



## Board of Selectmen

**The Wellfleet Board of Selectmen will hold a public meeting on Tuesday, November 25, 2014 at 7 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667.**

- I. Announcements, Open Session and Public Comment [7:00]**
- II. Public Hearing(s) [7:05]**
  - 1. Request from Wander, Inc dba Lighthouse Restaurant to change from an Annual Liquor License to a Seasonal Liquor License
  - 2. Request from John Pontius to close Finely JP's from December 7, 2014 through January 15, 2015
- III. Licenses/Appointments/Reappointments/Use of Town Property**
  - A. Licenses
    - a) **Common Victualler License for:** Box Lunch, Catch of the Day, Even'Tide Motel, Express Mart, Moby Dick's, Van Rensselaer's, Wellfleet Harbor Actor's Theater, Winslow's Tavern
    - b) **Weekday Entertainment License for:** Van Rensselaer's, Wellfleet Harbor Actor's Theater, Wellfleet Preservation Hall, Winslow's Tavern
    - c) **Sunday Entertainment License for:** Wellfleet Harbor Actor's Theater
  - B. Appointments
    - a) Charles Thibodeau to Recycling Committee [2 vacancies, term ending 6/30/2017]
  - C. Use of Town Property
    - a) Chamber of Commerce, December 13, 2014 3:30 PM to 5:30 PM for tree lighting ceremony [TA]
- IV. Business**
  - A. Discussion of beach fire permits and related issues. [B. Bruinooge]
  - B. Conservation restriction on land off of Wireless Rd (Map 30, part of Lot 605) [D. O'Connell]
  - C. Review of proposed Senior Housing Independent Living Survey [E. McIlroy]
  - D. Cape Cod Mosquito Control Budget [TA]
  - E. Possible Annual Town Meeting Article – Local Rooms Tax [TA]
  - F. Request of Jeanne Hamilton for letter supporting remediation of Route 6 median
  - G. Discussion of Chamber of Commerce sign at the Marina and signs on Town property
- V. Town Administrator's Report**
- VI. Future Concerns**
- VII. Correspondence and Vacancy Report**
- VIII. Minutes [November 12, 2014]**
- IX. Executive Session:** To conduct a collective bargaining session and to consider the value of real property [TA]
- X. Adjournment**

Joseph Wanco  
The Lighthouse Restaurant  
317 Main Street  
Wellfleet, Ma. 02667  
October 1, 2014

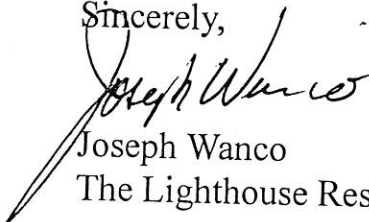
Town of Wellfleet  
Board of Selectmen  
300 Main Street  
Wellfleet, Ma. 02667

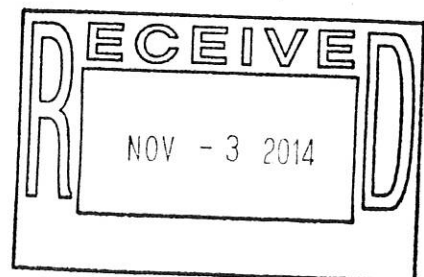
RE: Liquor License Renewal

Dear Selectmen;

After Thirty Six years as a Annual Liquor License holder in Wellfleet, I am requesting a change to a Seasonal License. I have thought long and hard before coming to this decision . I am aware this will affect my customers, my employees and Wellfleet Center, but current circumstances impel me to request this change. I will continue to serve the town with the same care that I have always done in the past years, and remain a part of the Wellfleet community for the foreseeable future. Thank you for your attention to this matter.

Sincerely,

  
Joseph Wanco  
The Lighthouse Restaurant



TOWN OF WELLFLEET  
PUBLIC NOTICE

In accordance with M.G.L. Chapter 138, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday November 25, 2014 at 7:00 p.m. in the Wellfleet Council on Aging to consider the request received November 3, 2014 from Wander, Inc. dba The Lighthouse Restaurant to change from an Annual License to a Seasonal License.

WELLFLEET BOARD OF SELECTMEN

Finely J.P.'s Inc.  
P.O. Box 1360  
Wellfleet, MA 02667  
508 349-7500

To the Wellfleet Selectmen;

November 4, 2014

I am writing to request the closing of Finely J.P.'s Restaurant from Sunday December 7, 2014 through Thursday January 15, 2015, and reopening Friday January 16, 2015. This closing time will be used for general cleaning and maintenance.

Thank you .

Sincerely,

  
John W. Pontius





TOWN OF WELLFLEET  
PUBLIC HEARING

In accordance with M.G.L. Chapter 138, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday, November 25, 2014 at 7:05 p.m. in the Wellfleet Council on Aging to consider the following:

- Request received November 4, 2014 from John Pontius to close Finely JP's from December 7, 2014 through January 15, 2015.

WELLFLEET BOARD OF SELECTMEN



**TOWN OF WELLFLEET**  
**APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

NOV 04 2014

☐ Name Charles Thibodeau Date November 4, 2014  
Mailing Address 10 Chequessett Neck Road  
Wellfleet, MA 02667  
Phone (Home) 508-349-2173 Phone (Business) same  
e-mail: charlesfthibodeau@gmail.com

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: CURRENT: Wellfleet Swap Shop Volunteer  
PREVIOUS WORK/VOLUNTEER SERVICE: Wellfleet Selectman, 3 years; Wellfleet Recreation Committee, 10 years (Chair, 7 years); Volunteer with Wellfleet Recreation Summer Program, 2 years; Staff educator, Rethink (youth leadership project in New Orleans), 3 years; Senior Case Manager, Cape AIDS Resource Exchange and Services (CARES), 2 years; Summer Outreach Educator, AIDS Support Group of Cape Cod, 2 years; Counselor, Outer Cape Health Services HIV Testing Program, 2 years; Volunteer, Quezalguaque, Nicaragua, 2 years

☐ Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.: MSW, Social Work, Salem State University; BS, Social Work, Bridgewater State University

☐ Committees/Boards of Interest: 1) Recycling Committee  
2) \_\_\_\_\_  
3) \_\_\_\_\_

**TOWN OF WELLFLEET  
APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY**

Applicant Jennifer I. Pierce Affiliation or Group Wellfleet Chamber of Comm  
Telephone Number 508 349-2510 Mailing Address PO Box 571  
Email address info@wellfleetchamber.com Wellfleet, MA 02667  
Town Property to be used (include specific area) Town Hall Lawn

Date(s) and hours of use: Saturday, December 13<sup>th</sup> 3:30pm - 5:30pm

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also please indicate if fees will be charged by applicant.

Town tree lighting ceremony. Chamber  
will pitch a pop up vendor tent to shelter  
two guitar players. Guitar players lead  
sing a song for tree lighting at dusk.

Describe any Town services requested (police details, DPW assistance, etc.)

DPW to string lights on trees on town  
hall lawn and leave unplugged, but test. Chamber  
to plug into outlet under tree.

NOTE TO APPLICANTS: All applications must be accompanied by a non refundable \$20.00 processing fee. Applications must be received at least 30 days prior to the first event date to insure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

\_\_\_\_\_ Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

Date: \_\_\_\_\_

Processing Fee: \_\_\_\_\_

Fee: \_\_\_\_\_

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

**Health/Cons. Agent Signature:**

Comments/Conditions:

Permits/Inspections needed:

**Inspector of Buildings Signature:**

Comments/Conditions:

Permits/Inspections needed:

**Police Dept. Signature:**

Comments/Conditions:

**Fire Dept. Signature:**

Comments/Conditions:

**DPW Signature:**

Comments/Conditions

**Beach Dept. Signature:**

Comments/Conditions:

**Shellfish Constable Signature:**

Comments/Conditions:

**Harbormaster Signature:**

Comments/Conditions:

**Recreation Dept. Signature:**

Comments/Conditions:

**Town Administrator:**

Comments/Conditions:

To: Board of Selectmen  
From: Suzanne Grout Thomas  
Date: November 17, 2014  
Re: Beach Fire Regulations/policies

Wellfleet, Truro and the Cape Cod National Seashore all issue permits for open fires on their beaches. Each entity has a slightly different approach. Two years ago, the Board of Selectmen appointed an Ad Hoc Committee to look at beach fire regulations and to present recommendations to the Board. The attached Guidelines reflect the decisions made at that time.

Over the past two summers, Beach Program personnel have worked from 8pm to 11pm seven days a week in the Summer season to check on Beach Fires. Fires are currently permitted until 11pm. Anecdotally, people report many beach fires after that time of night. The lifeguards check the beaches each morning for fires left burning or hot coals covered with sand, for broken glass and scattered cans and general trash. They report that many of the fires also contain unburned pallets and the nails from burned pallets as well as broken glass and trash.

The Beach Office has received complaints about "charcoal beaches. We have also had complaints from Beach goers regarding the "mess" left behind by beach fire people, usually dog walkers who go out early in the morning before the lifeguards have policed the beach.

**I recommend the following:**

1. That we continue to issue Beach Fire Permits
2. That the number of permits at each location be:
  - a. Five at Newcomb Hollow
  - b. Three at Maguire Landing
  - c. Ten at White Crest
3. That the beach fires at Newcomb Hollow and Maguire Landing have specific locations for each fire.
4. That the locations be defined with a precast concrete fire ring (see attachment) with a number painted on the side of the ring.
5. That the hours during which beach fires are allowed be amended to 8pm to 10pm



# Town of Wellfleet

## BEACH FIRE PERMIT INFORMATION

- Beach Fire Permits are required between the third Saturday in June and Labor Day each year. (Beach Rules and Regulations #10)
- Permits may be obtained at the Wellfleet Beach Office located at 255 Commercial Street, Wellfleet during the summer season between 8:30am and 4:00pm daily.
- Picture ID must be presented to obtain permits.
- Applicant must be a Wellfleet Resident or visitor with a valid Wellfleet Parking Permit or be eligible for a Wellfleet Parking permit.
- Applicants must be 18 years of age or older to obtain permit.
- Fires are permitted between 6pm and 11:00pm only.
- Permits may be issued for the following beaches:
  - Newcomb Hollow – up to ~~ten~~six per day
  - White Crest – up to ten per day
  - Maguire Landing at LeCount Hollow – up to ~~five~~three per day
  - The daily number of permits may be increased or decreased by the Beach Administrator
- Permits are issued on a first come, first served basis on the day they are wanted. No permits are issued in advance.
- All fires must be in the numbered designated locations
- Fires must be small (small fires are defined as “fires with flames less than 3 feet high”).
- No accelerants permitted.
- No pressure treated wood or wood containing nails may be used.
- Fires must be built on the open beach and are not allowed in vegetated areas or at the base of the dune.
- ~~Fires are limited to the town owned land at each beach:~~
  - ~~Newcomb Hollow: 220 linear feet~~
  - ~~White Crest: 1600 linear feet~~
  - ~~Maguire Landing at LeCount Hollow (40 linear feet — width of parking lot)~~
- Permit holders must leave the area clean of litter.
- Alcoholic beverages are prohibited on all Town property. (General By-Laws, Article VII, Section 19)
- Glass containers are not permitted on the beach.
- Fires must be doused with water and the ashes stirred before leaving the beach. **DO NOT COVER HOT COALS WITH SAND.**
- National Park Service regulations, State and local laws, by-laws and regulations are applicable on town beaches.

**Any violation of these guidelines will result in a fine of \$50.00.**

## CCNS Beach Fire Permit Information

### Campfire permits

A limited number of permits per beach per day for campfires at the park's six swimming beaches are available at park visitor centers. Reservations may be made up to 3 days in advance by calling Salt Pond Visitor Center at 508 - 255 - 3421 for beaches in Eastham and Wellfleet, and Province Lands Visitor Center at 508 - 487 - 1256 for beaches in Truro and Provincetown, or in person at the visitor centers beginning at 9 AM. **Demand for reservations is extremely high during the summer months and park policy is to take reservations from those physically at the visitor center each morning before phone reservations are accepted.** Permits are free, and must be picked up the day of the fire at the reserving visitor center, before 3:30 PM. Demand often exceeds the number of permits available. Use this chart to determine what day to make a reservation.

**Reserve on: Sun Mon Tues Wed Thurs Fri Sat**

**For fire on: Wed Thurs Fri Sat Sun Mon Tues**

Fire permits for the ORV corridor are issued through the ORV office at Race Point Ranger Station in Provincetown. You may call them at 508 - 487 - 2100 x 0927, or in person at the ORV office beginning at 8 AM.

Permits are not required for stoves using manufactured fuels or for charcoal grills when used in designated picnic areas at Doane Rock, Great Island, Pilgrim Heights, and Beech Forest, or on sandy or rocky beaches bordering tidewater.





# Truro

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## Beach Fires

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In order to have a beach fire, you must obtain a beach fire permit.

**EFFECTIVE 09/01/14 ALL BEACH FIRE PERMIT REQUESTS WILL BE HANDLED BY THE TRURO FIRE DEPARTMENT AT (508) 487-7548**

**DO NOT COVER YOUR BEACH FIRE WITH SAND!**

iPads do not properly view the online registration.

The Truro Recreation & Beach Department utilizes an online system to request beach fire permits. Please click on the image to the right to be directed to our online system.

A designated number (x) of Beach Fires are allowed at ONLY the following town beaches, with a fire permit:

Ballston Beach (6)

Beach Point (2)

Coast Guard Beach (4)

Corn Hill Beach (5)

Fisher Beach (4)

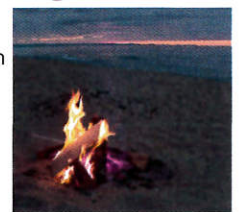
Great Hollow Beach (2)

Head of the Meadow Beach (6)

Noons Landing (2)

- Requests are accepted (3) days in advance, which includes the current day. (If requesting on Thursday you can reserve for Thursday, Friday, Saturday)
- Reservations are accepted up to 3:00pm on the day of.
- Individuals will only be allowed to request, in total, (2) beach fire permits in a week. The one week period will run from Sunday to Saturday.
- Individuals will only be issued (1) beach fire permit per day.

**Register Online**



### Contact Info

**Address:**

Old Pilgrim Library Bldg.  
36 Shore Road, Rt. 6A  
North Truro, MA 02652

**Phone:**

(508) 487-6983



If you do not have computer capabilities, you may visit the Truro Public Library located at 7 Standish Way in North Truro. If you have a computer or tablet and require internet access, WiFi is available at the library and at the Truro Community Center, also located at 7 Standish Way. (1) Computer station has been set up at the Beach Office, located at 36 Shore Rd in North Truro, which you may sign up online between 8:00am and 3:00pm.

