



Board of Selectmen

RECEIVED
TOWN OF WELFLEET

2017 MAY 19 PM 12:28

The Wellfleet Board of Selectmen will hold a public meeting on Tuesday, May 23, 2017 at 6:15 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.

EXECUTIVE SESSION (CONFERENCE ROOM at 6:15 PM)

- I.** Pursuant to G.L. c. 30A, §21(a)(3), to discuss strategy with respect to collective bargaining and litigation if the Chair declares that an open meeting may have a detrimental effect on the Town's bargaining and litigating position, the Board will review the status and strategy regarding Cumberland Farms, Inc. v. Dennis Murphy, et al. as the Board of Selectmen, Land Court C.A. No. 17 MISC 000247 (KCL)
- II.** Adjournment of the executive session and reconvening in open session

PUBLIC SESSION (LONG POND ROOM at 7:00 PM)

- I. Announcements, Open Session and Public Comment [7:00]** *Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comment.*

- II. Public Hearing(s) [7:05]**

- A.** Application of Finley JP's, John Pontius, Manager, 554 State Highway, Wellfleet, MA to transfer the Annual All Alcoholic Restaurant License from Fineley JP's to C Shore, Kelly Oakes, Manager
- B.** Application of Hardas Corp to amend the underground fuel storage license at 2619 State Highway, Route 6. Said amended license will provide for the storage of 20,000 gallons.

- III. Appointments/Reappointments**

- A.** Reappointment of full-time police officers with term from July 1, 2017 to June 30, 2018:
 - Ryan Murphy
 - Laecio De Oliveira
 - Mark Braun
 - Ryan Golden
- B.** Reappointment of Special Police Officers with term from July 1, 2017 to June 30, 2018:
 - Scott Higgins
 - Jonathan Hale
 - Jerre Austin
 - Bryan Dufresne
 - Marc Spigel
 - Nicholas Daley
 - Kyle Kochanowicz
 - Desmond Keogh
 - John Szucs

- C. Reappointment of Special Police Officer/Department with term from July 1, 2017 to June 30, 2018
 - Chaplain: Paul Cullity.
- D. Appointment of Special Police Officer with term from May 24, 2017 to June 30, 2018:
 - Edward Garneau

IV. Use of Town Property Request(s)

- A. Emily Wettleson/Roaming Hunger to use two parking spaces at Mayo Beach on May 31, 2017 from noon to 6 pm to distribute free samples of promotional packaged candy to beach-goers.
- B. Zach Pawa/Sacred Surf School to use White Crest Beach from June 1 to August 31, 2017, 9 am-5 pm for surf lessons.
- C. Eric Gustafson to use Chipman Cove/Indian Neck, Paine Hollow, Duck Harbor, Long Pond, Herring River from May 1 to November 1, 2017 for SUP, surf, windsurf and kitesurf lessons.
- D. Harriett Korim/Cape Cool to use the Transfer Station Swap Shop on May 27 for 25th Annual fundraising event to benefit S.E.A Scholarship Fund.

V. Licenses

- A. Food Truck License:** 1. Solace Food Truck
- B. Common Victualler's License:** 1. Leaside Café; 2. Solace Food Truck; 3. C Shore
- C. Weekday Entertainment License:** C Shore (former Finely JP's)

VI. Business

- A. Review of request to consider incorporating the abandoned portion of road on Map 47 to the greenbelt of Great Woods Field development [Michael Ford] **(15 min.)**
- B. Authorize the TA to sign a contract for Wellfleet Police Station - Material Testing & Inspection services for up to \$7,500 **(5 min.)**
- C. Discussion of Animal Control Officer [Police Chief] **(10 min.)**
- D. Discuss and authorize a net metering contract with CVEC
- E. Creation of Recycling Gift Fund [TA] **(5 min.)**
- F. Creation of Beautification Gift Fund [TA] **(5 min.)**
- G. Sign MOA with Cape Cod Commission for DLTA Fund Grant **(5min.)**
- H. Renewal of concessions contract at Maguire Landing - Solace Food Truck, Michael Banghard (5 min)

VII. Town Administrator's Report

VIII. Topics for Future Discussion

IX. Correspondence and Vacancy Report

X. Minutes [April 24 & May 9, 2017]

XI. Adjournment

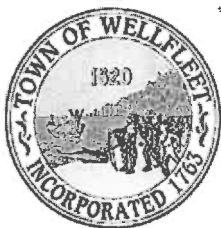


BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

EXECUTIVE SESSION

REQUESTED BY:	BOS
DESIRED ACTION:	Enter in Executive Session based on G.L. c. 30A, §21(a)(3)
PROPOSED MOTION:	<p><u>Dennis Murphy:</u> Pursuant to G.L. c. 30A, §21(a)(3), I move to enter in executive session to discuss strategy with respect to collective bargaining and litigation, because an open meeting may have a detrimental effect on the Town's bargaining and litigating position, the Board will review the status and strategy regarding Cumberland Farms, Inc. v. Dennis Murphy, et al. as the Board of Selectmen, Land Court C.A. No. 17 MISC 000247 (KCL). After the executive session is adjourned, the Board will reconvene in open session at 7 PM.</p> <p>Roll Call Vote.</p>
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Roll Call Vote: Murphy _____ Reinhart _____ Bacon _____ Wilson _____ Houk _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

II

II. PUBLIC HEARING(S)

REQUESTED BY:	John Pontius
DESIRED ACTION:	Approve a request for transfer of Annual All Alcoholic Liquor License
PROPOSED MOTION:	I move to approve the Application of Finley JP's, John Pontius, Manager, 554 State Highway, Wellfleet, MA to transfer the Annual All Alcoholic Restaurant License from Fineley JP's to C Shore, Kelly Oakes, Manager
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

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 May 23, 2017 at 7:05 p.m. in the Wellfleet Council on Aging to consider the following:

- Application received May 8, 2017 from Finely JP's, John Pontius, Manager, 554 State Highway Wellfleet, MA, to transfer the Annual, all alcoholic Restaurant License from Finely JP's to C Shore, Kelly Oakes, Manager.

WELLFLEET BOARD OF SELECTMEN



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

Print Form

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

n/a

IF USED EPAY, CONFIRMATION NUMBER

128002

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

134800021

LICENSEE NAME

Finely JP's, Inc

ADDRESS

554 State Highway Route 6

CITY/TOWN

Wellfleet

STATE

MA

ZIP CODE

02667

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> New Officer/Director | <input checked="" type="checkbox"/> Transfer of License |
| <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> New Stockholder | <input type="checkbox"/> Transfer of Stock |
| <input type="checkbox"/> Change of License Type | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Wine & Malt to All Alcohol |
| <input type="checkbox"/> Change of Location | <input type="checkbox"/> More than (3) \$15 | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> 6-Day to 7-Day License |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> New License | <input type="checkbox"/> Seasonal to Annual | |
| <input type="checkbox"/> Other | | | |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE
CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

ALCOHOLIC BEVERAGES CONTROL COMMISSION
P. O. BOX 3396
BOSTON, MA 02241-3396

MAY - 8 2017

3:35 PM



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

MAY - 8 2017

APPLICATION FOR A RETAIL ALCOHOLIC BEVERAGES LICENSE

3:35 PM

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

1. NAME OF PROPOSED LICENSEE (Business Contact)

KB Kitchens, Inc dba C Shore

This is the corporation or LLC which will hold the license, **not** the individual submitting this application. If you are applying for this license as a sole proprietor, **not** an LLC, corporation or other legal entity, you may enter your personal name here.

2. RETAIL APPLICATION INFORMATION

There are two ways to obtain an alcoholic beverages license in the Commonwealth of Massachusetts, either by obtaining an existing license through a transfer or by applying for a new license.

Are you applying for a new license ☐ New ☒ Transfer
or the transfer of an existing license?

If transferring, please indicate the
current ABCC license number you
are seeking to obtain:

134800021

If applying for a new license, are you applying for this license
pursuant to special legislation?

☐ Yes ☒ No

Chapter

Acts of

If transferring, by what method
is the license being transferred?

Purchase

3. LICENSE INFORMATION / QUOTA CHECK

City/Town

Wellfleet

On/Off-Premises

On-Premises

TYPE

\$12 Restaurant

CATEGORY

All Alcoholic Beverages

CLASS

Annual

4. APPLICATION CONTACT

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name: Kelly

Middle: Marie

Last Name: Oakes

Title: Member of the Board of Entity

Primary Phone: 201 874 1593

Email: kmoakes@yahoo.com

5. OWNERSHIP Please list all individuals or entities with a direct or indirect, beneficial or financial interest in this license.

An individual or entity has a direct beneficial interest in a license when the individual or entity owns or controls any part of the license. For example, if John Smith owns Smith LLC, a licensee, John Smith has a direct beneficial interest in the license.

An individual or entity has an indirect beneficial interest if the individual or entity has 1) any ownership interest in the license through an intermediary, no matter how removed from direct ownership, 2) any form of control over part of a license no matter how attenuated, or 3) otherwise benefits in any way from the license's operation. For Example, Jane Doe owns Doe Holding Company Inc., which is a shareholder of Doe LLC, the license holder. Jane Doe has an indirect interest in the license.

A. All individuals listed below are required to complete a Beneficial Interest Contact - Individual form.

B. All entities listed below are required to complete a Beneficial Interest Contact - Organization form.

C. Any individual with any ownership in this license and/or the proposed manager of record must complete a CORI Release Form.

Name	Title / Position	% Owned	Other Beneficial Interest
Kelly Oakes	Officer	100	N/A
N/A			

For additional space, please use next page



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

II

II. PUBLIC HEARING(S)

REQUESTED BY:	Hardas Corp.
DESIRED ACTION:	Approve a request for amendment of underground fuel storage tank
PROPOSED MOTION:	I move to approve the Application of Hardas Corp. to amend the underground fuel storage license at 2619 State Highway, Route 6. Said amended license will provide for the storage of 20,000 gallons.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

NOTICE OF PUBLIC HEARING

WELLFLEET BOARD OF SELECTMEN

Pursuant to M.G.L. Ch 148, §13, the Wellfleet Board of Selectmen will hold a public hearing on May 23, 2017 at 7:05 pm at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA, on the application of Hardas Corp to amend the underground fuel storage license at 2619 State Highway, Route 6. Said amended license will provide for the storage of 20,000 gallons.

All abutters and other interested parties are invited to attend.



FP-002A
(Rev. 1.1.2015)

The Commonwealth of Massachusetts
City/Town of WELLFLEET

Application For License

Massachusetts General Law, Chapter 148 §13

☐ New License ☒ Amended License

GIS Coordinates

LAT.

LONG.

License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 2619 Route-6 21/40
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: HARDAS CORP.

Address of Land Owner: 2619 Rte 6, Wellfleet, MA 02667

Use and Occupancy of Buildings and Structures: RETAIL MOTOR VEHICLE FUEL DISPENSING

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments
1-13-2012
Attach a copy of the current license

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
<u>Gasoline</u>	<u>IB</u>	<u>20,000</u>	<u>Gallons</u>	<u>UST</u>

Total quantity of all flammable liquids to be stored: 20,000

Total quantity of all combustible liquids to be stored:

Total quantity of all flammable gases to be stored:

Total quantity of all flammable solids to be stored:

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 1.00 Table 1.12.8.50)

- ❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage: _____

- ❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____

List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

- ❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

- ❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Paresh Patel, hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature Paresh Patel Date 4-12-17 Name Paresh Patel

Fire Department Use Only

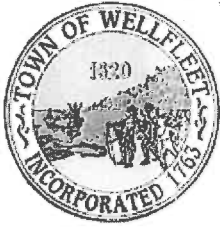
I, RICHARD J. PAULEY, JR., Head of the WELLFLEET Fire Department endorse this application with my

☒ Approval ☐ Disapproval

Signature of Head of the Fire Department

Date

Recommendations: NONE



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

III

III. APPOINTMENTS/REAPPOINTMENTS

REQUESTED BY:	Police Chief Ronald Fisette
DESIRED ACTION:	Approve police officers reappointments and appointments
PROPOSED MOTION:	<p>I move to approve the following:</p> <p>A. Reappointment of full-time police officers with term from July 1, 2017 to June 30, 2018:</p> <ul style="list-style-type: none">• Ryan Murphy• Laecio De Oliveira• Mark Braun• Ryan Golden <p>B. Reappointment of Special Police Officers with term from July 1, 2017 to June 30, 2018:</p> <ul style="list-style-type: none">• Scott Higgins• Jonathan Hale• Jerre Austin• Bryan Dufresne• Marc Spigel• Nicholas Daley• Kyle Kochanowicz• Desmond Keogh• John Szucs <p>C. Reappointment of Special Police Officer/Department with term from July 1, 2017 to June 30, 2018: Chaplain: Paul Cullity.</p> <p>D. Appointment of Special Police Officer with term from May 24, 2017 to June 30, 2018: Edward Garneau</p>
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

Town of Wellfleet
Police Department

May 08, 2017

To: Board of Selectmen
From: Chief Ronald L. Fisette

Subject: FULL TIME POLICE OFFICERS REAPPOINTMENT

Full time police officers require annual appointments for the first 5 years of their career, and thereafter they are tenured and require no further appointments.

I request the following individuals be reappointed as a Full Time Police Officer:

Appointment Period: July 1, 2017 through June 30, 2018

<u>Officer:</u>	<u>Initial Appointment</u>
Ryan Murphy	9/08/2014
Laecio De Oliveira	8/26/2015
Mark Braun	4/04/2016
Ryan Golden	8/01/2016

Respectfully submitted for your information and consideration.



Ronald L. Fisette,
Chief of Police

cc: Dan Hoort, Town Administrator
Joseph Powers, Town Clerk

Town of Wellfleet
Police Department

May 08, 2017

To: Board of Selectmen
From: Chief Ronald L. Fisette


Subject: SPECIAL POLICE OFFICERS REAPPOINTMENT

I request the following individuals be reappointed as a Special Police Officer:

Appointment Period: July 1, 2017 through June 30, 2018

Scott Higgins	Jonathan Hale	Jerre Austin
Bryan Dufresne	Marc Spigel	Nicholas Daley
Kyle Kochanowicz	Desmond Keogh	John Szucs

Respectfully submitted for your information and consideration.



Ronald L. Fisette,
Chief of Police

cc: Dan Hoort, Town Administrator
Joseph Powers, Town Clerk

Town of Wellfleet
Police Department

May 8, 2017

To: Board of Selectmen
From: Chief Ronald L. Fisette


Subject: SPECIAL POLICE OFFICERS APPOINTMENT

I request the following individual(s) be appointed as a Special Police Officer.

Appointment Period: May 24, 2017 through June 30, 2018

Edward Garneau

Respectfully submitted for your information and consideration.



Ronald L. Fisette,
Chief of Police

cc: Dan Hoort, Town Administrator
Joseph Powers, Town Clerk

Police Officer Position; Full Time [] Part Time [XX]

Communications Position; Full Time [] Part Time []

WELLFLEET POLICE DEPARTMENT SUMMARY SHEET OF APPLICANT'S INFORMATION

Applicant's Name: Garneau Edward P.
(Last) (First) (Middle)

The following information is a summary of information provided as part of a 10 page application packet. The entire application is available for your review if you so desire.

I PERSONAL HISTORY

Address: 17 Cyrus Drive
(Number & Street)
Centerville MA 02632
(City/Town) (State) (Zip)

II EDUCATION

	School Name, Address and Phone Number	Graduated Yes/No	Number of Years Attended	Degree	Major
High School	Cape Cod Regional Tech 351 Pleasant Lave Ave. Harwich, MA (508) 432-4500	Yes	4	Diploma	Automotive Technology
Undergraduate					
Graduate					
Other					

- b. Have you attended or are attending a Reserve Police Academy? Yes [XX] No [] If yes, give details to include completion date: Plymouth Academy 2/12/2017
- c. Have you attended or are attending a Full Time Police Academy? Yes [] No [XX] If yes, give details to include completion date: _____
- d. Do you have a First Responder certificate? Yes [XX] No [] Exp. Date: 10/18
- e. Do you have a CPR certificate? Yes [XX] No [] Exp. Date: 10/18

Town of Wellfleet
Police Department

May 08, 2017

To: Board of Selectmen
From: Chief Ronald L. Fisette

Subject: SPECIAL POLICE OFFICERS – Department Chaplain

Reverend Paul Cullity, First Congregational Church, Wellfleet has expressed an interest in serving as our Department Chaplain.

I request the following individual be reappointed as a Special Police Officer – Department Chaplain:

Appointment Period: July 01, 2017 through June 30, 2018

Paul Cullity

Respectfully submitted for your information and consideration.



Ronald L. Fisette,
Chief of Police

cc: Dan Hoort, Town Administrator
Joseph Powers, Town Clerk

- f. List any special abilities, interests, sports or hobbies along with degrees of proficiency:

Mechanically inclined, outdoor activities, hiking, running, weight training

- g. List any special equipment or computer systems with which you have experience.

III EMPLOYMENT HISTORY

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
02/2000	N/A	Dick Beard Chevrolet 22 Ridgewood Ave, Hyannis, MA 02601 (508) 775-1843	6.75	20.00	James Mueller Service Manager
Reason for Leaving: N/A					

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	

- b. Have you ever been disciplined or forced to resign because of misconduct or unsatisfactory employment? Yes [] No [XX] If yes, give details:

- c. Are you eligible for rehire with each of your former employers? Yes [XX] No [] If no, please explain: _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST

Tuesday, May 23, 2017

IV

IV. USE OF TOWN PROPERTY

REQUESTED BY:	Emily Wettleson/Roaming Hunger
DESIRED ACTION:	Approve a request to use Town property
PROPOSED MOTION:	I move to approve the request of Emily Wettleson/Roaming Hunger to use two parking spaces at Mayo Beach on May 31, 2017 from noon to 6 pm to distribute free samples of promotional packaged candy to beach-goers with a use fee of \$100 and with conditions as listed on the use form.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

17-24

TOWN OF WELLFLEET
APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

Applicant Emily Wettleson Affiliation or Group Roaming Hunger
Telephone Number (323) 229-5425 Mailing Address 8228 W Sunset Blvd, Suite B,
West Hollywood, CA 90046
Email address emily@roaminghunger.com

Town Property to be used (include specific area) _____

2 Parking Spaces in Wellfleet

Date(s) and hours of use: Wednesday, 5/31/17, 12 pm - 6 pm (times are negotiable)

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.

