



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, January 17, 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 to +1 929 205 6099** and enter **Meeting ID: 856 8960 4806** | **Passcode: 611877** Landline callers can participate by dialing *9 to raise their hand.

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 to recognized to speak. If attending a meeting in person, please find the closest available microphone and confine any personal conversations to outside 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

I. *Announcements, Open Session and Public Comments*

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

II. *Consent Agenda*

- A. Common Victualler Licenses ~ Please see Selectboard packet for full list
- B. Re-Appointment of John Mankevetch to Assistant Constable for Propagation
- C. Re-Appointment of Chris Manulla to Deputy Shellfish Constable
- D. Letter from The Bookstore Restaurant to close The Bookstore and Bomb Shelter for repairs and renovations. See letter for details
- E. Use of Town Hall driveway and lawn ~ Sunday July 16, 2023 (rain date July 23, 2023) 7am-2pm ~ Annual Summer book sale, Friends of the Library
- F. Josh Yeston ~ Appointment to the Wellfleet Cable Advisory Committee
- G. Conservation Trust Grant to be resigned by Selectboard ~ previously approved

- H. Use of Town Property Duck Harbor Rd./NSP/Ducks Unlimited
 - I. Signature for grant application CDBG ~ Suzanne Thomas
- III. ***Public Hearings***
 - A. Review the annual list of community needs for Community Housing, Historic Preservation, Open Space and Outdoor Recreation, gathered by the Wellfleet Community Preservation Committee in accordance with the Community Preservation Act, G.L. c. 44B.
 - B. Continuation of Hearing to extend grant license 2000-06; Nick Sureck
 - C. Application received December 9, 2022, from New Fleet Corporation, dba Hog Island Surf Lodge & Beer Yard, 842 Route 6 Wellfleet, MA, Mike McNamara, Manager, for a new Year-Round All Alcohol Restaurant License.
 - D. Application received December 27, 2022, from Ekadanta, Package Corporation; DBA Wellfleet Wine and Spirits; 2568 Route 6, Wellfleet, MA 02667; Manager Nilesh Marfatia, for an amended alcohol license, to go from seasonal to year-round
- IV. ***Licenses***
 - A. Weekday Entertainment ~
 - Wellfleet Harbor Actor's Theater
 - The Swan
 - Flying Fish Café
- V. ***Board/Committee Appointments and Updates***
 - A. Robert Stewart ~ Appointment to the Wellfleet Conservation Commission
- VI. ***Business***
 - A. Zoning Bylaw Amendment - Inclusionary Zoning ~ Chair Curley
 - B. Zoning Bylaw Amendment - Definitions of Trees ~ Chair Curley
 - C. Zoning Bylaw Amendment - Cutting Timber within the NSP ~ Chair Curley
 - D. Zoning Bylaw Amendment - Landscape and Tree Preservation ~ Chair Curley
 - E. Zoning Bylaw Amendment – Locally Notable Trees ~ Chair Curley
 - F. Capital Improvement Budgets
 - Wellfleet IT Department
 - Maurice's Campground Planning & Development
- VII. ***Selectboard Reports***
- VIII. ***Town Administrator's Report***
- IX. ***Topics for Future Discussion***
- X. ***Vacancy Reports***
- XI. ***Minutes***
 - A. December 20, 2022
- XII. ***Adjournment***



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

I

ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

II

CONSENT AGENDA

REQUESTED BY:	Various Parties
DESIRED ACTION:	To approve the following without objection
SUMMARY:	I move to approve the following items with no objection: <ul style="list-style-type: none">○ Common Victualler License Renewals ~ See packet for full list○ Reappointment of John Mankevetch to Assistant Constable of Propagation○ Reappointment of Chris Manulla to Deputy Shellfish Constable○ Letter from the Bookstore/Bomb Shelter to close for a short period of time for repairs○ Use of Town Hall driveway and lawn ~ Sunday July 16, 2023, for book sale○ Josh Yeston~ Appointment to Wellfleet Cable Advisory○ Conservation Trust Grant to be signed by board ~ previously approved○ Use of Town Property Duck Harbor Rd./NSP/Ducks Unlimited CDB Grant Application signatures

COMMON VICTUALLER LICENSE RENEWALS

January 17, 2023

- Even' Tide Motel and Cottages
- Blackfish Variety
- Wellfleet Harbor Actor's Theater
- The Copper Swan ~ Jaunty Cygnet, LLC
- Wellfleet Motel & Lodge
- Ceraldi
- Hatch's Fish Market
- Flying Fish Café
- Cumberland Farms



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300

www.wellfleet-ma.gov

January 17, 2023

Mr. Dan McKiernan
Director, Mass. Division of Marine Fisheries
251 Causeway St., Suite 400
Boston, MA 02114

RE: MGL Ch. 130, Section 98: Shellfish constables; appointment; powers and duties;
notice of appointment

Dear Mr. McKiernan:

This is to officially notify you as per MGL Ch. 130, Section 98: Shellfish constables; appointment; powers and duties; notice of appointment, that the Town of Wellfleet Selectboard, in the County of Barnstable, in the Commonwealth of Massachusetts, voted unanimously on January 17, 2023, to re-appoint John Mankevetch to fulfill the duties and responsibilities as the Town of Wellfleet's Assistant Shellfish Constable and Chris Manulla to fulfill the duties and responsibilities as the Town of Wellfleet's Deputy Shellfish Constable.

John Mankevetch has been fulfilling his duties and enforcing the Commonwealth's 322 CMR 16, the Wellfleet Shellfishing Policy and Regulations and other state and federal shellfishing rules and regulations since his hire on July 13, 2005. Chris Manulla has been doing the same since his hire on October 31, 2000. They will both continue do so through December 31, 2025.

Respectfully,

Richard J. Waldo
Town Administrator
Town of Wellfleet



December 26, 2022

Town of Wellfleet
300 Main St.
Wellfleet, MA 02667

Dear Selectboard of Wellfleet,

I am writing to request permission for the Bomb Shelter Pub to close from January 2023, until February 2023. The reason for this closure is that the electrical panel for the whole building needs to be replaced. My electrician, Keith Reeves of Lower Cape Electric, is scheduled to begin this the first week of January, it could be a month if certain supplies are still on backorder from suppliers.

The restaurant is also completing renovations in the bar, dining room and kitchen. Some of the flooring, electrical supplies and equipment are also on backorder from suppliers.

It is particularly important to complete these renovations and updates to operate the business properly, safely, and sufficiently for the future.

I am hoping to get the Bomb Shelter open in February if all goes to plan with the electrical updates and open the restaurant in March, as well, for this reason.

I am happy to keep you up to date on the progress during this time.

Thank you for your understanding.

Sincerely,

Joseph Parlante
Manager/Owner
Bookstore & Restaurant, Inc.

Bookstore and Restaurant, Inc. 50 Kendrick Ave., Wellfleet, Ma. 02667
PO BOX 1434
Tel. 508-349-3154 Fax 508-349-9799
Email: info@wellfleettoyster.com Website: wellfleettoyster.com

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

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

Applicant Susan Bruce Affiliation or Group Friends of the Library

Telephone Number 508-214-0250 Mailing Address: PO Box 857 02667

Email address susanpbruce@mac.com

Town Property to be used (include specific area) Town Hall driveway and lawn

Date(s) and hours of use: Sunday July 16 (and rain date July 23) 7:00am – 2:00pm

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.

Annual summer book sale. 50 volunteers for set-up and take down. Event hours 9:00-1:00. A fundraiser, all proceeds go to the Library.

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

None (we borrow traffic cones from PD for the driveway at Main.)

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 pd -

Fee: _____

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: OK - Delaney Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: N/A Comments/Conditions: Permits/Inspections needed:
--	--

Police Department: OK - Chief Delaney Comments/Conditions:	Fire Department: OK - Capt. Capello Comments/Conditions:
---	---

DPW: OK - Jay Norton Comments/Conditions	Community Services Director: N/A Comments/Conditions:
---	--

Harbormaster: N/A Comments/Conditions	Shellfish: N/A Comments/Conditions
--	---

Recreation: N/A Comments/Conditions	Town Administrator: OK per Rich Walden Comments/Conditions
--	---



**TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

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

FILL OUT THE FORM BELOW and mail it to:

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

Name Josh Yeston Date 1/9/23

Mailing Address 160 Griffins Island Road, Wellfleet MA 02667

Phone (Home) _____ (cell) 860-655-1580

E-mail Hello@JoshYeston.Com

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

Over a decade of global advertising experience as an Art Director and Creative Director.

Tasked with distilling complex business opportunities into attractive, persuasive, and easy to engage with communications.

Served as a member of senior leadership of a multi billion dollar tech company.

Currently support startups and small businesses with their fundraising and brand development needs.

Have managed numerous teams of SMEs and have been responsible for numerous multi-million dollar projects.

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

I've been directly involved with data access in Wellfleet as a homeowner without cell or cable coverage for quite some time. Through my own process to gain data access I've spoken to various

providers on the reasons behind lack of access and have a better than some understanding of the challenges we face to gain it.

I'm the kind of guy who beat the Comcast phone tree into submission to reach the project manager in charge of our region to discuss how to wire up the homes on the far side the herring river. It's a fascinating answer.

I am an early adopter of Starlink and am, in general, an early adopter of new technologies. I very much hope I can focus my creative, problem solving attitude to the Town and its data access needs.

□ Committees/Boards of Interest:1) **Cable, Internet, and Cellular Service Advisory Committee**

GRANTOR: The Compact of Cape Cod Conservation Trusts, Inc.

GRANTEE: Orenda Wildlife Land Trust, Inc.

