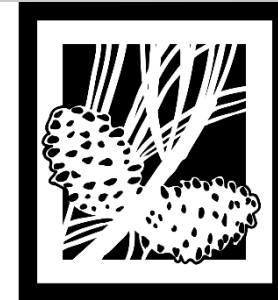




# ***SAVING THE CAPE:***

## **A HISTORY OF LAND CONSERVATION ON CAPE COD**



**THE COMPACT**  
OF CAPE COD CONSERVATION TRUSTS, INC.

**2023**



The People of  
the First Light  
protected open  
space on Cape  
Cod for more  
than 10,000 years







*A report upon the public holdings of  
the shore towns of Massachusetts,  
J. B. Harrison, 1892 for The Trustees  
of Public Reservations*

**1892**

“Cape Cod will be a paradise as long as the wildness and freedom remain unspoiled. Unless great areas here are made public holdings, free for the people’s enjoyment forever, the time will come when the tired dwellers in the cities, who are driven by the heat of summer to seek rest by the sea, will find here the city all over again, and be cribbed, cabined, and confined in conditions very like those from which they are trying to escape.” (p. 49)

LAND is the resource base  
for all of our natural benefits

- If you want clean water, save land



MONOMOY RIVER,  
Harwich / Chatham



LAND is the resource base  
for all of our natural benefits

- If you want to keep farms and good soils intact, save land



MELPET FARMS,  
DENNIS

LAND is the resource base  
for all of our natural benefits

- If you want native plants and animals to thrive, save land



DANFORTH PROPERTY,  
MARSTONS MILLS

LAND is the resource base  
for all of our natural benefits

- If you want to preserve scenic views,  
save land



DENNIS POND,  
YARMOUTHPORT

LAND is the resource base  
for all of our natural benefits

- If you want to create linked walking trails,  
save land



Great Island,  
Wellfleet



**1714 – Provincetown adopts a law to prevent the felling of trees  
“to keep the sand from being driven into the Harbour by the  
wind.”**



Henry David Thoreau, *CAPE COD* c. **1850**

“...an exceedingly barren and desolate country, of a character which I can find no name for; such a surface, perhaps, as the bottom of the sea made dry land day before yesterday.”





The Cape was denuded by the need for wood products and pastures into the 20<sup>th</sup> Century.

Falmouth, **1916**





After WWII,  
the Cape's  
forest was cut  
over again for  
rampant  
residential and  
commercial  
development.

*Foundation  
excavation for a  
single-family  
house, Cotuit,  
2022*



**1892** - *the new Trustees of Public Reservations funded a survey of public open space on the Cape and found a dearth of it.*

Eastham: “no considerable public holdings”

Truro: “no park or common or right on the shore”

Wellfleet: “recently bought a small playground by the high school”

Yarmouth: “formerly a town landing on Bass River, but it was sold”

Barnstable: “no considerable public holdings for places of resort”

Dennis: “no park or common belonging to the town”

Brewster: “there is a town landing on the bay at the end of a street”

Harwich: “a green is in front of the academy”

Chatham: “no common or park”

Orleans: “town owns a small area around the library”

Sandwich: “no town holding of any kind for a place of public resort”

Bourne: “no place of public resort”

Mashpee: “no holdings for places of public resort”

Falmouth: “no public holding except a town landing”

Wareham: “no public holdings for public resort”

Provincetown: “4000 acres owned by the State – an extensive public reservation” *The Provincelands*



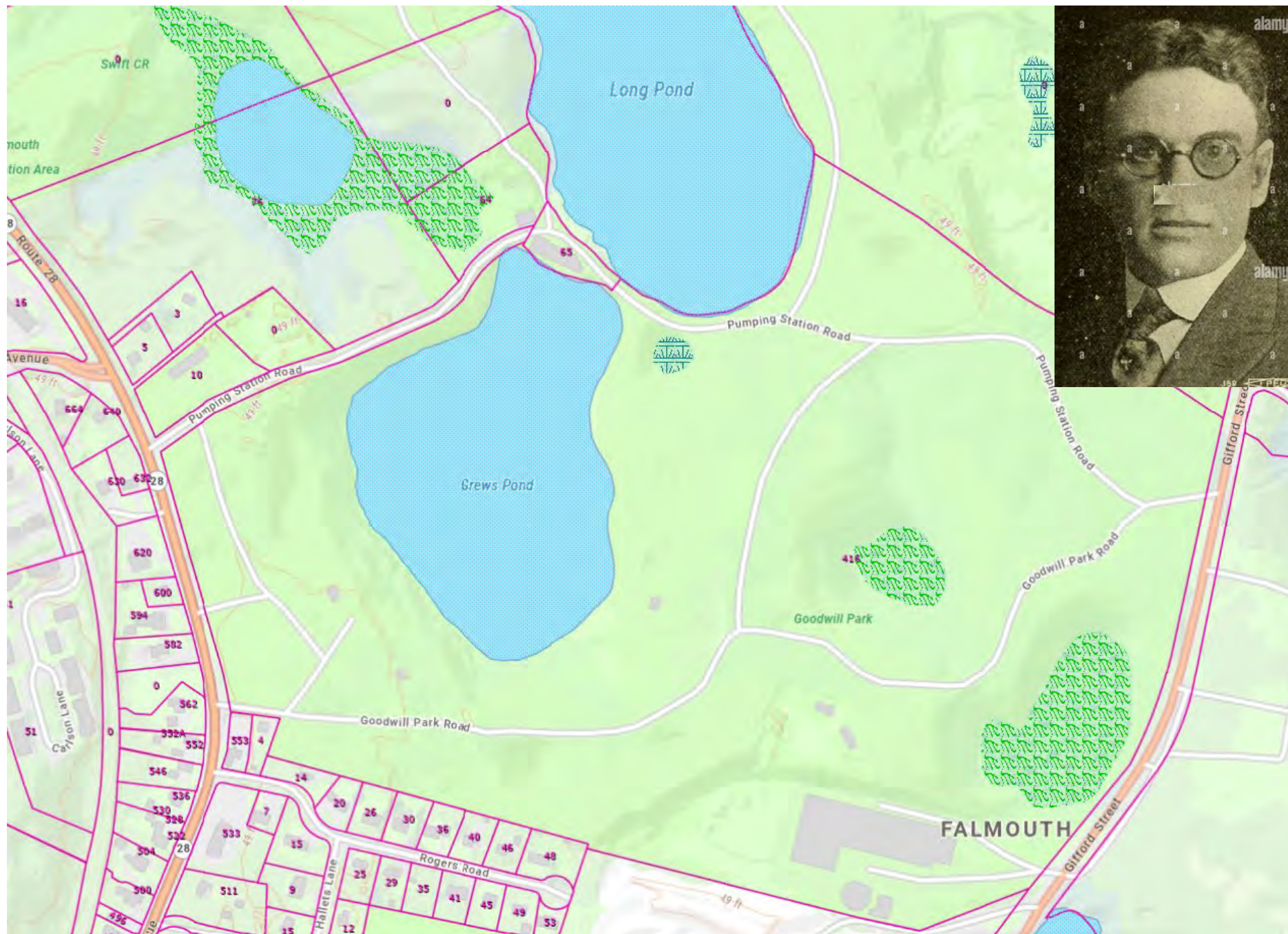


**1893** – State reasserts claim to the public  
[Provincelands](#) from encroaching development

**1962** – the 4000 acres are given by the State  
to the Cape Cod National Seashore







## 1894

Joseph Story Fay of Boston and Woods Hole donates 71 acres to the new Trustees of Public Reservations, “in consideration of our pleasant relations with the people of Falmouth.”

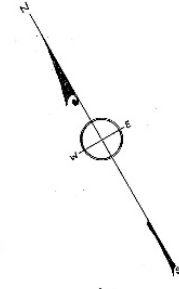
Subsequent donations by the Fay, Gifford, Swift and Jenkins families through 1927 increased the size of Goodwill Park to 86 acres.

It had been used informally as Goodwill Park prior to 1894 by the public.

85-143

PLAN OF LAND AT  
FALMOUTH, MASS.  
TO BE ACQUIRED BY  
TOWN OF FALMOUTH  
FOR SCHOOL PURPOSES  
SCALE 1"=100 FT—DEC. 6, 1948

Elmer W. Gifford, C.E.  
Falmouth, Mass.