**Only after weather conditions have been reviewed at 3:00pm will approval for beach fires be granted.**

Information on whether or not beach fires will be allowed for the day can be obtained by:

- Calling the beach office after 4:00 pm on the day you had requested a beach fire permit. The phone message will indicate whether or not beach fires will be allowed for that day. The beach office number is (508) 487-6983
- Checking the Fire Permit sign located at each respective beach. Please note that Fire Permits may be allowed on the Bay side and not on the Ocean side and vice versa depending on weather conditions.

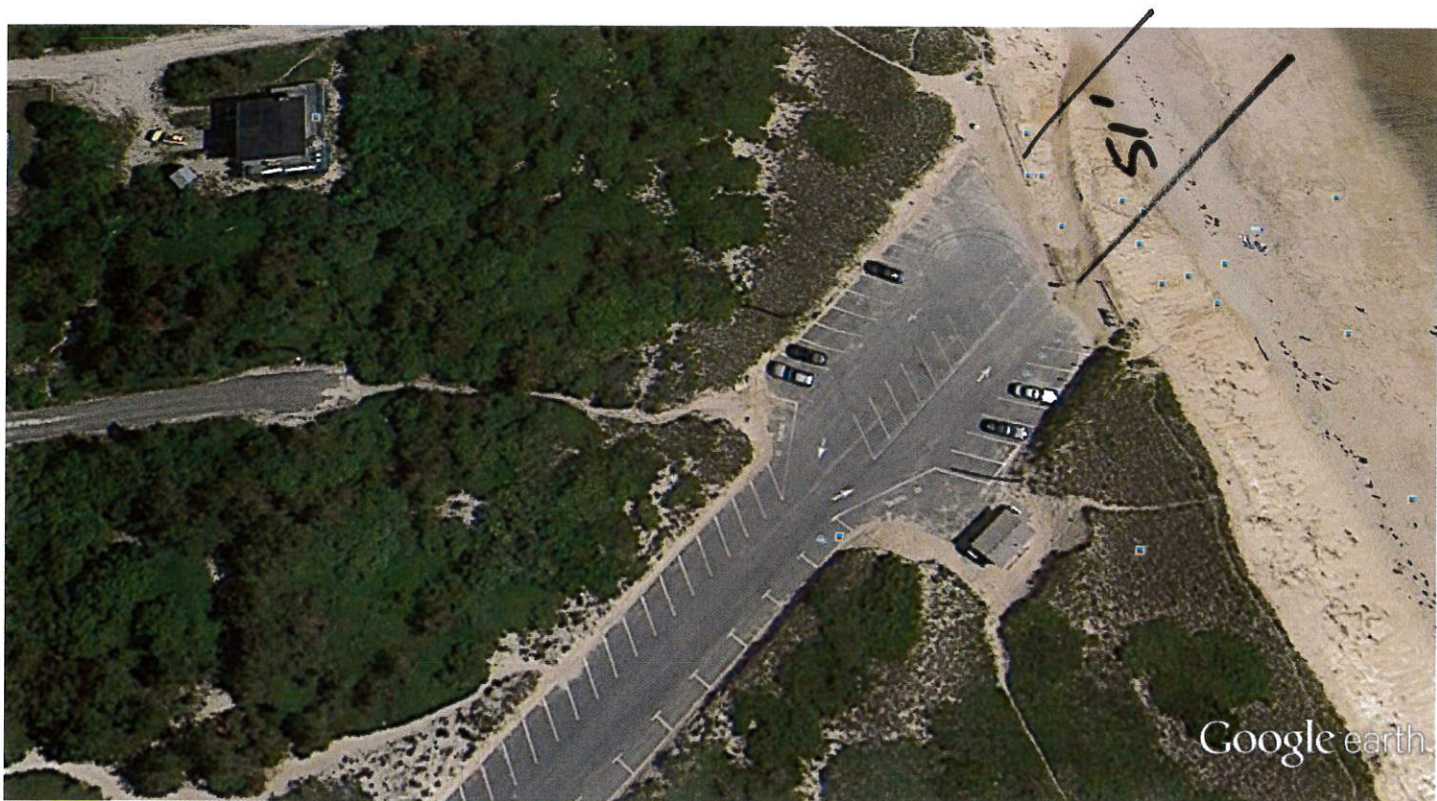
**\*PLEASE NOTE THAT WEATHER CONDITIONS MAY CHANGE AFTER 4:00PM, WHICH MAY PROHIBIT BEACH FIRES. SIGNS AT EACH RESPECTIVE BEACH WILL INDICATE IF THIS IS THE CASE.**

#### General Rules and Procedures

- Permits are valid between 6:00pm and 12:00am on the date they are issued.
- Fires should be more than 50 feet from any beach grass, vegetation, fence, building, or permanent structures, and 100 feet from any lifeguard stand.
- Fires are required to be properly extinguished with water in the event of sudden high winds or other adverse weather conditions.
- The applicant to whom the fire permits were issued to must be present, WITH IDENTIFICATION, at all times during the fire.
- Permits are for small cooking fires only, no bonfires. A beach fire must be less than 30 inches in diameter and less than 24 inches high.
- Permits may be revoked for any reason by the Truro Recreation and Beach Department, Truro Police Department, Truro Fire and Rescue Department.
- Problems during or after the fire are the responsibility of the applicant. For emergencies call 911.
- Only clean wood may be used, no chemically treated wood, or wood with paint or nails, nor wood or plastic pallets are authorized. Do not throw metal, plastic, or glass items into the fire.
- Fires should be on the town of Truro's portion of the beach, not on private beaches or on the property of the National Seashore.
- Never leave beach fires unattended.
- Only extinguish beach fires with water.
- Do not cover the beach fire with sand.
- Glass containers are prohibited on all town beaches.
- Clean up your area completely before leaving the beach. Properly dispose of all trash in the provided trash receptacles. Please place recyclables in proper containers.
- Vehicles may not drive on a Truro beach without a Truro O.R.V. permit. Truro O.R.V. permits entitle the holder to drive on designated Truro beaches. For more information see Truro O.R.V. permit application.
- Camping or sleeping on the beach or in a town beach parking lot is prohibited.
- Violation(s) of any of the above regulations will result in a fine and or arrest.

#### Useful items to bring

- Flashlight
- 5 gallon water bucket



Google earth



Barnstable, ss., Received January 16, 1948, and is recorded.

KNOW ALL MEN BY THESE PRESENTS

That I, Frank G. Maguire, formerly of Monson, now of

Wellfleet Barnstable County, Massachusetts,  
being unmarried, for consideration paid, grant to the Town of Wellfleet

with quitclaim covenants

the land in said Wellfleet at the end of La Counts Hollow Road, sometimes known as  
Cook's Camp Road, bounded and described as follows:

~~Commencing at a concrete bound at the Southwesterly corner of the premises conveyed~~  
Commencing at a concrete bound at the Southwesterly corner of the premises conveyed  
in the range of land supposedly of Florence Cook; thence North 49° 49' 30" East  
205.95 feet in the range of other land of said Maguire to a concrete bound; thence in  
the same course and range 158 feet more or less to the waters of the Atlantic Ocean;  
thence by the waters of the Atlantic Ocean 51 feet more or less to land now or formerly  
of Stephen Brown; thence South 49° 49' 30" West in said Brown's range and range of  
Frank G. Maguire 172 feet more or less to a concrete bound; thence still in the same  
course and in the range of land of said Maguire 150 feet to a concrete bound; thence  
South 40° 15' 0" West in said Maguire's range 112.99 feet; thence North 79° 11' 20"  
East 63.64 feet to the point of beginning or as however otherwise described on a plan  
entitled, "Plan of a Town Landing in Wellfleet, Mass. as laid out by the Board of  
Selectmen on November 1, 1943 to be recorded herewith." This town landing is the  
same as was accepted under Article 48 of the Annual Town Warrant for the year 1947  
and is to be known hereafter as Maguire's Landing.

~~husband of said grantor~~  
~~and~~

~~relates to and grants all rights of~~  
~~and other interests therein~~  
~~done and hereunto~~

Witness my hand and seal this Fifteenth day of December, 1947

Frank G. Maguire

The Commonwealth of Massachusetts

BARNSTABLE, ss. December 15, 1947

Then personally appeared the above named Frank G. Maguire

and acknowledged the foregoing instrument to be his free act and deed, before me,



Charles E. Frasier, Jr.  
Notary Public - ~~Signature~~

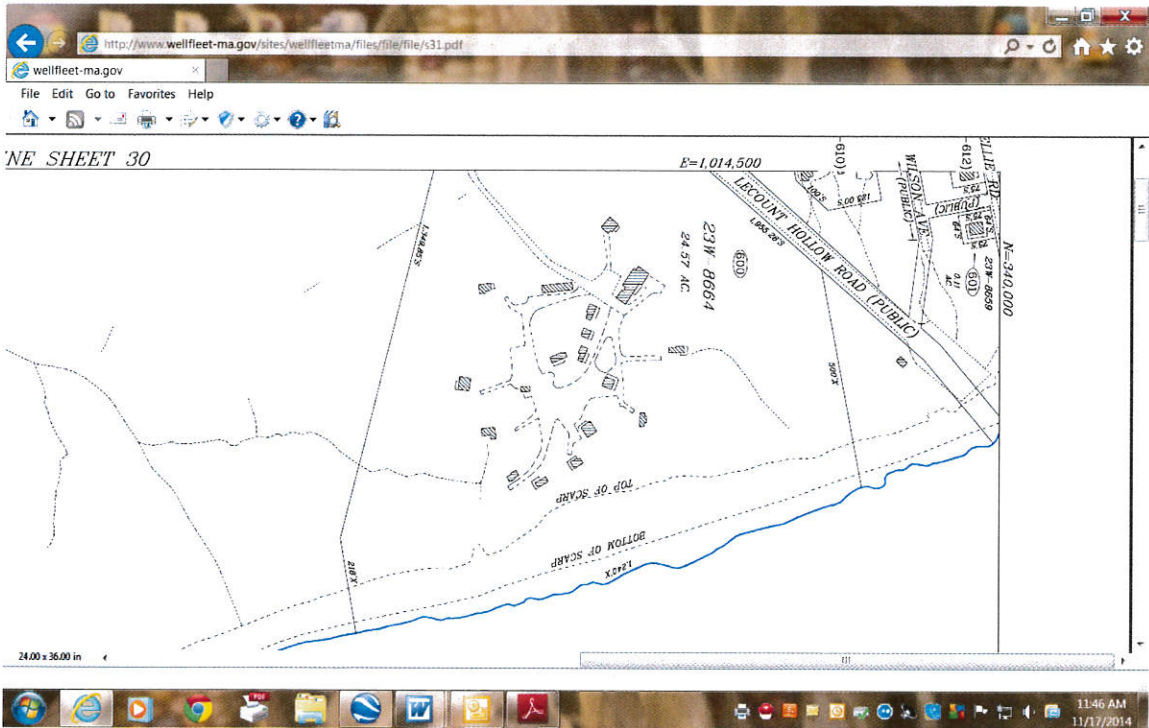
My commission expires Sept. 15 1953

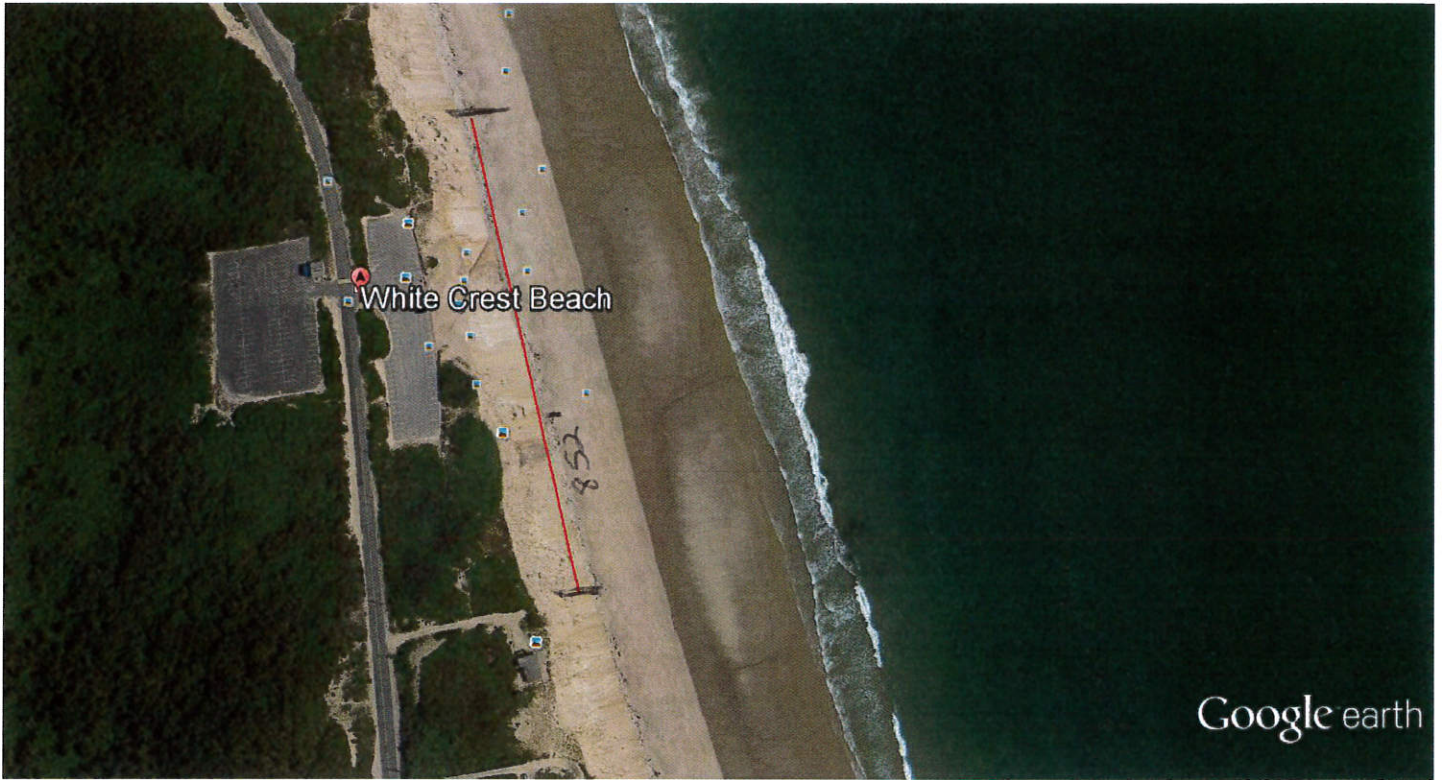
Barnstable, ss., Received January 16, 1948, and is recorded.

(See Plan filed in Plan Book 81, Page 27.)



M.L.





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Newcomb Hollow Beach, Wellfleet, MA 02667, USA

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Google earth

Google earth

feet  
meters





[illegible]

Search: 

Quality and Service, Our Best Products!

