

**Wellfleet Selectboard
August 27, 2021; 7PM
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; Evan Brunage, Resident; Irene Goldman, Resident; Marcia Geier, Resident; Chief Michael Hurley, Police Chief; Katie Cushman, Wellfleet SPAT; Benton Niggel, Paddle Cape Cod; Edward Seavers, Resident; Will Sullivan, Harbormaster; Della Spring, Resident; Mac Hay, owner Mac's on the Pier; Kevin Coakley, Resident, member of Marina Advisory Committee; Gordon Kahn, Historical Commission; David Mead-Fox, Joe Aberdale, Marina Advisory Committee; Martin Murphy, Applicant for Conservation Commission; Olivia Krauss, applicant for Recycling Committee; Jill McLaughlin, Stantec Engineering; Irene Goldman, Resident; Scott Horsley, Consultant for wastewater and drainage

Chair Curley Called the meeting order at 7:04pm

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.

Chair Curley updated the Board and Public, that the Chamber of Commerce has updated to the board that the Labor Day Parade was not going to be held on September 4, 2021, due to covid concerns.

Brunage spoke to the Board regarding previous issues concerning his grant. Stated he has written letters with is grant 783. He stated that because no direction has been given to him or his neighbor, he was hoping that this issue would be lumped in HDYLTA discussion. He stated his concerns and has people working over there and there are people moving in on his land and there is no resolve.

Goldman spoke to the Board regarding a business item and Chair told her it would be best to ask at the time of that item.

Geier spoke to the board regarding clarification on the issue of parking a camper/RV on residential property and not use it. She stated she asked the previous commissioner and got no response. The Board stated they are not able to deliberate this matter.

II. ***COVID-19 Updates and Recommendations***

A. Cares Act Reimbursements ~ Chief Hurley

Chief Hurley spoke to the Board regarding money that has come in from the state for the Covid Cares Act. He gave the total amount that has been given to the town of Wellfleet. He explained it has been spent on Covid related items. He gave more details.

Sumner gave some updates on monies received from the state.

Chair Curley stated that he would like meeting and public hearing postings to be posted outside on the billboard as well as in the town hall and on the website.

Chair Curley moved; Board Member DeVasto Seconded; and it was voted to direct town administration to post all meetings and hearings on the bulletin board outside of town hall as a posting location for public notices. Roll Call Vote: 4-0-1 (Reinhart abstained)

III. ***Use of Town Property***

A. Wellfleet SPAT ~ Various Locations ~ 1pm – 6pm October 3, 2021

Cushman thanked the board and gave information on the locations SPAT is looking to use on October 3, 2021. Referring to this event as a smaller Oysterfest for locals. Eldridge screen shared all the locations SPAT is looking to use. Cushman continued with he details of SPAT's plan to use town property.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the use of various locations in Wellfleet to SPAT from 1pm-6pm on October 3, 2021, and Mayo Beach and Powers Landing on October 10, 2021, from 8:30am to 9:30am for a fee of \$110.

Roll Call Vote: 5-0

B. Paddle Cape Cod ~ Benten Niggel ~ Various Landings; 8am-8pm through the month of August

Niggel spoke to the board explaining what he is asking to do regarding his paddle boarding business. He gave some background information. Seavers asked Niggel if his business was based out of Willy's gym in Eastham. Sullivan stated some concerns about Niggel using the word rescue vehicle. There was much discussion about Niggel's application.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to approve Benton Niggel of Paddle Cape Cod to use various town landings in Wellfleet from 8:00am to 8:00pm, for the duration of 2021, for a fee of \$385, as conditioned by departments, with the town named as an additional insured party.

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

C. Conservation Trust ~ Dennis O'Connell ~ Long Pond Lot; 8:30am – 12:00pm ~ September 11, 2021

O'Connell spoke to the board stating that the Conservation Trust has done walks in Wellfleet and are limiting the number of people this year but would like to continue to do this walk.

