



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 Grasseti – Town Council Liaison

Monday, October 17, 2022
Regular CPC Meeting APPROVED Minutes
Remote Access Meeting via Zoom Link: <https://zoom.us/j/89562303765>
5:30 PM

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| Lindsey Counsell – Chair | Present |
| Marilyn Fifield – Clerk | Present |
| Terry Duenas | Absent |
| Tom Lee-Vice Chair | Present |
| Katherine Garofoli | Present |
| James Tenaglia | Present |
| Deborah Converse | Present |
| Stephen Robichaud | Present |
| Farley Lewis | Absent |
| Jessica Rapp Grasseti – 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: Tom Lee - **yes**, Marilyn Fifield – **yes**, Katherine Garofoli – **yes**, Stephen Robichaud - **yes**, James Tenaglia – **yes**, Deb Converse – **yes**, Lindsey Counsell - **yes**.
Absent: Terry Duenas and Farley Lewis.

Minutes

The motion of Marilyn Fifield was seconded by Tom Lee to approve the August 15, 2022, Regular Community Preservation Committee meeting minutes as submitted. Motion carried with a roll call vote: **Yes – 6, No – 0, Abstained – 1.**

Letters of Intent

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

- Superintendent Crocker of the COMM Water Department explained that he is seeking an open-ended fund of \$200,000 to draw upon for legal, consulting, engineering, and appraisals to provide necessary information for Water District meetings and voters should a parcel become available for potential purchase as open space to protect the COMM District drinking water supply. He noted that it is hard for the COMM Water District to come up with funding in the middle of a budget year should a parcel become available for acquisition, and he said he did not want to miss out on opportunities because of a lack of funds.

CPC Members Comments and Questions:

- James Tenaglia noted that the amount of \$200,000 seemed like a high dollar amount for professional services. He referenced the COMM Water District website where it appeared that COMM has \$14.5M in cash and said that the COMM Water District should be able to pay for appraisals for properties that could then be brought forward to CPC for consideration of funding to purchase.
- Tom Lee said he did not have a problem funding the legal portion and noted that in the past CPC has not funded any engineering for new water sources. He asked what type of engineering would be anticipated. Mr. Crocker explained it is not hard engineering in the scope of developing a water source, but he anticipated use of the funds for surveying and mapping out how a parcel could impact any nearby COMM land, as well as for assistance with grant applications by a consultant.
- Chair Counsell noted that the Hyannis Water Department has a similar fund for Zone I parcel acquisitions. He said CPC may want to standardize the requirements of the fund, as other water districts may also have an interest. He called this a good proposal, but he felt that some questions may need answers before it advances to Application.
- Referring to James Tenaglia's comment, Tom Lee said that CPC could instead fund \$100,000 to start, allowing return for more funding if needed.
- Chair Counsell said that appraisals can run up to \$10,000, especially if a federal grant is involved, with a lot of Federal grants now available for water protection, some with high dollar amounts. He also reminded of the high legal fees of the Wakeby Road project because it was complicated.
- Katherine Garofoli asked Mr. Crocker the amount of the FY 23 annual budget for COMM Water District surveys and appraisals and inquired if there is a list of properties the district is targeting for purchase. Mr. Crocker said that the District typically does not budget for professional services, noting that Wakeby Rd. came up in the middle of a year and hit the budget hard as an unexpected expense, despite partnering with other entities. He referred to a list of parcels that includes two specific parcels that the District would like to investigate for acquisition.
- Chair Counsell confirmed that Wakeby Road was the last property acquisition for water protection, noting that it was a partnership project. As an example, for a state grant, he reported a recent appraisal for a property at \$5,600 with legal services at \$250 per hour, explaining that title work is also often involved. He said CPC questions will be gathered and a plan for moving forward will be the next steps, after checking with Legal Dept.

PUBLIC COMMENT:

- Jessica Rapp-Grasseti inquired if the COMM Water District has put this request for \$200,000 on the annual warrant for the District voters. She said it may be a good place to start, as District voters may be willing to fund this in the budget. Mr. Crocker confirmed that it has not yet been brought to the District voters.

It was decided that CPC would consider the COMM Water District Letter of Intent once questions have been answered.

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

The Applicant, Mr. Martin Reilly, President of Reilly Associates, and Mr. Joe Berlandi, President of the Cummaquid Heights Neighborhood Association were present.

