

# TOWN OF BARNSTABLE

NOTICE OF MEETINGS OF TOWN DEPARTMENTS AND ALL TOWN BOARDS  
As Required by Chapter 28 of the Acts of 2009, amending MGL Chapter 30A

**NAME OF PUBLIC BODY – COMMITTEE, BOARD OR COMMISSION:**

## **REGULAR MEETING AGENDA** **COMMUNITY PRESERVATION COMMITTEE**

**DATE OF MEETING:** Monday, August 21, 2023

2023 AUG 21 10:01 AM  
TOWN OF BARNSTABLE

**TIME:** 5:30 p.m.

**PLACE:** The Community Preservation Committee (CPC) meeting will be held by remote participation methods pursuant to the passage of legislation extending certain COVID-19 measures adopted during the state of emergency in the Commonwealth of Massachusetts.

Alternative public access to this meeting will be provided in the following manner:

1. The meeting will be televised live via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website: <https://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>
2. Real-time public comment can be addressed to the Community Preservation Committee utilizing the Zoom link or telephone number and access code for remote access below.  
Link: <https://zoom.us/j/82803359826>  
Or by calling the US Toll-free Telephone Number: 888-475-4499  
Meeting ID: 828 0335 9826
3. Applicants, their representatives, and individuals required or entitled to appear before the Community Preservation Committee may appear remotely and are not permitted to be physically present at the meeting and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to [Sarah.Beal@town.barnstable.ma.us](mailto:Sarah.Beal@town.barnstable.ma.us) so that they may be displayed for remote public access viewing.

Meeting materials will be available at

<https://www.townofbarnstable.us/boardscommittees/communitypreservationcommittee/> prior to the meeting.

This meeting of the Community Preservation Committee 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

**Call to Order:**

**Minutes:**

- Approval of the Draft Community Preservation Committee Annual Meeting Minutes from July 17, 2023.
- Approval of the Draft Community Preservation Committee Regular Meeting Minutes from July 17, 2023.

#### Letters of Intent:

- Letter of Intent received from the Historical Society of Santuit and Cotuit (HSSC) requesting \$1,825 in Community Preservation Historic Preservation funds for their "German POW Bottle Project" which involves the restoration of a time capsule buried by German POWs held at Camp Edwards during WWII and found at Point Isabella in Cotuit. The total restoration project cost is \$2,375 with \$550 having been raised by HSSC. The Barnstable Historical Commission determined this artifact to be historically significant on July 18, 2023 and the restored artifact will become part of an existing permanent display about Camp Candoit at HSSC.

#### Applications:

None.

#### CPC Administration Funds:

- Vote of the CPC members to authorize expending up to \$10,000 in CPC Administration funds for required title work for parcels related to Cape Cod Rail Trail mitigation.

#### Correspondence Received:

None.

#### Project Updates:

- Updated vote by the CPC regarding the Mills Property, Mashpee, for a Conservation Restriction (CR) to be granted to the Mass Division of Fish and Wildlife. This CR will then be forwarded to the Town Council for final review and approval and when complete the acquisition of the one-half interest of the 15 acre parcel can be scheduled.
- Work continues on the Historical Society of Santuit and Cotuit (HSSC) building.
- An appraisal for 2320 Meetinghouse Way, West Barnstable was ordered and received. The first study of the property for water purposes is complete. A potential community housing review is planned, to date no consultant has been identified.
- Wheeler Road Grant Application submitted and it is anticipated that results will be announced in October or November 2023. CPC's recommendation has been forwarded for inclusion on a Town Council agenda in November.

#### Member Discussion:

- Online Conflict of Interest Training required to be completed under Open Meeting Law this Fall.
- Election of Officers – September 18, 2023 CPC meeting.
- Discussion regarding Community Preservation Committee requirements to be reflected in the final draft of the CPC Plan for FY 2024.
  - Determination from Massachusetts Historical Commission that property and proposed preservation/restoration work qualifies for a Preservation Restriction prior to CPC consideration for funding.
  - Execution of a Grant Agreement for each Town Council allocation that outlines and establishes requirements of the grant.
- Format for next CPC meeting – September 18, 2023.

#### Public Comment:

General Discussion:

Adjournment:

***Next Regularly Scheduled CPC Meeting September 18, 2023, 5:30***

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

For your information the section of the M.G.L. that pertains to postings of meetings is as follows: Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain: the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. Meetings of a local public body, notice shall be filed with the municipal clerk, and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.



**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 • Vacant – Recreation Commission  
 Deborah Converse – Housing Authority • Farley Lewis – At Large • Jessica Rapp Grassetti – Town Council Liaison

**Monday, July 17, 2023**  
**Annual Public Hearing DRAFT Minutes**  
**367 Main Street, Hyannis, MA – 2nd Floor Hearing Room**  
**5:30 PM**

<b>Lindsey Counsell – Chair</b>	<b>Present</b>
<b>Marilyn Fifield – Clerk</b>	<b>Absent</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>Deborah Converse</b>	<b>Present</b>
<b>Stephen Robichaud</b>	<b>Present</b>
<b>Farley Lewis</b>	<b>Present</b>
<b>Jessica Rapp Grassetti – TC Liaison</b>	<b>Absent</b>

**Call to Order:**

Notice of Recording: 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.