Board Member DeVasto moved; Board Member Wolf Seconded; and it was voted to approve Dennis O'Connell the use of Long Pond Lot from 8:30am – 12:00pm on September 11, 2021, and to waive the fee.

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

D. Della Spring ~ Tuesdays & Thursdays; 8:30am – 9:45am Mayo Beach; June 27, 2022 – September 1, 2022

The Chair asked the board if they want to approve this because it is in the year 2022. Spring explained that she is moving to Germany and has requested this for many years and is hoping they would agree to vote on this tonight. The Board discussed this and agreed to vote on this. Thomas wrote a note on the application stating that they reserve the right to change the location based on current 2022 situations.

Chair Curley Moved, Board Member Wilson Seconded; and it was voted to approve the use of Mayo Beach to Della Spring from June 27, 2022, through September 1, 2022, from 8:30am – 9:45am on Tuesdays and Thursday's. For a fee of \$200 and reserve the right to the director of Community Services to change the location based on circumstances of 2022.

Roll Call Vote: 4-0-1 (Reinhart Abstained)

E. Macs at the pier

Sumner updated the Board that he had spoken to Mac Hay the owner of Macs on the Pier, stating he also spoke with town counsel to be aware of the town's legal abilities. They discussed the benefits of having Macs use town property, taxes and care of the property. Sumner explained that the town can have a licensed agreement with Macs and have a fee per year.

The Board discussed this issue and how to move forward. There were some concerns of leasing town land as they do with The Beachcomber. A few residents spoke to this issue stating concern of trash throughout the pier and not being picked up by the owners. There was much discussion on this property and fees that could be charged. It was discussed that Sumner would work with town counsel and the owners of Mac's to come to an agreement that would be beneficial for both the town and Macs. Hay spoke to the Board stating that he was grateful to have this issue before the Selectboard. He stated that he recognized the tables were beneficial to the restaurant and to the town and stated all that his business has contributed to the community.

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to authorize the town administrator to work with town counsel and Mac Hay on structuring a license agreement and conditions for the property at Mayo Beach.

Roll Call Vote: 5-0

IV. ***Board/Committee Appointments and Updates***

- A. Milton Gatch ~ Historical Commission~ Term of 3 years, ending 2024
Gatch was unable to attend the meeting due to a personal conflict. Kahn spoke on his behalf, stating that he has been a wonderfully active of the community and would be grateful to have him on the historical commission.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to appoint Milton Gatch to the Historical Commission for a term of 3 years ending June 30, 2024, and to be sworn in by the town clerk and to read all the rules and regulations of being on a town committee and board.

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

- B. Edward Kane & William Barrio ~ Marina Advisory Committee ~ Term of 2 years, ending 2023

The Board discussed the vacancies. Aberdale spoke to the board recommending Edward Kane, Board Member DeVasto told the board that William Barrio has been a long-time resident of Wellfleet, stating that there is a lack of younger members to the Board he feels it would be good to have a younger person on the committee.

Board Member DeVasto moved; Board Member Seconded; and it was voted to appoint William Barrio as a regular member of the Marina Advisory Committee for a term of two years, ending June 30, 2023, to be sworn in by the town clerk and to read all rules and regulations to be on a town committee and board.

Roll Call Vote: 4-0-1 (Reinhart Abstained)

Chair Curley moved; Board Member Wilson Seconded; and it was voted to appoint Edward Kane as an alternate Member of the Marina Advisory Committee for a term of two years, ending June 30, 2023, to be sworn in by the town clerk and to read all rules and regulations of being on a town committee or board.

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

- C. Martin Murphy ~ Conservation Commission for a term of 3 years ending 2024; Planning Board for a term of 5 years, ending 2026

Mead-Fox spoke to the board stating that he doesn't know Murphy but being on a town board is a big responsibility and asked the board to appoint Murphy only to the Conservation Commission. Chair Curley stated he didn't want to appoint anyone to the Planning Board until he gets more information on Murphy's view on housing. Murphy gave some background information to the board.

