



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **October 12, at 7:00 p.m.** **This meeting will be held via Zoom Video Conference** in accordance with the temporary suspension and enhancement of the Open Meeting Law requirements by Governor Baker. Instructions for a Zoom video conference meeting which also allows phone dial-in are given below:

1. Join the meeting hosted in Zoom by using the following link:
<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>
 2. Audio, video, chat, and screen sharing functions will be disabled during the public session. Request to participate by using the “raise hand” function. **Meeting ID: 856 8960 4806 | Passcode: 611877**
 - a. Raise hand in smartphone app – touch bottom of your screen and select “more” - hit “raise hand” button
 - b. Raise hand on computer – hit “participants” button on bottom of screen – hit “raise hand” button on bottom of participants panel
 - c. Please make sure you properly identify yourself before speaking, rename yourself by selecting the participants button and choosing “more” (or by holding down on your name on a smartphone app) and selecting “rename” - full, legal names only.
 - d. Please join the meeting on time.
 3. You may also listen to the meeting by calling in on a phone to **+1 929 205 6099** and enter **Meeting ID: 856 8960 4806 | Passcode: 611877** Landline callers can participate by **dialing *9 to raise their hand.**
 4. You may submit questions and comments to the Town using the following email:
executive.assistant@wellfleet-ma.gov Comments made during the meeting via e-mail will be sent to Selectboard members **AFTER** the meeting.
 5. Meeting materials are attached to this agenda, available online at Wellfleet-ma.gov. It is recommended that phone participants access materials in advance of the meeting.
 6. **Please follow the following general instructions:**
 - a. Keep your phone muted at all times when not talking; no one is allowed to unmute themselves during the meeting.
 - i. Selectboard meetings are **NOT** interactive. If public comments are allowed that’s all, comments only, not questions.
 - ii. If the Chair is allowing comments during the meeting the number of comments will be limited and may be **no longer than one minute.**
 - b. Do not use speakerphone; do not use Bluetooth devices; mute all background noise.
 - c. Please do not speak until the Chair asks for public comments or questions and you have been recognized by the moderator and unmuted.
 - d. After the business section is complete no public comments are permitted. Future agenda items are from the Selectboard, no one else.
 7. 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 Comments

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

II. Consent Agenda Approval without objection is required for the following items.

III. COVID-19 Updates and Recommendations

IV. Financial Management Workplan

V. Public Hearings

A. Discuss grant boundary issues and disputes under Wellfleet's Shellfish Policy and Regulations, Sections 7.5, 7.19.1 & 7.23

VI. Town Meeting Quorum

VII. Licenses

VIII. Use of Town Property

IX. Board/Committee Appointments and Updates

A. Marina Advisory Committee - Joe Aberdale

B. Wellfleet Town Cable Advisory Committee – Steven Kopits

X. Business

A. Marina Comprehensive Plan – Vice-Chair DeVasto

B. Proposed Policy on Designating a Certain Percentage of Room Occupancy Tax to the Wellfleet Affordable Housing Trust – Wellfleet Affordable Housing Trust & Harry Terkanian

C. Private Property Impacts along Main St as part of the Main St & Rt 6 Project -Chair Curley/
Jill McLaughlin Stantec

D. Wastewater Communications – Member Wilson

E. Matching Funds for Covid Relief Grant – Nancy Civetta

F. Town Administrator Search Committee Internal Appointments if Any – Chair Curley

G. FY 2022 Selectboard Goals – Chair Curley

XI. Selectboard Reports

XII. Town Administrator's Report

XIII. Scheduling

A. Additional Wastewater Meetings

B. Joint Budget Reviews w Fin Com

XIV. Topics for Future Discussion

XV. Correspondence and Vacancy Reports

XVI. Minutes

A. August 27th, 2021

XVII. Adjournment



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 14, 2021

I

ANNOUNCEMENTS, OPEN SESSION & PUBLIC COMMENTS

REQUESTED BY:	Selectboard
DESIRED ACTION:	To allow the public or board members to speak openly to the Selectboard
PROPOSED MOTION:	NOTE: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____



SELECTBOARD
AGENDA ACTION REQUEST

II

Consent Agenda

	Approval without objection is required for the following items:
MOTIONS:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST



SELECTBOARD
AGENDA ACTION REQUEST

III

COVID-19 Updates & Recommendations

REQUESTED BY:	Chair Curley & Health Agent Hillary Greenberg Lemos
DESIRED ACTION:	To update the Board and public on any new Covid-19 information concerning Wellfleet
PROPOSED MOTION:	No votes needed
SUMMARY (Optional)	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



**TOWN OF WELLFLEET
BOARD OF HEALTH**

**RULE AND ORDER REQUIRING THE USE OF MASKS AND OTHER PROTECTIVE
MEASURES**

EFFECTIVE: October 7, 2021

Pursuant to the Massachusetts General Laws, Chapter 111, Sections 31 and 122, 310 CMR 11.05, 105 CMR 300.200 and all other authorizing statutes and regulations, we the members of the Wellfleet Board of Health hereby order the following:

1. It is recommended that all persons who do not reside in the same household maintain a physical distance of six feet when possible and when in a location that is open to the public.
2. In addition to physical distancing and in an effort to protect the public health, all persons regardless of vaccination status, including customers and staff working in areas accessible to customers, must wear a cloth face covering that covers their nose and mouth, such as a fabric or surgical mask. Wearing a mask is not a substitute for maintaining six feet of physical distancing.
3. Masks or cloth face coverings shall be worn:
 - a. Whenever indoors on the premises of a business, club, or place of assembly, including but not limited to retail establishments, restaurants, bars, performance venues, social clubs, event spaces, places of religious worship and municipal buildings. Food service establishment customers may only remove face coverings when seated; lodging workers and guests are required to wear face coverings inside hallways and common areas.
 - b. Personal services (including hair salons and massage/ body work) customers and workers are required to wear face coverings.
 - c. Masking remains mandatory for all individuals on public and private transportation systems including ride shares, taxis, transportation shelters and the CCRTA flex bus.
 - d. Whenever outdoors in a public place, including streets, sidewalks, while waiting in lines, and at beaches and ponds, if physical distancing cannot be maintained as a result of the number of people present.
 - e. Whenever outdoors on the premises of public or private property in use for the purpose of a gathering, which includes without limitations, community, civic, public, leisure, faith-based, sporting events, concerts, conferences, conventions, fundraisers,

parades, fairs, festivals, weddings, funerals, and any similar event or activity that brings together more than 100 persons in any space.

4. This Order shall not apply to informal gatherings at private residences in which no compensation for use of the property is paid to the owner and it shall not apply to unorganized gatherings in unenclosed, outdoor spaces such as a park, athletic field, or parking lot.
5. The face covering requirements of this Order shall be in place until it is rescinded by the Board of Health.
6. Full vaccination against COVID-19 remains important to reduce hospitalization and morbidity from the virus. We encourage all eligible persons who are not fully vaccinated to get immunized. It is recommended that all non-vaccinated individuals wear a face mask in all public areas.
7. Notwithstanding any provision in this Order, pursuant to guidance issued by CDC face coverings should not be placed on young children under two years of age, anyone who has trouble breathing, anyone who is unconscious, incapacitated or otherwise unable to remove the mask without assistance, or anyone who due to disability is unable to wear a mask.
8. To the extent necessary, this Order shall be enforced by the Wellfleet Health Agent and Assistant Health Agent.
9. Whoever violates any provision of this Order may be penalized by a non-criminal disposition process as provided in MGL Chapter 40, Section 21D and the Town's non-criminal disposition by-law.
10. If non-criminal disposition is elected, then any person who violates any provision of this Order shall be subject to: for a first offense, a written warning; for a second offense, a penalty in the amount of one hundred dollars (\$100); for a third offense, a penalty of two hundred dollars (\$200); and for a fourth or subsequent offense, a penalty in the amount of three hundred dollars (\$300). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

This Order shall be effective October 7, 2021 and remain in effect until notice is given, pursuant to the Wellfleet Board of Health's judgement that the Public Health Emergency no longer exists.



Town of Wellfleet

POP UP COVID-19 PCR TESTING CLINIC

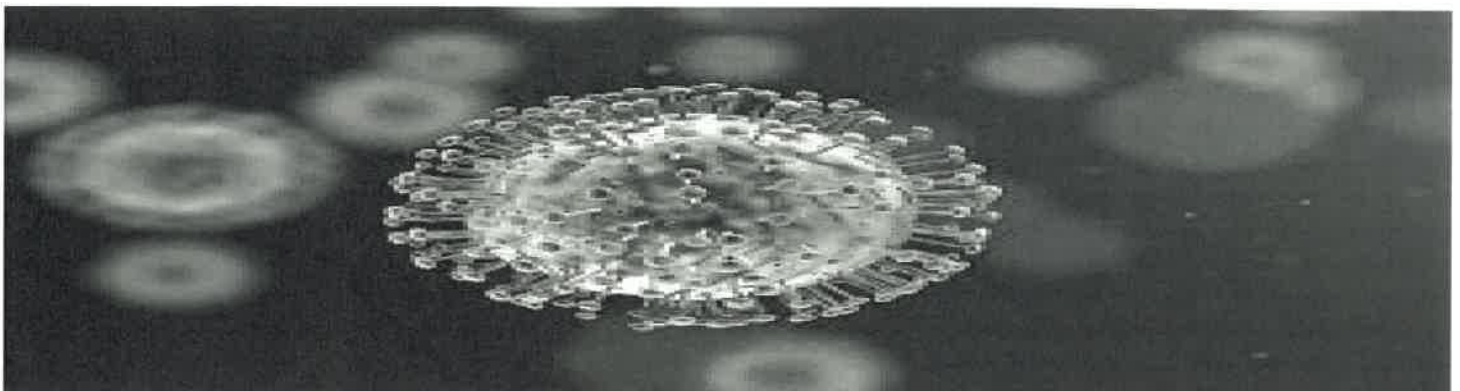
Wednesday, October 13, 2021

3:00-5:00 pm

At the Wellfleet Elementary School
100 Lawrence Road

IMPORTANT! Please read this information before coming to the clinic.

- Please bring valid identification.
- Testing is available for children and adults ages 2 and up.
- Timeslots are filled on a first come, first serve basis. The clinic will run for a full 2 hours. You can arrive at any time during those two hours.
- Email addresses and phone numbers will **ONLY** be used to contact participants regarding their test results.
- This is an outdoor, drive-up clinic. Registration can be done online at <https://www.barnstablecountyhealth.org> and will also be available in the upper parking lot, and testing will occur in the drive through driveway by the front door of the school. Please wear your mask in the vehicle, when the windows are down, and you are communicating with our volunteers and staff.
- Questions? Please call Hillary Greenberg-Lemos, 508-349-0308





SELECTBOARD
AGENDA ACTION REQUEST

IV

Financial Management Workplan

REQUESTED BY:	Interim Town Administrator, Town Accountants
DESIRED ACTION:	
PROPOSED MOTION:	No votes needed
SUMMARY (Optional)	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD
AGENDA ACTION REQUEST



SELECTBOARD

AGENDA ACTION REQUEST

SELECTBOARD AGENDA ITEM PLACEMENT REQUEST

REQUESTED BY:	
DESIRED ACTION:	Discussion of Shellfish Grant Boundary Issues
PROPOSED MOTION:	To be determined
SUMMARY (Optional)	In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a virtual public hearing on Tuesday, October 12, 2021 at 7:00 p.m. to discuss boundary issues between licensed grant holders with regards to Sections 7.5 Conditions for Use of Area Licensed for Aquaculture, 7.19.1 Grants Shall Be Marked and 7.23 Extension of Acreage Without Permission.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST



Town of
WELFLEET
Massachusetts

Published on *Wellfleet MA* (<https://www.wellfleet-ma.gov>)

[Home](#) > Public Hearings ~ October 12, 2021

Public Hearings ~ October 12, 2021

PUBLIC HEARINGS

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a virtual public hearing on Tuesday, October 12, 2021 at 7:00 p.m. to discuss boundary issues between licensed grant holders with regards to Sections 7.5 Conditions for Use of Area Licensed for Aquaculture, 7.19.1 Grants Shall Be Marked and 7.23 Extension of Acreage Without Permission.

The select board or board of selectmen shall publish notice of its intention to consider an adjustment of town meeting quorum requirements under this section not less than 7 days before the vote of the select board or board of selectmen. The select board or board of selectmen shall provide for adequate means of public access that will allow interested members of the public to clearly follow the deliberations of the select board or board of selectmen on making a quorum adjustment as those deliberations are occurring.

Source URL: <https://www.wellfleet-ma.gov/selectboard/news/public-hearings-october-12-2021>

Town of Wellfleet
Shellfishing Policy and Regulations

Last Amended 04/09/13, 06/04/13, 7/16/13, and 01/28/14, 06/10/14, 8/05/14, 09/16/14, 03/24/15,
05/12/15, 08/11/15, 09/08/15, 12/08/15, 01/26/16, 4/12/16, 9/13/16, 12/6/16, 3/15/17, 8/22/17, 5/22/18,
1/08/19, 05/28/19, 07/23/19, 09/24/19, 01/14/2020, 07/28/2020, 09/08/2020, 04/27/2021, 06/22/2021,
09/14/2021

All References to Massachusetts General Law (MGL) and the Code of Massachusetts Regulations
(CMR) are valid as of 2014

TABLE OF CONTENTS

Section 1 Definitions

Section 2 Shellfishing Policy for the Town of Wellfleet / Purpose of Regulations

Section 3 Informing the Public of Information and Meetings Concerning the Fishery

- 3.1 Posting Policy and Regulations
- 3.2 Posting of Hearings on Shellfish Matters Held by the Selectboard
- 3.3 Open Meeting Law

Section 4 General Regulations (Applying to Noncommercial, Commercial and Aquaculture)

- 4.1 Areas Where Commercial and Noncommercial Shellfishing May Take Place
- 4.2 Boundary and Area Locations
- 4.3 Landing of Shellfish
 - 4.3.1 Landing of Shellfish
- 4.4 Daily Limit
- 4.5 No Landings in Excess of Daily Limit
- 4.6 Landing Shellfish Before Shucking
- 4.7 Daily Time Limits
- 4.8 No Shellfishing Below 28 Degrees Fahrenheit
- 4.9 Poaching
- 4.10 Disturbance of Grant by Other Than Licensee
- 4.11 License and/or Permit Required
- 4.12 Inspection on Demand
- 4.13 Display of Permit/License
- 4.14 Possession of Seed Restricted
- 4.15 Methods of Harvest
- 4.16 Detrimental Practices of Harvesting Prohibited
- 4.17 Handpicking or Scratching-Only Areas
- 4.18 Transplanting
 - 4.18.1 Outside Wellfleet Waters
 - 4.18.2 Into Wellfleet Waters
 - 4.18.3 Harvesting Seed from Wild Generally Not Allowed
- 4.19 Areas Restricted to Use by Permit Class
- 4.20 Annual Opening and Closing of Scallop Season
- 4.21 Motorized Vehicles on Beaches

Section 5 Noncommercial Shellfishing

- 5.1 Seasonal Restrictions: Open and Closed Areas
- 5.2 Permits:
 - 5.2.1 Eligibility for Noncommercial Permits

- 5.2.2 Noncommercial Permit Fee Schedule
- 5.3 Noncommercial Shellfishing Regulations:
 - 5.3.1 Required Icing and Shading of Harvest in Warmer Weather
 - 5.3.2 Cannot Harvest for Commerce
 - 5.3.3 Noncommercial Catch Limits

Section 6 Commercial Shellfishing

- 6.1 Commercial Permits
 - 6.1.1 Eligibility for Commercial Permits
 - 6.1.2 Domicile Requirement and Exception
 - 6.1.3 Commercial Permit Requirements
 - 6.1.4 Commercial Permit Fee Schedule
 - 6.1.5 Hardship Exemption
- 6.2 Commercial Shellfish Regulations
 - 6.2.1 Required Icing of Product
 - 6.2.2 Harvest Must Be Tagged
 - 6.2.3 Minors Under fourteen (14) Without Permit
 - 6.2.4 Commercial Catch Limits
 - 6.2.4.1 Bay Scallops
 - 6.2.4.2 Mussels
 - 6.2.4.3 Oysters
 - 6.2.4.4 Quahogs
 - 6.2.4.5 Razor Clams
 - 6.2.4.6 Sea Worms
 - 6.2.4.7 Soft Shell Clams
 - 6.2.4.8 Blood Ark Clam or Ponderous Ark Clam
- 6.3 Daily Area Catch Limits
- 6.4 Seasonal and Other Restrictions: Open and Closed Areas
 - 6.4.1 Chipman's Cove
 - 6.4.2 Duck Creek
 - 6.4.3 Herring River
 - 6.4.4 West Side
 - 6.4.5 Egg Island
 - 6.4.6 Blackfish Creek
- 6.5 Use of Motorized Vehicles for Shellfishing
 - 6.5.1 Motorized Vehicles on Beaches
 - 6.5.2 Terms and Conditions for Use of Motorized Vehicles
 - 6.5.3 Speed Limit on Beaches and Intertidal Areas
 - 6.5.4 Allowed Line of Access for Vehicles

Section 7 Shellfish Aquaculture

- 7.1 Issuance of Shellfish Aquaculture Licenses (Grants) for Areas Subdivided by the Town
- 7.2 Previous Established Grants That Become Available
- 7.3 License Fee
- 7.4 Location of Areas Licensed for Aquaculture (Grants)
- 7.5 Conditions for Use of Area Licensed for Aquaculture
 - 7.5.1 Access to Areas Licensed for Aquaculture is Required
 - 7.5.1.1 Vehicle Access to Grants
 - 7.5.1.2 Non-vehicular Access to Grants
- 7.6 Process for Approval of Aquaculture Licenses
 - 7.6.1 Application Procedure
- 7.7 Moratorium on Aquaculture Licenses
- 7.8 Issuance of Licenses for Aquaculture
 - 7.8.1 Eligibility Requirements

- 7.8.2 Domicile Requirement and Exception
- 7.8.3 Renewal of Aquaculture Licenses
- 7.8.4 Limit on Individuals Licensed to Use a Grant
- 7.8.5 Working of Grants by Non-Licensees
- 7.8.6 Limit on Size of Grant
- 7.8.7 Grants Established Before Aug 1, 1993
- 7.8.8 Aquaculture Research and Development Projects
 - 7.8.8.1 License for Aquaculture Research and Development
 - 7.8.8.2 Initial Terms of License
 - 7.8.8.3 Plan of Project
 - 7.8.8.4 Dissemination of Data and Results
 - 7.8.8.5 Excess Product Returns to Town
- 7.9 Rights of Use and Transfer
- 7.10 Inheritance of Rights to Use an Aquaculture License (Grant)
- 7.11 Liability of the Town
- 7.12 Evidence of Productivity: Use it or Lose It
 - 7.12.1 Minimum Levels of Investment and Production
 - 7.12.2 Failure to Meet Production Levels
 - 7.12.3 Waiver of Production Requirements
 - 7.12.4 Extension of Licensed Area (Grant): Investment and Production
- 7.13 Annual Report
 - 7.13.1 Due Date
 - 7.13.2 Penalization for False Report
 - 7.13.3 Notification of Failure to Meet Minimum Requirement
- 7.14 Annual Inspection of Each Grant
- 7.15 Shellfish Seed
 - 7.15.1 Required State Seed Permit
 - 7.15.2 Special Circumstances for Taking of Seed
 - 7.15.3 Use of Spat Collecting Devices
 - 7.15.4 Catch Limit for Seed Specified of Permit
 - 7.15.5 No Seed Harvested by Dragging
- 7.16. Undersized Oysters, Quahogs and Surf Clams
 - 7.16. 1 Containers Holding Undersized Shellfish Must Be Tagged
 - 7.16.2 Sale Only from Grower to Primary Buyer
 - 7.16.3 Petite Oysters
 - 7.16.4 Undersized Quahogs aka "Gems "or "Vongeles"
 - 7.16.5 Undersized Sea/Surf Clams aka "Butter" Clams
- 7.17 Transfer of Oysters to Wholesale Dealers Trucks During Vibrio Control Season
- 7.18 Predator Control
 - 7.18.1 No Lethal Predator Control Measures
 - 7.18.2 No Taking of Horseshoe Crabs or Whelks/Conchs Without Permit
 - 7.18.3 No Harm to Endangered Species
- 7.19 Aquaculture Gear and Equipment
 - 7.19.1 Grants Shall Be Marked
 - 7.19.2 Height and Arrangement of Equipment
 - 7.19.3 Marking of Gear
 - 7.19.4 Removal of Damaged Gear or Equipment
 - 7.19.5 Overwintering of Equipment on Grants
 - 7.19.6 Fines for Gear Violation
- 7.20 Buffer Zones
- 7.21 Exception to Hours of Operation
- 7.22 Hydraulic Harvesting of Shellfish from Grant Areas
- 7.23 f of Acreage Without Permission

Section 8 Commercial Shellfishing: Dragging and Dredging

- 8.1 Areas Closed to Dragging/Dredging
- 8.2 One Drag/Dredge at a Time
- 8.3 Size of Drag / Dredge
- 8.4 By-Catch Limited to 20%
- 8.5 No Hydraulic Harvesting
- 8.6 Commercial Permit Required for Dragging/Dredging
- 8.7 Vessels Must be Registered/Documented
- 8.8 Landing of Catch
- 8.9 No Dragging / Dredging Near Licensed Areas

Section 9 Commercial Shellfishing: Diving for Shellfish

- 9.1 Areas Where Diving is Allowed
 - 9.1.1 South of the No-Drag Line
 - 9.1.2 North of the No-Drag Line
- 9.2 No Diving Near Licensed Areas
- 9.3 Flag Requirements
- 9.4 Daily Diving Limits
- 9.5 No Diving in Channel

Section 10 Eeling

- 10.1 Eeling Permit Required
- 10.2 Fykes Not Allowed
- 10.3 No Taking of Glass Eels
- 10.4 Examination of Catch
- 10.5 Catch Limits

Section 11 Enforcement

- 11.1 Enforcement Personnel
- 11.2 Penalties for Poaching or Theft
- 11.3 Authority to Revoke Aquaculture License
- 11.4 Non-Criminal Disposition
- 11.5 Penalty Fees
- 11.6 Duration of Shellfishing Permit Suspensions
- 11.7 Revocation of Shellfishing Permits
- 11.8 Acceptance of Suspension Without Request for Appeal
- 11.9 Disposition of Unlawful Catch
- 11.10 Prior Terms Revoked
- 11.11 Severability Clause

Appendix A Area Maps

Appendix B GPS Coordinates

Appendix C Wellfleet Harbor/No Drag Lines

Section 1. Definitions

*Unless otherwise identified, all cited Sections refer to sections of the Town of Wellfleet Shellfishing Policy and Regulations. The terms listed in this Section, when used in the Town's **Shellfishing Policy and Regulations**, shall have the meanings that follow:*

Annual Report - A report that must be submitted to the Town every year before February 28th which includes the total number of each kind of shellfish planted, produced or marketed during the preceding year upon or from a licensed aquaculture area, and an estimate of the total number of each kind of shellfish at the time of such

report, planted or growing thereon ([MGL Chapter 130; Section 65](#)).

Aquaculture - The farming of aquatic marine organism including, but not limited to fish, mollusks, crustaceans, echinoderms and plants. Farming implies some sort of intervention in the rearing process to enhance production including, but not limited to controlled propagation, feeding and protection from predators.

Aquaculture License - An authorization, granted by a vote of the Selectboard, 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](#)).

Aquaculture Licensed Area (Grant) - See **Licensed Area**.

Aquaculture Permit (See Permit)

Basket Rake - A hand-held implement used for the harvesting of shellfish, which is similar to but longer than a standard clam hoe, which has a basket and no more than twenty (20) teeth, is no wider than 12 inches at its widest part, does not have a T handle, and is only to be used on foot.

Blood Ark Clam and Ponderous Ark Clam - Bivalves of the species *Anadara ovalis* and *Noetia ponderosa* are some of the few marine mollusks having red blood, due to the presence of hemoglobin. Their shells grow to a length of approximately two or three inches and are fairly thick and sturdy. Each of the two valves has approximately 35 radiating ribs. The complete bivalve, when viewed from the end, is heart-shaped.

Selectboard - The Wellfleet Selectboard (BOS); Wellfleet's elected executive Board, designated by the State ([MGL Chapter 30](#)) as the regulatory Board that has jurisdiction over shellfishing in the Town.

Bull Rake - A T-handled hand-held and hauled implement used for the harvesting of shellfish. It shall be 12 inches or wider and have a fixed basket and teeth.

Bushel - U.S. dry measure; 2150.42 cubic inches, or 32 quarts.

By-Catch - The incidental capture of non-target species.

Captain - The master or individual in charge of a vessel.

Channel- The area marked by U.S. Coast Guard navigation buoys indicating a navigable way of passage.

Chinese Hats - Cones or disks of plastic, usually in stacks, coated with mortar with high lime content, used to collect oyster spat.

Clam Rake - A hand tool of typically eight (8) tines or less, used to manually bring clams to the surface of the substrate.

CMR - Code of Massachusetts Regulations.

Commercial Harvest – The harvest of shellfish for sale, trade, or other consideration.

Container - Any bag, box, basket, cage, or other receptacle containing loose shellfish which may be separated from other shellfish after harvest, on a lease, or from the entire load or shipment.

Constable (Warden) - The municipal employee, appointed by the Selectboard, who is in charge of administering the management of the fishery; the head of the Shellfish Department of the Town.

(To) Cull - to remove dead, dying, undersized or otherwise unsuitable organisms (also, the organism which is removed).

(To) Dig and Take - (archaic); See **(To) Harvest**

(To) Dive - The use of SCUBA, surface supplied air, or snorkel to harvest shellfish.

DMF - Division of Marine Fisheries.

Documented Vessels - Commercial or recreational vessels registered through the federal system which have a certificate of documentation, recognized both nationally and internationally, as well as an Official Number permanently affixed to the hull.

Domiciled Resident - See **Resident**

Drag / Dredge - A heavy metal frame with an attached bag, which is towed or dragged along the seafloor to catch bottom dwelling shellfish. Some have metal teeth along the base of the frame that act like a rake.

Extension - An extension of a licensed area abutting a pre-existing area licensed by the same individual.

Fyke - A long bag-shaped fishing net held open by hoops that act as a cul-de-sac funnel.

Gems (Vongoles - Quahogs between 7/8 and 1 inch wide (thickness of the hard clam across both valves at the hinge).

Glass Eel - Eel in its transparent, post-larval stage.

Grant - See **Aquaculture License/Licensed Area**

(To) Handpick - The transfer of shellfish to a container from the substrate by hand or with a hand-held tool of eight (8) tines or less.

