

Cape Cod Pathways Trail Plan

Town of Barnstable, Massachusetts

Prepared for:

Town of Barnstable
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Funding Administered by:

Barnstable County
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April 17, 2003

Mr. Robert Gatewood, Director
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Re: Barnstable Cape Cod Pathways Trail Plan, Barnstable, Massachusetts

Dear Mr. Gatewood:

Horsley & Witten Inc. is pleased to submit the Barnstable Cape Cod Pathways Trail Plan. We have very much enjoyed developing this Trail Plan in cooperation with you and other Town staff and Committee members, and trust that this Plan represents the most feasible trans-town walking trail network considering current land ownership patterns.

As discussed with you earlier, we have included several items as appendices to the report that will facilitate Trail Plan implementation. These items include:

- Proposed Cape Cod Pathways Committee Charge
- Access Agreement Samples
- Letter Template to Barnstable Town Council
- Script for Landowner Contacts
- Limited Liability Statute
- Trail Segment Description Spreadsheet

We also suggest that you consider seeking formal Conservation Commission approval prior to requesting approval from the Town Council.

It has been our pleasure working towards the creation of this valuable recreational and open space amenity for the Town of Barnstable. We look forward to working with you again in the near future.

Sincerely yours,

HORSLEY & WITTEN INC.

Jeff Thibodeau for

Jeff Thibodeau, MLA
Environmental Planner

JT:tlb

Enclosure

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EXECUTIVE SUMMARY

Cape Cod Pathways is a growing network of walking trails linking open space in all 15 Cape Cod towns from Falmouth to Provincetown. In November 1993, the Barnstable County Commissioners conceived the Cape Cod Pathways project as a way to:

- Enable residents and visitors to enjoy and learn about the natural, recreational, historical and cultural values of Cape Cod.
- Enhance access for walkers and hikers to the Cape's woodlands, ponds, beaches and historical villages.
- Foster the preservation of open space in order to protect scenic views, wildlife habitat and sensitive natural areas.
- Serve as a regional amenity, attracting visitors to Cape Cod during all seasons of the year.

Numerous individuals and organizations across Cape Cod have been involved in this effort through the years, including the organization called Partners for Cape Cod Pathways (Association for the Preservation of Cape Cod, Cape Cod Commission, The Compact of Cape Cod Conservation Trusts, and The Conservation Fund), as well as trail advocates and local town committees.

A recent grant from Barnstable County provided funds for additional Pathways planning work in the Town of Barnstable. Horsley & Witten Inc., an environmental services firm in Sandwich, Massachusetts was hired by the Town to conduct this work.

The main goal of this trail plan is to identify and describe the most feasible east-west route for a dedicated walking trail through Barnstable based on existing environmental and cultural factors. In consideration of this goal, several planning objectives were outlined at the inception of the Cape Cod Pathways project, including the following:

1. To maximize inclusion of publicly accessible lands and to minimize inclusion of private property.
2. To minimize new trail cutting by maximizing use of existing paths, trails, and cartways.
3. To provide buffers between the Pathways and private developed areas, such as residential subdivisions, wherever possible.
4. To avoid wetlands crossings, steep slopes, and other sensitive natural areas wherever possible.
5. To provide a variety of scenes and experiences.
6. To minimize road crossings for safe walking; to cross traveled roads only where safe sight distances are available; to avoid walking on road shoulders wherever possible.
7. To provide occasional access to rest and refreshment facilities, such as restrooms and markets.

8. To provide endpoints near likely inter-town and inter-modal Pathway connections.
9. To provide trailheads and parking areas convenient to residents and visitors anywhere in the vicinity.
10. To include segments appropriate to coincide with potential disabled access recreational routes.
11. To create loop and spur trails off the central trail.

Planning assistance was received from the Town of Barnstable Conservation Administrator and Conservation Commission, Geographic Information Systems (GIS) Department, Assessor's Department, Engineering Department and Planning Department. Americorps Cape Cod has also been very helpful. The following individuals were instrumental in Pathways planning for the Town of Barnstable:

- Doug Bill, Town of Barnstable Planning Department
- Tom Broidrick, Town of Barnstable Planning Director
- Lindsey Counsell, Town of Barnstable Open Space Committee
- Robert Gatewood, Town of Barnstable Conservation Administrator
- Darcy Karle, Town of Barnstable Conservation Commission
- Nikhil Jaikumar, Americorps of Cape Cod
- Martha Twombly, Cape Cod Commission Pathways Coordinator

By endorsing this Cape Cod Pathways Trail Plan and creating a committee charged with its implementation, the Town of Barnstable will have an opportunity to join the growing number of towns that have dedicated a trans-town walking trail network as part of the Cape Cod Pathways system.

Although existing conservation areas account for the majority of public walking trails in Barnstable, not all of them are connected to each other and hikers do not yet have the option of walking unimpeded across town from one area to another. In order to provide trail linkages between existing conservation area trails, it will be necessary to use some road right of ways and may also be necessary to propose the inclusion of some existing privately owned parcels. To implement these portions of the plan, it will be necessary to acquire legal rights to traverse these properties, through land acquisition/ownership, conservation easements, or other written legal agreements. Implementation of the proposed trail route will be greatly fostered through the creation of an Ad Hoc Pathways Committee, charged with various implementation responsibilities. The proposed charge for this Committee, which outlines the various means through which permission may be acquired from property owners, is included in this report.

This project was conducted primarily during the months of January, February and March 2003 to inventory and analyze trail types and conditions, potential assets and conflicts/issues, and attractive features.

The Trail Route most effectively accomplishes the objectives of the Cape Cod Pathways program, considering existing constraints and opportunities and the trail planning objectives set forth above. However, the alignment of the proposed route may change through time, depending upon the results of the proposed Pathways Committee's implementation efforts.

Implementation of the Cape Cod Pathways trail network will directly enhance Barnstable's conservation and recreation resources, providing an additional reason for the ongoing acquisition and protection of conservation land, thereby assisting in regional open space conservation efforts.

1.0 INTRODUCTION AND ACKNOWLEDGMENTS

Cape Cod Pathways is a growing network of walking trails linking open space in all 15 Cape Cod towns from Falmouth to Provincetown. In November 1993, the Barnstable County Commissioners conceived the Cape Cod Pathways project as a way to:

- Enable residents and visitors to enjoy and learn about the natural, recreational, historical and cultural values of Cape Cod.
- Enhance access for walkers and hikers to the Cape's woodlands, ponds, beaches and historical villages.
- Foster the preservation of open space in order to protect scenic views, wildlife habitat and sensitive natural areas.
- Serve as a regional amenity, attracting visitors to Cape Cod during all seasons of the year.

Numerous individuals and organizations across Cape Cod have been involved in this effort through the years, including the presently dormant organization called Partners for Cape Cod Pathways (Association for the Preservation of Cape Cod, Cape Cod Commission, The Compact of Cape Cod Conservation Trusts, and The Conservation Fund), as well as trail advocates and local town committees. In Barnstable, planning assistance was received from the Conservation Administrator and Conservation Commission, Geographic Information Systems (GIS) Department, Assessor's Department, Engineering Department and Planning Department. Americorps Cape Cod has also been very helpful. The following individuals were instrumental in Pathways planning for the town of Barnstable:

- Doug Bill, Town of Barnstable Planning Department
- Tom Broidrick, Town of Barnstable Planning Director
- Lindsey Counsell, Town of Barnstable Open Space Committee
- Robert Gatewood, Town of Barnstable Conservation Administrator
- Darcy Karle, Town of Barnstable Conservation Commission
- Nikhil Jaikumar, Americorps of Cape Cod
- Martha Twombly, Cape Cod Commission Pathways Coordinator

2.0 BACKGROUND AND AUTHORITY

All 15 Cape Cod towns have endorsed the Cape Cod Pathways project and have been, or are actively working on, planning efforts. Various existing trails throughout the Town of Barnstable have been individually mapped and described in a collection of Interpretive Trail Guides produced by the Barnstable Conservation Commission. Trail maps and/or guides have been produced for the following conservation areas:

- Bridge Creek Conservation Area
- Crocker Neck Conservation Area

- Hathaways Pond Conservation Area
- Long Pond Nature Trail
- Old Jail Lane Conservation Area
- Sandy Neck Nature Trail
- West Barnstable Conservation Area
- Whelan Conservation Area

Although these areas account for the majority of public walking trails in Barnstable, not all of them are connected to each other and hikers do not yet have the option of walking unimpeded across town from one area to another. In order to provide trail linkages between existing conservation area trails, it will be necessary to use some road right of ways and it may also be necessary to propose the inclusion of some existing privately owned parcels. To implement these portions of the plan, it will be necessary to acquire legal rights to traverse these properties, through land acquisition/ownership, conservation easements, or other written legal agreements. Implementation of the proposed trail route will be greatly fostered through the creation of an Ad Hoc Pathways Committee, charged with various implementation responsibilities. The proposed charge for this Committee, which outlines the various means through which permission may be acquired from property owners, is included as Appendix 1.

The Town of Barnstable has established the groundwork for the creation of a trans-town trail network through its protection of several conservation areas. The Cape Cod Pathways trail network will directly enhance Barnstable's conservation and recreation resources, providing an additional reason for the ongoing acquisition and protection of conservation land, thereby assisting in regional open space conservation efforts.

3.0 PLANNING GOALS AND OBJECTIVES

Cape Cod Pathways planning in the Town of Barnstable is benefiting from simultaneous planning efforts occurring in the neighboring Town of Sandwich (consulting services provided by The Compact of Cape Cod Conservation Trusts Inc.) and planning completed in the Town of Yarmouth. In addition, there is a committed group of individuals in Barnstable working to augment conservation land linkages throughout the town. Large areas of conservation land currently provide substantial trail corridors at both the western and eastern boundaries.

