



## Wellfleet Selectboard

### **Note: Start Time of 7pm**

The Wellfleet Selectboard will hold a public meeting on **Tuesday, April 4, 2023, at 7:00 p.m.** The Chapter 107 of the Acts of 2022, this meeting will be conducted in person and as a courtesy via remote means, per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law.

### **Joining the Meeting:**

In-person at the Wellfleet ACC, 715 Old King's Highway, Wellfleet, MA, 02667

### **Join the meeting hosted in Zoom by using the following link:**

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

By Phone: **phone +1 929 205 6099** and enter **Meeting ID: 856 8960 4806 | Passcode: 611877**

Landline callers can participate by dialing \*9 to raise their hand.

### **To Participate during public comment:**

- Zoom: Raise hand to be called on to speak.
- Phone: dial \*9 to raise your hand.

It is at the Chair's discretion to call on members of the public. All speakers must be recognized to speak. If attending a meeting in person, please find the closest available microphone and confine any personal conversations to the outside of the meeting room. Anyone may record the session but must notify the Chair and may not interfere with the meeting to record it.

Additionally, the meeting will be broadcast live, in real time, via live broadcast on Comcast cable (Wellfleet Government TV Channel 18), also available via livestream or Video on Demand (VOD) recordings at [wellfleet-ma.gov](http://wellfleet-ma.gov)

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

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

## **II. *Consent Agenda***

- A. Amnesty Day Approval ~ May 13, 2023, ~ DPW Director Jay Norton
- B. Cahoon Hollow Beach Parking Lot Lease
- C. Wellfleet Spat ~ use of 9 utility poles with brackets for banners on Main Street for Wellfleet Oysterfest
- D. Common Victualler License ~
  - Maurice's Campground
  - Endless Coast

- III. ***Community Updates***
  - A. Authorize the Town Moderator to draw 5 winners at the 2023 Annual Town Meeting for five beach/dump stickers ~ Dan Silverman
  - B. Discuss improvements to the lower end of Old Wharf Road. ~ Jeff Vecchio
- IV. ***Public Hearings***
  - A. Change section 7.4 Location of Areas for Aquaculture (Grants) in the Town of Wellfleet Shellfishing policy and Regulations to redefine the Egg Island area where grants may be located. Also, to add a map outlining the Egg Island area as Appendix E to the regulations. ~ Shellfish Constable, Nancy Civetta & Shellfish Advisory Board.
  - B. **CONTINUED** ~ Application received 1/3/2023 for a grant extension (to be numbered #2000-2 ext.) to shellfish grant license #2000-2 consisting of approximately 1.08 acres on Egg Island from Stephen Pickard (Wellfleet, MA), Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA). (Continued from February 7, 2023)
- V. ***Licenses***
  - A. Approval of 2023 Seasonal Alcohol License ~ See packet for details.
  - B. Wellfleet Beachcomber to be approved for auxiliary Tent for food and alcohol service for the season of 2023.
- VI. ***Use of Town Property***
  - A. Baker's Field Pavilion ~ September 24, 2023; 10am – 10pm ~ Jonathan Phillips & Katie Savoy ~ See packet for full details.
  - B. Second Summer Cycle, LLC ~ Road Race ~ September 17, 2023, ~ NEW ROUTE INCLUDED IN PACKET.
- VII. ***Board/Committee Appointments and Updates***
  - A. Dredge Area II Mitigation Update – Dredging Task Force Chair
  - B. Cable, Internet, Cellular Advisory Committee ~ Presentation of broadband path plan.
- VIII. ***Business***
  - A. Commercial shellfishing permit hardship exemption ~ Shannon Bertrand ~ Shellfish Constable
  - B. Determination and consent to multiple representation with KP Law in regard to an IMA relive to water line extension to Maurice's Campground/80 State Hwy
- IX. ***Selectboard Reports***
- X. ***Town Administrator's Report***
- XI. ***Topics for Future Discussion***
- XII. ***Vacancy Reports***
- XIII. ***Minutes***
  - A. March 16, 2023
  - B. March 21, 2023
  - C. March 23, 2023
  - D. March 29, 2023
- XIV. ***Adjournment***



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

I

## ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

<b>REQUESTED BY:</b>	<b>Wellfleet Selectboard</b>
<b>DESIRED ACTION:</b>	<b>Announcements to the board and public</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>NOTE:</b> Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

II

### CONSENT AGENDA

<b>REQUESTED BY:</b>	<b>Various Parties</b>
<b>DESIRED ACTION:</b>	<b>To approve the following without objection</b>
<b>SUMMARY:</b>	<b>I move to approve the following items with no objection:</b> <ul style="list-style-type: none"><li>• Department of Public Works, Amnesty Day; May 13, 2023, 8am – 2pm</li><li>• Cahoon Hollow Beach Parking Lot Lease</li><li>• Wellfleet Spat ~ Use of Utility Poles to hang signs down Main Street for 2023 Oysterfest</li><li>• Common Victualler Licenses<ul style="list-style-type: none"><li>Maurice's Campground</li><li>Endless Coast</li></ul></li></ul>

# Amnesty Day

## Wellfleet Transfer Station

Saturday, May 13th

Special Hours: 8-2pm

**[NO ENTRANCE PERMITTED AFTER 2PM]**

### What Is Allowed?

You may bring ONE load of items to the Transfer Station that would otherwise cost money.

The vehicle bringing the load **MUST** have a valid Wellfleet Transfer Station sticker affixed to the vehicle.

No PAYT bags are required for household trash for this one event.

(See a list of specific items and limitations below)

### What is NOT Allowed?

#### YOU MAY NOT:

-You may not make multiple trips in the same or different vehicles, for the same household.

-You may not use Rented or Borrowed Vehicles (U-Hauls, "...a friend's truck," etc.)

- You may not bring Hazardous Waste (Aerosols, Chemicals, Solvents, Weed Killer, Gasoline etc.)

-You may not bring boats Greater than 16'

WE NEVER TAKE LARGE BRUSH (Greater than 2" in Diameter)

~~COMMERCIAL VEHICLES ARE STILL SUBJECT TO FEES~~

#### NUMBER OF EACH ITEM ALLOWED:

**Tires: 4**

**Appliances: 2**

(Dishwasher, Stove/Oven, Washing Machine, Dryer, Refrigerator, A/C, Dehumidifier, Water Tanks)

**Mattress and/or Box spring: 4**

**TV/Computer Monitor/ Laptop: 2**

**Furniture: 4**

(Couch, Sleeper Sofa, Loveseat, Upholstered Chair, etc.)

**Load of Construction Debris/Demolition: 1**

(Wooden Furniture of any kind, Scrap lumber, Brick, Sheetrock, Concrete, Asphalt, Glass, Ceramic, Tile, Insulation, Shingles etc.)



# TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667  
Tel (508) 349-0300 [www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

To: Wellfleet Select Board  
From: Rebecca Roughley, ATA  
Date: March 24, 2023  
  
Re: Cahoon Hollow Parking Lot Lease Renewal

Dear Honorable Select Board Members:

The Cahoon Hollow parking lot lease expired on November 1, 2022. Under the terms of the lease, the Town of Wellfleet has the option, at its discretion to renew the lease for up to one additional year, without going back out to bid. If the Board agrees it is in the Town's best interest to exercise said extension for an additional year, then I am requesting the Board take a vote to authorize the Town Administrator to execute the Cahoon Hollow parking lot lease for another term of May 1, 2023 – November 1, 2023.

Thank you,

*Rebecca Roughley, MCPPO*

Rebecca Roughley, MCPPO



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300

[www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

**TOWN  
ADMINISTRATOR**

April 4, 2023

Beachside Management LLC  
C/O Todd LeBart  
PO Box 790  
Wellfleet, MA 02667

Re: Cahoon Hollow Beach Parking Lot Lease Renewal

Dear Mr. LeBart,

I am writing to inform you that your Cahoon Hollow parking lease with The Town of Wellfleet expired on November 1, 2022. The Town wishes to exercise its option to renew for one additional year (May 1, 2023 – November 1, 2023) as stated in section 2 (Term) of the lease dated June 9, 2021.

Attached is a copy of the lease agreement and a copy of last year's bid specifications for your reference. The new total lease amount for 2023 is \$50,001.00. Please sign the lease agreement and return electronically to me at your earliest convenience. A copy of the fully executed lease agreement will be returned to you for your records.

The Town also requires evidence of coverage for general liability (limit \$1,000,000). Please forward a copy of your certificate of insurance with the Town listed as an additional insured.

If you need additional information or if I can be of further assistance, please feel free to contact me.

Respectfully,

*Rebecca Roughley, MCPPO*

Rebecca Roughley  
Assistant Town Administrator

CC: Town Accountant  
Town Administrator

## PARKING LEASE

THIS PARKING LEASE (this "Lease") is made as of April 4, 2023, by and between the Town of Wellfleet, a Massachusetts municipal corporation, with an address of 300 Main Street, Wellfleet, Massachusetts 02667 ("Landlord"), and Beachside Management, LLC, a Massachusetts limited liability company, with an address of 1120 Cahoon Hollow Road, Wellfleet, Massachusetts 02667 ("Tenant").

WHEREAS, Landlord is the owner of a certain parking lot known as the Cahoon Hollow Beach public parking lot at 1140 Cahoon Hollow Road, being Tax Map 17, Lot 17, containing approximately 1.81 acres, and consisting of approximately 20-25 public parking spaces, located on the Atlantic Ocean, and connected to Ocean View Drive via a public way maintained by the Town (the "Lot"); and

WHEREAS, Landlord issued a Request for Proposals seeking proposals for the lease of the Lot for the contracted season, or approximately May 1, 2021 through November 1, 2021, upon payment of a lump sum fee for the exclusive rights to operate the Lot; and

WHEREAS, Tenant submitted the successful bid, and desires to lease the Lot, on the terms and conditions stated herein.

NOW THEREFORE, in consideration of the mutual promises herein contained, Landlord and Tenant agree as follows:

1. Premises

Landlord hereby leases to Tenant and Tenant accepts and leases from Landlord the Cahoon Hollow Beach public parking lot, for the sole purpose of providing parking for the public, subject to the reservation of five (5) parking spaces for Town beach staff, and on the other terms and conditions set forth herein. Tenant accepts the Lot in "as is" condition. The Town may access the lot for the purpose of maintaining the pedestrian walkway access or any other purpose in the interest of maintaining the lot with permission from the Tenant, such permission shall not be unreasonably withheld. The tenant shall be responsible for the collection and disposal of refuse generated from their business. The Tenant shall be responsible for using their best efforts to control storm water runoff and drainage from its property.

2. Term

This Lease shall commence on June 9, 2021 (the "Commencement Date") and expire on or about November 1, 2021 (the "Initial Term"), and, provided Tenant is then in compliance all the terms and conditions of this Lease, there shall be two (2) options to renew, each for a one (1) year term (each, an "Extenson Term," together with the Initial Term, the "Term"), at the sole option of the Landlord, on mutually agreeable terms and conditions. This is the third renewal and final year of the original contract.



3. Rent

3.1. For the Initial Term, Rent shall be payable in two installments, the first, in the amount of \$25,000.00, shall be due and payable upon execution of this Lease, and the second, in the amount of \$25,001.00, shall be due and payable on or before July 1, 2021. In the event an Extension Term(s) is agreed to between Landlord and Tenant on mutually agreeable terms and conditions, the first installment payment shall be due and payable on or before April 15, 2022, and the second installment payment shall be due and payable on or before July 1, 2022. In the case of the second Extension Term, the first installment payment shall be due and payable upon or before April 15, 2023, and the second installment payment shall be due and payable on or before July 1, 2023.

3.2. Rent shall be made payable to Landlord at the address set forth above, or such other address as Landlord may direct. All payments becoming due under this Lease and not paid when due shall bear interest from the applicable due date until received by Landlord at an annual rate equal to the prime rate of interest charged from time to time by Bank of America or its successor, plus two percent (2%).

4. Use of Premises

4.1. Tenant shall use the Lot only for the parking of automobiles, motorcycles, SUV's, light vans and pick-up type trucks. Tenant may charge daily fees to members of the public, which fees shall be reasonable and in line with those fees charged for similar lots within the Town of Wellfleet, and the immediate environs, said fees subject to approval of the Landlord, which approval shall not be unreasonably withheld, conditioned or delayed.

4.2. Tenant shall not have the right to sublet or assign any of its rights under this Lease. Notwithstanding the foregoing, the Landlord acknowledges that the Tenant intends to provide the use of the Lot to members of the public.

4.3. Tenant shall reserve five (5) exclusive parking spaces for use by Town beach staff, who shall not be charged for the use of these spaces.

4.4. Tenant shall, at all times, maintain an appropriate number of portable restrooms at the Lot.

4.5. At all times during the Term, Tenant shall maintain a turnaround for use by emergency vehicles. The size and location of the turnaround shall be approved by the Fire Chief and Police Chief prior to the commencement of operations. In the event Tenant desires to alter the location of the turnaround, Tenant must notify the Fire Chief and Police Chief, who must approve any such alteration. Failure to maintain the turnaround for emergency vehicles shall constitute an automatic breach of this Lease.

4.6. Tenant agrees that it shall not maintain, generate, allow or bring on the Lot or transport or dispose of on or from the Lot any Hazardous Waste, Hazardous Material, Oil or radioactive material, except that which is incidental to the operation of motor vehicles. As used herein, the terms “Hazardous Waste”, “Hazardous Material”, and “Oil” shall be defined as provided in Section 2 of Chapter 21C, Section 2 of Chapter 21D, and Section 2 of Chapter 21E of the General Laws of Massachusetts, and the regulations promulgated thereunder, as such laws and regulations may be amended from time to time. Tenant hereby agrees to indemnify and hold harmless Landlord, and those claiming by, through and under Landlord, from and against any and all liability, loss, damage, costs, expenses (including, without limitation, reasonable attorneys’ fees and expenses), causes of action, suits, claims, demands or judgments of any nature in any way suffered, incurred, or paid as a result of any release or threatened release of oil or hazardous material as defined under federal, state or local law on or from the Lot which is caused by Tenant, its agents, employees, contractors, representatives, visitors, invitees or licensees. The provisions of this Section shall survive the expiration or earlier termination of this Lease.

4.7. Tenant may not make any modifications or alterations to the Lot, except with the written approval of Landlord, which approval shall not be unreasonably withheld, conditioned or delayed. Any such modifications or alterations shall be made at the sole expense of Tenant, and shall be the property of Landlord at the expiration or earlier termination of this Lease. The Tenant shall be responsible for maintaining the sand berm and split rail fence on the lot.

4.8. Tenant shall operate the Lot in accordance with any and all applicable bylaws, rules and regulations of the Town of Wellfleet and any and all applicable statutes, rules and regulations and policies of the Commonwealth of Massachusetts. Further, Tenant shall obtain any and all necessary permits and licenses from the Town of Wellfleet prior to commencement of operation at the Lot.

4.9. Tenant shall be responsible for all trash removal on the premises and maintain a pick up schedule by an approved hauler.

## 5. Condition of the Lot

5.1. The Tenant acknowledges and agrees that it accepts the Lot in “as is” condition, and that Landlord has made no representation or warranty, express or implied, regarding the fitness of the Lot for the intended purpose.

5.2. Landlord shall not be held liable and shall be held harmless from the effects of ongoing beach erosion at the Lot. The Landlord shall not be responsible for continued beach nourishment or maintenance of the beach or dune system at the Lot or the adjacent beach.

## 6. Landlord’s Obligations

Landlord shall maintain the storm water controls for the public way which provides entrance to the Lot from Ocean View Drive.

7. Indemnification

During the Term of this Lease and thereafter so long as Tenant or its agents, contractors, employees, visitors and invitees occupy or use the Lot, except to the extent caused directly by the gross negligence or willful misconduct of Landlord, Tenant shall release, indemnify, defend and hold Landlord harmless from and against any and all liability for bodily injury, death, property damage of any kind or nature however caused, arising as a result of the use of the Lot by, or any act, omission or negligence on the part of, Tenant, its agents, employees, contractors, representatives, visitors, invitees or licensees, or anyone claiming by, through or under Tenant, in each case to the fullest extent permitted by applicable law. This indemnity and hold harmless agreement shall include indemnity against all costs, expenses, and liabilities incurred in or in connection with any such claim or proceeding brought thereon, and the defense thereof. To the maximum extent permissible by law, Tenant agrees to use and occupy the Lot at Tenant's own risk, and Landlord shall have no responsibility or liability for any loss or damage to the personal property of Tenant or any person claiming by, through or under Tenant. The provisions of this Section shall survive the expiration or earlier termination of this Lease.

8. Insurance

Tenant agrees to maintain in full force, from the Commencement Date until the expiration of the Term of this Lease and thereafter so long as Tenant or its agents, employees, contractor, representatives, visitors, invitees or licensees, or anyone claiming by, through or under Tenant, uses any part of the Lot, a policy of commercial general liability insurance. Each such policy shall be non-cancelable and non-amendable with respect to Landlord and Landlord's designees without thirty (30) days prior written notice to Landlord. The minimum limits of Tenant's commercial general liability insurance shall not be less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury. However, Landlord shall have the right to require Tenant to increase such limits by reasonable amounts. Landlord shall be named as an additional insured on all insurance policies. All required insurance shall be written with such companies qualified to do business in Massachusetts, as Tenant shall select and Landlord shall approve, which approval Landlord agrees not to withhold unreasonably. Certificates of all policies procured by Tenant in compliance with its obligations under this Lease shall be delivered to Landlord within ten (10) days from the execution of this Lease and thereafter at least thirty (30) days prior to the expiration of any such policy. Tenant, shall, further carry worker's compensation insurance in the amounts prescribed by law.

9. Casualty; Taking

If a substantial part of the Lot is damaged by fire or other casualty, or is taken by any entity by right of eminent domain, then Landlord and Tenant shall have the right to

terminate this Lease by providing the other with written notice thereof. Any such termination shall be effective thirty (30) days after the date of notice thereof. For the purposes of this Section, "substantial part" shall be defined as that portion of the Lot which if damaged or taken by eminent domain would materially affect the use of the Lot for the permitted purposes. In the event of a taking by eminent domain, Landlord shall have, and hereby reserves and excepts, and Tenant hereby grants and assigns to Landlord, all rights to recover for damages to the Lot and the leasehold interest hereby created, and to compensation accrued or hereafter to accrue by reason of such taking or damage. Tenant covenants to deliver such further assignments and assurances thereof as Landlord may from time to time request, hereby irrevocably designating and appointing Landlord as its attorney-in-fact to execute and deliver in Tenant's name and behalf all such further assignments thereof.

10. Event of Default; Landlord's Remedies

In the event that:

- (a) Tenant fails to pay Rent when due hereunder and such failure continues for ten (10) days after written notice from Landlord that the same is due,
- (b) Tenant fails to perform or observe any other term or condition contained in this Lease and such failure is not cured within thirty (30) days after written notice from Landlord, or
- (c) Tenant shall be declared bankrupt or insolvent according to law, or, if any assignment shall be made of Tenant's property for the benefit of creditors,

Then Landlord shall have the right thereafter, while such default continues, to re-enter and take complete possession of the Lot, to declare the Term of this Lease ended, and remove Tenant's effects, without prejudice to any remedies which might be otherwise used for arrears of Rent or other default. If Tenant shall default after reasonable notice thereof in the observance or performance of any conditions or covenants on Tenant's part to be performed or observed by virtue of any of the provisions of this Lease, Landlord without being under any obligation to do so and without thereby waiving such default, may remedy such default for the account and at the expense of Tenant. If Landlord makes any expenditures or incurs any obligations for the payment of money in connection with Tenant's default, including but not limited to, reasonable attorneys' fees in instituting, prosecuting or defending any action or proceeding, such sums paid or obligations incurred shall be paid to Landlord by Tenant as additional rent.

Without limiting any of Landlord's rights and remedies hereunder, and in addition to all other amounts Tenant is otherwise obligated to pay, it is expressly agreed that Landlord shall be entitled to recover from Tenant all costs and expenses, including reasonable attorneys' fees, incurred by Landlord in enforcing this Lease from and after Tenant's default. In the event of the termination of this Lease, Tenant shall not be entitled to a refund of any installment of Rent paid pursuant to this Lease.

11. Miscellaneous

11.1. All rights and remedies of Landlord and Tenant set forth herein are in addition to all other rights and remedies available at law or in equity. All rights and remedies available hereunder or at law or in equity are expressly declared to be cumulative. The exercise by Landlord or Tenant of any such right or remedy shall not prevent the concurrent exercise of any other right or remedy hereunder or subsequent exercise of the same or any other right or remedy. No delay in the enforcement or exercise of any such right or remedy shall constitute a waiver of any default hereunder or of any of Landlord's or Tenant's rights or remedies in connection therewith. Neither Landlord nor Tenant shall be deemed to have waived any default hereunder unless such waiver is set forth in a written instrument. If Landlord or Tenant waives in writing any default, such waiver shall not be construed as a waiver of any covenant, condition or agreement set forth in this Lease except as to the specific circumstances described in such written waiver. Nothing contained in the Lease shall limit or prejudice the right of Landlord to prove and obtain in proceedings for bankruptcy or insolvency by reason of the termination of this Lease an amount equal to the maximum allowed by any statute or rule of law in effect at the time when, and governing the proceedings in which, the damages are to be proved.

11.2. Notice to either party shall be in writing and shall be validly given when hand-delivered with return receipt provided or sent by courier or express services guaranteeing overnight delivery or by certified mail return receipt requested, addressed to the address set forth in this Lease for each party, or such other address or such person as either party may specify in writing from time to time. A copy of any notice hereunder shall be sent to the Landlord or Tenant shall also be sent in the same manner to:

Landlord

KP Law, P.C.  
101 Arch Street  
Boston, MA 02110  
Attn: Carolyn M. Murray, Esq.

Tenant

Law Offices of Bruce A. Bierhans, LLC  
540 Main St. Suite 17  
Hyannis, MA 02601  
Attn: Bruce Bierhans

11.3. If any provision of this Lease or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease, or the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each provision of this Lease shall be valid and enforced to the fullest extent permitted by law.

11.4. The provisions of this Lease shall be binding upon, and shall inure to the benefit of, the parties hereto and each of their respective successors and assigns, subject to the provisions hereof restricting assignment or subletting by Tenant.

11.5. As a material inducement for Landlord and Tenant to enter into this Lease, both Landlord and Tenant acknowledge and agree that this shall be construed as though

the covenants herein between Landlord and Tenant are completely independent and not dependent and Tenant hereby expressly waives the benefit of any currently existing or hereinafter enacted statute or caselaw to the contrary and agrees that if Landlord fails to perform its obligations set forth herein, Tenant shall not be entitled to make any repairs or perform any acts hereunder at Landlord's expense or to any setoff of the Rent or other amounts owing hereunder against Landlord or terminate this Lease as a result of Landlord's failure to perform or refraining from performing any covenant or obligation of Landlord hereunder.

11.6. Whenever Tenant requests Landlord to give any consent required under this Lease, Tenant shall reimburse Landlord for Landlord's documented, reasonable out of pocket costs to third parties incurred in reviewing the proposed action for which Tenant is requesting Landlord's consent, including without limitation reasonable attorneys' fees, within thirty (30) days after Landlord's delivery to Tenant of a statement of such costs. Notwithstanding the foregoing, Tenant may at any time request a statement from Landlord of Landlord's estimate of such costs incurred to date, along with an estimate of the remaining costs to completion, and although such statement and estimate shall not be binding on Landlord, Landlord shall use good faith efforts to be accurate. Tenant may at anytime notify Landlord that Tenant rescinds the request for consent, in which event Landlord shall immediately cease incurring review costs. Tenant will be obligated to make such reimbursement for review costs without regard to whether Landlord consents to any such proposed action.

11.7. This Lease may be executed in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same document.

11.8. This Lease constitutes the entire agreement between the parties, superseding all prior oral and written communications between the parties, and shall be governed in all respects by the laws of the Commonwealth of Massachusetts. When required by the context of this Lease the singular shall include the plural, and vice versa, and each of the masculine, feminine and neuter genders shall include each of the others.