We will have a promotional vehicle on-site to distribute free samples of packaged candy to beach-goers. The vehicle is health permitted in New York, is able to obtain a temporary food establishment permit from the city if need be. There will be 3 staff inside the vehicle and there will be 1 event manager to handle any issues that may arise. We do not expect to serve more than 100 patrons per hour. Event attendance ultimately depends on the flow of foot traffic. We will have someone present from our staff to control the line and crowds as needed.

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

The event does not require any town services, unless 2 vertically-aligned parking spaces in the lot are able to be reserved in advance.

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: 4/14/17

Processing Fee: 50.00 paid

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Cons. Agent Signature:

[Signature]

Comments/Conditions:

temporary FOOD SERVICE

Permits/Inspections needed:

PERMIT

Mayo OK OK

Inspector of Buildings Signature:

Comments/Conditions:

Permits/Inspections needed:

X

Police Dept. Signature:

[Signature]

4/19/17

Comments/Conditions:

Mayo OK OK

Fire Dept. Signature:

[Signature]

Comments/Conditions:

2/21/17

Mayo OK OK

DPW Signature:

[Signature]

4/26/17 OK

Comments/Conditions

provide for waste & clean the area after event.

Mayo OK

Comm Service Dir.
Beach Dept. Signature:

5/15/17

[Signature] OK

Comments/Conditions:

Responsible for trash. May not move from Mayo Beach.

Shellfish Constable Signature:

X

Comments/Conditions:

Harbormaster Signature:

[Signature]

Comments/Conditions:

OK

Mayo OK

Recreation Dept. Signature:

[Signature]

Comments/Conditions:

5/11/17

Town Administrator:

[Signature]

Comments/Conditions:



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

IV

IV. USE OF TOWN PROPERTY

REQUESTED BY:	Zach Pawa/ Sacred Surf School
DESIRED ACTION:	Approve a request to use Town property
PROPOSED MOTION:	I move to approve the request of Zach Pawa/Sacred Surf School to use White Crest Beach from June 1 to August 31, 2017, 9 am-5 pm for surf lessons with a use fee of \$350, provide proof of liability insurance and with conditions as listed on the use form.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

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

4.28.17

Applicant: Zach Pawa

Affiliation or Group: Sacred Surf School

Telephone Number: 508-514-1555

Mailing Address: 4900 Rt 6 Eastham, MA 02642

Email address: sacredsurfschool@gmail.com

Town Property to be used (include specific area): Whitecrest Beach

Date(s) and hours of use: June 1 - August 31 (9AM - 5PM)

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.

- **Surf Lessons - fees apply (\$75-\$100 per person)**
- **Equipment: surfboards, wetsuits**
- **Number of instructors (1-7) and students (1-15) depends on the day**
- **Parking in Whitecrest lot (some of the instructors are not wellfleet residents)**

Describe any Town services requested (police details, DPW assistance, etc.): N/A

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

APR 28 2017

Processing Fee:

Fee:

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent:	Inspector of Buildings:
Comments/Conditions:	Comments/Conditions:
Permits/Inspections needed:	Permits/Inspections needed:

Police Department:	Fire Department:
Comments/Conditions:	Comments/Conditions:

DPW:	Community Services Director:
Comments/Conditions:	Comments/Conditions:

Shellfish Constable:	Harbormaster:
Comments/Conditions:	Comments/Conditions:

Recreation Department:	Town Administrator:
Comments/Conditions:	Comments/Conditions:



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

IV

IV. USE OF TOWN PROPERTY

REQUESTED BY:	Eric Gustafson/Fun Seekers
DESIRED ACTION:	Approve a request to use Town property
PROPOSED MOTION:	I move to approve the request of Eric Gustafson/Fun Seekers to use Chipman Cove/Indian Neck, Paine Hollow, Duck Harbor, Long Pond, Gull Pond, Herring River from May 1 to November 1, 2017, for stand-up paddle, surf, windsurf and kitesurf lessons with a use fee of \$350, proof of liability insurance and with conditions as listed on the use form.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

17-28

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant Eric Gustafson

Affiliation or Group Fun Seekers

Telephone Number 508-349-1429

Mailing Address 2480 Old Kings Hwy

Email address info@funseekers.org

Wellfleet MA 02667

Town Property to be used (include specific area) Chipman Cove / Indian Neck, Paine Hollow

Duck Harbor, Long Pond, Gull Pond, Herring River

Date(s) and hours of use: May 1 - Nov 1

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.

Stand up Paddle, Surf, windsurf, kitesurf lessons

1-10 people using equipment for specific sports

Parking is using Wellfleet guidelines

Fees are charged

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

None

NOTE TO APPLICANTS: All applications must be accompanied by a non refundable \$50.00 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: 5/10/17

Processing Fee: \$50.00 paid

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

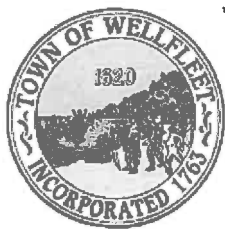
Health/Conservation Agent: <i>phone ok</i> Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: Comments/Conditions: Permits/Inspections needed:
---	---

Police Department: <i>[Signature]</i> Comments/Conditions: <i>5/15/17</i> <i>OK</i>	Fire Department: <i>[Signature]</i> Comments/Conditions: <i>5/18/17</i> <i>OK</i>
---	---

DPW: <i>Paul Bradley</i> <i>OK</i> Comments/Conditions: <i>5/22/17</i>	Community Services Director: <i>phone ok</i> Comments/Conditions:
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Harbormaster: Comments/Conditions	Shellfish: Comments/Conditions
---	--

Recreation: Comments/Conditions	Town Administrator: <i>Daniel R. Hoort</i> Comments/Conditions
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BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

IV

IV. USE OF TOWN PROPERTY

REQUESTED BY:	Harriett Korim/Cape Cool
DESIRED ACTION:	Approve a request to use Town property
PROPOSED MOTION:	I move to approve the request of Harriett Korim/Cape Cool to use the Transfer Station Swap Shop and surrounding parking area for the 25 th Annual Fundraiser for Swap Shop Ecology Action (S.E.A) prize and scholarship fund on May 27, 2017 from 8 am to 3 pm with no use fee and with conditions as listed on the use form.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET
APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

17-29

Applicant Harriet Konim

Affiliation or Group Cape Cool (Recycling Co)

Telephone Number 508 349 3532

Mailing Address Box 3040

Email address harriet@capecool.org

Wellfleet

Town Property to be used (include specific area)

MA 02667

(Swap Shop) and surrounding parking area

Date(s) and hours of use: 8am / 3pm on May 27, 2017

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

25TH (INVESTING IN KIDS WHO CARE about the Cape + the earth)
annual fundraiser for S.E.A. prize
scholarship fund* (Swap Shop Ecology Action)
fund-raiser (aka Yard Sale at the Dump) -
den. (tax-deductible donations can be made to Compact/capecool
6% above address

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

DPW ~~ass~~ cooperations (as they have offered
for 25 years.)

NOTE TO APPLICANTS: All applications must be accompanied by a non refundable \$50.00 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: 5/9/17



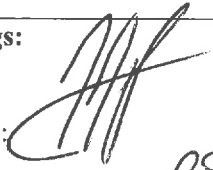

Processing Fee: \$50.00 **NOT PAID**

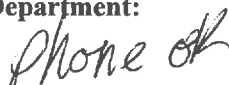
Fee: _____

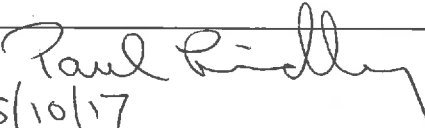
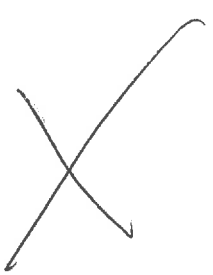
(over)

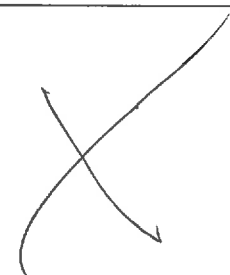
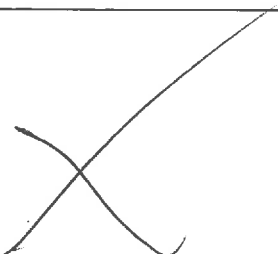
* we have given thousands of dollars in scholarship and toolships to young earth scientists + advocates from Harwich to Provincetown and activists

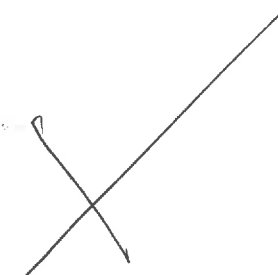

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES

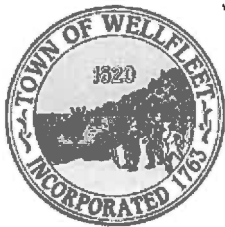
Health/Conservation Agent:  Comments/Conditions:  Permits/Inspections needed:	Inspector of Buildings:  Comments/Conditions:  05-16-17 Permits/Inspections needed:
---	--

Police Department:  Comments/Conditions: 	Fire Department: Comments/Conditions:
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DPW:  5/10/17 Comments/Conditions Swap shop volunteer to be at scale house to ok items for yard sale. All other items pay regular disposal fee.	Community Services Director: Comments/Conditions: 
---	--

Harbormaster: Comments/Conditions 	Shellfish: Comments/Conditions 
---	--

Recreation: Comments/Conditions 	Town Administrator:  Comments/Conditions
---	---



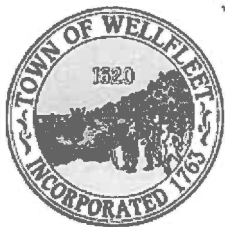
BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

V

V. LICENSES

REQUESTED BY:	Business Owners
DESIRED ACTION:	Approve license renewals applications
PROPOSED MOTION:	<p>I move to approve the following license renewals:</p> <p>A. Food Truck License: 1. Solace Food Truck</p> <p>B. Common Victualler's License: 1. Leaside Café; 2. Solace Food Truck; 3. C Shore</p> <p>C. Weekday Entertainment License: C Shore (former Finely JP's)</p>
ACTION TAKEN:	<p>Moved By: _____ Seconded By: _____</p> <p>Condition(s): _____</p>
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

VI

BUSINESS A.

REQUESTED BY:	Michael Ford
DESIRED ACTION:	Consider disposition of abandoned portion of a road
PROPOSED MOTION:	I move to direct all Town Boards and Committees to review the request of Michael Ford to consider incorporating the abandoned portion of road on Map 47 to the greenbelt of Great Woods Field development
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

MICHAEL F. FORD
60 Captain Bellamy Rd.
SOUTH WELFLEET, MA 02663
Phone (508) 349-0975 * Fax (508) 349-2774



Wednesday, March 22, 2017

TO: Welfleet Board of Selectman

RE: Abandoned town road abutting Great Woods Field

This is a request for the review to include the abandoned road indicated on Map 47 into the common area of Great Woods Field, to complete the green belt required by the special permit for the cluster zone.

Upon the creation of Great Woods Field, a cluster zone development, a green belt was required to be surrounding the cluster zone development. This area was to be required to have a 200 Ft setback from Route 6 to meet the requirements of the special permit granted by the town and state cluster zone requirements at the time of development.

This never happened.

The road in question may not be a Town Road, as per land court decision certificate in favor of Leonard Dill in 1933.

The road is blocked by residential development on Fresh Brook Lane with no access to any other roads public or private. The road may also be land locked by Pinewood Circle, a private road of Great Woods Field, exiting onto Route 6.

The town of Welfleet and / or any other parties known and / or unknown have apparently abandoned any use of the road for at least 50 to 75 years + [estimated] as a functional road. This area is covered by larger mature trees and would lend itself to use as a required green belt and / or conservation area for the Great Woods Field neighborhood.

This request is to bring the Great Woods Field neighborhood into compliance with the town of Welfleet special permit for the cluster zone requirement for a surrounding green belt, and also to meet the State requirement for a cluster zone green belt at the time of development.

Thank you for your consideration,

Michael F. Ford

11481^D

SHEET 2 OF 5
(Key Sheet on Sheet 5)

Leonard B. Dill



HIGHWAY

(ROUTE - 6)

(100.00 Wide)

STATE



L. C. No. 15467A

Cert. No. 3560

WAY

100

WAY

WAY

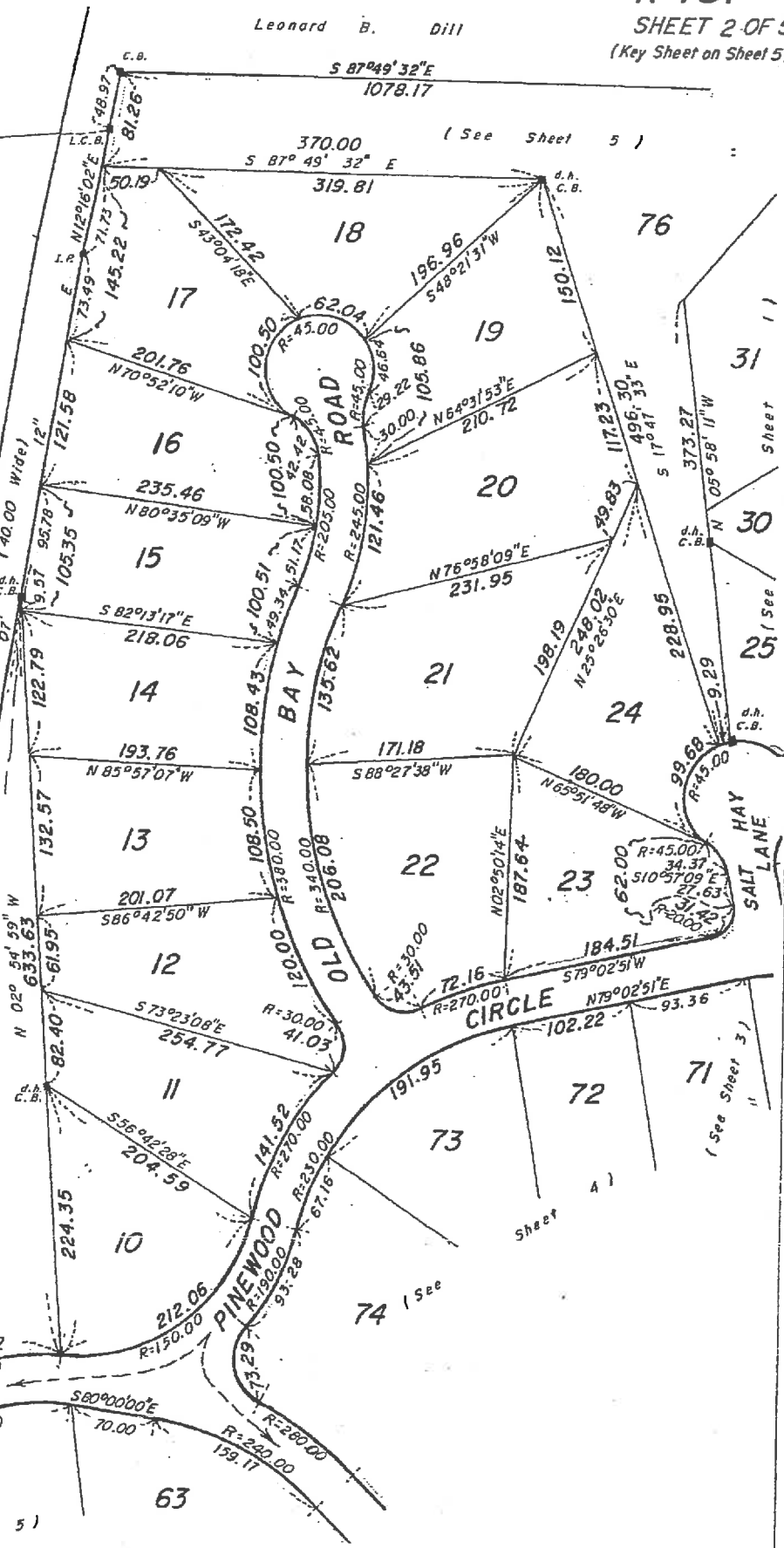
WAY

WAY

WAY

WAY

WAY



FTF.

Scale of this plan 100 feet to an inch



TOWN OF WELLFLEET
PLANNING BOARD

WELLFLEET, MASSACHUSETTS 02667

*file -
Parent
Quest*

May 21, 1985

Gerald Houk, Chairman
David H. Ernst
Charles F. Thibodeau
Board of Selectmen
Town of Wellfleet

To the Selectmen:

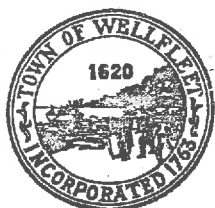
The Planning Board requests that the Selectmen consider abandoning the old Town Way abutting the Cluster Residential Development of Cape End Realty Trust on Route 6 in South Wellfleet. This way exists legally, but has not been used in approximately twenty years.