ADDRESS OF PREMISES: 10 Paine Avenue, South Wellfleet, MA 02663

FOR GRANTOR'S TITLE SEE: Barnstable County Registry of Deeds Book 35529 Page 69

FOR GRANTOR'S PLAN SEE: Barnstable County Registry of Deeds in Plan Book 29 Page 31

CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

THE COMPACT OF CAPE COD CONSERVATION TRUSTS, INC., a Massachusetts charitable corporation with an office at 36 Red Top Road, Brewster, MA 02630 and a mailing address of P.O. Box 443, Barnstable, MA 02630, being the sole owner of the Premises as defined herein, for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants, with QUITCLAIM COVENANTS, to **ORENDA WILDLIFE LAND TRUST, INC.**, a Massachusetts charitable corporation with an office address at 4011 Main Street, Cummaquid MA 02637 and a mailing address of P.O. Box 669, West Barnstable, MA 02668, its permitted successors and assigns ("Grantee"), for nominal consideration, **IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES**, the following Conservation Restriction on land located in the Town of Wellfleet, County of Barnstable, Commonwealth of Massachusetts containing the entirety of 0.53 acre parcel of land ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached sketch plan in Exhibit B and excerpt of Town of Wellfleet Tax Map in Exhibit C.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction ("Purposes") are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and available for passive outdoor recreational use, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

Conservation Land Tax Credit. The fee interest in the Premises was acquired utilizing, in part, the Conservation Land Tax Credit Program authorized under the Chapter 509 Acts of 2008

ex-SWAIN CONSERVATION RESTRICTION
Wellfleet, MA

Sections 1-4 as amended by Chapter 409 Acts of 2010 Sections 4-13 of the Massachusetts General Court.

The Conservation Values protected by this Conservation Restriction include the following:

- Open Space. The Premises contributes to the protection of the scenic and natural character of Wellfleet and the protection of the Premises will enhance the open-space value of these and nearby lands. By protecting the Premises, this Conservation Restriction will enhance open space available for public passive recreation, and the 0.53 acre covered by this Conservation Restriction is adjacent to wetlands of Wellfleet Harbor.
- Wildlife Habitat. Approximately 50% of the Premises is considered BioMap2 Core Habitat Species of Conservation Concern, and the Premises is proximate to areas designated by the MA Division of Fisheries and Wildlife acting by and through its Natural Heritage and Endangered Species Program (NHESP) as “Priority Habitats of Rare and Endangered Species,” the protection of which aligns with NHESP’s wildlife and habitat protection objectives.
- Area of Critical Environmental Concern. Approximately one half of the Premises falls within the Wellfleet Harbor Area of Critical Environmental Concern (ACEC), designated by the state in 1989 in part due to the coastal and marine resources, wetlands, and cultural significance of this area of Wellfleet.
- Public Access. Public access to the Premises will be allowed for passive outdoor recreation, education and nature study and to provide close-to-home recreational opportunities for Wellfleet residents and visitors.
- Biodiversity. The Premises will protect areas designated as BioMap2 Core Habitat and Critical Natural Landscape, specifically for the land adjacent to the Premises, as defined by the Massachusetts Natural Heritage and Endangered Species Program. BioMap2, published in 2010, was designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. *BioMap2* is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan.
- Wetlands. The Premises provides upland buffer to nearby saltwater marsh and contains valuable habitat for a diverse array of wildlife species as well as provide the many other public benefits of wetlands protection recognized by the Commonwealth of Massachusetts (Section 40 of Chapter 131 of the Massachusetts General Laws). The protection of the Premises’ 0.53 acres contributes to the success of the larger wetlands, and wildlife.
- Climate Change Resiliency. The Premises is identified as an area of average Terrestrial Resilience according to The Nature Conservancy’s (TNC) Resilient Land Mapping Tool. TNC’s Resilient Land Mapping Tool was developed in order to map ‘climate-resilient’ sites that are ‘more likely to sustain native plants, animals, and natural processes into the future.’ The protection of these climate resilient sites is an important step in both reducing human and ecosystem vulnerability to climate change and adapting to changing conditions.

- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July 1991, the Barnstable County Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan* (“RPP”), amended in 1996, 2002, 2009, 2012, 2018, and 2021 which provided, *inter alia* (references are to the 2018 RPP amended March 2021):
 - “To protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers” (Wetland Resources Goal, p. 61);
 - “Protect wetlands and their buffers from vegetation and grade changes.”
 - “To protect, preserve, or restore wildlife and plant habitat to maintain the region’s natural diversity” (Wildlife and Plant Habitat Goal, p. 61);
 - “Maintain existing plant and wildlife populations and species diversity.”
 - “To conserve, preserve, or enhance a network of open space that contributes to the region’s natural and community resources and systems” (Open Space Goal, p. 61);
 - “Protect and preserve natural, cultural, and recreational resources;”
 - “Maintain or increase the connectivity of open space;” and
 - “Protect or provide open space appropriate to context.”

Granting this Conservation Restriction will advance each of these objectives. The Wetland Resources Goal will be served because the Premises contains upland buffer to saltmarsh on Wellfleet Harbor, a state-designated ACEC. The Wildlife and Plant Habitat Goal will be served in that conserving the Premises will protect BioMap2 Core Habitat – Species of Concern, as recognized by the Commonwealth of Massachusetts to preserve biodiversity. The Open Space Goal will be served because the property is directly adjacent to over 77 acres of saltmarsh along Wellfleet Harbor.

- Consistency with Clearly Delineated Town of Wellfleet Open Space and Recreation Plan. Protection of the Premises will further the Town of Wellfleet’s documented goals regarding conservation of land. The Town of Harwich’s Open Space Plan (2014) and draft Five Year Plan provides guidance for preserving and protecting Wellfleet’s open space, recreational areas, and water resources. The Plan prioritizes conservation of land that is unfragmented, promotes natural resource protection, and prevents the loss of critical wildlife and plant habitats (p. 63). The protection of the Premises will meet these goals in providing connectivity to Town open space, preserving native species, and enabling passive recreational opportunities.
- Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of “conservation purposes” as defined in 26 CFR 1.170A-14(d)(1), because its conservation would: protect the land for outdoor recreation by the general public; reserve the land for education regarding the natural world; protect wildlife and wetland habitats; and it would contribute to the preservation of open space because it is proximate to several other parcels already conserved.

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, solar panel, solar array, wind turbine, conduit, line, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;
7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;

10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or boundary markers;
11. Residential or Industrial Uses. Using the Premises for residential, commercial or industrial purposes;

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A., the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, without chemicals or fertilizers, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV.);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises;
4. Natural Habitat and Ecosystem Improvement. Conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation. This could include, but is not limited to: 1) wetland buffer restoration, 2) removal of non-native species and 3) establishing indigenous/native species.
5. Archaeological Investigations. Conducting archaeological activities, including but not limited to archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;
6. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the

Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;

7. Fences. The right to erect and maintain open-faced (i.e., sight-pervious) fences, such as wooden split rail, for property boundary delineation, so long as the dimensions and design of said fences do not impede free wildlife passage;
8. Motorized Vehicles. Using motorized vehicles by persons with mobility impairments.
9. Outdoor Passive Recreational and Educational Activities. Hiking, jogging, cross-country skiing, snowshoeing, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor passive recreational and educational activities;

C. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade and vegetated ground cover.

D. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B. shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Reserved Right requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

E. Notice and Approval.

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
 - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals.
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.

2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.
3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief.

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration) and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.
2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking

reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

D. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS

Subject to the provisions of this Conservation Restriction, the Grantor hereby grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Paragraph III.B.9. provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the Purposes and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.9. The Grantor's right to grant public access across the Premises is subject to the restrictions described in this Conservation Restriction. The Grantee may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. This grant of public access to the Premises is solely for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantee hereto express their intent to benefit from exculpation from liability to the extent provided in such section.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official (“Secretary”), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor’s and Grantee’s Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C., subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee’s Receipt of Property Right

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, for the purpose of enforcing this Conservation Restriction, but does not entitle Grantee, upon extinguishment, release, or termination, to any proceeds received by the Grantor from the subsequent sale, exchange or involuntary conversion of the Premises. Any proceeds that result from any such extinguishment, release, or termination will be distributed only after complying with the terms of any gift, grant, or other funding requirements.

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph VI.B and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under and 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Any transfers shall receive prior approval by Grantee to assure that the Premises is transferred to a qualified conservation organization. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record, in the applicable registry of deeds, or registered in the applicable land court registry district, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of Wellfleet and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the Barnstable County Registry of Deeds.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: The Compact of Cape Cod Conservation Trusts, Inc.
P.O. Box 443
Barnstable, MA 02630

To Grantee: Orenda Wildlife Land Trust, Inc.
P.O. Box 669
West Barnstable, MA 02668

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the Grantor and Grantee with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. BASELINE DOCUMENTATION REPORT

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods, roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premises change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Subordination

The Grantor shall record at the applicable registry of deeds or shall register in the applicable land court registry district simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. Prior Encumbrances

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

D. Executory Limitation

If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.

E. The following signature pages are included in this grant:

Grantor – The Compact of Cape Cod Conservation Trusts, Inc.

Grantee Acceptance – Orenda Wildlife Land Trust, Inc.

Approval of the Town of Wellfleet Selectboard

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

F. The following exhibits are attached hereto and included herein:

Exhibit A: Legal Description of Premises

Exhibit B: Sketch Plan of Premises

Exhibit C: Town Assessors' Locus Map

WITNESS our hands and seals this ____ day of _____, 2023,

Leonard W. Johnson, duly authorized President,
The Compact of Cape Cod Conservation Trusts, Inc.

Henry Lind, duly authorized Treasurer,
The Compact of Cape Cod Conservation Trusts, Inc.

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this ____ day of _____, 2023, before me, the undersigned notary public, personally appeared Leonard W. Johnson, President, The Compact of Cape Cod Conservation Trusts, Inc., and Henry Lind, Treasurer, The Compact of Cape Cod Conservation Trusts, Inc., and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that each signed it voluntarily for its stated purpose.

Mark H. Robinson, Notary Public
My Commission Expires: 8 July 2027

ACCEPTANCE OF GRANT

This Conservation Restriction from The Compact of Cape Cod Conservation Trusts, Inc., was accepted by Orenda Wildlife Land Trust, Inc., this _____ day of _____, 2023.

By: _____
Daniel Morast

Its: President, duly authorized

By: _____
Grant Wiklund

Its: Treasurer, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared Daniel Morast, President of Orenda Wildlife Land Trust, Inc., and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

APPROVAL OF SELECTBOARD

We, the undersigned, being a majority of the Selectboard of the Town of Wellfleet, hereby certify that at a public meeting duly held on _____, 2023, the Select Board voted to approve the foregoing Conservation Restriction from The Compact of Cape Cod Conservation Trusts, Inc., to Orenda Wildlife Land Trust, Inc., in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

SELECTBOARD:

Ryan Curley, Chr.

