

Town of Barnstable
Land Acquisition & Preservation Committee

www.town.barnstable.ma.us/LandAcquisitionandPreservation

Committee Members

Kris Clark – Chair Farley Lewis – Vice Chair
Phyllis Miller Elissa Crowley Duncan Gibson Steve Gould Thomas Lee Thomas Mullen Anne Rowland
Jessica Rapp Grasseti – Town Council Liaison

Staff Support

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

Minutes

Monday

December 14, 2015

5:30 PM

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



Kris Clark - Chair	Present
Farley Lewis – Vice Chair	Present
Phyllis Miller	Present
Steve Gould	Present
Thomas Mullen	Absent
Tom Lee	Present
Elissa Crowley	Present
Anne Rowland	Present

Also present were Casey Danhauser and Jaci Barton from Barnstable Land Trust, Carol Puckett – Administrative Assistant, and Ann Canedy.

Call to Order

As a quorum has been met, Kris Clark opens the meeting at 5:32 pm.

Kris reads the following with no response:

Notice of Recording

Please note that this meeting is recorded and broadcast on Channel 18 an in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

Guest:

Assistant Town Attorney – David Houghton will speak on the proposed conservation restriction for property located at 238 Old Colony Road, Hyannis, MA from the Town of Barnstable to the Barnstable Land Trust

David Houghton speaks and reports this is a third in the series of conservation restrictions (CR) proposed in accordance with the amended Community Preservation Act (CPA) that requires that for any acquisitions of open space, that it be held by a third party and in a separate document. This particular one is in the same form and with the same terms as two previous CR’s for one of which was the Harju parcel. He describes where the parcel is located and reports that it consists of approximately 2.11 acres which is largely wetlands. He notes that there is an existence of a drainage easement that was granted to the town in 1967 near Highland Avenue and should be recognized as such otherwise it would be restricted as to what can and cannot be done with the parcel. He states that since the town will require title to the property, this will be open space under CPA. He refers to Jaci Barton and Casey Danhauser for comments on the restrictions.

Jaci Barton notes that the Board of Directors of the Barnstable Land Trust (BLT) has approved this CR. As part of that, they have also asked for \$1000 in each case to be placed in a land management fund as part of the legal defense fund which will be the

first request of this type to go before Town Council She notes that the fund will be a permanently restricted fund except for monitoring and enforcement should that be necessary. David Houghton adds that in regards to the fee, the initial expectation is that it could be covered the CPC administrative account and may not be coming forward for separate appropriation. He also states that the monies for the fund would need to be done by contractual agreement that would be initiated and formalized around the time of the closing for those types of activities.

Motion is made by Phyllis Miller and seconded by Tom Lee to recommend to Town Council that this CR be approved as proposed.

Vote:

All in favor

David Houghton notes that the closing on this property will be January 6th or 7th and appreciates LAPC's recommendation.

Approval of Minutes

Minutes from LAP meeting of November 9, 2015

Motion is made by Tom Lee and seconded by Steve Gould to approve the minutes as submitted.

Vote:

All in favor

Updates

▪ Santuit Preserve: Phyllis Miller

Phyllis Miller spoke with DPW Director – Dan Santos this morning and reports that work on the management plan will be started after the first of the New Year with the help of the members of the Mashpee portion of the Santuit Preserve. Tom Lee recommends contacting Conservation Director - Darcy Karle for input. Phyllis Miller states that they met with Darcy and Amy Croteau, Catherine Laurent, and Drew McManus at a meeting previously and will continue meeting with them.

▪ Pathways: Farley Lewis

Farley shows a rough draft of a map with the work that Jim Benoit from the Geographical Information Systems (GIS) department has initiated in regards to land holders along the pathways from Sandwich to Yarmouth. She states that Jim thought that more work would be done on this project in January. She notes that they have the owners name but no contact information as of yet. Farley announces that there will be a pathways meeting on January 22, 2016 at the Cape Cod Commission's office at which time she will discuss plans for their spring walk.

Tom Lee reports that the Conservation Department has been receiving calls of concern regarding maintenance and enforcement of some of the pathways. He states that Darcy Karle – Conservation Director has attempted to get contact information and has set up a meeting with David Anthony – Director of Property and Risk Management on how to manage these concerns. There is a discussion about property and enforcement issues at Hot Bottom Road.

▪ Community Preservation Committee: Tom Lee

Tom Lee reports that CPC's last meeting was brief and that no new applications were discussed.

▪ Town Council Liaison: Councilor Jessica Rapp Grassetti

Kris reports that Jessica Rapp Grassetti had sent her an email but had nothing new to report.

Old Business

▪ Preservation of Breed's Hill property status

Kris states that the continuance of the discussion over the shooting range will be before the Town Council in January.

Ann Canedy believes that this will likely be postponed again and believes that monitoring of the well is forthcoming.

- Open Space and Recreation Plan (effective until June, 2017)
Kris has nothing new to report.

Announcements

Jaci Barton announces that the closing on the property for Lowell Park in Cotuit is scheduled for December 23rd at 2:00 PM and with any luck, the 19 acres will be purchased by Barnstable Land Trust (BLT) with three (3) acres to go to the Town of Barnstable. However, the conservation restriction (CR) is still pending due to the certification of free cash by the Fire District. She states that the CR is signed but is just awaiting the collection of funds.

Public Comment

Mark Buckley of School Street, Cotuit states that he is here to talk about the area surrounding the Lowell ball park. He refers to pictures of the park (EXHIBIT A). He wants to thank the committee or their recommendation of approval for the CR on this property. He states that this area is mostly woods and that the Lowell family has paid to preserve this area since the 1890's. He would like to have the trees protected.

Jaci Barton explains that the 16 acre portion of the parcel is protected for conservation however, the 3 acres that the town will acquire is not. Mr. Buckley states that he has read the order from the Town Council (065-2015) and could be construed that only lighting fixtures are prohibited. However, he believes he reads it as infrastructure and lighting fixtures are prohibited and thinks the language is ambiguous. Jaci Barton will look into it. He states that there should be no reason to cut down trees as all the buildings/structures are relatively new and recommends a letter be sent from the town stating that the trees in parcel one (1) will be protected in perpetuity and that no infrastructure will be built on parcel one. Mr. Buckley also states that there have been six (6) major encroachments over the past 50 years in that area. Jaci Barton explains that the three acre parcel coming to the town is unrestricted from municipal purposes and that a conservation restriction needs to happen between the town and the Cotuit Kettleer's over the use. Jaci also clarifies with Mr. Buckley that there needs to be a management plan done through the Town of Barnstable for the three acres.

Kris to look into this also.

Mr. Buckley states that currently, there are ground stakes near the left field existing bull pen and believes they want to build a new bull pen.

Farley Lewis begins a motion to send a letter to the Town Manager. They suggest to Mr. Buckley that he speak to Town Council President – Jessica Rapp Grasseti. Mr. Buckley states that he has spoken with Ms. Rapp Grasseti at length on this and she is aware of his concerns.

Jaci clarifies that if the town is to hand over the three acres for management to the Cotuit Kettleer's, a conversation needs to take place to insure that restrictions are in place.

Kris to talk to Jessica Rapp Grasseti for possible input at the January meeting.

Motion is made by Phyllis Miller and seconded by Tom Lee to adjourn.
All in favor