The main goal of this trail plan is to identify and describe the most feasible east-west route for a dedicated walking trail through Barnstable based on existing environmental and cultural factors. In consideration of this goal, several Planning objectives were outlined at the inception of the Cape Cod Pathways project, including the following:

1. To maximize inclusion of publicly accessible lands and to minimize inclusion of private property.

2. To minimize new trail cutting by maximizing use of existing paths, trails, and cartways.
3. To provide buffers between the Pathways and private developed areas, such as residential subdivisions, wherever possible.
4. To avoid wetlands crossings, steep slopes, and other sensitive natural areas wherever possible.
5. To provide a variety of scenes and experiences.
6. To minimize road crossings for safe walking; to cross traveled roads only where safe sight distances are available; to avoid walking on road shoulders wherever possible.
7. To provide occasional access to rest and refreshment facilities, such as restrooms and markets.
8. To provide endpoints near likely inter-town and inter-modal Pathway connections.
9. To provide trailheads and parking areas convenient to residents and visitors anywhere in the vicinity.
10. To include segments appropriate to coincide with potential disabled access recreational routes.
11. To create loop trails off the central trail.

Barnstable's pattern of development is such that the center of town is dominated by residential subdivisions, with few large open space holdings. Many of these subdivision parcels are developed, while others are not. In order to successfully establish a contiguous east-west walking trail, permission will need to be secured from several private landowners and some roads and sidewalks will need to be utilized. Securing this permission will be the primary and most immediate task of the proposed Barnstable Ad Hoc Cape Cod Pathways Committee. Success in this regard will determine the eventual route of the walking trail, and the feasibility of achieving the plan as currently proposed. The trail's eventual alignment is expected to evolve along with this ongoing negotiation process.

4.0 PROJECT SCHEDULE AND METHODOLOGY

4.1 Schedule

This project was conducted during the winter of 2003. The dates listed below represent important benchmarks in the project's development.

January 29, 2003 Pathways planning kickoff meeting held with consultant (Horsley & Witten, Inc.) and client, Town of Barnstable Conservation Commission. Also present were representatives from the Planning Department, Open Space Committee, Barnstable Land Trust and Americorps Cape Cod.

- February 2003** Pathways planning research, field inventory and analysis begins.
- February 27, 2003** Regional Pathways Meeting held at Dennis Senior Center to brainstorm present and future Cape Cod Pathways planning efforts.
- March 18, 2003** Second working meeting held with consultant (Horsley & Witten, Inc.) and client, Town of Barnstable Conservation Commission, to discuss Draft Trail Plan and associated issues. Also present were representatives from the Planning Department, Open Space Committee, Barnstable Land Trust and Americorps Cape Cod.
- April 2003** Horsley & Witten submits Cape Cod Pathways Trail Plan for Barnstable. Plan includes several recommendations including the appointment of an Ad Hoc Pathways Committee, charged with implementing the trail plan.

4.2 Methodology

Two working meetings were held with the Town of Barnstable Conservation Department and other collaborators during the planning process. The first meeting focused on gathering information and brainstorming potential trail routes. This meeting was followed by extensive fieldwork to explore the feasibility of the alternatives discussed. Field investigations culminated in the preparation of a Draft Trail Plan and accompanying text. The second working meeting focused on reviewing the Draft and working out remaining questions and issues associated with the Plan. Corrections were made and the final Cape Cod Pathways Trail Plan was prepared.

Fieldwork was conducted primarily during the months of January, February and March 2003 to inventory and analyze trail types and conditions, potential assets and conflicts/issues, and attractive features. Feasibility analysis was based largely on the objectives for trail route layout established by the Cape Cod Pathways Project, listed in Section 3.0 above. In accordance with these objectives, whenever possible the proposed trail route has been located along existing paths and public rights of way and away from sensitive resources and private lands. In some areas of town, due to existing land use and ownership patterns, the use of private land is unavoidable. It is within these areas that the bulk of the remaining planning work and time is needed. Fortunately, there are a limited number of privately owned parcels through which the Proposed Trail passes. Acquiring legal rights of passage over these properties via the attainment of license, easements, outright purchase or another access agreement should be the primary and immediate implementation task of the Proposed Ad Hoc Pathways Committee. In addition, there are a few privately owned roads on the trail route. Use of these roads for public recreational purposes such as walking trails will also require permission from the road's abutters. It is within the Pathways Committee's charge to conduct this research and negotiation, with technical support available from various sources, including designated Town staff and

private consultants, such as Horsley & Witten, Inc. This assistance may be provided on a fee basis.

As trails are formally established and dedicated, the appointed Ad Hoc Pathways Committee will be charged with installing trail markers and other appropriate signage and amenities such as benches, trash receptacles, etc. In the future it is hoped that Barnstable officials and volunteers will continue the trail planning work to design and create spur and loop trails north and south from the central east-west corridor currently being proposed. In addition, open space planning efforts can use the proposed Pathways route as an additional criterion in town-wide land acquisition decisions. For instance, a privately owned parcel, through which the proposed trail passes, may become more desirable for acquisition due to its importance in the larger trail network. Some smaller, currently isolated trails can also be dedicated to the Pathways system.

5.0 DESCRIPTION OF PROPOSED TRAIL

Because extensive trail planning work has already been conducted in both Sandwich and Yarmouth, and the overarching intention is to link trails in abutting towns in order to create a regional trail system, planning in Barnstable began by looking at proposed and/or existing trails in these two abutting towns.

The proposed Pathways route in Sandwich crosses Barnstable's western boundary within the West Barnstable Conservation Area (WBCA), either at Old Mill Lane or at the power lines. In Yarmouth, the Pathways route enters Barnstable at its eastern boundary, within the large conservation area owned by the Massachusetts Division of Fisheries and Wildlife. Both of these conservation areas lie immediately south of the Route 6 corridor and represent the most logical connections to existing trails in abutting towns.

An analysis of Barnstable parcel maps indicates that publicly owned lands are scattered throughout the town, which is heavily developed with commercial and residential lots. The greatest concentration of abutting publicly owned parcels, and thus the most efficient opportunity for creating an east-west link, is immediately adjacent to the Route 6 highway corridor. Additional publicly owned lands and rights of way existing to the north and south of this corridor provide opportunities for spur and/or loop trails off the main Pathways east-west spine.

The Trail Route outlined below most effectively accomplishes the objectives of the Cape Cod Pathways program considering existing constraints and opportunities and the trail planning objectives set forth above. However, the alignment of the proposed route may change through time, depending upon the results of the proposed Pathways Committee's implementation efforts.

To facilitate the discussion of the proposed route, it has been divided into several logically delineated segments, defined either by their end points, ownership, their

landscape character and use, or a combination of the above. For the purpose of clarity, the trail is described as if moving from west to east, although hikers may choose to walk in any direction.

5.1 Description of Trail Segments

Segment 1	West Barnstable Conservation Area from Town Boundary to Route 149
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Distance: 2.9 miles

Ownership: Public

Major Natural Features:

- Pitch pine-oak forest.
- Extensive trail system.
- Excellent opportunity for multiple trail uses including horses, mountain bikes, skiers and hikers.
- Beautiful, dense woodlands.

Major Cultural Features and Public Use Areas:

- Powerline corridor.
- Highest elevation in Barnstable.
- Walker Point.
- Shooting range.
- Trail signs and map.

Parking Areas: Yes.

1. Service road near Exit 5: beneath powerlines (8-12 cars), shooting range entrance, and two other dirt road entrances.
2. Farmersville Road off of Race Lane (20-25 cars).
3. Popple Bottom Road off of Route 149.

Additional nearby parking areas include on Crooked Cartway (near Fire District land) and at Otis Atwood Conservation Area.

Comfort facilities: No.

Recommendations:

- Avoid shooting range at northwestern corner of conservation area.

- Provide additional trail markers.
- Improve and add signage.
- Brush cutting maintenance required on some trails.
- Provide trash receptacles at all parking areas.

**Private Parcels on
Segment 1:**

None.

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Segment 1 begins at the Town's boundary with Sandwich and traverses the West Barnstable Conservation Area (WBCA). At 1,114 acres, the WBCA is the town's largest conservation area. The parcel is crisscrossed with trails and dirt roads (currently closed to motorized vehicles). The approximately 15 miles of trails are open to hiking, horseback riding and mountain biking. Vegetation is primarily pitch pine and oak forest although there is quite a diversity of species including American holly, beech, birch, and white pine. Some white pine specimens reach 60 feet high and 18 inches in diameter. The terrain is relatively rugged, with numerous ridges and kettle holes, and should be considered challenging to most hikers. A town-owned and maintained shooting range exists in the northwestern section, representing a potential hazard to hikers, and should be avoided. There are six perimeter parking areas providing access points for visitors. No bathroom facilities exist.

Segment 1 begins at the Town boundary on Old Mill Road, where it meets trails being planned in Sandwich (personal communication with Mark Robinson, The Compact of Cape Cod Conservation Trusts, Inc.). Although any trails within the conservation area can be accessed by hikers and all are attractive, the proposed route is intended to provide the most direct east-west route, while providing the most interesting and attractive landscape features.

Because these trails are currently being used for various purposes, efforts should be made to minimize potential trail user conflicts. Segment 1 exits the WBCA onto Route 149, near the Exit 5 interchange off the Mid-Cape highway. Hikers may either exit from the Service Road and walk east along the north side of Meetinghouse Road or they may exit south of the Service Road and loop through Otis Atwood Conservation Area before heading east along the south side of Meetinghouse Road. In either case, passage along this stretch of Meetinghouse Road is relatively hazardous due to vehicular traffic. The installation of sidewalks is recommended.

Segment 1A (Optional Loop)	Otis Atwood Conservation Area
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Distance: 1.8 miles

Ownership: Public

Major Natural Features:

- Pitch pine-oak forest.

Major Cultural Features and Public Use Areas:

N/A

Parking Areas:

- Yes.
1. AT OACA
 2. Across Route 149 at WBCA.

Comfort facilities:

No.

Recommendations:

- Provide crosswalk

Private Parcels on Segment 1:

None.

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Segment 1A is an optional loop trail for hikers using the West Barnstable Conservation Area or a destination in itself. Hikers can walk along either shoulder of Route 149 to reach Segment 2 and special care should be taken when crossing Route 149 or Exit 5 on ramps.

