



**Town of Barnstable**  
**COMMUNITY PRESERVATION COMMITTEE**



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

Email: [CommunityPreservationCommittee@town.barnstable.ma.us](mailto:CommunityPreservationCommittee@town.barnstable.ma.us)

Committee Members

Lindsey B. Counsell – Chair • Tom Lee – Vice Chair • Marilyn Fifield – Historical Commission • Terry Duenas – At Large • Katherine Garofoli – At Large  
Stephen Robichaud– Planning Board • Tom Lee – Conservation Commission • James Tenaglia – Recreation Commission  
Deborah Converse – Housing Authority • Farley Lewis – At Large • Jessica Rapp Grassetti – Town Council Liaison

**Monday, November 21, 2022**  
**Regular CPC Meeting APPROVED Minutes**  
**Remote Access Meeting via Zoom Link: <https://zoom.us/j/83545455261>**  
**5:30 PM**

<b>Lindsey Counsell – Chair</b>	<b>Present</b>
<b>Marilyn Fifield – Clerk</b>	<b>Present</b>
<b>Terry Duenas</b>	<b>Absent</b>
<b>Tom Lee-Vice Chair</b>	<b>Present</b>
<b>Katherine Garofoli</b>	<b>Present</b>
<b>James Tenaglia</b>	<b>Present</b>
<b>Deborah Converse</b>	<b>Present</b>
<b>Stephen Robichaud</b>	<b>Absent</b>
<b>Farley Lewis</b>	<b>Present</b>
<b>Jessica Rapp Grassetti – TC Liaison</b>	<b>Present</b>

With a quorum present, Chair Lindsey Counsell called the meeting to order at 5:30 pm and read: “Please note that tonight’s meeting is recorded and broadcast on Channel 18 and, in accordance with MGL Chapter 30A, s.20, I must inquire whether anyone is taping this meeting and to please make their presence known.” No one present was recording the meeting.

**Call to Order (Roll Call)**

Present: Tom Lee - **yes**, Marilyn Fifield – **yes**, Katherine Garofoli – **yes**, James Tenaglia – **yes**, Deb Converse – **yes**, Farley Lewis – **yes**, and Lindsey Counsell - **yes**. Absent: Terry Duenas and Stephen Robichaud.

**Discussion:**

Director of Finance Mark Milne narrated a PowerPoint presentation of CPC finances in FY 2022 which ended June 30, 2022. He noted that there were over \$14M in assets, mostly cash, amounting to \$11,479,87 at the end of the fiscal year. Total liabilities for the Community Preservation Fund were \$2,267,240 at end of fiscal year, representing mostly the outstanding bonds associated with the former Land Bank at \$1,981,200, leaving a net fund balance of \$11,727,339 at the close of the fiscal year. He explained that \$237,000 of that amount was allocated to outstanding encumbrances for the Community Preservation program areas, with \$3,468,000 reserved for continuing appropriations previously made by the Town Council but still awaiting expenditure or contracting. Mr. Milne provided the following breakdown of the \$8M in fund balances reserved for future appropriations: \$261,000 in the Historic Preservation category; just over \$1M for the Recreation/Open Space category, and \$6,756,243 in the Undesignated program area which can be used for any one of those three programs.

Mr. Milne explained that the Statement of Revenues, Expenditures and Changes in Fund Balance indicates that the CPC realized just over \$6M of program revenues in FY 22, mostly in the form of surtax revenues, with just over \$2M of State aid: \$1,770,000 in State matching funds, and a \$250,680 grant. He also noted some investment income. CPC expenditures totaled \$5,841,000: \$2,500,000 for the Community Housing program transferred to the Affordable Housing Trust; \$337,800 for Historic Preservation, \$1,341,000 for Recreation/Open Space; \$95,000 in administrative expenditures and \$1,567,306 from the Undesignated fund which was service associated with Land Bank bonds. Excess revenue generated over expenditures was \$172,000 and resulted in a slight increase in the fund balance of \$11,727,339.

Mr. Milne explained that the Schedule of Unreserved Fund Balances by Program Area at the close of the FY22 showed no remaining funds for the Community Housing program, with \$261,778 for the Historic Preservation program, just over \$1M for the Recreation/Open Space program and \$6,756,000 under the Undesignated program, netting a total of just over \$8,000,000 of Community Preservation funds available for appropriation.

