



Town of Barnstable

Town Council

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Councilors:

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Frederick Chirigotis
Vice President

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Janice L. Barton
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Leah C. Curtis
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James F. Munafo, Jr.
Tom Rugo
James M. Tinsley, Jr.
Harold E. Tobey

Administrator:
Donald M. Grissom

Administrative
Assistant:
Barbara A. Ford

TOWN COUNCIL MEETING AGENDA

November 6, 2008

7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
 - **Superintendent Grenier – update on school facilities**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES**
- 7. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
- 8. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

NEXT MEETING: November 20th

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
2009-014	Community Preservation Fund appropriation and transfer order from the proposed amount set aside for community housing in the amount of \$108,000 (Public Hearing Closed) (Roll-call 2/3)	3 - 4
2009-033	Appropriation, transfer and loan order for land acquisition at 191 Airport Rd for a total sum of \$2,704,862 for the terminal project at the Barnstable Municipal Airport (Public Hearing) (Roll-call 2/3)	5 - 6
B. NEW BUSINESS		
2009-035	Appointments to a board/committee/commission (First reading)	7
2009-036	Acceptance of a Barnstable County Land Management Grant in the amount of \$7,500 to establish a recreational trail (May be acted upon)	8 - 9
2009-037	Acceptance of a Barnstable County Land Management Grant in the amount of \$2,500 for maintenance of the town-owned Danforth property (May be acted upon)	10 - 11
2009-038	Acceptance of an Arts Foundation of Cape Cod Grant in the amount of \$2,000 to be used to increase awareness of the Harbor Your Arts (HyA) programs. (May be acted upon) ..	12 - 13
2009-039	Approve the McCowan Cotuit Trust-1992 (grantor)/Barnstable Land Trust (grantee) conservation restriction of over 1.57 acres of land located at 1372 Main Street, Map 33, Parcel 46 in Cotuit (First Reading)	14 - 16
2009-040	Approve an amendment to the Conover/Barnstable Land Trust conservation restriction by including an additional 1.79 acres located at #350 & #370 (at the end of Carriage Road), Map 070 Parcels 022 and 017-003 in the village of Grand Island, Osterville (First Reading)	17 - 19

Minutes – October 2, 2008

Please Note: It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda.

A. OLD BUSINESS (Public Hearing Closed) (Roll-call 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2009-014

INTRO: 07/17/08, 08/21/08, 09/04/08, 10/02/08, 11/06/08

**2009-014 COMMUNITY PRESERVATION FUND APPROPRIATION & TRANSFER
IN THE AMOUNT OF \$108,000 FOR COMMUNITY HOUSING**

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of One Hundred Eight Thousand and No/100 (\$108,000.00) Dollars be appropriated and transferred from the proposed amount set aside for Community Housing in the Community Preservation Fund described in agenda Item 2008-161 for the purpose of creating and supporting the purchase of affordable rental units, by the Barnstable Housing Authority, through the Town of Barnstable's Inclusionary Housing Ordinance by allocating \$50,000.00 per unit to buy down the cost of two (2) units and \$4,000.00 per unit for closing costs and legal fees of the two (2) units to be administered by the Town of Barnstable, Growth Management Department and authorize the Town Manager to acquire affordable housing restrictions, easements and other security on behalf of the Town.

SPONSOR: Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

CPC FUNDING REQUEST FROM BHA FOR ITS WORKFORCE HOUSING INCLUSIONARY PROGRAM (WHIP) PHASE 2

ITEM# 2009-014

INTRO: 07/17/08, 08/21/08, 09/04/08, 10/02/08, 11/06/08

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: July 2, 2008
SUBJECT: Rationale for the funding for the Barnstable Housing Authority (WHIP) Phase 2

BACKGROUND: The Community Preservation Committee (CPC) met on June 17, 2008 and has recommended that the town support the funding request of \$108,000.00 from the Barnstable Housing Authority for their Workforce Housing Inclusionary Program (WHIP) Phase 2.

