



The Town of Barnstable Town Council

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Secretary:
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TOWN COUNCIL AGENDA

February 5, 2004

7:00 PM

1. ROLL CALL
 2. PLEDGE OF ALLEGIANCE
 3. MOMENT OF SILENCE
 4. PUBLIC COMMENT
 5. ACT ON MINUTES
 6. COUNCIL RESPONSE TO PUBLIC COMMENT
 7. COMMUNICATIONS FROM ELECTED OFFICIALS,
BOARDS, COMMISSIONS AND STAFF,
CORRESPONDENCE, ANNOUNCEMENTS AND
COMMITTEE REPORTS
 8. PRESIDENT/VICE PRESIDENT COMMUNICATIONS
 9. TOWN MANAGER COMMUNICATIONS
 10. ORDERS OF THE DAY
 - A. OLD BUSINESS
 - B. NEW BUSINESS
 11. CONTINUATION OF STRATEGIC PLANNING SESSION
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B. NEW BUSINESS

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B. NEW BUSINESS (FIRST READING)

BARNSTABLE TOWN COUNCIL

**2004-060 ORDER APPROVING CONSERVATION RESTRICTION TO BE GRANTED
BY THE BARNSTABLE LAND TRUST, INC.
INTRO.: 02/05/04**

ORDERED,

That the Town Council, pursuant to G.L. c. 184, s. 32, hereby approves a perpetual conservation restriction in the form annexed hereto given by the Barnstable Land Trust, Inc., a Massachusetts charitable corporation duly organized by law, to the Massachusetts Department of Conservation and Recreation and The Compact of Cape Cod Conservation Trusts, Inc., and determines that said restriction is in furtherance of the public interest in preserving scenic views, natural habitat and open space as stated in section 6.1.2 of the Town of Barnstable Local Comprehensive Plan.

SPONSOR: John C. Klimm, Town Manager

DATE

ACTION TAKEN

AGENDA ITEM SUMMARY
2004-060

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: January 26, 2004
SUBJECT: Conservation Restriction from the Barnstable Land Trust, Inc., 207 acres, more or less, Barnstable and West Barnstable

BACKGROUND AND ANALYSIS: Barnstable Land Trust, Inc. (BLT) hereby requests the approval of a conservation restriction to be placed on 21 parcels of BLT land totaling 207 acres in Barnstable and West Barnstable in order to facilitate the 57-acre Furman Land Bank acquisition.

History and Rationale:

The Barnstable Land Trust was founded in 1983 to preserve natural resources in the Town of Barnstable. Over the years BLT has focused its efforts on preserving land. Besides assisting the Town with land preservation, BLT has sought to preserve land in its own right. At the end of 2003, BLT had preserved 537 acres.

Of the 537 acres entrusted to BLT stewardship, 120 are protected by conservation restriction. BLT does not own them. Yet in partnership with the landowner who owns the fee, BLT has permanently extinguished future development rights. In most cases the landowner is a family or an individual. In one case, however, BLT holds a conservation restriction on town-owned Land Bank land (the former Plummer property near the Mill Pond in Marstons Mills). Of the 417 acres owned by BLT, 33 acres are protected by a conservation restriction that was donated to the Nature Conservancy before the fee interest was donated to BLT.

When landowners make gifts of land to BLT, they expect that their land will remain in its natural state, as it was when they donated or sold it. And it is BLT's goal, and some might say its duty, to ensure that the property is permanently protected. To achieve this goal BLT has decided to place conservation restrictions on the lands that it owns; creating an additional layer of protection on the lands entrusted to BLT.

As part of the Furman project, the Barnstable Land Trust Board of Directors voted in April 2003 to place 21 parcels totaling 207 acres in the Barnstable/West Barnstable project area under a "blanket conservation restriction." That offer helped to leverage a successful \$1,000,000 U.S. Fish and Wildlife Service Coastal Wetland Grant that will partially fund the Furman acquisition in West Barnstable, the Bosworth acquisition in Sandwich, and Phase II of the Bridge Creek Wetlands Restoration Project – replacing the culvert under Route 6A.

This 207-acre permanent conservation restriction will be held jointly by the Massachusetts Department of Conservation and Recreation and The Compact of Cape Cod Conservation Trusts, Inc., a regional non-profit. Town Council and Town Manager approval is required. (See map for location of the properties).

FISCAL IMPACT: None. The properties are all BLT owned and already classified as exempt property. There will be no fiscal impact.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2004-061 ORDER RESCINDING ORDINANCE SETTING FEES ADOPTED 1/22/2004
INTRO.: 02/05/04**

ORDERED,

EMERGENCY PREAMBLE

Whereas the delayed effectiveness of this measure beyond the effective date of the measure which it rescinds would constitute an unnecessary threat to the property of the people, it is hereby declared to be an emergency measure under section 2-8(b) of the charter.

(Note: Separate, 2/3 vote required on above preamble.)

SECTION 1. That the vote of the council on agenda item 2004-0049, by which it adopted a new fee schedule, which vote was taken on January 22, 2004, is hereby rescinded.

SPONSOR: John C. Klimm, Town Manager

DATE

ACTION TAKEN

AGENDA ITEM SUMMARY
2004-061

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: January 29, 2004
SUBJECT: Order Rescinding Ordinance Setting Fees Adopted 1/22/2004

RATIONALE: Because of questions raised with respect to the process by which the fees in the original order (2004-0049) were arrived at, it has been determined by management that it is appropriate that the new Council be asked to review the process, and that in the interim, the fee increases be taken off the table. It should be noted that this review process dovetails with the overall recodification project which has been jointly undertaken by the clerk's and town attorney's offices. It is anticipated that this matter will be referred to a committee of the Town Council for early resolution.

12. PUBLIC COMMENT

13. ADJOURNMENT

NEXT MEETING IS FEBRUARY 19TH.