LONG POND

TOWN OF FALMOUTH

GREWS POND

14 7/100 ACRES

AREA 68 7/100 ACRES

SIDNEY W. LAWRENCE

ELLEN A. S. CHUTE ET AL

TOWN OF FALMOUTH

STATE  
HIGHWAY


We Certify that this is  
A true copy of the  
Plan of Property Taken  
For School Purposes, by the Town of Falmouth,  
Under Order of Taking adopted Feb. 6, 1949  
*Charles R. Shaw*  
Falmouth Board of Selectmen

GRANT LUNN ET UX

NOW OR FORMERLY SIDNEY W. LAWRENCE

In **1948** the Town of Falmouth voted to seize the Trustees' 86-acre property at Goodwill Park for "school purposes." A subsequent Town Meeting vote dedicated it to park purposes.





**1902** – Village Improvement Society of Dennis chartered to “improve and ornament the streets and public grounds of the Village of Dennis by planting and cultivating trees and performing such other acts as shall tend to beautify the village.”

**1905** – VIS bought the Soldiers’ Training Field on the Old Kings Highway as a public green space





John Bodfish (1878-1956) of Barnstable donated 2 acres at Sandy Neck “to see that all had public access to Sandy Neck and Cape Cod Bay.”

**1920**



The Town of Barnstable now owns 4,700 acres of the Sandy Neck barrier beach and the Great Marsh behind it. As many as 500 vehicles per day use the beach in the summer, which is patrolled 24/7.



**1926** – John Paine donates Tern Island in Chatham Harbor to the Federation of Bird Clubs of New England, later transferred in 1936 to MassAudubon, its first holding on Cape Cod.





Wellfleet Bay  
Wildlife Sanctuary



Mass Audubon

**1929** – Oliver L. Austin, Jr. and his father establish the Austin Ornithological Research Station on the Bay in South Wellfleet. He later wrote the definitive *Birds of the World*. In 1958, they sold the Station to Mass Audubon, where now almost 1000 acres are preserved.

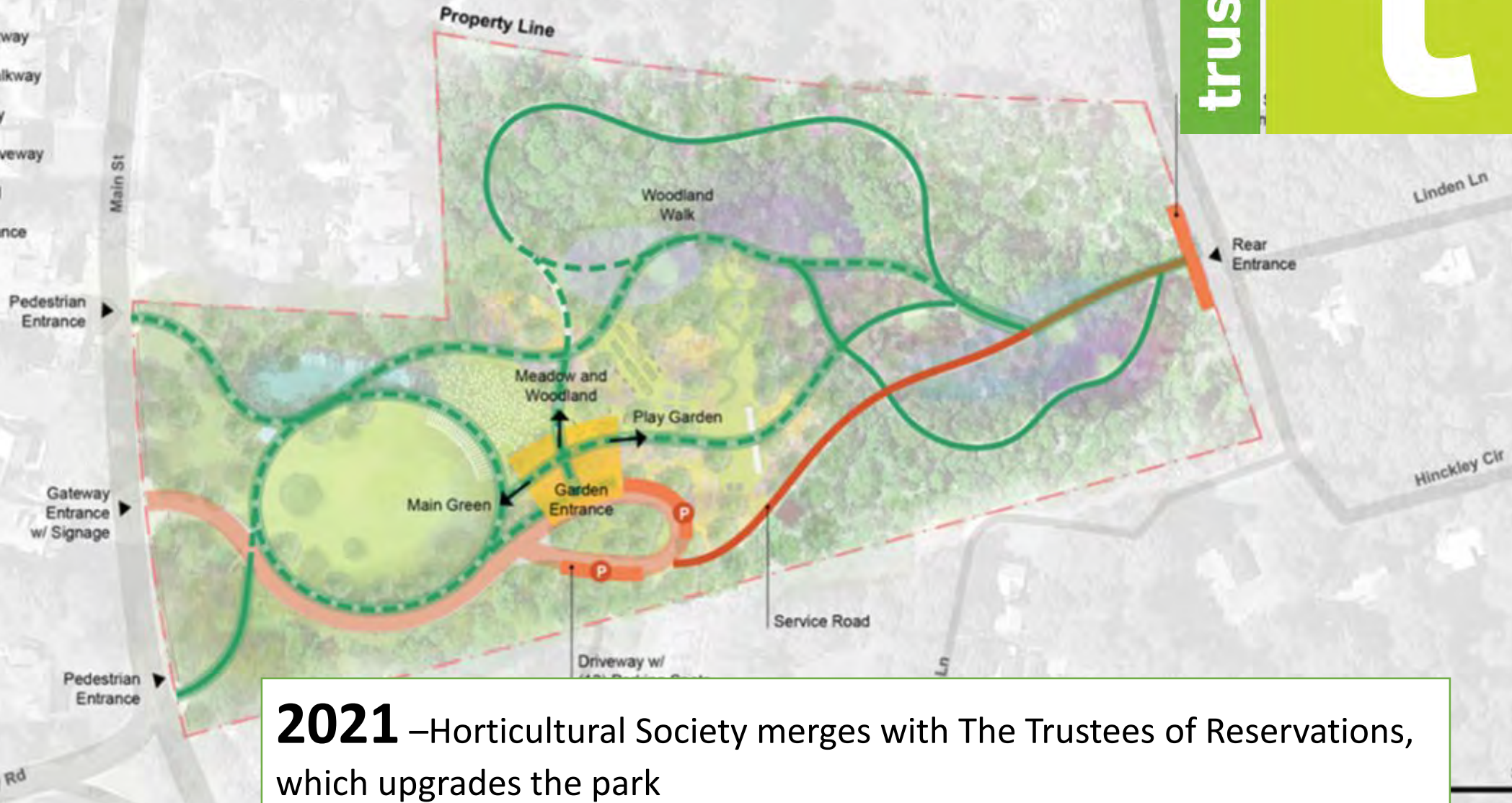




**1931** – The Cape Cod Horticultural Society opens its 9-acre park in Osterville center, the oldest private nature park open to the public on Cape Cod.

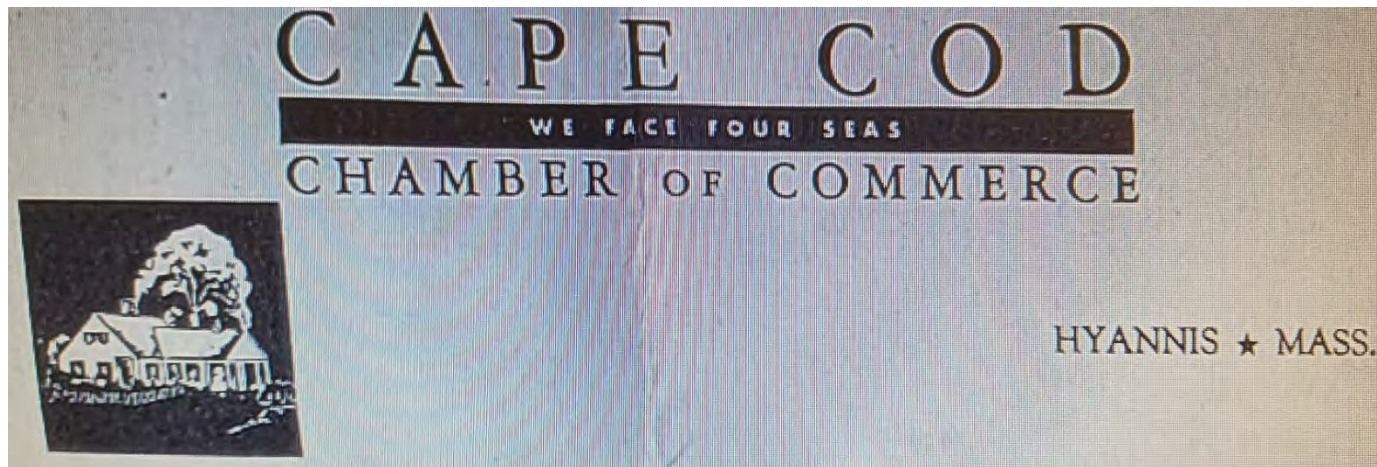
# Armstrong-Kelley Park: Circulation

- Existing Walkway
- Proposed Walkway
- ADA Walkway
- Proposed Driveway
- Service Road
- Garden Entrance