1625-C East Donovan Road  
Santa Maria, CA 93454

(805) 928-2855

## Precast Fire Ring

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### Precast Fire Ring

Precast Fire Rings can be used to make a fire pit, where architectural design can be added.

DIMENSIONS			WEIGHT
36" I.D.	48" O.D.	12" Tall	840 lbs.
36" I.D.	48" O.D.	18" Tall	1,240 lbs.
36" I.D.	48" O.D.	24" Tall	1,640 lbs.
24" I.D.	38" O.D.	12" Tall	729 lbs.



### Product Specifications

File Name	Description
Fire Ring 36" (PDF) 86.43 KB   PDF	Fire Ring 36" (PDF).
Fire Ring 36" (DWG) 101.63 KB   DWG	Fire Ring 36" (DWG).
Fire Ring 24" (DWG) 111.84 KB   DWG	Fire Ring 24" (DWG).
Fire Ring 24" (PDF) 74.21 KB   PDF	Fire Ring 24" (PDF).

### Request a Quote

Your Name: \*

Your Email: \*

Project Name: \*

Project Location: \*

Your Company:

Your Phone Number:

Your Comments:

Do You Want Us To Deliver:

Special Conditions:

Image verification: (case-sensitive)

VRMFC

\* Required Fields

SUBMIT

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# WELLFLEET CONSERVATION TRUST

PO Box 84 Wellfleet MA 02667 [www.wellfleetconservationtrust.org](http://www.wellfleetconservationtrust.org)

November 11, 2014

The Board of Selectmen  
c/o Mr. Harry Terkanian, Town Administrator  
Town of Wellfleet  
300 Main Street  
Wellfleet, MA 02667

- transmitted by e-mail -

Dear Selectmen and Mr. Terkanian:

Re: Conservation Restriction on land off Wireless Road (Assessor's Map 30 - part of Lot 605)

I am requesting the above-referenced conservation restriction (CR) be reviewed and approved by the Board of Selectmen according to the Town Policy for Conservation Restrictions. I plan to attend your November 25, 2014 meeting for presentation and response to any questions.

As background, earlier this year, the owners of the land (William R. Carlson and Lonni Jean Briggs) contacted the Wellfleet Conservation Trust (WCT) regarding their desire to preserve a portion of their property located on Wireless Road by donating a Conservation Restriction (CR) to the WCT. This land, approximately one acre, is surrounded on three sides by the Cape Cod National Seashore and is an undeveloped pine-oak woodland. The remaining side of the area is abutting the Carlson household. The land is completely within a State-designated Priority Habitat Area for rare species.

The owners have been approved to receive a MA Conservation Land Tax Credit for this proposed CR conveyance, owing to the significance of the property's conservation values. As we have done before and because of tax credit procedures, the CR will be initially donated to the Compact of Cape Cod Conservation Trust (the Compact) and after a one-year curing period, the CR ownership will be transferred to WCT. To receive the tax credit, the owners must donate the CR to The Compact before the end of the year. The intent of the grant of this CR is to retain the property in its natural condition and has been approved by the MA DOER.

The Wellfleet Conservation Commission is scheduled to review this CR at their November 19th meeting for the purpose of recommending your approval. You will have written documentation of their recommendation for your approval by the time of the review by the BoS meeting on November 25th. Upon approval and signature by the Board of Selectmen (**sign on page 14**), please return the signature page to me. We will then send the entire CR on to the Secretary of State for Energy and Environmental Affairs for her approval and signature. Finally, the CR will be filed with the Barnstable Registry of Deeds. When all processes are completed, we will send a copy of the executed and registered CR to the Conservation Commission for their records.

Please let me know if you need any additional information. I can be reached at 508-349-2162 or by email at [dennyc@comcast.net](mailto:dennyc@comcast.net). Thank you for your assistance.

Sincerely,

*R. Dennis O'Connell*

R. Dennis O'Connell  
President/Trustee

Enclosures: CR

CC: Paula Pariseau, The Compact  
Hillary Greenberg-Lemos, Wellfleet Conservation Commission.  
William R. Carlson and Lonni Jean Briggs  
Cape Cod National Seashore - in care of Lauren McKean.

**Grantor: William R. Carlson and Lonni Jean Briggs**  
**Grantee: The Compact of Cape Cod Conservation Trusts, Inc.**  
**Property Address: 51 Wireless Road, Wellfleet**  
**Grantor's Title: Book 25827 Page 249 in Barnstable County Registry of Deeds**

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### CONSERVATION RESTRICTION

**WILLIAM R. CARLSON and LONNI JEAN BRIGGS**, husband and wife, as tenants by the entirety, of P.O. Box 26, So. Wellfleet, MA 02663, their successors and assigns holding any interest in the Premises as hereinafter defined ("Grantor"), as a gift, for no consideration, grants to **THE COMPACT OF CAPE COD CONSERVATION TRUSTS, INC.**, a Massachusetts charitable corporation with an office address at 3220 Main Street, Barnstable MA 02630 and a mailing address of P.O. Box 443, Barnstable MA 02630, ("Grantee"), with quitclaim covenants, IN PERPETUITY and exclusively for conservation purposes, the following described **CONSERVATION RESTRICTION**, on approximately 1.00 acre of a 2.16-acre parcel of unregistered land located in the Town of Wellfleet, County of Barnstable, Commonwealth of Massachusetts, said land being described in Exhibit "A" and shown on Exhibit "A-1", both of which are attached hereto, said land hereinafter referred to as the "Premises."

**Purposes:** This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. Its purpose is to assure that the Premises will be retained in perpetuity substantially in its natural, scenic and open condition as set forth herein; and to prevent any use that would materially impair or interfere with the conservation values of the Premises. The conservation of the Premises will yield a significant public benefit because the Premises' protection will advance the following policies and objectives:

WHEREAS, The Massachusetts Endangered Species Act, M.G.L. c. 131A protects rare species and their habitats, and the Massachusetts Natural Heritage and Endangered Species Program ("MNHESP") has designated as Priority Habitats the known geographical extent of habitat for state-listed rare plant and animal species; and,

WHEREAS, in 2010, the Massachusetts Department of Fish and Game and The Nature Conservancy's Massachusetts Program published a report entitled *BioMap2: Preserving the Diversity of Massachusetts in a Changing World*, which identified Core Habitat areas "critical for the long-term persistence of rare species and other Species of Conservation Concern, as well as a wide diversity of natural communities and intact ecosystems across the Commonwealth" and identified Critical Natural Landscape areas that complement Core Habitat areas; and,

WHEREAS, in 1978 the National Park Service (NPS) of the United States Department of the Interior approved a "Statement for Management for Cape Cod National Seashore," in which the

following management objective was approved: “to assure perpetuation and compatible use of Seashore resources through cooperative regional planning and management with local communities and other government agencies to achieve environmentally compatible development and use of non-federal lands inside and outside the Seashore boundary (p.36); and, in 1990 the NPS recommended a revised “Statement for Management” which identified a major management issue as being, “The protection of Seashore resources from adverse effects of adjacent private and municipal developments (p.37); and

WHEREAS, in 1989 the NPS, in cooperation with the University of Massachusetts, published a report entitled, “Managing Adjacent Areas: Predictive Model for Land Use Changes, Cape Cod National Seashore Case Study,” which found that

- a) “...two-thirds of the 350 National Parks are being negatively impacted by adjacent land uses...[p.vi]” and, “Development of adjacent areas and other lands more removed from the national Seashore has negative impacts on the Seashore [p.1]”; and,
- b) “As land adjacent to National parks is developed the potential for contamination of groundwater within park boundaries increases [p.11]”; and,
- c) “...conservation easements would be useful to the NPS. These easements would protect visual amenities and other physical features of the park lands [p.57];” and,

WHEREAS, in July 1991 the Barnstable Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan*, amended in 1996, 2002 and 2009, which provided, *inter alia* (references are to the 2009 Plan):

- Wildlife and Plant Habitat Goal to “prevent loss or degradation of critical wildlife and plant habitat...and to maintain existing populations and species diversity” (WPH1);
- Open Space and Recreation Goal to “preserve and enhance the availability of open space that provides wildlife habitat...and protects the region’s natural resources and character” (OS1) stating that priority should be given “to the protection of significant natural and fragile areas as identified on the Cape Cod Significant Natural Resource Areas map;” and,

WHEREAS, the *Regional Policy Plan* includes a Significant Natural Resources Areas Map, which shows, among other things, priority natural communities, wetlands, and critical upland areas; and,

WHEREAS, in 2008, the Town of Wellfleet produced an updated *Local Comprehensive Plan*, which identified conservation goals and objectives, including:

- an *Open Space* Goal of preserving and enhancing the availability of open space to provide wildlife habitat, recreation opportunities, and protect the natural resources, scenery, and character of the Town; and,
- a *Water Resources* Goal of maintaining the quality and quantity of Wellfleet’s ground water and preserving and improving the ecological integrity of the Town’s marine and fresh surface waters; and,

WHEREAS, in 2005, the Town of Wellfleet developed an *Open Space and Recreation Plan*,

*WIRELESS ROAD CONSERVATION RESTRICTION*  
*Wellfleet, MA*

updating and revising its 1992 and 1998 plans, “incorporating goals of protecting natural resources, conserving open space and providing a varied recreation program” by, among other things, identifying the town’s natural resource needs and establishing goals, including: acquiring, retaining and protecting a maximum of open space for the community and its natural and wildlife habitats (p.122), and protecting ponds, rivers and streams (p.124); and,

WHEREAS, the Town of Wellfleet has adopted a Conservation Restriction Program, consisting of policies and guidelines approved by the Board of Selectmen, Board of Assessors and Conservation Commission in 1989, which encourage the use of conservation restrictions in perpetuity as a means of “protecting water resources and clean air, preserving open space, forest lands, and natural habitat of fish, wildlife or plants and providing scenic enjoyment, outdoor recreation and education of the public;” and,

WHEREAS, the Town identified, among other things, the following purposes which a conservation restriction can help to fulfill:

- To preserve important natural habitats;
- To prevent or limit construction in areas of natural resource value; and,

WHEREAS, preservation of the Premises satisfies each of these enumerated objectives because the Premises:

1. is comprised of pine forest upland;
2. lies 100% within an MNHESP Priority Habitat Area for rare species;
3. lies 100% within both a Core Habitat Area and a Critical Natural Landscape Area of the BioMap2;
4. lies 100% within a Significant Natural Resources Area of the Regional Policy Plan;
5. is bordered on three sides by protected lands of the Cape Cod National Seashore;
6. maintains the Town of Wellfleet’s rural character; and,
7. is a substantial contributing element to the overall scenic and historic character of the area by adding to and maintaining the land predominantly in its natural condition; and,

WHEREAS, accordingly, the Premises possess significant open, natural, and scenic values (collectively, "conservation values") of great importance to the Grantee and the people of Wellfleet and the Commonwealth of Massachusetts; and,

WHEREAS, accordingly, the Premises constitutes a significant natural area which qualifies as a “...relatively natural habitat of wildlife, or plants, or similar ecosystem,” and protection of the Premises will meet the requirements of Section 170(h)(4)(A)(ii) of the Code; and,

WHEREAS, accordingly, protection of the Premises will preserve open space pursuant to clearly delineated Federal, State and local government policies and will yield a significant public benefit, and will therefore meet the requirements of Section 170(h)(4)(A)(iii)(II) of the Code; and,

WHEREAS, the Town of Wellfleet has in recent years come under increasing pressure for development, and such development can destroy or otherwise severely impact the open character, natural resources, and scenic beauty of the area; and,

WHEREAS, the Grantee is a publicly-supported, tax-exempt non-profit organization whose primary purpose is to preserve and conserve natural areas for aesthetic, scientific and educational purposes; and is qualified to hold conservation restrictions in perpetuity, and has received a letter from the Internal Revenue Service, dated August 14, 2009, a copy of which is on file at the offices of the Grantee, to the effect that said Grantee is not a private foundation within the meaning of Section 509(a) of the Code; and,

WHEREAS, the Grantor intends, as owner of the Premises, to convey to the Grantee the right to preserve and protect the above-mentioned conservation values of the Premises in perpetuity; and,

WHEREAS, the Grantee agrees by accepting this grant to honor the intentions of the Grantor stated herein and to preserve and protect in perpetuity the above-mentioned Conservation Values of the Premises for the benefit of this generation and the generations to come.

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, the Grantor and the Grantee voluntarily agree that the CONSERVATION RESTRICTION described herein is an appropriate means to achieve the community's open space goals and objectives.

The terms of this Conservation Restriction are as follows:

A. Prohibited Uses. Except as to reserved rights set forth in Section B below, neither the Grantor nor its successors or assigns will perform or permit others to perform the following acts or uses, which are prohibited on, above and below the Premises:

- 1) Construction or placing or allowing to remain of any temporary or permanent building, structure, facility or improvement, including but not limited to any dwelling unit or habitable living space, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, antenna, tower, windmill, water tower, water storage tank, well, or other structure or facility on, under or above the Premises;
- 2) Mining, excavating, or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit from the Premises;
- 3) Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree cuttings generated off-site, waste or other substance or material whatsoever;
- 4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- 5) Activities detrimental to drainage, water or soil conservation, erosion control or the quality of surface or ground water;
- 6) Any commercial recreation, commercial agriculture, or business or industrial use;



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*Wellfleet, MA*

- any animal husbandry or horse paddocking or stables, paddocks, grazing areas or enclosures and the storage or dumping of manure or other animal wastes;
- 7) Hunting or trapping;
  - 8) The use, parking or storage of motorcycles, motorized trail bikes, snowmobiles and all other motor vehicles, except as necessary by police, firemen or other governmental agencies in carrying out their lawful duties;
  - 9) Conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the intent to keep the Premises in single ownership;
  - 10) Except as set forth herein and as permitted under Section B.10 herein, all development rights in the Premises are terminated and extinguished by this Restriction, and the Premises may not be used for the purpose of calculating the amount of Grantor's or any other land available for additional subdivision or calculating the building requirements on this or any other land owned by the Grantor or any other person; and,
  - 11) Any use inconsistent with conservation or any other use of the Premises which will materially impair its conservation values or purposes.