Segment 2 Meetinghouse Road (Route 149) from WBCA to Conant Property

Distance: 0.5 miles

Ownership: Public

Major Natural Features: Conant Property.

Major Cultural Features and Public Use Areas: Meetinghouse Road.

Parking Areas: Yes.

1. West Barnstable Conservation Area beneath powerlines (8-12 cars).
2. Conant Property (20 cars).

Comfort facilities: No.

Recommendations:

- Construct sidewalks along Route 149 between Exit 5 interchange and Conant property.
- Provide trail markers, including along Route 149.

Private Parcels on Segment 2: None.

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To access existing conservation areas north of Route 6, the trail must pass over the mid-Cape highway on Meetinghouse Road. The most logical crossing point is at the Exit 5 interchange, along Route 149. To reduce potential hazards to hikers walking along the shoulder on either side of this very busy road, the installation of sidewalks and crosswalks is recommended on at least one side of the road.

Segment 2A (Optional Loop) Conant Property Loop

Distance: 0.5 miles

Ownership: Public

Major Natural Features:

- Upland and wetland habitats.
- Fish hatchery.

Major Cultural Features and Public Use Areas:

- Conant Property.
- Meetinghouse Road.

Parking Areas: Yes.

1. Conant Property (20 cars) - Off Meetinghouse Road.

Comfort facilities: No.

Recommendations:

- Provide trail markers.
- Provide bathroom facilities.

Private Parcels on Segment 2A:

None.

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The Conant property was purchased by the Town for conservation purposes, and as a potential future wellfield area. The property was formerly used as a plant nursery and is characterized by woodland with some notable mature trees. The Town is currently performing restoration work on the property, which is located next to a privately owned fish hatchery and associated wetlands.

Segment 2B (Optional Loop)

Loop Trail from Conant Property North to Lombard Properties and Great Marshes and back to Bridge Creek Conservation Area

Distance:

3.5 miles (Total loop including doubling back on Navigation Road).

Ownership:

Public.

Major Natural Features:

- Lombard Properties.
- Great Marshes.

Major Cultural Features and Public Use Areas:

- Lombard Properties.
- Great Marshes.

Parking Areas:

Yes.

1. Lombard Property (Meetinghouse Road).
2. Conant Property (20 cars) - Off Meetinghouse Road.

Comfort facilities:

Yes.

Recommendations:

- Sidewalks are recommended in some places along Route 149 and Navigation Road for improved safety.

Recommendations:

- Provide trail markers.
- Blaze clearer trail entrance near YMCA.
- Survey plans should be researched to determine whether or not the existing trail crosses into private land. If so, either permission to pass must be attained or the trail should be moved slightly west in order to be completely on public land.
- Seek permission from owners of Map 195/ Parcel 029 to cross and park on property, beneath power lines.
- Survey plans should be researched to determine whether or not the existing trail crosses onto Map 215, parcel 20. If so, either permission to pass must be attained or the trail should be moved slightly west in order to be completely on public land.
- After exploring both the northern and southern options for continuing eastward, it was determined that the northern route is by far the more feasible and interesting option and is recommended as the Preferred Pathways Route. The southern option is severely limited and this option is not recommended for further exploration at this time.
- Conduct further research to verify ownership of Map 215, Parcel 018. Regardless of ownership, permission to cross is required.

Private Parcels on Segment 6:

- Map 195/ Parcel 029.
- Possibly Map 215, Parcel 20 (research survey plans to verify).
- Map 215 Parcel 018 may be private; regardless of ownership, permission needs to be acquired.

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Segment 6 includes some privately owned land and some publicly owned land. Moving eastward, this segment begins by crossing a privately owned parcel before entering into publicly owned conservation lands again. A small clearing beneath the powerlines off Oak Street provides room for 3-5 cars; however, because this property is privately owned and permission is required to park. This private parcel represents another important missing link in the proposed trail system. Pathways Committee members should begin the process of contacting owners of these parcels to attain the right to pass through.

Once east of the private parcel, the proposed trail continues through several publicly owned parcels in the following order:

- State-owned parcel¹ (Map 215, parcel 017).
- Town conservation land (Map 215, parcel 018).
- State-owned parcel (DEM) (Map 215, Parcel 019). Note also that the proposed trail passes near the boundary of Private Parcel Map 215, Parcel 20. Survey plans should be researched to determine whether or not the existing trail crosses into private land. If so, either permission to pass must be attained or the trail should be moved slightly west in order to be completely on public land.
- Town owned parcel (YMCA and Cape Cod Conservatory) (Map 215, Parcel 023).

Trailheads on the YMCA property are difficult to find and in general, this entire segment 6 would benefit greatly from the placement of trail markers and maintenance. The trail exits near the basketball courts, near Route 132.

From Route 132 to the eastern Town boundary, two major options were explored for the remaining trail segments:

1. Northern Option.
2. Southern Option.

The northern option continues moving eastward on the north side of Route 6. The southern option crosses Route 6 at the Exit 6 interchange and would then continue eastward on the south side of the highway. After exploring both options, it was determined that the northern route is by far the more feasible and interesting option and is recommended as the Preferred Pathways Route for the following reasons:

- Greater visual attractiveness.
- Greater cultural interest.
- Easier and more comfortable walking conditions.
- Accessibility to Barnstable Village shops and Route 6A.
- More level topography.
- Greater accessibility to publicly owned lands.

The major drawback to the northern route is the necessary use of public roads and sidewalks in some places, where there is an absence of conservation land walking trails. Although there are two crossings of Route 6 required with the northern trail option, they

¹ There is some discrepancy regarding ownership in Barnstable town records. GIS maps indicate that this parcel is state owned while online Assessors maps indicate it is privately owned. Research should be conducted to verify current ownership. Permission to cross will need to be acquired regardless of ownership.

are both at underpasses, where the risks to walkers are relatively low. These occur at Phinney's Lane and at Mary Dunn Road and are discussed further later in this report.

However, the southern trail option has more severe drawbacks that make it less desirable including:

- Large number of privately owned parcels that would require negotiation;
- Proximity to noisy and hazardous highway and the need to cross Route 6 at the Exit 6 interchange.
- Walking environment is unattractive, especially beneath powerlines and through industrial areas.
- Exposed conditions of trail, especially beneath powerlines.
- Presence of private land uses including residential uses, golf course, and industrial uses, all of which pose a potential conflict with a public walking trail.

Because of these substantial drawbacks, the feasibility and attractiveness of the southern option is severely limited and this option is not recommended for further exploration at this time. Except for the last segment, the remaining segments of the preferred trail route are north of Route 6.

Segment 7	Cape Cod Community College from Route 132 to Eastern Boundary
Distance:	0.4 miles (Alternative 1) 0.7 miles (Alternative 2)
Ownership:	Public
Major Natural Features:	N/A
Major Cultural Features and Public Use Areas:	Cape Cod Community College
Parking Areas:	Yes. Several large parking lots on campus perimeter.
Comfort facilities:	Yes. Bathrooms and food. <ul style="list-style-type: none"> • Hikers can use public bathrooms inside college buildings; or • Hikers may walk up Route 132 to the Burger King/Bus Stop comfort station.

Parking Areas:

Yes.

1. Pine Lane entrance to Old Jail Lane Conservation Area (2-4 cars).
2. Alternative parking is possible on the land bank parcel immediately west of the Conservation Area, accessed from Route 6A.

Comfort facilities:

No.

Recommendations:

- Acquire permission to traverse all private parcels listed below.
- There are four privately owned parcels abutting the existing trail, through which the trail may pass. Survey plans should be researched to determine whether or not the existing trail crosses into private land. If so, either permission to pass must be attained or the trail should be moved slightly north in order to be completely on public land.
- Old Jail Lane Conservation Area needs additional parking.
- Moving eastward from the eastern boundary of the OJLCA, the northern trail option is the Preferred Trail route and the southern option is not recommended for further investigation at this time.

Private Parcels on Segment 8:

- Map 236, Parcel 006-001.
- Map 236, Parcel 014.
- Map 237, Parcel 039.
- Map 236, parcel 008. This property is classified as a Chapter 61A property and has a conservation restriction (CR) on it (Cape Cod Commission fax) from Martha Hevenor to Darcy Karle, dated 12/20/02). However further research should be done to determine the terms of the CR and whether or not public trail use is allowed.
- Map 235/Parcel 013 (research survey plan to check trail location).
- Map 237/Parcel 30 (research survey plan to check trail location).
- Map 236/Parcel 013 (research survey plan to check trail location).

- Map 256/Parcel 004 (research survey plan to check trail location).

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If Segment 7 Alternative 1 is chosen, then Segment 8 will pass through several privately owned parcels before reaching public land again. These parcels are:

- Map 236, Parcel 006-001.
- Map 236, Parcel 014.
- Map 237, Parcel 039.
- Map 236, parcel 008. This property is classified as a Chapter 61A property and has a conservation restriction (CR) on it (Cape Cod Commission fax) from Martha Hevenor to Darcy Karle, dated 12/20/02). However further research should be done to determine the terms of the CR and whether or not public trail use is allowed.

If Segment 7 Alternative 2 is chosen, then a new trail will be blazed entirely on College property that would bypass these privately owned parcels altogether. This new trail would meet up with Segment 8 east of the privately owned parcels. At this point, there are several town-owned conservation parcels forming a chain that stretches eastward to the Old Jail Lane Conservation Area.

- Map 236, Parcel 009, Town of Barnstable (Conservation Commission), leads to a crossing at Old Neck Lane (unimproved road);
- Map 236, parcel 010, Town of Barnstable (Conservation Commission);
- Map 256, Parcel 006, Town of Barnstable (Conservation Commission);
- Map 256, Parcel 010, Town of Barnstable (Conservation Commission); and
- Map 257, Parcel 015, Town of Barnstable Conservation Commission.

There are four privately owned parcels abutting the existing trail, through which the trail may pass. Survey plans should be researched to determine whether or not the existing trail crosses into private land. If so, either permission to pass must be attained or the trail should be moved slightly north in order to be completely on public land. These parcels are:

- Map 235/Parcel 013;
- Map 237/Parcel 030;
- Map 236/Parcel 013; and

- Map 256/Parcel 004.

