



# 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 Grassetto – Town Council Liaison

Staff Support

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

## Minutes

Monday, February 10, 2020

5:30 PM

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

20 MAR 10 P1:18  
BARNSTABLE  
TOWN CLERK

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

Also present were Kris Clark - Town Council Liaison, Elizabeth Jenkins – Director of Planning & Development, Lindsey Counsell – Community Preservation Committee Chair, Mark Robinson – Executive Director of The Compact of Cape Cod Conservation Trusts, Jeff Thibodeau – Executive Director of Orenda Wildlife Trust, and Carol Puckett – Administrative Assistant – Planning & Development

As a quorum has been met, Ann Canedy opens the meeting at 5:32 pm

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

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.

#### Minutes

Approval of Minutes of December 9, 2019; Approval of Minutes of January 13, 2020

Motion is made by Phyllis Miller and seconded by Tom Lee to approve the December 9, 2019 minutes as amended

Vote:

All in favor

Motion is made by Phyllis Miller and seconded by Janet Crystal to approve the January 13, 2020 minutes as amended

Planning And Development Department  
Elizabeth Jenkins– Director  
200 Main Street, Hyannis, MA 02601 367 Main Street, Hyannis, MA 02601  
Phone: 508-862-4785 Fax: 508-862-4784

Vote:

AYE: Phyllis Miller, Elissa Crowley, Janet Crystal, Doug Payson, Ann Canedy

NAY: None

ABSTAINED: Tom Lee as he was not present

**New Business:**

**1. Collection of Ethics Compliance Forms**

Forms are turned in by members with the following exceptions: Phyllis Miller to provide Certificate of Completion but has turned in the Acknowledgment form, Anne Rowland will be completing the training and forwarding the documentation once completed, Steve Gould and Doug Payson turned in the Certificate but not the Acknowledgment form.

Ann notes that she has collected all the information from the members.

**2. Review of Conservation Restriction (CR)- Orenda Trust, grantor, 0 Great Marsh Road, Centerville; possible vote to recommend approval.**

Lindsey Counsell – Chair of Community Preservation Committee (CPC) speaks and states that this 6.2 acre parcel is being purchased for \$425,000 and has worked with Orenda Wildlife Trust on this project for approximately one year. The origin of the acquisition is for the town to have the conservation restriction (CR ) (Exhibit A) and for Orenda to own and manage the property. They came up with further conditions for parking but is still undefined as such. CPC was to preserve this unique land and this is really an opportunity to protect the character of the neighborhood. Mr. Counsell states that former Orenda Wildlife Trust Executive Director Theresa Barbo has described this as unique forest land which have remained untouched for years. Ann asks the proximity of this property to Lake Wequaquet. Mr. Counsell explains that it is approximately 500 feet but has no access to the lake.

Recently appointed Orenda Wildlife Trust Executive Director Jeff Thibodeau explains that this will be for nature preserve, with limited use but with public access.

Ann notes that LAPC is concerned about the prohibited and permitted uses. Janet Crystal asks if there is any anticipation that removal of invasive plants such as bittersweet and ivy will be removed under proper supervision as outlined under “Prohibited Uses and Reserved Rights and Exceptions #8”. Mr. Thibodeau says yes. Mr. Counsell notes that it would come under “B. Reserved Rights and Obligations, #2.c” which allows “for removal of non-native invasive plant species, including the right to use pesticides designed and applied to affect the target species and minimize the impact to adjacent non-target species, preferably applied by hand”.

Compact of Cape Cod Conservation Trusts Director Mark Robinson explains the State’s model regarding language in CRs. Doug Payson asks about proposed parking areas and possible hiking trails. Mr. Thibodeau states that there is no proposal at this time for a trail but perhaps in the future. They discuss path width requirements. Ann asks about the right to convey and asks if the CR follows the property no matter what. Mark Robinson explains that it will run with the land in perpetuity and be recorded as such. Ann clarifies that Orenda will own the land and town of Barnstable will hold the CR.