Michael DeVasto

Barbara Carboni

Kathleen Bacon

John A. Wolf

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared Ryan Curley, Chair, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from The Compact of Cape Cod Conservation Trusts, Inc., to Orenda Wildlife Land Trust, Inc., has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2023 _____

Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Legal Description of Premises
10 Paine Avenue, Wellfleet MA

The Premises subject to this Conservation Restriction is an approximately 0.53-acre parcel of land in the Town of Wellfleet, Barnstable County, Commonwealth of Massachusetts, bounded and described as follows:

Land situated in Wellfleet (South), Barnstable County, Massachusetts bounded and described as follows:

Beginning at stake and nail at the northeast corner of the land herein described on the south sideline of Paine Avenue as shown on the hereafter mentioned plan; thence running S00-40'-30" W by Lots 80 and 79 as shown on the hereafter mentioned plan, a distance of two hundred and 04/100 (200.04) feet, to a stake and nail on the north sideline of Wiley Avenue as shown on the hereafter mentioned plan; thence running N 89-19'-30" W by Wiley Avenue, a distance of one hundred nineteen and 40/100 (119.40) feet, to a stake and nail; thence running N 10-53'-32" E by land as shown on a plan recorded with the Barnstable County Registry of Deeds in Plan Book 355, Page 7, a distance of one hundred twelve and 37/100 (112.37) feet, to a concrete bound; thence N 26-34'19" W still by land shown in Plan Book 355, Page 7, a distance of one hundred and 62/100 (100.62) feet, to a stake and nail on the south sideline of Paine Avenue; thence running S 89-19'-30" E by Paine Avenue, a distance of one hundred forty five and 53/100 (145.53) feet, to the point of beginning.

Said parcel contains an area of 23,060 square feet (0.53 acre), more or less, and is shown as Lots 85 and 86 on a plan entitled in part "Plan of Land in South Wellfleet Mass... .. land of Miles J. Merrill," which plan is dated July 13, 1892 and a copy of which is recorded with the Barnstable County Registry of Deeds in Plan Book 29, Page 31.

Said premises is also known as Wellfleet Town Tax Map 36, Parcel 94 (10 Paine Avenue).

For Grantor's title see deed from Janis F. Swain dated 8 December 2022 and recorded in the Barnstable County Registry of Deeds in Book 35529 Page 69.

EXHIBIT B

Sketch Plan of Premises

For original official full size plan see Barnstable Registry of Deeds Plan Book 29, Page 31

(As described and encumbered, if any.)
Lots 15, 16, 26, 27, 28, 41, 42, 59, 83, 84, 85, 86, 99, 100, 101, 102, and Mill Hill Lots 9, 10, 16, 18, 19, 21 and 22, all as shown on a plan of land entitled "Plan of Land in South Wellfleet of Miles J. Merrill" and recorded with the Barnstable County Registry of Deeds in Plan Book 29, Page 31; and
Excerpt of Deed of record in Deeds Book 2858 Page 152

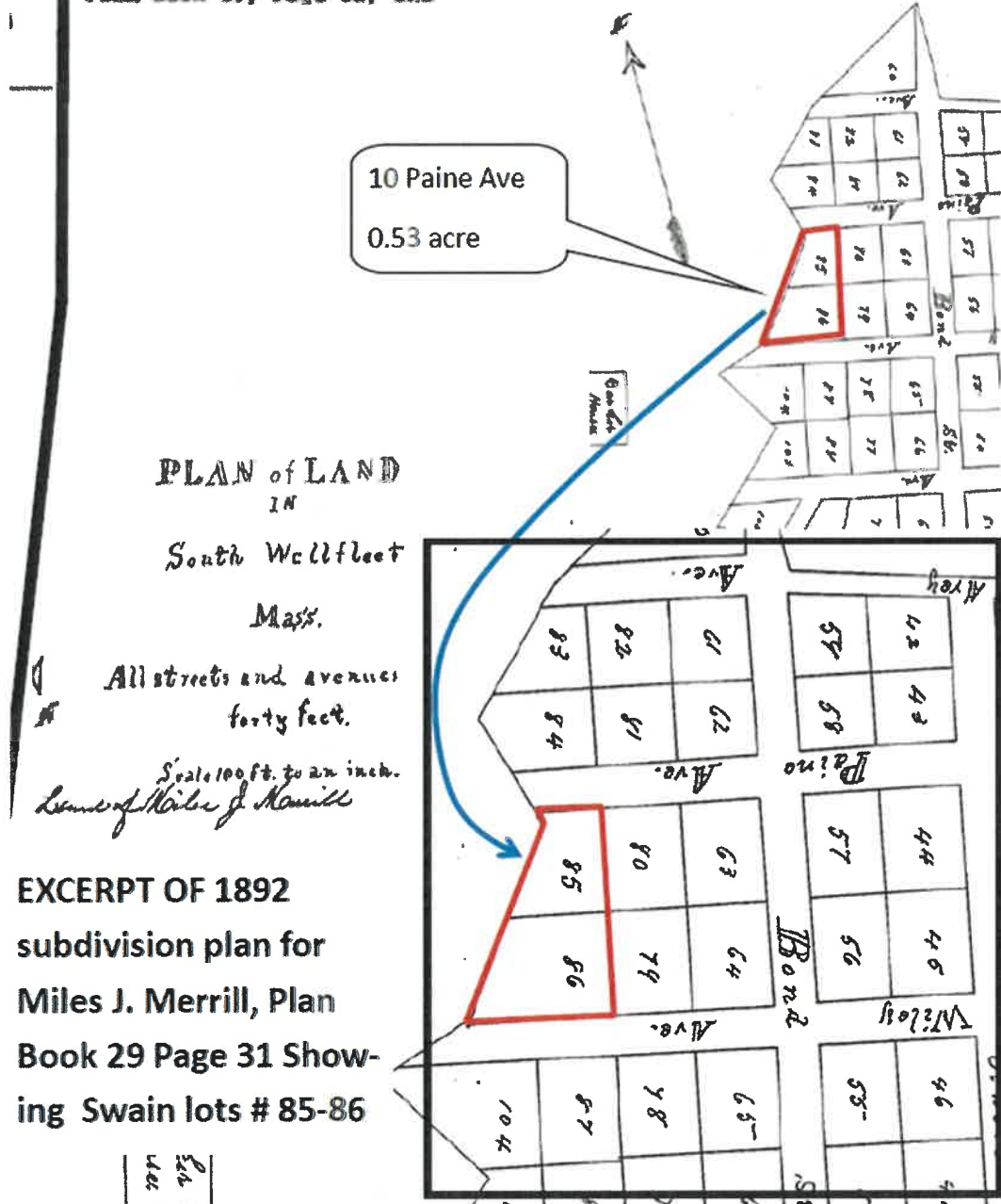


EXHIBIT C
TOWN ASSESSORS' LOCUS MAP OF PREMISES



APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELFLEET
300 MAIN STREET
WELFLEET, MA 02667

Applicant Tim Smith Affiliation or Group Cape Cod National Seashore

Telephone Number 857-498-2479 Mailing Address: 99 Marconi Site Rd, Wellfleet

Email address: tim_p_smith@nps.gov

Town Property to be used (include specific area): Corner of Duck Harbor and Griffin Island Road

Date(s) and hours of use: January 20 – March 31, 2023

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.

Equipment traversing town property (road) to access work area on NPS property. Equipment to be used for mowing/chipping of dead vegetation in Duck Harbor area. Work to occur and equipment to be staged on NPS property.

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

N/A

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 WAIVED

Fee:

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

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

Police Department: Comments/Conditions:	Fire Department: Comments/Conditions:
---	---

DPW: Comments/Conditions	Community Services Director: Comments/Conditions:
--	---

Harbormaster: Comments/Conditions	Shellfish: Comments/Conditions
---	--

Recreation: Comments/Conditions	Town Administrator: Comments/Conditions
---	---



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

III

PUBLIC HEARINGS

~ A ~

REQUESTED BY:	Community Preservation Committee
DESIRED ACTION:	Review the annual list of community needs for Community Housing, Historic Preservation, Open Space and Outdoor Recreation
PROPOSED MOTION:	No motion is needed for this agenda item
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Needs Lists for CPA Hearing - January 17, 2023

Open Space Needs

1. Preserve threatened resources especially in ACEC land.
2. Protect regional water supply/aquifer.
3. Protect regional wetlands and bordering areas.
4. Protect shellfishing/wildlife habitat.
5. Preserve special and unique native vegetation.
6. Provide links with existing conservation land for wildlife corridors.
7. Protect for limited and appropriate public access land near ocean, bay and ponds.
8. Seek land for passive recreation.
9. Continue to educate the population regarding the benefits of conservation, and the relationship between excessive growth and ground water quality, waste disposal, harbor health, natural resources, and town character.

Community Housing Needs

1. Continue work to create 120 units of affordable housing to meet the needs of low and moderate income residents to meet the State guideline of having 10% of year-round housing be affordable.
2. Complete the development of up to 46 units of affordable rental housing at 95 Lawrence Road.
3. Complete development of 8 units of rental housing on Paine Hollow Rd.
4. Complete development of 4 Habitat homes for ownership on Old King's Highway.
5. Pursue development of one home on Freeman Avenue parcel.
6. Work with the Maurice's Planning Committee to develop significant year round and seasonal affordable and workforce rental housing as well as attainable home ownership opportunities.
7. Complete the new Wellfleet Housing Production Plan in 2023 and roll it out to the Community.
8. Award and complete the current Buy Down grant, evaluate the program and seek CPA and other funding for new awards.
9. Seek Community Preservation funds, other local, State and Federal funds, grants and donations to secure an adequate funding base for the Wellfleet Affordable Housing Trust (WAHT) to support a range of housing initiatives
10. Work with the Town to hire and retain permanent professional housing and planning staff.
11. Identify and request Town owned land for development of community housing
12. Develop programs to support the creations of ADUs.
13. Pursue adoption of Inclusionary Zoning and Multi-Family bylaws to create more year round affordable homes.
14. Rally public support, understanding and involvement in housing initiatives.