Board Member Wilson moved; Board Member DeVasto Seconded; and it was voted to appoint Martin Murphy to the Conservation Commission for a term of three years ending June 30, 2024; to be sworn in by the town clerk and to read all rules and regulations of being on a town board or committee.

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

- D. Olivia Kraus ~ Recycling Committee for a term of three years, ending 2024
Chair Curley moved; Board Member DeVasto Seconded; and it was voted to appoint Olivia Kraus to the recycling Committee for a term of three years ending June 30, 2024, to be sworn in by the town clerk, and to read all the rules and regulations of being on a town board or committee.
Roll Call Vote: 4-0-1 (Reinhart abstained)

- E. Open Space Committee Article for 2021 Special Town Meeting
Chair Curley gave an update on this article that has not gone in front of the Planning Board and had to be pulled from the June town meeting. The Committee is asking that this article be placed on the special town meeting in December. The Chair made note that he isn't sure this article will be able to be on the special town meeting due to scheduling.
Chair Curley Moved; Board Member Wilson Seconded; and it was voted to refer the open space committee article to the town administrator as required in the policy of disposition of town own land for public comment and then to be referred to the Planning Board to be placed on either the Special Town Meeting or the Annual Town meeting.
Roll Call Vote: 4-0-1 (Reinhart abstained)

V. ***Business***

- A. CBDG Grant invitation ~ Jean Stanley
Chair Curley updated the board that this was something that had a deadline, he has signed the invitation and it has been sent to Stanley
- B. CORI Policy ~ Charlie Sumner
Sumner spoke to the board that he is working on filling a few town positions. In filling these positions, he stated the town should perform CORI checks on incoming employees. They discussed this as a policy.
Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adopt the CORI policy as presented by the town administrator.
Roll Call Vote: 5-0
- C. Letter to Senator Markey ~ Drafted by Carole Ridley
Chair Curley spoke to the Board stating that they wanted to write a letter to thank Senator Markey thanking him for visiting Wellfleet. The Board agreed to sign this letter in person and not use the administration stamps.
Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the letter as drafted by Carole Ridley to send to the honorable Senator Markey.
Roll Call Vote: 4-0-1 (Reinhart abstained)

D. Route 6 and Main Street Project

Chair Curley asked Jill McLaughlin from Stantec to begin screen sharing. Starting the discussion Chair Curley asked about the ability to make changes after the 25% design hearing. McLaughlin said that changes can be made after the hearing and that Mass DOT will be collecting comments at the hearing and that Mass DOT and Stantec will respond to each of the comment letters they receive. Next, Chair Curley asked about when any design changes that result from the hearing will be presented. McLaughlin said one or two months, depending on the number of comments.

Chair Curley stated tonight's intent is to go through the project section by section as it is a complicated project. Member Wilson asked how all of the comments that the Selectboard has received regarding the project could be sent to Mass DOT. McLaughlin said she would have to circle back to Mass DOT and that Stantec works for the town so that Stantec could work with the town and respond to previous comments.

McLaughlin's plan for tonight was to give a higher-level overview of the project and break it down into specific design components with questions and comments on each component. **(The complete slideshow is available on the town's YouTube channel on the August 27, 2021, Selectboard meeting video starting at the 1:51 mark).**

- **Environmental Constraints**

McLaughlin presented the environmental and sensitive resources in the Rt. 6 Main Street intersection, and that impacts to these resources must be avoided or minimized as much as possible.

