

***Wellfleet Selectboard  
Virtual Meeting: Zoom  
Tuesday January 24, 2023, 7pm  
Meeting Minutes***

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

**Others Present:** Richard Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant;  
Josh Yeston, Chris Easley, Nauset School District; Joe Aberdale, Chair of the Marina Advisory  
Committee; Merrill Mead-Fox, Cultural Committee; David Mead-Fox; James Badera, Building  
Commissioner

Chair Curley called the meeting to order at 7:03pm

**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.

There were no announcements.

**II. *Consent Agenda***

- A. Approve the DPW Spring Tax Insert ~ DPW~ has been approved by the collector.
- B. Appointment of Adrien Kmiec to the Shellfish Advisory Board ~ **Bacon recused herself from this agenda item.**
- C. Support Letter ~ FY22/23 Housing Rehab & Childcare Voucher Program Application
- D. Compact of Cape Cod Conservation restriction, signatures needed ~ Dennis O'Connell
- E. Common Victualler Licenses ~
  - Wellfleet Beachcomber
  - The Bagel Hound

**Chair Curley Moved, Board Member Wolf Seconded; and it was voted to approve all items in the consent agenda with the exception of item B.**

**Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member Seconded; and it was voted to approve Adrien Kmiec to the Shellfish Advisory Board, to be sworn in by the town clerk and follow all bylaws and regulations of the town of Wellfleet.**

**Roll Call Vote: 3-1-1 (Devasted abstained, Bacon recused).**

### **III. *Public Hearings***

#### **Chair Curley Opened the below public hearings:**

- A. **Continued from January 17, 2023**; 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.

McNamara presented to the board the plans to keep the restaurant open year-round. He stated he is the owner and founder of the Hog Island in Orleans and is now the manager and part owner of Hog Island Surf Lodge and Beer Yard. He explained that his goal is to have people be able to socialize and bring the community together throughout the year. The board thanked him to be willing to stay open and face the challenges of the winter season on Cape Cod. They questioned him about his concern for staffing, he had none.

**Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the application from New Fleet Corp., DBA Hog Island Surf Lodge & Beer Yard, Manager Mike McNamara to go from a seasonal alcohol license to a year-round alcohol license following all the rules and regulations of the Town of Wellfleet.**

**Roll Call Vote: 5-0**

### **IV. *Use of Town Property***

- A. Second Summer Cycle, LLC ~ Cape Cod Chamber of Commerce ~ September 17, 2023, 10:30am – 2:30pm ~ See packet for full details.

Chair Curley questioned if the applicant was on the meeting. Chair Curley stated he had some issues with this application and needed to speak with the applicants. He stated the route is on dirt roads and the map doesn't make sense. He would like to meet with the applicant. The board will take this up at the January 31, 2023, meeting.

**NO ACTION WAS TAKEN**

### **V. *Board/Committee Appointments and Updates***

- A. CNR Bridge noise bylaw ~ work being performed ~ Town Administrator Waldo spoke to this agenda item discussing with the board that this project is going to be tide dependent at certain times. He stated that the crews may need to get into the area between 6am through 6:45am. This will be a slow moving project but once the infrastructure is ready it will be important to get this project moving. He stated he isn't looking for the later half of the day more for the early part of the day and is asking for an exemption.

Yeston spoke to the board asking about the noise and what noise would be heard. Waldo explained diesel engines would be heard and the construction equipment would be heard. He stated that it wouldn't be overwhelming loud.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to authorize Mig Construction to start work outside of the hours so controlled in the noise bylaw subject to the prior approval of the town administrator.**

**Roll Call Vote: 5-0**

B. Possible Wellfleet Residential Zoning Task Force ~ Wellfleet Affordable Housing Trust ~ Harry Terkanian

Terkanian spoke to the board about having a zoning task force and explained to the board why. He stated the affordable housing trust voted to try and replicate what the town of Eastham has, however he stated that the staff in Wellfleet has much to do and there isn't enough time for the staff to take this on now. He stated he has not spoken to the Planning Board about this suggestion yet but haven't asked for any formal input yet. The board discussed this and upcoming funding possibilities for the town. Chair Curley stated the administration staff doesn't have the capacity to file for upcoming grant opportunities. Terkanian stated he would be willing to attempt this as long as it wasn't an urgent matter.

**NO ACTION WAS TAKEN**

C. Nauset Regional school district agreement

Easley spoke to the board about the agreement for funding for the new Nauset High School. He explained that they have received the same information that the board has received and the documents have been sent to the attorney's for the school. He explained the process of augmenting regional agreements and stated it is a difficult process and towns that wish to join need to do so before this project begins. Chair Curley asked the committee to take into account the interest in investments other towns have made into consideration. Bacon agreed. They discussed when this negotiation would begin. Easley stated that next year the negotiations would begin next year and explained what the agreement entails.

**Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to request the Nauset Regional School Committee take into consideration the investments that the other towns within the district have made into the school when negotiating tuition agreements.**

**Roll Call Vote: 5-0**

D. Marina Advisory Committee Charge Amendment ~ Joe Aberdale MAC Chair

Aberdale spoke to the board regarding the change in the Marina Advisory amendment. He explained what was added into the charge and the changes made. They discussed the fee schedule that Aberdale put into the charge. Chair Curley stated that the section that discusses complaints needs to be removed, as he feels it interferes with employee rights, and not having the marina advisory committee enforce complaints with employees. Aberdale continued explaining that boaters and people at the pier who have issues or concerns go to the Harbormaster and the committee to help resolve those issues, and not have to go up to the Selectboard or Administration. Chair Curley stated that he is concerned about potential violation of employee rights. He explained that there are procedures to be followed. DeVasto explained that he has a concern of overlapping of charges with other committees, he used the natural resources advisory board and the harbor management board. Aberdale stated he would strike the complaints part of the updated charge and approve the other changes.

