

Open Space Committee

Minutes

April 14, 2025 at 5:30 p.m.

CALL TO ORDER AND INTRODUCTION OF MEMBERS

Chair Lev Malakhoff calls the meeting to order at 5:30 p.m.

Member	Present	Absent
Lev Malakhoff – Chair	X	
Farley Lewis – Vice Chair	X	
Elizabeth Lewis		X
Douglas Payson	X	
Elissa Crowley	X	
Anne Rowland	X	
Tracy Pratt	X	
Cate Gulliver	X	
Vacant		

Also present is Genna Ziino, Administrative Assistant and Kris Clark, Town Council Liaison (late).

Chair Malakhoff explains that Dave Gorrill is present—Mr. Gorrill has been nominated as a member but has not been approved yet. He believes the approval will be end of April.

NOTICE OF RECORDING

This meeting of the Open Space Committee is being recorded and broadcast on the Town of Barnstable’s Government Access Channel. In accordance with MGL Chapter 30A §20, I must inquire whether anyone else is recording this meeting and, if so, to please make their presence known.

APPROVAL OF MINUTES

March 10, 2025 – Doug Payson moves to approve the minutes. Cate Gulliver seconds.

Vote:

Aye: Lev Malakhoff, Farley Lewis, Doug Payson, Elissa Crowley, Anne Rowland, Tracy Pratt, Cate Gulliver

Nay: None

TOPICS FOR DISCUSSION

New Business

- Article 97 Discussion

Chair Malakhoff explains that Article 97 is part of the state’s legislation to protect land and ensure that any land looking to change status goes through the proper procedure. The group discusses the online tool available for site evaluation from the mass.gov website. There was an informational workshop that Farley Lewis attended. Ms. Lewis reports that the workshop was lively and comments were made about the online tool and the need for a user guide; wind projects; conflicting opinions over net zero; signage at properties undergoing status changes; the lack of an appeal process; and that the current secretary has sole discretion and also is a member of the energy committee, which they considered a conflict of interest. State representatives were taking notes but not having a discussion. Governor Healey wants to shift away from the 2/3s vote to make it easier for things to move through. There was no discussion on a timeline for a vote. Town Council Liaison Kris Clark arrives at the meeting. Chair Malakhoff thinks the mapping tool is of interest to the public and considers whether it could be linked from the Open Space webpage. The group discusses the process for a parcel to become an Article 97 parcel.

Chair Malakhoff says there was a question on a parcel in Osterville at the end of Wianno Ave. Town Council has taken action to adopt it to be Article 97—the Chairman thinks the Committee can monitor that.

- OSRP Update

Chair Malakhoff relays an update from the Planning Department: they have selected BSC Group to do the update. Procurement is finalizing the contract and work on the update will start after that. One of the first requests they plan to ask the consultants is what specific information they want from this committee, so the Chairman asks the group to think about action items they'd like to see included in the new plan. The group walks through the goals from the previous plan (document entitled "Barnstable 2018 OSRP Goal Status").

Councilor Clark says one goal in the past plan was to make sure the town or fire/water district owns the property in 400 feet of all wells—she wants to know if that's been done that and add any wells that still need to be protected within zone 1 as an action item. Councilor Clark would like to ask the consultant to survey wells and see any parcels that should be targeted for ownership by the town or water district.

The group discusses that the public comment period for the Local Comprehensive Plan is open until May 11, so now is the time to submit comments. Councilor Clark asks Genna Ziino to send the Open Space section of the plan to the members so they can review the draft. She notes that there was a reference to degradation of water quality and the word "contamination" was used in the aquaculture section—she thinks the language should be more discreet.

Doug Payson says goal 4(B) under the land use targeted action plan of the LCP is "amend the town zoning to require that a new tree be planted whenever a significant tree is removed", but there's a national standard that for every tree removed, 2 be planted. He thinks the town is failing in that regard. Also, he believes the town is not acting on management plans that were made when parcels were purchased as conservation land (for example, not maintaining meadows at the Trayser Trail). Habitat maintenance and restoration are critical. Councilor Clark says the LCP has a reference to meadows being maintained and asks Doug Payson to look at that.

Chair Malakhoff encourages everyone to review staff comments on the 2018 OSRP and what's been accomplished (document entitled "Barnstable OSRP Update - Staff Comments on 2018 Goals"). Councilor Clark updates that Karen Nober, the Town Attorney, has a draft plan for Chapter 61a properties that is just being polished, but she has been out on bereavement.

- Walking Weekend

Chair Malakhoff says there are flyers available for members to take and share in the community. Farley Lewis reads the list of current walks. The group discusses possible walk options to fill in open spots. Councilor Clark suggests including a disclaimer about tick protection and bug spray. Chair Malakhoff asks walk leaders to take group pictures and ask attendees how they heard about the event. The group discusses options for media: Barnstable enews, Cape Coddah website, Cape Cod Chamber of Commerce, Boston Globe, Barnstable Land Trust, Nordic walkers, and personal newsletters and contacts.

Old Business

- Cotuit Old Business

Chair Malakhoff relays that the Committee approved the Cotuit Highgrounds CR and a letter of support was submitted.

- Update on Cummaquid Woods

None

- Update on outstanding Conservation Restrictions

Chair Malakhoff says the Legal Department said the Prince and Harju CRs have been received back from BLT, who had sent them to the state. Legal has drafted votes and rationales that should be finalized by the upcoming Town Council meeting. The Chairman will check in for the next OSC meeting.

- Update – Pathways update including walking library, NEMBA path project, and Geocaching

For Flint Rock Road, Chair Malakhoff says CPC has approved money for a title search. The Planning Department can take the lead on procurement, however, Legal has asked to be included in the process, which may delay the request for quotes.

- Report from Tracy Pratt regarding Santuit Preserve

Tracy Pratt reports that not much is going on except that herring season has started. He hasn't seen many fish, but the tribe has put up a solar powered fish counter.

- Report from Farley Lewis regarding Community Preservation Committee Open Space applications

Farley Lewis reports that the Smith Creek CR application has been forwarded to Town Council for a public hearing. The Highground CR has been received from OSC. CRs for Harju and Prince have been requested to be placed on a Town Council agenda for approval.

- Report from Town Council Liaison Kris Clark

Councilor Clark says the LCP is on the front burner and the OSRP is on the back burner currently. She suggests the group give a good look at the plan. During the last OSRP update, the Committee ended up doing 2 meetings a month to get it done.

MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR

PUBLIC COMMENT

ADJOURNMENT

Doug Payson moves to adjourn. Farley Lewis seconds.

Vote:

Aye: Lev Malakhoff, Farley Lewis, Doug Payson, Elissa Crowley, Anne Rowland, Tracy Pratt, Cate Gulliver

Nay: None

Meeting adjourned at 6:31 PM.

DOCUMENTS USED AT THIS MEETING

- March 10, 2025 minutes
- Document entitled "Barnstable 2018 OSRP Goal Status"
- Document entitled "Barnstable OSRP Update - Staff Comments on 2018 Goals"

Respectfully submitted,
Genna Ziino, Administrative Assistant

Further detail may be obtained by viewing the video via Barnstable Government Access Channel on demand at www.town.barnstable.ma.us