



Town of Wellfleet

SPECIAL TOWN MEETING MINUTES

SEPTEMBER 18, 2023

Having been advised by the Town Clerk that a quorum was present, Daniel R. Silverman, Moderator, called the Town Meeting to order at 6:10 p.m. at the Wellfleet Elementary School, 100 Lawrence Road. The Moderator explained in his opening statements that the Selectboard had voted at a duly posted meeting on August 22, 2023, to reduce the quorum amount for this meeting from the Town's usual percentage of 6 % of registered voters, to 150, in accordance with Chapter 2 of the Acts of 2023. The final tally of voters present at this meeting was 199.

Tellers sworn into service for this meeting were:

Richard C. Morrill

Kristen A. Shantz

Jane F. Franke

Leslie A. Fish

David Martin Agger

Stephen L. Russell

The Moderator recognized by name those individuals who were hired by the Town since our last Meeting, as well as current staff members who have been promoted or retired.

New Hires:

Summer Fulcher - Assistant Tax Collector/Treasurer

Angelo Salome - Building Commissioner

Adam O'Shea -WES Principal

Benjamin Morris - DPW

Christine Young - Principal Clerk

Retirees:

Kathleen Bacon - Selectboard

Billy Brazil – Wellfleet Police Officer

Caroline Murray from KP Law was introduced as our Town Counsel.

ARTICLE NO. 1 – FY 2024 BUDGETARY TRANSFERS:

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within FY 2024 appropriations such sums of money necessary to supplement the operating budgets of the various Town Departments as follows:

	From (Decrease)	Line Item	To (Increase)	Line Item	Amount
a.	Beach Fund	FND	Beach Expenses	699	\$ 23,070

or to do or act on anything thereon

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 4, No - 0, Abstain - 0

Finance Committee: Yes - 5, No - 0, Abstain - 0

It was moved and seconded that the Town vote to transfer the sum of \$23,070 from the Beach Fund to Beach Expenses, Line Item 699, as printed in the warrant under Article 1.

The Moderator declared the motion carried on a majority vote.

ARTICLE NO. 2 – LAWRENCE HILL – WASTEWATER TREATMENT FACILITY – PHASE I:

To see if the Town will vote to modify the vote taken under Article 21 of the June 2021 Annual Town Meeting for the 95 Lawrence Road Cluster Wastewater Treatment Facility, which authorized borrowing the sum of \$1,931,886 for this purpose, by amending the source of borrowing from General Laws Chapter 44, Section 8, or any other enabling legislation, the Massachusetts Clean Water Trust, or otherwise, under and pursuant to General Laws Chapter 111, §121B½, and further, to see if the Town will vote to appropriate a sum of money, not to exceed \$2,668,114 for the purpose of designing, permitting, and constructing wastewater facilities in conjunction with an affordable housing project at 95 Lawrence Road, including connecting nearby Town buildings in Phase I, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectboard be and hereby is authorized to borrow said amount under and pursuant to Chapter 44 of the General Laws, or pursuant to any other enabling authority including the Massachusetts Clean Water Trust or otherwise, under and pursuant to General Laws Chapter 111, §121B½ or pursuant to any other enabling authority including the Massachusetts Water Pollution Abatement Trust, and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2½) or take any other action in relation thereto. (Requested by the Selectboard)

2/3rds Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0

Wellfleet Housing Authority: Yes - 5, No - 0, Abstain - 0

Finance Committee-Yes - 6, No - 0, Abstain - 0

It was moved and seconded that the Town vote to modify the vote taken under Article 21 of the June 2021 Annual Town Meeting for the 95 Lawrence Road Cluster Wastewater Treatment Facility, which authorized borrowing the sum of \$1,931,886 for this purpose, by amending the source of borrowing from General Laws Chapter 44, Section 8, or any other enabling legislation, to General Laws Chapter 44, Section 8, the Massachusetts Clean Water Trust, and further, that the Town vote to appropriate the sum of \$2,668,114 for the purpose of designing, permitting, and constructing wastewater facilities in conjunction with an affordable housing project at 95 Lawrence Road, including connecting nearby Town buildings in Phase I, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectboard be and hereby is authorized to borrow said \$2,668,114 under and pursuant to Chapter 44 of the General Laws, the Massachusetts Clean Water Trust, and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½).

The Moderator declared the motion carried on a 2/3rd vote.

ARTICLE NO. 3 – ENHANCED INNOVATIVE & ALTERNATIVE SEPTIC PROGRAM:

To see if the Town will vote to modify the vote taken under Article 4 of the April 2023 Annual Town Meeting relative to Item 7B, which authorized borrowing the sum of \$200,000 for Enhanced Innovative & Alternative Septic Systems by amending the source of borrowing from General Laws Chapter 44, Section 7, or any other enabling legislation, to the Massachusetts Clean Water Trust, or otherwise, under and pursuant to General Laws Chapter 111, §121B½ or pursuant to any other enabling authority including the Massachusetts Water Pollution Abatement Trust, or take any other action in relation thereto.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain – 0

Finance Committee: Yes - 6, No - 0, Abstain - 0

It was moved and seconded that the Town vote to modify the vote taken under Article 4 of the April 2023 Annual Town Meeting relative to Item 7B, which authorized borrowing the sum of \$200,000 for Enhanced Innovative & Alternative Septic Systems by amending the source of borrowing from General Laws Chapter 44, Section 7 or any other enabling legislation, to General Laws Chapter 111, §121B1/2, the Massachusetts Clean Water Trust, or pursuant to any other enabling authority.

The Moderator declared the motion carried on a majority vote.

ARTICLE NO. 4 – TOWN PLANNER – NEW STAFF:

To see if the Town will vote to raise and appropriate and/or transfer from any available source of funds the sum of \$145,000.00, or any other sum for the purpose of funding a Town Planner position; provided, however, that no sums shall be expended hereunder unless and until the Town has voted to assess an additional \$145,000.00 in real estate and personal property taxes pursuant to the provisions of Chapter

59, Section 21C of the Massachusetts General Laws (Proposition 2½), or do or act on anything thereon.
(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0

Finance Committee: Yes - 6, No - 0, Abstain - 0

Wellfleet Affordable Housing Trust: Yes - 5, No - 0, Abstain - 0

Maurice’s Planning Committee: Yes - 9, No - 0, Abstain - 0

It was moved and seconded that the Town vote to approve Article 4 as printed in the warrant.

