



# Town of Barnstable

## Land Acquisition and Preservation Committee

www.town.barnstable.ma.us/LandAcquisitionandPreservation



### Committee Members

Ann Canedy – Chair    Farley Lewis – Vice Chair  
 Elissa Crowley    Steve Gould    Liz Lewis    Phyllis Miller    Doug Payson    Tracy Pratt  
 Kris Clark – Town Council Liaison

2021 AUG 17 AM 01:33

BARNSTABLE TOWN CLERK

## Minutes

### Monday, July 12, 2021

### 5:30 pm

Ann Canedy starts the meeting at 5:31 PM

Ann reads the following into the record:

In accordance with the Governor’s Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to address COVID-19 (COVID-19 Order No. 33) this meeting will be closed to the public to avoid group congregation.

### Call to Order/Introduction of Land Acquisition and Preservation Committee Members

Ann takes roll call attendance:

Member	Present	Absent
Ann Canedy - Chair	x	
Farley Lewis – Vice Chair	x	
Elissa Crowley	x	
Steve Gould	x	
Liz Lewis		x
Phyllis Miller	x	
Doug Payson	x	
Tracy Pratt	x	
Anne Rowland	x	

Other attendees: Town Councilor Kris Clark; guest, Lev Malakoff; and Recording Secretary, Erin Logan.

Ann reads the following with no response:

### Notice of Recording

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

### Approval of Minutes of September 14, 2020.

Motion to approve the minutes as submitted/amended is made by Phyllis Miller and seconded by Anne Rowland

Roll Call Vote:

Member	AYE	NAY	ABSTAINED
Ann Canedy - Chair	x		
Farley Lewis – Vice Chair	x		
Elissa Crowley	x		
Steve Gould	x		
Liz Lewis	absent		
Phyllis Miller	x		
Doug Payson	x		
Tracy Pratt	x		
Anne Rowland	x		

Canedy noted that the following minutes are missing from the webpage: January 11, 2021, June 14, 2021, March 8, 2021, April 12, 2021. Also, the April 12, 2021 agenda is missing from the webpage as well.

## **NEW BUSINESS**

### **Proposal by Lev Malakoff regarding creation of natural surface trail along Old Jail Lane**

Lev Malakoff is present. Malakoff is part of the New England Mountain Bike Association and is looking at the pathways. Malakoff advised that he has sent a proposal to the Town Manager regarding potential trails. He is awaiting a response. He continued by explaining that there is land in West Barnstable with an existing non-sanctioned trail. He hopes to create additional connections to existing trails for people of all abilities (walkers and non-motorized biking). He noted that some of the areas are ideal of adaptive pathways.

There is a discussion about the location of the proposed trails (in the open space between Crooked Cartway and Links Lane in West Barnstable).

Malakoff clarified with Canedy that the existing trails were not officially created adding that people have created these trails on their own without permission. Malakoff added that the trail is ideal as it is already level and has a good layout. However the trail would need to be restored. Malakoff does have volunteers that are eager to assist with trail construction.

Canedy asked if this proposed trail is on Town of Barnstable Land. Malakoff confirmed he reached out to Mark Ells, Madeline Noonan, Ed Hoopes, and David Anthony and is awaiting a response.

Canedy suggested setting up a meeting with Town officials to include Committee Member Payson, Malakoff, as well as Town Councilor Clark.

Clark questioned where the funding for the work will come from. Malakoff advised it will be all volunteer work and grants, adding that there will be no need for money from the town for this. Clark is concerned with the potential traffic that may come from out of state/off Cape.

Canedy confirmed with Malakoff that the trail can be used as a foot path, a biking trail, and adaptive biking trail. Canedy is concerned that the mountain biking may deter walkers.

Malakoff noted that he is very clear to his membership about having good interactions with folks who are walking. Adding that he felt walking and bikers will deter motorcycles and illegal campers.

Gould bikes and walks many Town trails and it has been his experience that he does not see many people when he walks and is pleased that there are many trail options.

Crowley asked about the surface of the trail. Malakoff advised it will not be paved but rather left to be natural with the removal of tree roots.

Malakoff then proposed a trail running from Hathaway's Pond to Old Jail Lane. He pointed to land owned by the Barnstable Water Department that would be ideal for connecting these trails. He noted that the Water Department did not seem interested in sharing this land.