Old Jail Lane Conservation Area

The 180-acre Old Jail Lane Conservation Area (OJLCA) is part of the terminal glacial moraine, Cape Cod’s geological spine. Significant topographic relief makes this a challenging spot for hiking. Trails are marked and include information kiosks at trailheads. Hiking, horses and mountain bikes are allowed. Hunting is permitted subject to current rules and regulations. A trailhead parking area exists at the property’s intersection with Old Jail Lane. Alternative parking is possible on the land bank parcel immediately west of the Conservation Area, accessed from Route 6A to the north. An optional spur trail (Segment 8A) could access Route 6A and Scudder Lane to provide hikers access to the Town landing on Barnstable Harbor.

Segment 8A (Optional Spur)	Scudder Lane Spur Trail
Distance:	1.4 miles (including retracing steps to return to OJLCA).
Ownership:	Public
Major Natural Features:	<ul style="list-style-type: none"> • Barnstable Harbor town landing. • Hinckley’s Pond.
Major Cultural Features and Public Use Areas:	Barnstable Harbor.
Parking Areas:	<p>Yes.</p> <ol style="list-style-type: none"> 1. Town landing on Scudder Lane.
Comfort facilities:	No.
Recommendations:	Provide crosswalk at intersection of land bank parcel and Route 6A to get hiker north.
Private Parcels on Segment 2A:	None.

.....

This optional spur trail will afford hikers another opportunity to access Route 6A and Barnstable Harbor. Sidewalks exist along the north side of Route 6A between the land bank parcel and Scudder Lane. Scudder Lane itself is publicly owned and has relatively

little traffic. Hikers may retrace their steps to get back to the Old Jail Lane Conservation Area.

From the eastern boundary of the Old Jail Lane Conservation Area on Old Jail Lane, two trail options were explored:

1. Northern route into Barnstable Village and along Route 6A.
2. Eastern Route along secondary roads and subdivision streets.

Both options end up on Mary Dunn Road, where they move beneath the highway to meet up with State owned land for the final segment. However, after investigating both options, it became evident that the northern route is more feasible and attractive for several reasons including:

- Route 6A is attractive and has sidewalks for much of its length.
- Barnstable Village is a desirable destination for hikers.
- Provides greater opportunity to access spur trails that lead to Barnstable Harbor.

Option 2, the eastern route, was undesirable for several reasons including:

- Potential for conflicts with private property owners on subdivision streets, which are rather narrow.
- Large number of privately owned parcels, which would require permission to cross.
- More dangerous roads.

For these reasons, the northern trail options is the Preferred Trail route and the southern option is not recommended for further investigation at this time.

In addition, a spur trail extending south into the Hathaway Ponds Conservation Area was explored and included in the proposed trail plan. This is discussed below as segment 9A.

Segment 9 Pine Lane from Old Jail Lane to Route 6A to Mary Dunn Road

Distance: 3.3 miles.

Ownership: Public.

Major Natural Features: Potential access to Barnstable Harbor.

**Major Cultural Features
and Public Use Areas:**

- Railroad crossing.
- Homes close to road.
- Easy access to Route 6A and Barnstable Village.
- Potential access to Barnstable Harbor.

Parking Areas: Yes.

1. Old Jail Lane Conservation Area off Pine Lane (3-5 cars).
2. Barnstable Village along Route 6A and in County Courthouse/registry of Deeds parking lots.

Comfort facilities: Yes.

1. County Courthouse/registry of Deeds bathrooms and snack machines
2. Restaurants in Barnstable Village.

Recommendations: Consider Map 278, Parcel 048 for possible acquisition of conservation easement.

Private Parcels on Segment 9: None

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The southern end of Pine Lane is an unimproved road running adjacent to Map 278, Parcel 048 before reaching the improved section of roadway. Although not necessary for use of the Pine Lane segment, this parcel should be considered for possible acquisition or conservation easement as it is ideally situated abutting fire district land and the Old Jail Lane Conservation Area. The improved section of Pine Lane is a narrow, rural road with single-family homes on both sides. There is a railroad crossing. Walking is expected to be relatively safe due to the limited amount of traffic on this road. From Route 6A, hikers could use sidewalks to access cultural attractions such as the Barnstable County Courthouse and village commercial areas.

Segment 9A (Optional Spur Trail)	Hathaway's Pond Conservation Area Spur Trail
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Distance: 3.6 miles.

Ownership: Public

Major Natural Features:

- Hathaway's Ponds Conservation Area

Major Cultural Features and Public Use Areas:

- Hathaways Pond Conservation Area including picnic/grilling areas, public beach and swings.

Parking Areas:

- Yes.
1. Hathaway's Ponds Conservation Area off Phinney's Lane (30-50 cars).

Comfort facilities:

No.

Recommendations:

Install sidewalks along Phinney's Lane between Old Jail Lane and Hathaway's Ponds Conservation Area entrance.

Private Parcels on Segment 9A:

None.

.....

To access the nearby Hathaway's Ponds Conservation Area (HPCA), hikers could walk south from the main Pathways spine along Old Jail Lane (passing through the Fire District land), hook up with Phinney's Lane, cross beneath the highway and walk to the Conservation Area entrance. It is recommended that sidewalks be installed along Phinney's Lane between Old Jail Lane and Hathaway's Ponds Conservation Area entrance. The 94-acre HPCA is characterized by hilly terrain typical of the Sandwich glacial moraine deposits. An interpretive trail highlights the site's geological history and loops around the pond, providing some magnificent views. Hiking, mountain biking, fishing, picnicking and swimming are allowed. Hunting is also permitted subject to current rules and regulations. A kiosk at the trailhead provides additional information. A large parking area can be accessed off of Phinney's Lane.

**Segment 9B
(Optional Loop)**

Mill Way and Commerce Road Loop Trail

Distance:

1.5 miles.

Ownership:

Public

Major Natural Features:

Barnstable Harbor and marshes

Major Cultural Features and Public Use Areas:

- Attractive homes close to road.
- Easy access to Route 6A and Barnstable Village.
- Barnstable Harbor.
- Cobb's Hill West Cemetery.

Parking Areas: Yes.

1. Mill Way Marina and beach.
2. Barnstable Village along Route 6A and in County Courthouse/Registry of Deeds parking lots.

Comfort facilities: No.

Recommendations: Identify potential conflicts with homeowners in area before designating roads as part of Pathways; be judicious with placement of trail markers.

Private Parcels on Segments 9A & B:

Also look at:

- Map 333/Parcel 012 (Water Co.).
- Map 316/Parcel 004 (County).
- Map 315/ Parcel 017 (County).
- Map 317/Parcel 035 (County).

.....

Mill Way and Commerce Road (Segment 9B) provide a nice loop trail to the Marina, restaurants and beach on Barnstable Harbor. Sidewalks exist the length of Mill Way and walking is generally safe. Hikers will have access to several cultural attractions including Cobb's Hill West cemetery, attractive two-story Cape homes, restaurants and beaches. Views to the harbor and marsh are wonderful.

Moving south from this loop, the proposed trail passes through the Barnstable County Farm property, which is protected by a conservation restriction, and then through another county-owned parcel. Permission to place the trail here needs to be attained from the County. After this the trail moves through parcel currently owned by a private water company to reach Mary Dunn Road. Permission to cross this parcel is also required. Once on Mary Dunn Road, hikers will travel south beneath the highway overpass and pick up Segment 10, the State Division of Fisheries and Wildlife Land for the final segment.

Segment 10**State Division of Fisheries and Wildlife Land**

Distance: 1.2 miles.

Ownership: Public

Major Natural Features: Dense pitch pine oak woodland.

**Major Cultural Features
and Public Use Areas:** DFW land.

Parking Areas: Yes.

1. Small parking area on road shoulder off Mary Dunn Road (2-4 cars).

Comfort facilities: Yes.

Recommendations:

- Install sidewalks along Mary Dunn Road between Route 6A and DFW land.
- Post hunting regulations.
- Provide trail markers.

**Private Parcels
on Segment 10:** None.

.....

Segment 10 follows wide dirt tracks that crisscross the state-owned (Division of Fisheries and Wildlife) land. The terrain is relatively hilly and exposed to the elements. Vegetation is primarily stunted pitch pine – oak woodland. Hunting is allowed and poses a potential hazard to hikers. The most direct route through the DFW land has been included as part of the proposed Pathways route; however, practically speaking, hikers can use any of the trails. This final segment of the Preferred pathways route exits just south of Route 6 in Yarmouth, near the Exit 7 interchange.

6.0 IMPLEMENTATION STRATEGY

6.1 Endorsement of the Trail Plan and Appointment of Pathways Committee

The first step towards implementing the Barnstable Cape Cod Pathways Trail Plan is to attain endorsement of the Plan by the Barnstable Town Council. The Trail Plan text and

accompanying map(s) should be presented to the Barnstable Town Council at a publicly advertised meeting. After receiving endorsement, either at that meeting or at a subsequent meeting, an Ad Hoc Pathways Committee should be appointed and charged with carrying out implementation activities. A proposed Committee Charge is included as Appendix 1. Appendix 2 includes a proposed makeup of that Committee and a suggested Staff Advisory Group. If possible, prior to the first meeting, the names of interested Pathways Committee candidates should be gathered so that this Committee can be present and appointed expeditiously.

6.2 Contacting Landowners

The second, and perhaps most labor-intensive, implementation task involves contacting private landowners to seek permission to use part or all of their land for pathways purposes. Success in this regard requires persistence and a fair degree of tactful communication, as well as knowledge of the various legal tools that can be used to secure permission. It is suggested that first contact be made by letter and followed up by phone. In order to assist Committee members in these efforts, Appendix 3 includes a Template for a Letter to Private Landowners, and Appendix 4 includes a Basic Script for Contacting Landowners by Phone. Legal land protection tools are briefly described in Section 6.3, below. Barnstable Town Counsel should draft all legal documents and preside over all transactions conducted with landowners.