Historic Preservation Needs

1. Historic Places
 - a) Documenting Wellfleet's historic properties on building inventory forms (Form B's)
 - b) Posting signs identifying points of historical interest
 - c) Conducting a survey of Wellfleet's school houses
 - d) Identifying buildings relocated from Billingsgate Island and Bound Brook Island
 - e) Locating and mapping Wellfleet's historic brooks and springs
2. New England Industries (Wellfleet and the Region)
 - a) Creating an on-line historical maps room
 - b) Producing a monograph on saunas and ice houses in Wellfleet (Fire and Ice)
 - c) Documenting shipbuilding in Wellfleet
 - d) Producing a monograph on cranberry bogs
3. Cultural History
 - a) Updating the 2005 Guide to Wellfleet's monuments, memorials, and burial grounds
 - b) Documenting Wellfleet's Native American cultural history
 - c) Documenting the history of Wellfleet's immigrant populations, including Finns and Jamaicans
 - d) Digitizing oral histories of fishermen, oystermen, and other Wellfleet people
 - e) Digitizing the Town of Wellfleet Photograph Collection
 - f) Working jointly with the Wampanoag Advisory Council of Cape Cod National Seashore to update a memorial recognizing a 16th century Wampanoag woman on Great Island
 - g) Creating a survey of local slang and place names
 - h) Placing a plaque to identify the Women's Christian Temperance Union Water Fountain at Town Hall
 - i) Identifying and mapping local paths, cart ways and historic vistas

Outdoor Recreation Needs

1. Replace the covering for the bandstand at the end of the pier.
2. Replace the dance floor at the Baker's Field Pavilion.
3. Purchase additional temporary shade coverings for the Baker's Field Facility: Tennis/pickleball courts and field and picnic areas.
4. Construct a Bocce/ Boule Court
5. Continue current programs while exploring new ways to serve the recreational needs of the town's citizens of various ages given current growth and changing demographics
 - Contribute to community efforts to construct a dog park
 - Contribute to regional effort to extend bike trail from Wellfleet-P-Town.
6. Coordinate with town members, existing groups, departments and institutions in the active pursuit of recreational goals and needs.
 - Preserve and enhance Town owned ponds and ocean/bay beach facilities with water fountains, showers and/or foot showers.
 - Preserve and enhance historic walking trails and fire roads in and around town ponds, ocean/bay beaches & woodlands

2023 CPA Applications (FY24)

GRANT#	CATEGORY	PROJECT	APPLICANT	REQUEST	APPROVED AMT	CPC DATE
23-01	com housing	Lower Cape Housing Institute	CDP	\$ 7,500	\$ 7,500	10/26/2022
23-02	com housing	Down Payment, Closing Cost & Repair Assistance	Housing Authority	\$ 100,000	\$ 100,000	12/7/2022
23-03	com housing	Affordable Housing, Orleans Cape Cod 5	Penrose	\$ 100,000	\$ 20,000	12/7/2022
23-04	com housing	Affordable Housing, Jerome Smith, Provincetowr	Community Builders	\$ 500,000	Deferred	
23-05	historic pres	Town Seal	Selectboard	\$ 1,000	Withdrawn	
23-06	open space	Open Space Conservation Fund	Open Space Committee	\$ 150,000	\$ 150,000	11/30/2022
23-07	com housing	95 Lawrence Rd.	POAH & CDP	\$ 1,500,000	\$ 1,000,000	12/7/2022
23-08	rereation	Access at ponds & bayside beaches (ramps)	Disabilites Commision	\$ 32,760	\$ 32,760	12/7/2022
23-09	recreation	Adult Community Center Landscape	Friends of COA	\$ 9,890	\$ 9,890	12/7/2022
23-10	recreation	Bandstand Pavilion/Cover	Recreation Dept.	\$ 63,843	\$ 63,844	12/7/2022
23-11	housing	Affordabe Housing, Main St. , Orleans	Housing Assistance Corp	\$ 100,000	Deferred	
				\$ 2,564,993	\$ 1,383,994	



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

III

PUBLIC HEARINGS

~ B ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	Continued public hearing for potential grant extension to grant 2000-6 on Egg Island for Nick Sirucek from December 6, 2022
PROPOSED MOTION:	A detailed motion will be made at the time of the meeting if one is decided upon.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET

PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 59, 60, and 62 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing on November 15, 2022, at 7:00 p.m. to consider the following:

- 1) Application received 9/23/2022 for the renewal of shellfish grant license #s 95-19 and 95-20 consisting of 1.84 acres on Egg Island for nine years, 10 months and 28 days from Chris Merl (Wellfleet, MA).
- 2) Application received 9/25/2022 for the renewal of shellfish grant licenses #861 and #861-A consisting of a total of 1.5 acres on Field Point for four years, eleven months and four days from Robert Emmet (Wellfleet, MA).
- 3) Application received 10/13/2022 for a grant extension (to be numbered #2000-6 ext.) to shellfish grant license #2000-6 consisting of approximately 1.2 acres on Egg Island from Nick Sirucek (Wellfleet, MA).

Recommendation of the Shellfish Constable will be available in the November 15, 2022, Selectboard's packet.

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

Join Zoom Meeting

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZ2ViQ0xNWkZKMm9iMVdrdz09>

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

December 13, 2022

To: Town of Wellfleet Selectboard
Re: Recommendations
From: Nancy Civetta, Shellfish Constable

I received an application on October 13, 2022, for a shellfish grant license extension on Egg Island (2000-06 Ext.) from Nick Sirucek, totaling approximately 1.2 acres. At my and his requests, his original public hearing was continued to Dec. 20, so he could reconfigure the position and size of this proposed extension to accommodate the Harbormaster's and my feedback. It is beyond mean low water, and therefore, not on private property.

As I brought up in my original memo for the continuation of this public hearing (see attached), I am working with Shellfish Advisory Board to revise an ambiguous regulation about where grants can be situated on Egg Island to more expressly and clearly indicate that they cannot be located east of Nick's current grant (the eastern boundary of Powers Landing) and north of the northern boundary of grants on Egg Island (the so-called "1650" line) to the Egg Island channel. This is to protect the traditional wild harvest areas on Egg Island and was discussed at the last Shellfish Advisory Board (SAB) meeting. On Monday, Dec. 19, 2022, I will be presenting SAB with the revised language for consideration as a regulation change, which will then be coming to you for action. At this point, however, I feel completely comfortable with where Nick's proposed extension is situated with regards to the current regulation and proposed regulation change.

On November 7, 2022, I visited the proposed extension site with Harbormaster Will Sullivan. The Harbormaster had concerns about the layout of the extension. Although it mirrored his current grant configuration, Will was concerned about boat traffic and navigability in this area. He suggested to Nick that he pull it back to the south and situate the grant in between his grant and his neighbor's grant to the west.

In addition, I provided Nick with feedback from other Egg Island grant holders that he needed to leave room for trucks to negotiate the area on tides lower than a negative one as per Conservation Commission's order of conditions. His revised configuration is shown on maps attached in his application, clearly leaving ample room for trucks to pass.

Now, instead of being 1.2 acres and mirroring his current grant, it is one acre and sits like a square in between his and the neighboring grant to the west as requested by myself and the Harbormaster. Immediate abutters were notified of this public hearing.

Phone (508) 349-0325



Fax (508) 349-0305

I am satisfied with these changes and believe that Nick has worked honestly and diligently to accommodate the concerns of those around him. I appreciate Nick's diligence and attention to accommodating other users in his revised application, attached.

Nick is an experienced shellfish farmer and has been farming for the past eight years. I understand that he has maxed out the space in grant #2000-06 and his need to expand in order for his business to be successful. For these reasons, I recommend approving the additional grant license.

The area will need to be surveyed by the Mass. Division of Marine Fisheries to determine if it has significant shellfish resources that should not be taken out of the public domain. He will also need to have it professionally surveyed to determine exact boundary points and acreage.

I look forward to our discussions at the public hearing.

Respectfully submitted,

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

Nancy Civetta
Shellfish Constable

APPLICATION FOR SHELLFISH GRANT LICENSE

RCVD
1.26.2022
RCVD
10.13.22

DATE: 1/26/22

Resubmitted on: 10/13/22

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

Name Nicholas F Sirucek

Address 51 Haywain Way
Wellfleet, MA 02667

Telephone 508 246 2004

Approximate location of proposed grant license area:
West side of existing grant # 2000-6

Desired size of proposed grant license area:

≈ 1 acres

GENERAL INFORMATION

Previous shellfishing experience:
≈ 8 years in industry, ≈ 5 years farming for myself

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

State Permit: since 2016

Town wild Permit: 2020, 2022

How long have you lived in Wellfleet?

33 years

Comments: I request this grant extension in order to maintain the viability of my shellfish business, as it is my sole source of income and I employ 1-3 other people as part-time help.

Nicholas F Sirucek
Signature of Applicant

10/13/22

Jerry Smith
Shellfish Constable

10.13.2022

To the Wellfleet Selectboard,

My name is Nick Sirucek – I am a 34 year old full-time shellfish farmer, the son of two immigrants, and was born and raised in Wellfleet. I started working in the town's shellfish industry about 9 years ago as a farmhand, and was given the opportunity to have my name added to a grant and start farming my own shellfish in 2016. I have thankfully been able to grow my business over the years and farming shellfish is now my sole occupation and keeps me busy year-round. However, due to the cost of living, and the challenges facing the shellfishing industry, I am at the point where I need to expand my business to be able to make enough of a living to stay in town and keep farming. For this reason, I am applying for an extension to my current grant on Egg Island (2000-6), which I currently share with one other person. I have given this proposal a lot of thought and have tried to address any potential issues, including modifying the layout at the suggestion of the Harbormaster. The additional area is necessary to be able to increase my production of clams, have room start a clam nursery program, and potentially hire more people.

In accordance with Shellfish Regulation 7.6 3.(a.), it was determined that the proposed licensed area falls beyond the Mean Low Water line and thus no permission is needed from upland landowners (see: Spillane v. Adams summary and Image 2).

The proposed extension area consists of approximately 1 acres to the west of my existing licensed area, and has been drawn in such a way as to not impede the access of other farmers, or to boaters. It nicely fits and “fills in” part of an unused area between my existing grant and grant #01-03. In this way it will actually aid in navigation, as it will not appear to be a navigable gap between grants, and there will be more marking buoys. This area does not appear to be naturally productive, and in the 6+ years I have been working my site, I have never once seen anyone wild-picking the proposed area. When I see people wild harvesting on the island they are either on top of the northern spit of the island (clams), or sometimes picking on the northern bank by the channel. WSD would likely agree, and the required biological survey would confirm.