B. Reserved Rights. Notwithstanding the provisions of Section A above, the following uses and activities are permitted, but only if such uses and activities do not materially impair the purposes of this Restriction:

- 1) The installation of temporary and permanent boundary monuments delineating the Premises; and the erection and maintenance of small signs and educational kiosks with respect to hunting, trespass, identity of Grantor and Grantee, the protected conservation values, and similar signs, so long as such signage is consistent with the purposes of this Conservation Restriction. Signage will be subject to any applicable regional or local approvals;
- 2) Active measures taken in order to prevent unauthorized dumping;
- 3) The creation, modification, use and abandonment of a foot trail, said trail shall not exceed four (4) feet in width and shall not be paved;
- 4) The use, maintenance, repair and replacement of the existing approximately 12' x 7.5' ground-level wooden deck on cinder blocks, in the location described on Exhibit A-1;
- 5) The erection and maintenance of wooden split-rail or comparable sight-pervious fencing, no more than three (3) feet in height and designed to allow for the passage of small mammals, for boundary delineation purposes;

- 6) The right to control and remove invasive plant species in a manner designed to affect the targeted species and to avoid damage to non-target species and water quality;
- 7) With notice to Grantee, the pruning or cutting down of live trees and other vegetation as necessary to control or prevent an identified disease, infestation or other hazard to the health of the trees, for safety reasons to prevent injury to persons or damage to property, and to create and maintain a trail, all in conformance with accepted silvicultural management practices;
- 8) The clean-up of trees felled by storms across authorized trails including the orderly stacking of logs resulting from said clean-up, though it is preferred that some deadfall remain as den trees;
- 9) With Grantee's prior written permission, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species;
- 10) As the Premises comprises only a portion of the 2.16-acre residential lot located at 51 Wireless Road, the Premises may be used as necessary to comply with the residential zoning (and Board of Health requirements) for one single family residence and accessory structures within the Unrestricted area of this 2.16 acre lot;
- 11) Activities detrimental to archeological and historic resources, including but not limited to earth moving and the alteration of historic stone walls/cellar holes/features, shall not be deemed to be detrimental to archeological and historic resources if a description of the proposed activity and its location is submitted in writing with a plan of land (or assessors map) and a USGS map with the Premises outlined thereon, to Massachusetts Historic Commission ("MHC") and MHC issues a letter stating that the proposed activity is not within a resource area or is determined to not have an adverse effect on said resources. Grantor and Grantee shall make every reasonable effort to prohibit any person from conducting archaeological field investigation on the Premises, including metal detecting, digging, or artifact collecting, without approval of the MHC State Archaeologist (or appropriate successor official), and shall promptly report any such prohibited activity to the MHC State Archaeologist (or appropriate successor official). Grantor and Grantee shall include the prohibition against digging, artifact collecting, or metal detecting in any list of rules for visitors to the Premises; and,
- 12) Any work undertaken in conjunction with the reserved rights mentioned above in this Section I.B. shall seek to minimize disturbance within the Premises and, to the extent possible, shall avoid areas within the afore-mentioned BioMap2. Upon completion of any site work performed in conjunction with this Section I.B., any disturbed areas shall be restored substantially to match the conditions with respect



to soil material, grade, and vegetated ground cover that existed prior to said work.

The exercise of any right or obligation reserved by the Grantor under this Section B shall be in compliance with all permitting requirements, the then-current Zoning By-Laws of the Town of Wellfleet, and all other applicable federal, state and local law. The inclusion of any reserved right in this Section B requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position on whether such permit should be issued.

C. Notice and Approval. Whenever notice to or approval by the Grantee is required under the provisions herein, the Grantor shall notify the Grantee in writing, by a method requiring receipt, not less than sixty (60) days prior to the date the Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes and performance standards of this Restriction. Where the Grantee's approval is required, the Grantee shall grant or withhold its approval in writing within sixty days (60) days of receipt of the Grantor's written request therefore. Failure of Grantee to deliver a written response to Grantor in accordance with the prescribed timeframe shall be deemed to constitute written approval by Grantee of any request submitted for approval that is not prohibited or contrary to the express restrictions hereof and will not materially impair the purposes of this Conservation Restriction, provided that Grantor's request sets forth in substance the provisions of this section relating to deemed approval after the passage of time.

D. Extinguishment. If circumstances arise in the future such as to render the purpose of this Restriction impossible to accomplish, this Restriction can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction, and after review by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Restriction under applicable law, then the Grantee, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Section D.1. below, subject, however, to any applicable law that expressly provides for a different disposition of the proceeds or to the terms of any gift, grant, or funding requirements. The Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes set forth herein.

D.1. Proceeds. The Grantor and the Grantee agree that the grant of this Conservation Restriction gives rise to a property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the gift, bears to the value of the entire property as unencumbered at that time.. For the purposes of this paragraph, the ratio of the value of this Conservation Restriction to the value of the Premises unencumbered by this Conservation Restriction shall remain constant, exclusive of improvements. To establish this proportionate value, Grantor shall provide Grantee with a complete copy of any qualified appraisal performed for Grantor (at the time of donation of this Conservation Restriction) as required under Internal Revenue Code Sec. 170(h).

D.2. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee under this Section shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and the Grantee in shares equal to such proportionate value, as noted in Section D.1, above, subject to the terms of any gift, grant or funding requirements. The Grantee shall use its share of the proceeds in a manner consistent with the purposes of this grant.

E. Access. The Restriction hereby conveyed does not grant to the Grantee, to the public generally, or to any other person any right to enter upon the Premises, except as follows: the Grantee and its representatives are granted the right to enter the Premises over Grantor's adjoining unrestricted land (a) after reasonable notification, at reasonable times and in a reasonable manner for the purpose of inspecting the same to determine compliance with the provisions of this Restriction; and (b) after thirty (30) days prior written notice, to take any and all actions with respect to the Premises as may be necessary or appropriate, with or without order of court, to remedy, abate or enforce any violation hereof unless the Grantor has prior to the expiration of said thirty (30) days given written notice to the Grantee reasonably addressing all alleged violations and setting forth a reasonable plan to remedy any such alleged violation.

F. Legal Remedies of the Grantee. The rights hereby granted shall include the right to enforce this Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including without limitation relief requiring restoration of the Premises to its condition at the time of this grant (it being agreed that the Grantee shall have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee. Prior to instituting litigation to enforce any violations of this Restriction, however, the Grantee shall first notify the Grantor and request the Grantor to cease the objectionable activity and to remedy the violation; if the violation is not remedied within sixty (60) days, the parties shall make a good faith effort to mediate the dispute before litigation is commenced, provided the Grantor ceased the violative activity immediately upon receipt of notice of the violation and is making good faith efforts to remedy the violation.. In the event of a dispute over the boundaries of the Premises, the Grantor shall pay for a survey and permanent boundary markers delineating the Premises.

Grantee shall not, however, have the right to bring an action against Grantor with respect to a violation of this Conservation Restriction by trespassers or other third persons whose entry on the Property is not authorized or voluntarily acquiesced in by Grantor; Grantor agrees that Grantor will not voluntarily acquiesce in any violation of this Conservation Restriction by trespassers or such other third persons; and Grantor further agrees that, at the request of Grantee, Grantor will make reasonable efforts to deter such activities and to remedy the violation and will cooperate with Grantee to enforce this Conservation Restriction against trespassers and such other third persons.

If Grantee prevails in any action to enforce the terms of this Restriction, the Grantor, its successors and assigns, as the case may be, shall reimburse the Grantee for all reasonable costs

and expenses (not including attorney's fees) incurred in enforcing this Restriction or in taking reasonable measures to remedy or abate any violation thereof.

The Grantor, its successors and assigns shall each be liable under this Section for only such violations of this Restriction as may exist during its respective periods of ownership of the Premises. By their acceptance, the Grantee does not undertake any liability or obligation relating to the condition of the Premises, including with respect to compliance with hazardous materials or other environmental laws and regulations, or for acts not caused by the Grantee or its agents. Enforcement of the terms of this Restriction shall be at the discretion of the Grantee, and any election by the Grantee as to the manner and timing of its right to enforce this Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

G. Acts Beyond Grantor's Control. Nothing contained in this Restriction shall be construed to entitle the Grantee to bring any action against the Grantor, for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including, but not limited to, fire, flood, storm, natural erosion, or from any prudent action taken by the Grantor, under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. Notwithstanding the foregoing, nothing herein shall preclude Grantor's and Grantee's rights to pursue any third party for damages to the Premises from vandalism, trespass, or any other violation of the terms of this Restriction. Grantor and Grantee agree that in the event of damage to the Property from acts beyond Grantor's control, that if Grantor and Grantee mutually agree that it is desirable that the Property be restored, Grantor and Grantee will cooperate in attempting to restore the Property if feasible.

H. Duration and Assignability. The burdens of this Restriction shall run with the Premises in PERPETUITY and shall be enforceable against the Grantor, its successors and assigns holding any interest in the Premises. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Restriction; and the Grantor on behalf of its successors and assigns, appoints the Grantee as its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instrument upon request.

The benefits of this Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances from time to time:

- (i) as a condition of any assignment, the Grantee requires that the purpose of this Restriction continue to be carried out,
- (ii) the assignee, at the time of assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and under Section 32 of Chapter 184 of the General Laws as a donee eligible to receive this Restriction directly; and,
- (iii) the Grantee complies with the provisions required by Article 97 of the amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

I. Subsequent Transfers. The Grantor agrees to incorporate by reference the terms of this Restriction in any deed or other recordable legal instrument by which Grantor conveys any interest in all or a portion of the Premises, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to the Grantee of the transfer of any interest at least twenty (20) days prior to the date of such transfer. Failure of the Grantor to do either shall not impair the validity of this Restriction or limit its enforceability in any way.

J. Termination of Rights and Obligations. Notwithstanding anything to the contrary contained herein, the rights and obligations under this Restriction of any party holding an interest in the Premises terminate upon transfer of that party's interest, except that liability for acts or omissions occurring prior to the transfer, and liability for the transfer itself if the transfer is a violation of this Restriction, shall survive the transfer.

K. Estoppel Certificates. Upon request by the Grantor, the Grantee shall, upon twenty (20) days notice, execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Restriction, and which otherwise evidences the status of this Restriction as may be requested by the Grantor.

L. Amendment. If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, the Grantor, their successors and assigns and the Grantee may by mutual consent amend in writing any term or provision hereof provided that this Conservation Restriction as thus amended complies with the then-applicable requirements of Massachusetts General Law, Chapter 184, Sections 31-33; Internal Revenue Code of 1986 Section 170(h), as amended; and the Conservation Restriction Program of the Town of Wellfleet, or any successors thereto, and, if applicable, Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; and provided that any such amendment, together with any approvals necessary to its effectiveness, including that of the Massachusetts Secretary of Energy and Environmental Affairs, shall be recorded with the Barnstable County Registry of Deeds. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not diminish the conservation values of the Premises, and shall not affect its perpetual duration.

M. Non-Merger: The parties intend that the doctrine of merger shall not apply to this conveyance, and that no transfer of Grantor's or Grantee's interest in the Premises and no acquisition of any additional interest in the Premises by Grantor or Grantee shall cause this Conservation Restriction to merge with the fee or have the effect of causing any of the terms hereof to be rendered unenforceable by reason of the so-called doctrine of merger. No deed or assignment shall be effective until this Conservation Restriction has been assigned to a non-fee owner or other action taken to avoid a merger and preserve the terms and enforceability of this Conservation Restriction by a non-fee owner. It is the intent of the parties that the Premises will be subject to the terms of this Conservation Restriction in perpetuity.

N. Miscellaneous Provisions

- 1) Controlling Law. The interpretation and performance of this Restriction shall be governed by the laws of the Commonwealth of Massachusetts.



*WIRELESS ROAD CONSERVATION RESTRICTION*  
*Wellfleet, MA*

- 2) Construction. Any general rule of construction to the contrary notwithstanding, this Restriction shall be liberally construed in favor of its purposes. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.
- 3) Severability. If any provision of this Restriction shall to any extent be held invalid, the remainder shall not be affected.
- 4) Entire Agreement. This obligation sets forth the entire agreement of the parties with respect to the Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Restriction, all of which are merged herein.
- 5) Joint Obligation. The obligations imposed by this Restriction upon the parties that together comprise "Grantor" shall be joint and several.
- 6) Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

O. Effective Date. Grantor and Grantee intend that the restrictions arising hereunder take effect on the day and year this Restriction is recorded in the official records of the Barnstable County Registry of Deeds, after all signatures required by Section 32, Chapter 184 of the General Laws of Massachusetts have been affixed hereto. This document shall be recorded in a timely manner upon execution by all parties.

P. Homestead. The Grantors are married and occupy a principle residence abutting the Premises owned by the Grantors, and release and subordinate their Homestead rights as they pertain to this Conservation Restriction.

No documentary stamps are required as this Conservation Restriction is a gift.

Attached hereto and incorporated herein are the following:

Signatures:

Grantor – William R. Carlson and Lonni Jean Briggs

Grantee – The Compact of Cape Cod Conservation Trusts, Inc.

Town of Wellfleet Board of Selectmen

Secretary, MA Executive Office of Energy and Environmental Affairs

Exhibits:

- A. Legal Description of the Premises
- A-1. CR Sketch Plan
- B. Baseline Study

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*WIRELESS ROAD CONSERVATION RESTRICTION*  
*Wellfleet, MA*

Executed under seal this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**Grantor:**

\_\_\_\_\_  
**William R. Carlson**

\_\_\_\_\_  
**Lonni Jean Briggs**

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

\_\_\_\_\_, 2014

Then personally appeared the above-named William R. Carlson and Lonni Jean Briggs, and proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the document, and acknowledged the foregoing instrument to be their free act and deed, before me.

\_\_\_\_\_  
Notary Public

My commission expires:

*WIRELESS ROAD CONSERVATION RESTRICTION*  
*Wellfleet, MA*

At a meeting duly held on \_\_\_\_\_, 2014, The Compact of Cape Cod Conservation Trusts, Inc. voted to accept the foregoing Conservation Restriction from William R. Carlson and Lonni Jean Briggs.

**Grantee:**

**The Compact of Cape Cod Conservation Trusts, Inc.**

\_\_\_\_\_  
Richard A. Johnston, President,  
The Compact of Cape Cod Conservation Trusts, Inc.

\_\_\_\_\_  
Henry Lind, Treasurer  
The Compact of Cape Cod Conservation Trusts, Inc.

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. \_\_\_\_\_, 2014

Then personally appeared the above-named Richard A. Johnston, President, The Compact of Cape Cod Conservation Trusts, Inc. and Henry Lind, Treasurer, The Compact of Cape Cod Conservation Trusts, Inc., the corporation named in the foregoing instrument, and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the document, and each acknowledged he/she is duly authorized to act on behalf of said corporation, that the seal affixed to said instrument is the corporate seal of said corporation and each further acknowledged the foregoing instrument to be the free act and deed of said corporation, before me.

\_\_\_\_\_  
Mark H. Robinson, Notary Public  
My commission expires: 24 July 2020

APPROVAL OF SELECTMEN

At a public meeting duly held on \_\_\_\_\_, 2014, the Selectmen of the Town of Wellfleet, Massachusetts voted to approve, pursuant to M.G.L. Chapter 184, Section 32, the foregoing Conservation Restriction from William R. Carlson and Lonni Jean Briggs to The Compact of Cape Cod Conservation Trusts, Inc.

