



Board of Selectmen

PLEASE NOTE: Meeting is at WELFLEET PUBLIC LIBRARY

The Wellfleet Board of Selectmen will hold a public meeting on Tuesday, October 24, 2017 at 7:00 p.m. at the Wellfleet Public Library, 55 West Main Street, Wellfleet, MA 02667. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.

- I. **Announcements, Open Session and Public Comment [7:00]** *Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comment.*
- I. **Public Hearing(s) [7:00]**
 - a. Consider a transfer shellfish license #7312 by James Gray to James Gray and Allison Gray and extension of license.
 - b. Application for underground fuel storage license at Cumberland Farms 2586 State Highway (J. Veara, attorney for applicant)
Note: This item will not be heard, but will be postponed.
- II. **Licenses**
- III. **Appointments/Reappointments**
- IV. **Use of Town Property**
- V. **Business**
 - A. Discussion of and possible decision on old COA Building (36 Lawrence Road)
 - B. Discussion of and possible decision on the Shellfish Shack at Mayo Beach (35 Kendrick Ave)
- VI. **Town Administrator's Report**
- VII. **Topics for Future Discussion**
- VIII. **Correspondence and Vacancy Report**
- IX. **Minutes (October 10, 2017)**
- X. **Executive session and Adjournment**
 - A. Pursuant to G.L. c. 30A, §21(a)(6) to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body: Cahoon Hollow parking lot.
 - B. Pursuant to G.L. c. 30A, §21(a)(6) to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body: Pleasant Point bulkhead land disposition.
 - C. Approval of prior Executive Session minutes
[September 12, 2017, September 26, 2017]
- XI. **Adjournment**



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 24, 2017

PUBLIC HEARING(S)

REQUESTED BY:	James Gray
DESIRED ACTION:	Transfer of Shellfish license #7312 Extension of Shellfish license #7312
PROPOSED MOTION:	Move to approve the transfer of shellfish grant licenses #7312 from James Gray to James Gray and Allison Gray Move to approve the addition of an extension to grant #7312 to the south and abutting this grant for an additional area of approximated .158 acres, to be called grant #7312-Ext. for James Gray and Allison Gray.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

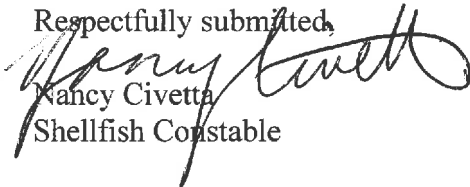
October 11, 2017

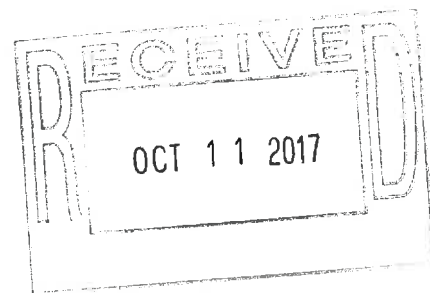
To: Board of Selectmen
Re: Recommendations
From: Nancy Civetta, Shellfish Constable

Application received October 11, 2017 by James Gray to transfer shellfish grant license # 7312 from James Gray to James Gray and Allison Gray.

I recommend that the grant # 7312 be changed from James Gray to James Gray and Allison Gray

Respectfully submitted,


Nancy Civetta
Shellfish Constable



Phone (508) 349-0325



Fax (508) 349-0305

APPLICATION FOR SHELLFISH GRANT LICENSE

DATE: 10/9/17

This request is being made under Chapter 130, Sections 57 & 59.

Name James GRAY + ALLISON GRAY

Address 27 Old Kings Hwy
Wellfleet, MA 02667

Telephone 508-737-2381

Approximate location of proposed grant license area:

Old Wharf Point

Desired size of proposed grant license area:

Approx .158ac

GENERAL INFORMATION

Previous shellfishing experience:

Comercial Fishing 25 years
GRANT HOLDER 3 years

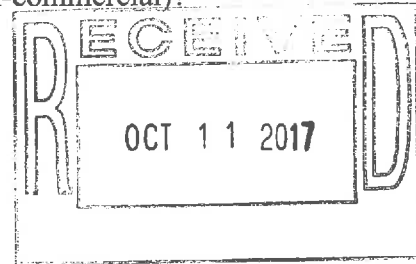
How long have you had a shellfish permit (commercial/non-commercial)?

25 years

How long have you lived in Wellfleet?

37 years

Comments:



[Signature]
Signature of Applicant

[Signature]
Shellfish Constable

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 10/11/17

To: Board of Selectmen
300 Main Street
Wellfleet, MA 02667

I/We hereby request transfer of Shellfish Grant License # 7312

From JAMES GRAY

To ALLISON GRAY and James GRAY

Said grant license is located at Old Wharf Point, in Wellfleet, MA

and consisting of 0.158 acres, as shown on a plan prepared

by Slade Assoc. and dated 7/14/14

[Signature]
Signature(s)

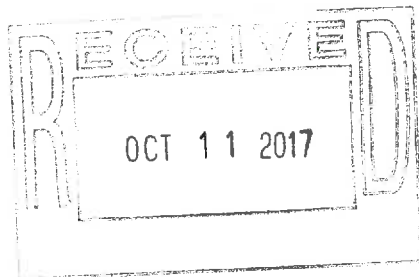
JAMES GRAY
Name(s)

27 Old Kings Hwy
Mailing Address

Wellfleet, MA 02667

508-737-2381
Telephone

Jamesgray1981@yahoo.com
Email



10/19/17

To Whom it may Concern,

I James Gray and Allison Gray, agree to comply with the Town of Wellfleet's policies and regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation and harvest.

A handwritten signature in cursive script, appearing to read "James Gray".

James Gray

A handwritten signature in cursive script, appearing to read "Allison Gray".

Allison Gray

MY GREAT LOCATION #7312

BLACKFISH CREEK

JAMES GRAY #7312
A = 6,903 SQ. FT. ±
= 0.158 AC. ±

41°54'21.314"
-70°00'23.904"

N08°14'00"E
41.06'

S68°42'50"E
177.06'

41°54'20.650"
-70°00'21.737"

41°54'20.913"
-70°00'23.991"

N68°42'50"W
168.11'

S20°50'00"W
40.00'

48.53'

#733

0.94 AC.

41°54'20.263"
-70°00'21.934"

OLD WHARF RD.

124

123

126

125

#783

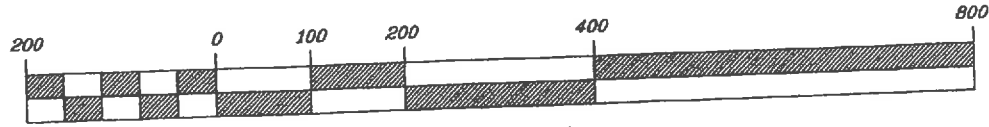
#783A

OLD WHARF POINT

41°54'21.314"
70°00'23.904"

JAMES GRAY
07/14/14

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

TOWN OF WELLFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- ✓ Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.

- ✓ Applicant is 18 years of age or older.

- ✓ Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.

- ✓ All other licensees named to the grant have given written approval for the applicant to be included on their lease. (N/A: If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.)

- ✓ At this time, there are no more than three lease holders named to the lease.

- ✓ If applicant is applying for a lease on private property other than their own, written permission from the owner has been provided.

- ✓ Applicant has held and used a Commercial Shellfishing Permit during two of the last three years. (*Allison Gray*)
- OR:
- ✓ The applicant has demonstrated some experience in shellfish propagation and aquaculture which has been confirmed in writing by a license holder that describes the type of work performed by the applicant and any other information that might be relevant. (*James Gray*)

- ✓ The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.

- ✓ The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS
SECTION 1: DEFINITIONS

Aquaculture License - An authorization, granted by a vote of the Board of Selectmen, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Wellfleet's coastal waters, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats ([MGL Chapter 130; Section 57](#)).

Licensed Area (Grant) - a designated bottom area, certified by The Department of Marine Fisheries (DMF) and licensed by a vote of the Board of Selectmen, on which the licensee may plant, grow and harvest shellfish (MGL Chapter 130; Sections [57](#) & [68](#)).

Resident - A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 24, 2017

II

PUBLIC HEARING(S)

REQUESTED BY:	Cumberland Farms, Inc
DESIRED ACTION:	Approval of Underground Fuel Storage License
PROPOSED MOTION:	Move to postpone the public hearing for Cumberland Farms, Inc. at 2586 State Highway, Route 6, Wellfleet, MA 02667
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



FP-002A
(Rev. 1.1.2015)

The Commonwealth of Massachusetts

City/Town of Wellfleet

Application For License

Massachusetts General Law, Chapter 148 § 13

New License Amended License

GIS Coordinates	
_____	LAT.
_____	LONG.
_____	License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 2586 State Highway, Route 6 Map 23, Parcel 39
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Cumberland Farms, Inc.

Address of Land Owner: 165 Flanders Road, Westborough, MA 01581

Use and Occupancy of Buildings and Structures: Convenience store with gasoline sales
If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

Flammable and Combustible Liquids Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, Cubic feet	CONTAINER UST, AST, IBC, drums
<u>Gasoline*</u>	<u>IB</u>	<u>20,000</u>	<u>gal.</u>	<u>UST</u>
<u>Gasoline**</u>	<u>IB</u>	<u>12,000</u>	<u>gal.</u>	<u>UST</u>
<u>Diesel**</u>	<u>II</u>	<u>8,000</u>	<u>gal.</u>	<u>UST</u>

*compartment tank

**20,000 gal. compartment tank (one of 12,000 gal. and one of 8,000 gal.)

Total quantity of all flammable liquids to be stored: 32,000 gal.

Total quantity of all combustibile liquids to be stored: 8,000 gal.

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 1.00 Table 1.12.8.50)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____

List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of _____ fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Kathleen A. Sousa, Senior Pipeline Mgr of Cumberland Farms, Inc. hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.
Cumberland Farms, Inc.