Yours very truly,

Lyle B. Butts
Lyle B. Butts
Vice-Chairman

LBB:bvo

Parent
Cluster



TOWN OF WELFLEET
PLANNING BOARD

WELFLEET, MASSACHUSETTS 02667

MINUTES OF MEETING OF MAY 6, 1985, 7:30 P.M., TOWN HALL HEARING ROOM

Present: Gerald Parent, Chairman; Lyle Butts, Robert Fitzgerald,
Clarence Smith, Ed Zinzmeister; Birgitta Olson, Clerk

Meeting called to order at 7:40 p.m.

1. Clarence Smith MOVED "that the Planning Board elect Lyle Butts to serve as Vice-Chairman." SECONDED by Ed Zinsmeister and CARRIED unanimously.
2. The Clerk was instructed to send letters to the Land Court in Boston, the Land Court Office in Barnstable and the Registry of Deeds in Barbstabl (1) deleting the name of Janet Bell and adding the name of Ed Zinzmeister from/to the membership of the Planning Board; and (2) authorizing Vice-Chairman Lyle Butts to sign 81-P plans on behalf of the Board.
3. Shutolin Associates, Route 6 at Cove Road, 81-P. Richard Lay of Slade Associates presented a perimeter plan, stating that that no new lines are being created and that the adjacent parcel of land (site of the IGA Store) is being put under common ownership with the other parcel owned by Shutolin Associates. Board members saw no problems. Clarence Smith therefore MOVED "that the Planning Board approve and sign the plan as presented." SECONDED by Lyle Butts and CARRIED unanimously.

4. Gerald E. Parent, Cluster Residential Development, Route 6, South Wellfleet: Public Hearing.

~~Gerald Parent left the Table; Vice-Chairman~~ Lyle Butts took the Chair. Attorney Lawrence O. Spaulding, Jr. spoke for the applicant; he asked recently elected Planning Board member Ed Zinzmeister if he should not abstain from the discussion and vote on this application in view of his prior public opposition to the cluster development. Mr. Zinzmeister agreed that he should abstain and left the Table. Mr. Spaulding then reviewed the history of the application, including a preliminary presentation before the Planning Board and a public hearing before the Board of Appeals, at which a special permit for the cluster development was granted. An extensive hydrological study has been forwarded to the Board of Health for its approval. Clarence Smith asked if there were any change from the preliminary plan presented; surveyor Ricchard Lay said that two lots had been dropped. Board members reviewed the definitive plan and the road profiles, as well as the covenant. It was agreed that a letter should be written to the Selectmen asking that the old Town Way abutting the property, which exists legally but has not been used for 20 years, be abandoned.

John Sandilands asked from the floor if use can be made of Section 3.5 of the Zoning By-Laws, stating that up to 15 % of the subdivision may be held back as open space for up to 3 years, for possible purchase by the Town. Attorney Spaulding pointed out that 30% of this subdivision was already given to open space. Mr. Sandilands submitted that, although the Board of Appeals granted the special permit, it has not been proven that the applicant has met conservation requirements. He referred the Board to objections made by the Massachusetts Audubon Society on this score

There was considerable discussion as to the feasibility of withholding another 15% of the land for open space and as to the meeting of conservation standards. Mr. Smith said that it was in the best interest of the Town of Wellfleet to sign the plan as presented here; both Mr. Butts and Mr. Fitzgerald thought any increase in the amount of land to be devoted to open space was not practical; Mr. Butts did not think that anything significant would be gained by taking another 15%. The consensus of the Board was that the proposed plan was adequate.

Clarence Smith therefore MOVED "that the Planning Board approve and sign the plan as presented." SECONDED by Robert Fitzgerald and CARRIED unanimously.

5. Harvey Geiger, Baker Estates, off Baker Road, South Wellfleet, Subdivision
Richard Lay presented a preliminary subdivision plan for a proposed 20-lot subdivision. A site inspection had been made by Board members and the consensus was that the access road should be paved down to where the existing road stops; the width should be 20 feet, tapering down towards the end where it meets a 9-foot wide substandard town road. Baker Road starts as a town road and then becomes private; it has a 30-foot width on both town and private sections. It becomes a 40-foot way on the Peters property and would continue as a 40-foot way into the proposed subdivision. It was MOVED by Lyle Butts "that the Planning Board give preliminary approval to the proposed subdivision." SECONDED by Clarence Smith and CARRIED unanimously. The date for a public hearing will be set later.

Other Business

The mail was reviewed. Gerald Parent will be named as the Planning Board member on the Parking & Traffic Committee, but members will rotate in attending meetings.

Selectman David Ernst, newly appointed Chairman of the Board of Health, asked for a list of outstanding business before that Board from the Planning Board. The Clerk will provide this.

Minutes of the following meetings were approved: March 18, 1985; March 25, 1985; and April 1, 1985; as MOVED by Lyle Butts, SECONDED by Robert Fitzgerald, and CARRIED.

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Birgitta V. Olson
Birgitta V. Olson
Clerk

- 4.5. Warren Dyer, (1) off Old Chequesset Neck Road and (2) off Ridge View Drive, 81-Ps. These perimeter plans were taken under advisement so that the Board could inspect the sites.
6. Gerald Sutton, Sea Level Lands, Route 6, South Wellfleet, Subdivision Richard Lay asked that a hearing be scheduled for December 3, 1984.
7. David P. Francis, Commercial Street, 81-P Clarence Smith MOVED, SECONDED by Lyle Butts, "that the Planning Board sign this perimeter plan." CARRIED unanimously.
8. Chandler Crowell, Spring Valley Road & Old King's Highway, Subdivision Richard Lay presented a working plan, stating that a cul-de-sac is being put in to get frontage for two more lots. Waivers for the center line and profile requirements will be requested, as well as a waiver for the construction of the cul-de-sac. He asked that a hearing be scheduled for December 17, 1984. The Board agreed to inspect this property.
9. Richard O'Malley, Nauset Realty Trust, Old Wharf Road, 81-P The Board took this perimeter plan under advisement until the next meeting.
10. Vincent Rich, Hidden Valley Road, 81-P Lyle Butts MOVED, SECONDED by Janet Bell, "that the Planning Board sign the plan." CARRIED unanimously.
11. Francis X. Leonard, Pine Point Road, 81-P Richard Lay explained that the purpose of this plan is to divide the property into three ltos, two of which are unbuildable and to be deeded to the Conservation Trust. The Board took the plan under advisement.
12. John & Catherine Hammond, Springbrook Road, 81-P The Board took this plan under advisement.
13. Gerald Parent, Old Chequesset Woods, Final Release from the Covenant Board members agreed to sign the final release.
14. Gerald Parent, Old King's Crossing, Final Release from the Covenant Board members agreed to sign the final release.
15. Gerald Parent, Cluster Development, Route 6, South Wellfleet Board members reviewed the plan. The entrance road is to be 24 feet wide; other major roads will be 20 feet wide, and four spur roads will be 18 feet in width. These roads will be paved. Two short driveways to lots 15-18 and 43-46 will be 15 feet wide and hardened. Board members agreed to give preliminary approval with the understanding that the road widths are exclusive of berms, as MOVED by Clarence Smith, SECONDED by Robert Fitzgerald and CARRIED unanimously. (Mr. Parent had left the table before consideration of the last three items.)

The meeting was adjourned at 12 midnight.

Respectfully submitted,

Birgitta V. Olson

Birgitta V. Olson
Clerk

9. Letter from Albion Hart of Nickerson & Berger re Application of A. Rogers for preliminary approval of a subdivision plan. Mr. Hart's understanding of the Board's position was that it would discuss what improvements might be necessary, particularly re access, to gain approval of the plan for this subdivision. He asks that the Board do this and notify him so that he may inform his clients before a formal hearing is set up. Board members agreed to inspect the property before the meeting scheduled for February 4th, to which Mr. Hart should be invited.
10. Letter from Board of Appeals asking for comment on the Cluster Residential Development proposed by G.E. Parent, Route 6, S. Janet Bell dictated a letter informing the Board of Appeals that Mr. Parent had presented a preliminary plan to this board, which had been given conditional approval after a site inspection and a review of the proposal. The Planning Board feels that the proposal is superior to a conventional subdivision plan because of the green belt areas, and feels that it conforms to the intent of the by-law.

Other Business

The Minutes of the meeting of January 7, 1985 were approved, as MOVED by Janet Bell, SECONDED by Robert Fitzgerald, and CARRIED.

The Minutes of the meeting of January 14, 1985 were approved, as MOVED by Janet Bell, SECONDED by Robert Fitzgerald, and CARRIED.

A letter from an abutter (Grossman) objecting to the proposal to change the east end of Main Street from Central District to Commercial was read.

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Birgitta V. Olson

Birgitta V. Olson
Clerk

Commonwealth of Massachusetts
LAND COURT

To Edwin W. Horton, Everett S. Osterbank, S. F. Brackett, Joseph M. Dill, Nathan E. Clark, Annie E. Brown, Earl K. Horton, Clayton O. Horton, Obed W. Horton, of Eastham, Elvira S. Higgins, of Orleans, and Bessie E. Sherman of said Orleans, Rena S. Beaupre of Falmouth, Helen H. Slavin, Frances L. Eldredge and Harry H. Sugg of Chatham, Walter A. Horton of Truro, and Leonard B. Dill and Lester G. Horton of Wellfleet, in the County of Barnstable and said Commonwealth; Carroll W. Horton, Arthur L. Horton, Roscoe M. Horton, Ella E. Horton and Ella M. Horton of Quincy, Raymond Higgins of Milton, in the County of Norfolk and said Commonwealth; Robert E. Horton of Easton, in the County of Bristol and said Commonwealth; Wendell B. Horton, Chester F. Horton, Reuben W. Horton, Celia E. Hittle, and Ada B. Richardson of Reading, Helen H. Pratt, Cynthia A. Fife, George L. Horton, Stanley E. Horton, of Newton, Beulah Crocker and John W. Higgins of Medford, Ernest R. Eastman, Frank B. King, Caleb A. Eastman, Dinsmore D. Green and Howard A. Jones of Wakefield, Lorimer E. Higgins of Arlington, Sidney E. Toovey of Somerville, Clarence R. Horton of Lexington, and Philip H. Horton of Dracut, in the County of Middlesex and said Commonwealth; Sophronia H. Johnson of Hardwick in the County of Worcester and said Commonwealth; Harry M. Turner of Revere, in the County of Suffolk and said Commonwealth; Isalah H. Horton of Concord, and Lora B. Senter of Dover, in the State of New Hampshire; Mary L. Horton Mitchell and Mary A. MacFarland of New York in the State of New York; Ralph L. Colby, Warren W. Colby, Joshua W. Higgins, Henry T. Higgins, and Guy E. Colby, Jr. of Chicago, in the State of Illinois; the said Commonwealth of Massachusetts; and to all whom it may concern:

Whereas, a petition has been presented to said Court by Oliver L. Austin of Tuckahoe, in the said State of New York, to register and confirm his title in the following described land:

A certain parcel of land with the buildings thereon, situate in said Wellfleet, in the said County of Barnstable, bounded and described as follows:

Westerly by Wellfleet Harbor; Southerly by the Eastham-Wellfleet Town line; Westerly, Southwesterly and Southerly by said Town line by the middle of Hatch's Creek; and by land of Stanley E. Horton et al, Samuel F. Brackett and Nathan E. Clark et al; Southerly by land now or formerly of Samuel F. Brackett and by land of Joseph M. Dill; Southwesterly and Southerly by land now or formerly of Everett S. Osterbank; Easterly by the State Highway and by land now or

formerly of Leonard B. Dill on the easterly side thereof; Northerly by land of said Leonard B. Dill upon the upland and upon the meadow; and Northwesterly by the run which connects with said Wellfleet Harbor. There is excepted and excluded from the above described land upland of Howard A. Jones, Dinsmore D. Green, Caleb A. Eastman, Frank B. King and Ernest R. Eastman; upland land of Annie E. Brown and registered land of the petitioner shown as Lots C and D on Land Court plan 11481-A, all of said parcels being shown on the plan hereinafter described.

Petitioner admits that the above described land is subject to the following rights and easements except as herein stated:

1. Eel fishing privilege and right of taking grass and right of cartway and right of boat landing as reserved in the deed of Leonard B. Dill to petitioner dated August 7, 1930, duly recorded in Book 476, Page 131.

2. A right of way and other rights as reserved in the deed of Leonard B. Dill to petitioner dated Sept. 16, 1930, duly recorded in Book 475, Page 132.

3. A right of way as reserved or implied in the deed of Annie E. Brown to Albert E. Reed, dated January 11, 1928, duly recorded in Book 452, Page 470.

4. Certain rights granted or reserved to Joseph M. Dill and Samuel A. Nickerson for their lives and life of survivor as contained in the following deeds:

(a) Deed of Joseph M. Dill to Howard A. Jones, dated November 7, 1930, duly recorded in Book 479, Page 196;

(b) Deed of Joseph M. Dill to Howard A. Jones dated May 27, 1930, duly recorded in Book 473, Page 410;

(c) Deed of Samuel Nickerson and Joseph M. Dill to Lorenzo D. Baker, Jr. et al Trustees dated February 18, 1915, duly recorded in Book 336, Page 61;

(d) Deed of Samuel A. Nickerson and Joseph M. Dill to Howard A. Jones et al dated September 11, 1916, duly recorded in Book 346, Page 181;

(e) Deed of Joseph M. Dill to Howard A. Jones dated November 7, 1930, duly recorded in Book 479, Page 196;

(f) Deed of Samuel A. Nickerson to Howard A. Jones dated November 7, 1930, duly recorded in Book 479, Page 195;

(g) Deed of Howard A. Jones to Samuel A. Nickerson and Joseph M. Dill, dated December 10, 1931, duly recorded in Book 486, Page 476.

5. Implied right of way to use Shore Road a private road on the Northeast-erly side of the parcel of land described in said deed of Samuel A. Nickerson and Joseph M. Dill to Howard A. Jones et al, dated Sept. 11, 1916, and recorded with said Deeds Book 346, Page 181, and on the land of the petitioner, all as shown on the registration plan filed in this case.

6. A right of way as contained in the deed of Joseph M. Dill to Ernest R. Eastman dated September 14, 1925, duly recorded in Book 429, Page 2.

7. A right of way as contained in the deed of Howard A. Jones to said Ernest R. Eastman dated December 10, 1931, duly recorded in Book 486, Page 475.

8. Petitioner denies that the road mentioned in the deed of Joseph M. Dill to himself dated November 12, 1930, duly recorded in Book 479, Page 106 is a Town Road and alleges that said road is a private road.

9. Petitioner admits rights of way for the benefit of said lands of Leonard B. Dill, Annie E. Brown, Howard A. Jones et al and Ernest R. Eastman, and denies that any rights of way or other rights exist for the benefit of any other persons whatsoever save and except such rights as are hereinbefore specifically admitted, and hereinafter admitted in the following paragraph.

10. Petitioner admits grant to Howard A. Jones et al of certain rights as specified in an instrument executed by the petitioner dated December 16, 1931, duly recorded in Book 486, Page 478. also registered as registered document 6445 and now appearing upon the petitioner's present outstanding certificate No. 2199 for that portion of his land already registered.

Petitioner admits that a portion of the State Highway as shown on the plan hereinafter described crosses the north-easterly part of the land described in this petition.

The above described land is shown on a plan filed with said petition and all boundary lines are claimed to be located on the ground as shown on said plan.

If you desire to make any objection or defense to said petition you or your attorney must file a written appearance and an answer under oath, setting forth clearly and specifically your objections or defense to each part of said petition, in the office of the Recorder of said Court in Boston (at the Court House), or in the office of the Assistant Recorder of said Court at the Registry of Deeds at Barnstable in the County of Barnstable where a copy of the plan filed with said petition is deposited, on or before the thirtieth day of October next.

Unless an appearance is so filed by or for you, your default will be recorded, the said petition will be taken as confessed and you will be forever barred from contesting said petition or any decree entered thereon.

Witness, CHARLES THORNTON DAVIS, Esquire, Judge of said Court, this twenty-seventh day of September in the year nineteen hundred and thirty-three.

Attest with Seal of said Court.
(Seal) Charles A Southworth,
Recorder.

TOWN OF WELLFLEET
Wellfleet, Massachusetts

APPLICATION FOR SUBDIVISION APPROVAL

FORM A & B / Page 2
(Revised 5-16-85)

File one completed form with the Planning Board and one copy with the City (or Town) Clerk in accordance with the requirements of Section III-A or Section II-B.

Date 6-May-1985 Type: - Public Hearing ☒ "Approval Not Required" ^{*}
Applicant Gerald E. Parent, Trustee, Cape End Realty Trust
Applicant's Address Box 700, Wellfleet, MA 02467
Owner of Property (if not applicant) —
Location of property Rt. 6, So. Wellfleet
Assessors Maps Reference. Page ²⁰³⁻30 Block No. — Lot No. 8 Sub. Lot No. — LC 11481
Total Acreage 58.9 AC[±] No. of Lots Proposed 64 + Common Area
Public ways to be used —
Existing Private Ways to be used Rt. 6 + unnamed Town Way
Names of proposed new ways See accompanying definitive plan.
Abutter's names and addresses (verification will be made by the Planning Board) —

* Cluster Development, Route 6, So. Wellfleet

Preliminary Plan presented 10-1-84.

Definitive Plan presented 4-12-85

Public Hearing 5-6-85

Surveyor Slade Associates, Inc. Date of Survey Jan. 1985

Address Wellfleet, MA 02467 Plan Ref. LC No. 11481

SIGNATURE OF ^{Surveyor} OWNER [Richard F. Lay]

Action of Planning Board 5-6-85: Public Hearing held. Approved & signed
Remarks or conditions See attached covenant. plan as presented.