Mr. Milne noted that the Schedule of Outstanding CP Appropriations showed the balance of \$3,468,645 as the reserve for continuing appropriation, yet to be expended or encumbered, with various projects detailed by project area.

Mr. Milne noted a large drop-off of debt service in FY23 and another large drop-off in FY24 on the Schedule of Outstanding Bonds – Payable by the CP Fund due to the imminent end of Land Bank funding, since the bonds were issued 20 years ago for land acquisitions under the Land Bank program. He said this will open the opportunity for CPC to start thinking about the future and what the Committee wants to do with \$4M in surtax that the Town receives every year besides the State matching funds received.

Mr. Milne added that there will be an improvement in FY23 in all the Town's funds due to the increase of interest rates. He also noted the downside of more expensive borrowing, expecting to see bond percentage rates double. Mr. Milne said the Economic Bond Bill that provided another \$20M for the State CP Trust Fund will keep matching funds allocations strong. Still, he said, each year more communities adopt the program, leaving the state match to be shared with more communities every year. He also anticipated a slight decline in the State Trust Fund due to a downturn in real estate transactions.

### **Minutes**

The motion of Marilyn Fifield was seconded by James Tenaglia to approve the October 17, 2022, Regular Community Preservation Committee Meeting Minutes as submitted. Motion carried with a roll call vote: **Yes – 6, No – 0, Abstained – 1.**

### **Letters of Intent**

**Letter of Intent from the Centerville-Osterville-Marstons Mills (COMM) Water Department requesting \$200,000 to obtain the professional services necessary to quickly respond to potential properties that may become available for the protection of the COMM District drinking water supply.**

Superintendent Crocker of the COMM Water Department said he was there to answer any questions CPC may have. Chair Counsell noted that the Legal Department had reviewed the Letter of Intent and deemed it an eligible use of funds per the Community Preservation Act, adding that this funding would allow the COMM Water Department to order appraisals without needing to use CPC Administrative funds or go through the process, including Town Council hearings each time. He said that appraisals can run from \$1,500 to \$10,000, depending on the type of appraisal needed, explaining that State grant applications require a Yellowbook appraisal which is more expensive. He said that the fund could also be used for studies to determine if a property would be appropriate to protect the drinking water supply. Chair Counsell explained that any request for funds from this account would need approval of CPC to ensure the funds are being spent in an appropriate way. After further discussion, it was agreed that the requested amount be reduced to \$100,000. Mr. Crocker confirmed that this amount would allow the COMM Water Department to start research on the parcels they are most interested in.

**PUBLIC COMMENT:**

Councilor Kris Clark reminded that the Town's Local Comprehensive Plan and Open Space/Recreation Plan both list no higher purpose for purchasing open space than for municipal water.

**Motion made by Tom Lee was seconded by Katherine Garofoli to advance COMM Water Department's Letter of Intent to the Application stage for a fund amount of \$100,000 available for professional services for the protection of COMM Water District drinking water supply. Roll Call Vote: Marilyn Fifield – yes; Deb Converse – yes; Katherine Garofoli – yes; Tom Lee – yes; Farley Lewis – yes; James Tenaglia – yes; and Lindsey Counsell – yes. Yes – 7, No – 0. Motion carried.**

**Letter of Intent requesting \$350,000 in Community Preservation Open Space/Recreation funds for the acquisition of a parcel of +/- 3.09 acres located at 153 Oakmont Road, Cummaquid. This parcel is adjacent to protected Barnstable Fire District land and would further protect this resource in perpetuity through a Conservation Restriction and preserve the character of the residential neighborhood from over-development in the future.**

Deb Converse recused herself from review of this project.