The Moderator declared the motion carried on a majority vote.

ARTICLE NO. 5 – ZONING BYLAW AMENDMENT – INCLUSIONARY ZONING:

To see if the Town will vote to amend Chapter 235, Article II DEFINITIONS by inserting the following new definitions in alphabetical order and to amend Chapter 235, Article VI by adding a new Section 6.28 Inclusionary Zoning Bylaw as follows:

§235 - 2.1 Definitions

Affordability Gap – the difference between the appraised value of a market-rate dwelling units within the proposed development and the appraised value of an affordable housing unit in Wellfleet comparable to the market-rate unit in terms of type, size, and number of bedrooms and calculated at the time of sale or issuance of a certificate of occupancy, whichever occurs sooner, for any market-rate unit in the proposed development. The applicant shall submit an appraisal of the development in question that was prepared by a licensed appraiser approved by the Town using professionally accepted methods, as well as other data relevant to the determination of equivalent value, and the Town may obtain an expert peer review of the appraisal at the applicant’s expense.

Affordable Housing Unit - a dwelling unit that is affordable to and occupied by a Low- or Moderate-Income Household and meets the requirements for inclusion on the Subsidized Housing Inventory maintained by the Department of Housing and Community Development.

Affordable Housing Restriction – A deed restriction entered into and enforceable under G.L. c. 184, §§31-33 in a form acceptable to the Town that restricts occupancy of an affordable housing unit to a low- or moderate-income-eligible purchaser or renter and which provides for the administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing re- striction shall run with the land in perpetuity or for the maximum period allowed by law.

§235 – 6.28 INCLUSIONARY ZONING BYLAW

§235 – 6.28.1 Purpose and Intent

The purpose of this bylaw is to encourage the development of housing that is affordable to persons of various ages and income levels in accordance with Massachusetts General Law, Chapter 40A, Section 9, which allows municipalities to adopt “incentive” bylaws for the creation of affordable year-round housing, and for the purposes of:

- A. Helping people who, because of rising land prices, have been unable to obtain suitable housing at an affordable price; and,
- B. Encouraging the creation of a range of housing opportunities for households of all incomes, ages, and sizes in order to support a strong, stable, and diverse year-round community and a viable and healthy local workforce and to prevent the displacement of Wellfleet residents;
- C. Mitigating the negative impact of residential development on the availability and cost of housing;
- D. Protecting the long-term affordability of such housing through appropriate, enforceable restrictions that run with the land; and
- E. Creating dwelling units eligible for inclusion on the Town’s Chapter 40B Subsidized Housing Inventory as maintained by the Department of Housing and Community Development (DHCD).

§235 6.28.2 Applicability

In the CD, R1, R2, C, and C2 zoning districts, the inclusionary zoning provisions of this section shall apply to any project that results in a net increase of three or more dwelling units as part of a single application, whether by new construction, a change in use, or by the alteration or rehabilitation of existing structures, provided, however, this bylaw shall not apply to nursing homes

§235 6.28.3 Mandatory Provision of Affordable Housing for Development of New Residential Units

In order to contribute to the local stock of Affordable Housing, any residential project that results in a net increase of three or more dwelling units as part of a single application as described in Section 6.28.2 shall provide a percentage of the dwelling units as deed restricted Affordable Housing units. This Affordable Housing requirement shall be one-sixth (1/6) of the number of new dwelling units to be developed rounded up to the nearest whole number and shall be made a condition of a Special Permit, or the applicant shall meet the requirement in accordance with the following:

- A. Development of 3 to 6 new dwelling units shall require the granting of a Special Permit by the Zoning Board of Appeals per §235 8.4.2 and a Payment in Lieu of providing the required number of affordable units to be made to the Wellfleet Affordable Housing Trust Fund to fulfill the Affordable Housing requirement.
 - (1) Payment shall be made in accordance with the following formula:
 - For 3 new dwelling units, the Payment in Lieu= (total # of new dwelling units)x(1/9)x(affordability gap)
 - For 4-6 new dwelling units, the Payment in Lieu= (total # of new dwelling units)x(1/6)x(affordability gap)
 - (2) The applicant shall pay for all appraisals, and the Town shall approve the applicant’s chosen appraiser
 - (3) The Payment in Lieu shall be due:
 - a. upon the issuance of a certificate of occupancy of any market-rate unit in the development; or,
 - b. The total Payment in Lieu shall be divided by the total number of market

rate units in the development, and the resulting quotient shall be payable upon the closing of each market rate unit

- B. Development of 7 or more new dwelling units shall require the granting of a Special Permit by the Zoning Board of Appeals per §235 8.4.2 and at least one-sixth (16.67%) of the new units created shall be established as Affordable Housing units, which shall be rounded up to the nearest whole number and shall be made a condition of a Special Permit, in any one or combination of methods provided for below:
- (1) The Affordable Housing units shall be constructed or rehabilitated on the site subject to the Special Permit, in accordance with §235 6.28.4; or
 - (2) The Affordable Housing units shall be constructed or rehabilitated on a site other than the one subject to the Special Permit, in accordance with §235 6.28.4, provided justification is provided that on-site development of said units is not feasible and off-site development of said units is beneficial to the Town, and applicable Building or Zoning Permits are granted contemporaneously for both developments; or
 - (3) A Payment in Lieu of providing Affordable Housing units shall be made to the Wellfleet Affordable Housing Trust Fund. Payment shall be made in accordance with the following formula:
 - a) For 7 or more new dwelling units, the Payment in Lieu = (total # of new dwelling units)x(1/4)x(affordability gap)
 - b) The applicant shall pay for all appraisals, and the Town shall approve the applicant's chosen appraiser
 - c) The Payment in Lieu shall be made upon the sale or certificate of occupancy of each market-rate unit, whichever occurs sooner or
 - (4) A Land Donation in Lieu of providing Affordable Housing units shall be provided to the Wellfleet Affordable Housing Trust, provided that:
 - a) The receiving organization agrees in writing to accept the land;
 - b) The applicant demonstrates to the Zoning Board of Appeals' satisfaction that the land may support the future development of Affordable Housing;
 - c) The value of donated land shall be equivalent to or greater than the value of the required Payment in Lieu. The Zoning Board of Appeals may require, prior to accepting the donations of land to the Wellfleet Affordable Housing Trust as satisfaction of the requirements of this bylaw, that the applicant submit an appraisal of the land in question that was prepared by a licensed appraiser using professionally accepted methods, as well as other data relevant to the determination of equivalent value, and the Zoning Board of Appeals may obtain expert peer review of the appraisal at the applicant's expense; and
 - d) Closing on the land donation shall occur before the issuance of the first building permit.