Board members acting Butts, Fitzgerald, Smith, Zinsmeister.
(Parent left the table.)

B.V. Olson, Clerk
5-7-85

For help about the document viewing options see: **[Viewing Information](#)**

Page 1 of 1

Zoom To Fit

FULL SIZE

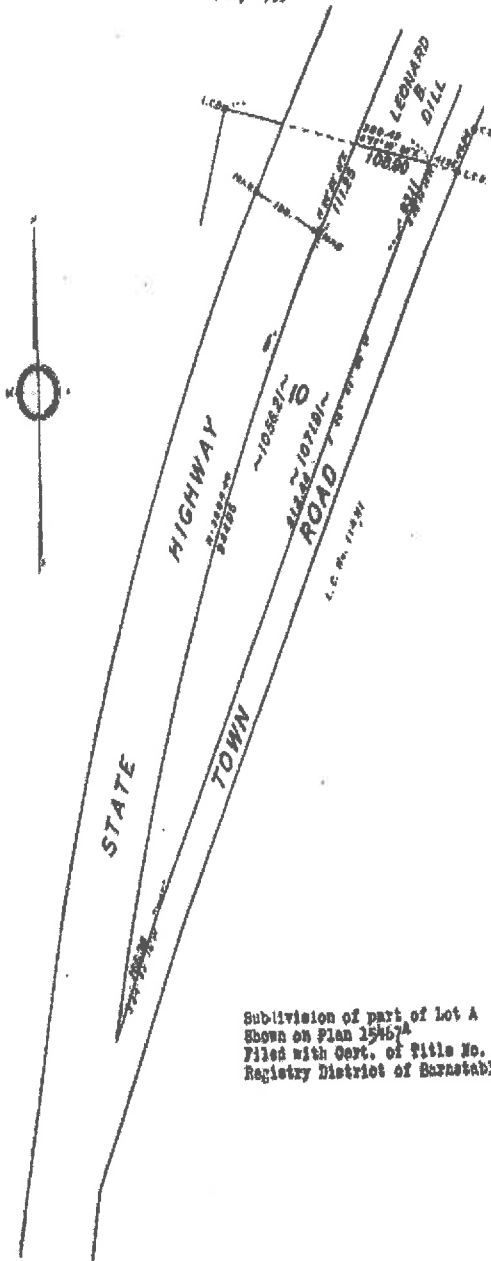
Deirdre S. King

SUBDIVISION PLAN OF LAND IN WELLSFREET

Arthur L. Sparrow Co., Engineers

July 1953

15467C



Subdivision of part of Lot A
Shown on Plan 15467A
Filed with Cert. of Title No. 3560
Registry District of Barnstable County

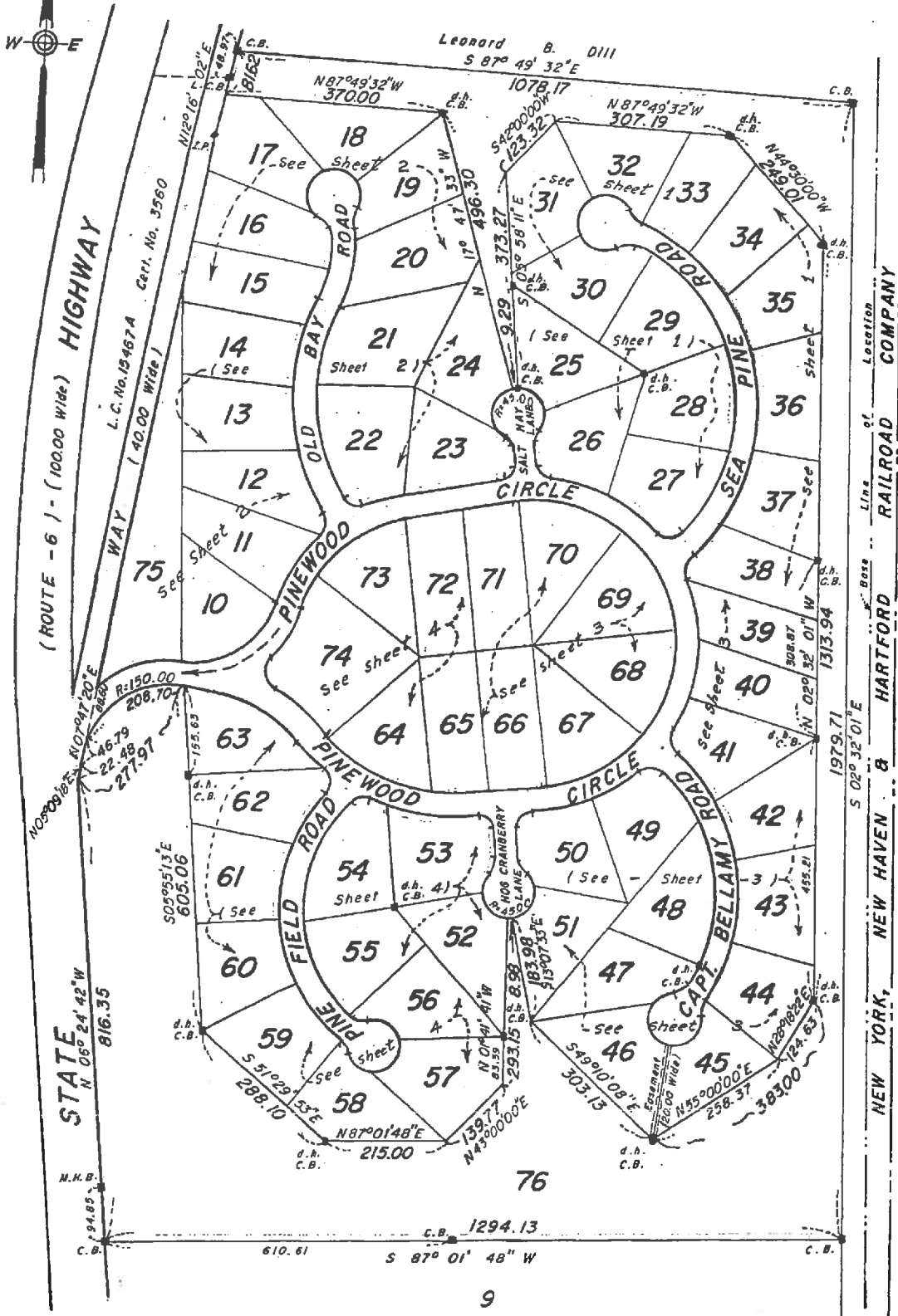
Separate certificates of title may be issued for land shown herein as LOT 10 by the Court.

Copy of part of plan
LAND REGISTRATION OFFICE
JULY 31, 1963
Scale of this plan 1/2" = 100' ft. as high
W. T. Fitzhugh, Engineer for Court

If no image is generated and there is no obvious explanation, please check the Java heap space by clicking here: **Estimate Java heap memory**



11481 D
SHEET 5 OF 5
KEY SHEET



to 18 feet, with berms to be on the side; and (2) the road would have to be paved from Pole Dyke Road to a point halfway between lots 53 & 54. Mr. Lay asked if the requirement for paving would be reduced if one lot were dropped; Mrs. Bell said she could not agree to that, while Mr. Butts said he would accept paving to Knowles Dyer Road only. It was then MOVED by Janet Bell, SECONDED by Robert Fitzgerald, "that the Planning Board refuse to accept the plan as an 81-P, judging that it should come under the Subdivision Control Act and be presented as a subdivision." CARRIED unanimously.

5. Chandler Crowell, Spring Valley Road & Old King's Highway, S.
Mr. Lay said this property was originally presented as a 6 lot plan, approval not required. Mr. Crowell plans two more lots and will add a right-of-way with a cul-de-sac to get frontage for these lots. He wants to leave the 10 foot road unimproved. Board members agreed that an inspection of the property is necessary, after which a hearing can be scheduled.
6. Gerald Sutton, Sea Level Lands, Route 6, South Wellfleet, S.
The Planning Board will also inspect this property, then schedule a hearing.
7. Gerald Parent, Cape End Realty Trust, Route 6, South Wellfleet, S.
Mr. Parent left the table; Vice-Chairman Janet Bell took the Chair. Richard Lay presented a plan for 66 lots on 61 acres, the minimum lot size being 23,000 square feet. The property will be developed under cluster zoning regulations, with 43.01 acres to be built upon and 18.84 acres to be held as common ground. There will be one main access road and 6 smaller feeder roads providing frontage for the lots. There is to be a buffer zone between the development and Route 6, between the building and abutting properties and between the clusters themselves. A bicycle path connecting the proposed bikeway along the old railroad bed and the Audubon Society lands is projected. There is a problem at present because an existing town way runs through part of the buffer zone bordering Route 6; however, since elimination of this way would be in the best interest of all abutters, Mr. Parent hopes to be able to do away with it. Board members noted that this will be the first development done according to cluster zoning regulations; parallel to his application with the Planning Board, Mr. Parent will have an application for a Special Permit before the Board of Appeals. The site will be inspected, after which a definitive plan will be presented and a hearing scheduled.
8. Gerald Parent, Old King's Crossing, S.
Mr. Parent asked for release of the last lot from the covenant (#33). Board members agreed that all requirements had been met, and it was so MOVED by Robert Fitzgerald, SECONDED by Lyle Butts, and CARRIED unanimously.
9. Gerald Parent, Old Chequesset Woods, S.
Mr. Parent asked for the release of lot #30, the last lot of this subdivision under covenant. It was so MOVED by Lyle Butts, SECONDED by Robert Fitzgerald, and CARRIED unanimously.
10. Gerald Parent, Great Pasture, S.
Mr. Parent reported that all roads were graded and paved, that banks are seeded and utilities in place. Of the original 50 lots under covenant, 8 have been released; he is now seeking the release of 12 more: 25, 26, 27, 28, 29, 30, 48, 50, 51, 45 and 39. It was so MOVED by Robert Fitzgerald, SECONDED by Lyle Butts and CARRIED unanimously.

WELLFLEET BOARD OF APPEALS

REQUEST FOR FINDING OF FACT - SPECIAL PERMIT FOR
CLUSTER DEVELOPMENT

RECEIVED

FEB - 7 1985

TOWN CLERK

Now comes the applicant Cape End Realty Trust
who has applied to this Honorable Board for a special permit for
property located on Route 6, Wellfleet and asks that
said Board make the following findings of fact:

1. That the plan complies with the requirements of Section 6.6.4:

The maximum number of dwelling units allowed in a Cluster Development equals the "applicable land area" divided by the lot area requirements for a single-family dwelling in that district. The proposed plan will restrict the number of lots to 64 in accordance with this requirement. Single-family dwellings are allowed in the resort residential zoning district. Each lot meets the dimensional regulations of the Wellfleet By-Law 6.6.4.3. The site meets the functional standards outlined in Section 6.6.4.4. The hydro-geological study of the locus has been conducted by K-V Associates. The study has found a suitable soil for on-lot sewerage and water systems. The water quality analysis showed no bacterial content and was acceptable as a drinking source. Thirty percent of the land not designated for roads, dwelling, or other development within the Cluster will be held for common open space in accordance with Section 6.6.4.5. There will be an incorporated homeowners' association.

2. That the plan is superior to a conventional one in preserving open space for conservation or recreation:

Thirty percent of the land not designated for roads, dwelling, or other development within the Cluster Residential Development shall be held for common use of the residents of the development. The greenbelt will provide privacy and maintain the rural atmosphere of the area. In a conventional development, there would be no greenbelt area and no common area for conservation or recreation.

3. That the plan is superior to a conventional one in utilizing natural features of the land:

A Cluster Residential Development will allow the shape of the lots to be varied, taking advantage of the natural topography rather than utilizing a conventional grid pattern for a regular subdivision plan. The 200 foot setback from Route 6 will protect the visibility of the area from the highway. In a conventional subdivision plan, there would be no 200 foot setback from Route 6. The greenbelt will provide a natural buffer between the Cluster Development and neighboring motel and homes.

4. That the plan is superior to a conventional one in allowing more efficient provision of streets, utilities, and other public services:

Paved roads of ample width will ensure good traffic flow. A single entrance in a Cluster Development will prevent hazard or congestion on Route 6 and eliminate the need for numerous curb cuts which would be necessary in a conventional plan. Adequate and appropriate facilities will be provided for the proposed use in accordance with the Board of Health regulations and the Zoning By-Law. Access, drainage, utilities, and grading will meet functional standards equivalent or superior to those established in the Planning Board's adopted Subdivision Regulations. The Cluster Plan is superior to a conventional subdivision in that all lots have been engineered for the most beneficial placement of wells and septic systems.

5. That the plan is at least equal to a conventional plan in other respects:

The lot size, lot width, setback, coverage, yard and height regulations will meet or exceed those established by Section 6.6.4.3. The proposed plan will restrict the density to 64 families rather than the possible 660 units available to motel or hotel development. The location along Route 6 is an appropriate location for a Cluster Residential Development because it provides access to the seashore, shopping and Route 6, while also providing a rural setting. A Cluster Development in this area allows use of the land while at the same time maintaining the existing character. The size of the locus is large enough to support the proposed development, providing lots which exceed the minimum required lot size for a Cluster Residential Development. Good traffic flow will be provided by a single entrance and paved roads of ample width.

In addition, the reduced setback requirements of the Cluster Development provides more flexibility in siting a house and eliminates the unaesthetic possibility of row housing in a conventional subdivision.

INSTRUCTIONS

The attached Environmental Notification Form (ENF) is intended to provide the Secretary of Environmental Affairs and the general public with relatively early notification that projects are being planned which may or may not have significant impacts on the environment. The purpose of the ENF is to identify general types of impacts from a project as best as one can without having to perform final design or detailed analysis. The ENF is intended to identify those projects which may have significant impact potential, and, if so, to identify which types of impacts are significant and which are not. Through this process, the scope of any further environmental studies can be limited simply to those issues of concern, and the project proponent need not investigate those factors which are not at issue.

The process to be followed is fairly straightforward. The project proponent should fill out the ENF as accurately and completely as possible, given the preliminary state of project development. Then there will be a public review process and a determination by the Secretary whether or not an Environmental Impact Report (EIR) will be required, and if so, what topics should be covered. The Secretary will use information submitted by the project proponent in Section I.D., "Scoping", as the initial basis for determining the scope of an EIR, and which alternative should be studied.

The ENF itself is not meant to be a comprehensive environmental analysis of the project. In most cases, a best professional estimate based on available data, practice and information will suffice. More detailed information on specific items may be requested during the review of the ENF to help in performing a satisfactory environmental evaluation. The degree of accuracy will vary from project to project. If you have any questions about the degree of accuracy desirable for an ENF, call the MEPA unit (727-5830) for advice and for any other questions in filling out the form.

- The sequence of procedures that proponents are advised to follow is:
- (1). Begin preparation of the ENF at a relatively early stage of project development.
 - (2). Determine likely state permits and financial assistance.
 - (3). Consult with affected agencies and assemble information useful in completing the ENF and finding out whether the project may be exempt from the MEPA process.
 - (4). Publish the intent to submit an ENF, in a newspaper of local circulation in each community affected by the proposed project, or in a newspaper of regional or statewide circulation if an affected community is not served by a local publication. A sample form is available as Appendix F of the MEPA regulations. The notice should be published no more than 30 days before submitting the ENF.
 - (5). Complete ENF and submit, with original U.S.G.S. or other map, the ENF to: Executive Office of Environmental Affairs, 100 Cambridge Street, Boston, MA 02202, Attention: MEPA UNIT. Send copies of the ENF and map to all participating agencies and to other appropriate entities as specified in Appendix B of the MEPA regulations.

The proponent is reminded that submitting an incomplete ENF or failure to transmit ENFs to all appropriate parties may result in having to resubmit the ENF and to repeat the review process.

APPENDIX A
COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

ENVIRONMENTAL NOTIFICATION FORM

I. SUMMARY

- A. Project Identification
1. Project Name "Great Woods Field"
 2. Project Proponent Cape End Realty Trust
Address P.O. Box 700
Wellfleet, Ma. 02667
- B. Project Description: (City/Town(s)) So. Wellfleet, Ma.
1. Location within city/town or street address Rte. 6
 2. Est. Commencement Date: June 1, 1985 Est. Completion Date: September 1, 1985
Approx. Cost \$ _____ Current Status of Project Design: 90 % Complete

C. Narrative Summary of Project

Describe project and give a description of the general project boundaries and the present use of the project area. (If necessary, use back of this page to complete summary).

The proposed project calls for the creation of a 64 unit cluster residential development on an undeveloped 58.86 ac. site. The property is bounded on the north by an existing residential subdivision, on the east by the Cape Cod National Seashore Park, on the south by the Wellfleet Motel, and on the west by route 6.

The units are to be placed on individual residential lots having a minimum area of 23,000 sq. ft. The plan calls for the creation of 5,380 ft. of roads to service the lots. The entire development will be served by a single entrance from route 6.

Each lot will contain a single residence with individual well and septic system. The average lot size is 24,400 sq. ft.

The tract exists currently as undeveloped woodland. There are no wetlands on the site.

Copies of this may be obtained from:

Name: Richard F. Lay, R.L.S.

Firm/Agency: Slade Associates, Inc.

Address: Box 592, Wellfleet, Ma. 02667

Phone No. 617-349-3110

Use This Page to Complete Narrative, if necessary.

This project is one which is categorically included and therefore automatically requires preparation of an Environmental Impact Report: YES _____ NO X

D. Scoping (Complete Sections II and III first, before completing this section.)

1. Check those areas which would be important to examine in the event that an EIR is required for this project. This information is important so that significant areas of concern can be identified as early as possible, in order to expedite analysis and review.

