



Town of Barnstable

Land Acquisition Preservation Committee



www.town.barnstable.ma.us/LandAcquisitionandPreservation

Committee Members

Kris Clark – Chair Phyllis Miller – Vice Chair
 Elissa Crowley Duncan Gibson Steve Gould Thomas Lee Farley Lewis Thomas Mullen Steve O’Neil
 Jessica Rapp Grassetti – Town Council Liaison

Staff Support

Carol Puckett – Administrative Assistant – carol.puckett@town.barnstable.ma.us

Minutes

August 11, 2014

5:30 PM

Selectman’s Conference Room – 367 Main Street, Hyannis, MA

Kris Clark - Chair	Present
Phyllis Miller – Vice Chair	Present
Elissa Crowley	Present
Duncan Gibson	Present
Steve Gould	Present
Thomas Mullen	Present
Stephen O’Neil	Absent
Tom Lee	Present
Farley Lewis	Present

Also present were David Houghton – Assistant Town Attorney, Lindsey Counsell – Community Preservation Committee Chair, Sue Rohrbach – District Director from Senator Wolf’s office, Jessica Rapp Grassetti – Town Council President & LAPC liaison, Ann Canedy – Precinct 1 Town Councilor and Town Council Vice-President, and Carol Puckett – Administrative Assistant.

Call to Order

As a quorum has been met, Kris Clark calls the meeting to order at 5:32 PM. She states that she has heard from Steve O’Neil who will not be able to attend tonight’s meeting and welcomes new member Elissa Crowley.

Chair Clark reads the following:

Notice of Recording

Please note that this meeting is recorded and broadcast on Channel 18 in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

No one responds.

Kris Clark informs everyone that she will be taking agenda items out of order and would first like to hear from David Houghton – Assistant Town Attorney regarding the proposed conservation restriction as mitigation for easement over Hyannis Ponds Fish and Wildlife area to extend the Cape Cod Rail Trail shared use path.

Attorney Houghton asks the members to recognize CPC Chair, Lindsey Counsell who gives an overview of the Cape Cod Rail Trail proposal. He shows three (3) maps outlining the parcels (**Exhibits A, B & C**) Mr. Counsell explains that the state will be commencing construction this fall of the Rail Trail extension from Dennis to Peter Holmer Park in Yarmouth which is a ball field. This project will pick up the trail from Peter Holmer Park to Mary Dunn Road. He states that they have been working with Fish and Wildlife for approximately six years regarding an easement to extend the bike way to the end of Mary Dunn Road. He points out the Hyannis Ponds area on the map and explains that they have negotiated an easement along the northern edge of the property. In doing so,

they had to come up with two types of mitigation. One was for direct mitigation to replace the acreage with conservation land where the footprint of the bike way would occur which will be 12 to 14 acres. The purple parcels (4) on the map, which they will acquire or have interest in, will offset the direct mitigation for the bike way. The part of the proposal LAPC will be considering is indirect mitigation as they need to have a hunting offset 150 feet from the edge of the paved bike way which is what the red line represents on the map. This area will not be allowed to be hunted. They also had to provide a 2 to 1 offset mitigation in acreage for the loss of that hunting area. He states that the request here before LAPC is for a conservation restriction for the switching of hunting areas. What they are granting back are conservation restrictions on the purple areas. The Town of Barnstable will hold the fee.

Attorney Houghton states that the conservation restrictions will all be held by the Commonwealth of Massachusetts Division of Fisheries and Wildlife since they are the ones who own Hyannis Ponds which is where the bikeway will cross. There are a total of three (3) conservation restrictions covering four (4) parcels. He points out that the smallest parcel is currently owned by the Housing Authority, will have a conservation restriction placed on it, and will be switched with another and assigned to the Division of Fisheries and Wildlife. Two other parcels were previously owned by the Cobb Trust and now by the Town of Barnstable. The largest of the direct mitigation parcels is privately owned by the Cobb Trust which will grant a conservation restriction to the town which in turn will assign that to the Division of Fisheries and Wildlife. He points out the last parcel on the map which is the Bridge Creek Parcel in West Barnstable whose frontage is on Church Street to the south. He notes that he has provided LAPC with the conservation restriction documents previously (Exhibit D). The Bridge Creek parcel is a landlocked parcel and obtained by the town in 1973 for conservation purposes and subsequently joined by what is known as the 1776 acquisition which is behind the West Barnstable fire station. The 1776 acquisition will not be part of this conservation restriction. He states that the four parcels near the Hyannis Pond area are standard conservation restrictions and will have the typical prohibited activities outlined. Any access by the state has to be approved by the town and the reason for the consultation is because of the public use that takes place on the property now. For the Bridge Creek parcel, the state will designate this as a wildlife conservation easement and is the same designation as that of the Santuit Pond Reserve. Attorney Houghton adds that after the CRs have the usual prohibitions, that if the state wants to add or do anything new or different for access, they need to consult with the Town first. As for the Bridge Creek parcel, as it is a wildlife conservation easement, the state would put this on their website like they did with Santuit Preserve and that the state has done nothing else on Santuit since it was purchased and listed in 2002. Tom Lee notes that this proposal for a conservation restriction was before the Conservation Commission and approved.

