



# Town of Barnstable

## Land Acquisition and Preservation Committee

[www.town.barnstable.ma.us/Land Acquisition and Preservation Committee](http://www.town.barnstable.ma.us/Land Acquisition and Preservation Committee)

COMMITTEE MEMBERS:

- Kristine Clark, Chair
- Phyllis Miller, Vice Chair
- Laura Cronin
- Stephen Farrar
- Duncan Gibson
- James Hinkle
- Tom Lee
- Thomas Mullen
- Stephen O'Neil

TOWN COUNCIL LIAISON:

John Norman

STAFF SUPPORT:

- Jo Anne Miller Buntich
- Carol Puckett

**Minutes**  
**May 14, 2012**  
**5:30 PM**

**Selectmen's Conference Room**  
**367 Main Street, Barnstable, MA**

Kris Clark - Chair	Present
Phyllis Miller – Vice Chair	Present
Laura Cronin	Present
Duncan Gibson	Present
James Hinkle	Present
Thomas Mullen	Present
Stephen O'Neil	Absent
Tom Lee	Present

Also present were Carol Puckett – Administrative Assistant, Jim Kinsella from the Barnstable Enterprise, Attorneys Jeff and Michael Ford., Farley Lewis, Councilors Ann Canedy and June Daley.

At 5:32 PM, Kris Clark opens the meeting and indicates that a quorum has been met.. She will address the agenda but will start with New Business first.

**New Business**

- **Discussion of restrictive covenants – Stop & Shop, 425 Attucks Lane, Hyannis**

Attorney Michael Ford is here with his son, Attorney Jeff Ford to explain the requirements of the Development of Regional Impact (DRI) decision regarding Stop & Shop. Attorney Michael Ford indicates that a certain portions of the site has to be restricted with a restrictive covenant and initially required that the Cape Cod Commission be the holder of the covenant. However, he was notified that Cape Cod Commission does not hold restrictive covenants and that he should contact the Town of Barnstable. In 2011, he went before the Town Council and got an omnibus authorization under Resolution 2012-003 which included the ability of the council to accept interest in land in this site an in another site which they are buying as a condition of this development project which is the Nelson Coal & Oil Company site for which they are required to take down the buildings, become a vacant site, but will be granting the Town of Barnstable an easement for a potential bike trail/parking lot head for the future. Although this has already been approved by the Town Council unanimously, he was advised by the Town Attorney's office to come to this committee who looks at these kinds of things. Attorney Ford points out the areas that are to be open space and which will be principally dedicated to drainage and that drainage easements will be granted to the town. He indicates that this area is where Mid Cape Tennis/Victory Chapel and Colonial Candle and Shirdan's Country Kitchen stood which consists of

3.5 acres. He indicates that there will be a catch basin and swale in this area which will be landscaped. He points out the landscaped area on Attucks Lane and adds that the covenant runs with the land which will prevent other development in the area once Stop & Shop is complete.

There will be no tax relief for this particular parcel.

Phyllis Miller asks if Nelson Coal and Oil has tax relief and Attorney Ford indicates yes and that he has drafted an easement for the potential bike trail/parking lot and that it will have tax relief.

Tom Mullen asks if the ownership of that land remains with the corporation. Attorney Ford indicates yes and that the 21E is finished and that the town preferred not to have ownership, have them retain ownership and just grant an easement.

Tom Mullen asks what would happen, if in the future, the new Stop & Shop structure were to be torn down and a larger shopping plaza were to be built. Attorney Ford indicates that the covenant is binding on successors in title and has a provision in it for the filing of extensions which would require the input of the Cape Cod Commission, the Town of Barnstable and the legislative body of the town.

Ann Canedy asks about the 21E in the area of the previous candle factory Attorney Ford indicates that have completed a 21E and that is has been approved.

James Hinkle doesn't think that they need a vote to approve this. Attorney Ford indicates that it would be fine as they have council approval.

James Hinkle indicates that this committee has reviewed it and that there is a consensus to approve it.

Phyllis Miller would like to send a letter from this committee to the Town Council indicating that they heard a presentation on it and have approved it. James Hinkle seconds.

Vote:

All in favor.

- **New Council Liaison**

Kris Clark and members welcome LAPC's new liaison, Councilor June Daley.

### **Approval of Minutes**

- Minutes from LAP meeting of March 12, 2012

Motion is made by James Hinkle and seconded by Phyllis Miller to accept the minutes as presented

Vote:

All in favor

Duncan Gibson abstains as he was not present at the March 12<sup>th</sup> meeting.

- **Notes from LAP meeting of April 9, 2012 (no quorum)**

No vote is taken as they are notes and need not be approved.

- **Minutes from May 2, 2012 held in Barnstable Village. \*note that Ann Canedy was the minute taker**

Motion is made by James Hinkle and seconded by Phyllis Miller to approve the minutes as amended.

Vote:

All in favor

Kris Clark indicates that there was an executive session at the end of that meeting on May 2, 2012 and will pass them out. She indicates that there will be another executive session at the end of this meeting to review them and that this committee will not reconvene. .

### **Old Business**

- **Chair's update**

Kris Clark indicates that she has sent out a letter to Steve Farrar thanking him for his service on this committee and reads the administrative code regarding absenteeism on boards/commissions. She then indicates that there is a vacancy on this committee.