Payson is the trail steward for the pine lane/hot bottom trail. Doug agreed with Lev that by getting walkers and bikers in the woods it is discouraging the motorcycle and ATV use in sensitive trails with rare and endangered animals and plants may help. He felt it may be a hard sell with the Water Dept as they have gated it to discourage use. There are not a lot of people walking and biking.

Ann would like to have a meeting with the Barnstable Water Dept. Ann would suggest a meeting with Gordon Starr with an LAPC committee member (Payson volunteered) and Malakoff to make the case.

Gould asked if these are relatively small areas. He walks and bikes a lot and does not see motorized vehicles.

Town Councilor Clark noted that there is no leverage over water district land though they can certainly make a request.

Clark asked if the path of least resistance is the parallel path and would that mean taking an easement? Malakoff confirmed the path would be on Water Department land. The only alternative would be to use the MDOT highway layout (between the guardrail and the fence).

Payson suggested the use of Old Jail Lane noting that the pavement does not cover the entire road surface. Perhaps the trail could parallel the road.

Canedy would like to approach one plan at a time. She proposes to go back to Town Manager, Mark Ells to talk about the lollipop therapy trail. The second would be to ask Gordon Starr, Payson, and Malakoff with the Water Dept for the OJL trail.

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**Introduction of proposed Conservation Restriction located on Commerce Road in Barnstable Village known as the Bowles Property**

Canedy wanted to mention this restriction as it is expected to come before LAPC next month. She will need a full board to review this document. She believes the hang up is the parcel of land that connects other parcels of land (from the harbor to Mass Audubon). The negotiators do not want public access on the land. Canedy sees the value of obtaining the property.

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**OLD BUSINESS**

**Update on status of outstanding Conservation restrictions-Harju, Amaral, Prince Ave**

Canedy noted that Prince Ave is questionable. Harju & Amaral are still outstanding with the state. Passive vs. active recreation. Canedy would like to ask the committee to go before the council if this is not settled within the next few months. Kris Clark supports this effort as does the committee.

**Report from Pathways Subcommittee (BLT)**

Lewis noted there was nothing to report as this sub-committee has been inactive since the Spring Walking Weekend. She is now looking ahead at the fall.

Canedy noted the Barnstable Land Trust trail guides are available at town hall 1<sup>st</sup> floor and via the BLT website.

**Report from Phyllis Miller regarding Santuit Preserve**

Miller deferred to Pratt who advised the trails are quiet again. It was popular during herring run. The Town went through in the early summer and did some cutting. He would like if they could come back and cut again as some of the trails that run over to the hollow run. He would like for them to be trimmed as they are overgrown with briars. No ATVs but he did see a motorcycle. Canedy asked Pratt to prepare an email to Chris Gonnella and copy in Canedy and Miller.

**Report from Farley Lewis regarding Community Preservation Committee Open Space applications.**

Lewis noted last CPC meeting was about the Bowes Conservation Restriction.

Canedy mentioned that it is not ready for committee review yet. Canedy is trying to stay on top of the "bridge". The Barnstable Land Trust is working on a notice of intent and they are working with David Anthony. She noted that Levs Malakoff's group has volunteered to help construct the bridge.

Payson mentioned that the current trail is partially on private land and floods periodically. This would move the trail off private land.

**Report from Town Council Liaison Kris Clark**

Clark Follow up with status of bill at the State House over expanding the Conservation Land Tax Credit Fund. This is a matching fund. Cyr confirmed with Clark that the Conservation Land Tax Credit language was not included as part of the budget though it is still moving through the process. Canedy asked for a copy of this email.

Clark is concerned regarding the certificates for the Conflict of Interest training for the Committee Members. Cindy Lovell confirmed she has not received any certificates as of yet.

**Update on Open Space & Recreation Plan**

No discussion

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**Items not reasonably anticipated by the Chair**

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**Public Comment**

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**Adjournment**

Motion to adjourn is made by Phyllis Miller and seconded by Doug Payson.

Roll Call Vote:

<b>Member</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAINED</b>
Ann Canedy - Chair	x		
Farley Lewis – Vice Chair	x		
Elissa Crowley	x		
Steve Gould	X		
Liz Lewis	Absent		
Phyllis Miller	x		
Doug Payson	x		
Tracy Pratt	x		
Anne Rowland	x		

Please Note: the lists of matters are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Committee may go into executive session. The Committee may also act on items in an order other than they appear on this agenda.

\* Public files are available for viewing during normal business hours at the Land Acquisition & Preservation office located at 367 Main Street, Hyannis, MA