(To) Harvest - To gather shellfish or other marine organisms in a container of any sort after sorting and separating them from what has initially been taken from the habitat.

Harvesting Area - An area approved for the taking of shellfish.

Handpicker - An individual who practices handpicking.

Hinge Width - The distance between the convex apex of the right shell and the convex apex of the left shell.

Intertidal - The land or area between the mean high and the mean low watermarks.

re

Jerk Rake - modified bull rake employing a harness.

(To) Land - To bring harvested shellfish by vessel to the Town Pier and to tie up before proceeding elsewhere; to bring harvested shellfish ashore above the mean high water line.

License - An authorization, granted by a vote of the Selectboard, to utilize a specific tract of land under coastal waters (1) to plant and grow shellfish 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](#), Sections 57 - 68).

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

License Holder - A person or persons, or a firm or corporation holding a license issued by the Selectboard under the provisions of [MGL Chapter 130](#).

Licensee - See **License Holder**

Long Raking - method of harvesting shellfish using a long handled bull or basket rake from a boat.

MGL - Massachusetts General Law.

Mean High Water (MHW) / Tide - The average elevation of all high waters recorded for a particular point or station over a considerable period of time, as determined by the National Geodetic Survey, National Ocean Service or National Oceanic and Atmospheric Administration; the average water level that demarcates the transition from exposed land to submerged land at the point of high tide.

Mean Low Water (MLW) / Tide - The average height of the low waters recorded for a particular point or station over a considerable period of time, as determined by the National Geodetic Survey, National Ocean Service or National Oceanic and Atmospheric Administration; the average water level that demarcates the transition from exposed land to submerged land at the point of low tide.

Mussel - A marine mollusk of the species *Mytilus edulis*.

Oyster - A marine mollusk of the species *Crassostrea virginica*.

Permit - A certificate granting permission to engage in specific activities issued by the appropriate authority.

~ Aquaculture / Seed Permit, issued by DMF

State Aquaculture Permit: "seed" or propagation permit as defined in MGL, [Chapter 130](#); [Sections 80](#) and [69](#) and [CMR 322, Section 15.04 \(b\)\(1\)](#):

Authorizes the possession and growing of seed shellfish from an approved source. May be endorsed for the use of upwellers or similar nursery systems to enlarge hatchery seed for planting, but not for resale. May be endorsed for the sale of regulated species below the minimum size established by regulation if an operational plan to control sale, shipment, tagging and record keeping is approved by the Director.

~Commercial Shellfishing Permit (Section 6.1), issued by BOS.

~ Eeling Permit (Section 10), issued by BOS.

~ Noncommercial, Non-resident, Non-taxpayer Shellfishing Permit (Section 5.2), issued by BOS.

~ Noncommercial Resident or Taxpayer Shellfishing Permit (Section 5.2), issued by BOS.

~ Propagation Permit ([Aquaculture Management - Marine Fisheries propagation permit](#)) (Section 7.15.2), issued by DMF.

~ Shellfish and Seaworm Permit ([CMR 322, Section 7.01 \(2\) \(g\)](#)), issued by DMF:

Authorizes only the named individual to harvest, possess and land shellfish and seaworms for

commercial purposes, and may be endorsed for the shucking of bay scallops.

~ Shellfish Transaction Card ([CMR 322, Section 7.01 \(2\) \(k\)](#)), issued by DMF:

Authorizes only the named individual holding a commercial fishermen permit endorsed for shellfish and seaworms to sell shellfish and seaworms, and shall be used in conjunction with either a Massachusetts driver's license or a Registry of Motor Vehicles identification card.

~ State Commercial Permit([Commercial Fishing Permit / Shellfish Permit](#)), issued by DMF:

Allows an individual to take, land and sell (to a licensed dealer) shellfish and seaworms. A shellfish ID card, from the Division, and town permit are also required.

Petite Oysters – Aquaculturally reared oysters, whose height (from hinge to shell margin) is between 2.5 and 3 inches.

Planted Areas - Areas in which the Shellfish Department has planted shellfish for purposes of propagation or transplanting.

Poaching – The harvesting of shellfish, illegally, from any area.

Quahog - A marine mollusk of the species *Mercenaria mercenaria*, commonly called the hardshelled clam.

Quart - 67.201 cubic inches (U.S. Dry Measure).

Raking - Gathering oysters and/or other materials using a rake and then transferring this accumulation to a container, vehicle or vessel.

(To) Relay - See **Transplant**

Registered Vessels - Motorized vessels of any size, including those that don't primarily depend on mechanical propulsion, registered with the Massachusetts Office of Environmental Law Enforcement at the Registry and Titling Bureau.

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 Selectboard. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.

Scallop - A marine mollusk of the species *Aequipecten irradians*, commonly called Cape scallop or bay scallop.

(To) Scratch - To harvest clams with the aid of a clam rake.

Seed - Quahogs, with the exception of gems, less than (1) one inch wide, across both valves at the hinge, soft-shell clams less than (2) two inches in length (the largest measurement, 90 degrees from the hinge to outer margin of the shell); oysters, with the exception of petites, less than (3) three inches in height (from hinge to outer margins of the shell), and scallops without a defined annual growth ring.

Seed Permit - See **Permit**.

Shellfish Constable - See **Constable**

Softshell Clam (Steamer) - A softshell clam of species *Mya arenaria*.

Shellfish - Softshell clams, whelks, mussels, oysters, snails, quahogs, razor clams (razor fish), bay scallops, sea

scallops, sea clams, and blood arks.

Spat - An oyster or similar bivalve mollusk in the larval stage, especially when it has settled on and attached itself to a surface on which it can then proceed to grow.

Subtidal - The body of water or area below that of mean low water for spring tides; habitats rarely, if ever, completely uncovered by low tides.

Surf Clam (Sea Clam) - A clam of species *Spisula solidissima*.

(To) Take - To harvest.

Taxpayer – An individual or corporation who owns land in Wellfleet for which they are taxed by the Town.

Tongs - A hand-held and hauled implement used for the harvesting of oysters. They have a scissor mechanism to close two baskets upon themselves.

Town - The town of Wellfleet.

Transaction Card - See Permits; Shellfish Transaction Card.

(To) Transfer - To grant the right to use a previously established, licensed area, as allowed by MGL Chapter 130: Sections 57 and 58, and approved by a vote of the Selectboard.

Transferee - Individual or entity to whom the right to use a previously established, licensed area for aquaculture has been granted by a vote of the Selectboard.

(To) Transplant - The moving of shellfish from one area to another.

Undersized Oysters, Quahogs and Surf Clams - Oysters whose greatest length is between 2.5 and 3"; quahogs whose hinge width is between 7/8" and 1"; surf clams whose shell diameter is between 1 1/2" and 5".

Warden - See Constable

Waters - Coastal waters, tidal flats, tidal creeks, and all salt or fresh waters within the boundaries of the Town of Wellfleet.

Week - The calendar week commencing at 00:01 A.M. Sunday and ending at 12:00 Midnight Saturday.

Wet Storage - The temporary placement of legally harvested shellfish from an area open to shellfishing onto an area licensed for aquaculture, for the purpose of maintaining their health in an optimal environment or for the purpose of allowing them to purge themselves of sand and other inedible matter, before transporting them to market.

Section 2. Shellfishing Policy for the Town of Wellfleet

Purpose of Regulations

The purpose of these regulations is to foster, protect and preserve Wellfleet's shellfish resources and habitats, to maintain and improve conditions permitting sustainable, productive shellfishing and aquaculture, to ensure equitable use of the resource for all persons legally engaged in these activities, and to provide appropriate protection for the reasonable and legitimate interests of all others affected by shellfishing. To that end, these regulations supplement and are consistent with the requirements of the State of Massachusetts including

[Massachusetts General Law Chapter 130](#), [Code of Massachusetts Regulations 322](#), and the current Best Management Practices for the Shellfish Culture Industry in Southeastern Massachusetts, developed by SEMAC (Southeastern Massachusetts Aquaculture Center).

To implement this policy, the Selectboard may restrict the taking of shellfish by commercial or noncommercial permit holders in any area or in any manner for the purpose of managing the fishery.

The Selectboard will license areas of intertidal land in such a manner as will allow as many licensed areas as are economically and environmentally practical for any such parcel of intertidal land approved for licensing.

Because much of the area that is used for shellfishing and shellfish aquaculture is a precious natural resource that is owned by the Town, and because best use of such intertidal land is made by those who are geographically present and personally accountable to the community, the granting of commercial permits and licenses for aquaculture is restricted to domiciled residents of Wellfleet.

Section 3. Informing the Public of Information and Meetings Concerning the Fishery

3.1. Posting of Shellfishing Policy and Regulations

Current copies of this Shellfishing Policy and these Regulations, and any amendments thereto, will be available in the Selectboard's office, the office of the Town Clerk, the Shellfish Department office, and the Wellfleet Public Library. They shall be also posted at the Wellfleet and South Wellfleet Post Offices ([MGL Chapter 130; Section 52](#)), as well as on the official website of the Town.

3.2. Posting of Hearings about Aquaculture Licenses, Held by the Selectboard

As required by [MGL Chapter 130; Section 60](#), all hearings held by the Selectboard for the granting, transferring or renewal of aquaculture licenses must be posted in three public places, and advertised in a local newspaper at least ten (10) days before that hearing is to take place, as well as the Town's web site as soon as the date of the hearing has been determined by the Board. The posting must provide the name of the applicant(s), their residence, and the date of the filing of the application, and the specific location and description of the acreage to be licensed.

3.3. Open Meeting Law

Compliance with [MGL Chapter 30A; Sections 18-25 \(Effective July 1, 2010\)](#) (the Open Meeting Law) and [940 CMR 29.00](#) is required for all municipal meetings, above and beyond the requirements of Sections 3.1 and 3.2.

Section 4. General Regulations (Applying to the Noncommercial and Commercial Shellfisheries As Well As Shellfish Aquaculture)

4.1. Areas Where Commercial and Noncommercial Shellfishing May Take Place

(See also Appendixes and Section 8.1 Areas Closed to Dragging and Dredging)

Commercial-only area: north of a line from the seaward end of the breakwater to the easternmost tip of Great Island (with the exception of Chipman's Cove) marked by a red and white striped pole. This area is subject to seasonal restrictions.

Noncommercial-only area: (Area 2, in CCB 11; see Section 4.2) off Indian Neck, south from the Breakwater to the second groin. This area is subject to seasonal restrictions (see Section 5.1).

Commercial and Noncommercial area: includes all the rest of the harbor except buoyed grants. This area is subject to seasonal restrictions

4.2. Area and Boundary Locations (See Appendix A and C for Area Maps and Appendix B for Specific GPS Locations)

4.2.1. Areas

Area 1: All marine waters and intertidal areas north of the No-drag Line, excluding Chipman's Cove.

Area 2: (Within CCB 11.) All marine waters and intertidal areas landward of the area enclosed by the #14 navigational beacon at the seaward end of Indian Neck breakwater to a point near the #12 channel marker and thence inshore to the end of the first groin south of the Burton Baker Landing.

Area 3: All marine waters and intertidal areas in the waters of the Town, excluding Areas 1 and 2.

4.2.2. Boundaries

Blackfish Creek: (Within CCB 14.) All marine waters and intertidal areas enclosed east of a boundary from the parking lot at Fox Island, marked with a striped pole, to the western edge of the house at the northwestern tip of Lieutenant's Island, and north of the Lieutenant's Island Bridge.

Chipman's Cove (within CCB 13): All marine waters and intertidal areas enclosed south of a boundary from the southeastern tip of Shirttail Point to a point on the shore on the other side of the channel, marked with a striped pole, and east of a boundary from the southwestern tip of the L Pier to a point on the tip of Indian Neck, marked with a striped pole.

Duck Creek (within CCB 13): All marine waters and intertidal areas enclosed north of a boundary from the southeastern tip of Shirttail Point to a point on the shore on the other side of the channel, marked with a striped pole, east of Commercial Street, and south of Uncle Tim's Bridge.

East Side (within CCB 11): From the breakwater at Indian Neck to the Eastham Town Line.

Eastham / Wellfleet Town Line: (Southernmost boundary of CCB 11.) For the purposes of shellfishing, the boundary runs down the middle of Hatches Creek, and westerly from the official boundary marker in Hatches Creek to the Eastham/Wellfleet boundary marker on Billingsgate Island and thence in the same direction to State waters.

Egg Island/Egg Island Channel (within CCB11): Channel and tidal flats south of Power's Landing and Keller's Corner, and north of the block grants.

Herring River (within CCB 12): All marine waters and intertidal areas enclosed west of a boundary from the main flagpole at the Chequessett Neck Club to a point on the tip of Great Island, marked with a striped (candy cane) pole, and south of a boundary determined by the Massachusetts Division of Marine Fisheries, marked with poles on either side of the river.

Inside L Pier (within CCB 13): All marine waters and intertidal area enclosed by the L Pier, and west of a boundary from the southeastern tip of the L Pier to the eastern high point of the Town Boat Ramp.

Main Harbor (within CCB 11): All marine waters and intertidal areas within Wellfleet Harbor, excluding Blackfish Creek, Chipman's Cove, Duck Creek, Herring River, Mayo Beach and South Lieutenant's Island.

Mayo Beach (within CCB 11): All marine waters and intertidal areas enclosed east of a boundary from the main flagpole at the Chequessett Neck Yacht Club to a point on the tip of Great Island, marked with a striped pole, north of the No Drag Line, and west of a boundary from the southwestern tip of the L Pier to a point on the tip of Indian Neck, marked with a striped pole.

South Lieutenant's Island (CCB 11): All marine waters and intertidal areas enclosed east of a boundary from the osprey nest pole on the southern end of Lieutenant's Island to the Eastham/Wellfleet marker in Hache's Creek, and south of the Lieutenant's Island Bridge.

Wellfleet Harbor (CCB 10, 11, 12, 13, and 14): All marine waters and intertidal areas enclosed north of the Eastham/Wellfleet Town Line, and east of a boundary from the Eastham / Wellfleet boundary on Billingsgate Island to the southern tip of Jeremy Point.

West Side (within CCB 11): The portion of the west side of Wellfleet Harbor immediately southeast of the no quahog dredge line (see below), offshore from the area commonly known as Middle Meadow.

No-drag Line:

1: Line extending from the navigational beacon (#14) at the seaward end of Indian Neck breakwater to a point on the tip of Great Island, marked with a striped (candy cane) pole.

2: Line extending from the striped pole on Field Point to the boathouse on Lieutenant Island.

No-quahog-dredge Line: Line extending from a point in Middle Meadow marked with a striped pole, towards the US Geodetic and Coast Survey marker at the landward end of the third groin west of Mayo Beach, ending where this line meets the No-drag Line (near the rocks known as Old Saw).

4.3. Landing of Shellfish

Landing of Shellfish: All shellfish harvested in Wellfleet shall be landed in Wellfleet.

4.4. Daily Limit

No permit holder shall take shellfish or other marine organisms in excess of the daily limit. Noncommercial limits (Section 5.3.2); commercial limits (Section 6.3).

4.5. No Same Day Landings in Excess of Daily Limit

No person shall come ashore with shellfish and return to the waters of the Town on the same day for the purpose of taking additional shellfish in excess of the daily permit limit.

4.6. Landing Shellfish Before Shucking

No shellfish shall be brought ashore except in their shells with the exception of sea scallops.

4.7. Daily Time Limits

No person shall harvest, pick, dig, pile, take or carry away any shellfish from the waters of the Town, by any method between one half (1/2) hour after sunset and one half (1/2) hour before sunrise. ([MGL Chapter 130; Section 68](#))

4.8. No Shellfishing Below 28 Degrees Fahrenheit

Except in areas licensed for aquaculture, no shellfishing shall be carried on when the air temperature is below 28 degrees Fahrenheit (2 degrees Celsius), as determined by the Shellfish Constable and as indicated by a buoy displayed on the flagpole next to the Shellfish Office, on the Shellfish Department answering machine and on the Town website.

4.9. Poaching

Any unauthorized person who poaches or otherwise disturbs any shellfish in any amount or in any location shall be subject to criminal penalties and potential civil penalties (See MGL Chapter 130; and Section 11. 6 [Revocation of Shellfishing Permits.](#))

4.10. Disturbance of Grant by Other Than Licensee

No one may in any way disturb the growth or arrangement of shellfish on a licensed area, or work a dredge, or use any other implements to harvest shellfish, or discharge any substance which may directly injure the shellfish upon a licensed area, or willfully damage, remove or tie up to any of a grant's designating boundary markers, without the express consent of the licensee. No one, while upon or sailing over any such licensed acreage may have overboard any implement for the taking of shellfish, under any pretense or purpose whatever, without the expressed consent of the licensee. (See MGL Chapter 130; [Section 66](#) and [Section 67](#))

4.11. License and/or Permit Required

All persons fourteen (14) years old or older engaged in taking, removing, or having in possession eels, sea worms or shellfish, including soft-shelled clams, quahogs, surf clams, sea clams, razor clams, oysters, mussels, and scallops, taken from the waters of the Town shall have an appropriate license or permit obtained and used only in accordance with all terms, conditions and restrictions.

4.12. Inspection on Demand

All persons harvesting, carrying away or otherwise having in their possession shellfish or marine organisms of any kind, in a boat, container or vehicle shall exhibit all such shellfish for inspection on demand by the Shellfish Officers, Police Officers or any other duly authorized agents.

4.13. Display of Permit/License

Individuals engaged in shellfishing, eeling or gathering sea worms must have a Town license or permit prominently displayed and show the same on demand to Shellfish Officers, Police Officers or other duly authorized agents.

4.14. Possession of Seed Restricted

No person who does not hold a state propagation permit or an aquaculture license shall have in his or her possession seed shellfish, defined as; quahogs less than one (1) inch wide (thickness of both valves across the hinge); soft-shell clams less than two (2) inches in length; oysters less than three (3) inches in height (except for aquaculture license holders under certain conditions as specified in Section 7.16 (Undersized Oysters, Quahogs and Surf Clams) or bay scallops without a well defined raised annual growth line. A violation of this regulation shall exist if the take contains more than 5% seed shellfish per batch (see Section 7.15 [Shellfish Seed](#)).

4.15. Methods of Harvest

The taking of any shellfish from the waters of the Town of Wellfleet by any method other than those commonly known as handpicking, long raking, bull raking, jerk raking, basket raking, scratching, tonging, digging, dragging or dredging (See Section 8: [Commercial Shellfishing: Dragging and Dredging](#)) will be prohibited.

A license holder is permitted to use any approved method of shellfish harvesting within his or her licensed area.

4.16. Detrimental Practices of Harvesting by Hand Prohibited

It is prohibited to harvest any species of shellfish in a manner that inhibits the growth or survival of any other species of shellfish.

4.17. Handpicking or Scratching-only Areas

Handpicking, scratching or basket raking are the only permitted methods of harvesting shellfish, north of a line extending from the seaward end of the Indian Neck Breakwater to the large rock called Old Saw, thence in the same direction to Great Island at Mean High Water except when otherwise allowed by the Selectboard. A license holder is permitted to use any approved method of shellfish harvesting within his or her licensed area. (See Appendixes for area maps and GPS coordinates.)

4.18. Transplanting

4.18.1. Transplanting Shellfish Outside of Wellfleet Waters

No shellfish of any size shall be taken out of the Town for the purpose of transplanting or to be placed in any waters outside the limits of the Town without the proper permits.

4.18.2. Transplanting Shellfish Into Wellfleet Waters

No shellfish shall be planted or transplanted into the waters of the Town, without the proper permits, certificates of origin, and approval by the proper authorities.

4.18.3. Harvesting Seed from the Wild Not Generally Allowed

The handpicking of oyster seed from the public resource is prohibited with the following exception: from time to time, under special conditions identified by the Shellfish Constable, recommended by the Shellfish Advisory Board and approved by a vote of the Selectboard, oyster seed may be taken for the purpose of transplantation.

4.19. Areas Restricted to Use by Permit Class

No holder of a commercial permit shall take shellfish from an area reserved for the holders of noncommercial permits and vice-versa.

4.20. Annual Opening and Closing of Scallop Season

Scallop season shall open October 1st and shall close April 1st the following year, except when otherwise regulated.

4.21. Motorized Vehicles on Beaches

Only commercial permit holders or aquaculture licensees may use motorized vehicles on beaches or intertidal areas. (See Section 6.5 Use of Motorized Vehicles for Shellfishing.)

Section 5. Noncommercial Shellfishing

5.1. Seasonal Restrictions: Open and Closed Areas

The opening and closing of noncommercial shellfishing areas, as well as catch limits, may be subject to change by vote of the Selectboard. (See Section 5.3.2 Noncommercial Catch Limits) Notification of such changes will be available on the Shellfish Department section of the Town web site and on the Shellfish Department answering machine.

Chipman's Cove: closes for the taking of all shellfish on April 30 and reopens on the last Sunday in October, unless otherwise regulated.

Area 2 (Indian Neck): open for the harvesting of shellfish, with the following limits and on the following days, unless otherwise regulated:

- June 1 through September 30; will be open Sundays and Wednesdays, annually.
- October 1 through May 31; will be open seven (7) days a week, annually.

Area 3 (The rest of the Harbor with the exception of commercial-only areas): Open for the harvesting of shellfish on the following days, unless otherwise regulated:

- June 1-September 30; will be closed to all noncommercial shellfishing, annually.
- October 1-May 31; will be open seven (7) days a week, annually. (See Section 4.1.)

5.2. Permits

5.2.1. Eligibility for Noncommercial Permits

Annual and seasonal noncommercial permits may be issued to anyone, twelve (12) years of age or older. Veterans of the Commonwealth of Massachusetts are entitled to a fee not greater than the fee charged to residents of the Town of Wellfleet upon presentation of their Veteran ID card. In addition, non-resident employees of the Town of Wellfleet are entitled to one (1) recreational shellfishing permit at the resident rate; this is only valid for the employee him- or her-self while currently employed by the Town.

5.2.2. Noncommercial Permit Fee Schedule (amended 09/08/2020)

Annual Permits (Jan.1-Dec. 31)	
Resident or Taxpayer	60.00
Resident or Taxpayer over 65 years old	20.00
Nonresident or Nontaxpayer	210.00
Massachusetts Resident Veteran Permit*	60.00
Massachusetts Resident Veteran Permit over 65 years old *	20.00
Town of Wellfleet Employee	60.00
Town of Wellfleet Employee over 65 years old	20.00
Eel Permit	3.00
Seasonal Noncommercial Permits (June 1 – Sept. 30)	
Resident or Taxpayer	40.00
Non-resident or Non-taxpayer	85.00
Massachusetts Resident Veteran Permit*	40.00
Town of Wellfleet employee	40.00
Replacement Fee (for all categories)	20.00

*To enjoy the Massachusetts Veteran Discount, applicants must provide:

1. A Massachusetts license bearing the Veteran seal,
2. A Massachusetts license and a DD-214 form
3. A Massachusetts license and a Veteran ID card issued by the U.S. Department of Veteran Affairs

5.3. Noncommercial Shellfishing Regulations

5.3.1. Required Icing and Shading of Harvest in Warmer Weather

During the *Vibrio* control period, as determined annually by the DMF (see 322 CMR 16.00 Shellfish Harvest and Handling) due to concerns about the presence of *Vibrio parahaemolyticus*, oysters taken by noncommercial permit holders shall be put in a container and surrounded by ice made from potable water within two (2) hours of the time when the first oyster (harvested on a given day) is taken from the water **or**, in the case of intertidal harvest, the time of first exposure to the air by tide.

All oysters taken from the water shall be protected from direct exposure to sunlight during harvest and subsequent transport from the harvest area to any destination, at all times.

With the first offense of this section, the harvester will lose his or her catch. With any subsequent offense, the harvester shall lose his or her catch and noncommercial permit for one year.

5.3.2. Cannot Harvest for Commerce

No person holding a noncommercial permit shall harvest shellfish, eels or sea worms for the purpose of sale, trade or other consideration.

5.3.3. Noncommercial Catch Limits

The total amount of shellfish, comprising oysters, quahogs, soft-shell clams or razor clams, blood ark clam or ponderous ark clam taken in one (1) week shall not exceed ten (10) quarts, and the total amount of mussels taken in one (1) week shall not exceed ten (10) quarts, or the total amount of scallops taken in one (1) week shall not exceed one (1) bushel, or the total amount of surf (sea) clams taken in any one (1) week shall not exceed one (1) bushel. The total number of sea worms taken in one (1) day shall not exceed twenty-four (24). There is a 20 lb. limit on the amount of eels that can be taken in one day.

Section 6. Commercial Shellfishing

6.1. Commercial Permits

6.1.1. Eligibility For Commercial Permits

A commercial permit may be issued to any person fourteen (14) years of age or older, who is a domiciled resident of Wellfleet. Individuals aged fourteen (14) through sixteen (16) may be issued junior commercial permits. Only in the calendar year in which a person reaches fourteen (14) years of age may that person apply for a junior commercial permit at any time after the occurrence of that person's birthday. Residents over 65 may be issued senior permits.

Commercial permits will not be issued to unnaturalized foreign born persons who have not resided in Barnstable County at least five (5) years prior to making application ([MGL Chapter 130; Section 55](#)).

6.1.2. Domicile Requirement and Exception

Any commercial permit will be revoked if the holder ceases to be a domiciled resident of Wellfleet, with the exception of those who have previously held a commercial permit for at least two (2) years, and who have temporarily lost housing in Wellfleet for reasons clearly beyond their control (such as a fire or a lease not being renewed) as verified by the Shellfish Constable. Status of domiciled residency, as defined in Section 2 of these regulations, and verified by the Shellfish Constable, must be resumed within eighteen (18) months from the time of the permit holder's removal to another town or the permit will then be revoked.

Within 30 days of the nine-month anniversary of losing his/her domicile status, the permit holder shall demonstrate sufficient evidence of effort to secure housing in Wellfleet to the satisfaction of the Shellfish Constable. If the permit holder fails to qualify for such an exception, they may appeal the Shellfish Constable's decision to the Selectboard within 30 days.

No commercial permit or aquaculture license from another municipality for the harvest of shellfish may be held by the individual for the duration of the allowed term, but they may re-apply for their annual commercial permit as per Section 6.1.3.

6.1.3. Commercial Permit Requirements

Annual commercial permits will be issued from December 1 through January 31st of the permit year, subject to a thirty (30) day review of the application by the Shellfish Constable. Annual commercial permits are valid from Jan. 1 through Dec. 31. Permits will only be issued after the applicant has shown proof of having a valid State commercial permit with a shellfish endorsement and a valid shellfish transaction card from the DMF. [CMR 322 7.01 \(2\) g, i, k](#)

6.1.4. Commercial Permit Fee Schedule (amended 04/12/16)

Resident	\$310.00
Senior Resident (65 years or older)	60.00
Junior Resident (14-16 years old)	110.00
Eel Permit	3.00
Replacement Fee (for all categories)	20.00

6.1.5. Hardship Exemption

The Selectboard may at its discretion grant permits after January 31st if the applicant demonstrates **all three** of the following conditions:

- that unusual circumstances existed which would reasonably excuse a failure to file an application prior to February 1st, and
- that a substantial hardship would be caused by the refusal of a permit, and
- that the granting of the late permit would not affect the opportunity of applicants, who have applied in a timely manner, to harvest a reasonable quantity of shellfish.

