

# Eastham Conservation Commission

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**Eastham Conservation Commission  
2500 State Highway  
Earle Mountain Room  
August 4, 2015  
Work Session  
MINUTES**

**Commissioners Present:** Alexander Cestaro, Sheila Filipowski, James Baughman, Steven Kleinberg, Michael Harnett and Steven LaBranche.

**Commissioners Not Present:** All commissioners present.

**Staff Present:** Shana Brogan and Jacqui Beebe.

**Also Present:** Attorney Betsy Lane of Kopelman & Paige and Selectman Bill O'Shea,

The meeting was opened at 4PM.

Attorney Betsy Lane speaking as town counsel noted there is a high learning curve with the Open Meeting Law. She passed out information regarding the Division of Open government reviews and enforcement of open meeting law. She noted the public can launch a complaint and there can be fines. The attorney general reviews bylaws for conflict with the state. She noted that general bylaws do not have grandfathering. Vernal pools are protected in bylaws. It would only be protected in the state if it is a certified vernal pool. The town bylaw has to be more stringent than the state law. The commission's action is to be based on the law. It is presumed that the commission is correct. The local regulations are important, but they must be linked to the bylaw. The pressure treated wood policy could be a guideline. Regulation has to be adopted at a public meeting and the commission has to apply law or technical science. A study should be used. The regulations need to have studies as back-up.

There was discussion regarding due process and open meetings. Things change and over time, but a permit does not. There is no grandfathering with a permit. Actions taken by the commission shall be duly posted on an agenda. The items need to be specific on the agenda. She continued to inform the commission that an Executive Session is to be held to protect the commission from the opponent.

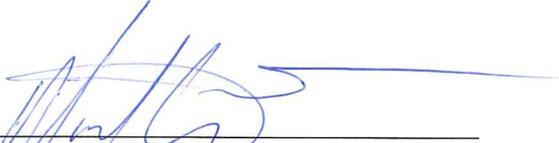
She also informed the commission that to issue an Emergency Certification it must be reasonably unforeseeable and there should be no copying on e-mail. Other items that

were discussed included that the commission can create regulations, the buffer zone is a resource area, the commission needs to hear an application, the court can annul denial then the applicant has to come back to the commission for a permit as well as vote to deny for these reasons should be stated at the meeting.

Respectfully Submitted as prepared by,

Handwritten signature of Teena Tilton in black ink.

Teena Tilton

Handwritten signature of Michael Harnett in blue ink, written over a horizontal line.

Michael Harnett, Chairman  
Conservation Commission