro, Wellfleet, Eastham, Chatham and Orleans (the Cape Cod National Seashore owns considerable land in these towns.)

Regional Map – Cape Cod National Seashore in Green



Barnstable County v. Massachusetts statistics:

Population, Census, April 1, 2020	228,996	331,449,281
Population, Census, April 1, 2010	215,888	308,745,538
Age and Sex		
Persons under 5 years, percent	△ 3.7%	△ 6.0%
Persons under 18 years, percent	△ 14.8%	△ 22.3%
Persons 65 years and over, percent	△ 31.4%	△ 16.5%
Female persons, percent	△ 52.2%	△ 50.8%
Race and Hispanic Origin		
White alone, percent	△ 92.2%	△ 76.3%
Black or African American alone, percent (a)	△ 3.5%	△ 13.4%
American Indian and Alaska Native alone, percent (a)	△ 0.7%	△ 1.3%
Asian alone, percent (a)	△ 1.6%	△ 5.9%
Native Hawaiian and Other Pacific Islander alone, percent (a)	△ 0.1%	△ 0.2%
Two or More Races, percent	△ 2.0%	△ 2.8%
Hispanic or Latino, percent (b)	△ 3.4%	△ 18.5%
White alone, not Hispanic or Latino, percent	△ 89.5%	△ 60.1%
Education		
High school graduate or higher, percent of persons age 25 years+, 2015-2019	95.5%	88.0%
Bachelor's degree or higher, percent of persons age 25 years+, 2015-2019	43.4%	32.1%
Income & Poverty		
Median household income (in 2019 dollars), 2015-2019	\$74,336	\$62,843
Per capita income in past 12 months (in 2019 dollars), 2015-2019	\$44,505	\$34,103
Persons in poverty, percent	△ 7.7%	△ 11.4%

U.S Department of Census: State and County Quickfacts

-TOWN AND NEIGHBORHOOD ANALYSIS

TOWN OF BARNSTABLE

The Town of Barnstable is located on the bicep of the Cape Cod arm. Barnstable is bordered by Cape Cod Bay on the north, Nantucket Sound on the south, Sandwich and Mashpee on the west and Yarmouth on the east. The Town of Barnstable includes seven unincorporated villages within its boundaries. Each village has unique and significant cultural and historical qualities. Centerville, located on the south side, is primarily residential, includes a small business district, the largest lake in the town (Wequaquet), and beautiful beaches. Osterville, located to the west of Centerville on the south side, has inlets and harbors for fishing and boating together with a small business district. Hyannis, to the east of Centerville, is the town's central business/commercial district, which also includes town offices and several shopping malls. Hyannis is also a fishing village and its large harbor provides access to Martha's Vineyard and Nantucket Islands. Marstons Mills to the north of Osterville is also primarily residential and is rural in nature with many ponds. Cotuit is on a peninsula to the west of Osterville, again on the south side of town, and is primarily residential with a number of small beaches. West Barnstable on the northwest side of town is primarily residential and includes the almost 7 mile long Sandy Neck Barrier beach. The village of Barnstable is to the east of West Barnstable and houses the County complex, a small business district, working harbor and a primarily residential environment.

Total Area:	76.26 sq. miles
Land Area:	60.05 sq. miles
Population:	40,949
Density:	682 per sq. mile
Regional Planning Agency:	Cape Cod Commission

GOVERNMENT

Form of Government:	Selectmen
Year Incorporated:	As a town: 1639

TRANSPORTATION

Transportation and Access:

The Cape has excellent highway, rail, bus and air connections to other parts of New England. Air, bus, and passenger rail service expand during the summer months to accommodate the large numbers of tourists.

Major Highways:

Principal highways are U.S. Route 6 and State Routes 6A, 28, 132, and 149.

Rail:

The Bay Colony Railroad provides freight rail service to Barnstable. The Cape Cod Scenic Railroad runs a seasonal excursion train between Hyannis and the Cape Cod Canal. The

commuter rail runs a passenger service seasonally in the summer from South Station in Boston to Hyannis.

Bus:

Barnstable is a member of the Cape Cod Regional Transit Authority (CCRTA), which provides fixed route service between Hyannis and Woods Hole. The Plymouth & Brockton Railway Company and Peter Pan Bus Line provide service to Boston and other locations on Cape Cod. There is also bus service between Barnstable and Sagamore Circle, Plymouth, Kingston and Rockland.

Other:

Barnstable Municipal Airport, a Primary Commercial Service (PR) facility. Instrument approaches available: Precision and non-precision. In season, Jet Blue offers daily service to New York City. Marstons Mills Airport, a town owned public use facility, has 2 turf runways: 1,675' x 45' and 2,680 x 70. Instrument approaches available: None.

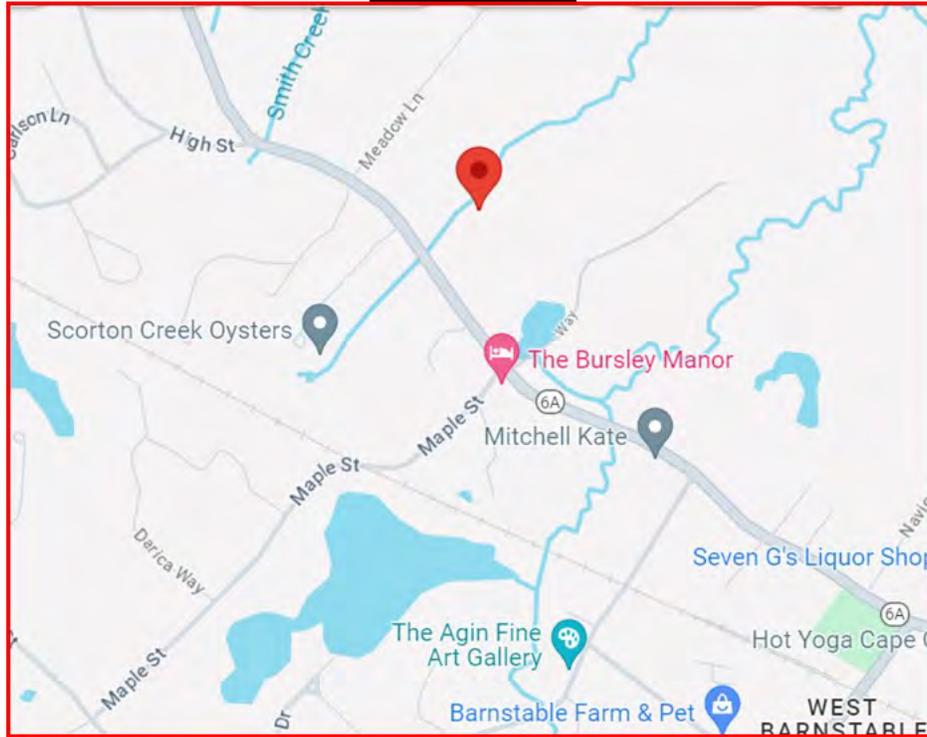
VILLAGE OF WEST BARNSTABLE

West Barnstable is one of seven unincorporated villages that make up the Town of Barnstable located on the Cape Cod Bay side or north side of the middle section of Cape Cod. It has a year round population of 3,222 (2020 U.S. Census) which swells in the summer. Most of West Barnstable is residential with some limited commercial properties along busy, scenic Route 6A.

NEIGHBORHOOD

The neighborhood boundaries are the town of Sandwich to the west, Barnstable Village to the east, Mid Cape Highway to the south and the Cape Cod Bay to the north. Main Street/Route 6A also known as the Old Kings Highway, winds its way from the canal to Orleans and is the main road running along the northern part of Cape Cod and most of this road is considered historic. The utilities to the area include underground electric service by Eversource, local telephone service by Verizon and Comcast, natural gas is available at the subject property by National Grid and water is by Town water or well. Barnstable has some sewer service but septage disposal is by private, on-site septic systems in this area.

STREET MAP



-MARKET CONDITIONS

The following Warren Group and CCIMLS Faststats graphs show single family home and all sales data in Barnstable relevant to the land market.