Signature By: Kathleen Sousa Date 2/21/2017 Name Kathleen A. Sousa, Senior Pipeline Mgr
Kathleen A. Sousa

Fire Department Use Only

I, RICHARD J. PAULEY, JR., Head of the WELLFLEET Fire Department endorse this application with my

Approval Disapproval

[Signature]
Signature of Head of the Fire Department

3-10-2017
Date

Recommendations: None



FP-2
(Rev. 05-2009)

The Commonwealth of Massachusetts
City/Town of Wellfleet
License

Massachusetts General Law, Chapter 148 § 13

New License Amended License

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws,
a license is hereby granted to use the land herein described for the purposes described.

GIS Coordinates

LAT.

LONG.

License Number

Location of Land: 2586 State Highway, Route 6 Map 23, Parcel 39
Number, Street and Assessor's Map and Parcel ID

Owner of Land: Cumberland Farms, Inc.

Address of Land Owner: 165 Flanders Road, Westborough, MA 01581

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases. All tanks and containers are considered full for the purposes of licensing and permitting. (Attach additional pages if necessary.)

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
Gasoline*	IB	20,000	gal.	UST
Gasoline**	IB	12,000	gal.	UST
Diesel**	II	8,000	gal.	UST

***Compartment Tanks**

****20,000 gal. compartment tanks (one of 12,000 gal. and one of 8,000)**

LP-gas (Complete this section for the storage of LP-gas or propane)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____
List sizes and capacities of all aboveground containers used for storage _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____
List sizes and capacities of all underground containers used for storage _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

- ❖ Maximum amount (in pounds) of Class 1.3G: _____
- ❖ Maximum amount (in pounds) of Class 1.4G: _____
- ❖ Maximum amount (in pounds) of Class 1.4: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY
POSTED ON THE LAND FOR WHICH IT IS GRANTED.**

Explosives (Complete this section for the storage of explosives)

- | | |
|--|---|
| ❖ Maximum amount (in pounds) of Class 1.1: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.2: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.3: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.4: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.5: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.6: _____ | Number of magazines used for storage: _____ |

Licensing Authority Use:

This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

ADDITIONAL RESTRICTIONS:

Signature of Licensing Authority

Title

Date

THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.



FP-2
(Rev. 05-2009)

The Commonwealth of Massachusetts
City/Town of Wellfleet
License

Massachusetts General Law, Chapter 148 § 13

New License Amended License

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws,
a license is hereby granted to use the land herein described for the purposes described.

GIS Coordinates
LAT.
LONG.
License Number

Location of Land: 2586 State Highway, Route 6 Map 23, Parcel 39
Number, Street and Assessor's Map and Parcel ID

Owner of Land: Cumberland Farms, Inc.

Address of Land Owner: 165 Flanders Road, Westborough, MA 01581

Flammable and Combustible Liquids, Flammable Gases and Solids

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PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
Gasoline*	IB	20,000	gal.	UST
Gasoline**	IB	12,000	gal.	UST
Diesel**	II	8,000	gal.	UST

***Compartment Tanks**

****20,000 gal. compartment tanks (one of 12,000 gal. and one of 8,000)**

LP-gas (Complete this section for the storage of LP-gas or propane)

- ❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____
List sizes and capacities of all aboveground containers used for storage _____
 - ❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____
List sizes and capacities of all underground containers used for storage _____
- Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

- ❖ Maximum amount (in pounds) of Class 1.3G: _____
 - ❖ Maximum amount (in pounds) of Class 1.4G: _____
 - ❖ Maximum amount (in pounds) of Class 1.4: _____
- Total aggregate quantity of all classes of fireworks to be stored: _____

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Explosives (Complete this section for the storage of explosives)

- ❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

Licensing Authority Use:

This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

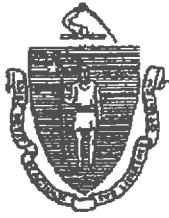
ADDITIONAL RESTRICTIONS:

Signature of Licensing Authority

Title

Date

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY
POSTED ON THE LAND FOR WHICH IT IS GRANTED.**



FP-002A
(Rev. 1.1.2015)

The Commonwealth of Massachusetts

City/Town of Wellfleet

Application For License

Massachusetts General Law, Chapter 148 § 13

New License Amended License

GIS Coordinates	
_____	LAT.
_____	LONG.
_____	License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 2586 State Highway, Route 6 Map 23, Parcel 39

Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Cumberland Farms, Inc.

Address of Land Owner: 165 Flanders Road, Westborough, MA 01581

Use and Occupancy of Buildings and Structures: Convenience store with gasoline sales
If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

Flammable and Combustible Liquids Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, Cubic feet	CONTAINER UST, AST, IBC, drums
Gasoline*	IB	20,000	gal.	UST
Gasoline**	IB	12,000	gal.	UST
Diesel**	II	8,000	gal.	UST

*compartment tank

**20,000 gal. compartment tank (one of 12,000 gal. and one of 8,000 gal.)

Total quantity of all flammable liquids to be stored: 32,000 gal.

Total quantity of all combustible liquids to be stored: 8,000 gal.

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 1.00 Table 1.12.8.50)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____

List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of _____ fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Kathleen A. Sousa, Senior Pipeline Mgr of Cumberland Farms, Inc. hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Cumberland Farms, Inc.

Signature By: Kathleen Sousa Date 2/21/2017 Name Kathleen A. Sousa, Senior Pipeline Mgr
Kathleen A. Sousa

Fire Department Use Only

I, RICHARD J. PAUCEY, JR., Head of the WELLFLEET Fire Department endorse this application with my

Approval Disapproval

[Signature]
Signature of Head of the Fire Department

3-10-2017
Date

Recommendations: None



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 24, 2017

V

BUSINESS

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Discussion and possible vote as to disposition of old Council on Aging Building at 36 Lawrence Road
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 Fax (508) 349-0305
www.wellfleetma.org

MEMORANDUM

To: Board of Selectmen

From: Dan Hoort, Town Administrator

Subject: Old Council on Aging Building
36 Lawrence Road

Date: October 19, 2017

The Selectmen have a goal to decide on the old Council on Aging (COA) Building. The building has been unoccupied for approximately ten years. As mentioned in a January 27, 2017 memo from Harry Terkanian, Chair of the Building Needs and Assessment Committee the Department of Public Works (DPW) believes the foundation is in good condition, but the structure itself is not salvageable.

After consulting with various staff members and doing two site visits to the building it is my recommendation that the building be converted into town offices and a storage facility. The building would become a 'town hall annex'. A rough draft of how the space might be converted is attached and titled C.O.A. Floor Plan. This is only a draft to determine how the space might be used for offices.

It is recommended that the existing building be demolished and manufactured modular offices be placed on the existing foundation. The modular offices would cost significantly less than constructing a building on the site. It is also possible that an additional modular office could be placed on the site next to where the conference room is proposed, thereby providing additional office space.

I am also recommending that the entire basement be used for records storage. We would purchase modular storage systems that are both water and fire proof. In a visit to our long term permanent storage area in the town hall basement I was concerned to see it was in the same room as a furnace and had water pipes running overhead. Securing a permanent protected space for our records should be a priority. In addition, using the basement level for record storage only would eliminate the need for the installation of an elevator in the building.

Depending on space availability I would propose the following departments be located at the new Town Hall Annex. The departments are listed in order of priority with the highest priority listed first.

Building Department and Health and Conservation Department

These two departments are currently in the DPW building. Space is very tight in the DPW building with file cabinets taking up an ever-increasing amount of space. Several staff have desks in the conference room surrounded by file cabinets. Parking is also extremely limited at the DPW site. And lastly, during the winter when all windows are shut in the building the fumes from the DPW work areas have been an issue for people who are in their office for the great majority of the work day because of the ventilation.

Moving these two departments would provide them with a better work space while also providing the DPW staff with much needed additional space. Please see the October 18, 2017 meeting recap (attached for additional information).

Recreation Department

The Recreation Department is currently located in town hall. By relocating the Recreation Department to this location, it would free up much needed space in Town Hall and would place the department closer to their winter programs being held at the Wellfleet Elementary School.

Wellfleet Television

The local access television programming currently has an office at the Wellfleet Public Library. It is no secret that I would like to see more government programming airing on our local government channel (18). Providing an office for the local access television programming would facilitate increased programming. In addition, it would free up space at the Wellfleet Public Library which badly needs the additional room.

Beach Sticker Office

If space is available I would like to consider moving the Beach Sticker Office to the new annex location with the primary intent being to make the current building entirely for the Shellfish Department. I would like to see a public space for shellfish promotion where visitors could visit and learn about our Wellfleet shellfish industry. As a side note we are looking at an on-line permit purchase system so some residents and visitors would be able to purchase their permits on-line and have them mailed to them if that was their preference.

Should the Selectmen agree with this recommendation to turn the offices into a Town Hall Annex the next step would be to cost out this proposal. A prior town meeting vote authorized \$15,000 to assess the old COA building, those funds remain available. Contingent on approval by town meeting voters to repurpose the funds it is expected that the most if not all of the cost of the renovations could be paid for out of remaining funds from the police building renovations which is expected to be under budget.

On the following pages you will find the following:

- Summary of October 18, 2017 meeting between DPW staff and Town Administrator
- Summary of proposed occupancy requirements
- Possible floor plan for old COA building
- Memo from Town Clerk Joseph Powers regarding storage
- Memo from Harry Terkanian, Chair of Buildings and Assessment Committee
- Memo from Harry Terkanian to Building Needs and Assessment Committee



TOWN OF WELLFLEET
Department of Public Works
220 West Main Street
Wellfleet, MA 02667

Phone: 508-349-0315
Fax: 508-349-7085

Meeting to Discuss 'Old C.O.A.,' 95 Lawrence Road

Wed. 10/18/2017

In attendance:

D. Hoort, T.A. M. Vincent, P. Lindberg, Jean Leidenfrost, Davis Walters, Peter Williams, DPW

Proposal at hand is to consider replacing the 'Old C.O.A.' building, located at 95 Lawrence Road, with a new modular building on the existing foundation, for use by one or more town departments as office space.