Bacon stated she is uncomfortable having a complaint committee for the harbormaster. She continued that there is a human resource director and town administrator who can field any and all complaints. Chair Curley asked Aberdale to come back before the board with these items removed. They discussed the changes in the charge further. This will be put on the February 21, 2023, Agenda.

**NO ACTION WAS TAKEN**

- E. Discuss amendments to Wellfleet's Demolition Delay Bylaws, to resemble the Massachusetts Historical Commission's Sample Demolition Delay Bylaws ~ Wellfleet Historical Commission ~ Merrill Mead-Fox

Mead-Fox spoke to the board about amending and updating the bylaws for demolition. She presented on the screen changes that have been made with the building commissioner James Badera. She explained to the board why these needed to be updated. She continued her presentation to the board. The board had questions and discussed percentages with Mead-Fox. Badera spoke to the board with regard to his comments and recommendations with this amendment. They continued suggesting changes and what could be presented as a new bylaw. Mead-Fox suggested to the board that she go back to the historical commission with changes and make the changes that were discussed at tonight's meeting.

**NO ACTION TAKEN**

- F. Update & New Specialized Code ~ Wellfleet Energy and Climate Action Committee ~ David Mead Fox

Mead-Fox spoke to the board and stated he was at the meeting representing the energy and climate action committee. He stated he wanted to present changes to the board, explain the process of how these changes can go into effect, and to possibly put these changes into the warrant for the spring town meeting. He explained the documents that were in the selectboard packet. He discussed the code changes to the board and why they would benefit the town. He stated that they will be sitting down with the building commissioner and the builders throughout the lower cape, they will hold an event to go through these changes. Badera spoke to these changes and his point of view on the changes and some of his concerns on the process. The board had questions for Mead-Fox with some concerns they had with this new code. Mead-Fox stated he would take the board's comments back to his committee and the building commissioner for further development.

**NO ACTION WAS TAKEN**

## **VI. *Business***

- A. Letter regarding wastewater funding and DEP draft regulations

Chair Curley discussed the letter he had written with the board and stated he was considering deleting a paragraph. Bacon stated it was a good letter and didn't think there needed to be a paragraph deleted. She questioned if the Board of Health had read the letter. He stated they hadn't because the deadline for the letter was January 31, 2023, and he didn't feel there was time to bring it in front of

them now. He screen shared the letter and the paragraph he wished to delete. The boards agreed with his decision to delete. They discussed the letter and agreed to sign this letter so it could be sent immediately.

**Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the letter as drafted.**

**Roll Call Vote: 5-0**

B. Capital Improvement Budgets ~ Town Administrator

- Wellfleet IT Department

Waldo went over the Information Management System; he stated that this is a reoccurring request and explained that it will eventually change as he would like to IT department to change. He explained why the budget was what it was listed at stating that staying on top of technology equipment is very important.

**Chair Curley Moved; Board Member Wolf Seconded, and it was voted to approve the IT capital improvement plan**

**Roll Call Vote: 5-0**

- Maurice's Campground Planning & Development

Waldo discussed with the board that the town is now owners of a campground and they need to start thinking about running and updating this property. He stated one of the biggest project is getting the campground onto the Eastham Water System. He explained that he had met with Eastham to discuss how to pay for the connection the their water system. The board had questions for Waldo and the planning of this project.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the Maurice's Campground Planning and Development Capital Improvement Plan.**

**Roll Call Vote: 5-0**

C. Zoning Bylaw Amendment ~ Food Establishment ~ Chair Curley

Chair Curley stated that the meeting on the 31<sup>st</sup> was a light agenda and asked the board to move this item to next week.

VII. ***Selectboard Reports***

Wolf gave an update on the marina advisory committee meeting he attended and the dredging task force.

VIII. ***Topics for Future Discussion***

Chair Curley stated he had a list of upcoming items and would discuss them at a future meeting.

IX. ***Adjournment***

**Chair Curley Moved; Board Member Seconded; and it was voted to adjourn the meeting.**

**Roll Call Vote: 5-0**

**Meeting Adjourned: 9:58pm**

***Approve February 7, 2023 \*\*\* A full recording of this meeting can be found on the town's website \*\*\****

***Public Documents:***

***Spring Tax Insert for department of public works***

***Application from Adrien Kmiec to the Shellfish Advisory Board***

***Support Letter ~ FY22/23 Housing Rehab & Childcare Voucher Program Application***

***Compact of Cape Cod Conservation restriction, signatures needed ~ Dennis O'Connell***

***Common Victualler Licenses ~***

- ***Wellfleet Beachcomber***

- ***The Bagel Hound***

***Shellfish Public Hearing Documents for Nick Sirucek***

***Application for Use of Town Property ~ Bike Race***

***Documents for the Herring River Bridge noise exception***

***Zoning Task force paperwork***

***Nauset Regional School District Documents***

***Marina Advisory Charge Amendments***

***Historical Commission Documents of Demolition Bylaw amendment***

***Amended specialized code documents for energy and climate action.***

***Letter to Department of Environmental Protection***

***Capital Improvement Budgets for IT, and Maurice's Campground***

***Food Establishment Zoning Bylaw Amendment***