In conclusion, I believe this to be an unproductive, licenseable area, with no obvious conflicts with navigation or access to other farms, and being granted an extension would be enable me to expand my current operations and afford to live here.

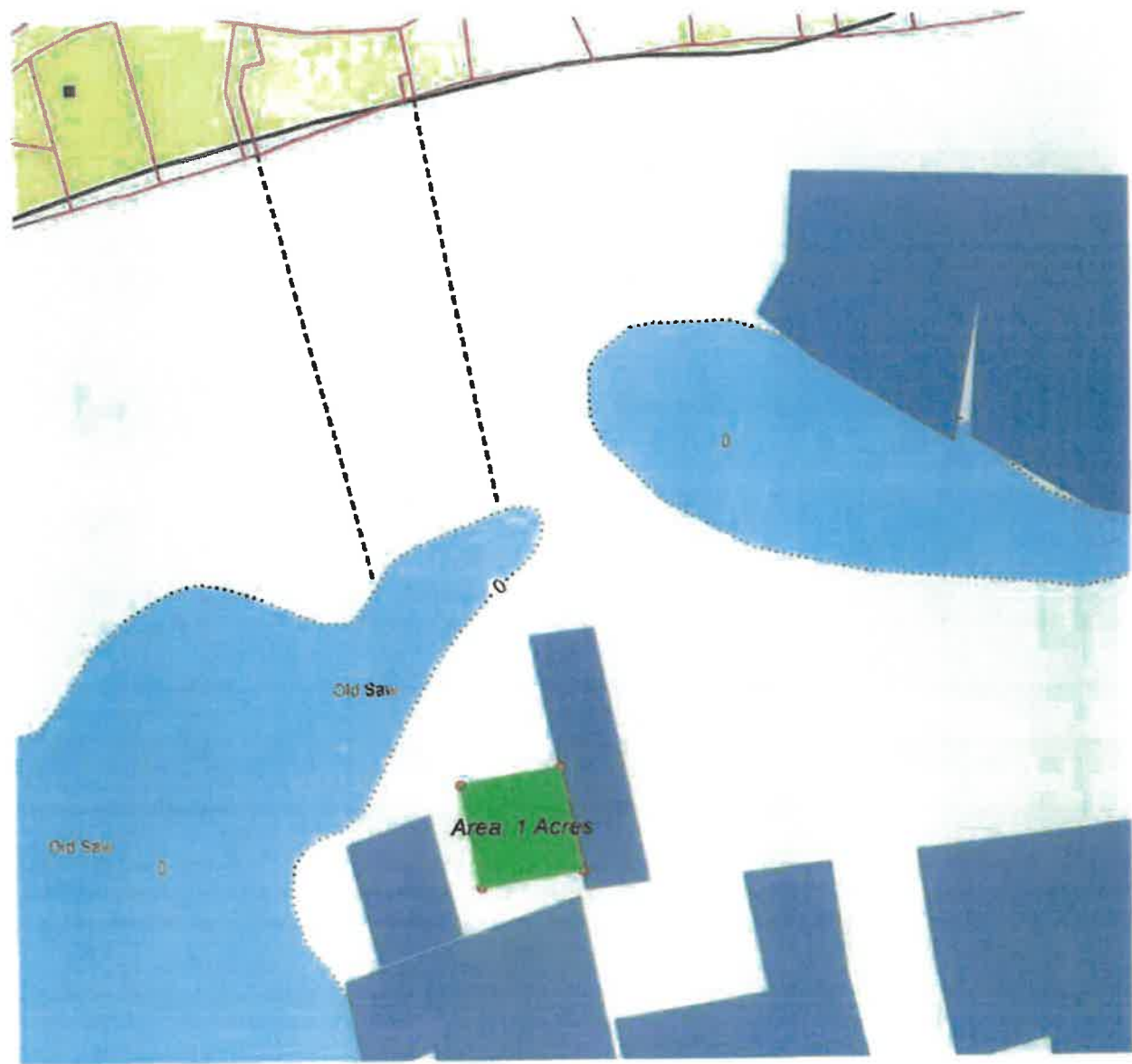
Thank you for your consideration,

Nick Sirucek

Image 1 – proposed area, existing grants, site coordinates, NOAA map showing water levels at Mean Lower-Low Water



Image 2 – showing map of upland property lines extended out, black line is showing where both hit the Mean Lower Low Water mark (data is from NOAA map)



This court concluded that "mean low water," as established by the National Geodetic Vertical Datum standards (NGVD), is the appropriate standard for determination of a low water mark; therefore, a Land Court judge properly exercised her discretion in determining the low water of mark of certain tidal flats by reference to mean low water as measured by the NGVD. [388-390]

The town, in opposition, proposes the use of "mean low water" as determined by the NGVD. "Mean low tide" is defined as "[t]he average of all low tides -- both low and lower low -- over a fixed period." Black's Law Dictionary 1619 (9th ed. 2009). The two approaches remaining after Rockwood thus provide a distinct contrast between a real, but continually changing, position on the one hand, and a fictional location that will be relatively constant on the other.

Faced with this choice, we conclude that the Spillanes' reliance on a particular measurement taken at one point in time is contrary to a basic purpose of property law. Boundaries should be capable of determination with relative ease, rather than greatly subject, as here, to weather and the phases of the moon.

This is not the first occasion on which a judge of the Land Court has determined that "mean low water," as established by the NGVD, is the appropriate standard:

"For purposes of setting boundaries, the greatest need is certainty. The best way to establish a clear line which will be: (a) respected by the parties (because it is based on objective data), and (b) easiest to enforce (because its results are repeatable), is to use the Mean High Water Elevation and Mean Low Water Elevation lines, placed according to NGVD data While I am not aware of any appellate court decision that has yet adopted this standard, I believe it is the standard that those courts will adopt when it is presented to them."

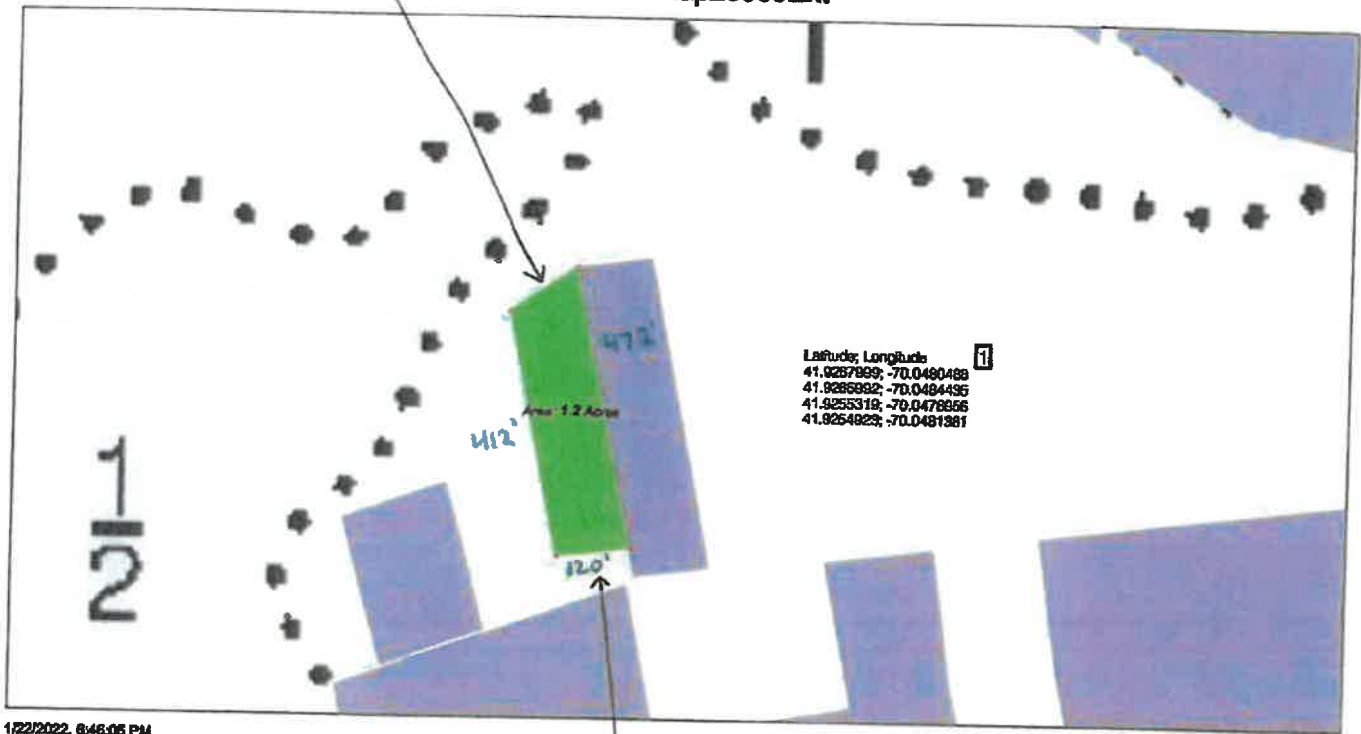
Houghton v. Johnson, 14 Mass. Land Court Rptr. at 447 (Land Court No. 308323 [KCL]) (footnote omitted). [Note 26]

Page 390

In sum, the certainty provided by the NGVD is as desirable for the landowner as for the navigator. Mean water level is a commonly employed reference and is the basis for datum printed on nautical charts issued by the National Oceanic and Atmospheric Administration. [Note 27] By contrast, use of the much more subjective "usual causes and conditions" advocated by the Spillanes provides little predictive value, and creates the need for case-by-case adjudication. The judge properly exercised her discretion in her use of the NGVD mean low water datum as the "low water mark," hence the seaward boundary of the flats. [Note 28]

FOR REFERENCE ONLY: ORIGINAL SUBMISSION - changed with
 NOT CURRENT REQUEST inpt of HarborMaster
 Configuration chosen to avoid being too close to channel.

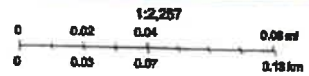
FinalMap20006Ext



Latitude, Longitude
 41.9257999; -70.0480489
 41.9255992; -70.0484435
 41.9255319; -70.0478856
 41.9254822; -70.0481381

1/22/2022, 6:46:05 PM

- Override 1
- Updated Coordinates
- Aquaculture
- Shellfish
- NOAA Reeler Nautical Chart
- Red: Band_1
- Green: Band_2
- Blue: Band_3



Maple, Microsoft, NOAA Office of Coast Survey

Configuration chosen to allow ample
 access area for other farmers.

