



Town of Barnstable
Land Acquisition and Preservation Committee
www.town.barnstable.ma.us/LandAcquisitionandPreservation



Committee Members

Kris Clark – Chair Phyllis Miller – Vice Chair
 Duncan Gibson Steve Gould James Hinkle Thomas Lee Thomas Mullen Steve O’Neil Farley Lewis
 Jessica Rapp Grassetti – Town Council Liaison

Staff Support

Carol Puckett – Administrative Assistant – carol.puckett@town.barnstable.ma.us

Monday, April 14, 2014

367 Main Street, Hyannis, MA - 2nd Floor - Selectmen’s Conference Room

5:30 PM

MINUTES

Kris Clark - Chair	Present
Phyllis Miller – Vice Chair	Present
Duncan Gibson	Present
James Hinkle	Present
Thomas Mullen	Present
Stephen O’Neil	Absent
Tom Lee	Absent
Steve Gould	Present
Farley Lewis	Present

Also present were Jessica Rapp Grassetti – Liaison, Richard Aliberti and Carol Puckett – Administrative Assistant

Call to Order

At 5:32, Kris Clark opens the meeting as a quorum has been met and informs members that Tom Lee will not be able to attend.

Presentations

Mark Robinson, Executive Director for the Compact of Cape Cod Conservation Trusts, Inc.- proposal for an amendment to the LeBlanc Conservation Restriction and update on Korkuch acquisition

Mark Robinson is here representing the Barnstable Land Trust (BLT) on these two parcels. First, is the LeBlanc conservation restriction amendment. Mr. Robinson states that this land was donated by the LeBlanc family in 2000 and since that time the property has been sold to the Walters family. The property is located at 470 Sea View Avenue, Osterville which he points out on the overhead GIS map system. When the Walters took over the property a few years ago, they redeveloped the property but wanted to keep a buffer in order to install a security fence outside the building envelope onto the conservation restriction area which was not allowed. In order to do this, an amendment of the conservation restriction was necessary. The Walters had to offer mitigation so that there is a net gain to conservation values on the land. In his opinion, they have accomplished this as they have put more land under the restriction but have reduced the size of the building envelope, required more of the moat area to go back to forest, and allowed the existing wetland to expand out to where its natural wetland edge wanted to be. He states that in 2000, there was mowing of the lawn in the lower field which expanded down into the wetland by the owners. When the conservation restriction was initially done, the owners wanted to continue the right to continue this mowing of the fields. As one of the items of mitigation, the owners have agreed to bring the fields back and put a split rail fence, which does not exist as of now, as a visual reminder to not go beyond the fence. He submits a map of the property with fence lines (**Exhibit A**). Phyllis Miller asks how many feet the fence will intrude into the conservation area. Mr. Robinson states that it is approximately 15 feet which they feel is de minimis as there is a net gain for conservation.

Mr. Robinson states that there is some public access and a wood road that still exists on the ground but isn't sure who has rights in it. If there are any public rights, the Walters have agreed to continue this so that any fencing or landscaping would not interfere with the use of that road. Mr. Robinson states that, in combination, this is a net win for conservation values on the property but because it is an amendment it needs Town Council and Town Manager and state approval. They have sent a draft of the restriction to the state which has been approved and is asking for LAPC's recommendation for approval.

Motion is made by Phyllis Miller and seconded by Duncan Gibson to accept the changes of the conservation restriction and recommend an approval letter be sent to Town Council and the Town Manager.

Tom Mullen asks who is paying for work on this project. Mark Robinson states that the applicants are paying for the maintenance and installation of the split rail fence

Vote:

