

**Wellfleet Selectboard
Hybrid Meeting
Zoom/ 715 Old King's Highway, Wellfleet
Tuesday July 11, 2023
Meeting Minutes**

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

Others Present: Richard Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Kevin LaRocco, Deputy Chief of Police; Suzanne Grout Thomas, Community Service/Beach Director; Jay Pawa, Sacred Surf School, LLC; Leigh Cremin, Collective Dynamics; Rebecca Arnoldi, Be Body & Earth; Jeffry Korgen, Planning Board Applicant; Chris Merl, Resident; Tim Sayre; Dan Murray, owner of the Beach Comber; Curt Felix; Suzane Reverby, Kevin LaRocco; Deputy Chief; Lt. Turner; Suzanne Grout Thomas, Beach/Community Service Director; Rebecca Arnoldi, applicant for use of town property, Gerry Parent, Chair of the Wellfleet Planning Board

Chair Called the meeting to order at: 7:00pm

I. *Announcements, Open Session and Public Comments*

Note: *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.*

Merl spoke to the board about a scallop dinner at the Congregational Church on the 16th of July, he also explained he will not be able to attend the July 13th meeting as an applicant as he will need to be fishing. Merl spoke to the board about his concerns regarding the conduct of Board Member DeVasto.

Murray, General Manager of the Beach Comber: he spoke about the Cahoon Hollow beach issues, he questioned the enforcing of alcohol drinking on the beach. He read a complaint letter to the board about the vibe that is being killed on the beach. He explained there are many other ways that the town can enforce safety.

Bacon spoke to the board; stating that there has been 2 members of the board that have asked for a reorganization of the board and has been ignored and wanted this known for public record.

Felix spoke to the board stating that there is a crisis in leadership, stating there was significant overreach because of the chair, and he is stating that if the overreaching continues from the chair there will be more issues in Wellfleet. He stated he felt the Selectboard should be reorganized to keep in the spirit of.

Reverby, spoke to the board about the issues about the board and stated there needs to be reorganization of the board before the town goes into receivership.

II. *Consent Agenda*

There were no items on the consent agenda to be voted on or approved.

III. ***Community Updates***

A. Police Department fourth of July weekend update

LaRocco and Turner briefed the board and public on the weekend of July 4th he stated there was a letter to the board, with a decrease in busses due to the weather. He stated this year there were 36 buses compared to last year there were 109 buses. Wolf questioned the Chief about the large presence of the police at the beach. LaRocca explained that they are there to educate the public with the new regulations not to ruin the beachgoers time on the beach. The board spoke to the Lt. and Chief thanking them for their service and time on the beach. Waldo stated that after this season they would go back to the Park Service to discuss the season and moving forward with drop off locations.

NO ACTION WAS TAKEN

IV. ***Public Hearing***

Chair Curley opened the public hearing at 7:16pm:

- A. Beach Rules and Regulations ~ Maguire's Landing/Lecount Landing Beach to be a resident and Taxpayer Beach permanently ~ Suzanne Grout Thomas Thomas spoke to the board making this a permanent decision, so it doesn't need to be brought back in front of the board in the future. DeVasto made the point that this is just a parking privilege for residents and taxpayers, the beach is open to all. Sayer spoke to the board asking to amend the motion stating it is for parking.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve McGuire's Landing at Lecount Hollow to be a resident taxpayer parking only.

Roll Call Vote: 5-0

V. ***Use of Town Property***

- A. Sacred Surf School, LLC ~ Jay Pawa ~ Whitecrest Beach, surf lessons for groups of no more than 10 people.

Jay was not on the meeting,

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve Jay Pawa of Sacred Surf LLC, to use Whitecrest Beach for surf lessons for small groups for a fee of \$385.00.

Roll Call Vote: 5-0

- B. Collective Dynamics ~ Leigh Cremin ~ varies sidewalk and grassy areas to do street performances with her 2x2 chalkboard for "Word Play" ~ see application for further details.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the various places in Wellfleet to perform word play with a chalk board and chalk ending September 30, 2023.

