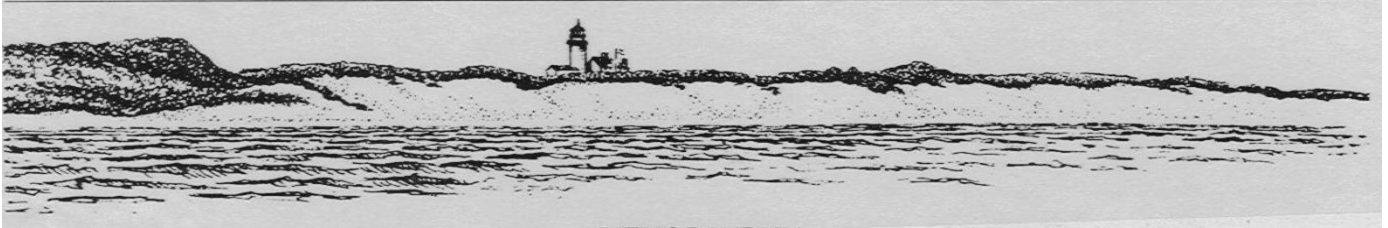


# TRURO CONSERVATION TRUST



Volume 9 No. 2

NEWSLETTER

December 1, 2009

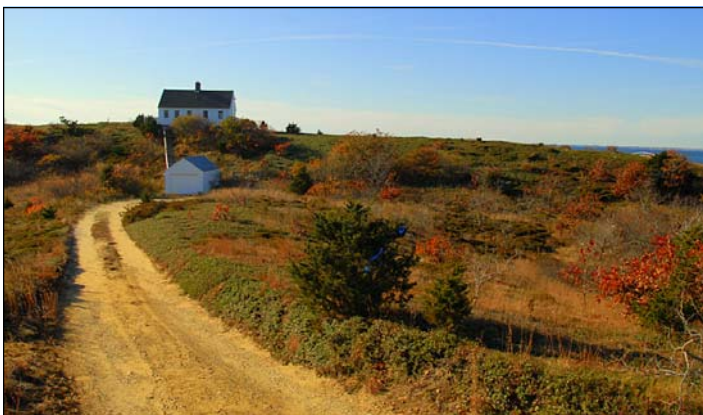
## Hopper Property Protected by Schiffenhaus Family and the Trust

The Truro Conservation Trust (TCT) is in the news with the announcement that it will hold a Conservation Restriction (CR) on the property previously owned by the world famous artist Edward Hopper. This protection in perpetuity is possible only by the generous and gracious offering of the Schiffenhaus family, most notably brothers Anton and Larry. The Trust, the Town and the entire art and conservation communities are eternally grateful to the family for this great gift to us all!

The Trust is also grateful for the many hours of effort and work put into this accomplishment by Mark Robinson of the Compact of Cape Cod Conservation Trusts. Mark, on the behalf of the Trust, conducted the negotiations with all the stakeholders that resulted in the terms and conditions of the CR. On November 10, 2009, the Truro Board of Selectmen unanimously approved the CR. It is now in the hands of the Commonwealth of Massachusetts for final State approval prior to filing with the Registrar of Deeds. These protections go with the property no matter who owns it in the future.



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The restriction covers approximately 7.3 acres of the total 7.6 acres (94.5%) of the property. There are two building envelopes including the existing Hopper house, but there are also restrictions as to what can occur within those small parcels.

The previous and current owners have always left this property to thrive in its natural state. The property hosts a variety of unique habitats, especially the rare coastal heathland, large patches of broom crowsberry, as well as bayside beach, dunes, and parts of the freshwater Cobb's Swamp. It is rare indeed to be able to preserve such an environmentally and culturally significant property.

Edward Hopper was one of our greatest American artists. He lived and painted in Truro for several months annually over many years, using the Truro landscape as his inspiration and subject. He was inspired by the landforms of the rolling hills, hollows, ridges, and kettle holes of our magnificent town and he included many of them in his paintings.

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## **Schiffenhaus (Concluded)**

The "Hopper House" itself is of historical significance as well. The Schiffenhaus family also has preserved and protected the house in its original state, as designed by Edward Hopper himself. It was constructed in 1934. The family has noted that work is also underway to draft an historic preservation restriction to protect the fabric and appearance of the Hopper House and garage as structures so that they cannot be inappropriately modified, moved, or demolished, much as the conservation restriction protects the land from development. The Trust is working to this end as well and also hopes to be the holder of this restriction.

Under this CR, the Trust assumes ongoing oversight of the terms and conditions of the CR to ensure that all conditions are adhered to consistently. This involves annual inspections, an annual report, the identification of any infractions, and the development of a mitigation plan should there be any infractions. Knowing the enthusiasm with which the Schiffenhaus family entered into the CR, the Trust fully expects that there will never be any cause for concern in this regard.