6.2. Commercial Shellfish Regulations

6.2.1. Required Icing and Shading of Product

Annually, during the period of time that the DMF's *Vibrio* control plan is in effect, harvesters must comply with the State's regulations. (See 322 CMR 16.00 Shellfish Harvest and Handling.) With the first offense of this section, the harvester will lose his or her product. With any subsequent offense, the harvester shall lose his or her product and license and/or permit for one year.

6.2.2. Harvest Must Be Tagged

At the time of harvest, any commercial permit holder who has shellfish of any kind for sale, trade or other consideration, must legibly mark all containers of shellfish using legal tags.

6.2.3. Minors Under Fourteen (14) Without Permit

Persons under fourteen (14) are permitted to harvest shellfish in a commercial area while under the supervision of a parent or guardian holding a commercial permit. No shellfish may be taken in excess of the daily limit of the permit held by the parent or guardian.

6.2.4. Commercial Catch Limits

6.2.4.1. Bay Scallops

No vessel shall take more than ten (10) bushels (tied) of scallops, including shells. No more than twenty (20) bushels (tied), shells included, shall be taken by any vessel having two (2) or more permit holders on board, in one (1) day. The captain of said vessel shall be cited for each violation.

6.2.4.2. Mussels

There is no limit to the taking of mussels per commercial permit per day.

6.2.4.3. Oysters

a. Hand Picking: no commercial permit holder shall take more than five (5) bushels of oysters, including shells, per day.

b. Dragging / Dredging: No more than five (5) bushels of oysters including shells, per commercial permit holder shall be taken by a vessel in any one (1) given day. No more than ten (10) bushels including shells shall be taken by any vessel having two (2) or more commercial permits aboard in any one (1) day. The captain of said vessel shall be cited for each violation.

6.2.4.4. Quahogs

a. Hand Picking: No commercial permit holder shall take by raking more than five (5) bushels of quahogs, including shells, in any one (1) day.

b. Dragging / Dredging: No more than fifteen (15) bushels of quahogs including shells, shall be taken by a vessel having one (1) commercial permit aboard, in one (1) day. Captain of said vessel shall be cited for each violation. No more than twenty-five (25) bushels including shells shall be taken in one (1) day by a vessel having two (2) commercial permits aboard. The captain of said vessel shall be cited for each violation.

6.2.4.5. Razor Clams

No commercial permit holder shall take more than two (2) bushels of razor clams in any one day.

6.2.4.6. Sea Worms

No commercial permit holder shall take more than forty-eight (48) sea worms in any one (1) day.

6.2.4.7. Soft-shell Clams

No commercial permit holder shall take more than three (3) bushels of soft-shell clams in any one (1) day.

6.2.4.8 Blood Ark Clam or Ponderous Ark Clams

a. Hand picking: No commercial permit holder shall take more than 10 (ten) bushels of ark clams, including shells, in any one day.

b. Dragging/Dredging: No more than ten (10) bushels, including shells, shall be taken by a vessel having one (1) commercial permit holder, in one (1) day. No more than twenty (20) bushels, including shells, shall be taken in one (1) day by a vessel having two (2) commercial permit holders aboard, in one (1) day. The captain of said vessel shall be cited for each violation.

6.3. Daily Area Catch Limits - 1 bushel = 32 quarts

Area	Oysters	Quahogs	Soft-shell clams	Blood Ark/ Ponderous Ark Clams
Herring River	1 bushel	1 bushel	1 bushel	10 bushels
Mayo Beach	1 bushel	2 bushels	3 bushels	10 bushels
Duck Creek	1 bushel	1 bushel	1 bushel	10 bushels
Blackfish Creek	1 bushel	2 bushels	3 bushels	10 bushels
Main Harbor	5 bushels	5 bushels	3 bushels	10 bushels
Chipman's Cove	1 bushel	1 bushel	1 bushel	10 bushels
South Lt. Island	1 bushel	1 bushel	3 bushels	10 bushels

6.4. Seasonal and Other Restrictions: Open and Closed Areas

The opening and closing of these areas, as well as catch limits, may be subject to change by vote of the Selectboard. Notification of such changes will be available on the Shellfish Department section of the Town web site and on the Shellfish Department answering machine.

Dragging or diving within 25 feet of all areas licensed for shellfish aquaculture is prohibited. (See Section 8.9 No Dragging/Dredging Near Licensed Areas)

6.4.1. Chipman's Cove:

- a. Harvest dates: Chipman's Cove will close for the taking of all shellfish on April 30 and will reopen on the last Sunday in October of the current year, unless otherwise regulated.
- b. Landing Sites - All shellfish are to be landed at the end of Old Pier Road, at the Marina boat ramp or piers, or from a point on the road along the southern perimeter of the Cove nearest the harvesting site, unless permitted otherwise by the Shellfish Constable.
- c. Harvesting Restrictions-All shellfish are to be removed from the area at the time of harvest. No shellfish are to be left on the flats and removed at a later time of day, by any means or methods. Diving for shellfish is prohibited.
- d. Spat collection area-An area of Chipman's Cove for placement of oyster spat collection by shellfish grant license holders, approximately 300' by 300' marked by yellow buoys, will be so designated from June 1 through October 31 of current year, unless otherwise regulated.

6.4.2. Duck Creek:

- a. Harvest dates - Duck Creek will open for the taking of all shellfish on December 1 and will close on April 30, pending State approval, unless otherwise regulated.
- b. The taking of shellfish from the bulkheads, pilings and adjacent flats in the area of the "L" pier, behind the fuel dock and inshore of the finger piers near the boat ramp shall be PROHIBITED until further notice.

6.4.3. Herring River

Herring River will be open to shellfishing on a conditional basis as directed by the DMF. The dates of opening and closure will be approved by a vote of the Selectboard
The area is open to the taking of shellfish by Wellfleet Commercial permit holders only. Scuba diving for shellfish is prohibited.

6.4.4. West Side:

The West Side of Wellfleet is open to the taking of shellfish by any means EXCEPT by use of a quahog dredge.

6.4.5. Egg Island:

- a. The north side of Egg Island from the flag pole at Chequessett Country Club easterly to the Town Pier is open year round for the taking of quahogs and oysters.
- b. Diving from a boat is permitted with the usual restrictions and conditions. The use of scratcher and basket rakes and clam hoes will be allowed; no other methods of harvest are permitted. (See also Section 9 **Commercial Shellfishing: Diving for Shellfish**)

6.4.6. Blackfish Creek:

Blackfish Creek will be open year round for the taking of quahogs, soft-shelled clams and oysters.

6.4.7 South Lieutenant Island

South Lieutenant Island will be closed for the taking of oysters from June 1st through September 30th.

6.5. Use of Motorized Vehicles for Shellfishing

6.5.1. Motorized Vehicles on Beaches

Only commercial permit holders or aquaculture licensees may use motorized vehicles on beaches or in

intertidal areas. (See Town of Wellfleet General Bylaws under ARTICLE VII GENERAL - [Section 24. Beach Vehicular Traffic By-Law.](#))

6.5.2. Terms and Conditions for Use of Motorized Vehicles

All use of vehicles to access areas licensed for aquaculture or other areas open to commercial permit holders, shall also be in accordance with the applicable general bylaws of the Town, and conditions, which may be imposed by the Conservation Commission.

6.5.3. Speed Limit on Beaches and Intertidal Areas

No person engaged in commercial shellfishing or aquaculture shall operate a motorized vehicle at a speed in excess of fifteen (15) miles per hour or a motorized vehicle which is dual wheeled or which has a gross vehicle weight (GVW) greater than nine thousand two hundred pounds (9200 lbs.) on any tidal beach or flat or other land below the mean-high water line.

6.5.4. Allowed Line of Access for Vehicles

Persons engaged in commercial shellfishing or aquaculture operating motorized vehicles on any tidal beach or flat or other land below the mean-high water line shall drive only on the foreshore of the tidal area below the high tide line but above the tidal flat, closely rounding every groin or other obstruction extending below the high water line, to a point opposite a licensed area, and thence to the licensed area. The traffic not directed to a licensed area shall be confined to the area below the high tide line above the tidal flat, closely rounding any groin or other obstruction extending below the high water line. Parking is permitted on the licensed area or in the access route to a licensed or legal harvesting area as described above.

Section 7. Shellfish Aquaculture

7.1. Issuance of Shellfish Aquaculture Licenses (Grants) for Areas Surveyed and Subdivided by the Town.

Once areas are identified by the Shellfish Constable as potentially suitable for the location of shellfish aquaculture, and the areas are under the control of the Town, the Selectboard may exercise their discretion as the licensing authority for the issuance of license/s for shellfish aquaculture (grants) in compliance with [MGL Chapter 130](#). The Selectboard shall post notice of the availability and location of such acreage, as well as any applicable conditions and/or limitations upon such acreage, on the Shellfish Department's notice board, at Town Hall and on the [Town Website](#).

7.2. Previously Established Grants that Become Available

In the event that a licensed aquaculture area previously certified by the DMF becomes available, its status shall be posted by the Shellfish Constable (see Section 3; [Informing the Public of Meetings Concerning the Fishery](#)) for a period of 30 calendar days. If more than one qualified person (as described in Section 1 under Domiciled Resident, and Section 7.8.1 [Eligibility Requirements](#)) whose name does not appear on another license applies to hold the license, the Selectboard shall hold a public lottery within 14 days to impartially determine who shall be granted the right to use such available acreage for aquaculture. No shareholder, officer, director or other individual holding a similar position having a different title but exercising a similar role, of a corporation that currently holds an aquaculture license in Wellfleet may apply for such grants.

7.3. Annual License Fee

The annual fee for an aquaculture license to be paid to the Town by each licensee shall be \$25.00 per acre (or portion thereof), as required by [MGL Chapter 130; Section 64](#). Annual fees are due each year by February 28, when annual grant reports are due.

7.4. Location of Areas Licensed for Aquaculture (Grants)

Grants may be located in the following areas:

Area 1: On tidal flats off Mayo Beach and Chequessett Neck from the eastern boundary of the Town property at Powers Landing to the Town Pier and at least three hundred (300) feet northward of a line from the seaward end

of the Breakwater to the easternmost tip of Great Island, except in the area above mean low water on Egg Island.

Area 2: On tidal lands lying north and easterly of the Breakwater and of the northerly tip of Indian Neck.

Area 3: On tidal lands off Indian Neck from Omaha Road south to the eastern tip of Field Point.

Area 4: On tidal lands off the westerly side of Old Wharf Point and at the entrance to Loagy Bay.

Approval of the proposed licensed area shall be determined by the Selectboard with appropriate regard for reasonable navigational and recreational interest in the areas concerned.

7.5. Conditions for Use of Area Licensed for Aquaculture

The Selectboard may license specific areas beneath the waters of the Town to individuals for the purpose of granting exclusive rights to plant, grow and harvest shellfish from that area. Said license is subject to the provisions of [MGL Chapter 130](#), those set forth in current regulations of the Division of Marine Fisheries, these regulations or other town bylaws, as well as any specific conditions or restrictions set forth in the license by the Selectboard.

This license does not grant any property rights. Any use of this license for other than the planting, growing, and harvest of shellfish upon privately owned property may not proceed over the objection of the property owner. This license does not authorize any damage to private property or other violation of private rights. The issuance of this license is not a determination of title or ownership. The licensee acknowledges that it is the responsibility of the licensee to obtain permission if requested in writing, from the property owner, before exercising the rights conferred by the license other than for the planting, growing and harvest of shellfish on that property. However, the license holder is on notice that the owners of the property described in the license may nevertheless bring an action for trespass in a court of competent jurisdiction. A license holder may not rely on this license as a defense to an action in trespass. (MGL Chapter 130; [Section 57.](#))

7.5.1 Access to Areas Licensed for Aquaculture is Required

There will be permitted and designated access to all licensed acreage. The method or methods of access shall be precisely specified in the text of the aquaculture license (lease) granted by the Selectboard.

7.5.1.1. Vehicle Access to Grants

Vehicle access will only be allowed when:

- a. Town roads and Town landings are used;
- b. The owners of private roads to be used have no objection;
- c. The specific route of entry from the roadway onto the beach and flats is approved and conditioned by the Conservation Commission.

7.5.1.2 Non-vehicular Access to Grants

Access by foot and/or boat shall be designated in the aquaculture lease, in all cases in which vehicle access is not possible or permitted.

7.6. Process for Approval of Aquaculture Licenses

The Selectboard shall accept and process applications for area licenses in accordance with [MGL Chapter 130; Section 57](#), and the application procedure of the Town.

7.6.1 Application Procedure

This procedure applies to new grant applications, applications for extensions to current grants and grant renewals and transfers. All potential new lease holders must meet the eligibility requirements in [Section 7.8.1 Eligibility Requirements](#). In addition, current lease holders applying to be added to another grant or applying for extensions must have complied with all Town of Wellfleet Shellfishing Policy and Regulations for at least three (3) years preceding the application for each grant license to which the applicant is named. These include but are not limited to: [Section 7.3 Annual License Fee](#), [7.12 Evidence](#)

of Productivity: Use It or Lose It, 7.13 Annual Report, 7.14 Annual Inspection of Each Grant, 7.15.1 Required State Seed Propagation Permit and 7.19 Aquaculture Gear and Equipment. If applicant meets all criteria outlined above, then the following is required:

1. Fill out an aquaculture license application and get Shellfish Constable signature. Applications available at Shellfish Department offices.
2. Go over the Checklist for Aquaculture Lease Applicants with the Shellfish Constable, who shall provide any additional documentation required, such as a form for a Five-Year Business Plan and a template for a letter to the Selectboard.
3. For new grants and extensions:
 - a. Determine whether owner permission is needed, and if so, obtain written permission.
 - b. Schedule a site visit with Shellfish Constable to assess the area, ensure the shellfish growing area has an appropriate classification for aquaculture, review approximate coordinates for the new grant boundaries and discuss any potential conflicts. The applicant should include the proposed coordinates and map in the documentation provided to the Shellfish Constable for the Selectboard.
 - c. Have Harbormaster review proposal with regards to reasonable navigational and recreational interests in the areas concerned. (See 7.4 Location of Areas Licensed for Aquaculture (Grants).)
 - d. Set up a site visit with the Harbormaster and Shellfish Constable.
4. The Shellfish Constable shall request that the public hearing be placed on an upcoming Selectboard meeting agenda and contact the Principal Clerk for advertisement and posting.
5. The Shellfish Constable shall write a letter of recommendation or concern and shall provide all relevant grant application documents for the Selectboard hearing by the meeting packet deadline.
6. By or before the date of posting, the Shellfish Department shall make contact with and provide notification of the date of the hearing to the Harbormaster and to intertidal abutters who share boundaries with the proposed site, or who are otherwise adjacent or substantially affected by the change in area, as determined by the Shellfish Department.
7. A public hearing shall be held within 60 days of when the Shellfish Constable receives the complete written application with all required documents, and the Selectboard shall determine the outcome of the application.
8. Upon approval by the Selectboard and after the Massachusetts Division of Marine Fisheries biological survey, the applicant must simultaneously
 - a. have the new site professionally surveyed and supply the Shellfish Department with all boundary coordinates in decimal-degrees, and
 - b. start the state and federal permitting process, including, but not limited to, applications for MEPA (MA Environmental Policy Act) if area is a half acre or larger, Notice of Intent (Wetlands Protection Act filing), Chapter 91 authorization, eligibility under the Army Corps General Permit, etc. For more details, visit: <https://www.massaquaculturepermitting.org/>
9. Before the applicant can begin to use the site, they shall be required to clean up and remove all old and/or derelict aquaculture gear that may have accumulated on the site as per Section 7.19.4 Removal of Damaged Gear or Equipment and shall have a grant inspection by the Shellfish Department to confirm its readiness.

7.7. Moratorium on Aquaculture Licenses

The Selectboard may at a duly advertised public hearing declare a moratorium (a time-specific closure) on license approvals at any time this action is deemed appropriate and in the best interests of the fishery and the environment.

7.8. Issuance of Licenses for Aquaculture

7.8.1. Eligibility Requirements: Licenses shall only be issued to domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, who have the knowledge and experience to fulfill the responsibilities specified in the license, provided that the applicant has held and been documented by the

Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for a license. Applicant shall submit copies of state-filed catch reports. OR, provided the applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department. This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant. The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations. In addition, any applicant shall not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

7.8.2. Domicile Requirement and Exception

At such time as a licensee ceases to be a domiciled resident of the Town, that individual shall be removed from the license, except in the event of loss of housing for reasons clearly beyond their control (such as a fire or a lease not being renewed) as verified by the Shellfish Constable. Status of residency, as defined in Section 2 of these Regulations, must be resumed, and verified by the Shellfish Constable within eighteen (18) months from the time of the license holder's removal to another town, or the licensee will be removed from the license.

Within 30 days of the nine-month anniversary of losing his/her domicile status, the lease holder shall demonstrate sufficient evidence of effort to secure housing in Wellfleet to the satisfaction of the Shellfish Constable. If the lease holder fails to qualify for such an exception, they may appeal the Shellfish Constable's decision to the Selectboard within 30 days.

No aquaculture license or commercial permit from another municipality for the harvest of shellfish may be held by the individual for the duration of the allowed term. A licensee making use of an exemption shall not be eligible to be granted a new license or an extension of a currently licensed area for the duration of the allowed term but may be granted a renewal of their existing license, as per Section 7.8.2.

The status of all other licensees named to the licensed area will not change. If a licensee ceases to be a domiciled resident and is the sole licensee, then the license shall be revoked.

7.8.3. Renewal of Aquaculture Licenses

The initial term for a new license shall be two (2) years. Provided appropriate effort has been demonstrated, as required in Section 7.12, the first renewal of a license may be for five (5) years, unless the licensee agrees to a shorter term. Subsequent renewals may be for ten (10) years, unless the licensee agrees to a shorter term. Renewals may be requested and acted upon only during the twenty four (24) months immediately prior to the expiration date of the current license. The renewal period shall begin on the expiration date of the existing license.

7.8.4. Limit on Individuals Licensed to Use a Grant

Licenses issued under [MGL Chapter 130: Section 57](#) by the Selectboard of the Town of Wellfleet may be issued to up to four (4) individuals, 18 years of age or older, meeting the requirements set forth Section 7. The Selectboard will not recognize more than four (4) individuals as licensees on any one license. Each individual who is licensed to use an area for aquaculture must acknowledge and approve the addition of any person who subsequently applies to be included on that license.

7.8.5. Working of Grants by Non-Licensees

All individuals authorized by a licensed grant holder to work the grant in the absence of a licensed grant holder must be registered with the Shellfish Department. Licensees are responsible for the actions of all such employees or otherwise affiliated persons while they are working on the grant designated by their registration. When more than one licensee has been granted a license for the same acreage, each licensee is responsible only for the actions of the employees or otherwise affiliated persons who are under their

separate management.

7.8.6. Limit on Size of Grant

No licensee shall hold a license for, or have use of, more than seven (7) acres in total. Each person named on a license as a licensee shall be charged with the total acreage covered by that license. (See Section 7.3 Annual License Fee.) Individuals holding more than seven (7) acres prior to the adoption of the establishment of this limit will not be required to accept a license for a lesser acreage, but will not be eligible for a license for any additional acreage.

7.8.7. Grants Established Before August 1, 1993

Any license/s issued prior to August 1, 1993, the date on which the Selectboard established the maximum size of seven (7) acres for an aquaculture holding, will remain valid, and will be allowed to continue according to the existing terms and conditions of said license.

7.8.8. Aquaculture Research and Development Projects

7.8.8.1. License for Aquaculture Research and Development

The Selectboard may issue a license to an individual or an institution (including a corporation) which proposes to conduct aquaculture research and development projects if environmentally appropriate, in the best interests of the town, and beneficial to the aquaculture industry.

7.8.8.2. Initial Term of License

The initial term of a research and/or development license shall not exceed two (2) years. The license may then be renewed for a period of up to eight (8) years, for a total maximum of ten (10) years.

7.8.8.3. Plan of Project

The applicants shall provide a plan of the project including all aspects of the management and operations of the project to the Selectboard, the Shellfish Constable and the Division of Marine Fisheries.

7.8.8.4. Dissemination of Data and Results

All data and subsequent results and analyses of the project shall be made available to the Selectboard, the Shellfish Constable, and the Division of Marine Fisheries at predetermined times to be established in the license.

7.8.8.5. Excess Product Returns to Town

Products resulting from the exercise of this license, in excess of those required for the aquaculture research and development specified in Section

7.8.8.6. License for Aquaculture Research and Development shall be turned over to the Town of Wellfleet annually, for appropriate use by the Shellfish Department.

7.9. Rights of Use and Transfer

Licensees shall have the exclusive use of the area described in their license for the purpose of aquaculture, for the duration of their terms. No other individual may use the license without the express permission of the licensee(s). (See Section 4.9 Poaching, Section 4.10 Disturbance of Grant by Other Than the Licensee and MGL Chapter 130; [Section 57](#), [Section 63](#) and [Section 67](#).)

Licensees may transfer the rights or responsibilities assigned to their license to any other individuals, companies or corporations by vote of the Selectboard, and with the express permission of all other individuals who hold license for the same area. (See MGL Chapter 130; [Section 58](#) and Section 7.8.3 Limit on Individuals Licensed to Use a Grant.)

7.10. Inheritance of Rights to Use an Aquaculture License

Any license issued under the provisions of MGL Chapter 130, Section 57 shall, upon the death of the sole licensee, continue in full force and effect, subject to the same terms, conditions and regulations imposed by the original license, for the balance of the unexpired term or one year, whichever is longer. This is for the use and benefit of the immediate family of the deceased licensee. For purposes of this section the term immediate family shall mean spouse, son, daughter, mother, father, brother and sister of said deceased licensee.

7.11. Liability of the Town

The Town will not be held liable for any damage to a licensed area, or gear, or stock thereon, by reason of any dredging or other harbor improvements undertaken by the Town.

7.12. Evidence of Productivity: Use It or Lose It

7.12.1. Minimum Levels of Investment and Production

There shall be minimum levels of investment and production required in order to retain an area license. These shall be:

- a. During the first, second, and third year after the date of issuance of the license a minimum of \$1000 per acre shall be spent on seed and gear for the area and it shall be evident that this effort of improvement has taken place. Any licensed area that is less than one acre shall be prorated.
- b. During the fourth year and every year thereafter there shall be a minimum production of an average of \$1000 worth of product per year per acre, or prorated for a portion thereof, from the practice of aquaculture on the licensed area. This shall be demonstrated by the annual grant report, and, if so requested by the Shellfish Constable, copies of transaction receipts or other acceptable documentation. (See MGL Chapter 130, [Section 64 Annual fees for license.](#))

7.12.2. Failure to Meet Production Levels

Failure of the licensee/s to meet the specified production level for any three (3) consecutive years may result in the forfeit of the aquaculture license and licensed area, as stated in [MGL Chapter 130; Section 65.](#)

7.12.3. Waiver of Production Requirements

The Constable shall have the right to waive the minimum production requirements when there is evidence that the failure to meet the minimum standard is due to events beyond the control of the license holder.

7.12.4. Extension of Licensed Area (Grant): Investment and Production

In the event of an extension being granted to a presently licensed area, the same level of effort per acre for the newly licensed, abutting section is required as described above in Sections 7.12.1 Minimum Levels of Investment and Production and 7.12.2 Failure to Meet Production Levels.

7.13. Annual Report

7.13.1. Due Date

Licensees shall file annual reports under oath, on their activities in accordance with [MGL Chapter 130; Section 65](#) on or before February 28th of the following year. The report must include any changes or deviation from the original plan filed with the original application or any subsequent application.

7.13.2. Penalization for False Report

Any licensee who submits a false licensed area report in violation of [MGL Chapter 130; Section 65](#) shall be penalized by the revocation of his or her license.

7.13.3. Notification of Failure to Meet Minimal Requirements

Subsequent to the filing of the annual report, the Constable will notify any license holder who, in the opinion of the Constable, has failed to meet the minimum requirements. The license holder has the right to appeal to the Selectboard within two weeks after notification. If no appeal is filed on a timely basis, the license will be forfeited.

7.14. Annual Inspection of Each Grant

The Shellfish Department shall make no less than one visit per year to the site of each licensed area in the company of the license holder.

7.15. Shellfish Seed

7.15.1. Required State Seed Permit

No person shall harvest, plant, transplant, transport, sell or otherwise have in their possession seed shellfish, without first obtaining a state seed permit from the Massachusetts DMF, as required by [MGL Chapter 130, Section 80](#) and [CMR 322, Section 15.04\(b\) 1](#)

7.15.2. Special Circumstances for Taking of Seed

From time to time, with the approval of the DMF and the Selectboard, the Shellfish Department may open up an area for the taking of oyster seed only by aquaculture licensees who hold a seed permit.

7.15.3. Use of Spat Collecting Devices

The use of spat collecting devices such as Chinese hats to catch oyster larvae in areas not licensed for aquaculture, may only be done by commercial permit holders who also hold a seed permit (Section 1, Definitions).

During this period, catching oyster larva with such devices is legally considered to be fishing, not farming and the devices are classified as fishing equipment, not growing devices.

From time to time, upon receiving a recommendation from the Constable, the Selectboard may vote to limit the areas in which such fishing is allowed or the numbers of Chinese hats or such other devices that may be set out by individuals in these same areas.

7.15.4. Catch Limit for Seed Specified on Permit

No license holder in any one calendar year may take, or cause to be taken, more than twenty-five (25) bushels of seed oysters per acre of licensed area or fraction thereof, pro rated at that rate.

7.15.4. No Seed Harvested by Dragging

No person shall harvest shellfish seed by dragging, except by the licensee within the boundaries of his or her licensed area.

7.16. Undersized Oysters, Quahogs and Surf Clams

7.16.1 Containers Holding Undersized Shellfish Must Be Tagged

All containers that hold market-bound, aquaculture-raised shellfish whose size is less than that allowed by the State when that species is harvested from the wild (petite oysters whose greatest length is between 2 1/2 and 3", quahogs whose hinge width is between 7/8" and 1", or surf clams whose shell diameter is between 1 1/2" and 5") must be tagged with the words "AQUACULTURE-RAISED" or "FARM RAISED".