Warren Group Report

Barnstable, MA - Median Sales Price - Calendar Year				
Year	Period	1-Fam	Condo	All
2024	Jan - May	\$890,000		\$876,250
2023	Jan - Dec	\$799,000		\$794,500
2022	Jan - Dec	\$775,000		\$730,000
2021	Jan - Dec	\$680,000		\$615,000
2020	Jan - Dec	\$539,500		\$515,000
2019	Jan - Dec	\$492,750		\$462,500
2018	Jan - Dec	\$470,000	\$377,500	\$466,250

Warren Group Report

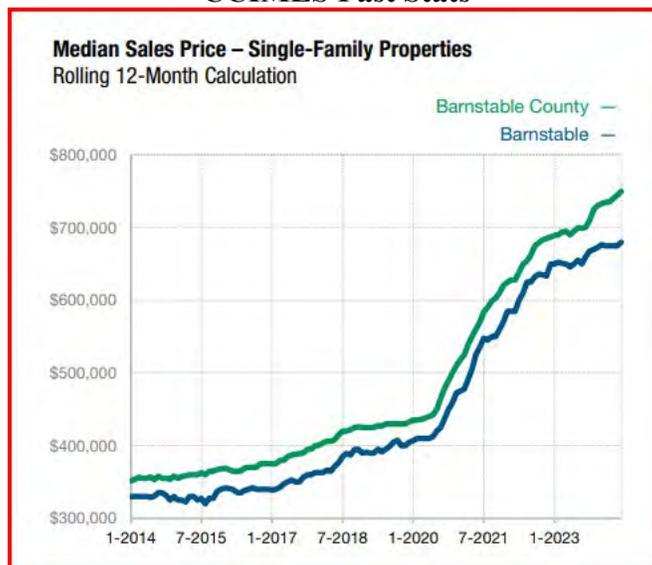
Barnstable, MA - % Change Median Sales Price - Calendar Year				
Year	Period	1-Fam % Change Prior Year	Condo % Change Prior Year	All % Change Prior Year
2024	Jan - May	11.39%	null%	10.29%
2023	Jan - Dec	3.10%	null%	8.84%
2022	Jan - Dec	13.97%	null%	18.70%
2021	Jan - Dec	26.04%	null%	19.42%
2020	Jan - Dec	9.49%	null%	11.35%
2019	Jan - Dec	4.84%	-100.00%	-0.80%
2018	Jan - Dec	5.62%	null%	4.78%
2017	Jan - Dec	3.49%	-100.00%	9.20%

Warren Group Report

Barnstable, MA - Number of Sales - Calendar Year				
Year	Period	1-Fam	Condo	All
2024	Jan - May	31	1	46
2023	Jan - Dec	52	2	76
2022	Jan - Dec	97	1	125
2021	Jan - Dec	92	2	139
2020	Jan - Dec	114	2	145
2019	Jan - Dec	112	2	142
2018	Jan - Dec	87	6	124

The Warren Group Report graphs above and the CCIMLS Fast Stats graphs below show the median single family home prices appreciated substantially in Barnstable from 2020 to 2023. The CCIMLS Fast Stats shows the median single family home prices in Barnstable County have also rapidly increased since 2020 after a long period of small gradual appreciation. The immense appreciation starting in the summer of 2020 in Barnstable and Barnstable County appears to be tied to the Covid-19 pandemic. There was very high demand for properties on Cape Cod starting in the summer of 2020 as buyers could now work from home. In addition, the Federal Reserve kept interest rates low to help the market during the Covid-19 pandemic. The high demand for homes during Covid 19 squeezed the supply of single-family homes and consequently raised prices. In the spring of 2022 the Federal Reserve began raising interest rates to stem inflation and the rates have at least doubled which has had a cooling effect on the market. Barnstable County began to stabilize in 2023 then had some appreciation in 2024 and the Town of Barnstable currently appears to have stabilized in 2024. The sales have decreased substantially.

CCIMLS Fast Stats



Single-Family Properties	June			Year to Date		
	2023	2024	+ / -	2023	2024	+ / -
Key Metrics						
Pending Sales	52	54	+ 3.8%	228	259	+ 13.6%
Closed Sales	39	45	+ 15.4%	198	229	+ 15.7%
Median Sales Price*	\$744,000	\$800,000	+ 7.5%	\$697,550	\$708,000	+ 1.5%
Inventory of Homes for Sale	90	115	+ 27.8%	--	--	--
Months Supply of Inventory	2.1	2.9	+ 38.1%	--	--	--
Cumulative Days on Market Until Sale	25	57	+ 128.0%	45	45	0.0%
Percent of Original List Price Received*	101.5%	98.0%	- 3.4%	97.9%	97.4%	- 0.5%
New Listings	68	57	- 16.2%	278	322	+ 15.8%

* Does not account for seller concessions. | Activity for one month can sometimes look extreme due to small sample size.

There had been a moratorium on foreclosure sales during the Pandemic but in general foreclosure sales do not appear to be affecting the market yet in Barnstable.

There were only 11 single family land sales in all of Barnstable in the prior year from the effective date and only 3 total in the village of Barnstable in the CCIMLS. There were no sales of single family home lots in West Barnstable in the prior year in the CCIMLS. There are currently 3 listings of single family home lots in West Barnstable ranging in price from \$269,000 for a 1.39 acre property at 1767 Service Road, West Barnstable to \$775,000 for a 8.98 acre property on Route 6A located at 134 Main Street, West Barnstable and this lot has a pre-existing tear down home. It is likely this lot is suitable for one single family home but may have potential for an ANR Plan per the CCIMLS although the ACEC appears to take up most of the land and it appears there is room for only one single family home. This lot is on the marsh and just down the street from the subject property and is included herein as a comparable listing. There is a narrow building area between the ACEC area and the road to site the new home – likely in the same spot as the original house that is a tear down.

-SITE DATA

564 Main Street/Route 6A, West Barnstable is a vacant, 3.96 acre parcel of land on the north side of Route 6A that borders “Smiths Creek” which runs from the northeast to the southwest. The extensive creek system stems from the Great Marsh off Cape Cod Bay which bends around Sandy Neck beach. There is visible running water through this creek all the way from Route 6A out to the marsh beyond. There is just 65 feet of frontage along Route 6A. The lot is sloped down from the road and some fill will likely be needed just at this point to construct a driveway but the rest of the lot to the east is mostly all upland with the lowland limited to the creek to the creek area to the west. The lot is **very** densely brushed and very difficult to traverse. The lot is in the 17 foot range on the east side down to the creek area to the west. 0 Main Street/Route 6A, West Barnstable borders 564 Main Street/Route 6A, West Barnstable to the northeast and is 1.50 acres and about ½ of this is wetland. The upland is on the eastern side. This property is in the 20 foot range on the eastern side down to the creek to the northwest. The area furthest to the northeast of the two lots combined – mostly on 0 Main Street/Route 6A provides the best chance of an open view of the Great Marsh and Sandy Neck beyond at least from the second floor of any proposed single family home and a proposed house placement is shown on the Potential House Site Plan above. 0 Main Street/Route 6A abuts a large parcel of undeveloped land to the southeast shown as Barnstable Assessor’s records as Parcel No. 147-004-001 consisting of 16.80 acres and this abutting parcel was previously owned by the Hinkley family who put a Conservation Restriction on this property. The property was subsequently sold subject to the CR. There is a path/trail through this land that leads to another large parcel of land owned by the same owner where there is a large, private estate located at 640 Main Street, West Barnstable on 61 acres. The CR does not give the public the right to walk on any trails in this abutting CR parcel.

A breakdown of the subject properties are as follows:

564 Main Street/Route 6A, West Barnstable, MA:

Topography:	17’ sloping down to Smiths Creek
Shape:	Short panhandle portion then irregular rectangle shape
Size:	3.96 acres
Frontage:	65’ along historic Route 6A on its southwestern border; portion of which is in flood zone AE and portion is wetland
View:	Smiths Creek/woods
Drainage:	Appears adequate
Vegetation:	Very densely brushed/wooded
Ingress/Egress:	Off Route 6A
Flood Zone:	Portion in Flood Zone AE (reference FEMA Flood Zone Map 25001C0233J, dated July 16, 2014).
Septage/Disposal:	None on site
Utilities:	Utilities including telephone, electric, high speed internet and gas line available on Route 6A. Private on site septic system needed and well for water needed.
Improvements:	None

Hazardous Waste: The presence of hazardous waste was not noted on the subject property. However, it should be clearly understood that the appraiser is not an expert in detecting hazardous waste. A determination as to the presence of hazardous waste is beyond the capability of the appraiser; consequently, an inspection of the subject property by a qualified expert is recommended.

0 Main Street/Route 6A, West Barnstable, MA:

Topography: 20' sloping down to Smiths Creek
Shape: Irregular rectangle
Size: 1.50 acres
Frontage: None
View: Smiths Creek; at least first floor views of marsh and second floor views of Great Marsh and Sandy Neck
Drainage: Appears adequate
Vegetation: Less densely brushed/wooded – one half is wetland
Ingress/Egress: Over 564 Main Street/Route 6A, West Barnstable lot
Flood Zone: About half of lot in Flood Zone AE (reference FEMA Flood Zone Map 25001C0233J, dated July 16, 2014) but potential house site outside Flood Zone AE
Septage/Disposal: None on site
Utilities: Utilities including telephone, electric, high speed internet and gas line available on Route 6A. Private on site septic system needed and well for water needed.
Improvements: None
Hazardous Waste: The presence of hazardous waste was not noted on the subject property. However, it should be clearly understood that the appraiser is not an expert in detecting hazardous waste. A determination as to the presence of hazardous waste is beyond the capability of the appraiser; consequently, an inspection of the subject property by a qualified expert is recommended.

ZONING & LAND USE REGULATIONS

The subject property is located in the RF zoning district for the Town of Barnstable.

		Minimum Yard Setbacks (feet)				
Zoning Districts	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Front	Side	Rear	Building Height
RF	43,560*	150'	30'	15'	15'	2 ½ stories or 30'

*However, the subject properties are located in the Resource Protection Overlay District (RPOD) which requires 87,120 sf per buildable lot.

Wetlands are not to be counted toward buildable lot sizes.

Legally pre-existing, nonconforming lots are legal if the lots had originally 5,000 sf and had 50 feet of frontage and was a legal lot at the time of the creation of the lot.

Principal permitted uses within the RF District include single family dwellings and accessory uses such as a family apartment not to exceed two bedrooms or over 50% of the principal dwelling size unless a variance is obtained or an Accessory Dwelling Unit (but not both an accessory apartment and an ADU) that does not exceed 900 sf and two bedrooms. Other accessory uses include a pool, tennis court etc.