Roll Call Vote: 4-1 (Bacon voted No)

- C. Rebecca Arnoldi ~ Nature classes/walks ~ Newcomb Hollow, Mayo Beach August through September.

Arnoldi spoke to the group explaining her nature walks and what she plans to do with them. There was discussion of a fee.

Chair Curley moved; Board Member Carboni Seconded; and it was voted to approve the use of Newcomb Hollow and Mayo Beach for nature walks

and calming classes for a fee to be negotiated with the Community Service Director.

Roll Call Vote: 5-0

VI. *Board/Committee Appointments and Updates*

A. Appointment of Jeffry Korgen to the Wellfleet Planning Board

Korgen spoke to the board about his application. The board asked if Korgen knew anything about zoning and housing, he spoke to both. Stating he didn't have a lot of knowledge with zoning, and he spoke about housing and his work on studying land trusts. Curley asked him to review the housing production plan.

Chair Curley Moved; Board Member Seconded; and it was voted to approve the appointment of Jeffry Korgen to the Wellfleet Planning Board as a voting member, for a term of three years to end June 30, 2026, to be sworn in by the town clerk and to take the required ethics class online before voting at a public meeting.

Roll Call Vote: 4-0-1 (DeVasto abstained)

DeVasto spoke to the board members stating that there was a discussion to reorganize the board. Chair Curley stated that this would be an illegal motion and DeVasto was out of order.

DeVasto moved; Board Member Wolf Seconded; and it was voted to reorganize the board at the agenda on the next meeting.

Roll Call Vote: 4-1 (Curley voted no)

There was much discussion on this, and it was decided that town counsel will look over this motion and determine if it is legal. Town counsel joined the meeting later in the agenda, Waldo asked if the Chair could address the previous concerns and the Chair didn't wish to go back to this item.

VII. *Zoning Bylaws for Special Town Meeting Warrants*

A. Inclusionary Zoning

Chair Curley spoke to the board about this bylaw stating the Harry Terkanian amended it a little to take most of the math out of it. The board spoke about some of the amendments and the bylaw.

Parent spoke to the board about posting a public hearing regarding the zoning. He then stated that this is a very short amount of time for zoning bylaws to be on a warrant.

Curley explained to Parent that the Planning Board spoke about all these zoning bylaws previously. Parent explained that these were changes and there still hasn't been a final version sent over to them for them to review. DeVasto spoke in favor of Parent's remarks.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to refer the Inclusionary Zoning Bylaw as a draft to the Planning Board and town counsel for comment and respond to the town administrator.

Roll Call Vote: 5-0

B. Cottage Colonies

Chair Curley stated that this was a straightforward bylaw. Parent agreed. The board had a few questions for the increase of numbers.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to refer The Cottage Colonies Zoning Bylaw Amendment to the Planning

Board and town counsel as a draft to follow the town administrator's schedule.

Roll Call Vote: 5-0

C. Intensity of Use of Multi-Family Dwellings

Chair Curley spoke to the board and has been seen by the Planning Board and town counsel and has not been changed. The board discussed this bylaw, including septic and the watershed permit.

Chair Curley Moved; Board member Wolf seconded; and it was voted to defer the Intensity of Use of Multi-Family Dwellings Zoning Bylaw Amendment for a public hearing to be held within 65 days.

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

D. Developments of Significant Planning Interest and Food Establishments

Bacon stated she wanted this to be sent to the Planning Board and town counsel in draft form and to town counsel for review. She stated this needs to go back to them with changes. DeVasto stated he has trouble with this bylaw stating that he believes this could cause unending litigation. Parent stated that this could make most if not all the restaurants in Wellfleet preexisting nonconforming. The board continued to discuss this bylaw and how it would be determined.

Board Member Bacon Moved; Chair Curley Seconded; and it was voted to refer the Development of Significant Planning Interest and Food Establishments to the Planning Board for a public hearing to be held within 65 days.

