

***Wellfleet Selectboard
Hybrid Meeting
Zoom/Old Kings Highway Wellfleet
Tuesday January 17, 2023; 7pm
Meeting Minutes***

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Kathleen Bacon, Barbara Carboni, John Wolf

Others Present: Rebekah Eldridge, Executive Assistant; Bruce Hurter, Open Space Committee; Mary Rogers, Community Preservation Committee; John Mankevetch, Nancy Civetta, Shellfish Constable; Gary Sorkin, Chair of the Community Preservation Committee; Dennis O'Connell, Abutter of Egg Island; Helen Miranda Wilson, Resident; Deb Mattingly, Robert Stewart, Resident applying for a board or committee membership; Tim Sayer, Resident of Wellfleet

Chair Curley Called the meeting to order at 7:04pm

I. *Announcements, Open Session and Public Comments*

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Chair Curley announced that The Town Administrator was attending the Finance Committee meeting and would join virtually when that meeting was over.

Board Member Bacon thanked the attendees and people who put on the MLK 21st annual walk.

Civetta announced that both “Johnny Clam and Chris Manuella have been with the town for 17 and 22 years.

II. *Consent Agenda*

A. Common Victualler Licenses ~ Please see Selectboard packet for full list

B. Re-Appointment of John Mankevetch to Assistant Constable for Propagation

C. Re-Appointment of Chris Manulla to Deputy Shellfish Constable

D. Letter from The Bookstore Restaurant to close The Bookstore and Bomb Shelter for repairs and renovations. See letter for details

E. Use of Town Hall driveway and lawn ~ Sunday July 16, 2023 (rain date July 23, 2023) 7am-2pm ~ Annual Summer book sale, Friends of the Library

F. Josh Yeston ~ Appointment to the Wellfleet Cable Advisory Committee

G. Conservation Trust Grant to be resigned by Selectboard ~ previously approved.

H. Use of Town Property Duck Harbor Rd./NSP/Ducks Unlimited

Chair Curley Moved; Board Member DeVasto seconded, and it was voted to adopt the consent agenda as printed

Roll Call Vote: 5-0

III. *Public Hearings*

Chair Curley Opened the public hearing at 7:06

- A.** Review the annual list of community needs for Community Housing, Historic Preservation, Open Space and Outdoor Recreation, gathered by the Wellfleet Community Preservation Committee in accordance with the Community Preservation Act, G.L. c. 44B.

Rogers and Hurter came to the microphone and Sorkin was on virtually, he gave a brief explanation of why this group was in front of the board, explaining that they are required each year to go in front of the board with a hearing explaining the town's needs.

Hurter began with the open space committee's opening statement. He read a document explaining his articles for the annual town meeting in April of 2023. The board had some questions for Hurter. Rogers stated that if there were any questions for the community needs, anyone could contact her at town hall.

Chair Curley moved to close the public hearing for Community Housing, Historic Preservation, Open Space and Outdoor Recreation, gathered by the Wellfleet Community Preservation Committee in accordance with the Community Preservation Act, G.L. c. 44B.

Roll Call Vote: 5-0

- B. *Chair Curley and Board Member DeVasto recused themselves from this public hearing.***

Board Member Carboni chaired this portion of the hearing.

Continuation of Hearing to extend grant license 2000-06; Nick Sureck
Carboni asked the constable to explain what had happened since the last continuation of this hearing.

Civetta spoke to the board explaining that she has been back and forth with town counsel trying to understand the details of this hearing. She stated she is trying to understand the mean low water and is still collecting information and asked the board to continue this hearing until January 31, 2023, when there is another Egg Island hearing in front of them in January. O'Connell questioned what was going on with this parcel, Civetta stated she would explain once she had all the answers from town counsel. Wilson spoke to the board and asked them to go back and watch a previous meeting that addressed this issue. Mattingly also spoke to the board stating some of her concerns and about what the residents want in the development of that area.

Board member Wolf Moved; Board Member Bacon Seconded and it was voted to continue this hearing until January 31, 2023, 7pm.

- C. *Chair Curley Opened this hearing at 7:31pm***

Application received December 9, 2022, from New Fleet Corporation, dba Hog Island Surf Lodge & Beer Yard, 842 Route 6 Wellfleet, MA, Mike McNamara, Manager, for a new Year-Round All Alcohol Restaurant License. Chair Curley explained that the hearing will be continued because the manager is ill and wanted to attend the meeting., Chair Curley stated he would take public comments if there were any,

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to continue the public hearing until January 24, 2023, at 7pm
Roll Call Vote: 5-0**

D. Chair Curley Opened this hearing at 7:33pm

Application received December 27, 2022, from Ekadanta, Package Corporation; DBA Wellfleet Wine and Spirits; 2568 Route 6, Wellfleet, MA 02667; Manager Niles Marfatia, for an amended alcohol license, to go from seasonal to year-round.

Eldridge explained that there are no off-premises year-round alcohol licenses available to the town of Wellfleet therefore the board could not vote on this application.

Chair Curley Closed the above hearings at 7:45pm

IV. *Licenses*

A. Weekday Entertainment ~

Wellfleet Harbor Actor's Theater

The Copper Swan

Flying Fish Café

Chair Curley Moved; Board Member Seconded and it was voted to approve the above-named restaurants weekday entertainment licenses.