AQUACULTURE DESCRIPTION FORM

Clear Fields

Name: Last Sirucek First Nicholas M.I. F

Business Name (optional): _____

Mailing Address PO BOX 1092

City/Town Wellfleet State MA ZipCode 02667

Telephone 508-246-2004 Cell Phone 508-246-2004

E-Mail Address NSirucek@outlook.com

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): MA CCB11

of Acres: 1

Site boundaries defined by latitude and longitude in decimal degrees (i.e. 42.36115°, -71.057083°):
41.92607;-70.0478458, 41.925978;-70.0485721, 41.9255051;-70.0476888,
41.9254096;-70.0484238

Have you conducted a survey of the site (Y/N)? No Date? _____

Method of Survey:

Average Depth at Mean Low Tide (MLW): 0

Mean High Tide (MHW): _____

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 site¹ (Y/N)? No

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)? UK

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.*

Yes

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.

This location was selected as it is abutting, and will be an extension of, my current licensed site. It is in an area where there are already multiple other existing aquaculture sites. It appears to be unproductive.

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.*

Oysters - growing in potwire cages, trays, and in rack-and-bag system.

Clams - field-planted under predator netting and secured down with steel. ^{will} ~~may~~ use clam nursery trays in the future.

*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:

Oysters are harvested by hand and clams by bull-rake.

How will the proposed license site be marked? (Buoy color, Type, Lines, Anchor)

Marked yellow bouys on the four comers on 20-30' of sinking line.

How will you access the license site?

The site will be accessed by foot or boat. Truck access is legally permitted on tides -1ft or greater, but will not be used unless there is an emergency.

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

Vehicle: Make: Nissan Model: Titan XD

Boat: Make: Carolina Skiff Model: 16DLX

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

None planned

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

seasonal operation

Please include any additional information here:


Gear and bagged product is . . . pulled in the winter.

D. CUMULATIVE IMPACTS

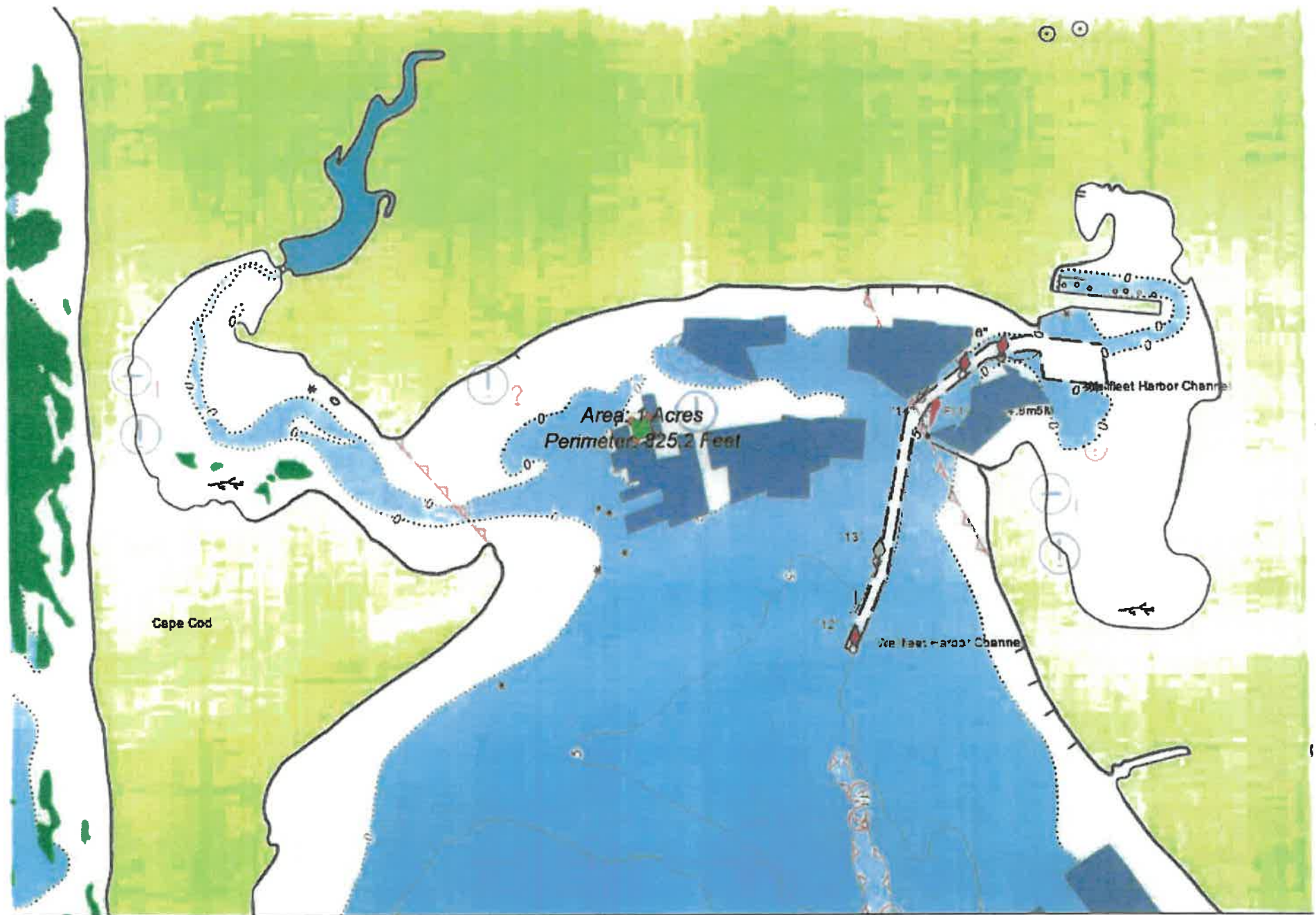
After voting to grant the site license at a duly advertised public hearing (M.G.L. c.130 §60), the Select Board of the municipality must submit a request for site certification to the Division of Marine Fisheries (DMF). A site inspection that may include a site survey will be performed by DMF. If DMF 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.

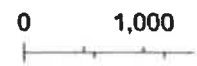
Signature of Applicant  Date 12/9/2022

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



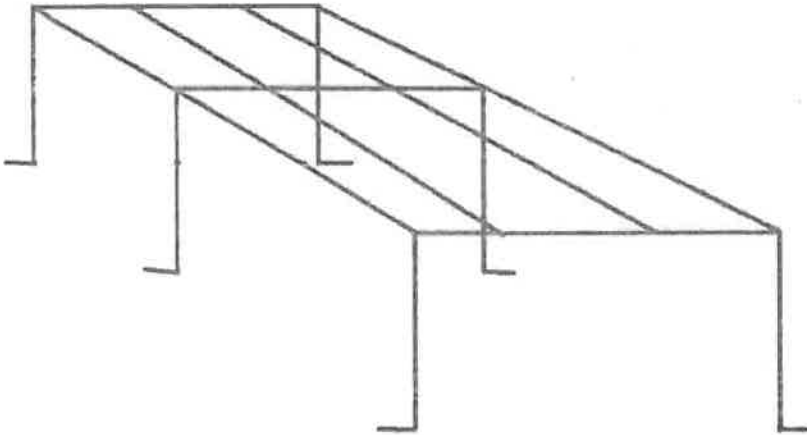
aculture

Eelgrass Beds - Current



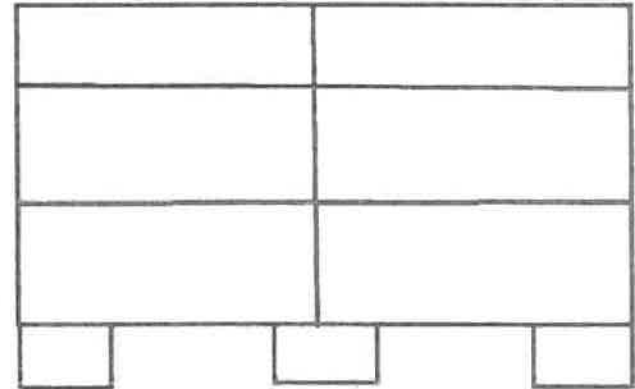
Steel Oyster Rack

18" H x 32" W x 80" L



Potwire Oyster Cage

20" H x 42" W x 40" L



NICK SIRUCEK

TOWN OF WELLFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

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

Applicant is 18 years of age or older.

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

N/A All other licensees 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.

N/A 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.

He is a current grant holder, # 2000-6.

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](#)

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.

December 8, 2022

Dear Members of the Selectboard and Constable Civetta,

Please consider this as a letter of endorsement in support of Nick Sirucek's application for an extension of our Grant 2000-6. Nick worked for me since 2013 as a highly responsible and outstanding employee. Nick has been operating his own shellfish grant since being named on our Grant 2000-6 in 2016. Nick is a dedicated shellfisherman who uses best practices on his grant and grows a great oyster while positively impacting the harbor ecosystem. The proposed map is well designed and reflects a thoughtful plan to respectfully share the multiple uses of our harbor.

Please contact me if I can elaborate upon my enthusiastic support of Nick's extension request.

Sincerely,

Jim O'Connell

To: Wellfleet Selectboard

From: Nicholas Sirucek

Date: 1/26/22

I, *Nicholas Sirucek*, 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,

A handwritten signature in black ink, appearing to read "Nicholas Sirucek". The signature is written in a cursive style with a large, looping initial "N".



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

III

PUBLIC HEARINGS

~ C ~

REQUESTED BY:	New Fleet Corporation; dba Hog Island Surf Lodge & Beer Lodge ~ Manager Mike McNamara
DESIRED ACTION:	To approve a year-round on premises all alcohol license. Application received and mailed to the ABCC December 9, 2022
PROPOSED MOTION:	I move to approve New Fleet Corporation; dba Hog Island Surf Lodge & Beer Yard application for a year-round all alcohol, on premises license, reading all rules and regulations that pertain to a year round alcohol license.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition (s):
VOTED:	



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM**

APPLICATION FOR AMENDMENT-Change of License Classification

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input checked="" type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR AMENDMENT-Change of License Classification

Change of Category

(e.g. All Alcohol, Wines and Malt)

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Category Application
- Vote of the Entity
- Abutter's Notification*
- Advertisement*

Change of Class

(e.g. Seasonal /Annual)

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Classification Application
- Vote of the Entity
- Abutter's Notification*
- Advertisement*

Change of License Type

(\$12 ONLY, e.g. general on premises, tavern, inn, restaurant)

- Payment Receipt
- Monetary Transmittal Form
- Change of License Type Application
- Vote of the Entity
- Advertisement*
- Payment Receipt

*If abutter notification and advertisement are required for transaction, please see the local licensing authority.

