



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 • Vacant – Recreation Commission
 Deborah Converse – Housing Authority • Farley Lewis – At Large • Felicia Penn, President– Town Council Liaison

Monday, May 20, 2024
Regular CPC Meeting APPROVED Minutes
Remote Access Meeting via Zoom Link: <https://zoom.us/j/85122504019>
5:30 PM

Lindsey Counsell – Chair	Present
Marilyn Fifield – Clerk	Present
Terry Duenas	Present
Tom Lee-Vice Chair	Absent
Katherine Garofoli	Present
Deborah Converse	Present
Stephen Robichaud	Present
Farley Lewis	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 being recorded and broadcast on the Town of Barnstable’s Government Access Channel. In accordance with MGL Chapter 30A, s. 20 the Chair must inquire whether anyone else is recording 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**, Deborah Converse– **yes**, Katherine Garofoli – **yes**, Stephen Robichaud – **yes**, Farley Lewis – **yes**, and Lindsey Counsell – **yes**. Tom Lee was absent.

Minutes

The motion of Farley Lewis was seconded by Marilyn Fifield to approve the draft Community Preservation Committee Regular Meeting Minutes from April 22, 2024, as submitted.

Roll Call Vote: Deborah Converse – **yes**, Katherine Garofoli – **abstained**. Farley Lewis – **yes**, Stephen Robichaud – **yes**, and Lindsey Counsell – **yes**. 4-yes, 0- no, 1- abstained. **Motion carried.**

Correspondence Received

- Community Preservation Fund Financial Reports as of April 30, 2024, prepared by Director of Finance Mark Milne.

There was a brief discussion regarding the Schedule of Unreserved Fund Balances for the CPA Fund as of April 30, 2024, that was provided by the Director of Finance, Mark

Milne. It was confirmed that there were sufficient funds in each category to cover projects on this agenda and that there is a total of approximately \$14M in CPA funds available. It was noted that the Affordable Housing Growth and Development Trust Fund Board will likely be requesting the transfer of Community Housing funds after the fiscal year. The CPC members discussed that they would like more frequent updates regarding the Affordable Housing Trust activities and although the report provided last month was useful, they would like to be able to have a discussion.

Letters of Intent

- A Letter of Intent has been received from the Federated Church of Hyannis requesting \$165,000 in Community Preservation Historic Preservation Funds to conserve 270 gravestones in the Universalist Cemetery that were identified in the 2024 Condition Assessment prepared by Fannin Lehner Preservation Consultants. The Federated Church owns the land where the cemetery lies and provides meeting space for several non-profit groups. The cemetery is listed on the State Register of Historic Places and has an existing preservation restriction recorded. The church will donate \$1,000 with in-kind donations from volunteers providing ongoing research and management.

Steve Robichaud shared that the company he works for has a relationship with the Federated Church of Hyannis, however he does not have a conflict of interest because the Letter of Intent is unrelated.

Pam Brown, volunteer from the Federated Church of Hyannis, provided background saying that the Federated Church came before the CPC in May of 2016 asking for funds to save the cemetery that was in poor condition. The 2016 CPC grant covered new fencing surrounding the cemetery to prevent vandalism and trespassing, and a condition assessment report of the gravestones. The report is required by conservators submitting proposals for conservation work for the gravestones. Ms. Brown narrated a PowerPoint presentation providing an overview of the Universalist Cemetery, the new fencing and condition of several of the gravestones as examples of the work that is needed, and she explained the multiple processes for restoration as outlined in the condition assessment report. She provided interesting history for several of the notable individuals and families buried in the cemetery and said that there previously were no records for the almost 200-year-old cemetery. A complete inventory along with the location of graves by section and row was included in the condition assessment. Several gravestones were uncovered that had sunk below ground and there is now a total of 350 including sea captains, civil war veterans and early settlers of Hyannis. In answer to a CPC member's inquiry, Ms. Brown said that she hoped to put together a book that includes all the research she had done and to conduct walking tours of the cemetery in the Fall for interested visitors.

The motion of Deb Converse was seconded by Stephen Robichaud to move the Letter of Intent from the Federated Church of Hyannis requesting \$165,000 in Community Preservation Historic Preservation Funds for the restoration of 270 gravestones in the Universalist Cemetery to Application stage.

Roll Call Vote: Terry Duenas – yes, Deb Converse – yes, Katherine Garofoli – yes, Farley Lewis – yes, Stephen Robichaud – yes, and Lindsey Counsell – yes. Motion carried.

- A Letter of Intent has been received from the Barnstable Fire District Prudential Committee requesting Community Preservation Open Space Funds for acquisition of 2.7 acres of land located at 153 Oakmont Road in Cummaquid, for potential public water supply. This parcel was highlighted in a 1994 USGS survey of potential public water supply areas in Cape Cod. Purchase of this parcel will protect this area from development and conserve it for use as a potential future water well field.