	Construc- tion Impacts	Long Term Impacts		Construc- tion Impacts	Long Term Impacts
Open Space & Recreation	_____	X	Mineral Resources	_____	_____
Historical	_____	_____	Energy Use	_____	_____
Archaeological	_____	_____	Water Supply & Use	_____	X
Fisheries & Wildlife	_____	_____	Water Pollution	_____	X
Vegetation, Trees	_____	_____	Air Pollution	_____	_____
Other Biological Systems	_____	_____	Noise	_____	_____
Inland Wetlands	_____	_____	Traffic	_____	_____
Coastal Wetlands or Beaches	_____	_____	Solid Waste	_____	_____
Flood Hazard Areas	_____	_____	Aesthetics	_____	_____
Chemicals, Hazardous Substances,	_____	_____	Wind and Shadow	_____	X
High Risk Operations	_____	_____	Growth Impacts	_____	_____
Geologically Unstable Areas	_____	_____	Community/Housing and the Built	_____	_____
Agricultural Land	_____	_____	Environment	_____	_____
Other (Specify)	_____	_____		_____	_____

2. List the alternatives which you would consider to be feasible in the event an EIR is required.

E. Has this project been filed with EOE A before? Yes _____ No X
If Yes, EOE A No. _____ EOE A Action? _____

F. Does this project fall under the jurisdiction of NEPA? Yes _____ No X
If Yes, which Federal Agency? _____ NEPA Status? _____

G. List the State or Federal agencies from which permits will be sought:

Agency Name
Dept. Public Works

Type of Permit
State Highway Entry Permit

H. Will an Order of Conditions be required under the provisions of the Wetlands Protection Act (Chap. 131, Section 40)?
Yes _____ No X

DEQE File No., if applicable: _____

I. List the agencies from which the proponent will seek financial assistance for this project:

Agency Name

Funding Amount

II. PROJECT DESCRIPTION

A. Include an original 8 1/2 x 11 inch or larger section of the most recent U.S.G.S. 1:24,000 scale topographic map with the project area location and boundaries clearly shown. Include multiple maps if necessary for large projects. Include other maps, diagrams or aerial photos if the project cannot be clearly shown at U.S.G.S. scale. If available, attach a plan sketch of the proposed project.

B. State total area of project: 58.86 ac.

Estimate the number of acres (to the nearest 1/10 acre) directly affected that are currently:

1. Developed acres
2. Open Space/Woodlands/Recreation 58.86 acres
3. Wetlands acres

4. Floodplain acres
5. Coastal Area acres
6. Productive Resources
Agriculture acres
Forestry acres
Mineral Products acres

C. Provide the following dimensions, if applicable:

Length in miles 0.38

Number of Housing Units 64

Number of Stories 2 each

Number of Parking Spaces

Existing

Immediate Increase Due to Project

Vehicle Trips to Project Site (average daily traffic)

0

150+

Estimated Vehicle Trips past project site

0

100

D. If the proposed project will require any permit for access to local or state highways, please attach a sketch showing the location of the proposed driveway(s) in relation to the highway and to the general development plan; identifying all local and state highways abutting the development site; and indicating the number of lanes, pavement width, median strips and adjacent driveways on each abutting highway; and indicating the distance to the nearest intersection.

ASSESSMENT OF POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS

Instructions: Consider direct and indirect adverse impacts, including those arising from general construction and operations. For every answer explain why significant adverse impact is considered likely or unlikely to result.

Also, state the source of information or other basis for the answers supplied. If the source of the information, in part or in full, is not listed in the ENF, the preparing officer will be assumed to be the source of the information. Such environmental information should be acquired at least in part by field inspection.

A. Open Space and Recreation

1. Might the project affect the condition, use or access to any open space and/or recreation area?

Yes ☒ No ☐

Explanation and Source:

The project calls for the creation and preservation of 17.67 ac. of open space including a 200 ft. strip between route 6 and the cluster. It also allows for an open space corridor running from route 6 opposite the Audubon Land to the boundary of the Cape Cod National Seashore.

B. Historic Resources

1. Might any site or structure of historic significance be affected by the project? Yes ☐ No ☒

Explanation and Source:

There are no historic sites or structures on this land.

2. Might any archaeological site be affected by the project? Yes ☐ No ☒

Explanation and Source:

There are no known archaeological sites on this property.

C. Ecological Effects

1. Might the project significantly affect fisheries or wildlife, especially any rare or endangered species?

Yes ☐ No ☒

Explanation and Source:

There are no wetlands or known endangered species on this land.

2. Might the project significantly affect vegetation, especially any rare or endangered species of plant?
Yes _____ No X

(Estimate approximate number of mature trees to be removed: _____*)

Explanation and Source:

* Several thousand scrub pines and some brush will be removed in the construction of the homes and the roads. 30% or 17.67 ac. will be left as undeveloped open space in addition to the majority of the area of each lot.

Upon the completion of all roads, dwellings and driveways approximately 75% of the land area will remain wooded.

3. Might the project alter or affect flood hazard areas, inland or coastal wetlands (e.g., estuaries, marshes, sand dunes and beaches, ponds, streams, rivers, fish runs, or shellfish beds)? Yes _____ No X

Explanation and Source:

None of the land falls within any Flood Hazard Area. There are no wetlands on the land.

4. Might the project affect shoreline erosion or accretion at the project site, downstream or in nearby coastal areas? Yes _____ No X

Explanation and Source:

This is not shorefront property.

5. Might the project involve other geologically unstable areas? Yes _____ No X

Explanation and Source:

Soil analyses conducted by K-V Assoc., 281 Main St., Falmouth, Ma. indicate coarse to medium sands grading to fine below 10 ft. See attached report.

D. Hazardous Substances

1. Might the project involve the use, transportation, storage, release, or disposal of potentially hazardous substances?

Yes _____ No X

Explanation and Source:

This is a residential development. There will be no commercial uses.

E. Resource Conservation and Use

1. Might the project affect or eliminate land suitable for agricultural or forestry production?

Yes _____ No X

(Describe any present agricultural land use and farm units affected.)

Explanation and Source:

There is no history of agricultural or forestry use of this land. The existing trees are mostly scrub pine.

2. Might the project directly affect the potential use or extraction of mineral or energy resources (e.g., oil, coal, sand & gravel, ores)? Yes _____ No X

Explanation and Source:

There are no known minerals or energy resources on the land.

3. Might the operation of the project result in any increased consumption of energy? Yes _____ No X

Explanation and Source:

(If applicable, describe plans for conserving energy resources.)

The project is a residential development.

F. Water Quality and Quantity

1. Might the project result in significant changes in drainage patterns? Yes _____ No X

Explanation and Source:

The soil has excellent permeability. Drainage from streets is controlled by catch basins and leach pits.

2. Might the project result in the introduction of pollutants into any of the following:

(a) Marine Waters	Yes _____	No <u>X</u>
(b) Surface Fresh Water Body	Yes _____	No <u>X</u>
(c) Ground Water	Yes <u>X</u>	No _____

Explain types and quantities of pollutants.

The 64 units will have individual septic systems designed in accordance with title 5 requirements. In addition the possibility of short-circuiting and of excessive nitrogen loading has been studied by K-V Assoc. Modifications have been made in the plan to address these issues. See "Hydrogeological Study of Subdivision Plan, Wellfleet, Massachusetts" by K-V Assoc., 281 Main St., Falmouth, Ma.

3. Will the project generate sanitary sewage? Yes ☒ No ☐

If Yes, Quantity: _____ gallons per day

Disposal by: (a) Onsite septic systems Yes ☒ No ☐
 (b) Public sewerage systems Yes ☐ No ☐
 (c) Other means (describe) _____

See explanation under F2 above.

4. Might the project result in an increase in paved or impervious surface over an aquifer recognized as an important present or future source of water supply? Yes ☒ No ☐

Explanation and Source:

Of the 5,380 ft. of proposed road, 5,220 ft. will have paving of various widths. The total amount of pavement on the property will be less than 5% of the total area.

5. Is the project in the watershed of any surface water body used as a drinking water supply? Yes ☐ No ☒

Are there any public or private drinking water wells within a 1/2-mile radius of the proposed project? Yes ☒ No ☐

Explanation and Source:

A residential subdivision lies on the north side of the property and a motel lies on the south side. Both have private wells.

6. Might the operation of the project result in any increased consumption of water? Yes ☒ No ☐

Approximate consumption _____ gallons per day. Likely water source(s) _____

Explanation and Source:

See attached report by K-V Assoc.

7. Does the project involve any dredging? Yes ☐ No ☒

If Yes, indicate:

Quantity of material to be dredged _____
 Quality of material to be dredged _____
 Proposed method of dredging _____
 Proposed disposal sites _____
 Proposed season of year for dredging _____

Explanation and Source:

G. Air Quality

1. Might the project affect the air quality in the project area or the immediately adjacent area?
Yes _____ No X

Describe type and source of any pollution emission from the project site: _____

Residential use only.

2. Are there any sensitive receptors (e.g., hospitals, schools, residential areas) which would be affected by any pollution emissions caused by the project, including construction dust? Yes _____ No X

Explanation and Source:

Very little dust is expected to be raised during construction due to the sandy nature of the soil. No proposed roads lie adjacent to the residential subdivision north of the property.

3. Will access to the project area be primarily by automobile? Yes X No _____

Describe any special provisions now planned for pedestrian access, carpooling, buses and other mass transit.

H. Noise

1. Might the project result in the generation of noise? Yes X No _____

Explanation and Source:

(Include any source of noise during construction or operation, e.g., engine exhaust, pile driving, traffic.)

A limited amount of noise of short duration will be produced during construction of the roads.

2. Are there any sensitive receptors (e.g., hospitals, schools, residential areas) which would be affected by any noise caused by the project? Yes _____ No X

Explanation and Source:

See H1 above. The total construction time for the roads should not exceed several weeks.

I. Solid Waste

1. Might the project generate solid waste? Yes ☒ No ☐

Explanation and Source:

(Estimate types and approximate amounts of waste materials generated, e.g., industrial, domestic, hospital, sewage sludge, construction debris from demolished structures.)

64 Residential septic systems will be constructed. See attached report by K-v Assoc.

J. Aesthetics

1. Might the project cause a change in the visual character of the project area or its environs? Yes ☐ No ☒

Explanation and Source:

Except for the single entrance from route 6 there will be no development on or along the highway. Undeveloped open space will surround the cluster.

2. Are there any proposed structures which might be considered incompatible with existing adjacent structures in the vicinity in terms of size, physical proportion and scale, or significant differences in land use? Yes ☐ No ☒

Explanation and Source:

Residential use only.

3. Might the project impair visual access to waterfront or other scenic areas? Yes ☐ No ☒

Explanation and Source:

No waterfront on property.

K. Wind and Shadow

1. Might the project cause wind and shadow impacts on adjacent properties? Yes ☐ No ☒

Explanation and Source:

The maximum allowable height for a structure in this development is 28 ft.

IV. CONSISTENCY WITH PRESENT PLANNING

- A. Describe any known conflicts or inconsistencies with current federal, state and local land use, transportation, open space, recreation and environmental plans and policies. Consult with local or regional planning authorities where appropriate.

None.

V. FINDINGS AND CERTIFICATION

- A. The notice of intent to file this form has been/will be published in the following newspaper(s):

(Name) Cape Cod Times (Date) May 14, 1985

- B. This form has been circulated to all agencies and persons as required by Appendix B.

5-8-85

Date

Gerald E. Parent
Signature of Responsible Officer
or Project Proponent

Gerald E. Parent
Name (print or type)

Address Box 764
Wellfleet, MA 02667
Telephone Number 349-9332

5/8/85

Date

Richard F. Lay
Signature of person preparing
ENF (if different from above)

Richard F. Lay
Name (print or type)

Address Box 592
Wellfleet, Ma 02667
617-349-3110

Arthur L. Swenson, Engineer.
- South Orleans, Massachusetts.



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 100. General



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

VI

BUSINESS B.

REQUESTED BY:	Richard Pomroy, OPM of the Police Station Renovation Project
DESIRED ACTION:	Authorize the TA to sign a contract
PROPOSED MOTION:	I move to authorize the TA to sign a contract for Wellfleet Police Station - Material Testing & Inspection services for up to \$7,500.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

Michaela Miteva

From: Dan Hoort
Sent: Monday, May 8, 2017 9:55 AM
To: Michaela Miteva
Cc: Rick Pomroy
Subject: FW: Wellfleet Police - Material Testing
Attachments: WellPS - UTS Proposal.pdf

Michaela,

Please add this to the 05/23 Selectmen agenda. Motion should be to authorize me to sign the agreement.

Dan

From: Rick Pomroy [mailto:rpomroy@pomroyassociates.com]
Sent: Wednesday, May 03, 2017 12:52 PM
To: Dan Hoort <Dan.Hoort@wellfleet-ma.gov>
Cc: Harry Terkanian <harry.terkanian@wellfleet-ma.gov>; Bob Rice <brice@pomroyassociates.com>; Jessica Martin <jmartin@pomroyassociates.com>; Rick Pomroy <rpomroy@pomroyassociates.com>
Subject: Wellfleet Police - Material Testing

Good Afternoon Dan – Attached you will find a proposal from UTS for material testing services relating to the Police Station Project. These services are required as part of code, and traditionally they would be performed by a third party not related to the contractor. We have carried an allowance our budget of \$20,000.00 for this work, but I would expect the total cost to be in the area of \$5,000.00 to \$7,500.00 because the structure exists. We can pass this through our contract with a 10% mark-up, but we thought that it would be easier to contract this work directly with the Town provided you agree.

Please let me know if you have any questions or concerns. Provided you agree, Jessica in our office can get you UTS's w-9 and insurance cert.

Thanks,

Richard W. Pomroy
Pomroy Associates LLC
P.O. Box 445
East Bridgewater, MA 02333
Office (508) 456-4232
Cell (781) 603-2061



Of Massachusetts Inc.
"The Construction Testing People"

April 27, 2017
 P19913-B

Town of Wellfleet
 c/o Dan Hoort, Town Administrator
 300 Main Street
 Wellfleet, MA 02667

RE: Wellfleet Police Station
 Wellfleet, Massachusetts

Dear Mr. Hoort:

We are pleased to submit the following contract for testing and inspection services for your consideration.

SOILS

Mechanical Analysis	\$ 85.00
Proctor Density	\$ 95.00
#200 Wash Sieve	\$ 85.00
Professional Engineer, as needed, per hour	\$ 125.00
Staff Engineer (EIT), as needed, per hour	\$ 65.00
Field Inspection	
Services of an experienced technician at the site to observe placement of fill and conduct required density tests to check compaction of same; all required equipment for testing to be supplied by us and used in space provided by the General Contractor.	
Sand Cone Method	
(maximum day)	\$ 250.00
(minimum day)	\$ 130.00
Densometer Method	
(maximum day)	\$ 250.00
(minimum day)	\$ 130.00
Daily Troxler Usage Charge	\$ 30.00



UTS of Massachusetts Inc.
"The Construction Testing People"

2

Transportation of soil samples to lab for testing
when man not at site (per trip)

\$ 75.00

CONCRETE

Field Inspection

Services of an experienced inspector at the site to check slump, air and density of fresh concrete; fabricate test specimens; daily report of work; specimens to be temporarily stored at site in acceptable box supplied by the General Contractor.

(maximum day)

\$ 250.00

(minimum day)

\$ 130.00

Cylinder Testing

Includes casting in molds (furnished by UTS), removal from molds, labeling, entering into our database, curing and storage in proper CCRL approved curing facility, compressive strength testing per specified schedule (ASTM C39), reporting results and disposal. All cylinders logged into lab reporting system will be compressive strength tested and reported.

(per sample)

\$ 12.00

Transportation of cylinders to lab when man not at site or when three or more sets (per trip)

\$ 75.00

MASONRY

Field Inspection

Services of an experienced inspector to witness batching of mortar in the field; witness placing of block; sampling of block, grout and mortar in accordance with specifications; witnessing fabrication of test prisms; daily report of work.

(maximum day)

\$ 270.00

(minimum day)

\$ 140.00

Mortar Testing

Curing, testing, reporting of mortar cubes in conjunction with field inspection (per cube)

\$ 12.00



U T S of Massachusetts Inc.
"The Construction Testing People"

Grout Prism Testing

Curing, capping, testing, reporting of grout test prisms in conjunction with field inspection (per prism) \$ 20.00

Block Prism Testing

Curing, capping, testing, reporting of block test prisms, fabricated by the mason contractor, in conjunction with field inspection (2 block high-8x16) (per prism) \$ 45.00

Transportation of test samples to lab for testing when man not at site (per trip) \$ 75.00

STRUCTURAL STEEL

Reinforcing Steel

Services of an experienced inspector at the site to continuously monitor placement of reinforcing steel for spacing, size and grade as required; daily reporting.
 (maximum day) \$ 280.00
 (minimum day) \$ 145.00

U T S of Massachusetts, Inc. is an approved testing laboratory, License No. CTL-009, complying with all state regulations governing such certifications.

Testing and inspection can commence immediately. Please notify our office as to who will be requesting services covered by this proposal.

The above prices are based on the following conditions:

- A. NOTIFICATION OF INSPECTION MUST BE RECEIVED TWENTY-FOUR (24) HOURS PRIOR TO INSPECTION FOR PROMPT SERVICE. SHORT NOTICE AND/OR SAME DAY NOTIFICATIONS ARE SUBJECT TO A \$75.00 SURCHARGE.
- B. CANCELLATION OF SCHEDULED INSPECTION WILL BE A MINIMUM DAY RATE UNLESS NOTIFIED (24) HOURS IN ADVANCE. CANCELLATIONS MUST BE RECEIVED DURING BUSINESS HOURS ONLY.