- Mr. Reilly explained that the parcel is under agreement for him to purchase from the Barnstable Housing Authority, and it abuts a 10.67-acre parcel owned by the Barnstable Fire District. He explained that his original plan was to develop the property through the 40B process for eight free-standing housing units in an over-age-55 community, with two of the eight units required to be affordable and the remaining six at market rate. He reported that he met with the Cummaquid Heights Neighborhood Association to seek their input in an effort to be respectful of the adjacent neighborhood. Since the neighbors preferred no further development, he said he was hoping to find a solution for the property that worked for all parties. He noted that it meets Community Preservation Act criteria for Open Space and would also benefit Barnstable Housing Authority, as the funds could be used to renovate its existing housing or create housing with sewer availability. He added that Barnstable Land Trust would be asked to hold the Conservation Restriction.
- Mr. Joe Berlandi said he met Mr. Reilly a few weeks ago to discuss issues and concerns in advance of the 40B project, and they decided to explore an alternative to the project.
- Mr. Reilly explained that the purchase price is \$325,000 but he is requesting \$350,000 in order to recoup his costs for architectural, engineering and legal services for the various plan iterations necessary to respond to the neighborhood concerns, noting that he would have to proceed with the project if acquisition of the parcel is not considered by CPC.
- Deb Converse, Barnstable Housing Authority representative on CPC, recused herself and turned off her camera.
- James Tenaglia noted that there could be pushback because the town is so desperate for housing. He explained that he thinks the question is who would create more units. He said he would like to know what Barnstable Housing Authority's plans are for housing with the funds they would receive for sale of this property. Mr. Reilly noted that he himself would be creating housing in

another location in Barnstable if the Oakmont property is, in fact, dedicated to open space.

- Steve Robichaud noted that the town is in dire need of housing now. He said he would prefer eight units now over \$350,000 for BHA's potential housing use.
- Katherine Garofoli asked if anyone can explain why Barnstable Housing Authority has not tried to build on the lot. Mr. Reilly noted that he could not speak for the BHA but that he understood that the BHA prefers to use Requests for Proposals (RFPs) for development of housing on their property, noting also that BHA is looking for places to build with greater density.
- Tom Lee said he was also conflicted between housing vs. water resource protection and asked what the plans are for the Barnstable Fire District (BFD) parcel and whether they have any interest in chipping in to protect the adjacent land. Mr. Reilly said he had a discussion with the BFD, and it is their intent to protect the 10-acre parcel in perpetuity as open space for any future needs that may arise. Mr. Reilly noted that BFD's financial condition is not good at present due to the cost of the newly installed \$20M filtration system for the Barnstable Fire District's water department.
- Katherine Garofoli said she needs to know why the Barnstable Housing Authority is selling the property when the Town needs housing. Mr. Reilly repeated that BHA usually does RFPs seeking developers to construct housing on their properties but, in this instance, that was not the case. He noted that the property was put under agreement with the intent of creating a small 40B housing development there, but BHA would need to speak for itself.

PUBLIC COMMENT:

- Town Councilor Gordon Starr said he was curious why the Barnstable Housing Authority was not required to offer the property to the Town before putting it on the open market. He said we need to think about whether we want to put 8 units of housing on the edge of the highway beyond walking distance to needed services and with no bus service.
- Mr. Steve Rizzo, from the abutting neighborhood, said that the Association supports Mr Reilly's proposal and expressed concern for the property that has always been a forested space that contributes to the aquifer at a much greater volume than developed space. He also noted that both the Association to Preserve Cape Cod and the Housing Assistance Corporation have maps of appropriate areas for potential development of affordable housing, but none of those areas are anywhere near this location.

It was decided that questions need to be answered before considering a vote, and Mr. Reilly noted that he had a meeting scheduled with the BHA on Thursday, October 20, 2022.

Applications:

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

Mr. Gene Guill, representing the Applicant, Tales of Cape Cod, narrated a PowerPoint presentation which included the following:

- History of the Olde Colonial Courthouse
- Historic Designations – Contributing Structure in Old King’s Highway Regional Historic District and National Register Historic District, listed on State Register
- Exterior access project for which partial funding is being sought is required by the State to meet its Accessibility Code.
- Accessibility project: regrading for accessible parking space; accessible walkway; new accessible entrance on east side of building; adding a mechanical lift to provide access to the first floor
- Total project cost: \$372,497; matching funds from \$120,000 Mass. Cultural Facilities Fund grant and \$147,497 in additional grants and private donations. CPC request - \$125,000.
- Breakdown of sources and uses of funds
- Project approvals received.
- Project timeline
- Prior and current CPC requests
- Future restoration projects: accessibility of south and west entrances

Tom Lee noted that prices may likely be higher when going out for final bids. Chair Counsell noted that a site visit will be needed and asked if there were detailed breakdowns of the 4 bids received. Mr. Guill confirmed detailed bids are included and confirmed that letters from required approvals are also included in the Application.

PUBLIC COMMENT

None.

Site visit to the Olde Colonial Courthouse will be set up prior to the November 21, 2022, CPC meeting.

Discussion:

Pastor Angie Menke Ballou requested a discussion with CPC regarding the Historic Preservation Restriction denial of the Massachusetts Historical Commission related to the Cotuit Federated Church’s approved CPA grant.