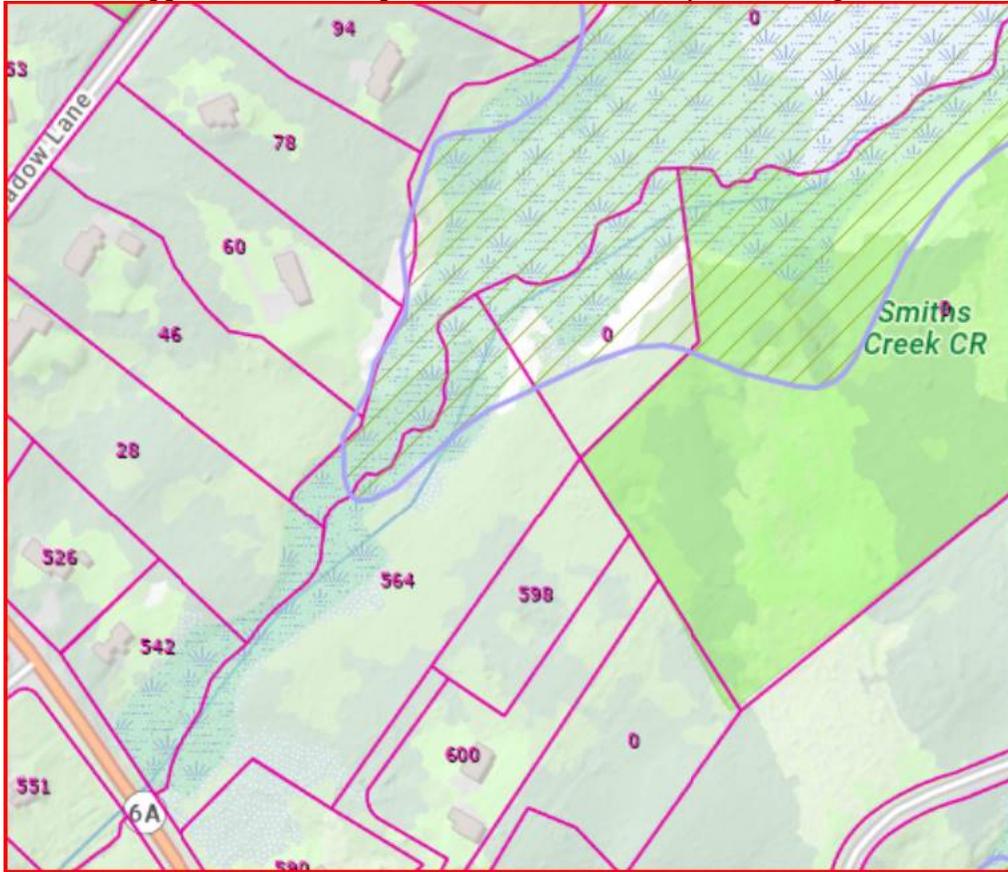
OVERLAY DISTRICTS AND ZONES

-ACEC/WETLAND/RIVER ACTS

The towns of Barnstable and Sandwich worked together with the Commonwealth of Massachusetts to establish the Sandy Neck Barrier Beach System ACEC. The purpose of the ACEC is to protect the designated area from development. The Town of Barnstable Conservation Commission regulates activity within 100 feet of wetlands. The Town of Barnstable zoning regulations require all construction be at least 35 feet from any wetlands but not including driveways. The Barnstable Conservation Commission requires a 50 foot buffer zone from wetlands. The Commonwealth of Massachusetts Rivers Act regulates activities within 200 feet of rivers. The Massachusetts Rivers Act states: “applicants must demonstrate that their projects have no practicable alternatives and will have no significant adverse impacts” when disturbing areas within 200 feet of rivers. The local Barnstable Conservation Commission would review the application.

It is likely that improvements could be located outside the ACEC zone but not out of the 200 foot Rivers Act zone. Any improvements placed within the 200 feet would need approval from the Barnstable Conservation Commission.

Mass Mapper ACEC in stripes and ACEC Boundary in solid light blue line



-NHESP

The subject properties do not appear to be located in these zones.

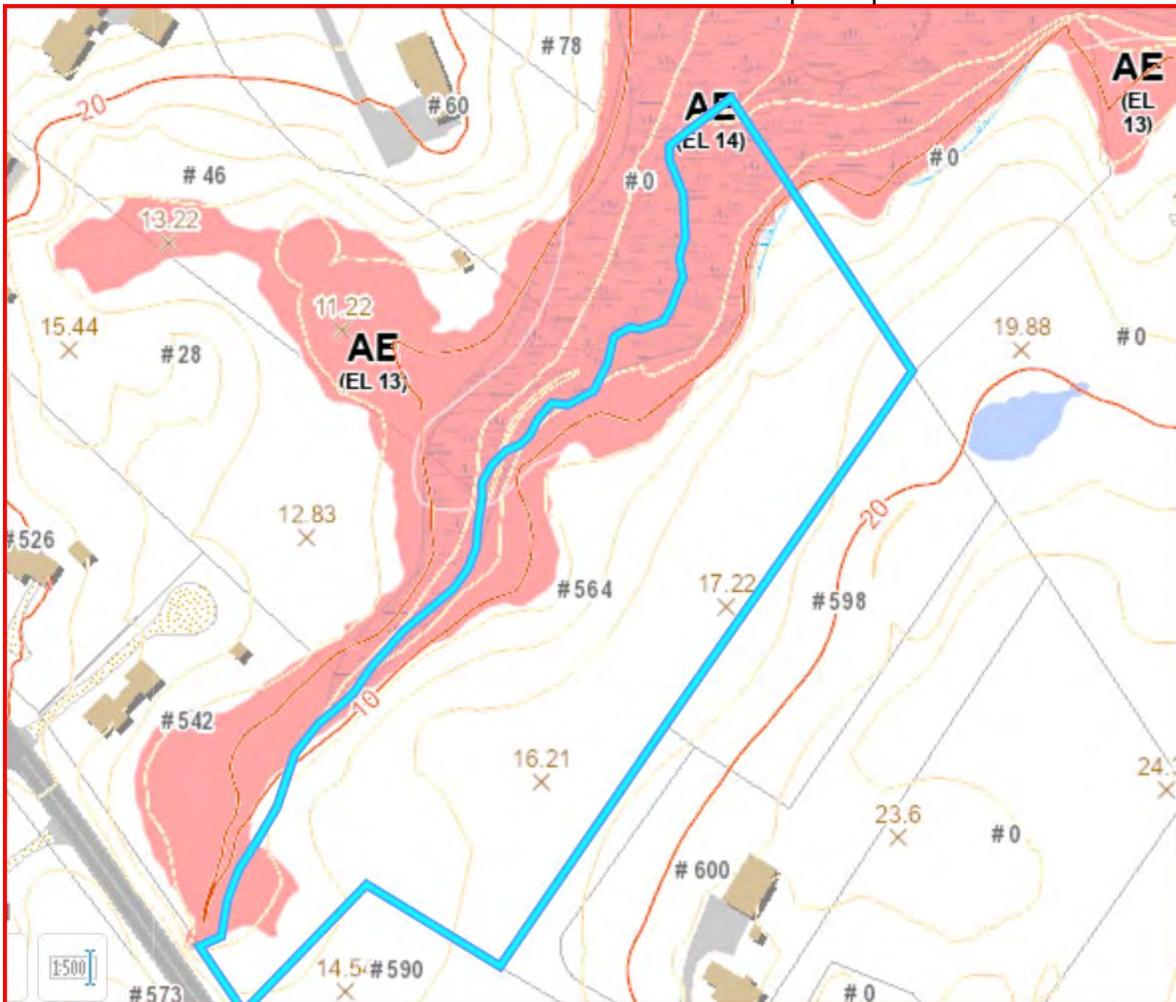
-FLOOD ZONE

A portion of 564 Main Street/Route 6A, Barnstable is in the flood zone AE including a portion of the frontage. The rest of the AE area is mostly on the northwestern side or creek side. About ½ of the 0 Main Street/Route 6A, Barnstable property is in flood zone AE on the northwestern side. See flood maps hereinafter. There may be then a portion of the access driveway off Route 6A that is within flood zone AE but any other improvements including the rest of the driveway will be located outside the flood zone.

FEMA Flood Map



Town of Barnstable GIS Flood and Topo Map



HISTORY

-Title History

Per the Town of Barnstable Assessor’s records, the subject properties have been in the Hinkley family for at least 47 years.

-Use History

The appraiser is not aware of any other uses of the subject property other than as vacant land.

-Sales/Listing History

The subject properties are not currently listed for sale in the CCIMLS and have not sold within 3 years of the date of value of this appraisal to the best of the appraiser’s knowledge.

2024 TOWN OF BARNSTABLE ASSESSMENT INFORMATION

Property Location:	564 Main Street/Route 6A, West Barnstable, MA
Assessor’s Reference:	Parcel ID 133-011-0
Assessment as of Fiscal Year 2024:	Land: \$ 371,500
	Building: \$ 0
	Detached: \$ 0
	Other <u>\$ 0</u>
	Total \$ 371,500

Fiscal Year 2024 Real Estate Tax Rate:	\$6.65/\$1,000
Current Tax Bill:	\$1,630.80
Lot Size:	3.96 acres
Property Type Classification Code:	1300 Res Land

Property Location:	0 Main Street/Route 6A, West Barnstable, MA
Assessor’s Reference:	Parcel ID 157-004-002
Assessment as of Fiscal Year 2024:	Land: \$ 144,500
	Building: \$ 0
	Detached: \$ 0
	Other <u>\$ 0</u>
	Total \$ 144,500

Fiscal Year 2024 Real Estate Tax Rate:	\$6.65/\$1,000
Current Tax Bill:	\$634.34
Lot Size:	1.50 acres
Property Type Classification Code:	1310 Potentially Dev Land

PART III - DATA ANALYSIS AND CONCLUSIONS

-HIGHEST AND BEST USE

Definition of Highest and Best Use:

Highest and best use is “the reasonably probable use of property that results in the highest value.”