**Informational Speakers:**

- **Stuart Saginor, Executive Director of the Community Preservation Coalition**  
 Mr. Saginor narrated a PowerPoint presentation that provided an overview of the Community Preservation Coalition. He noted that the Coalition’s website is a unique and significant resource for information regarding the Community Preservation Act with extensive information and technical assistance and data for CPC members. He explained that the CPA cities and towns now total 195, representing 55% of the State’s municipalities and 70% of its residents, with a large uptick in communities joining in the past 10 years. Mr. Saginor cited a total of 15,000 successful CPA appropriations made across Massachusetts totaling \$3 billion since 2000. He said that every community that adopts CPA decides what they would like to emphasize in their community, with no State input on how money is used beyond the required 10% of total CPA funds to be dedicated to each of the three CPA categories: Community Housing, Historic Preservation; Open Space and Recreation.

Mr. Saginor explained that the source of the CPA funds is in part a voluntary property tax surcharge that each community votes for along with its rate. He noted that Barnstable voted for a 3% CPA surcharge tax in 2005. He said there is a State Trust Fund that sends matching funds every November to the CPA communities, explaining that the amount of this distribution reflects real estate sales, as it is based on recording fees collected at the Registry of Deeds across Massachusetts. He noted a very robust match recently because the State budget surplus was awarded to the Trust after the Coalition advocated for additional CPA funding, and last year the CPA Trust received an additional \$20M in December. In total, he said, the Town of Barnstable received \$1.6M in CPA Trust funds last year.

Mr. Saginor reported a decline in revenue collected at the Registry of Deeds more recently, due to the rise in interest rates and decline in property sales, with the first \$50 in recording fees collected at the registry going to the CPA Trust Fund.

Mr. Saginor displayed the CPA Allowable Uses Chart, calling it a good start in determining eligibility, citing examples of eligible and ineligible uses of CPA funds and reminding that the Coalition is always ready to help with eligibility, with government and non-profit entities eligible to seek CPA funding, while eligibility for other types of entities can be more difficult.

- **Barnstable Community Preservation Committee – Chairman Lindsey Counsell**

Chair Counsell narrated a PowerPoint presentation that highlighted Barnstable CPA-funded projects, both Town and private. He listed the CPC members and their affiliations with other Town boards, reminding that the Community Preservation Act was adopted 2004 in Barnstable. Chair Counsell noted that the Committee goals for this fiscal year are related to clarifying the application process by requiring Massachusetts Historical Commission determination of eligibility for the required Historic Preservation Restriction prior to CPC consideration of Historic Preservation proposals. He said a grant agreement that outlines the details and conditions of the grant will also be established.

The following examples of projects accomplished using CPA funds were discussed:

- Acquisition of 830 Wakeby Road, partnering with Barnstable Land Trust with a Mass. Land Grant to protect drinking water for the COMM Water District
- Pleasant Street Park – Removal of a house to link Bismore Bulkhead and Pleasant Street
- Cobb Trust Land Acquisition – Open Space purchase to allow an easement for the Cape Cod Rail Trail (CCRT)
- New Marstons Mills Pickleball/Tennis Courts – very popular and well-used facility
- New recreation playground equipment at Osterville Playground
- Design funding for the CCRT which is scheduled to begin construction in January, with the bike trail to cross the Yarmouth town line over Willow Street and run across the Fish and Wildlife property to the south, next to Mary Dunn Road
- Zion Union Historic Museum/Chapel Restoration – restoration of a Town-owned building housing a museum
- Sturgis Library – library renovation and replacement of the archival climate control system

- Olde Colonial Courthouse Restoration – renovation of historic building owned by nonprofit Tales of Cape Cod
- United States Custom House Restoration – extensive renovation to the exterior of the Town-owned building now home of the Coast Guard Museum
- The Lofts at 57 Ridgewood Ave, Hyannis – Affordable Housing units developed by Housing Assistance Corporation
- 255 Main Street, Hyannis – 2 moderate-income housing units

Chair Counsel noted that \$14,226,654 is available in CPA funding for FY 24.

- **Gene Guill, President – Tales of Cape Cod – Olde Colonial Courthouse**

Mr. Guill thanked the Committee for the opportunity to speak and expressed appreciation for the relationship that started 10 years ago. He called the Olde Colonial Courthouse one of the most historic buildings on Cape Cod and said funds granted through the CPC have gone a long way toward its restoration. He explained that the c.1763 building served as a Courthouse for Barnstable County in the final year of the Colonial Period through the Revolutionary War and during the first 50 years of the Republic. He reviewed the historic events that took place there by Colonists who shut down the British court system months before the battles at Concord and Lexington. Subsequently, he reminded, the building was used as a meetinghouse and a church.

In 2014, Tales of Cape Cod initiated a multi-year program to restore the building, and he called CPC a valuable partner throughout the entire project that strengthened Tales of Cape Cod as an organization to accept the responsibility of owning this historic building. Mr. Guill described the construction projects of the past 10 years: the first project replacing the roof and restoring the bell tower among other exterior renovations, with \$85,000 in CPA funds and a Mass. Preservation Projects Fund grant of \$63,000. He said the second restoration project was framing the first floor which is underneath the oldest part of the building, with \$75,000 in CPA funds and a Mass. Preservation Projects Fund grant of \$50,000, while Tales of Cape Cod contributed \$23,000. Because the first-floor stabilization amounted to more than 30% of the assessed value of the building, he explained, the building must now be made accessible to people with disabilities per Massachusetts law. Mr. Guill noted the challenges of trying to add an ADA-compliant ramp to the building with a lift to the first floor on the side of the building and screened from the street, saying that may be the preferred option, with funding for this third project of \$125,000 in Barnstable CP funds; \$120,000 from the Mass. Cultural Council, and \$100,000 from Tales of Cape Cod, and construction anticipated to begin in October.