[Remainder of Page Left Intentionally Blank]

IN WITNESS WHEREOF, Landlord and Tenant have signed this Lease under seal as of the day and year first above written.

TOWN OF WELLFLEET,  
By Its Town Administrator

BEACHSIDE MANAGEMENT, LLC

\_\_\_\_\_  
Richard J. Waldo

By: \_\_\_\_\_  
Todd E. Le Bart, Manager

As authorized by the Wellfleet Selectboard  
at a duly posted meeting held on Tuesday,  
April 4, 2023.

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667

Applicant Dwaine Oringer Affiliation or Group Wellfleet SPAT  
Telephone Number 508-349-3499 Mailing Address PO Box 2156  
Email Address vendors@wellfleetspat.org wellfleet, MA 02667  
Town Property to be used (include specific areas) ⑨ Telephone/utility poles, with brackets, for banners, on Main St.

Date(s) and hours of use: May 24, 2023 - October 20, 2023

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fee will be charged by applicant.

③ different designs in total - cost of banners paid for by SPAT - Wellfleet SPAT is seeking approval to use the utility poles for hanging banners to display information regarding Wellfleet Oysterfest, Shellfish Grant Tours, Wellfleet Makers Market & SPAT information booth at Mayo Beach.

Describe any town services requested (police details, DPW assistance, etc.)

DPW needed to hang the banners

✓ # 2376 \$50.00 3-16-23

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc. may be required and it is the applicant's responsibility to ensure the same.

Action by the Board of Selectmen:

\_\_\_\_\_ Approved as submitted.

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

Disapproved for the following reason(s): \_\_\_\_\_

Date: \_\_\_\_\_ Processing Fee: \$50 pc -



**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

*checking to see ownership of Poles*

<b>Health/Conservation Agent:</b>  Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b>  Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b>  Comments/Conditions:	<b>Fire Department:</b>  Comments/Conditions:
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<b>DPW:</b>  Comments/Conditions	<b>Community Services Director:</b>  Comments/Conditions:
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<b>Harbormaster:</b>  Comments/Conditions	<b>Shellfish:</b>  Comments/Conditions
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<b>Recreation:</b>  Comments/Conditions	<b>Town Administrator:</b>  Comments/Conditions
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*Wellfleet Selectboard*  
*Common Victualler License*

- *Maurice's Campground*
- *Endless Coast*



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: April 4, 2023

III

### COMMUNITY UPDATES

~ A ~

<b>REQUESTED BY:</b>	<b>Town Moderator ~ Dan Silverman</b>
<b>DESIRED ACTION:</b>	<b>To approve the moderator raffle 5 beach/transfer stickers at 2023 town meeting</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the raffling of 5 beach/transfer stickers by the Town Moderator at the 2023 Annual Town Meeting on April 29, 2023.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

III

### COMMUNITY UPDATES

~ B ~

<b>REQUESTED BY:</b>	Jeff Vecchio
<b>DESIRED ACTION:</b>	To discuss improvements to the lower end of Old Wharf Road, Wellfleet
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	If a motion is needed one will be made at the time of the meeting.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## Rebekah Eldridge

---

**From:** Jeff Vecchio <jvecchio@coolidgeprops.com>  
**Sent:** Wednesday, March 15, 2023 4:45 PM  
**To:** Rebekah Eldridge  
**Cc:** richard.waldo@wellfleet-ma.gov  
**Subject:** RE: Vecchio - Old Wharf Road

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rebekah,

I am following up on the below email I sent a month ago. I would appreciate a response at your earliest convenience. Thank you in advance.

Regards,  
Jeff Vecchio

---

**From:** Jeff Vecchio  
**Sent:** Wednesday, February 15, 2023 2:45 PM  
**To:** Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>  
**Cc:** richard.waldo@wellfleet-ma.gov  
**Subject:** RE: Vecchio - Old Wharf Road

Hi Rebekah,

Thank you for the reply. I would like to get on the agenda ASAP. This is to discuss improvements to the lower end of Old Wharf Road which extends from the intersection of Beach St./Lookout Rd. through the marsh out to Old Wharf Point, and receive funds appropriation as necessary. Currently the road is in a state of both severe and deteriorating condition, which has severely impeded access to the point, which includes safe passage to a residence, as well as the route for commercial oystermen to access their farming beds, along with public access to that part of the harbor, river and beach. The entire stretch of Old Wharf Rd. through the marsh and out to the point is a town road and thus should be maintained as such. The Conservation Commission has resisted several types of short term band aid repairs in the past and has suggested a more long term fix. The dirt road goes underwater frequently at its present grade which contributes greatly to its deteriorated condition.

Please let me know if you require any further information.

Regards,  
Jeff Vecchio

---

**From:** Rebekah Eldridge <[Rebekah.Eldridge@wellfleet-ma.gov](mailto:Rebekah.Eldridge@wellfleet-ma.gov)>  
**Sent:** Wednesday, February 15, 2023 1:13 PM  
**To:** Jeff Vecchio <[jvecchio@coolidgeprops.com](mailto:jvecchio@coolidgeprops.com)>  
**Cc:** [richard.waldo@wellfleet-ma.gov](mailto:richard.waldo@wellfleet-ma.gov)  
**Subject:** Re: Vecchio - Old Wharf Road

So you want to decide when you want to be on a meeting. Send me an email stating when you would like to be on the agenda and what you would like to discuss with the board and any supporting documents to go with your request. Then I would reach out to the chair and work with him to get you on an agenda.  
Rebekah

Get [Outlook for iOS](#)

---

**From:** Jeff Vecchio <[jvecchio@coolidgeprops.com](mailto:jvecchio@coolidgeprops.com)>  
**Sent:** Wednesday, February 15, 2023 12:31:11 PM  
**To:** Rebekah Eldridge <[Rebekah.Eldridge@wellfleet-ma.gov](mailto:Rebekah.Eldridge@wellfleet-ma.gov)>  
**Cc:** [richard.waldo@wellfleet-ma.gov](mailto:richard.waldo@wellfleet-ma.gov) <[richard.waldo@wellfleet-ma.gov](mailto:richard.waldo@wellfleet-ma.gov)>  
**Subject:** RE: Vecchio - Old Wharf Road

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Rebekah,

I am reaching out based on my meeting with Richard today. He requested I contact you to try and get on the select board agenda to further discuss the issues facing Old Wharf Rd. Could you let me know how that process works?

Thank you,  
Jeff Vecchio

---

**From:** Rebekah Eldridge <[Rebekah.Eldridge@wellfleet-ma.gov](mailto:Rebekah.Eldridge@wellfleet-ma.gov)>  
**Sent:** Thursday, February 2, 2023 12:48 PM  
**To:** Jay Norton <[Jay.Norton@wellfleet-ma.gov](mailto:Jay.Norton@wellfleet-ma.gov)>  
**Cc:** Jeff Vecchio <[jvecchio@coolidgeprops.com](mailto:jvecchio@coolidgeprops.com)>  
**Subject:** RE: Vecchio - Old Wharf Road

It is the 15<sup>th</sup>. Sorry for the confusion

---

**From:** Jay Norton <[Jay.Norton@wellfleet-ma.gov](mailto:Jay.Norton@wellfleet-ma.gov)>  
**Sent:** Thursday, February 2, 2023 12:47 PM  
**To:** Rebekah Eldridge <[Rebekah.Eldridge@wellfleet-ma.gov](mailto:Rebekah.Eldridge@wellfleet-ma.gov)>  
**Cc:** Jeff Vecchio <[jvecchio@coolidgeprops.com](mailto:jvecchio@coolidgeprops.com)>  
**Subject:** RE: Vecchio - Old Wharf Road

Got it, thanks! So it's the 15<sup>th</sup>, not the 13<sup>th</sup>?

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](mailto:jay.norton@wellfleet-ma.gov)



---

**From:** Rebekah Eldridge <[Rebekah.Eldridge@wellfleet-ma.gov](mailto:Rebekah.Eldridge@wellfleet-ma.gov)>  
**Sent:** Thursday, February 2, 2023 12:43 PM  
**To:** Jay Norton <[Jay.Norton@wellfleet-ma.gov](mailto:Jay.Norton@wellfleet-ma.gov)>  
**Cc:** Jeff Vecchio <[jvecchio@coolidgeprops.com](mailto:jvecchio@coolidgeprops.com)>  
**Subject:** RE: Vecchio - Old Wharf Road

I wasn't able to send him the invite because it kept getting bounced back to me. He was on my list of people to call today so I have included the invite for you below.  
Thanks for reaching out.

Rebekah

Rebekah Eldridge is inviting you to a scheduled Zoom meeting.

Time: Feb 15, 2023 09:30 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86093280127?pwd=S0NZdHZ3bWEzUzVDaFFDZ1IzSUxhdz09>

Meeting ID: 860 9328 0127

Passcode: 432205

Dial by your location

+1 929 205 6099 US (New York)



Rebekah L . Eldridge  
Executive Assistant to the Town Administrator  
(508) 349-0300 ext 1100  
774-383-2609 (cell)

M-F 8am-12noon; 1pm-4pm

---

**From:** Jay Norton <[Jay.Norton@wellfleet-ma.gov](mailto:Jay.Norton@wellfleet-ma.gov)>

**Sent:** Thursday, February 2, 2023 12:38 PM

**To:** Rebekah Eldridge <[Rebekah.Eldridge@wellfleet-ma.gov](mailto:Rebekah.Eldridge@wellfleet-ma.gov)>

**Cc:** Jeff Vecchio <[jvecchio@coolidgeprops.com](mailto:jvecchio@coolidgeprops.com)>

**Subject:** Vecchio - Old Wharf Road

Hi Rebekah,

I spoke to Mr. Vecchio (copied herein) today about some problems he is having with the road leading to his house. He mentioned that there is a tentative zoom/teams call with him and Rich Waldo for February 13<sup>th</sup> at 9:30 AM. If you could include me on that invite when it's finalized I would appreciate it. Thank you !

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](mailto:jay.norton@wellfleet-ma.gov)







# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

IV

## PUBLIC HEARINGS

~ A ~

<b>REQUESTED BY:</b>	<b>Shellfish Constable ~ Nancy Civetta &amp; Shellfish Advisory Board</b>
<b>DESIRED ACTION:</b>	<b>To approve the rewrite to Section 7.4 Location of Areas Licensed for Aquaculture (Grants) in the Town of Wellfleet Shellfishing Policy and Regulations</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the rewritten definition of 7.4 Location of Areas licensed for aquaculture (Grants) as submitted by the Shellfish Department and approved by Shellfish Advisory Board and Town Counsel.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET

PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 53, 57, 58, 60, 68 and 80 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing on April 4, 2023, at 7:00 p.m. to consider the following:

Change to Section 7.4. Location of Areas Licensed for Aquaculture (Grants) in the Town of Wellfleet Shellfishing Policy and Regulations to reference *new* grants and redefine the Egg Island area where grants may be located. Also, to add a map outlining the Egg Island area as Appendix E to the regulations. Shellfish Advisory Board voted to recommend this change at its Mar. 9, 2023, meeting by a vote of 4 Yes, 3 No. Town Counsel has approved the SAB draft with minor clarifications.

Recommendation of the Shellfish Constable with text and map will be available in the April 4, 2023, Selectboard's packet.

**In person:** 715 Old King's Highway (Adult Community Center)

**Join Zoom Meeting**

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

Meeting ID: 856 8960 4806 ~ Passcode: 611877 ~Dial by your location; +1 929 205 6099 US (New York)

WELLFLEET SELECTBOARD



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

DATE: March 30, 2023  
 TO: Selectboard Members  
 FROM: Nancy Civetta, Shellfish Constable  
 RE: Approval of revisions to the Town of Wellfleet Shellfishing Policy and Regulations Sec. 7.4 Location of Areas Licensed for Aquaculture (Grants)

Dear Selectboard members:

Since last fall, we have been discussing this poorly written section of our regulations, which puts most of the grants currently on Egg Island out of compliance with the regulation as it stands now. You directed the Shellfish Department and Shellfish Advisory Board to rewrite the above cited regulation after feedback from Town Council due to the difficulties in interpreting the Egg Island area as currently described.

I am happy to report that a more specific regulation regarding the definition of Egg Island itself and where grants are allowed to be located was discussed and approved both at Shellfish Advisory Board and with Town Council (with some slight revisions, included here). The proposed regulation brings existing grants into compliance with our regulations, protects the wild shellfishing areas and provides a limit for potential aquaculture expansion.

As a reminder, Town Counsel Gregg Corbo provided the Selectboard with the following: "I recommend that you have the area mapped by a professional surveyor who can provide a conclusive opinion to the Board." The Town already has a professional survey of Egg Island grants, and it is from these existing survey points that the new description is based. Attorney Corbo also suggested creating an appendix of the map to include in the regulations so that the area is well defined and understood for all future needs.

Please find attached the Town Council and Shellfish Advisory approved rewrite of the regulation and the map that will become an appendix in the regulations so it is amply clear how this definition is applied to Egg Island. I have also included previous correspondence relevant to the discussion of upland owners' rights and the map of Mean Low Water with regards to Egg Island using NAVD data as advised by Town Council.

I urge you to approve this revised regulation as submitted in order to resolve the outstanding issues of Egg Island grants being out of compliance and to aid you in your future decision-making.

Thank you,

Nancy Civetta, Shellfish Constable

[wellfleet-ma.gov/shellfish-department](http://wellfleet-ma.gov/shellfish-department)

Phone (508) 349-0325



Fax (508) 349-0305

**Bold** = additions. ~~Strikethrough~~ = deletions.

The professional survey points can be found in the attached map, which will become Appendix E in the regulations.

#### 7.4. Location of Areas Licensed for Aquaculture (Grants)

**New** 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.

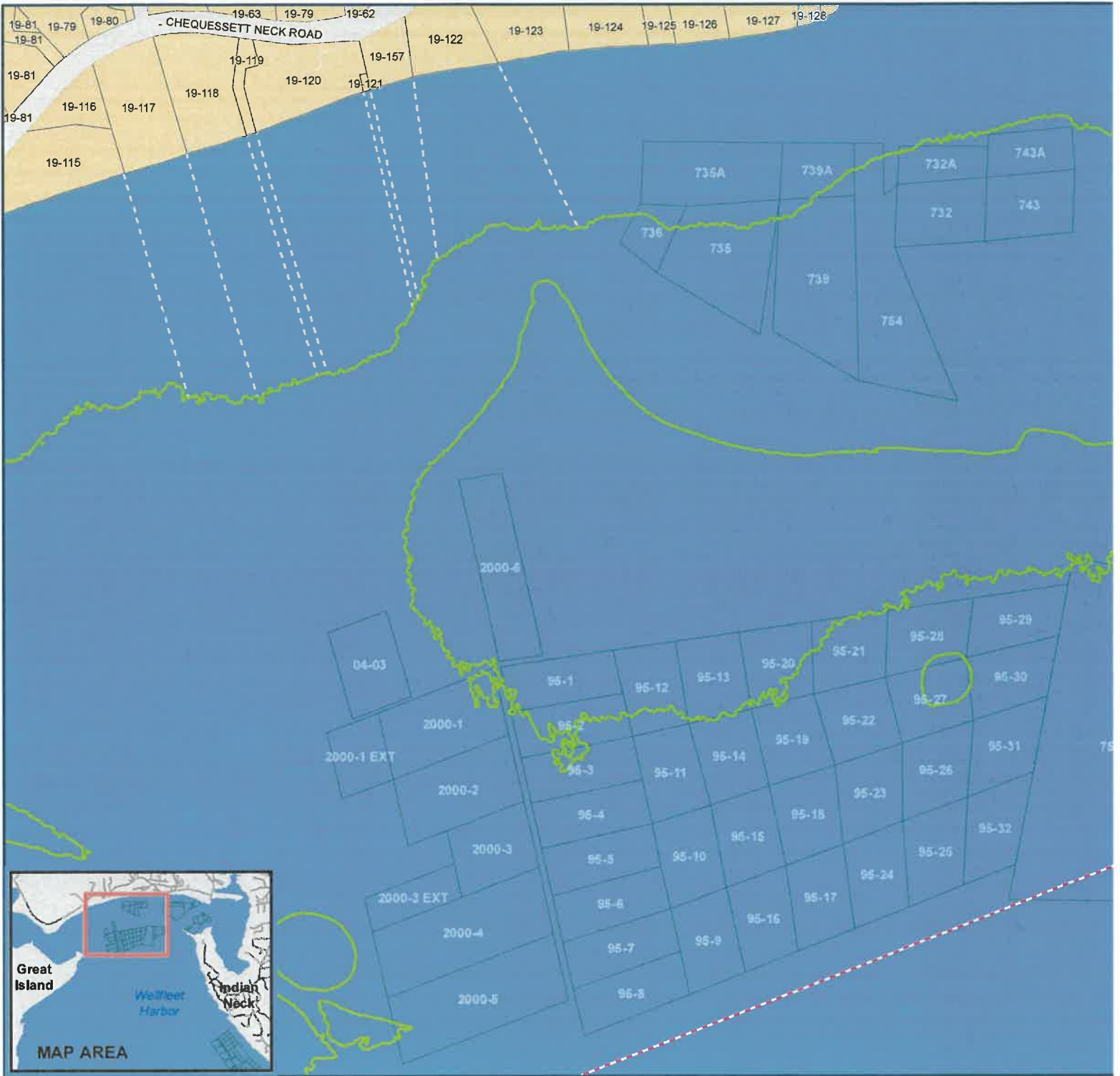
Area 4: On tidal lands off the westerly side of Old Wharf Point and at the entrance to Loagy Bay.

**Area 5: On Egg Island, in the area below the caption “Egg Island Grants” and as confined by the surveyed outline of grant boundary coordinates shown in red on the Plan of the Northerly Grants in Wellfleet Harbor as of May 30, 2019, prepared by Outermost Land Survey, dated June 16, 2021, as follows, from the northeast corner clockwise: point 154 to 155 to 156 to 157 to 159 to 93 to 94 to 15 to 22 to 53 to 54 to 150 to 146 to 147 to 1 to 2 to 4 to 5 to 11 to 91 to 92 to 95 and back to point 154. For map, see Appendix E.**

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.



# Aquaculture Grants and Mean Low Water Elevation – Egg Island, We





## Nancy Civetta

---

**From:** Gregg J. Corbo <GCorbo@k-plaw.com>  
**Sent:** Wednesday, January 11, 2023 10:42 AM  
**To:** Nancy Civetta; Carolyn M. Murray  
**Cc:** Richard Waldo  
**Subject:** RE: WSD documents re Egg Island regulations

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Nancy.

It is my opinion that the Appeals Court's decision in the Spillane case did not change the law with respect the rights of owners of land abutting the sea. This is, however, a complicated question that should be decided on a case-by-case basis.

Pursuant to G.L. c. 130, §57, the Town has the authority to issue licenses "in, upon, or from a specific portion of coastal waters of the commonwealth, of tidal flats or land under coastal waters: (1) to plant and grow shellfish, bottom/off bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under coastal waters, such as boxes, trays, pens, 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." The statute further specifies that, although licenses can be granted for the "tidal flats", licenses cannot "impair the private rights of any person".

Generally, owners of land abutting the sea have title to the shore to the mean low water mark. Town of Wellfleet v. Glaze, 403 Mass. 79, 82 (1988). This is the area known as the tidal flats. Going back to the Colonial Ordinances that formed the Commonwealth, private ownership in the tidal flats has always been subject to the right of the public to conduct fishing, fowling and navigation. Id. Thus, in the Glaze case, the Supreme Judicial Court held that the public right to fishing includes the right to dig for shellfish and that it is within the power of the Legislature to authorize towns to issue licenses for shellfishing on privately owned tidal flats. Glaze, 403 Mass. at 84.

Subsequent to the Court's decision in Glaze, however, the Supreme Judicial Court held that aquaculture is not incidental to or reasonably related to or a natural derivative of the public's right to fish and that the Town does not have the authority to issue allow private parties to conduct aquaculture on the tidal flats owned by another. Pazolt v. Director of Div. of Marine Fisheries, 417 Mass. 565, 571-573 (1994).

Based on language in the statute and the holdings in these case, it is my opinion that the Town has the authority to issue aquaculture grants for areas located within the tidal flats, as long as those grants do not interfere with the rights of private property owners.

Please feel free to contact me if there are any further questions in this regard.

Gregg J. Corbo, Esq.  
KP | LAW  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654-1764  
F: (617) 654 1735  
[gcorbo@k-plaw.com](mailto:gcorbo@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

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---

**From:** Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>  
**Sent:** Wednesday, January 11, 2023 7:21 AM  
**To:** Gregg J. Corbo <GCorbo@k-plaw.com>; Carolyn M. Murray <CMurray@k-plaw.com>  
**Cc:** Richard Waldo <Richard.Waldo@wellfleet-ma.gov>  
**Subject:** RE: WSD documents re Egg Island regulations

Thank you very much, Gregg, for getting back to me so quickly. I am trying to find that map and have reached out to MADMF and ACOE for assistance.

What about the question regarding mean low water and upland owners' rights? The BOS will also want an opinion on that for context on other grant requests moving forward.

In appreciation,  
Nancy

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet  
C: 617-901-7193  
O: 508-349-0325  
E: [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)  
300 Main St.  
Wellfleet, MA 02667  
Check for news and updates on [Facebook](#).

---

**From:** Gregg J. Corbo <GCorbo@k-plaw.com>  
**Sent:** Tuesday, January 10, 2023 6:09 PM  
**To:** Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>; Carolyn M. Murray <CMurray@k-plaw.com>  
**Cc:** Richard Waldo <Richard.Waldo@wellfleet-ma.gov>  
**Subject:** RE: WSD documents re Egg Island regulations

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Nancy.

I have been looking at these materials, and, unless I am missing something, it seems clear to me that the regulation, on its face, does not allow the issuance of a grant "in the area above mean low water on Egg Island." Given how clear this language is, it is not necessary to look into why this provision was added. City of Boston v. U. N. A. Corp., 11 Mass.App.Ct. 298, 301 (1981) (The general rule of statutory construction is that a statute that is not ambiguous cannot be interpreted by resort to legislative history).

The Appeals Court in Spillane v. Adams, 79 Mass.App.Ct. 378 (2010), determined that "mean low water" should be determined using data from the National Geodetic Vertical Datum (NGVD). This standard is still applied today. See, Deckelbaum as trustee of Huey Trust v. Hailey, 2022 WL 15085699 (Land Court 2022). Therefore, I recommend that you determine the mean low water mark for the area in question using the NGVD data. If the proposed extension is above that mark, it is my opinion that the application must be denied.



If you believe that the regulation does not accurately reflect where aquaculture should or should not be allowed, I recommend that you propose an amendment to the regulations. Unless and until the regulation is amended, however, I recommend that it be applied as written.

I am available to discuss tomorrow. Before 11:00 works best. I can be reached at (617) 257-0474. Thanks.

-Gregg

Gregg J. Corbo, Esq.  
KP | LAW  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654-1764  
F: (617) 654 1735  
[gcorbo@k-plaw.com](mailto:gcorbo@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

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---

**From:** Nancy Civetta <[Nancy.Civetta@wellfleet-ma.gov](mailto:Nancy.Civetta@wellfleet-ma.gov)>  
**Sent:** Monday, January 9, 2023 12:32 PM  
**To:** Carolyn M. Murray <[CMurray@k-plaw.com](mailto:CMurray@k-plaw.com)>; Gregg J. Corbo <[GCorbo@k-plaw.com](mailto:GCorbo@k-plaw.com)>  
**Cc:** Richard Waldo <[Richard.Waldo@wellfleet-ma.gov](mailto:Richard.Waldo@wellfleet-ma.gov)>  
**Subject:** WSD documents re Egg Island regulations

Dear Carolyn and Gregg,

Attached are the documents regarding the interpretation of the Town of Wellfleet's Shellfishing Policy and Regulations Section 7.4 on pages 20 and 21 in attached copy of regulations:

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.**

In particular, the Selectboard is interested to know whether as currently worded above, they could approve the grant extension proposed by Nick Sirucek. Packet attached.