7.16.2 Sale Only from Grower to Primary Buyer

The primary sale of undersized, aquaculture-raised (oysters whose greatest length is between 2 1/2 and 3", quahogs whose hinge width is between 7/8 and 1", and surf clams whose shell diameter is between 1 1/2 and 5") must only be between the aquaculturists or their licensed employee, and a licensed wholesale dealer that is also a "primary buyer of shellfish". If the aquaculturist is also licensed as a primary buyer, they may be considered as the primary buyer of their own product.

7.16.3 Petite Oysters

An aquaculture license holder may harvest and sell farm-raised petite oysters whose greatest length is between 2.5 and 3 inches both in and out of State.

7.16.4 Undersized Quahogs aka "Gems "or "Vongeles"

An aquaculture license holder may harvest and sell farm-raised quahogs whose hinge width is between 7/8" and 1" if:

- a. they are sold only to primary buyers on the inter-state shippers list that distribute them out-of-state. The in-state distribution of aquaculture farm raised quahogs whose hinge width is under 1" is prohibited;
- b. they have documented proof of purchase of seed;

7.16.5 Undersized Sea/Surf Clams aka "Butter" Clams

An aquaculture license holder may harvest and sell farm-raised surf clams whose shell diameter is between 1 1/2 and 5" both in and out of state if:

- a. They have documented proof of purchase of seed.

7.17. Transfer of Oysters to Wholesale Dealers Trucks During Vibrio Control Season:

All such transfers shall be done according to [CMR 500.021](#) and the variance granted to the Town by MDPH/BEH for the years 2018-2020, as authorized on May 1, 2018. A copy of this variance is available to the public on the Town's Shellfish Department [website](#).

7.18. Predator Control

7.18.1. No Lethal Predator Control Measures

Unless specifically authorized by the Director, in consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, it shall be unlawful to use lethal means to control or exclude predators or other organisms from any area used for aquaculture. Non-lethal enclosures, including, but not limited to, nets, fences, bubble curtains and noise may be used, if approved for a specific site and purpose. Invertebrate predators, pests and fouling organisms may be removed manually from an aquaculture site and disposed of in a lawful manner ([CMR 322, Section 13.7.2](#)).

7.18.2. No Taking of Horseshoe Crabs or Whelks/Conchs Without Permit.

Being in possession of horseshoe crabs and whelks (conchs) for any reason requires a State permit. In this regulation, whelk/conch refers to either knobbed whelk (*Busycon carica*) or channeled (smooth) whelk (*Busycotypus canaliculatus*). (See [CMR 322 6. 34: Horseshoe Crab Management](#) and [322 CMR Section 6.21: Minimum Size for Conch.](#)) As stated in 7.17.1, neither species shall be intentionally killed while practicing predator control.

7.18.3. No Harm to Endangered Species

No person shall maintain a predator control method that will intentionally threaten any endangered species.

7.19. Aquaculture Gear and Equipment

7.19.1. Grants Shall Be Marked

Every licensee shall mark the corners of the area licensed under their license with buoys marked with the license number. From April 1st to November 1st, the corners shall be marked with fluorescent yellow balls, at least twenty (20) inches in circumference. Buoys shall be attached to their anchor by cables, chains or non-floating lines. Numbers shall be marked on said buoys, and shall be at least two (2) inches high and shall be black in color. Temporary buoys shall be required from November 1 through April 1.

7.19.2. Height and Arrangement of Equipment

With the exception of spat collection devices there shall be no equipment or gear made of metal that rises

more than eighteen (18") inches above the grade, and equipment or gear made of plastic (or another equally flexible material) higher than twenty-four (24") inches above the grade, within the boundaries of a licensed area.

7.19.3. Marking of Gear

Every licensee shall clearly and permanently mark any and all trays, boxes, holding cars and all other aquaculture gear with the license number of the license area in a manner that is clearly visible.

7.19.4. Removal of Damaged Gear or Equipment

All equipment or gear which is either damaged, or can no longer be used as it was originally designed or intended to be used in the opinion of the Constable, must be removed from a licensed area and either disposed of properly or moved to an appropriate site not located within a protected resource area. This includes, but is not limited to, loose nets, twisted and damaged racks, loose envelopes, grow-out bags and fastening devices.

7.19.5. Overwintering of Equipment on Grants

Racks, rebar or u hooks used to secure nets on a licensed area must either be securely fastened to within two to four inches (2-4") of the bottom or removed by January 15, or before ice prevents removal, whichever comes first, as specified in overwintering agreement. Any licensee who wishes to overwinter racks on their grant must obtain and sign an agreement form available from the Shellfish Department. All gear left on any grant must be tagged as per Section 7.19.3. In parts of the harbor where there may be a risk of silt covering overwintered racks on a licensed area, the Constable may waive the height requirement in 7.19.5 after a visit to the specific site and documenting the adjustment on the Agreement Form.

7.19.6. Fines for Gear Violations.

Following notice of a violation, either in person, via phone, or by written notice, the licensee has 7 days to comply. After the seventh day, a fifty-dollar ticket shall be issued for each day of noncompliance. After 30 days of non-compliance, the licensee shall have his or her license revoked.

7.20. Buffer Zones

There shall be a buffer zone contiguous with the perimeter of any licensed area that is either twenty-five (25) feet wide, or one half the distance to the adjacent licensed area if less than fifty (50) feet, except where two (2) licensed areas abut. It is the responsibility of the license holder/s to keep this area clear of any equipment or gear owned by the licensee/s.

7.21. Exception to Hours of Operation

As required in Section 4.7, no license holder shall harvest, dig, pile, take or carry away any shellfish or shell during the period from one half (1/2) hour after sunset to one half (1/2) hour before sunrise by any method whatsoever. In the event of impending natural emergencies due to storms, ice or the like, and only after notifying the Shellfish Constable, a licensee may engage in securing stock and gear during this time period. Licensees must notify the Shellfish Constable in advance of their intention to empty seed trays and plant out seed at such times when the extreme tides needed to conduct such activities occur during this time period.

7.22. Hydraulic Harvesting of Shellfish from Grant Areas

The use of hydraulic harvesting gear for the purpose of harvesting shellfish from within the boundaries of a licensed area is permitted under the following conditions and with the following restrictions:

- a) Devices used shall be for the hosed ejection of water under pressure into a shellfish bed;
- b) Pressure pumps shall not exceed five (5) horsepower as rated by the manufacturer;
- c) Noise control devices (i.e. mufflers) shall be in place and in good repair at all times;
- d) Not more than one device may be used on any grant at any time;
- e) Hours of operation shall be between 7:00 a.m. and ½ hour before sunset;
- f) The Shellfish Constable shall have the authority to direct an individual involved in the use of such equipment to cease and desist if the Constable feels that there is a problem that necessitates such action. Any individual so ordered shall have the right to appeal the Constable's decision to the Selectboard, at their

first scheduled meeting after the service of such order.

7.23. Extension of Acreage Without Permission

No aquaculture license holder may willfully extend or cause to extend his or her grant boundaries, or allow cultivation, operation, propagation or products and equipment to exist beyond the duly recorded boundaries of his or her licensed area. The Shellfish Constable may cause a licensed area to be re-surveyed by a registered civil engineer, in the event that the assigned boundaries of an aquaculture license are called into question. If a violation of this section is then established, the aquaculture license of the individual guilty of the infraction shall then be revoked.

Section 8 Commercial Shellfishing: Dragging and Dredging

8.1. Areas Closed to Dragging/Dredging

No vessel shall operate a drag or dredge north of a line (commonly known as the “no drag line”) extending from the seaward end of the Indian Neck Breakwater (see Appendix for coordinates to the large rock called Old Saw (a.k.a. Egg Island Rock) thence in the same direction to Great Island at Mean High Waters.

No vessel shall operate a drag or dredge east of a line extending from the candy pole on Field Point to the boat house on Lieutenant Island (Blackfish Creek No-drag Line), or within one hundred (100) feet of properly marked grants in that area, with the exception that a license holder may drag over his own grant. (See Appendices for maps and coordinates.)

8.2. One Drag/Dredge at a Time

No vessel which operates a drag or dredge shall have more than one drag or dredge in the water in use, at any time.

8.3. Size of Drag or Dredge

No drag or dredge with or without teeth having a width greater than fifty (50) inches shall be used in Wellfleet Harbor. Any drag or dredge used for the purpose of taking oysters, shall have exposed teeth at least one and one half inches in length (1 ½”) as measured from the bottom of the bar, and separated by no more than four (4”) inches along the entire exposed portion of the bar which must be in contact with the bottom.

8.4. By-catch Limited to 20%

No vessel shall land more than twenty per cent (20%) of the permitted daily catch of any species of shellfish, as by-catch, other than such species which the gear used is designed to harvest.

8.5. No Hydraulic Harvesting

Hydraulic harvesting of shellfish from vessels is not allowed.

8.6. Commercial Permit Required for Dragging/Dredging

The owner or operator of a vessel engaged in commercial shellfishing in the waters of the Town involving the use of a drag, dredge or other mobile gear, shall hold a valid Town of Wellfleet Commercial Shellfish Permit.

8.7. Vessels Must be Registered/Documented

Any vessel used for commercial shellfishing in the waters of the Town employing (over the side) a drag, dredge or other gear designed for the taking of shellfish must be registered and/or documented as having Wellfleet as port of origin. The owner of said vessel found in violation of this regulation shall be fined for each violation.

8.8. Landing of Catch

All draggers engaged in shellfishing must land all catch at the Town Pier.

8.9. No Dragging/Dredging Near Licensed Areas

Dragging or dredging within 25 feet of a licensed area is prohibited, except as otherwise noted. (See Section 8.1. Areas Closed to Dragging and Dredging.)

Section 9 Commercial Shellfishing: Diving for Shellfish

9.1. Areas where Diving is Allowed

9.1.1. South of the No-drag Line

A commercial permit holder may harvest shellfish by diving from April 1st to October 1st, in the area south of a line extending from the seaward end of the Indian Neck Breakwater to the large rock called Old Saw (a.k.a. Egg Island Rock) thence in the same direction to Great Island at Mean High Water, south to Eastham/Wellfleet town line.

9.1.2. North of the No-drag Line

When recommended by the Shellfish Department and approved by the Selectboard, divers may harvest shellfish from the waters north of a line extending from the seaward end of the Indian Neck Breakwater to the large rock called Old Saw (a.k.a. Egg Island Rock) thence in the same direction to Great Island at mean high water, excluding the Herring River. (Area CCB 12).

9.2. No Diving Near Licensed Areas

No person may dive within one hundred (100) feet of any properly marked licensed shellfish area except for license holders diving on their own licensed areas.

9.3. Flag Requirements

All divers and snorkelers shall display a "diver down" flag or other flag when in the water, and must stay within one hundred (100) feet of said flag.

9.4. Daily Diving Limits

Divers with commercial permits are subject to the same daily permit limits as handpickers with commercial permits. Divers with noncommercial permits are subject to the same daily permit limits as handpickers with noncommercial permits.

9.5. No Diving in Channel

No commercial permit holder shall harvest shellfish by diving within the buoyed channel.

Section 10 Eeling

10.1. Eeling Permit Required

No person shall harvest, remove, or catch eels from the waters of the Town without having first obtained an eeling permit from the Town.

10.2. Fykes Not Allowed

No eels shall be taken within the Town by the use of a fyke,

10.3. No Taking of Glass Eels

Taking of glass eels is prohibited.

10.4. Examination of Catch

On the demand of the Shellfish Constables, Police Department or other agent duly authorized by the Selectboard, every permittee shall display in full view his entire catch of eels for examination.

10.5. Catch Limits

Permits for the catching or taking of eels from the waters of the Town shall be issued to domiciled residents for the

taking of not more than twenty (20) pounds of eels in any one (1) day.

Section 11 Enforcement

Enforcement protocols and penalties for specific infractions may be found in other sections of these regulations, including:

- 5.3.1 Required Icing and Shading of Harvest in Warmer Weather
- 6.2.1 Required Icing of Product
- 6.2.3. Commercial Catch Limits
- 7.7.13.2. Penalization for False Report
- 7.12.2. Failure to Meet Production Levels
- 7.13.3. Notification of Failure to Meet Minimal Requirements
- 7.18.6. Fines for Gear Violation
- 7.21. Hydraulic Harvesting of Shellfish from Grant Areas
- 7.22. Extension of Acreage Without Permission
- 8.7. Vessels Must Be Registered/Documented

11.1. Enforcement Personnel

These regulations shall be enforced by the Wellfleet Shellfish Constable, Deputy Shellfish Constable, The Wellfleet Police Department (including Special Police Officers) or any duly authorized agent of the Selectboard. Failure to adhere to these regulations can result in fine, suspension or loss of permit, or suspension or loss of license, or all three.

11.2. Penalties for Poaching or Theft

A licensee may in tort recover treble damages of any individual who, without his or her consent, unless otherwise authorized by law or lawful regulation to do so, takes shellfish or equipment from the licensed area during his or her term of use.

(See Sections 4.9 Poaching or Disturbance of Grant and MGL Chapter 130; [Section 63](#) and [Section 67](#).)

11.3. Authority to Revoke Aquaculture License

The Selectboard or the Director of the Division of Marine Fisheries may revoke an area license in accordance with the provisions set forth in MGL Chapter 130, Sections [57](#) & [65](#). In the event that a license is revoked, that individual may not possess seed nor harvest shellfish from any licenses area in the Town.

11.4. Non Criminal Disposition

Enforcement shall include without limitation the noncriminal disposition procedure provided in [MGL Chapter 40: Section 21D](#)

11.5. Penalty Fees

The penalties for violation of any of these regulations shall be assigned by the Shellfish Department and shall consist of a fine of \$50 for the first offense, a fine of \$150 for the second offense, and a fine of \$300 for the third offense. In the event of a fourth offense within a period of 5 years, there will be an automatic permit suspension.

11.6. Duration of Shellfishing Permit Suspensions

Holders of Wellfleet shellfish permits shall have their permit suspended by the Selectboard for a period of not less than three (3) days nor more than fourteen (14) days for the first offense, suspended for not less than thirty (30) days nor more than sixty (60) days for the second offense, and suspended not less than ninety (90) days for the third offense. In any instance where the permit was due to expire during the proposed suspension period, the suspension may be invoked during the next calendar year. Additionally, the beginning date of the suspension shall be determined by the Selectboard.

11.7. Revocation of Shellfishing Permits

The Selectboard reserves the right to revoke any such permit for particularly egregious violations and/or a

pattern of abuse of these regulations. In the event that a permit is revoked, that individual may not harvest shellfish in the Town nor be aboard any vessel which is actively engaged in shellfishing until their permit is restored, with licensed areas being the only exception. A public hearing must be held within 30 days to allow a permit holder to appeal the revocation or suspension of said permit.

11.8. Acceptance of Suspension Without Request for Appeal

The enforcing officer may offer the offender of any of these regulations the opportunity to immediately accept the suspension of his or her permit for the minimum specified time to begin the following calendar day. In this case, the offender must surrender his or her permit and agree in writing to the suspension. Acceptance or rejection of this offer will in no way affect the disposition of the fine.

11.9. Disposition of Unlawful Catch

The enforcing officer may, at his/her discretion, seize and dispose of any unlawful catch as per [MGL Chapter 130; Section 12](#).

11.10. Prior Terms Revoked

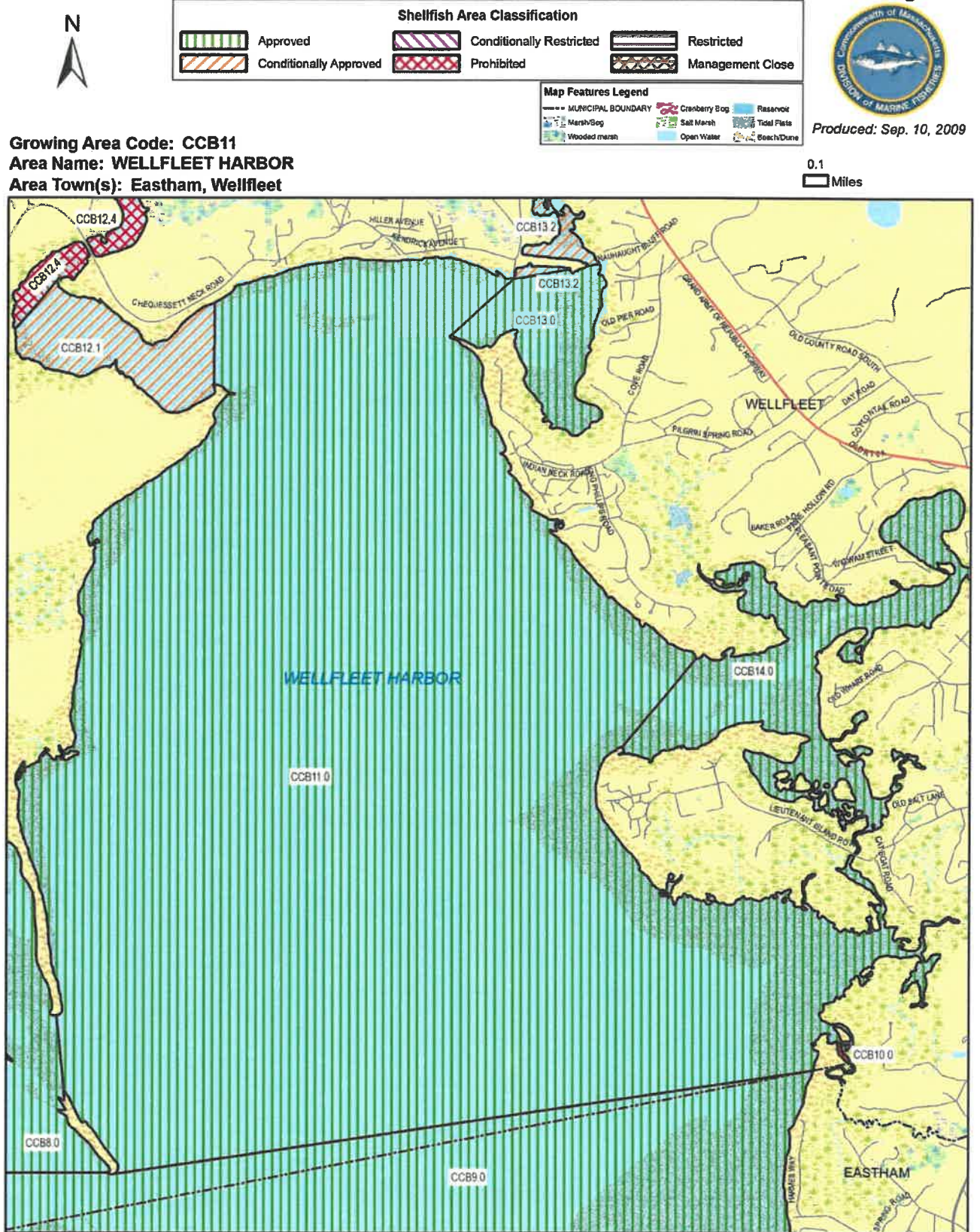
All regulations and specifications made prior to the date of acceptance of these regulations are hereby revoked; with the exception that nothing in these regulations shall be deemed to affect the validity, conditions, or terms of any license granted under the corresponding previous regulations of the Town until the expiration of such license.

11.11. Severability Clause

If any provision of these regulations is declared invalid by any court or tribunal of competent jurisdiction, the remaining provisions of these regulations shall continue in force and effect.

APPENDIX A:
DMF - Designated Shellfish Growing Areas / Wellfleet

Massachusetts Division of Marine Fisheries - Designated Shellfish Growing Area

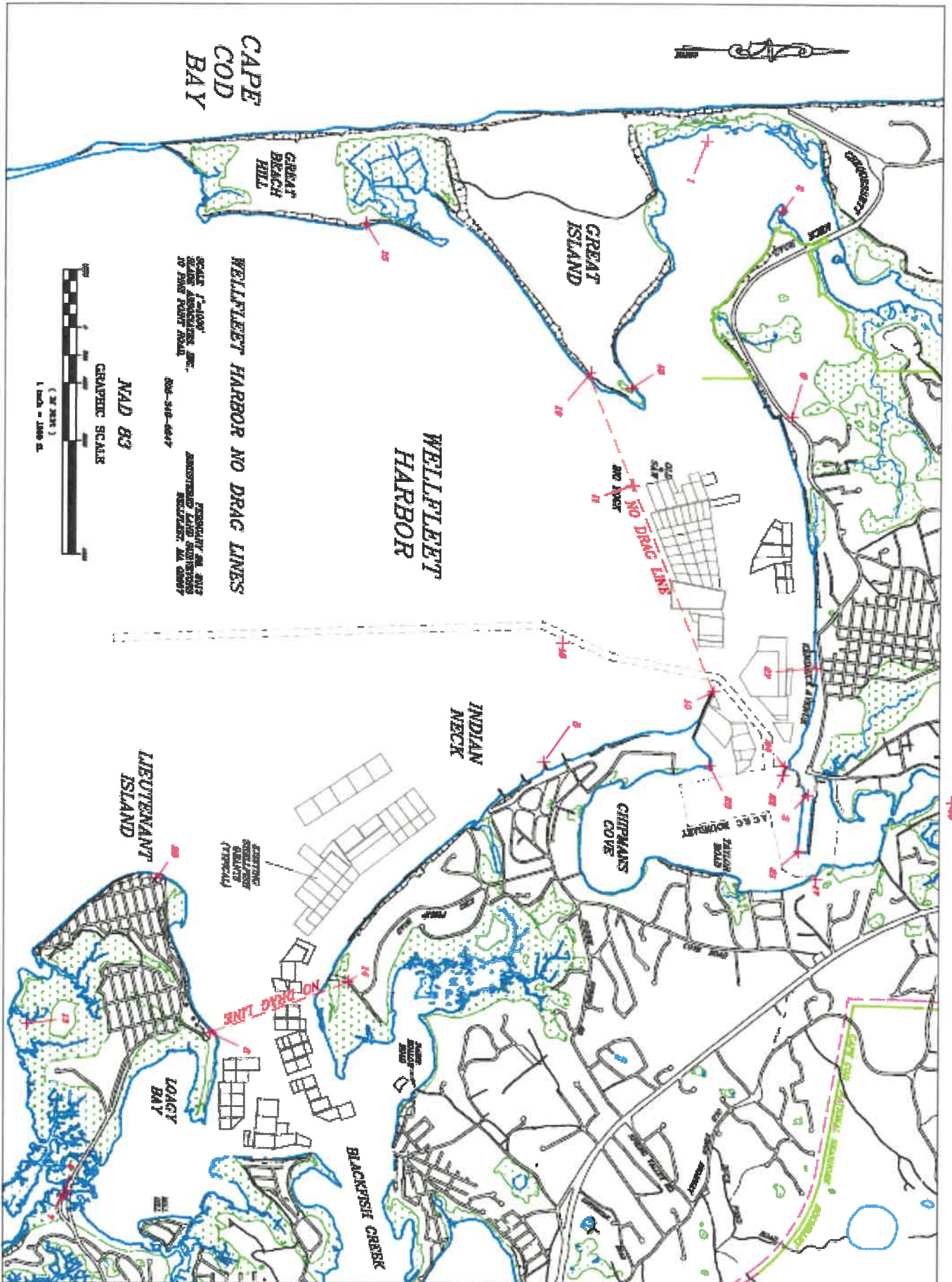


This product is for planning and educational purposes only. It is not to be used by itself for legal boundary definition or regulatory interpretation.

APPENDIX B Latitude and Longitude Coordinates

#	Point description	Latitude (N)	Longitude (W)
1	Boundary determined by the MA DMF, marked with poles on either side of the river	41.92553333	-70.07081667
2	Boundary determined by the MA DMF, marked with poles on either side of the river	41.92911667	-70.06623333
3	Eastern high point of the Town Boat Ramp	41.92993333	-70.02850000
4	Eastham/Wellfleet boundary marker on Billingsgate Island	41.87195000	-70.06666667
5	End of the first groin south of the Burton Baker Landing	41.91717000	-70.03151667
6	Lieutenant's Island Bridge	41.89378333	-70.03091400
7	Lieutenant's Island Bridge	41.89361667	-70.00333333
8	Lieutenant's Island Boathouse	41.90090000	-70.01371667
9	Main flagpole at the Chequessett Neck Country Club	41.92943333	-70.05291667
10	Navigational beacon (#14) at the seaward end of Indian Neck Breakwater	41.92546667	-70.03528333
11	Near the rocks known as Old Saw	41.92168333	-70.04865000
12	Official boundary marker in Hatches Creek	41.88111667	-70.00445000
13	Osprey nest pole on the southern end of Lieutenant's Island	41.89198333	-70.01451667
14	Parking lot at Fox Island, marked with a striped pole	41.90753333	-70.01686667
15	Point in Middle Meadow, marked with a striped pole	41.90891667	-70.06583333
16	Point near the #12 channel marker	41.91818333	-70.03861667
17	Point on the shore on the other side of the channel (across from Shirttail Point), marked with a striped pole	41.93028333	-70.02303333
18	Point on the tip of Great Island, marked with a striped pole (for Herring River)	41.92168333	-70.05495000
19	Point on the tip of Great Island, marked with a striped pole (for No Drag Line)	41.91971667	-70.05596667
20	Point on the tip of Indian Neck, marked with a striped pole	41.92518333	-70.03053333
21	Southeastern tip of Shirttail Point	41.92946667	-70.02488333
22	Southeastern tip of the L pier	41.92878333	-70.02976667
23	Southern tip of Jeremy Point	41.87485000	-70.06363333
24	Southwestern tip of the L Pier	41.92881667	-70.03038333
25	Uncle Tim's Bridge	41.93751667	-70.02835000
26	Uncle Tim's Bridge	41.93693333	-70.02793333
27	US Geodetic and Coast Survey marker at the landward end of the third groin west of Mayo Beach	41.93045000	-70.03671667
28	Western edge of the house at the western tip of Lieutenant's Island	41.89838333	-70.02375000

APPENDIX C: Wellfleet Harbor/No Drag Lines



APPENDIX D:

OVERWINTERING AGREEMENT

I, _____

agree to remove all metal racks, rebar or u hooks used to secure nets, or anything constructed of metal that is not securely fastened to within 2-4” to the bottom by January 15th, or before ice prevents removal, whichever comes first.

If I decide to store racks on my grant(s) over the winter, I agree to the following conditions:

1. All racks shall be tagged with the owner's name and grant number.

2. An accurate number of racks being left on the grant will be provided on this agreement form:
 - All racks with oysters on them are pumped down to within 2-4” of the bottom.
 - All racks without oysters on them are pumped down to be flush with the bottom.
 - I attest that before the threat of ice, I will be able to remove in _____, [e.g. two tides, two days], no matter what the tide height, all racks that will NOT be overwintered but are remaining in use on grant after January 15. These racks are not pushed down. I understand that it is up to Constable’s discretion to allow this, and I will work with Shellfish Department to demonstrate my ability to meet this deadline.

