



Town of Barnstable
COMMUNITY PRESERVATION COMMITTEE



www.town.barnstable.ma.us/CommunityPreservation

Email: 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, April 24, 2023
Regular CPC Meeting APPROVED Minutes
Remote Access Meeting via Zoom Link: <https://zoom.us/j/88696104425>
5:30 PM

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

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

Minutes

The motion of Katherine Garofoli to approve the March 20, 2023, Regular Community Preservation Committee Meeting Minutes as submitted was seconded by Tom Lee. Motion carried with a roll call vote: **Yes – 8, No – 0.**

Letters of Intent

None received.

Applications:

- The Trustees of Reservations updated their Application requesting \$170,000 in Community Preservation Recreation Funds for the creation of the Children's Play Garden at Armstrong Kelley Park, 675 Main Street, Osterville, Map 141, Parcel 038. Total Park rehabilitation project cost is \$1,425,000 with \$1,255,000 committed in matching funds.

Tom Lee recused from reviewing this Application.

Elizabeth Keary Soule, Project Manager from Trustees of Reservations, was present with Jennifer DuBois, Managing Director of Conservation. Ms. Soule clarified that the Application is intended to replace the one approved by the Community Preservation Committee (CPC) in 2022 and is not an additional request for funds. She explained that the scope of the request is very much the same as the previous Application except that the request to support the walkways throughout the park has been removed. She called the landscape architects' updated drawings of the garden very much in keeping with the previous Application: a nature-based, site-specific children's play garden intended to be used by visitors of all ages in a playful and engaging way, with welcoming signage sited that also acknowledges CPA funding, if approved.

Chair Counsell reported that he had visited the site and noted the work that was being performed but had difficulty identifying where the children's play area was going to be located. He said that a site visit with the Trustees would be helpful for the Committee to better understand the project. Ms. Soule replied that the location was the same as the site visit last summer, with the same general layout and signage, but agreed that it is difficult to visualize right now. Ms. Jennifer Dubois said she understood that the attorneys have been working on a way to secure the Town's Community Preservation Act (CPA) fund commitment on this project. She noted that the CPA legislation does not require a permanent Restriction for a play area, but the Trustees agree with the Town that the mission of the Trustees is to keep this property open for public use and enjoyment without general entrance fees and to maintain the children's play area, replacing components as needed. Chair Counsell replied that an agreement needs to be in place before any Community Preservation (CP) funds for the project can be released. He also noted that the CPA language is not specific regarding Recreation projects, but a Restriction of up to 30 years is allowable. Ms. Soule referred to plans to have programs in both the larger garden as well as the children's garden, with an engagement manager who would play with the children and hold programs in that space. There was discussion regarding charging for use of the park, and clarification that it is open to the public at no charge when there are no functions at the park. Chair Counsell said that once the language of the agreement has been worked out through the Legal Department, a site visit could be scheduled for CPC members, after which there would be a final CPC vote to recommend approval to the Town Council.

- Sturgis Library - Request for reallocation of a portion of the \$165,000 CPC grant previously awarded to be used now for the replacement of a climate-control unit. The original project was completed under budget, resulting in unspent CPC grant funds.

Ms. Lucy Loomis, Sturgis Library Director, reported that the Sturgis Library project was completed with \$40,000 remaining in grant funds. She explained that the library came in under budget by doing repairs rather than replacing items in the building project, and, during the project, it was realized that the archival climate-control system was deteriorating, and getting parts was difficult. She called it one of the most important pieces of equipment at the library, keeping the archival space at a constant temperature and humidity ideal for storage of documents and photographs. She explained her diligence in pursuing estimates over the course of 8 months, although receiving only 2 responses. She said she would like to request that the remaining grant money be reauthorized so it could be used to pay for the replacement of the climate-control system. Chair Counsell noted the lowest bid of \$33,204 for replacement of the system and clarified that the vote is for reauthorization of unspent funds with recommendation to Town Council for approval. Ms. Loomis noted that the quotes are from 8 months ago and said the price could change and suggested reauthorization for up to the remaining grant funds' total of \$40,000.