TOWN OF WELLFLEET  
BOARD OF SELECTMEN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. \_\_\_\_\_, 2014.

Then personally appeared the above-named \_\_\_\_\_, Chairman of the Town of Wellfleet Board of Selectmen, and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the document and acknowledged the foregoing instrument to be his/her free act and deed on behalf of said Town of Wellfleet Board of Selectmen, before me.

\_\_\_\_\_  
Notary Public  
My commission expires:



APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from William R. Carlson and Lonni Jean Briggs to The Compact of Cape Cod Conservation Trusts, Inc. has been approved in the public interest pursuant to M.G.L. Chapter 184, Section 32. Said approval is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

Date: \_\_\_\_\_, 2014.

\_\_\_\_\_, Secretary  
Executive Office of Energy and  
Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss. \_\_\_\_\_, 2014.

Then personally appeared the above-named \_\_\_\_\_, Secretary,  
Executive Office of Energy and Environmental Affairs, and proved to me through satisfactory  
evidence of identification, which was personal knowledge of identity, to be the person whose  
name is signed on the document and acknowledged to me that s/he signed it voluntarily as  
Secretary of Energy and Environmental Affairs for the Commonwealth of Massachusetts, for its  
stated purpose.

\_\_\_\_\_  
Notary Public  
My commission expires:

CONSERVATION RESTRICTION  
on Land owned by  
William R. Carlson and Lonni Jean Briggs  
in Wellfleet, Massachusetts

EXHIBIT A  
Description of the Premises

The Premises subject to this Conservation Restriction is located in the Town of Wellfleet, County of Barnstable, Commonwealth of Massachusetts, and comprises approximately 1 acre of land, more or less, and is a portion of the 2.16-acre parcel of land shown as U.S.A. Tract #23W-4777. The Premises is a rectangle measuring 76.66 feet by 568.22 feet, as shown on the sketch referenced hereinbelow.

The Premises subject to this Conservation Restriction is further identified as "Conservation Restriction Area" on a sketch entitled "Sketch of Proposed Conservation Restriction on a Portion of U.S.A. Tract #23W-4777, being 2.160 acres owned by William R. Carlson & Lonni Jean Briggs, So. Wellfleet MA, Scale: as indicated. Sketch prepared by M.H. Robinson for The Compact of Cape Cod Conservation Trusts, Inc., based on a 2006 unrecorded survey plan, revised November 31 (sic) 2011, by Slade Associates, Inc. as noted on the sketch," which is attached hereto as Exhibit A-1.

The area shown on said sketch as "Unrestricted Area" is not restricted by this Conservation Restriction.

The line dividing the Conservation Restriction from the unrestricted remaining portion of the land is shown as a dashed line measuring 76.66 feet on said sketch. Permanent boundary markers to be placed at the northwest and southwest corners of the Premises.

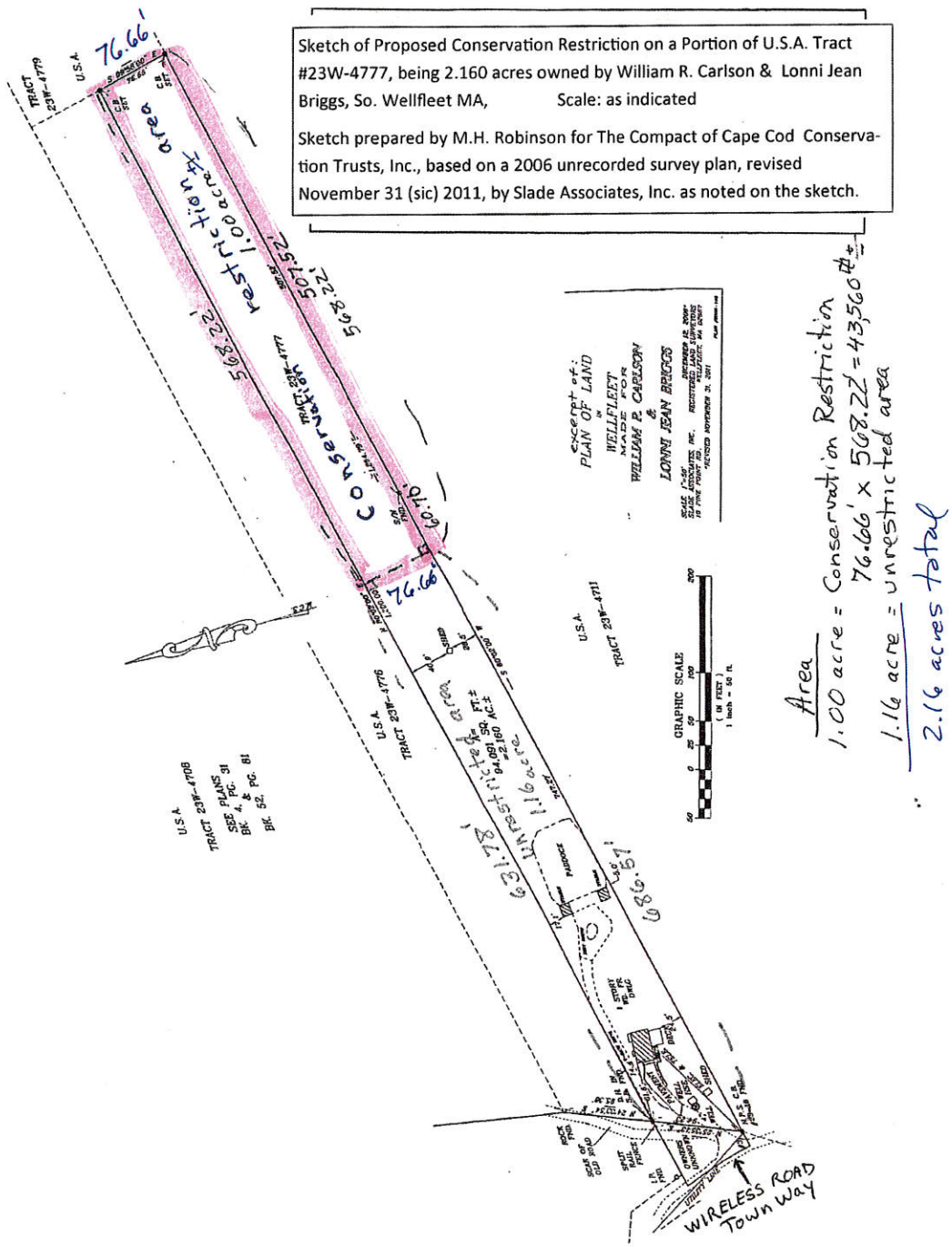
For Grantor's title, see Deed recorded in Barnstable County Registry of Deeds in Deed Book 25827 Page 249.

Street Address: 51 Wireless Road, Wellfleet MA.

Town of Wellfleet Assessor's Map 30 Parcel 605 (portion).

EXHIBIT A-1

SKETCH OF THE PREMISES



**To:** Harry Terkanian

**From:** Gary Sorkin

**Date:** 3 Nov. 2014

**Pages:** 2

**RE: SENIOR HOUSING SURVEY**

As you know, we formed an ad hoc committee to look into the need and feasibility of developing Senior Housing near the COA. Our group is made up of representatives from the COA (Suzanne), the Selectmen (Paul), the Housing Authority (Elaine) and the Housing Partnership (myself) as well as at large members Denny O'Connell, Sandy Wonders and Brita Tate. We have been receiving technical assistance from Mike Goodman, Director of the UMass Dartmouth Center for Policy Analysis.

The first thing we want to do is to survey Wellfleetians to get their opinion about such a project. Here is a link to a Senior Housing Survey we hope to launch in mid-November:

<http://www.sogosurvey.com/survey.aspx?k=YsUXTWsQY&status=preview>

Would you please take a look at the survey instrument and give us your feedback. We were thinking that after we got your input, we would ask for it to be placed on the Selectmen's November 12 agenda for their review.

In terms of mechanics, here is our survey distribution plan:

- Target start date of November 15 with an end date of January 15.
- We will post links to the survey on the Town's website, the COA site, our Affordable Housing site, the Wellfleet Forum. The Non-Resident Tax Payers and the Wellfleetian.
- We will send out email notices to distribution lists for the COA, the Forum, NRTP.
- We will put up flyers around Town.
- Although our aim is to have this be a web based process, we will have hard copies of the survey available for people to fill out at the Library, the COA, OCHS, the Churches and Town Hall (?).
- We will issue a press release about the survey that hopefully will be picked up in the Banner and/or the Cape Cod Times.
- We are considering sending a postcard to all 3000 Wellfleet postal addresses asking them to go to the web site. (Cost is \$.17 postage per item plus printing or about \$600.) Here's a draft:

**Please Take the Wellfleet Senior Housing Survey (Town seal)**

**The purpose of this survey is to determine the need for, and interest in, building and supporting a Senior Housing Development in Wellfleet. Your survey responses will be used to help the Town assess the feasibility and potential design of any Senior Housing that may be developed. Thank you for participating**

- To take the survey online, go to:  
[www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)  
and click on Senior Housing Survey

If you cannot fill out the survey online, paper copies are available at:

Wellfleet Council on Aging

Wellfleet Public Library

Town Hall

Fill out and return the survey to any of the above locations.

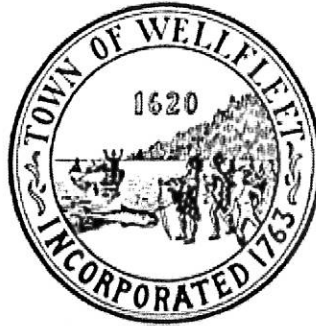
The group that is conducting this survey is made up of representatives from Wellfleet's Council on Aging, the Selectmen, the Housing Authority and the Housing Partnership.

- Mike Goodman set up the survey instrument and site and those answers can be tabulated electronically. We will use Senior Workers from the COA to tabulate the hard copy responses.
- Mike and his staff will provide analysis of the results.

We hope to present our findings to the Selectmen in February and then plan our next steps.

Thanks so much and please let me know what you think.

Gary Sorkin



**\* Required Information**

**WELFLEET SENIOR HOUSING  
SURVEY**

**Thank you for agreeing to participate in this survey. Your participation is completely voluntary and you may discontinue at any time. All responses will be kept anonymous and only aggregated findings will be reported. The survey should take no more than 10 minutes of your time.**

**The purpose of this survey is to determine the need for, and interest in, building and supporting a Senior Housing Development in Wellfleet.**

**The group that is conducting this survey is made up of representatives from Wellfleet's Council On Aging, the Selectmen, the Housing Authority, and the Housing Partnership. The Public Policy Center at UMass Dartmouth is providing pro bono technical support.**

**Your survey responses will be used to help us assess the feasibility and potential design of any Senior Housing that may be developed.**

**\* Which of the following best describes you?**

- ☐ I am a year-round resident of Wellfleet.
- ☐ I live in Wellfleet for part of the year.
- ☐ I do not live in Wellfleet.





The following questions have been designed to capture your opinion on the following proposal currently being considered.

A place for Independent Living that would be constructed on land next to the Wellfleet Senior Center. It would be a combination of market rate and affordable studio and one bedroom rental apartments open to all residents age 55 and over. This Development would not be an assisted living facility but would offer some property maintenance and transportation services as well as all the services that the Council on Aging (COA) can provide.

Current thinking is that there may be up to 12 units in the initial development, possibly expanding to 24 depending on the need and availability of funding. It is likely the Town will have to support the building and operations of any affordable senior housing units with local tax dollars.

On a scale of 1 to 5 where 1 means strongly disagree and 5 means strongly agree, to what extent do you agree with the following statements?

	Interest in development				
	Strongly disagree 1	2	Neutral 3	4	Strongly agree 5
I or a member of my family would seriously consider renting a unit in the proposed development.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Any affordable units in the proposed development should be reserved for eligible Wellfleet residents.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Based on the information provided to me, I oppose the proposed development.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

On a scale of 1 to 5 where 1 means strongly disagree and 5 means strongly agree, to what extent do you agree with the following statements?

	Housing Needs for Seniors				
	Strongly disagree 1	2	Neutral 3	4	Strongly agree 5
The Town of Wellfleet has a responsibility to help meet the housing needs of its senior citizens.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Town of Wellfleet needs assisted living options for its seniors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Town of Wellfleet needs more market rate housing options for its seniors.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The Town of Wellfleet needs more affordable housing options for its seniors.

The Town of Wellfleet should use its tax dollars to help meet the housing needs of its seniors.

☐ ☐ ☐ ☐ ☐

Which of the following best describes your living arrangement?

- ☐ I (or my family) own a primary home or condominium in Wellfleet.
- ☐ I (or my family) own a second home or condominium in Wellfleet.
- ☐ I (or my family) rent a home or condominium/apartment year-round in Wellfleet.
- ☐ I (or my family) rent a home or condominium/apartment for part of the year in Wellfleet.
- ☐ I do not live in Wellfleet.

**The following questions are for statistical purposes only and you need not respond to them if you prefer. Please note that the anonymity of individual responses is guaranteed.**

Which of the following categories contains your age?

- ☐ 19 and under
- ☐ 20-34
- ☐ 35-54
- ☐ 55-64
- ☐ 65 and over

Which of the following best describes your gender?

- ☐ Male
- ☐ Female
- ☐ Other

Which of the following categories best describes your racial/ethnic identity?

- ☐ White
- ☐ Black or African American
- ☐ American Indian and Alaskan Native
- ☐ Asian/Pacific Islander
- ☐ Hispanic or Latino (can be of any race)
- ☐ Other (Please specify)

Which of the following options includes your annual household income (income from all sources received by you and others who live with you)?

- ☐ Less than \$10,000
- ☐ Between \$10,000 and \$24,999
- ☐ Between \$25,000 and \$49,999
- ☐ Between \$50,000 and \$74,999
- ☐ Between \$75,000 and \$99,999
- ☐ Between \$100,000 and 199,999
- ☐ Over \$200,000

Would you be interested in learning more about the proposed senior housing development?

- ☐ Yes
- ☐ No

<< Back

Next >>

[Clear answers on page](#)



To receive updates on the proposed development, please provide your contact information below.