3. Any racks that are damaged during the winter must be cleaned up by March 1st or when the departure of ice allows, whichever comes first. This is also addressed in Section 7.19.4.

4. I understand that I am solely liable for any damage my equipment may cause to other aquaculturists or the public.

5. In case of emergency, contact _____ at _____.

6. Failure to adhere to these conditions can result in suspension or revocation of my grant license, in accordance with Section 7.19.6. and Section 11 of the Wellfleet Shellfishing Policy and Regulations.

Grant license(s) #: _____

Number of racks to be overwintered with product (2-4” off bottom):

Number of racks to be overwintered without product (flush with bottom):

Number of racks currently on grant, not pushed down, but that will be removed before ice:

Signature _____

Date: _____



SELECTBOARD
AGENDA ACTION REQUEST

VI

TOWN MEETING QUORUM

REQUESTED BY:	Chair Curley & Town Moderator Silverman
DESIRED ACTION:	To set the Quorum for 2021 Special Town Meeting
PROPOSED MOTION:	I move to set the 2021 Special Town Meeting at 100 residents as allowed under Chapter 92 of the Acts of 2020 Section 7 as amended under section 8 Chapter 20 of the Acts of 2021
SUMMARY (Optional)	Notwithstanding section 13 of chapter 39 of the General Laws or any other general or special law, charter provision or by-law to the contrary, a town may act by vote of its select board or board of selectmen, in consultation and with the approval of the town moderator, to prescribe the number of voters necessary to constitute a quorum at any town meeting... at a number that is less than the number that would otherwise be required by law, town by-law or town charter; provided, however, that the number of voters necessary to constitute a quorum shall not be less than 10 percent of the number that would otherwise be required.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD
AGENDA ACTION REQUEST



Town of
WELFLEET
Massachusetts

Published on *Wellfleet MA* (<https://www.wellfleet-ma.gov>)

[Home](#) > Public Hearings ~ October 12, 2021

Public Hearings ~ October 12, 2021

PUBLIC HEARINGS

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a virtual public hearing on Tuesday, October 12, 2021 at 7:00 p.m. to discuss boundary issues between licensed grant holders with regards to Sections 7.5 Conditions for Use of Area Licensed for Aquaculture, 7.19.1 Grants Shall Be Marked and 7.23 Extension of Acreage Without Permission.

The select board or board of selectmen shall publish notice of its intention to consider an adjustment of town meeting quorum requirements under this section not less than 7 days before the vote of the select board or board of selectmen. The select board or board of selectmen shall provide for adequate means of public access that will allow interested members of the public to clearly follow the deliberations of the select board or board of selectmen on making a quorum adjustment as those deliberations are occurring.

Source URL: <https://www.wellfleet-ma.gov/selectboard/news/public-hearings-october-12-2021>

To: Select Board
From: Joe Aberdale
Chair, Marina Advisory Committee
Date: October 2, 2021

On August 17, 2021, the Marina Advisory Committee voted unanimously to approve the following motion.

Motion

The Marina Advisory Committee requests that the Select Board include members of the Marina Advisory Committee in all future Select Board, committee and board discussions regarding the issues of expansion of shellfish grants and the issuing of additional grant leases including those grants outside of the HDYLTA area.

The Marina Advisory Committee is very concerned about boater safety, navigation issues, potential boat damage and the town's liability in several areas. The Committee is requesting that the Select Board vote to approve the Select Board's acceptance and implementation of this motion. The Committee is also requesting that this matter be placed on the select Board agenda for discussion at a future meeting.



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Steven Kopits Date 30 Sept. 2021
Mailing Address: 20 Pierces Tavern Road, Wellfleet, Mass. 02667
Cell Phone: 609 937 0223
Email: steven.kopits@gmail.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town:

With respect to the Wellfleet Town Cable Advisory Committee

My background is as a strategic management consultant and finance professional. My expertise is in market and financial analysis, forecasting, budgeting, and due diligence, among others.

I have worked on telecomms as a consultant in the past, including for a terrestrial broadcaster and mobile telecomms company. I have worked on a number of infrastructure related projects, including setting the water and sewer rate strategy for the city of Budapest, Hungary.

I am comfortable conducting contractual due diligence, which I did, for example, for a portfolio of eight power plants across the US, and I am able to translate contracts into financial analysis, terms and risk and associated decision-support.

If I can help on the Cable Committee, I would be pleased to do so.

→ Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

- *MBA, Finance and Accounting, Loyola College*
- *Masters Program in International Economics and Public Policy, Columbia University*
- *B.A. in History, Haverford College*

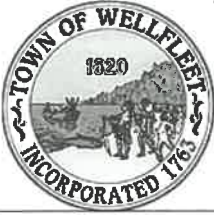
- Committees/Boards of Interest: 1) Wellfleet Town Finance Committee
 2) Wellfleet Town Cable Advisory Committee
 3) Wellfleet Town Administrator Screening Committee
-

Town of Wellfleet Boards and Committees

Bike & Walkway Committee	3 year term
Board of Assessors	3 year term
Board of Health	3 year term
Board of Water Commissioners	3 year term
Building and Needs Assessment	3 year term
* Bylaw Committee	3 year term
Cable Advisory Committee	1 year term
Cape Cod Commission	3 year term
*Cape Cod Regional Technical High School	(ATM)
*Charter Review Committee	(ATM)
Commission on Disabilities	3 year term
Community Preservation Committee	3 year term
Comprehensive Wastewater Management	3 year term
Conservation Commission	3 year term
Council on Aging	3 year term
Cultural Council	3 year term
Energy Committee	3 year term
* Finance Committee	3 year term (ATM)
Health Care Campus Committee	Indefinite
Historical Commission	3 year term
Housing Authority	5 year term (ATM)
Local Housing Partnership	1 year term
Marina Advisory Committee	2 year term
Natural Resources Advisory Committee	3 year term
Open Space Committee	1 year term
Personnel Board	3 year term
Planning Board	5 year term
Recreation Committee	3 year term
Recycling Committee	3 year term
Shellfish Advisory Board	3 year term
* Social and Human Services Committee	3 year term
Zoning Board of Appeals	3 year term

VACANCIES IN BOLD

* *Appointed by Moderator*



SELECTBOARD
AGENDA ACTION REQUEST



BUSINESS – A. Marina Planning

REQUESTED BY:	Vice-Chair DeVasto
DESIRED ACTION:	
PROPOSED MOTION:	I move to direct the Marina Advisory Committee to work with the Harbourmaster to develop a comprehensive Marina Plan to be submitted to the Selectboard by XX/XX/2021. Said plan shall include...
SUMMARY (Optional)	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST



SELECTBOARD
AGENDA ACTION REQUEST



BUSINESS – B Short Term Rental Tax Request

REQUESTED BY:	Wellfleet Affordable Housing Trust & Harry Terkanian
DESIRED ACTION:	
PROPOSED MOTION:	I move to refer the Policy Designating Receipts from Short Term Rental Tax for Housing for comment from administration department heads and committees for review and comment as stipulated in the Policy on Policies.
SUMMARY (Optional)	
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.wellfleet-ma.gov

To: Ryan Curley, Chair, Wellfleet Selectboard
From: Harry Sarkis Terkanian, Chair, Wellfleet Affordable Housing Trust
Subject: Policy Designating Receipts from Short Term Rental Tax for Housing Purposes
Date: September 20, 2021
CC: Charles Sumner, Acting Town Administrator, Wellfleet Affordable Housing Trust Board of Trustees

Dear Mr. Curley:

On behalf of the Trustees of the Wellfleet Affordable Housing Trust I am requesting the Selectboard consider the adoption of a Selectboard policy designating eighty (80%) percent of Town of Wellfleet receipts from the tax on short term rentals to the Affordable Housing Trust for “creation, preservation and support of housing.”

This issue was raised earlier in my March 18, 2021 memorandum to then Town Administrator Broadbent and was discussed at the March 23, 2021 Selectboard meeting. In light of Wellfleet’s accounting deficiencies, further consideration of the request was not pursued at that time. The Trust would like to revisit that request now with an eye toward possible adoption of a Selectboard policy. Additionally, the Trust requests that appropriations for short term rental tax receipts be made only in accordance with the proposed policy.

It is without question that Wellfleet has serious housing problem. Affordable housing in Wellfleet is extremely limited in availability. According to the December 21, 2020 Massachusetts Subsidized Housing Inventory, Wellfleet has 38 permanently restricted affordable housing units, comprising only 2.5% of Wellfleet’s housing stock. While progress continues to be made on efforts to add additional units, Wellfleet needs to add at least 114 additional affordable units to meet the Commonwealth’s minimum goal that 10% of housing stock to be affordable. In addition to “affordable housing,” which is housing for families whose incomes that fall below 100% of the “area median income” (AMI) as defined by HUD, the same challenges exist for families whose income falls just above this limit. Compounding the problem, while there are funding sources and tax credits available for development of affordable housing, there is essentially no available funding for addressing the needs of those who fall at or above the 80% AMI limit.

It is clear that a major factor in the scarcity of affordable housing is the financial attractiveness of renting properties for short term vacation use. A property owner can generate more rental income, the property sustains less wear and tear, and the property remains available for owner use much of the year. The short term rental tax is a revenue stream that is linked directly to short term rentals and is therefore an appropriate candidate for allocation by the Town to address the housing shortages arising from short

term vacation rental use of properties which might otherwise available for year round housing.

Earmarking this revenue stream for this purpose would supplement the funds available for affordable housing and would provide a source of financial resources for addressing the significant needs of those just above the HUD limits, for which only limited resources are presently available.

Wellfleet has a long history of allocating revenue streams to purposes related to the activities which give rise to the revenue. For example, At the 1966 annual town meeting the town voted, under article 47, to establish a "Beach Fund" and to assign to that fund revenue generated by the sale of beach stickers. Similarly the Town has established an Ambulance Fund, a Recreation Fund, two enterprise funds (water and marina), a Shellfish Revolving Fund and perhaps others.

At our 2020 annual town meeting voters expressed support for efforts to add affordable housing by unanimous and near unanimous votes to adopt of the Affordable Housing Trust enabling bylaw, the Accessory Dwelling Unit amendment to the zoning bylaw and home rule petitions which would provide additional financial support for affordable housing efforts.

New revenue streams, such as the excise tax on short term rentals, rarely arise. This short term rental tax presents an historic opportunity for Wellfleet to directly associate a revenue stream derived from an activity which is a significant contributor to a problem toward that problem's solution.

I and the other trustees are available to meet with the Board to discuss this initiative at the Board's convenience.



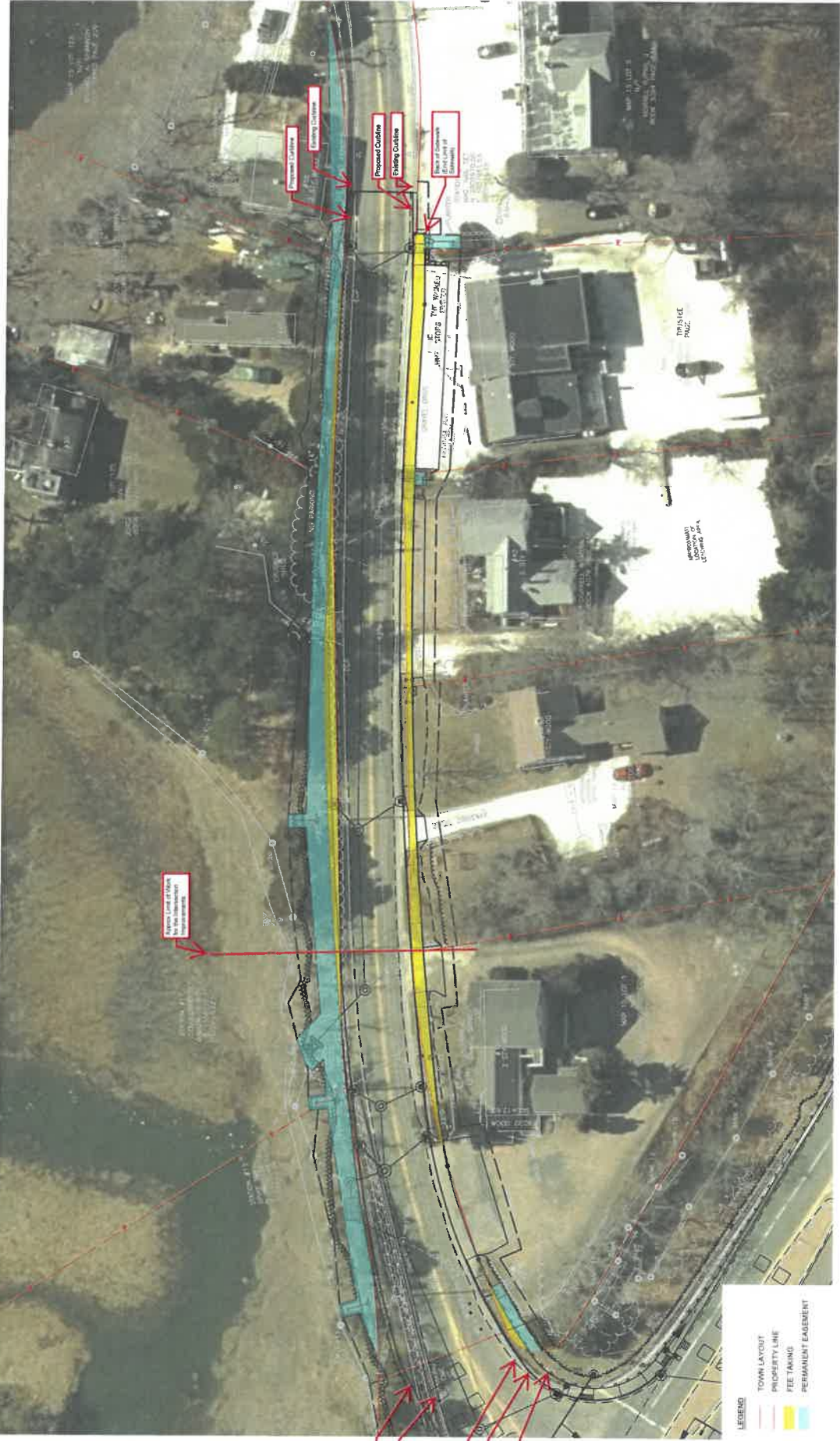
SELECTBOARD
AGENDA ACTION REQUEST



BUSINESS – C. Private Property Impacts along Main St as part of the Main St & Rt 6 Project.

REQUESTED BY:	Chair Curley
DESIRED ACTION:	Discussion of Private Property impacts on Main St and potential mitigations, if any.
PROPOSED MOTION:	To be determined
SUMMARY (Optional)	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

WELLFLEET			
ROUTE 6 / MAIN STREET			
STATE	FD/A PROJECT NO.	SHEET NO.	TOTAL SHEETS
MA	03797	1	1
PROJECT FILE NO: 03797			
MAIN STREET IMPROVEMENTS			



SCALE: 1" = 20'

- LEGEND**
- TOWN LAYOUT
 - PROPERTY LINE
 - FEE TAKING
 - PERMANENT EASEMENT

- Proposed Curbline
- Existing Curbline
- Proposed Curbline
- Proposed Back of Sidewalk



SELECTBOARD
AGENDA ACTION REQUEST



BUSINESS – D. Wastewater Communications

REQUESTED BY:	Member Wilson
DESIRED ACTION:	
PROPOSED MOTION:	I move to direct that the Selectboard be copied on any and all communications regarding wastewater planning within the town of Wellfleet to the EPA, Mass DEP, Cape Cod Commission or other outside agency by all those employed by the town of Wellfleet directly or as consultants or who serve on the Clean Water Advisory Committee.
SUMMARY (Optional)	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Ryan Curley <ryan.d.curley@gmail.com>

RE: Questions for Stantec

Jay Norton <Jay.Norton@wellfleet-ma.gov>

Wed, Oct 6, 2021 at 8:07 AM

To: "McLaughlin, Jill" <Jill.McLaughlin@stantec.com>

Cc: Board of Selectmen <BoS@wellfleet-ma.gov>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>

Thank you Jill!

Cc: Selectboard and Administration

Jay R. Norton – DPW Director

Department of Public Works

Town of Wellfleet

220 West Main Street

Wellfleet, MA 02667

508-349-0315

jay.norton@wellfleet-ma.gov



From: McLaughlin, Jill <Jill.McLaughlin@stantec.com>

Sent: Wednesday, October 6, 2021 7:45 AM

To: Jay Norton <Jay.Norton@wellfleet-ma.gov>

Subject: RE: Questions for Stantec

Hi Jay!

You are welcome to share with MassDOT if you would like, but it is not required.

10/6/21, 6:09 PM

Gmail - RE: Questions for Stantec

Property owners are typically compensated through the ROW process for impacts to private property (so Piping Plover would be compensated for the Landscape impacts).

Because the Town is receiving construction funding from the State for this project, yes we are required to follow MassDOT standard regardless of who owns the layout. If the Town took on Main Street as a separate project and did not use State funding, you would not be required to follow the state standards.

MassDOT has officially approved the 3 foot shoulders along Main Street. I am still waiting to hear if we can go with less (2 feet) but I think this is a good step in the right direction. They have also asked for additional bike treatment at the intersection that may result in widening immediate to the intersection on Main St, but at this time I am unclear exactly what they are looking for. I'll share more once I get more input from them on that.

Hope this helps, but let me know if there is anything else I can help with if not!

Jill

Jill McLaughlin

Direct: (508) 591-4376



The content of this email is the confidential property of Stantec and should not be copied, modified, retransmitted, or used for any purpose except with Stantec's written authorization. If you are not the intended recipient, please delete all copies and notify us immediately.

From: Jay Norton <Jay.Norton@wellfleet-ma.gov>
Sent: Wednesday, October 6, 2021 6:55 AM
To: McLaughlin, Jill <Jill.McLaughlin@stantec.com>
Subject: FW: Questions for Stantec

Good morning Jill – FYI please see below from John Wolf, Select Board member. Should I be passing these along to MassDOT as well? This one seems to particularly focus on Main street

Jay R. Norton – DPW Director

Department of Public Works

Town of Wellfleet

[220 West Main Street](#)

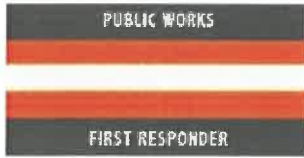
[Wellfleet, MA 02667](#)

508-349-0315

10/6/21, 6:09 PM

Gmail - RE: Questions for Stantec

jay.norton@wellfleet-ma.gov



From: John Wolf <John.Wolf@wellfleet-ma.gov>

Sent: Wednesday, October 6, 2021 6:07 AM

To: Jay Norton <Jay.Norton@wellfleet-ma.gov>

Cc: Ryan Curley <Ryan.Curley@wellfleet-ma.gov>; Helen Wilson <Helen.Wilson@wellfleet-ma.gov>; Janet Reinhart <Janet.Reinhart@wellfleet-ma.gov>; Michael DeVasto <Michael.DeVasto@wellfleet-ma.gov>

Subject: Questions for Stantec

Greetings, Jay: As I prefer that as little as possible be done to Main St. in connection with the work on the Rte. 6/Main St. intersection, my question is as follows: given that the state highway comes under the "healthy uses" mandate from MassDot, and given that Main St. is not a state-owned roadway, why do we need to undertake any major widening or alteration of the section of Main St. which is currently under consideration? Does that mandate in fact encompass Main St.?

Another question for Stantec (and for state interests); has anyone considered the possibility that abutters may engage in litigation regarding the projected encroachment on their property? I'm thinking in particular of the Piping Plover dispensary, the owners of which spent a considerable amount of money improving and landscaping their property.

October 12, 2021
Board of
Selectmen
Meeting



Route 6 & Main Street Intersection Improvements

Main Street Design

Presented By:
 Stantec



Agenda

- Existing Conditions
- Proposed Design & ROW Impacts
- Design Alternatives



Main Street - Roadway Design

Existing Conditions



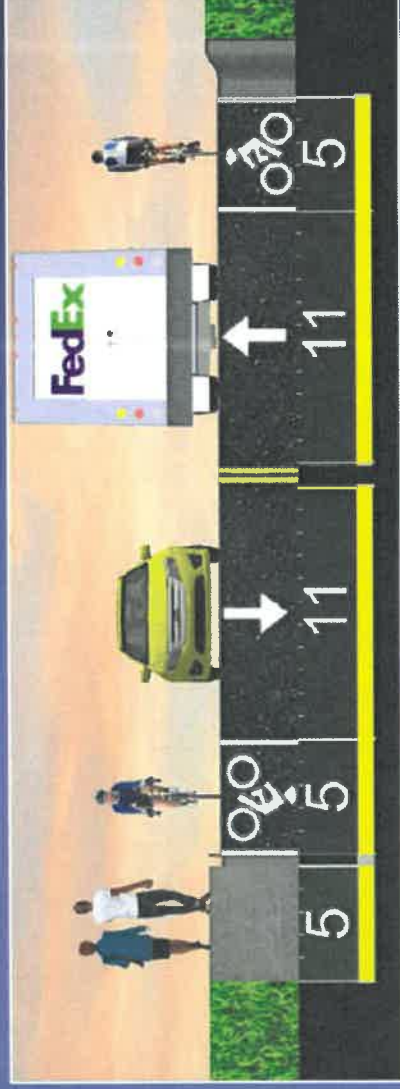
Existing Cross Section



Main Street

Proposed Cross Section

- Proposed Cross Section
- 5' Bike Lanes
 - Increases existing road width 7 feet



ROW Impacts Fee Takings and Permanent Easements

- Impacts shown are draft and not considered final



ROW Impacts

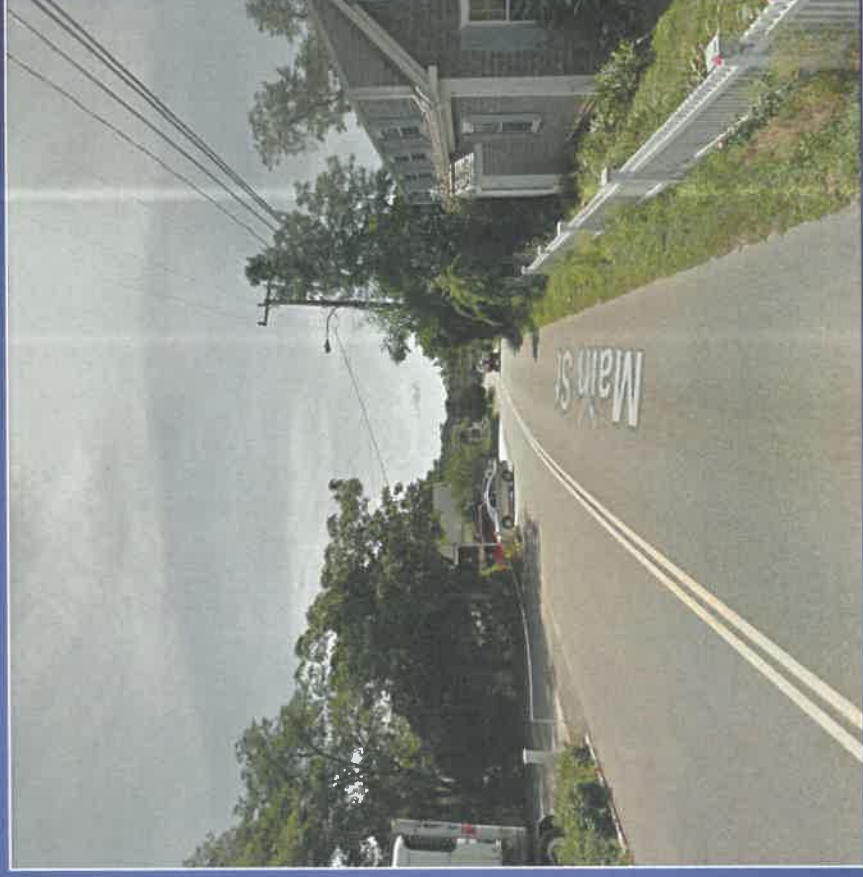
Fee Takings and Permanent Easements

Fee Takings

- Transfer property ownership to State or Town

Permanent Easements

- Ownership stays with property owner
- Typically used for utilities
- Allows state or town rights to place a utility on private property and provides them with an area to maintain that utility



ROW Impacts

Temporary Easements

- Impacts shown are draft and not considered final
- Temporary Easements typically last for the duration of construction



Other Considerations

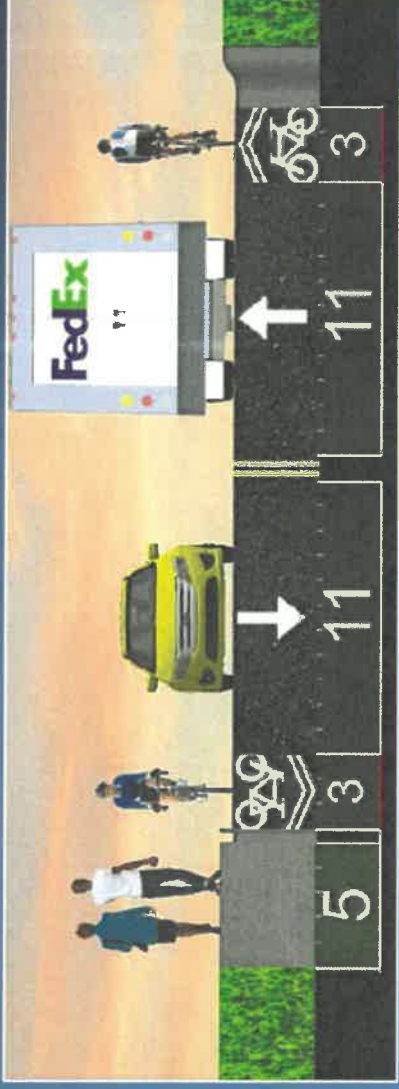
- Other Considerations:
- Intersection Work
 - Duck Creek Impacts
 - Only impacts due to headwall and tide gate replacement
 - Roadway work will not impact the salt marsh



Main Street

Alternate Cross Section

- Alternate Cross Section
- 3' shoulders
 - 'Share the Road'
 - Minimum width for vehicles to pass bicyclists without driving into opposite lane
 - Increases existing road width 3 feet
 - Lessens impacts a minimum of two feet on either side of Main Street
 - Trees may still be impacted



Main Street Limit of Work

Alternate Limit
of Work

Current Limit
of Work



QUESTIONS & COMMENTS





Ryan Curley <ryan.d.curley@gmail.com>

Private Property Impacts along Main St

McLaughlin, Jill <Jill.McLaughlin@stantec.com>

Fri, Sep 24, 2021 at 4:13 PM

To: Ryan Curley <ryan.d.curley@gmail.com>

Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Jay Norton <Jay.Norton@wellfleet-ma.gov>, Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>

Hi Ryan

We had prepared the attached plan that may be helpful in answering some of your questions. This plan highlights temporary easements (in green), permanent easements (in blue), and fee takings (in yellow) based on our current design (11 ft travel lane, 5 foot shoulder, and 5 foot sidewalk with a 0.5 foot vertical granite curb). The red line represents the existing town layout line. If we received the approval from MassDOT to reduce the width of the shoulder, the easement and taking areas would become less. To explain the different areas:

- **Temporary Easements:** Ownership of the area stays with the property owner and the easements are temporary (typically for the duration of construction). Temporary easements allow room for the contractor's crew to work and will provide area for lawn regrading or driveway rework to match into the new roadway cross section. The area impacted will be replaced in kind (as an example if it's grass today we will put back grass, or if it is a crushed shell driveway, we will put back crushed shells, etc.). If landscape areas are impacted with construction, the plantings will not be restored, but the property owner is compensated for the impact through the ROW process.
- **Permanent Easements:** Ownership of the area stays with the property owner. The easements allows for an area for a utility and future maintenance of that utility. So, for example, we show permanent easement areas for hydrants, utility poles, and the aerial trespass from the utility pole overhead wires. In some cases, the utility trespass already exists without an easement but the policy is if we are touching a pole we need to secure the easement for it and wires coming off of it.
- **The fee taking areas** are where we are anticipating transfer land rights from the private property owner to the Town.

