



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%20Acquisition%20and%20Preservation%20Committee)

MINUTES

September 9, 2013

Selectmen's Conference Room

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

Also present were Farley Lewis, David Houghton, and Carol Puckett – Administrative Assistant.

Kris Clark recognizes a quorum and introduces David Houghton.

Guest: David Houghton, Town Attorney

▫ **Conservation Restriction for property located at 483 Lumbert Mill Road, Marstons Mills, MA as shown on Assessor's Map 146 as parcel 021**

David Houghton states that the property is 2.2 acre parcel, has frontage on Lumbert Mill Road, is surrounded by open space, and is proposed for acquisition under the Community Preservation Act which requires conservation restrictions be held by third parties. Barnstable Land Trust has offered to be the third party. Attorney Houghton states that this is a standard form with two main differences. The first being Section D of Article 2 which deals with self-help remedies. This would mean that if there was a violation, it would deal with whether the holder of the restriction would be able to go in and correct the violation at the Town's expense. The other issue is a technical/legal issue. This issue refers to Section L, which deals with what would happen with when, and under what circumstances, this could be taken to court if the conservation restriction, at some time and for certain reasons, was no longer viable or desirable. Attorney Houghton explains further.

Kris adds that prior to LAPC's meeting; she spoke with Jaci Barton who said that her board identified this parcel as desirable. She reads Jaci Barton's notes (**EXHIBIT A**).

Tom Lee states that at the last meeting of CPC they voted to support this parcel and that it's chairman is sending a letter of support.

Jim Hinkle asks if the town is in favor of this purchase. Attorney Houghton says that the committee has recommended a placement of the restriction and that Town Council is yet to vote on it. Jim Hinkle clarifies that they are going to vote on the restriction and that LAPC is to confirm the restriction. It is explained that the land is to be purchased through the Open Space Acquisition by CPC. Kris explains that BLT has been brought in as required.

Please note that the committee may act on items in a different order than they appear on this agenda.
Also, if it so votes, the committee may go into Executive Session

Motion is made by James Hinkle and seconded by Steve O'Neil to recommend to Town Council that [Town Council] approve the conservation restriction on this parcel on Lumbert Mill Road as proposed.

Vote:

All in favor.

Approval of Minutes

- **Minutes from LAP meeting of August 12, 2013**

Tabled to next meeting.

Updates

- **Santuit Preserve: Phyllis Miller**

Phyllis has nothing new to report

- **Pathways: Farley Lewis & Tom Mullen – Fall Walking Weekend: October 11 - 14**

Farley contacted Mary Richmond with whom she will be getting together in regards to planning the walk. Kris clarifies that Mary is a potential walk leader. The walk will take place during the Columbus Day weekend. Steve O'Neil might have someone interested in being a walk leader. Farley reports that Heidi Moss had gone through the Bridge Creek area and found a lot of trees down which the Town of Barnstable is in the process of removing. Kris would like to add that Tom Mullen might be retiring or relinquishing some of his responsibilities in maintaining the pathways and is looking for volunteers. She has contacted the Town Manager's office regarding this. AmeriCorps has been helpful but is too early for this year's class to take on that responsibility. She notes that she has also invited Heather McElroy – Natural Resource Specialist from the Cape Cod Commission to be a guest speaker on the pathways at a future meeting.

Farley comments that they can be proactive by clearing up the paths for CapeWalk which will take place in June, 2014. Farley explains the Cape Walk. Duncan comments that it would be helpful for the route to be put on LAPC's website. Carol to ask Conservation and Recreation Departments if they will put a link on their webpage for walking events and routes.

- **Community Preservation Committee**

- **August 26th: Phyllis Miller**

Phyllis comments that at the CPC meeting, the major topic was the McManus property which included the review of old plans and the enormous amount of money it would cost to put in recreation fields. Tom Lee notes that the cost for those fields is 23 million. Phyllis says it was reviewed and that there was no need for action at the meeting. Tom Lee comments that a few years ago, CPC had spent \$60,000 for a master plan study which they wanted status on. Therefore, Lindsey Counsell arranged a presentation to show what was done for that amount of money and what kind of concept plan they came up with.

- **September 23rd: Kris Clark to attend CPC's meeting.**

It was brought to Kris' attention asking if there was any action on the list of parcels submitted for the village of Barnstable. She asks the members if the list should be resent. Tom Lee suggests sending it to CPC'S chair, Lindsey Counsell. Kris to remind CPC.

- **Town Council Liaison: Councilor Ann Canedy**

Kris received a message from Ann Canedy who is at another meeting but who has been in touch with the members of the water district and has been attending the meetings regularly. Ann's message states that the water district is in negotiations with the Town regarding the solar array at the Breeds Hill property. Kris also

notes that Ann reports there is no news from the Appointments Committee in regards to any LAPC candidates.

▫ **Tax Credit Workshop for Barnstable property owners tentatively scheduled for Saturday, November 16, 2013 at the Cape Wildlife Center**

Kris explains that this has emerged from Mark Robinson speaking at a previous LAPC meeting and who recommended a workshop for the Town of Barnstable residents. Kris notes that a call will go out to property owners of 4 acres or more and a direct mailing to draw their interest to this tax credit workshop. Mark Robinson will also work on a flyer for this workshop. Jim Hinkle clarifies that the sponsors and advocates will be LAPC, Barnstable Land Trust and Orenda Wildlife Trust. By the next regularly meeting of LAPC it should be more defined as to mailings, etc.

Old Business

Chair's report: Kris Clark

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

▫ **Update from the Barnstable Water/ Barnstable Fire District**

Kris refers to Ann Canedy's update for these topics. .

▫ **Update from the Hyannis Water Board/ Hyannis Fire District/ Greater Hyannis Civic Association**

Kris will be attending the meeting tomorrow at the Steamship Authority conference room regarding parcels of interest to the Hyannis residents as it concerns their water and wells. Steve O'Neil states that the Hyannis Water Board has a vote coming before Town Council on Thursday night for a \$50,000 grant from CPC funds

Motion is made by Phyllis Miller and seconded by Duncan Gibson to write a letter to Town Council through Dr. Debra Dagwan, to support the grant to the Hyannis Water Department.

VOTE:

All in favor

Kris to write and send the letter.

▫ **Update on the vacancy on our committee**

No news.

New Business

▫ **Draft 2014 meeting schedule**

Kris explains the draft schedule.

Motion is made by Steve O'Neil and seconded by James Hinkle to adjourn

Vote:

All in favor.