There are several reasons this idea is being considered:

- 1) The DPW staff is in need of office space. DPW head mechanic and Facilities Manager each have desks with computers set up in their crowded workshops. The Head Operator currently has no desk, let alone any type of office space.
- 2) One goal is alleviating crowded office space at the DPW facility, which also currently houses the Health, Conservation, and Building Dept.'s, including the Health/Conservation Committee Secretary, and the Electrical and Plumbing Inspectors. These employees are set up in a variety of less-than-ideal configurations, including overcrowded offices, and makeshift offices set up in a single conference room.
- 3) It should be noted that the DPW facility was not designed to accommodate these additional offices. It was designed to function solely as a Public Works facility. Housing the offices in question was an afterthought.
- 4) There is also a suggestion to relocate the 'winter' office of the Recreation Dept. from Town Hall, to the proposed new facility. This would help with the office layout at Town Hall, and move the Rec. staff to Lawrence Rd., adjacent to the baseball field, and the Elementary School (whose gymnasium the Recreation Department uses. It also puts the Rec. Staff closer to Summer swim activities at Gull Pond, as well as the Senior Center, where the Community Services Director has her office.
- 5) Similarly, it has been suggested that the town's video production office, currently located in the Library, should be relocated to the new building. As is the case at the DPW facility, the Library is in dire need of additional space.
- 6) Additionally, a separate office at the DPW needs to be created for use by Whitewater staff to monitor and work on the SCADA system, as well as by the Water Commission secretary.
- 7) Because of the mixed use of the DPW facility as described above, parking at the building is often inadequate. There is simply not enough parking.

- 8) A preliminary study by a licensed architect has shown that the existing footprint of the 'Old COA' is large enough to accommodate the needs of the Health, Conservation, and Building Departments, as well as the Recreation Director and Assistant Director.
- 9) The project involves the creation of fully conditioned, fire-safe document storage in the lower level of the new building, functioning as a much-needed Storage Annex for town documents currently housed in a variety of locations in town buildings, including the second floor (mechanical room) of the DPW, basement rooms of Town Hall, as well as numerous file cabinets in offices all over town.
- 10) Based on the amount of land surrounding the site, there should be more than enough parking to accommodate the new building's staff and visitors.
- 11) Discussions have been made with the Building Inspector, Justin Post, who agrees that the project has many benefits to staff, the town, and taxpayers. Justin agrees that the project is well-suited to modular, pre-fabricated construction of the building to minimize cost and speed up completion.

Please find attached a separate memo from Mr. Post.



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Phone: 508-349-0315
Fax: 508-349-7085

Meeting with Jay Horowitz, R.A.

Wed., August 2, 2017.

PROPOSED OCCUPANCY REQUIREMENTS FOR NEW OFFICES AT 'OLD' C.O.A. BUILDING

Recommendation has been made for the following Departments to occupy the former COA building, located at the corner of Lawrence Rd. and Long Pond Rd., across from Wellfleet Elementary School.

Health Dept.		These Dept.'s currently staffed by 6 F.T.,	Americorp Volunteer
Conservation Dept.		2 P.T. employees in a variety of offices.	
Building Dept. (including Plumbing & Electrical)		Some desks are makeshift in a conference room.	
Recreation Dept. year-round offices		2 F.T. employees.	
(possible seasonal Beach Sticker Office)		various P.T., seasonal employees	
(possible Shellfish Dept. year-round office)		3 F.T. employees, some seasonal	

Fully conditioned, fire-safe document storage is also being proposed for the lower (basement) level. This would be considered as a 'Storage Annex' for Town Hall, but may include document storage from other Departments if there is space. Storage of other types of objects, such as equipment, machinery, etc. should be considered as having lower priority if the items do not require 'conditioned' (heated, cooled, and de-humidified) space that is otherwise necessary for safe document storage.

Requirements:

Staff rest room, Public men's and women's rest rooms, staff break room with sink, fridge, dining table, conference room, and adequate offices to accommodate proposed department staff.

Consider parking issues

Consider modular construction of 2 halves of the 20' x 100' main structure done off site, possible stick-frame replacement 16' x 20' el as per existing footprint. Halves to be joined on-site.

Single main floor, truss roof.

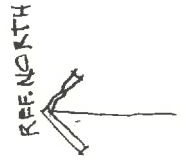
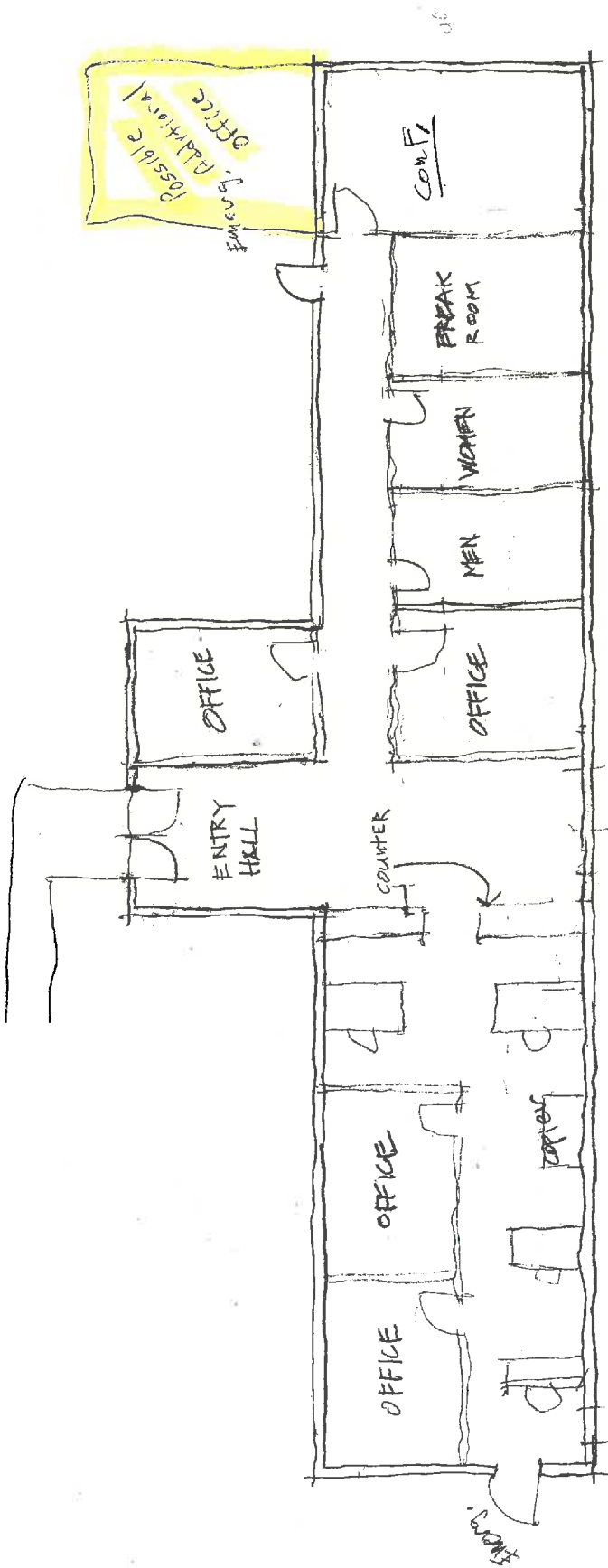
Existing septic to be upgraded.

Demolition and disposal of existing structure likely undertaken by WDPW.

Verify condition/capacity of electrical service.

Exist. foundation is generally considered adequate for new building; to be verified by appropriate officials.

Can we fit these departments in the existing footprint?



C.O.A. FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 9/14/17



OFFICE OF THE TOWN CLERK

Joseph F. Powers, MMC/CMMC

300 Main Street
Wellfleet, MA 02667

www.wellfleet-ma.gov
joseph.powers@wellfleet-ma.gov

508-349-0301
508-349-0317 (fax)

To: Daniel R. Hoort, Town Administrator
From: Joseph F. Powers, Town Clerk
CC:
Date: October 18, 2017
Re: Need for and support of re-use of former Council on Aging Building

It has come to my attention that the Board of Selectmen will be discussing the possible re-use of the former Council on Aging building.

I fully support any effort to bring that site back into service for municipal use. I had an opportunity a few years ago to tour that location with Paul Lindberg as part of a broader discussion on storage and retention of permanent municipal records.

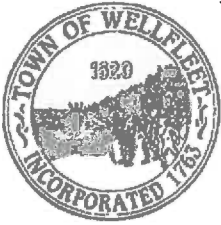
As you may know, the Town of Wellfleet utilized funding provided through the Community Preservation Committee to contract with a records management firm to establish a database and mechanism for the retention and storage of all municipal documents which are required to be retained for a certain period of time or permanently in certain circumstances. This project was spearheaded by my predecessor, Dawn Rickman.

Building on that project, I have been working with the various departments to ensure the proper level of retention of records based on state requirements. As a result, it has become obvious to me that storage space is quickly filling up as we have more permanent records getting created each year.

As part of my earlier discussions with Paul Lindberg, we identified a small portion of the basement area that would be suitable to configure for the storage of most of the town's permanent records. Given that the structure is essentially an open floor plan, we would have great flexibility in identifying the most suitable equipment to properly store the records; focusing on security measures as well as appropriate environmental (heat, humidity, etc.) conditions to ensure the longevity of these important documents.

Please feel free to contact me if you or any member of the Board of Selectmen wish to discuss this topic further.

Thank you for your time and consideration of this worthwhile endeavor.



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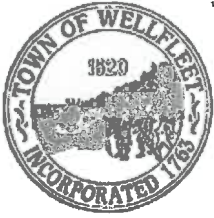
To: Dan Hoort, Town Administrator
From: Harry Sarkis Terkanian, Chair, Building and Needs Assessment Committee
Subject: Committee Recommendations on the Shellfish Building, Old COA Building and South Wellfleet Fire Station
Date: January 27, 2017
CC: Committee Members, Mark Vincent, DPW Director

The following is an abstract of the draft minutes of the Committee meeting on January 25, 2017 regarding the above three buildings including the Committee recommendations. Also attached is a January 20, 2017 memorandum which provided background information for the Committee.

If you place this on a Board of Selectmen agenda, please let me know so that I can insure that the Committee is represented at the meeting.