Motion was made by Tom Lee and seconded by Katherine Garofoli to approve and recommend the reauthorization of up to \$40,000 of the remaining unspent previously-granted funds to Sturgis Library under Town Council Order 2022-035 for replacement of the Sturgis Library's archival climate-control system.

Roll Call Vote: Terry Duenas - yes, Marilyn Fifield - yes, Katherine Garofoli - yes, Tom Lee - yes, Farley Lewis - yes, Steve Robichaud - yes, James Tenaglia - yes, and Lindsey Counsell - yes. Vote: 8 yes – 0 no. Motion carried.

Dicussion:

- Pastor Angela Menke Ballou of the Cotuit Federated Church requested a discussion with CPC regarding options for the Historic Preservation Restriction required for the Cotuit Federated Church's CPA grant.

Pastor Angela Menke Ballou narrated a PowerPoint presentation outline. She said that, after meeting with CPC, the Cotuit Federated Church went back to the Mass. Historical Commission (MHC) who then sent them back to CPC. She said tonight's objective is to remind what was approved by the Committee and Town Council and share the consequences that would be experienced if the Cotuit Federated Church was unable to receive the Community Preservation funds that were approved for just under \$180,000. Pastor Menke Ballou provided historical background and the timeline of the application process that led to a final denial of a Historic Preservation Restriction by MHC as outlined in MHC's February 3, 2023, correspondence. She noted that if a loan were used in place of the Community Preservation funds, it would cost \$195,000 including interest if paid back over 20 years. She referred to the plan revisions made by the Cotuit Federated Church at the request of the Barnstable Historical Commission on the assumption that they would improve eligibility for CP Historic Preservation funds. She further referred to perceived discrepancies she had discovered among towns regarding Restriction requirements, citing the Town of Sandwich CPC that released funds and allowed completion of the First Church of Sandwich project without the recording of a Restriction. She said that MHC has most recently encouraged the Cotuit Federated Church to see if the Town would hold the Historic Preservation Restriction document.

Chair Counsell explained that the Undesignated Fund only refers to funds that are beyond the required 10% dedicated to three areas of the program: 1) Open Space/Recreation, 2) Historic Preservation, and 3) Community Housing. He clarified that funds transferred from the Undesignated category for use under a specific category of the CP programs must follow the eligibility criteria for that program. He explained that the reason there are discrepancies between the way different towns administer CP funds is because each of the 200+ Community Preservation communities in the State is allowed to tailor their own rules as to how they disburse funds. The Town of Barnstable Community Preservation Committee has set its own criteria for Restrictions, and other towns' rules have no bearing on this.

Public Comment

Amy Fish said she is serving as co-moderator of the church and on the building committee and expressed gratitude for CPC's assistance so far, while offering to assist in getting the funds released.

Jennifer Loughran said the building is important to the community and serves the needs of many, especially with the new community hall, and she requested options and suggestions from CPC members and Town Councilors present.

Discussion by CPC members included consideration of changing CPC rules allowing private Restrictions, which have never been allowed, along with the reminder that Barnstable CPC has always required the Historic Preservation Restriction approved by MHC to be recorded prior to receiving CP funding for Historic rehab projects. It was also noted that 1) Barnstable CPC has approved the granting of funds to several other religious organizations whose Historic rehab. projects qualified for MHC approval of a Preservation Restriction, and 2) CPC voted more than once to recommend funding the Cotuit Federated Church project.

Pastor Menke Ballou referred to a Cape Cod Commission Fact Sheet, noting that the Community Preservation Act is not specific as to whether a Historic Preservation Restriction is required when CPA money is expended on a Historic Preservation project, reminding that the church is not purchasing property, but only restoring. She felt that there is a misunderstanding as to what is required. Chair Counsell said there is no misunderstanding, as the CPC can adopt its own rules that are consistent with the CP Act, and this is one of them: i.e., Barnstable CPC requires all Historic Preservation projects to have the Historic Preservation Restriction approved by the State. He explained that this partners the Town with the State, providing back-up to enforce the various components of the Restriction including maintenance and upkeep of the building, and without a State-backed Restriction, the Town would be responsible for this on its own. He noted that the Town has not ever been willing to hold private Restrictions since adopting the CPA in 2006, as the CPC is allowed to require a perpetual Restriction in return for the grant funds. Chair Counsell noted that, of the dozens of Historic Preservation projects funded by CPC, the Cotuit Federated Church is the only one that has been denied State approval of the required Historic Preservation Restriction.