**Thank you Anton, Larry and all the other members of the Schiffenhaus family!!!!**

## **CONSERVATION RESTRICTION FOR KLINE PROPERTY**

In February of 2008 the Massachusetts Division of Fisheries & Wildlife issued a Conservation and Management Permit, under the jurisdiction of the Massachusetts Endangered Species Act (MESA), to the Stephens Way Nominee Trust for the construction of a single family house on the property at 25 Stephens Way, owned through this trust by Donald and Andrea Kline. The issuance of this Permit was the last hurdle required to allow the construction, and it contained many conditions regarding land conservation, maintenance, and preservation, particularly with regard to the large population of broom crowberry on the site (see related article). The Permit specifically required that the Klines execute a Conservation Restriction (CR) on 6.58 acres of the property (detailed in the Permit) and that the Klines grant the CR to "... a qualified land trust, nonprofit organization, or governmental entity ...". If no such entity volunteered to perform the oversight responsibilities of a CR, the task would have then defaulted to the Commonwealth of Massachusetts.

Many of us in Truro preferred that one or more local entities oversee compliance with the terms of the CR and not depend on an overburdened Commonwealth bureaucracy to do the annual inspection and enforcement. To that end, the Truro Conservation Commission (a town entity) and the Truro Conservation Trust (TCT) decided to jointly hold the CR and perform all the duties therein. The TCT worked with the Klines' attorney, the Commission staff, Truro town counsel, and Mark Robinson at the Compact of Cape Cod Conservation Trusts to construct a CR that contained terms acceptable to all the parties and to the Commonwealth. These stakeholders signed the CR on July 31, 2009, and jointly presented it to the Truro Board of Selectmen for approval. The Board approved it unanimously and the document has now been forwarded to the Commonwealth for final approval prior to being submitted to the Registry of Deeds as an amendment in perpetuity to the deed for the property on Stephens Way. Commonwealth approval is anticipated shortly.

This project has been in the public's interest for several years. The Trust is pleased to be a part of the perpetual environmental conservation and protection of this land. Our Trustees will visit the property annually to determine complete compliance with the terms of the approved CR, and to seek remediation for any non-compliance detected. Any cost of doing our part of this review will be funded by the Trust's Stewardship Fund. The CR does, however, state that if legal action is required to enforce the CR and the property owner is determined to have caused the infraction, the property owner pays all costs incurred by the Trust and the Town for the enforcement action.

# BROOM CROWBERRY

TruroConservationTrust's (TCT) conservation of open land helps protect the habitat of native plants, amongst which broom crowberry (*Corema conradii*) is perhaps the most famous or infamous plant in Truro, depending on one's perspective.

There are some who think broom crowberry should be recognized as Truro's official town plant, mostly because it is very rare and officially endangered, even though we have quite a bit of it compared to other towns. Still, it is probably a safe bet that most people in Truro don't know what broom crowberry even looks like. That's because heathland, its preferred habitat, now is found only in small open areas on the Outer Cape, mostly in the National Seashore. The plant likes lots of sun, and the encroachment of pine trees and scrub oaks will limit its growth.

Broom crowberry is a low-growing evergreen shrub that can grow as high as 20 inches and as wide as six feet. It frequently grows near the much more common bearberry shrub, both of which make wonderful ground covers to hold our sandy soil in place. Broom crowberry is sometimes confused with the much smaller golden heather because their small linear, alternate leaves (0.2 inches long) are similar, but their early spring flowers are quite different. Golden heather has yellow flowers with petals while broom crowberry has barely visible, reddish or purplish flowers without petals.



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The easiest way to identify it is in the late spring or summer when all those tiny leaves create an amazing shade of vibrant, almost chartreuse color, quite different from bearberry's deeper green. A big enough bed of broom crowberry will create a billowy, almost pillow-like effect, beckoning one to take a nap on a warm day. This would be a mistake as the plant is very prickly. Even though it is called an evergreen, much of broom crowberry can appear chocolate colored in January, adding another nuance to the grey and russet hues of Truro's subtle but splendid winter pallet.

If you would like to see it from the comfort of your car without having to hike into a remote area, there are some really nice, large stands of growth in South Truro along both sides of Old County Road between Cooper and New So. Cemetery Roads.

## TRAILS AND BENCHES – UPDATE

In our Spring newsletter, we discussed the Trust's Stewardship Program, which encourages public access to conservation land owned by us, and we described the creation of trails and the installation of benches at three of the Trust's properties (Dalsheimer, Goldstein and Keezer). This work was done with the assistance of AmeriCorps volunteers, and we hope that you had an opportunity to enjoy these wonderful properties this summer.