- **Open Space and Recreation Plan's implementation strategy**

#### **Update on May 2nd meeting with Barnstable Fire District**

Kris Clark hands out copies of a letter dated May 14, 2012 addressed to the Town Council President - Fred Chirigotis, which contains the motions that were made at the May 2<sup>nd</sup> meeting. Everyone takes a minute to read it. Kris indicates that she wanted to the members to review this before sending it. Ann Canedy asks Kris to summarize the letter for the public. Kris reads the letter. Ann Canedy indicates that in an update, the Water Commissioner will discuss whether they want to send a letter to the Citizen's Advisory Committee on the McManus property requesting that that committee review and reconsider the use of the McManus property as an effluent discharge site since the wastewater plan is under current review.

- **Community Preservation Committee update**

#### **April 23<sup>rd</sup>: Kris Clark**

Kris indicates that she had attended the last meeting of CPC and on that day the state house had approved unanimously the new version of House Bill 765 which is the Act to Sustain Community Preservation and will now move on to the Senate for consideration. At the CPC meeting, at public comment, she gave an update of LAPC's outreach to Barnstable village at the May 2, 2012 meeting in an attempt to begin to work together with other departments to secure protection for our municipal well sources.

- **May 21<sup>st</sup>: Jim Hinkle**

James Hinkle will be attending the CPC meeting on May 21<sup>st</sup>.

### **Updates**

- **Pathways: Tom Mullen**

Tom Mullen indicates that, as of last Thursday, the bike paths are open from Provincetown to the canal and that they have reviewed all the trails. He indicates that there were trees down on part of the path from Oak to Plum Street in Barnstable which have been removed. Tom indicates that there are more signs to put up and that they do have the materials to finish them. Kris speaks to the Acting Town Manager's reference to national volunteers week and thanks Tom Mullen and others for their efforts and dedication. She asks if anyone is interested in volunteering, to contact LAPC through their website.

- **Cape Walk 2012: Farley Lewis**

Farley Lewis is here to speak about the Cape Walk. She indicates that the Cape Walk will begin in Provincetown and end at the bridge at the canal. It begins June 2<sup>nd</sup> and ends June 10<sup>th</sup>. It will roughly be 100 miles. She indicates that the coordinator from AmeriCorp for the Cape Cod Pathways program is Hanna Court. Farley indicates that the brochure has just become available. The two days that people from Barnstable might be interested in are Friday, June 8<sup>th</sup> and Saturday June 9<sup>th</sup> on which the walk will be from Yarmouth to Sandwich. Kris asks if they could put the brochure on LAPC's webpage. Carol to ask IT for a link to the brochure. Farley indicates that she is concerned about the Willow Street intersection and that Alisha Parker from Growth Management will be seeking a police escort at that point.

- **Santuit Preserve: Phyllis Miller**

Phyllis indicates that they have not met.

- **Update on Santuit Dam: Kris Clark**

Kris Clark indicates that she has contacted Catherine Laurent – Chair of DPW from Mashpee. She reads an email from her. Kris indicates that she forwarded the email from Ms. Laurent to the Town Manager's office to respond to her questions about funding and an another email asking to consider sending Alisha Parker, or whomever is the lead on this project, to LAPC's next meeting for an update on the dam repair or a written staff update. She indicates that, as of yet, hasn't received a reply.

Ann Canedy indicates that, in response to a request from LAPC, she has sent an email to Acting Town Manager – Tom Lynch, asking for a meeting with the project's representatives from the Town of Barnstable and Mashpee and Jessica Rapp Grassetti, who was also interested in attending, and has not received a response as of yet. Kris suggests to June Daley, new LAPC liaison, that she may also want to follow-up on the request.

- **Announcements**

**Michael Sawyers of the Massachusetts Division of Fisheries and Wildlife to speak at June 11th LAP meeting.**

Kris indicates that he is coming with another staff person to talk about the State's open space programs as it relates to the Town of Barnstable.

- **Correspondence** - None

- **Items not reasonably anticipated by the Chair** - None

- **Public Comment**

Ann Canedy asks if there are plans to go to the next water district meeting. Kris would first like to send the letter previously mentioned to Fred Chirigotis/Town Council to see if there is any residual work LAPC needs to do in order to bring those requests to finality. Laura Cronin thought that the original thought was to go alphabetically through the villages it was to be alphabetically but that at the last meeting there were overlaps in commonality and perhaps they should reconsider and go to Hyannis next. Ann Canedy thinks that flint rock property is Hyannis but affects the Barnstable wells. No one objects to LAPC going to Hyannis next, time and date yet to be determined. Kris will mention it to the Hyannis Water District and see if it can be scheduled closer to the fall. .

Duncan Gibson suggests sending the Town's Grant Administrator an invitation to come to the next meeting when Michael Sawyers will speak as they do funding for land purchases. Kris also suggests inviting BLT, Ann suggests inviting Mark Robinson.

Motion is made by Duncan Gibson and seconded by Tom Mullen to go into executive session to vote on the executive session minutes from May 2, 2012.

**Roll Call Vote:**

- Phyllis Miller = Aye
- Duncan Gibson = Aye
- Tom Lee = Aye
- Laura Cronin = Aye
- James Hinkle = Aye
- Tom Mullen = Aye
- Kris Clark = Aye