



## Town of Barnstable

# Community Preservation Committee

[www.town.barnstable.ma.us/growthmanagement/PropertyManagement/CommunityPreservation](http://www.town.barnstable.ma.us/growthmanagement/PropertyManagement/CommunityPreservation)

Lindsey Counsell, Chair  
Laura Shufelt, Vice Chair

Marilyn Fifield, Clerk  
Alisha P. Stanley, Project Coordinator

Monday, September 26, 2011

Public Hearing APPROVED MINUTES

Town Council Hearing Room at 367 Main Street, Hyannis at 5:00 pm  
Meeting called to order at 5:03 pm

**Members present:** Lindsey B. Counsell, Marilyn Fifield, Sue Rohrbach, Laura Shufelt, Tom Lee, Paula Schnepf, Town Council Liaison Janet Joakim

**Members absent:** Terry Duenas and Rene King

**Minutes:** Motion duly made by Laura Shufelt and seconded by Tom Lee to approve the minutes of the Regular Public Hearing on August 22, 2011 as revised.

**VOTE:** Aye: Rohrbach, Shufelt, Lee and Counsell – Abstain: Schnepf – Absent: Duenas, Fifield, King, Joakim

Election of officers will be postponed until the next CPC Meeting, October 24, 2011.

**Public Comment:** None

### **Correspondence and Other Materials Received:**

Letter of Support – Barnstable Land Trust (BLT) (Smith Boathouse Trust-Middle Pond, Marstons Mill) Open Space Acquisition by the Marstons Mills Village Association. (Exhibit #1)

FY11 CPA Fund Report and Surcharge Report – Finance Director Mark Milne (Exhibits #2 and #3)

Legal Opinion – Bay School Recreation Project (Exhibit #4)

Letter of Recommendation – Recreation Commission recommendation to Town Manager regarding Osterville Bay School (Exhibit #5)

### **Financial Updates:**

Finance Director Mark Milne reviews the fund reports for FY11 ending June 30, 2011 with the Committee. Each year the State mandates Communities utilizing the Act to submit two types of accounting forms. The CP1 Form summarizes the surcharge funds and the CP2 Form summarizes the activities of the CPA funds (Exhibits #2 and #3). Funds owed for the debt service balance are not recorded on the two forms, but Milne states that there is a little more than \$22 Million remaining as of June 30, 2011. In 2011, Finance did a bond refinancing and saved several hundred thousand dollars which will help the fund in the long run as it is less interest expense being paid.

**Site Visit Update:** September 10<sup>th</sup> Laura Shufelt, Terry Duenas, Paula Schnepf, Tom Lee and Alisha Parker visited the Boathouse Trust property with the guidance of Jaci Barton from the BLT. The CPC group also visited the Osterville Bay School.

### **Decisions on Letters of Intent and Applications:**

**Letter of Intent** – “The Bay School Recreational Area” Project currently awaits action by the Town Manager. The Recreation Commission submitted a memo to the Town Manager regarding the Osterville Bay School Recreation Area. The motion by the Commission on September 12, 2011 was to “transfer the parcels of land of the Osterville Bay School fields including the tennis courts and outdoor basketball court to the Recreation Division to be held in perpetuity for Recreation and that the Barnstable Recreation Commission recommends the Town Manager pursue the request for CPA funding to update the fields including tennis courts and the outdoor basketball court at the Osterville Bay School.” (Exhibit #5) As it stands, the property will need to be designated and sub-divided by the Manager for Recreation purposes. Recreation did not take on responsibility for the building, so the school portion of the request is not valid at this point. The original request for \$1.1 Million will be modified as it included demolition of the school. Also, a new applicant will need to be identified. **MOTION: Laura Shufelt moves to deny the existing letter of intent for “The Bay School Recreational Area Project” and not move it forward and is seconded by Sue Rohrbach. Vote: Unanimous (Counsell, Fifield, Rohrbach, Shufelt, Lee, Schnepf)**

**Application** – Barnstable Land Trust (BLT) (Smith Boathouse Trust-Middle Pond, Marstons Mill) Open Space Acquisition. Jaci Barton, Executive Director of the Barnstable Land Trust (BLT), shares a slideshow presentation