1. **Shellfish Building.** The Committee reviewed a memorandum dated January 20, 2017 by Mr. Terkanian summarizing the information available to him about the condition of the three buildings on the agenda. Mr. Guilderson noted that in 2010 the Committee with the assistance of them building inspector Paul Murphy had reviewed the condition of the building and recommended its removal. After discussion it was moved by Mr. Donoghue, seconded by Mr. Horowitz and voted 4 – 0 to: “Recommend that the Shellfish Building be demolished, septic system be removed, water service capped, utilities removed and the site restored.”
2. **Old Council on Aging Building.** The Committee reviewed condition of the building based on the memorandum and information presented by the DPW. The building has been unoccupied for approximately ten years and is open to the weather. The DPW is of the opinion that the foundation is in good condition but the structure itself is not salvageable. It was noted that a manufactured building could be placed on the foundation at less cost than a building constructed on site. The building is secured, but the presence of an unoccupied building across the street from the Elementary School was of concern to Committee members. Possible use of the committee discussed included office space for the Recreation Committee, Water Department and/or Health and Conservation, additional meeting space, beach sticker sales and use of the basement for records archive (with appropriate climate control). On motion by Mr. Horowitz, seconded by Mr. Donoghue, it was voted 4 – 0 to: “Recommend that the building be demolished and the foundation capped pending a plan to replace the structure once appropriate use of the space is determined.”
3. **South Wellfleet Fire Station.** The Committee reviewed the condition of the building on the memorandum and information from the DPW. The DPW has

been performing routine maintenance of the building. It was noted that the Fire Chief sees no foreseeable use of the building by the Fire Department. Since the building is essentially garage space and is actively being used by the DPW for seasonal storage of equipment, the Committee consensus was that this used continue. Mr. Guilderson recommended that restoring the building heating system to operating condition could prolong the life of the building. On motion by Mr. Donoghue, seconded by Mr. Guilderson it was voted 4 – 0 that: “The building continue to be used for DPW seasonal storage, the heating system be placed in service and the DPW continue its program of repairs for the building.”



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To: Building and Needs Assessment Committee
From: Harry Sarkis Terkanian, Chair
Subject: Shellfish Building, Old Council on Aging Building and South Wellfleet Fire Station
Date: January 20, 2017
CC: Mark Vincent, DPW Director and Paul Lindberg, Assistant DPW Director

The Board of Selectmen, through the Town Administrator, has requested recommendations from this committee on the use or disposition of the above three buildings. This memorandum is to brief the Committee on information I acquired as Town Administrator and also from a meeting and site visits with DPW Director Vincent and Assistant DPW Director Lindberg on January 20, 2017.

Existing space needs.

Both Town Hall and the DPW Building are crowded. The Town Hall contains 11 offices, two meeting rooms a break room, copy/mail room, two vaults and restrooms. There are 16 full time employees and two part time employees in the building. Departments include: IT (1 part time staff), Accounting (3 staff), Assessing (2 staff), Clerk (2 staff), Treasurer (1 staff), Collector (1 staff), Recreation (2 staff), Water and Committee Staff (1 full time and 1 part time staff) and Administration (4 staff). The basement hearing room also doubles as file storage. Meeting space is at a premium. With the advent of early voting it has been difficult to provide space with sufficient privacy for those choosing to avail themselves of this opportunity (this problem has always existed with persons voting absentee ballots in person, but prior to early voting, numbers had been low.)

The DPW building is also crowded. There are four DPW staff, five staff in the health and conservation offices and the conference room is occupied by approximately 20 file cabinets and desks for two part time inspectors, an AmeriCorps volunteer and the Zoning Board and Board of Health secretary. There are seven storage bays at the rear of the DPW building; 3 are used by the DPW, the remaining four are divided between the Shellfish, Marina and Recreation departments. Parking at the DPW building is also at a premium.

Relieving the overcrowding in these two buildings could allow for improved operations.

Shellfish Building, Kendrick Ave.

This building, originally a restroom/bath house, had in recent years been occupied by the Shellfish Department. The building is a one and one-half story 22 feet by 32 feet (704 square feet) building on a slab foundation. The building is carried as a capital asset valued by the assessors at \$82,500. Visually, the exterior and roof are in poor condition. The heating and septic systems are not functional. A December 2013 inspection

performed by Target Inspections revealed the presence of mold in significant levels. As a result the Shellfish Department office was moved to the beach sticker building at the Marina. While this move has improved the conditions under which the Shellfish Department operates, the beach sticker building has no central heat and, as a result, water is shut off during the winter leaving the occupants with no toilet facilities other than the public restrooms beyond the Harbormaster office. Heat is provided by electric space heaters. The Shellfish Building is located in a velocity (VE zone) flood zone. I understand from the DPW that the slab foundation is cracked and the septic system has failed. Given the low current assessed value of the building, it should be assumed that any repairs to the building will require full building code compliance including flood proofing. This will require raising the building (approximately eight feet) for it to be one foot above the elevation of the flood plain and will present issues for replacement of the septic system. The building was evaluated as part of an evaluation of the waterfront buildings by Turowski2 Architecture, Inc. The September 29, 2014 report is available on the town web site (See the Waterfront Needs and Building Assessment on the Projects page under the Reports and Documents section.) The architect's recommendation was "Remove the building from service/demolish." I have not physically inspected the building.

In April 13, 2014 and November 20, 2014 memoranda to the Selectmen I reported on the Shellfish Building as follows:

Waterfront Buildings. With a relocation of beach sticker sales to the Old COA renovation of the waterfront buildings would become more of a manageable project since only the Shellfish Department, Harbormaster offices and renovate restroom facilities would have to be considered. The existing Shellfish Building, which is in extremely poor condition, could be razed if deed restrictions permit.

Old Council on Aging Building, Lawrence Road.

The Old COA Building was originally a government surplus building moved to the site by Head Start under a lease of the site from the Town. The date of original construction is unknown. The building is a single story of 2080 square feet on poured concrete full basement. It is currently valued by the Town at \$91,700. The building was used by Head Start and was the original Council on Aging building. After the COA and Head Start vacated the building it was used by the Town as meeting space. A visual inspection on January 20, 2017 reveals a foundation in apparent good condition but the building structure is beyond repair and is open to the weather in places. Currently a limited portion of the basement is used as a storage area by the Harbormaster. There is a septic system and well on site and town water is available. In discussing the rehabilitation possibilities for the building, the DPW Director was of the opinion that everything above the foundation be removed and replaced by a manufactured building. If the existing 2,080 square feet provides insufficient space a slab foundation could be added adjacent to the existing foundation to support a larger structure.

Possible uses of the structure include relocation of the building health and conservation staff which would allow the recovery of the DPW conference room and provide office space for a relocated water department (the water system SCADA system terminates at the DPW building.) Additionally the basement could be used for archival document storage, the Recreation department could be relocated from Town Hall, or beach sticker sales could be relocated from the Marina. Relocating the Recreation Department to the Old COA and Water Department staff to the DPW building would free up two Town Hall

offices for use as additional meeting and voting space, to relieve congested office space or for additional staff and would provide relief to the document storage issues at town hall.. Relocating the Recreation Department would place it close to the Elementary School as most recreation programs are located either at Baker Field or the Elementary School. (Note: The possibility of relocating the Recreation Department to the Elementary School should also be examined.) Moving beach sticker sales to the Old COA would alleviate parking issues at the Marina during summer weekends and would provide an opportunity to refurbish the beach sticker building for used by the Shellfish Department.

In April 13, 2014 and November 20, 2014 memoranda to the Selectmen I reported the condition of this building and its possible use as follows:

Old COA Building. We have not yet commenced a study of this building, but the consensus is that the existing structure should be replaced with a manufactured building installed on the existing foundation. A number of uses for a reconstructed building suggest themselves, as follows. Relocation of the Recreation Department office from Town Hall to this building. This would enable the recreation department to operate out of renovated space at Baker Field during the spring, summer and fall and out of the old COA building during the winter. This places the recreation department offices proximate to where their activities are and allows the Baker Field building to remain a "three seasons" structure. It also frees up some badly needed space in Town Hall. A second use would be to use the basement for archival storage. Additional uses could include an office for the Water Department and some additional meeting space. Finally, relocating beach sticker sales to this building would provide some Marina parking relief during busy summer weekends. It is this latter use that will require coordination with renovation of the waterfront structures.

South Wellfleet Fire Station.

Constructed around 1975 the building is a single story frame structure on slab. The assessing department does not have building measurements or a value. It is essentially a two bay garage with a small attached office and mechanical space. The building garage bays are currently completely occupied by the DPW as winter storage for the street sweeper, mowers, a brush chipper, a generator and miscellaneous other equipment. The building has a heating system, a well and a septic system, but all are presently de commissioned as the office is unused. The garage bays are thought to be too small for modern fire equipment. On January 23, 2017 I met with the Fire Chief to discuss possible use of the building by the Fire Department. The Chief reported that he saw no possible use of the building by the Fire Department in the foreseeable future beyond possible use as winter boat storage. The limited space available, distance and dimensional constraints would limit the building's utility to the department and the DPW's storage needs would have to be met elsewhere.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 24, 2017

V

BUSINESS

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Discussion and possible vote as to disposition of old Shellfish Building at 35 Kendrick Avenue
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

DRAFT

Wellfleet Board of Selectmen

Minutes of February 3, 2017

SITE VISTS conducted from 2 -2:30 PM:

Old Council on Aging and Former Shellfish Department Buildings.

Present : Board members Berta Bruinooge, Jerry Houk, Dennis Murphy, Helen Miranda Wilson; Town Administrator Dan Hoort; DPW employees Chris Parker and Assistant Director Paul Lindburgh; Building Needs and Assessment Committee Chair Harry Terkanian ; Lifeguards Hannu Pechukas and Kenneth Lloyd; Tom Flynn.

Regrets: Janet Reinhart

At the old COA:

Paul Lindburgh noted that the septic system had failed because the D box is full of roots and the boiler had been damaged beyond repair. It was observed that the sills are rotted in numerous places as are various parts of the structure and that here and there, the structure is open to the outdoors. There was much evidence of animals having occupied the space.

The roof looks in bad shape from the outside but there was no superficial, internal evidence of leaking. The full basement/foundation looks dry and in good condition.