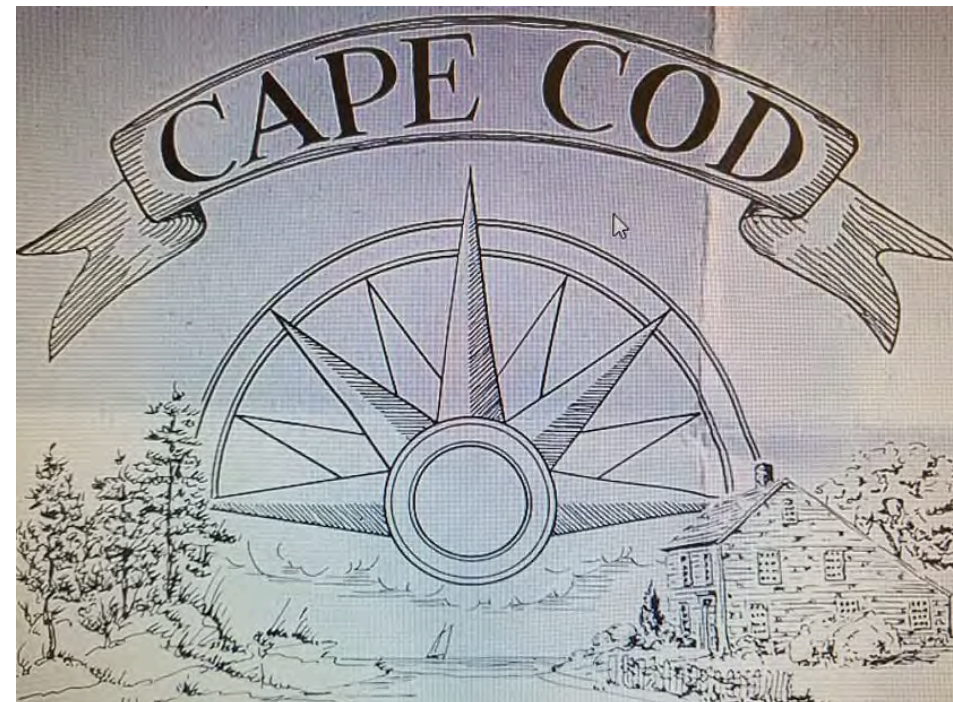


**2021** –Horticultural Society merges with The Trustees of Reservations, which upgrades the park





**1934** – Cape Cod Chamber of Commerce declares the need for the “protection of Cape Cod’s natural beauties, and the preservation of its charm”







**1934** Addie Nickerson donates 1,727 acres in Brewster to the Commonwealth of Massachusetts for a state park. Dedicated to her late husband Roland C. Nickerson and their grandson Roland Jr.

The park has now grown to more than 1,900 acres, including Cape Cod Bay shore purchased in the 1980s.

Most popular camping site on Cape Cod by far.





**1944**

The U.S. Fish and Wildlife Service acquires 7,900-acre Monomoy Island off Chatham as a Wildlife Refuge for migratory birds in 1944. In 1970, 2,600 acres of the island were designated as a federal Wilderness Area, the only one in Massachusetts, to protect its wild character.



**1957** –Massachusetts adopts the first Conservation Commission Act in the U.S., giving local boards the duty to protect and develop natural resources and watersheds, and identify and accept land for conservation, rather than recreation. Barnstable was one of the first towns in Mass. to adopt a Commission in 1957.



In 1961, Miss Lucy Chapman (1885-1972) of Brewster was the Cape's first land donor to a Conservation Commission, giving 3.6 acres on Main Street to the Brewster Conservation Commission.







Rachel Carson worked in Woods Hole and was the first woman to go out on a federal fisheries scientific cruise. She went on to write *The Sea Around Us* and *Silent Spring* in 1962, a blueprint for environmental action to protect human health and wildlife.

*A bronze statue of Carson located on the waterfront park in Woods Hole in 2013.*

**1959** – Rachel Carson advocates for a national park on Cape Cod, among other sites: “We must save the wilderness of beach and high dunes where Cape Cod, after its 39 miles thrust into the Atlantic, bends back towards the mainland.”









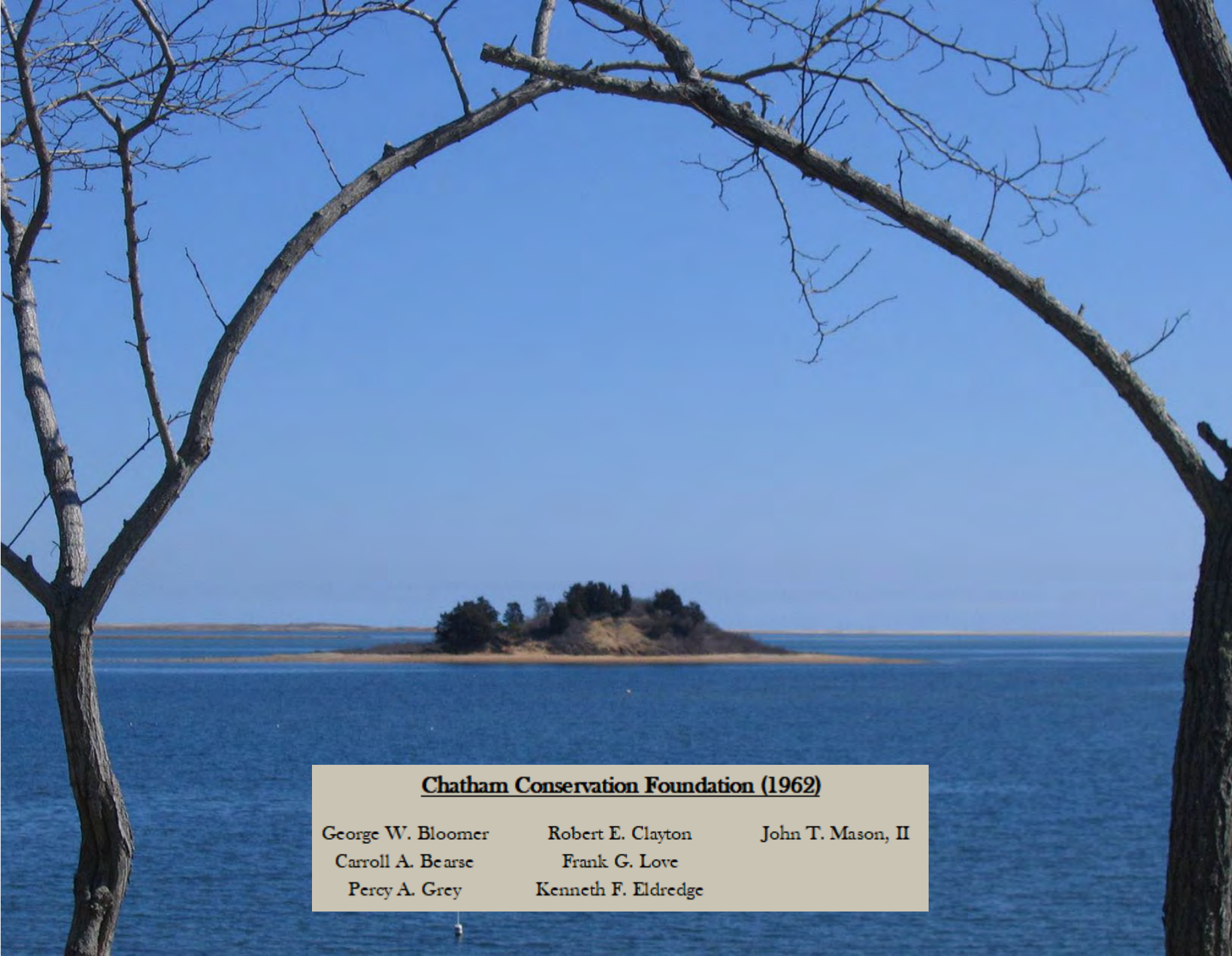
*Sen. SALTONSTALL's staff did much of the CCNS bill drafting*

“A single act of Congress is of course insufficient to preserve the Cape's beauty and heritage. We all can and must do our parts.”

*- - Jonathan Moore (1933-2017), Orleans*

David B. H. Martin (1925-1995), of Barnstable, crafted the novel idea of designing the Cape Cod National Seashore around the existing villages and private inholdings of the Lower Cape, a first in the nation. He crafted the 3-acre zoning district adopted by the six towns for land in the Park. He later drafted the charter for Barnstable County's regional government, which persists to the present.





## 1962

First local land trust chartered on Cape Cod: Chatham Conservation Foundation, Inc.

*Fox Hill Island in Chatham Harbor was the first land gift made to a Cape Cod land trust in 1962.*

### Chatham Conservation Foundation (1962)

George W. Bloomer	Robert E. Clayton	John T. Mason, II
Carroll A. Bearse	Frank G. Love	
Percy A. Grey	Kenneth F. Eldredge	





# 1963

Cape and Islands State Senator Allan F. “Chappy” Jones of Barnstable secured passage of the first wetlands protection act in Massachusetts (known as the Jones Act). It placed a hold on salt marsh dredging and filling and required a public hearing by the Selectmen.



ALLAN FRANCIS JONES

(1921-2002)

1950s – Maraspin Creek  
dredged for Barnstable  
Harbor boat basin



**1967** – Dennis becomes the first town to identify a package of multiple properties for the Town to purchase for conservation and passive recreation, including lands at Crowes Pasture, Scargo Hill, Fresh Pond and Bass River.