6.3 Description of Legal Land Protection Tools

Following is a list of legal land protection tools that may be employed when seeking permission to cross over privately owned land. These are also included as part of Appendix 1, Proposed Pathways Committee Charge. An attorney should be consulted for more detailed information.

Easements, Restrictions, and Other Options

- Conservation easements/restrictions (deed restrictions to be held in perpetuity with the land; tailored to meet owners needs and trail requirements; donated or for fee; provides grantor with substantial tax benefits).
- License (a revocable written agreement between the landowner and the licensee/conservation organization; see attached example).
- Leases (a simple written agreement between the landowner and the licensee/conservation organization; allows unrestricted and exclusive use of land for a number of years; landowner can seek indemnification from liability if land is for public use; no charitable deductions).
- Access covenants (a simple written agreement between the landowner and the licensee/conservation organization; for limited use and time period).
- Management agreement (a simple written agreement between the landowner and the licensee/conservation organization requiring landowner

to manage property in a specific way for a given time; good for landowners who are already managing their land for conservation purposes; designed to suit both parties).

- Verbal agreement (not binding but may be a trial option necessary with some owners who are not ready for more formal agreement).

Donations and Sales

- Outright gift of land (the owner may be interested in donating land to the grantee and receiving federal income, estate and property tax benefits. This has benefits to the town as well as to Pathways).
- Bargain sale (part donation and part sale; may entail seller to income tax charitable contribution, and estate and property tax deductions).
- Fair market value sale (requires an appraisal).

6.4 Management of Dedicated Trail Sections

Any trail segments that are determined to be publicly accessible and are endorsed by all parties, should be dedicated to the Cape Cod Pathways network. Segments of the trail that have been dedicated can be included on an official Pathways Trail Guide and/or any other public documents the Committee wishes to produce. These dedicated segments should also be posted with official Cape Cod Pathways signs (contact Cape Cod Commission for information) and should be maintained as needed. Some segments of the proposed trail can be immediately dedicated, namely those sections within existing publicly owned Conservation Areas, and should be posted and maintained. As permission is acquired to pass through privately owned parcels, these areas can be similarly managed.

7.0 CONCLUSION

The Barnstable Cape Cod Pathways Trail Plan is the most feasible route for establishing a contiguous publicly accessible walking trail through the Town of Barnstable. The proposed route reflects existing land ownership patterns, trail locations, and Cape Cod Pathways Project goals and objectives, outlined in Section 3.0 of this report.

As implementation efforts evolve, the proposed trail route may change in response. However, most segments already exist within public conservation areas and are expected to remain in their current locations. If the future acquisition of additional conservation land makes it possible to reroute the trail in ways that improve safety and overall attractiveness, this is desirable. The proposed Pathways Committee should remain flexible in its approach to the evolution of the trail network.

APPENDIX 1

APPENDIX 1: PROPOSED BARNSTABLE AD HOC CAPE COD PATHWAYS COMMITTEE CHARGE

Proposed Barnstable Ad Hoc Cape Cod Pathways Committee Charge

The ad hoc Town of Barnstable Cape Cod Pathways Committee is charged with implementing the proposed Cape Cod Pathways walking trail link through Barnstable as part of a regional network of contiguous walking trails. The proposed route is outlined in a 2003 report prepared by Horsley & Witten Inc. in cooperation with the town. The Committee's responsibilities shall entail the following:

1. Contacting owners of private land on or abutting the proposed route(s) and seeking permission to walk across or adjacent to their land solely for the purpose of recreational hiking. Options to be pursued include the following, in order of priority:

Easements, restrictions, and other options

- Conservation easements/restrictions (deed restrictions to be held in perpetuity with the land; tailored to meet owners needs and trail requirements; donated or for fee; provides grantor with substantial tax benefits).
- License (a revocable written agreement between the landowner and the licensee/conservation organization; see attached example).
- Leases (a simple written agreement between the landowner and the licensee/conservation organization; allows unrestricted and exclusive use of land for a number of years; landowner can seek indemnification from liability if land is for public use; no charitable deductions).
- Access covenants (a simple written agreement between the landowner and the licensee/conservation organization; for limited use and time period).
- Management agreement (a simple written agreement between the landowner and the licensee/conservation organization requiring landowner to manage property in a specific way for a given time; good for landowners who are already managing their land for conservation purposes; designed to suit both parties).
- Verbal agreement (not binding but may be a trial option necessary with some owners who are not ready for more formal agreement).

Donations and Sales

- Outright gift of land (the owner may be interested in donating land to the grantee and receiving federal income, estate and property tax benefits. This has benefits to the town as well as to Pathways).
 - Bargain sale (part donation and part sale; may entail seller to income tax charitable contribution, and estate and property tax deductions).
 - Fair market value sale (requires an appraisal).
2. Establishing access agreements with assistance, as necessary, from local conservation groups such as the Barnstable Land Trust and the Barnstable Conservation

Commission. Which groups are involved will depend largely on the owners' wishes and the method of permission granted.

3. Altering the proposed trail route as negotiations evolve and as necessary or as potential routes are altered by new development.
4. Identifying areas in need of trail maintenance and performing necessary tasks with assistance from appropriate groups and individuals, including volunteers.
5. Posting trail markers on dedicated Pathways land. In some instances, on publicly owned lands, this will require working with the state and/or town.
6. Regularly coordinating with the Barnstable Conservation Commission, Barnstable Town Council, Barnstable Planning Board, the Cape Cod Commission Cape Cod Pathways Coordinator (and other partners, if applicable) on progress to date.

Assistance with legal transactions and negotiations on specific properties is available from Horsley & Witten and/or other organizations and individuals on a fee basis, as requested.

APPENDIX 2

**APPENDIX 2: PROPOSED MAKEUP OF PATHWAYS COMMITTEE AND
STAFF ADVISORY GROUP**

Proposed Makeup of Barnstable Ad Hoc Cape Cod Pathways Committee

Group	Number of Representatives
Citizens	4
Conservation Land Management Subcommittee	1
Recreation Committee	1
Open Space Committee	1
Total	7

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Proposed Makeup of Pathways Committee Staff Advisory Group

Group	Number of Representatives
Conservation Department	1
Recreation Department	1
Planning Department	1
Assessors Department	1
Total	4

APPENDIX 3

APPENDIX 3: TEMPLATE FOR LETTER TO PRIVATE LANDOWNERS

[DATE]

[LAND OWNER'S ADDRESS]

Dear [LANDOWNER'S NAME],

We are writing to inquire about the possibility of using a small portion of your property at [LANDOWNER'S ADDRESS AND PARCEL NUMBER] as part of the Cape Cod Pathways walking trail network. Cape Cod Pathways is a growing network of walking trails linking open space in all 15 Cape Cod towns from Falmouth to Provincetown. In November 1993, the Barnstable County Commissioners conceived the Cape Cod Pathways project as a way to:

- Enable residents and visitors to enjoy and learn about the natural, recreational, historical and cultural values of Cape Cod.
- Enhance access for walkers and hikers to the Cape's woodlands, ponds, beaches and historical villages.
- Foster the preservation of open space in order to protect scenic views, wildlife habitat and sensitive natural areas.
- Serve as a regional amenity, attracting visitors to Cape Cod during all seasons of the year.

Numerous individuals and organizations across Cape Cod have been involved in this effort through the years including the Association for the Preservation of Cape Cod, Cape Cod Commission, The Compact of Cape Cod Conservation Trusts, the National Park Service and The Conservation Fund, as well as trail advocates and local town committees.

During the last decade, all 15 Cape Cod towns have endorsed the Cape Cod Pathways project and have been, or are actively working on, planning efforts. Recently, the Town of Barnstable received a grant from the County to continue planning efforts. We have used that money to retain the services of Horsley & Witten Inc., an environmental services firm in Sandwich, to research and map the most feasible walking trail route through town. During the past several months, we have worked closely with Horsley & Witten to prepare the Trail Plan. The plan attempts to move on an east-west axis through town using existing trails and roadways wherever possible.

The route we are proposing crosses over a portion of your property and we would like your permission to do so. You may grant permission in one of several ways and, depending upon what you choose, this may provide valuable income tax deductions to you. You do not need to give up any control of your property. You may enter into or leave agreements as you wish. You can determine how this will work best for you. You

would merely be allowing an occasional hiker to walk through your land. There would be no other uses allowed and no gathering or loitering allowed.

The following options have been used by landowners in other towns to provide such permission:

Easements, restrictions, and other options

- Conservation easements/restrictions (deed restrictions to be held in perpetuity with the land; tailored to meet owners needs and trail requirements; donated or for fee; provides grantor with substantial tax benefits).
- License (a revocable written agreement between the landowner and the licensee/conservation organization; see attached example).
- Leases (a simple written agreement between the landowner and the licensee/conservation organization; allows unrestricted and exclusive use of land for a number of years; landowner can seek indemnification from liability if land is for public use; no charitable deductions).
- Access covenants (a simple written agreement between the landowner and the licensee/conservation organization; for limited use and time period).
- Management agreement (a simple written agreement between the landowner and the licensee/conservation organization requiring landowner to manage property in a specific way for a given time; good for landowners who are already managing their land for conservation purposes; designed to suit both parties).
- Verbal agreement (not binding but may be a trial option necessary with some owners who are not ready for more formal agreement).

Donations and Sales

- Outright gift of land (the owner may be interested in donating land to the grantee and receiving federal income, estate and property tax benefits. This has benefits for the town as well as to Pathways).
- Bargain sale (part donation and part sale; may entail seller to income tax charitable contribution, and estate and property tax deductions).
- Fair market value sale (requires an appraisal).

Many people are curious about liability. Therefore, we have included a copy of M.G.L. Chapter 21, Section 17c, which explains the issue of landowner liability for public use of your land. The "Recreational Use Statute" states that as long as the landowner is not charging the public for use of their land and is not grossly negligent, they are not held liable for any injuries that may occur.