Mr. Guill noted that CPC had required an evaluation and report of the building's existing condition which prompted Tales of Cape Cod to prioritize and plan for future renovations and upgrades. He said that Tales of Cape Cod is a better steward of the building for having worked with CPC, and he hoped that CPC will support future renovations.

- **Janet Milkman, Executive Director of Barnstable Land Trust (BLT)**

Ms. Janet Milkman called the CPC Annual Meeting a great opportunity to highlight the positive impact CPA funding has on Open Space. As she narrated a PowerPoint presentation, she explained that CPA funds are the only major local funding available for Open Space projects that help address most of the pressing issues on Cape Cod, such as protection of drinking water quality, nutrient overload in the ponds, bays and

estuaries, and impacts related to climate change. Ms. Milkman explained that between the Land Bank, CPA and a few non-profits, Open Space funding has contributed to over 95 miles of trails in the town of Barnstable, calling natural resources the life-blood of Cape Cod. Ms. Milkman stated that there is only 14% of land area left for conservation or development and 80% of the 14% is in areas critical to habitat and drinking water protection, noting the urgency of this work. Ms. Milkman explained that CPA funding is a great tool for leveraging other State funding, such as Mass. Land Grants for municipalities and Conservation Partnership Grants for non-profits, noting several grants awarded because there was a CPA match, referencing the Wakeby Road and Bowles Field acquisitions as the most recent use of CPA funds to leverage State grants.

Ms. Milkman said it is helpful to remember that Open Space is one of the top values of Cape Codders, and that people vote to support it over and over, as demonstrated every time BLT presents a project to the Town Council. Further, she said the Town's recent Local Comprehensive Plan Survey of residents reported that the top 8 items were related to the environment. In protecting and enhancing natural habitat, salt and freshwater resources and Open Space, she called CPA investment in Open Space an efficient, popular and effective use of government funds. Ms. Milkman thanked the CPC for all they did, while Katherine Garofoli noted that BLT just celebrated its 40<sup>th</sup> anniversary and complimented the organization on doing a great job.

- **Jillian Douglass, Administrator of the Barnstable Affordable Housing Trust Fund**

Ms. Jillian Douglass provided an overview and history of the Barnstable Affordable Housing Trust created in 2007 and listed the Trust Board members, noting other Town staff and Boards that also work in support of Affordable Housing. Two years ago, after the Town Council allocated the majority of the Town's CPA Community Housing Funds to the Affordable Housing Trust, the CPC voted to refer all Community Housing funding requests to the Affordable Housing Trust Board. Ms. Douglass stated that the Barnstable Affordable Housing Trust has authority to invest in economic development activities as well as Affordable Housing, which is limited to providing for the creation and preservation of Affordable Housing for the benefit of low- and moderate-income households. She further detailed that units funded by the Trust must benefit residents who are at or below 80% of Area Median Income (AMI), although CPA funds can potentially fund up to 120% of AMI. She said the Trust prioritizes units eligible for inclusion in the Town's Subsidized Housing Inventory, requiring the deed restriction that protects the unit's affordability in the future.

Ms. Douglass said that the Affordable Housing Trust is intended to be able to act and respond more quickly to emergencies and opportunities than another municipal entity. Further, she said, the Trust can fund local strategies, actions, and initiatives to support local housing needs and concerns and can accept money from various sources, such as gifts, fees, fines, proceeds from sales or other actions, in addition to allocations from the CPC. Also, she said the Trust can hold real estate interests and purchase property, sell, lease, loan or convey property.

As an example of a recent successful project funded with CPA funds administered and granted by the Trust, she shared a video clip of a project at 850 Falmouth Road in Hyannis. She said this project by Standard Holdings, Inc., called Residence at 850 in Hyannis, demonstrated what can be done with CPA funds, also leveraging other funds, with a total of 4 funding sources for this project. Ms. Douglass said that there were 53

new units created by this project, with 10 of these units available to residents at or below 50% of AMI. She added that the Trust granted a total of \$1.4M to Standard Holdings, and the Trust's support to create each affordable unit was only \$140,000, with rent for a 1-bedroom affordable unit at \$994 per month, and the two-bedroom affordable unit rent at \$1,094, including all building amenities. Ms. Douglass said the Trust presently holds \$973,538, with 81% of those funds from CPA. She noted that Affordable Housing is extremely regulated and complicated, requiring a lot of technical assistance, and adding that, fortunately, there are many entities available to help verify that everything is consistent with needs and restrictions.