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
NEW FLEET CORP	WELLFLEET	06222-RS-1348

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

CHANGE OF LICENSE CLASS FROM SEASONAL LICENSE TO ANNUAL

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
DONNA DIGIOVANNI	DIRECTOR	DMDIGIO@GMAIL.COM	413-575-5582

2. LICENSE CLASSIFICATION INFORMATION

2a. Change of License Category	Last-Approved License Category	All Alcoholic Beverages
All Alcohol, Wine and Malt, Wine Malt and Cordials	Requested New License Category	All Alcoholic Beverages
2b. Change of License Class	Last-Approved License Class	Seasonal
Seasonal or Annual	Requested New License Class	Annual
2c. Change of License Type*	Last-Approved License Type	<u>\$12 Restaurant</u>
E.g. Restaurant to Club	Requested New License Type	<u>\$12 Restaurant</u>
Certain License Types CANNOT change once issued		

APPLICANT'S STATEMENT

I, DONNA DIGIOVANNI the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of NEW FLEET CORP
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 12/7/22

Title: DIRECTOR

ENTITY VOTE

The Board of Directors or LLC Managers of NEW FLEET CORP
Entity Name

duly voted to apply to the Licensing Authority of WELLFLEET and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on Dec 7, 2022
Date of Meeting

For the following transactions (Check all that apply):

- Change of Class (i.e. Annual / Seasonal)
- Change of License Type (i.e. club / restaurant)
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Other

"VOTED: To authorize DONNA DIGIOVANNI
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,

X *Donna DiGiovanni*
 Corporate Officer /LLC Manager Signature

Donna DiGiovanni
 (Print Name)

For Corporations ONLY

A true copy attest,

X *Donna DiGiovanni*
 Corporation Clerk's Signature

Donna DiGiovanni
 (Print Name)

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email and via text message.



Transaction Processed Successfully

INVOICE # 0622-RS-1348

Item Description	Invoice #	Amount
FILING FEES-RETAIL	0622-RS-1348	\$200.00
		\$200.00

Total Convenience Fee: \$4.70

Total Amount Paid: \$204.70

Date Paid: 12/7/2022 1:06:56 PM EDT

Payment On Behalf Of
License Number or Business Name:
 0622-RS-1348

Fee Type:
 FILING FEES-RETAIL

Billing Information

First Name:
 DONNA

Last Name:
 DIGIOVANNI

Address:
 BOX 49

City:
 Truro

State:
 MA

Zip Code:
 02666

Email Address:
 RSS@PKCAPADVISORS.COM

SEASONAL

LICENSE

06227-RS-1348

ALCOHOLIC BEVERAGES

THE LICENSING BOARD OF

The...Town.....of.....Wellfleet.....

MASSACHUSETTS

HEREBY GRANTS A

COMMON VICTUALER

License to Expose, Keep for Sale, and to Sell

All Kinds of Alcoholic Beverages

To Be Drunk On the Premises

To New Fleet Corp... dba Flair
Jeffrey Baker, Manager 842 State Highway

on the following described premises

One floor, twelve indoor rooms with an outdoor patio and bocce court. 4,130 square feet,
four entrances, four exits.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires November 30 20 21, unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this twenty sixth day of July 20 21

The Hours during which Alcoholic Beverages may be sold are

From
8:00 am - 1:00 am
Sunday, Memorial Day &
Thanksgiving:
10:00 am - 1:00 am

[Handwritten signatures]
LICENSING BOARD
[Handwritten signature]

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

III

PUBLIC HEARINGS

~ D ~

REQUESTED BY:	Wellfleet Wine and Spirits ~ Manager Nilesh Marfatia
DESIRED ACTION:	To approve a year-round alcohol license
PROPOSED MOTION:	If a motion is needed for this item, one will be made a the time of the meeting.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION FOR AMENDMENT-Change of License Classification

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input checked="" type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358

Deb Casale

From: customerservice@nCourt.com
Sent: Thursday, December 15, 2022 12:30 PM
To: Deb Casale
Subject: Receipt from nCourt

YOUR RECEIPT >>

Please include the payment receipt with your application. Thank you.

Paid To

Name: Massachusetts Alcoholic Beverages Control Commission - Retail
Address 1: 95 Fourth Street, Suite 3
City: Chelsea
State: Massachusetts
Zip: 02150

Payment On Behalf Of

First Name: Nilesh Last Name: Marfatia
Address 1: 4 Symphony Lane
City: Sandwich State/Territory: MA Zip: 02563
Phone: (508) 771-9300

Description	ID	Service Fee	Amount
FILING FEES-RETAIL	90091-PK-1348	\$4.70	\$200.00

Receipt Date: 12/15/2022 12:29:32 PM EDT

Invoice Number: 91f96c73-3a8b-43fd-b8ac-fa6be5c23b01

Total Amount Paid:\$204.70

Billing Information

First Name John
Last Name Kenney
Address 1 137 Olde Homestead Drive
City Marstons Mills
State/Territory MA
Zip 02648
Email deb@jwkesq.com

Credit / Debit Card Information

Card Type MasterCard
Card Number *****7813

IMPORTANT INFORMATION >>

Please verify the information shown above. Your payment has been submitted to the location listed above.



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR AMENDMENT-Change of License Classification

Change of Category

(e.g. All Alcohol, Wines and Malt)

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Category Application
- Vote of the Entity
- Abutter's Notification*
- Advertisement*

Change of Class

(e.g. Seasonal /Annual)

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Classification Application
- Vote of the Entity
- Abutter's Notification*
- Advertisement*

Change of License Type

(§12 ONLY, e.g. general on premises, tavern, inn, restaurant)

- Payment Receipt
- Monetary Transmittal Form
- Change of License Type Application
- Vote of the Entity
- Advertisement*
- Payment Receipt

**If abutter notification and advertisement are required for transaction, please see the local licensing authority.*

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
EKDANTA PACKAGE CORPORATION	WELLFELEET	90091-PK-1348

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

Change of Class from Seasonal to Annual.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
John W. Kenney, Esq.	Attorney	john@jwkesq.com	508-771-9300

2. LICENSE CLASSIFICATION INFORMATION

2a. Change of License Category All Alcohol, Wine and Malt, Wine Malt and Cordials	Last-Approved License Category	
	Requested New License Category	
2b. Change of License Class Seasonal or Annual	Last-Approved License Class	Seasonal
	Requested New License Class	Annual
2c. Change of License Type* E.g. Restaurant to Club *Certain License Types CANNOT change once Issued*	Last-Approved License Type	
	Requested New License Type	

APPLICANT'S STATEMENT

I, NILESH P. MARFATIA the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of EKDANTA PACKAGE CORPORATION
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 12/16/22

Title: PRESIDENT AND TREASURER

ENTITY VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

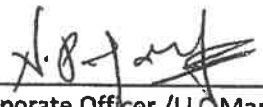
For the following transactions (Check all that apply):

- Change of Class (i.e. Annual / Seasonal)
- Change of License Type (i.e. club / restaurant)
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Other

"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,

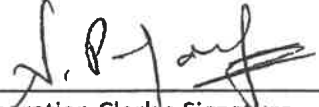


Corporate Officer /LLC Manager Signature

Nilesh P. Marfatia
(Print Name)

For Corporations ONLY

A true copy attest,



Corporation Clerk's Signature

Nilesh P. Marfatia
(Print Name)



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L1503871520
Notice Date: December 21, 2022
Case ID: 0-001-801-321



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



EKDANTA PACKAGE CORPORATION
4 SYMPHONY LN
SANDWICH MA 02563-2800

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, EKDANTA PACKAGE CORPORATION is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

Charles D. Baker
GOVERNOR

Karyn E. Polito
LT. GOVERNOR



409866789

Rosalin Acosta
SECRETARY

Connie C. Carter
INTERIM DIRECTOR

EKDANTA PACKAGE CORPORATION
2586 STATE HWY RTE 6
WELLFLEET, MA 02667-8913

EAN: 22230170
December 21, 2022

Certificate Id:65538

The Department of Unemployment Assistance certifies that as of 12/21/2022 ,EKDANTA PACKAGE CORPORATION is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

This certificate expires in 30 days from the date of issuance.

Connie C. Carter, Interim Director

Department of Unemployment Assistance



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

IV

~ LICENSES ~
~ WEEKDAY ~

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	To approve the renewal of the following weekday entertainment licenses
PROPOSED MOTION: SUMMARY:	I move to approve the following businesses for their 2023 weekday entertainment license. <ul style="list-style-type: none">• Wellfleet Harbor Actor's Theater• The Cooper Swan• Flying Fish Café
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

V

BOARD/COMMITTEE APPOINTMENTS AND UPDATES

REQUESTED BY:	Robert Stewart
DESIRED ACTION:	To be appointed to the Wellfleet Conservation Commission
PROPOSED MOTION:	I move to approve Robert Stewart to the Wellfleet Conservation Commission, to be sworn in by the town clerk before voting on any matter before the commission. Reading all rules and regulations that go with being a Wellfleet Board or Committee Member.
SUMMARY:	
Project	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



**TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

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

FILL OUT THE FORM BELOW and mail it to:

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

Name Robert Stewart Date 4 January 2023
Mailing Address 70 Zoheth Smith Way, Wellfleet, MA 02667
Phone (Home) _____ (cell) 720.595.9411
E-mail iceagestewart@gmail.com

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

Work Experience: Eight years university teaching – geology, soils and groundwater; 26+ years investigation and remediation of oil and chemical spills, soil mapping, hydric soil identification and wetland delineation, USA & Canada, for various consulting firms; 2021 to present: independent consultant focusing on environmental compliance, groundwater quality, soil mapping and wetland delineation (CT & MA) and mineral exploration (northern Ontario)

Volunteer Experience: Wellfleet Transfer Station Swap Shop (2021 to present); Nederland Mining Museum, Nederland, Colorado (Docent – 2015-2019)

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

BS, MS – Geological Sciences (Lehigh University); PhD – Geology (University of Western Ontario);

MS – Soil Science (University of Massachusetts, Amherst)

Licensed Geologist (#1265) – North Carolina

Registered Environmental Health Specialist/Registered Sanitarian (#4040) – NEHA

Committees/Boards of Interest: 1) Planning Board
2) Wastewater Management
3) Conservation
4) Board of Health



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

VI

BUSINESS

~ A ~

REQUESTED BY:	Ryan Curley ~ Selectboard Chair
DESIRED ACTION:	To approve the amendments made to the Inclusionary Bylaw
PROPOSED MOTION:	I move to refer the Inclusionary Zoning Bylaw Amendment as drafted to town counsel for review and comment and to the Planning Board as a draft for comment
Summary:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

ARTICLE NO. ## INCLUSIONARY ZONING BYLAW

- A. To amend Chapter 235, Article II DEFINITIONS by inserting the following definitions in alphabetical order

§235 - 2.1 Definitions

Affordability Gap – the difference in between the appraised value of dwelling units permitted §235 – 6.28 Inclusionary Zoning Bylaw to affordable units with a comparable number of bedrooms eligible for inclusion in the Town’s Chapter 40B Subsidized Housing Inventory as maintained by the Department of Housing and Community Development (DHCD).