RATIONALE: The project goal is to create and support the purchase of affordable rental units, by the Barnstable Housing Authority, which units have been created through the Town of Barnstable's Inclusionary Housing Ordinance. The request is for \$50,000.00 per unit to buy down the cost of two (2) units and \$4,000.00 per unit to cover closing costs and legal fees for the units located at Flagship Estates, LLC in Hyannis. The Barnstable Housing Authority is the designated buyer for these units and the funds requested would greatly help in lowering the mortgages therefore lowering the rent necessary to meet expenses of these units.

The Barnstable Housing Authority will provide the administrative support for the program. Each unit will be deed restricted requiring that the unit remains affordable in perpetuity.

STAFF ASSISTANCE: Alisha Parker

A. OLD BUSINESS (Public Hearing) (Roll-call 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2009-033

INTRO: 10/16/08, 11/06/08

2009-033 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2,704,862.00 FOR THE PURPOSE OF ACQUIRING REAL PROPERTY CONSISTING OF 65,608 SQUARE FEET OF LAND, MORE OR LESS, IN BARNSTABLE SHOWN ON ASSESSORS MAP 312 AS PARCEL 011 TO BE ASSOCIATED WITH THE CONSTRUCTION OF A NEW ACCESS ROAD INTO THE AIRPORT

ORDERED: that the Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under chapter 79 of the General Laws of Massachusetts, or otherwise acquire for airport, transportation, parking and highway purposes a parcel of land located at 191 Airport Road, Barnstable (Hyannis) Massachusetts, described as Town of Barnstable Assessors' Parcel No. 312011, and further described as Lots 1, 2, 3, and 4, containing 65,608 square feet of land, more or less, as shown on a plan of land entitled "Plan of Land in Hyannis, Barnstable, Mass. for Cape Investment Trust" by Charles N. Savery, Inc., Registered Engineers and Surveyors, dated January 16, 1972, recorded with Barnstable County Registry of Deeds in Plan Book 271, Page 33, a copy of which is filed with the Town Clerk, and to appropriate a total sum of \$2,704,862.00 for these purposes and other related expenses, and to meet this appropriation, that \$2,094,862 be transferred from Project # 0191A, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$610,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm at the request of the Airport Commission

BARNSTABLE TOWN COUNCIL
APPROPRIATION & LOAN ORDER--
AIRPORT ENTERPRISE FUND CAPITAL IMPROVEMENT PLAN

ITEM# 2009-033
INTRO: 10/16/08, 11/06/08

SUMMARY

TO: Town Council
FROM: Frank Sanchez, Asst. Airport Manager
DATE: September 24, 2008
SUBJECT: Purchase or eminent domain land taking: Airport Enterprise Fund Capital Improvement Plan

BACKGROUND: Council order 2005-086 appropriated \$4 million for land acquisition to construct the new access road at the Barnstable Municipal Airport. A total of \$1,905,138 of this appropriation was used towards the purchase of the former Blackburn Auto Salvage property leaving a balance of \$2,094,862. The balance of these funds resides in MUNIS project 0191A and it is proposed that these funds be used for this land acquisition. The total anticipated cost for this land acquisition, including associated expenses, is \$2,704,762 requiring \$610,000 more in additional spending authorization. Ninety five percent of the eligible land acquisition costs will be reimbursable under the FAA Airport Improvement Program and airport funds will be used to pay the balance.

ANALYSIS: The acquisition of a parcel of land located at 191 Airport Road, Barnstable (Hyannis), Massachusetts, is essential to the entire Barnstable Municipal Airport Commission Terminal Construction Project. The transfer/eminent domain taking would need to be completed, the tenants moved, and the property cleared by the spring of 2009 at the latest to maintain the project schedule. The Barnstable Municipal Airport Commission, through O.R. Colan Associates, has presented a credible offer and all required notices. The property owner has rejected the offer and presented an unrealistic counter-offer. The Barnstable Municipal Airport Commission has the right to use eminent domain if a reasonable settlement cannot be negotiated with the seller. The seller is entitled to the full market value of the property as just compensation. Per the Uniform Relocation Act (URA), a qualified, unbiased real estate appraiser must determine the market value.