Ann asks what the tax ramifications/impact will be. Mr. Counsell explains that there will be no tax impact since both the seller and buyer are non-profits who currently don’t pay taxes on these types of acquisitions.

Ann asks if the property between this parcel and the lake would be available in the future. Mr. Counsell has asked that question but isn’t sure at this time if it will become available.

Motion to send a letter recommending approval of this CR to the Town Manager, Conservation Commission, and Town Council is made by Phyllis Miller and seconded by Elissa Crowley

Vote:

All in favor

**3. Review & Discussion about Section 9 of Open Space & Recreation Plan (OSRP); Update on status of OSRP presented by Elizabeth Jenkins, Director of Planning.**

Elizabeth Jenkins hands out copies of Section 9 of the OSRP (Exhibit A). She explains what she did was in response to the comments from the last LAPC meeting. She had received two additional comments from the State. One of the comments was in regards to completeness of a table in the OSRP, which catalogs all of the additional town-owned conservation and recreation properties. The State was looking for an updated status. She thinks there needs to be a cover letter explaining some of the blank spaces in regards to funding of the parcels. It still needs to be reviewed by town staff before responding to the State's comment. As for comment #2, the State had a question about the methodology in regards to the Americans with Disabilities (ADA) facilities inventory which, when originally done, was prior to the 2010 OSRP. At that time, it was done by the Disabilities Commission using the standard practices and Ms. Jenkins thinks they just need to clarify that information with the State.

Ann notes that some of the acquisitions that are blank were done when she was a town councilor and she and Kris Clark could help in filling in that information.

Ms. Jenkins will cross reference the information in the table she distributed tonight to a larger table of all land acquisitions.

Doug asks Ms. Jenkins if there is a map currently that would list the parcels according to their name labels such as the Andrews property. Ms. Jenkins thinks it is a good idea to also list village by village and will look into it if they don't already have that resource. Kris Clark asks if they could update the maps on the Town's website. Ms. Jenkins will work with the GIS department on that request. Ms. Jenkins also notes that they have a property management database that they could link the map to.

Ann then asks Ms. Jenkins to go through the goals, some of which have been accomplished. Ann thinks the criteria would remain the same but perhaps look at the priorities, which might have changed, and that this committee might want to re-prioritize/update their criteria.

Ms. Jenkins recommends having DPW do a presentation to LAPC if they haven't already so that they can be aligned with their thinking regarding the comprehensive wastewater plan. Ms. Jenkins then explains what the plan is. Tom Lee notes that the plan was for a period of sixty (60) years but has been changed to thirty (30).

They discuss innovative solutions for nitrogen loading.

Janet Crystal thinks that a presentation on alternative systems would be another idea.

Ann notes that perhaps she can set up staggered presentations at upcoming LAPC meetings; one for the Comprehensive Waste Water Plan and another for alternative septic systems. She will look into inviting DPW for the first one and Mr. Crocker for the month after.

As for development of priorities, Ann Canedy notes that when Kris Clark was chair of LAPC, there were executive sessions called by the water districts in which LAPC participated. This resulted in getting lists from the water districts of parcels that were of interest and a priority to them. LAPC then passed that information, several times, to the Town Manager, Lindsey Counsell, CPC chair: David Anthony, Property and Risk Management Director and Councilor Jessica Rapp Grassetto who was Council liaison at that time.. They could do that again and is sure that some of these parcels have been protected and is sure there are new ones. Ms Jenkins thinks that 1.1 A might not show all of them.

Ann asks Tom Lee if CPC has this as criteria in their handbook and to share it with Ms. Jenkins.

**Goals, Objective and Actions:**

1.C – Ann believes that this is part of that whole OSRP process.

Ann asks about 1.4. and thinks LAPC is doing that in part with Barnstable Land Trust (BLT). She notes that there are also members of this committee that are on a BLT subcommittee that is looking at pathways and easements that need to be obtained either for purchase or for easements.

1.4.B = Ann thinks that LAPC's advocacy of the Breed's Hill CR for years, which came out of Barnstable Water District's priority parcel list, would qualify for this.