At the former Shellfish Department Building:

Dennis Murphy noted that the roof lines, trim and sides of the building at least appeared to be structurally sound. The inside was in a state of extreme and depressing disrepair.

Various possibilities were mentioned, including demolishing the building, moving it, selling it and having it moved, and repurposing it.

Information about code compliance relating to reconstruction or renovation was provided by Terkanian and Hoort at both sites. In addition, the Board had received copies of two internal memos (January 20, 2017 and January 27, 2017) from the Building Needs and Assessment Committee the day before with more historic and physical details, as well as recommendations for the use of both structures.

The Board and the Town Administrator agreed to aim for discussing the future of these buildings at the February 28 meeting.

Respectfully submitted,

Helen Miranda Wilson



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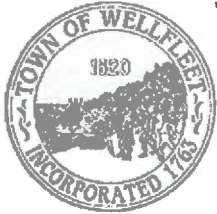
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To: Building and Needs Assessment Committee
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Shellfish Building, Kendrick Ave.

This building, originally a restroom/bath house, had in recent years been occupied by the Shellfish Department. The building is a one and one-half story 22 feet by 32 feet (704 square feet) building on a slab foundation. The building is carried as a capital asset valued by the assessors at \$82,500. Visually, the exterior and roof are in poor condition. The heating and septic systems are not functional. A December 2013 inspection

performed by Target Inspections revealed the presence of mold in significant levels. As a result the Shellfish Department office was moved to the beach sticker building at the Marina. While this move has improved the conditions under which the Shellfish Department operates, the beach sticker building has no central heat and, as a result, water is shut off during the winter leaving the occupants with no toilet facilities other than the public restrooms beyond the Harbormaster office. Heat is provided by electric space heaters. The Shellfish Building is located in a velocity (VE zone) flood zone. I understand from the DPW that the slab foundation is cracked and the septic system has failed. Given the low current assessed value of the building, it should be assumed that any repairs to the building will require full building code compliance including flood proofing. This will require raising the building (approximately eight feet) for it to be one foot above the elevation of the flood plain and will present issues for replacement of the septic system. The building was evaluated as part of an evaluation of the waterfront buildings by Turowski2 Architecture, Inc. The September 29, 2014 report is available on the town web site (See the Waterfront Needs and Building Assessment on the Projects page under the Reports and Documents section.) The architect's recommendation was "Remove the building from service/demolish." I have not physically inspected the building.

In April 13, 2014 and November 20, 2014 memoranda to the Selectmen I reported on the Shellfish Building as follows:

Waterfront Buildings. With a relocation of beach sticker sales to the Old COA renovation of the waterfront buildings would become more of a manageable project since only the Shellfish Department, Harbormaster offices and renovate restroom facilities would have to be considered. The existing Shellfish Building, which is in extremely poor condition, could be razed if deed restrictions permit.

Old Council on Aging Building, Lawrence Road.

The Old COA Building was originally a government surplus building moved to the site by Head Start under a lease of the site from the Town. The date of original construction is unknown. The building is a single story of 2080 square feet on poured concrete full basement. It is currently valued by the Town at \$91,700. The building was used by Head Start and was the original Council on Aging building. After the COA and Head Start vacated the building it was used by the Town as meeting space. A visual inspection on January 20, 2017 reveals a foundation in apparent good condition but the building structure is beyond repair and is open to the weather in places. Currently a limited portion of the basement is used as a storage area by the Harbormaster. There is a septic system and well on site and town water is available. In discussing the rehabilitation possibilities for the building, the DPW Director was of the opinion that everything above the foundation be removed and replaced by a manufactured building. If the existing 2,080 square feet provides insufficient space a slab foundation could be added adjacent to the existing foundation to support a larger structure.

Possible uses of the structure include relocation of the building health and conservation staff which would allow the recovery of the DPW conference room and provide office space for a relocated water department (the water system SCADA system terminates at the DPW building.) Additionally the basement could be used for archival document storage, the Recreation department could be relocated from Town Hall, or beach sticker sales could be relocated from the Marina. Relocating the Recreation Department to the Old COA and Water Department staff to the DPW building would free up two Town Hall

offices for use as additional meeting and voting space, to relieve congested office space or for additional staff and would provide relief to the document storage issues at town hall.. Relocating the Recreation Department would place it close to the Elementary School as most recreation programs are located either at Baker Field or the Elementary School. (Note: The possibility of relocating the Recreation Department to the Elementary School should also be examined.) Moving beach sticker sales to the Old COA would alleviate parking issues at the Marina during summer weekends and would provide an opportunity to refurbish the beach sticker building for used by the Shellfish Department.

In April 13, 2014 and November 20, 2014 memoranda to the Selectmen I reported the condition of this building and its possible use as follows:

Old COA Building. We have not yet commenced a study of this building, but the consensus is that the existing structure should be replaced with a manufactured building installed on the existing foundation. A number of uses for a reconstructed building suggest themselves, as follows. Relocation of the Recreation Department office from Town Hall to this building. This would enable the recreation department to operate out of renovated space at Baker Field during the spring, summer and fall and out of the old COA building during the winter. This places the recreation department offices proximate to where their activities are and allows the Baker Field building to remain a “three seasons” structure. It also frees up some badly needed space in Town Hall. A second use would be to use the basement for archival storage. Additional uses could include an office for the Water Department and some additional meeting space. Finally, relocating beach sticker sales to this building would provide some Marina parking relief during busy summer weekends. It is this latter use that will require coordination with renovation of the waterfront structures.

South Wellfleet Fire Station.

Constructed around 1975 the building is a single story frame structure on slab. The assessing department does not have building measurements or a value. It is essentially a two bay garage with a small attached office and mechanical space. The building garage bays are currently completely occupied by the DPW as winter storage for the street sweeper, mowers, a brush chipper, a generator and miscellaneous other equipment. The building has a heating system, a well and a septic system, but all are presently de commissioned as the office is unused. The garage bays are thought to be too small for modern fire equipment. On January 23, 2017 I met with the Fire Chief to discuss possible use of the building by the Fire Department. The Chief reported that he saw no possible use of the building by the Fire Department in the foreseeable future beyond possible use as winter boat storage. The limited space available, distance and dimensional constraints would limit the building’s utility to the department and the DPW’s storage needs would have to be met elsewhere.

Dan Hoort

From: Dan Hoort
Sent: Friday, July 21, 2017 9:18 AM
To: Justin Post
Subject: RE: Old town building in V Zone

Thanks Justin,
We may need you at a future Selectmen's meeting to answer any questions. I'll let you know.

Dan

From: Justin Post
Sent: Thursday, July 20, 2017 6:29 PM
To: Dan Hoort <Dan.Hoort@wellfleet-ma.gov>
Subject: RE: Old town building in V Zone

Dan,

If the building appraisal came back as actually \$0 there are two options;

1. Demo existing and then build new building ground up to current building code and FEMA mandates. (if any engineer is willing to certify to structural remediation)
2. Lift existing sentimental structure and install a new FEMA compliant foundation which will be a substantial cost to save the structurally insufficient structure.

I would be happy to go to any meeting you need me to in order to discuss particulars Sir.

Justin

From: Dan Hoort
Sent: Wednesday, July 19, 2017 12:10 PM
To: Justin Post <justin.post@wellfleet-ma.gov>
Cc: Brian Carlson <Brian.Carlson@wellfleet-ma.gov>
Subject: FW: Old town building in V Zone

Hi Justin,

I'm going to turn to you first. We have the old shellfish shack that is located on Kendrick Avenue next to the Mayo Beach parking lot. The Building Needs and Assessment Committee has recommended it be demolished. When that recommendation was brought forward to the Selectmen they wanted to see if there was a way to save it because it has some historic and sentimental value to the Town. Being aware of the 50% rule regarding renovations and bringing a property up to code I requested an appraisal so we could determine the value of the building itself and how much renovation we could actually do.

The appraisal came back and said the value of the building is \$0. It's worthless. What does that mean as far as renovations? I assume it means the entire building would have to be brought up to code. I'd also make the assumption

that if the building is worthless, ignoring the sentimental aspect, the town would be better off building a new building if they were going to do anything.

Any other thoughts?

Dan

LEONARD KOPELMAN
 DONALD S. PAIGE
 ELIZABETH A. LANE
 JOYCE FRANK
 JOHN W. GIORGIO
 BARBARA J. SAINT ANDRE
 JOEL B. BARD
 EVERETT J. MARDER
 JOSEPH L. TEHAN, JR.
 ANNE-MARIE M. NYLAND
 THERESA N. DOWDY
 CEDORAH A. ELIASON
 RICHARD BOWEN
 DAVID J. DONESKI
 JUDITH C. CUTLER
 ILANA M. GUIRK
 KATHLEEN E. CONNOLLY
 DAVID C. JENKINS
 MARK R. REICH

EDWARD M. REILLY
 DIRECTOR WESTERN OFFICE

WILLIAM HEWIG III
 JEANNE S. MCKNIGHT

KOPELMAN AND PAIGE, P. C.

ATTORNEYS AT LAW

31 ST. JAMES AVENUE

BOSTON, MASSACHUSETTS 02118-2102

(617) 556-0007
 FAX (617) 654-1738

PITTSFIELD OFFICE
 (413) 443-6100

NORTHAMPTON OFFICE
 (413) 585-8832

WORCESTER OFFICE
 (608) 752-0203

KATHLEEN M. O'DONNELL
 SANDRA M. CHARTON
 PATRICIA A. CANTOR
 THOMAS P. LANE, JR.
 BRIAN W. RILEY
 MARY L. GIORGIO
 HARRIS A. KLEIN
 THOMAS W. MCENANEY
 JONATHAN M. SILVERSTEIN
 KATHARINE I. GORRE
 GEORGE X. PUCCI
 LAUREN K. GOLDBERG
 JAMES R. TALERMAN
 MICHAEL E. RANDAZZO
 GREGG J. CORBO
 LISA C. ADAMS
 ELIZABETH R. CORBO
 DANIEL C. HILL
 VICKI S. MARSH
 JOSEPH J. GOLDBERG
 SHIRIN EVERETT
 TANYA D. TREVISAN
 BRIAN E. CLENNON, II
 JONATHAN D. BICHMAN
 MICHAEL C. GLEBA
 THOMAS A. FRAMPTON

April 16, 2002

BY FACSIMILE - (508) 349-0305

Hon. Michael S. Parlante and
 Members of the Board of Selectmen
 Weiffleet Town Hall
 300 Main Street
 Weiffleet, MA 02667

Re: Mayo Beach

Dear Members of the Board of Selectmen:

You have requested an opinion on whether the Town's use of the former bathhouse on Mayo Beach as office space for the Shellfish Department violates the restrictions imposed in the deed to the Town and/or the terms of a certain Town Meeting Article passed in 1948. You have provided us with a copy of the Deed from Lorenzo D. Baker and Joshua B. Baker as Trustees of the Captain L.D. Baker Estate to the Town dated April 4, 1931 and recorded with Barnstable County Registry of Deeds in Book 549, Page 121 ("Baker Deed"). You have also provided us with a copy of Article 33 of the Annual Town Meeting held in 1948 which Article authorized the construction of a bathhouse, toilet facilities and recreational area at Mayo's Beach.