All in favor

Mr. Robinson then gives an update on the Korkuch property which is located in Barnstable Village. He shows the trail head which starts next to the old jail. It is 8.5 acres, all vacant and includes historic cart way and two large wetland systems. It is an historic swamp which was formerly the Phinney's experimental bog. Back in the colonial days, you couldn't get up Goodspeed's hill as it was too steep. Everyone went around and looped back up to the right of way that emptied out onto Old Kings Highway. This purchase by the town will prevent any house from being built. Last summer, BLT applied to the state for a conservation partnership grant whose maximum is \$85,000. In December of last year, they learned that the state approved the grant. However, Mr. Korkuch was not happy with the appraisal and didn't want to negotiate further. In January of 2014, Mr. Korkuch wanted to re-negotiate. BLT and the town had the property appraised which came back at a fair market value of \$373,000 and were able to negotiate a price of \$350,000. They have submitted a proposal to CPC for \$265,000 for the town's costs and BLT would use the state grant amount of \$85,000. The town will own the land and BLT will hold the conservation restriction and public access would be guaranteed on the right of way. Kris Clark asks Mr. Robinson who paid for the appraisal and is told that BLT paid for it. Mr. Robinson states that CPC has reviewed this, ConComm has approved it but that it hasn't been to the Town Council for approval as of yet. He states that this has to be done by June 30th in order to maintain eligibility for the state grant.

Tom Mullen gives a summary of the property history, feels that this land has a lot of history, and believes that this property is worthwhile.

Motion is made by Tom Mullen and seconded by James Hinkle to seriously consider acquiring this parcel of land with the help of the Barnstable Land Trust.

Vote:

All in favor

Phyllis Miller clarifies that the motion is to write a letter to Town Council and the Town Manager on this parcel.

New Business

Richard Aliberti- Concerns over the Santuit River

Mr. Aliberti resides on Trout Brook Road in Cotuit which is on the Santuit River and abuts Willowbend Golf Course. He states that Willowbend put in a well, never got permits until after the well was installed. On March 4th personnel from the Town of Barnstable's Natural Resources were there working on clearing the herring run. When they first arrived, the river was at a normal height. Within a half-hour of their departure, Mr. Aliberti noticed that the level of the water in the river dropping. He called the crew back in order to witness this. Upon their return, the Natural Resource officers were amazed at what they saw and estimated that the river had dropped four to five inches within the time they left. Mr. Aliberti states that he wrote a letter to Ms. Kouloheras. He went to Willowbend to check the cranberry bogs and found the water flowing. Even when it was freezing, the water is running and the pumps are on. From permits that he has researched, it states there is to be no water running during the winter months with the exception of the bogs. The water they get from the well is un-metered. He refers to a 2011 permit and reads the addendum. **(Exhibit B)**. He believes there are millions of gallons of water that are being diverted that should be going into Shoestring Bay via the Santuit River. He believes that this water is being intercepted and brought into ponds, into Willowbend, into the bogs and then out to Shoestring Bay.

He refers to a 1992 permit and believes that the pumps are flowing approximately 90% of the time and believes that Willowbend is violating the permit. He reads a letter from Horsley Witten Group (**Exhibit C**).

Kris clarifies that he sent a letter out to Ms. Kouloheras on March 29th and asks if he has heard from her as of yet. Mr. Aliberti replies that he has not been contacted by Ms. Kouloheras as of yet. Kris notes that Phyllis Miller from this committee is a representative on the Santuit Preserve Committee. She states that Phyllis could echo his concerns to the Santuit Preserve Committee.

Phyllis would suggest notifying State Senator Dan Wolf's office. Mr. Aliberti states that he has sent it to Dan Wolf and U.S. Representative William Keating. For the members, Mr. Aliberti clarifies that he believes that Willowbend is causing the problem and that according to the permit; they can take a certain amount of gallons of water per day for 240 days per year.

James Hinkle suggests that this committee send a letter to DEP.
Duncan Gibson suggests a reference to Mr. Aliberti's files and documentation.

Phyllis Miller states that the executive board of the Cotuit/Santuit Civic Association met after receiving Mr. Aliberti's report and will write a letter to whomever he would like it sent to. Mr. Aliberti suggests also sending that letter to William Keating and Dan Wolf.

Jessica Rapp Grassetti recommends writing the letter to Richard K. Sullivan Jr., who oversees the Commonwealth's Natural Resource and Energy Regulatory Agencies (Richard K. Sullivan Jr. -Secretary, Executive Office of Energy and Environmental Affairs). She also suggests sending him Mr. Aliberti's packet as well as sending copies to Congressman Keating and Representative Wolf.

Motion is made by James Hinkle and seconded by Duncan Gibson to executive this letter to be addressed to Richard K. Sullivan, copied to Richard Aliberti as well as to Keating, Wolf and Ms. Kouloheras.