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(exhibit # 6) with the Committee Members. The presentation displays ownership information, photos of the 1.17 acres of land, statistics regarding the Herring Run, and other informative points. The main goal of the BLT is to remove the non-historic boathouse as well as the swim platform and allow for the vegetation to grow in naturally. The Herring Run is a two (2) mile stretch and leads to Middle Pond. BLT is requesting \$150,000, half of project cost, from the CPC in exchange for a Conservation Restriction (CR) which will allow the Town to have a permanent easement for access to the Herring Run in order to continue with the on-going maintenance. Barton states that the abutters are in favor of the acquisition. **MOTION: Paula Schnepf moves to approve the Barnstable Land Trust application in the amount of \$150,000 in order to acquire a Conservation Restriction on the Smith Boathouse Trust Property which includes perpetual easement for the Town to maintain the Herring Run, and Tom Lee seconds.** **Vote: Unanimous (Counsell, Fifield, Rohrbach, Shufelt, Lee, Schnepf)**

#### **General Discussion / New Business:**

**Cobb Trust Conservation Restriction Review** – The request brought before the Committee is to revisit the Cobb Trust Conservation Restriction on the 9.8 acres of land located at 755 Independence Drive, Hyannis that was appropriated in 2008 by the Town Council for an acquisition cost of \$321,000.00. A stipulation included that an agreement between the Commonwealth of Massachusetts and the Town of Barnstable had to be in place before the CR could be acquired. The trustee would like to move forward with the closing and, in order to do so, the provision of the Conservation Restriction acquisition will need to be removed and a new request will need to be approved to acquire the 9.8 acres as an open space acquisition. The Town will still mitigate this property for a portion of the footprint of a future bikeway, when developed. Because the Council approved the CR, the Committee will have to go back to the Council in order to remove the CR and approve the open space purchase. Members of the Committee would like to further this request and obtain additional information before making a motion. Chair Counsell requests that Members email specific questions to Alisha.

#### **Executive Session Minutes Release:**

Chair Counsell releases Executive Session minutes that have been authorized by the Legal Department. They are as follows; Tuesday April 18, 2006 (Zion Union, Pearl Street, Park Square), Tuesday October 17, 2006 (Pearl Street), Tuesday December 19, 2006 (Pearl Street, Stevens Street), Tuesday January 16, 2007 (Pearl Street, Stevens Street, Best Buddies), Tuesday January 15, 2008 (Chili's), Tuesday July 15, 2008 (Suni Sands), and Tuesday January 6, 2009 (Bush/Brown). **MOTION: Sue Rohrbach moves to approve the release of the aforementioned Executive Session Minutes and is seconded by Tom Lee.** **Vote: Unanimous (Counsell, Fifield, Rohrbach, Shufelt, Lee, Schnepf)**

**Closing Public Comment:** Laura Cronin, Hyannis resident and Member of the Land Acquisition and Preservation Committee, notes that the Nickulas property acquisition proposal involves a half interest for \$100,000.00 when the entire property is only assessed at \$76,000.00, asking if potentially buying the other owner out in the future might involve a much higher price.

#### **Executive Session:**

To consider the purchase and value of real property located at 0 Pleasant Pines Ave, Centerville, MA. I, Lindsey Counsell, declare that an Open Meeting may have a detrimental effect on the negotiating position of the Town with respect to the purchase, exchange, lease, financing, or value of real property and all subjects which may be revealed without compromising the purpose for which the Executive Session was called. I will accept a motion to go into Executive Session and not return to Open Session.

**I, Laura Shufelt, move to go into Executive Session to discuss strategy with respect to the purchase, exchange, lease, value or financing of real property and that the Chair declare that an open meeting may have detrimental effect on the bargaining position of the Town, and we will not reconvene in Open Session; and Sue Rohrbach seconds.** **Roll Call Vote: Lee aye, Rohrbach aye, Shufelt aye, Fifield aye, Schnepf aye, Counsell aye**

Open Session Meeting adjourned at 5:47pm

**Exhibits:** *Letter of Support– BLT - MM Village Association (Exhibit #1), FY11 CPA Fund and Surcharge Reports (Exhibits #2 & #3), Legal Opinion – Bay School Recreation (Exhibit #4), Rec. Comm. recommendation to Town Manager regarding Osterville Bay School (Exhibit #5), Presentation – BLT (Smith Boathouse Trust) (Exhibit #6)*