Source: The Appraisal of Real Estate, Fifteenth Edition, Appraisal Institute, Chicago, IL, 2020

The Four Steps:

To estimate the highest and best use of a property, the appraiser utilizes four tests. The projected use must meet all four of these tests: 1) legally permitted, 2) physically possible, 3) economically feasible and 4) most profitable.

The highest and best use of the subject property is as one single family home building lot.

Legally Permitted

564 Main Street/Route 6A, West Barnstable is over 87,120 sf but has only 65 feet of frontage. This lot would likely qualify for pre-existing nonconforming status as a buildable lot as the same was likely created prior to the change in zoning. 0 Main Street/Route 6A, West Barnstable does not have any road frontage and no road frontage is shown on Land Court Plan No 38226-B in 1997. This lot then would likely not qualify as a separate buildable lot but would have to be combined with 564 Main Street/Route 6A. 564 Main Street/Route 6A, West Barnstable has 3.96 acres of land of which about $\frac{1}{4}$ is wetland based on the Mass Mapper and 0 Main Street/Route 6A, West Barnstable, has 1.50 acres of land of which over $\frac{1}{2}$ is wetland according to the Town of Barnstable Assessor’s records or .850 acres is wetland leaving .650 acre of upland. The total upland area then would be 3.61 acres. The RPOD District requires 2 acre zoning and if contiguous vacant lots are in the same ownership, merger would apply. In any event, the driveway coming in off Route 6A would require some fill and is close to the wetland and within 200 feet of a river – Smiths Creek– so would need permission for construction from the Barnstable Conservation Commission. A representative from the Barnstable Conservation Commission stated it would seem reasonable to allow one single family residence on the two lots combined even though the lots are within 200 feet of the river and there is wetland by the entrance to the driveway and the beginning part of the driveway would need fill. The best site for a home would likely be as shown on the Potential House Site Plan toward the north-easternmost portion of the site. The site opens up to the Great Marsh at the north-easternmost point and overlooks Sandy Neck to the north. The driveway could be sited as far south as possible to create as much a distance as possible away from the creek to the north.

Physically Possible

The site is relatively level but is heavily brushed and treed and a lot of clearing work would be required with permission from the Barnstable Conservation Commission. In addition some fill would be needed by the road to create the driveway close to the wetland and would also need permission from the Barnstable Conservation Commission.

Economically Feasible:

Economic Feasibility is a qualifying term implying the ability of a project or an enterprise to produce a revenue sufficient to pay all expenses and charges, plus a reasonable return on the invested money and recapture of the money invested in the project.

It would be economically feasible to use the subject properties as one single family building site as the demand for residential, vacant land in this area is good and there are very few lots for sale and the two lots combined offer excellent privacy and a view of Sandy Neck and would be highly desired.

Most Profitable:

It would be most profitable to use the subject property as a single family building lot as the lots are in a residential zone limited to residential uses. Zoning and wetland restrictions would likely limit the property to one single family dwelling and possibly permission for an accessory family apartment or ADU.

-APPRAISAL PROCESS

There are three basic approaches typically employed by the professional appraiser in estimating market value for the subject property. These approaches are the direct sales comparison approach, the gross rent multiplier analysis (if a residential property) or the income approach (if an investment property) and the cost approach.

The sales comparison approach is based on the proposition that an informed buyer would pay no more for a property than the cost of acquiring another property with equal or nearly equal utility. This approach involves the assembling of data of sales of properties, which have value characteristics similar to those of the property appraised. Among these major elements of similarity include size of site, location, style, size and condition of improvements if any, date of sale, proximity to subject, appeal and utility and others. After comparing the major elements of value, adjustments are made (plus or minus) to account for those differences. A market value is reached through this adjustment process. This approach was utilized for the indication of value for the subject property.

The cost approach is most relevant when the property to be appraised is new or nearly new, rather than where there is a high degree of depreciation as with older structures. As this is vacant land, the cost approach was not utilized.

The income capitalization approach may be described as the investor's approach to value; that is, what an investor would be willing to pay for a property with equal or similar utility. It is appropriate for properties, which are bought and sold by reason of their ability to produce income. As this is a vacant lot, the income approach to value was not utilized to determine value.

-SALES COMPARISON APPROACH

As previously noted, this approach to value provides an indication of value based upon comparison to similar properties which have recently sold. In valuing the subject property, the appraiser determined in the Highest and Best Use Section that the highest and best use of the subject property is as one single family building lot. The comparable sale search focused on vacant land sales, listings, and pending sales with transaction dates within the past 12 months, located in the towns of Barnstable, West Barnstable and East Sandwich. Due to the few number of sales of land, the search was extended to land sales over the past three years.

The CCIMLS and the Banker and Tradesman Warren Group Report and brokers were used in the search for possible comparable sales for the subject property. The following 4 sales and 1 listing were selected.

Comparable Land Sale #1:

Address: 104 Great Marsh, West Barnstable, MA
Date Deed Recorded: 07/11/2022
Days on Market: 6 DOM
Sales price: \$410,000
Site Size/Appeal: 1.06 acres/Subdivision
Property Rights Conveyed: Fee Simple
Concessions: None Known
Deed Reference: BCRD Book 35240 Page 230
Assessor's Reference: 089-005-004
Grantor: Anne I. Seminara
Grantee: Robson R. and Daiana M. Ferreira
Improvements: None
Zoning: Residential RF
Prior Sales History: None in prior year
Comments: This property is located further south and further from the marsh but in the same neighborhood. This property is part of a new 10 lot subdivision and some nice new homes were recently built in this subdivision. This lot does not have the privacy or view that the subject property does but is ready to build on without further work. A new, nice home was built after the sale.

104 Great Marsh, West Barnstable, MA – new house built after sale



Comparable Land Sale #2:

Address: 28 Roos Road, East Sandwich, MA
Date Deed Recorded: 04/18/2023
Days on Market: 170 DOM
Sales price: \$425,000
Site Size/Appeal: 5.27 acres/amidst old cranberry bogs/Cape Cod Bay at end of road/small portion wetland/off dirt road
Property Rights Conveyed: Fee Simple
Concessions: None Known
Deed Reference: BCRD Book 35738 Page 316
Assessor’s Reference: 69-27-0
Grantor: Brenda L. Brown and Lynne A. Newman
Grantee: Kurt A. Stenberg and Michele Bauer
Improvements: None
Zoning: Residential R2/Flood Zone AE
Prior Sales History: None in prior year.
Comments: One corner section not in flood zone but most of lot in Flood Zone AE. The property is on a dirt road and difficult to access and the lot needed clearing. It appears the new owners are constructing a new home on the property.

28 Roos Road, East Sandwich, MA



Comparable Land Sale #3:

Address: 35 Longhill Drive, East Sandwich, MA
Date Deed Recorded: 09/23/2023
Days on Market: 10 DOM
Sales price: \$650,000
Site Size/Appeal: .92 acres/Cape Cod Bay association beach at end of subdivision
Property Rights Conveyed: Fee Simple
Concessions: None Known
Deed Reference: BCRD Book 35991 Page 315
Assessor's Reference: 55-156-0
Grantor: Teresa Valorie
Grantee: John G. Fitzgerald
Improvements: None
Zoning: Residential R2
Prior Sales History: None in prior year
Comments: Subdivision and Cape Cod Bay association beach at end of subdivision road

35 Longhill Drive, East Sandwich, MA



Comparable Land Sale #4:

Address: 52 Harris Meadow Lane, Barnstable, MA
Date Deed Recorded: 07/17/2023
Days on Market: 13 DOM
Sales price: \$1,182,500
Site Size/Appeal: 1.45 acres/nice level lot/stone wall borders/second floor view of Barnstable Harbor/marsh/considered superior
Property Rights Conveyed: Fee Simple
Concessions: None Known
Deed Reference: BCRD Book 35893 Page 159
Assessor’s Reference: 279-083-0
Grantor: Alan Clinger
Grantee: William Danoff
Improvements: Stone walls
Zoning: Residential
Prior Sales History: None in prior year
Comments: This lot is included to show the upper edge of value. This lot is closer to Barnstable Village, is cleared and ready for development and will likely have a good second floor view of Barnstable Harbor. A view of the Harbor is visible when you pull into the subdivision. This is a small subdivision of nice, high end homes. This lot was purchased together with a house to the south located at 30 Harris Meadow Lane, Barnstable (sale price \$2,317,500)– and will help protect the view for 30 Harris Meadow Lane.