I have also responded to your questions below. Hopefully this all helps, but let me know if you need more information or if you would like to schedule a call to discuss further.

Thank you!

Jill

Jill McLaughlin

10/6/21, 6:08 PM

Gmail - Private Property Impacts along Main St

Direct: (508) 591-4376



The content of this email is the confidential property of Stantec and should not be copied, modified, retransmitted, or used for any purpose except with Stantec's written authorization. If you are not the intended recipient, please delete all copies and notify us immediately.

From: Ryan Curley <ryan.d.curley@gmail.com>
Sent: Friday, September 24, 2021 2:28 PM
To: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Cc: Jay Norton <Jay.Norton@wellfleet-ma.gov>; McLaughlin, Jill <Jill.McLaughlin@stantec.com>; Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>
Subject: Private Property Impacts along Main St

Hi, I have been mulling over how to assess private property impacts along the Main St portion of the project and what is may be needed to discuss them from an informed standpoint and what the potential options are.

There are also items that need to be presented to clear up some misunderstandings/ misrepresentations

1. Entrance to main st from rt6 and the width of that entrance compared to present conditions. The proposed curb to curb width is narrow immediate to the intersection but does get wider as you travel down Main Street. We are also lengthening the turn lanes to account for future traffic projections which is likely the area people are referencing.
2. The present-day layout of Main St and where the road surface is in relation to the layout as it exists on the ground today. I think the attached graphic address this question, but let me know if this does not work for you.
3. Is there any encroachment on the Duck Creek marsh? There is no direct impact to the salt marsh as a result of the roadway work. The only impact to the salt marsh is from the replacement of the existing headwall and installation of the self regulating tide gate.
4. Clarification of temporary vs permanent. Please see my notes above. Hopefully that helps but if not, let me know and I will try to provide you with additional information.

It may not be possible but I think it would be best to be able to visually evaluate the options on a parcel by parcel basis, this would likely require a gis overlay. It can be just the width of the proposed layout and permanent easement. Does the attached work or are you looking for something different? The reduction to a 3 foot shoulder with sharrows would pull the linework in 2 feet on both sides.

1. As initially proposed with 5ft bike lanes
2. Reduce the five-foot bike lanes to 3 ft sharrows as requested
3. Either of the above two with a reduced limit of work

Questions

1. Can the sharrow be 2 feet instead of 3? I have submitted a request for a reduced shoulder with to MassDOT. Once I hear back I will let you know. It's a process so this could take a few weeks but we will try to get a response as soon as we can.
2. Can the sidewalk be 4 ft instead of 5? (I think the answer is no) Correct. For ADA compliance we would need the 5 foot sidewalk width.
3. Are there any other options to reduce the private property impacts? Maybe not ideal in terms of the amount of improvements that can be made along Main Street, but the Town can evaluate the limits of work on Main Street. For the intersection improvements, we only need to go just past the Piping Plover parcel (I've added a label on the attached

10/6/21, 6:08 PM

Gmail - Private Property Impacts along Main St

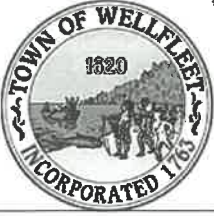
plan). The rest of the work can be removed from the project. I recall a few years back there was mention of the Town looking to continue the sidewalk down Main Street so a benefit to keeping it in the project is that the state would fund the construction (but the Town is still responsible for the ROW impacts).

[Quoted text hidden]



Main Street Plan.pdf

1306K



SELECTBOARD
AGENDA ACTION REQUEST



BUSINESS – E. Internal Appointments if Any to the Town Administrator Search Committee

REQUESTED BY:	Chair Curley
DESIRED ACTION:	
PROPOSED MOTION:	I move to appoint Charles Summer to the Town Administrator Search Committee I move to appoint Fire Chief Richard J. Pauley, Jr. to the Town Administrator Search Committee
SUMMARY (Optional)	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

9/28/21, 2:54 PM

Gmail - Town Administrator Screening Committee



Ryan Curley <ryan.d.curley@gmail.com>

Town Administrator Screening Committee

Rich Pauley <rich.pauley@wellfleet-ma.gov>
To: Ryan Curley <ryan.d.curley@gmail.com>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>

Tue, Sep 28, 2021 at 12:23 PM

Hello Ryan,

As I have mentioned previously, I would like to be appointed to the Town Administrator Screening. I believe my experience as a Department Head, tenure with the Town, and, acting in the position before the hiring of the current interim Town Administrator would be beneficial to this Committee and the process itself. I appreciate your consideration of my request. Thank you.

Rich

Chief Richard J. Pauley, Jr.

Wellfleet Fire Department

10 Lawrence Road

Wellfleet, Massachusetts 02667

e-mail: rich.pauley@wellfleet-ma.gov

Telephone (508)349-3754





SELECTBOARD
AGENDA ACTION REQUEST



BUSINESS – FY 2022 Selectboard Goals

REQUESTED BY:	Chair Curley
DESIRED ACTION:	For the Selectboard Members to Provide their FY 2022 Selectboard Goals.
PROPOSED MOTION:	
SUMMARY (Optional)	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

VI

BUSINESS – A

REQUESTED BY:	Chair
DESIRED ACTION:	Selectboard FY2021 Goals – Begin Process by Reviewing the FY2020 Goals
PROPOSED MOTION:	Discussion
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

Michael DeVasto - goals

1. **Attainable housing** - increase inventory for year round market rate and affordable rentals. Also increase assistance to working domiciled residents to purchase homes.
2. **Harbor Dredging** - and a maintenance plan to prevent the deteriorated conditions that currently exist.
3. **Infrastructure and Buildings** - Work with DPW to get assessment of all public infrastructure and buildings. Create maintenance plan to ensure town property is kept from disrepair.
4. **Town hall lawn** - Work with DPW and gather public input on revitalization of town hall lawn, replace the awful plastic public benches with nice wooden ones.
5. **Bike trail** - Find an alternate route for the bike trail that can ensure safe transport from one end of Wellfleet to the other.
6. **Recreation** - Work with the national seashore to increase recreational opportunities including bike trails and parking areas.
7. **Climate Change** - Prepare for future sea level rise.

SELECTBOARD GOALS 2021

JANET REINHART

1. Dredging – continue and start a maintenance plan
2. Parking – continue support
3. Housing – continue support
4. Wastewater – continue support
5. Harbor/Marina Plan
 - a. Shellfish Shack
 - b. Public/Private plan for improvement
 - c. Parking
 - d. Bathrooms
 - e. Climate mitigation
6. Fiber Optics/Cell Tower/Consultant
7. Bike Trails and Bike Lanes

SELECTBOARD GOALS 2021

HELEN MIRANDA WILSON

1. Resolve the issues relating to the DCR's proposed Bike Trail, the DOT's proposed changes to the stretch of Rte. 6, Main Street and Cahoon Hollow Road. Meet together, for the first time, in an Open Meeting, with the DOT, DCR, NPS, the Selectboard, and the Bike and Walkways Committee, with our constituents and the many people who pass through this zone able to attend. Preferably before any further tax-payer money is spent on these proposals.

2. Continue to improve ongoing communication between all municipal groups (including staff). When a jurisdictional overlap occurs, have related committees and personnel informed.

3. Continue to improve the public process with support for compliance with laws and regulations, including training for committee members. Research and organize workshops for same.

See the Sb policy, Statement of Goals on the Town website under *Bylaws and Regulations*, on the home page.

4. Continue to negotiate/discuss with the NPS land swaps or shared use of land.

5. Include sea level rise and climate change when considering all long-term land use decisions. Every time

6. Read and discuss documents related to the hydrology and geology of the Outer Cape to provide background for future water resource decisions.

7. Decide (again) what to do with the old shellfish shack.

SELECTBOARD GOALS 2021

JUSTINA CARLSON

1. HOUSING

- a. Support AADU program

2. ECONOMIC DEVELOPMENT

- a. Local business, jobs

3. ENVIRONMENT

- a. Represent Wellfleet, Cape Cod Water Protection Collaborative
- b. Represent Wellfleet, Cape Cod Water Protection Fund, management board

4. GENERAL

- a. Improve ongoing communication and process for compliance with Boards and Committees

Ryan Curley Goals for FY 2021
09/16/2020

Bike Trail

- Work to try to secure an alternative bike trail terminus.
 - I have been very clear on multiple occasions as to why I believe that having the bike trail terminus at the proposed location on Rt. 6 is a bad idea and would negatively impact public safety. There are potential alternative routes that would be far safer for all parties. It feels like the DCR picked the route it did because it has the quickest and cheapest option not necessarily the best option.

Marina

- The L Pier
 - The L pier at the marina is in disrepair and deteriorating with loose boards and exposed fasteners. This is causing damage to the boats that tie up on the pier. The town needs to start looking and planning for overdue maintenance to the pier.

Public Safety

- Police Dash and Body Cameras.
 - I want a full proposal that can be put before the annual 2021 town meeting even in the absence of state grant money and regardless of what happens to the state Police Reform Bill. We have been waiting and waiting to see if there will be grant funding. To date, there hasn't been. We need to stop waiting and start doing.
- Lifeguards in September
 - Implement a permanent plan to have lifeguards on Newcombs and Lecount Hollow for September. September is a highly active month for sharks, and if we needed a reminder of that, Arthur Medici's bench was dedicated Sunday, Sept. 13th of this year. Lifeguards warn beachgoers when they observe or are notified of shark activity within the areas of our beaches. They serve as the critical bridge from the beach to our EMS services. We know that there is little to no cell phone coverage at our oceanside beaches. We have call boxes that help but lifeguards are critical in communicating issues directly from our beach to our emergency services, while also responding to the issues themselves. They are the first responders on the beach. Many other problems can happen on the beach beside a shark encounter. A beachgoer could be injured by a shore break, caught in a rip, or have something as every day as a heart attack. In all of these situations, a quick response is critical in the outcome. Until there is cell coverage for the beaches, our lifeguards provide an irreplaceable public safety purpose. We need a plan to keep them on our beaches until the last weekend of September, though it would be physically prudent to allow the Beach Director to stop patrols a week early due to weather conditions.
- Cell phone repeaters for the beaches.
 - Cell phones have been one of the most significant public safety improvements in the last twenty years. Unfortunately, our ocean-side beaches are in a cell service

dead zone due to the topography and locations of the cell antennas. We have repeatedly asked my cell providers to install an antenna closer to our beaches. No company has been willing to do so. It is time for us to pursue the lack of cell service on our beaches by other means. Either by installing cell phone repeaters or by installing antennas ourselves.

Staffing

- Start a discussion about the possibility of an IT Director.
 - Covid has shown how valuable it would be to have a dedicated IT person on staff. Much of Wellfleet's operations are still conducted on paper. We should be looking at ways to streamline processes digitizing as much as possible. Staff, boards, and committees need support. Public records could be made readily available online reducing formal public record requests. Improving IT could make our town's government more accessible and transparent. There is a robust array of modern management tools that could be utilized to support staff, but these tools rely on a solid internal IT framework.

Housing

- 95 Lawerence Rd
 - Continue to advance and support the 95 Lawerence Rd project.
- Expanded Residential Tax Exemption
 - Implement an expanded residential tax exemption to include housing rented on a year-round basis. FY 2020's median residential tax exemption was \$857/yr (Nancy Vali, Wellfleet Selectboard Meeting, Sept 8, 2020). Expanding this exemption provides a small incentive to those who rent their property out on a year-round basis. Without expanding the exemption to include year-round rentals, we expose this type of housing an additional tax burden of approximately \$300/yr. An expansion of the exemption would provide a net benefit to year-round rentals of roughly \$1157 for a median house.
- Change Condominium Regulations
 - Promote long term housing stock availability by changing condominium regulation to allow more than one unit to be occupied on a year-round basis provided there is sufficient septic capacity. Intentionally limiting a segment of Wellfleet's housing stock in the face of a housing crisis is irrational and artificially reducing year-round housing stock. Wellfleet had 339 condominiums as of 2017, with the overwhelming majority of these restricted to seasonal use only (Housing Needs Assessment and Action Plan, 2017).
- Accessory Dwelling Units by Right
 - Accessory dwelling units should be allowed by right as long as a lot can meet all other applicable requirements, bylaws, and occupied on a year-round basis. Accessory dwelling units should be available to all potential residents regardless of income requirements. The affordable accessory dwelling unit requirements

currently in place are a paperwork nightmare and one that needs to be repeated year after year. Due to this, only a handful of affordable accessory dwelling units have been built since adopting the affordable accessory dwelling unit bylaw. Removing these onerous requirements will spur the construction of such housing in the future. We will need a mechanism to ensure that accessory dwelling units can only be used for year-round housing to prevent their use as short term rentals. This may encourage non-resident taxpayers to construct year-round accessory dwelling units on properties that otherwise are used only on a seasonal basis.

- Affordable Home Ownership Opportunities
 - In addition to creating more rental units, our town needs to carve out a better ownership path. If a family is planning on being long term residents, there needs to be a way to get them into permanent housing that they own. Owning as opposed to renting allows a family to retain part of their housing costs as equity and greater freedom on how they use their property. With property values continuing to escalate, the housing available to own on the market at affordable rates is shrinking. The initial quality within that price range is also deteriorating, with many units having significant issues that can be very costly to remedy. Wellfleet should create 2-3 housing units per year with a permanent deed restriction requiring these properties to be sold at affordable rates into the future.

Expansion of Home Based Business.

- Allow more non-family members to work for a home-based business.
 - Wellfleet's current bylaws require that "service trade home business" to have no more than three non-family member employees, for general home-based business, no more than two non-family members. This constraint, combined with the lack of commercial space, presents a challenge for a business to grow. Wellfleet should increase the number of allowable non-family employees for all home-based businesses. Employees should also be defined as full-time equivalent employees.
- Increase the allowable floor area allocated to home-based businesses.
 - Increase the allowable floor area utilized by the home occupation from the current 25% to 35% for both Home Occupations and Service Trade Home Businesses. Home-based businesses have always been part of our traditional character. These two changes aim to allow a home-based business to expand organically to the point where it can afford to rent a dedicated commercial location while addressing the limited availability of affordable commercial space.

Energy

- Municipal Rooftop Solar
 - Access all town-owned buildings in good repair for their suitability for rooftop solar and the cost-effectiveness of any modifications needed to support rooftop solar. Rooftop solar presents an opportunity to reduce the town's energy costs

while reducing greenhouse gas emissions. The continued decrease in the installation cost of PV panels and the slow increase in MA electrical prices makes rooftop solar an attractive investment to reduce long term energy costs. In addition to determining the present-day economic practicality of installing rooftop solar, we should implement a scale that weighs changes in price per kW installed and the wholesale price per kW for electricity providers. This would allow us to judge in the future when it may be economically particle to fit rooftop solar on buildings where it may not make sense currently.

- Municipal Plugin Hybrids
 - Transition town department vehicle replacements to plugin hybrids where available and practicable. Over the long term, plug-in hybrids could provide significant cost reductions in operations through reduced fuel and maintenance costs, while reducing emissions.
- Electric Equipment
 - In addition to vehicles, the town should establish a replacement policy for all current fuel-powered equipment classes to replace them with eclectic equipment where possible and economical. Electric equipment often has drastically lower maintenance costs. Reducing long maintenance costs presents a means to build long term savings into the town's operations.

Wastewater.

- Need for Wastewater Plans.
 - The time for talking is closing as a town we real action, and it needs to happen soon. First, everyone needs to realize that there is a clear and pressing need. Second is that no matter what we do, it will cost significant amounts of money. The water quality condition in the entire harbor is declining year over year. Further water quality declines are inevitable unless steps are taken to address the issue. The longer we wait to materially address our harbor's water quality problems, the greater risk of adverse outcomes within the harbor or the town being sued.
- Setting Nutrient Remediation Standards for Municipal Projects.
 - We need to establish standards for town-owned or maintained assets within the Wellfleet Harbor watershed, even in the absence of a completed wastewater plan. Every project that the town conducts presents an opportunity to reduce nutrient inflows. Any project that is built without building in nutrient remediation features is a lost opportunity that may result in higher costs incurred by the town to retrofit these assets at a later date.

Some pre-existing projects that are priorities that I am hoping are completed this fiscal year.

- Gas tanks replacement at the maria. The 2019 town meeting approved funding. We need to get this done. The current tanks are in the ground and are past their expected life expectancy.
- The right of way for the landfill solar array. We need to be able to hook up the array as soon as possible. Resolving these issues is a priority for the town, so we can start to see the returns generated by this solar installation.

FY 2021

Ryan Curley Goals for FY 2022

10/06/2021

Fiscal Control and Re-Organization of Town Finances

1. Support administration instituting best fiscal practices. Ensure they are maintained after the departure of the interim staff with a much greater degree of oversight and integration than in the past.
2. Materially respond to DOR review once they issue their report and findings.
3. Ensure that the town is adequately staffed to administer its fiscal responsibilities. Pursue a Finance Director in addition to permanent Town Accountant.
4. Enhance the Auditing process and with a revised and expanded scope of work put out to bid.
5. Require a fiscal forecast to be developed and iterated upon each year.
6. Work with the Finance Committee and any recommendations they may make in remediating the issues that were brought to life in the last year.

Staffing

1. Hire a permanent TA with strong fiscal and administrative knowledge and capabilities.
2. Establish an office of Human Resources.
3. Have the TA implement a workforce development program.

Accessibility and Modernization

1. Increase the functionality and capabilities of the Town to serve citizens' needs online or remotely.
2. Limit future capital expenditures and upkeep in office space by encouraging hybrid work weeks where applicable.

Capital Asset Preservation

1. Start addressing the maintenance backlog in Wellfleet's Core Capital Assets.

Marina

1. Recondition the L Pier
2. Give preference to commercial fishing boats.
3. Replace or rebuild the bathrooms.

Public Safety

1. Lifeguards in September
2. Cell phone repeaters for the beaches.

Housing

1. Continue to advance and support the 95 Lawerence Rd project.
2. Allow Multi-Family Zoning.

Energy

1. Municipal Rooftop Solutions.

Wastewater.

1. Prepare for Watershed Permit Submittal by the Summer.
2. Setting Nutrient Remediation Standards for Municipal Projects.

Public Access

1. Work to secure and maintain public access points.

Herring River

1. Continue to work on the Herring River Restoration Project.
2. Ensure that all monies received for the project are administered properly.

Rebecca Slick

From: Janet Reinhart <lifeexercises@comcast.net>
Sent: Thursday, October 7, 2021 10:42 AM
To: Rebecca Slick
Subject: Fwd: Selectboard Goals-Janet

Maybe you should get this, too, since Rebekah is out

----- Original Message -----.

From: Janet Reinhart <lifeexercises@comcast.net>

To: Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>, "Charles.Sumner@wellfleet-ma.gov" <Charles.Sumner@wellfleet-ma.gov>
Date: 10/07/2021 10:39 AM
Subject: Selectboard Goals-Janet

MARINA-continue improvements: bathrooms, showers, parking

STAFF SUPPORT PLAN-Job training(more local,) Staff Meetings, HR, Future planning to help succeed, volunteers, Job performance

INFORMATION for renters and new homeowners: water conservation, pesticides, toxins, good neighbor policy, noise by-law, dogs, etc.

Rebecca Slick

From: John Wolf
Sent: Thursday, October 7, 2021 9:42 AM
To: Charles Sumner
Cc: Rebecca Slick
Subject: List of priorities for 2022

Greetings:

As per request of the Selectboard Chair, here is my list of priorities as I envision them, for the Selectboard to address in 2022:

The overall priority is to reestablish the credibility of and confidence in the administrative/leadership structure of the Town of Wellfleet. That begins, of course, with following a transparent, well-informed and sensible process for the selection of a permanent Town Administrator. As part of the process of determining my list of priorities, I reached out to some members of the community, and accordingly I am looking at the following items:

1-Having department heads meet with their departments on a regular-perhaps weekly-basis, to assess current projects, determine needs, identify issues, etc.

2-Having the department heads meet regularly-perhaps monthly, or more often if indicated-with the T.A., so as to keep the T.A. up to date on issues for which the T.A. is responsible, and to give the T.A. the opportunity to question department heads on the various projects undertaken by the departments and on issues arising within the departments. (the ongoing disgraceful drama of the stolen boat/town-owned trailer involving a DPW employee is but one example of such an issue.)

3-Consider a position-perhaps a volunteer position-of an "ombudsman," an advocate for the public, who would serve as a liaison between the Board and the public so as to keep the public updated on issues, particularly major infrastructure issues, to help keep the public engaged with the process of self-government. I feel quite strongly that the individual members of the Selectboard have a responsibility to partake in that engagement as well, but we have responsibilities and demands on our time above and beyond our Board duties, so such a position might be a big help in that area.

4-Improve the functionality of the town website; perhaps this could fall under the purview of whoever takes on the responsibility for town media? Also, get the town media operation up and running without delay.

5-Get back to in-person meetings, with hybrid options for as long as those are regarded as necessary, also without delay.

6-Reopen town hall NOW. If we can shop, eat out, go to the Post Office, etc. etc., we should be able to have town hall FULLY OPERATIONAL, provided precautions such as masking (for as long as that is determined to be necessary) are followed and enforced. That means no more working from home-employees on premises 8 a.m. to 4 p.m. Monday -Friday. Consider allowing employees in key roles to come in later and work later, so as to accommodate the working population of town. Other towns have done this very successfully, to the

satisfaction of both townspeople and the employees themselves, and it is something we should consider in the course of making town government more responsive to the people it is meant to serve.

Hope you find this helpful.....



Rebecca Slick

From: John Wolf
Sent: Thursday, October 7, 2021 9:44 AM
To: Charles Sumner
Cc: Rebecca Slick
Subject: Oops-forgot one item....

Oops-forgot one item....**PARKING!** We need to get the lead out, and address the issue of instituting paid parking at the Wellfleet Marina!

Rebecca Slick

From: Helen Miranda Wilson <helmirwil@c4.net>
Sent: Friday, October 8, 2021 12:07 PM
To: Rebecca Slick
Cc: Board of Selectmen; Charles Sumner
Subject: HMW 2021 Selectboard goals.

2021 Selectboard Goals/ Helen Miranda Wilson

1. Proceed with the Herring River Restoration, working with the HREC, the NPS, the HRTT, and the Friends of the Herring River.
Continue to negotiate the land swap process with the NPS, as part of that process.
2. Resolve the issues relating to the DOT/DCR' proposed changes in the vicinity of the Main Street/Rte.6 intersection.
3. Include sea level rise and climate change when considering all long-term land use decisions.
4. Recruit full memberships for committees (multi-member municipal groups).
5. Continue to improve communication between all municipal groups (including staff).
When a jurisdictional or functional overlap occurs, have related committees and personnel informed.
6. Continue to improve the public process, with support for compliance and civil discourse, including training for committee members and staff. Research and organize workshops for training and direct staff, through the Town Administrator, to do the same.
7. Work with the Clean Water committee and the Water Commissioners to improve knowledge of of the hydrology and geology of the Outer Cape to provide background for future water resource decisions.
8. Decide (again) what to do with the old shellfish shack.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: October 12, 2021

XII

TOWN ADMINISTRATORS & ASSISTANT TOWN ADMINISTRATOR REPORTS

- Please see selectboard packet



SELECTBOARD
AGENDA ACTION REQUEST

XIII

Scheduling A. Additional Wastewater Meetings
Scheduling B. Joint Budget Reviews w Fin Com

REQUESTED BY:	Chair Curley
DESIRED ACTION:	
PROPOSED MOTION:	
SUMMARY (Optional)	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

To: Wellfleet Selectboard

From: Charles L. Sumner, Interim Town Administrator, and
Rebecca Slick, Assistant Town Administrator

Subject: Weekly Report for September 22, 2021, through October 7, 2021

Date: October 7, 2021

1. Water Department:

- a. Water Systems Operations – We will be opening bids for the operations contract on Tuesday, October 12, 2021. This contract included system operations, maintenance, sampling, report preparation, repair services and oversight of the Town's public water supply. The current contract extension expires on October 31, 2021, so we will be moving rapidly to enter a contract with the successful vendor.
- b. Water Systems Upgrade Project – We will be opening bids for the construction of an upgraded watermain on Route 6 and Briar Lane on Wednesday, October 13, 2021. This project is needed to enable the development of the housing development at 95 Lawrence Road.
- c. We are working with the Water Commissioners to issue a Request for Quotes for a public water service rate study within the next few weeks. The work product will help to determine if the costs of service and rate structure are sufficient to recover the costs of operations based on enterprise fund accounting practices.

2. Wellfleet Landfill Solar Project:

I have been working with Ameresco who installed the solar PV array on the Town's capped landfill to finalize a few outstanding hurdles to activate the system. The vendor provided a final Notice of Lease that I had reviewed by Town Counsel and executed. Additionally, I executed the agreement between the Town and Eversource Company allowing for the interconnecting company (Ameresco) to install the project on Town property. Ideally, we are hoping to finalize a few other issues over the next few weeks which could lead to a system activation right after the new calendar year.