FISCAL IMPACT: Ninety five percent of the eligible land acquisition cost is eligible for Federal reimbursement under the FAA Airport Improvement Grant Program. The unreimbursed amount will be paid from the airport's surplus funds. The borrowing authorization associated with this project will subsequently be rescinded once the federal grant reimbursements are received. It is anticipated that the Federal Aviation Administration will reimburse the airport in FY09 for the land acquisitions.

STAFF ASSISTANCE: Frank Sanchez, Asst. Airport Manager

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-035
INTRO: 11/06/08**

2009-035 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED, that the Town appoint the following individuals to a multiple-member board/committee/commission:

BARNSTABLE ECONOMIC DEVELOPMENT COMMITTEE

Andrew P. Maker, 2715 Main Street, Barnstable, 02630 as a member to a term expiring 06/30/2010

BARNSTABLE HOUSING COMMITTEE

Merrill Blum, 94 Water View Circle, Centerville, 02632 as a member to a term expiring 06/30/2010

STEAMSHIP AUTHORITY

Robert O'Brien, 41 Deacon Court, Barnstable, 02630 representing the Town of Barnstable, to a term expiring 12/31/2011

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Council discussion
- ___ Move/vote

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2009-036

INTRO: 11/06/08

2009-036 ACCEPTANCE OF A \$7,500 GRANT FROM THE BARNSTABLE COUNTY LAND MANAGEMENT GRANT PROGRAM

RESOLVED, that the Town Council hereby accepts a \$7,500.00 Barnstable County Land Management grant to enable removal of some of the invasive grey willow from the shoreline of Mystic lake at the Town's Danforth property.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ACCEPTANCE OF A BARNSTABLE COUNTY LAND MANAGEMENT GRANT

ITEM# 2009-036
INTRO: 11/06/08

SUMMARY

TO: Town Council
FROM: John Klimm, Town Manager
THROUGH: Thomas F. Geiler, Director Regulatory Services
DATE: Oct. 10, 2008
SUBJECT: Resolve to accept a \$7,500.00 Barnstable County Land Management grant

BACKGROUND: This Conservation Division initiative seeks to remove a portion of the invasive grey willow stand that has long dominated the shoreline of Mystic Lake at the Town Danforth property in Marstons Mills.

ANALYSIS: The proposed initiative follows the example of over 60 property owners who contracted the removal of grey willow on their shorelines on Mystic Lake and Middle and Hamblin Ponds in Summer 08. The Town project will help open up the shore at the point where the new public access trail meets the lake.

FISCAL IMPACT: A \$2,500.00 match needed to leverage the grant will be provided from the Conservation Div. FY09 budget

BOARD/COMMITTEE ACTION: Conservation Commission approval required. Application will be made in Fall 08 for this spring project.

STAFF ASSISTANCE: R. Gatewood

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2009-037

INTRO: 11/06/08

2009-037 ACCEPTANCE OF \$2,500 FOR A FY09 GRANT FROM THE BARNSTABLE COUNTY LAND MANAGEMENT GRANT PROGRAM

RESOLVED, that the Town Council Town Council does hereby accept the Barnstable County Land Management Grant Program Award in the amount of \$2,500.00.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ACCEPTANCE OF A BARNSTABLE COUNTY LAND MANAGEMENT GRANT

ITEM# 2009-037
INTRO: 11/06/08

SUMMARY

TO: Town Council
FROM: John Klimm, Town Manager
THROUGH: Growth Management Department Former Interim Director Patty Daley & Current Interim Director Jo Anne Miller Buntich
DATE: Oct. 10, 2008
SUBJECT: Rationale for the Barnstable County Land Management Grant Program Acceptance

BACKGROUND: In August 2008, the Growth Management Department applied for funding from the Barnstable County Land Management Grant Program in the amount of \$2,500.00 to establish a passive recreational trail North through the Danforth Recreation Area and Land Bank property in Marstons Mills off Race Lane connecting to the 2,000 (+/-) acres of Conservation Land in West Barnstable. There are passive recreational trails that are popular for a variety of uses, but lack parking areas to support the visitors. The newly created parking area and public access to Mystic Lake will support this multifunctional trail connection.