Mr. Steve Rizzo represented the Barnstable Fire District Prudential Committee. He explained that the Barnstable Fire Department owns a 10-acre parcel on Oakmont Road. The adjacent parcel addressed 153 Oakmont Road has become available for purchase with an asking price of \$549,900. He said that the parcel is part of a group of parcels that were designated by the Cape Cod Commission (CCC) for water use under the Public Land Assessment and Acquisition Program as parcel A1-W-53 and encompasses several parcels on Oakmont Rd. The subject parcel is in the middle of that group and if developed, none of the group of parcels could be used for water including the original 10-acre parcel owned by the Barnstable Fire Department. Mr. Rizzo explained that after taking of the 10-acre parcel by eminent domain in 1971 for drinking water supply purposes, MGL 310 CMR 22 came into effect requiring a 400 ft radius for Zone I well protection areas making the current Fire Department parcel too narrow to satisfy the requirement for a well protection zone. Mr. Rizzo explained that the tract designated by the CCC is one that the Barnstable Fire District wants to use for future water and although it is not needed immediately, if 153 Oakmont Road is developed, the entire tract will become useless for water including the 10 acres that the Fire Department currently owns. He said additional parcels would need to be acquired in the future but would not be pursued if 153 Oakmont Road is developed. He said an appraisal is needed before making an offer to the owners noting that the asking price prior to subdivision permitting was lower in 2022.

There was discussion regarding other parcels on Oakmont Road included in the CCC the Regional Policy Plan which includes all the parcels up to 105 Oakmont Road noting ownerships and what may be required for drinking water use. In answer to CPC member inquiry, Mr. Rizzo explained that current infrastructure has a cross connection with the Town of Yarmouth. The Hyannis Water Department towers are at the end of Althea and Mary Dunn Road so there is potential for Hyannis to connect if this land area was to be converted to a well field. He noted that aerial surveys depict that as far back as 1938 this block of parcels have been forest. Mr. Rizzo said that although an exploratory well has not been dug yet, it is believed that the aquifer is available, and he confirmed that PFOS from the airport and Fire Academy are migrating to the southeast which is away from the site. He noted that of the three tracts of land designated in 2018 by the CCC as potential public water supply sites, two have been developed saying that this is the last tract of land in this area. There was discussion regarding a hydrologist looking at the area.

Public comment:

Ms. Wellsley Marsh of Barnstable Village spoke in support of the acquisition of 153 Oakmont Road, saying that now is the time to secure potential well sites so there is water for everyone into the future. She noted existing contamination issues and

water bans because of drought. She said the option to protect this potential water supply source is one we may never have again.

Ms. Alvina Baxter-Moran of Cummaquid spoke in support saying it is critically important to protect the water resources that we have. She said that once they are gone, we are not getting more.

The motion of Farley Lewis was seconded by Katherine Garofoli to move the Letter of Intent from the Barnstable Fire District Prudential Committee requesting Community Preservation Open Space funds for purchase of 153 Oakmont Road, Cummaquid to the application stage.

Roll Call Vote: Terry Duenas – yes, Marilyn Fifield – yes, Deb Converse – yes, Katherine Garofoli – yes, Farley Lewis – yes, Stephen Robichaud – yes, and Lindsey Counsell – yes. Motion carried.

- A Letter of Intent has been received from the Historical Society of Santuit & Cotuit requesting \$30,000 in Community Preservation Historic Preservation Funds to fund the restoration of the Homestead buttry and the remaining HVAC work that was previously approved by CPC in 2021, with \$3,000 remaining from the 2021 grant. This work has not been started due to cost overages in other awarded areas resulting in the need for supplemental funds for completion. The property is listed on the State Register of Historic Places and has an existing preservation restriction recorded.

Stephen Robichaud recused himself from review of the Letter of Intent from the Historical Society of Santuit & Cotuit.

Ms. Beth Johnson, President of the Cotuit Historical Society and Steve Devlin, Project Manager provided background saying that in 2022, the CPC awarded a grant of \$87,000 for climate control for archives and restoration of the buttry. Ms. Johnson noted that the project is 90% complete, however two components included in that 2022 grant have not been started yet with only \$3,000 in CPA funds remaining: Ms. Johnson explained that there were unforeseen issues with construction that caused overages and noted a general increase in the cost of materials in the years after they were estimated. Mr. Devlin outlined some of the structural issues that tripled the estimated costs. He said that the funding request of \$30,000 is the exact amount of the overages.

There was CPC member discussion about supporting the completion of the project and the need for a sound foundation and it was noted that the work that has been performed was important for the protection of the artifacts.

The motion of Terry Duenas was seconded by Deb Converse to move the Letter of Intent from the Cotuit Historical Society requesting \$30,000 in Community Preservation Historic Preservation funds to Application stage

Roll Call Vote: Terry Duenas - yes, Marilyn Fifield - yes, Deb Converse – yes, Katherine Garofoli – yes, Farley Lewis – yes, and Lindsey Counsell – yes. Motion carried.

Discussion: Ms. Johnson indicated there is an ongoing capital campaign and this funding request is only a portion of Phase II of the project. It was requested that the Application include background as to where overages occurred.