3. Culvert Failure:

Unfortunately, I received a phone call from the owner of the Box Lunch restaurant that a private contractor damaged an oil line that resulted in a discharge on her property. This area is hydraulically connected to a wetland in the rear of the building that feeds into the Town's culvert under Briar Lane. The culvert under Briar Lane has essentially failed and has most likely been in this state for a long time. As part of the water system upgrade project, we will be installing a new water main in this same area, so it makes some sense that we address the failed culvert at the same time. We are working with Environmental Partners, the engineers for the water main project, to see if we can incorporate the culvert replacement within this permitting and construction phase. There is a problem with funding for this added cost, which might require funding at a future Town Meeting.

4. Media Services:

We have finalized the invitation for bid document for the media services project, which will be advertised on 10/18. This scope will include hiring an entity to undertake the complete management of the Town's government cable station for a one-year period with a one-year option to renew. Additionally we will be asking for one-time services to upgrade the meeting

rooms at the Adult Learning Center and Town Hall to allow for virtual meeting capability. Bid opening will be on 11/1 with a contract start date of 11/5.

5. Feasibility Study for Harbor Dredging Soils:

We have been working with the Natural Resources Advisory Board to finalize the Requests for Quotes for this project. We have sent the document out to several prospective bidders with a response date of October 26, 2021.

6. Herring River Restoration Project:

The Town of Wellfleet and the Cape Cod National Seashore received notice on September 29, 2021, that the Massachusetts Department of Environmental Protection has issued a combined permit for this project, subject to a series of conditions to maintain water quality, to minimize impacts on waters and wetlands and ensure compliance with appropriate state laws.

7. Financial Matter:

- a. FY2022 Tax Rate – At the moment we are planning for a Tax Classification hearing on Tuesday November 12, 2021, at 7:00 pm. We have plenty of work to do to finalize the State's requirements to finalize this process. To enhance our ability to complete this task we have asked the Massachusetts Department of Revenue to come to Wellfleet on November 2, 2021, to review our submittals to the State's Gateway portal, and aid were necessary.
- b. FY 2022 Expenditure Reports – One of our preliminary goals was to establish an appropriate chart of accounts for departments, boards, and committees for FY2022; and more importantly to issues expenditure reports so that department heads could properly manage their fiscal operations. Towards that end expenditure reports were released last week.
- c. FY2021 Town Audit – I mentioned in my last report that we are working with Powers & Sullivan, the Town's Auditors to prepare for the FY2021 Annual Audit, which will commence on December 13, 2021. They have provided us with a check list in order to prepare for this milestone.

8. Dredging: is underway tentatively as of Saturday 10/9.

9. 95 Lawrence: A consultant has been hired for the 95 Lawrence housing project to evaluate the proformas of the submittals of the developers.

10. Personnel: Interviews took place for the Assistant Harbormaster and Assistant Health/Conservation Agent position. Those positions should be filled by the end of the month.

11. Hazard Mitigation - A working group has been established with various department heads to begin the preliminary planning for the FY22 Hazard Mitigation Plan update.



SELECTBOARD
AGENDA ACTION REQUEST

XIII

**Scheduling A. Additional Wastewater Meetings
Scheduling B. Joint Budget Reviews w Fin Com**

REQUESTED BY:	Chair Curley
DESIRED ACTION:	
PROPOSED MOTION:	
SUMMARY (Optional)	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: October 12, 2021

XV

CORRESPONDENCE AND VACANCY REPORTS

****Please see packet****



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: October 12, 2021

XVI

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of Minutes for August 27, 2021
PROPOSED MOTION:	I move to approve the Minutes from Open Session, on August 27, 2021, as amended.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

DRAFT

**Wellfleet Selectboard
August 27, 2021; 7PM
Meeting Minutes**

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Janet Reinhart, Helen Miranda Wilson, John Wolf

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Evan Brunage, Resident; Irene Goldman, Resident; Marcia Geier, Resident; Chief Michael Hurley, Police Chief; Katie Cushman, Wellfleet SPAT; Benton Niggel, Paddle Cape Cod; Edward Seavers, Resident; Will Sullivan, Harbormaster; Della Spring, Resident; Mac Hay, owner Mac's on the Pier; Kevin Coakley, Resident, member of Marina Advisory Committee; Gordon Kahn, Historical Commission; David Mead-Fox, Joe Aberdale, Marina Advisory Committee; Martin Murphy, Applicant for Conservation Commission; Olivia Krauss, Applicant for Recycling Committee; Jill McLaughlin, Stantec Engineering; Irene Goldman, Resident; Scott Horsley, Consultant for wastewater and drainage

Chair Curley Called the meeting order at 7:04pm

I. ***Announcements, Open Session and Public Comments***

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

Chair Curley updated the Board and Public, that the Chamber of Commerce has updated to the board that the Labor Day Parade was not going to be held on September 4, 2021 due to covid concerns.

Brunage spoke to the Board regarding previous issues concerning his grant. Stated he has written letters with is grant 783. He stated that because no direction has been given to him or his neighbor, he was hoping that this issue would be lumped in HDYLTA discussion. He stated his concerns and has people working over there and there are people moving in on his land and there is no resolve.

Goldman spoke to the Board regarding a business item and Chair told her it would be best to ask at the time of that item.

Geier spoke to the board regarding clarification on the issue of parking a camper/RV on residential property and not use it. She stated she asked the previous commissioner and got no response. The Board stated they are not able to deliberate this matter.

II. ***COVID-19 Updates and Recommendations***

A. **Cares Act Reimbursements ~ Chief Hurley**

Chief Hurley spoke to the Board regarding money that has come in from the state for the Covid Cares Act. He gave the total amount that has been given to the town of Wellfleet. He explained it has been spent on Covid related items. He gave more details.

Sumner gave some updates on monies received from the state.

Chair Curley stated that he would like meeting and public hearing postings to be posted outside on the billboard as well as in the town hall and on the website.

Chair Curley moved; Board Member DeVasto Seconded; and it was voted to direct town administration to post all meetings and hearings on the bulletin board outside of town hall as a posting location for public notices.

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

III. ***Use of Town Property***

A. **Wellfleet SPAT ~ Various Locations ~ 1pm – 6pm October 3, 2021**

Cushman thanked the board and gave information on the locations SPAT is looking to use on October 3, 2021. Referring to this event as a smaller Oysterfest for locals. Eldridge screen shared all the locations SPAT is looking to use. Cushman continued with the details of SPAT's plan to use town property.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the use of various locations in Wellfleet to SPAT from 1pm-6pm on October 3, 2021, and Mays Beach and Powers Landing on October 10, 2021, from 8:30am to 9:30am for a fee of \$110.

Roll Call Vote: 5-0

B. **Paddle Cape Cod ~ Benton Niggel ~ Various Landings; 8am-8pm through the month of August**

Niggel spoke to the board explaining what he is asking to do regarding his paddle boarding business. He gave some background information. Seavers asked Niggel if his business was based out of Willy's gym in Eastham. Sullivan stated some concerns about Niggel using the word rescue vehicle. There was much discussion about Niggel's application.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to approve Benton Niggel of Paddle Cape Cod to use various town landings in Wellfleet from 8:00am to 8:00pm, for the duration of 2021, for a fee of \$385, as conditioned by departments, with the town named as an additional insured party.

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

C. **Conservation Trust ~ Dennis O'Connell ~ Long Pond Lot; 8:30am – 12:00pm ~ September 11, 2021**

O'Connell spoke to the board stating that the Conservation Trust has done walks in Wellfleet and are limiting the number of people this year but would like to continue to do this walk.

**Board Member DeVasto moved; Board Member Wolf Seconded; and it was voted to approve Dennis O'Connell the use of Long Pond Lot from 8:30am – 12:00pm on September 11, 2021, and to waive the fee.
Roll Call Vote: 4-0-1 (Reinhart abstained)**

- D. Della Spring ~ Tuesdays & Thursdays; 8:30am – 9:45am Mayo Beach; June 27, 2022 – September 1, 2022**
The Chair asked the board if they want to approve this because it is in the year 2022. Spring explained that she is moving to Germany and has requested this for many years and is hoping they would agree to vote on this tonight. The Board discussed this and agreed to vote on this. Thomas wrote a note on the application stating that they reserve the right to change the location based on current 2022 situations.
**Chair Curley Moved, Board Member Wilson Seconded; and it was voted to approve the use of Mayo Beach to Della Spring from June 27, 2022, through September 1, 2022, from 8:30am – 9:45am on Tuesdays and Thursday's. For a fee of \$200 and reserve the right to the director of Community Services to change the location based on circumstances of 2022.
Roll Call Vote: 4-0-1 (Reinhart Abstained)**

- E. Macs at the pier**
Sumner updated the Board that he had spoken to Mac Hay the owner of Macs on the Pier, stating he also spoke with town counsel to be aware of the town's legal abilities. They discussed the benefits of having Macs use town property, taxes and care of the property. Sumner explained that the town can have a licensed agreement with Macs and have a fee per year.
The Board discussed this issue and how to move forward. There were some concerns of leasing town land as they do with The Beachcomber. A few residents spoke to this issue stating concern of trash throughout the pier and not being picked up by the owners. There was much discussion on this property and fees that could be charged. It was discussed that Sumner would work with town counsel and the owners of Mac's to come to an agreement that would be beneficial for both the town and Macs. Hay spoke to the Board stating that he was grateful to have this issue before the Selectboard. He stated that he recognized the tables were beneficial to the restaurant and to the town and stated all that his business has contributed to the community.
**Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to authorize the town administrator to work with town counsel and Mac Hay on structuring a license agreement and conditions for the property at Mayo Beach.
Roll Call Vote: 5-0**

IV. Board/Committee Appointments and Updates

A. Milton Gatch ~ Historical Commission~ Term of 3 years, ending 2024

Gatch was unable to attend the meeting due to a personal conflict. Kahn spoke on his behalf, stating that he has been a wonderfully active of the community and would be grateful to have him on the historical commission.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to appoint Milton Gatch to the Historical Commission for a term of 3 years ending June 30, 2024, and to be sworn in by the town clerk and to read all the rules and regulations of being on a town committee and board.

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

B. Edward Kane & William Barrio ~ Marina Advisory Committee ~ Term of 2 years, ending 2023

The Board discussed the vacancies. Aberdale spoke to the board recommending Edward Kane, Board Member DeVasto told the board that William Barrio has been a long-time resident of Wellfleet, stating that there is a lack of younger members to the Board he feels it would be good to have a younger person on the committee.

Board Member DeVasto moved; Board Member Seconded; and it was voted to appoint William Barrio as a regular member of the Marina Advisory Committee for a term of two years, ending June 30, 2023, to be sworn in by the town clerk and to read all rules and regulations to be on a town committee and board.

Roll Call Vote: 4-0-1 (Reinhart Abstained)

Chair Curley moved; Board Member Wilson Seconded; and it was voted to appoint Edward Kane as an alternate Member of the Marina Advisory Committee for a term of two years, ending June 30, 2023, to be sworn in by the town clerk and to read all rules and regulations of being on a town committee or board.

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

C. Martin Murphy ~ Conservation Commission for a term of 3 years ending 2024; Planning Board for a term of 5 years, ending 2026

Mead-Fox spoke to the board stating that he doesn't know Murphy but being on a town board is a big responsibility and asked the board to appoint Murphy only to the Conservation Commission. Chair Curley stated he didn't want to appoint anyone to the Planning Board until he gets more information on Murphy's view on housing. Murphy gave some background information to the board.

Board Member Wilson moved; Board Member DeVasto Seconded; and it was voted to appoint Martin Murphy to the Conservation Commission for a term of three years ending June 30, 2024; to be sworn in by the town clerk and to read all rules and regulations of being on a town board or committee.

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

- D. Olivia Kraus ~ Recycling Committee for a term of three years, ending 2024
Chair Curley moved; Board Member DeVasto Seconded; and it was voted to appoint Olivia Kraus to the recycling Committee for a term of three years ending June 30, 2024, to be sworn in by the town clerk, and to read all the rules and regulations of being on a town board or committee.
Roll Call Vote: 4-0-1 (Reinhart abstained)

- E. Open Space Committee Article for 2021 Special Town Meeting
Chair Curley gave an update on this article that has not gone in front of the Planning Board and had to be pulled from the June town meeting. The Committee is asking that this article be placed on the special town meeting in December. The Chair made note that he isn't sure this article will be able to be on the special town meeting due to scheduling.
Chair Curley Moved; Board Member Wilson Seconded; and it was voted to refer the open space committee article to the town administrator as required in the policy of disposition of town own land for public comment and then to be referred to the Planning Board to be placed on either the Special Town Meeting or the Annual Town meeting.
Roll Call Vote: 4-0-1 (Reinhart abstained)

V. ***Business***

- A. CBDG Grant invitation ~ Jean Stanley
Chair Curley updated the board that this was something that had a deadline, he has signed the invitation and it has been sent to Stanley
- B. CORI Policy ~ Charlie Sumner
Sumner spoke to the board that he is working on filling a few town positions. In filling these positions, he stated the town should perform CORI checks on incoming employees. They discussed this as a policy.
Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adopt the CORI policy as presented by the town administrator.
Roll Call Vote: 5-0
- C. Letter to Senator Markey ~ Drafted by Carole Ridley
Chair Curley spoke to the Board stating that they wanted to write a letter to thank Senator Markey thanking him for visiting Wellfleet. The Board agreed to sign this letter in person and not use the administration stamps.
Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the letter as drafted by Carole Ridley to send to the honorable Senator Markey.
Roll Call Vote: 4-0-1 (Reinhart abstained)

D. Route 6 and Main Street Project

Chair Curley asked Mclaughlin began screen sharing. Chair Curley stated the rules and regulations regarding this slide presentation to move the meeting along quickly. Stating the intent was to go through this section by section. She showed pictures of the engineering plans that her company has put together. She went through each slide in detail. *(The full slideshow can be seen on the town's youtube channel under the August 27, 2021, Selectboard meeting video 1:54)*

- ***Environmental Constraints***
- ***Roadway Design***
 - Route 6
 - Main Street
- ***Bicycle & Pedestrian Accommodation***
 - Route 6
 - Main Street
- ***Intersection Design***
 - Route 6 & Main Street
 - Route 6 & Cahoon Hollow Road
- ***Stormwater Design***
- ***Next Steps***

There were periods during the presentation that the Board was allowed to participate with questions and concerns. Mclaughlin presented to the Board two options for the left hand turn on route 6. They board discussed at great length.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to support the Route 6 Main Street intersection design for vehicle traffic.

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

Board Member Wolf made a motion to support the Cahoon Hollow Layout and after much discussion Board Member DeVasto Moved to rescind the original motion and table, Chair Curley seconded.

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

DeVasto asked Stantec revisit the Cahoon Hollow and Route 6 intersection with regard to the curb cuts at PJ's restaurant, and to consider the Board's suggestions.

Chair Curley called on some residents that had comments and concerns with this layout of roads and bike lanes. There was appreciation from some residents to the board for this in depth and detailed presentation.

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to refer the stormwater run off back to Stantec to work with Scott Horsley and the Clean Water Committee to come up with the best

solution for nitrogen reduction and the environmental sensitivity to the wetland.

Roll Call Vote: 4-0-1 (Reinhart Abstained)

Chair Curley made note that the Conservation Commission is very interested in this project and would like to refer this to them for comment.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to refer the culvert and tide gate connecting Hawe's pond to Duck Creek for comment from the Conservation Commission.

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

E. Council on Aging Board Amended Charge

Chair Curley stated that Thomas has asked to defer this subject to the next meeting.

VI. *Selectboard Reports*

A. Wilson reported that she went to the Board of Health Meeting and reported that the mask mandate has been reduced to a Mask Advisory. She also stated she went to the Zoning Board of Appeals meeting

B. Chair Curley stated he met with Sumner and Town Counsel and reported that he would like to have an executive session in mid-September.

VII. *Town Administrator & Assistant Town Administrator Report*

A. Sumner gave his report and stated he would be away next week. He corrected that the Harbor Dredging Bid was listed incorrectly it is Thursday September 2, 2021, at 2PM. There were no questions for him.

VIII. *Topics for Future Discussion*

A. There were none.

IX. *Correspondence and Vacancy Reports*

A. The report was in the Selectboard Packet

X. *Adjournment*

Board Member DeVasto moved; Board Member Wilson Seconded; and it was voted to adjourn the meeting.

Roll Call Vote 4-0

Meeting Adjourned 10:54PM

Public Records:

Cares Reimbursement Act produced by Chief Michael Hurley

Applications for town boards/committees

Application for Use of town property

Open Space Committee Article for Special Town Meeting

CDBG Grant Invitation by Jean Stanley

Letter to Senator Markey drafted by Carole Ridley

Route 6 and Main Street Slide Show Presentation presented by Stantec

Town Administrator and Assistant to the Town Administrator's Report

Correspondence and Vacancy Reports

DRAFT

**Wellfleet Selectboard
August 27, 2021; 7PM
Meeting Minutes**

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Janet Reinhart, Helen Miranda Wilson, John Wolf

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Evan Brunage, Resident; Irene Goldman, Resident; Marcia Geier, Resident; Chief Michael Hurley, Police Chief; Katie Cushman, Wellfleet SPAT; Benton Niggel, Paddle Cape Cod; Edward Seavers, Resident; Will Sullivan, Harbormaster; Della Spring, Resident; Mac Hay, owner Mac's on the Pier; Kevin Coakley, Resident, member of Marina Advisory Committee; Gordon Kahn, Historical Commission; David Mead-Fox, Joe Aberdale, Marina Advisory Committee; Martin Murphy, Applicant for Conservation Commission; Olivia Krauss, applicant for Recycling Committee; Jill McLaughlin, Stantec Engineering; Irene Goldman, Resident; Scott Horsley, Consultant for wastewater and drainage

Chair Curley Called the meeting order at 7:04pm

I. *Announcements, Open Session and Public Comments*

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

Chair Curley updated the Board and Public, that the Chamber of Commerce has updated to the board that the Labor Day Parade was not going to be held on September 4, 2021, due to covid concerns.

Brunage spoke to the Board regarding previous issues concerning his grant. Stated he has written letters with is grant 783. He stated that because no direction has been given to him or his neighbor, he was hoping that this issue would be lumped in HDYLTA discussion. He stated his concerns and has people working over there and there are people moving in on his land and there is no resolve.

Goldman spoke to the Board regarding a business item and Chair told her it would be best to ask at the time of that item.

Geier spoke to the board regarding clarification on the issue of parking a camper/RV on residential property and not use it. She stated she asked the previous commissioner and got no response. The Board stated they are not able to deliberate this matter.

II. *COVID-19 Updates and Recommendations*

A. Cares Act Reimbursements ~ Chief Hurley

Chief Hurley spoke to the Board regarding money that has come in from the state for the Covid Cares Act. He gave the total amount that has been given to the town of Wellfleet. He explained it has been spent on Covid related items. He gave more details.

Sumner gave some updates on monies received from the state.

Chair Curley stated that he would like meeting and public hearing postings to be posted outside on the billboard as well as in the town hall and on the website.

Chair Curley moved; Board Member DeVasto Seconded; and it was voted to direct town administration to post all meetings and hearings on the bulletin board outside of town hall as a posting location for public notices.

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

III. *Use of Town Property*

A. Wellfleet SPAT ~ Various Locations ~ 1pm – 6pm, October 3, 2021

Cushman thanked the board and gave information on the locations SPAT is looking to use on October 3, 2021. Referring to this event as a smaller Oysterfest for locals. Eldridge screen shared all the locations SPAT is looking to use. Cushman continued with he details of SPAT's plan to use town property.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the use of various locations in Wellfleet to SPAT from 1pm-6pm on October 3, 2021, and Mays Beach and Powers Landing on October 10, 2021, from 8:30am to 9:30am, for a fee of \$110.

Roll Call Vote: 5-0-0

B. Paddle Cape Cod ~ Benton Niggel ~ Various Landings; 8am-8pm through the month of August

Niggel spoke to the board explaining what he is asking to do regarding his paddle boarding business. He gave some background information. Seavers asked Niggel if his business was based out of Willy's gym in Eastham. Sullivan stated some concerns about Niggel using the word rescue vehicle. There was much discussion about Niggel's application.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to approve Benton Niggel of Paddle Cape Cod to use various town landings in Wellfleet from 8:00am to 8:00pm, for the duration of 2021, for a fee of \$385, as conditioned by departments, with the town named as an additional insured party.

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

C. Conservation Trust ~ Dennis O'Connell ~ Long Pond Lot; 8:30am – 12:00pm ~ September 11, 2021

O'Connell spoke to the board stating that the Conservation Trust has done walks in Wellfleet and are limiting the number of people this year but would like to continue to do this walk.

**Board Member DeVasto moved; Board Member Wolf Seconded; and it was voted to approve Dennis O'Connell the use of Long Pond Lot from 8:30am – 12:00pm on September 11, 2021, and to waive the fee.
Roll Call Vote: 4-0-1 (Reinhart abstained)**

- D. Della Spring ~ Tuesdays & Thursdays; 8:30am – 9:45am Mayo Beach; June 27, 2022 – September 1, 2022

The Chair asked the board if they want to approve this because it is in the year 2022. Spring explained that she is moving to Germany and has requested this for many years and is hoping they would agree to vote on this tonight. The Board discussed this and agreed to vote on this. Thomas wrote a note on the application stating that they reserve the right to change the location based on current 2022 situations.

**Chair Curley Moved, Board Member Wilson Seconded, and it was voted to approve the use of Mayo Beach to Della Spring from June 27, 2022, through September 1, 2022, from 8:30am – 9:45am on Tuesdays and Thursday's. For a fee of \$200 and reserve the right to the director of Community Services to change the location based on circumstances of 2022.
Roll Call Vote: 4-0-1 (Reinhart Abstained)**

- E. Macs at the pier

Sumner updated the Board that he had spoken to Mac Hay the owner of Macs on the Pier, stating he also spoke with town counsel to be aware of the town's legal abilities. They discussed the benefits of having Macs use town property, taxes and care of the property. Sumner explained that the town can have a licensed agreement with Macs and have a fee per year.

The Board discussed this issue and how to move forward. There were some concerns of leasing town land as they do with The Beachcomber. A few residents spoke to this issue stating concern of trash throughout the pier and not being picked up by the owners. There was much discussion on this property and fees that could be charged. It was discussed that Sumner would work with town counsel and the owners of Mac's to come to an agreement that would be beneficial for both the town and Macs. Hay spoke to the Board stating that he was grateful to have this issue before the Selectboard. He stated that he recognized the tables were beneficial to the restaurant and to the town and stated all that his business has contributed to the community.

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to authorize the town administrator to work with town counsel and Mac Hay on structuring a license agreement and conditions for the property at Mayo Beach.

Roll Call Vote: 5-0

IV. ***Board/Committee Appointments and Updates***

A. Milton Gatch ~ Historical Commission~ Term of 3 years, ending 2024

Gatch was unable to attend the meeting due to a personal conflict. Kahn spoke on his behalf, stating that he has been a wonderfully active of the community and would be grateful to have him on the historical commission.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to appoint Milton Gatch to the Historical Commission for a term of 3 years ending June 30, 2024, and to be sworn in by the town clerk and to read all the rules and regulations of being on a town committee and board.

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

B. Edward Kane & William Barrio ~ Marina Advisory Committee ~ Term of 2 years, ending 2023

The Board discussed the vacancies. Aberdale spoke to the board recommending Edward Kane, Board Member DeVasto told the board that William Barrio has been a long-time resident of Wellfleet, stating that there is a lack of younger members to the Board he feels it would be good to have a younger person on the committee.

Board Member DeVasto moved; Board Member Seconded; and it was voted to appoint William Barrio as a regular member of the Marina Advisory Committee for a term of two years, ending June 30, 2023, to be sworn in by the town clerk and to read all rules and regulations to be on a town committee and board.

Roll Call Vote: 4-0-1 (Reinhart Abstained)

Chair Curley moved; Board Member Wilson Seconded; and it was voted to appoint Edward Kane as an alternate Member of the Marina Advisory Committee for a term of two years, ending June 30, 2023, to be sworn in by the town clerk and to read all rules and regulations of being on a town committee or board.

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

C. Martin Murphy ~ Conservation Commission for a term of 3 years ending 2024; Planning Board for a term of 5 years, ending 2026

Mead-Fox spoke to the board stating that he doesn't know Murphy but being on a town board is a big responsibility and asked the board to appoint Murphy only to the Conservation Commission. Chair Curley stated he didn't want to appoint anyone to the Planning Board until he gets more information on Murphy's view on housing. Murphy gave some background information to the board.

Board Member Wilson moved; Board Member DeVasto Seconded; and it was voted to appoint Martin Murphy to the Conservation Commission for a term of three years ending June 30, 2024; to be sworn in by the town clerk and to read all rules and regulations of being on a town board or committee.

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

- D. Olivia Kraus ~ Recycling Committee for a term of three years, ending 2024
Chair Curley moved; Board Member DeVasto Seconded; and it was voted to appoint Olivia Kraus to the recycling Committee for a term of three years ending June 30, 2024, to be sworn in by the town clerk, and to read all the rules and regulations of being on a town board or committee.
Roll Call Vote: 4-0-1 (Reinhart abstained)

- E. Open Space Committee Article for 2021 Special Town Meeting
Chair Curley gave an update on this article that has not gone in front of the Planning Board and had to be pulled from the June town meeting. The Committee is asking that this article be placed on the special town meeting in December. The Chair made note that he isn't sure this article will be able to be on the special town meeting due to scheduling.
Chair Curley Moved; Board Member Wilson Seconded; and it was voted to refer the open space committee article to the town administrator as required in the policy of disposition of town own land for public comment and then to be referred to the Planning Board to be placed on either the Special Town Meeting or the Annual Town meeting.
Roll Call Vote: 4-0-1 (Reinhart abstained)

V. ***Business***

- A. CBDG Grant invitation ~ Jean Stanley
Chair Curley updated the board that this was something that had a deadline, he has signed the invitation and it has been sent to Stanley
- B. CORI Policy ~ Charlie Sumner
Sumner spoke to the board that he is working on filling a few town positions. In filling these positions, he stated the town should perform CORI checks on incoming employees. They discussed this as a policy.
Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adopt the CORI policy as presented by the town administrator.
Roll Call Vote: 5-0
- C. Letter to Senator Markey ~ Drafted by Carole Ridley
Chair Curley spoke to the Board stating that they wanted to write a letter to thank Senator Markey thanking him for visiting Wellfleet. The Board agreed to sign this letter in person and not use the administration stamps.
Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the letter as drafted by Carole Ridley to send to the honorable Senator Markey.
Roll Call Vote: 4-0-1 (Reinhart abstained)

D. Route 6 and Main Street Project

Chair Curley asked Jill McLaughlin from Stantec to begin screen sharing. Starting the discussion Chair Curley asked about the ability to make changes after the 25% design hearing. McLaughlin said that changes can be made after the hearing and that Mass DOT will be collecting comments at the hearing and that Mass DOT and Stantec will respond to each of the comment letters they receive. Next, Chair Curley asked about when any design changes that result from the hearing will be presented. McLaughlin said one or two months, depending on the number of comments.

