



Town of Barnstable Land Acquisition and Preservation Committee



www.town.barnstable.ma.us/LandAcquisitionandPreservation

Committee Members

Ann Canedy – Chair Farley Lewis – Vice Chair
Kris Clark Elissa Crowley Janet Crystal Steve Gould Thomas Lee Phyllis Miller Anne Rowland
Jessica Rapp Grassetto – Town Council Liaison

Staff Support

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

Minutes

Monday

March 13, 2017

5:30 PM

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

Ann Canedy - Chair	Present
Farley Lewis – Vice Chair	Present
Phyllis Miller	Present
Kris Clark	Absent
Steve Gould	Present
Tom Lee	Present
Elissa Crowley	Present
Anne Rowland	Present
Janet Crystal	Present

Also present were Jessica Rapp Grassetto – Town Councilor and LAPC liaison, David Houghton – 1st Assistant Town Attorney, Will Holden from AmeriCorps, Elizabeth Jenkins – Interim Director of Growth Management, Janet Milkman – Executive Director and Jaci Barton – Land Protection Specialist from Barnstable Land Trust, and Carol Puckett – Administrative Assistant.

Call to Order/Introduction of Land Acquisition and Preservation Committee Members

All members present introduce themselves.

Ann reads the following with no response.

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 if so, to please make their presence known.

Approval of Minutes

Minutes from LAPC meeting of January 9, 2017

Motion is made by Phyllis Miller and seconded by Elissa Crowley to approve the minutes as submitted.

Vote:

All in favor

Welcome to Janet Crystal, new Land Acquisition Preservation Committee member

New Business

- **Status of Outstanding Community Preservation Act Conservation Restrictions- David Houghton, Attorney**

David Houghton is here to bring everyone up-to-date on conservation restrictions.

David Houghton explains that he will be speaking about the pending CR's that the town will be granting all of which will have Barnstable Land Trust (BLT) as the holder of the CR. He explains that these CR's are occasioned by an amendment to the Community Preservation Act (CPA) which requires that interest in land acquired by a town under CPA be subject to a conservation restriction which is held by a third party and recorded as separate instruments. Prior to the CPA amendment, the town's practice with the law at that time was, if acquired for open space and recreation, to so state in the deed and the property was held for those specific purposes.

Since that passage of the 2012 amendments, there have been five (5) CPA conservation restrictions for open space covered by the amendment:

- Tyburski property in Centerville
- Harju
- Amaral
- Sandy Neck acquisition
- Prince Avenue in Marstons Mills

He explains that the requirements for a CR is that the CR be perpetual, be subject to, and comply with the provisions of Massachusetts General Law (MGL) Chapter 84, §'s 32 & 33. In order for it to be perpetual, it must be approved by the Secretary of the Executive Office of Energy and Environmental Affairs (EEOA). Currently, the Amaral and Harju CR's have not been approved by EEOA. The central issue in the Harju and Amaral CR'S is that the original appropriation was for open space and that when the state first reviewed it, their desire was to have the properties be held strictly for conservation/open space purposes with no recreational component. They are still in discussions with the state regarding the open space/ active recreational components.

The other remaining parcel under the state's review is the Sandy Neck parcel which was specifically limited to passive recreation. He sent a draft to the state recently and has received an agreement on all points except to determine what permissions should be needed in the future.

He has provided a template for the Prince Avenue CR to Ann Canedy which, as of yet, has not been sent to the state for review. One of the purposes expressed for holding this was to allow for parking for recreational support but for which no specifics, as to the extent of the parking, was given. They are trying to come up with a parking plan which has not yet come to fruition.

Attorney Houghton states that so far, Barnstable Land Trust is the proposed holder of the CR's mentioned tonight.

Ann asks David to expound on the Sandy Neck CR and if there have there been any material changes since the last time it was reviewed by Town Council. Attorney Houghton says no, just clarification as to when, if at all, the permission holder would be required and when, if at all, the restriction could be released. Ann asks if LAPC should do anything with the template CR he has given to the members in their packets. Attorney Houghton clarifies that they will be using the template of CR's going forward.

Ann would like, as a committee, to discuss the town's approach for CR's going forward in regards to open space and active recreational use.

Jaci Barton notes that the Harju parcel is in the midst of other conservation land and would ask the committee to be aware of how and for what purpose the other land surrounding it was purchased. She is concerned about management of the conservation area which needs to drive what a CR would include. For example, she states that both the Amaral and Harju properties are waterfront properties and there was a discussion about the possibility of canoe launching which is typical but are things that they should be considering. She recommends that this committee view the parcels and perhaps have a discussion about possibilities before the CR goes to Town Council.

With respect to the Prince Avenue parcel, she states that there is a clear delineation that defines where the flat area is and where parking can be accommodated and that providing a sketch plan with the CR would be a benefit.

- **Introduction of Janet Milkman – Director of Barnstable Land Trust and Presentation of Conservation Restriction at 0 Church Street, West Barnstable**

Jaci Barton introduces Janet Milkman. Jaci then reads from **Exhibit A** regarding 0 Church Street and gives details on the parcel.

She states that the 1717 Meetinghouse Foundation approached BLT about selling the land. The property is bounded by stone walls. She shows a map (**Exhibit B**). It is an important connector, has a parking area which gives it easy access. Also, this summer BLT sought permission to open up a trail, which they did. Currently they will be sending a proposal to CPC about purchasing the parcel and have debated as to whether they wanted to own or hold a CR. She states that it makes more sense to own it and keep the trail link open. They are asking the town to partner with them in the purchase of this parcel and hold the CR and are asking for \$175,000 of the \$200,000 purchase price. The reason for the request for that amount of money is to get this project done as there are twenty more properties left to acquire within the pathways system.