Application

- An Application has been received from Barnstable Land Trust (BLT) requesting \$250,000 in Community Preservation Open Space funds for acquisition of a 5.84-acre parcel addressed 4609 Falmouth Road, Cotuit, Map 024, Parcel 042. The total purchase price of the parcel is \$590,000 with an application for a Mass Conservation Partnership grant for \$300,000 to be submitted in July 2024. \$50,000 will be requested from the Cotuit Fire District Board of Water Commissioners in support of the project at an upcoming District meeting. The parcel has frontage on Falmouth Road and abuts a BLT 5.9-acre conservation area to the south. Public access will be off Santuit-Newtown Road. Acquisition would create almost 12 acres of contiguous open space conserving high value natural resources and recreation access as well protecting nearby drinking water wells (or within water protection zone or Zone II). The Town of Barnstable would be granted a conservation restriction on the property and the property would be managed by the BLT.

Ms. Janet Milkman, Director of Barnstable Land Trust (BLT), narrated a PowerPoint presentation that depicted the subject parcel and surrounding area, noting other open space properties and parcels owned by BLT. The PowerPoint depicted the property is in a Zone II area and showed the proximity to the wells and high conservation value land to the north and south. She noted the likely existence of a vernal pool that is in the process of being certified. She explained that the property is shown as prime farm and forest land soils with aerial photos depicting the parcel as undisturbed woodland. She noted that the kettle hole is partly in this parcel and partly in the BLT land behind it. Ms. Milkman explained that there are existing trails on the BLT property to the south which can be easily extended into this property saying it would be a nice neighborhood trail system.

Ms. Milkman said that BLT would be able to leverage the CPA funding if approved, with Cotuit Water District funding to apply for a Conservation Partnership Grant for just under \$300,000. Barnstable Land Trust would be responsible for raising another \$30,000 in private funding. She confirmed that public access would be from off Santuit-Newtown Road and that any encroachments would be removed. Ms. Milkman said that the Conservation Partnership Grant amount has been increased from \$175,000 to \$300,000 from last year, however, the award of funds depends upon what the competition is from other land projects. She noted that there could be an opportunity for a drinking water supply grant if that grant is not awarded.

Public comment: Ms. Wellesley Marsh spoke in favor of the Application saying it is very much like the Letter of Intent for the Oakmont property. She said the project is an important and rare opportunity to acquire a parcel of land that could potentially help protect the existing drinking water well.

The motion of Kathrine Garofoli was seconded by Deb Converse to recommend Barnstable Land Trust's Application for \$250,000 in Community Preservation Open Space funds for the acquisition of 4609 Falmouth Rd, Cotuit to the Town Manager. A Conservation Restriction will be granted to the Town of Barnstable and the property will be owned and managed by Barnstable Land Trust. Roll Call Vote: Terry Duenas - yes, Marilyn Fifield - yes, Deb Converse - yes, Katherine Garofoli - yes, Farley Lewis - yes, Steve Robichaud – yes and Lindsey Counsell – yes. Motion carried.

Project Updates: Chair Counsell provided the following updates:

- The Wheeler Road Grant – the easement plan has been prepared and will be recorded at the closing scheduled for June 2024. The CR on the house lot was approved at the Town Council meeting.
- Mills Property, Mashpee – Mashpee Selectmen approved the Conservation Restriction (CR) to be granted to the Mass Division of Fish and Wildlife – Closing is in the process of being scheduled.
- Work continues on the Olde Colonial Court House building and will be nearing completion this summer.
- Progress is being made on the Centerville and Osterville Playground projects. The Osterville recreation building has been razed and the ball field will be completed soon.
- CC Rail Trail Phase 3 review of CR's is complete and the final paperwork is going in. The CR's are for mitigation of the land used for the easement for the pathway. Bidding for the project is scheduled for August 2024. This is Mass DOT's #1 bikeway project.

Member Discussion:

- It was decided that the format for the June 17, 2024, CPC Meeting would be remote.
- Still waiting for appointment of a Recreation Commission member to the CPC.

Public Comment:

None.

Adjournment:

Motion was made by Stephen Robichaud and seconded by Marilyn Fifield to adjourn. Roll Call Vote: Terry Duenas – yes, Marilyn Fifield - yes; Deb Converse – yes; Katherine Garofoli – yes; Farley Lewis – yes; Stephen Robichaud – yes, and Lindsey Counsell – yes. Motion carried: Meeting adjourned at 6:44 p.m.

Next Regularly Scheduled CPC Meeting June 17, 2024

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

Exhibit 1 –CPC Agenda, May 20, 2024.

Exhibit 2 –Draft CPC Meeting Minutes – April 22, 2024.

Exhibit 3 – Letter of Intent – Federated Church of Hyannis

Exhibit 4 - PowerPoint Presentation – Federated Church of Hyannis Cemetery

Exhibit 5 – Letter of Intent – Barnstable Fire District Water Department – 153 Oakmont Road, Cummaquid.

Exhibit 6 - Letter of Intent – Historical Society of Cotuit and Santuit

Exhibit 7 - Application – Barnstable Land Trust – 4609 Falmouth Rd, Cotuit

Exhibit 8 - PowerPoint – Barnstable Land Trust – 4609 Falmouth Rd, Cotuit

Respectfully submitted,

Ellen M. Swiniarski

Community Preservation Coordinator

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 the Committee may vote to 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**