In my opinion, the language in the Baker Deed created a public charitable trust in the land known as Mayo Beach and as such, the restriction limiting use to a "public Town Park for bathing and other recreational uses and for no other purpose" is still in force and effect notwithstanding the passage of time. The Baker Deed created a restriction on use which established a public charitable trust and as such this restriction is not subject to the limits established under G.L. c. 184 §23.

G.L. c. 184 §23 establishes a statute of limitations for actions to enforce deed restrictions. Any restriction imposed before January 1, 1962 expires after fifty years, unless brought forward by the recording of a notice of extension. This notice extends the enforceability of the restriction for an additional twenty year period. There are, however, exceptions to this statutory expiration

Hon. Michael S. Parlante and
Members of the Board of Selectmen
April 16, 2002
Page 2

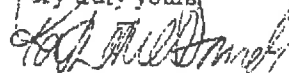
date. Restrictions imposed for conservation, historic preservation, agriculture, watershed protection and affordable housing are not subject to the fifty year limit.

In addition to these specific types of restrictions that establish a public benefit, a deed restriction may create a public charitable trust. To make the determination as to whether or not a certain condition in a deed creates a public charitable trust, one must look to the language of the deed itself. In Dunphy v. Commonwealth 368 Mass. 376 (1975), the Court established a test for determining whether or not a public charitable trust has been created. If title to the land remains with the municipality, and the grantor made no provision for a right of entry or reverter if the property ceased to be used for the public purpose recited in the deed, the Court held that the grantor's faith that the land will continue to be used for public purposes, and the municipality's acceptance of that public purpose, created a contract between the grantor and the grantee which remains enforceable in perpetuity. If the deed contains language giving the former owner the right to re-enter or the title reverts automatically upon the violation of a condition, the deed did not create public charitable trust. "The creation of a possibility of reverter is inconsistent with the intent to create a public trust in perpetuity" Opinion of the Justices 369 Mass. 979 (1976). The language in the Baker Deed, in my opinion, satisfies the Dunphy test and therefore created a perpetual restriction.

You have asked for our opinion on whether the Town's use of the bathhouse constructed pursuant to Article 33 of the 1948 Town Meeting "violates" the purposes of that Article. Article 33 of the 1948 Town Meeting authorized the construction of a bathhouse, toilet facilities and recreational area on Mayo's Beach. I assume that the understanding of Town Meeting was that the facility would be used by members of the public in conjunction with use of the beach. As such, the building would be considered a recreational facility under the custody of Board of Selectmen. In my further opinion, exclusive use of the building by the Shellfish Department as office space does not constitute "recreational use" and is therefore prohibited by the terms of the Baker Deed.

If you have any further questions regarding this matter, please do not hesitate to contact me.

Very truly yours,



Kathleen M. O'Donnell

KO'D/

133356/WELL/0001

Edward A. Tucker
 and
 Elizabeth B. Griffin
 Joseph A. Nickerson
 and
 William G. Griffin
 Eva P. Watts
 and
 William Gordon Tucker

THE COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

Chatham, December 20, 1938

Then personally appeared the above named William Gordon Tucker and acknowledged the foregoing instrument to be his free act and deed, before me,


 Notary Public

My Commission Expires Dec 30, 1943



Barnstable, ss., Received February 20, 1939, and is recorded.

We, Lorenzo D. Baker and Joshua H. Baker, as we are a majority of the Trustees of the Captain L. D. Baker Estate under Declaration of Trust dated November 2, 1910, recorded with Barnstable Deeds, Book 308 Page 92, by the power conferred by said Declaration of Trust and every other power, in consideration of six thousand (6000) dollars paid, grant to Town of Wellfleet, Barnstable County, a certain parcel of land in said Wellfleet at Mayo Beach (so called) bounded and described as follows: Beginning at the northwesterly corner thereof at land of Harry L. Capron, being formerly property of United States of America on which Mayo Beach Light stood; thence about S 65°17'50" E 492.25 feet by the Town Way to an angle; thence by said Town Way about S 55°50'20" E 421.83 feet to land of the grantors; thence

Barnstable, ss., Received February 20, 1939, and is recorded.

549

123

Notice of Conditional Sale of Personal Property
(GENERAL LAWS, CHAP. 184, SEC. 13)

NOTICE IS HEREBY GIVEN that **THE LIQUID CARBONIC CORPORATION,**
A Delaware Corporation doing business at **CHICAGO, ILL.** June 28, 1938

sold to Lloyd B. Wilcox,
King's Highway,
Orleans, Massachusetts

the following described personal property, viz:

One 32'0" Oriental Wood Counter 32" high. One 20'0" Atlantic Superstructure. One 9'6" #3108 Lifetime Cooler Box. One 1'0" Workboard #4404. One 3'9 1/2" Workboard. One #4401 Salad Cabinet 3'3 1/2" with TRV 20 valve. One #4403 11" Toaster Stand. One Silent Lifetime Carbonator with gas outfit complete. Sixteen Red Leather Stools with seat returns, Black Japan base.

to be installed in premises at King's Highway,
Orleans, Massachusetts

and was delivered thereon July 6, 1938

on conditional bill of sale; it being agreed between the Vendor and Vendee that title to said personal property is to remain in the Vendor until purchase price is paid in full, the terms of payment being as follows, in thirty-six monthly payments.

The amount of the purchase price remaining unpaid is \$2609.36

with the final installment maturing on July 5, 1941

The present record owner of said real estate is Mrs. Bertha M. Wilcox

THE LIQUID CARBONIC CORPORATION

Per A. W. Koll Vendor
Asst. Treasurer

Form 6259 Printed in U.S.A.

Barnstable, ss., Received February 20, 1939, and is recorded.

WE, THE UNDERSIGNED, Trustees of Little River Associates, under trust agreement dated August 29, 1930 and recorded in the Register's office of the County of Barnstable, in the Commonwealth of Massachusetts on September 2, 1930 in Book 477 of Deeds at page 182, do hereby certify that we convened in meeting in the Town of Barnstable

See Discharge in Book 605 Page 197.

Appraisal Company of Cape Cod, Inc.
Real Estate Appraisal and Consulting

Residential
Commercial
Vacant Land
Expert Witness

BOX 1655, 170 ROUTE 6A
ORLEANS, MASSACHUSETTS 02653
(508) 255-8822 FAX (508) 255-9257
TOLL FREE (877) 760-8900
www.capecodappraiser.com

Michael Sutton
Certified General Real Estate
Appraiser – MA Lic. #786
Mikesutton@capecodappraiser.com

July 19, 2017

Brian Carlson, Assistant Town Manager
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667

Dear Mr. Carlson:

Per your request I have prepared the attached appraisal letter for the market value of a Cape style building (exclusive of the land) located at 35 Kendrick Avenue, Wellfleet, Massachusetts.

The appraisal process consists of a physical inspection of the property and estimation of the value based on building size, type and quality of construction and location.

The purpose of this appraisal is to estimate the value of the subject building to assist in the possible renovation of the property per Town of Wellfleet building codes. I personally inspected the property on June 22, 2017 and have gathered all the data necessary to arrive at a market value conclusion for the building.

As a result of my investigation, analysis and information gathered I estimate the market value of the improvements as of the date of inspection to be no value.

\$ 0.00
Zero Dollars

Appraisal Company of Cape Cod, Inc.

Page 1 of 13

Street View



Rear View



Front Door Entrance Room



Office



Main Room - Looking Easterly



Main Room - Looking Westerly



Lavatory



Stairs to the Attic



Items of Deferred Maintenance Throughout the Building



Shed doors



Missing shingles, Hole?



Broken Windows, Mold Thraughtout.



Furnace



Exterior Door



Electrical

The subject building sits on a 5.59 acre beach site zoned the “central district” with much on the site on beachfront land fronting on Wellfleet Harbor. The site is identified in the Wellfleet assessor’s records as Map 20, Parcel 9-0. A copy of the card identifying the property is attached to this report. The subject site is an open, generally rectangular shaped parcel that is bounded by commercial properties and Wellfleet Harbor parking lot on the east and Mayo’s Beach/parking and Wellfleet recreation area on the west.

The improvements “subject” (the building being valued) is a one story, wood frame, cape style building with stairs to attic constructed in 1978 according to town records. The improvements consist of three rooms: entrance room, office room and a “main” room plus a lavatory consisting of a sink and toilet. Towards the southwesterly side of the building is a set of stairs leading to the attic. Heat is forced hot air (nonfunctioning). A 5’x8’ shed is attached on the westerly side of the building.