In addition, given *Spillane v Adams* (attached) we believe that the upland owners of Sea Shells Condominiums do not have any claims here as their property would end at mean low water. You can see this using this -viewer that uses Mean Lower Low Water (screenshot attached):

<https://accolneaq.maps.arcgis.com/apps/webappviewer/index.html?id=44580fb87bdb479e87b21ced5b7176ca>

or this one that uses Mean Low Water (screenshot attached):

<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>

I had the photos done by drone in August at a 0.0 tide.

I am happy to get on a call to go over the documents provided and provide context to this request. My cell is 617-901-7193.

The Selectboard would like to review this at their meeting next Tuesday, Jan. 17.

Thank you,  
Nancy

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet  
C: 617-901-7193  
O: 508-349-0325  
E: [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)  
300 Main St.  
Wellfleet, MA 02667  
Check for news and updates on [Facebook](#).



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

IV

### PUBLIC HEARINGS

~ B ~

<b>REQUESTED BY:</b>	Shellfish Constable ~ Nancy Civetta
<b>DESIRED ACTION:</b>	To continue the public hearing for Stephen, Iris, and Benjamin Pickard's application for a proposed shellfish grant license extension #2000-2 ext. Egg Island.
<b>PROPOSED MOTION:</b>	I move to continue the public hearing for Stephen, Iris, and Benjamin Pickard's application for a proposed shellfish grant license extension #2000-2 ext. on Egg Island until the revised regulation 7.4 is approved and incorporated into the Town of Wellfleet Shellfishing Policy and Regulations.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition (s):
<b>VOTED:</b>	



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

DATE: March 30, 2023  
TO: Selectboard Members  
FROM: Nancy Civetta, Shellfish Constable  
RE: Stephen, Iris and Ben Pickard application for grant extension #2000-2 ext

Dear Selectboard members,

I have included the application package here again since this public hearing was originally continued to this date, but I am not submitting a memo addressing it. Instead, I would respectfully ask that you continue this public hearing until April 18, 2023. You will be reviewing and voting on a revised Section 7.4 of the Town of Wellfleet Shellfishing Policy and Regulations this evening, which is necessary to determine if this extension can be granted or not. The same date was advised to Nick Sirucek and Ross Scherma, who also have grant matters on Egg Island that will need your future review, and we scheduled the 17 grant holders who are renewing their licenses for Egg Island grants for April 18 as well. Thank you for being consistent. I look forward to taking these all up together at your next public hearing on April 18.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta  
Shellfish Constable

[wellfleet-ma.gov/shellfish-department](http://wellfleet-ma.gov/shellfish-department)

Phone (508) 349-0325



Fax (508) 349-0305

RCVD 1.3.2023

APPLICATION FOR SHELLFISH GRANT LICENSE

DATE: December 20<sup>th</sup> , 2022

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

Name Stephen Pickard, Iris Pickard, & Benjamin Pickard  
Address 25 Holbrook Ave/Box 622  
Wellfleet, Ma 02667

Telephone 508-332-0422 (cell) 508-349-6417 (home)

Approximate location of proposed grant license area:  
West of 2000-2 & 2000-3 west side of Egg Island  
South of 2000-1 EXT.  
North of 2000-3 EXT.

Desired size of proposed grant license area:  
1.08 Acres

GENERAL INFORMATION

Previous shellfishing experience:

Stephen Pickard  
Grant holder for 22 years  
Shellfish License holder  
for 41 years

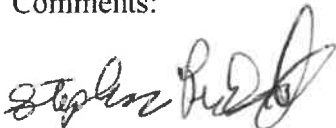
Iris Pickard  
Grant holder for 6 years  
Shellfish License holder  
for 14 years  
Bachelor of Science in  
Marine Biology and  
Aquaculture  
Shellfish Hatchery Lab  
Technician 5 Years

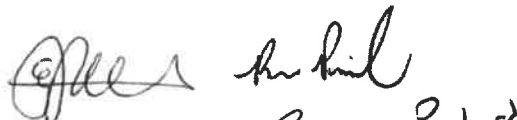
Benjamin Pickard  
Grant holder for 6 years  
Shellfish License holder  
for 11 years  
Bachelor of Arts in Marine  
Biology and Aquaculture

How long have you had a shellfish permit (commercial/non-commercial)?  
Stephen 41 years , Iris 14 years, Benjamin 11 years

How long have you lived in Wellfleet?  
Domicile of Wellfleet for my whole life 55 years, 26 years, 23 years

Comments:

  
Signature of Applicant

  
Iris Pickard Benjamin Pickard

Shellfish Constable

STEPHEN PICKARD, IRIS PICKARD, BEN PICKARD

TOWN OF WELLFLEET SHELLFISH DEPARTMENT  
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant <sup>s are</sup> is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant <sup>are</sup> is 18 years of age or older.
- Approval of this application will not result in the applicant <sup>s</sup> having more than 7 acres leased to them for aquaculture within the Town's waters.

N/A  All other licensees <sup>→ same licensees</sup> named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.

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

N/A  If applicant is applying for a lease on private property, permission from the owner has been obtained.

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 this license. Applicant shall submit copies of state-filed catch reports, OR,

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.

N/A  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.

For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.

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

The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#)

ALL ARE  
CURRENT  
GRANT  
HOLDERS

and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

## FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

### SECTION 1: DEFINITIONS

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

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

**Resident** - A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. 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.

### **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.

At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

To: Wellfleet Selectboard

From: Stephen Pickard, Iris Pickard & Benjamin Pickard

Date: December 20<sup>th</sup> , 2022

I, Stephen Pickard, Iris Pickard and Benjamin Pickard, Agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,



Stephen Pickard



Iris Pickard



Benjamin Pickard



# AQUACULTURE DESCRIPTION FORM

Clear Fields

Name: Last Pickard First Stephen, Iris & Benjamin M.I. \_\_\_\_\_

Business Name (optional): \_\_\_\_\_

Mailing Address Box 622

City/Town Wellfleet State MA ZipCode 02667

Telephone 5083496417 Cell Phone 5083320422

E-Mail Address uptowngiript@comcast.net

## A. SITE DESCRIPTION

Location of proposed aquaculture license site(s) and access routes (Include a site map in USGS 1:24,000 or 1:25,000 format with site boundaries clearly outlined and both current and historic Massachusetts Department of Environmental Protection (MassDEP) mapped eelgrass layers depicted on the map. The [MA-ShellFAST](#) tool may be used for generating the map and measuring distances/acreage).

City/Town: Wellfleet

Shellfish Growing Area (SGA): CCB 11

# of Acres: 1.08

Site boundaries defined by latitude and longitude in decimal degrees (i.e. 42.36115°, -71.057083°):  
N 60° 41.92451 -70.04878 41.924 -70.04864 41.92411 -70.04824 41.92386 -70.04816  
N 151° 41.92437 -70.0493 41.923673 -70.048845 41.924099 -70.049228  
NSA N58 N157  
NEN 11 NEN 12

Have you conducted a survey of the site (Y/N)? Yes  Date? 11/22/2022

Method of Survey:  
Walk with shellfish constable and harbor master

Average Depth at Mean Low Tide (MLW): 1 ft

Mean High Tide (MHW): 11 ft

The site is located in an:  intertidal area;  subtidal area;  spans both intertidal and subtidal areas.

What type of sediment or bottom substrate is on the site? (Benthic Habitat Conditions):  
sand

---

Is eelgrass currently present on or within twenty-five (25) ft. of the proposed site<sup>1</sup> (Y/N)? N

If eelgrass is present or currently/historically mapped by DEP within the shellfish growing area, what is the shortest distance to actual or mapped eelgrass from the proposed site? N/A ft.

Are there shellfish currently on the site (Y/N)? No

If yes what species and approximate densities?

---

Is the proposed grant site located within an [Area of Critical Environmental Concern](#) (ACEC) (Y/N)?

YES

Is the proposed grant site located within [Natural Heritage Endangered Species Project](#) (NHESP) mapped habitat (Y/N)? *If yes, you must submit a MESA Project Review Checklist to NHESP.*

No

Is the proposed grant site located within an [Outstanding Resource Waters](#) (Y/N)? No

Is there an [Environmental Justice \(EJ\) population](#) located within 1-mile of the project site (Y/N)?

No

***If so, please complete the attached supplement to this form for projects located within 1-mile of EJ populations.***

Describe whether alternative locations were considered and identify the siting criteria used to select this site and the characteristics of the site that make it suitable for aquaculture use. It may be helpful for this evaluation to be based on the siting criteria identified in DMF's Shellfish Planting Guidelines and the Army Corps of Engineers General Permit for Aquaculture.

Has the site been used for private shellfish propagation within the last two years (Y/N)? No

Has the site been used for municipal shellfish propagation within the last two years (Y/N)? No

1. Proposed aquaculture license sites with eelgrass present within the footprint or within 25 ft. of eelgrass will not be granted certification by DMF.

## B. SPECIES TO BE CULTURED

What species of shellfish do you plan to cultivate? (Select all that apply)

- Eastern Oyster
- Quahog or Hard Clam
- Softshell Clam or Steamer
- Surf Clam
- Razor Clam
- Bay Scallop
- Blue Mussel
- Other \_\_\_\_\_

Do you propose on-bottom placement of cultch or spat on shell on the site (Y/N)? No



If yes, explain.

## C. GEAR

What methods of culture will be used (specify by species if necessary)?

On- bottom       Off- bottom submerged       Off- bottom floating

Describe the type of gear to be utilized for each species to be cultured, include dimensions (Cages, Racks, Trays, Bags, Nets, Floating): ***Depending on the gear type used, the project may require additional permitting by the Massachusetts Department of Environmental Protection (MassDEP). Consult with your Harbormaster, and if needed, with the MassDEP Waterways Program.***  
100' x14' Tenax netting held down with ½" rebar & rebar "U" hooks for Quahog racks and bags for oysters

---

\*Include with your submission of this form a site map on a USGS 1:24,000 map with site boundaries clearly outlined and a cross-section schematic of the gear to be deployed on the site. 3

If you will utilize floating gear, what measures will you take to deter birds (bird deterrence plan required)?

- Spikes
- Zip ties
- Kites/streamers
- Faux predators
- Wire cage exclusion
- Sweeps/spinners
- Sonic deterrents
- Other

Please describe your bird deterrence plan:

---

What methods will you utilize to harvest shellfish? (Hand, Drag, Other) Please describe:  
Hand rake and Bull rake

---

How will the proposed license site be marked? (Buoy color, Type, Lines, Anchor)  
20 inch fluorescent yellow balls with grant number affixed with screw anchors

---

How will you access the license site?

By boat, truck and foot

---

What equipment do you plan on utilizing to maintain the license site and transport product?

Vehicle: Make: Chevrolet Model: Silverado

Boat: Make: Carolina Skiff Model: 24

Will any accessory structures be used on the license site? (barge, float, upweller, etc.)

No

---

Will this be a seasonal operation (gear and product removed from site in winter) or year-round?

year-round operation

Please include any additional information here:

*All oyster racks will be removed in winter.*

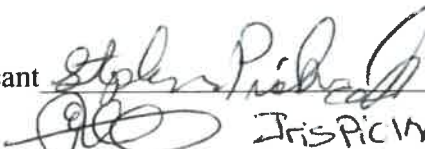


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#### D. CUMULATIVE IMPACTS

After voting to grant the site license at a duly advertised public hearing (M.G.L. c.130 §60), the Select Board of the municipality must submit a request for site certification to the Division of Marine Fisheries (DMF). A site inspection that may include a site survey will be performed by DMF. If DMF determines that issuance of the site license and operational activities thereunder will have no substantial adverse impacts to natural resources and existing fisheries, DMF will issue a conditional certification letter to the municipality and include a summary table that identifies other existing and conditionally certified aquaculture sites, gear types, and acreage within the same embayment as the proposed site.

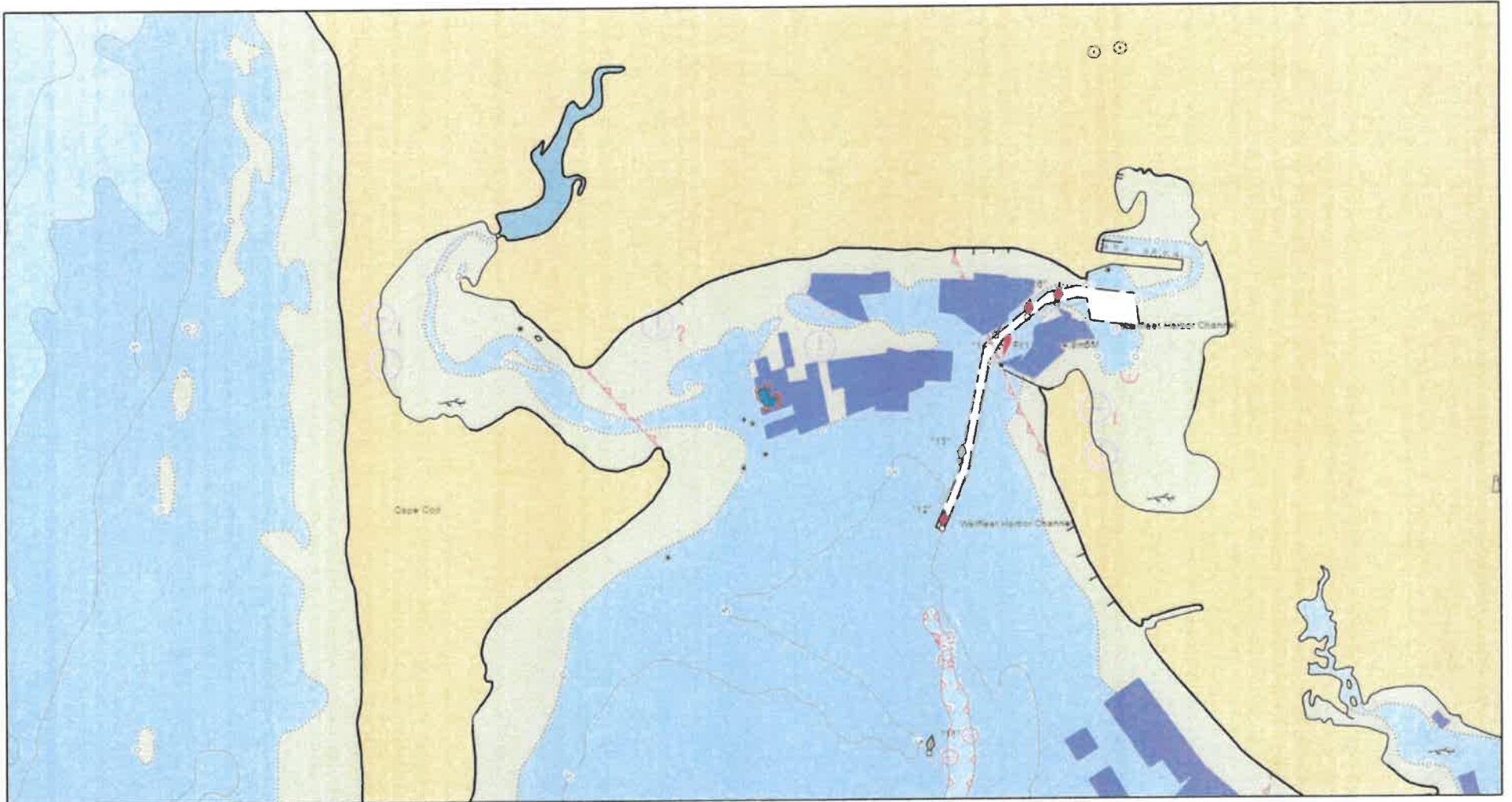
This table will be used to assess cumulative impacts if the project is subject to environmental review by the Massachusetts Environmental Policy Act (MEPA) Office and should be submitted as an attachment with your MEPA filing. If the project is subject to the MEPA Special Review Procedure (SRP), the applicant hereby acknowledges and agrees to following the procedures set forth in the SRP. The SRP can be viewed [here](#).

All information furnished on this application is true and accurate to the best of my knowledge. I will notify the Division Marine Fisheries Shellfish Sanitation and Management Program immediately of any changes.




Signature of Applicant  Date 11/3/23  
 Iris Pickard  
 Benjamin Pickard

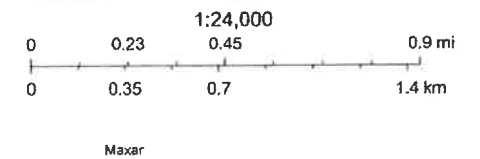
Division of Marine Fisheries  
ATTN: Aquaculture Coordinator  
706 South Rodney French Boulevard  
New Bedford, MA 02744  
Phone: (508) 742-9766

# Stephen Pickard



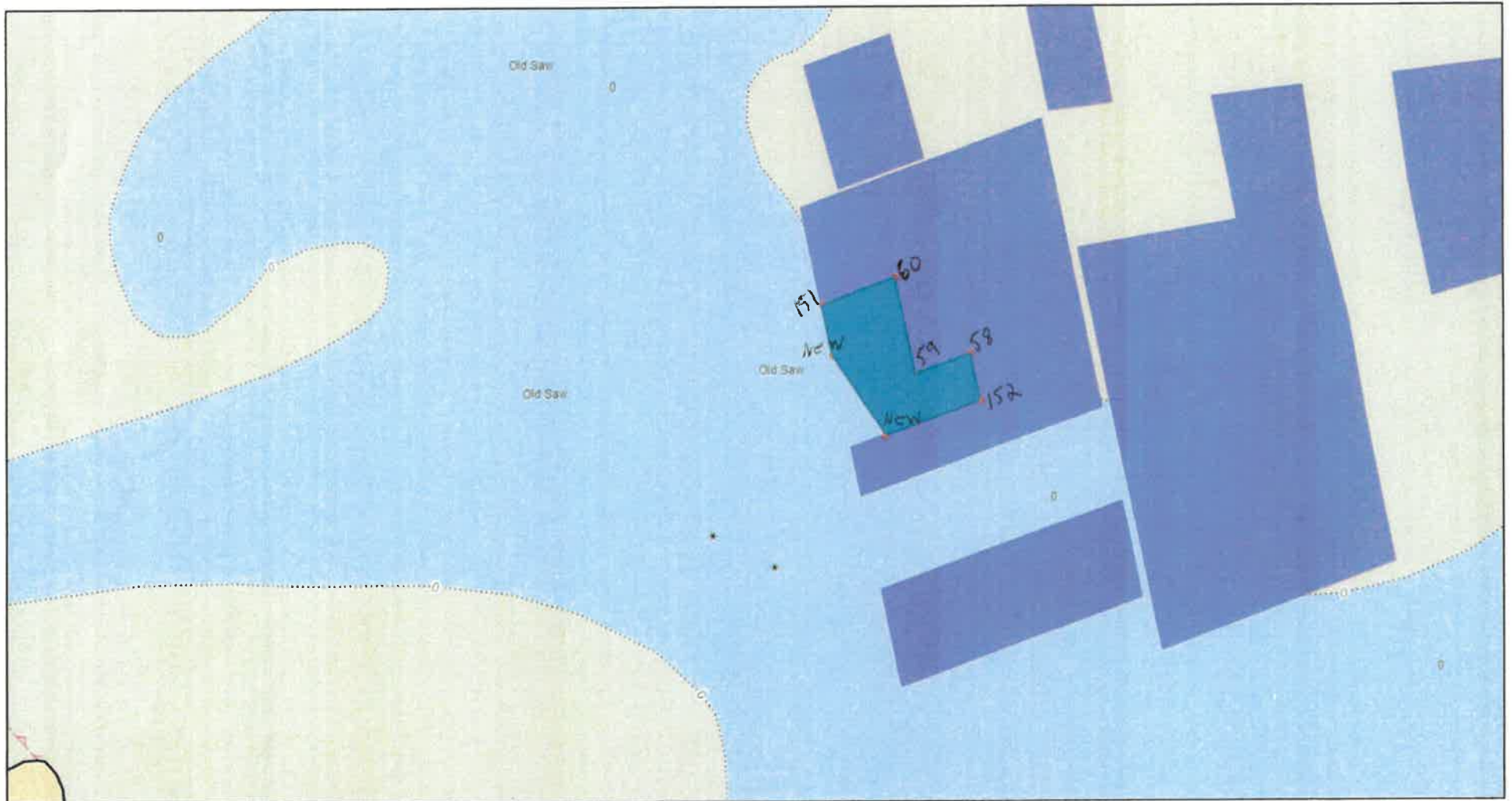
12/18/2022, 8:27:54 PM

-  Override 1
  -  "100"points with marker number
- Aquaculture
-  Shellfish



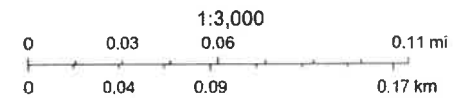


# Stephen Pickard



12/18/2022, 8:27:49 PM

- █ Override 1
- "100"points with marker number
- Aquaculture
  - █ Shellfish



Maxar, Microsoft





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

V

### LICENSES

<b>REQUESTED BY:</b>	<b>Executive Assistant ~ Rebekah Eldridge</b>
<b>DESIRED ACTION:</b>	<b>To approve the 2023 Seasonal Alcohol Licenses</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the 2023 Seasonal Alcohol Licenses for the following businesses.</b> <ul style="list-style-type: none"><li>• Wellfleet Beach Comber</li><li>• Ceraldi</li><li>• Chequessett Yacht &amp; Country Club</li><li>• Wellfleet Wine &amp; Spirits</li><li>• Harbor Stage Company</li><li>• Bob's Sub N Cone</li><li>• Wellfleet Flea Market</li><li>• Wellfleet Marketplace</li></ul>
<b>Project</b>	Moved By: _____ Seconded By: _____  Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



Commonwealth Of Massachusetts  
Alcoholic Beverages Control Commission

Jean M. Lorizio, Esq.  
Commission Chairman

2023  
Retail License Renewal

License Number: 00001-RS-1348 Municipality: WELLFLEET  
License Name : Beachside Management LLC License Class: Seasonal  
DBA : Wellfleet Beachcomber License Type: Restaurant  
Premise Address: 1120 Cahoon Hollow Road Wellfleet, MA License Category: All Alcoholic Beverages  
02667  
Manager: Todd E Lebart

I hereby certify and swear under penalties of perjury that:

- 1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
- 2. The renewed license is of the same class, type, category as listed above;
- 3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
- \* 4. The premises are now open for business (if not, explain below).

T E Lebart  
Signature

3/24/23  
Date

TODD E. LEBART  
Printed Name

MGR.  
Title

Additional Information:

\* Seasonal Business - open 5/25/23 for the season.

Please sign this form only in the month of March and return to your Local Licensing Authority.





Commonwealth Of Massachusetts  
Alcoholic Beverages Control Commission

Jean M. Lorizio, Esq.  
Commission Chairman

2023  
Retail License Renewal

License Number: 00061-RS-1348

Municipality: WELLFLEET

License Name : Ceraldi Inc

License Class: Seasonal

DBA : Ceraldi

License Type: Restaurant

Premise Address: 15 Kendrick Avenue Wellfleet, MA 02667

License Category: Wines and Malt

Manager: Michael Ceraldi


I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Printed Name

  
\_\_\_\_\_  
Title

Additional Information:

Please sign this form only in the month of March and return to your Local Licensing Authority.





Commonwealth Of Massachusetts  
Alcoholic Beverages Control Commission

Jean M. Lorizio, Esq.  
Commission Chairman

2023  
Retail License Renewal

License Number: 00062-GP-1348

Municipality: WELLFLEET

License Name : Chequessett Yacht And Country Club  
Inc

License Class: Seasonal

License Type: General On-Premises

DBA : Chequessett Yacht And Country Club

License Category: All Alcoholic Beverages

Premise Address: 675 Chequessett Neck Road Wellfleet, MA  
02667

Manager: Barry K McLaughlin

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

*Barry K. McLaughlin*

Signature

*March 15, 2023*

Date

*Barry K. McLaughlin*

Printed Name

*General Manager*

Title

Additional Information:

Please sign this form only in the month of March and return to your Local Licensing Authority.