- **Mark Marinaccio, Town Architect – Town Recreation Projects**

Mr. Mark Marinaccio narrated a PowerPoint presentation that depicted several recreation projects in the town of Barnstable that relied on CPA funding, including:

- Barnstable-West Barnstable Tennis Courts
- Cotuit Tennis Courts
- Osterville Tennis Courts
- Marstons Mills Pickleball and Tennis Facility
- Lombard Field and Playground
- Bay Lane Ballfield
- Barnstable Hollow Field
- Barnstable Hollow Playground
- Osterville Playground
- Centerville Playground

Mr. Marinaccio credited the great relationship between the Town and the CPC in facilitating these recreation projects, with CPA funds designated for the eligible portions of projects while the Town funds the areas of projects that are not CPA-eligible.

As an example, Mr. Marinaccio cited the Lombard Field project completed several years ago, noting that the old ballfield did not meet regulation standards, and the parking lot was muddy, while the old playground was located behind home plate where foul balls could intrude. Illustrating with before-and-after photos, he said the Department of Public Works developed a project and came to the CPC for funding to renovate the ballfield, with \$750,000 plus \$936,000 in Capital Improvement Plan (CIP) funds ultimately allocated for renovation of the parking lot and other upgrades.

Mr. Marinaccio cited the Marstons Mills Pickleball Courts as another example of the successful Town-CPC partnership, explaining that there were 6 existing failed tennis courts on the site that were not repairable, but the site was renovated with 10 new pickleball and 2 new tennis courts with \$522,000 in CPA funds and \$620,000 from CIP funds. He called this project very popular, with constant use, and he displayed before-and-after photos.

Mr. Marinaccio said that the Centerville Playground is a project that is presently being worked on. He explained that there were safety and accessibility issues, with inadequate surfacing, and he displayed the existing conditions photo. He said the Town has met with the community and a playground consultant to develop several conceptual designs that are still in review, with the community favoring a nautical theme with a ship, crab trap, tree house and sea lion. He added that CPA funding was appropriated for the playground equipment along with CIP funding for the parking lot extension that will

create sidewalk access to the playground. He noted that the community also wanted the amount of poured-in-place surfacing to be reduced, and the latest design decreased it by 50%, while adding other on-site amenities, such as a shade structure, seating and a water filling station.

Public Comment:

None. It was confirmed that there was no public comment received either by U.S. mail or email.

**Vote to Close the Annual CPC Public Hearing**

**The motion of Stephen Robichaud was seconded by Katherine Garfoil to close the public hearing. Motion carried with a unanimous vote to close the public hearing. Meeting adjourned at 6:59 p.m.**

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

Exhibit 1 –CPC Annual Public Hearing Agenda, July 17, 2023.

Exhibit 2 –PowerPoint Presentation – Stuart Saginor, Executive Director, Community Preservation Coalition

Exhibit 3 – PowerPoint Presentation – Lindsey Counsell, Chairman, Barnstable Community Preservation Committee

Exhibit 4 – PowerPoint Presentation – Gene Guill, President, Tales of Cape Cod

Exhibit 5 – PowerPoint Presentation of CPA-funded Open Space Projects – Janet Milkman, Executive Director, Barnstable Land Trust

Exhibit 6 – Power Point Presentation & Video of Residence at 850 – Jillian Douglass, Administrator, Barnstable Affordable Housing Trust Fund

Exhibit 7 – Power Point Presentation of Recreation Projects Funded with CPA Funds.– Mark Marinaccio, Town Architect, Town of Barnstable

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

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**Monday, July 17, 2023**  
**Regular Public Hearing DRAFT Minutes**  
**367 Main Street, Hyannis, MA – 2nd Floor Hearing Room**  
**6:30 PM**

<b>Lindsey Counsell – Chair</b>	<b>Present</b>
<b>Marilyn Fifield – Clerk</b>	<b>Absent</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>Deborah Converse</b>	<b>Present</b>
<b>Stephen Robichaud</b>	<b>Present</b>
<b>Farley Lewis</b>	<b>Present</b>
<b>Jessica Rapp Grassetti – TC Liaison</b>	<b>Absent</b>

With a quorum present, Chair Lindsey Counsell called the meeting to order at 7:03 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.

**Minutes**

The motion of Katherine Garofoli to approve the June 26, 2023, Regular Community Preservation Committee Meeting Minutes as submitted was seconded by Farley Lewis, and the motion passed unanimously with one abstention.

**Letter of Intent:**

None received.

**Applications:**

- **Application from Barnstable Land Trust (BLT) seeking \$905,000 in Community Preservation Unreserved Funds for acquisition of a Conservation Restriction on Lots 3 and 4, totaling 5.5 acres as a portion of 150 Wheeler Road, Marstons Mills, fronting on Middle Pond. The Town of Barnstable has applied for a Massachusetts Land Grant of \$480,000 that will reimburse the Community Preservation Fund, if granted. Entire project cost for BLT purchase of 4 lots totaling 9.5 acres is \$1,825,000, with a \$175,000 Conservation Partnership grant that BLT applied for to fund acquisition of Lot 1. Lot 2 will be acquired through funds raised by private foundations and donors.**

Ms. Janet Milkman, Executive Director of Barnstable Land Trust (BLT), said she is grateful for the support and the short turnaround time from the Conservation Commission and the Open Space Committee for this project. Ms. Milkman explained that BLT has an agreement to purchase the Wheeler family's 9.5-acre pond-front parcels on Wheeler Road, Marstons Mills. She narrated a PowerPoint presentation with detailed maps that include Lots 3 and 4 totaling 5.5 acres and outlined the Application for Community Preservation funding to acquire them. She noted that the Wheeler property was divided into 4 lots to meet eligibility for State grant funding, as State funds cannot be used to purchase property with a building, adding that Lots 1 and 2 will be funded by other sources.