Kris Clark asks if there will be fencing between the hunting areas and the bike path. Attorney Houghton and Lindsey Counsell confirm that it will be posted but that there will be no fencing. Mr. Counsell goes on to state that this will be a multi-use path which will allow for roller blades, strollers, etc., non-motorized vehicles and be 22' wide with a 3' shoulder.

Sue Rohrbach speaks and states that Senator Wolfe's office has worked on this also. They did a timeline to see how this fits together and thought LAPC might be interested to see where this board fits in. She states that the Fish and Game board has to vote on this tomorrow and then a vote will be needed by the Town Council. She hopes that Town Council will be voting on this in October and Senator Wolfe will have it filed by the beginning of the next session in January. Sue Rohrbach adds that Fish and Game will simply be adding the WB land to it's web site as land available for hunting, and that it is land that is currently used for that purpose.

Ann Canedy and Lindsey Counsell discuss the clearing of land to accommodate the bike path in reference to the conservation restriction language and easements.

Motion is made by Phyllis Miller and seconded by Duncan Gibson to adopt conservation restrictions on the project for the 3.3 acre parcel, the 9.86 acre parcel, and the Bridge Creek parcels.

Vote:
All in favor

Jessica Rapp Grassetti asks Attorney Houghton about the status regarding the stored goods in the shed/steel building on the Santuit Preserve. Attorney Houghton explains that on the P&S, the then owner, could continually store goods which rendered the town as a gratuitous bailee and that the town will have to go through a process in order for them to vacate.

Guests

- Jaci Barton – Executive Director of the Barnstable Land Trust regarding the proposed Lowell Park Woodlands Conservation Restriction.

Jaci Barton gives a summary of the restriction. She states that Barnstable Land Trust has an agreement to purchase the 19 acres surrounding Lowell Park for 1.6 million dollars. She believes that this parcel is important as it falls partially in the zone of contribution to the #3 well and located as part of the scenic green belt. She shows another map. She points out the flagpole and visiting bull pen which are not on town property. She states that the strategy was to sell the 3 acres, to the town immediately around the field. However, in order to do that they would need to purchase the 19 acres having the remainder of 16 acres owned by BLT with a conservation restriction jointly held by the Town of Barnstable. The restrictions that the family has put on this agreement is that they would not want to see the 19 acres lit and want to make sure that the frontage along Putnam Avenue stays green. Additionally, there will be a small parcel excluded (parcel 2 on the map). For parking, they intend to brush out along the edges to allow safer parking along the perimeter. Increasing the parking area is not being considered, in part because it is in the zone on contribution. They also believe that the best thing to do is to never develop the elementary school in a way that is inconsistent in allowing the Kettleer's field to be used as is, which in essence is for parking for the games, the Cotuit CraftFest and other village activities. Jaci states that what they are requesting from the town is to purchase 3 acres for \$300,000 and that the proposal will come up before Town Council at the same time that the request for CPC funding will occur. The conservation restriction is before LAPC which is a requirement of the Community Preservation Committee (CPC). Jaci clarifies that the total project cost would be \$1.8 million with the town contributing \$300,000 to purchase the 3 acres from the CPC and the fire district contributing \$225,000. Steve Gould asks if the Kettleer's would be contributing. Jaci states that they have agreed to contribute \$10,000.

Tom Lee notes that Jaci Barton, who represents BLT, came before CPC on July 28, 2014 requesting \$225,000. He states that CPC wanted to send it to LAPC for their review and recommendation back to CPC so that CPC could finish their review before going to Town Council.

Motion is made by Steve Gould and seconded by Duncan Gibson to recommend to Town Council to approve the conservation restriction for this proposal as submitted.

