



Town of Barnstable

Community Preservation Committee

www.town.barnstable.ma.us/growthmanagement/PropertyManagement/CommunityPreservation

Lindsey Counsell, Chair
Laura Shufelt, Vice Chair

Marilyn Fifield, Clerk
Alisha P. Stanley, Project Coordinator

Monday, July 25, 2011
Public Hearing APPROVED MINUTES
Town Council Hearing Room at 367 Main Street, Hyannis at 5:00 pm
Meeting called to order at 5:04 pm

Members present: Lindsey B. Counsell, Paula Schnepf, Tom Lee, Marilyn Fifield, Sue Rohrbach, Laura Shufelt

Members absent: Rene King, Town Council Liaison Janet Joakim, Terry Duenas

Minutes: Motion duly made by Sue Rohrbach and seconded by Tom Lee to approve the minutes of the Regular Public Hearing on Monday June 20, 2011 as revised. VOTE: Aye – Rohrbach, Schnepf, Fifield, Lee, and Counsell. Abstain – Shufelt

Public Comment: NONE

Correspondence and Other Materials Received: NONE

Decisions on Letters of Interest:

Open Space Property Acquisition – The Nickulas property located at 0 Pleasant Pines Ave, Centerville was offered to the Town for half interest in open space real estate to be held without a Conservation Restriction in the amount of \$100,000.00. The acquisition would be in partnership with the other half interest. The abutting property is owned by the Markey family. This project has not gone before the Land Acquisition and Preservation Committee (LAPC) and although some Committee Members would like to recommend this to be reviewed at the LAPC level, Chair Counsell states that a recommendation can not be made to send this before LAPC because under the administrative code, this isn't part of their charge according to the Legal Department. The decision and vote goes through the CPC to the legislative body. The plan of land is reviewed by Members of the Committee (Exhibit #1). A half interest ownership doesn't limit what can be done on the property. Access to the parcel is off Nyes Neck Road on Pleasant Pines. The application is due to the CPC on August 17th. Laura Shufelt makes a motion to move the project to the application stage to learn further details and is seconded by Tom Lee. VOTE: Aye – Rohrbach, Schnepf, Fifield, Lee, Shufelt and Counsell

“The Bay School Recreational Area” Project (Recreation) – Louise Lahey, resident on First Avenue opposite of the ball field in Osterville, speaks to the Committee about the proposed project. She does not agree with the potential sale because she feels the Village will lose the only recreation area in Osterville. Mr. James H. Crocker Jr., applicant and Mr. Peter Hanson, landscape designer of the Bay School Recreation Area plan, offer additional information on the proposed project. Feedback received from the community has been incorporated into the filing that will be submitted to the Recreation Commission. A public hearing will be held with the Recreation Commission on Monday August 1st that will include the attendance of abutters and interested parties in order to obtain their feedback. The Recreation Commission is reviewing the entire parcel including the elementary school. The split level floor plan of the school would make it difficult for public access, but the building could be used for storage and other opportunities (i.e. gymnastics, batting cages) for the Recreation Division and may not be considered for demolition. This facility would allow the Recreation Division to utilize the building and parking for various opportunities that are available for public service, include public restrooms on a time lock situation and offer an opportunity to vote at a Town facility in the Village of Osterville. Vice Chair Shufelt reviews the request and doesn't see any line items that can be funded by CPA. She states that the DOR advises Committees not to use funding for buildings, public restrooms, parking lots (Luke's Love a Boundless Playground is an example determined by the Town Legal Department) or improving ball fields that already existed before Land Bank and CPC, based on the Newton Case.