Chair Curley stated tonight's intent is to go through the project section by section as it is a complicated project. Member Wilson asked how all of the comments that the Selectboard has received regarding the project could be sent to Mass DOT. McLaughlin said she would have to circle back to Mass DOT and that Stantec works for the town so that Stantec could work with the town and respond to previous comments.

McLaughlin's plan for tonight was to give a higher-level overview of the project and break it down into specific design components with questions and comments on each component. **(The complete slideshow is available on the town's YouTube channel on the August 27, 2021, Selectboard meeting video starting at the 1:51 mark).**

- **Environmental Constraints**

McLaughlin presented the environmental and sensitive resources in the Rt. 6 Main Street intersection, and that impacts to these resources must be avoided or minimized as much as possible.

- **Roadway Design**

- **Route 6**

McLaughlin presented the roadway cross-sections for Rt 6 with one travel way in each direction that will be 11' in width with dedicated left-turn lanes at Main St the pharmacy and Cahoon Hollow intersections. Board Member Wolf talked about the need for left-turn lanes or no left turns but wanted to know why the project has become so complicated. McLaughlin said a lot of the changes are being driven by the number and variety of crashes within this area and that because the project is receiving state funding, it has to meet the requirements of Complete Streets. Member DeVasto asked if the lanes would be slightly narrower than they are currently. McLaughlin confirmed this. DeVasto said he does not have an issue with this section. Member Wilson asked about the traffic light at Main Street and left-turn lanes. McLaughlin said that is the design. **Chair Curley Moved to support the proposed roadway design for Rt 6 as presented by Stantec. Member Wolf seconded.** Member Wilson wanted to make sure that they were voting only on the lanes where the cars are going and not everything else. This was confirmed. Vice-Chair DeVasto checked to make sure it was limited to just what was on the screen. This was confirmed.

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

- **Main Street**

McLaughlin presented the vehicle roadway cross for Main St with 11' roadway and one left-hand turn lane. Member Wilson asked about the bike lanes. It was explained that

those were being presented separately and are on the agenda. Member Wilson wanted to make sure the Board was looking at just where the cars go. Member Wolf asked if that was the current lane configuration that was confirmed. Chair Curley asked what the current lane widths were. McLaughlin said they were 12'. Member Wolf asked why they would be narrower. McLaughlin said it helps control speeds.

Chair Curley Moved to support the Main St roadway design for Rt 6 as presented by Stantec. Reinhart seconded.

Roll Call Vote: 5-0

- **Bicycle & Pedestrian Accommodations**

- **Route 6**

McLaughlin presented the cross-sections for Rt 6 south of Main Street with two options. Option one had a 10' shared used path. Option two changes the shared used path to a 6.5' sidewalk. Vice-Chair DeVasto said he couldn't support option one and much prefers option two, and we need to make Rt. 6 safer for the bicyclists who use it now but to discourage recreational users. He also asked if the sidewalk in option two to be reduced to 5'. McLaughlin said Mass DOT hotly debated the width of the sidewalk and that 6.5' is likely the best we can do in terms of width to shrink the cross-section down. Member Wolf shared DeVasto's concerns and expressed concerns about the additional width of Rt 6. McLaughlin said one of the things the project benefits from is that it is reducing the lanes from two to one so they are able to borrow the extra pavement from those lanes and that there are no takings or permanent impacts on people's property because there is a wide right of way. Wolf asked about pedestrians and that people do not walk the area. McLaughlin said they are seeing a lot of pedestrians within the area. Chair Curley said that the DCR has not budgeted for the second part of the rail trail extension and that we need to judge this as a stand-alone and not in connection to the proposed Rail Trail extension. McLaughlin confirmed this. Member Wilson said that we only have a significant number of pedestrians and bicyclists during a limited part of the year. Member Wilson asked why it could not be something much simpler and wanted everything to be flat and flush with the roadway. McLaughlin said that on Rt 6, they are not using straight vertical curbs, so they can ride up onto it if they need to. McLaughlin again explained that bicycle and pedestrian accommodations are a requirement for using state funding. The state wants to provide accommodations for all users, including those with mobility issues, and that it would be level. Member DeVasto said that sidewalks are a major benefit to people who are walking from one place to another and that there are a lot of people in the neighborhood, and we should not be relegating people who are walking to poison ivy covered goat paths. Reinhart said she fully supports the state's plan and that having bike riding and walking is critical for climate change, and that she sees a huge number of people walking and biking even at night. They do not have a safe area for them particularly at night, and that two bicyclists have died in the last twenty years, and we have to do something to be safe, and she prefers option two. Chair Curley asked for the sidewalk on the East side to be moved in 3.5' and stated that a lot people are walking and riding bikes in the area. Member Wilson started talking about Main St, Sharrows, and that sidewalks are uneven and better walk on the road. Member Wolf asked for Chief Hurley's perspective. Chief Hurley said something

needs to be done with the intersection, and they see people walking, running across [Rt. 6], biking, and racing southbound and northbound to merge. The current conditions are very poorly designed and traveled, and that we as a community need to get on board with one of these options and get the project moving. Member Wolf asked the Chief for his perspective on sidewalks. Chief Hurley stated that all of these things are happening out there, and it is not just the summer season and that we need a safe place for pedestrians and bicyclists. DeVasto said that we need complete streets for state funding unless the town wants to pay for it ourselves, raising everyone's taxes quite a bit. Mimi Butts wanted to note that the business within the area needs to be taken into consideration. Chair Curley asked if anyone would like to advance a motion. DeVasto recommended waiting for the public hearing but would like to take a vote not to support option one.

DeVasto moved that the Selectboard not support option one. Wilson Seconded Roll Call Vote 5-0.

Mclaughlin presented the bike and Pedestrian Accommodations North of Main St. **Chair Curley Moved that the Selectboard not support option one. Wilson Seconded Roll Call Vote 5-0**

- **Main Street**

Mclaughlin presented Bicycle and Pedestrian Accommodations North of Main St and explained how they are trying to reduce the private property impacts. Vice-Chair DeVasto was concerned about the 5' bike lanes and how they would abruptly end. Mclaughlin said that they can ask for an exception from the state to change the 5' bike lanes to a 3' shoulder/sharrow, reducing private property impacts. DeVasto was concerned about the trees and that reducing the width with a design exception would be beneficial in retaining the trees. Member Wilson said how much she likes sharrows on Conwell St in Provincetown. Member Wolf expressed his concerns about the businesses on the north side and has reservations. Chair Curley asked what the encroachment is on private properties on the current alternative. Mclaughlin said the maximum was 5.5'. DeVasto noted if it were reduced by 4' it would reduce the impact. Chair Curley asked what the encroachment was on the Sandpiper. Mclaughlin said they were 2 inches over the existing property line to the east but increased to about 4' to the west. Member Wilson said she would rather have the bike lanes on each side and no sidewalks and wanted a surface flush with the road. Chair Curley said the area is fairly hazardous to walk, but he would prefer the sidewalk on the south side of the road. Vice-Chair DeVasto said it makes sense to have the sidewalk on the north side and spoke to having a future plan to get the sidewalk to Commercial St.

Chair Curley moved to pursue an exemption for a three-foot shoulder/sharrow in the place of five-foot bike lanes on Main St. Wilson Seconded.

Roll Call Vote

- **Roll Call Vote: 4-0-1 (Reinhart abstained) Intersection Design**

- **Route 6 & Main Street**

Mclaughlin presented the main street intersection layout. Member Wilson voiced concerns about how the bike lanes were painted. Chief Hurley asked about having a no-

left turn on Cahoon Hollow Rd. Mclaughlin said it was possible and it would be the town's decision. DeVasto said if there was no left turn, people might cut through PJ's, and the number of curb cuts. Mclaughlin said they looked at PJs and have modified the curb cut onto Cahoon, but the current curb cuts are needed for trailers. DeVasto talked about how they turn out the Mobile Station used to be no left turn. Chair Curley said how dangerous taking a left out of Cahoon is, that having a dedicated left-turn lane off Rt 6 is an improvement, but it might obscure traffic for people taking a left out Cahoon. Member Wilson said in her opinion, no left turns are more dangerous. Chair Curley asked if there were any objections to the Main Street intersection as presented. Member Wilson said it's a waste of money to have anything north or the intersection. **Chair Curley Moved to support the Main Street intersection design for vehicular traffic. Member Wolf Seconded.**

Roll Call Vote

4-0 (Wilson Abstained)

- **Route 6 & Cahoon Hollow Road**

Member Wolf moved to support the Cahoon Hollow intersection as presented.

Reinhart Seconded

Roll Call Vote

2-1 (DeVasto & Curley Abstained)

Vice-Chair DeVasto moved to rescind the previous motion and that the Board take no action and request more clarity on the layout for PJ's.

Curley Seconded

Roll Call Vote

4-0 (Reinhart abstained)

Irene Goldman commended the work being done by the Board tonight and made comments about the education aspect that will need to follow.

Mclaughlin showed another slide that showed how the layout from Cahoon Hollow Rd to Seamens Bank. Chair Curley state the need to make sure the banking for the cemetery is stabilized. Mclaughlin said that Mass DOT is doing a survey of the first row of tombstones, and it is something they are very aware of. Chair Curley said to make sure it is communicated to the Cemetery Commission.

- **Stormwater Design**

Mclaughlin stated that Stantec is working with the town's wastewater consultant to address the nitrogen runoff and the possible incorporation of green infrastructure. They will also replace the one-way tide gate going to Hawes Pond with a self-regulating tide gate to re-establish the flow from Duck Creek to Hawes Pond. Wastewater Consultant Scott Horsley spoke about working with Stantec on some low-cost, low maintenance features to reduce nitrogen in the runoff and the need to make incremental improvements when the opportunity presented itself and spoke to the sources of nitrogen in stormwater runoff. Tim Pasakarnis of the Cape Cod Commission also spoke to the subject. Curley stated his concern for the stormwater outflows directly into the wetlands, and he would also like to see the culvert replaced with a larger one. Member Wilson spoke to the same and expressed her concern with catch basins as well.

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to refer the stormwater run-off back to Stantec to work with Scott Horsley and the Clean Water Committee to come up with the best solution for nitrogen reduction and the environmental sensitivity to the wetland. Roll Call Vote: 4-0-1 (Reinhart Abstained)

Chair Curley noted that the Conservation Commission is very interested in this project and would like to refer this to them for comment.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to refer the culvert and tide gate connecting Hawe's pond to Duck Creek for comment from the Conservation Commission.

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

- **Next Steps**

Mclaughlin laid out the process used by Mass DOT moving forward and the upcoming 25% Design Public Hearing. With an expected 75% design submission in January of 2022. Chair Curley asked if the materials presented at the 25% design public hearing would be updated in light of this meeting. Mclaughlin said that now that option 1 was definitely out of the picture, they would update everything to reflect option 2. Member Wilson asked if we would hear back about the design exemption before the hearing. Mclaughlin was unsure if Mass DOT would have a determination on the requested exemption on Main St in time for the Design Public Hearing. Chair Curley asked about the timeline. Mclaughlin stated that the project is expected to go out to bid in July or August of 2023, and they are also beginning the right of way process.

=

AS Amended

~~D. Route 6 and Main Street Project~~

~~Chair Curley asked Mclaughlin began screen sharing. Chair Curley stated the rules and regulations regarding this slide presentation to move the meeting along quickly. Stating the intent was to go through this section by section. She showed pictures of the engineering plans that her company has put together. She went through each slide in detail. (The full slideshow can be seen on the town's youtube channel under the August 27, 2021, Selectboard meeting video 1:54)~~

~~• ***Environmental Constraints***~~

~~• ***Roadway Design***~~

~~Route 6~~

~~Main Street~~

~~• ***Bicycle & Pedestrian Accommodations***~~

~~Route 6~~

~~Main Street~~

~~• ***Intersection Design***~~

~~Route 6 & Main Street~~

~~Route 6 & Cahoon Hollow Road~~

~~• ***Stormwater Design***~~

~~• ***Next Steps***~~

~~There were periods during the presentation that the Board was allowed to participate with questions and concerns. Mclaughlin presented to the Board two options for the left hand turn on route 6. They board discussed at great length.~~

~~Chair Curley Moved; Board Member Wolf Seconded; and it was voted to support the Route 6 Main Street intersection design for vehicle traffic.~~

~~Roll Call Vote: 4-0-1 (Wilson abstained)~~

~~Board Member Wolf made a motion to support the Cahoon Hollow Layout and after much discussion Board Member DeVasto Moved to rescind the original motion and table, Chair Curley seconded.~~

~~Roll Call Vote: 4-0-1 (Reinhart abstained)~~

~~DeVasto asked Stantec revisit the Cahoon Hollow and Route 6 intersection with regard to the curb cuts at PJ's restaurant, and to consider the Board's suggestions.~~

~~Chair Curley called on some residents that had comments and concerns with this layout of roads and bike lanes. There was appreciation from some residents to the board for this in depth and detailed presentation.~~

~~Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to refer the stormwater run off back to Stantec to work with Scott Horsley and the Clean Water Committee to come up with the best~~

~~solution for nitrogen reduction and the environmental sensitivity to the wetland.~~

~~Roll Call Vote: 4-0-1 (Reinhart Abstained)~~

~~Chair Curley made note that the Conservation Commission is very interested in this project and would like to refer this to them for comment.~~

~~Chair Curley Moved; Board Member Wilson Seconded; and it was voted to refer the culvert and tide gate connecting Hawe's pond to Duck Creek for comment from the Conservation Commission.~~

~~Roll Call Vote: 4-0-1 (Reinhart abstained)~~

E. Council on Aging Board Amended Charge

Chair Curley stated that Thomas has asked to defer this subject to the next meeting.

VI. **Selectboard Reports**

A. Wilson reported that she went to the Board of Health Meeting, and reported that the mask mandate has been reduced to a Mask Advisory. She also stated she went to the Zoning Board of Appeals meeting.

B. Chair Curley stated he met with Sumner and Town Counsel and reported that he would like to have an executive session in mid-September.

VII. **Town Administrator & Assistant Town Administrator Report**

A. Sumner gave his report and stated he would be away next week. He corrected that the Harbor Dredging Bid was listed incorrectly it is Thursday September 2, 2021, at 2PM. There were no questions for him.

VIII. **Topics for Future Discussion**

A. There were none.

IX. **Correspondence and Vacancy Reports**

A. The report was in the Selectboard Packet

X. **Adjournment**

Board Member DeVasto moved; Board Member Wilson Seconded; and it was voted to adjourn the meeting.

Roll Call Vote 4-0

Meeting Adjourned 10:54PM

Public Records:

Cares Reimbursement Act produced by Chief Michael Hurley

Applications for town boards/committees

Application for Use of town property

Open Space Committee Article for Special Town Meeting

CDBG Grant Invitation by Jean Stanley

Letter to Senator Markey drafted by Carole Ridley

Route 6 and Main Street Slide Show Presentation presented by Stantec

Town Administrator and Assistant to the Town Administrator's Report

Correspondence and Vacancy Reports

D. Route 6 and Main Street Project

Chair Curley asked Jill Mclaughlin from Stantec to begin screen sharing. Starting the discussion Chair Curley asked about the ability to make changes after the 25% design hearing. Mclaughlin said that changes can be made after the hearing and that Mass DOT will be collecting comments at the hearing and that Mass DOT and Stantec will respond to each of the comment letters they receive. Next, Chair Curley asked about when any design changes that result from the hearing will be presented. Mclaughlin said one or two months, depending on the number of comments.

Chair Curley stated tonight's intent is to go through the project section by section as it is a complicated project. Member Wilson asked how all of the comments that the Selectboard has received regarding the project could be sent to Mass DOT. Mclaughlin said she would have to circle back to Mass DOT and that Stantec works for the town so that Stantec could work with the town and respond to previous comments.

Mclaughlin's plan for tonight was to give a higher-level overview of the project and break it down into specific design components with questions and comments on each component. **(The complete slideshow is available on the town's YouTube channel on the August 27, 2021, Selectboard meeting video starting at the 1:51 mark).**

- **Environmental Constraints**

Mclaughlin presented the environmental and sensitive resources in the Rt. 6 Main Street intersection, and that impacts to these resources must be avoided or minimized as much as possible.

- **Roadway Design**

- **Route 6**

Mclaughlin presented the roadway cross-sections for Rt 6 with one travel way in each direction that will be 11' in width with dedicated left-turn lanes at Main St the pharmacy and Cahoon Hollow intersections. Board Member Wolf talked about the need for left-turn lanes or no left turns but wanted to know why the project has become so complicated. Mclaughlin said a lot of the changes are being driven by the number and variety of crashes within this area and that because the project is receiving state funding, it has to meet the requirements of Complete Streets. Member DeVasto asked if the lanes would be slightly narrower than they are currently. Mclaughlin confirmed this. DeVasto said he does not have an issue with this section. Member Wilson asked about the traffic light at Main Street and left-turn lanes. Mclaughlin said that is the design. **Chair Curley Moved to support the proposed roadway design for Rt 6 as presented by Stantec. Member Wolf seconded.** Member Wilson wanted to make sure that they were voting only on the lanes where the cars are going and not everything else. This was confirmed. Vice-Chair DeVasto checked to make sure it was limited to just what was on the screen. This was confirmed.

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

- **Main Street**

Mclaughlin presented the vehicle roadway cross for Main St with 11' roadway and one left-hand turn lane. Member Wilson asked about the bike lanes. It was explained that

those were being presented separately and are on the agenda. Member Wilson wanted to make sure the Board was looking at just where the cars go. Member Wolf asked if that was the current lane configuration that was confirmed. Chair Curley asked what the current lane widths were. Mclaughlin said they were 12'. Member Wolf asked why they would be narrower. Mclaughlin said it helps control speeds.

Chair Curley Moved to support the Main St roadway design for Rt 6 as presented by Stantec. Reinhart seconded.

Roll Call Vote: 5-0

- **Bicycle & Pedestrian Accommodations**

- **Route 6**

Mclaughlin presented the cross-sections for Rt 6 south of Main Street with two options. Option one had a 10' shared used path. Option two changes the shared used path to a 6.5' sidewalk. Vice-Chair DeVasto said he couldn't support option one and much prefers option two, and we need to make Rt. 6 safer for the bicyclists who use it now but to discourage recreational users. He also asked if the sidewalk in option two to be reduced to 5'. Mclaughlin said Mass DOT hotly debated the width of the sidewalk and that 6.5' is likely the best we can do in terms of width to shrink the cross-section down. Member Wolf shared DeVasto's concerns and expressed concerns about the additional width of Rt 6. Mclaughlin said one of the things the project benefits from is that it is reducing the lanes from two to one so they are able to borrow the extra pavement from those lanes and that there are no takings or permanent impacts on people's property because there is a wide right of way. Wolf asked about pedestrians and that people do not walk the area. Mclaughlin said they are seeing a lot of pedestrians within the area. Chair Curley said that the DCR has not budgeted for the second part of the rail trail extension and that we need to judge this as a stand-alone and not in connection to the proposed Rail Trail extension. Mclaughlin confirmed this. Member Wilson said that we only have a significant number of pedestrians and bicyclists during a limited part of the year. Member Wilson asked why it could not be something much simpler and wanted everything to be flat and flush with the roadway. Mclaughlin said that on Rt 6, they are not using straight vertical curbs, so they can ride up onto it if they need to. Mclaughlin again explained that bicycle and pedestrian accommodations are a requirement for using state funding. The state wants to provide accommodations for all users, including those with mobility issues, and that it would be level. Member DeVasto said that sidewalks are a major benefit to people who are walking from one place to another and that there are a lot of people in the neighborhood, and we should not be relegating people who are walking to poison ivy covered goat paths. Reinhart said she fully supports the state's plan and that having bike riding and walking is critical for climate change, and that she sees a huge number of people walking and biking even at night. They do not have a safe area for them particularly at night, and that two bicyclists have died in the last twenty years, and we have to do something to be safe, and she prefers option two. Chair Curley asked for the sidewalk on the East side to be moved in 3.5' and stated that a lot people are walking and riding bikes in the area. Member Wilson started talking about Main St, Sharrows, and that sidewalks are uneven and better walk on the road. Member Wolf asked for Chief Hurley's perspective. Chief Hurley said something

needs to be done with the intersection, and they see people walking, running across [Rt. 6], biking, and racing southbound and northbound to merge. The current conditions are very poorly designed and traveled, and that we as a community need to get on board with one of these options and get the project moving. Member Wolf asked the Chief for his perspective on sidewalks. Chief Hurley stated that all of these things are happening out there, and it is not just the summer season and that we need a safe place for pedestrians and bicyclists. DeVasto said that we need complete streets for state funding unless the town wants to pay for it ourselves, raising everyone's taxes quite a bit. Mimi Butts wanted to note that the business within the area needs to be taken into consideration. Chair Curley asked if anyone would like to advance a motion. DeVasto recommended waiting for the public hearing but would like to take a vote not to support option one.

DeVasto moved that the Selectboard not support option one. Wilson Seconded Roll Call Vote 5-0.

Mclaughlin presented the bike and Pedestrian Accommodations North of Main St. **Chair Curley Moved that the Selectboard not support option one. Wilson Seconded Roll Call Vote 5-0**

- **Main Street**

Mclaughlin presented Bicycle and Pedestrian Accommodations North of Main St and explained how they are trying to reduce the private property impacts. Vice-Chair DeVasto was concerned about the 5' bike lanes and how they would abruptly end. Mclaughlin said that they can ask for an exception from the state to change the 5' bike lanes to a 3' shoulder/sharrow, reducing private property impacts. DeVasto was concerned about the trees and that reducing the width with a design exception would be beneficial in retaining the trees. Member Wilson said how much she likes sharrows on Conwell St in Provincetown. Member Wolf expressed his concerns about the businesses on the north side and has reservations. Chair Curley asked what the encroachment is on private properties on the current alternative. Mclaughlin said the maximum was 5.5.' DeVasto noted if it were reduced by 4' it would reduce the impact. Chair Curley asked what the encroachment was on the Sandpiper. Mclaughlin said they were 2 inches over the existing property line to the east but increased to about 4' to the west. Member Wilson said she would rather have the bike lanes on each side and no sidewalks and wanted a surface flush with the road. Chair Curley said the area is fairly hazardous to walk, but he would prefer the sidewalk on the south side of the road. Vice-Chair DeVasto said it makes sense to have the sidewalk on the north side and spoke to having a future plan to get the sidewalk to Commercial St.

Chair Curley moved to pursue an exemption for a three-foot shoulder/sharrow in the place of five-foot bike lanes on Main St. Wilson Seconded.

Roll Call Vote

- **Roll Call Vote: 4-0-1 (Reinhart abstained) Intersection Design**

- **Route 6 & Main Street**

Mclaughlin presented the main street intersection layout. Member Wilson voiced concerns about how the bike lanes were painted. Chief Hurley asked about having a no-

left turn on Cahoon Hollow Rd. Mclaughlin said it was possible and it would be the town's decision. DeVasto said if there was no left turn, people might cut through PJ's, and the number of curb cuts. Mclaughlin said they looked at PJs and have modified the curb cut onto Cahoon, but the current curb cuts are needed for trailers. DeVasto talked about how they turn out the Mobile Station used to be no left turn. Chair Curley said how dangerous taking a left out of Cahoon is, that having a dedicated left-turn lane off Rt 6 is an improvement, but it might obscure traffic for people taking a left out Cahoon. Member Wilson said in her opinion, no left turns are more dangerous. Chair Curley asked if there were any objections to the Main Street intersection as presented. Member Wilson said it's a waste of money to have anything north or the intersection. **Chair Curley Moved to support the Main Street intersection design for vehicular traffic. Member Wolf Seconded.**

Roll Call Vote

4-0 (Wilson Abstained)

○ **Route 6 & Cahoon Hollow Road**

Member Wolf moved to support the Cahoon Hollow intersection as presented.

Reinhart Seconded

Roll Call Vote

2-1 (DeVasto & Curley Abstained)

Vice-Chair DeVasto moved to rescind the previous motion and that the Board take no action and request more clarity on the layout for PJ's.

Curley Seconded

Roll Call Vote

4-0 (Reinhart abstained)

Irene Goldman commended the work being done by the Board tonight and made comments about the education aspect that will need to follow.

Mclaughlin showed another slide that showed how the layout from Cahoon Hollow Rd to Seamens Bank. Chair Curley state the need to make sure the banking for the cemetery is stabilized. Mclaughlin said that Mass DOT is doing a survey of the first row of tombstones, and it is something they are very aware of. Chair Curley said to make sure it is communicated to the Cemetery Commission.

● **Stormwater Design**

Mclaughlin stated that Stantec is working with the town's wastewater consultant to address the nitrogen runoff and the possible incorporation of green infrastructure. They will also replace the one-way tide gate going to Hawes Pond with a self-regulating tide gate to re-establish the flow from Duck Creek to Hawes Pond. Wastewater Consultant Scott Horsley spoke about working with Stantec on some low-cost, low maintenance features to reduce nitrogen in the runoff and the need to make incremental improvements when the opportunity presented itself and spoke to the sources of nitrogen in stormwater runoff. Tim Pasakarnis of the Cape Cod Commission also spoke to the subject. Curley stated his concern for the stormwater outflows directly into the wetlands, and he would also like to see the culvert replaced with a larger one. Member Wilson spoke to the same and expressed her concern with catch basins as well.

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to refer the stormwater run-off back to Stantec to work with Scott Horsley and the Clean Water Committee to come up with the best solution for nitrogen reduction and the environmental sensitivity to the wetland. Roll Call Vote: 4-0-1 (Reinhart Abstained)

Chair Curley noted that the Conservation Commission is very interested in this project and would like to refer this to them for comment.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to refer the culvert and tide gate connecting Hawe's pond to Duck Creek for comment from the Conservation Commission.

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

- **Next Steps**

Mclaughlin laid out the process used by Mass DOT moving forward and the upcoming 25% Design Public Hearing. With an expected 75% design submission in January of 2022. Chair Curley asked if the materials presented at the 25% design public hearing would be updated in light of this meeting. Mclaughlin said that now that option 1 was definitely out of the picture, they would update everything to reflect option 2. Member Wilson asked if we would hear back about the design exemption before the hearing. Mclaughlin was unsure if Mass DOT would have a determination on the requested exemption on Main St in time for the Design Public Hearing. Chair Curley asked about the timeline. Mclaughlin stated that the project is expected to go out to bid in July or August of 2023, and they are also beginning the right of way process.

=



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: October 12, 2021

XVII

ADJOURNMENT

REQUESTED BY:	Selectboard Chair Ryan Curley
DESIRED ACTION:	To Adjourn
PROPOSED MOTION:	I move to Adjourn
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