Norton H. Nickerson (1938-2011) of Dennis

*Lady slippers at Indian Lands, Bass River, Dennis MA, circa 1990*





# 1980s - BOOM TIME ON OLD CAPE COD

THE CAPE AND ISLANDS' DAILY NEWSPAPER

Vol. 55, No. 69

Thursday, March 21, 1991

7-Day Home Delivery: \$2.85

## HOUSING GROWTH ON CAPE COD

	1980	1990	% change
Barnstable County	99,946	135,192	35.3
Barnstable	16,436	23,370	42.2
Bourne	7,169	8,999	25.5
Brewster	3,489	6,367	82.5
Chatham	5,003	6,301	25.9
Dennis	12,156	14,502	19.3
Eastham	3,625	4,863	34.2
Falmouth	14,414	18,168	26.0
Harwich	6,510	8,325	27.9
Mashpee	3,582	7,002	95.5
Orleans	3,678	4,593	24.9
Provincetown	3,066	3,802	24.0
Sandwich	4,358	7,236	66.0
Truro	1,571	2,175	38.4
Wellfleet	2,629	3,576	36.0
Yarmouth	12,260	15,913	29.8

## Cape led '80s housing

By THOMAS DUFFY  
OTTAWAY NEWS SERVICE

BOSTON — Paced by explosive growth in Mashpee and Brewster, the number of housing units in Barnstable County grew at a faster clip than any other mainland county in the state over the last decade, according to census data released this week.

The number of houses in Barnstable County grew from just under 100,000 in 1980 to 135,192 in 1990, for a rate of 35.3 percent, according to data compiled by the Massachusetts Institute for Social

and Economic Research.

Leading the way was Mashpee, where the number of houses spurted more than 95 percent from 3,582 to 7,002. Following closely was Brewster, where an increase from 3,489 housing units to 6,367 units translated into an 82.5 percent rate.

Sandwich showed a growth rate of 66 percent, with the number of housing units rising from 4,358 to 7,236.

Trailing the pack on the Cape — but still well above the state average — was Dennis, where the number of housing units grew 19.3 per-

cent from 12,156 to 14,502.

"It's just more documentation that supports everything you see around you," said Marilyn Fifiel, a research analyst for the Cape Cod Commission.

Massachusetts as a whole increased its number of housing units by 12 percent from 2.2 million to 2.4 million.

The fastest growing county, according to the data, was Nantucket, where the number of houses climbed 46.8 percent from 4,784 to 7,021. More than two-thirds of those new houses appeared to be vacation houses, according to the



# 1980s - BOOM TIME ON OLD CAPE COD



\$114,236,000

Total purchase price paid for all open space purchases by Cape Cod towns (1985-1988)

\$98,292,000

Total local taxpayers' expenditures for open space (1985-1988)

\$21,607

Average final net cost per acre to local taxpayers (1985-1988)

4,549

Total acres open space acquired by 14 of 15 Cape Cod towns (1985-1988)

Brewster, Bourne

Towns most overachieving in open space acquisitions (local funds spent / total valuation, 1985-88)

600 acres, Brewster

Largest new conservation area assembled, Punkhorn Parklands

23%

Percentage of Cape Cod land mass considered protected open space (1988)





**1986** – Six Lower Cape land trusts and Barnstable form The Compact of Cape Cod Conservation Trusts, Inc., the oldest regional network of land trusts in America.

Today, 32 land trusts and watershed groups belong to The Compact.



Ansel Chaplin (1931-2017) of Truro was the founding President of The Compact and served for the first 15 years.

*“If it’s money that talks to preserve open space on Cape Cod, then we will find the money,” he said in 1987.*

1982	Land Trust Alliance (US)
<b>1986</b>	<b>The Compact of Cape Cod Conservation Trusts, Inc.</b>
1990	Massachusetts Land Trust Coalition
1990	Bay Area Open Space Council (CA)
1991	Maine Land Trust Program
1991	Colorado Coalition of Land Trusts
1994	Gathering Waters WI
1994	South Carolina Land Trust Network
1995	PA LT Assoc.
1997	Green Umbrella Regional Sustainability Alliance (OH)
1999	RI LT Council
2002	Alliance of Florida Land Trusts
2003	Texas Land Trust Council
2004	Heart of the Lakes (MI)
2004	Blue Ridge Forever (NC)
2004	Indiana Land Trust Alliance
2004	Sierra Cascade Land Trust Council (CA)
2005	Montana Association of Land Trusts
2005	Prairie State Preservation Coalition (IL)
2006	CT Land Conservation Council
2006	Kentucky Land Trusts Coalition
2008	Idaho Coalition of Land Trusts
2008	Tennessee Land Trust Network
2009	Washington Assoc. of Land Trusts
2011	Coalition of Oregon Land Trusts
2011	New Hampshire Land Trust Coalition
2012	Southern Maine Cosnervation Collaborative
2019	Forever Maryland
2019	Gulf Partnership





THE COMPACT  
OF CAPE COD CONSERVATION TRUSTS, INC.

The Compact  
was founded  
in 1986 to  
provide  
technical  
support to  
local and  
regional land  
trusts and  
watershed  
associations.



Association to  
Preserve Cape  
Cod



Brewster  
Conservation  
Trust



Eastham  
Conservation  
Foundation



Harwich  
Conservation  
Trust



Sandwich Conservation  
Trust



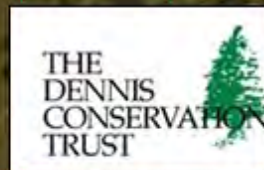
Orleans Conservation  
Trust



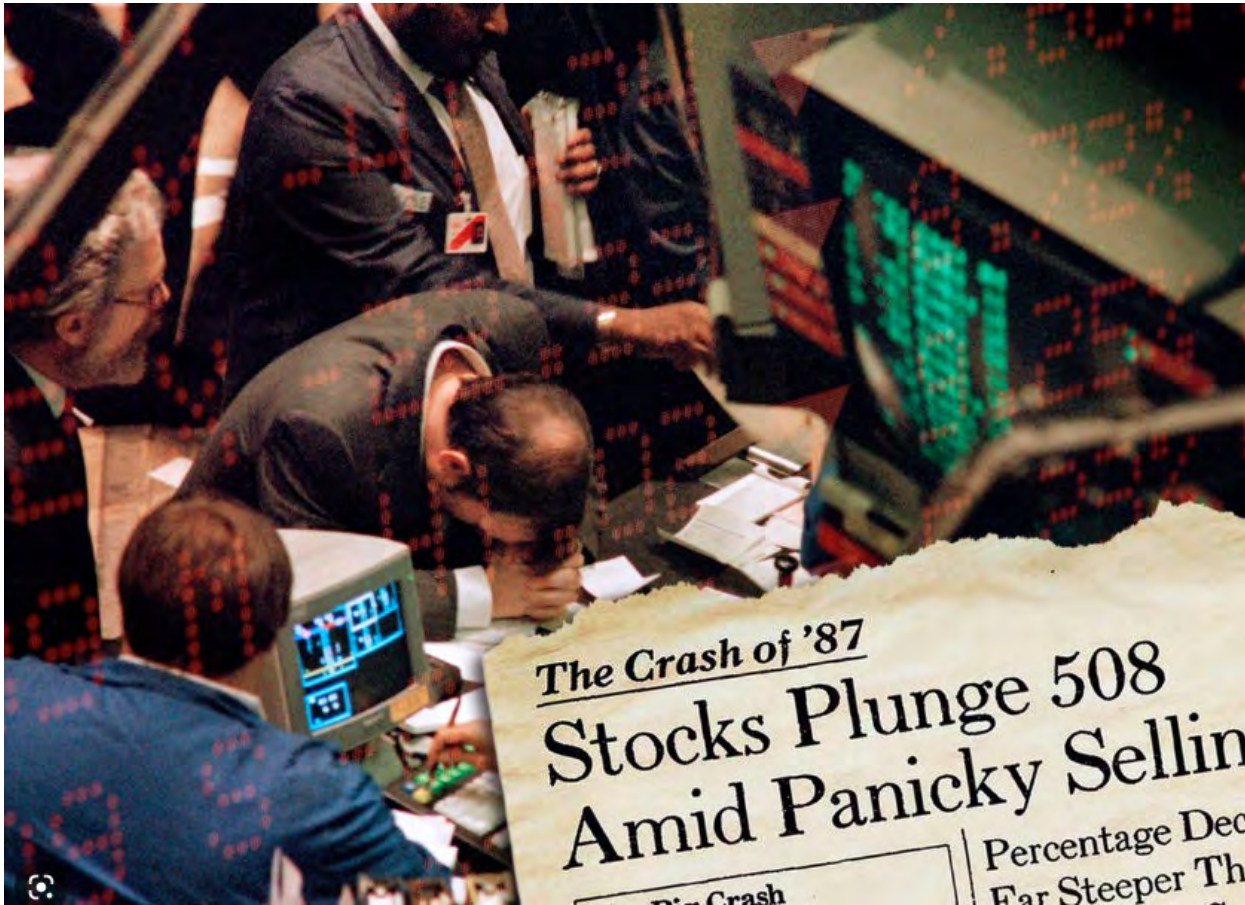
Friends of  
Herring River



Massachusetts  
Audubon Society







**1987** – Building Boom on Cape Cod crashes with the stock market, and towns rein in spending on open space. A first attempt at a Land Bank for the Cape, like the ones on the Vineyard and Nantucket, fail in 1988 and 1996.