Commonwealth Of Massachusetts  
Alcoholic Beverages Control Commission

Jean M. Lorizio, Esq.  
Commission Chairman

2023  
Retail License Renewal

License Number: 00028-RS-1348 Municipality: WELLFLEET  
License Name : Chequessett Yacht And Country Club License Class: Seasonal  
Inc License Type: Restaurant  
DBA : Chequessett Yacht And Country Club  
Premise Address: 680 Chequessett Neck Road Wellfleet, MA License Category: All Alcoholic Beverages  
02667  
Manager: Barry K McLaughlin

The CLUB INTENDS to Support a TRANSFER of  
this LICENSE to Cuddy Kitchens,

I hereby certify and swear under penalties of perjury that:

Paul Stepanick,  
OWNER

- 1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
- 2. The renewed license is of the same class, type, category as listed above;
- 3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
- 4. The premises are now open for business (if not, explain below).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Additional Information:

Please sign this form only in the month of March and return to your Local Licensing Authority.





Commonwealth Of Massachusetts  
Alcoholic Beverages Control Commission

Jean M. Lorizio, Esq.  
Commission Chairman

2023  
Retail License Renewal

License Number: 90091-PK-1348

Municipality: WELLFLEET

License Name : EKDANTA PACKAGE CORP.

License Class: Seasonal

DBA : Wellfleet Wine & Spirits

License Type: Package Store

Premise Address: 2568 Route 6 Wellfleet, MA 02667

License Category: All Alcoholic Beverages

Manager: Manishaben Marfatia

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

M. N. Marfatia  
Signature

3/23/23  
Date

Manisha. N. marfatia  
Printed Name

Manager.  
Title

Additional Information:

Please sign this form only in the month of March and return to your Local Licensing Authority.





Commonwealth Of Massachusetts  
Alcoholic Beverages Control Commission

Jean M. Lorizio, Esq.  
Commission Chairman

**2023**  
**Retail License Renewal**

License Number: 00059-GP-1348                      Municipality: WELLFLEET  
License Name : Harbor Stage Co Inc                      License Class: Seasonal  
DBA : Harbor Stage Company                      License Type: General On-Premises  
Premise Address: 15 Kendrick Avenue Wellfleet, MA 02667                      License Category: Wines and Malt  
Manager: Brenda Withers

I hereby certify and swear under penalties of perjury that:

- 1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
- 2. The renewed license is of the same class, type, category as listed above;
- 3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
- 4. The premises are now open for business (if not, explain below).

*Robert Kroft*  
Signature  
Robert Kroft  
Printed Name

3/16/25  
Date  
Vice President  
Title

Additional Information:  
*Seasonal June-Sept*

Please sign this form only in the month of March and return to your Local Licensing Authority.



**Commonwealth Of Massachusetts  
Alcoholic Beverages Control Commission**

Jean M. Lorizio, Esq.  
Commission Chairman

**2023  
Retail License Renewal**

License Number: 00060-RS-1348

Municipality: WELLFLEET

License Name : Rookies Inc

License Class: Seasonal

DBA : Bobs Sub N Cone

License Type: Restaurant

Premise Address: 814 State Highway Wellfleet, MA 02667

License Category: All Alcoholic Beverages

Manager: Robert Nelson

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

  
\_\_\_\_\_  
Signature

3/10/2023  
Date

ROBERT A NELSON  
Printed Name

3/10/2023  
Title

Additional Information:

**Please sign this form only in the month of March and return to your Local Licensing Authority.**









Commonwealth Of Massachusetts  
Alcoholic Beverages Control Commission

Jean M. Lorizio, Esq.  
Commission Chairman

2023  
Retail License Renewal

License Number: 00022-PK-1348

Municipality: WELLFLEET

License Name : Wellfleet Marketplace Inc

License Class: Seasonal

DBA : Wellfleet Marketplace

License Type: Package Store

Premise Address: 295 Main Street Wellfleet, MA 02667

License Category: All Alcoholic Beverages

Manager: Robert W Medeiros

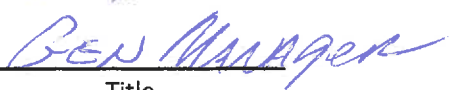
I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

  
Signature

  
Date

  
Printed Name

  
Title

Additional Information:

Please sign this form only in the month of March and return to your Local Licensing Authority.





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

V

### LICENSES

~ B ~

<b>REQUESTED BY:</b>	<b>Wellfleet Beachcomber ~ Todd LeBart, Manager</b>
<b>DESIRED ACTION:</b>	<b>To approve the use of an auxiliary tent for food and alcohol service on the south side of the building, for the 2023 season.</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the Wellfleet Beachcomber having an auxiliary tent on the south side of the building to be used for food and alcohol service, as they have in the previous two-years.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**T H E B E A C H C O M B E R**



**C A H O O N H O L L O W B E A C H , C A P E C O D**  
**PO Box 1409, Wellfleet, Ma. 02667 508-349-6055**  
**www.thebeachcomber.com**

March 21, 2023  
Wellfleet Selectboard  
300 Main St.  
Wellfleet, MA 02667

Re: Licensing for an auxiliary "tent"

Ladies and Gentlemen:

Beachside Management LLC dba Wellfleet Beachcomber hereby requests licensing for an auxiliary tent to be located on premises and to be used for food and alcohol service. The tent would be located in the parking lot on the south side of the building and would be utilized in the same way as the one that was licensed for the last 2 years.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Todd E. LeBart'.

Todd E. LeBart, Mgr.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

VI

### USE OF TOWN PROPERTY

~ A ~

<b>REQUESTED BY:</b>	<b>Jonathan Phillips &amp; Katie Savoy</b>
<b>DESIRED ACTION:</b>	<b>To approve the use of Baker's Field Pavilion for a wedding on September 24, 2023; 10am -10pm</b>
<b>PROPOSED MOTION:</b>  <b>Summary:</b>	<b>I move to approve the use of Baker's Field Pavilion on September 24, 2023 from 10am to 10pm, for a fee to be determined once the public hearing for change of fees has been held. The applicant is responsible for trash clean up and rental of portable toilets. The area is to be left in the same condition as it was found.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____  Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELFLEET
300 MAIN STREET
WELFLEET, MA 02667

Applicant Jonathan Kells Phillips & Katie Savoy Affiliation or Group

Telephone Number (646) 339-0710 Mailing Address 527 W Mariposa Ave., Sierra Madre, CA 91024

Email address , katiesavoy@gmail.com , jonathankellsphillips@gmail.com

Town Property to be used (include specific area) Mayo Beach Recreation Pavilion (for reception party) & Mayo Beach (for short, informal wedding ceremony (no chairs or structures required, except temporary seats for the elderly.))

Date(s) and hours of use: June 24th, 2023 10:00 am – 10:00 pm (including time for party set-up & clean-up / load-out)

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by applicant.

Event: Katie & Jonathan's informal, kid-friendly, all-day / early-evening Wedding Gathering, hangout and party!

Size: Roughly 150 people, including roughly 40 kids. Equipment: Small music band for dancing, possibly a jazz group

Food & Beverage: Picnic-style luncheon, possible Food Truck, Small Bar area with alcohol & soft drinks.

Parking: Possibly hoping to park elderly guests at Mayo Beach (10 - 20 cars), but will arrange group transportation, carpools, & van drop-off for remaining guests & kids.

Describe any Town services requested (police details, DPW assistance, etc.)

Requesting Wellfleet Town Recreation Staff assistance with party set-up and oversight, as well as Wellfleet Police Detail (as required for alcohol permit), possible rental of additional Porta-Potties (as required or allowed by Town of Wellfleet), also interested in possibilities for an extra tent rental, for shade and/or rain protection, next to the Pavilion.

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

Approved as submitted

Approved with the following condition(s):

Disapproved for following reason(s):

Date:

Processing Fee: \$50.00

Fee:

(over)

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b>  Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b>  Comments/Conditions:  Permits/Inspections needed:
--	---

<b>Police Department:</b> <i>OK Chief Hurley</i> Comments/Conditions: <i>- Detail Officer Required</i>	<b>Fire Department:</b> <i>OK - Chief Pauley</i> Comments/Conditions:
---	---

<b>DPW:</b> <i>OK - per Jay Norton</i> Comments/Conditions	<b>Community Services Director:</b>  Comments/Conditions:
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<b>Harbormaster:</b>  Comments/Conditions	<b>Shellfish:</b>  Comments/Conditions
---	--

<b>Recreation:</b>  Comments/Conditions	<b>Town Administrator:</b>  Comments/Conditions
---	---

## Rebekah Eldridge

---

**From:** Jonathan Kells Phillips <jonathankellsphillips@gmail.com>  
**Sent:** Monday, March 20, 2023 8:39 PM  
**To:** Hillary Lemos; James Badera; Michael Hurley; Rich Pauley; Theresa Townsend; Jay Norton; Suzanne Thomas; will.sullivan@wellfleet-ma.gov; Nancy Civetta; Becky Rosenberg; Jonathan Kells Phillips; Katie Savoy; Rebekah Eldridge  
**Subject:** Fwd: Use of town property  
**Attachments:** Wedding 2023 Wellfleet Use of Property Application.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Wellfleet Town Dept. Heads & Staff,

I'm sending you all an update on the "Use of Town Property" application we submitted last October, to hold our wedding celebration at the Baker's Field Pavilion in Wellfleet Harbor, on June 24th, 2023.

My goal here is to update you all on the progress we've made booking vendors for our event, and to provide our "floor plan" for use of the site, so that I can address any outstanding issues or concerns.

Ideally, I'd love to get individual Department approvals completed soon, so that we can put our application onto the schedule for the Select Board, and be fully approved and ready to roll by mid-late April.

We are eager to lock in the final details of this event, but it all starts with knowing that we have your approval to have our wedding celebration on Kendrick Ave.

Thanks so much for your support and assistance.

### Our Vendors:

Tents & Dinnerware: Marilyn Rodrigues <https://partycapecod.com/>

Caterer: Bob Oldsman at White's Catering <https://www.theknot.com/marketplace/whites-catering-brewster-ma-956011>

Tables & Furniture Rentals: Charlene <https://truenortheventrentals.com/>

Flowers & Greenery: Nat Taylor <https://birdhaven.biz/>

Porta Potties: <https://aheadwithclass.com/>

Music: Jeremy Curran, Manager <https://www.theknot.com/marketplace/red-soda-boston-ma-2067325>

Bar Services: Daniel & Erin <https://www.dandelion-barcar.com/>

### 1) SCHEDULE:

Our event is scheduled to begin at 4pm and the music will end at 10pm on Saturday, June 24th at the Baker's Field Pavilion at 70 Kendrick Ave., Wellfleet.



Naturally, there will be vendor set-up required during midday on Saturday, but several vendors will arrive with self-contained units requiring only a parking space on site, not a lot of set-up. For example, our "BarCar Trailer" and "Porta-Potty Trailer" are fully self-contained.

Becky Rosenberg has wisely suggested that our tent rental company, "Party Cape Cod", would set up our main event tent a day or two in advance of Saturday, so that it can be safety-checked and ready for the event on the 24th.

We will also employ a member of Becky's staff from the Rec Dept. on site, to act as our Liaison and contact person throughout the event's set-up & until clean up is complete.

During the event itself, our Caterer, Bob Oldsman, will act as a General Party Manager, and will help us coordinate between other vendors for the event.

## **2) EVENT TENT PLACEMENT, SEATING & EGRESS, PARTY LAYOUT:**

I'm attaching a few Google Earth sketches here, which show where we propose to set up our main event tent from "Party Cape Cod", as well as our Catering Tent, our "Bar Trailer," and our "Porta-Potty Trailer."

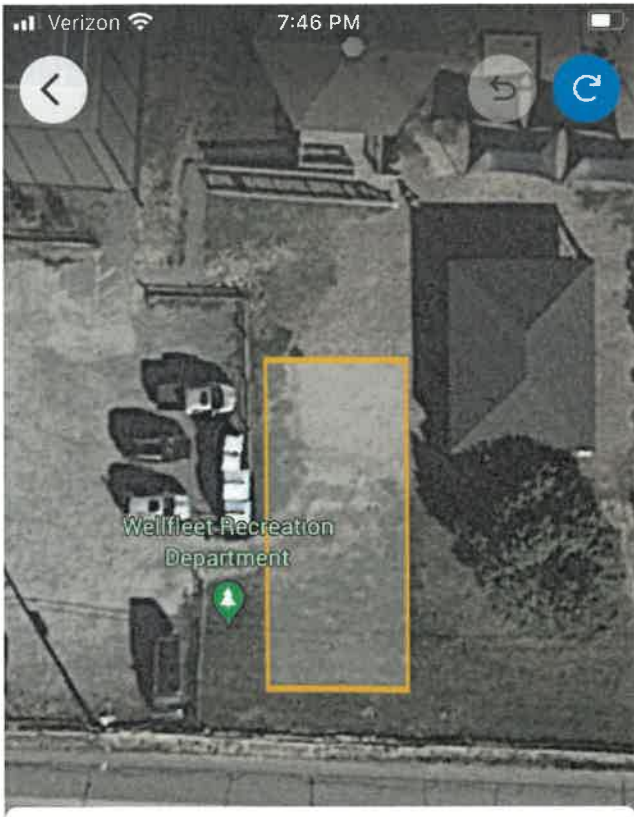
All dig-safe and permitting arrangements will be coordinated with "Party Cape Cod," per the instructions of the Wellfleet Building Dept., and apparently, "Party Cape Cod" has done the "Oyster Fest" in Wellfleet in the past and they are well-acquainted both with the park at Baker's Field, and the necessary procedures for setting up the tent, to code.

<https://partycapecod.com/product/30-x-30-frame-tent/>

Our tent will be 30' x 70', with 20 farm tables rented from "True North Rentals", to seat 10 guests each. We are waiting for our RSVP's on April 1st, but we expect between 150-200 guests for a buffet-style dinner.

<https://truenortheventrentals.com/products/tables/>

In the event of inclement weather, we've reserved Side Walls for 2 sides of the large event tent, to screen us from wind and wet coming in off the harbor, but leaving the tent open on 2 sides, towards the Wellfleet pavilion. For fire safety and building regulations, we would expect a free flow of guests on the north and east sides of the tent, and hopefully, we won't use the side walls at all, if the weather permits!



Perimeter ?

200 ft ▾

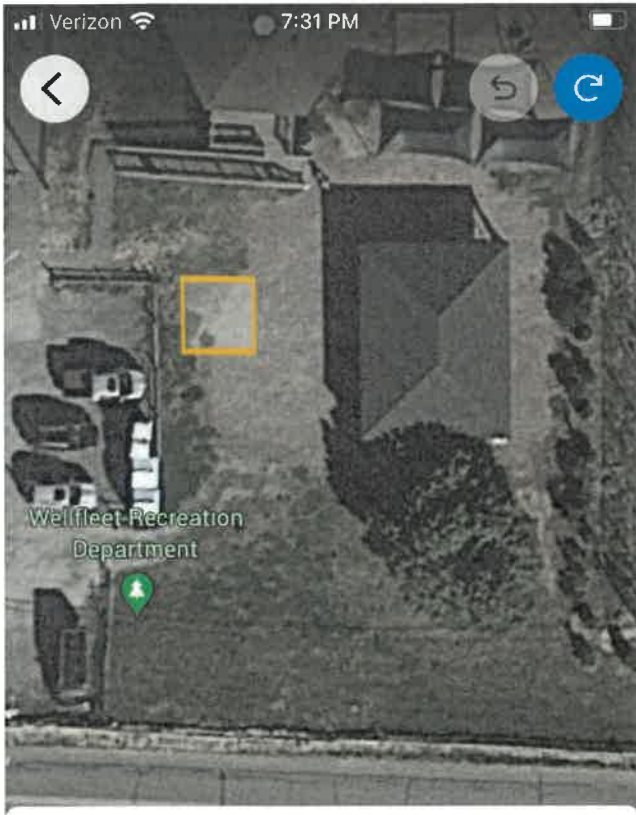


Area

2,098 ft<sup>2</sup> ▾



Our caterer is Bob Oldsman at "White's Catering," and he will also require a small, 15' x 15' food-prep tent, which we propose to situate near the corner of the parking lot, across from Becky's office building, leaving access open to the pavilion bandstand and the playground areas.



Perimeter ?

59.9 ft ▾



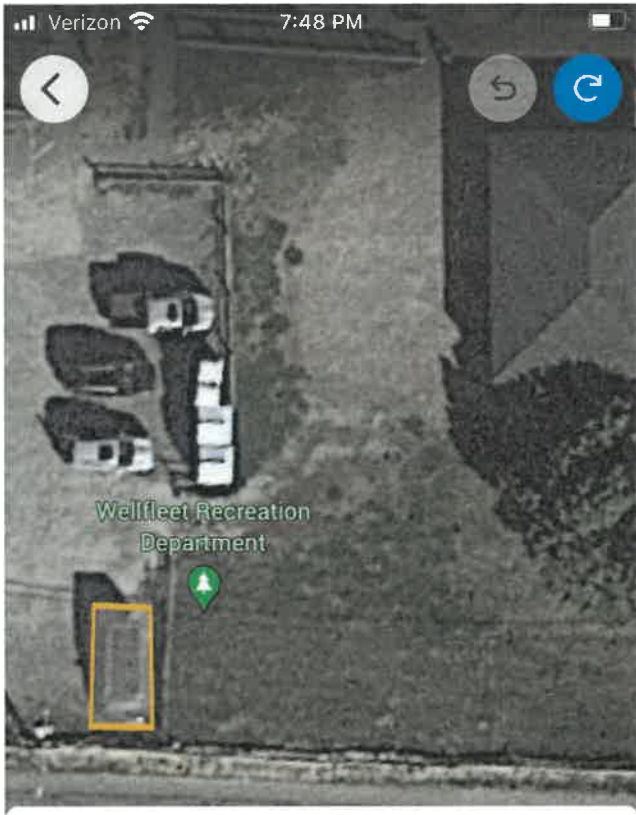
Area

224 ft<sup>2</sup> ▾



Our porta-potties are a 3-Unit Trailer, rented from "Ahead with Class." Becky Rosenberg & I scouted locating this trailer at the southeast corner of the parking lot, to tuck into the corner and also take advantage of the shore power hookup, near the telephone pole there, to power the trailer. The trailer should be not much longer than a standard van, and easy to back up & park neatly next to the split-rail fence.

<https://aheadwithclass.com/comfort-trailer/>



Perimeter ?

58.7 ft ▾



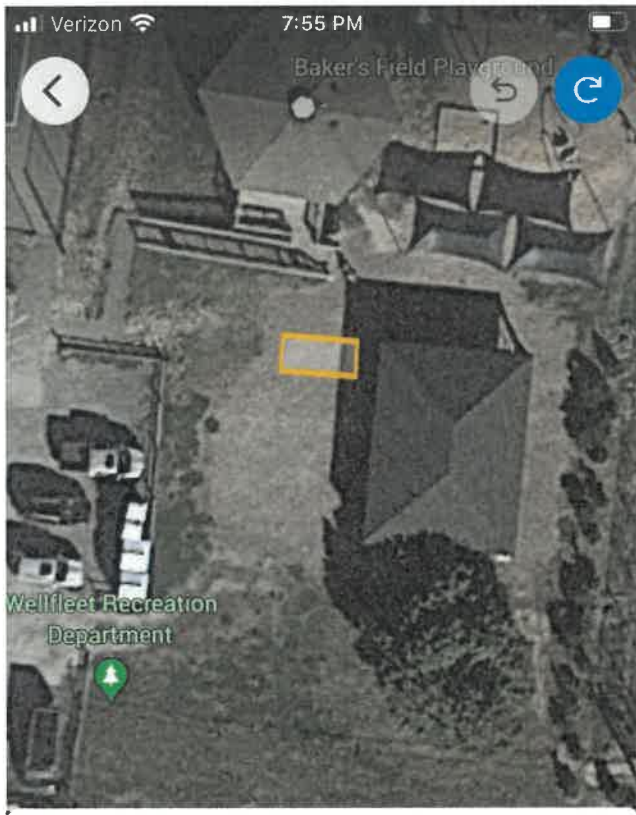
Area

190 ft<sup>2</sup> ▾



Finally, our "BarCar Trailer" has been rented from "Dandelion Bar Car" and will allow us to keep all alcohol in a controlled environment, and served by a licensed bartender from "Dandelion Bar Car". To accommodate our guests, and prevent confusion with the general public, we propose to use "Festival Wrist Bands" to identify members of our party, and those of drinking age for our vendor and the Wellfleet Police Dept. The precise location of that trailer could potentially be near the bandstand, at the northwest corner of the pavilion, or somewhere further towards Kendrick Ave., potentially near the tree, closer to the eastern-most tennis court.

<https://www.dandelion-barcar.com/>



Perimeter ?

44.7 ft ▾



Area

108 ft<sup>2</sup> ▾



### 3) TRASH & CLEAN UP

We understand we take full responsibility for clean-up and recycling, and we aim to reach out to the Frazier Company for the rental of refuse and recycling containers. We are dedicated to making our wedding celebration as "green" as possible, and are committed to vendors and solutions that will minimize waste and our event's footprint at the Wellfleet Baker's Field park.

### 4) MUSIC:

We have hired the "RED SODA" Band to play for our celebration, with some ambient solo guitar as background music from 4pm to about 5pm, and a 7-piece band of mostly Boston-based musicians playing from 5:30 until 9:30, with breaks, and perhaps a little time for "encores" until 10pm. Per noise requirements of the Town, we have indicated to our band that all music, live or DJ, will end promptly at 10pm, and their load-out from the bandstand can begin.

<https://www.theknot.com/marketplace/red-soda-boston-ma-2067325>

### 5) BRIEF GATHERING ON MAYO BEACH:

~~Our "wedding ceremony" will be a very short gathering, roughly 10-15 minutes, which we'd like to hold on Mayo Beach around 5:00 - 5:15pm. We propose to lead our guests across the designated crosswalk on Kendrick Ave. and down onto~~

the beach, to stand by the water for some short readings by friends and family, and then return across Kendrick Ave. to the event tent for dinner.

Thanks again for your kind consideration, and I look forward to working with Becky and all of you to make this a fun, safe, and memorable event in one of my favorite spots on the entire planet: Wellfleet Harbor.

With warm regards,

Jonathan Kells Phillips & Katie Savoy

----- Forwarded message -----

From: Jonathan Kells Phillips <[jonathankellsphillips@gmail.com](mailto:jonathankellsphillips@gmail.com)>

Date: Tue, Oct 25, 2022 at 1:11 PM

Subject: Fwd: Use of town property

To: [hillary.lemos@wellfleet-ma.gov](mailto:hillary.lemos@wellfleet-ma.gov) <[hillary.lemos@wellfleet-ma.gov](mailto:hillary.lemos@wellfleet-ma.gov)>, <[james.badera@wellfleet-ma.gov](mailto:james.badera@wellfleet-ma.gov)>, [michael.hurley@wellfleet-ma.gov](mailto:michael.hurley@wellfleet-ma.gov) <[michael.hurley@wellfleet-ma.gov](mailto:michael.hurley@wellfleet-ma.gov)>, <[rich.pauley@wellfleet-ma.gov](mailto:rich.pauley@wellfleet-ma.gov)>, <[theresa.townsend@wellfleet-ma.gov](mailto:theresa.townsend@wellfleet-ma.gov)>, <[jay.norton@wellfleet-ma.gov](mailto:jay.norton@wellfleet-ma.gov)>, [suzanne.thomas@wellfleet-ma.gov](mailto:suzanne.thomas@wellfleet-ma.gov) <[suzanne.thomas@wellfleet-ma.gov](mailto:suzanne.thomas@wellfleet-ma.gov)>, <[will.sullivan@wellfleet-ma.gov](mailto:will.sullivan@wellfleet-ma.gov)>, <[nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)>, Becky Rosenberg <[becky.rosenberg@wellfleet-ma.gov](mailto:becky.rosenberg@wellfleet-ma.gov)>

Cc: Jonathan Kells Phillips <[jonathankellsphillips@gmail.com](mailto:jonathankellsphillips@gmail.com)>, Katie Savoy <[Katiesavoy@gmail.com](mailto:Katiesavoy@gmail.com)>

Hello, Wellfleet !