Roll Call Vote: 4-1 (DeVasto voted No)

E. Definition of Trees

Board Member Bacon Moved; Chair Curley seconded; and it was voted to refer the Definition of Trees to the Planning Board for a public hearing to be held within 65 days.

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

F. Cutting of Timber Amendment

Sayre spoke against this motion stating that the board doesn't have the right to not allow the members to strip property owners. The board discussed having the building commissioner be the person to allow the cutting of trees.

Chair Curley Moved, Board Member Carboni Seconded; and it was voted to refer the Cutting of Timber Zoning Bylaw Amendment to the Planning Board for a public Hearing as amended to be held within 65 days.

Roll Call Vote: 5-0

G. Landscape and Tree Preservation Bylaw

The board moved onto this bylaw Chair Curley explained that this was a vote at town meeting to ask the Selectboard to draft a bylaw.

DeVasto stated that he is against this bylaw, and he feels the town shouldn't be telling residents they can't cut trees on their own property. Wilson spoke to this article.

Chair Curley Moved; Board Member Seconded, and it was voted to refer the Landscape and Tree Preservation Bylaw to the Planning Board and town counsel as a draft for comments to follow the town administrator's schedule.

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

H. Locally Notable Trees

Wolf stated he couldn't find the definition of locally notable trees. Chair Curley read the definition.

Board Member Bacon Moved; Board Member Carboni Seconded; and it was voted to refer the Locally Notable Trees Zoning Bylaw to the Planning Board for a public hearing to be held within 65 days.

Roll Call Vote: 5-0

I. Zoning Enforcement Penalty

Parent stated there are Zoning Bylaw violations all over town. He stated that he has spoken with the Building Commissioner and stated that \$50 for the 3rd offense is something that doesn't cause a violator to change. He stated the higher the fee the more compliant the offender would be.

Board Member Bacon Moved, Board Member Carboni Seconded; and it was voted to refer the Zoning Enforcement Penalty Bylaw to the Planning Board for a public hearing to be held withing 65 days.

Roll Call Vote: 5-0

VIII. *Special Town Meeting Warrant*

A. The board will review and may take votes on articles for the September town meeting.

Board Member Bacon asked the board and chair if the Animal Control Bylaw could be taken out of order with respect to Officer Berrick who was present for the meeting, Chair Curley Moved this item up so the animal control officer.

Chair Curley Moved; Board Member Seconded and it was voted to insert and recommend the amended working for the animal control bylaw.

Roll Call Vote: 5-0

IX. *Business*

A. Special Town Election ~ Date to be chosen ~ Selectboard.

Chair Curley asked if there was a date that worked for the election, Waldo stated that in speaking with the town clerk she would not like to have an election the day after town meeting. He explained there were other days in September that wouldn't work due to Yom Kippur and an event being held at the Community Center. He mentioned October 2nd or October 9th. Chair Curley questioned the tax rate being able to be set on time. Bacon stated waiting that long for a special election wouldn't be in the best interest.

Waldo stated that he would work with the clerk about September 27th or 28th for a special election.

NO ACTION WAS TAKEN

X. *Selectboard Reports*

Carboni spoke about establishing a scholarship fund. She stated she met with the proponent of the article.

Wolf spoke about the dredging task force regarding the dredging mitigation.

XI. *Town Administrator's Report*

Waldo gave some points on his report. He acknowledged the Chamber of Commerce for the fourth of July parade. He also stated that the town received a

grant for fiber optics, and he met with the Cable Committee earlier in the day, to try and help with getting service to the beach.

XII. *Topics for Future Discussion*

Art Shacks at the Beach need to be put on an upcoming agenda.

XIII. *Vacancy Reports*

Carboni would like to talk about the rights of Public Access Committee

XIV. *Minutes*

A. June 20, 2023, ~ **Board Member Bacon Moved; Chair Curley Seconded; and it was voted to approve the meeting minutes of June 20, 2023, in draft.**

B. **Roll Call Vote: 5-0**

XV. *Adjournment*

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to adjourn.

Roll Call Vote: 5-0

Meeting Adjourned: 10:11pm