Ms. Milkman noted that the Wheeler property is adjacent to the 22-acre Fuller Farm which was purchased by BLT in 2012, saying the project provides the option for an extension of the existing walking trail on Fuller Farm down to Middle Pond. She said that BLT would manage the property for conservation and passive recreation and grant a Conservation Restriction to the Town on the eastern 5.5 acres in return for CPA funding, with the existing 1939 Cape Cod style house to be used as a caretaker house for BLT staff. Ms. Milkman noted that the project is consistent with many of the criteria for CPA Open Space; the Local Comprehensive Plan; and the Open Space and Recreation Plan, while saving resources that would otherwise be threatened if developed with associated septic systems. She said the timeline of the project would require a June 2024 closing for the property, and she explained that BLT has worked with the Town to apply for one State grant of \$480,000 that would reimburse half of the requested CPA funding, and another State grant that would provide \$75,000 to BLT, with private fundraising for the remaining \$836,000 to begin this summer.

Ms. Milkman said that conservation of this property provides passive recreation and historic preservation opportunities, noting the Wheeler family's history of holly farming on Cape Cod and listing other Wheeler holly properties that are now in conservation. She noted that the 3 Indian ponds including Middle Pond are considered by the State as priority habitat for rare species of the rare freshwater mussels that grow in the bottom as well as for vascular plants. Further, she said the Wheeler property has almost 600 ft of shoreline on Middle Pond which is an important spawning ground for herring coming up from the Marstons Mills River. Ms. Milkman explained that the two pond-front acres are included in the bio map core habitat, and the entire Wheeler property is considered aquatic core buffer land on the bio map critical natural landscape, calling these important conservation values that make the property competitive for State grants. She showed a map depicting trails and noted the opportunity to connect with existing conservation land. She said that there would be no parking on the Wheeler property, with public access to Middle Pond by walking over from Fuller Farm where parking is available, adding that there would also be access for the Wheeler neighborhood off Wheeler Road.

There was discussion regarding the intended use of the trails and Middle Pond, which Ms. Milkman explained would be primarily for walking, noting that other uses and suggestions can be explored, with the opportunity to come up by water in kayaks and picnic and to fish also intended.

Public Comment:

Town Councilor Kris Clark complimented Barnstable Land Trust's work, saying that the Wheeler property would be a welcome addition.

**Motion of Katherine Garofoli was seconded by Tom Lee to recommend Barnstable Land Trust's Application for \$905,000 in CP Unreserved Funds for acquisition of Lots 3 and 4 totaling 5.5 acres of land as a portion of 150 Wheeler Road, Marstons Mills. Barnstable Land Trust will manage the property and grant a Conservation Restriction to the Town of Barnstable. CP Fund will be reimbursed if the \$480,000 Massachusetts Land Grant sought by the Town is awarded. Motion passed with a unanimous vote.**

**Correspondence Received:**

- CP Fund Balances as of June 30, 2023 - Director of Finance Mark Milne.

**Project Updates:**

Chair Counsell reported the following updates:

- Barnstable Land Trust – Bowles Field Conservation Restriction closing took place at the end of June 2023.
- Appraisal for 2320 Meetinghouse Way, West Barnstable, received with further studies of the property for water and community housing planned.

**Member Discussion:**

- Changes to the CPC process/requirements will be taken up at a future CPC meeting.

**Public Comment:**

None

**General Discussion:**

None

**Adjournment:**

**Motion to adjourn was made by Katherine Garofoli and seconded by Tom Lee. Motion carried with a unanimous vote to adjourn.**

**The meeting was adjourned at 7:21 p.m.**

***Next Regularly Scheduled CPC Meeting – August 21, 2023, 5:30 p.m.***

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

Exhibit 1 –CPC Agenda, July 17, 2023

Exhibit 2 –Draft CPC Regular Meeting Minutes from the June 26, 2023, meeting.

Exhibit 3 – Application – Barnstable Land Trust – Acquisition of Wheeler Road property.

Exhibit 4 – CP Fund Balances from Director of Finance Mark Milne

Exhibit 5 – PowerPoint Presentation – Barnstable Land Trust – Wheeler Road Application.

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

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THE HISTORICAL SOCIETY  
OF SANTUIT & COTUIT

Letter of Intent:  
Community Preservation Act Funds/  
German POW Bottle Project

August 11, 2023

Dear Mr. Counsell:

The Historical Society of Santuit & Cotuit is requesting the opportunity to apply for \$1,825 in Community Preservation funds for our "German POW Bottle Project."

In January, a landscaper unearthed a wine bottle with a "message" at Point Isabella in Cotuit. From the visible printing on the paper fragments (the plain sides of two Quaker Rice Flakes Serva Carton cereal boxes), he deduced the bottle had been buried by German POWs housed at Camp Edwards during World War II. Recognizing its historical value, he donated it to the Historical Society and alerted the media, resulting in a flurry of media coverage.