§235 6.28.4 Provisions Applicable to Affordable Housing Units Located On-Site and/or Off-Site

- A. Affordable Housing units created in accordance with this bylaw shall have a deed restriction and Regulatory Agreement to regulate the future re-sale or rental of the unit and that requires the

units to remain income restricted in perpetuity or the longest period allowed by law. Said deed restriction and Regulatory Agreement shall be consistent with the forms used in the Local Initiative Program and Regulatory Agreement approved by DHCD. The Regulatory Agreement shall be prepared in a form acceptable to Town Counsel by the Applicant and submitted for review and approval. The Regulatory Agreement will be executed by the Applicant, the Town of Wellfleet and DHCD and shall be recorded with the Barnstable County Registry of Deeds or and

- B. The applicant shall be responsible for preparing and submitting any documentation that may be required to receive Local Action Unit approval from DHCD and to qualify the Affordable Housing Units for listing on the SHI. The applicant shall also be responsible for providing annual compliance monitoring and certification to the Town or its monitoring agent and to pay for the costs of the Town for providing such compliance monitoring.
- C. No Building Permit shall be issued for any units in the development until the Zoning Board of Appeals receives evidence that the Affordable Housing deed restriction has been approved by DHCD or by Town Counsel.
- D. No Certificate of Occupancy shall be issued for any units in the development until the Building Commissioner receives evidence that the Affordable Housing deed restriction has been executed and recorded at the Barnstable County Registry of Deeds or that the Payment in Lieu has been made in accordance with this bylaw or as modified by the Special Permit conditions.
- E. Affordable Housing units shall be integrated with the rest of the development or with the off-site location and shall be comparable to and indistinguishable from market rate units in exterior design, including appearance, construction and quality of materials, and in energy efficiency.
- F. The number of bedrooms in each Affordable Housing unit shall be made a part of the Special Permit and shall be based on local need as determined by the Zoning Board of Appeals in consultation with the Wellfleet Housing Authority.
- G. Owners and tenants of on-site Affordable Housing units and market rate units shall have the same rights and privileges to access and use any of the development's amenities and facilities.
- H. The development of Affordable Housing units shall take place at the same rate and timeframe as the development of market rate units.
 - 1) Building Permits for any phased development shall be issued at a ratio of no greater than five (5) market rate units to one (1) Affordable Housing unit. Building Permits for subsequent phases shall not be issued unless all the required Affordable Housing units in the preceding phase are constructed and the deed restrictions recorded. The last unit permitted, constructed and occupied shall be a market rate unit.
 - 2) The project may also be constructed in its entirety with all permits issued at once, provided that the occupancy permits are issued at a ratio of five (5) market rate units to one (1) Affordable Housing unit. The last certificate of occupancy to be issued shall be for a market rate unit and shall not be issued unless and until all Affordable Housing units are occupied.
- I. All Affordable Housing Units created under this bylaw shall be occupied by income-eligible purchasers or tenants. No Affordable Housing Unit created under this bylaw shall be used as a Short-Term Rental, as such term is defined by General Laws Chapter 64G.

§235 6.28.6. Segmentation Prohibition

Developments shall not be phased or segmented to avoid compliance with conditions or provisions of

this bylaw. “Segmentation” shall be defined as dividing one parcel of land into two or more parcels of land in that cumulatively results in a net increase of three or more dwelling units above the number existing thirty-six (36) months earlier on any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Section.

§235 6.28.7 Conflict with Other Bylaws

The provisions of this bylaw shall be considered supplemental to existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

§235 6.28.8 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Wellfleet’s Zoning Bylaws.
(Requested by the Selectboard)

2/3rd Majority Vote Required

Recommendations:

Selectboard: Yes-5, No-0, Abstain-0

Bylaw Committee: No-3, Yes -0, Abstain-0

Planning Board: No-6, Yes-0, Abstain-0 Wellfleet Affordable Housing Trust: Yes-4, No-0-Abstain-0

It was moved and seconded that the Town vote to amend the Wellfleet Zoning Bylaws, Chapter 235, Article II DEFINITIONS and to amend Chapter 235, Article VI by adding a new Section 6.28 Inclusionary Zoning Bylaw as printed under Article 5 in the warrant, except in section A. 1 the first bullet point shall read: 3 new dwelling units, instead of 3-4 dwelling units.

Michael Devasto moved, and it was seconded to Indefinitely postpone Article 5.

The Moderator declared the motion to Indefinitely postpone Article 5 failed.

The Moderator declared the main motion carried on a 2/3rds vote.

ARTICLE NO. 6 – ZONING BYLAW AMENDMENT – COTTAGE COLONIES:

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article II DEFINITIONS by deleting text that is ~~struck through~~ and inserting text that is underlined as follows:

§235 - 2.1 Definitions

Cottage Colony - A group of two or more detached dwellings located on the same lot not within the NSP, each containing one dwelling unit only which is designed for independent family living including cooking facilities. Each unit shall contain not less than ~~550~~ 300 sq. ft. of floor area and not more than ~~768~~ 800 sq. ft.

Cottage Colony NSP - A group of two or more detached dwellings located on the same lot within the NSP, each containing one dwelling unit only which is designed for independent family living including cooking facilities. and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year. Each unit shall contain

not less than ~~550~~ **300** sq. ft. of floor area and not more than ~~768~~ **800** sq. ft

(Requested by the

Selectboard)

2/3rd Majority Vote Required

Recommendations:

Selectboard: Yes-5, No-0, Abstain-0

Planning Board: Yes-5, No-0, Abstain-0

Wellfleet Affordable Housing Trust: Yes-5, No-0

By-law Committee: No-3, Yes-0, Abstain-0

It was moved and seconded that the Town vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article II DEFINITIONS by deleting text that is ~~struck through~~ and inserting text that is underlined under Article 6 as printed in the warrant.

The Moderator declared the motion carried on a 2/3rd Vote.

