



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 Grasseti – Town Council Liaison

Staff Support

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

Minutes

Monday, July 8, 2019

5:30 PM

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

20 MAR 12 AM 28

BARNSTABLE
TOWN CLERK

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

Also present were Jessica Rapp Grasseti – Town Council Liaison and Carol Puckett – Administrative Assistant

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

Since a quorum has been met, Ann opens the meeting at 5:30 and has everyone 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 June 10, 2019 as amended

Motion is made by Phyllis Miller and seconded by Tom Lee to approve the minutes as amended.

Vote:

All in favor

New Business:

- **Review and vote regarding Amended Conservation Restriction – 200 Communication Way, Hyannis.**

Ann notes that she had distributed the conservation restriction (CR) document at the last meeting with revisions which she clarifies and that all changes were required by the Commonwealth:

- all changes in red print were changes that Greystar and the Town finalized in 2017 that the Commonwealth deleted
- all changes in blue print are language that the state added to the 2017 form

- green print is the language from the 2017 form that the Commonwealth moved within the document and is removed where it shows a strikethrough and added where underlined

Also added for clarification was the grantee which is Barnstable Conservation Division and the grantor is Greystar for the Everleigh apartment complex on Independence Drive. There is a bicycle path easement also involved with this parcel.

Ann thinks the important pieces fall within the Prohibited Uses and Rights section which outlines what can and cannot be done on the parcel and is similar to language in other CR's.

Farley supports the landscape restoration plan and asks who will be responsible for the maintenance. Ann believes that the property owner, Greystar, is responsible pursuant with an agreement with the Cape Cod Commission (CCC) and that the Conservation Commission (ConComm) and the Town will oversee it. Ann also explains that there will be a bicycle easement on the property and that Greystar also gave the Town one of the parcels in that area for water protection.

Farley asks if the monies are sufficient to construct the wells and water tanks. Jessica Rapp Grassetti states that there will be a well exploration.

Elissa asks if this will be an extension of the bike path. Ann states that it will run from behind this parcel to Mary Dunn Road.

Motion is made by Phyllis Miller and seconded by Kris Clark to recommend approval to Town Council of this Conservation Restriction

Vote:

AYE: Ann Canedy, Farley Lewis, Phyllis Miller, Kris Clark, Tom Lee, Steve Gould, Elissa Crowley, Ann Rowland, Janet Crystal

NAY: None

ABSTAINED: None

Ann will write email to the Greystar representative and another letter to the president of the Town Council and usual recipients.

Ann asks Tom Lee if this needs to go back to ConComm. Lee thinks perhaps.

Old Business:

- Update on Pending Conservation Restrictions-Prince Avenue/Harju/Amaral
 - **Prince Avenue** – Given to Lindsey Counsell to pursue
 - **Harju** – Given to Lindsey Counsell to pursue. Ann Canedy notes that this, as well as the Amaral conservation restriction (CR) needs to be made more compatible with active recreation. Lindsey Counsell is working with outside counsel in order to achieve and meet that criterion. Ann explains that the State would like the CR's to more passive and not allow any active recreation but the Town wants more flexibility. She believes that are going to come before LAPC first.
 - **Amaral** – Given to Lindsey Counsel to pursue also.
 - **Jones** = The CR has been recorded
 - **Maddalena** – Town Council approved this parcel for purchase in January of 2019. This committee sent a letter of support for that purchase The CR has been recorded

At this time, Ann reports that there have been no changes to the Prince Avenue or Amaral CR's.

Phyllis Miller explains the Mills property and that when acquired, no CR was put on the property and how it slipped through the Community Preservation Committee (CPC) isn't quite clear. Ann says they didn't use CPC money but isn't sure if the Land Bank was involved at that time.

Ann reports that Lindsey Counsell has been advised by the Town of Mashpee's outside counsel that they found the proposed CR approvable but that the Town of Mashpee's Town Selectman need to vote on it, after which, the Town of Barnstable's Town Council will need to confirm it and then it will come back before this committee. Mr. Counsell is hoping that it will be complete before Labor Day.

- Update CR approval process

Tom Lee reports that the Community Preservation Committee (CPC) has voted to adopt the process flowchart which will be put into the CPC handbook. Ann asks if there are plans to send it to BLT or others to use the process. Tom Lee states that he has been in contact with Jacki Barton and Janet Milkman from BLT about the flowchart.

Kris suggests numbering each step in order to clarify where in the process a CR would be at. Ann Canedy hopes to meet with Lindsey Counsell and others to get a list of outstanding CR's and track at what step they are in that process.

- **Update on Pathways Subcommittee**

Farley says next meeting is Wednesday at the Barnstable Land Trust (BLT) at which time they will be looking into future projects. She shows a brochure from the Town of Falmouth that was made in collaboration with the 300 Committee (**Exhibit B**) showing all their conservation and recreational areas for trails, etc. She notes that the Town of Falmouth received a grant from the Cape Cod Foundation for the brochure. Farley is hoping to create something similar for the Town of Barnstable.

Farley also notes that Elissa Crowley has suggested providing accomplishment patches or badges to hikers that redline each trail they complete.

Ann asks Jessica Rapp Grassetti to report on the renaming of this committee in reference to pathways. Jessica reports that she had met with Ruth Weil, Town Attorney, and David Houghton, First Assistant Town Attorney, who have drafted and reviewed the Administrative Code in reference to changing the name of this committee from Land Acquisition and Preservation Committee to Open Space Committee and to review this committee's charge.

One of the functions of this committee is the pathways. However, there are concerns about the pathways since some of the trails traverse over private property on which the Town has not secured easements to the pathways which puts the Town at risk for liability. Jessica suggests that perhaps BLT can be the official promoters of the pathways and this committee could have a link to BLT's website. She circulates the item detail for this committee's name change/charge which will be on a future Town Council agenda (**Exhibit A**) and asks the members to look it over. She suggests that perhaps Ann and she can sit down with the Town Attorney to finalize it. As for having a member from this committee to be on CPC, it would also require a change of the administrative code. They discuss having this committee's involvement regarding the pathways. Jessica thinks it is a good topic for follow-up.

- **Report from Town Council Liaison Jessica Rapp-Grassetti including status of proposed modification of Interim Estuary Protection legislation.**

Jessica reports that the estuary overlay was not rescinded by a vote of 2 to 1 and that there was much public comment. She thanks people who wrote letter and spoke in support.

No update from Jessica on Breed's Hill. She believes that it is still at the state level.

- **Update on Santuit Management Plan and Committee.**

Phyllis Miller hasn't heard anything yet about a meeting. Ann believes that David Anthony was going to review vacation schedules and then set up a meeting. Ann will contact him to get status.

- **Update on Open Space & Recreation Plan (OSRP)**

Ann reports that Elizabeth Jenkins was invited but wasn't able to attend tonight and that the last she heard was that the state asked for some revisions from the town on the OSRP that are still pending. Ann Canedy suggests sending an email to Elizabeth Jenkins and copying Paul Wackrow – Senior Planner to do the follow-up.

Items not reasonably anticipated by the Chair

Public Comment

Adjournment

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

Vote:

All in favor