In March, we took the bottle to the Northeast Document Conservation Center in Andover. They successfully removed the paper fragments from the bottle and recommended steps we could take for their conservation and display. With our permission, they washed, flattened, mended and stabilized the paper. The printing on the fragments reads "Seuviner Prisoner of War Work Okt. 1944 Camp Edwards." There are also the names and home addresses of three prisoners. These POWs likely buried the bottle as a time capsule of sorts while helping to dismantle Camp Candoit (a satellite camp for training troops in amphibious warfare).

We plan to display the now-flattened fragments under UV-filtering glass to prevent any further damage. At the same time, we believe our visitors will enjoy seeing the bottle as it looked upon discovery. For that purpose, the NEDCC created facsimiles of the paper fragments (to be rolled up and inserted into the original bottle). The NEDCC has also recommended an archival box for transport. They recently notified us that their work is completed.

The original "message" as well as the re-creation of the POW bottle will become part of a permanent display on Camp Candoit here at the Historical Society. We also hope to locate relatives who can tell us something of the POWs' experience on Cape Cod. Happily, the Barnstable Historical Commission has determined the artifact to be "historically significant."

The total charge for the NEDCC's work comes to \$2,375. Of this, we received three donations totaling \$550 after requesting support for this project in our newsletter. As noted, we hope to obtain the remaining \$1,825 in funding through the CPC. Thank you so much for reviewing this request. Feel free to contact me at the Historical Society (508) 428-0461 or at home (508) 771-4298 if you have any questions.

Sincerely,  
Cindy Nickerson  
*HSSC Curator/Archivist*



Town of Barnstable  
**Barnstable Historical Commission**  
367 Main Street, Hyannis, MA 02601  
[www.townofbarnstable.us/planninganddevelopment](http://www.townofbarnstable.us/planninganddevelopment)



Elizabeth Jenkins, AICP  
Director

Commission Members

Nancy Clark, Chair • Nancy Shoemaker, Vice Chair • Marilyn Fifield, Clerk  
Jack Kay • George Jessop, AIA • Cheryl Powell • Barbara DeBiase (alternate)

July 20, 2023

Historical Society of Santuit & Cotuit  
1148 Main Street  
Cotuit, MA 02635  
(508) 428-0461

RE: Cotuit POW Bottle

Dear Ms. Nickerson,

At the Barnstable Historical Commission meeting on July 18, 2023 the commissioners reviewed the materials submitted and voted unanimously that the bottle found at Point Isabella containing the names and addresses of German POWs held at Camp Edwards during World War II is a historically significant artifact.

Sincerely,

Nancy B. Clark, Chair  
Barnstable Historical Commission

**A. NEW BUSINESS (REFER TO SECOND READING \_XX/XX/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM NO. 2023-XXX**  
**INTRO.: XX/XX/2023**

**2023-XXX AMENDMENT TO MILLS PROPERTY CONSERVATION  
RESTRICTION APPROVED UNDER TOWN COUNCIL ITEM #2008-022  
TO ADD ACREAGE OF AN ADDITIONAL 15 +/- ACRES**

WHEREFORE, in 2002, the Towns of Barnstable and Mashpee jointly purchased the fee in the 293+- acre Santuit Pond Preserve and a Conservation Restriction (“CR”) was placed on the property to be held by the Massachusetts Department of Fish and Game (“DFG”), which paid a portion of the purchase price for the property, covering the entire 293 acres at that time; and

WHEREAS another fifteen (“15”) acre parcel of property known as the Mills Property, located wholly within the Town of Mashpee, and abutting the Santuit Pond Preserve was not at that time also acquired when the 293 acres was acquired due to title issues on the 15 acres, although the Towns were interested in adding those 15 acres to the CR; and

WHEREAS those title issues have since been resolved such that the additional 15 acres can now be added to the CR and the Towns can now finalize and record an Amendment to the CR to put the Mills Property under the CR that covers the original 293 acres; and

WHEREAS inclusion of the Mills Property in the original CR through an Amendment to CR will make the total acreage 308 acres; and

WHEREAS, in 2007 the Barnstable Town Council voted at its meeting of October 18, 2007 to appropriate One Hundred Fifty Thousand Dollars (“\$150,000.00”) for Open Space with Community Preservation Act (“CPA”) funds for co-purchasing with Mashpee 15 acres +- of Mills family properties adjacent to the property acquired in 2002 said funds being held in an account earmarked for payment to the Town of Mashpee, and said funds to be used in conjunction with Town of Mashpee CPA funds; and

WHEREAS, the Town Council vote in 2007 included accepting any gifts or grants including EOEAs drinking water supply protection grant and authorized Town Manager to execute all necessary documents; and

WHEREAS, in 2010, the Town of Mashpee purchased the 15 acre Mills Property with the intent of conveying a half (½) interest in the property to Town of Barnstable for some monetary consideration, which monetary consideration of \$150,000.00 the Barnstable Town Council had

approved in the above-mentioned October 18, 2007 vote for acceptance of a fifty percent (50%) interest in the additional 15 acres to be subject to the CR; and

NOW THEREFORE, the Town Council RESOLVES:

That the Town Council acknowledges and ratifies 1) in conjunction with the Town of Mashpee, a gift of a Conservation Restriction to be placed on approximately 15.24 acres of land known as the Mills Parcels to be held by the Commonwealth of Massachusetts acting through its Department of Fish and Game in accordance with Chapter 149 of the Acts of 2013, said Conservation Restriction to be effectuated by means of an Amendment to the Consensual Order of Taking of Conservation Restriction on the adjacent 293-acre property co-owned by the Towns of Barnstable and Mashpee dated June 12, 2002 and recorded in the Barnstable County Registry of Deeds in Book 15305 at Page 123 by which Amendment said 15.24 acres will be added to said Conservation Restriction; and

2) authorizes the Town Manager, on behalf of the Town of Barnstable, to sign any documents necessary and pertinent thereto.