- **Roadway Design**

- **Route 6**

McLaughlin presented the roadway cross-sections for Rt 6 with one travel way in each direction that will be 11' in width with dedicated left-turn lanes at Main St the pharmacy and Cahoon Hollow intersections. Board Member Wolf talked about the need for left-turn lanes or no left turns but wanted to know why the project has become so complicated. McLaughlin said a lot of the changes are being driven by the number and variety of crashes within this area and that because the project is receiving state funding, it has to meet the requirements of Complete Streets. Member DeVasto asked if the lanes would be slightly narrower than they are currently. McLaughlin confirmed this. DeVasto said he does not have an issue with this section. Member Wilson asked about the traffic light at Main Street and left-turn lanes. McLaughlin said that is the design. **Chair Curley Moved to support the proposed roadway design for Rt 6 as presented by Stantec. Member Wolf seconded.** Member Wilson wanted to make sure that they were voting only on the lanes where the cars are going and not everything else. This was confirmed. Vice-Chair DeVasto checked to make sure it was limited to just what was on the screen. This was confirmed.

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

- **Main Street**

McLaughlin presented the vehicle roadway cross for Main St with 11' roadway and one left-hand turn lane. Member Wilson asked about the bike lanes. It was explained that those were being presented separately and are on the agenda.

Member Wilson wanted to make sure the Board was looking at just where the cars go. Member Wolf asked if that was the current lane configuration that was confirmed. Chair Curley asked what the current lane widths were. McLaughlin said they were 12'. Member Wolf asked why they would be narrower. McLaughlin said it helps control speeds.

Chair Curley Moved to support the Main St roadway design for Rt 6 as presented by Stantec. Reinhart seconded.

Roll Call Vote: 5-0

- **Bicycle & Pedestrian Accommodations**

- **Route 6**

McLaughlin presented the cross-sections for Rt 6 south of Main Street with two options. Option one had a 10' shared used path. Option two changes the shared used path to a 6.5' sidewalk. Vice-Chair DeVasto said he couldn't support option one and much prefers option two, and we need to make Rt. 6 safer for the bicyclists who use it now but to discourage recreational users. He also asked if the sidewalk in option two to be reduced to 5'. McLaughlin said Mass DOT hotly debated the width of the sidewalk and that 6.5' is likely the best we can do in terms of width to shrink the cross-section down. Member Wolf shared DeVasto's concerns and expressed concerns about the additional width of Rt 6. McLaughlin said one of the things the project benefits from is that it is reducing the lanes from two to one so they are able to borrow the extra pavement from those lanes and that there are no takings or permanent impacts on people's property because there is a wide right of way. Wolf asked about pedestrians and that people do not walk the area. McLaughlin said they are seeing a lot of pedestrians within the area. Chair Curley said that the DCR has not budgeted for the second part of the rail trail extension and that we need to judge this as a stand-alone and not in connection to the proposed Rail Trail extension. McLaughlin confirmed this. Member Wilson said that we only have a significant number of pedestrians and bicyclists during a limited part of the year. Member Wilson asked why it could not be something much simpler and wanted everything to be flat and flush with the roadway. McLaughlin said that on Rt 6, they are not using straight vertical curbs, so they can ride up onto it if they need to. McLaughlin again explained that bicycle and pedestrian accommodations are a requirement for using state funding. The state wants to provide accommodations for all users, including those with mobility issues, and that it would be level. Member DeVasto said that sidewalks are a major benefit to people who are walking from one place to another and that there are a lot of people in the neighborhood, and we should not be relegating people who are walking to poison ivy covered goat paths. Reinhart said she fully supports the state's plan and that having bike riding and walking is critical for climate change, and that she sees a huge number of people walking and biking even at night. They do not have a safe area for them particularly at night, and that two bicyclists have died in the last twenty years, and we have to do something to be safe, and she prefers option two. Chair Curley asked for the sidewalk on the East side to be moved in 3.5' and stated that a lot of people are walking and riding bikes in the area. Member Wilson started talking about Main St, Sharrows, and that sidewalks are uneven and better walk on the road. Member Wolf asked for

Chief Hurley's perspective. Chief Hurley said something needs to be done with the intersection, and they see people walking, running across [Rt. 6], biking, and racing southbound and northbound to merge. The current conditions are very poorly designed and traveled, and that we as a community need to get on board with one of these options and get the project moving. Member Wolf asked the Chief for his perspective on sidewalks. Chief Hurley stated that all of these things are happening out there, and it is not just the summer season and that we need a safe place for pedestrians and bicyclists. DeVasto said that we need complete streets for state funding unless the town wants to pay for it ourselves, raising everyone's taxes quite a bit. Mimi Butts wanted to note that the business within the area needs to be taken into consideration. Chair Curley asked if anyone would like to advance a motion. DeVasto recommended waiting for the public hearing but would like to take a vote not to support option one.