The successful establishment of a Pathways route through Barnstable will bring numerous environmental, recreational and economic benefits to the Town. This has been borne out in other Cape Cod towns, including Mashpee, Falmouth, Yarmouth, Dennis, Brewster and Orleans, and in regions of the country where such trail systems are well

established. We hope you will decide to play a role in making this important recreational amenity a reality.

Please contact us with any questions you have. We will follow up this letter within a few weeks with a phone call to discuss the project further. Thank you for your time and consideration.

Sincerely,

[NAME OF SIGNATORY]

Attachments: M.G.L. 21, Section 17C

cc: [Names of Appropriate Copy Recipients]

APPENDIX 4

APPENDIX 4: SCRIPT FOR CONTACTING LANDOWNERS BY PHONE

Basic Script For Contacting Landowners by Phone

Hello, my name is (Committee Member Name) and I'm working on the Cape Cod Pathways walking trail project. We are trying to create a continuous walking trail across Barnstable to link up with neighboring towns. The idea was conceived by the County Commissioners in 1993 and has the support of the Selectmen/Town Council Members in every town.

The route we're now considering:

- 1) Is located along (name of road) and by your property; OR
- 2) Would include a portion of your property.

We sent you a letter a few weeks ago regarding our desire to receive permission from people like yourself to allow walkers to travel across/next to your land (*or the private road in front of your house. For many people, this will be the situation. Using a private road requires permission from landowners who technically own it*).

Did you receive this letter?

Is this something you would consider?

Hypothetical Conversation

Question: What do I have to do?

Well, there are a number of ways you could grant us permission. All of them would simply allow walkers to walk across your land and keep moving. No other uses would be allowed. A simple license or covenant on the land would do the trick. No cost to you and possibly even a tax savings depending on the method of permission you choose.

Question: What methods are there?

Use information provided to you concerning methods.

Question: Can I think about it?

Sure. You can reach me at (phone number). Thanks, I appreciate your time. Would it be okay if I followed up with another phone call in a month or so to see where you're at in your thought process?

Question: How does it benefit me?

Conservation and recreation land use, amenity for them, possible tax benefits if they go with a deed restriction or a donation of some sort, doing a good thing for the public, etc.

Question: Can you send me information?

Sure. What's your address? Send them:

- "Connecting the Cape", a publication of the Cape Cod Pathways Project (contact Cape Cod Commission for copies)
- Cape Cod Pathways information sheets
- Conservation Area interpretive trail guides
- Map (8.5"x11") of the proposed route

Call back within the month and try to set up a meeting on their property. Show them a map of the proposed trail and try to assure them it is benign, they won't be liable (show M.G.L. Chapter 21, Section 17c) and examples of agreement forms. At this stage, if they are interested in tax benefits, it may be wise to have them call The Compact of Cape Cod Conservation Trusts or the Barnstable Land Trust, both of whom are expert in these matters.

APPENDIX 5

LICENSING AGREEMENT
FOR USE OF FOOT TRAIL

WITNESSETH, that _____, an owner of land in the State of Vermont, hereinafter referred to as Licensor, for the purpose of assuring the preservation of the Appalachian Trail for public use, desires to cooperate with The Green Mountain Club, Inc., hereinafter referred to as Licensee, in providing a route for said Trail.

THEREFORE, in consideration of the mutual promises contained in this agreement, the Licensor hereby agrees to allow the public the right to use the segment of Trail described on the attached map. The right-of-way of the Trail shall be deemed to have a width of two-hundred (200) feet, extending one-hundred (100) feet on each side of the centerline of the Trail.

The Licensee agrees to:

1. Assume responsibility for maintaining the Trail right-of-way so that the public may use the trail as a foot trail and for placing and maintaining trail markers and signs on the premises granted;
2. Recognize the right of the Licensor to cross or use the granted premises as a means of ingress to, or egress from, Licensor's adjoining lands or timber rights, including the use of motorized vehicles for such purpose;
3. Discourage the use, except by Licensor, of motorized vehicles on or about the right-of-way or appurtenant scenic areas, and to authorize use of motorized vehicles by employees of the Licensee on the premises granted only for special construction or maintenance work and emergencies necessitating such use;
4. Discourage littering and other spoilage to, or encroachment upon, the natural features on the granted premises;
5. Secure the prior written consent of the Licensor for the construction of any structure along the right-of-way by the Licensee, and for the cutting of trees thereon, other than for normal maintenance purposes;
6. Indemnify the Licensor against any loss incurred by reason of liability for injury to the body or damage to the property of any person who uses the granted premises for hiking and related purposes;

7. Encourage use of the right-of-way for foot travel only; and,
8. Terminate the Licensee's interest in the premises granted if the Trail is relocated off the granted premises, and to provide a written release of such interest to the Licensee in such event.

The Licensor agrees to:

1. Secure the consent of the Licensee prior to cutting any trees within the premises granted;
2. Refrain from the placement or construction of structures and the undertaking of any other alterations to the premises granted or its surroundings which impair the quality of the natural environment; and,
3. Bind itself and its successors and assigns to the terms and conditions of this agreement.

This agreement shall be effective for a period of five (5) years from the date of execution:

IN WITNESS WHEREOF, the parties have executed this agreement in duplicate at _____, Vermont, this _____ day of _____, 19__.

LICENSOR

By: _____
Its duly authorized agent

THE GREEN MOUNTAIN CLUB, INC.
LICENSEE

By: _____
Its duly authorized agent

ACCESS COVENANT

Whereas, Landowner is the owner of certain land and premises situated in the Township of _____, County of _____ State of New Jersey of Lots _____, Block _____ on the Township Official Tax Map and said lands being depicted on a certain final site plan entitled, _____ in the Approved Application for Financial Assistance of the New Jersey Open Lands Management Program;

Whereas, Landowner is to receive funding in the amount of \$ _____ for the development of a certain project which will increase the supply of public outdoor recreation;

Whereas, Landowner agrees to make available to the public the said land for a period of _____ years;

Now therefore, Landowner hereby grants, establishes, and declares to the State of New Jersey an easement for public ingress and egress on or over those areas as designated on the Approved Application for Financial Assistance.

This Access Covenant is not intended to grant any rights to the public to any other portions of the Premises other than as described herein.

It is the purpose of this Access Covenant that Access granted herein remain in effect for a period of _____ years and shall be binding upon and shall inure to the benefit of the Landowner and its successors or assigns.

With this Access Covenant the Landowner agrees to abide by all rules and regulations of the Department of Environmental Protection in maintaining and managing the Premises.

In Witness Whereof, Landowner has duly executed this Access Covenant the _____ day of _____, 1985.

This Access Covenant was prepared by:

Print or type name

Signature

The Landowner signs this Access Covenant on the first date above. If the Landowner is a corporation this Deed is signed by its corporate officers and its corporate seal is affixed.

Signed, sealed and deliver in the presence of or attested by:

_____ Landowner

Witness: _____

_____ Landowner

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF OR ATTESTED BY:

WITNESS

STATE OF NEW JERSEY,
GRANTEE

BY: _____

NEW JERSEY
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

FLORIDA TRAIL ASSOCIATION

P.O. Box 13708 Gainesville, Florida 32604 .

(904) 378-8823

Dear Florida Landowner:

The Florida Trail Association, a Non-profit, private organization, was formed in 1966 for the purpose of establishing a hiking footpath from Everglades National Park to the Alabama State line. The objectives were to provide a long-distance trail with segments conveniently located for all population centers, and to permit people to see, appreciate, and understand Florida's beautiful, varied, productive, and delicate natural areas.

The trail idea caught on and volunteers were soon clearing and developing trail, mainly on public lands, both state and federal, and on large private tracts through cooperation of landowners who realize the value of such a trail. This combination of volunteer trail builders and cooperative landowners has resulted in the establishment of almost 1,000 miles of trail in Florida, including one segment of 450 miles of continuous footpath.

We are presenting the attached information to you in the hope that you will consider granting the Association access through your property for continuing the development of this footpath. Naturally, you will have concerns and questions. Further, you may feel that some benefit other than just the personal or corporate satisfaction, should accrue to you. The information provided is to enable you to make a choice of possible arrangements, provide your legal counsel with pertinent State Statutes, and to provide a basis for personal discussion with Association representatives.

Basically, the various ways by which you can contribute to the continuity of the Florida Trail include the following possibilities:

- . Grant access to the public without liability (Fla. Statutes Sec. 375.251) with property tax advantages while maintaining present land use (Sec. 193.501);
- . Allow only association members access, with a liability waiver agreement, and possible income tax deductions if land use is not continued on the trail, or costs are incurred in maintaining the footpath (in cooperation with the association);
- . Allow only Association members access, with a liability waiver agreement, and continue normal land use.

In the case of large landowners or corporations who might wish to enter into a long-term agreement with F.T.A. (for example, a ten year agreement or lease), the Association will cooperate in any way possible to assist the landowner in obtaining whatever tax relief might be applicable under I.R.S. regulations pertaining to donations to non-profit corporations.

In all instances, the Association itself does not bind the landowner into any agreement in which he would unwillingly forfeit control of his property.

We hope you will take part in this project. It is only by this means that the people of Florida can come to appreciate the intrinsic value of the land. To walk through Florida, on one trip or a thousand, to see its lakes and streams, livestock and farms, forests and tree farms, swamps and marshes, towns and byways, industries and resources; and, to meet its people, animals and environment on a personal basis -- that is the ideal of the Florida Trail.

Won't you participate before it is too late?

Sincerely,

Mary Anne Freyer, President

Florida Trail Association, Inc.

For the purpose of construction, maintenance and use of a footpath for hiking only, known as the Florida Trail, The undersigned hereby permits the members of the Florida Trail Association, Inc., to have the right of entry on the following lands located in _____ County, Florida, until further notice. Notice to be written and mailed to the Florida Trail Association, Inc., P. O. Box 13708, Gainesville, Florida 32604, ninety (90) days prior to closing the property.

Landowner's Name & Address: _____

Description of Property and any conditions pertaining: _____

This permission is granted on the expressed understanding that the undersigned will not be liable to any member of the Florida Trail Association, Inc., for damage to persons or property arising on said property. The undersigned reserves the right to revoke the permission granted at any time upon ninety (90) days written notice (described above).