My name is Jonathan Kells Phillips, & I'm writing to touch base with each of you, as Department Heads, to make sure you have the information you need for my "Application for Use of Town Property" for next June 24, 2023!

My fiancée Katie & I have been delighted to work with Becky Rosenberg at the Recreation Dept. the last few weeks, to begin putting together ideas for a relaxed, family-friendly wedding celebration next June, which we hope to hold at the Pavilion across from Mayo Beach, near Wellfleet Harbor, at 70 Kendrick Ave.

To assist the application approval process, I'm hoping to make sure I understand each of your Department's requirements, and to clarify or amend our application accordingly!

The application, as it was originally submitted to the Town Administrator earlier in October, is attached to this email.

Please feel free to reach out to me or Katie by phone or email with any specific requirements, questions, or concerns you may have, and we'll aim to answer them quickly, or address them by adjusting our party plans!

Some extra notes, for your information, further to our application:



- We've recently contracted with Bob Oldsman at "White's Catering" to help us serve a buffet-style meal for our guests.
- We are looking to reserve an appropriately-sized tent for our gathering with either "Party Cape Cod" or "Bayside Tents," which we propose to set up next to the Wellfleet Pavilion structure, depending on the requirements of the Town Building Dept. regarding the possibility of setting up in that open space, and the availability of tents with these Vendors.
- We expect roughly 150 guests, including roughly 20 kids that will be delighted by the playground and nearby Mayo Beach!
- Our application states our timeframe as 10:00 a.m. to 10:00 p.m., but that was only my estimation because I was trying to allow time for initial set-up and final clean-up. In reality, we would invite our guests to arrive to the Pavilion around 4pm, for an afternoon and early-evening celebration, before many of the smaller kids will need to get to bed! We expect to wrap up our party by 10:00pm, with clean-up and break-down by Vendors to be scheduled per the Town's requirements.
- Becky Rosenberg suggested that whichever company provides a tent for us could set it up on Friday evening, June 23rd, to be ready for Saturday... (assuming that's allowed by the Building Dept.). This would avoid having to set-up during the park's "busy hours" on Saturday morning and midday.
- We will assume a contract for Porta-Potties for our event, we just need to clarify how many are required for a gathering of this size, and whether there are Vendors you prefer we work with for this service.
- We assume we'll need a Police presence and a permit to serve alcohol under or near the Wellfleet Pavilion, but I'm not clear whether we need to submit that permit application separately?
- We'd love to have a small band play music for some of the afternoon or early evening, but nothing loud or crazy! Probably a jazz band or a great band for dancing...
- We are hoping to invite our guests to join us on Mayo Beach for a BRIEF ceremony, probably about 10-15 minutes, and then return the party across Kendrick Ave. to the Pavilion for food and dancing. We would only ask to bring a few light chairs or benches to help seat the elderly, everyone else will stand on the beach. Again, not sure whether this would require a separate Use of Town Property application to the Beach Dept., or can be included in the application we've submitted?

Thank you for your consideration, and I look forward to working with you all to celebrate in Wellfleet next June, in the park where I grew up playing Sunday-morning Softball with all ages, and near the theater my mother, Florence H. Phillips, helped start back when it was the original "Wellfleet Harbor Actors Theater"...

Warm regards,

Jonathan Kells Phillips & Katie Savoy  
(646) 339-0710 (JKP cellphone)

----- Forwarded message -----

From: **Rebekah Eldridge** <[Rebekah.Eldridge@wellfleet-ma.gov](mailto:Rebekah.Eldridge@wellfleet-ma.gov)>  
Date: Tue, Oct 25, 2022 at 8:40 AM  
Subject: Use of town property  
To: [Katiesavoy@gmail.com](mailto:Katiesavoy@gmail.com) <[Katiesavoy@gmail.com](mailto:Katiesavoy@gmail.com)>, [jonathankellsphillips@gmail.com](mailto:jonathankellsphillips@gmail.com)  
<[jonathankellsphillips@gmail.com](mailto:jonathankellsphillips@gmail.com)>

Good Morning,

I am emailing to let you know that we have received your use of town property for the pavilion. It has not gone in front of the Selectboard for approval as it needs to be signed off and approved by all department heads and when they received your application there were many questions and concerns. Before you are able to have your event you need to talk to each one of them individually and discuss your plans and what will be required of you. Below is a list of department heads that need to approve of this before you are able to hold an event.

Hillary Lemos: Health and Conservation Agent

(508)349-0308 ~ [Hillary.lemos@wellfleet-ma.gov](mailto:Hillary.lemos@wellfleet-ma.gov)

James Badera: Building Commissioner

(508) 349-0309 ~ [James.Badera@wellfleet-ma.gov](mailto:James.Badera@wellfleet-ma.gov)

Michael Hurley: Police Chief

(508)349-3702 ~ [Michael.Hurley@wellfleet-ma.gov](mailto:Michael.Hurley@wellfleet-ma.gov)

Rich Pauley: Fire Chief

(508)349-3754 ~ [rich.pauley@wellfleet-ma.gov](mailto:rich.pauley@wellfleet-ma.gov)



Jay Norton: DPW Director

(508)349-0315 ~ [jay.norton@wellfleet-ma.gov](mailto:jay.norton@wellfleet-ma.gov)

Suzanne Thomas: Community Service Director

(508)349-0324 ~ [Suzanne.thomas@wellfleet-ma.gov](mailto:Suzanne.thomas@wellfleet-ma.gov)

Will Sullivan: Harbormaster

(508)349-0320 ~ [will.sullivan@wellfleet-ma.gov](mailto:will.sullivan@wellfleet-ma.gov)

Nancy Civetta: Shellfish Constable

(508)349-0325 ~ [Nancy.civetta@wellfleet-ma.gov](mailto:Nancy.civetta@wellfleet-ma.gov)

Becky Rosenberg: Recreation Director

(508)349-0314 ~ [becky.rosenberg@wellfleet-ma.gov](mailto:becky.rosenberg@wellfleet-ma.gov)

Please reach out if you have any questions

Rebekah



Rebekah L . Eldridge

Executive Assistant to the Town Administrator

(508) 349-0300 ext 1100

774-383-2609 (cell)

M-F 8am-12noon; 1pm-4pm



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

VI

## USE OF TOWN PROPERTY ~ B ~

<b>REQUESTED BY:</b>	Patrick Lentell
<b>DESIRED ACTION:</b>	To approve the improved route for Second Summer Cycle, LLC Road Race, September 12, 2023
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	I move to approve the Second Summer Cycle, LLC Road Race on September 12, 2023, from 10:30am – 2:30pm; following the amended route and having the 6 detail officers as discussed with the police department.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____  Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY**

**TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667**

Applicant Second Summer Cycle, LLC                      Affiliation or Group Cape Cod Chamber of Commerce \_\_\_\_\_

Telephone Number 508-280-7903 \_\_\_\_\_                      Mailing Address 5 Patti Page Way, Centerville, MA 02632 \_\_\_\_\_

Email address infor@goldensummerenterprises.com \_\_\_\_\_

Town Property to be used (include specific area) Roads through Wellfleet \_\_\_\_\_  
\_\_\_\_\_

Date(s) and hours of use: Septemper 17, 2023 from approximately 10:30 a.m. to 2:30 p.m. \_\_\_\_\_  
\_\_\_\_\_

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by applicant.

See attached description \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe any Town services requested (police details, DPW assistance, etc.)

Need to sit down with police and work out where police details will  
Pbe. \_\_\_\_\_  
\_\_\_\_\_

**NOTE TO APPLICANTS:** All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

\_\_\_\_\_ Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Processing Fee: \_\_\_\_\_ \$50.00 \_\_\_\_\_

Fee: \_\_\_\_\_

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b>  Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b>  Comments/Conditions:  Permits/Inspections needed:
--	---

<b>Police Department:</b> <i>ok - Chief Skerley</i> Comments/Conditions: <i>Applicant working w/ Lt LaRoco route has been okayed 6 officers will be detailing</i>	<b>Fire Department:</b> <i>ok Chief Paulley</i> Comments/Conditions:
--	--

<b>DPW:</b> <i>ok - Jay Norton</i> Comments/Conditions	<b>Community Services Director:</b>  Comments/Conditions:
--	---

<b>Harbormaster:</b>  Comments/Conditions	<b>Shellfish:</b>  Comments/Conditions
---	--

<b>Recreation:</b>  Comments/Conditions	<b>Town Administrator:</b>  Comments/Conditions
---	---

## Rebekah Eldridge

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**From:** W Patrick Lentell <patrick.lentell@gmail.com>  
**Sent:** Monday, March 27, 2023 8:05 AM  
**To:** Rebekah Eldridge  
**Subject:** Re: Change of Route

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rebekah:

Attached are the routes for the Second Summer Cycle, I am rather sure they all comply with the request to get off Route 6 earlier and get on the Rail Trail. Hopefully these are satisfactory.

- **30 Mile Plus:** <https://ridewithgps.com/routes/41645332>
  - **Metric Century plus with rail trail:** <https://ridewithgps.com/routes/42240007>
  - **Almost a Century with rail trail:** <https://ridewithgps.com/routes/42146952>
  - **Fast Route:** <https://ridewithgps.com/routes/42248598>. If you need any more information, let me know. Thanks. Pat Lentell

On Sun, Feb 5, 2023 at 4:06 PM W Patrick Lentell <[patrick.lentell@gmail.com](mailto:patrick.lentell@gmail.com)> wrote:

Rebekah:

I have redone the route based upon the Selectman's meeting request. I think it complies with all of the concerns. The only one I am not sure of is the turn on to LeCount Hollow Road and the water stop I was planning at LeCount Hollow.

I can have the ride turn a little earlier and get on to the Rail Trail and stay on it up until LeCount Hollow and turn off the Rail Trail on to LeCount Hollow. I will put the water stop on Ocean View after the turn off of Lecount Hollow.

If it is appropriate for me to talk with one of your officials directly, I am more than happy to.

Thanks for your assistance.

Pat

--  
W. Patrick Lentell  
[patrick.lentell@gmail.com](mailto:patrick.lentell@gmail.com)  
508-280-7903  
PO Box 2017  
Cotuit, MA 02635

--

W. Patrick Lentell

[patrick.lentell@gmail.com](mailto:patrick.lentell@gmail.com)

508-280-7903

PO Box 2017

Cotuit, MA 02635

# Second Summer Cycle

## A Charity Ride

### What:

**An exciting new event. A ride covering 10 of the 15 towns on Cape Cod benefitting more than 20 non-profits on Cape Cod. Three distances in the event. A Century, A Metric Century Plus, and a 30 mile Plus. With a major celebration at Motta Field. As part of your registration fee you will receive \$30 in tickets to be used at least at 4 different food trucks (your choice). Barnstable Brewing will be there for those that want a cool beverage after, with Second Summer Cycle Cans as memorabilia.**

**You don't want to miss it!!!**

### When:

**September 17, 2023**

### Where:

**The Century starts in Mashpee, The Metric Century in Sandwich and the 30 Mile Plus in Orleans. All of the rides end in Provincetown at Motta Field. With a major celebration at Motta Field. As part of your registration fee you will receive \$30 in tickets to be used at least 4 different food trucks. Barnstable Brewing will be there for those that want a cool beverage after, with Second Cycle Cans as memorabilia.**

### Links for the rides maps are as follows:

Century: <https://ridewithgps.com/routes/41630782>

Metric Century: <https://ridewithgps.com/routes/41630632>

30 Mile Plus: <https://ridewithgps.com/routes/41645332>

The Century and the Metric Century offer a version that allows you to take the Rail Trail for part of the ride.

Century with Rail Trail option: <https://ridewithgps.com/routes/41630820>

Metric Century with Rail Trail option: <https://ridewithgps.com/routes/41630905>

**There is also going to be a fast group of up to 50 riders who can average 20 miles per hour that will do the Century. They Will start 10 minutes before the main group of riders for the Century.**



**By Whom:**

Put on by the **Cape Cod Chamber of Commerce**, it is to become their signature event, with **We Can** and **Golden Summer Enterprises**.

The goal is to provide the safest most enjoyable ride on **Cape Cod**.

**Benefits:** All monies raised by the riders will be paid directly to the beneficiaries. Riders are expected to raise \$250.00 each, each team is expected to raise \$5,000.00.

**Teams:** We Can, Youth Athletic Foundation (YAF), Cotuit Center for the Arts, YMCA

**Pricing:**

Century Fast Group: \$170.00 until April 1, then \$180.00

Century: \$120.00 until April 1, then \$130.00

Metric Century: \$90.00 until April 1, then \$100.00

30 Mile Ride: \$60.00 until April 1, then \$70.00

**Return to the starts:**

Bus transportation will be provided back to the starts along with trailers for your bikes. If you wish you can have someone meet you at the finish and they can buy tickets to be used at the Motta Field and join you in the celebration.

**Water and food stops:**

There will be water and food stops every fifteen miles or so.

**Marshalls:**

We will have marshalls at every turn.

**Support services:**

We will have bicycle shops providing Sag services along the whole course.

**Motorcycle Patrol:**

We will have motor cyclists patrolling the whole course.

**Medical Support:**

We will have medical support at all water stops.

**Come join us for a great ride, a great day and great fun. A good friend of mine says it is worth training for, beautiful scenery, a great route, a great after party and benefits a lot of great non-profits. A must do.**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

# VII

### BOARD/COMMITTEE APPOINTMENTS AND UPDATES

~ A ~

<b>REQUESTED BY:</b>	<b>Dredging Task Force</b>
<b>DESIRED ACTION:</b>	<b>To be presented with the Dredge Area II Mitigation Update</b>
<b>PROPOSED MOTION:</b>	<b>No motion is needed at this time.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## Wellfleet Harbor – Area 2 Dredging Update USACE Permit/Mitigation Plan

### **Background Information**

A US Army Corps of Engineers (USACE) Permit is required to dredge Wellfleet harbor – Area 2 (South Mooring Field). Federal USACE regulations require either a permit fee of approximately \$13.5 million or an acceptable mitigation plan to offset the 23.4 acres that will be disturbed by the dredging.

Recent discussions with USACE have resulted in a 28-acre mitigation plan that is acceptable to USACE.

### **Mitigation Plan Parameters**

USACE is looking for the Town to prepare and present a plan with performance metrics around population, density, biodiversity, and eco-system uplift. USACE is amenable to a phased implementation:

- Phase 1 Site – Fourteen (14) acres in the Herring River, below the dike and below the current prohibited area. A Chapter 91 permit for cultching is already in place, therefore this area can be cultched in 2023. The Shellfish Department will also add 80,000 to 100,000 seed oysters as spawning stock. The restricted area will be closed to shellfish harvest. Phase 1 HR1 Site can be re-opened after Phase 2 BF 1 Site has been established (i.e., an initial cultch in BF 1) and a report for HR 1 has been submitted to USACE as part of the relinquishment request.  
Refer to attached map.
- Phase 2 Site – Twenty-Eight (28) acres in Blackfish Creek. This site requires an amended Chapter 91 permit for cultching. Upon receipt of the necessary permits, cultching can begin, most likely in 2024. As the efficacy of the cultching program is confirmed, the designated Phase 1 Site (Herring River) will be replaced by the 28 acres in Blackfish Creek. Once the Phase 1 (Herring River) acreage has been subsumed by the Phase 2 Site (Blackfish Creek), there will no longer be a designated mitigation site in the Herring River – all 28 acres required by the mitigation plan will be in Blackfish Creek.  
Refer to attached map.

### **Propagation Plan**

Propagation activities will be implemented by the Shellfish Department, which plans to deploy eight to 10 strips of cultch in the Phase 2 BF 1 Site mitigation area each year, as well as 80,000 to 100,000 seed oysters as spawning stock. The area will need to re-open after three years, according to MADMF regulations. The year before the opening, the Shellfish Department will stock it with contaminated quahogs in order to realize their spawning potential. The Shellfish Department will work with the shellfishing community to determine the best opening period.

Wellfleet Harbor – Area 2 Dredging Update  
USACE Permit/Mitigation Plan

**Monitoring Plan**

Monitoring the mitigation plan parameters will be for approximately 5 years, depending upon the results. Adjustments to the plan (e.g., the amount and locations for cultch, introduction of brood stock, etc.) will be defined in an Adaptive Management Plan. The mitigation, monitoring, and adaptive management plans will be developed by the Town and presented to the USACE for acceptance.

**2023 Area 2 Dredging Schedule**

- Implementation of the initial phase of the mitigation plan is a condition precedent to the start of dredging. Cultching in the Phase 1 Site satisfies this requirement.
  
- Town of Wellfleet must have a dredging contract in place by June 30, 2023, to receive the \$2.5 million EOHED Grant Funds that were awarded in 2022.
  
- Dredging Contract Award Schedule:
  - Advertise for public bids - April 20, 2023.
  - Issue bid package - April 26, 2023.
  - Bids due - May19, 2023.
  - Resolve any questions and solicit Selectboard approval prior to June 30, 2023.
  - Award contract by June 30, 2023.

Wellfleet Harbor – Area 2 Dredging Update  
USACE Permit/Mitigation Plan

Maps

Phase 1 Site – HR 1







830 ft

Google

Wellfleet Harbor – Area 2 Dredging Update  
USACE Permit/Mitigation Plan

**Phase 2 Site – BF 1**







Drummer Cove

Pleasant Point

Old Wharf Point

Wellfleet Harbor – Area 2 Dredging Update  
USACE Permit/Mitigation Plan

**Site Coordinates**

Dredging mitigation area polygon vertex coordinates for two areas:

HR 1 - HRDMA = Herring River Dredging Mitigation Area

BF 2 - BCDMA = Blackfish Creek Dredging Mitigation Area

NAME	LAT	LONG
HRDMA 1	41.924856	-70.069953
HRDMA 2	41.925533	-70.070817
HRDMA 3	41.929117	-70.066233
HRDMA 4	41.928463	-70.065362
BCDMA 1	41.910246	-69.996663
BCDMA 2	41.911261	-69.994135
BCDMA 3	41.911771	-69.992431
BCDMA 4	41.912243	-69.990863
BCDMA 5	41.911889	-69.990615
BCDMA 6	41.911449	-69.990365
BCDMA 7	41.910579	-69.99199
BCDMA 8	41.910038	-69.992183
BCDMA 9	41.909794	-69.992859
BCDMA 10	41.909327	-69.993362
BCDMA 11	41.909623	-69.993779
BCDMA 12	41.909948	-69.993556
BCDMA 13	41.910296	-69.993962
BCDMA 14	41.910282	-69.994321
BCDMA 15	41.909648	-69.994434
BCDMA 16	41.908602	-69.994524
BCDMA 17	41.908091	-69.995124
BCDMA 18	41.906713	-69.996511
BCDMA 19	41.908741	-69.996737



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023



### BOARD/COMMITTEE APPOINTMENTS AND UPDATES

~ B ~

<b>REQUESTED BY:</b>	<b>Cable, Internet, Cellular Advisory Committee</b>
<b>DESIRED ACTION:</b>	<b>To present the board with a broadband path plan for the Town of Wellfleet</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve and proceed with the Municipal Fiber Grant Program application as presented in the packet.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## FY2023 Municipal Fiber Grant Program Wellfleet Beach Access Project - Draft

*All applications must be received by April 14, 2023 at 12:00pm.*

**Have you applied for a municipal fiber grant in the previous year?**

No

**Were you awarded**

N/A

**What is the name of your community?**

Wellfleet

**Grant Contact**

Rebecca Roughley  
Asst. Town Administrator  
508-349-0349 X1112  
[Rebecca.Roughley@wellfleet-ma.gov](mailto:Rebecca.Roughley@wellfleet-ma.gov)

**Name of person representing the community who would sign a grant contract if awarded**

Rebecca Roughley  
Asst. Town Administrator

**Is this multi-jurisdictional?**

No

### How will the 5% match be provided

The 5% match will be provided by in-kind services and cash.

In-kind services will include 1) project management, 2) provision and removal of trash receptacles by Wellfleet DPW during construction, and 3) Wellfleet PD police details to provide safety services to construction crews. This value is estimated at \$20,000.

In addition, Wellfleet will cover the balance of end-point equipment costs not covered by this grant. Wellfleet's cash contribution is projected at approximately \$10,000.

The total value of Wellfleet's match is estimated at \$30,000, representing 12% of a grant amount of \$250,000, substantially above the 5% threshold.

### Purpose - Project Description

- **Beach Access Project ('BAP')**

This project has been designated as the Beach Access Project ('BAP') and seeks to connect Wellfleet's four ocean beaches to the existing Wellfleet Municipal Fiber Optic Network (WFON) in two separate phases. Phase I and II can be conducted independently and do not rely upon each other. This application pertains only to Phase I

- **BAP Phase I**

BAP Phase I connects three of Wellfleet's four ocean beaches to the existing Wellfleet Municipal Fiber Optic Network (WFON), including certain endpoints to provide WiFi coverage at each beach. The included beaches are Lecount Hollow, White Crest Beach and Cahoon Hollow. Cost and logistics determined the selection of beaches for Phase I.

- **BAP Phase II**

BAP Phase II connects Newcomb Hollow, the remaining of Wellfleet's four ocean beaches, to the existing Wellfleet Municipal Fiber Optic Network, including certain endpoints to provide WiFi coverage. Coverage at Newcomb Hollow requires a different route for cabling. Cost considerations deferred Newcomb to Phase II.

- **BAP Equipment**

Any grant balances in excess of cable installation costs will be directed to end-point hardware, notably antennas and related equipment. The Town of Wellfleet shall provide the balance of necessary funding to purchase end-point equipment not otherwise covered by this grant.

**What is the specific impact of this project? If "Other", please explain.\***

- **Fill in dangerous geographic data-access dark spots.**

Wellfleet beaches are bordered by high dunes. These create coverage shadows, preventing cell tower signals from reaching beach level.

As a result, none of the ocean beaches has meaningful voice or data coverage.

The project will remedy this deficiency by providing voice and data coverage to the designated beaches.

**Project Benefits**

**What is the specific impact of this project? If "Other", please explain.\***

- **Improve Beach User Safety**

The project will increase public safety connectivity both on the beach and through beach-to-base communications. This will reduce lifeguard, police and EMT response times, thereby reducing the potential for loss of life.

Currently, lifeguards lack timely communications to request assistance related to beach usage risks, including rip tides and other drowning risks, sand-related risks like dune collapses, and prompt intervention in the event of shark attacks. In the case of shark attacks, this is critical, as victims have a high risk of death due to blood loss while waiting for EMTs. Better communications reduces this risk.

- **Better Maintenance of Public Order on the Beaches**

Lack of communications impedes timely police response at beach level related to maintaining public order. The new system would allow more rapid and comprehensive police intervention to maintain public safety and order, as may be necessary.

**Measures of Success - what defines success for this project? Describe how the success of the project will be evaluated. Please include expected measurable improvements in service delivery or efficiency. \***

- **Reliable Communications and Reduced Response Time at Wellfleet Ocean Beaches**

Achieving reliable communications on the beaches among our public safety personnel is our chief metric of success.

Presently, there are certain areas where no installed technology is efficacious and any connectivity will be a measurable improvement. In other areas, only some cellular networks will work, but radios are deficient. With a fiber optic network, we can deploy data access points that any wifi-enabled device can access

We anticipate significant improvement to emergency response time, more efficacious

communications in times of high crowd control demand, and more accurate marine predator monitoring.

### Miles of New Fiber

Approximately 5.0 Miles

### Number of New Municipal Locations Served

BAP Phase I: 3 ocean beaches (LeCount Hollow, White Crest, Cahoon Hollow)  
BAP Phase II (not included here): 1 ocean beach (Newcomb Hollow)

### Project Budget

#### Indicative Contractor Price Quote for Cable Installation (attached)

Site Surveys, Design and Engineering: Included  
Materials: \$ 75,202.75  
Labor: \$ 147,380.00  
Trucks and Equipment: \$ 3,625.00  
Certification Warranty and Engineering Documentation: Included  
Total included in Contractor Scope of Work: \$ 226,207.75

#### Beach End-Point Hardware (3 beaches)

Engineering \$3,000  
Poles \$9,000  
Antennas and switches \$21,000  
Total end-point costs: \$33,000  
Included in this application: \$23,792.25

#### Total Project

Total Grant Request: \$250,000  
Town Cash Contribution: \$9,705.75

**Total Project Budget (excluding in-kind contributions): \$259,705.75**

### Project Timeline

#### 2023-2024

Assuming a grant award around mid-year, we would hope to issue an RFP by September and choose a contractor in October. We understand cable fiber backlogs extend 20-24 weeks, which would imply construction begins in May 2024, with project completion and commissioning targeted for early June 2024.

