

Wellfleet Selectboard
Hybrid Meeting: 715 Old King's Highway/Zoom
Tuesday July 25, 2023; 7pm
Meeting Minutes

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

Others Present: Richard Waldo, Town Administrator; Chris Merl, Susan Reverby, Seasonal Resident; Diane Brunt, resident; Jude Ahern, resident; Wes Stinson, Engineer for Herring River; Paul Millett, Carolyn Murray, KP Law; Officer Berrick, Dog Officer for Wellfleet; Brent Harold, resident.

Chair Carboni Called the meeting to order at 7:05pm

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.

Curley made a comment on how illegible certain pages of the packet were. He stated this is an issue he has always had. Waldo stated with many meetings and in office issues and lack of staffing it has been difficult to upkeep the schedule and stated he has hopes that with a new chair and more staff this will improve.

There needed to be a recess due to technical issues with the zoom platform.

The meeting continued with more open comments, Merl came to the microphone at the front table, stating that he had a letter for them and asked them to have a discussion on corporations on shellfish flats. He questioned why this was still being discussed. He was given his two minutes and then discussed the infractions of the code of conduct from Board Member Michael DeVasto at the next meeting.

Brunt spoke against the dredging mitigation plan and how Civetta and Sullivan are not being held accountable regarding their jobs. She spoke about the town going into receivership.

Ahern spoke to the board about the fact that the people are not against dredging they are more against the mitigation. She read Curt Felix's words back to the board.

II. *Consent Agenda*

A. Application received July 17, 2023, from Bob Dupuis to be appointed as a member of the Commission on Disabilities.

Board Member Wolf Moved; Board member DeVasto Seconded; and it was voted to approve the consent agenda as written.

Roll Call Vote: 5-0

III. **Public Hearings**

- A. **CONTINUED** from 06/20/2023 - Verizon New England to place approximately eight-hundred feet (800') of new conduit adjacent to 1065 Chequessett Neck Rd. Wellfleet MA

Board Member Curley Moved; Board Member DeVasto Seconded; and it was voted to continue this hearing to August 8, 2023, at 7pm.

Roll Call Vote: 5-0

IV. **Business**

- A. Approval of Agreements with Friends of Herring River to Support Herring River Restoration Project Implementation~ Carole Ridley

Chair Carboni recused herself from this agenda item.

Waldo explained that there as a request for this agenda item to be moved to August 8, 2023.

Board Member Wolf Moved; Board member DeVasto Seconded; and it was voted to move this agenda item to the August 8, 2023. Selectboard Meeting Agenda.

Roll Call Vote: 4-0-1 (Carboni Recused).

- B. Herring River Restoration Project Update – Wes Stinson (OPM)

Stinson spoke to the board updating them on the status of the Herring River Project he explained to the board and public the progress that has been made for this project since it began. He explained what has happened and what will be happening in the future, talking about the temporary bridge that will be installed. Board member Bacon questioned where the material that was being excavated material was put, he explained that it is brought to the Duck Harbor Road, area to decant and then the Pole Dike staging area. She asked if the crew for this project were being housed locally, he explained that there are some who make the daily trip from off cape and some who are staying at a local hotel. DeVasto spoke to the board, asking Stinson to speak about the funding for this project? Millett spoke to the board and stated that this project is fully funded through grants. Brunt questioned the amount of staff time questioning the money. The next update will be hopefully given to the board at the next phase, Stinson stated he was thinking October. Curley questioned how the pay for this project works. Stinson gave an update on how the pay requisitions work.

No Action was Taken.

- C. Special Town Meeting Warrant

Referred Zoning Articles (for Comment)

~ Inclusionary Zoning

Waldo explained to the board that the Planning Board was unable to meet to provide comments on these bylaws.

The board decided to go through each article with Murray, Curley stated again that he was displeased with the lack of clean copies sent to the Planning Board. Murray went over the bylaws with amendments. There was a lot of discussion with the amendments and what needed be added and changed. The room rental became a point of conversation, deed restrictions were discussed. Merl spoke to the board about no short-term rentals, maybe having the rentals be six months.

The board came to a decision about units being owner or tenant occupied. Murray will work on that language for the final article.

Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to refer the Inclusionary Zoning Bylaw to the Planning Board to hold a public hearing within 65 days as amended.

Roll Call Vote: 3-2 (Carboni and DeVasto voted no)

~ Cottage Colonies

The board moved to the cottage colonies zoning bylaw. Murray stated she didn't have any substantive changes for this article.

Board Member Bacon Moved; Board Member DeVasto Seconded; and it was voted to refer the Cottage Colonies Zoning Bylaw to the Planning Board to hold a public hearing within 65 days.

Roll Call Vote: 5-0

~ Development of Significant Planning Interest and Food Establishment.

Curley spoke to the board asking them to delay this bylaw and refer it to the Planning Board, so they are able to work on it and give them a deadline.

Board Member Bacon asked to move that the board take this bylaw amendment out of the fall town meeting warrant and allow more time for both boards to work on it.

Curley asked if they could send it to the Planning Board to discuss and work on it and give them a deadline for January, so it could be ready for the annual town meeting, rather than the fall town meeting. The board agreed with this action.

Board member Curley moved; Board Member Wolf Seconded; and it was voted to reconsider the vote of the Selectboard taken on July 11, 2023, to refer the Development of Significant Planning Interest and Food Establishment to the Planning Board for a Public Hearing.