DeVasto moved that the Selectboard not support option one. Wilson

Seconded

Roll Call Vote 5-0.

Mclaughlin presented the bike and Pedestrian Accommodations North of Main St.

Chair Curley Moved that the Selectboard not support option one. Wilson

Seconded

Roll Call Vote 5-0

○ **Main Street**

Mclaughlin presented Bicycle and Pedestrian Accommodations North of Main St and explained how they are trying to reduce the private property impacts. Vice-Chair DeVasto was concerned about the 5' bike lanes and how they would abruptly end. Mclaughlin said that they can ask for an exception from the state to change the 5' bike lanes to a 3' shoulder/sharrow, reducing private property impacts. DeVasto was concerned about the trees and that reducing the width with a design exception would be beneficial in retaining the trees. Member Wilson said how much she likes sharrows on Conwell St in Provincetown. Member Wolf expressed his concerns about the businesses on the north side and has reservations. Chair Curley asked what the encroachment is on private properties on the current alternative. Mclaughlin said the maximum was 5.5'. DeVasto noted if it were reduced by 4' it would reduce the impact. Chair Curley asked what the encroachment was on the Sandpiper. Mclaughlin said they were 2 inches over the existing property line to the east but increased to about 4' to the west. Member Wilson said she would rather have the bike lanes on each side and no sidewalks and wanted a surface flush with the road. Chair Curley said the area is fairly hazardous to walk, but he would prefer the sidewalk on the south side of the road. Vice-Chair DeVasto said it makes sense to have the sidewalk on the north side and spoke to having a future plan to get the sidewalk to Commercial St.

Chair Curley moved to pursue an exemption for a three-foot shoulder/sharrow in the place of five-foot bike lanes on Main St. Wilson
Seconded.

Roll Call Vote

- **Roll Call Vote: 4-0-1 (Reinhart abstained) Intersection Design**

- **Route 6 & Main Street**

Mclaughlin presented the main street intersection layout. Member Wilson voiced concerns about how the bike lanes were painted. Chief Hurley asked about having a no-left turn on Cahoon Hollow Rd. Mclaughlin said it was possible and it would be the town's decision. DeVasto said if there was no left turn, people might cut through PJ's, and the number of curb cuts. Mclaughlin said they looked at PJs and have modified the curb cut onto Cahoon, but the current curb cuts are needed for trailers. DeVasto talked about how they turn out the Mobile Station used to be no left turn. Chair Curley said how dangerous taking a left out of Cahoon is, that having a dedicated left-turn lane off Rt 6 is an improvement, but it might obscure traffic for people taking a left out Cahoon. Member Wilson said in her opinion, no left turns are more dangerous. Chair Curley asked if there were any objections to the Main Street intersection as presented. Member Wilson said it's a waste of money to have anything north or the intersection.

Chair Curley Moved to support the Main Street intersection design for vehicular traffic. Member Wolf Seconded.

Roll Call Vote

4-0 (Wilson Abstained)

- **Route 6 & Cahoon Hollow Road**

Member Wolf moved to support the Cahoon Hollow intersection as presented. Reinhart Seconded

Roll Call Vote

2-1 (DeVasto & Curley Abstained)

Vice-Chair DeVasto moved to rescind the previous motion and that the Board take no action and request more clarity on the layout for PJ's.

Curley Seconded

Roll Call Vote

4-0 (Reinhart abstained)

Irene Goldman commended the work being done by the Board tonight and made comments about the education aspect that will need to follow.