Ms. Jennifer Loughran, member of the Cotuit Federated Church and its Building Expansion Team, and a Cotuit resident, along with Pastor Angie Menke Ballou, thanked the Committee for the opportunity to speak regarding the Massachusetts Historical Commission’s denial of the Historic Preservation Restriction for the Church. Ms. Loughran narrated a PowerPoint presentation that included review of the background :

and process followed, as outlined in the CPC Handbook and Community Preservation Coalition flow chart. She explained that the Barnstable Historical Commission voted that the property was significant to the community in August 2022, as an eligibility requirement under the Community Preservation Act because it was not listed on the State Register. She stated that they were aware of the long process for the required Historic Preservation Restriction, but they were not aware that it could be denied at the end of the long process, and she now felt that this approval from the Mass. Historical Commission should be sought earlier in the process. She noted that there were costs associated with this grant process, including construction delay and changes to plans and materials, and she explained that there is no savings in going back now. She said fundraising has gone as far as it can, with most of the project supported by generous congregation members and adding that the CPC grant was needed to avoid taking on additional debt to close the gap. She explained that they have requested an appeal with Mr. Steinitz of the Massachusetts Historical Commission, and she requested a letter of support from the Community Preservation Committee.

CPC members spoke enthusiastically in support of the Cotuit Federated Church's appeal to the Mass. Historical Commission, confirmed that Barnstable Historical Commission had found the property to be significant, and discussed the meanings of portions of the denial letter from the Mass. Historical Commission. Marilyn Fifield, the Barnstable Historical Commission representative on CPC, reminded that she had voted favorably, but noted that the 3rd paragraph of the denial letter explained that the State did not find that the plans conformed to the Secretary of the Interior's Standards, as required by CPA, which is the basis of the denial.

Chair Counsell noted that the applicant provides the background and historical information for the State's Historic Preservation Restriction review, adding that it should be confirmed that all required documents had been provided to the Massachusetts Historical Commission for their decision. Chair Counsell noted that the CPC website warns of the lengthy process that all types of requisite Restrictions can take, reminding that release of the CPC grant funding is reliant on the recording of an executed Restriction. Chair Counsell said that review by the Massachusetts Historical Commission for eligibility will be moved to the beginning of the CPC process for Historic Preservation funds for future Applicants.

PUBLIC COMMENT

Councilor Jessica Rapp Grassetti expressed her concern regarding the denial by the State at the end of the process and suggested that all available information be sent to the Massachusetts Historical Commission.

After a brief discussion, it was decided that all relevant information and minutes from CPC and Barnstable Historical Commission meetings will be sent to the Cotuit Federated Church and that the CPC would support the appeal to the Mass. Historical Commission in writing, after review by three CPC members.

Motion was made by James Tenaglia and seconded by Katherine Garofoli to give Chair Counsell, Tom Lee and Marilyn Fifield the authority to sign off on a letter of support to the Massachusetts Historical Commission on behalf of the Cotuit Federated Church based upon CPC's support of their project in prior meetings. Roll Call Vote: Marilyn Fifield – yes, Deb Converse- yes, Katherine Garofoli -yes, Tom Lee- yes, Stephen Robichaud – yes, James Tenaglia – yes, and Lindsey Counsell – yes. 7 – Yes, 0 – No. Motion carried.

Correspondence Received:

None received.

Project Updates:

Chair Counsell reviewed the following:

- Application from the Department of Public Works for Phase I restoration work to the Zion Union Historic Museum is on hold pending review of the lease.
- The Cotuit Federated Church Application approved at the May 5, 2022; Town Council hearing was denied a Historic Preservation Restriction by Massachusetts Historical Commission.
- An application from the Unitarian Church requesting \$300,000 in Historic Preservation funds for restoration of the church tower is anticipated for a CPC meeting in the Fall of 2022.
- Revised Application from the Trustees of Reservations for Armstrong Kelley Park improvements will be reviewed at a future CPC meeting. Drafting of a Recreation Restriction is in process.
- An application from the Department of Public Works for restoration of the Osterville Recreation Playground is anticipated for a future CPC meeting.
- Marstons Mills Community Church will be returning to CPC with quotes for a building analysis report to support their request for Historic Preservation funds for building upgrades.

Public Comment:

None

General Discussion:

None

Member Discussion:

The following was briefly discussed by CPC members:

- Election of Officers – Postponed to the November 21, 2022, meeting
- CPC Handbook Updates
- November 21, 2022, CPC Meeting Format – decided to be a remote meeting.
- Director of Finance, Mark Milne, is scheduled to update CPC members regarding the CP Fund at the November 21, 2022, CPC meeting.
- Discussion regarding delivery of meeting materials to CPC members.

Adjournment:

Motion was made by James Tenaglia and seconded by Tom Lee to adjourn. Roll Call Vote: Marilyn Fifield – yes, Tom Lee – yes, Deb Converse – yes, Stephen Robichaud – yes, Kathrine Garofoli – yes, James Tenaglia – yes, Lindsey Counsell – yes. Meeting adjourned at 7:24 p.m.

Next Regularly Scheduled CPC Meeting November 21, 2022

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

- Exhibit 1 –CPC Agenda, October 17, 2022.
- Exhibit 2 –Draft CPC Regular Meeting Minutes from the August 15, 2022, meeting.
- Exhibit 3 – Letter of Intent – Centerville-Osterville-Marstons Mills Water Department
- Exhibit 4 – Letter of Intent – Reilly Associates
- Exhibit 5 – Application – Tales of Cape Cod
- Exhibit 6 - 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. 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**