A description of the improvements follows:

Exterior:

Foundation:	Cement block; crawl space
Exterior walls:	Wood shingles
Roof:	Asphalt shingles
Windows:	Double hung, wood sash, single pane
Size (gla):	704 square feet
Age/Effective Age:	1978 / 45-50 years effective
Condition:	Poor

Interior:

Floors:	Slab; unfinished plywood in office
Walls:	Drywall/Homosote
Lighting:	2-4’ double fluorescent
Heating/Cooling:	Forced hot water; looks to be non-functioning

Comments:

The building appears to be in very poor condition (see pictures). The building appears to have reached the end of its economic life which is defined to mean: "the period over which improvements to the real property contribute to property value." The improvements have reached the end of their economic life. In my opinion, there is no value in the improvements as they presently stand. Some particular items:

Exterior

- Roof is missing shingles, possible hole
- Windows rotted, broken, missing glass
- Front door (metal) bent, missing knob
- Cedar siding needs replacing three walls
- Shed unusable
- Foundation: cement blocks seem adequate; cannot get into crawl space

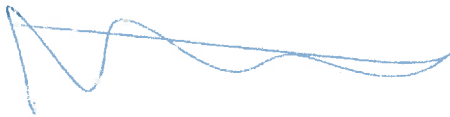
Interior

- Ceiling/walls need paint, repairs, holes, mold throughout
- Slab needs cleaning painting
- Windows/doors replace
- Heat, furnace is old, ducts need fastening to ceiling
- Electric: does have 100 amp service but few switches/lights/plugs; loose wires/boxes
- Lavatory needs upgrade; plumbing unknown

The appraiser's estimate of value is that there is no value to the building

Thank you for the opportunity to be of service. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Sutton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Sutton

VALUE OF THE IMPROVEMENTS

Address	35 Kendrick Avenue; Wellfleet MA			
Date:	6/22/2017			
Building	Quality	Class	Type	Gba
	Good	D		720
	Base Cost		\$120.59	\$120.59
	Current Cost Multipl:			\$1.04
	Local Cost Multiplier:			\$1.20
	Total			\$150.50
	Rounded	To:		\$150
Estimated Reproduction Const, New				
	SF		Pr./SF	
Base	720	x	\$150	\$108,000
Attic	540	x	\$15.00	\$8,100
Shed	40	x	\$60	\$2,400
TOTAL	COST	NEW		\$118,500
				164.58/SF
Depreciation				
Age	39			
Eff.Age	55			
Econ.Life	55			
% Dep	100%			\$118,500
Total Depreciated Value of the Building				\$- 0-

QUALIFICATIONS

Appraisal Company of Cape Cod, Inc. *Real Estate Appraisal and Consulting*

Residential
Commercial
Vacant Land
Expert Witness

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TOLL FREE (877) 760-8900
www.capecodappraiser.com

Michael Sutton
Certified General Real Estate
Appraiser - MA Lic. #786
Mike.sutton@capecodappraiser.com

QUALIFICATIONS - MICHAEL SUTTON

CERTIFICATION/MEMBERSHIP:

1993 - Present: Massachusetts Certified General Real Estate Appraiser #786
1992 - Present: Appraisal Institute, MAI Candidate
1999 - Present: National Association of Independent Fee Appraisers, IFA #25101
1998 - Present: Massachusetts Board of Real Estate Appraisers
1991 - Present: National Association of Review Appraisers, CRA #18986
1984 - Present: National Federation of Independent Business, #015697923
1983 - Present: Cape Cod & Islands Association of Realtors, Associate Member
1983 - 1999: American Association of Certified Appraisers, CA-R Certified Appraiser
1979 - 1992: Society of Real Estate Appraisers, SRA Candidate

EXPERT COURT TESTIMONY:

Barnstable Probate Court, Barnstable, MA
Barnstable Superior Court, Barnstable, MA
Boston Bankruptcy Court, Boston, MA
Boston Land Court, Boston, MA
Hartford Probate Court, Hartford, CT
Second District Court, Orleans, MA
Massachusetts Tax Appellate Court

WORK EXPERIENCE:

1983 - Present: Owner and President of the Appraisal Company of Cape Cod, Inc., the oldest and largest real estate appraisal firm doing business on Cape Cod, Nantucket and Martha's Vineyard.
1980 - 1983: Staff Real Estate Appraiser for Bass River Savings Bank, Yarmouth, Massachusetts
1978 - 1980: Real Estate Broker/Fee Appraiser
1972 - 1978: Carpenter, electrician's, plumber's and mason's assistant
1969 - 1972: U. S. Army, Lieutenant

Appraisal Company of Cape Cod, Inc.

QUALIFICATIONS – PAGE 2

TEACHER/INSTRUCTOR:

Massachusetts Teacher's Certificate #0189487
Construction Supervisor's Certificate #009669

1981 – 1991: BB290, The Appraisal of Real Estate
Cape Cod Community College, Barnstable, MA
1987 – 1990: BB291, The Appraisal of Commercial Real Estate
Cape Cod Community College, Barnstable, MA
1972 – 1978: Program Supervisor, Department of Youth Services, Brewster, MA

EDUCATION:

Monmouth College, Monmouth, Illinois, Class of 1969
B.A. Degree; Political Science

Nauset Regional High School, Orleans, Massachusetts, Class of 1965

PARTIAL LIST OF PERTINENT APPRAISAL COURSES:

1979 – Present: "Valuation of Leased Fee Interest"
American Institute of Real Estate Appraisers
"Appraising Duplexes using the new Duplex Form FNMA 1025"
Society of Real Estate Appraisers
"Applied Income Property Valuation" Course 202
Society of Real Estate Appraisers
"The Appraisal of Partial Acquisitions" Course 401
International Right of Way Association
"Marketability and Market Analysis"
Society of Real Estate Appraisers
"Applied Residential Property Valuation" Course 102
Society of Real Estate Appraisers
"Principles of Income Property Appraising" Course 201
Society of Real Estate Appraisers
"Utilizing the Fannie Mac-Freddie Mac Appraisal Report"
Society of Real Estate Appraisers
"The Appraisal of Income Property"
Massachusetts Board of Real Estate Appraisers
"Appraising Real Property" Course 101
Society of Real Estate Appraisers
"Appraising the Single Family Residence"
Massachusetts Board of Real Estate Appraisers

QUALIFICATIONS – PAGE 3

PARTIAL LIST OF MAJOR CLIENTS:

Municipal Clients:

Towns of Chatham, Dennis, Eastham, Harwich, Nantucket, Orleans, Provincetown and Truro. Barnstable Land Trust, The Compact of Cape Cod Conservation Trusts, Inc., Mass. Audubon, Mass. Department of Fish and Game, U. S. Department of Interior.

Major Bank Clients:

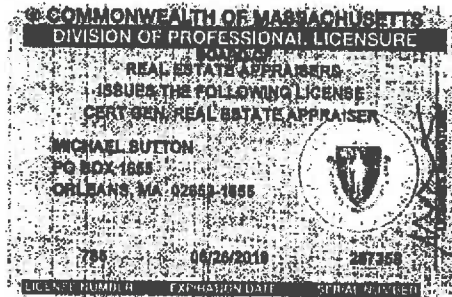
Cape Cod Cooperative Bank
Cape Cod Five Cents Savings Bank
Citizens Bank
Dedham Savings Bank
East Boston Savings Bank
Fieldpoint Private Bank
First Citizens' Federal Credit Union
i Mortgage Services
Milbank
Patriot Community Bank

Rockland Trust Company
Salem Five Bank
Santander Bank
Schaefer Mortgage Corporation
Seamen's Bank
Solidifi
TD Bank
Unibank
U. S. Trust
The Washington Trust Company

Additional Major Clients:

William Crowell, Esq.
Eastward Companies, Inc.
Michael Flores, LLC
Hayes & Hayes, P.C.
Kinlin Grover Properties

LaTanzi, Spaulding & Landreth, P.C.
Marder & Associates, Inc.
David Nunheimer, Esq.
Snow and Snow
Law Offices of Michael Zawadzkas



Michaela Miteva

From: Dan Hoort
Sent: Friday, July 21, 2017 10:37 AM
To: Board of Selectmen
Subject: Old Shellfish Shack and old COA building
Attachments: Bldg Needs Cte recommendation.pdf; Bldg Needs Cte Terkanian memo.pdf; 35 Kendrick - Bldg Inspector comments.pdf; 35 Kendrick Ave Appraisal.pdf

Dear Selectmen,

We had an appraisal done of the old Shellfish Shack, it determined that the building has no value. That somewhat limits our options as to what we can do with the building. Attached you will see comments from our Building Inspector, Justin Post, as to our options. I will most likely request that it be put on an agenda in September with Justin in attendance so you may ask him questions. It might be an appropriate time to have a representative from the Building Needs and Assessment Committee in attendance as well.

On another note at my request the Dept. of Public Works is looking at the old COA building to come up with a conceptual plan of how that building might be used. I hope to bring something forward to the Selectmen this fall and if we agree on a use for the building I would suggest we bring it forward to town meeting in April.

Dan

Daniel R. Hoort
Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667
(508) 349-0300

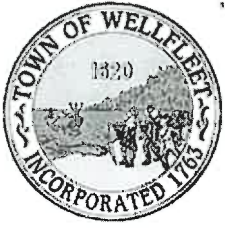


BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 24, 2017

VI

TOWN ADMINISTRATOR'S REPORT



TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

www.wellfleetma.org

To: Board of Selectmen
From: Dan Hoort, Town Administrator
Subject: Town Administrator's Report
Date: October 20, 2017

This report is for the period October 7 through October 20, 2017.

1. General
 - Notified Army Corp of Engineers that Comprehensive & Management Plan has been approved.
2. Fiscal Matters
 - FY 2019 budget templates have been distributed to department heads.
3. Meetings
 - October 10 – Conference call regarding Paine Hollow affordable housing property
 - October 10 – Board of Selectmen meeting
 - October 12 – Cape Housing Institute meeting
 - October 15 – Volunteered at Cultural District booth at Oysterfest
 - October 19 – Cape Housing Institute meeting
 - October 19 – Oysterfest debriefing meeting
4. Complaints.
 - Resident complaint about town meeting being held at elementary school.
(Attempting to address some of the issues that make it difficult for the resident to attend the meeting)
5. Miscellaneous.
 - none
6. Personnel Matters:
 - Interviews for Asst. to Town Administrator/BOS Secretary have been completed.