Roll Call Vote: 5-0

V. *Board/Committee Appointments and Updates*

A. Robert Stewart ~ Appointment to the Wellfleet Conservation Commission

Chair Curley Spoke to Stewart asking if he had interest in more than one board and listed the Planning Board had an alternative, and the Wastewater Committee. Stewart questioned the time commitment for the boards. Wilson spoke to the board stating that he wasn't able to be on two regulatory boards per the Wellfleet Charter. Carboni stated that she felt he would be best fit as a member of the Conservation Commission.

Chair Curley Moved, Board Member Carboni Seconded, and it was voted to appoint Robert Stewart to the Conservation Commission for a term of three-years, to be sworn in by the town clerk and to read all rules and regulations of the town to be a member of the committee.

Roll Call Vote: 5-0

VI. *Business*

A. Zoning Bylaw Amendment - Inclusionary Zoning ~ Chair Curley

The board discussed this bylaw and Carboni stated she looked into what other towns have done with respect to the threshold. Chair Curley spoke to the restrictions and the threshold of the units. DeVasto stated that he felt 2 units is too low of a threshold giving some examples.

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to amend the proposed bylaw to strike 6.28.3 A development of 2 or more dwelling units.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to refer the inclusionary zoning bylaw amendment as drafted to town counsel for review and comment and to the Planning Board as a draft for comment.

Roll Call Vote: 5-0

B. Zoning Bylaw Amendment - Definitions of Trees ~ Chair Curley

The board moved on to the definition of trees and there was little discussion with not many issues. The only issue brought up was woody trees brought up by Board Member DeVasto, he also stated that he feels they should be careful when talking about private property.

C. Zoning Bylaw Amendment - Cutting Timber within the NSP ~ Chair Curley

The Board discussed cutting timber within the National Seashore Parks. The board discussed this bylaw amendment in great detail.

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to amend the Cutting of Timber Bylaw Amendment striking the first exemption for the section that states “shall not apply to the removal of trees threatening peoples’ structures, roadways, or utilities”.

Roll call vote: 5-0

D. Zoning Bylaw Amendment - Landscape and Tree Preservation ~ Chair Curley

The Board moved on this landscape and tree prevention bylaw amendment. Chair Curley gave some points of reference for the board. Carboni questioned how this would apply to a homeowner if they decided they wanted a different look not a new homeowner, how does it operate with new construction. Chair Curley explained the table that was presented in the amendment.

E. Zoning Bylaw Amendment – Locally Notable Trees ~ Chair Curley

Bacon Spoke to the board commending Chair Curley for all his hard work on these bylaw amendments.

The board discussed this amendment, Chair Curley explained these are very large trees. DeVasto stated they are 36 inch in diameter. There weren’t many issues with this bylaw amendment. DeVasto questioned who was the granting authority? Chair Curley explained the granting authority is the Zoning Board of Appeals unless the Planning Board is specially designated. It was discussed what if there is a tree with a limb that is dangerous or impending danger on a homeowner’s home. The exemption was discussed being removed, as it may take a long period of time that could damage the house the homeowner doesn’t have time to wait for a ZBA hearing. Carboni suggested inserting language that states there is imminent threat of people’s structures, roadways or utilities,

Chair Curley Moved, Board Member Carboni Seconded and it was voted to amend the locally notable tree bylaw amendment to read if there is imminent threat of people’s structures, roadways, or utilities.

Roll Call Vote: 4-0-1 (DeVasto voted no).

Board Member Moved, Board Member Seconded; and it was voted to refer the tree preservation bylaws as amended to town counsel for review and comment and to the Planning Board for comment as draft.

Roll Call Vote: 4-1-0 (DeVasto voted no)

F. Capital Improvement Budgets ~ *Deferred to January 24, 2023, meeting.*

- Wellfleet IT Department
- Maurice's Campground Planning & Development

VII. *Selectboard Reports*

Chair Curley stated the cape and islands water protection fund met last week and he explained the fund is not taking in enough money to cover wastewater money matters. He gave some information on what the state planned on doing and what they are currently doing. He informed the board that as of 2025 the fund will be completely out of money.

Wolf gave a report to the board from the Dredging Task force meeting that he attended and the Marina Advisory Board. He gave an update on both meetings, covering dredging, and updates from the Shellfish Constable. Wolf explained that there was a long discussion with the Marina Advisory Committee about paid parking at the Marina. Taxpayers paying one fee and non-taxpayers paying a different fee.

VIII. *Town Administrator's Report*

Waldo was unable to join the meeting due to him being at the finance meeting, the board commented on his great reports and Eldridge stated she will put all past and upcoming reports on the town's website under town administrator.

Please see the packet or the Administration page for the full reports.

IX. *Topics for Future Discussion*

Parking at the Marina needs to be addressed.

Cost for hearings needs to be addressed, DeVasto spoke to the board about thinking he was recused because it was only shellfish related.

X. *Vacancy Reports*

Please see the packet for the full report

XI. *Minutes*

A. December 20, 2022

Bacon asked for clarification public record, the attorney that spoke Dalmas she was the attorney for the abutters Michael Shannon and Brad

Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the minutes of December 20, 2022, as amended.

Roll Call Vote: 5-0

XII. *Adjournment*

Chair Curley Moved, Board Member DeVasto Seconded, and it was voted to adjourn the meeting.

Roll Call Vote: 5-0

Meeting Adjourned: 9:05pm