ARTICLE NO. 7 – ZONING BYLAW AMENDMENT – INTENSITY OF USE OF MULTI-FAMILY DWELLINGS:

To see if the Town will vote to amend the Wellfleet Zoning By-Laws, Chapter 235, Article V – Uses, Section 235-5.4(F) by deleting the text that is ~~struck through~~ as follows, or to do or act on anything thereon:

§235 - 5.4(F)

~~Intensity of Use Application to Multiple Family Dwellings. The first unit of a multiple family dwelling or of an apartment building shall require a minimum land area equal to the lot requirements of the district in which located. Each additional unit will require 8,000 square feet of land area. Front, side and rear yard and maximum building coverage requirements of the district in which the structures are located shall apply. (Amended 4/30/85 ATM, Art. 64.)~~

(Requested by the Selectboard)

2/3rd Majority Vote Required

Recommendations:

Selectboard: Yes-4, No-0, Abstain-1

Wellfleet Affordable Housing Trust: Yes-5, No-0, Abstain-0

Bylaw Committee: Yes-3, No-0, Abstain-0

Planning Board: No-5, Yes-0, Abstain-0

It was moved and seconded that that the Town vote to amend the Wellfleet Zoning By-Laws, Chapter 235, Article V – Uses, Section 235-5.4(F) by deleting the text that is ~~struck through~~ as printed under Article 7 in the warrant.

The Moderator declared the motion carried on a 2/3rd vote.

ARTICLE NO. 8 – ZONING BYLAW AMENDMENT – DEFINITION OF TREES:

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article

II – Definition §235 2.1 by inserting the following new definitions in alphabetical order or to do or act on anything thereon:

Community Wildfire Protection Plan (“CWPP”): A plan developed in the collaborative framework established by the Wildland Fire Leadership Council and agreed to by the local government, local fire department, federal land management agencies managing land in the vicinity of the planning area, and other stakeholders. A CWPP may address issues such as wildfire response, hazard mitigation, community preparedness, or structure protection - or all the above.

Invasive Plants: Plant species identified by the Massachusetts Invasive Plant Advisory Group as Invasive, Likely Invasive, or Potentially Invasive.**[Link for reference](www.massrnc.org/mipag)**

Locally Notable Trees: Native trees with a girth of 120 inches or greater measured at breast height (4.5') or below the lowest branching trunk, whichever is less. Or tree species listed as Endangered, Threatened, or of Special Concern by MassWildlife’s Natural Heritage & Endangered Species Program Massachusetts

Timber: Woody plants and trees with a girth of sixteen (16) inches measured at breast height (4.5’) or below the lowest branching trunk, whichever is less.

Tree Thinning: Tree removal in an immature forest stand that reduces tree density and between-tree competition performed by a certified arborist.

(Requested by the Selectboard)

2/3rd Majority Vote Required

Recommendations:

Selectboard: Yes-5, No-0, Abstain-0

Planning Board: No-5, Yes-1, Abstain-0

Bylaw Committee: Yes-3, No-0, Abstain-0

It was moved and seconded that that the Town vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article II – Definitions, §235-2.1 by inserting the new definitions for Community Wildfire Protection Plan, Invasive Plants, Locally Notable Trees, Timber and Tree Thinning as printed under Article 8 in the warrant, with the exception that definition of timber be fully underlined to read.

Timber: Woody plants and trees with a girth of sixteen (16) inches measured at breast height (4.5’) or below the lowest branching trunk, whichever is less.

Ms. Wilson moved, and it was seconded, to add the words “or more” after the word inches in the definition of timber, with the final definition to read as follows:

Timber: Woody plants and trees with a girth of sixteen (16) inches or more, measured at breast height (4.5’) or below the lowest branching trunk, whichever is less.

The Moderator declared the amendment carried by a majority vote.

The Moderator declared the main motion as amended carried by a 2/3rds Vote.

ARTICLE NO. 9 – ZONING BYLAW AMENDMENT – CUTTING OF TIMBER:

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article VI – General Regulations by amending §235 -6.9 by deleting text that is ~~struck-through~~ and inserting text that is underlined as follows:

§235 6.9.1 CUTTING OF TIMBER WITHIN NSP

Within the National Seashore Park District, there shall be no cutting of timber except as permitted for the following reasons:

- (a) By an owner for the purpose of reasonably controlling brush or trees;
- (b) Maintenance cutting in pastures;
- (c) Cutting for clearance or maintenance on right-of-way including those pertaining to public utilities or public highways, provided said clearance or maintenance complies with Chapter 200, the Town’s Scenic Road bylaw, as applicable.
- (d) as specified in a **Community Wildfire Protection Plan** by the Wellfleet Fire Department or the National Park Service.
- (e) the removal of Invasive Plants .

Exemptions:

This section shall not apply to federal, state or municipal projects.

(Requested by the Selectboard)

2/3rd Majority Vote Required

Recommendations:

Selectboard: Yes-4, No-0, Abstain-1

Bylaw Committee: No-3, Yes-0, Abstain-0

Planning Board: No-6, Yes-0, Abstain-0

It was moved and seconded that the Town vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article VI – General Regulations by amending §235 - 6.9 – Cutting of Timber by deleting text that is ~~struck-through~~ and inserting text that is underlined as follows:

§235 6.9.1 CUTTING OF TIMBER WITHIN NSP

Within the National Seashore Park District, there shall be no cutting of timber except as permitted for the following reasons:

- (a) By an owner for the purpose of reasonably controlling brush or trees;
- (b) Maintenance cutting in pastures;
- (c) Cutting for clearance or maintenance on right-of-way including those pertaining to public utilities or public highways, provided said clearance or maintenance complies with Chapter 200, the Town’s Scenic Road bylaw, as applicable.

(d) as specified in a **Community Wildfire Protection Plan** by the Wellfleet Fire Department or the National Park Service.

(e) the removal of Invasive Plants.

Exemptions:

This section shall not apply to federal, state or municipal projects.

The Moderator declared that the motion carried by a 2/3rds Vote.

ARTICLE NO. 10 – ZONING BYLAW AMENDMENT – LOCALLY NOTABLE TREES:

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article VI – General Provisions by inserting a new Section §235- 6.9.3 as follows:

§235 6.9.3 Locally Notable Trees

Recognizing the value large older trees provide to wildlife and the unique role they play in the ecosystem they should be preserved whenever possible. No removal of or trimming of **Locally Notable Trees** shall be permitted until all necessary permits and approvals have been obtained unless there is an immediate threat to public safety, structures, or utilities.