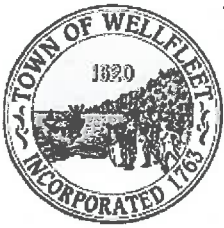


BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 24, 2017

VIII

CORRESPONDENCE AND VACANCY REPORT



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 24, 2017

IX

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of meeting minutes
PROPOSED MOTION:	I move to approve the minutes of October 10 th as printed (as amended).
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Please note:

The minutes as presented have been reviewed by Selectman Wilson. Any corrections she believes should be included are listed in **red** in the minutes.

DRAFT

Wellfleet Board of Selectmen Minutes of the Meeting of October 10, 2017 Wellfleet Senior Center 7:00 p.m.

Present: Chair Dennis Murphy, Kathleen Bacon, Jerry Houk, Janet Reinhart, Helen Miranda Wilson; Town Administrator Dan Hoort

Chair Dennis Murphy called the meeting to order at 7:00 p.m.

Announcements, Open Session and Public Comment

- Houk urged the Fire Chief to offer a class on CPR, which he had previously requested.
- Bacon announced that the Baker's Field Playground will be opened October 16, 2017. She thanked the DPW for their work on the project.
- Chief Ron Fisette discussed safety measures that will be in place for this year's Oyster Fest.
- Shelia Lyon announced that she is the new president of the Wellfleet Forum. She invited everyone to the October 25, 2017 meeting at the COA. The featured topic is the Cape Cod Commission.
- Dick Elkin said the Cape Light Compact Entity anticipates getting a grant for Clean Energy. Their first meeting will be held on October 26, 2017.
- Dan Hoort said absentee ballots for October 24, 2017 are available at Town Hall. Also because of the election that day, the Selectmen need to make a change in their scheduled meeting. There was consensus to meet at the Library on the scheduled date of October 24th.

Chair Dennis Murphy opened the public hearing.

Public Hearings

Dalby Shellfish License

The Board considered a transfer of shellfish licenses #95-31 and #95-32 by Clifford Dalby and Jacob Dalby to Clifford Dalby, Jacob Dalby and Justin Dalby.

MOTION 218-066: Houk moved the transfer of Shellfish Grant Licenses #95-31 and #95-32¹ from Clifford Dalby and Jacob Dalby to Clifford Dalby, Jacob Dalby and Justin Dalby. Reinhart seconded, and the motion carried 5-0.

Underground Fuel Storage License for Cumberland Farms

Jamie Veara, attorney for Cumberland Farms, requested that the hearing for an application for an underground fuel storage license at 2586 State Highway be continued.

MOTION 218-067: Wilson moved to continue the hearing for the application for an underground fuel storage license at Cumberland Farms ,2586 State Highway, to the meeting of October 24, 2017 at the Wellfleet Public Library. Reinhart seconded, and the motion carried 5-0.

The Public Hearing session was closed at 7:12 p.m.

Business***Approval of License Agreement with Tom and Cathy Siggia***

Town Administrator Dan Hoort explained a license agreement between the Town and Tom and Cathy Siggia of 325 Paine Hollow Rd. The agreement offers a short-term solution to an access issue at the Paine Hollow Town Landing. Tom Siggia said they were concerned about liability issues on their property. The Siggias have agreed that people will be allowed to cross their property to get to the Town Landing **only for the purposes specified in the agreement**. Dan Hoort read the language for some amendments to the agreement. Members of the Board of Selectmen thanked the Siggias for their generosity.

MOTION 218-068: Reinhart moved that the Selectmen approve the two-year license agreement included in the agenda packet with Thomas Siggia and Cathy Siggia² for the property located at 325 Paine Hollow Road, **as amended**. Bacon seconded, and the motion carried 5-0.

White Crest Beach Parking Lot

Board members and Beach Director Suzanne Grout Thomas discussed beach parking and traffic, including an expansion of the White Crest Beach parking lot. Suzanne Grout Thomas said the Town had approved an engineered plan for the lot, However, the engineer was not at the meeting to review it with the Selectmen. Ms. Thomas said only the parking lot at White Crest has abutting property owned by the Town suitable for expansion. Ms. Thomas discussed design considerations and phasing the construction for the lot.

Of particular concern to the Selectmen was proceeding with an expansion as soon as possible. There was discussion of land swap potential for other beach parking, but Suzanne Thomas said the Seashore has been resistant to land swaps for that purpose. She and the Selectmen discussed possibilities for shuttle services by the Town. Chair Dennis Murphy discussed the cost of beach sand and its use for erosion control. Excavation during the White Crest lot during construction could provide sand for the **Town's** Cahoon Hollow parking lot, a situation which he also wanted to discuss.

Suzanne Thomas said the report from the coastal geologist on the Cahoon Hollow beach lot would be completed next week. Ms. Thomas will provide the total number of spaces in all the Town's ocean parking lots, excluding the Cahoon Hollow lot since that has yet to be determined. Ms. Thomas said White Crest **is the one pay-for-a-day beach** that makes **enough** revenue for the Town **to pay for itself**. She reviewed the overall costs and revenue of the Beach Department. She said she favored a proposal by Dennis Murphy for a public-private partnership to repair the Cahoon Hollow Beach lot. He suggested leasing the Town lot to the Beachcomber and letting them preserve the lot but keeping Town access to the beach. The Town could still be responsible for drainage control, which Chapter 90 funds would cover. Suzanne Thomas said the Town should proceed with plans for leasing the parking lot at Cahoon Hollow as soon as possible. The Town Administrator said he will contact the Beachcomber about leasing the lot.

At a future meeting, Selectmen would like to discuss an increase in beach fees and shuttle services for the beaches. She said the consultant's report will be ready along with the 5-year

plan for different prices. Suzanne Thomas suggested another topic: Private business using Town beaches for profit

FY 2018 Board of Selectmen Goals

The Selectmen reviewed the Fiscal Year 2018 Board of Selectmen Goals.³ Town Administrator Dan Hoort explained how the list of goals had been developed from suggestions from Selectmen, staff and the public. He fielded questions from Selectmen and Curt Felix on an approach to the list, wastewater issues, innovative septic systems, water quality for Wellfleet Harbor, a review of undersized lots for affordable housing, harbor health, cluster systems for wastewater (particularly in the vicinity of the marina) and a Harbor beautification plan that had been abandoned.

MOTION 218-069: Wilson moved to approve, as presented, the FY2018 Board of Selectmen Goals, which include much appreciated input from the staff. Bacon seconded, and the motion carried 5-0.

FY 2019 Budget / 2018 Annual Town Meeting Schedule

The Board reviewed the Fiscal Year 2019 Budget / 2018 Annual Town Meeting Schedule.⁴

MOTION 218-070: Reinhart moved to approve the FY2019 Budget / 2018 Annual Town Meeting Schedule as printed. Bacon seconded, and the motion carried 5-0.

BOS Review of the Town Administrator

Dan Hoort, the Town Administrator, was due for his first Annual Performance Review. Selectmen will use a performance evaluation form⁵ that covers criteria for Personal/Professional, Board Support/Relations, Financial Management, Personnel Management/Organizational Leadership, Community Leadership/Public Relations, Town Operations and Infrastructure, and Suggested Goals for 2018. Mr. Hoort explained how the process works.

Town Administrator's Report⁶

Town Administrator Dan Hoort had submitted his report on matters of concern from September 23 through October 6, 2017. He answered questions on the map update from the National Seashore, a charging station for electronic vehicles, Oyster Fest planning, applications for the Executive Assistant position, the Economic Vitality Task Force, and Affordable Housing efforts. Janet Reinhart announced that there will be a series of Cape Housing Institute meetings from October 11 to November 15th at Prez Hall. Dan Hoort said his biggest piece of news **is that the State has approved the** dredging plan permits and they are ready to be signed.

Topics for Future Discussion

Selectmen suggested topics for discussion at future meetings. These included: letters; an Executive Session on the Pleasant Point property; fee increases; the Shellfish Shack and the old COA building at the corner of Lawrence Rd., using the Building Needs Committee's findings and a copy of the deed for Mayo Beach property; inviting Elaine McIlroy of the Housing Authority to a meeting; use of local preference and veteran's preference in hiring; a response to a bicycle rental company's proposal; inviting the Wellfleet Arbor Committee to discuss the

Town Hall lawn project; and inviting Mr. LeBart to discuss the proposed memorial garden on the Prez Hall lot. Dan Hoort said the former COA building is already an agenda topic for the next meeting.

Correspondence⁷ and Vacancy Report⁸

The Board examined the Correspondence and Vacancy Report of October 5, 2017. Wilson said there was a piece of correspondence missing from the Correspondence File list, but it had been an anonymous letter.

Minutes

MOTION 218-071: Wilson moved to approve the minutes of September 26, 2017⁸ as amended. Bacon seconded, and the motion carried 5-0.

Adjournment

MOTION 218-072: Reinhart moved to adjourn. Wilson seconded, and the motion carried 5-0.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Mary Rogers, Secretary

Public Records material of 10/10/17

1. Transfer of Shellfish Grant Licenses #95-31 and #95-32
2. Two-year license agreement with Thomas Siggia and Cathy Siggia
3. Fiscal Year 2018 Board of Selectmen Goals
4. Fiscal Year 2019 Budget / 2018 Annual Town Meeting Schedule
5. Performance Evaluation Form for the Town Administrator
6. Town Administrator's Report dated 10/6/17
7. Correspondence Report of 10/5/17
8. Vacancy Report of 10/5/17
9. Draft BOS minutes of September 26, 2017



BOARD OF SELECTMEN

AGENDA ACTION REQUEST

X

Meeting Date: October 24, 2017

EXECUTIVE SESSION

REQUESTED BY:	BOS
DESIRED ACTION:	Enter in Executive Session based on G.L. c. 30A, §21(a)(6)
PROPOSED MOTION:	<p><u>Dennis Murphy</u>: I move to adjourn the public meeting at _____ and enter in executive session for the following reasons:</p> <ol style="list-style-type: none">1. Pursuant to G.L. c. 30A, §21(a) (6) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;<ul style="list-style-type: none">• Cahoon Hollow parking area• Pleasant Point Bulkhead property2. To approve prior executive session minutes; <p>The board will not reconvene in public session after the executive session.</p> <p>Roll Call Vote.</p>
VOTED:	Murphy _____ Reinhart _____ Bacon _____ Wilson _____ Houk _____

