

Sippewissett Association

Mission (summarized):

- *protect and foster the interests of landowners of the Sippewissett region of the Town of Falmouth, Massachusetts*
- *promote and encourage cooperation among such landowners in order to ensure that the future development of the Sippewissett region shall be in keeping with its residential zoning restrictions*
- *protect and prevent the misuse of public and common areas in the Sippewissett region.*

Meeting Minutes – January 22, 2009 APPROVED on 5/14/09

Board Present: Katie Abrams, Susan Cohan, Maureen Conte, Barbara Eck, Arthur Gaines, Carolyn Powers, Peter Waasdorp

Board Absent: Margaret Goud Collins, Michael Eder, Deborah Gove, Kathy Taylor

The meeting was held at the home of Peter Waasdorp and was called to order at 7:09 PM by President Katie Abrams.

AGENDA

Secretary's Report – Sue Cohan

Barbara moved to accept the minutes of the November 13 meeting. Maureen seconded. VOTED.

Treasurer's Report - Michael Eder

There was no Treasurer's Report for this meeting. As of 11/13/09 the Eastern MMF balance was \$9692.50, the checking balance was \$345.90.

Membership Report – Barbara Eck

We currently have 151 members.

Web site status – Sue Cohan

Web site status was not on tonight's agenda, but here is the list of pending web site changes.

- Ongoing Activities – SippOwisset – **Sue** emailed **Arthur** to finalize handling of SippOwisset info, noting that all entries seem to belong in the 'Supporting Other Organizations' category.
- Ongoing Activities – Beebe Woods – **Peter** will again request that the FINAL study be posted on the ConCom website
- Ongoing Activities – Cape Codder Condominium Wastewater Disposal System Assessment – add an item about this with link to the report – Not assigned (**Maureen** Plans to check on recent test results in time available.)
- Ongoing Activities – Coastal Access committee – **Arthur** will provide an item.
- News – **Sue** to add Winter newsletter once published

SippOwisset Update – Arthur Gaines

Arthur reviewed the history of the twenty-nine year fight to preserve the Pond Reservation and community access to the waterfront. He reminded the Board that the final outcome of this case will set a precedent for other cases in which a developer tries to convert land originally designated for community use into a buildable lot.

The Sweeney case has gone through several phases over the years. Sweeney's goal has been to convert the Pond Reservation, which was designated as open space in the original Haynes 1897 subdivision plan, from a \$35K piece of property into a multi-million dollar waterfront estate. The SippOwisset homeowners feel conversion of the Pond

Reservation would damage the environment, impair or deny the community access to the waterfront, damage quality of life and reduce property values.

The first venue of the current fight was the ConCom which issued a denial order to Sweeney in 2005/2006. He appealed the decision so the second venue became the Superior Court. The SippOwisset homeowners expected the Superior Court would deny Sweeney's appeal but to their astonishment the appeal was vacated based on a procedural point. This resulted in the decision being remanded to a third venue, the DEP. The DEP issued a superseding order to the ConCom's decision giving permission for construction to move ahead. The SippOwisset homeowners filed an appeal with the DEP which is currently pending. Legal maneuverings by Sweeney's attorneys have brought the SippOwisset homeowners to the point where they feel they need more legal assistance than had previously been necessary.

Separately, the SippOwisset homeowners have filed a suit in the Land Court claiming they have deeded rights, prescribed rights and implied rights to the beach. Arthur and Maureen are hopeful this case will lead to the whole Sweeney issue being closed out in SippOwisset homeowners favor within 1-2 years. Legal counsel will also be required for this effort.

The SippOwisset homeowners are spearheading an effort to raise funds to pursue the Land Court case and the DEP appeal. Much of the funding will go toward legal fees, but funds are also required to cover peripheral expenses such as information collection and communication with the SippOwisset community.

Arthur and Maureen requested that the Sippewissett Association contribute \$5000 payable over two years.

Following some discussion Peter moved that the Sippewissett Association contribute \$5000 payable over two years to the SippOwisset homeowners in support of their efforts to preserve open access to their community beach. The donation is given subject to the condition that it not be used for legal fees but strictly for peripheral/support activities. Katie seconded. VOTED.

January Newsletter – Barbara Eck

Barbara brought a draft of the winter newsletter as produced by Mary Fran Buckley. Everyone was pleased with the appearance of the newsletter.

Barbara will try to insert an invitation to the membership to provide article topics for upcoming newsletters. One topic will carry forward to the next newsletter: Congratulations to Crismans' son and to Osamu Shimomura (**Maureen**).

Barbara expects the newsletter should be in the mail next week.

Winter Social – Board

The Winter Social will be held 3/15 at the West Falmouth Library. Members of the Board who can attend will help **Katie** arrange it. Two speakers were proposed: John Ramsey on the subject of his Woodneck report (**Peter** will check with him), and Molly Cornell on birding (**Arthur** will check with her). **Katie** will check with the West Falmouth market about platters. Wine and soft drinks will be the available beverages.

Role of the Sippewissett Association Board

The discussion began with a review of the mission statement in our bylaws.

We recalled that in previous discussions of this topic the Board felt its role is to help protect and preserve the character of the Sippewissett region through: 1. educating residents concerning their rights to common areas and also about protective zoning and conservation regulations, and 2. supporting parties with legal standing trying to protect their rights where the issue could result in a negative effect on the area's resources. The Board feels we should not ordinarily be directly involved in litigation.

Carolyn suggested putting the mission statement at the top of the minutes as an ongoing reminder. Maureen commented that we should be proactive and positive in presenting information about rights of way and conservation requirements; we do not want to be confrontational. She suggested we organize a walk along the coastal right of way, possibly in the spring. This would be one way to educate the coastal landowners about the right of way.

With regard to requests we receive for assistance from homeowners/landowners, the Board should review these concerns on a case by case basis evaluating whether an issue falls within our mission and, if so, whether the time is appropriate to deal with it. An issue should have support of more than one person in the neighborhood; we need to determine that it's not strictly a personal grievance.

If we decide that an issue is pertinent to our mission and is timely and that action is required we will attempt to determine the best course of action and may participate if we feel it's appropriate. If an issue does not meet the pertinence/timeliness criteria we may provide guidance to help the homeowner in his/her pursuit of a resolution.

It would be a good idea to describe the role of the Board at the annual meeting. (**Katie** should include an agenda item.)

Barbara was asked to draft a 'policy guideline' describing how we deal with homeowner requests, to be voted on at the next meeting.

Agenda items for next meeting

Decisions for annual donations

Peter moved to adjourn meeting at 9:00 P.M. The next meeting is March 12, 2009 at Katie Abrams' home.

Submitted by:
Susan Cohan, Secretary
Sippewissett Association