DATED this _____ day of _____, 19 _____.

/s/ _____

The Florida Trail Association, Inc., and it's members, by and through the undersigned, agrees to abide by the terms and conditions set forth above, and further agrees that any member of the Florida Trail Association, Inc., who exercises the right of entry upon the above-described property will have signed and agreed to the following pledge:

FLORIDA TRAIL ASSOCIATION MEMBER'S CODE

I understand that only members may hike the Trail across private property.

When on the trail, I agree to:
Protect wildlife; Hike only marked routes; Not carry firearms; Leave gates as found; Use crossings on fences when possible; Where permitted, keep fires small, then drench and obliterate; Carry out all refuse; Report irregularities to property owners; Pick up after those who have gone before; Leave only footprints.

I understand that hiking the Trail is a privilege and that I do so at my own risk. Neither the Association nor landowners are in any way liable for any injury or accident I might sustain while hiking the Florida Trail.

Member's Signature

The Florida Trail Association, Inc., expressly disclaims any right, title or interest in the above described land except as herein permitted.

DATED this _____ day of _____, 19 _____.

/s/ _____
Leader, _____ Section

Address & Telephone No.

EASEMENT FORM

KNOW ALL MEN BY THESE PRESENTS, THAT I / we

being unmarried, and

, husband and wife, of

, in the County of

and

Commonwealth of Massachusetts, for myself / ourselves, my heirs, executors, administrators

and assigns, in consideration of the sum of

Dollar paid by the Town of Brewster,

the receipt of which is hereby acknowledged, do hereby grant unto the said Town of Brewster

and its assigns forever the right to

to carry water away from said highway and over and through my / our land above described,

for public convenience and for the proper construction and care of said highway, and to enter

upon my / our land at any time for the purpose of constructing, repairing and maintaining

said culvert

and an outlet thereof, the proposed location of said culvert

and outlet being as

shown on plan drawn by

dated

and entitled

which is to

be recorded herewith.

And for the consideration aforesaid, I / we do accept said sum in full payment of said

easement and for myself / ourselves and my / our heirs, executors, administrators and assigns

do hereby release the said Town of Brewster and all other persons from all damages that

have arisen or may hereafter arise by reason of

and the

carrying of water away from said highway and over or through any of the land herein before

APPENDIX 6

APPENDIX 6: TEMPLATE FOR LETTER TO BARNSTABLE TOWN COUNCIL

[DATE]

Gary Blazis, President
Barnstable Town Council
Town Offices
Barnstable, MA 02631

Dear Mr. Blazis and Members of the Council:

We are writing to seek the Council's endorsement of the Barnstable Cape Cod Pathways Trail Plan (attached) and the appointment of an Ad Hoc Barnstable Cape Cod Pathways Committee, charged with implementing the proposed trail. We would like to make a formal presentation to you at your earliest convenience, during which we can present the plan for your review and comment and recommend interested volunteers as potential Committee appointees.

Cape Cod Pathways is a growing network of walking trails linking open space in all 15 Cape Cod towns from Falmouth to Provincetown. In November 1993, the Barnstable County Commissioners conceived the Cape Cod Pathways project as a way to:

- Enable residents and visitors to enjoy and learn about the natural, recreational, historical and cultural values of Cape Cod.
- Enhance access for walkers and hikers to the Cape's woodlands, ponds, beaches and historical villages.
- Foster the preservation of open space in order to protect scenic views, wildlife habitat and sensitive natural areas.
- Serve as a regional amenity, attracting visitors to Cape Cod during all seasons of the year.

Numerous individuals and organizations across Cape Cod have been involved in this effort through the years, including the Association for the Preservation of Cape Cod, Cape Cod Commission, The Compact of Cape Cod Conservation Trusts, the National Park Service and The Conservation Fund, as well as trail advocates and local town committees.

During the last decade, all 15 Cape Cod towns have endorsed the Cape Cod Pathways project and have been, or are actively working on, planning efforts. Recently the Town of Barnstable received a grant from the County to continue planning efforts. We have used that money to retain the services of Horsley & Witten Inc., an environmental services firm in Sandwich, to research and map the most feasible walking trail route through town. During the past several months, we have worked closely with Horsley & Witten to prepare the attached Trail Plan.

Within this report, you will find a description of the proposed trail route as well as a proposed charge for the Ad/Hoc Barnstable Cape Cod Pathways Committee, a script which will guide the committee members in their discussions with landowners, a few sample access agreement forms, and a copy M.G.L. Chapter 21, Section 17c, which explains the issue of landowner liability for public use of their land. The "Recreational Use Statute" states that as long as the landowner is not charging the public for use of their land and is not grossly negligent, they are not held liable for any injuries that may occur.

The successful establishment of a Pathways route through Barnstable will bring numerous environmental, recreational and economic benefits to the town. This has been borne out in other Cape Cod towns, including Mashpee, Falmouth, Yarmouth, Dennis, Brewster and Orleans, and in regions of the country where such trail systems are well established. The Pathways corridor will provide an additional criterion for use in assessing and prioritizing open space planning in town and, since it has historically enjoyed the support of the state, may make funding for parcel acquisitions more attractive along the trail route.

Please contact me with any questions you have. Thank you for your time and consideration.

Sincerely,

[NAME OF SIGNATORY]

Attachments: Proposed committee charge
Suggested inquiry script
M.G.L. 21, Section 17C
Access agreement samples

cc: [NAMES OF APPROPRIATE COPY RECIPIENTS]

APPENDIX 7

APPENDIX 7: ROAD OWNERSHIP ALONG PROPOSED TRAIL

Road Ownership Along Proposed Trail

<u>Road Name</u>	<u>Ownership</u>
Meetinghouse Road	Barnstable County
Navigation Road	Ancient Way
Parker Road (W. Barnstable)	Town of Barnstable
Plum Street	Ancient Way/Private/Public
Oak Street	Barnstable County
Route 132	State (Route 6A to Bears's Way); County (Bears's Way to Rotary)
Old Jail Lane	Town Of Barnstable
Old Neck Lane	Ancient Way
Route 6A	State (except Old Jail Lane to Mill Way is County)
Scudder Lane	Town of Barnstable
Pine Lane	Town of Barnstable
Mill Way	Barnstable County
Commerce Road	Town of Barnstable
Mary Dunn Road	Town of Barnstable/Ancient Way/Private
Phinney's Lane	Town of Barnstable/ Barnstable County
Service Road	Town of Barnstable/State

Source: Barnstable Engineering Department

APPENDIX 8

APPENDIX 8: LIMITED LIABILITY STATUTE

**GENERAL LAWS OF MASSACHUSETTS
PART I.
ADMINISTRATION OF THE GOVERNMENT.**

**TITLE II.
EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE
COMMONWEALTH.**

CHAPTER 21. DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

Chapter 21: Section 17C. Public use of land for recreational, conservation, scientific educational and other purposes; landowner & apos;s liability limited; exception.

Section 17C. (a) Any person having an interest in land including the structures, buildings, and equipment attached to the land, including without limitation, wetlands, rivers, streams, ponds, lakes, and other bodies of water, who lawfully permits the public to use such land for recreational, conservation, scientific, educational, environmental, ecological, research, religious, or charitable purposes without imposing a charge or fee therefore, or who leases such land for said purposes to the commonwealth or any political subdivision thereof or to any nonprofit corporation, trust or association, shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of willful, wanton, or reckless conduct by such person. Such permission shall not confer upon any member of the public using said land, including without limitation a minor, the status of an invitee or licensee to whom any duty would be owed by said person.

(b) The liability of any person who imposes a charge or fee for the use of his land by the public for the purposes described in subsection (a) shall not be limited by any provision of this section. The term "person" as used in this section shall be deemed to include the person having an interest in the land, his agent, manager, or licensee and shall include without limitation, any governmental body, agency or instrumentality, nonprofit corporation, trust or association, and any director, officer, trustee, member, employee or agent thereof. A contribution or other voluntary payment not required to be made to use such land shall not be considered a charge or fee within the meaning of this section.

APPENDIX 9

APPENDIX 9: TRAIL SEGMENT DESCRIPTIONS SPREADSHEET

TRAIL SEGMENT NO.	SEGMENT LOCATION	MAJOR NATURAL FEATURES	MAJOR CULTURAL FEATURES AND PUBLIC USE AREAS	DIST. (miles)	PARKING	COMFORT FACILITIES	RECOMMENDATIONS	PARCEL REQUIRING PERMISSION TO CROSS
1	West Barnstable Conservation Area from Town Boundary to Route 149	-Pitch pine oak forest; -Extensive trail system; -Excellent opportunity for multiple trail uses including horses, mountain bikes, skiers and hikers; -Beautiful, dense woodlands	-Powerline corridor; -Highest elevation in Barnstable; -Walker Point; -Shooting range; -Trail signs and map.	2.9	Yes. 1. Service road near Exit 5 beneath powerlines (8-12 cars), shooting range entrance, and two other dirt road entrances. 2. Farmersville Road off of Race Lane (20-25 cars) 3. Popple Bottom Road off of Route 149	No.	-Avoid shooting range at northwestern corner of conservation area. -Provide additional trail markers. -Improve and add signage. -Brush cutting maintenance required on some trails. -Provide trash receptacles at all parking areas.	None.
1A (Optional Loop)	Otis Atwood Conservation Area	-Pitch pine oak forest	- N/A	1.8	Yes. 1. AT OACA 2. Across Route 149 at WBCA.	No.	-Provide crosswalk	None.
2	Meetinghouse Road (Route 149) from WBCA to Conant Property	Conant Property	Meetinghouse Road	0.5	Yes. 1. West Barnstable Conservation Area beneath powerlines (8-12 cars) 2. Conant Property (20 cars)	No.	-Construct sidewalks along Route 149 between Exit 5 interchange and Conant property. -Provide trail markers, including along Route 149.	None.
2A (Optional Loop)	Conant Property Loop	-Upland and wetland habitats -Fish hatchery	-Conant Property -Meetinghouse Road	0.5	Yes 1. Conant Property (20 cars) - Off Meetinghouse Road	No.	-Provide trail markers -Provide bathroom facilities	None.