§235 6.9.3.1 Removal of Locally Notable Tree shall require a special permit from the Zoning Board of Appeals as the **Special Permit Granting Authority, pursuant to §235-8.4B.** Any application for the removal of a **Locally Notable Tree** shall be referred to the **Conservation Commission** for comment prior a hearing per Ch. 40A, Sec. 9 before the Special Permit Granting Authority. A priority shall be placed on retaining these trees during the course of any construction activities or site plan and or landscaping.

§235 6.9.3.2 Applications for the trimming of a Locally Notable Tree shall be made to the Tree Warden and must include a letter from a certified arborist that the trimming poses little risk to the health of the tree prior to any such work being performed and such applications are subject to the approval of the Tree Warden. Said trimming includes that of the Tree’s root system. If the Tree Warden or Arborist determines that the trimming of a **Locally Notable Tree** poses a threat to its health, they shall refer the matter to the **Special Permitting Authority**, who will refer it to the **Conservation Commission** for comment prior to the hearing.

§235 6.9.3.3 EXEMPTIONS

This section shall not apply to the removal of **Invasive Plants**, diseased trees, or those posing an imminent threat to people, structures, roadways, or utilities.

This section shall not apply to federal, state, or municipal projects.

§235-6.9.3.4 Special Permits

The Board of Appeals acting as the SPGA, may grant a special permit for the removal of a **Locally Notable Tree** if it reaches a finding that there is no viable alternative to said removal.

(Requested by the Selectboard)

2/3rd Majority Vote Required

Recommendations:

Selectboard: Yes-4, No-0, Abstain-0

Planning Board :Yes -6, No-0, Abstain-0

Bylaw Committee: Yes-0, No-3, Abstain-0

It was moved and seconded that the Town vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article VI – General Provisions by inserting a new Section §235- 6.9.3 – Locally Notable Trees as printed under Article 10 in the warrant.

Mr. Sayre moved, and it was seconded, to amend the second line of §235-6.9.3 EXEMPTIONS, to add the word “or” between federal and state, and to strike the word “Municipal” .
With the sentence to read: This section shall not apply to federal or state projects.

The Moderator declared the amendment carried by a majority vote.

The Moderator declared the main motion as amended carried on a 2/3rds vote.

ARTICLE NO. 11 – ZONING BYLAW AMENDMENT – ZONING ENFORCEMENT PENALTY:

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article VIII – Administration, Section 8.3 Penalty by deleting the ~~strikethrough~~ language and adding the underlined language as follows, or take any other action relative thereto.

[Amended 6-26-2021 ATM by Art. 45]8.3 PENALTY

~~8.3 Penalty Any person violating any of the provisions of these Bylaws may be fined not more than \$50.00 for each offense, except in the case of violations of Section 6.21 Accessory Dwelling Units, the fine shall be \$300.00 for each offense. Each day that such violation continues shall constitute a separate offense.~~

§ 235-8.3 Penalty.

- A. Any person, association, firm or corporation violating any of the provisions of this bylaw may be fined \$300 for each offense. Each day that such a violation continues shall constitute a separate offense. This bylaw may be enforced by noncriminal disposition pursuant to the provisions of General Laws Chapter 40, Section 21D.

- B. **Accessory Dwelling Units:** Any person, association, firm or corporation violating § 235-6.21 Accessory dwelling units (ADU), may be fined \$300.00 for each offense. Each Accessory Dwelling Unit in violation shall be a separate violation. Each day that such violation continues shall constitute a separate offense. This bylaw may be enforced by noncriminal disposition pursuant to the provisions of General Laws Chapter 40, Section 21D.

(Requested by the Selectboard)

2/3rd Majority Vote Required

Recommendations:

Selectboard: Yes-5, No-0, Abstain-0

Planning Board: Yes-6, No-0, Abstain-0

Bylaw Committee: Yes-3, No-0, Abstain-0

It was moved and seconded that the Town vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article VIII – Administration, Section 8.3 Penalty by deleting the ~~strike through~~ language and adding the underlined language as printed under Article 11 in the warrant.

The Moderator declared the motion carried by a 2/3rds vote.

ARTICLE NO. 12 – GENERAL BYLAW AMENDMENT – MINIATURE “NIPS” BOTTLE BAN:

To see if the Town will vote to amend Chapter 187 (“Plastics and Other Environmental Hazards”) of the General Bylaw by inserting a new Article V – Prohibition on Sale of Alcoholic Beverages in Miniature or “Nip” Bottles as follows, , or take any other action relative thereto.

Article V Prohibition on Sale of Alcoholic Beverages in Miniature or “Nip” Bottles

§ 187-21 Ban on sale.

A. Effective on September 1, 2024, it shall be unlawful to sell or offer for sale alcoholic beverages in containers less than or equal to 100 milliliters in the Town of Wellfleet. Enforcement of this bylaw will begin September 1, 2024

§ 187-22 Enforcement.

A. Enforcement of this bylaw shall be the responsibility of the Town Administrator or his/her designee, and/or any police officer of the Town. The Town Administrator shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.

B. Any individual and/or establishment conducting sales in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in G. L. Chapter 40 § 21D. The following penalties apply:

- First violation: Written warning
- Second violation: \$150 fine
- Third and subsequent violations: \$300 fine

C. Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Wellfleet.

D. All businesses will be routinely inspected until the Town Administrator deems the inspection to no longer be required.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes-5, No-0, Abstain-0

Planning Board: Yes-6, No-0, Abstain-0

Bylaw Committee: Yes-2, No-1, Abstain-0

It was moved and seconded that the Town vote to amend Chapter 187 (“Plastics and Other Environmental Hazards”) of the General Bylaw by inserting a new Article V – Prohibition on Sale of Alcoholic Beverages in Miniature or “Nip” Bottles as printed under Article 12 in the warrant.

Mr. Devasto moved, and it was seconded to amend the article by inserting the word “Plastic”, before the word miniature under Article V, as well as before the word containers in the

second line of § 187-21 after the word “in”, and before “containers”. The amended language

to read “Article V Prohibition on Sale of Alcoholic Beverages in plastic Miniature or “nip”bottles.