Jaci Barton states that the conservation restriction must be reviewed by several other groups and that there may be slight language modifications.

Vote:
All in favor

Approval of Minutes

- Minutes from LAP meeting of June 9, 2014

Motion is made by Phyllis Miller and seconded by Farley Lewis as submitted.

Vote:
All in favor

Updates

- **Santuit Preserve – Phyllis Miller**
Phyllis Miller states that her concerns were addressed herein by Attorney Houghton in regards to the shed/steel structure and looks forward to the results of the action.
- **Pathways – Farley Lewis, Tom Mullen**
Farley Lewis is waiting to hear back from Heather McElroy from the Cape Cod Commission regarding the walking weekend for the fall. Kris suggests having a walk regardless if it is a Cape Cod Commission event.

Kris Clark asks Steve Gould and Tom Mullen to do a walk through of the trails in order to check the signage.

- **Town Council Liaison Update - Councilor Jessica Rapp Grasseti**
Jessica Rapp Grasseti reports that there is no new information.

CPC update:

Tom Lee states that Jaci Barton from BLT came to CPC on July 28th. CPC liked the projects and are waiting for the CR's to be recommended.

CPC also approved the Old Stage Road open space request which will be going to Town Council for approval. Ann Canedy confirms that at some point it should come before LAPC. CPC also voted on the funding for the construction of the proposed Little League baseball field and renovation of the skate park and basketball court at the Horace Mann Charter School. Jessica Rapp Grasseti notes that these projects are on Town Council's meeting for second reading on September 4th.

Old Business

Chair's update

Open Space & Recreation Plan's Implementation Updates

Duncan Gibson is looking for volunteers in order to review the plan. Tom Mullen volunteers.

- **Cotuit Water District**

Kris notes that this is still in the process but delayed as the water district is currently short staffed.

- **West Barnstable Water District**

Kris has spoken with the fire chief and the Prudential Committee for input. LAPC is on schedule to meet at the water district on August 20th and expects that the water district will give it a good evaluation.

- **2010 Open Space & Recreation Plan Review**

Tom Lee will contact Hans Keijser about an update on the Hyannis Water District. Kris notes that Steve O'Neil of this committee will be the incoming chair for the Hyannis Water District and will therefore be leaving LAPC. Kris asks Jessica to convey to the Appointments Committee about a pending vacancy on LAPC.

New Business

- **Election of officers**

Motion is made by Steve Gould and seconded by Tom Mullen to nominate Kris Clark for Chair.

Vote:

All in favor

Motion is made by Farley Lewis and seconded by Duncan Gibson to nominate Phyllis Miller as Vice Chair.

Vote:

All in favor

Phyllis Miller suggests sending a note to Steve O'Neil for his dedication to this committee.

Correspondence

Kris received package from Richard Aliberti (**Exhibit E**) about an update on the Willowbend situation, Kris states that she called DEP today looking for a follow up,

Other

Kris states that she went to a meeting of the Compact of Cape Cod Conservation Trusts., Inc., and has provided copies of the Cape Cod Open Space Statistics from Losing Ground V (**Exhibit F**). She has also provided copies of the Compact's guide to private land protection in the Cape Cod National Seashore (**Exhibit G**)

Kris also asks members for suggestions of a tag line for Town of Barnstable's annual report section for LAPC which she will show at the next meeting.

Adjournment

Motion is made by Phyllis Miller and seconded by Duncan Gibson to adjourn.

Vote:

All in favor

Exhibits

- A, B & C = GIS Aerial Photograph Maps – File: HyWater_Fish&Game_v6.mxd J.A. B. 7-21-2014 (2), File: HyWater_Fish&Game_v6.mxd 8-7-14, File: BridgeCreek_setback_v2.mxd J.A. B. 7-21-2014 (1)
- D = Draft Conservation Restrictions for Shared Use Pedestrian and Bicycle Path Easement, Conservation Restriction for property located at 755 Independence Drive regarding bike path, Grant of Easement for shared use public pedestrian and bicycle path traversing the northernmost and westernmost portions of the Commonwealth’s Hyannis Ponds Wildlife Management Area.
- E = Cover letter dated July 8, 2009 addressed to Robert Hallett regarding Water Rights under the Water Management Act (MGL 21G).
- F = Chart entitled “Cape Cod Open Space Statistics from Losing Ground V, by Mass Audubon – 2014
- G = Brochure entitled “To Live Lightly on the Land” from The Compact of Cape Cod Conservation Trusts, Inc.

Approved