The Applicant, Mr. Martin Reilly, President of Reilly Associates, and Mr. Joe Berlandi, President of the Cummaquid Heights Neighborhood Association, were present. Mr. Reilly explained that he'd had numerous meetings with Mr. Berlandi and the Board of Directors as well as the neighborhood residents. He said that they had all expressed desire to have this property preserved as open space to prevent its development in the future. Mr. Reilly reiterated a reason for the request as being respectful of the neighborhood, while also referencing the availability of funding in the CPC budget. He provided an update on several meetings he has had since the October 17, 2022, CPC meeting, including the October 23, 2022, Cummaquid Heights annual meeting attended by 110 residents, where a petition in support was signed. Mr. Reilly also said he'd met

with Barnstable Housing Authority, the property owner, on October 20, 2022. He explained that BHA answered that they did not develop the property themselves because they would be required to pay prevailing wage, increasing the cost of construction exponentially. He noted that BHA surmised they would use the \$325,000 to maintain and repair their existing housing stock and to purchase another property that is served by both public water and sewer, allowing for a greater density. Mr. Reilly requested a vote on the property at this CPC meeting, due to the provisions of its P&S Agreement.

There was discussion regarding the future use of the abutting 10-acre Barnstable Water District parcel and the requirement for a Conservation Restriction to be held by a qualifying entity if the property were to be acquired with CP funds for open space.

#### **PUBLIC COMMENT:**

Councilor Kris Clark suggested that the Cummaquid Heights neighborhood provide matching funds for this request similar to the acquisition of a Meetinghouse Road property in West Barnstable. Mr. Berlandi said that they are not opposed to that idea but have not discussed that. Mr. Steve Rizzo, Cummaquid Heights resident, said he would be willing to contribute funds that would encourage support from other members of the community.

Chair Counsell offered further CPC member discussion and requested a motion to move the Letter of Intent to the Application stage, but, with no motion from CPC members, he declared that the matter did not carry and wished Mr. Reilly good luck with the project.

#### **Letter of Intent received from the Department of Public Works requesting \$300,000 in Open Space/Recreation Funds for Cape Cod Rail Trail Phase 4 pre-25% design services. Matching funds in the amount of \$500,000 have been provided by a MassTrails grant.**

Paul Graves, DPW Senior Project Manager, explained that CCRT Phase 4 will extend the Rail Trail, a 12-ft.-wide paved offroad shared-use path for pedestrians and non-motorized transportation vehicles, nearly 10 miles from the termination of phase 3 at Mary Dunn Road in Barnstable to the Barnstable/Sandwich Town Line on the Service Road. He noted receipt of a \$500,000 MassTrails grant after seeking grants totaling \$800,000. Mr. Graves said that the \$500,000 grant for land surveying and engineering services will need to be supplemented to make up for not receiving the \$300,000 MassTrails grant. Historically, he explained, repeat awards are not made to the same recipients in the following grant cycle, adding that this funding would be for the initial designing and would allow for the preparation of the plans needed to enter the MassDOT process. He said that MassDOT has funded construction of the other recent extensions of the Cape Cod Rail Trail, and it has recently indicated that this extension would be funded as well. He cited estimated construction costs for Phase 4 of \$20M, although it is not known what year it will be built. He explained that if CPC were to approve these funds, it would leverage quite a bit more in future construction costs. He said that MassDOT will not commit the construction funds until plans are far enough along, noting that, after completion of the pre-25% design, MassDOT would likely commit the funds for construction, depending upon the TIP process results. There was discussion regarding the time allotted for completion of the design work by MassTrails under the grant, and Mr. Graves reported a 2-year time frame with a completion date of June 2024. There

was discussion of the extent of the Phase 4 pre-25% design, which will include all the surveying and aerial surveying plans with typical sections provided, and he noted that the bridge design will come in the 25-50% design.

There was discussion regarding CCRT Phase 3 which is nearing the end of design, and Mr. Graves noted that the request for funds in the next agenda item is the result of an increase in MassDOT requirements for additional ROW plans and other 100% design plan requirements, saying that \$195,000 is for consultants' time to perform the additional work for items that were not in the original scope.

CPC advised the DPW to continue to apply for grants with any funds awarded to be returned to the Community Preservation Fund.