Duncan Gibson suggests that, within the letter, having a request that LAPC be sent any updates on this.

Kris Clark introduces Tom Rooney – Superintendent from the Barnstable Water District.

Mr. Rooney states that the Barnstable Fire District Board of Water Commissioners has elected to put a motion on their meeting for a conservation restriction on several parcels on hand to include the Breed's Hill parcel up gradient of well fields and several other parcels directly up gradient of Hyannis well systems. He reads what the motion was and gives a summary of what the conservation restriction would entail. This request will go to the voters on May 14th which will be held at the West Barnstable Elementary School.

Duncan Gibson suggests sending a letter of support from this committee to be read at that meeting referencing Chairman Jones' letter of January and later. Tom Mullen suggests also copying the Town Manager on that letter.

Motion by James Hinkle to executive a letter with a copy to the Town Manager endorsing the action of the Barnstable Water District, to place this parcel of land under conservation restriction.

Vote:
All in favor

Duncan Gibson suggests adding map/parcel numbers on the letter also.

Approval of Minutes

Minutes from LAP meeting of February 10, 2014
(March meeting was cancelled.)

Motion is made by James Hinkle and seconded by Phyllis Miller to approve the minutes as submitted.

Vote:
All in favor

Old Business

- **Updates**
Santuit Preserve: Phyllis Miller

Phyllis Miller thanks the DPW Director – Dan Santos and 3 of his men who went with her to the preserve and did a clean-up. Among some of the things they took out of there were pipes, appliances, and trees.

❖ **Pathways:**

Trail maintenance update: Tom Mullen, Steve Gould

No update.

❖ **Update on Pathways meeting: Farley Lewis, Tom Mullen, Steve Gould**

Farley states that Steve Gould and she attended the meeting. There is going to be a spring walking weekend, June 6, 7 & 8th. She and Steve Gould discussed contributing some walks to that event. She has a couple of options, has discussed them with Steve and will figure it out by next meeting. Also, at the Pathways meeting, there was a discussion regarding the local Chamber of Commerce promotion of the pathways as multi-use which the New England Biking Association questioned. Farley suggests going to the Chamber's website to see how the pathways are being promoted.

❖ **Community Preservation Committee**

Kris states that Tom Lee's summary has been corrected to reflect that the funding request for the Burgess House barn was to be under the Historic Preservation category and not the Open Space category. Kris reads an email from Tom Lee regarding the funding for the Cape Cod Rail Trail extension and it being under the Open Space category. Also, in the email was a reference to the Korkuch property (**Exhibit D**).

❖ **Town Council Liaison: Councilor Jessica Rapp Grasseti**

Jessica states that she has no new updates other than the Santuit Preserve and that the storage barn has been issued a cease and desist and will be vacated by June 1st. She will be trying to get something on an upcoming agenda for CPC items.

❖ **Chair's update: Kris Clark**

Open Space and Recreation Plan's implementation updates

▪ **Barnstable Water District**

Kris states that Deb Krau has informed her that Hyannis is acting on their own regarding this.

▪ **Centerville-Osterville-Marstons Mills Water District**

Phyllis Miller states that Tom Lee and she attended a meeting with the water district who understand the severity of the water situation in the town and who presented her with a confidential list of priority parcels. The water district has three properties within their Zone 1 which they would like to be considered. Phyllis suggests Kris submit those parcels to CPC, the Town Manager and the Town Council when they submit the complete packet from all of the villages.

Kris states that Cotuit and West Barnstable are the next water districts LAPC will visit. Tom Mullen volunteers to attend those meetings.

▪ **2010 Open Space & Recreation Plan review**

No updates from Duncan Gibson.

Announcements:

Duncan Gibson reminds everyone that at 2:00 on May 4, 2014, the opening ceremonies honoring Barnstable's 375th anniversary will take place at the bandstand in Barnstable Village.

Next Meeting – Monday, May 12, 2014

Next meeting: Update on Barnstable's Herring Runs: Amy Croteau, Town of Barnstable Natural Resource Officer

Adjournment

Motion is made by James Hinkle and seconded by Farley Lewis to adjourn.

Vote:

All in favor

Meeting adjourned.