Statistics courtesy of Compact of Cape Cod Conservation Trusts

Acres of Open Space Purchased by Cape Towns

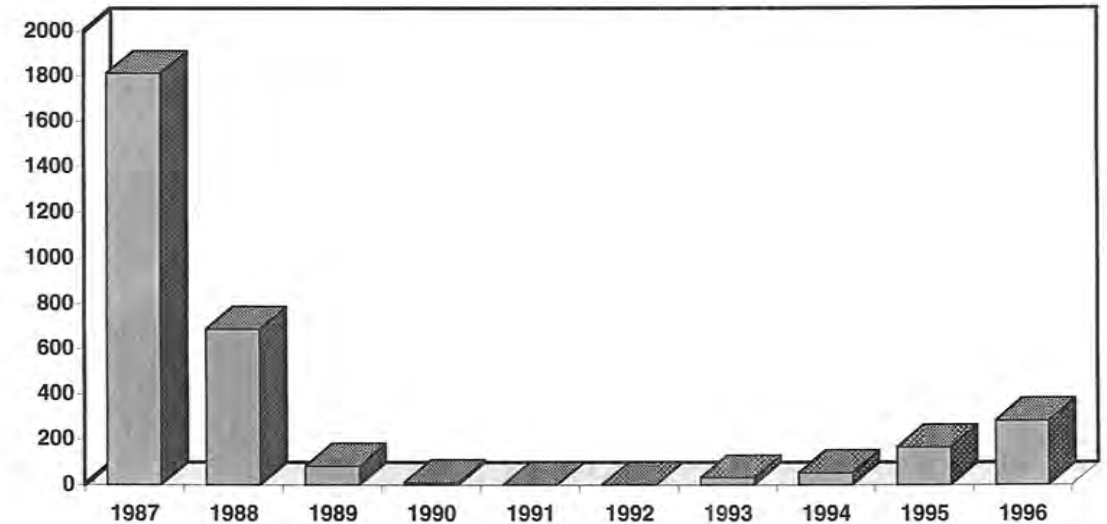


Chart prepared by Cape Cod Commission



**1998 –**

the third  
iteration of  
the Cape  
Cod Land  
Bank bill  
becomes law  
when  
Governor  
Michael  
Dukakis signs  
at the State  
House.







Barnstable County Commissioners Robert O'Leary and Vicky Lowell helped to write the bill and rallied the 15 Cape towns

Long-time broker Bob Wilkinson testified in favor and made sure the CC Board of Realtors supported the bill



Susan Nickerson and Jaci Barton led the Friends of the Cape Cod Land Bank grassroots campaign



Elliott Carr, Cape Cod Five president, gathered all Cape bank leaders to endorse the bill

**1998**



State Senator Henri Rauschenbach, & State Reps. Eric Turkington and Tom George pushed the bill through the legislature



**1998** – 58% of Cape voters (majorities in all 15 towns) approve a 3% surcharge on property tax to create the Cape Cod Land Bank for towns to buy open space



*About 40% of the 223 projects involved direct cooperation between the nonprofit land trusts and town government*

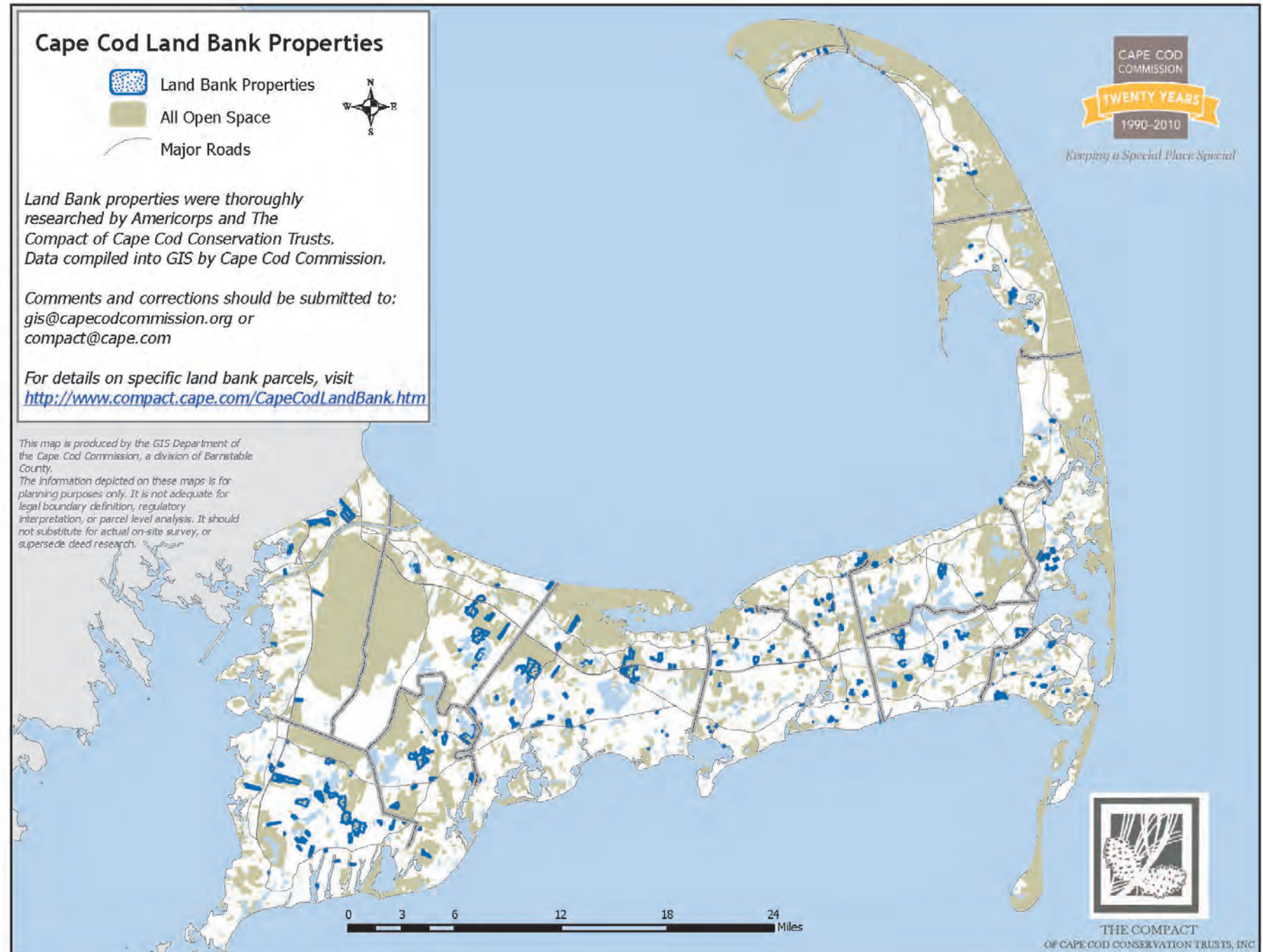
### **LAND BANK RESULTS, 1999-2007**

\$213,633,762	Total purchase price paid for all Land Bank properties, all 15 towns (1998-2007)
\$145,475,704	Total Land Bank local expense on purchase price (3% surcharge on property taxes in 15 towns)
\$43,832,177	Other public dollars used in Land Bank purchases (town, state, federal grants; mitigation)
\$15,000,000	Start-up grant from State (pro-rated, 3-year allotment to each town based on Land Bank levy)
\$9,325,881	Private dollars raised by non-profit land trusts to subsidize Land Bank purchases
\$32,688	Average final net cost per acre from local taxpayers' 3% Land Bank surcharge
233	Number of completed projects
4,450	Total acres acquired, using Land Bank funds
6%	Estimated amount of remaining developable land on Cape Cod acquired through Land Bank
278 acres, Mashpee	Largest new conservation area assembled, Santuit Pond Preserve (inc. 83 acres in Barnstable)
40%	Percentage of completed Land Bank projects with assistance from non-profit land trusts
2,175	Total acres preserved by non-profit land trusts separate from town projects (1999-2007)
30%	Percentage of Cape Cod land mass considered protected open space (2007)
\$24,000,000,000	Total real estate sales activity, Cape Cod, 1999-2007 (except sales <\$50,000 or > \$1,000,000)



All 15 Cape towns participated in the Land Bank, purchasing more than 4,450 acres of open space in less than 10 years.