52 Harris Meadow Lane, Barnstable, MA



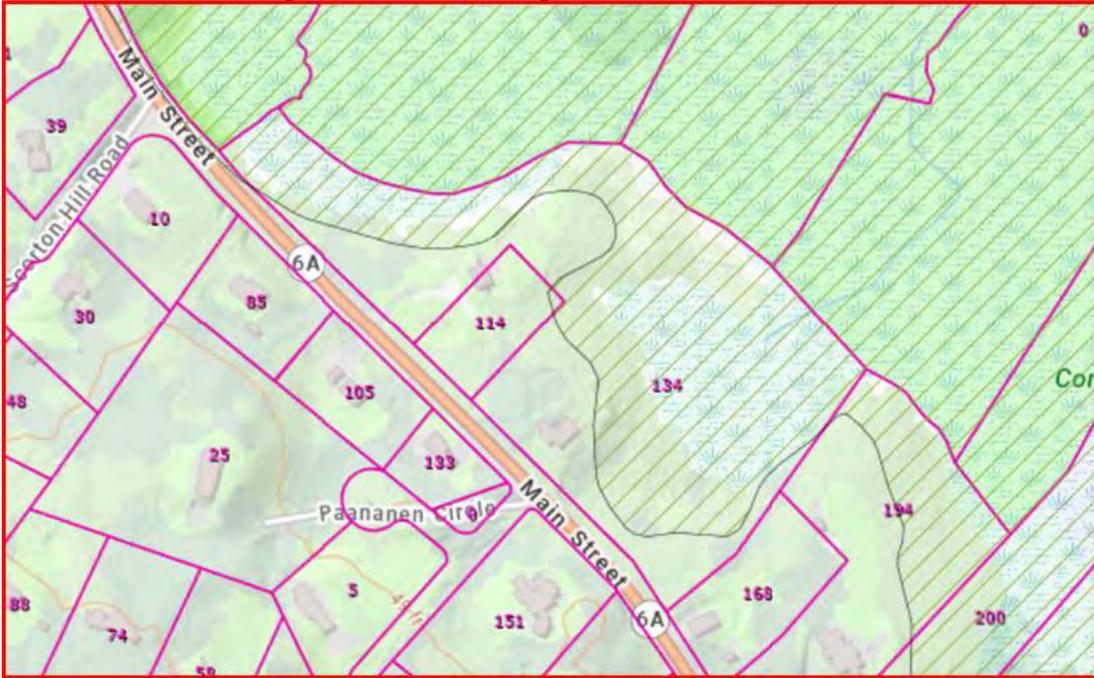
Comparable Land Listing #5:

Address: 134 Main Street, West Barnstable, MA
Days on Market: 160 DOM
Listing price: \$775,000
Site Size/Appeal: 8.98 acres/4 acres is wetland/about 1/2 in flood zone AE/odd U-shape with frontage in 2 areas on Main Street
Property Rights to be Conveyed: Fee Simple
Assessor's Reference: 134-004-0
Improvements: There is an old circa 1952, 3 bedroom, 2.0 bath home on the property that is "unsafe" and "should not be entered" per the CCIMLS. The Broker is listing the property as a land sale. The assessment on the home is \$275,000. No adjustment for the improvements was made as the same are likely to be torn down.
Zoning: Residential RF/About half in Flood Zone AE and ACEC
Prior Sales History: None in prior year
Comments: This property has a good view over the same marsh as the subject property out to Sandy Neck. The improvements would have to be located where the current house is located - close to Route 6A -likely due to the wetlands and ACEC so the lot is not as private as the subject property. The property is an odd horseshoe shape and wraps around an intervening home. It doesn't appear to support two separate buildable lots due to the ACEC however.

134 Main Street, West Barnstable, MA



Mass Mapper map of 134 Main Street/Route 6A, West Barnstable – shows ACEC area in stripes and intervening house lot in the middle



Comparable Sales/Listing Analysis

Comparable Adjustments. Adjustments are necessary to reflect differences between the subject and the comparables. The adjustments are based on market derived reactions to significant differences between the subject and the comparable. Not all differences are significant; not all differences are adjusted.

Property Rights. All comparables conveyed interests that are similar to the subject. No adjustments are required.

Financing. The comparables either sold with conventional financing with terms equivalent to cash or cash and no adjustments are required.

Conditions of Sale. The comparables represent arm’s length sales which were sold by brokers in the open market or otherwise meeting the requirement of reasonable exposure to the market. Strong emphasis was given to sales offered and sold in the Cape Cod Multiple Listing Service. A listing v. sale price adjustment was made for Comparable Listing #5.

Market Conditions/Economic Trends. Time adjustments were made for appreciation based on the market conditions herein and based on the date of contract.

Location. Location adjustments are based on factors that buyers and sellers would consider significant in comparing two properties. Factors taken into consideration in arriving at location

adjustment may include, but not limited to, significant differences in property values, rents, vacancy, buildup, access, services and the perceptions of market participants. Necessary adjustments are made and are noted if necessary in the grid and further explained.

Land Area. Lot size differences may not be reflected through adjustments, if market reactions indicate they are not significant. Larger lots tend to reflect the principle of decreasing return, where a larger size does not return the same adjustment as a smaller size. While buyers are sensitive to lot size differences, the differences are not reflected in strictly mathematical terms. The site sizes are generally adjusted on upland areas only. The subject properties together have about 3.65 acre of upland but the appraiser is concerned about the utility of the surplus land due to the river setbacks. As a result, the appraiser used a lower adjustment for the limited use of the surplus land. 38 Roos Road had only a small wetland portion adjustment of about 1/8 the site size of 5.27 acres. 134 Main Street, West Barnstable has about 4 acres of the 8.98 acres is wetland. This property abuts wetland so there would be some restrictions on the surplus land. Even more of this property is in the ACEC as shown on the plan herein.

Utility/Shape. The number of bedrooms the site supports may vary and adjustments are made accordingly if necessary. 38 Roos Road is U shaped with frontage in two spots on Main Street/Route 6A with an intervening house in between, but the appraiser did not adjust for this odd shape lot as this property has extra frontage on Main Street/Route 6A with little cost for development in both areas that front on Main Street/Route 6A if additional building is allowed.

The subject property was adjusted by \$150,000 to allow for the cost of obtaining permits to build a driveway and single family home and any accessory improvements from the Barnstable Conservation Commission, filling the driveway entrance area and clearing a driveway and installing utilities to the far end of the lot to take advantage of the marsh view estimated at approximately 650 lineal feet. Comparable Sale #2 appeared to need a lot of clearing for the dense lot so an offsetting adjustment was made.

The Comparable Sales Grid follows.

Comparable Sales Grid

	Subject	Sale#1	Sale#2	Sale#3	Sale #4	Listing #5
Address	564 and 0 Main	104 Great Marsh	38 Roos Road	35 Longhill Rd	52 Harris Meadow	134 Main
	West Barnstable	West Barnstable	East Sandwich	East Sandwich	Barnstable	West Barnstable
Sale Price		\$ 410,000	\$ 425,000	\$ 650,000	\$ 1,182,500	\$ 775,000
Price Per SF		\$ 8.88	\$ 1.85	\$ 16.22	\$ 18.72	\$ 1.98
Concessions	N/A	None Known	None Known	None Known	None Known	N/A
Sale Date	N/A	7/11/2022	4/18/2023	9/20/2023	7/17/2023	Listing v. Sale Pr
Adjustment		\$ 41,000	\$ -	\$ -	\$ -	\$ (77,500)
Location	Marshfront	Nice Subdivision	DirtRd/Bch	Association Beach	Barn Village	On Rd/Marshfront
% Adjust.			0%	-20%	-20%	10%
Adjustment		\$ -	\$ -	\$ (130,000)	\$ (236,500)	\$ 69,750
Site Size/Acres	5.46	1.06	5.27	0.92	1.45	8.98
Adjustment		\$ 75,000	\$ (60,000)	\$ 75,000	\$ 50,000	\$ (60,000)
Site SF	237,838	46,174	229,561	40,075	63,162	391,169
View	Marsh/Sandy Neck	Subdivision	Woods	Woods	Marsh/Harbor	Marsh/Sandy Neck
% Adjust.		10%	10%	10%	0%	0%
Adjustment		\$ 45,100	\$ 42,500	\$ 65,000	\$ -	\$ -
Terrain/Shape	Level	Level	Level	Level	Some Slope	Level/U shape
					\$ -	\$ -
Clear/Driveway		\$ (150,000)	\$ (125,000)	\$ (150,000)	\$ (150,000)	\$ (150,000)
Septic	None	None	None	None	None	None
Adjustment		\$ -	\$ -	\$ -	\$ -	\$ -
Total Adjust.		\$ 11,100	\$ (142,500)	\$ (140,000)	\$ (336,500)	\$ (217,750)
Sale Price		\$ 421,100	\$ 282,500	\$ 510,000	\$ 846,000	\$ 557,250
Adj.Pr./SqFt		\$ 9.12	\$ 1.23	\$ 12.73	\$ 13.39	\$ 1.42
% Change		3%	-34%	-22%	-28%	-28%
Adjust. Sale Pr		\$ 421,100	\$ 282,500	\$ 510,000	\$ 846,000	\$ 557,250

The adjusted comparable sales and listing prices range from a low of \$282,500 for Comparable Land Sale #2 to a high of \$846,000 for Comparable Land Sale #4 which is considered superior to the subject properties. Most emphasis is placed on adjusted Comparable Sales #1, #2, and #3 with consideration given to the Comparable Listing #5 but this listing has been on the market for 160 days and the appraiser is unsure if this site could support two buildable lots especially since a good portion of the lot is in the ACEC. The median adjusted sale price of the three land sales of Comparable Sale #1 through Comparable Sale #3 is \$421,100 and the average adjusted sales price is \$404,533. The subject properties together as one single family building lot will offer a potential

view of the Great Marsh and Sandy Neck and will offer excellent privacy as the proposed potential building site abuts conservation land and the home will be removed from busy Main Street/Route 6A but this lot will need permitting and extensive clearing. The original driveway and home building and any other disturbance of the surplus land will be limited in use by permission from the Barnstable Conservation Commission due to its location abutting a river.