TRAIL SEGMENT NO.	SEGMENT LOCATION	MAJOR NATURAL FEATURES	MAJOR CULTURAL FEATURES AND PUBLIC USE AREAS	DIST. (miles)	PARKING	COMFORT FACILITIES	RECOMMENDATIONS	PARCEL REQUIRING PERMISSION TO CROSS
2B	Loop Trail from Conant Property North to Lombard Properties and Great Marshes and back to Bridge Creek Conservation Area	-Lombard Properties -Great Marshes	-Lombard Properties -Great Marsh	3.5	Yes. 1. Lombard Property (Meetinghouse Road) 2. Conant Property (20 cars) - Off Meetinghouse Road	Yes.	-Sidewalks are recommended in some places along Route 149 and Navigation Road for improved safety. -Because Navigation Road is an Ancient Way, the public's right to cross is not entirely clear. This should be researched further before designating it as part of the Pathways system.	None.
3	Bridge Creek Conservation Area from Meetinghouse Road (Route 149) to Parker Road	-Bridge Creek and Marsh -Red Maple Swamp -Dense Woodlands -Tidal and freshwater marsh and streams -Open marsh	-Attractive bridges, boardwalks and benches -Stone walls -Abandoned cranberry bogs -Hiking, mountain bike riding, horseback riding, bird watching, hunting subject to current rules and regulations (prohibited within the Jenkins Wildlife Sanctuary). -Information kiosks available	1.3	Yes. 1. Off Church Street (3-5 cars) 2. Off Meetinghouse Road (Route 149) behind West Barnstable Fire Station	No.	N/A	None.
4	Cranberry Bog Area (Private) from Parker Road to Spruce Pond Conservation Area	Cranberry bogs	Cranberry bogs	0.6	No.	No.	Seek permission from owners of parcels listed to cross property.	Map 176/Parcel 026 Map 176/Parcel 018 Map 176/Parcel 019 Map 176/Parcel 021 Map 176/Parcel 16-001

TRAIL SEGMENT NO.	SEGMENT LOCATION	MAJOR NATURAL FEATURES	MAJOR CULTURAL FEATURES AND PUBLIC USE AREAS	DIST. (miles)	PARKING	COMFORT FACILITIES	RECOMMENDATIONS	PARCEL REQUIRING PERMISSION TO CROSS
5	Spruce Pond Conservation Area from Jenkins Bogs to Oak Street	-Sand Hill and Spruce Ponds -Potential Views to Cape Cod Bay	Power line Corridor	0.9	No.	No.	-Seek permission from owners of Map 195/Parcel 006 and Map 195/Parcel 025 to cross property. -Seek permission from owners of Map 195/Parcel 011 if this section of the Plum Street is privately owned.	-Map 195/Parcels 006 and 025. -Map 195/Parcel 011 (if this section of Plum Street is privately owned)
6	Oak Street to Route 132 west of Cape Cod Community College	Pitch pine oak woodland	-YMCA and Cape Cod Conservatory of Music -Power line corridor	0.8	Yes. Off Oak Street beneath power line right of way (3-5 cars). Although parking is currently occurring here, this is on private property (Map 195/parcel 29) and any officially designated parking area would need permission from the owners.	Yes. YMCA building	-Provide trail markers: -Blaze clearer trail entrance near YMCA: -Survey plans should be researched to determine whether or not the existing trail crosses into private land. If so, either permission to pass must be attained or the trail should be moved slightly west in order to be completely on public land. -Seek permission from owners of Map 195/ Parcel 029 to cross and park on property, beneath power lines: -Survey plans should be researched to determine whether or not the existing trail crosses onto Map 215, parcel 20. If so, either permission to pass must be attained or the trail should be moved slightly west in order to be completely on public land.	-Map 195/ Parcel 029 -Possibly Map 215, Parcel 20 (research survey plans to verify) -Map 215 Parcel 018 may be private; regardless of ownership, permission needs to be acquired.

TRAIL SEGMENT NO.	SEGMENT LOCATION	MAJOR NATURAL FEATURES	MAJOR CULTURAL FEATURES AND PUBLIC USE AREAS	DIST. (miles)	PARKING	COMFORT FACILITIES	RECOMMENDATIONS	PARCEL REQUIRING PERMISSION TO CROSS
6 (continued)							<p>-After exploring both the northern and southern options for continuing eastward, it was determined that the northern route is by far the more feasible and interesting option and is recommended as the Preferred Pathways Route. The southern option is severely limited and this option is not recommended for further exploration at this time.</p> <p>-Conduct further research to verify ownership of Map 215, Parcel 018. Regardless of ownership, permission to cross is required.</p>	
7	Cape Cod Community College from Route 132 to Eastern Boundary	N/A	Cape Cod Community College	0.4 (Alt. 1) 0.7 (Alt. 2)	Yes. Several large parking lots on campus perimeter.	Yes. Bathrooms and food: Hikers can use public bathrooms inside college buildings or; Hikers may walk up Route 132 to the Burger King/Bus Stop comfort station.	<p>-Provide trail markers.</p> <p>- If Alternative 1 is chosen, it will be necessary to acquire permission from the owners to traverse their property. If acquiring the necessary permission becomes problematic, Alternative 2 might be a better choice and would require blazing a new trail through the woods on College property..</p> <p>-Advertise pathways project to students</p>	None.

TRAIL SEGMENT NO.	SEGMENT LOCATION	MAJOR NATURAL FEATURES	MAJOR CULTURAL FEATURES AND PUBLIC USE AREAS	DIST. (miles)	PARKING	COMFORT FACILITIES	RECOMMENDATIONS	PARCEL REQUIRING PERMISSION TO CROSS
8	Cape Cod Community College to Old Jail Lane	-Dense secondary successional forest dominated by hardwoods -Interesting topography and geology	Old Jail Lane Conservation Area	1.8 (using Seg. 7 Alt. 1) 1.3 (using Seg. 7 Alt. 2)	Yes. 1. Pine Lane entrance to Old Jail Lane Conservation Area (2-4 cars) 2. Alternative parking is possible on the land bank parcel immediately west of the Conservation Area, accessed from Route 6A	No.	- If Segment 7 Alternative 1 is chosen, then Segment 8 will pass through several privately owned parcels before reaching public land again for which permission must be obtained. If Segment 7 Alternative 2 is chosen, then a new trail will be blazed entirely on College property that would bypass these privately owned parcels altogether. -There are four privately owned parcels abutting the existing trail, through which the trail may pass. Survey plans should be researched to determine whether or not the existing trail crosses into private land. If so, either permission to pass must be attained or the trail should be moved slightly north in order to be. -Old Jail Lane Conservation Area needs additional parking. -Moving eastward from the eastern boundary of the OJLCA, the northern trail option is the Preferred Trail route and the southern option is not recommended for further investigation at this time.	-Map 236, Parcel 006-001 -Map 236, Parcel 014 -Map 237, Parcel 039 -Map 236, parcel 08. (further research should be done) -Map 235/Parcel 013 (research survey plan to check trail location) -Map 237/Parcel 30 (research survey plan to check trail location) -Map 236/Parcel 013 (research survey plan to check trail location) -Map 256/Parcel 004 (research survey plan to check trail location)
8A (Optional Spur Trail)	Scudder Lane Spur Trail	-Barnstable Harbor town landing -Hinckley's Pond	Barnstable Harbor	1.4	Yes 1. Town landing on Scudder Lane	No.	Provide crosswalk at intersection of land bank parcel and Route 6A to get hiker north	None.

TRAIL SEGMENT NO.	SEGMENT LOCATION	MAJOR NATURAL FEATURES	MAJOR CULTURAL FEATURES AND PUBLIC USE AREAS	DIST. (miles)	PARKING	COMFORT FACILITIES	RECOMMENDATIONS	PARCEL REQUIRING PERMISSION TO CROSS
9	Pine Lane from Old Jail Lane to Route 6A to Mary Dunn Road	Potential access to Barnstable Harbor	-Railroad crossing -Homes close to road -Easy access to Route 6A and Barnstable Village -Potential access to Barnstable Harbor	3.3	Yes. 1. Old Jail Lane Conservation Area off Pine Lane (3-5 cars) 2. Barnstable Village along Route 6A and in County Courthouse/registry of Deeds parking lots.	Yes. 1. County Courthouse/registry of Deeds bathrooms and snack machines 2. Restaurants in Barnstable Village.	Consider Map 278, Parcel 048 for possible acquisition of conservation easement.	None.
Segment 9A (Optional Spur Trail)	Hathaway's Pond Conservation Area Spur Trail	Hathaway's Ponds Conservation Area	-Hathaways Pond -Picnic/grilling areas -Swings	3.6	Yes. 1. Hathaway's Ponds Conservation Area off Phinney's Lane (30-50 cars)	No.	Install sidewalks along Phinney's Lane between Old Jail Lane and Hathaway's Ponds Conservation Area entrance.	None.
Segment 9B (Optional Loop Trail)	Mill Way and Commerce Road Loop Trail	Barnstable Harbor	-Homes close to road -Easy access to Route 6A and Barnstable Village -Potent Barnstable Harbor	1.5	Yes. 2. Mill Way Marina and beach 3. Barnstable) Village along Route 6A and in County Courthouse/Registry of Deeds parking lots.	No.	Identify potential conflicts with homeowners in area before designating roads as part of Pathways; be judicious with placement of trail markers.	-Map 333/Parcel 012 (Water Co.) Also look at: -Map 316/Parcel 004 (County) -Map 315/ Parcel 017 (County) -Map 317/Parcel 035 (County)
10	State Division of Fisheries and Wildlife Land	Dense pitch pine oak woodland	DFW land	1.2	Yes. 1. Small parking area on road shoulder off Mary Dunn Road (2-4 cars).	Yes.	-Install sidewalks along Mary Dunn Road between Route 6A and DFW land. -Post hunting regulations. -Provide trail markers.	