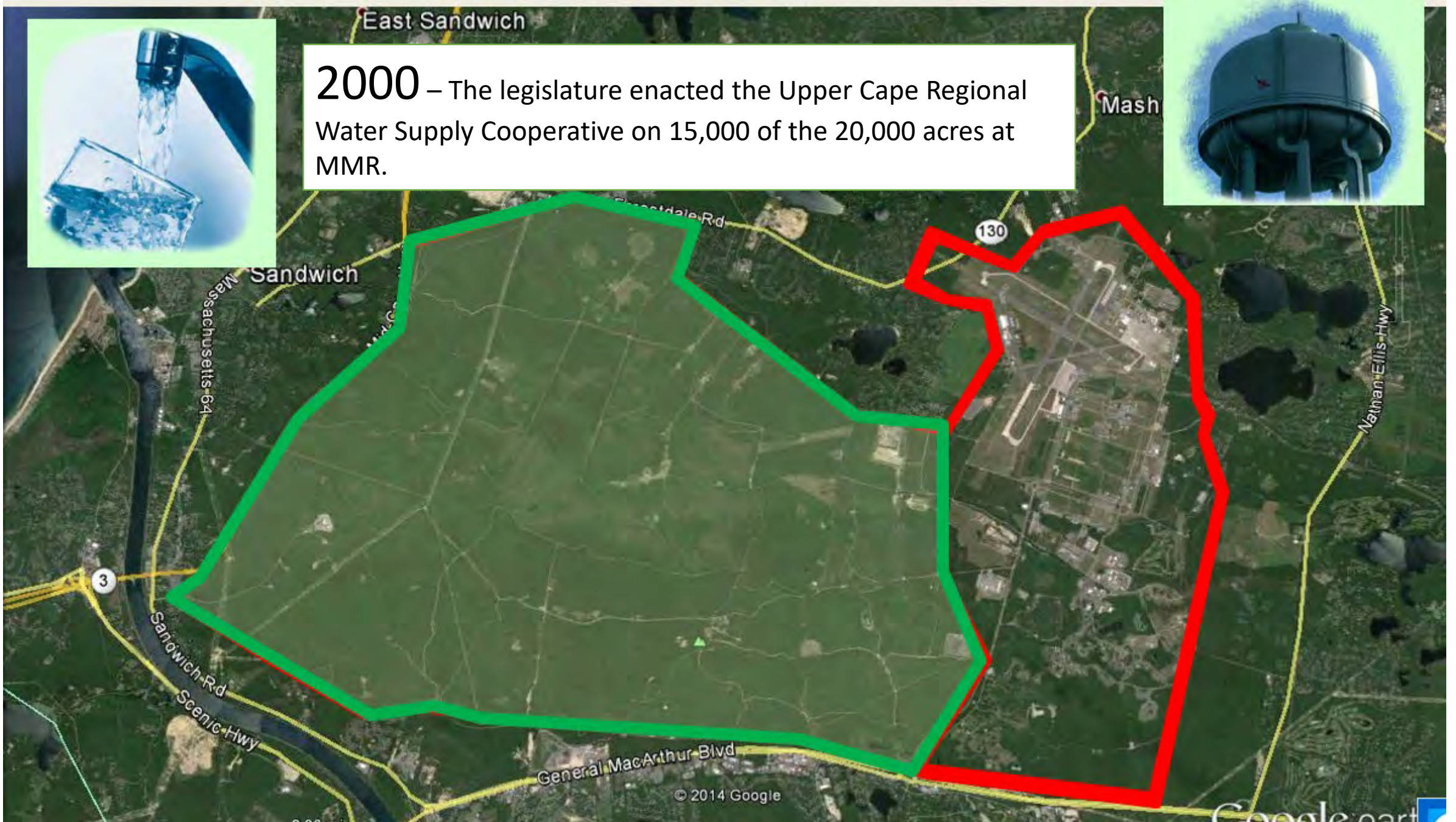
By 2007, all towns adopted the Community Preservation Act (Chatham and Provincetown also kept their Land Bank until its 2020 sunset.)



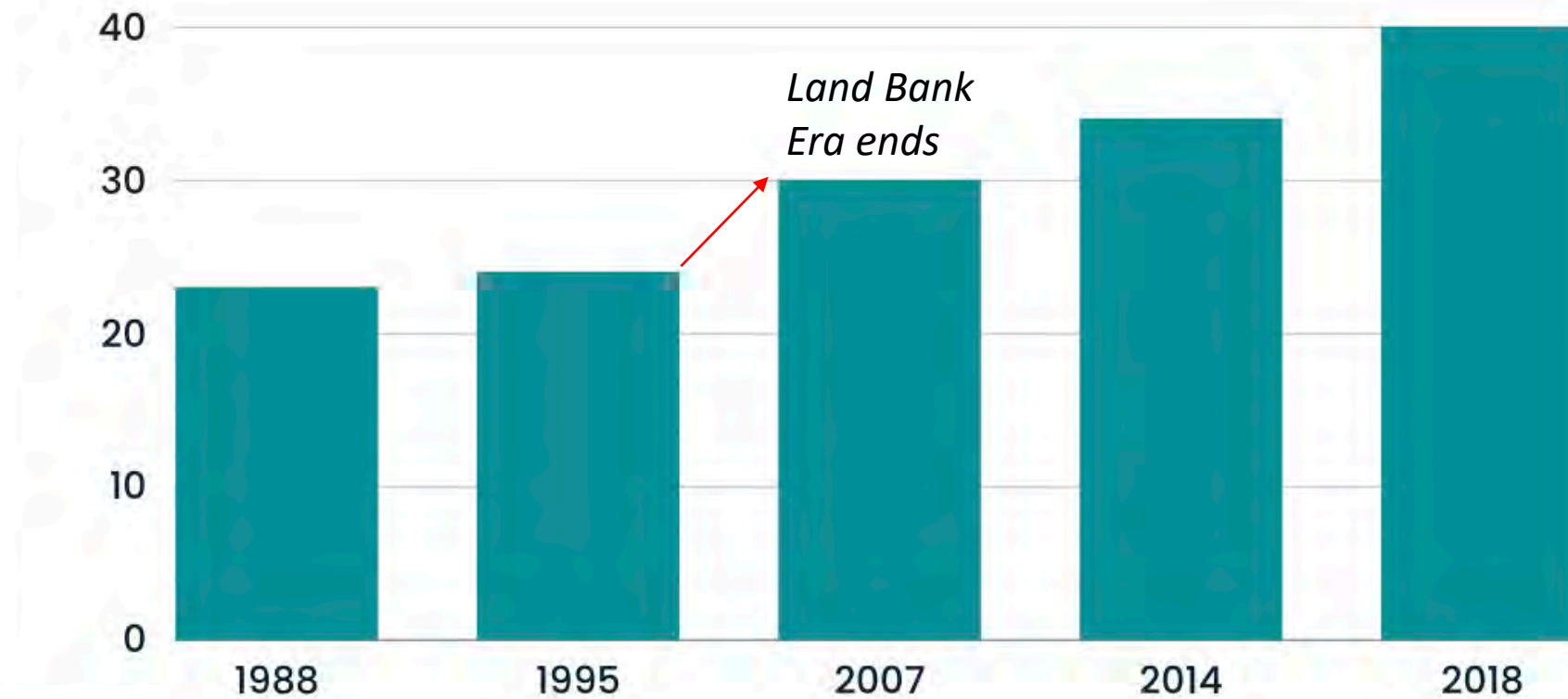




**2000** – The legislature enacted the Upper Cape Regional Water Supply Cooperative on 15,000 of the 20,000 acres at MMR.







Cape Cod, legally-protected open space, 1988 to 2018, by percent of land mass

Cape Cod has almost doubled its protected open space between 1988 (23%) and 2018 (40%).



**2012** – First Native American-led land trust east of the Mississippi, is founded on Cape Cod.





**2015** – The Dennis Conservation Land Trust fosters the first welcome to the Native Land Conservancy, inviting indigenous people to enjoy its properties for cultural practices and ceremony.