Our overall goal is to have the system up and operating for the 2024 summer season.

### **Additional Comments**

The need is real and immediate and we are doing everything possible to provide our safety personnel the coverage they need to keep the public safe. The Town relies on a high degree of confidence in the safety of our beaches to thrive as a summer resort community. We are committed to take the necessary steps to raise the bar and continue to earn our community's trust.

The increase in predatory marine life, including white sharks, has scared the public. Our experience in Wellfleet has unfortunately demonstrated that these fears are not misplaced.

The increase of intoxicated beachgoers has made control of our beaches more challenging. Further, our aging population is more prone to require health and safety intervention while on the beach.

All of these challenges can be monitored and addressed more effectively with a robust data network and powerful monitoring tools.

DRAFT





Town of Wellfleet  
Scope of Work ITC 68  
Fiber Optic Municipal Area Network  
Addition – Beaches

<b>Prepared by:</b>	Comm-Tract 235 Summer Road Bldg. 4 Boxborough, MA 01719	<b>Contact:</b>	Bryan Hopkins (781) 890-5070 x6952 bhopskins@comm-tract.com
<b>Date:</b>	March 22 <sup>nd</sup> 2023		

<b>Bid No.</b>	Wellfleet FMAN – Add Beaches V.02
<b>SPIN:</b>	143008129
<b>ITC 68:</b>	VC 6000166632
<b>FCC Registration:</b>	0024175408

<b>Bill To:</b>		<b>Ship To:</b>	
<b>Company:</b>	Town of Wellfleet	<b>Company:</b>	Town of Wellfleet
<b>Address:</b>	300 Main Street Wellfleet, MA 02667	<b>Address:</b>	300 Main Street Wellfleet, MA 02667
<b>Contact Name:</b>	Chris Burt	<b>Contact Name:</b>	Chris Burt
<b>Phone:</b>	(508) 744-1252	<b>Phone:</b>	(508) 744-1252
<b>Mobile:</b>	(508) 524-1339	<b>Fax:</b>	(508) 524-1339
<b>Email:</b>	<a href="mailto:cburt@barnstablecounty.org">cburt@barnstablecounty.org</a>	<b>Email:</b>	<a href="mailto:cburt@barnstablecounty.org">cburt@barnstablecounty.org</a>

**Description of Work**

This Scope of Work (SOW) that follows was developed in with information as provided by the Wellfleet IT personnel and has this information has been supplemented by previous field site surveys as conducted by Comm-Tract engineers.

Comm-Tract will provide and install the following fiber optic municipal area network (FMAN) additions:

**A. Site (Beaches) to be Added:**

1. Cahoon Hollow Beach
2. White Crest Beach
3. LeCount Hollow Beach

**B. Overview of the Project:**

1. The new sites will be added to the overall network as a one (1) new 12 strand count single mode fiber (SMF) laterals to the network backbone and installed aerially to the existing utility poles at each beach location.
2. New 36 count, and 12 count SMF will be added to the existing backbone of the Wellfleet network.
3. All work will be fully complete including all fiber splicing at the pole location for the fiber lateral into the building, the fiber entrance cable, the fiber termination panels, the connectors, and all other materials for a complete and fully functional fiber termination in the communications room of each



Town of Wellfleet  
Scope of Work ITC 68  
Fiber Optic Municipal Area Network  
Addition – Beaches

individual site.

4. The fiber optic municipal area network's passive optical design will accommodate all types of wireless, and/or Ethernet connectivity for future additional requirements on the core network.
5. The Network Hub Communications Room at the Fire Station will utilize the existing high-density Single Mode Fiber (SMF) SC/PC rack mount termination panel.
6. The new remote sites will each have one (1) 12- strand SMF SC/PC Single-mode wall or rack mount termination panel installed.
7. Both the backbone and lateral fiber cables will be field terminated using SC/PC single-mode connectors.
8. All backbone fibers throughout the network will be fusion spliced.
9. All optical testing will conform to industry standards.
10. The customer shall receive OTDR traces and Power Meter Test results at both 1310nm and 1550nm.
11. All test data will be compiled in electronic copy.

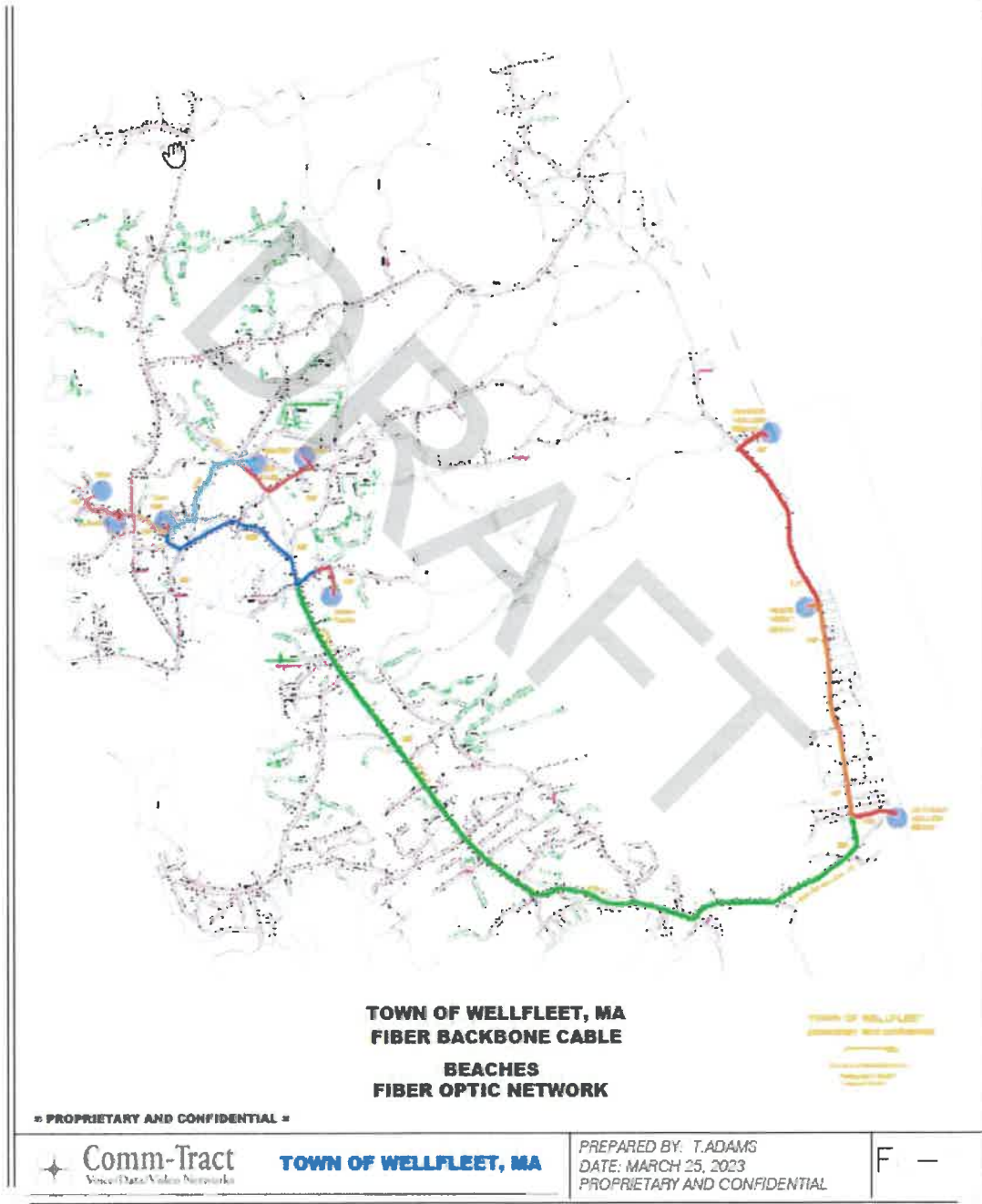
**C. Notes:**

1. The design of these network additions is a cascade star topology and all 12 fiber strands to each location will be assigned (spliced) and carried for the full length of the network route from the remote site to the Network Hub. The new additional backbone network SMF will be integrated into the existing network at the MSP on Rt 6 by the Senior Center.
2. Fiber strand assignments will be determined jointly with Wellfleet personnel prior to installation of the additional site.
3. Pricing assumes access to the aerial routes, and/or conduit systems is not restricted in any way, and Comm-Tract will have free and clear access for installation purposes.
4. Pricing assumes the Customer would utilize existing location agreements with the carrier and/or utility for rights to the municipal space on the poles for the route(s).
5. Pricing does not include any new conduit or riser construction at the beach locations and assumes aerial and/or underground pathways are available for installation purposes.
6. Pricing assumes the project is installed in one deployment. Should any site(s) not be ready for installation and require return trip(s) additional costs may apply.
7. Customer is responsible for providing trash receptacle for non-hazardous waste disposal of fiber cable scrap, wooden fiber reels, and corrugated shipping boxes.
8. Customer is responsible for their Police Department providing adequate Police Details to support the installation work by Comm-Tract. Should such Police Details not be available and cause interruption or delay of the installation work, Comm-Tract may delay the scheduled work, and/or pass through the costs of the trucks, crews, and equipment that are deployed and unable to perform the scheduled work due to lack of Police Details.



Town of Wellfleet  
 Scope of Work ITC 68  
 Fiber Optic Municipal Area Network  
 Addition – Beaches

**D. Overview Map:**





Town of Wellfleet  
Scope of Work ITC 68  
Fiber Optic Municipal Area Network  
Addition – Beaches

<b>Quantity</b>	<b>Bill of Materials Description</b>
-----------------	--

To be provided with submittals on the project

DRAFT



Town of Wellfleet  
Scope of Work ITC 68  
Fiber Optic Municipal Area Network  
Addition – Beaches

**Warranty Information - Technical and Compliance Notes:**

The Comm-Tract provided warranty and technical compliance with design and installation standards information is provided below as associated with this scope of work.

- Comm-Tract is a certified provider and partner for the Manufacturer and provides a 25 Year Warranty.
- The 25 Year Warranty commencing on the date of an accepted installation by the Customer covers all Manufacturer's products and materials, and covers the repair, and/or replacement of all installed components including, but not limited to fiber cable, fiber connectors, fiber patch panels, fiber jumpers and patch cords, and other materials as installed.
- The repair and/or replacement of any component in the certified and approved network solution as provided and installed by Comm-Tract under the 25 Year Warranty is provided at no cost to the Customer over the period of the 25 Year Warranty.

- Comm-Tract adheres to the following design and installation standards relative to the scope of work as provided.
- BICSI Design and Installation Applicable Standards
- Telecommunications Industry Association (TIA) Applicable Standards
- Electronics Industry Association (EIA) Applicable Standards
- ANSI/TIA/EIA – 568 Standards
- ANSI/TIA/EIA – 569 Standards
- TIA/EIA 604 Fiber Optic Standards
- TIA-492 Fiber Optic Installation Standards
- TSB-149 Fiber Optic Workmanship Standards
- IEEE 802.3 Standards





Town of Wellfleet  
 Scope of Work ITC 68  
 Fiber Optic Municipal Area Network  
 Addition – Beaches

**Pricing and Terms**

Customer agrees to the following payment schedule:

30% Initial Payment upon Delivery of Materials:	\$ 67,862.32
65% Payment upon actual Project Progress:	\$ 147,035.03
5% Final Balance upon Completion:	\$ 11,310.39

- The Project Price shall be subject to adjustment in the event of any mutually agreed upon written changes made to the Scope of Work.
- Prices are valid for 120-days.
- The Project Price does not include licensing of pole or underground facilities.
- The Project Price does not include police details.
- The Project Price does not include permitting if applicable.
- The Project Price does not include any new underground construction.
- The Project Price does not include any applicable taxes as the project is tax exempt.
- The Project Price includes shipping charges.
- The Project Price assumes access to each location is free and clear for installation and all sites are ready for installation under a single deployment. Should a site not be ready, and return trip(s) are required, additional charges will apply.
- Comm-Tract will perform during normal business hours – Monday through Friday, 7am to 3pm unless otherwise specified in the Description of Work.
- Customer hereby agrees to the terms and conditions set forth in the Scope of Work by signing below or issuing a Purchase order referencing this Scope of Work.
- This Scope of Work is governed by the terms and conditions of the Commonwealth of Massachusetts ITC 68 blanket contract.

<b>Site Surveys, Design and Engineering:</b>	Included
<b>Materials:</b>	\$ 75,202.75
<b>Labor:</b>	\$ 147,380.00
<b>Trucks and Equipment:</b>	\$ 3,625.00
<b>Certification Warranty and Engineering Documentation:</b>	Included
<b>Total</b>	<b>\$ 226,207.75</b>

<b>Customer Name:</b>	
<b>Authorized Signature:</b>	
<b>Name:</b>	
<b>Date:</b>	



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

# VIII

### BUSINESS

~ A ~

<b>REQUESTED BY:</b>	<b>Shellfish Constable ~ Nancy Civetta</b>
<b>DESIRED ACTION:</b>	<b>To make a decision with regard to a commercial shellfishing permit hardship exemption.</b>
<b>PROPOSED MOTION:</b>	<b>A motion is to be determined and will be made at the time of the meeting.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## MEMORANDUM

DATE: March 30, 2023  
TO: Town of Wellfleet Selectboard Members  
RE: Commercial shellfishing permit hardship exemption request from Shannon Bertrand

Dear Selectboard Members:

Shannon Bertrand is coming to you to request a hardship exemption because she missed applying for her commercial shellfishing permit by the January 31, 2023, deadline. Here are the specifications outlined in our Wellfleet Shellfishing Policy and Regulations:

### REGULATION 6.1.4. Hardship Exemption

The Board of Selectmen may at its discretion grant permits after January 31<sup>st</sup> if the applicant demonstrates **all three** of the following conditions:

- 1) that unusual circumstances existed which would reasonably excuse a failure to file an application prior to February 1st, and
- 2) that a substantial hardship would be caused by the refusal of a permit, and
- 3) 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.

Following is the letter submitted from Shannon Bertrand. Here are the points related to the above regulation.

- 1) She has never shellfished commercially before, so did not know there was a deadline for a commercial permit.
- 2) She states in her letter that she needs this income because she is currently unemployed after an injury. (She submitted a note from her doctor releasing her to go back to work as of February 6, 2023.)
- 3) We see no adverse effect on other shellfishermen.

The Shellfish Department is thrilled when a new shellfishermen enters the ranks and learns the ropes of this independent and accessible way to make a living. If approved, we will have her come in for a full orientation for commercial shellfishing, and she will need to attend the Mass. Division of Marine Fisheries vibrio meeting in Eastham in April. However, we leave it to your discretion whether to approve this or not.

Thank you.

Nancy Civetta  
Shellfish Constable

[wellfleet-ma.gov/shellfish-department](http://wellfleet-ma.gov/shellfish-department)

Phone (508) 349-0325

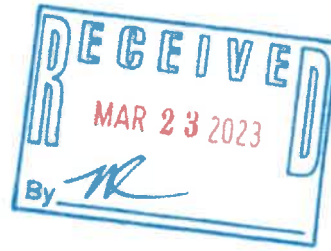


Fax (508) 349-0305



March 22, 2023

Shannon Bertrand  
15 Dow Drive  
Wellfleet



Dear Board of Selectman,

I am writing in hopes of obtaining a commercial shellfish license under the hardship exemption clause.

I am a lifelong, year round Wellfleet resident and homeowner, a Nauset Middle School teacher of 26 years, and the mother of a 12 year old boy.

I've been employed by Victoria Pecararo of Blue Rose Gardens in Wellfleet since 2021 when I decided to take a break from teaching.

Unfortunately I broke my wrist this past November and have been out of work since.

The hand surgeon cleared me to return to work in February at the same time that Blue Rose Gardens shut down until spring. As with most seasonal garden/landscape businesses on Cape Cod, the weather during the winter months does not lend itself to this profession.

I did not submit an application prior to the February 1st deadline because I was not aware of the steps involved in procuring one. I never considered shellfishing as a source of income until recently when friends encouraged me to apply knowing that I was looking for a job. I soon learned that I had missed the cut off date for submitting an application, but read that the hardship approach was an avenue.

Possessing this permit will afford me the opportunity to earn money during this difficult time without income.

I appreciate your considering me for this license.

Sincerely,

A handwritten signature in blue ink that reads "Shannon Bertrand".

Shannon Bertrand



**SELECTBOARD**  
**AGENDA ACTION REQUEST**  
Meeting Date: April 4, 2023

**VIII**

**BUSINESS**  
**~ B ~**

<b>REQUESTED BY:</b>	<b>KP Law</b>
<b>DESIRED ACTION:</b>	<b>To read and sign the determination and consent to multiple representation with KP Law for 80 State Highway</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the letter from KP Law giving the determination and consent with regard to Maurice's Campground (80 State Highway) and have the board sign the consent and send back to KP Law as soon as possible.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



*The Leader in Public Sector Law*

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Tel: 617.556.0007 | Fax: 617.654.1735  
[www.k-plaw.com](http://www.k-plaw.com)

March 23, 2023

**Carolyn M. Murray**  
cmurray@k-plaw.com

Hon. Ryan Derek Curley and  
Members of the Selectboard  
Wellfleet Town Hall  
300 Main Street  
Wellfleet, MA 02667

Re: Determination and Consent Pursuant to Massachusetts Rules of Professional Conduct, Rule 1.7 – Representation of the Town of Wellfleet and Eastham – 80 State Highway Maurice Campground Water Connection Inter-Municipal Agreement

Dear Members of the Selectboard:

You have requested that our office provide advice and assistance regarding a possible connection between the Town of Wellfleet’s 80 State Highway (“Maurice’s Campground”) property and the Town of Eastham’s water system (the “80 State Highway Connection”), which may also include the preparation and review of an Inter-Municipal Agreement (“IMA”). As you may know, KP Law, P.C. also serves as Town Counsel for the Town of Eastham.

Our relationship with the Town of Wellfleet and the Town of Eastham creates interests that require disclosure pursuant to the Rules of Professional Conduct of the Massachusetts Bar, which mandate that we obtain the express permission of the Appointing Authority of each of our clients before we can represent the other. The purpose of this letter is to make such disclosure and to request that you determine whether you will permit such representation. In addition, while the State Ethics Commission has determined that KP Law, P.C. and its individual attorneys are not “municipal employees” pursuant to the Conflict of Interest Law, we provide this letter to dispel any appearance of a conflict on the firm’s behalf in this matter.

#### MULTIPLE REPRESENTATION DISCLOSURE

The representation of multiple clients is regulated under the Massachusetts Rules of Professional Conduct. The relevant provision, Rule 1.7, states that an attorney may not represent multiple clients if the interests of one client are directly adverse to those of another client, or if his representation of one client may be materially limited by his responsibilities to another client or his own interests. If, however, the attorney reasonably believes that the representation of either client will not be adversely affected and each of the clients consents after consultation, the attorney may represent the client in such a situation.

Hon. Ryan Derek Curley and Members of the Selectboard  
March 23, 2023  
Page 2

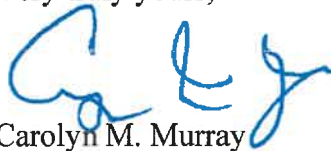
DETERMINATION

It is our belief that our position as Town Counsel for the Towns of Wellfleet and Eastham, and our work regarding the 80 State Highway Connection and any associated IMA, for all Towns, for the purposes and under the conditions described in this letter, does not create a concurrent conflict of interest and will not affect the exercise of our independent professional judgment on behalf of the Town of Wellfleet as Town Counsel with regard to the 80 State Highway Connection and any associated IMA, or generally as Town Counsel. The only risk I would note would be in the event that discussions over the 80 State Highway Connection or any associated IMA break down between the parties, to the point where one party seeks legal redress from the other(s). Under these circumstances, KP Law, P.C. would cease representing all parties with respect to the 80 State Highway Connection and any associated IMA. It is, however, for you to determine whether the representation described herein will not impair the integrity of this firm's services to Wellfleet.

Accordingly, I request that you consent to our representation of the Towns of Wellfleet and Eastham with respect to the 80 State Highway Connection and to any associated IMA. Should you so consent, I ask that you sign the enclosed determination as required by the Rules of Professional Conduct. Please sign the two originals provided, return one copy to this office, and retain one copy for your records.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions.

Very truly yours,

  
Carolyn M. Murray

CMM/CAM/  
Enc.  
853423/90001/0025

DETERMINATION

It is determined, pursuant to Rule 1.7 of the Massachusetts Rules of Professional Conduct, that the Town of Wellfleet, through its Selectboard, consents to KP Law, P.C. representing the Towns of Wellfleet and Eastham with regard to providing advice and assistance regarding a possible connection between the Town of Wellfleet’s 80 State Highway (“Maurice’s Campground”) property and the Town of Eastham’s water system (the “80 State Highway Connection”), which may also include the preparation and review of an Inter-Municipal Agreement (“IMA”), as disclosed in a letter to the Town dated March 23, 2023, notwithstanding that KP Law, P.C. also serves as Town Counsel for the Town of Eastham.

TOWN OF WELLFLEET  
By its Selectboard

Dated: \_\_\_\_\_

\_\_\_\_\_  
Ryan Curley, Chair

\_\_\_\_\_  
Michael DeVasto, Vice-Chair

\_\_\_\_\_  
Barbara Carboni, Member

\_\_\_\_\_  
Kathleen Bacon, Member

\_\_\_\_\_  
John A. Wolf, Member

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John A. Wolf, Member



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

IX

## SELECTBOARD REPORTS:

Reported by:	Topic:



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

X

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### TOWN ADMINISTRATOR REPORTS

- **Please see Selectboard packet for full report**





# MEMORANDUM

TOWN OF WELLFLEET MASSACHUSETTS 02667  
Tel (508) 349-0300 Fax (508) 349-0305  
www.wellfleet-ma.gov

To: Selectboard  
From: Richard J. Waldo, Town Administrator  
Cc: Rebekah Eldridge, Executive Assistant to Town Administrator  
Subject: Department Update Report for the April 4, 2023 Select Board Meeting  
Date: March 29, 2023

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## Administration

- The Town Warrant has been finalized and available on the Towns Website. Town Meeting will be held on April 29th at 10am in the Wellfleet Elementary School Gymnasium.
- The Town will be hosting a groundbreaking event on March 31st for the kickoff of the Herring River Restoration Construction Project. Federal and state officials will join community leaders to mark the start of construction of the Chequessett Neck bridge, the first and largest infrastructure component of the Herring River Restoration Project. All are welcome to attend.
- The Administration is working with the Division of Local Services to get free cash certified prior to Town Meeting. Additionally, the financial team is working with the auditors to wrap up the FY22 audit.
- The Administration continues to engage in collective bargain sessions with staff unions. We have tentative agreements with four of the five bargaining units.
- We continue to work closely with the Dredging Task Force to determine a suitable mitigation project to submit to the Army Corp of Engineers for a permit to dredge the mooring field.
- We are nearing the finalization of a lease agreement for Maurice's Campground. The Lessee has provided the Town will all necessary documentation.

## Assessor

- Motor vehicle excise tax 1st commitment of 2023 issued February 14 with a due date of March 16 and is now on demand for those who have not paid. The 2nd commitment of the year will issue April 3 with a due date of May 3.
- 2nd half real estate tax bills will issue April 1 and are due May 1.
- We received 2 Appellate Tax Board appeals of real estate abatement denials thus far.
- Data collector Jennifer Kane is actively performing building permit and cyclical inspections in the field. She has about 625 permits to inspect by July 1.