§ 187-21 Ban on Sale.

- A. Effective on September 1, 2024, it shall be unlawful to sell or offer for sale alcoholic beverages in plastic containers less than equal to 100 milliliters in the Town of Wellfleet. Enforcement of this bylaw will begin September 1, 2024.

The Moderator declared the motion failed.

The Moderator declared that the main motion failed.

ARTICLE NO. 13 – GENERAL BYLAW AMENDMENT – ANIMAL CONTROL REGULATIONS:

To see if the Town will amend the Wellfleet General By-Laws by amending Chapter 111 by deleting the ~~strike through~~ language, and adding the underlined language as follows, or take any other action relative thereto.

Article I

Animal Control

[Adopted 6-26-2021 ATM by Art. 47 (Art. XV of the General Bylaws)]

§ 111-3 Definitions.

For the purposes of this bylaw, the following terms shall have the following definitions:

SUMMER SEASON

The period between the third Saturday in June through Labor Day between the hours of 9:00 AM and 5:00 PM.

DOMESTICATED ANIMAL

Any of various animals that have been tamed and made fit for a human environment. Excludes service animals while they are providing a service as defined in M.G.L. Chapter 272, Section 98A.

DANGEROUS DOG

Any dog that either: (1) without justification, attacks a person or domestic animal causing physical injury or death; or (2) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

§ 111-4 Dog licensing.

Dogs must be leashed.

~~All dogs within the territorial limits of the Town of Wellfleet shall be restrained by a leash unless confined to the property of their owners. Any dog found running at large will be removed and impounded. The owner of any dog so removed is also liable for boarding expenses at the pound at the established rate. The Town of Wellfleet Police Department (including special officers), the Animal Control Officer, and any other officials whom the Selectboard may from time to time designate shall have the authority to enforce this section.~~

- A. Any person residing in the Town of Wellfleet, who at the beginning of the license period (January 1 to December 31), or who during the license period, becomes the owner or keeper of a dog six months old or over, shall cause the dog to be licensed within 30 days. The Town Clerk shall issue dog licenses and tags based on the completion and the approval of the dog license application form that is available on the Town's website. The completed form, along with the required additional documentation, can be brought to the Town Clerk's office or sent to the Town Clerk by mail.
- B. An applicant for a dog license will also bring to the Town Clerk's office or send to the Town Clerk by mail the following required additional documentation:
 - (1) Copy of current rabies certificate.
 - (2) Copy of spaying/neutering certificate (if not noted on rabies certificate).
 - (3) Self-addressed envelope with sufficient postage (license will be held in office if a completed return envelope is not enclosed).
 - (4) Check made payable to "Town of Wellfleet" for the total of the licensing fee.
- C. On the license form, the Town Clerk shall record the name, address, mailing address, email address, phone number and the date of birth of the owner or keeper of the dog, and the name, age, breed, sex, and description of each dog. Each tag shall include the license number, the name of the Town and the year of issue.
- D. The owner or keeper of the dog shall cause each dog to wear around its neck or body a collar or harness to which they shall securely attach the license tags. In the event that any license tag is lost,

defaced or destroyed, substitute tags shall be obtained by the owner or keeper from the Town Clerk at the cost of \$1. Such moneys shall be transmitted to the Town of Wellfleet in the same manner as license fees.

- E. The Town Clerk shall not issue a license for any dog unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that the dog is currently vaccinated against rabies, or a veterinarian's certification that such dog is exempt from the vaccination requirement, or a notarized letter from a veterinarian that either of these certifications was issued relative to such dog.
- F. The fee for each dog license shall be \$10 unless a certificate from a veterinarian stating that the dog has been spayed or neutered, or a statement from a veterinarian indicating that because of age, infirmity or other physical condition spaying or neutering is deemed inadvisable, is presented to the Clerk, in which case the fee for each dog license shall be \$5. No fee shall be charged for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder, in accordance with G.L. c. 140, § 139(c).
- G. The Clerk shall collect a late fee of \$5 for every dog license issued after the first thirty-days into the licensing period, as defined in § 111-3 of this article.
- H. Any owner or keeper of a dog who moves into the Town of Wellfleet and has a valid dog license for his/her dog from another city or town in the Commonwealth shall, within 30 days, obtain a dog license from the Town of Wellfleet.

No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering, or removal from the Town of Wellfleet or any other disposal of said dog

- I. This section shall not apply to a person to whom a valid kennel license has been issued under § 111-10, or a dog housed in a research institution.
- J. Penalties shall be imposed as per § 111-11B(1).

§ 111-6 Barking and other noise caused by dogs.

- A. No person owning, keeping or otherwise responsible for a dog shall allow said animal to annoy another person's reasonable right to peace or privacy by making loud or other continuing noise, where such noise is plainly audible at a distance of 100 feet from the building, premises, vehicle, or other means of conveyance or housing of said dog, or where such noise is continuing for 15 minutes. The fact that such noise is plainly audible at said distance or continuing in excess of 15 minutes on a daily basis shall be prima facie evidence of a violation.

- B. Penalties shall be imposed as per § 111-11B(3).

§ 111-7 Animals in parked vehicles.

~~A. No animal may be left unattended in a parked vehicle at any time of year.~~

A. Any person owning, keeping, or otherwise responsible for a companion animal or pet or farm animal or livestock who confines said animal in a parked vehicle or trailer where the vehicle confinement has the possibility to endanger or does in fact endanger the health or safety of the animal shall be subject to a fine.

§ 111-8 Licensing and regulation of dangerous dogs.

- C. Upon determination by the Animal Control Officer that a dog is dangerous, the Animal Control Officer shall issue a written order to the owner or keeper of said dog concerning the restraint, remedial actions allowed under G.L. c. 140, § 157, or disposal humane euthanasia of such dog as they may deem necessary. At a minimum, said order shall state that the dog has been determined to be dangerous and shall require the owner or keeper of such dog to comply with the requirements of this bylaw.
- D. Without limiting the generality of the foregoing, the Animal Control Officer may order that said dog be humanely euthanized in accordance with the provisions of MGL c. 140, § 151A, or that said dog be confined in accordance with such limitations as the Animal Control Officer deems appropriate. If an order to euthanize is issued, a certificate must be provided to the Animal Control Officer confirming the action was carried out. ~~If the Animal Control Officer determines that the dog is to be permanently given or sold to new owner, removed, the new owner or keeper shall provide the Animal Control Officer with the name, address, and telephone number of the new owner or keeper of the dog.~~

§ 111-9 Control of dangerous dogs.