**2021** - This Cultural Respect Easement was extended to all DCLT properties and made permanent.

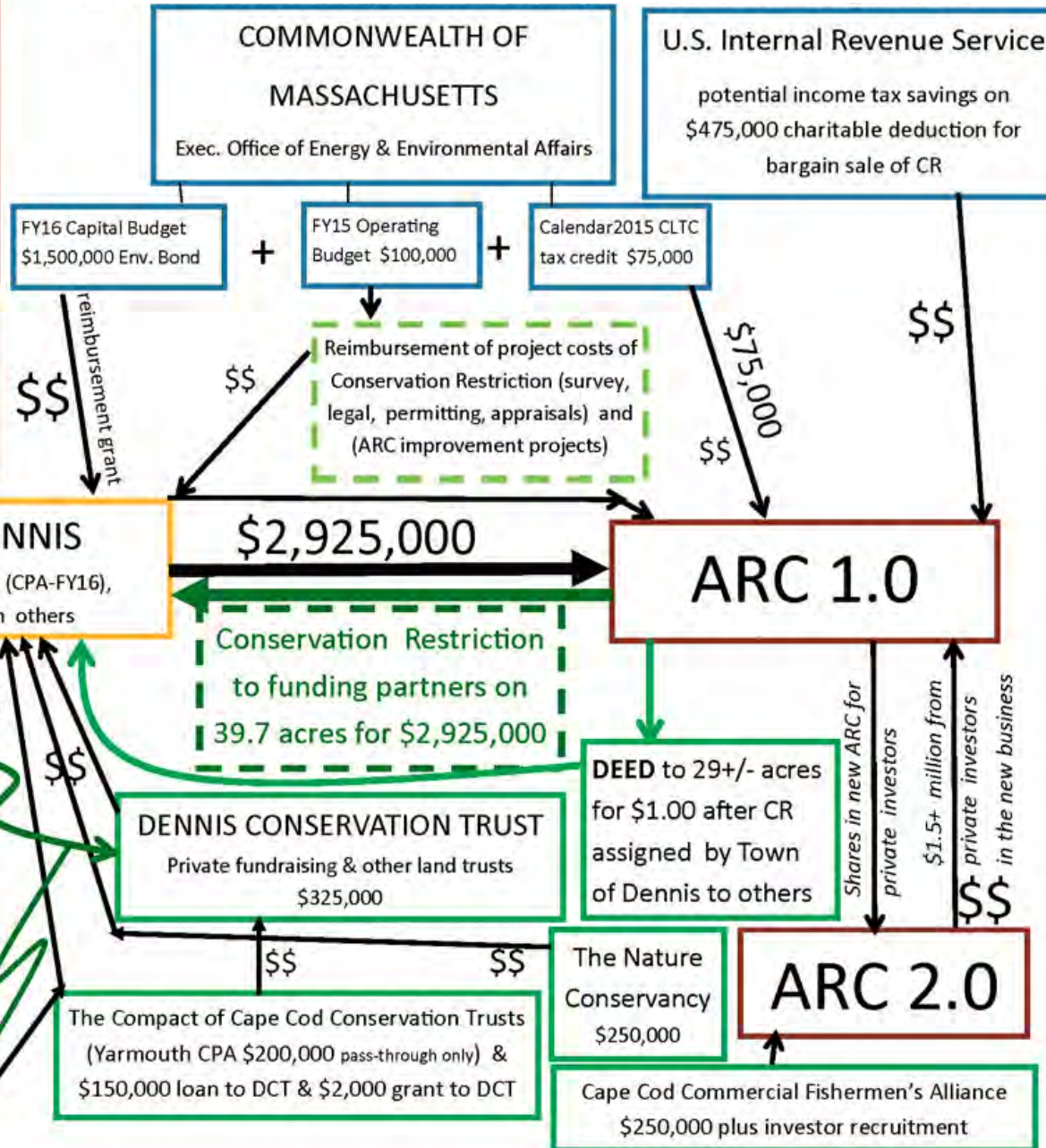




Total purchase price for CR & Deed  
= \$2,925,000, plus \$75,000 tax  
credit/refund = \$3,000,000

Total appraised value for CR =  
\$3,400,000 (O'Leary Nov. 2014; con-  
firmed by Coneen review appraisal, March  
2015; \$3,450,000 by Pastuszek, April 2015)

**END RESULT:** In August 2015, *Town of Dennis*  
will own 29 acres for conservation, subject to  
*Conservation Restriction held by other fun-  
ders; ARC continues to own 10.5 acres subject*  
*to CR that requires aquaculture, research./ed.*



*"We expect that  
The Compact  
will continue to serve as  
a national model of land  
trust collaboration among  
land trusts."*  
— Robert Bowers, Chairman, Land  
Trust Alliance (Wash. D.C.), 2002

The Compact helps to negotiate complex land acquisitions and arrange funding from public and private sources, such as the \$6 million business reinvestment and open space protection of 40 acres and a shellfish hatchery on Chapin Beach in Dennis in **2015**



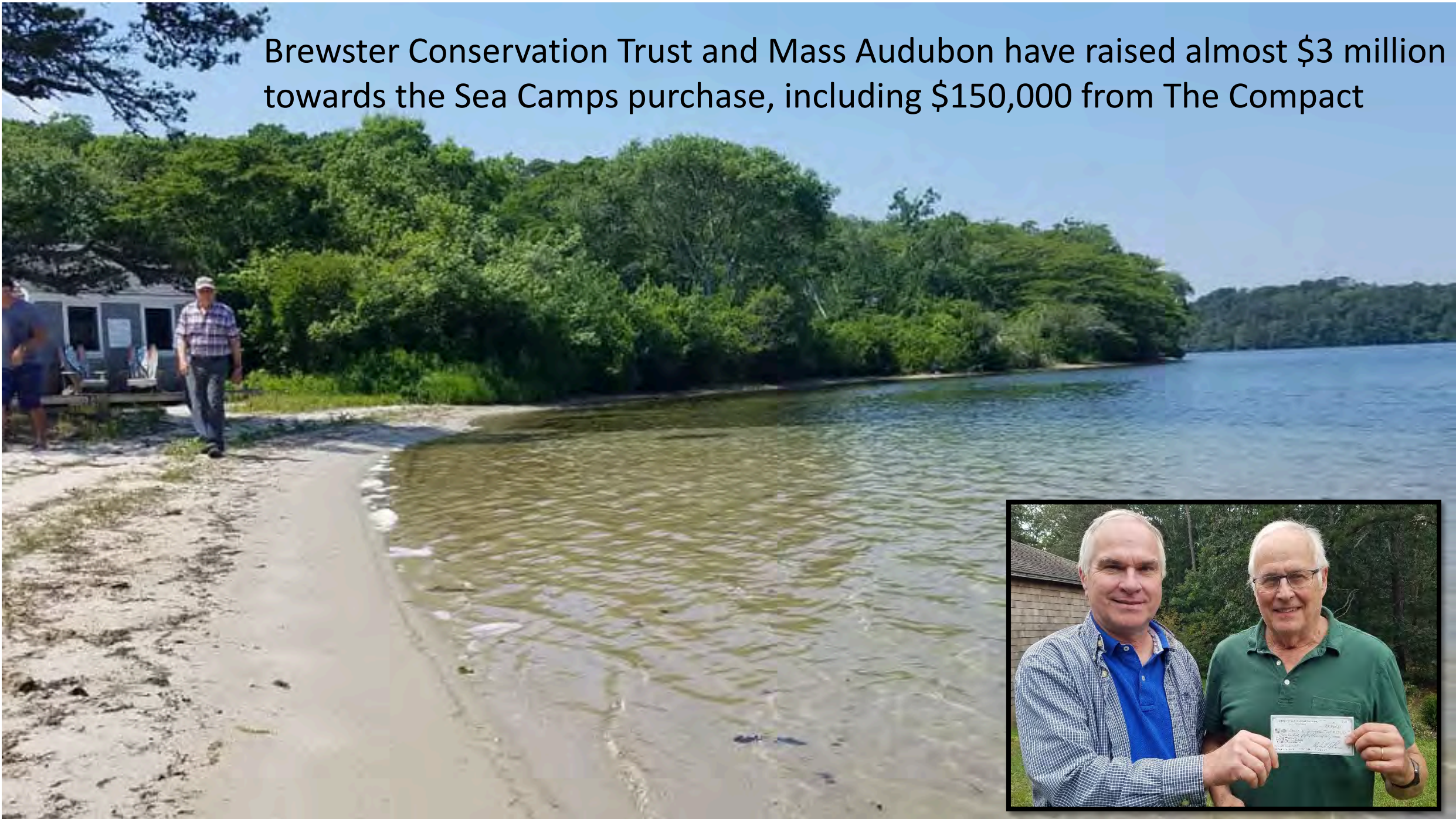
**2021** – 1,500 voters at Brewster Special Town Meeting unanimously approve \$26 million in bonding to buy the 127-acre Cape Cod Sea Camps on Long Pond and Cape Cod Bay