Ann thinks LAPC should look over the parcels again in regards to municipal use or conservation use but is not sure how to approach that. Ms. Jenkins says they could look into that.

1.4.C = LAPC has done that in the past. Phyllis Miller notes that they have done that on Channel 18 by Mark Robinson and perhaps could have him do that again. Janet Crystal talks about attending a workshop on educating successive owners of CRs about what their responsibilities and to understand their rights are, etc. Ann asks Janet to forward that information to her.

1.5 = Phyllis Miller talks about having CRs with no management plan and stewardship. Ms. Miller would also like to add LAPC to 1.5.b

1.5.I = Ann asks Ms. Jenkins to explain the eligibility of land acquisition projects under MA Coastal and Estuarine Land Conservation Plan. Ms. Jenkins isn't sure but will get that information.

2.1 = Ann notes that this is something LAPC has done and perhaps they should think about redoing

2.2 = Ann thinks LAPC is doing with pathways and thinks it could be stepped up.

As for the transfer of development rights, Ann asks if they have used TDRs. Ms. Jenkins states that the town does not have a formal plan or format.

2.3.B = LAPC has had people talk about herring runs and bogs and thinks that perhaps LAPC should consider recommending that the Town acquire some of these parcels.

2.4.B = Ann needs a list of parcel 61 parcels and see asks Ms. Jenkins if they all have a right of first refusal by the town. Ms. Jenkins explains.

3.3 = Ann asks Doug Payson to speak to this. Doug Payson hands out a map (Exhibit B) from the Town's website. He was made aware that there was a newer map. He shows a map from the Cape Cod Chamber of Commerce website and notes that it is easier to read than what is on the town's website. He wonders if they can use those maps for LAPC's webpage even though they are from different sources. Ms. Jenkins states that they are looking at the town's website and perhaps they could coordinate the maps.

3.3.I = Kris notes that this is in reference to a walking library which staff has been working on. Ann asks Ms. Jenkins if staff can coordinate that information. Ms. Jenkins will look into it.

5.3 = Ann notes that it was suggested to have Mark Robinson do another segment on tax issues on CR's and suggests that they also could have a discussion about CR responsibilities.

Ann would like the members to look over this section of the OSRP for the next meeting and see what they want, as a committee, to accomplish and make a timetable of when they want to get it done.

#### **Old Business:**

- **Update on CR Approval Process**

Ann says Tom Lee has done a final draft of the CR approval process. Previously, Farley Lewis, Kris Clark, Jessica Rapp Grasseti, and Ann Canedy met with David Houghton and Karen Nober from the Town Attorney's office, in part, to review the process. The outcome of that meeting was the suggestion was that the format needed to be rearranged which has been done.

Ann would like to send a note to Karen Nober – Town Attorney and to CPC saying that they prefer this version of the CR Approval Process.

Motion is made by Phyllis Miller and seconded by Elissa Crowley to send a note to Karen Nober – Town Attorney and to CPC saying that they prefer this version of the CR Approval Process.

Vote:

All in favor

**Signage for Pathways**

Steve Gould has found signage similar to what they are looking for on EBay and Amazon and has dimensions and prices. Doug was in Chatham and Harwich on Saturday and took photos so that people could see how these towns handle their signage. He also contacted Chatham Conservation Foundation and the Harwich Conservation Trust in both towns. He explains that Chatham also has a sign with a hiker with a dog on a leash, which he is in favor of.

Ann would like to continue this discussion and will put it on the agenda for next month.

**Items not reasonably anticipated by the Chair**

**Public Comment**

**Adjournment**

Motion is made by Phyllis Miller and seconded by Elissa Crowley to adjourn

Vote:

All in favor

**Please Note:** The list of matters are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Committee may go into executive session. The Committee may also act on items in an order other than they appear on this agenda.

\* Public files are available for viewing during normal business hours at the Land Acquisition & Preservation office located at 200 Main Street, Hyannis, MA