**The motion of Deb Converse was seconded by James Tenaglia to advance the Letter of Intent from the Department of Public Works seeking \$300,000 in Open Space/Recreation Funds for Cape Cod Rail Trail Phase 4 pre-25% design services to the Application stage with the caveat that DPW apply for grant funds in the next MassTrails round and return any awarded funds to the Community Preservation Fund. Roll Call Vote: Marilyn Fifield – yes, Deb Converse – yes, Katherine Garofoli – yes, Tom Lee – yes, Farley Lewis – yes, James Tenaglia – yes, Lindsey Counsell – yes. 7 – yes, 0 – no. Motion carried.**

**Letter of Intent received from the Department of Public Works seeking \$195,000 in Open Space/Recreation Funds for Cape Cod Rail Trail Phase 3 engineering services, with MassDOT commitment of \$12.3 million for construction of Barnstable and Yarmouth sections.**

Chair Counsell reported the amount spent so far on Phase 3 as \$370,515, with another expenditure of \$750,000 to acquire the Independence Drive lot for parking, netting a total of \$1,120,515 in direct CP expenses for Phase 3.

Mr. Graves explained Phase 3 will extend the Rail Trail from Old Town House Road in Yarmouth to Mary Dunn Road in Barnstable. With the consultant currently preparing the 100% design for MassDOT, he said construction for Phase 3 is scheduled to begin in February 2024 and will continue for two years. He noted that \$195,000 is for environmental services that did not arise until later in the project, as well as several MassDOT and other requirements that have increased over the years since the project started, along with legal fees for various ROW requirements. He added that Phase 3 is 4.5 miles long and roughly half in Barnstable and half in Yarmouth, with the portion in Barnstable entirely within the Hyannis Ponds Wildlife Management area and cross-country except at the endpoint where it meets Mary Dunn Road. He confirmed that a bridge across Willow Street and the RR tracks estimated to cost \$2M will be included, and he displayed design plans for both Phases 3 and 4, adding that the plans may be viewed on the Town of Barnstable DPW website under CCRT. Mr. Graves noted that Phase 4 will need to be split financially into 3 sub-phases because State funds that generate from the TIP process would not likely include the full \$20M amount as available in one cycle.

**The motion of James Tenaglia was seconded by Tom Lee to advance the Letter of Intent from the Department of Public Works seeking \$195,000 in Open Space/Recreation Funds for Cape Cod Rail Trail Phase 3 engineering services to the Application stage. Roll Call Vote: Marilyn Fifield – yes, Deb Converse – yes, Katherine Garofoli – yes, Tom Lee – yes, Farley Lewis – yes, James Tenaglia – yes, Lindsey Counsell – yes. 7 – yes, 0 – no. Motion carried.**

**Applications:**

**Application from the Trustees of Reservations seeking \$286,866 in Community Preservation Recreation funds for a new children’s play area and renovation of the existing pathways to meet ADA regulations in the Armstrong-Kelley Park, Osterville. This request represents a portion of the total project costs of \$1,425,000, with \$1,138,134 in matching funds committed. A Recreation Restriction will be required to be executed.**

Tom Lee recused himself from review of this project.

Elizabeth Keary Soule of the Trustees of Reservations said there is no new information to share with committee and the design remains the same. Chair Counsell explained that the Legal Department requires a perpetual easement restriction, and it would require both CPC, and Trustees approval prior to submitting to Town Council for allocation of funds. Chair Counsell also noted that Armstrong-Kelley Park is private property and requires a restriction for public access per the Community Preservation Act, reminding that the work described in this Application may not commence until 30 days after the Town Council vote.

**The motion of Deb Converse was seconded by James Tenaglia to recommend through the Town Manager the Trustees of Reservations Application for \$286,866 in Community Preservation Recreation Funds for a new children’s play area and renovation of the existing pathways to meet ADA regulations in Armstrong-Kelley Park, Osterville, with a Recreation Restriction required to be executed. Roll Call Vote: Marilyn Fifield – yes, Deb Converse – yes, Katherine Garofoli – yes, Farley Lewis – yes, James Tenaglia – yes, Lindsey Counsell – yes. 6 – yes, 0 – no. Motion carried.**

**Application received from Tales of Cape Cod, Inc., seeking \$125,000 in Community Preservation Historic Preservation funds to provide accessibility to its Olde Colonial Courthouse by installing a lift leading to a new accessible entrance on its east side and regrading to create an accessible walkway to the building. The total estimated cost of the project is \$372,497, with matching funds of \$120,000 provided from a Massachusetts Cultural Facilities Fund grant and \$147,497 in additional grants and private donations.**

Mr. Gene Guill represented the Applicant and said the application remains as presented on October 17, 2022, seeking a grant of \$125,000 to provide accessibility to the Olde Colonial Courthouse. CPC members complimented the project design, the partnerships that Tales of Cape Cod has obtained, and completeness of the application.