5 Richardson Lane, Stoneham, Massachusetts 02180 • (781) 438-7755 Fax (781) 438-6216
Website: <http://www.utsofmass.com> • Email address: generaloffice@utsofmass.com



Of Massachusetts Inc.
"The Construction Testing People"

- C. OVERTIME MONDAY THROUGH FRIDAY WILL BE AT TIME AND ONE HALF RATE. SATURDAYS, SUNDAYS AND HOLIDAYS WILL BE DOUBLE TIME RATE.
- D. MULTI-SERVICE FIELD INSPECTION. WHEN AN INSPECTOR PERFORMS INSPECTION FOR MULTIPLE SERVICES DURING A SINGLE SITE VISIT, THE CLIENT WILL BE CHARGED THE HIGHER RATE OF THE TWO SERVICES.
- E. THERE WILL BE NO ADDITIONAL CHARGES FOR MILEAGE OR ANY OTHER EXPENSES INCLUDING PARKING. IF PARKING IS NOT PROVIDED BY THE PROJECT FREE OF CHARGE, IT WILL BE INVOICED AT COST PLUS 10% HANDLING CHARGE.
- F. TRAVEL TIME TO AND FROM THE PROJECT WILL BE BILLED AT THE RATE OF \$30.00 PER HOUR. FOUR (4) HOURS ROUND TRIP WILL BE CHARGED.
- G. ALL LAB WORK PERFORMED OUTSIDE OF NORMAL WORK HOURS WILL BE SUBJECT TO A SURCHARGE.
- H. ANY CHANGES TO SCHEDULED CONCRETE CYLINDER BREAKS AFTER THEY HAVE BEEN INVENTORIED WILL BE SUBJECT TO AN ADDITIONAL CHARGE OF \$25.00 PER CYLINDER.
- I. CLIENT AGREES NOT TO HIRE UTS PERSONNEL FOR AT LEAST ONE (1) YEAR AFTER COMPLETION OF THIS CONTRACT.
- J. UP TO SIX TEST REPORTS TO YOU FOR DISTRIBUTION. PLEASE BE AWARE THAT ALL OF OUR REPORTS ARE AVAILABLE AS PDF FILES VIA EMAIL.



Of Massachusetts Inc.
"The Construction Testing People"

We appreciate the opportunity to be of service to you and we look forward to working with you on this project.

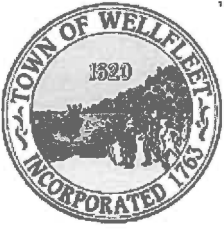
Please **SIGN** and **RETURN** accepted proposal prior to commencement of work, **THANK YOU**.

Sincerely,

U T S OF MASSACHUSETTS, INC.

Bryan M. Crabtree
Sales and Field Representative

ACCEPTED BY: _____ DATE: _____
P19913-B



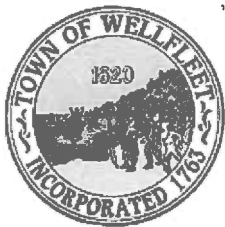
BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

VI

BUSINESS C.

REQUESTED BY:	Police Chief Ron Fisette
DESIRED ACTION:	Discussion of Animal Control Officer
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



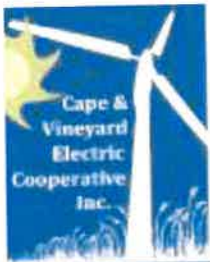
BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

VI

BUSINESS D.

REQUESTED BY:	CVEC
DESIRED ACTION:	Approve net metering power purchase contract with CVEC
PROPOSED MOTION:	I move to approve the net metering power purchase contract with CVEC and designate Brian Carlson as its authorized representative and day-to-day point of contact for all other matters as requested with letter of interest dated May 8, 2017.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Cape & Vineyard Electric Cooperative, Inc.

23H2 White's Path, Suite 2, South Yarmouth, MA 02664

774-722-1812 www.cvecinc.org



Cape & Vineyard Electric Cooperative, Inc.

5/17/17

Municipal Net Metered Sales



Annual Savings for Town of
Wellfleet as Offtaker in
CVEC's Syncarpha
Contract



Wellfleet's kWh request as an offtaker 880,000

FIXED Project Cost per kilowatt hour of production	Approx. Benefit per kWh from NMC	Annual kWh to Town	Estimated Annual Benefit
\$ 0.11	\$ 0.15	880,000	\$ 35,200

CVEC Benefits

- **CVEC's negotiations and legal counsel:**
 - ✓ Excellent T&Cs as well as low PPA costs, *fixed for 20 years.*
Highly uncommon in other similar contracts.
- **CVEC's financial management:**
 - ✓ Creates your Schedule Z for accurate distribution of net metering credits
 - ✓ Monthly net metering credit and PPA payments reports
 - ✓ Annual reports; showing annual costs and net benefits
 - ✓ Verification of achievement of production expectations (GAO), calculation of shortfall compensation and enforcement
 - ✓ Interface with Utility and PV system owner

NEXT STEP

CVEC IS READY TO GO FORWARD WITH SYNCARPHA ON THE PART OF SEVERAL OFFTAKERS. WELLFLEET'S RETURN OF CVEC'S NON-BINDING LETTER OF INTENT WILL ALLOW CVEC TO INCLUDE WELLFLEET IN THE SYNCARPHA \$0.11 SALES NEGOTIATIONS



Cape & Vineyard Electric Cooperative, Inc.

23H2 White's Path, Suite 2, South Yarmouth, MA 02664

774-722-1812 www.cvecinc.org

May 8, 2017

Town of Wellfleet

RE: *Letter of Intent to Enter Into a Net Metering Power Purchase Agreement
and to Reserve Municipal Load*

Dear Board of Selectmen:

This letter of intent ("LOI") sets forth the basic terms upon which the Town of Wellfleet ("Town") and Cape & Vineyard Electric Cooperative, Inc. ("CVEC") will enter into a Net Metering Power Purchase Agreement ("CVEC-Wellfleet PPA") whereby the Town will purchase a percentage allocation of net metering credits from CVEC in connection with the Syncarpha Marie's Way PV Project. CVEC will purchase an allocation of net metering credits including that for the Town from Syncarpha, which is developing, financing and constructing an energy generation facility (the "PV Project"). The PV Project will have an aggregate generating capacity of up to approximately 2,000,000 kW AC and will be located in Eversource's SEMA territory. Significantly, this LOI obligates the Town to reserve 874,000 kilowatt-hours ("kWh") of its total district load in connection with the PV Project for the Exclusivity Period (as defined below), so that CVEC in turn may commit to an allocation of net metering credits to the Syncarpha PV Project.

The parties understand that the purpose of this LOI is to reserve all or a portion of the Town district load during the Exclusivity Period (as defined herein) while CVEC negotiates the CVEC-Wellfleet PPA with the Town and the separate CVEC-Developer PPA with the PV Project. This LOI does not constitute a binding obligation of any kind by the Town or CVEC to execute the CVEC-Wellfleet PPA nor by CVEC to execute the CVEC-Developer PPA with the PV Project. In addition, CVEC's execution of the CVEC-Wellfleet PPA is subject to its execution of the CVEC-Developer PPA with the PV Project. During the Exclusivity Period (as defined herein), CVEC has made and will make considerable efforts to negotiate and enter into the CVEC-Developer PPA with the PV Project to purchase an allocation of net metering credits from the PV Project.

1. **Parties.** The parties to the Definitive Project Agreements shall be the Town and CVEC. The role of CVEC shall be to purchase an allocation of net metering credits from a PV Project under the CVEC- Developer PPA and in turn sell a to-be-determined percentage of that

allocation to the Town under the CVEC-Wellfleet PPA. The Town's role shall be to purchase its percentage allocation of net metering credits and to reserve 874,000 kWh of its district load for such use. To make the project economical, CVEC must purchase an allocation from the PV Project, part of which will be purchased by the Town and should a remainder exist, the remainder will be sold by CVEC pursuant to additional power purchase agreements with other participating towns/governmental entities on the Cape and Vineyard.

2. ***Definitive Project Agreements.*** The Definitive Project Agreements are inter-governmental agreements under the authority of M.G.L. c. 40, §4A. Inter-governmental agreements are exempt from public procurement laws pursuant to G.L. c. 30B, §1(b)(3). In addition, a Town meeting vote is not required for an inter-governmental agreement. G.L. c. 40, §4A provides the Town governing committee with the authority to enter into inter-governmental agreements with terms up to twenty-five (25) years. G.L. c. 40, §4A also provides the CVEC Board with the authority to enter into inter-governmental agreements with terms up to twenty-five (25) years. The Town or Town counsel (as designated below) shall ensure and confirm to CVEC that the Town may enter into such an inter-governmental agreement with a term up to twenty-five (25) years without need for a Town annual meeting vote.

A. Inter-Governmental Net Metering Power Purchase Agreement. The Town and CVEC shall enter into the CVEC-Wellfleet PPA. The Town shall purchase, and CVEC shall sell, a percentage of the net metering credits allocated to CVEC by a PV Project. The CVEC-Wellfleet PPA will contain other customary and reasonable provisions for similar power purchase agreements for PV projects.

The term of the CVEC-Wellfleet PPA shall commence on the date that the agreement is executed by the parties and, unless terminated earlier pursuant to the terms of the agreement, shall remain in effect until the twentieth (20th) anniversary of the commercial operation date of the PV Project (the "Term"). The Term may be extended by mutual written agreement of the parties for an additional term of no fewer than five (5) years and no more than twenty-five (25) years, or such lesser period as may be permitted by applicable law. The price per kWh of the Town's percentage of allocated net metering credits shall not exceed 10 cents plus the CVEC Administrative Operational Adder of \$0.01 per kWh for a total price per kWh of 11 cents.

In addition, the CVEC-Wellfleet PPA will contain provisions similar to those included in the CVEC- Developer PPA regarding minimum production levels.

The CVEC-Wellfleet PPA shall not include the sale or purchase of any environmental attributes, value or credits of any kind or nature, including, without limitation, those resulting from or associated with renewable energy credits.

B. Related Agreements. The Town shall also execute other agreements as reasonably requested by CVEC in order to allow for the percentage allocation of net metering credits to the Town.

3. **Exclusivity.** From the date this LOI is signed by the Town until the Termination Date (the "Exclusivity Period"), the Town shall not, directly or indirectly, through any representative or otherwise, solicit or entertain offers for, negotiate with or in any manner encourage, discuss, accept or consider any proposal of any other person: (1) related to a PV Project; or (2) related to the 874,000 kWh of electrical load to be allocated by the Town under the CVEC-Wellfleet PPA. For purposes of this LOI, "Termination Date" shall mean the earlier to occur of: (i) sixty (60) days from the date this LOI is signed by the Town; or (ii) the inability of the Town and CVEC, after good faith negotiations, to reach agreement on the Definitive Project Agreements by July 1, 2017, provided that the Exclusivity Period may be extended for sixty (60) day periods upon mutual agreement of the CVEC and the Town, with such modifications to the provisions hereto which may be appropriate to such extensions and which are mutually agreed upon.

4. **Contact Designation.** The Town designates _____ as its authorized representative and day-to-day point of contact for all issues arising under this LOI and the negotiation of Definitive Project Agreements. The Town acknowledges that CVEC counsel will not act as counsel to the Town of Wellfleet.

5. **Confidentiality.** Except as and to the extent required by law, without the prior written consent of the other party, neither party to this LOI will disclose or use, and will direct its/their representatives not to disclosure or use any information shared by either party that is specifically marked or otherwise designated as confidential.

6. **Termination.** The provisions set forth in Sections 3-5 (the "Binding Provisions") will automatically terminate upon expiration of the Exclusivity Period, and may be terminated earlier if the Town and CVEC mutually consent to such early termination. The termination of the Binding Provisions will not affect the liability of either party for breach of any of the Binding Provisions. Upon termination of the Binding Provisions, the parties will have no further obligations hereunder which will survive any such termination.

7. **Entire Agreement.** This LOI constitutes the entire agreement between the parties and supersedes all prior oral or written agreements, and understandings between the parties as to the subject matter thereof. This LOI may be amended or modified only by a writing executed by both parties.

8. **No Liability.** The provisions of Sections 1-2 of this LOI are intended only as an expression of intent on behalf of the parties, are not intended to be legally binding and are expressly subject to execution of the Definitive Project Agreements. Except as provided in the Binding Provisions (or as expressly provided in any binding written agreement that the parties may enter into in the future), no past or future action, course of conduct or failure to act relating to the PV Project, or relating to the negotiation of the terms of the Definitive Project Agreements, shall give rise to or serve as a basis or any obligation or other liability on the part of CVEC or the Town.

CVEC is enthusiastic about moving forward on this opportunity for Net Metering Credits to benefit the Town of Wellfleet. If the Town is in agreement with the foregoing, please sign this LOI in duplicate originals and return one original to CVEC.

Very truly yours,

Cape & Vineyard Electric Cooperative, Inc.

Leo Cakounes, President

AGREED AND ACCEPTED THIS ____ DAY OF _____, 2017 BY ITS DULY
AUTHORIZED OFFICER:

The Town of Wellfleet

By: _____

Name: _____

Title: _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

VI

BUSINESS E.

REQUESTED BY:	TA
DESIRED ACTION:	Approve creation of Recycling Committee gift fund
PROPOSED MOTION:	I move to establish a special gift fund account to receive donations and other revenue for the Recycling Committee, pursuant to Massachusetts General Laws Chapter 44, Section 53A, the proceeds of which shall be used without further appropriation under the supervision of the Town Administrator and the Board of Selectmen.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

VI

BUSINESS F.

REQUESTED BY:	TA
DESIRED ACTION:	Creation of Beautification Gift Fund
PROPOSED MOTION:	I move to establish a special gift fund account to receive donations and other revenue for Wellfleet Beautification, pursuant to Massachusetts General Laws Chapter 44, Section 53A, the proceeds of which shall be used without further appropriation under the supervision of the Town Administrator and the Board of Selectmen.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

VI

BUSINESS G.

REQUESTED BY:	Brian Carlson
DESIRED ACTION:	Approve MOA for technical assistance grant with the Cape Cod Commission.
PROPOSED MOTION:	I move to approve and sign MOA with Cape Cod Commission for DLTA Fund Grant for \$20,000.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

Memorandum of Agreement
Between

Barnstable County through
Cape Cod Commission
3225 Main Street
Barnstable, MA 02630

and

Town Administrator of behalf of
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667

This Memorandum of Agreement (Agreement) is entered into this _____ day of _____, 2017 by and between Barnstable County, acting by and through the Cape Cod Commission (hereafter referred to as the "Commission") and the Town Administrator on behalf of the Town of Wellfleet (hereafter referred to as the "Town.")

WHEREAS, the Commission has received funding from the Department of Housing and Community Development to provide technical assistance to local communities under the provisions of Chapter 205 of the Acts of 2006, as amended, and

WHEREAS, the Town has requested technical assistance to support its efforts to examine zoning options to support new housing development that is in harmony with Wellfleet's community character.

NOW THEREFORE, the Town enters into this Memorandum of Agreement with the Commission.

1. RESPONSIBILITIES OF THE TOWN

- A) The Town has requested technical assistance from the Commission in accordance with its correspondence dated February 22, 2017 incorporated herein by reference.
- B) The Town agrees to work with the Commission as per the attached Scope of Work (Attachment A.)
- C) The Town agrees to clearly state on all written materials and reports that funding for the project is provided by the Cape Cod Commission through the Department of Housing and Community Development's District Local Technical Assistance program.

2. RESPONSIBILITIES OF THE COMMISSION

Upon execution of this agreement, the Commission agrees to provide the Town with the technical assistance outlined in the attached Scope of Work (Attachment A), valued at \$20,000. Funding for this technical assistance is provided by the Department of Housing and Community Development and the Cape Cod Commission.

3. DURATION

- A) This Memorandum of Agreement shall be effective until December 31, 2017 unless an extension in time is agreed to in writing by both parties.
- B) Either the Town or the Commission may terminate this Agreement by written notice to the other party, if the other party substantially fails to fulfill its obligations hereunder through no fault of the terminating party, or if the other party violates or breaches any of the provisions of this Agreement. Such notice shall be delivered by certified mail at least thirty (30) days before such effective date. In the event of such termination or suspension of this Agreement, the Commission shall

be entitled to just and equitable compensation for satisfactory work completed, for services performed and for reimbursable expenses necessarily incurred in the performance of this Agreement up to and including the date of receipt of notice of termination or suspension.

4. AMENDMENT

This Agreement may be amended as mutually agreed by both parties in writing.

5. SIGNATORY AUTHORIZATION

The respective signatories hereto represent and warrant that they are duly authorized to execute this Agreement on behalf of the public entity on whose behalf they have signed this Agreement, and that all substantive and procedural preconditions to their effective execution of this Agreement on behalf of said public entities have been satisfied.

6. INTEGRATED INSTRUMENT

This Agreement shall take effect as an integrated instrument.

IN WITNESS WHEREOF, the TOWN and the COMMISSION execute this Agreement this _____ day of _____ in the year two thousand and seventeen.

BARNSTABLE COUNTY

TOWN OF WELLFLEET

John Yunits, County Administrator

Daniel Hoort, Town Administrator

Date

Date

CAPE COD COMMISSION

Paul Niedzwiecki, Executive Director

Date

ATTACHMENT A SCOPE OF WORK

WELLFLEET CLUSTER SUBDIVISION ZONING BYLAW REVISION

INTRODUCTION

The Town requested DLTA assistance from the Commission for continued support of the Planning Board in its efforts to revise the Town's cluster zoning bylaw (Section 6.6 Cluster Residential Developments) to encourage development of affordable housing and more efficient and economical use of land. The bylaw was adopted over 30 years ago and has been used only once. The board's objective is to replace it with a new bylaw that would include incentives for creating affordable units. The 2017 DLTA funds will be used to produce a draft zoning bylaw for a future Town Meeting approval.