*...another public-private partnership...*





Brewster Conservation Trust and Mass Audubon have raised almost \$3 million towards the Sea Camps purchase, including \$150,000 from The Compact



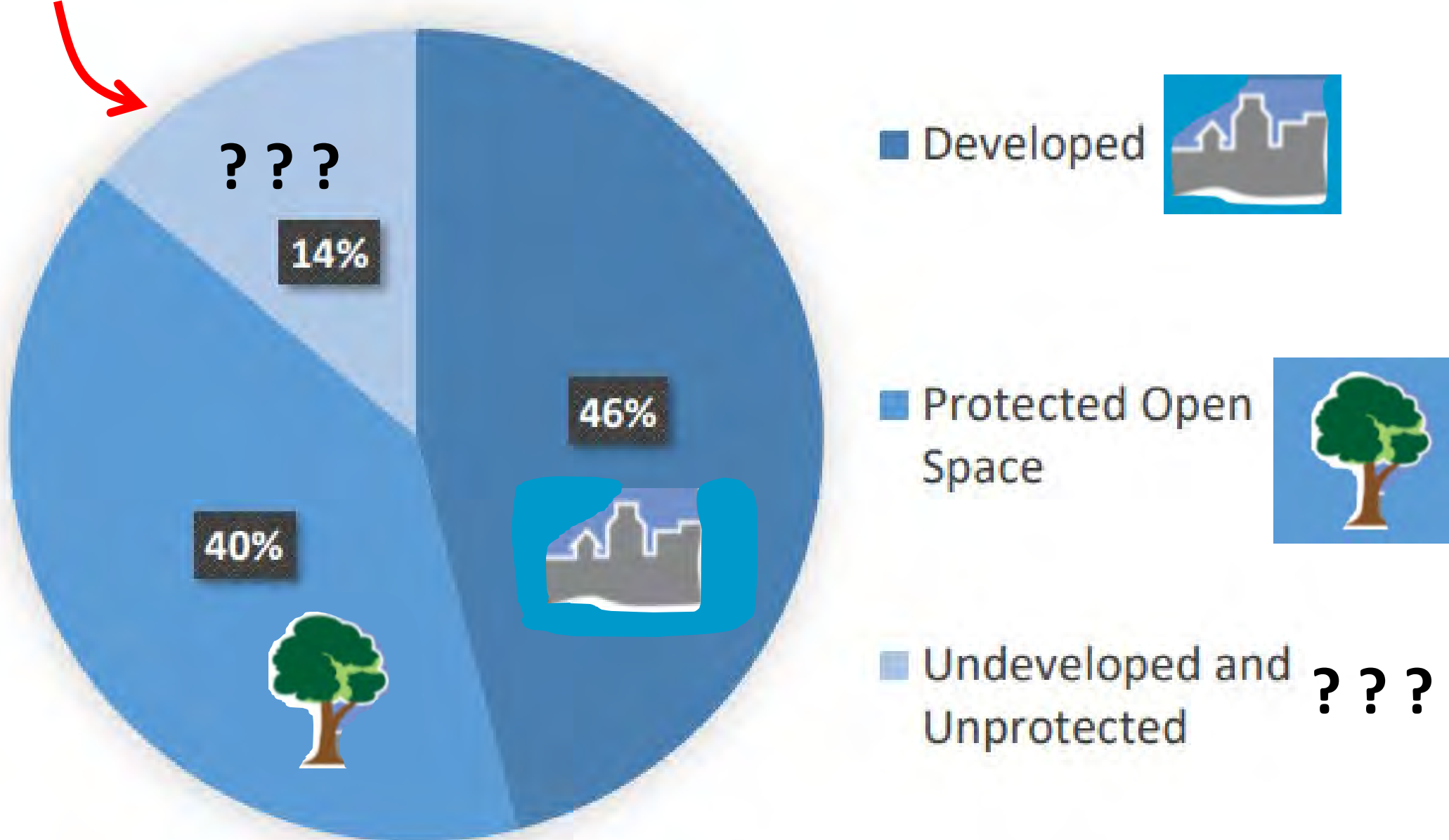




Did we  
save Cape  
Cod?

Have we  
saved  
***enough***  
of Cape  
Cod?

*What should be the fate of the remaining 14% of the Cape's developable land?*

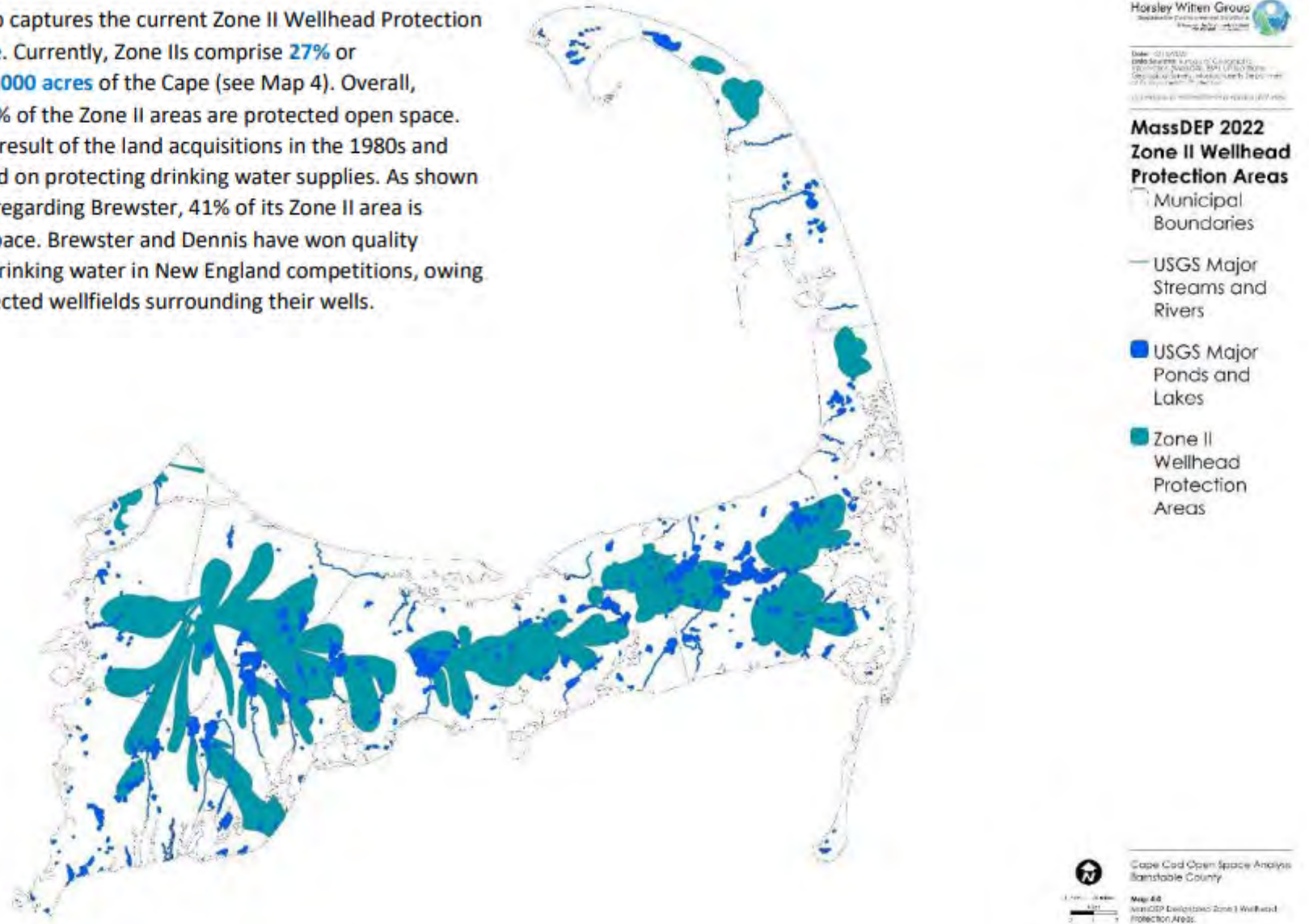




Only 36% of our wellfield zones (public drinking water supplies) are protected against development.



The following map captures the current Zone II Wellhead Protection Areas on the Cape. Currently, Zone IIs comprise 27% or approximately 70,000 acres of the Cape (see Map 4). Overall, approximately 36% of the Zone II areas are protected open space. This is primarily a result of the land acquisitions in the 1980s and 1990s that focused on protecting drinking water supplies. As shown in the case study regarding Brewster, 41% of its Zone II area is protected open space. Brewster and Dennis have won quality awards for their drinking water in New England competitions, owing to the large, protected wellfields surrounding their wells.



Map 4. MassDEP designated Zone II Wellhead Protection Areas.



