



# Town of Barnstable Land Acquisition and Preservation Committee

[www.town.barnstable.ma.us/LandAcquisitionandPreservation](http://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 Grassetti – Town Council Liaison

### Staff Support

Carol Puckett -- Administrative Assistant – [carol.puckett@town.barnstable.ma.us](mailto:carol.puckett@town.barnstable.ma.us)

## Minutes

Monday, April 8, 2019

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	Present
Steve Gould	Present
Tom Lee	Present
Elissa Crowley	Present
Anne Rowland	Present
Janet Crystal	Present

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TOWN CLERK

Also present were Jessica Rapp Grassetti – Liaison and Carol Puckett – Administrative Assistant

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

Everyone present introduces 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 14, 2019 and March 11, 2019

January 14, 2019 Minutes

Amended motion by Kris Clark to approve the January 14, 2019 minutes as amended by Ann Canedy

Ann Canedy wants it clarified that Mr. Ells made the last statement as shown on page 2.

Amended motion to approve the January 14, 2019 minutes as amended by Kris Clark

Seconded by Elissa Crowley

Vote:

All in favor

Motion to approve the March 11, 2019 minutes

Ann notes minor wordsmithing revisions.

Phyllis Miller makes a motion to accept the minutes with scribe's additions.

Seconded by Elissa Crowley

Vote:

All in favor

#### New Business:

- **Discussion and approval of proposed committee name change and charge**

Ann notes that Jessica Rapp Grasseti and she were to review the document before presenting to Town Council.

- Section E - Ann would like to add the word "promoting" after implementing the approved the Cape Cod Pathways Plan
- Ann wants to eliminate Section G & H as it is superfluous. Phyllis comments that in Section G, they really do assist the Town Departments in the management of land in the Santuit Preserve and that they could incorporate it in Section F. Ann suggests keeping Section G but specify "shall assist the town departments in the management of acquired under the Land Bank Act, specifically the Santuit Preserve". Jessica suggests changing F to G and G to F.
- Kris notes that in Section A, that it is Community Preservation Committee and not a board.

They discuss changing the name to Open Space Committee and having one member from this board on the Community Preservation Committee (CPC). Jessica asks how often this board looks for parcels for acquisition. Ann Canedy states that they don't currently actively look for parcels to acquire. Kris Clark comments that in the past when she was chair, in an effort to initiate the Open Space and Recreation Plan, they went to the water districts to seek their input on candidate parcels and at times went into executive session. She was then told by Tom Lynch, the Town Manager at that time, that LAPC didn't have standing to invoke executive session nor the ability to negotiate as a committee unless they talked about it in open session which would be a disservice to the private property owner. Kris explains that that decision took away this committees ability to acquire land. Jessica suggests that if anyone comes to this committee with parcels for acquisition for open space, that they should be referred to the Asset Management Advisory Committee. Ann comments that LAPC reviews conservation restrictions, promotes pathways and does a service to the town by educating the public in herring runs, forestry issues, etc., and that perhaps adding that to their charge.

Jessica thinks that they should:

- Strike 1 which says acquisition
- put Open Space and Recreation Plan (OSRP) at the top so that D becomes A and everything follows after that

Ann clarifies that they should rearrange so that it falls in the following order:

1. Open Space and Recreation Plan (OSRP)
2. Conservation Restrictions
3. Pathways
4. Santuit Preserve

Ann will rewrite and bring this back at the May meeting. Ann will do a new draft and send it around before the next meeting.

It is clarified that F will be:

Add sentence.. "and shall assist town departments in the management of said land acquired under the Land Bank Act"

- **Discussion, approval and recommendation of adoption of Conservation Restriction Protocol**

Tom Lee has composed a flow chart for the process.

Tom comments that he went over the chart with Lindsey Counsell and the legal department. Lindsey wants to put in a middle column to indicate whose responsibility it will be to do that task. Ann asks Tom to go over it. Ann asks at what point the project should be forwarded to the Open Space Committee (OSC). Tom explains that either the town attorney or CPC will send it to this committee. Jessica recommends that the next bullet should be to the OSC for review and support from the legal department. Ann asks if OSC submits letter of support to ConComm and CPC at the same time. Tom Lee answers yes.

After approval of the timeline, Tom will submit to CPC for approval and then put it in the CPC handbook.

Motion to support the flow chart as prepared by Tom Lee for the review process for conservation restrictions if Community Preservation funds are used, as amended.

Second by Anne Rowland

Vote:

All in favor

- **Correspondence regarding Mass Open Space Conference**
  - Ann has an invitation from Alissa Young from Southeastern Massachusetts Pine Barrens Alliance about a free workshop on Saturday, April 27, 2019 at Mount Wachusett Community College in Gardner.
  - The Massachusetts Certified Public Purchasing Official (MCPPO) Program will take place on May 14, 2019 from 5:00 pm to 8:00 pm at the COMM Fire Headquarters located at 1875 Falmouth Road – Route 28, Centerville, MA. This is tuition free but you must register by sending your name and the name of the jurisdiction you represent to [MA-IGO-Training@mass.gov](mailto:MA-IGO-Training@mass.gov). Topics to be covered are fiduciary duties and responsibilities; tools for effective oversight; preventing and detecting fraud, waste and abuse; ethics requirements for members of boards and commissions; public records law; and open meeting law.