Name

Characters Remaining: 25

Street

Characters Remaining: 25

Town and zip  
code

Characters Remaining: 25

Email address

Characters Remaining: 25

Telephone  
number (optional)

Characters Remaining: 25

[<< Back](#)

[Submit](#)

[Clear answers on page](#)

100%



**John W. Doane**  
Superintendent

**Gabrielle Sakolsky-Hoopes**  
Assistant Superintendent

*The Commonwealth of Massachusetts*  
*State Reclamation Board*

**Cape Cod Mosquito Control Project**

259 Willow Street, 2nd Floor, Suite 3

Yarmouthport, Massachusetts 02675

Tel: (508) 775-1510 • Tel: (508) 362-9757

Fax: (508) 362-7917



**COMMISSIONERS:**

**J. Gregory Milne, Chairman**  
**Charles Sumner, Vice Chairman**  
**Arthur Neill, Secretary**  
**James H. Quirk**  
**Jere Downing**

\$ 2,222.70 release  
4.02%

November 3, 2014

Town of Wellfleet  
Attn: Harry Sarkis Terkanian  
300 Main Street  
Wellfleet, MA 02667

RE: State Reclamation Board Budget Notification

Dear Harry,

Enclosed please find a budget certification form developed by the State Reclamation Board (SRB). The board requests that the Chief Executive Officer or designee sign form SRB-3 and return to our office. This form was created to act as acknowledgement of your towns' membership with the Cape Cod Mosquito Control Project and its' associated costs. Costs can be found on form SRB-1 page 3.

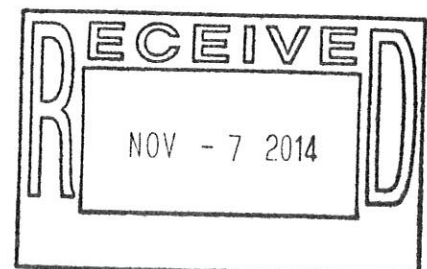
Please feel free to contact me with any questions you may have.

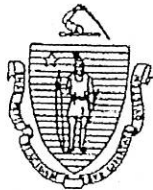
Sincerely,

John W. Doane  
Superintendent

Enc.  
JWD/cms

CC: Finance Committee; Town Selectmen





*The Commonwealth of Massachusetts*  
*State Reclamation Board*



CAPE COD MOSQUITO CONTROL PROJECT

259 WILLOW STREET 2<sup>ND</sup> FLOOR SUITE 3

YARMOUTH PORT

MASSACHUSETTS 02675

Telephone: (508) 775-1510  
(508) 362-9757  
Fax No. (508) 362-7917

John W. Doane  
Superintendent

Gabrielle Sakolsky-Hoopers,  
Assistant Superintendent

**COMMISSIONERS:**

J. Gregory Milne, Chairman  
Charles Sumner, Vice  
Chairman  
Arthur Neill, Secretary  
James H. Quirk  
Jere Downing

FY16 Budget Request for Cape Cod Mosquito Control Project

FY16 operating budget is a 2.6% increase from FY15 budget

- AA Account includes a wage adjustment increase for employees. The budget request will also include funds for hiring 2 full-time employees partway through FY15 with anticipation that these positions will be fully funded in FY16. The additional full time employees are being hired to address increasing arbovirus concerns in Barnstable County. Our workforce number has not increased in the past 50 years. We have also decided to pay our seasonal employee out of the Mosquito Control budget as well.
- DD Account includes an increase to cover fringe benefits in conjunction with the AA Account increase.
- GG Account was increased to cover increase in rent.
- UU Account was increased to cover costs for our new data collection system implemented by ESRI using ArcGIS.
- The operational budget also has increased to cover the service provided by ESRI, and includes funds to pay for a new two-way radio system.

We have also included a 'capital budget' to begin making capital improvements in an effort to reduce costs for maintenance and repairs etc., representing about 1.4% of the FY15 budget, plus roll-over money. This has been increased as a result of the increased base cost of trucks as well as the loss from no longer being able to trade-in our existing trucks.

**Cape Cod Mosquito Control Project****District Name:** \_\_\_\_\_**NOTICE OF PUBLIC MEETING TO PRESENT AND DISCUSS  
ITS PRELIMINARY PROPOSED BUDGET FOR FY2016**

Notice is hereby given that the Cape Cod Mosquito Control Project (the "District") will hold an informational public meeting at the time and place indicated below in order to present and discuss the District's preliminary proposed budget for **FY2016**, and to receive comments and answer questions from the public and local public officials in connection therewith.

1. Date: Monday, November 17, 2014 [not later than March 1<sup>st</sup>]

2. Time: 10:00AM-12:00PM

3. Location: 259 Willow Street Yarmouth Port, MA 02675

4. A copy of the District's preliminary proposed budget is available for inspection during regular business hours at the following location(s):

Cape Cod Mosquito Control Project

259 Willow Street Second Floor Suite 3 Yarmouth Port, MA 02675

5. The total preliminary dollar amount that the District is proposing for FY2016 is **\$1,961,963.91**. The chart found below highlights the preliminary budget request by the district for the coming year with pertinent budget information that fully describes the "total trust fund account" budget amount available for the District to expend in FY2016.

A. District Name	B. Number of Employees	C. FY2016 Preliminary Proposed Budget Amount	D. FY2016 % Increase towards Operating Budget	E. FY2016 % Increase towards Capital Budget	F. FY2016 Total % Increase Over Certified FY2015 Budget (Add D + E)	G. FY2015 Estimated Balance Forward /Rollover Amount	H. FY2015 Actual Budget Revenues	I. FY2016 Total Funding Available in Trust Account (Add C + G)
Cape Cod Mosquito Control Project	22 (25 as of 1/1/2015)	\$1,961,963. 91	2.6%	1.4%	4.1%	\$66,950.00	\$1884537 .99	\$2,028,913.91



**Form SRB-1**

**Page 2 of 3**

6. The member municipalities within the District together with each municipality's estimated proportionate share thereof expressed both as a percentage and as a dollar amount, are as set forth on Form SRB-1, Page 2. **As of the date of this notice, the District is comprised of 15 municipalities as listed on Form SRB-1, Page 2.**

If the composition of the District changes because one or more municipalities join or withdraw from the District, the total preliminary budget will be adjusted pro rata.

7. Copies of the preliminary proposed budget will be available for inspection at the meeting, at which reasonable time will be accorded to those in attendance to ask questions and to offer comments. *Comments may also be sent directly to the Board via the Executive Director by April 15<sup>th</sup>.*

8. A copy of this Notice, together with a copy of the preliminary budget proposed, has been delivered or mailed to the Chief Administrative Officer, Chief Executive Officer, to the Finance Committee of each member municipality having a finance committee, and to the State Reclamation and Mosquito Control Board.



State Reclamation and Mosquito Control Board  
Budget Notification & Compliance Certification Policy

**DECLARATION OF SUPPORT OR NO SUPPORT OF MOSQUITO CONTROL FUNDING FOR FY 2016**

**Declaration**

I, \_\_\_\_\_ the chief executive officer of Town/City of \_\_\_\_\_  
(Print Name/ and Sign Name) (Please Print)

hereby designate \_\_\_\_\_ to sign this declaration.  
(Print Name)

(Please check applicable box below)

- ☐ Support  
☐ Do Not Support

the preliminary mosquito control budget proposed and this municipality's estimated proportionate share thereof, expressed both as a percentage and as a dollar amount as provided to this municipality in compliance with the State Reclamation and Mosquito Control Board Budget Notification and Compliance Certification Policy.

Name: \_\_\_\_\_

(Please Print)

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

Both a copy and the original declaration should be submitted to the district **who will forward all member communities' declarations to the State Reclamation and Mosquito Control Board no later than April 15<sup>th</sup>**

## **Rooms Tax Special Legislation**

**ARTICLE:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a room occupancy tax on vacation rentals not currently subject to such tax; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

An Act Relative to the Application of the Local Option Room Occupancy Excise Tax to Seasonal Rental Properties in the Town of Wellfleet.

Section 1. Notwithstanding the provisions of any general or special law to the contrary, in addition to the authority to impose a local excise tax upon any transfer of occupancy of any room or rooms as may be set forth in and authorized by G. L. c. 64G, §3A or other law, as the same may be amended from time to time, the Town of Wellfleet shall, commencing on the first day of the fiscal year that begins after the effective date of this Act, be authorized to impose a local excise tax upon the transfer of occupancy of any room in a seasonal rental property or other transient accommodations located within said Town by any operator at the rate of up to but not exceeding five (5) percent of the total amount of rent of each such occupancy.

Section 2. For the purpose of this chapter, all terms used herein shall, unless the context requires otherwise, have the same meanings as set forth in G. L. c. 64G, §1 and as follows:

“Occupancy”, the use or possession, or the right to the use or possession of any room or rooms in a bed and breakfast establishment, bed and breakfast home, lodging house, motel, seasonal rental property or other transient accommodation designed and normally used for sleeping and living purposes, or the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment or bed and breakfast home, accompanying the use and possession of such room or rooms, for a period of ninety consecutive calendar days or less, regardless of whether such use and possession is as a lessee, tenant, guest, or licensee.

“Seasonal rental property or other transient accommodations” shall mean any bed and breakfast home, as defined by G. L. c. 64G, §1 and any residential or commercial dwelling, dwelling unit or part thereof, unit of a condominium dwelling as defined by G. L. c. 183A, or time-share as defined by G. L. c. 183B, used for the lodging of guests or invitees in exchange for rent.

Section 3. No excise shall be imposed upon for the transfer of occupancy of any room in a seasonal rental property or other transient accommodations if the total amount of rent is less than fifteen dollars per day or its equivalent or if the accommodation, other than a bed and breakfast home, is exempt under the provisions of G. L. c. 64G, §2.

Section 4. All operators of seasonal rental properties or other transient accommodations shall be responsible for assessing, collecting, reporting, and paying such excise tax as set forth in G. L. c. 64G, §3-6, 7A and shall be liable in the same in the same manners as operators in G. L. c. 64G, §7B.

Section 5. This Act shall take effect upon its passage.

The General Court may only make clerical or editorial changes of form to said bill, unless the Board of Selectmen approves amendments thereto before its enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

[www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

BOARD OF  
SELECTMEN

TOWN  
ADMINISTRATOR

ASSISTANT  
TOWN ADMINISTRATOR

November 25, 2014

Ms. Jeanne Hamilton  
42 Greenhouse Road  
Forestdale, MA 02644

Re: Proposal of Remediation of Route 6 Median

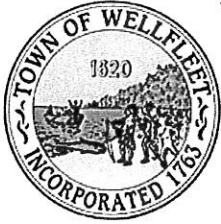
Dear Ms. Hamilton:

I am writing on behalf of the Wellfleet Board of Selectmen to express our support for your initiative and proposal for Route 6 remediation plan by planting native vegetation in the median along Route 6 in Sandwich.

Respectfully,

Dennis Murphy,  
Vice Chairman, Board of Selectmen





# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

[www.wellfleetma.org](http://www.wellfleetma.org)

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## MEMORANDUM

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TO: BOARD OF SELECTMEN  
FROM: HARRY SARKIS TERKANIAN, TOWN ADMINISTRATOR  
SUBJECT: SIGNAGE AT THE MARINA  
DATE: 11/20/2014  
CC: ECONOMIC DEVELOPMENT GRANT FILE

---

I have the following information about the new sign at the Marina.

The sign was funded jointly by the Chamber of Commerce, Harborfest and the Town of Wellfleet. Town funding came in the form of two economic development grants totaling \$4,750, which was matched by Chamber of Commerce and Harborfest funds. Applications were received in this office on April 1, 2014. Copies of both are attached. Under the Economic Development Grant program the applications went to the Citizens Economic Development Committee for approval and then to the Town Administrator for review and funding. On June 27, 2014 award letters were sent on both applications. Copies of the award letters and schedules of departmental bills payable are also attached.

Subsequent to processing the grant awards this matter did not come to my attention until an email from the Building Inspector raising questions about the sign. Based on speaking with the Building Inspector it appears that the sign lacks a permit and is approximately 204 square feet in area therefore exceeding the dimensional limitations for signs in the zoning bylaw. An application for a sign permit was filed with the Building Inspector and has been denied by letter dated November 14, 2014. As a result of the denial the sign will have to be removed unless it is modified or a dimensional variance can be obtained from the Zoning Board of Appeals.

I have had informal discussions with some members of the Economic Development Committee and the Chamber, but so far no resolution plan has emerged.



Approved, \$2,500 and  
1783 4/1/14

email to  
Jennifer Pierce  
4/1/14  
and 1 up

WELLFLEET ECONOMIC DEVELOPMENT FUND APPLICATION 2013

Project/Activity Name: **Town Signage and W Oyster Branding**

Proposed Date(s): **March 2014**

Name of applying individual/group/organization: **Jennifer Pierce/Wellfleet Chamber of Commerce**

Collaborating Organizations:

**Harborfest**

Specify which if any are non-profits:

**Wellfleet Chamber of Commerce, Harborfest**

Mailing address:

**Wellfleet Chamber of Commerce PO Box 571 Wellfleet MA 02667**

Contact person: **Jennifer Pierce Phone: 508 349-2510**

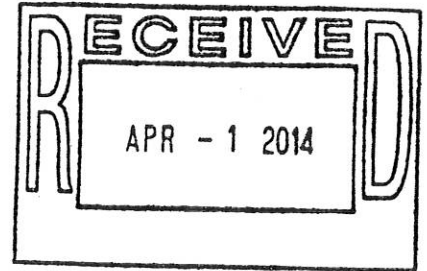
E-mail: [info@wellfleetchamber.com](mailto:info@wellfleetchamber.com)

Please attach the following information:

- 1) Description of the project or activity; whether it is new or a continuation of a prior project or activity; length; number of businesses/groups involved. Be as specific as possible.

**This is a new project involving the creation of signage to better inform visitors and locals all year-round of commercial, recreational, and social opportunities in Wellfleet. Please refer to the attached proposal from Brenner Signs. The scope of the project encompasses the creation of an informational sign referenced in the Brenner sign proposal. The sign is intended to provide visual information about events, location maps and distribution of visitor guidebooks. The suggested location is at the Town Marina. The Town Public Works Department, Harbormaster and Economic Committee will mutually determine the final location and placement of the signs. The signs serve to further brand the Wellfleet logo and image while creating a unified sense of place and commerce.**

- 1) 1- one sided 17'x 9' one sided sign with aluminum panels & framing, PVC raised ribbon sign, 2 printed maps, 40x52 weatherproof bulletin board, 3-4x4 steel posts painted and installed in concrete. Estimated cost: 9560.00.  
Total Project Costs: \$9560.00.



During the Wellfleet Economic Strategic Plan (WESP) planning process it was also observed that there is no central point of dissemination for information about special events or activities. To better disburse information about events, the Wellfleet Chamber of Commerce, funded in part by a grant from the Town of Wellfleet, created an events calendar on their website with multiple categories for use. However, there is a large segment of visitors and the Wellfleet population who do not use a computer, or prefer to see events physically posted. As you will find from the attached drawings there is a bulletin board to display events. This design features can be used for events all-year round.

- 2) How this project or activity will benefit Wellfleet and /or Wellfleet businesses? How will this increase year-round business in Wellfleet? Again be as specific as possible.

By further branding Wellfleet with uniform signage more visitors will recognize Wellfleet as a premiere travel destination and thus provide Wellfleet with increased commerce. By better informing visitors with improved signage the quality of their visitor experience will be improved making it more likely they will refer Wellfleet as a premiere destination to visit year-round. Visitors who drive to the harbor may walk back into town to have lunch, purchase gifts or souvenirs if they know what is available to them. Parking at the town harbor encourages foot traffic into town.

