

***Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday, November 30, 2021; 6pm
Meeting Minutes***

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Janet Reinhart, Helen Miranda Wilson; John Wolf

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Chief Michael Hurley, Police Chief; Chief Rich Pauley, Fire Chief; Melissa Yow, Rights to the Public Access Committee Member; John Riehl, Rights to the Public Access Committee Member; Barbara Carboni, Rights to the Public Access Committee Member; Sonya Woodman, Rights to the Public Access Committee Member, Carolyn Murray, Town Counsel KP Law; Katie Klein, Town Counsel KP Law

Chair Curley Called the meeting to order at 6:02pm

I. Announcements, Open Session and Public Comments

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
There were no comments or announcements.

II. Committee Updates

A. RPAC layout of Rd. used to access the Lt. Island Boathouse.

Yow gave an update on the layout of this road and the boathouse and what rights they might have in securing the rights and that it might not allow them the rights to pass across the dune trail.

Chair Curley shared his screen the maps of what the committee is looking to do. He highlighted certain areas on the map. They continued this discussion and asked the advice of both Klein and Murray to make sure how they can move forward. They discussed one of the issues is that part of the land is on Massachusetts Audubon Society. Chair Curley asked Sumner how he might go about this project. Sumner stated that this would need to go before town meeting and the fact that they need to know what part of the land is on Mass Audubon, and who is asking for access. Reinhart questioned how many people would benefit from this access, would it be just fisherman. It was asked of the committee what the goal was in obtaining access to this. Yow stated the goal is to establish a town landing at the Agger property to allow access for everyone. They continued to discuss this and the cost benefits. It was stated that there needs to be a land survey done on this property. They also discussed a prescription easement. They continued to discuss the access to the property and the abutters at great length. It was also asked if the use has been contested, Chair Curley stated that as of now, there has been no contesting of anyone.

B. Disclosure of Conflict of Interest ~ Melissa Yow

Chair Curley asked the board if they have read this disclosure and that if so they would need to either object this or accept it. Reinhart stated that she would accept this and stated she would want her participation in the discussions but doesn't think she should vote. It was noted that she would be able to.

Wilson asked Yow if she understood that she would have to put the town first. She stated that yes she understand in her role the town's best interest comes first.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted that the selectboard has reviewed the particular matter of the financial interest identified by Melissa Yow, and the selectboard has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services to which the municipality may expect from the employee relative to Omaha Road.

Roll Call Vote: 4-0-1 (DeVasto abstained)

III. Business

A. Town Council where they are trying to engage with NPS relative to land exchange.

Klein updated the board that on November 8th there was a zoom conference which included Carole Ridley from friends of Herring River. She explained there was discussion of Land Exchange and the National Park Services was to be involved. She stated at this point they needed direction from the town on how they would like to proceed with this. She didn't go into the parcels. Chair Curley asked if she had been able to establish conversation with the National Park Service, she has spoken with Brian Carlstrom and Lauren Makeen. Wilson gave some background on these projects and discussed internal dialogue. Klein continued the discussion explaining the legal standpoint and what the town needs to do. They discussed the Executive Council Meeting that they will be having in the next few weeks.

Chair Curley asked if there were any other questions or comments; there were none.

IV. Adjourn Open Session not to go back into open session.

Chair Curley Moved; Board Member Wilson Seconded and it was voted to adjourn from open session and to not reenter into open session.

Wilson questioned the need for executive session, Murray explained why the upcoming executive session items are needed to executive session.

Roll Call Vote: 5-0

Open Session Adjourned 6:55pm

V. *Executive Session pursuant to G.L. Chapter 30A, Section 21(a), purpose 6. "To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body." The Board will discuss the status of and strategy with respect to the following real estate negotiations, and the Chair declares that discussing these items*

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in open meeting may have a detrimental effect on the negotiating position of the Town:

- A. Omaha Road
- B. Lt. Island Boathouse
- C. National Park Service land swap associated with the Herring River restoration project

VI. RPAC Adjournment

- VII.** Executive Session pursuant to G.L. Chapter 30A, Section 21(a), purpose 3, “To discuss strategy with respect to... litigation if an open meeting may have a detrimental effect on the ... litigating position of the public body and the chair so declares.” The Board will discuss strategy with respect to the following pending litigation, and the Chair declares that discussing these items in open meeting may have a detrimental effect on the negotiating position of the Town:

- **Verney, et al. v. Zoning Board of Appeals, et al.,** Barnstable Superior Court, C.A. No. 1772CV00632 relative to a abutters’ appeal of the Zoning Board of Appeal’s (“ZBA”) 2107 grant of a comprehensive permit pursuant to G.L. c. 40B to Community Housing Resource, Inc. to construct two structures located at 120 Paine Hollow Road.
- **Sexton v. Wellfleet Housing Authority, et al.,** Land Court, C.A. No. 17MISC000728 relative to Sexton’s claim to title of the parcels of land, 324 Old King’s Highway, comprised of parcels 85 and 85.1 on Assessor’s Map 23 (the “Property”) upon which an affordable housing development has been constructed
- **Magida, et al. v. Wellfleet ZBA and Habitat for Humanity,** Barnstable Superior Court C.A. No. 1972BACV00408 relative to an abutters’ second appeal challenging a comprehensive permit issued to Habitat for Humanity to construct single-family houses off Old King’s Highway.
- **Rispoli Ventures, LLC v. Wellfleet ZBA,** Orleans District Court Case No. 2026CV0074. Owner sought variances and special permits in order to install a 21foot tall illuminated replica of the Eiffel Tower at P.B. Boulangerie and Bistro at 15 Lecount Hollow Road. The ZBA determined that the Eiffel Tower replica was a sign and denied the requested relief, and owner appealed.
- **Cook Family Trust, II, Kevin Sexton, Trustee v. Wellfleet ZBA,** Land Court Case. No. 21 MISC 000457. Owner appealed Building Inspector’s issuance of a cease and desist order to the ZBA relative to clearing of trees in order to expand parking and add a driveway to cottage colony at 420 Lecount Hollow Road. The ZBA upheld the Building Inspector’s order and further found that owner would need a special permit/finding in order to alter or expand a pre-existing nonconforming cottage colony.
- **Great White Realty Group, LLC v. Wellfleet ZBA,** Land Court Misc. Case. No. 000255. Owner appealed three cease and desist orders issued by the

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Building Commissioner to the ZBA relative to property located at 1065 State Highway, Route 6, which owner intends to lease for the operation of a contractor's yard and related storage and processing of topsoil. The ZBA upheld al three cease and desist orders and denied the applicant a special permit for open bulk storage and light industry.

VIII. Minutes

- A.** January 5, 2021
- B.** February 3, 2021
- C.** April 8, 2021
- D.** July 12, 2021
- E.** August 10, 2021
- F.** October 18, 2021

IX. Adjournment of Executive Session