RATIONALE: In 2007, Barnstable County Land Management Grant Program funds were utilized to increase public access to the Mystic Lake, located in Marstons Mills, by creating a parking area consisting of approximately twelve (12) parking spaces constructed on the Northeast section of the Danforth Recreation Area along with establishing a five (5) foot passive public recreational trail extending from the parking area to Mystic Lake. The property not disturbed by the newly established trail remains in its natural state. A goal of this program was to not only create new public access to Mystic Lake, but to eventually link a path to the 2,000 +/- acres of Conservation Land abutting the Danforth airfield to the North for public passive recreational use.

The Town has recently been awarded funds from the Land Management Grant FY09 Program to fulfill the desire of connecting the two properties for public use. Upon acceptance of this grant, work will commence immediately.

Land Bank Funds in the amount of \$12,500.00 have been secured for maintenance and improvements to Open Space land acquired with Land Bank funds. The project will receive 75% of the award up front to begin the work and 25% of the award will be distributed upon completion of the project. The project deadline is June 1, 2009.

STAFF ASSISTANCE: Alisha Parker

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2009-038

INTRO: 11/06/08

2009-038 ACCEPTANCE OF A GRANT FROM ARTS FOUNDATION OF CAPE COD IN THE AMOUNT OF \$2,000

RESOLVED, that the Town Council hereby accepts a grant award in the amount of \$2,000 from the Arts Foundation of Cape Cod to increase awareness of the *Harbor Your Arts (HyA)* programs.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ACCEPTANCE OF A GRANT FROM THE ARTS FOUNDATION OF CAPE COD

ITEM# 2009-038
INTRO: 11/06/08

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Growth Management Department Former Interim Director Patty Daley &
Current Interim Director Jo Anne Miller Buntich
DATE: October 22, 2008
SUBJECT: Acceptance of a \$2,000 grant from the Arts Foundation of Cape Cod

BACKGROUND: The Growth Management Department applied for and has been awarded a grant from the Arts Foundation of Cape Cod in the amount of \$2,000. The funds will be used to increase awareness of the Harbor your Arts Programs, particularly through increased signage, print advertisements, and brochures.

ANALYSIS: Acceptance of this grant will allow for increased marketing and promotion of the Town's arts and culture initiatives.

FISCAL IMPACT: This grant will supplement additional grant funds allocated to the Harbor Your Arts (HyA) Program. No matching funds were required for this grant.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends acceptance of this grant.

STAFF ASSISTANCE: Former Arts & Culture Coordinator Beth Dillen &
Current Arts & Culture Coordinator Melissa Hersh
Growth Management Department

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

ITEM# 2009-039

INTRO: 11/06/08

2009-039 APPROVE THE CONSERVATION RESTRICTION BETWEEN THE MCCOWAN COTUIT TRUST-1992 (GRANTOR) AND THE BARNSTABLE LAND TRUST, INC. (GRANTEE)

RESOLVED, that the Town Council approve the conservation restriction between McCowan Cotuit Trust-1992, grantor, and Barnstable Land Trust, Inc., grantee, over 1.57 acres of land located at 1372 Main Street, Map 33 Parcel 46 in Cotuit, Massachusetts for the purpose of preserving open space.

SPONSOR: Council President Janet S. Joakim, upon the approvals from the Legal Department and the Barnstable Conservation Commission

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

MCCOWAN CONSERVATION RESTRICTION AS GRANTED TO THE BARNSTABLE LAND TRUST, INC.

**ITEM# 2009-039
INTRO: 11/06/08**

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: October 22, 2008
SUBJECT: McCowan/BLT Conservation Restriction

Property Location: 1372 Main Street, Cotuit
Map/ Parcel: 033/046
Total Acreage: 1.56 acres with barn
Boundaries: East – Nantucket Sound
West – Main Street, Cotuit (a designated scenic road)
North and South – Residential

SUMMARY: This item has been placed on the agenda for the Council’s approval of a perpetual conservation restriction to be given by the McCowan Cotuit Trust –1992, to be held by the Barnstable Land Trust, Inc. (BLT) covering 1.57 acres, more or less, as recited in the instrument, at 1372 Main Street in Cotuit.