ACTION TAKEN: DATE

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_ Read item

\_\_\_ Rationale

\_\_\_ Council discussion

\_\_\_ Move/vote

BARNSTABLE TOWN COUNCIL  
2023- XXX  
SUMMARY

TO: Town Council  
FROM: Lindsey Counsell, Chair, Community Preservation Committee  
DATE: \_\_\_\_\_, 2023  
SUBJECT: Amendment to Conservation Restriction to add acreage on Mills Property

Background: The Community Preservation Committee (CPC) previously met on July 31, 2007 and recommended that the Town support the funding request of One Hundred Fifty Thousand Dollars (\$150,000.00) made by the Town of Mashpee to co-purchase for open space approximately Fifteen (15) acres of Mills family lands in the Town of Mashpee. The Town Council voted in October 2007 to appropriate the \$150,000 to fund that purchase, and those funds have remained and remain in a CPC Open Space Fund while the parties drafted an Agreement to Amend the Conservation Restriction previously placed on an abutting Two Hundred Ninety Three (293) acres to include this additional 15 +/- acres which will be held as Open Space by the Commonwealth of Massachusetts through its Department of Fish and Game (“DFG”).

Rationale: The Barnstable Town Council previously voted to appropriate the requested funding of \$150,000 of the Two Hundred Forty Thousand Dollars (\$240,000) requested by the Mashpee Community Preservation Committee for the purchase of the so called Mills property in the Town of Mashpee. This approximately 15.235 acre parcel was part of the original proposal for the purchase of the Cape Club Golf Course property now called the Santuit Pond Preserve. Due to extensive title work that was required for this property and the need to have legislative approval of an Article 97 request for the Town of Barnstable to acquire this ½ interest in this land, which Article 97 legislation was approved, and the lengthy negotiations on the terms of the Conservation Restriction with the Massachusetts DFG, the transaction has taken a very long time and this is the final step to complete this property acquisition has been delayed. The appraised value of this property is Eight Hundred Thirty Five Thousand (\$835,000). Mashpee Town Meeting previously voted to fund Seven Hundred Twenty Seven Thousand Dollars (\$727,000) for the purchase of this land and contingencies. The proposal is that the property would be jointly owned and managed by both Towns as a part of the Santuit Pond Preserve. This land is important to Barnstable in that it continues our partnership with the Town of Mashpee protecting important Open Space. The land is an important high priority wildlife habitat and a wildlife corridor according to a 2003 study. This land provides linkages to existing trails and hiking areas. Preservation of these parcels will also protect a Zone 2 water supply recharge area. The care and maintenance of this land is important to Barnstable residents in the Hollow Road / Santuit Newtown Road area in that management of illegal off road vehicles and dumping is most easily served by Barnstable resources as this land abuts our existing holdings. In fact, historically the lands east of Santuit Pond and the Santuit River were once part of the Town of Barnstable, those water bodies formed a natural boundary, and when Mashpee was incorporated

the town line was changed and it fell along parcel boundaries that had been established at the time. The Town of Mashpee has informed the parties that it will take a confirmatory vote given that the original vote to place the 293 acres was so long ago, and it now also needs to vote to add the additional 15+/- acres. The Town Council is being asked to vote the same.

**FISCAL IMPACT:**

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee.

**STAFF SUPPORT:** Lindsey B. Counsell, Chair, Community Preservation Committee, Kate Connolly, Assistant Town Attorney.

DRAFT

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF FISH AND GAME

**AMENDMENT**  
**TO**  
**CONSENSUAL ORDER OF TAKING**  
**OF**  
**CONSERVATION RESTRICTION**

The Commonwealth of Massachusetts, acting by and through its Department of Fish and Game, under the power and authority conferred thereon by Section 15 of Chapter 15 of the Acts of 1996, Sections 2(26) and 8 of Chapter 21A, Chapter 79, and Sections 30, 31, and 32 of Chapter 184 of the Massachusetts General Laws, as amended, acts in amendment thereof or in addition thereto, and any and every other power and authority to it granted or implied and for the purposes of said acts and of acquiring land and interests in land for fish and wildlife conservation, natural habitat protection, and associated public recreation consistent with and subject to the purposes and protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and acting in accordance with 1) Section XII [Amendments] of the Consensual Order of Taking of Conservation Restriction [the “Conservation Restriction”] on land in the Towns of Barnstable and Mashpee, Barnstable County, Massachusetts, dated June 12, 2002 and recorded in the Barnstable County Registry of Deeds in Book 15305 at Page 123, 2) Section 3 of Chapter 149 of the Acts of 2013, 3) Item No. \_\_\_\_\_ adopted by the Barnstable Town Council on \_\_\_\_\_, an attested copy of which is hereto annexed and 4) Item No. 2008-0022 adopted by the Barnstable Town Council on October 18, 2007, an attested copy of which is hereto annexed\_\_\_\_\_, and 5) \_\_\_\_\_ adopted by the Town of Mashpee Selectmen on \_\_\_\_\_, does with the express consent of the Towns of Barnstable and Mashpee hereby consensually amend said Conservation Restriction by consensually adding to said Conservation Restriction the lands

described in Exhibit A attached hereto and incorporated herein by this reference (hereinafter the "Premises").