CPC discussed why MHC denied the Preservation Restriction, with Chair Counsell noting that the church had been altered so many times that it lost its historic character and value, as indicated by MHC correspondence. He said the church risked going forward with the project work to be reimbursed by CP funds, which unfortunately did not

receive State approval for the Restriction in the end. He noted also that the building had previously not been included in the two adjacent historic districts in Cotuit because of extensive alterations. Marilyn Fifield said she felt that everyone involved is sorry for this outcome and that all have learned from this experience. She referred to the MHC letter of September 20, 2022, addressed to Attorney Harris, that conveyed the opinion of MHC staff that the work undertaken does not meet the Secretary of the Interior's Standards for the Treatment of Historic Properties, as required by the Community Preservation Act. She reminded that this is not only a requirement for the State Historic Preservation Restriction but also required for CPA historic rehabilitation funding per MGL, Chapter 44B - the Community Preservation Act. Without meeting this requirement for Historic Preservation Rehabilitation funding under the Community Preservation Act, she noted, the project is ineligible for Community Preservation funds.

Correspondence Received:

- Letter from Pastor Angela Menke Ballou of the Cotuit Federated Church requesting review of options for a Preservation Restriction.
- Email from Pastor Angela Menke Ballou of the Cotuit Federated Church to CPC providing the timeline of the Cotuit Federated Church's project.

Project Updates:

Chair Counsell reported the following updates:

- Unitarian Church of Barnstable CPC Application was approved at the April 6, 2023, Town Council public hearing.
- Phase 3 & 4 CCRT Applications from DPW were approved at the April 6, 2023, Town Council public hearing. It was noted that the bikeway is still on track to begin construction of Phase 3 in January, 2024.
- Osterville Recreation Playground Application from DPW is scheduled for Town Council public hearing on April 27, 2023.
- An appraisal for 2320 Meetinghouse Way, West Barnstable, was ordered and received. Further studies of the property will be pursued for water purposes and Community Housing.

Member Discussion:

- Meeting Format for May 15, 2023, CPC meeting.
 - It was decided that the May 15, 2023, CPC meeting will be held remotely.
 - It was decided that the July and August Regular CPC meetings will be held remotely.
- Annual Community Preservation Committee Public Hearing is scheduled to be held in person Wednesday, June 21, 2023, 5:30 p.m. in the 2nd Floor Hearing Room, Town Hall. It was decided to move the Regular CPC meeting for June to be held the same night.

Public Comment:

None

General Discussion:

None

Adjournment:

Motion to adjourn was made by Terry Duenas and seconded by Tom Lee. Roll Call Vote: Terry Duenas – yes; Marilyn Fifield – yes; Deb Converse – yes; Tom Lee – yes; Katherine Garofoli – yes; Farley Lewis – yes; Stephen Robichaud – yes; James Tenaglia – yes; Lindsey Counsell – yes. Motion carried: Yes – 8, No – 0.

Meeting adjourned at 6:31 p.m.

Next Regularly Scheduled CPC Meeting May 15, 2023

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

Exhibit 1 –CPC Agenda, April 24, 2023.

Exhibit 2 –Draft CPC Regular Meeting Minutes from the March 20, 2023, meeting.

Exhibit 3 – The Trustees of Reservations Updated Application for Armstrong-Kelley Park, Main Street, Osterville.

Exhibit 4 – Sturgis Library request for reauthorization of previously-granted CP funds and supporting documents to be used for replacement the climate control system.

Exhibit 5 – Letter from Pastor Angela Menke Ballou, Cotuit Federated Church, to CPC.

Exhibit 6 – Email from Pastor Angela Menke Ballou of Cotuit Federated Church to CPC with the timeline of the Cotuit Federated Church’s project.

Exhibit 7- PowerPoint Presentation – Cotuit Federated Church.

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 for specified allowable reasons. 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**