BACKGROUND: A conservation restriction (CR) in perpetuity restricts future development of land to protect a resource important to the public. The donation of a CR preserves open space without any exchange of Community Preservation Act or other Town funds or private funds, and without incurring maintenance and monitoring costs by the Town. In addition to the Council’s approval, the Town Manager’s and the Secretary of Energy & Environmental Affairs’ approvals will also be required to give the restriction the broadest legal effect.

In the summer of 2008, Barnstable Land Trust was approached about a possible conservation restriction on 1.57 acres in Cotuit, which is the site of an historic barn. For over 100 years, the family has owned the barn, and adjacent captain’s house known as the “Red House.” Both house and barn were once part of larger holdings owned by the Morse family. Lucy Morse, their great, great grandmother, is locally famous for her captivating silhouettes.

The family summers in Cotuit. As non-residents, they have seen their taxes rise dramatically in recent years. Both the barn lot and Red House lot are grandfathered as separate building lots. To reduce the taxes, the family could merge the two lots, creating one 2.46-acre waterfront lot. Instead, the family wishes to place a CR on the barn lot to ensure that it will remain essentially as it is. They are giving up the right to ever build close to the water and the barn lot will never contain a habitable dwelling.

ANALYSIS: This proposed conservation restriction conforms to the Open Space Policy of the Town, adopted in 1981, which “encouraged...grants of conservation restrictions” which yielded

“benefits to the Town.” Specifically, the McCowan Conservation Restriction offers the following public benefits and will:

- preserve a scenic view,
- protect marine water quality,
- preserve and protect a shoreline,
- limit construction on land of natural resource value,
- prevent disturbance of wetlands,
- preserve open space, and
- preserve important natural habitats of fish, wildlife or plants.

Conservation Values of the McCowan Conservation Restriction:

- 1) lies within a Town of Barnstable Resource Protection Overlay District
- 2) partially lies within an MNHESP Priority Habitat for Rare Species;
- 3) encompasses almost 200 linear feet of shoreline on Nantucket Sound;
- 4) contains mature pine woodland, providing a bordering upland buffer to the coastal bank, dune and beach habitats of the Premises;
- 5) has approximately 70 feet of frontage on Main Street in Cotuit, a Town of Barnstable designated Scenic Road,
- 6) contains a wooden barn, dating back to at least 1880;
- 7) encompasses a scenic view visible from the waters of Nantucket Sound;
- 8) is identified in the 2002 Regional Policy Plan as lying within a watershed (Three Bays System Subwatershed) where critical nutrient load has been determined or where there are documented water quality problems (the McCowan CR removes the potential for one 4 bedroom house with attendant septic system and lawn);
- 9) is located within a Town of Barnstable primary area of archaeological sensitivity, defined as an area within 1000 feet of a marine or marine related ecosystem and which has a high probability of containing prehistoric archaeological sites; and,
- 10) is a substantial contributing element to the overall scenic and historic character of the area by adding to and maintaining the land predominantly in its natural condition.

TOWN OF BARNSTABLE TAX CONSEQUENCES: Effectively, none.

The McCowan Conservation Restriction will retire one waterfront building lot. Since the family could achieve similar tax relief by simply merging the two lots, Town Assessor Jeffrey Rudziak agrees that the effect of the conservation restriction from a property tax perspective is effectively no different than merging the two lots.