**The motion of James Tenaglia was seconded by Katherine Garofoli to recommend through the Town Manager the Application of Tales of Cape Cod seeking \$125,000 in Historic Preservation funds to provide accessibility to the Olde Colonial Courthouse by installing a lift, new accessible entrance, and regrading to create an accessible walkway to the building. Roll Call Vote: Marilyn Fifield – yes, Deb Converse – yes, Farley Lewis – yes, Katherine Garofoli – yes, Tom Lee – yes, James Tenaglia – yes, Lindsey Counsell – yes. 7 – yes, 0- no. Motion carried.**

**Correspondence Received:**

None received.

**Project Updates:**

Chair Counsell provided the following updates:

- Application from the Department of Public Works for Phase I restoration work on the Zion Union Historic Museum is now moving forward with the Town Council.
- Application from the Unitarian Church for \$300,000 in Historic Preservation funds for restoration of the church tower is anticipated for the CPC meeting December 2022.
- Application from the Department of Public Works for restoration of the Osterville Recreation Playground is anticipated for a future CPC meeting.
- Marstons Mills Community Church will be returning to CPC with quotes for a building analysis report to support their request for Historic Preservation funds for building upgrades.

**Public Comment:**

None

**General Discussion:**

None

**Member Discussion:**

- Election of Officers
  - After brief discussion, CPC members agreed to move forward with this item although 2 members were not present.

**James Tenaglia nominated the current slate of officers for re-election for another term, and Deb Converse seconded. No other nominations were made. Roll Call vote for Lindsey Counsell, Chairman, Tom Lee, Vice Chairman and Marilyn Fifield, Clerk: Marilyn Fifield – yes, Deb Converse – yes, Katherine Garofoli – yes, Tom Lee – yes, Farley Lewis – yes, James Tenaglia – yes, Lindsey Counsell – yes. 7 – yes, 0 – no. Motion carried.**

- 2023 CPC Meeting Schedule – It was decided to post it as provided.
- December 19, 2022, meeting format will be remote.
- CPC Handbook updates – Need to update the historic procedures section to begin review with Town Historical Commission approval in lieu of State Register listing, as well as Mass. Historical Commission determination of eligibility for the required Historic Preservation Restriction at the beginning of the process.

**Adjournment:**

**Motion was made by James Tenaglia and seconded by Tom Lee to adjourn. Roll Call Vote: Marilyn Fifield – yes, Tom Lee – yes, Deb Converse – yes, Katherine Garofoli – yes, James Tenaglia – yes, Farley Lewis – yes; Lindsey Counsell – yes. 7 – yes, 0 – no. Motion carried. Meeting adjourned at 7:21 p.m.**

***Next Regularly Scheduled CPC Meeting December 19, 2022***

***List of documents/exhibits used by the Committee at the meeting:***

Exhibit 1 –CPC Agenda, November 21, 2022.

Exhibit 2 –Draft CPC Regular Meeting Minutes from the October 17, 2022, meeting.

Exhibit 3 – Community Preservation Fund Report as of June 30, 2022, prepared by Director of Finance Mark Milne

Exhibit 4 - Letter of Intent – Letter and supporting documents dated November 16, 2022, from Martin Reilly – 153 Oakmont Road, Cummaquid - \$350,000 from Open Space Funds.

Exhibit 5– Letter of Intent – Department of Public Works – Cape Cod Rail Trail Phase 4 pre-25% Design Services - \$300,000 from Open Space/Recreation Funds.

Exhibit 6 – Letter of Intent – Department of Public Works – Cape Cod Rail Trail Phase 3 Engineering services - \$195,000 from Open Space/Recreation funds.

Respectfully submitted,  
Ellen M. Swiniarski  
Community Preservation Coordinator  
Planning & Development Department  
*and edited by CPC Clerk Marilyn Fifield*

**Please Note:** The list of matters is 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 Community Preservation office located at 367 Main Street, Hyannis, MA**