## Building

- 70 Main Street Appeal to Zoning Board of Appeals by Abutters, Michael A. Shannon & Bradley S. Reichard (“Applicants”) – Per M.G.L. c., 40A Sections 8 & 15 & Town of Wellfleet (“Town”) Zoning Bylaw Section 8.4.1 Appeal of Building Commissioner’s Zoning Compliance Determination Letter of February 22, 2023.
- Reviewing 2023 Business License applications.
- Conducting Annual inspections on existing buildings with Fire Department and Health Department.
- 49 Chequessett Neck Road - The Existing structure posted as, “Unsafe”, on December 22, 2022 at 3:30 p.m. has been demolished per approved demolition permit Issued by the Building Department on March 16, 2023.

### Community Services

- The big news at the COA is that we have a new website. The address is [www.wellfleetcoa.org](http://www.wellfleetcoa.org) and in addition, it is linked to the Town website. Click on COA on the Home Page.
- A Death Cafe led by Dawn from the Lily House will be happening in April. Talking about death is a social taboo in our society Come and explore that taboo.
- The Beach Office will open to the public on April 10th for in person sales and will be open until June 15. After June 15, in person sales will continue to be offered at the window. It will be open Monday to Friday 8am to 3pm until June 15 and seven days a week from 6/15 through Labor Day. Online sales will open the same day. Residents and Visitors will be able to pay online using either a Credit Card or their checking information. There is a fee associated with either method. For in person sales, all credit card sales will have a fee associated with them. We only accept in person checks from Residents and Owners. Cash is always accepted!

### Harbormaster

- No Update

### Health/Conservation

- We are continuing to distribute covid antigen test kits to residents and employees of local businesses. Our supply of antigen tests has finally dwindled to a case or two. Since I submitted my previous bullets, we have had 4 cases identified in the state reporting database (PCR Only). The County is currently in the low-risk category.
- We have been using our new inspectional software and equipment for food service inspections. The inspections take a bit more time however, the reports are more comprehensive and professional.
- We are continuing to work on the community fridge, indoor gardening, and hand pump well effort. In addition to the EOEA grant, we have submitted to ARPA, United Way, and are looking into the Cape Cod Foundation, and Cape Cod 5 for funding opportunities.

- Progress is continuing to be made on our septic and well viewer although we did have a technology glitch a few weeks ago and had to go back and reenter previously entered data. Arozana Tesson has been coming in the afternoons to update the programming and we expect it to complete in the next few weeks.
- We continued work on the regional CZM Resiliency Grant on shoreline management and the Community Best Practices Grant. Urban Harbors Institute has reached out to town staff and committee members to interview to assess needs, procedures, and future organizational goals to further regionalization efforts. These interviews will take place in the beginning of April and should provide relevant information from the Outer Cape Towns and see how best to move this effort further.
- Met with MA DEP representatives to review design and installation issues with provisional use enhanced I/A technologies. Came to resolution on several design logistics and await an update to the DEP Provisional Use Technology Approval letters.
- Met with Barnstable County MASSTEC staff, Brewster, Truro, Eastham, and Bourne representatives to review their EPA grant for RME work and to see how each town plans to move forward and how each community can assist the other to move TWMP's to permitting because of the nontraditional approach. Advocacy from Brewster and Eastham will be forthcoming in the coming weeks.
- Continuing work with the AG's office on an abandoned property. They sent the property owner a letter last month indicating that a receiver would be placed in charge of remediating the situation at the property if action was not taken by a date certain. The date for initiation of work has recently passed and the AG's office will follow up accordingly.
- Continue to meet with OCCS partners on Opioid settlement ideas. We have had several good meetings and will continue to meet to refine a proposal that we hope will support our communities.
- Working with the Barnstable County Public Health Nursing division we have brought nursing and nutritional services to the outer cape. In Wellfleet we have placed a nurse at the 246 kitchen community dinners on Tuesday evenings and the library on Thursdays from 10:30 – 12:30. The nursing staff provide blood pressure checks, blood glucose testing, and ask a public health nurse programming. This need was identified in our Health Needs Assessment. So far, the 246 kitchen has been a success but the numbers at the library have been very low. We worked with the media team and continue to publicize these opportunities.
- Next month we are hosting another chokesaver training and serve safe class for restaurant employees at the fire station. This is a requirement of the business license and the regulations and we are lucky to have the Cape Cod MRC and Barnstable County provide the training and certificates of completion.
- Working closely with OSC as they change leadership to ensure compliance and consistency with land management. Also assisting in the revision of the OS plan.
- In collaboration with the Police Department we are seeking to hire an Animal Inspector on a contract basis to work with the Animal Control Officer on animal inspections, barn book entries, and quarantine matters.

- Attended a Title 5 Seminar hosted by MEHA.
- Met with Shellfish Department and DMF to discuss water quality in Wellfleet Harbor. Will provide updated information to DMF to evaluate.
- Began issuing permits for the Pleasant Point Kayak Rack.
- Working with MA Audubon and Lt. Island Association on Kayak storage, enforcement, and BMP's.

#### Human Resources

- Recruitment & New Hire processing – Developing a process which includes interview questions relative to position, reference checks and onboarding process.
- Completed transition of HR functions from Treasurer department to HR.
- Draft medical insurance communication is going to be sent to Treasurer tomorrow for review/feedback.
- Christine Y and I will be attending Nauset Regional School District Benefits Fair on Friday
- Continued participation/learning contract negotiations.
- Working with Selectboard on completion of TA performance review
- Attended HR Network meeting
- Met with Directors regarding seasonal hiring

#### Fire

- EMT Brendan Cutting's first day at the Massachusetts Fire Academy, Bridgewater campus, is Monday, April 3rd. He will be attending the required full-time recruit class (10 week program) to earn his Firefighter I/II training and certifications. We are very confident that Brendan will succeed and exceed during the next 10 weeks and look forward to his graduation in June.
- EMT Rob Czujak has started his two (2) week orientation schedule as a full-time EMT with us. Rob's experience includes over two (2) years as an EMT with a busy private 911 based EMS/ambulance service in the metro Boston area and he is completing his Paramedic training late this Spring. Rob will be scheduled to attend the Massachusetts Fire Academy to earn his required Firefighter I/II certifications in the Fall. Rob and his family have vacationed on the outer Cape for many years and we truly welcome him to our WFD family.
- Deputy Chief Cappello and Lt. Gelatt will be inspecting the progress of the refurbishment of our recently purchased 2005 Seagrave, aerial ladder/pumper quint truck. This refurbishment is being done at Greenwood Emergency Vehicles in North Attleborough, MA, whom we have had a very successful business relationship with over the last ten years. We feel very optimistic that our "new to us" aerial will be in service, in Town by the middle of May and will faithfully serve our community for many years to come.

- We continue to monitor and keep up to date on the prospective changes with respect to the Lower Cape Ambulance Association's (LCAA) longevity as a 911 EMS service provider, and, discussions/possible extension of a contract or agreements between the LCAA and the Town's of Truro and Provincetown. This is a very fluid situation and most likely will continue to be so.
- In anticipation of next month's Annual Town Meeting, we continue to have discussions with the Town Moderator, Administration, various boards and committees, etc., as to how this Department can assist and be useful with respect to a well organized and successful Town Meeting.
- Finally, last month marked my tenth (10th) year anniversary as fire chief for our exceptional and wonderful Town and community. We have accomplished so much in the last ten years (personnel, staffing, apparatus, equipment, enhanced training and fire prevention, improved relationships, etc.). It has been truly a transformational time for this Department with thanks to everyone involved (Elected and appointed officials, our voters who have consistently supported our requests, our business and non-profit community, our Department members, and so many others). I am so grateful and humbled by everyone's support as to what we have accomplished so far. A very true and sincere thank you, to each of you for your assistance with our growth and success.

### Library

- The Board of Trustees, along with the Director of the Wellfleet Public Library, invite the public to a Community Conversation on Wednesday, April 12th from 6:00-8:00 PM. This will be a facilitated event where the public will be able to help set the priorities for the next five years. This is your library! We want to know your thoughts, ideas, and gather your input so the library can best meet your needs as we navigate the future. Everything we do is with you in mind. So come be part of the process where we decide what comes next!

This meeting will take place at the Library at 55 West Main Street. We look forward to welcoming you! Questions? Please contact Jennifer Wertkin at [Jennifer.wertkin@wellfleet-ma.gov](mailto:Jennifer.wertkin@wellfleet-ma.gov)

- The migration to our new system has gone fairly smoothly but there have been some glitches - especially with online subscription services such as Libby (eBooks). If you are having trouble logging in, your PIN/Password has reverted to the last four digits of your phone number on file. You can change this at the CLAMS link on our homepage ([wellfleetlibrary.org](http://wellfleetlibrary.org)). If you are experiencing problems or need assistance, please do not hesitate to contact us at 508-349-0310.
- We are partnering with Independence House to promote awareness of sexual assault during the month of April. As part of that, we will have a book display, a movie night (Tuesdays at 5:30), and a display of the "Clothesline Project" ([clotheslineproject.org](http://clotheslineproject.org)) which is a national project that started on Cape Cod in 1990 to address violence against women. The films are Roll Red Roll (April 4), Spotlight (April 11), The Accused (April 18), and Athlete A (April 25th). The Clothesline Project will be up on the 25th for viewing. There will be a discussion after each film. The idea behind this is to, "break the silence by talking about sexual violence."

- I met with Kathy Fletcher (new Executive Director of Preservation Hall) about ways that our organizations can partner. We have some exciting ideas and I really look forward to the future.

## Police

- On Saturday March 18th, members of the police department (Chief Hurley, Detective Daley, Officer McGue and Officer Daley) participated in the annual Special Olympics Polar Plunge in Harwich. There were 150 participants ranging from members of Cape Cod police departments to members of the 74th Plymouth Police Academy class raising approximately \$41,000. The next scheduled event will be the annual Special Olympics Torch Run in May that runs from Provincetown to Bourne. Members of the department will carry the torch from the Truro line to the Eastham line on Thursday May 25th early morning.
- The Wellfleet Police Citizen's Academy six week program will be ending soon with a graduation scheduled for early April. The participants have had the opportunity to meet most members of the department during the program and have learned about topics ranging from overview of our operations, investigative functions, use of force, and beach patrols to name a few. The course is an opportunity for our citizens to become familiar with how their police department operates within the community and to interact with officers/dispatchers to learn about the job they do.
- Last month, Sergeant Michael Turner finished a three-part Leadership Course through FBI-LEEDA (Law Enforcement Executive Development Association). This national approved course is taught locally in Massachusetts and Sergeant Turner is the fourth member of the department who has successfully completed it. The course is divided into three parts with a Supervisor Leadership class, Command Leadership class and finally the Executive Leadership class. The department congratulates Sergeant Turner on this accomplishment and we appreciate the town's support of training our officers to the highest standards.

## Public Works

1. DPW Administration
  - a. Submitted the EPA/NECRA reporting for DPW to EPA with the assistance of Barnstable County. DPW also assisted Police and Fire with preparing/obtaining data
  - b. Concluded collective bargaining meetings with Teamster's Union
  - c. Ongoing project management (meetings, grant reporting, accounting, contract review) for Herring River CNR Bridge and Low lying roads, Rt 6 Main Street and Pavement preservation, FD HVAC upgrades, Keller's Corner, Briar Lane, Powers Landing and Lt. Island Road
  - d. Attended BCR Meeting at Orleans DPW to discuss ideas for increased safety training/professional advancement training for DPW employees
  - e. Director Norton visited Ms. Shuemaker's Kindergarten class to read to them for Read Across America Month.
  - f. Director Norton attended and participated in the Low Lying Roads meeting coordinated by the Cape Cod Commission
  - g. Coordinating with Julie Simpson and Maurice's crew on the upcoming opening.
  - h. Administrative staff attended virtual procurement training (first of 3).
  - i. Advertised for Seasonal help. We have 6 total positions available (3/6 have been filled so far)
2. Facilities/Grounds

- a. Preparing Town facilities for upcoming season. Opening beach bathrooms to conduct annual water sampling for DEP. Turning on irrigation systems in early April.
  - b. With the assistance of SPAT, we are continuing restoration efforts of Baker's Field. More loam is being spread to prepare for a full hydroseeding of the field (anticipated first week of April). The field will be closed for approximately 3-4 weeks thereafter to allow for the grass to establish.
  - c. Installed new ceiling tiles at the Adult Community Center
  - d. Coordinated further repairs to the Shellfish/Beach sticker building
  - e. Solicited quotes for upcoming summer beach/town waste management
3. Highway Department
- a. Obtained a new paint machine with the use of MassDOT Winter Assistance Recovery Program (WRAP) funds. You will see this around Town in the Spring/Summer months to paint road line striping and sidewalks.
  - b. Continue hauling material out of the pit in preparation for Low lying roads project and for material stockpile for CNR bridge (revetment stones, clean fill, etc.)
  - c. Assisting clean up efforts at Maurice's Campground with extensive brush removal
  - d. Preparing for various drainage projects throughout Town
4. Transfer Station
- a. Foreman Cicale and Director Norton finalized discussions on rate increases that will be brought forth the Board of Health in the upcoming weeks.
  - b. Received a new front end loader that was approved at last year's Town Meeting
  - c. Planning for Amnesty Day that is tentatively scheduled for Saturday May 13th. (Flyer to be included in next Select Board consent agenda)
  - d. Food waste collaboration with the Wellfleet Elementary School is going very well

### Recreation

- The Billingsgate Basketball all age Tournament, a Wellfleet recreation tradition, took place on March 17, after a three year covid-19 hiatus. Twenty-six teams from third and fourth grade through adult enthusiastically participated. It was great to be able to once again host this popular event.
- A scavenger hunt for middle and high school students will take place on Saturday April 29 in partnership with the Wellfleet Police Department as part of the Community Center without Walls initiative. Teams led by a WPD officer will work together to solve clues to get to the next destination until the final prize is reached.
- Adult beginner pickleball clinics will resume at the Wellfleet Elementary School in April. An Adult round robin pickleball session for intermediate level and above is held on Sunday mornings from 9:30-11:30 at Wellfleet Elementary School.
- The Popular After school activities: Futsal, wiffleball, crafts and teen game nights are continuing at Wellfleet Elementary School. A track and field program will begin in April.
- Planning is underway for the annual Easter Egg Hunt at Uncle Tim's Bridge which will take place on Saturday April 8 at 11:00.
- Open gym basketball for high school- adult ages continues at the Elementary School gym, this popular program has over 25 attendees per week.

- Extensive planning is underway for the Summer Recreation Programs for 2023, and Spring softball and T-ball.

### Shellfish Department

- The Shellfish Department has been working closely with commercial shellfishing community, the Shellfish Advisory Board and the Dredging Task Force chair Chris Allgeier and member Curt Felix on identifying areas of the harbor that would be suitable for an oyster habitat restoration to use as mitigation for the Army Corps of Engineers requirement in order to obtain the federal dredging permit. We all met with the Mass. Division of Marine Fisheries as well because it is their regulations to which we must adhere as part of our Municipal Propagation Permit. By involving the shellfishing community, we ended up focusing on an entirely different area than originally planned because they identified Blackfish Creek as needing shellfish inputs, which we had not thought of previously. This area is actually a better solution for the short- and long-term goals of the Town, as well. We continue to collect shellfishermen input in person and via email and are talking to folks as they work the tide. We also put an anonymous letter box outside our department for any shellfishermen's thoughts on this dredging mitigation project. Together, we are making lemonade out of lemons!
- The Herring River opened on March 10, and it is looking good. We have between 20-30 shellfishermen there every day. Many are then going to Chipman's Cove or Duck Creek and getting their limits there as well. It seems that markets are taking as many oysters as they can get their hands on, and this is good for our shellfishermen when grant work is still quiet.
- All of our oysters are out of the pits, and we continued to breakdown oyster bags from the pit. Johnny held a volunteer day to assist with breaking down and strapping bags to racks. We have 14 bags of big oysters that we will broadcast to the closure area in the Indian Neck recreational area only in preparation for its opening on June 1.
- We met with Audubon about the access way to the Lieutenant Island shellfishing area with the filled in mud hole. The evidence seen was not caused by commercial shellfishermen. We will add signage to try and keep two-wheel drive vehicles out.
- Shellfish Constable Nancy Civetta participated in two Selectboard meetings, one for the department budget and one for shellfish-grant related items.
- Nancy met with Shellfish Advisory Board about rewriting Egg Island regulations, and these were approved. Town Counsel made a few changes, but the regulation was deemed solid and advice to put a map with an outline in the regulations is being followed. We contacted all abutters via email. The Selectboard public hearing to review them is coming up next week.
- With the big negative tides, a bunch of stray oyster bags were discovered in the mud in Chipman's Cove. We contacted the grant holder about them, and he set to work to retrieve them, grabbing about 30 bags within the week.
- Many meetings were attended by Shellfish Department staff: Mass. Shellfish Officers' Assn., state Shellfish Advisory Panel, Town budget, building and seasonal hires, AmeriCorps "social" in Barnstable and mid-year site visit here, Health and Conservation



and our state biologist about a trend of deteriorating water quality in the Herring River and next steps with septic reviews.

- We assisted grant holders with our GPS in locating their boundary corners.
- We had a few minor catch confiscations for over limit fishing and will send out a Crier reminding folks that our limit is one level bushel basket, not a count of oysters.
- We did full Harbor water testing with the State.
- Our building got worked on to fix leaks and new siding!
- One individual came in to discuss hardship commercial shellfishing permit.

#### Town Clerk

- Waiting for the last day to object or withdraw candidate papers ( Wednesday March 29, until 5pm) to finalize the ATE ballot so that we can send it to the printer.
- Once we have the ballots ready, we will start mailing out Vote by mail ballots, and allow in person absentee voting.
- Working on binding a backlog of vital records (from 2013).
- Working on finishing up the Street list ( Town census) by April 15th.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

XI

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### TOPICS FOR FUTURE DISCUSSION

- **The Selectboard will discuss a list of current items that are outstanding**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

XII

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## VACANCY REPORTS

**\*\*\*Please see the packet for full report\*\*\***

Date: April 4, 2023  
To: Board of Selectmen  
From: Rebekah Eldridge  
Re: Vacancies on Town Boards

**Bike and Walkways Committee** (5 members) ~ This group no longer meets ~  
Vacant Positions Appointing Authority Length of Term  
2 Positions Selectboard 1 year (complete term)  
Requesting Appointment: No applications on file

**Board of Assessors** (3 members, 1 alternate)  
**Vacant Positions 0** Appointing Authority Length of Term  
**1 Alt Position** Selectboard 3 years  
Requesting Appointment: No applications on file

**Board of Health** (5 members, 2 alternates)  
**Vacant Positions 0** Appointing Authority Length of Term  
**0 Alt Positions** Selectboard 3 years  
Requesting Appointment: No applications on file

**Board of Water Commissioners** (5 Members, 2 Alternates)  
**Vacant Positions 0** Appointing Authority Length of Term  
**2 Alt Positions** Selectboard 3 years  
Requesting Appointment: No applications on file

**Cable, Internet and Cellular Service Advisory Committee** (5 Members)  
**Vacant Positions 0** Appointing Authority Length of Term  
**0 Voting Positions** Selectboard 1 year

**Commission on Disabilities** (up to 5 Members)  
**Vacant Positions 1** Appointing Authority Length of Ter  
Selectboard 3 years  
Requesting Appointment: No applications on file

**Conservation Commission** (7 Members + 2 alternates)  
**Vacant Positions 1** Appointing Authority Length of Term  
Selectboard  
**2 Alt Positions** 3 years  
Requesting Appointment:

**Council on Aging** (11 Members)  
**Vacant Positions** Appointing Authority Length of Term  
**3 Voting Positions** Selectboard 3 years  
Requesting Appointment: No application on file

**Cultural Council** (no more than 15 Members)  
**Vacant Positions** Appointing Authority Length of Term  
**5 voting Positions** Selectboard 3 years  
Requesting Appointment: no applications on file

<b>Dredging Task Force (5 Members)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>0 Positions</b>	Selectboard	3 years
Requesting Appointment: No applications on file		
<b>Energy and Climate Action Committee</b>		Length of Term
<b>Vacant Position</b>	Appointing Authority	
<b>2 Voting Positions</b>	Selectboard	
<b>2 Alternate Positions</b>		
<b>Finance Committee (9 members, 2 alternate)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>1 Alternate Position</b>	Town Moderator	3 years
Requesting Appointment: <b>one</b> application on file ~ Timothy Sayer		
<b>Historical Commission (7 members)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>0 Vacancies</b>	Selectboard	3 years
Requesting Appointment: <b>no</b> application on file		
<b>Local Housing Partnership (at least 10 members)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>0 Vacancy</b>	Selectboard	1 year
Requesting Appointment: No application on file		
<b>Marina Advisory Committee (7 Members, 2 Alternates)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>0 Alternate Position</b>	Selectboard	2 years
Requesting Appointment: No applications on file		
<b>Natural Resources Advisory Committee (7 Members)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>4 voting Positions</b>	Selectboard	3 years
Requesting Appointment: No application on file		
<b>Open Space Committee (7 Members)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>0 Positions</b>	Selectboard	1 year
Requesting Appointment: <b>No</b> application on file		
<b>Planning Board (7 members + 2 alternates)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>1 voting position</b>	Selectboard	5 years
<b>2 Alternate Position</b>		
Requesting Appointment: No applications on file		
<b>Recreation Committee (7 Members)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>2 Positions</b>	Selectboard	3 years
Requesting Appointment: No applications on file		
<b>Recycling Committee (7 Members + 2 Alternates)</b>		
<b>1 Voting Positions</b>	Appointing Authority	Length of Term
<b>2 Alternate Positions</b>	Selectboard	3 years
Requesting Appointment: No applications on file		

**Rights of Public Access (5 Members)**

**Vacant Positions**

Appointing Authority

Length of Term

**2 Positions**

Selectboard

1-2 years

Requesting Appointment: No application on file

**Shellfish Advisory Board (7 members + 2 Alternates)**

**1 Vacant Positions**

Appointing Authority

Length of Term

**1 Alternate Position**

Selectboard

3 years

Requesting Appointment: No application on file

**Zoning Board of Appeals (5 Members, 4 Alternates)**

**Vacant Positions**

Appointing Authority

Length of Term

**0 Position**

Selectboard

3 years

Requesting Appointment: No applications on file



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

**XIII**

## MINUTES

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of the Meeting Minutes of March 16, 21, 23, 29, 2023</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the minutes of March 16<sup>th</sup> , March 21<sup>st</sup>, March 23<sup>rd</sup>, &amp; March 29<sup>th</sup> 2023.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

***Wellfleet Selectboard  
Thursday March 16, 2023; 6pm  
Virtual Meeting ~ Zoom  
Meeting Minutes***

**Members Present:** Ryan Curley, Chair; Barbara Carboni, Kathleen Bacon, John Wolf, Michael DeVasto, Vice Chair (joined 7pm)

**Others Present:** Richard Waldo, Town Administrator; Tim Sayer, Resident

Chair Curley Called the meeting to order at 6:03pm

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

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

There were no comments of announcements.

**II. *Business***

**A. National Opioid Settlement**

Waldo spoke to the board explaining that there is a request from Johnson & Johnson to participate in a huge opioid settlement and needs to approve the participation before April 18, 2023. He explained that the town has the potential to receive over \$100,000. With this settlement. He was questioned if the documents for this were received by the town.

**Board Member Carboni Moved; Chair Curley Seconded; and it was voted to authorize the town administrator to execute the participation agreement in the opioid settlement.**

**Roll Call Vote: 4-0**

**B. Ice Machine at the Pier**

Chair Curley spoke about this being funded by the state, stating there is a letter that needs to be submitted by Friday the 17<sup>th</sup> of March. He spoke about then great need for ice machines at the pier. Chair Curley continued stating that he did reach out to get a quote to see how much these would cost. He explained the installation cost would be included. The board was in favor of this idea. The goal is to try and secure funding without asking for funding.