- C. No dangerous dog shall be licensed by the Town of Wellfleet for any licensing period unless the owner or keeper of such ~~vicious~~ dog displays a sign not to exceed one square foot on his or her premises warning that there is a dangerous dog on the premises. The sign shall be visible and capable of being read from the public or private roadway.
- D. All dangerous dogs shall be confined in an enclosure approved in writing by the Animal Control Officer. It shall be unlawful for any owner or keeper to maintain a dangerous dog upon any premises which does not have a locked enclosure or for any owner or keeper to allow any such dog to be outside of the dwelling of the owner or outside of the enclosure, unless it is necessary for the owner or keeper to obtain veterinary care for the ~~vicious~~ dog, or to comply with the orders or directions of the Animal Control Officer and/or the Selectboard with respect to the ~~vicious~~ dog, or to comply with the provisions of these bylaws. In such event, the dangerous dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length and shall be under the direct control and supervision of the owner or keeper of the ~~vicious~~ dog. Dangerous dogs shall not be permitted to run loose on any public or private way or any area within the Town of Wellfleet that is open to the general public, including but not limited to parks and beaches.
- E. ~~License revocation.~~ If the Animal Control Officer determines that a dangerous dog is being kept in

the Town in violation of these bylaws or any order issued by the Animal Control Officer, or the Selectboard, or of any court, the Animal Control Officer shall so notify the Selectboard. After giving notice to the owner or keeper of the hearing, the Selectboard shall hold a public hearing on whether to ~~revoke the license of said dog or to~~ take further action as outlined in G.L. c. 140, § 157, including euthanizing the dog. If the Selectboard ~~revokes the license of~~ decides to take further action against said dog and does not order it to be euthanized, they shall notify the owner or keeper of the dog and the Town Clerk within 10 days that said dog will be impounded and euthanized if it is found within the Town after the succeeding seven days. The Animal Control Officer or any Town of Wellfleet police officer shall seize and impound any dangerous dog found outside of its enclosure in violation of this bylaw or any order issued by the Animal Control Officer, Selectboard or any court.

§ 111-10 Kennel licenses, inspection and regulation.

- A. Requirement for kennel license. Any owner or keeper of four up to and including nine dogs, three months of age or older, being maintained at a premises, shall secure a Residential Kennel License. The Town Clerk shall not issue a Residential Kennel License unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that each dog ~~three~~ six months of age or older is currently vaccinated against rabies. Any owner or keeper of 10 or more dogs, three months of age or older, or of a premises maintained as a commercial kennel, shall obtain a Commercial Kennel License.
- B. Application and issuance of kennel license and fees.
 - (1) A Residential or Commercial Kennel License shall be issued annually by the Town Clerk upon written application by an owner or keeper of dogs and after inspection of the kennel and a determination, made by the Animal Control Officer, that the basic standards of cleanliness, proper care, confinement, and adequate shelter of said dogs exist on the premises. The name and address of the owner or keeper of each dog kept in any kennel, if other than the person maintaining the kennel, and a veterinarian's certificate verifying that each dog, ~~three~~ six months of age or older, is currently vaccinated against rabies and kennel cough, shall be kept on file on the premises and available for inspection by the Animal Control Officer or any authorized persons. Such license shall be in the form prescribed by the Town Clerk.
- G. Penalties shall be imposed as per § 111-11B(4).

§ 111-11 Fines and penalties.

- B. These penalties shall apply to all violations of Wellfleet's General Bylaws, Chapter 111, Article I, except that:
 - (1) Any person who violates the provisions of § 111-4 shall be subject to a verbal or written warning for the first offense, a fine of \$50 for the second offense and a fine of \$100 for the third and any subsequent offenses.
 - (1) ~~Section 111-4, Dogs must be leashed, and §~~
 - (3) Section 111-6, Barking and other noise caused by dogs. Owners or keepers of dogs found in violation shall be fined \$50 for each offense;

(4) Section **111-10**, Kennel licenses, inspection and regulation. Kennel owners shall be subject to a penalty in the amount of \$50 per day for each day of violation. Each day or portion thereof shall constitute a separate offense. If more than one, each provision violated shall constitute a separate offense.

Article II

Dogs at Large

[Adopted as Art. VII, Sec. 25, of the General Bylaws]

~~§ 111-12 Dogs in cemeteries.~~

~~No person shall permit a dog to enter within the boundaries of any cemetery in the Town of Wellfleet.~~

§ 111-12. (Reserved)

§ 111-13 **Restraint requirements.**

All dogs within the territorial limits of the Town of Wellfleet shall be restrained by a leash unless confined to the property of their owners. Any dog found running at large may be restrained and impounded. The owner of any dog so removed shall be liable for boarding expenses at the pound at the rate established by the Animal Control Officer. The Town of Wellfleet Police Department (including special officers) and the Animal Control Officer shall have the authority to enforce this section. The provisions of this section shall not apply to Seeing Eye dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place, nor to any dogs properly trained and under control for aiding the deaf, nor to any dogs qualified as a service animal under the Americans with Disabilities Act or regulations promulgated thereunder.

§ 111-14 **Violations and penalties.**

Any dog found running at large will be removed and impounded. If it is the first offense subject to this article committed by a person within a calendar year, the payment of a fine of \$50 or a warning charge shall be may operate as final disposition of the case dismissed without the payment of any fine; if it is the second offense so committed in the calendar year, the payment of a fine of \$25 \$100 shall may operate as final disposition of the case; if it is the third offense so committed in a calendar year payment of a fine of \$30 \$300 shall may operate as final disposition of the case; if it is the fourth or subsequent offense so committed the payment of a fine of \$50 \$500 shall may operated as a final disposition of the case. The owner of any dog so removed is also liable for boarding expenses at the pound at the established rate. The Town of Wellfleet Police Department (including special officers), and the Dog Officer Animal Control Officer, and any other officials whom the Selectboard may from time to time designate shall have the authority to enforce this article.

(Requested by the Animal Control Officer)

Majority Vote Required

Recommendations:

Selectboard: Yes – 3, No – 0, Abstain -2– 0.