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

ITEM# 2009-040

INTRO: 11/06/08

2009-040 APPROVE THE SECOND AMENDMENT TO THE CONSERVATION RESTRICTION BETWEEN CATHERINE M. CONOVER (GRANTOR) AND THE BARNSTABLE LAND TRUST, INC. (GRANTEE)

RESOLVED, that the Town Council approve the second amendment to the conservation restriction between Catherine M. Conover grantor, and Barnstable Land Trust, Inc., grantee, over land at 350 and 370 Carriage Lane in Osterville, Massachusetts the intent of which is to retire the “Limited Building Site B and Managed Landscape Area B” within the approved conservation restriction as recorded on 12-27-2000 as Document: 820,583 in the Barnstable Land Court Registry. Said land is located along Great Cove and West Bay, is a portion of the land shown on Barnstable Assessor’s Records as Map 070 Parcels 022 and 017-003, and is intended to remain in its natural undeveloped state.

SPONSOR: Council President Janet S. Joakim, upon the approvals from the Legal Department, Land Acquisition and Preservation Committee and the Conservation Commission.

DATE	ACTION TAKEN
_____	_____
_____	_____

- _____ Read item
- _____ Rationale
- _____ Council discussion
- _____ Move/vote

BARNSTABLE TOWN COUNCIL

APPROVE A SECOND AMENDMENT TO THE CONOVER CONSERVATION RESTRICTION

ITEM# 2009-040
INTRO: 11/06/08

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: October 24, 2008
SUBJECT: Conover/BLT conservation restriction

Property Location: #350 & #370 (at the end of Carriage Road), Grand Island, Osterville
Parcels: Map 070 Parcels 022 and 017-003
Total Acreage: The entirety of the 26.97-acre property is covered by a conservation restriction approved and recorded in December 2000. The .92-acre “building envelope” and the .87-acre “managed landscaped area” included within that CR are both being retired.
Boundaries: East – West Bay and shellfish grant
West and South – Great Cove
North - Residential

BACKGROUND AND ANALYSIS: In 2000, Catherine Conover placed a conservation restriction on 26.97 acres surrounding Great Cove (just inside the Osterville Cut) on Grand Island, Osterville. Within that restriction was a .92-acre building envelope called “Limited Building Site B” and attendant to that was a .87 acre “Managed Landscape Area B” along the shore of West Bay. Mrs. Conover has now decided to remove the potential for the building site and the landscaped area. In so doing, these 1.79 acres of land will remain essentially, as it is today – a wooded lot surrounded by wetland, sand, and shellfish beds.

This proposed conservation restriction conforms to the Open Space Policy of the Town, adopted in 1981, which “encouraged...grants of conservation restrictions” which yielded “benefits to the Town.” Specifically, the Conover Conservation Restriction offers the following public benefits and will:

- preserve a scenic view,
- prevent disturbance of wetlands,
- preserve open space,
- preserve important natural habitats of fish, wildlife or plants,
- protect marine water quality,
- preserve and protect a shoreline; and,
- limit or prevent construction on land of natural resource value.

- 1) Conservation Values of the Conover Conservation Restriction:
- 2) is situated in the West Bay Estuary of the village of Osterville and further preserves the water quality of the saltwater cove known as Great Cove;
- 3) will reduce nitrogen loading upgradient of shellfish beds by removing the potential for one

- septic system and attendant lawn within the Resource Protection Overlay District;
- 4) contains mature oak/pine woodland, providing a bordering upland buffer to the coastal bank, dune and beach habitats of the Premises;
 - 5) encompasses almost 600 linear feet of shoreline on West Bay, and is partially within FEMA Zone A;
 - 6) Is a dominant feature of the public scenic vista for motorists from Seaview Avenue Landing and for recreational boaters on West Bay;
 - 7) partially lies within an MNHESP Priority Habitat for Rare Species;
 - 8) has approximately 70 feet of frontage on Main Street in Cotuit, a Town of Barnstable designated Scenic Road, and encompasses a scenic view visible from the waters of Nantucket Sound;
 - 9) is identified in the 2002 Regional Policy Plan as lying within a watershed (Three Bays System Subwatershed) where critical nutrient load has been determined or where there are documented water quality problems;
 - 10) lies within a Town of Barnstable Resource Protection Overlay District; and
 - 11) is a substantial contributing element to the overall scenic and historic character of the area by adding to and maintaining the land predominantly in its natural condition.

TOWN OF BARNSTABLE TAX CONSEQUENCES: Detailed information provided at the second reading.