Based on these sales and listing, it is my opinion that the market value of the subject property, as of July 12, 2024, is \$410,000.

RECONCILIATION AND FINAL VALUE

The appraiser has made the Extraordinary Assumption that the subject properties combined would allow for one single family building lot and the building site could be placed at the far northeastern portion of the site mostly on the 0 Main Street/Route 6A, West Barnstable property to take advantage of any potential view of the Great Marsh and Sandy Neck.

The Sales Comparison Approach was considered in estimating the market value of the subject properties as one single family building lot. The appraiser utilized market sales of comparably sited properties with similar locational influences as much as possible. The cost approach and income approach were not considered to be appropriate approaches to value for this residential vacant parcel as discussed herein.

Residential vacant land is in demand due to the limited number of vacant parcels available on Cape Cod. These properties combined would allow for a large private lot abutting conservation with a view of the Great Marsh but the development costs would be substantial.

As a result of my investigation and my analysis of the information gathered, in my opinion, the market value of the subject property as of July 12, 2024, is:

\$410,000

ENVIRONMENTAL DISCLAIMER

The appraiser is not an expert in the identification of hazardous substances or detrimental environmental or soil conditions. The value estimated in the report is based on the assumption that the property is not negatively affected by the existence of hazardous substances or detrimental environmental or soil 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 or soil conditions which would affect the property negatively. It is possible that tests and inspections made by a qualified hazardous substance and environmental/soil expert would reveal the existence of hazardous materials and environmental/soil conditions on or around the property that would negatively affect its value. No responsibility is assumed for any environmental conditions or for any expertise or engineering knowledge required to discover them.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS

CONTINGENT AND LIMITING CONDITIONS: The certification of the appraiser appearing in the appraisal report is subject to the following conditions and assumptions 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 if included in the report may show approximate dimensions and is included to assist the reader in visualizing the property. The appraiser has made no survey to the property.
3. The appraiser is not required to give testimony or appear in court because of having made the 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, subsoil, or structures, which would render it more or less valuable. The appraiser assumes no responsibility for such conditions, or for engineering, which might be required to discover such factors.
6. Information, estimates, and opinions furnished to the appraiser, and contained in the 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 the appraisal report is governed by the By-laws and Regulations of the professional appraisal organizations with which the appraiser is affiliated.
8. Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to the property value, the identity of the appraiser, professional appraisal organizations, or the firm with which they are connected), shall be used for any purpose 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

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS (Continued)

insurers, consultants, professional appraisal organization, 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 workmanlike manner.
10. In this appraisal assignment, the existence of potentially hazardous material used in the construction or maintenance of the building, such as the presence of urea formaldehyde foam insulation, and/or existence of toxic waste, or the presence of radon gas, which may or may not be present on the property, has not been considered. The appraiser is not qualified to detect such substances. We urge the client to retain an expert in this field if desired.
11. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
12. It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in the appraisal report.
13. It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless a nonconformity has been identified, described, and considered in the appraisal report.
14. It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
15. It is assumed that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.

CERTIFICATION

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

- the statements of fact contained in this report are true and correct;
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions herein, and are my personal, impartial and unbiased professional analysis, opinions, and conclusions;
- I have no direct or indirect, present or prospective, personal interest in the property appraised or in any benefit from the acquisition of such property appraised, and no personal interest or bias with respect to the parties involved;
- my engagement in this assignment was not contingent upon developing or reporting predetermined results;
- neither my compensation for completing this assignment nor my employment is 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 estimate, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal;
- the appraisal was made and the appraisal report prepared in conformity with the Appraisal Foundation's Uniform Standards for Professional Appraisal Practice and EEA Specifications for Analytical Appraisal Reports; and in conformity with appropriate state laws, regulations, polices, specifications and procedures;
- I made a personal inspection of the subject property on July 10, 2024 and again on July 12, 2024;
- no one, other than those disclosed herein, provided significant professional assistance to the appraiser. Jane Sutton, Esquire, contributed assistance to the appraiser in researching titles and zoning information and assisted in gathering data;
- I have not performed services as an appraiser regarding the subject property that is the subject of this report within the three year period immediately preceding acceptance of this assignment;
- I have not revealed the findings and results of such appraisal to anyone other than the client for whom this appraisal was undertaken, and I will not do so until so authorized by an appropriate representative thereof, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified in a court of law as to such findings.



July 15, 2024
Date

Michael Sutton
Certified General Real Estate Appraiser
MA License #786

APPENDIX

Deed Page 1 for 564 Main Street/Route 6A, West Barnstable

Blk 21403 Ps305 #61816
10-03-2006 @ 01:26p

FIDUCIARY DEED

I, Jennifer M. DeSena of 4 Ivie Rd., Cape Elizabeth, ME 04107, Executrix under the Will of Marshall J. Rice, late of Manchester, New Hampshire, by the power conferred under said Will (see Barnstable County Probate Court Docket No. 02P0921FE-1) and every other power, for the nominal consideration of One Hundred (\$100.00) Dollars paid grant to Jennifer M. DeSena as Successor Trustee of the Marshall J. Rice Revocable Trust, dated December 9, 1999 said Trust having a mailing address of 4 Ivie Road, Cape Elizabeth, ME 04107

with Quitclaim Covenants

the land in West Barnstable, Barnstable County, Massachusetts, consisting of an undivided one-fourth (1/4) interest in the land in said West Barnstable, Massachusetts, being shown as LOT 2 on a plan of land entitled "Plan of Land in West Barnstable Mass. belonging to the Estate of Miriam H. Rice, scale 1 in. = 50 ft. Aug. 18, 1961, Nelson Bearse and Richard Law Surveyors, Centerville, Mass.," said plan being filed in Plan Book 166, Page 141 with the Barnstable Registry of Deeds. Said premises being more particularly described as follows:

NORTHWESTERLY by Smith's Creek as shown on said plan, 926 feet more or less;

NORTHEASTERLY by land now or formerly of Forest R. Brown et ux as shown on said plan, 282 feet more or less;

SOUTHEASTERLY by lands now or formerly of Lawrence S. Johnson et ux and by a certain way as shown on said plan, a total of 629.00 feet;

SOUTHWESTERLY by Lot 1 as shown on said plan, 140.00 feet;

SOUTHEASTERLY by said Lot 1 as shown on said plan 148.15 feet; and

SOUTHWESTERLY by the Northeasterly sideline of the State Highway as shown on said plan, 65 feet more or less.

Said premises contain, according to said plan, a total of 3.96 acres.

For Title reference see Deed of Agnes H. Cash to Miriam H. Rice, Barnstable Deeds Book 556, Page 159; also Barnstable Probate 38220 (Miriam H. Rice). See also Barnstable County Probate Court Docket No. 02P0921FE-1 (Marshall J. Rice).

PROPERTY LOCATION: Lot 2 northerly side of Rte. 6A, West Barnstable, MA

DEVINE, MILLIMET & BRANCH

PROFESSIONAL ASSOCIATION
300 BRICKSTONE SQUARE POST OFFICE BOX 39
ANDOVER, MASSACHUSETTS 01810

[L:\wdox\docs\clients\13412\61356\A0044265.1]

(2)

✓

Deed – Page 2

Bk 21403 Pg 306 #61816

Witness my hand and seal this 26th day of May, 2004.

Jennifer M DeSena, Executrix
Jennifer M DeSena, Executrix

STATE OF New Hampshire
COUNTY OF Hillsborough

On this 26th day of May, 2004, before me, the undersigned notary public, personally appeared Jennifer M. DeSena, Executrix under the Will of Marshall J. Rice (a/k/a Marshall Rice) proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes.