BACKGROUND

The 2017 request for technical assistance builds on the Town's previous DLTA requests and the Planning Board's continued effort to update the Wellfleet Zoning Bylaw with incentives to create affordable housing.

In 2015 the Town requested technical assistance from the Commission to review its cottage colony zoning and consider whether allowing year-round occupancy in exchange for affordability restrictions may be a viable approach to increasing the stock of affordable units. It also requested review of the cluster subdivision zoning bylaw and recommendations for updates, including incentives for providing affordable housing.

The Commission conducted a feasibility analysis of allowing year-round occupancy of seasonal cottages (and former cottage colonies converted to condominium ownership) in exchange for affordability restrictions. The study showed in general that deeded rental or sales price limits may not be attractive economically to a significant portion of property owners; however, it may be a desirable option for those who would not incur economic loss. The Commission also provided general recommendations for improving the cluster bylaw, such as reducing the 15-acre eligibility threshold and allowing cluster subdivision by right. It created a GIS map of the town's remaining vacant developable parcels based on assessor's data to understand the potential future application of cluster-type subdivision.

The Town followed up on the initial recommendations with a DLTA request in 2016 to revise its cluster subdivision zoning bylaw and to draft a cottage colony zoning bylaw that would allow year-round occupancy of a cottage in exchange for an affordability deed restriction. (The Planning Board later decided to focus on the cluster bylaw revision and not to pursue cottage colony rezoning.)

TASK 1: ZONING BYLAW CHANGES

Commission staff will work with the Planning Board to develop a new cluster/ "open space residential design" (OSRD) zoning bylaw to replace Section 6.6. Commission staff will review and discuss the draft zoning at Planning Board meetings and make revisions at the direction of the Board.

DELIVERABLES

- Monthly meetings with the Planning Board where Commission staff will present the draft zoning and solicit feedback from the Planning Board. Commission staff will make changes to the draft based on input from the Planning Board.
- Final language for a draft zoning bylaw.

TASK 2: VISUAL MATERIALS

Commission staff will provide GIS maps and other visual materials to help guide and support development of the draft zoning. This includes a town-wide GIS map of vacant developable parcels and under developed parcels that could be potential sites for application of a new cluster/OSRD zoning bylaw, as well as graphic/visual representations to demonstrate the draft zoning bylaw's application on a "sample" parcel(s).

DELIVERABLES

- Updated vacant developable parcels map
- Map of "under developed" parcels
- Visual representation of draft zoning on an existing parcel.

PROJECT REPORTING AND COORDINATION

Primary contact for the Town will be Assistant Town Administrator/Town Planner Brian Carlson. Project Coordinator for the Commission will be Martha Hevenor, Planner II. The Project Coordinator will report directly to the Town Planner throughout the term of the contract. All materials generated for the project by the Commission will be presented and made public at Planning Board meetings, as directed by the Town Planner.

SCHEDULE

The scope of work will be completed by the end of 2017.

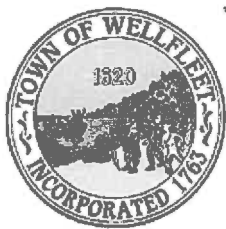
	May	June	July	August	September	October	November	December
TASK 1: Draft Zoning Bylaw Revisions								
TASK 2: Visual Materials								
Planning Board Meetings								

MEETINGS

At least four meetings with town staff and Planning Board members.

PROJECT TEAM

Project Coordinator: Martha Hevenor, Planner II
Sharon Rooney, Chief Planner
Chloe Schaefer, Community Design Planner
Heather Harper, Community Design/Affordable Housing Specialist
Anne Reynolds, GIS Director



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

VI

BUSINESS H.

REQUESTED BY:	Michael Banghard
DESIRED ACTION:	Approve a renewal of concessions contract
PROPOSED MOTION:	I move to vote to approve a renewal of the concessions contract at Maguire Landing with Solace Food Truck for the amount of \$2,001.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELFLEET

BEACH CONCESSION

Maguire Landing Beach

2017

This agreement is made this _____ day of _____, 2017, by and between the Town of Wellfleet and its Board of Selectmen, hereinafter referred to as the lessor, and **Michael Banghart d/b/a 349 Events/Solace** with a mailing address of PO BOX 3005, Wellfleet, MA 02667 and hereinafter referred to as the lessee; WITNESSETH:

The LESSOR agrees to let and lease to the LESSEE a 15' x 20' (300 sq. ft.) area, at the northeast corner of the parking lot, of Maguire Landing.

Concession Unit must meet all requirements including but not limited to those of the Board of Health, Building Inspector and Board of Selectmen (i.e. permits, roadworthy, safe, insured, sanitary).

The term of the lease shall be for the period **commencing May 27, 2017 and expiring November 4, 2017** and shall conform to the following specifications:

Specifications

1. The concession vehicle must meet the State Sanitary Code Chapter X Minimum Standards for Food Establishments, 105 CMR 590.009 Mobile Food Units and Pushcarts and be legally road worthy. Towed concession vehicles are permitted.
2. The Concession Unit must meet all local requirements including but not limited to those of the Board of Health. The lessee will need to complete a Beach Concession Food Permit Application and a separate Food Service Establishment Application.
3. The Concession Unit shall be large enough to meet the demand of the area that it intends to serve but in no case shall be larger than area described in property description.
4. This agreement authorizes Lessee to vend only in the area outlined in the property description and not in any other areas of the Town.
5. Lessee shall furnish electricity and other utilities. The Lessee shall have their electrical usage metered and cost to be paid directly by Lessee to the electric company for all electrical usage at the beach locations.
6. Lessee shall also furnish trash and provide recycling receptacles for customers. Lessee shall remove trash and recycling at the end of each day and shall **not** dispose of trash and recycling in the town barrels.
7. One parking space (in addition to the lessee location described above in "Property Description") shall be available to Lessee or his/her designated employee. Access to parking space for Lessee and concession unit shall be held open until 10:00a.m. After that time access will be dependent upon current parking situation.
8. Lessee **shall have service available** on all fair weather days during the contracted season as stipulated below. The Town Director of Community Services (or designee)

shall be called if there is a question about whether it is a "fair weather day." The Town's determination is final.

- a. Service is **optional** between May 27th and June 17th. The truck may be there between 10am and 4pm but may also elect to be there from 7am to 10am and from 4pm to 7pm.
 - b. Service is **required** between June 18th and Labor Day. The truck must be there between 10am and 4pm but may be there from 7am to 10am and from 4pm to 7pm.
 - c. Service is **optional** from September 6 through November 1st. The truck may be there between 10am and 4pm but may also elect to be there from 7am to 10am and from 4pm to 7pm.
9. The concession vehicle shall be removed at the end of the day.
 10. Lessee shall not sublet the concession without the prior written approval of the Town.
 11. All lessees must operate from a fixed food establishment.
 12. All lessee vehicles are subject to inspection by local officials.

At all times during the term of the lease, the Lessee shall carry Concessionaire's liability/products liability insurance in the amount of \$1,000,000 and worker's compensation insurance in the amount of \$500,000 with the Town named as an additional insured. Evidence of the insurance policies shall be provided to the LESSOR.

In consideration of the privileges extended to the LESSEE by this lease, the LESSEE shall pay to the LESSOR **\$2,001 for Maguire Landing**.

The LESSOR shall have the right to cancel the lease at any time for reasonable cause and the LESSEE shall forfeit the lease payment.

FOR THE LESSOR (Board of Selectmen):

FOR THE LESSEE (Michael Banghart):



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

VII

TOWN ADMINISTRATOR'S REPORT



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

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

www.wellfleetma.org

To: Board of Selectmen
From: Dan Hoort, Town Administrator
Subject: Town Administrator's Report
Date: May 19, 2017

This report is for the period May 6 through May 19, 2017.

1. General

- Discussed possible dredging funding with U.S. Department of Agriculture. They have only loans available for community facility projects.

2. Fiscal Matters

- FY 2019 capital improvement staff deadline is May 26th. June 1st is the deadline for delivery to the Finance Committee.
- Preliminary work has begun on the 5-year operating budget forecast.
- I will be requesting Wellfleet residents join me as part of a budget task force to review the Wellfleet operating budget over the summer and into the early fall.

3. Meetings

- May 9 – Meeting with Comprehensive Wastewater Management Planning Chair
- May 9 – Meeting with Barnstable County IT administrators
- May 16 – Meeting with Board of Water Commissioners Chair
- May 16 – Attended Board of Water Commissioners meeting
- May 17 – Attended Recycling Committee meeting
- May 18 – Met with all collective bargaining representatives to discuss health insurance design plans
- May 18 – Met with Tom Conrad and Mary Beth Rodman to discuss capital improvement program.
- May 18 – Met with representatives of Herring River Restoration.

4. Complaints.

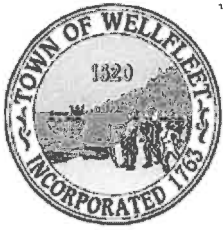
- none.

5. Miscellaneous.

- I will be in Boston May 24, 25 & 26 attending procurement training.
- Planning for a fall (late October) economic vitality summit with business community and interested Wellfleet residents.

6. Personnel Matters:

- Shellfish Constable applicant interviews are scheduled for first week in June.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

VIII

TOPICS FOR FUTURE AGENDAS

[illegible]



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

IX

CORRESPONDENCE AND VACANCY REPORT

Date: May 19, 2017
To: Board of Selectmen
From: Jeanne Maclauchlan
Re: Vacancies on Town Boards

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
2 Positions	Board of Selectmen	1 year
Requesting Appointment: No applications on file		

Commission on Disabilities (up to 7 Members)

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

Comprehensive Wastewater Management Planning Committee (7 Members)

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

Conservation Commission (7 Members)

Vacant Position	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years (as of 6/30)
1 Position		2 years to complete term
Requesting Appointment: No applications on file		

Cultural Council (no more than 15 members)

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

Energy Committee (11 members total)

Vacant Positions	Appointing Authority	Length of Term
1 BOS Rep	Board of Selectmen	3 years

Finance Committee (9 members, 2 alternate)

Vacant Positions	Appointing Authority	Length of Term
2 Alternate Positions	Town Moderator	3 years
Requesting Appointment: No applications on file		

Herring Warden (1 Warden, 1 Assistant Warden)

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

Personnel Board (4 members + TA + FinCom Rep)

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

Recycling Committee (11 members)

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

Shellfish Advisory Board (7 Members, 2 Alternates)

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



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, May 23, 2017

X

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of meeting minutes
PROPOSED MOTION:	I move to approve the minutes of April 24 and May 9, 2017 as printed/as amended.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



DRAFT

**Wellfleet Board of Selectmen
Minutes of April 24, 2017
Wellfleet Elementary School, Teachers' Lounge**

Present: Dennis Murphy, BOS Chair, Helen Miranda Wilson, Janet Reinhart, Berta Bruinooge; Dan Hoort

Regrets: Jerry Houk

Chairman Murphy called the meeting to order at 6:05 PM.

Announcements, Open Session and Public Comments

- ☐ Chairman Dennis Murphy recognized outgoing member Berta Bruinooge and thanked her for her service on the Board by presenting her with a "fare-well" card signed by the Board.

Business: Consider amending recommendations for 2017 Annual Town Meeting and Special Town Meeting warrant articles

Reinhart opened a discussion about recent articles she had read in the Cape Cod Times and New York Times about Sanctuary Cities. Based on these articles she said that she had changed her position on Article 46 and will speak against it. Discussion ensued. Wilson said that she also had some reservations, but those reservations were addressed by Theresa Parker on April 11. Wilson did not support changing the recommendation of the Selectmen at this point. She said that there was a difference between Article 46 Safe Communities and the designation of Sanctuary City. Wilson advised to keep the vote as printed in the warrant and make a statement that based on recent information things have changed. Murphy proposed presenting this with the statement that voting in favor of Article 46 would not be in the best interest of Wellfleet in terms of securing federal funding for the Harbor Dredging. There was unanimous consensus to support Murphy's statement.

Hoort went over the articles for union and non-union salaries adjustments.

MOTION 217-309: Wilson moved and Bruinooge seconded to recommend article 6. The motion passed 4-0.

MOTION 217-310: Wilson moved and Bruinooge seconded to recommend article 7. The motion passed 4-0.

MOTION 217-311: Wilson moved and Bruinooge seconded to recommend article 8. The motion passed 4-0.

MOTION 217-312: Reinhart moved & Bruinooge seconded to recommend article 10. The motion passed 4-0.

MOTION 217-313: Bruinooge moved & Reinhart seconded to recommend article 17. The motion passed 4-0.

Hoort presented a background information about Article 24. Bruinooge said that she has done research on all Massachusetts towns and based on her research, Wellfleet has the 17th lowest tax rate out of 351 municipalities. Discussion ensued about the financial state of the Town. Hoort advised to not use free cash to cover operating expenses. The Selectmen discussed the possibility of re-arranging the gymnasium set-up for future Town Meeting to possibly have them sit on the stage.

Adjournment

MOTION 217-314: Reinhart moved and Bruinooge seconded to adjourn the meeting at 6:43 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Records Materials: NONE



DRAFT

**Wellfleet Board of Selectmen
Minutes of May 9, 2017
Wellfleet Senior Center**

Present: Selectmen Dennis Murphy, Chair, Helen Miranda Wilson, Janet Reinhart, Berta Bruinooge, Jerry Houk; Town Administrator Dan Hoort, Assistant Town Administrator Brian Carlson;

Chairman Murphy called the meeting to order at 7 PM.

Announcements, Open Session and Public Comments

- ☐ Chairman Dennis Murphy welcomed the newest member of the Board of Selectmen Kathleen Bacon.
- ☐ Jerry Houk clarified that his vote was incorrectly printed on the recent article in the Banner stating the he voted in favor for the Cumberland Farms gas tank. He explained that he voted against the motion to deny the permit because he had not reviewed the plans, not because he was in favor of the fuel storage tank permit.
- ☐ Dick Elkin announced a public informational session on June 19, 2017 at the COA about a second round of Solarize Wellfleet and other energy efficiency measures by Cape Light Compact.
- ☐ Reatha Ciotti, Chair of the Wellfleet Library Trustees invited the public to attend a Community Forum at the Library on May 21 from 1 pm to 4 pm.

Murphy opened the public hearings at 7:07 pm.

Public Hearing: Request of Sheila Hoozeboom for Chapel of St. James Fisherman for a One Day Beer and Wine license at the Wellfleet COA on July 20, 2017 from 6pm – 10pm.

Sheila Hoozeboom requested the One Day Beer and Wine license at the Wellfleet COA on July 20, 2017 from 6pm – 10pm.

MOTION 217-315: Reinhart moved and Bacon seconded to approve the request of Sheila Hoozeboom for Chapel of St. James Fisherman for a One Day Beer and Wine license at the Wellfleet COA on July 20, 2017 from 6pm – 10pm. The motion passed 5-0.

Public Hearing: Request of Minina Benevento, Manager of Bocce Italian Grill LLC for alteration of licensed premises by adding additional service areas on the south side and north side bocce court. & Request of Sarah R. Robin, Manager of Flying Fish Café for an alteration of licensed premises to include proposed additions to the building.

Attorney Ben Zehnder representing Bocce Italian Bar and Grill and Flying Fish Café had requested to continue the two hearings until his late arrival due to a scheduling conflict.

MOTION 217-316: Wilson moved and Houk seconded to continue the hearing until Attorney Ben Zehnder arrives at 8:30 pm. Minina Benevento, Manager of Bocce Italian Bar and Grill was present to answer questions. Wilson wanted to know if the ZBA has granted the permit. Houk wanted to know if the seating would be increased and if the venue was licensed to serve food outside. Benevento said that food has never been served outdoors. Discussion ensued about serving alcohol outside. Wilson moved and Houk seconded to withdraw the motion. The motion passed 5-0.

MOTION 217-317: Reinhart moved and Bacon seconded to approve the request of Minina Benevento, Manager of Bocce Italian Grill LLC for alteration of licensed premises by adding additional service areas on the south side and north side bocce court. The motion passed 5-0.

Public Hearing: Request of Sarah R. Robin, Manager of Flying Fish Café for an alteration of licensed premises to include proposed additions to the building – continued until the arrival of Attorney Zehnder.

Licenses Renewals: Common Victualler's– Bol Organic Acai Bowls; Leaside Café; Solace Food Truck; Mainstay Motor Inn; **Food Truck** - Leaside Café; Solace Food Truck; **Used Car Dealer's License** – Slaibi Enterprises

Murphy read the applicants for license renewals. Wilson commented that Leaside Café and Solace Food Truck have not provided their Hawkers and Peddlers licenses with their applications, therefore approval cannot be granted.

MOTION 217-318: Wilson moved and Reinhart seconded to indefinitely postpone the licenses renewals for Leaside Café and Solace Food Truck. The motion passed 5-0.

Houk clarified that the Mobile Station was only licensed for three used cars, but did not see this for the current applicant Slaibi Enterprises, Inc.

MOTION 217-319: Reinhart moved and Wilson seconded to postpone the application of Slaibi Enterprises for Used Cars Dealership License until more information is available. The motion passed 5-0.

Discussion ensued about requiring the presence of applicants for license renewals. Wilson requested a check list for all applications to ensure compliance and accuracy. Principal Clerk Jeanne Maclauchlan clarified that Slaibi Enterprise is requesting a renewal of the Used Cars Dealership license under the same terms that were recently approved for the Mobil Gas Station before the ownership transfer.