The Wellfleet Chamber of Commerce will be responsible for posting signs and maintaining the cleanliness of the signs. The Wellfleet Chamber will manage the signs year-round; keep the bulletin board updated and the slots stocked with guidebooks.

- 3) Specify metrics that you will use to demonstrate that this project or activity succeeds in accomplishing its desired goals. These metrics must be objectively measureable.

A questionnaire measuring three factors:

- 1) Did the sign result in greater commerce for your business?
- 2) Have your sales increased from the previous year prior to the sign project?
- 3) Has your business anecdotally seen any positive benefits from the increased signage?

A comparison of revenue collected from sales and meals tax in Wellfleet prior to the signage project and a year after.

4) Specify purposes for which you are seeking assistance (\$2500 maximum—see attached guidelines for costs which are allowable). Indicate how the sponsoring organization(s) will match any subsidy you receive.

*The Wellfleet Chamber of Commerce will allocate \$2,525 towards the signage project and seeks a matching grant from the Economic Development Fund for \$2,500.*

5) Include a budget to define income and expenses for the project or activity.

<b>Wellfleet Chamber of Commerce</b>	<b>2,535</b>	<b>Economic Development Fund</b>	<b>2,500</b>
<b>Harborfest.</b> (Contingent on partner funding of WCC and Oysterfest and final Harborfest Board approval)	<b>2,250</b>	<b>Economic Development Fund</b>	<b>2,250</b>
<b>Totals</b>	<b>\$4785</b>	<b>\$9560</b>	<b>\$4775</b>

**Total funds leveraged for signage and branding project \$9560.**

6) Include a plan for reporting on the project or activity's degree of success that you will need to make within 30 days after its completion.

**Survey to be given to all participating businesses and collected via email by Wellfleet Chamber of Commerce.**

PLEASE LIMIT ALL OF THE ABOVE TO 3 OR FEWER PAGES.

RETURN COMPLETED APPLICATION TO WELLFLEET TOWN HALL

APPLICATIONS WILL BE REVIEWED MONTHLY AS LONG AS FUNDS REMAIN; DEADLINE FOR MONTHLY REVIEW IS THE FIRST OF THE MONTH BEGINNING AUGUST 1, 2013.



# TOWN OF WELLFLEET

## SCHEDULE OF DEPARTMENTAL BILLS PAYABLE

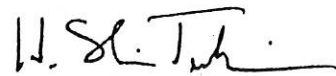
To the Town Accountant:

The following named bills of the Economic Development Fund

Name	Address	Amount	Account
Wellfleet Chamber of Commerce in partnership with Harborfest Signage & W Oyster Award	PO Box 571 Wellfleet, MA 02667	\$ 2,250.00	184-5300
TOTAL:		\$ 2,250.00	

6/27/2014

DATE



TOWN ADMINISTRATOR



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667  
Tel (508) 349-0300 Fax (508) 349-0305  
www.wellfleet-ma.gov

BOARD OF  
SELECTMEN

TOWN  
ADMINISTRATOR

ASSISTANT  
TOWN ADMINISTRATOR

June 27, 2014

Attn: Jennifer Pierce  
Wellfleet Chamber of Commerce  
P. O. Box 571  
Wellfleet, MA 02667

RE: Town Signage and W Oyster Branding Award

Dear Jennifer:

The Town of Wellfleet has awarded a grant of Two Thousand Two Hundred and Fifty (\$2,250.00) Dollars from the Town's Economic Development Fund to the Wellfleet Chamber of Commerce in partnership with Harborfest to support the project Town Signage and W Oyster Branding as detailed in your application. The award check will be sent under separate cover.

Congratulations on your grant award!

I would also like to take this opportunity to review with you the purpose of Wellfleet's Economic Development Grant Program. Grants are intended as funding to assist in the incubation of new initiatives. Grants are normally to support the first year of an event. While grants may be provided for an additional year or two, there should be no expectation of continued support from the Economic Development Fund. The objective is to aid in the development of self sustaining events.

I would also like to take this opportunity to remind you that within 60 days after the conclusion of the program you must report on the expenditure of these grant funds and provide an evaluation of the program's success in attracting additional off season visitors to Wellfleet.

Respectfully Yours,

Harry Sarkis Terkanian  
Town Administrator

cc: Citizens Economic Development Committee  
Board of Selectmen

*Hold pending resolution of issues. HKT 4/7/14*

**WELLFLEET ECONOMIC DEVELOPMENT FUND APPLICATION 2013**

**Project/Activity Name: Town Signage and W Oyster Branding**

**Proposed Date(s): March 2014**

**Name of applying individual/group/organization: Martha Wilson/ Harborfest**  
**Collaborating Organizations:**

**Wellfleet Chamber of Commerce**

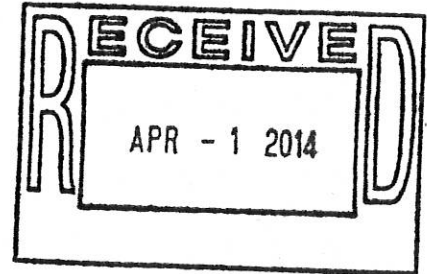
**Specify which if any are non-profits:**

**Wellfleet Chamber of Commerce, Harborfest**

**Mailing address: P.O. Box 1041, Wellfleet, MA 02667**

**Contact person: Martha Wilson**

**E-mail: pinemoor@comcast.net**



**Please attach the following information:**

**Please attach the following information:**

- 1) Description of the project or activity; whether it is new or a continuation of a prior project or activity; length; number of businesses/groups involved. Be as specific as possible.**

**This is a new project involving the creation of signage to better inform visitors and locals all year-round of commercial, recreational, and social opportunities in Wellfleet. Please refer to the attached proposal from Brenner Signs. The scope of the project encompasses the creation of an informational sign referenced in the Brenner sign proposal. The sign is intended to provide visual information about events, location maps and distribution of visitor guidebooks. The suggested location is at the Town Marina. The Town Public Works Department, Harbormaster and Economic Committee will mutually determine the final location and placement of the signs. The signs serve to further brand the Wellfleet logo and image while creating a unified sense of place and commerce.**

- 1) 1- one sided 17'x 9' one sided sign with aluminum panels & framing, PVC raised ribbon sign, 2 printed maps, 40x52 weatherproof bulletin board, 3-4x4 steel posts painted and installed in concrete. Estimated cost: 9560.00. Total Project Costs: \$9560.00.**

**During the Wellfleet Economic Strategic Plan (WESP) planning process it was also observed that there is no central point of dissemination for**

information about special events or activities. To better disburse information about events, the Wellfleet Chamber of Commerce, funded in part by a grant from the Town of Wellfleet, created an events calendar on their website with multiple categories for use. However, there is a large segment of visitors and the Wellfleet population who do not use a computer, or prefer to see events physically posted. As you will find from the attached drawings there is a bulletin board to display events. This design features can be used for events all-year round.

- 2) How this project or activity will benefit Wellfleet and /or Wellfleet businesses? How will this increase year-round business in Wellfleet? Again be as specific as possible.

By further branding Wellfleet with uniform signage more visitors will recognize Wellfleet as a premiere travel destination and thus provide Wellfleet with increased commerce. By better informing visitors with improved signage the quality of their visitor experience will be improved making it more likely they will refer Wellfleet as a premiere destination to visit year-round. Visitors who drive to the harbor may walk back into town to have lunch, purchase gifts or souvenirs if they know what is available to them. Parking at the town harbor encourages foot traffic into town.

The Wellfleet Chamber of Commerce will be responsible for posting signs and maintaining the cleanliness of the signs. The Wellfleet Chamber will manage the signs year-round; keep the bulletin board updated and the slots stocked with guidebooks.

- 3) Specify metrics that you will use to demonstrate that this project or activity succeeds in accomplishing its desired goals. These metrics must be objectively measureable.

**A questionnaire measuring three factors:**

- 1) Did the signs result in greater commerce for your business?
- 2) Have your sales increased from the previous year prior to the signage project?
- 3) Has your business anecdotally seen any positive benefits from the increased signage?

**A comparison of revenue collected from sales and meals tax in Wellfleet prior to the signage project and a year after.**

- 4) Specify purposes for which you are seeking assistance (\$2500 maximum—see attached guidelines for costs which are allowable). Indicate how the sponsoring organization(s) will match any subsidy you receive.

*Harborfest will allocate \$2,250 towards the signage project and seeks a matching grant from the Economic Development Fund for \$2,250.*

5) Include a budget to define income and expenses for the project or activity.

Wellfleet Chamber of Commerce	2,535	Economic Development Fund	2,500
Harborfest. (Contingent on partner funding of WCC and Oysterfest and final Harborfest Board approval)	2,250	Economic Development Fund	2,250
<b>Totals</b>	<b>\$4785</b>	<b>\$9560</b>	<b>\$4775</b>

**Total funds leveraged for signage and branding project \$9560.**

6) Include a plan for reporting on the project or activity's degree of success that you will need to make within 30 days after its completion.

**Survey to be given to all participating businesses and collected via email by Wellfleet Chamber of Commerce.**

PLEASE LIMIT ALL OF THE ABOVE TO 3 OR FEWER PAGES.

RETURN COMPLETED APPLICATION TO WELLFLEET TOWN HALL

APPLICATIONS WILL BE REVIEWED MONTHLY AS LONG AS FUNDS REMAIN; DEADLINE FOR MONTHLY REVIEW IS THE FIRST OF THE MONTH BEGINNING AUGUST 1, 2013.



TOWN OF WELLFLEET

SCHEDULE OF DEPARTMENTAL BILLS PAYABLE

To the Town Accountant:

The following named bills of the Economic Development Fund

Name	Address	Amount	Account
Wellfleet Chamber of Commerce - Harborfest Bonfire Award	POBox 571 Wellfleet, MA 02667	\$ 876.00	184-5300
Wellfleet Chamber of Commerce - Signage and W Oysterr Award	POBox 571 Wellfleet, MA 02667	\$ 2,500.00	184-5300
WOMR - Lower Cape Sprint Triathlon	POBox 975 Provincetown, MA 02675	\$ 1,000.00	184-5300
TOTAL:		\$ 4,376.00	

6/20/2014  
DATE

  
TOWN ADMINISTRATOR



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

[www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

BOARD OF  
SELECTMEN

TOWN  
ADMINISTRATOR

ASSISTANT  
TOWN ADMINISTRATOR

June 19, 2014

Attn: Jennifer Pierce  
Wellfleet Chamber of Commerce  
P. O. Box 571  
Wellfleet, MA 02667

RE: Town Signage and W Oyster Branding Award

Dear Jennifer:

The Town of Wellfleet has awarded a grant of Two Thousand Five Hundred (2,500.00) Dollars from the Town's Economic Development Fund to the Wellfleet Chamber of Commerce to support the project Town Signage and W Oyster Branding as detailed in your application. The award check will be sent under separate cover.

Congratulations on your grant award!

I would also like to take this opportunity to review with you the purpose of Wellfleet's Economic Development Grant Program. Grants are intended as funding to assist in the incubation of new initiatives. Grants are normally to support the first year of an event. While grants may be provided for an additional year or two, there should be no expectation of continued support from the Economic Development Fund. The objective is to aid in the development of self sustaining events.

I would also like to take this opportunity to remind you that within 60 days after the conclusion of the program you must report on the expenditure of these grant funds and provide an evaluation of the program's success in attracting additional off season visitors to Wellfleet.

Respectfully Yours,

Harry Sarkis Terkanian  
Town Administrator

cc: Citizens Economic Development Committee  
Board of Selectmen



TOWN OF WELFLEET  
Building Department

220 West Main Street  
Wellfleet, MA 02667  
Phone 508-349-0309 Fax 508-349-0327

Richard Stevens  
Inspector of Buildings  
Richard.Stevens@wellfleet-ma.gov

November 14, 2014

Mr. Paul Pilcher

[REDACTED]  
Wellfleet, Ma. 02667


Paul,

I am writing you in regards to the Building Permit application you have submitted for a sign located at the Town of Wellfleet Harbor.

Unfortunately, section 7.3.2 of the Town of Wellfleet Zoning Bylaws would prohibit a sign of these dimensions and I am denying your request.

If you are aggrieved by my decision you have the right of appeal through the Board of Appeals. If you require assistance in that regard please do not hesitate to contact this office.

Sincerely,

  
Richard Stevens  
Building Commissioner

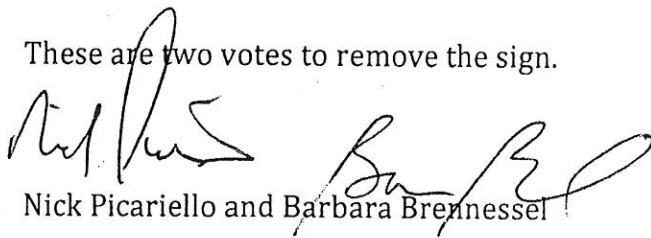
Cc  
Harry Terkanian, Town Administrator  
Christine Bates, ZBA

To: Wellfleet Zoning Board of Appeals  
From: Nick Picariello and Barbara Brennessel (51 Chris Drive)  
Re: Not so Welcoming Billboard  
Nov. 20, 2014

RECEIVED  
NOV 22 2014  
TOWN CLERK

Since when does Wellfleet need a billboard to welcome people to our town, especially at the marina, one of our more scenic areas. For decades, the natural beauty of Wellfleet has done a wonderful job drawing people to live and visit here. The billboard at the marina is an eyesore, interrupts a naturally welcoming vista, is tacky, and demeans the Town. We'll leave it to the Board of Selectmen to address how such a large billboard was erected without any adherence to signage regulations and the permitting process.

These are two votes to remove the sign.



Nick Picariello and Barbara Brennessel

Cc: Wellfleet Board of Selectmen



## TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

www.wellfleetma.org

To: Board of Selectmen  
From: Harry Sarkis Terkanian, Town Administrator  
Subject: Town Administrator's Report  
Date: November 21, 2014

This report is for the period November 8, 2014 through November 20, 2014.