Roll Call Vote: 5-0

Board Member Curley Moved; Board member Wolf Seconded; and it was voted to rescind the vote from July 11, 2023, to refer the Development of Significant Planning Interest and Food Establishment to the Planning Board for a Public Hearing.

Roll Call Vote: 5-0

Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to reconsider and remove the Development of Significant Planning Interest and Food Establishment Bylaw on the special town meeting warrant vote that was taken.

Roll Call Vote: 5-0

Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to refer the Development of Significant Planning Interest and Food Establishment Bylaw as a working document to the Planning Board to develop their recommended language due back to the Selectboard January 31, 2024.

Roll Call Vote: 5-0

Cutting of Timber was the next Bylaw to be discussed. Murray spoke to the board about some questions she had for this bylaw. She explained that she added a few things to the wording regarding the scenic bylaw. This was referred to the Planning Board for a hearing, but the board wanted to see the comments and amendments from town counsel. Murray explained to the board how these changes can be made as the warrant isn't closed yet. The board discussed the changes and wording.

Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to submit the updated clean copy of the Zoning Bylaw Amendment Cutting of Timber to the Planning Board for their public hearing.

Roll Call Vote: 5-0

Articles that have not been voted to insert or recommend will be voted on at this time. Waldo shared his screen showing town counsel's amendments.

Officer Berrick came to the table to discuss the changes that have been made to the animal control bylaw. Curley stated he didn't think the dogs on the beach should be included in this bylaw as Beach regulations are subject to change and bylaws are harder to change. The board discussed this with Murray and asked for her comments or changes. The board discussed making the bylaw smaller which Waldo stated along with Officer Berrick and Murray they could do that. The board continued to discuss the various working of the animal bylaw.

The board moved on to the Landscape and Tree Bylaw; Murray explained some issues she had with some of the wording and the board worked through those issues.

This bylaw was discussed at great length.

Board Member DeVasto Moved; Board Member Bacon Seconded; and it was voted to remove the Landscape and Tree Bylaw off the fall town meeting warrant and to address the bylaw in the future.

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

Locally notable trees were the next bylaw to be discussed. Murray explained any changes that she made were just "housekeeping." It has already been referred to the Planning Board and there are no changes needed.

The Nip Bottle ban was next to be discussed, the town administrator and the police department would be the enforcing agents. The board questioned if the town administrator was usually an enforcing agent. Murray explained that no this was not a normal procedure. They discussed naming another enforcer. The board discussed this again at great length. The main question came down to who does the town want to be the enforcer of this bylaw? They stated that local law enforcement could be the persons enforcing this ban. They asked Murray her opinion on this matter.

Board Member Curley Moved; Board Member Wolf Seconded, and it was voted to insert and recommend the Nips Article into the Fall town warrant as amended.

Roll Call Vote: 5-0

The board moved on to the notable trees, Article 18 Environmental Betterment Stabilization Fund was discussed Curley questioned if the Notable trees bylaw calls for payments to be made to the fund, if not there is no reason to have the article. Notable Trees does not call for payment. Board Member Bacon stated it was the Betterment thing, Board Member Carboni questioned if they needed to take no action, Board member Bacon Stated to just not include it.

Board Member Curley Moved; Board member Wolf Seconded; and it was voted to not include the Environmental Betterment Stabilization Fund from the fall town meeting warrant.

Roll Call Vote: 5-0

Board Member Curley Moved; Chair Carboni Seconded; and it was voted to insert and recommend an article for the reports of officers and committees for the fall special town meeting warrant.

Roll Call Vote: 5-0

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to insert and recommend other business articles into the special town meeting warrant.

Roll Call Vote: 5-0

- D. Illegal Parking and safety Concerns at Long Pond ~ Discussion on how to improve the safety of the area around Long Pond ~ Brent Harold. **This item was moved ahead of the zoning bylaws.**

The board asked Harold to come to the table. He stated he was in front of the board a few years ago and wanted to discuss the safety of the roads. He discussed the share the road signs and stated he felt there needed to be more signs on the road to help with the safety of pedestrians. The board discussed how this process can work and what he can do. Curley asked Harold to have a map and submit it to the town, so they can work with the DPW and signage company to work on safer roads.

- E. Special Election Warrant – Election of Town Officer (Selectboard - partial term) Waldo introduced the election warrant, he stated because there was a resignation of as selectboard member there needed to be a special election and the board would need to vote to approve this election.

Board Member DeVasto Moved; Board Member Bacon Seconded; and it was voted to approve the special town election warrant as presented with question 2 subject to revision if the board hears from Bond Counsel.

Roll Call Vote: 5-0

V. ***Selectboard Reports***

VI. ***Topics for Future Discussion***

VII. ***Vacancy Reports***

VIII. ***Minutes ~ Board will vote on these minutes at the next meeting.***

A. July 11, 2023

B. July 13, 2023

C. July 18, 2023

IX. ***Adjournment of Open Session***

Board Member Curley moved; Board Member DeVasto Seconded, and it was voted to adjourn open session and to enter executive session, not to return to open session per MGL Chapter 30; Section 21.

Roll Call Vote: 5-0

Meeting adjourned 10:40pm

X. *Executive Session; M.G.L. Ch. 30A; Section 21.*

Purpose 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.

- Executive Session Meeting Minutes of June 27, 2023.