Mclaughlin showed another slide that showed how the layout from Cahoon Hollow Rd to Seamens Bank. Chair Curley state the need to make sure the banking for the cemetery is stabilized. Mclaughlin said that Mass DOT is doing a survey of the first row of tombstones, and it is something they are very aware of.

Chair Curley said to make sure it is communicated to the Cemetery Commission.

- **Stormwater Design**

Mclaughlin stated that Stantec is working with the town's wastewater consultant to address the nitrogen runoff and the possible incorporation of green infrastructure. They will also replace the one-way tide gate going to Hawes Pond with a self-regulating tide gate to re-establish the flow from Duck Creek to Hawes Pond. Wastewater Consultant Scott Horsley spoke about working with Stantec on some low-cost, low maintenance features to reduce nitrogen in the runoff and the need to make incremental improvements when the opportunity presented itself and spoke to the sources of nitrogen in stormwater runoff. Tim Pasakarnis of the Cape Cod Commission also spoke to the subject. Curley stated his concern for the stormwater outflows directly into the wetlands, and he would

also like to see the culvert replaced with a larger one. Member Wilson spoke to the same and expressed her concern with catch basins as well.

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to refer the stormwater run-off back to Stantec to work with Scott Horsley and the Clean Water Committee to come up with the best solution for nitrogen reduction and the environmental sensitivity to the wetland. Roll Call Vote: 4-0-1 (Reinhart Abstained)
Chair Curley noted that the Conservation Commission is very interested in this project and would like to refer this to them for comment.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to refer the culvert and tide gate connecting Hawe's pond to Duck Creek for comment from the Conservation Commission.
Roll Call Vote: 4-0-1 (Reinhart abstained)

- **Next Steps**

Mclaughlin laid out the process used by Mass DOT moving forward and the upcoming 25% Design Public Hearing. With an expected 75% design submission in January of 2022. Chair Curley asked if the materials presented at the 25% design public hearing would be updated in light of this meeting. Mclaughlin said that now that option 1 was definitely out of the picture, they would update everything to reflect option 2. Member Wilson asked if we would hear back about the design exemption before the hearing. Mclaughlin was unsure if Mass DOT would have a determination on the requested exemption on Main St in time for the Design Public Hearing. Chair Curley asked about the timeline. Mclaughlin stated that the project is expected to go out to bid in July or August of 2023, and they are also beginning the right of way process.

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- D. Council on Aging Board Amended Charge**

- Chair Curley stated that Thomas has asked to defer this subject to the next meeting.

- VI. *Selectboard Reports***

- A.** Wilson reported that she went to the Board of Health Meeting and reported that the mask mandate has been reduced to a Mask Advisory. She also stated she went to the Zoning Board of Appeals meeting

- B.** Chair Curley stated he met with Sumner and Town Counsel and reported that he would like to have an executive session in mid-September.

- VII. *Town Administrator & Assistant Town Administrator Report***

- A.** Sumner gave his report and stated he would be away next week. He corrected that the Harbor Dredging Bid was listed incorrectly it is Thursday September 2, 2021, at 2PM. There were no questions for him.

- VIII. *Topics for Future Discussion***

- A.** There were none.

- IX. *Correspondence and Vacancy Reports***

- A.** The report was in the Selectboard Packet

- X. *Adjournment***

Approved October 12, 2021 ***A full recording of this meeting can be found on the town's website***

**Board Member DeVasto moved; Board Member Wilson Seconded;
and it was voted to adjourn the meeting.**

Roll Call Vote 4-0

Meeting Adjourned 10:54PM

Public Records:

Cares Reimbursement Act produced by Chief Michael Hurley

Applications for town boards/committees

Application for Use of town property

Open Space Committee Article for Special Town Meeting

CDBG Grant Invitation by Jean Stanley

Letter to Senator Markey drafted by Carole Ridley

Route 6 and Main Street Slide Show Presentation presented by Stantec

Town Administrator and Assistant to the Town Administrator's Report

Correspondence and Vacancy Reports