Chair Counsell reiterates that once the property is declared surplus, it is under control of the Town Manager, not Recreation or the School Department. Some CPA funding would be possible if the project is dedicated in perpetuity

to Recreation. A deed restriction would be held by the Recreation Division and would be held by Recreation, not municipal. Clerk Fifield states that the building could be eligible for the National Register of Historic Places. She also states that CPA funds wouldn't be an appropriate use to raze a building that it is historic. Shufelt would like a legal opinion, in writing, on what can be funded in this request and Rohrbach requests the presence of a member of the Legal Department during CPC meetings. **VOTE: Sue Rohrbach makes a motion to table the letter of interest for the Bay School Recreation Area until the next meeting, which is after the public hearing with the Recreation Commission and Paula Schnepf seconds the motion.** Aye – Rohrbach, Schnepf, Fifield, Lee, Shufelt and Counsell

General Discussion / New Business:

Coleman Property Acquisition Update (21 Railway Bluffs, Hyannis) – The Purchase & Sales Agreement has expired and the Town will not be going forward with the project.

CPC Draft Handbook (Exhibit #2) revisions and suggestions were submitted to the Project Coordinator. Upon completion and approval of the draft Handbook, the Committee would like to move to the annual report.

CPC Member Terms – Counsell and Duenas have requested reappointment. The Planning Board has nominated Paul R. Curley for representation on the CPC. The reappointment hearing is scheduled for August 4th.

Alisha Parker, Project Coordinator, provides updates on CPC projects. The Sturgis Library Historic Preservation Restriction Agreement has been approved by Mass. Historical Commission and needs to be recorded at the Registry. The Cammett House requested their final funding payment, celebrating the completion on July 30th and would like the CPC Members to attend. Town Hall Exterior Funds: expended funds \$1.9M, encumbered funds \$328K and remaining funds \$809K. The Cobb Trust P&S Agreement was signed by Town Manager in order to acquire the two parcels on Mary Dunn Road and Mid Cape Highway and the closing is scheduled for the 4th of August. Historic signs will start being constructed. (Exhibit #3)

Communication between CPC and other Boards, Commissions and Committees is brought up. Under Open Meeting Law, legal postings that include agenda information are to be posted 48 hours prior to the public hearing. These agendas are available on line and posted by the Clerk's office in Town Hall approximately 2 days prior to the public hearing. Agendas are also sent to the Division Heads and Chairs that relate to the agenda topics. Public records are available for the public to view at any time with Alisha in the GMD Office. Going forward, agendas will be sent to all Division Heads and Chairs as requested.

Closing Public Comment:

Jim Kinsella – The Barnstable Enterprise – requests a synopsis of the Bay School Recreation Area Project as the conversation at the dais was not easily heard in the audience. The letter of intent provides a budget for the project to include; \$250,000 for razing and removal of tanks and building, \$200,000 for parking lot enlargement and landscape buffers, and \$650,000 for public restrooms, recreational building improvements, tennis, play-yard and ball field improvements totaling \$1,100,000.00 from CPC funds.

Tom Mullen – LAPC representative would like to see the CPC prioritize land that is important to the Town. There is concern that there is no mention of the protection of water supply, embayment protection and well protection in the criteria of the CPC. Mr. Mullen is provided with a copy of the CPC Handbook where there is mention of the protection of water supply in the Town.

Laura Cronin – LAPC representative would like to see letters of intent and applications sent to the Chair and Vice Chair so they can be distributed to the members in order to better understand projects before they hit the CPC. Staff resources are available from Growth Management for LAPC and they could be useful in these requests. Chair Counsell suggests that Committees contact Alisha at any time to obtain information on projects. Tom Lee requests agendas and applications move through CPC to LAPC.

Adjournment: Sue Rohrbach moves to adjourn the meeting and is seconded by Tom Lee. VOTE: Aye – Rohrbach, Schnepf, Fifield, Lee, Shufelt and Counsell

Open Session Meeting adjourned at 5:43 pm

Exhibits: Plan of land at 0 Pleasant Pine Ave, Centerville (Exhibit #1), Draft Handbook – Project Coordinator (Exhibit #2), Monthly Update – Project Coordinator (Exhibit #3)

Respectfully submitted, Alisha Parker Stanley, CPC Project Coordinator