MOTION 217-320: Houk moved and Reinhart seconded to approve the application of Silabi Enterprises for Used Car Dealership license and limit the number of used cars to three. The motion passed 5-0.

MOTION 217-321: Reinhart moved and Bacon seconded to approve the Common Victualler's license renewal for Bol Organic Acai Bowls. The motion passed 5-0.

MOTION 217-322: Reinhart moved and Houk seconded to approve the Common Victualler's license renewal for Mainstay Motor Inn. The motion passed 5-0.

Appointments: Mark Strauss to Cultural Council

Marcus Strauss presented his interest to serve on the Cultural Council.

MOTION 217-323: Reinhart moved and Bacon seconded to appoint Marc Strauss to the Wellfleet Cultural Council with a term ending June 30, 2020. The motion passed 5-0.

Appointments: Ruth Marriott to the Recreation Committee

Ruth Marriott expressed her interest to serve on the Recreation Committee.

MOTION 217-324: Reinhart moved and Houk seconded to appoint Ruth Marriott to the Recreation Committee with a term ending June 30, 2020. The motion passed 5-0.

Use of Town Property: Requests: Murphy read all requests to use Town property as listed on the agenda and asked if the Board would like to vote on all of them or take them one at a time. The Board discussed all applications individually.

Use of Town Property: Request of Linda Newman Goetzel to use the Penny Patch on May 28, 2017, 2-8 pm for a wedding ceremony.

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MOTION 217-325: Reinhart moved and Houk seconded to postpone the application of Linda Newman Goetzel due to lack of information for the number of the wedding guests. The motion passed 5-0.

Use of Town Property: Mike Lydon & Jen Harrison to use Indian Neck Beach on May 27, 2017, 2-4 pm for a wedding ceremony.

MOTION 217-326: Reinhart moved and Wilson seconded to approve the request of Mike Lydon & Jen Harrison to use Indian Neck Beach on May 27, 2017, 2-4 pm for a wedding ceremony with conditions as listed on the use form and use fee of \$100. The motion passed 5-0.

Use of Town Property:

1. Request of Lindsay Mahoney to use Indian Neck on July 8, 2017, 3-4 pm for a wedding ceremony;
2. Request of Capt. William D. Sprague, Barnstable County Technical Rescue Team to use White Crest Beach on May 11, 2017, 9 am – 4 pm to conduct a training on evacuating patient from the beach;
3. Request of Grant Reed dba Emanate Surf Project to use White Crest Beach for surf lessons May 20 – November 1 & beach clean-ups May 15 to December 31, 2017; sunrise to sunset;
4. Request of Ryan Garcia – Cape Side Surf School to use White Crest Beach for surf and SUP lessons and/or tours during daylight hours from May 15 to November 1, 2017.

MOTION 217-327: Reinhart moved and Wilson seconded to approve the use of town property with dates, times and fees as listed in the Selectmen's packet and conditions as listed on the use form for:

- Lindsay Mahoney, Indian Neck Beach on July 8, 2017
 - Captain William D. Sprague & the Barnstable County Technical Rescue Team, White Crest Beach on May 11, 2017
 - Grant Reed, dba Emanate Surf Project, White Crest Beach, May 20 to November 1 with beach clean-ups from May 15 to December 31, 2017
 - Ryan Garcia, Cape Side Surf School, White Crest Beach, May 15 to November 1, 2017.
- The motion passed 5-0.

Principal Clerk Jeanne MacLauchlan who had just talked on the phone with the mother of Linda Newman Goetzel clarified that the number of guests at the wedding will be 120 and the request to use the Penny Patch is for the ceremony only, weather permitting. Reinhart wanted to know the time frame and the parking spaces taken by the guests of this wedding on Memorial Day weekend will impact the downtown accessibility to the residents and visitors, and suggested asking the guests of this wedding to park at the Marina or charge extra \$100 for parking. Wilson said it would be better if the guests were shuttled. Houk was concerned with enforcing the requirement to shuttle the guests. Police Chief Ronald Fisette did not see any issue with the parking situation.

MOTION 217-328: Bacon moved and Reinhart seconded to approve the request of Linda Newman Goetzel to use the Penny Patch on May 28, 2017 from 2 pm to 8 pm for a wedding ceremony with conditions as listed on the use form and use fee of \$100. Houk added the shuttle bus requirement for the wedding guests. The motion passed 5-0.

Business: Reorganization of the Board of Selectmen

MOTION 217-329: Reinhart moved and Wilson seconded to nominate Dennis Murphy to be the Chair of the Board of Selectmen. Murphy accepted the nomination. The vote passed 4-0-1 (Murphy abstained).

MOTION 217-330: Murphy moved and Wilson seconded to nominate Janet Reinhart to be the Vice Chair of the Board of Selectmen. The motion passed 5-0.

MOTION 217-331: Murphy moved and Wilson seconded to nominate Kathleen Bacon to be the Clerk of the Board of Selectmen. The motion passed 5-0.

Business: Dredging Task Force update

Paul Pilcher and Joe Aberdale briefed the Selectmen on the status of the efforts to secure funding for dredging the Harbor. Pilcher said that the Harbor Dredging task force has been working on this since 2015, but all attempts so far have been unsuccessful. He summarized the steps taken to advance the project: meetings with Duxbury, State Officials, Army Corps of Engineers, studies, applications and permits. He went over a one-page¹ bullet point summary on why it is so important to dredge the Harbor. He said that there is a possibility that the Town may be unable to dredge the Federal Channel in the near future due to lack of federal funding. If no funding were to be identified, the total cost to the Town is estimated to be about \$10M for the federal channel. This would result in increase of the cost of the average tax bill between \$175 and \$250 depending on the borrowing conditions if no state or federal funding is available. He said that the task force will continue to make efforts to secure funding, but there are no guarantees. Murphy mentioned an issue with the habitat of box turtles, which may possibly require a \$10K to \$15K contribution to the Turtle Mitigation Fund. Pilcher explained that this matter is not final yet and will be presented to the Board at a future meeting. Aberdale explained that the dredging of the federal channel has typically been the responsibility of the Army Corps of Engineers. Tom Flynn wanted to know if the Town would be allowed to dredge the federal channel. Terkanian said that it would be preferred that the Army Corps of Engineers deal with the federal channel dredging. Murphy said that the task force has done a tremendous job, but the funding is very competitive and there are no guarantees. Jean Brooks wanted to know who needs to be contacted in support of this project. Wilson suggested having all affected Town boards and committees submit comments in support of this project. Reinhart encouraged everyone with connections with state and federal officials to contact them in support of the project. The discussion concluded with no action taken by the Selectmen.

Business: Update on the Police Station Renovation Project

Harry Terkanian, Chair of the Building and Needs Assessment Committee thanked the Department of Public Works for their very high level of cooperation with the Police Station Renovation Project. Police Chief Ron Fisette said that on April 6 the Police Department moved out of the Police Station and is in full operation from the temporary location. The Police Station is now in the possession of the general contractor and to-date the interior demolition is done and exterior work is in progress. So far there have been no major obstacles and the contractor is on schedule to complete the project in February of 2018. Terkanian said that the big-ticket item is the required lift, but its cost will be under the reserved \$410 K for elevator. In terms of change orders there has been a change order for \$23,600 for relocation of the water line. Police Chief Ron Fisette said that updates of the project are posted on the web site. No action was taken by the Board.

Business: Wellfleet Arbor Group – Town Hall Commons project update

Trudy Vermehren, Tim Callis, Sara Mato, Kai Potter and Su Nicholson presented an update on the Town Hall Common project. They said that a public meeting was held on April 27, and changes to the project were made based on the public comments received. An updated plan was on display for the Selectmen and audience. Wilson and Bacon expressed their support for this new re-design. Bacon also expressed support and appreciation that the re-design was because of the public comments and input. Murphy said that the granite stones from the old Railroad bridge have been granted to him and he can donate the granite for the proposed granite wall. Vermehren asked for the full support of the Board and liked the idea of granite from the old railroad bridge.

MOTION 217-332: Wilson moved and Reinhart seconded to approve the proposal as was received on May 9, 2017 by Wellfleet Arbor Group “The Wellfleet Town Hall Common Project” and authorize them to proceed with the implementation of the project as presented this evening. Houk wanted to know if the flower boxes at the Marina will be utilized at some future point. Vermehren said that there are future proposals that the group would like to take on in the future for planting fees and flowers at various locations. The motion passed 5-0.

Business: Wellfleet Memorial Garden Proposal

Todd Le Bart and Jean Brooks presented a request for a memorial garden at the Penny Patch as requested to the Board in July 2015² and available with the meeting packets. Bacon provided comments and requested revisions of the plan. Bacon had questions about the fencing and did not support the split rail fencing and asked for alternatives. She wanted to know what would happen to the memorial benches – they will stay; she wanted to know what determines the growth of beach trees. She wanted to know the size of the proposed shed. Bacon found this ambitious and wanted to know about the maintenance and the locations of trash receptacles. Le Bart talked about fundraising efforts and community support for the maintenance. Brooks addressed Bacon's concerns. Wilson expressed support of the project and asked that the area not be overcrowded with plantings in order to have it mature to its full capacity. Terkanian expressed support of this project and the Wellfleet Arbor group.

MOTION 217-333: Wilson moved and Reinhart seconded to approve the proposal for the Wellfleet Memorial Garden as presented on May, 9, 2017. The motion passed 5-0.

Business: Change order for Route 6 redesign

Jill McLaughlin from Stantec Consulting Services Inc went over the request for change order #2, She explained that the road safety audit was completed on March 16, 2017 and the report has been reviewed by MassDOT. The two new requirements by MassDOT are monthly design schedules and concept design submission – therefore the request for the change order to cover the additional time. Wilson asked for a clarification on the meetings held with Town officials and the evaluation of traffic circle. She said a majority of Town residents are oppose a roundabout. Moe Barocas suggested placing “No Left Turn” sign on the south side of Route 6 by the Outer Cape Health Pharmacy. Police Chief Ron Fisette explained that this option has been considered, but since Route 6 is a State property, the Town does not have the authority to put a sign.

MOTION 217-334: Bacon moved and Wilson seconded to approve change order #2 for Route 6 redesign for \$27,753.44 as requested by Stantec Consulting Services Inc. on January 25, 2017. The motion passed 5-0.

Business: Letters of support for CDBG and Community Scape Housing Initiative funding application to DHCD for Paine Hollow project

Ted Malone presented three requests for letters of support - for CDBG and Community Scape Housing Initiative funding applications to DHCD for Paine Hollow project. Wilson said that the Board has already demonstrated support for these projects and did not feel it was appropriate to direct the ZBA. Malone explained that the need for the letter to the ZBA is no longer needed, because technical assistance from the State has already been secured by the ZBA. Roger Putnam, Chair of the ZBA said that the ZBA has been working closely with Malone on this process and thanked the Murphy for signing the application for technical support.

MOTION 217-335: Reinhart moved and Wilson seconded to submit a letter to the Undersecretary of MA Department of Housing and Community Development in support of the rental housing funding application by Community Housing Resource, Inc. for the 120 Paine Hollow Road development in a form substantially the same as the attached to be signed by the Chair of the Wellfleet Board of Selectmen. The motion passed 5-0.

MOTION 217-336: Reinhart moved and Bacon seconded to submit a letter of support for CDBG Reserves - Paine Hollow Road Rental Housing Site Improvements/ Infrastructure in a form substantially the same as the attached to be signed by the Chair of the Wellfleet Board of Selectmen. The motion passed 5-0.

Public Hearing: Request of Sarah R. Robin, Manager of Flying Fish Café for an alteration of licensed premises to include proposed additions to the building

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Attorney Ben Zehnder and Sarah Robin presented the request for an alteration of licensed premises to include proposed additions to the building and asked for the Board's support. Wilson asked if the Conservation Commission had given their approval and Robin confirmed they had voted their approval. Reinhart wanted to know if this will increase the seating capacity.

MOTION 217-337: Bacon moved and Reinhart seconded to approve the request of Sarah R. Robin, Manager of Flying Fish Café for an alteration of licensed premises to include proposed additions to the building. The motion passed 5-0.

Business: Renewal of Concessions Contract at Maguire Landing

Wilson said that Solace Food Truck does not have a license to operate yet, and the address on the application listed as 53 Avery Drive does not exist per the Town Assessor and Tax Collector. Hoort suggested to indefinitely postpone this request.

MOTION 217-338: Reinhart moved and Bacon seconded to table the request for renewal of the concessions contract at Maguire Landing with Solace Food Truck for \$2,001. The motion passed 5-0.

Business: Approval of contract with Site Specifics, Inc. for new playground equipment

Becky Rosenberg, Recreation Director asked for the Board's approval for the approval of the contract for the new playground. The Board discussed the playground equipment.

MOTION 217-339: Bacon moved and Wilson seconded to approve the contract with Miracle Recreation dba Site Specifics for supply and installation of playground at Baker Field in the amount of \$115,471. The motion passed 5-0.

Business: Discussion of vegetative windscreen for the Tennis Courts project

Becky Rosenberg, Recreation Director presented a proposal for vegetative windscreen for at the Bake Field tennis courts for \$22,800. She confirmed that funds are available in the form of \$8,000 grant from the American Tennis Court Association and funds already appropriated for this project. Murphy wanted to know if salt spray has been considered. Rosenberg confirmed that the landscaping company Bayberry Gardens will guarantee the plants for three years. Wilson expressed concerns about planting privets hedges in this area. Bacon wanted to know who will take over the maintenance of the vegetation. Rosenberg said that the maintenance has not been discussed with the DPW yet, but once the three-year maintenance contract with Bayberry Gardens expires, she would reconsider renewing it, or asking the DPW to take over the maintenance. Houk was concerned that the DPW has been understaffed and did not know how this new projects will be maintained by the DPW. Paul Pilcher and Dan Giosa talked about the need for protective screen at the tennis courts and encouraged the Board to approve this request. Discussion ensued about future maintenance costs. Suzanne Grout Thomas supported the continuation of the maintenance contract with Bayberry Gardens.

MOTION 217-340: Reinhart moved and Bacon seconded to approve the privets windscreen installation for the tennis courts. The motion passed 3-2 (Houk and Wilson).

Business: Contract with Purrfect Cleaning Services, Inc for cleaning of specific Town Building restrooms.

MOTION 217-341: Bacon moved and Wilson seconded to approve the contract with Purrfect Cleaning Services, Inc. for cleaning of specific Town Building Restrooms for \$29,320. The motion passed 5-0.

Business: Approval of Contract with M.A. Frazier for porta toilets, maintenance and cleaning

MOTION 217-342: Houk moved and Wilson seconded to approve the contract with M.A. Frazier for porta toilets, maintenance and cleaning from the date of execution through November 1, 2017 in the amount of \$74,290. The motion passed 5-0.

DRAFT

Business: Approval of Contract with WhiteWater, Inc. for Wellfleet Municipal Water System operations
MOTION 217-343: Wilson moved and Reinhart seconded to approve the four hours per day, five days a week contract for Water Operator services for the Wellfleet Municipal Water System to be awarded to White Water, Inc. for \$74,929 as a base contract price with \$25,000 as a contingency fund and 2.5% escalation factor for the period from August 1, 2017 to July 31, 2018 and an option for three annual renewals at the discretion of the Board of Water Commissioners and Board of Selectmen, contingent upon a vote of approval of the Board Water Commissioners. Miteva said that the procurement and the contract have been reviewed by the Board of Water Commissioners, and will be on their agenda for approval on May 16. Houk reminded that the hire of the Assistant DPW Director was conditioned on obtaining a license to run and operate the Water System. Murphy suggested addressing Houk's comments in a future meeting. Hoort said that the BWC will be coming to a future BOS meeting to discuss the Wellfleet Municipal Water System Master Plan and water quality issues. The motion passed 5-0.

Business: Approval of petition of Eversource to place approximately 70 feet of cable/conduit under the public way on Highland Ave and Hiller Ave to provide electric service to the customer at 70 Hiller Ave.
MOTION 217-344: Reinhart moved and Wilson seconded to approve the petition of Eversource to place approximately 70 feet of cable/conduit under the public way on Highland Ave and Hiller Ave to provide electric service to the customer at 70 Hiller Ave. The motion passed 5-0.

Town Administrator's Report³ – no additions.

Topics for Future Discussion

- Wilson expressed concerns and a question from a bicyclist about the dangerous intersection at Cahoon Hollow and Ocean View Drive and suggested police detail to monitor the intersection.
- Wilson wanted to know if there will be a consideration for an earlier meeting.
- Hoort asked if the Board would like to have a separate meeting for Cape Light Compact JPE on May 16 and the Selectmen unanimously agreed that the additional meeting is necessary.
- Murphy proposed to have a six-month evaluation of the Town Administrator.

Correspondence⁴ and Vacancy⁵ Report

- Reinhart mentioned the complaint about the petite oysters harvesting.

Minutes

MOTION 217-345: Wilson moved and Reinhart seconded to approve the minutes of March 28, 2017⁶ as amended by Wilson. The motion passed 5-0.

MOTION 217-346: Wilson moved and Reinhart seconded to approve the minutes of April 11, 2017⁷ as amended by Wilson. The motion passed 5-0.

Adjournment

MOTION 217-347: Reinhart moved and Murphy seconded to adjourn the meeting at 10:41 pm. The motion passed 5-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Records Materials:

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- ¹ Why Dredge the Wellfleet Harbor handout dated 5/8/17 by Paul Pilcher
² Penny Patch memorial garden proposal by Todd Le Bart, July 2015
³ TA Report of May 5, 2017
⁴ Correspondence report of May 9, 2017
⁵ Vacancy report of May 5, 2017
⁶ Draft minutes of March 28, 2017
⁷ Draft minutes of April 11, 2017