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## Trails (Concluded)

### ORIENTAL CARPET

Located at the southwest corner of Old County Road and Ryder Beach Road, this-multi acre parcel of wetlands contains some of the most vivid fall colors in all of Truro. This very special property is protected by a conservation restriction which was given to the Trust by the Sanders family. Over the years, the trees surrounding the property have grown larger and begun to obscure the view. In order to create viewing opportunities while respecting the wooded nature of the property, the Trust worked with the Conservation Commission to create two “viewing windows,” one on Old County Road and the other on Ryder Beach Road. Trees were selectively cut or pruned to open up beautiful vistas. The Trust is also in the process of installing benches by each “viewing window.” This beautiful photograph taken in early October shows how the Oriental Carpet got its name, and why it is truly one of Truro’s treasures.



Gaechter

### **The Truro Conservation Trust**

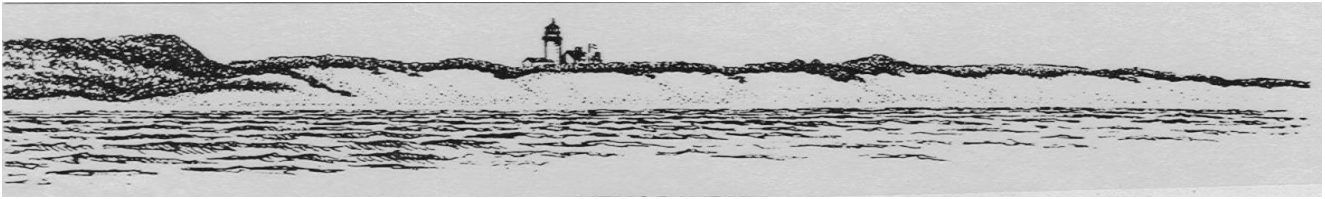
*Preserving Truro for Generations to Come*

The trustees:

Robert Bednarek (secretary and clerk)  
Betsey Brown, Fred Gaechter (president)  
Carol Green, Tony Hodgins,  
Larry Lown, John Marksbury,  
John Pendleton, Joel Searcy (vice president),  
Phil Smith (treasurer), Bill Worthington

To learn more about the work and workings of the TCT,  
visit at our website, [www.truroconservationtrust.org](http://www.truroconservationtrust.org)  
Or contact us by phone, at 508-487-1190.

# THE TRURO CONSERVATION TRUST



*Preserving Truro for Generations to Come*

## **A Letter From Your Trustees**

Dear Truro Friends and Neighbors,

This has been a memorable year for the Trust and for Truro: There are now 300 acres under the Trust's care, and the town celebrated its 300th birthday.

The articles contained in this newsletter highlight some of the accomplishments of your Trust since our June newsletter. The protection of the "Hopper Property" by the Schiffenhaus family is a major event. We cannot thank the family enough. So, we thank them again on your behalf. And all of the trustees thank each and every one of you--our loyal supporters--for your continuing enthusiasm. We could not do any of this without you.

The photo at the bottom of this letter shows in one image what we all can do together. It is taken at the southern border of the Schiffenhaus property with the Hopper House in the foreground. As far as you can see is land protected by the Trust: First is the newly protected Schiffenhaus property; next is the newly protected Kline property; north of that is the Callandar property, protected by a conservation restriction since 1997; lastly and farthest to the north going up the hill is land owned by the Trust since 1994, previously known as the Dikeman property. These four properties comprise 24.3 acres of waterfront land protected by your Trust. Our successes and challenges are captured in this photo--a fifth parcel of land, the Cater property on the distant hill has been subject to over 10 years of litigation to which the Trust has been a party.

Of course, there is always more to do. The Trust has several promising properties under consideration for protection next year. These projects will need time, effort and money on top of resources already required for the 300 acres currently under Trust management. So, we will be relying on your continued and generous financial support to protect this unique and beautiful place called Truro. And do remember, your contributions are tax deductible.

Best Regards and Thank You,

Your Trustees



Gaechter

Truro Conservation Trust  
P. O. Box 327  
North Truro, MA 02652

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Summer Mailing Address  
(if different): \_\_\_\_\_

My check for \$\_\_\_\_\_ (payable to the Truro Conservation Trust) is enclosed.

I pledge a contribution of \$\_\_\_\_\_ to the Truro Conservation Trust, to be paid by \_\_\_\_\_, 2010.

I wish my contribution applied as  Unrestricted  Stewardship Fund

Enclosed is my first payment of \$\_\_\_\_\_.

Please also contact me with more information about how to:

- Volunteer with TCT
- Donate land
- Protect my land with a conservation restriction

*Gifts to the Truro Conservation Trust are tax deductible to the full extent of the law.*