#### Old Business:

- **Update on Pending Conservation Restrictions-Prince Avenue/Harju/Amaral/Jones/Maddalena**  
Ann states that Lindsey Counsell has been tasked with following up on these CR's and has indicated to her that he is aware of their outstanding status. He will confer with outside counselor, Barbara Harris, in order to pursue their status. Ann has also discussed with Lindsey different ways in dealing with Prince Avenue and has prepared a summary to give to him as well as some CR prototypes.

She reports that Maddalena was approved by Town Council but isn't sure of its current status.

- **Update re Pathways and Pathways weekend**  
Farley reports that the next meeting is May 1<sup>st</sup> at Barnstable Land Trust (BLT) at 9:00 am and wanted to remind everyone that the Spring Walking Weekend will be May 31<sup>st</sup> through June 2<sup>nd</sup> and has received several submissions so far. She would love to hear from any other people who want to lead a walk and have them submit that information to her. There is a handout in the package about the volunteers doing stewardship which is a great opportunity to walk the trails and find things that need attention. She has also heard from Kelly Barber who is the new BLT land steward replacing Will Holden.

Phyllis Miller says that they have not had a formal monthly meeting yet to discuss volunteers

Farley notes that April 18<sup>th</sup> is the deadline for the Barnstable Bulletin and thinks that they should do a "save the date" blurb. Ann suggests that she should put down what the confirmed walks are currently as well as titling it "More to Come" for any additional walks.

Elissa Crowley walked the Old Jail Lane trail and found a broken kiosk but hasn't reported it as of yet. Ann Canedy mentions that the Department of Conservation and Recreation has grant opportunities for pathways and relayed that information to the Conservation Commission. However, they do not have any personnel to carry on the grant but DPW does. Phyllis Miller reminds them that it needs to go through DPW Director, Dan Santos.

Jessica says that if this committee's name is changed then the bulletin from Will Holden will also have to change.

- **Report from Tom Lee, CPC**  
Tom lee speaks briefly about the Orenda application which was approved. Ann has asked the Director of Orenda Wildlife Trust to come and speak to this committee next month. Also, she will have someone from Natural Resources to talk about the herring runs.
- **Update on Santuit Management Plan.**  
Phyllis reports that the Town of Mashpee has approved the Plan. However, she hasn't heard when the first meeting will be held.
- **Report from Town Council Liaison Jessica Rapp-Grassetti**
- Jessica gives a handout about the status of the West Barnstable Shooting Range. Originally the Town set aside 16 acres, prepared a CR and submitted it to the State. The State wanted more acreage set aside. The Town identified additional acreage and has resubmitted the proposal to the State. Acceptance is expected shortly. As Town Manager Mark Ells has reported, the Town has funds to do a clean up and safety improvements of the 2.5 acre Range, which

will be under the jurisdiction and operation of the Barnstable Police Department. It will not be open to the public as yet. All of this is pending and not a "done deal".

Steve Gould is concerned about the paths surrounding the shooting range and if signage should be put up to warn walkers.

Ann thinks it a good idea to get a subcommittee together perhaps made up of citizens in the area, conservation member as well as police to get a good understanding about people's issues and perhaps a compromise about hours of operation and weapons that will be allowed to be used. Jessica thinks it is also a good idea.

Ann mentions that on June 25<sup>th</sup>, a meeting on the Saltwater Estuary Overlay Regulations will be held by the Board of Health.

Ann asks if there has been any movement regarding zoning on this issue. Jessica is on the Zoning Advisory Committee which is a subcommittee of the Council. There was a discussion about the new proposed Highway Business zoning amendment which was trifurcated from the original proposal. This new proposal encompassed land from the east side of Lambert's to the other side of the new health facility on Route 28 which she did not support because she felt it was too similar to the original proposal. However, this has not been before the Town Council and she is not sure of the current status. Jessica also states that in regards to the Saltwater Estuary Overlay regulations, the chair of the BOH read a letter from the Cape Cod Commission offering technical assistance for that critical piece of zoning regarding this.

Ann asks if there was something in the (Capital Improvement Plan (CIP) about sewer in that area. Jessica says that there is no sewer in Cotuit but the feasibility study will look at perhaps Barnstable sending effluent to Joint Base Cape Cod. Four other towns: Sandwich, Mashpee, Falmouth, Bourne have looked to the Joint Base Cape Cod for possible use of that facility for the treatment and/or disposal of their effluent. However, that facility needs an overhaul. This town is also looking at perhaps sending their effluent through pipes to Sandwich but isn't sure as this is years down the road.

Ann asks if the Marstons Mills property is the reason why they want to change the zoning and relax the estuary regulations. Jessica believes that the proposal was to lift the estuary zone by 500 feet on either side of Route 28 and that the parcel in question goes beyond 500 feet. The town has never put out a (Request for Proposal) RFP for housing in that area, only for the use of the building which was not successful.

Jessica explains that right now, what they are looking at is the wastewater facility in Marstons Mills and turning it into a pump station sending the flow to the Hyannis water treatment plant.

#### **Items not reasonably anticipated by the Chair**

Farley reports that she, Kris Clark and Tom Lee attended the Climate Resiliency Conference. Kris states that one of the recommendations that came up was the acquisition of land on the waterfront because of tidal rise and threats to homes.

#### **Public Comment**

#### **Adjournment**

Motion is made by Phyllis Miller and seconded by Steve Gould to adjourn

Vote:

All in favor