**Chair Curley moved, Board Member Wolf Seconded, and it was voted to approve the letter written to Representative Keating's office as drafted and to authorize the Chair to sign it on behalf of the town.**

**Roll Call Vote: 4-0**

**III. *Annual Town Meeting***

**A. *Residential Exemption Increase Warrant Article ~ Chair Curley***

**B. *Home Rule Petition Articles***



- *Year-Round Deed Restriction Home Rule Petition*~ Board Member Bacon  
Chair Curley spoke about this petition. He stated the language is different. He asked Waldo to share his screen so the board could see the article as written.  
**Chair Curley moved; Board Member Bacon Seconded, and it was voted to amend the Year-Round Deed restriction home rule petition as drafted. Roll Call Vote: 4-0**
- *Prevailing Wage Home Rule Legislative Petition.* ~ Chair Curley  
Chair Curley moved on to the prevailing wage article. He stated he believed that Provincetown had asked for the same. Carboni questioned if the legislature has ever approved this change. Chair Curley didn't know. Waldo stated that prevailing wages are usually updated every six months. He explained what prevailing wage is and how it is calculated. The board discussed this.  
**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to recommend the Prevailing Wage Home Rule Petition.**  
**Roll Call Vote: 2-2**
- *Expanded Residential Property Exemption: Home Rule Petition.* ~ Chair Curley  
Chair Curley spoke about this article. Bacon read some explanation of the article, and what it means. The goal is to help incentivize this to homeowners and be able to give them a small break.  
**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to insert and recommend the home rule petition expanding the residential property exemption to include year-round rental.**  
**Roll Call Vote: 4-0**
- Home Rule Petition to Authorize the Town of Wellfleet to Establish a Real Estate Transfer Fee.  
Chair Curley stated it would authorize the town to establish a real estate transfer fee, beginning at 120% of the median value of a residential property. Bacon spoke to this article recalling that it has been submitted previously with a lot of push back from real estate agents and builders. She stated she feels it is a good thing to try and continue to push forward.  
**Chair Curley Moved; Board Member Carboni Seconded, and it was voted to insert and recommend the home rule petition to authorize the town to establish a real estate transfer fee.**  
**Roll Call Vote: 4-0**

**C. 2023 Annual Town Meeting Warrant**

Waldo went over the warrant as it is drafted now. He stated that there were a couple articles that have been removed. He explained the changes that have been made since the last time the board reviewed the warrant. Waldo discussed the zoning articles that were moved to the fall town meeting. Waldo spoke to the Mass DEP article and removed it from the warrant as there was no

understanding as to why it was still on the warrant. Sayer spoke to the ambulance fund. Waldo answered his questions.

**Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to recommend the FY2024 Capital Spending Plan as presented.**

**Roll Call Vote: 5-0**

Waldo skimmed through the portion of the warrant that the board had previously voted on. Wolf questioned which contract with regard to bargaining had a already been approved.

When the Natural Resource Advisory Board Article came up Sayer had a comment wanting to change the language of the article as it was written.

DeVasto explained why it had to be written.

Waldo continued to review the warrant. There were questions regarding the amount of money and what money could be used.

**Board Member Bacon Moved; Chair Curley Seconded; and it was voted to dedicate 100% of the opioid funds into a dedicated account.**

**Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to recommend the warrant article for school breakfast and lunch program as amended.**

**Roll Call Vote: 5-0**

The board moved on to the Selectboard Stipends. Sayre questioned the health insurance.

**Chair Curley Moved; Board Member Carboni Seconded; and it voted to insert an article for the lease of town property located at the pier, 255 Commercial Street.**

**Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to recommend the lease of town property located at the pier, 255 Commercial Street.**

**Roll Call Vote: 5-0**

Waldo continued through the warrant. Discussing the Bylaw Amendments.

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to recommend the Specialized Energy Code Warrant Article.**

**Roll Call Vote: 3-2 (DeVasto & Wolf voted no)**

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to amend significant building to state significant building or significant structure.**

**Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to recommend the demolition delay bylaw.**

**Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to recommend the Flood Plain Zoning Bylaw Amendment.**

**Roll Call Vote: 5-0**

Waldo continued with the ADU warrant article.

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to insert and recommend the ADU Bylaw Amendment into the 2023 town meeting warrant.**

**Roll Vote: 5-0**

Waldo moved on to the scholarship program which is a petitioned article. Bacon spoke to the board about having the petitioners come to a selectboard meeting and present what they are looking for with regard to the article.

**NO ACTION WAS TAKEN**

Waldo continued to draw down the warrant.

**Chair Curley Moved; Board Member Seconded; and it was voted to reconsider the recommendation to authorization to establish a real estate transfer fee.**

**Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to recommend said article.**

**Roll Call Vote: 5-0**

Waldo finished with the Warrant and moved on to the election warrant stating there were 22 questions on the ballot.

They finished the warrant.

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to adjourn the open session to move into executive session.**

**Roll Call Vote: 5-0**

**Meeting Adjourned 8PM**

**IV. *Topics For Future Concern***

**V. *Adjourn Open Session and Enter into Executive Session ~ M.G.L. c.30A, Sec. 21 purpose 7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.***

**A. Executive Session Minutes**

- July 12, 2021, ~ Reviewed by Town Counsel.
- August 9, 2021, ~ Reviewed by Town Counsel.
- November 10, 2021, ~ Reviewed by Town Counsel.
- December 17, 2021, ~ Reviewed by Town Counsel.
- February 3, 2021, ~ Reviewed by Town Counsel.
- January 20, 2022, ~ Reviewed by Town Counsel.
- May 17, 2022, ~ Reviewed by Town Counsel.
- June 6, 2022, ~ NOT VOTED
- June 7, 2022, ~ NOT VOTED
- June 10, 2022, ~ NOT VOTED
- June 16, 2022, ~ NOT VOTED
- August 23, 2022, ~ NOT VOTED
- August 30, 2022, ~ NOT VOTED
- September 1, 2022, ~ NOT VOTED
- September 27, 2022, ~ NOT FINALIZED WITH MOTIONS.
- October 4, 2022, ~ NOT VOTED

***DRAFT*** \*\*\* *A full recording of this meeting can be found on the town's website*\*\*\*

- November 15, 2022, ~ NOT VOTED
- December 20, 2022, ~ NOT VOTED
- January 12, 2023, ~ NOT VOTED
- January 17, 2023, ~ NOT VOTED

**VI. *Adjournment***

**Wellfleet Selectboard  
Hybrid Meeting  
Zoom/715 Old Kings Highway  
Tuesday March 21, 2023; 7pm  
Meeting Minutes**

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

**Others Present:** Rich Waldo, Town Administrator, Jennifer Goldson, Housing production plan; Elaine McIlroy, Harry Terkanian, Michael Hurley, Police Chief; Lisa Brown, SPAT; Deidre Oringer, SPAT; Nancy Civetta, Shellfish Constable, Katie Murphy, Field point Oyster farm, Berta Bruinage, Shellfish Grant Holder; Helen Miranda Wilson, Resident; Stephen Pickard, Chad Williams, Jude Ahern, Rebecca Taylor, Shellfish grant holder; Samuel Blakslee

Chair Curley Called the meeting to order at 7:01pm

And asked that the Planning Board call their meeting to order.

Planning Board Called the meeting to order:

**Planning Board Members Present:** Beth Singer, Bonnie Shepard, David Mead-Fox, Olga Kahn, Alfred Pickard.

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

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

There were no comments or announcements.

**II. *Consent Agenda***

**A. Wellfleet United Methodist Church ~ Sunrise Easter Service ~ Newcomb Hollow Beach ~ April 9, 2023, 5:45am-6:15pm.**

**Chair Curley Moved; Board Member Seconded; and it was voted to adopt the consent agenda as drafted.**

**Roll Call Vote: 5-0**

**III. *Joint Selectboard & Planning Board***

**A. Housing Production Plan ~ Housing Production Plan Work Group**

Goldson shared her screen to present the slide show of the draft housing production plan. She explained the housing needs and went through the slides which explained the goals and strategies. She went into detail during her presentation to explain what is being worked on and being developed for this plan. There were some questions from the board, questioning mobile home units. Terkanian made some comments to the board about the needs for housing with the town. The board discussed this plan at great length. It was expressed gratitude for the amount of participation from community members that took place for the making of this plan. Kahn questioned why ADU's weren't on the plan. Goldson

explained that they need to be on a long-term deed restriction. Disposition of town owned land was discussed over by Duck Creek. Picard spoke to this area and stated that if the town could design a septic system for this area then the town should look at this again and not give it to the open space committee allowing housing to be addressed.

**Board Member Bacon Moved, Board Member DeVasto seconded; and it was voted to approve the Housing Production plan as presented in the draft.**

**Roll Call Vote: 5-0**

**Board Member Shepard Moved; Board Member Kahn seconded; and it was voted to approve the Housing Production Plan.**

Kahn asked if she could send some editing issues to Goldson. She was asked to send them to her tonight after the meeting. Kahn stated there was some concern cottage colonies.

**Roll Call Vote: 5-0**

**Singer Moved; Kahn Seconded; and it was voted for the Planning Board to adjourn their meeting.**

**Roll Call Vote: 5-0**

**Planning Board adjourned 8:05pm**

#### IV. *NPS*

##### A. Cahoon Hollow Beach Safety Messaging & NPS Regulation Change

Chief Hurley came before the board with the Park Service staff. Hurley began explaining the issues the town and the Seashore staff have had with Cahoon Hollow Beach with regard to the large crowds of people, the over drinking and traffic. He explained one of the options which is listed in the packet, the town has a no alcohol consumption bylaw where on the seashore there is alcohol allowed. He explained that the beach is cut in the middle of the seashore part of the town. Causing issues with alcohol intake. The National Park Service explained that they are moving forward with the prohibition of all alcohol consumption for Cahoon Hollow Beach. He explained the options they have come up with regarding traffic and crowds. Chief Hurley couldn't stress enough how much this plan is driven by public safety. There were some comments made on the plan and stated numerous times how sad it is that these actions need to be taken. The board stressed their gratitude to the seashore for their willingness to work with the town.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to support the Wellfleet Police Department and The National Seashore's proposed regulatory strategy in terms of addressing problematic behavior at Cahoon Hollow Beach.**

**Roll Call Vote: 5-0**

#### V. *Licenses*

##### A. Wellfleet SPAT ~ Special Alcohol License ~ October 14<sup>th</sup> & 15<sup>th</sup>, 2023. ~ Oysterfest

**Chair Curley took the SPAT license out of order.**



Chief Hurley gave an update that there is one location added explaining the parking lot across from preservation hall would need to be included in the license, there were no issues.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve Wellfleet SPAT's special event alcohol license for Wellfleet Oysterfest on October 14, & 15<sup>th</sup> 2023 from 10am to 4:30pm for a fee of \$200.**

**Roll Call Vote: 5-0**

## VI. *Public Hearings*

**Board Member DeVasto Recused from all Shellfish Hearings.**

**Chair Curley opened the hearings:**

**Chair Curley asked that the people in the audience please remain respectful of town staff and each other.**

- A. Application received 1/18/2023 for the transfer of shellfish grant license # 85-F consisting of one acre on Indian Neck from Richard Blakeley (Wellfleet, MA) to Richard Blakeley and Eben Kenny (Wellfleet, MA).

Civetta began with the first hearing explaining the details and stated Eben is already on a grant and has been a shellfisherman for many years and she recommended this be approved. There were some questions regarding the grant and the owners of the grant. There were no issues with this grant transfer.

**Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the transfer of Grant License #85-F consisting of one acre on Indian Neck Road from Richard Blakely to Richard Blakely and Eben Kenny.**

**Roll Call Vote: 4-0-1**

- B. Application received 1/18/2023 for the transfer of shellfish grant license #s 855, 855-B and 855-C totaling approximately 3.6 acres on Field Point from Michael DeVasto (Wellfleet, MA) and Michael Ramsdell (Wellfleet, MA) to Northern Collective, Inc. (Wellfleet, MA).

Civetta Continued with the next application, she stated the shellfish regulations allow a corporation. Chair Curley disagreed stating the Northern Collective doesn't possess a shellfishing permit for 2023. He stated it is a requirement that the board adopted in December. Murphy read a letter to the board stating that the reason they are trying to do this is to limit their liability so that their personal assets from litigation, stating that they are selling raw products that have potential to cause risk for the consumers. Chair Curley again stated his disagreement with what was read. There was a long-detailed discussion on this transfer. DeVasto referred to the previous public hearings that spoke about commercial shellfishing. DeVasto spoke about the businesses that have liquor licenses and all are small businesses that are listed under a corporation to limit liability. Bruinage spoke to the board stating that a corporation on a grant is a very slippery slope. DeVasto's employees spoke to the board in favor of the regulations. Chair Curley continued to disagree with them being a corporation. Carboni spoke about some legal issues that town counsel did not address. Williams spoke to the board referring to the regulations. Ahern questioned the extension and DeVasto's uncle being on the grant and questioned if

his address was legal. DeVasto stated it wasn't her business. There was much discussion about the legality of

**Board Member Bacon Moved; Board Member Carboni Seconded; and it was voted to continue the transfer of shellfish grant license #s 855, 855-B and 855-C totaling approximately 3.6 acres on Field Point from Michael DeVasto (Wellfleet, MA) and Michael Ramsdell (Wellfleet, MA) to Northern Collective, Inc. (Wellfleet, MA), until April 18, 2023.**

**Roll Call Vote: 4-0**

- C. Application received 1/27/2023 for a grant extension (to be numbered #734A ext.) to shellfish grant license #734A consisting of approximately one acre on Mayo Beach from Rebecca Taylor (Wellfleet) and Myron Taylor (Wellfleet, MA). Civetta began with this application stating this was an area on Mayo Beach that Taylor believed this grant had gone through all the approvals. Civetta stated there are no maps demonstrating the boundary lines. Civetta gave the background of this area stating that Osowski put in a grant transfer knowing that Taylor thought this grant was hers. Civetta took responsibility for this. She stated she believed that this should be granted given the history of the board's actions. The board discussed this transfer with Taylor, stating that she did her due diligence in following the paper trail. Chair Curley read a letter into the minutes from Jon A. Ciraulo, lawyer for Osowski. Writing to the board asking that the board take no action on this application and the Osowski application, asking that the board participate in a site inspection. Taylor spoke to the board stating that all the paperwork was included in her application. They discussed this. Pickard spoke to the board regarding this transfer stating that coordinates are missing. Blakeslee spoke on behalf of Taylor. Alfred Pickard spoke again questioning ARC and that they still have product on Taylor's grant. Civetta stated she would be willing to mediate between the parties and see if there could be some type of solution.

**Board Member Carboni Moved; Board Member Wolf Seconded; and it was voted to approve the modified grant extension to Rebecca Taylor and Myron Taylor newly numbered grant license #734A of approximately once acre on Mayo Beach.**

**Roll Call Vote: 4-0**

- D. **CONTINUED FROM JANUARY 31, 2023**, ~Application received 1/10/2023 for a grant extension (to be numbered #99-1 Ext) to shellfish grant license #99-1 consisting of approximately .43 acres on Mayo Beach from Angela Osowski (Wellfleet, MA), Robert Mallory (Wellfleet, MA) and Mary Mallory (Wellfleet, MA).

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to continue this hearing until April 18, 2023.**

**Roll Call Vote: 4-0**

## VII. *Business*

- A. Participation in New Opioid Settlement Proposals



Chair Curley spoke to this stating he feels there will be more coming before the town and he would like the Town Administrator to handle them. Carboni disagreed stating that they could be presented to the board efficiently.

**NO ACTION**

**B. 2023 ATM Warrant ~ Continued to March 23, 2023**

**C. 2023 Annual Town Election Ballot ~ Continued to March 23, 2023**

**VIII. *Selectboard Reports***

Board Member Wolf gave an update on the Dredging Task Force meeting. Waldo gave a brief update on the town's progress with finances.

**IX. *Topics for Future Discussion***

**X. *Vacancy Reports***

**XI. *Minutes***

**A. March 7, 2023**

**B. March 9, 2023; open session minutes**

**Board Member Bacon Moved; Board Member Carboni Seconded; and it was voted to approve the minutes of March 7, 2023 and March 9, 2023 as printed in draft.**

**Roll Call Vote: 5-0**

**XII. *Adjournment***

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

**Roll Call Vote: 5-0**

**Meeting adjourned 10:45PM**

**\*\*\* Public Documents \*\*\***

*Application from United Methodist Church for sunrise Easter Service*

*Housing Production Plan*

*Cahoon Hollow Beach Safety Plan*

*SPAT application for special alcohol license.*

*Shellfish Hearing paperwork.*

*Opioid Settlement Documents*

*2023 Town Meeting Warrant*

*Meeting Minutes ~ 3/7/23 & 2/9/23 open session*

**Wellfleet Selectboard**  
**Thursday March 23, 2023; 6:00pm**  
**Virtual Meeting ~ Zoom**  
**Meeting Minutes**

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

**Others Present:** Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Rich Pauley, Fire Chief; Michael Hurley, Police Chief; Jay Norton, DPW Director, Tim Sayre, resident; Bill Dugan, Citizen (Petition Author); Henry Brehm, Citizen (Petition author),

Chair Curley Called the meeting to order at 6:03pm

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

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

Sayre spoke to the board regarding the

Ahern spoke to the board regarding the consent agenda and didn't feel it was sufficient notice.

**II. *Consent Agenda***

**A. GEI Design, Bid, Consulting Agreement ~ Assistant Town Administrator, Rebecca Roughley**

Waldo spoke to the board regarding the consultant contract. He explained why this was on the agenda to be able to continue with the grant. He stated this doesn't mean that any dredging will take place. The town will be able to get some estimates and move forward with the bidding process. He explained the phases of the project and the contract.

Bacon spoke to the board and questioned Waldo about "lining their ducks in a row" the town is trying to make sure they are in good standings to keep the 2 million dollar grant.

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the**

**Roll Call Vote: 4-0-1**

**III. *Licenses***

**A. Approval of the Seasonal 2023 Alcohol Licenses**

**Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the 2023 Seasonal Alcohol Licenses as listed in the Selectboard Packet.**

**Roll Call Vote: 5-0**

**IV. Business**

**A. 2023 Annual Town Meeting Warrant.**

Chair Curley spoke to the warrant and took the citizens petition out of order so they could present to the board the scholarship. Chair Curley recused himself from this discussion.

- ***Wellfleet Scholarship Fund ~ Citizen's Petition***

Dugan spoke to the board regarding this petition explaining what the scholarship fund is and how it will be managed. He also explained who would benefit from this scholarship program. Brehm spoke to the board stating that one of the main reasons college students leave college before graduation is because the expenses that go with attending college are too high. DeVasto spoke to the board and Dugan stating he is uncomfortable recommending this on this town warrant due to the financial issues that the town is in. He stated that he is in total agreement with the scholarship fund but the state the town is in it will be hard asking tax payers.

**Board Member DeVasto moved; Board Member Wolf Seconded; and it was NOT voted to recommend this article in the 2023 warrant.**

**Roll Call Vote: 4-0-1 (Curley Recused)**

Chair Curley returned to the meeting and began with the budgetary transfers. Waldo explained the most recent warrant version. He began with Article 1 and discussed the numbers that had gone down. He continued through the warrant with the board.

He explained the transfers in detail to the board. Carboni questioned the legal expenses. Waldo explained the legal expenses. Waldo stated that he met with the finance committee last night and they approved the remaining balance of their transfer fund.

**Chair Curley Moved; Board Member DeVasto Seconded and it was voted to recommend the FY2022 budgetary transfers.**

**Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member DeVasto Seconded and it was voted to amend the FY2024 Capital Budget as amended.**

**Roll Call Vote: 5-0**

Waldo moved on to the fire department budget, explaining the changes that were made.

**Board Member Carboni Moved, Chair Curley Seconded, and it was voted to insert and recommend Article 19, Fire Department New Staff.**

**Roll Call Vote: 5-0**

Chief Pauley explained that he is working on applying for a grant to help with covering the cost of new staff.

Bacon asked to expand the summary of article 26 which refers to the annual stipend for the selectboard. She stated the numbers are explained but there needs to be more information for the voters. She explained that this update follows the surrounding towns.

Chair Curley explained to the board that he received a phone call from the Town Administrator in Truro asking to share the position of housing coordinator.

Carboni recused herself from the conversation as she is employed with the town of Truro. This was discussed, and it was stated by Waldo that this position will be very overwhelming for a person coming on board and sharing the position with Truro could be overwhelming and to much work for one person.

**Board Member DeVasto Moved; and it was voted to recommend the petitioned article for the Wellfleet scholarship.**

**MOTION FAILED**

**Roll Call Vote: 1-3-1 (Curley Recused, DeVasto, Carboni, Wolf voted no)**

**B. 2023 Annual Town Election Warrant.**

Waldo went over the election warrant with the board. Explaining the twenty-one election questions to the board and the votes that will be needed. The board discussed the election questions. Stating that was a lot of questions on a ballot.

**Board Member Bacon Moved; Board Member Bacon Seconded; and it was voted to approve the annual town election warrant as presented for the 2023 annual town election.**

**Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to close and publish the 2023 annual town meeting warrant.**

**Roll Call Vote: 5-0**

Waldo explained he wanted to send the warrant to the bylaw committee so they could vote before it was sent to the printer. The board had no objections.

**C. TA performance review update on distribution.**

Chair Curley spoke about the annual performance review for the town administrator. He explained that some changes have been made. He explained those changes to the board. Chair Curley explained that the board needs to make appointments with HR and hand in the performance reviews by the 14<sup>th</sup> of April. So the review can be discussed at the meeting of April 18, 2023. The board discussed the changes made to the review.

**V. *Topics for Future Discussion***

**VI. *Minutes***

**A. March 14, 2023 – Board Member Bacon Moved; Chair Curley Seconded; and it was voted to approve the minutes of March 14, 2023 as printed in draft.**

**Roll Call Vote: 5-0**

**B. March 16, 2023 – continued to April 4, 2023**

**C. March 21, 2023 - continued to April 4, 2023**

**Chair Curley Moved; Board Member Bacon Seconded and it was voted to adjourn open session to enter into executive session not to return into open session.**

**Roll Call Vote: 5-0**

**Open session ended 7:58pm**

**Wellfleet Selectboard  
&  
Maurice's Planning Committee  
Joint Virtual Meeting  
Wednesday March 29, 2023; 7pm  
Meeting Minutes**

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

**Maurice's Planning Committee:** Ryan Curley, Chair; Carl Sussman, Heather Doyle, Farrukh Najmi, Janis Plaue, Gary Sorkin, Roland Blair, Sharon Rule-Agger, Emily Achtenberg, Robert Wagner, Timothy Sayre

**Others Present:** Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant, Kathleen Nagle

Chair Curley Called the Meeting at 7:03pm

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

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

There were no comments of announcements.

**II. *Maurice's Campground***

**A. Review of Master Planning RFP for Maurice's Campground/80 State Hwy**

Chair Curley spoke to the boards stating that this has been a work in progress and asked Achtenberg to introduce the RFP, she began stating to the boards that the goal is try and come up with a blueprint for the property at 80 State Highway, She explained the expectations of the planning committee and the process of the RFP.

There were questions for the planning committee about cost and time frames. They discussed the packet the master plan that they put together at great length. Suggestions were made to add to the draft to make it more detailed.

The evaluation criteria were discussed and amended.

The boards discussed the project's goals.

Chair Curley shared his screen so the group could go over the project goals one at a time.

The boards made some amendments to the document, and all decided it to vote on these amendments.

It was a detailed discussion.

**Board Member Bacon Moved, Board Member Wolf Seconded and it was voted to accept the request for proposal; for mater planning services for Maurice's Campground as amended at tonight's meeting.**

***DRAFT*** **\*\* A full recording of this meeting can be found on the town's website \*\***

**Roll Call Vote 4-0-1 (Curley Abstained)**

**Plaue Moved the same motion as presented by Board Member Carboni**

**Roll Call Vote: 9-0-1 (Curley Abstained)**

**Board Member DeVasto Moved; Board Member Bacon Seconded; and it was voted to adjourn.**

**Roll Call Vote: 4-0-1**

**Plaue Moved, Board Member Agger Seconded; and it was voted to adjourn the Planning Committee Meeting**

**Roll Call Vote: 9-0-1**

### **III. *Adjournment***

Meeting Adjourned at 8:10pm



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 4, 2023

# XIV

### ADJOURNMENT

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