Bylaw Committee: Yes-3, No-0, Abstain -0

It was moved and seconded that the Town amend the Wellfleet General By-Laws by amending Chapter 111 by deleting the ~~striketrough~~ language, and adding the underlined language as printed under Article 13 in the warrant.

The Moderator declared that the motion carried by a majority vote.

ARTICLE NO. 14 – GENERAL BYLAW AMENDMENT – ANIMAL CONTROL REGULATIONS (BEACH):

To see if the Town will amend the Wellfleet General By-Laws by amending Chapter 111 by deleting the ~~striketrough~~ language, and adding the underlined language as follows, or take any other action relative thereto.

Article IV
Domesticated Animals on the Beach

§ 111-18 Domesticated Animals Prohibited From Beach Areas:

- A. For purposes of this Article, the definitions contained in § 111-3 are incorporated herein by reference. In addition, the definition of Beach (as defined in §111-3) shall also include areas below the high water mark where shellfishing could or does take place.
- B. Domesticated Animals are prohibited from the lifeguarded portions of Newcomb Hollow, Cahoon Hollow, White Crest and Maguire Landing at LeCount Hollow between the hours of 9am and 5pm during the summer season (3rd Saturday in June – through Labor Day) except to walk from the parking lot to a point beyond the end of the guarded beach.
- C. Domesticated Animals are prohibited from the following saltwater beaches and landings: Burton Baker, Indian Neck and Nauset Road, Mayo Beach and Powers Landing.
- D. All owners and Keepers of any Domesticated Animal shall keep said Domesticated Animal under the owners and keepers' control so not to be a nuisance to bathers at all town landings and beaches at all times.
- E. Domesticated animals are prohibited in the following freshwater ponds and on the beaches of these ponds from May 15th through October 15th: Gull Pond, Long Pond, Great Pond, Duck Pond, Higgins Pond, the Sluiceway, Spectacle Pond, or Dyer Pond.
- F. The provisions of this section shall not apply to any service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder, and Massachusetts General Law.

§ 111-19 Enforcement.

- A. The Officers of the Wellfleet Police Department, Animal Control Officers, Harbormaster, Assistant Harbormasters, Shellfish Constable, Deputy Shellfish Constables shall have the authority to enforce the provisions of this article.
- B. Violations of this article shall be enforceable under the noncriminal disposition procedures established by MGL c. 40, § 21D. The noncriminal disposition penalties for any person violating this article shall be a warning or \$50 for the first violation; \$100 for the second violation; \$300 for the third violation; and each subsequent violation. Each day of violation shall constitute a separate offense.

(Requested by the Animal Control Officer)

Majority Vote Required

Recommendations:

Selectboard: Yes – 5, No – 0, Abstain – 0.

Bylaw Committee: Yes-3, No-0, Abstain -0

It was moved and seconded that the Town amend the Wellfleet General By-Laws by amending Chapter 111 by adding Article IV Domesticated Animals on the Beach as printed under Article 14 in the warrant.

The Moderator declared the motion carried on a majority vote.

ARTICLE NO. 15 – PETITIONED DREDGING MITIGATION
ARTICLE: TO PROHIBIT THE INCLUSION OF PRIVATELY OWNED
LAND IN THE DREDG- ING MITIGATION WITHOUT AGREEMENTS
WITH THE PROPERTY OWN- ERS:

To see if Town Meeting will prohibit the Town to enter into any Dredging Mitigation Agreement Agreement committing property not owned by the Town until agreements have been reached with all privately interested parties and duly approved by a vote of Town Meeting, or to do or act anything thereon.

(Citizens Petition)

Recommendations:

Selectboard-Yes-0, No-4, Abstain-1

Bylaw Committee-Yes-3, No-0, Abstain-0

Mr. Morse moved, and it was seconded to indefinitely postpone Article 15.

The Moderator declared that the motion carried by a majority vote.

ARTICLE NO. 16 – PETITIONED DREDGING MITIGATION
ARTICLE: DIS- POSITION OF TOWN-OWNED LAND

Disposition of Town Property Drummer Cove/Blackfish Creek Parcel 30-188 to see if the Town will vote to enter into a regulatory restriction with the Army Corps of Engineers for Drummer Cove/Blackfish Creek, Assessors Map 30 Parcel 188, or to do or act anything thereon.

(Citizens Petition)

Recommendations:

Selectboard-Yes-0, No-0, Abstain-

Mr. Morse moved, and it was seconded to indefinitely postpone Article 16.

The Moderator declared carried by a unanimous vote.

ARTICLE NO. 17-PETITIONED DREDGING MITIGATION FUNDING AMENDMENT.

To see if the Town will vote to amend the prior appropriation of \$7,500,000 authorized by Article 12; Wellfleet Harbor Dredging at the 2019 Annual Town Meeting to read:

To see if the Town will vote to appropriate the sum of \$7,500,000, or any other sum, for the purpose of paying all costs related to preventive maintenance dredging and for payment of all other costs incidental and related thereto, except for cost incidental or related to any USACE mitigation plan required for the dredging of "Area II", and that to meet this appropriation the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1). or pursuant to any other enabling authority. and to issue bonds or notes of the Town therefore, provided. however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of M.G.L c. 59, §21C (Proposition 2½). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Or to take any other action in relation thereto. (Citizens Petition)

Majority vote required

Recommendations:

Selectboard- Yes-, No-, Abstain-

Mr. Morse moved, and it was seconded to indefinitely postpone Article 17.

The Moderator declared the motion carried by a majority vote.

ARTICLE NO. 18 - REPORTS OF BOARDS AND COMMITTEES:

To hear reports of the Selectboard, Town Officers, and all other Committees and to act thereon, or do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote required

Recommended:

Selectboard- Yes-5, No-0, Abstain-0

It was moved and seconded that the Town hear reports of the Selectboard, Town Officers, and all other Committees and to act thereon.

The Moderator declared the motion carried by a unanimous vote.

ARTICLE NO. 19 - OTHER BUSINESS:

To act on any other business that may legally come before the meeting.

Not having any other business before the meeting, Daniel R. Silverman made a motion and it was seconded, to dissolve the September 18, 2023 Special Town Meeting at 9:40pm.

The Moderator declared the motion carried on a unanimous vote.

A TRUE COPY ATTEST:

Jennifer M. Congel
Town Clerk