All other terms of said Conservation Restriction remain unchanged except as needed to address inclusion of these additional lands.

The Commissioner of the Department of Fish and Game hereby makes the following award for the damages sustained by the owner of record of the area or areas hereinbefore described in said taking of their property or entitled to any damages by reason of said taking:

<u>Supposed Owners</u>	<u>Award</u>
Inhabitants of the Towns of Barnstable and Mashpee	\$0.00

Said award is made subject to satisfactory proof of ownership or entitlement by individuals and/or entities claiming ownership of said parcels and/or entitlement to said award.

I, Thomas K. O'Shea, Commissioner of the Department of Fish and Game, hereby certify pursuant to Section XII of said Conservation Restriction that this amendment does further the conservation purposes thereof by adding these lands to this Conservation Restriction and that said amendment does not violate Article 97 of the Amendments to the Massachusetts Constitution.

IN WITNESS WHEREOF, the Commonwealth of Massachusetts has caused these presents to be executed in its name and on its behalf by Thomas K. O'Shea, Commissioner of the Department of Fish and Game, herewith duly authorized, who does hereunto set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF FISH AND GAME

By: \_\_\_\_\_  
Thomas K. O'Shea, Commissioner  
100 Cambridge Street  
Boston, MA 02114

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss \_\_\_\_\_, 20\_\_\_\_

On this day before me, the undersigned Notary Public, personally appeared the above-named Thomas K. O'Shea, proved to me through satisfactory evidence of identification which was personal knowledge of identity, to be the Commissioner of the Department of Fish and Game of the Commonwealth of Massachusetts whose name as Commissioner is signed above, and acknowledged to me that he signed the foregoing instrument voluntarily as Commissioner of said Department for its stated purpose and as the voluntary act of the Commonwealth.

Notary Public: \_\_\_\_\_

SEAL

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

AGREEMENT TO AMEND CONSERVATION RESTRICTION

The Inhabitants of the Towns of Barnstable and Mashpee, acting through their duly-elected Town Council and Board of Selectmen, respectively, as co-owners of the premises subject to said Conservation Restriction and the land described in Exhibit A hereto, hereby expressly agree to the afore-described amendment of said Conservation Restriction to include the additional lands described in Exhibit A attached hereto and that the terms and provisions of said Conservation Restriction fully apply to said lands.

The Inhabitants of the Towns of Barnstable and Mashpee, acting through their duly-elected Town Council and Board of Selectmen, respectively, and their successors and assigns as co-owners of said premises also hereby expressly agree to the terms of this Amendment to Conservation Restriction and to said Conservation Restriction as recorded, agree to fully and completely comply with and carry out said duties and obligations thereunder as co-owners of said lands, and expressly assent to the rights of the Commonwealth taken herein and to the taking of these rights via this consensual eminent domain taking of Conservation Restriction.

Signed as a sealed instrument on the dates opposite our signatures below.

TOWN OF BARNSTABLE,  
MARK S. ELLS,  
TOWN MANAGER

Date: \_\_\_\_\_, 2023

By: \_\_\_\_\_

TOWN OF MASHPEE  
BOARD OF SELECTMEN

Date: \_\_\_\_\_, 2023

By: \_\_\_\_\_

John J. Cotton, Chair

By: \_\_\_\_\_

Thomas F. O’Hara, Vice-Chair

By: \_\_\_\_\_

Carol A. Sherman, Clerk

By: \_\_\_\_\_

David W. Weeden, Selectman

By: \_\_\_\_\_

Michaela Wyman-Colombo, Selectman

COMMONWEALTH OF MASSACHUETTS

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_\_\_\_

On this day before me, the undersigned Notary Public, personally appeared the above-named Mark S. Ells , proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the Town Manager of the Town of Barnstable whose name is signed above, and who swore or affirmed to me that the contents of the foregoing AGREEMENT TO AMEND CONSERVATION RESTRICTION are truthful and accurate to the best of his knowledge and belief and acknowledged to me that he signed the foregoing instrument voluntarily as the Town Manager of the Town of Barnstable for its stated purpose and as the free act and deed of said Town of Barnstable.

Notary Public: \_\_\_\_\_

SEAL

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

COMMONWEALTH OF MASSACHUETTS

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_\_\_\_

On this day before me, the undersigned Notary Public, personally appeared the above-named John J. Cotton, Thomas F. O’Hara, Carol A. Sherman, David W. Weeden, and Michaela Wyman-Colombo, proved me through satisfactory evidence of identification which was \_\_\_\_\_ to be the duly-elected and acting Selectmen of the Town of Mashpee whose names are signed above, and who swore or affirmed to me that the contents of the foregoing AGREEMENT TO AMEND CONSERVATION RESTRICTION are truthful and accurate to the best of their knowledge and belief and acknowledged to me that they signed the foregoing instrument voluntarily as the Selectmen of the Town of Mashpee for its stated purpose and as the free act and deed of said Town of Mashpee.

Notary Public: \_\_\_\_\_

SEAL

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_