- 1 Budget. Meetings with department heads began on November 6<sup>th</sup>, eight have been completed.
- 2 Additional Meetings. 11/10, Planning Board Chair regarding signs and home occupations; 11/10 & 11/14 & 11/20 Don Palladino and others re Herring River MOU; 11/10, OysterFest after event review; Joe Aberdale re Marina issues; 11/12, Mass OSD training, 11/13 Wellfleet Elementary School first graders, 11/13 Cape Cod Managers, 11/13 Library Volunteers appreciation event, 11/17 Building and Needs Assessment re Waterfront buildings presentation, 11/19 Cape Cod Tech preliminary budget presentation, 11/19 Marina Advisory Committee, 11/19 Lenny Croteau to approve purchasing
- 3 Personnel Matters:
  - a. Administrative actions: none
  - b. Current employment vacancies (Charter 5-3-2 (i)):
    - i. DPW. One vacancy:
      1. Facilities/Craftsman applications closed on October 2<sup>nd</sup>. Interviews by the DPW in progress.
    - ii. Building – Building Inspector is part time.
    - iii. Health – Assistant health agent position is vacant. Being filled on a part time basis using the funding previously appropriated by contract with the County one day a week. In light of the limited service time we get from our contract with Barnstable County I will be advertising to fill this vacancy.
    - iv. Herring Warden. Position posted and ad sent to the newspaper.
    - v. Committee secretaries and Water Department. Working with the staff involved and WEA to restructure the staff assignments to respond to Mary Rogers' resignation as Planning Board and Finance Committee secretary. Job descriptions for a water department clerk and a supervisor, both part time positions are nearly complete.



## ***Town of Wellfleet Committee Vacancies***

Date: November 21, 2014  
To: Harry Terkanian  
From: Jeanne Maclauchlan  
Re: Appointments to Town Boards

The following provides the appointing authority with a comprehensive view of vacant positions on each Town Board. Each identifies the amount and type of positions that are vacant, the authority for making the appointment, the length of the term and the number of applications requesting consideration to fill a vacancy.

### **Barnstable Human Rights Commission (1 Wellfleet Representative)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file.		

### **Bike & Walkways Committee (5 Members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file.		

### **Board of Health (5 members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	2 years (to complete term)
Requesting Appointment: <b>One application on file.</b>		

### **Building and Needs Assessment Committee (5 Members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file.		

### **Cable Advisory Committee (5 Members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	
Requesting Appointment: No applications on file.		

### **Commission on Disabilities (up to 7 Members)**

Vacant Positions	Appointing Authority	Length of Term
4 Positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file.		

### **Cultural Council (no more than 22 members)**

Vacant Positions	Appointing Authority	Length of Term
11 positions	Board of Selectmen	3 years
Requesting Appointment: No application on file.		

### **Energy Committee (7 Members, 2 Alternates)**

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	2 years
Requesting Appointment: No applications on file.		

**Herring Warden** (1 Warden, 1 Assistant Warden)

Vacant Positions	Appointing Authority
1 Position	Board of Selectmen
1 Assistant Position	Board of Selectmen

Requesting Appointment: No applications on file.

Length of Term  
3 years  
3 years

**Historical Commission** (7 Members)

Vacant Positions	Appointing Authority
1 Position	Board of Selectmen

Requesting Appointment: No applications on file.

Length of Term  
6/2015 (to complete term)

**Housing Authority** (5 Members)

Vacant Positions	Appointing Authority
1 Position	Board of Selectmen

Requesting Appointment: No applications on file.

Length of Term  
4 years (to complete term)

**Personnel Board** (4 Community Members)

Vacant Positions	Appointing Authority
1 Position	Board of Selectmen

Requesting Appointment: No application on file.

Length of Term  
6/30/2015 (to complete term)

**Recycling Committee** (Up to 11 Members)

Vacant Positions	Appointing Authority
2 Positions	Board of Selectmen

Requesting Appointment: **One application on file.**

Length of Term  
3 years

**Shellfish Advisory Board** (7 Members, 2 Alternates)

Vacant Positions	Appointing Authority
1 Alternate Position	Board of Selectmen

Requesting Appointment: No applications on file.

Length of Term  
3 years

**Wastewater Planning Committee** (7 Members)

Vacant Positions	Appointing Authority
2 Positions	Board of Selectmen

Requesting Appointment: No applications on file.

Length of Term  
3 years



DRAFT

**Wellfleet Board of Selectmen  
Minutes of the Meeting of November 12, 2014  
Wellfleet Public Library, 7:00 p.m.**

**Present:** Paul Pilcher, Chairman, Berta Bruinooge, John Morrissey, Dennis Murphy,; Town Administrator Harry Terkanian

**Regrets:** Jerry Houk

Chairman Paul Pilcher called the meeting to order at 7:00 p.m.

**Announcements, Open Session and Public Comment [7:00]**

- Dennis Murphy addressed his concerns regarding rotting trim and siding of the Library due to backfill. He requested that matter to be looked in order to avoid further damage due to neglect in maintenance. He suggested that DPW and Building and Needs Assessment Committee to further investigate it and provide cost estimate to correct it. Library Director Elaine McIlroy from the public said that there were funds in the Capital Budget and that this matter was discussed by the Library Trustees.
- Town Administrator Harry Terkanian announced a pre-planned media event of F-15 fly overs from Barnes Air National Guard Base over southeastern Massachusetts at low altitudes on November 13, 2014 between 8:30 am and 9:00 am.

**Pilcher opened the public hearing at 7:05 pm.**

**Motion: 15-098:** Bruinooge moved and Morrissey seconded to approve the request from Ken Kozak to close the Wicked Oyster December 1, 2014 through January 15, 2015. The motion passed 4-0.

**Informational Hearing on Town support proposed Universal Pre Kindergarten education**

Pilcher opened the information hearing regarding the proposed Universal Kindergarten education and gave a background about the initiative of providing free preschool to Wellfleet children for the year prior to Kindergarten. He spoke about the informational packet<sup>1</sup> he had prepared and made available to the public and the research behind it. Pilcher talked about the economic aspect of the proposed program and the possibility of attracting families to Wellfleet. According to the proposed initiative there would be vouchers availability to all children of Wellfleet residents in the estimated cost of \$7,000 per child for 5-day program at the Wellfleet Montessori Preschool for the year prior to Kindergarten. Joanna Stevens, Director of the Nauset Inclusive Preschool Program was present and said that some of the special needs children are already covered by the regular school budget and others are at reduced rate of \$165 a month for attending the Nauset Integrated Preschool Group. Pilcher said that the total estimated cost of the program would be around \$100,000 per year. Stevens, presented a report about the development of the children attending preschool. She applauded Wellfleet for considering this initiative. Janet Reinhardt from the public wanted to know if this program will be for 3 or 4 year olds. Pilcher clarified that the program will be for 4-year olds only for the year prior to Kindergarten. The special needs children will have equal access to the vouchers, but if their tuition will be covered by the State then the vouchers would not be needed. Christie O'Campbell from the audience spoke about the situation the families in Town are facing due to tuition hardship and how the Montessori Preschool was founded based on a Parent Co-op. Elizabeth Aldred from Cape Cod Children's Place commended the initiative. Selectman John Morrissey spoke in favor of the Program and asked about the logistics of implementing the initiative. He had questions

## DRAFT

about the number of children who will be attending the program. Terkanian spoke about how the estimate of number of 15 children was determined. Discussion about the financials ensued among the selectmen. Pilcher said that this matter will continue to be discussed during future meetings and closed the informational hearing at 7:26 pm.

### **Discussion of Bailey – Boyd CDBG grant program changes – possible inclusion of Eastham.**

Alice Boyd, president of Bailey Boyd presented the Community Development Block Grant (CDBG) by the Housing and Urban Development and the possibility of including Eastham in the program. She suggested that Town of Wellfleet continue to partner with the towns of Truro and Provincetown. She gave background of the HUD CDBG program and the funds allocation for income eligible homeowners. Boyd also spoke about the availability of funds for childcare vouchers for income eligible families. Boyd clarified that the allocated \$650,000 for housing rehab and \$150,000 for childcare subsidies are divided among the three partnering towns. There was no need for decision by the selectmen.

### **Licenses/Appointments/Reappointments/Use of Town Property**

**Motion: 15-099:** Murphy moved and Morrissey seconded to approve the request from Kevin Scalley of Wellfleet Spirit Shoppe, Inc to open at 10 am on Sundays. The motion passed 4-0.

**Motion: 15-100:** Bruinooge moved and Morrissey seconded to approve the Renewal of liquor licenses for: Bookstore & Restaurant, Inc; Wander Inc, dba The Lighthouse Restaurant; Black Fish Creek, Inc, dba Seaside Liquors; Wellfleet Marketplace Inc; Wellfleet Spirit Shoppe, Inc; Finley J.P's, Inc; Wellfleet Village Center, Inc; Tek Restaurant Group, Inc, dba The Wicked Oyster; Wellfleet Harbor Actor's Theater-Rt6; Saveur de Pain, Inc, dba PB Boulangerie Bistro; Wellfleet Preservation Hall, Inc; RLJC, Inc, dba JB's Pizza Bar & Grill; MJT Enterprises, Inc, dba Blackfish Variety. The motion passed 4-0.

### **Appointments**

**Brian Carlson was introduced as the new Assistant Town Administrator to December 31, 2017 subject to the conditions of the offer of employment**

Brian Carlson was introduced as the new Assistant Town Administrator. Terkanian spoke about the recruiting and selection process. He said that the background, credit check, references, health exam and degree verification have been completed and this is why are not part of the conditions. The selectmen interviewed the Carlson.

**Motion: 15-101:** Bruinooge moved and Morrissey seconded to approve the appointment of Brian Carlson as Assistant Town Administrator starting December 8, 2014. The motion passed 4-0.

No action on behalf of the Board was required regarding the appointment of Suzanne Grout Thomas as Director of Community Services (appointed by TA 11/5/14; see charter section 5-4-1).

### **CCNS Advisory Commission Nominations**

Lilli-Ann Green spoke about her desire to be nominated as an alternate member to the CCNS Advisory Committee.



## DRAFT

**Motion: 15-102:** Morrissey moved and Murphy seconded to nominate Lilli-Ann Green to CCNS Advisory Commission as an alternate member [1 Alternate Vacancy; appointment is by the Secretary of the Interior – 2 year term]. The motion passed 4-0.

**Motion: 15-103:** Bruinooge moved and Murphy seconded to nominate Tom Reinhart to CCNS Advisory Commission as a regular member [appointment is by the Secretary of the Interior – 2 year term]. The motion passed 4-0.

### **Use of Town Property**

Dennis O'Connell spoke about the Friends of Library request to use the Town Hall North driveway and lawn on July 5 and August 9, 2015 from 9:00 am – 2:00 pm to hold two summer book sales and the importance of these two events in terms of fundraising for the Library.

**Motion: 15-104:** Morrissey moved and Bruinooge seconded to approve the application of Dennis O'Connell for Friends of the Library Summer Book Sales on July 5, 2015 and August 9, 2015 from 7:00 am – 2:00 pm at the Town Hall North driveway and lawn. The motion passed 4-0.

### **Senior Housing Survey Briefing [Elaine McIlroy]**

Elaine McIlroy spoke about the proposed affordable housing survey. McIlroy requested the selectmen's approval of the survey in order to launch it. Part of the survey is provided by students pro bono together with help of the Friends of COA. Morrissey had a question if these proposed 12 affordable housing units will be for sale or rent. Tom Reinhardt wanted to know why seniors will be targeted rather than young families. McIlroy explained the background behind the decision. She also spoke that CPC funds were used to create affordable housing in the past. McIlroy said that if approved, publicity on the Town's website would be helpful. Bruinooge wanted more time to review the survey. Pilcher clarified that this was just a request for approving a survey process for now.

**Motion: 15-105:** Murphy moved to approve the concept of the affordable housing survey and leave the details of the survey to the Ad-Hoc Committee. There was no second and the motion failed. The affordable housing survey approval was deferred for the November 25, 2014 meeting.

**Authorize the Fire Chief to file three FEMA Assistance to Firefighters grant applications**  
Fire Chief Rich Pauley presented his request to file three FEMA grants<sup>2</sup>.

**Motion: 15-106:** Murphy moved and Morrissey seconded to authorize the Fire Chief to file three FEMA Assistance to Firefighters grant applications (replacement radios, self contained breathing apparatus and fire engine). The motion passed 4-0.

### **Revision of the BOS meeting schedule for December 23, 2014**

**Motion: 15-107:** Murphy moved and Morrissey seconded to not hold a meeting on December 23, 2014. The motion passed 4-0.

### **Town Administrator's Report**

Terkanian presented his report<sup>3</sup> and added that he had reviewed draft agreement between National Park Services and Wellfleet Police Department detailing the operational understanding between the park rangers and the police. Terkanian clarified that this was an extension to the 1994 agreement, that has expired; no funding and no change in legal authority are involved.



## DRAFT

Pilcher had questions about the Building Inspector and Assistant Health Inspector Vacancies. Terkanian clarified that the Assistant Health Inspector vacancy has been discussed with the Health Agent during the FY16 Budget meeting. The Building Inspector vacancy will also be addressed.

### Future Concerns

- Use of Town property fees and guidelines – Terkanian presented his memo<sup>4</sup> on the subject
- John Morrissey – negative comments and concerns about the size of the sign at the Marina. Bruinooge requested a memo from Terkanian on how the sign got there. Murphy spoke about the size of the signs regulated by the Zoning By-Laws. Pilcher objected discussing a decision by Town Committee. He said that if the sign was in violation of the Town's By-Law then the sign would be taken down.
- Terkanian – Cape Cod Mosquito Control is looking for response to their budget which is 4% increase – will be on the November 25, 2014 agenda.
- Alice Boyd CDBG FY 15 will be back on the December 9, 2014 agenda as a Public Hearing as part of the legal requirements.

### Correspondence<sup>5</sup> and Vacancy Report<sup>6</sup>

Morrissey spoke about a letter from Jeanne Hamilton regarding proposed remediation and tree cutting on Route 6 and Planning Board minutes recommending taking of Paine Hollow Road for Housing Authority. Terkanian went over the legal requirements for the process of taking the road by eminent domain. Terkanian also mentioned that the Housing Authority is not favoring this taking. The decision to make a road taking is made by the voters at ATM.

### Minutes

**Motion: 15-108:** Bruinooge moved and Murphy seconded to approve the minutes<sup>7</sup> of October 28, 2014. The motion passed 4-0.

### Executive Session

Pilcher took a roll call vote to enter into Executive Session and not go back in public session. He stated the purpose of the executive session: *"To conduct strategy sessions in preparation for negotiations with non union personnel: employment agreement for the assistant town administrator."*

### Adjournment

The public meeting adjourned at 8:27 pm.

Respectfully submitted,  
Michaela Miteva, Executive Assistant

### Public Record Documents:

<sup>1</sup> Wellfleet Pre-School Initiative Packet, Draft 10/14

<sup>2</sup> Fire Chief Rich Pauley's proposed FEMA grant applications

<sup>3</sup> TA report of November 7, 2014

<sup>4</sup> TA Memo on Use of Town Property Guidelines, dated 6/10/2013, revised 10/28/14

<sup>5</sup> Correspondence report of November 12, 2014

<sup>6</sup> Vacancy report of November 7, 2014

<sup>7</sup> Minutes of October 28, 2014