Farley Lewis asks who will be monitoring this parcel. Jaci Barton states that she is hopeful that the Conservation Commission will be the manager.

Motion is made by Ann Canedy and seconded by Tom Lee to send a letter of support from this committee to the Town of Barnstable supporting the purchase of this property.

Vote:

All in favor

- **AmeriCorps Presentation -Will Holden**

Will Holden states that he works with the Department of Public Works and also with BLT. They have approximately 32 volunteers and will be doing service around the Cape. He does land management, trail building maintenance, shellfish proration, etc., and anything relating to land resource management. He submits a list of services he does (**Exhibit C**). He takes photos and documents what is on-site. He states that the trails are in need of signage and trail blazing. Ann asks him to make a list of what is needed and to give to Farley Lewis. Will suggests that they talk to Chris Gonnella from DPW about getting town employees working on certain pieces of property. He would be willing to hike the trail with LAPC members.

- **Town Council Agenda Item 2017-051 Zoning Map Amendment Presentation by Town Councilor Jessica Rapp Grasseti regarding the Ground Mounted Solar Photovoltaic Overlay Zoning District to include parcels 023-023 and 038-004**

Jessica shows the map (**Exhibit D**) from the solar company for the development of the 2 parcels of land. She explains that the zoning map amendment has gone through the Planning Board and then will come back to the Town Council for final approval which will be on March 23rd. She gives details of locus of where the overlay will be located. Before the amendment came there was a workshop put together by Growth Management Department (GMD) which involved all the water superintendents. What they wanted to do is to get an idea from the attendees if they would be interested in participating in the overlay district. The proposed project would clear cut 32 acres and she does not support it. It still needs review from the Cape Cod Commission because it would be a Development of Regional Impact (DRI). She believes that it would need Massachusetts Department of Environmental Protection (DEP).

Steve Gould is concerned about the area south of the power lines and is concerned as to how this area will be managed. Tom Lee would like to protect the water sources in this area. The members discuss.

Motion is made by Farley Lewis to speak out against the solar project and that it seems apparent that it would not benefit the town. Motion is to oppose the project and the amendment 2017-051 with a letter to Town Council and CPC.

Seconded by Tom Lee

Vote:

All in favor

Updates

▪ **Open Space and Recreation Plan (OSRP) - Elizabeth Jenkins, Interim Director, Growth Management**

Elizabeth Jenkins was involved in the process in 2010. The plan will expire in October, 2017. The plan is subscribed by the state for consistency across communities in Massachusetts. The plan has not been revised since the last time and most of the sections can stay the same. Carol Ridley has been retained as a consultant and was the consultant on the last review. Learning from some of the issues from the last time, perhaps redesigning the public process will be a valuable plan. She will go through a list of stakeholders to make sure they are talking to who they should be talking to. She goes through the survey quickly about it being web based though a link. They did hard copies in the past and perhaps they can distribute them in places like libraries. Typically this will be web based through Web Monkey. Her goal is to have the completed plan to the Town Council and then to the state by August in order for it to be approved before the October expiration date.

Ann states that the survey should be out in time to be used by the summer residents and suggests incentives for filling it out.

Elizabeth Jenkins goes over how open space and recreation survey questions might overlap. Ann clarifies that they crossed off question #20.

Mrs. Jenkins asks for members to review the survey and send her comments and will upload a version into Survey Monkey for a sample test. Members to review and send comments to Elizabeth Jenkins and copy Ann Canedy.

Elizabeth Jenkins shows the stakeholders list and suggests that perhaps a focus group could be organized.

Janet Milkman from BLT comments that the survey mostly pertains to recreation and suggests more questions be posed about water quality, nature, air quality.

Elizabeth Jenkins hands out a list of objectives (**Exhibit E**) and suggests that she could attend next month's meeting to go over questions, concerns, feedback.

Ann refers to the Spring Walk Brochure designed by staff and a memo from Farley Lewis to Mark Ells, at his request, that suggests what needs to be done on the pathways.

▪ **Community Preservation Committee - Tom Lee**

Tom Lee reports on the CPC meeting that occurred on February 27th and that there were five (5) letter of intent:

- LOI for \$175,000 to BLT for 0 Church Street
- LOI for \$296,016 to DPW for U.S. Custom House Carriage Shop, Route 6A, Barnstable
- LOI for \$2,970,135 to Town of Barnstable for Osterville Bay Park Fields project
- LOI for \$300,000 to Hyannis Athletic Association for phased Capital Improvement Project of the Judy Whalden Scaraffle Field at McKeon Park downtown Hyannis
- LOI for \$163,000 to DPW to replace filed metal replacement windows at Centerville Recreation Building

Tom would like to see the Osterville Bay Park Fields project held in order to get a list of phased renovations

▪ **Santuit Preserve- Phyllis Miller**

Phyllis reports that she met with David Anthony and the representative from Mashpee who are in the process of completing the management plan.

▪ **Breeds Hill property and other Asset Management Committee properties-Jessica Rapp Grassetti, Council Liaison**

Jessica reports that the Asset Management Committee is currently in the process of prioritizing parcels starting with small slivers of property that might be of interest to abutters rather than for preservation or open space and going through a process of how they would dispose of them.

She has nothing new to report on the Breed's Hill property.

Adjournment

Motion is made by Phyllis Miller and seconded by Tom Lee to adjourn.

Vote:

All in favor

Approved