Anu R. Mullikin
Notary Public
My Commission expires:

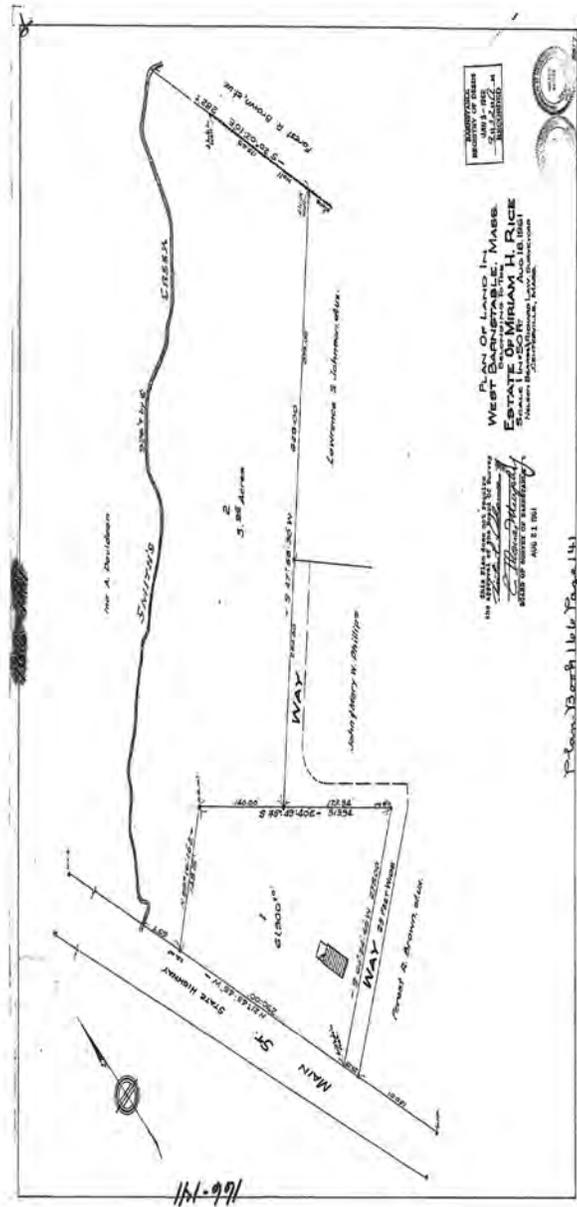


ANU R. MULLIKIN, Notary Public
My Commission Expires January 23, 2007

{L:\wfox\docs\clients\13412\61356\A0044265.1}

BARNSTABLE REGISTRY OF DEEDS

564 Main Street/Route 6A – Lot 2 on BCRD Plan Book 166 Page 141



Deed - 0 Main Street/Route 6A, West Barnstable, MA

DOC#726,195 05-13-98 12:56

CTF#:148478

QUITCLAIM DEED

NOT NOT

WE, HERBERT L. HINCKLEY, JR., of P.O. Box 1042, East Sandwich, Barnstable County, Massachusetts 02537, and BONNIE B. HINCKLEY, of Route 6A, West Barnstable, Barnstable County, Massachusetts 02668, for consideration paid and in full consideration of an equitable division of marital assets as more fully set forth in a Commonwealth of Massachusetts, Barnstable County Probate and Family Court Judgment of Divorce dated December 18, 1987, (Docket No. 85D-0278-D1), GRANT TO HERBERT L. HINCKLEY, JR., Individually, of P.O. Box 1042, East Sandwich, Barnstable County, Massachusetts 02537, with QUITCLAIM COVENANTS, the land more particularly described as follows:

LOT #2

LAND COURT PLAN #38226B

Said premises are conveyed subject to and with the benefit of all rights, restrictions and easements of record insofar as the same are now in force and applicable.

For our title, see Certificate of Title No. 64242.

WITNESS our hands and seals this 8th day of May, 1998.

ate 6A, W. Barnstable, MA

LAND COURT, BOSTON, The land herein described will be shown on our approved plan to follow as

APR 21 1998

Plan 38226 B Lot 2 (EXAMINED AS TO DESCRIPTION ONLY) Lewis A. Moore, Esq.

Herbert L. Hinckley Jr. HERBERT L. HINCKLEY, JR.

Bonnie B. Hinckley BONNIE B. HINCKLEY

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

Then personally appeared the above-named Herbert L. Hinckley, Jr., and acknowledged the foregoing instrument to be his free act and deed, before me.

Notary Public Seal: May 9, 1998

My Commission Expires: 10-12-01

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

Then personally appeared the above-named Bonnie B. Hinckley and acknowledged the foregoing instrument to be her free act and deed, before me.

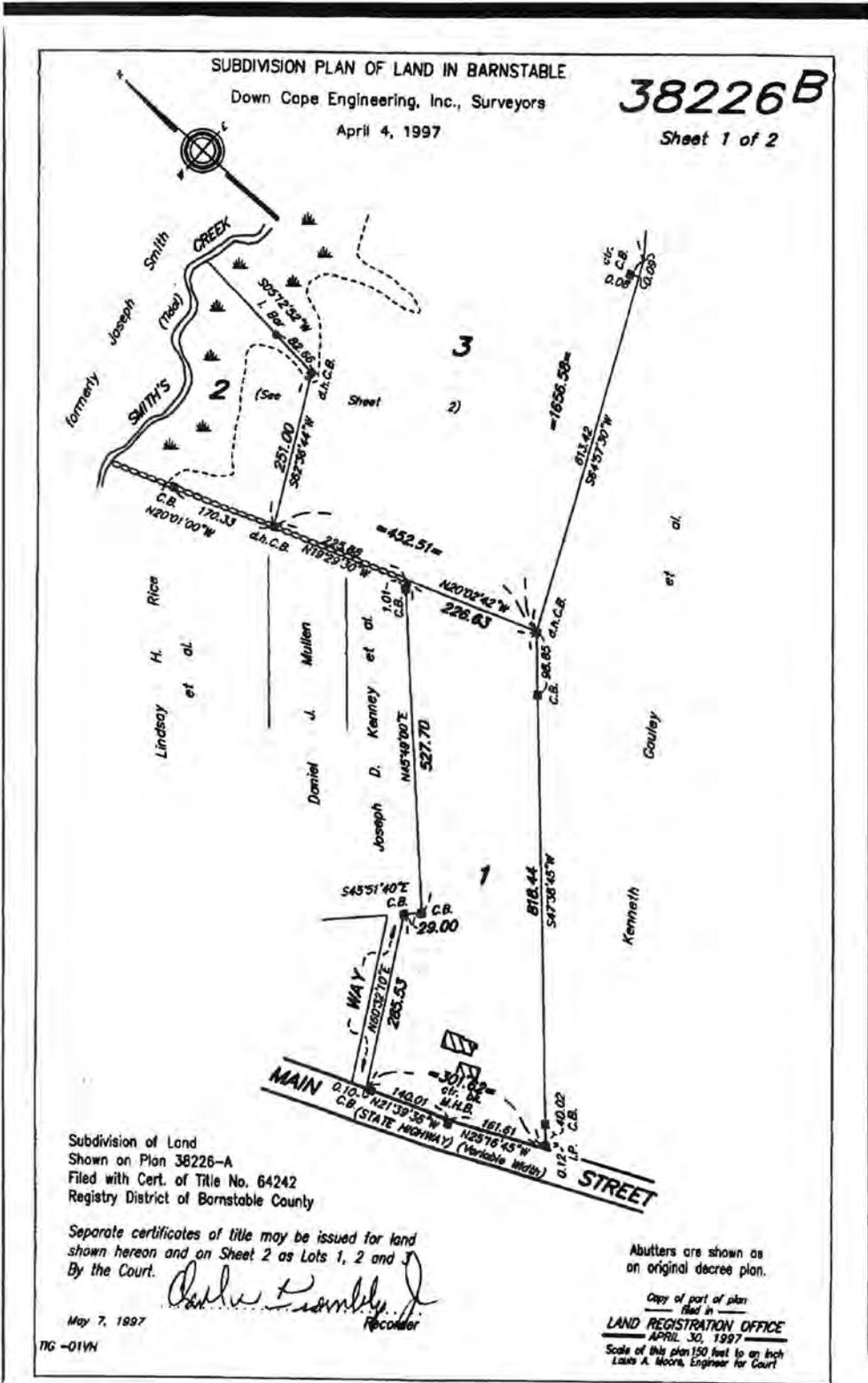
Notary Public Seal: May 11, 1998

My Commission Expires: 5-29-98

Barn

38226 B BARNSTABLE REGISTRY OF DEEDS

Lot 2 on BCRD Land Court Plan No. 38226-B



Field Card for 564 Main Street/Route 6A, West Barnstable

Property Location 564 MAIN ST./RTE 6A(W.BARN.)		Map ID 133/0111//		Bldg Name Sec # 1 of 1		Card # 1 of 1		State Use 1300									
Vision ID 8407		Account # 71558		Bldg # 1				Print Date 1/31/2024 3:30:12 PM									
CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT											
HINCKLEY, HERBERT L JR						Description	Code	Assessed	Assessed	801 FY2024 BARNSTABLE, MA VISION							
295 REGENCY DRIVE						RES LAND	1300	371,500	371,500								
SUPPLEMENTAL DATA																	
MARSTONS MIL MA 02648		Alt Prcl ID Split Zonin BID Parcel ResExpt Q #DL 1 #DL 2 GIS ID		Plan Ref. 166/141 Land Ct# #SR Life Estate PP STATU Assoc Pld#													
		LOT 2				Total					371,500						
		F_961176_2723422				Total					371,500						
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRIC	VC	PREVIOUS ASSESSMENTS (HISTORY)									
HINCKLEY, HERBERT L JR		21403	0305	10-03-2006	U	V	100	1A	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
HINCKLEY, HERBERT L JR & RICE, MAR		7167	0311	05-22-1990	U	V	1	1A	2023	1300	374,600	2022	1300	257,500	2021	1300	273,600
HINCKLEY, BONNIE B		2581	0308	09-15-1977	U	V	0										
								Total		374,600	Total	257,500	Total	273,600			
EXEMPTIONS				OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor									
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int									
Total			0.00														
ASSESSING NEIGHBORHOOD								APPRAISED VALUE SUMMARY									
Nbhd	Nbhd Name		B	Tracing	Batch												
0108				WBARNS													
NOTES																	
BUILDING PERMIT RECORD								VISIT / CHANGE HISTORY									
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpos/Result			
									05-20-2020	DM			FR	Field Review			
									03-18-2020	SR	02		03	Cycl Insp Comp			
									02-06-2014	DR	22		22	Change of Address			
									03-27-2012	DR	03		16	In Office Review			
									11-03-2008	MA	22		22	Change of Address			
LAND LINE VALUATION SECTION																	
B	Use Code	Description	Zone	LA	Land Units	Unit Price	Size Adj	AC Disc	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustmen	Adj Unit P	Land Value	
1	1300	Vac Land M-00	RF	5	1.000	176,344.00	1.00000	1.0000	5	1.00	0108	1.700		1.0000	299,784.8	299,800	
1	1300	Vac Land M-00	RF	5	2.960	14,250.00	1.00000	1.0000	0	1.00	0108	1.700		1.0000	24,225	71,700	
Total Card Land Units					3.96	AC	Parcel Total Land Area					3.96	Total Land Value		371,500		

Supplemental photos of Subject Properties Provided to Appraiser





The house site at the north end of the property could have a long distance view of the Great Marsh like this one.

SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
SITE PHOTOGRAPHS, 2024

The property (circled) as seen from the other side of Smiths Creek.



20-foot high potential house site at north end of parcel, occluded views of Great Marsh



Colonial stone wall divides the two parcels.

Freshwater seeps at edge of creek provide year-round water source for wildlife; deer scat plentiful nearby





SMITHS CREEK PROPERTY, WEST BARNSTABLE MA
FY25 CONSERVATION PARTNERSHIP GRANT PROPOSAL
ORENDA WILDLIFE LAND TRUST, INC. (5.5 acres)
SITE PHOTOGRAPHS, 2024

Orenda's main "turtle sanctuary" for threatened diamondback terrapins is at the mouth of Smiths Creek.

The property includes mix of upland and freshwater wetland habitats.

Potential elevated house site at north end of property



Smiths Creek as it exits culvert under Route 6A



QUALIFICATIONS – PAGE 1

Appraisal Company of Cape Cod, Inc. *Real Estate Appraisal and Consulting*

Residential
Commercial
Vacant Land
Expert Witness

BOX 1655, 170 ROUTE 6A
ORLEANS, MASSACHUSETTS 02653
(508) 255-8822 FAX (508) 255-9257
TOLL FREE (877) 760-8900
www.capecodappraiser.com

Michael Sutton
Certified General Real Estate
Appraiser – MA Lic. #786
Mikesutton@capecodappraiser.com

QUALIFICATIONS – MICHAEL SUTTON

CERTIFICATION/MEMBERSHIP:

1993 – Present: Massachusetts Certified General Real Estate Appraiser #786
1992 – Present: Appraisal Institute, MAI Candidate
1999 – Present: National Association of Independent Fee Appraisers, IFA #25101
1998 – Present: Massachusetts Board of Real Estate Appraisers
1991 – Present: National Association of Review Appraisers, CRA #18986
1984 – Present: National Federation of Independent Business, #015697923
1983 – Present: Cape Cod & Islands Association of Realtors, Associate Member
1983 – 1999: American Association of Certified Appraisers, CA-R Certified
Appraiser
1979 – 1992: Society of Real Estate Appraisers, SRA Candidate

EXPERT COURT TESTIMONY:

Barnstable Probate Court, Barnstable, MA
Barnstable Superior Court, Barnstable, MA
Boston Bankruptcy Court, Boston, MA
Boston Land Court, Boston, MA
Hartford Probate Court, Hartford, CT
Second District Court, Orleans, MA
Massachusetts Tax Appellate Court

WORK EXPERIENCE:

1983 – Present: Owner and President of the Appraisal Company of Cape Cod, Inc.,
the oldest and largest real estate appraisal firm doing business on
Cape Cod, Nantucket and Martha's Vineyard.
1980 – 1983: Staff Real Estate Appraiser for Bass River Savings Bank,
Yarmouth, Massachusetts
1978 – 1980: Real Estate Broker/Fee Appraiser
1972 – 1978: Carpenter, electrician's, plumber's and mason's assistant
1969 – 1972: U. S. Army, Lieutenant

QUALIFICATIONS – PAGE 2

TEACHER/INSTRUCTOR:

Massachusetts Teacher's Certificate #0189487
Construction Supervisor's Certificate #009669

1981 – 1991: BB290, The Appraisal of Real Estate
Cape Cod Community College, Barnstable, MA
1987 – 1990: BB291, The Appraisal of Commercial Real Estate
Cape Cod Community College, Barnstable, MA
1972 – 1978: Program Supervisor, Department of Youth Services, Brewster, MA

EDUCATION:

Monmouth College, Monmouth, Illinois, Class of 1969
B.A. Degree; Political Science

Nauset Regional High School, Orleans, Massachusetts, Class of 1965

PARTIAL LIST OF PERTINENT APPRAISAL COURSES:

1979 – Present: “Valuation of Leased Fee Interest”
American Institute of Real Estate Appraisers
“Appraising Duplexes using the new Duplex Form FNMA 1025”
Society of Real Estate Appraisers
“Applied Income Property Valuation” Course 202
Society of Real Estate Appraisers
“The Appraisal of Partial Acquisitions” Course 401
International Right of Way Association
“Marketability and Market Analysis”
Society of Real Estate Appraisers
“Applied Residential Property Valuation” Course 102
Society of Real Estate Appraisers
“Principles of Income Property Appraising” Course 201
Society of Real Estate Appraisers
“Utilizing the Fannie Mae-Freddie Mac Appraisal Report”
Society of Real Estate Appraisers
“The Appraisal of Income Property”
Massachusetts Board of Real Estate Appraisers
“Appraising Real Property” Course 101
Society of Real Estate Appraisers
“Appraising the Single Family Residence”
Massachusetts Board of Real Estate Appraisers

QUALIFICATIONS – PAGE 3

PARTIAL LIST OF MAJOR CLIENTS:

Municipal Clients:

Towns of Chatham, Dennis, Eastham, Harwich, Nantucket, Orleans, Provincetown and Truro. Barnstable Land Trust, The Compact of Cape Cod Conservation Trusts, Inc., Mass. Audubon, Mass. Department of Fish and Game, U. S. Department of Interior.

Major Bank Clients:

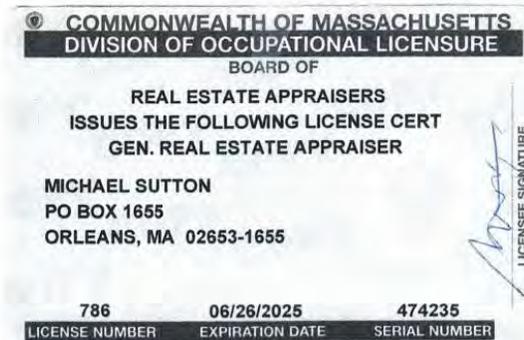
Cape Cod Cooperative Bank
Cape Cod Five Cents Savings Bank
Citizens Bank
Dedham Savings Bank
East Boston Savings Bank
Fieldpoint Private Bank
First Citizens' Federal Credit Union
i Mortgage Services
Milbank
Patriot Community Bank

Rockland Trust Company
Salem Five Bank
Santander Bank
Schaefer Mortgage Corporation
Seamen's Bank
Solidifi
TD Bank
Unibank
U. S. Trust
The Washington Trust Company

Additional Major Clients:

William Crowell, Esq.
Eastward Companies, Inc.
Michael Flores, LLC
Hayes & Hayes, P.C.
Kinlin Grover Properties

LaTanzi, Spaulding & Landreth, P.C.
Marder & Associates, Inc.
David Nunheimer, Esq.
Snow and Snow
Law Offices of Michael Zawadzkas



QUALIFICATIONS – PAGE 1

Jane Smyth Sutton

13 High Ridge Road, Orleans, MA 02653 * (508) 255-8822 * jane@capecodappraiser.com

PROFESSIONAL EXPERIENCE

Real Estate Appraisal Trainee, 2010-2023 Appraisal Company of Cape Cod Inc., P.O. Box 1655, 170 Route 6A, Orleans, MA 02653

- Assisted on various real estate appraisals of single family homes and condominiums for private clients and for banks.

Attorney, 1988-1996; 2001-2016 Hayes and Hayes Attorneys at Law, P.C., 23 East Main Street, West Yarmouth, MA 02673

- Conducted real estate closings for various banks and can interpret Offers and Purchase and Sale Agreements;
- Can research and interpret legal titles and proficient at interpreting deeds, mortgages, trusts, easements and any other title restrictions recorded at the Barnstable County Registry of Deeds
- Can research and interpret site plans pertaining to real estate at the Barnstable County Registry of Deeds and Town Assessors
- Can research and interpret Town Zoning Bylaws and Commonwealth of Massachusetts restrictions including Wetlands, NHESP and ACEC restrictions

EDUCATION

Washington and Lee University, Lexington, VA
Juris Doctor, 1988

Colby College, Waterville, ME
Bachelor of Art in English and History, both with Distinction, 1985

Various Commonwealth of Massachusetts Real Estate Appraisal Courses including:

- *Uniform Standards of Appraisal Practice Updates*
- *Residential Sales Comparison and Income Approach*
- *Basic Appraisal Principles*
- *Basic Appraisal Procedures*
- *National Uniform Standards of Professional Appraisal Practice*
- *Construction Details and Trends*
- *Covering all the Bases in Residential Reporting*

Commonwealth of Massachusetts, Division of Professional Licensure Real Estate Appraisal Trainee License #103276 Expires 07/05/2023