§235 – 6.28 INCLUSIONARY ZONING BYLAW

§235 – 6.28.1 Purpose and Intent

The purpose of this bylaw is to encourage development of new housing that is affordable to persons of various age and income levels in accordance with Massachusetts General Law, Chapter 40A, Section 9, which allows municipalities to adopt “incentive” ordinances for the creation of affordable year-round housing, and for the purpose of:

- A. Helping people who, because of rising land prices, have been unable to obtain suitable housing at an affordable price; and,
- B. Encourage the creation of a range of housing opportunities for households of all incomes, ages and sizes in order to support a strong, stable and diverse year-round community and a viable and healthy local workforce and to prevent the displacement of Wellfleet residents;
- C. Mitigate the negative impact of residential development on the availability and cost of housing;
- D. Protect the long-term affordability of such housing through appropriate, enforceable restrictions that run with the land;
- E. to create dwelling units eligible for inclusion in the Town’s Chapter 40B Subsidized Housing Inventory as maintained by the Department of Housing and Community Development (DHCD).

§235 6.28.2 Applicability

In the CD, R1, R2, C and C2 zoning districts, the inclusionary zoning provisions of this section shall apply to the following uses:

- A. Any project that results in a net increase of two or more dwelling units as part of a single application, whether by new construction or by the alteration or rehabilitation of existing structures.

§235 6.28.3 Mandatory Provision of Affordable or Community Housing for Development of New Residential Units

In order to contribute to the local stock of Affordable and Community Housing, any residential development identified in Section 6.28.2 A shall provide a percentage of the dwelling units as deed restricted Affordable and/or Community Housing units. This Affordable/Community Housing

requirement shall be one-sixth (16.67%) of the new dwelling units developed rounded up to the nearest whole affordable unit and shall be made a condition of a Special Permit, or the applicant shall meet the requirement in accordance with the following:

- A. Development of 2 new dwelling units shall require the granting of a Special Permit by the Zoning Board of Appeals and either one dwelling unit shall be subject to a covenant with the Town of Wellfleet, in a form acceptable to the Town of Wellfleet to be recorded by the applicant/owner at the Barnstable County Registry of Deeds, covenanting and guaranteeing that the unit shall be rented and/or leased for a period of not less than twelve (12) consecutive months or that the units shall be owner occupied on a permanent basis, or subject. Or a Payment in Lieu of providing an affordable unit to be made to the Wellfleet Affordable Housing Trust Fund to fulfill the Affordable/Community Housing requirement.
- (1) Payment shall be made in accordance with the following formula:
 - a. Payment in Lieu = (total # of new dwelling units)x(16.67%)x(affordability gap)x(50%)
 - (2) The applicant shall pay for all appraisals, and the Town shall approve the applicant's chosen appraiser
 - (3) The Payment in Lieu shall be made at and upon the sale or certificate of occupancy of each unit, whichever occurs sooner. When the development consists of year-round rental units, a lien shall be filed against the property which states that the Payment in Lieu shall be deferred until such time as the year-round rental use ceases, with the full balance due upon change of use.
- B. Development of 3 to 6 new dwelling units shall require the granting of a Special Permit by the Zoning Board of Appeals and a Payment in Lieu of providing an affordable unit to be made to the Wellfleet Affordable Housing Trust Fund to fulfill the Affordable/Community Housing requirement.
- (1) Payment shall be made in accordance with the following formula:
 - For 3-4 new dwelling units, the Payment in Lieu= (total # of new dwelling units)x(16.67%)x(affordability gap)x(67%)
 - For 4-6 new dwelling units, the Payment in Lieu= (total # of new dwelling units)x(16.67%)x(affordability gap)x(100%)
 - (2) The applicant shall pay for all appraisals, and the Town shall approve the applicant's chosen appraiser
 - (3) The Payment in Lieu shall be made at and upon the sale or certificate of occupancy of each unit, whichever occurs sooner. When the development consists of year-round rental units, a lien shall be filed against the property which states that the Payment in Lieu shall be deferred until such time as the year-round rental use ceases, with the full balance due upon change of use
- C. Development of 7 or more new dwelling units shall require the granting of a Special Permit by the Zoning Board of Appeals and at least one-sixth (16.67%) of the new units created shall be established as Affordable or Community Housing units in any one or combination of methods provided for below:
- (1) The Affordable or Community Housing units shall be constructed or rehabilitated on the site subject to the Special Permit, in accordance with Section 6.28.4

- (2) The Affordable or Community Housing units shall be constructed or rehabilitated on a site other than the one subject to the Special Permit, in accordance with §235 Section 6.28.4, provided justification is provided that on-site development of units is not feasible and off-site development of units is beneficial to the Town, and Special Permits are granted contemporaneously for both developments; or
- (3) A Payment in Lieu of providing Affordable or Community Housing units shall be made to the Wellfleet Affordable Housing Trust Fund. Payment shall be made accordance with the following formula:
 - a) For 6 or more new dwelling units, the Payment in Lieu = (total # of new dwelling units)x(16.67%)x(affordability gap)x(150%)
- (4) The applicant shall pay for all appraisals, and the Town shall approve the applicant's chosen appraiser
- (5) The Payment in Lieu shall be made at and upon the sale or certificate of occupancy of each unit, whichever occurs sooner. When the development consists of year-round rental units, a lien shall be filed against the property which states that the Payment in Lieu shall be deferred until such time as the year-round rental use ceases, with the full balance due upon change of use.
- (6) A Land Donation in Lieu of providing Affordable or Community Housing units shall be provided to the Wellfleet Affordable Housing, provided that:
 - a) The receiving organization agrees in writing to accept the land; and
 - b) The applicant demonstrates to the Zoning Board of Appeal's satisfaction that the land serves the future development of Affordable and/or Community Housing; and
 - c) The value of donated land shall be equivalent to or greater than the value of a Payment in Lieu. The Zoning Board of Appeals may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit an appraisal of the land in question that was prepared by a licensed appraiser using professionally accepted methods, as well as other data relevant to the determination of equivalent value, and the Zoning Board of Appeals may obtain expert peer review of the appraisal at the applicant's expense; and
 - d) Closing on the land donation shall occur before the issuance of the first building permit.

§235 6.28.4 Provisions Applicable to Affordable and Community Housing Units Located On-Site and/or Off-Site

- A. Affordable and Community Housing units created in accordance with this bylaw shall use deed restrictions that require the units to remain income restricted in perpetuity or the longest period allowed by law and for so long as the unit or project does not conform to the otherwise applicable underlying zoning requirements and any such restriction shall be held by the Town and be released only by a vote of Town Meeting as provided for by state law. Such restriction shall also grant the Town a right of first refusal to purchase a unit in the event that a subsequent qualified purchaser cannot be located, which the Town shall have the right but not the

obligation to exercise and shall not release the deed restriction if a qualified purchaser cannot be located.

- B. No Building Permit shall be issued for any units in the development until the Zoning Board of Appeals receives evidence that the Affordable Housing restriction has been approved by DHCD, or the Community Housing restriction has been approved by Town Counsel.
- C. No Certificate of Occupancy shall be issued for any units in the development until the Building Commissioner receives evidence that the housing restriction has been executed and recorded at the Barnstable County Registry of Deeds.
- D. Affordable and Community Housing units shall be integrated with the rest of the development or with the off-site location, and shall be comparable to and indistinguishable from market rate units in exterior design, including appearance, construction and quality of materials, and in energy efficiency.
- E. The number of bedrooms in each Affordable or Community Housing unit shall be made a part of the Special Permit and shall be based on local need as determined by the Zoning Board of Appeals in consultation with the Wellfleet Housing Authority.
- F. Owners and tenants of Affordable and Community Housing units and market rate units shall have the same rights and privileges to access and use any of the development's amenities and facilities.
- G. The development of Affordable and Community Housing units shall take place at the same rate and timeframe as the development of market rate units.
 - 1) Building Permits for any phase shall be issued at a ratio of five (5) market rate units to one (1) Affordable/Community Housing unit. Building Permits for subsequent phases shall not be issued unless all the required Affordable and/or Community Housing units in the preceding phase are constructed and the deed restrictions recorded. The last unit permitted, constructed and occupied shall be a market rate unit.
 - 2) The project may also be constructed in its entirety with all permits issued at once, provided that the occupancy permits are issued at a ratio of five (5) market rate units to one (1) Affordable/Community Housing unit. The last certificate of occupancy to be issued shall be for a market rate unit and shall not be issued unless and until all Affordable and/or Community Housing units are occupied.

§235 6.28.5 Maximum Incomes and Selling Price; Affordable and Community Housing Inventory

Maximum rents and/or sale price shall not exceed 30% an occupant's or tenant's annual income for a household at or below 80% of Area Median Income adjusted by household size.

§235 6.28.6. Segmentation Prohibition

Developments shall not be phased or segmented to avoid compliance with conditions or provisions of this bylaw. "Segmentation" shall be defined as subdividing one parcel of land into two or more parcels of land in such a manner that each parcel can support only a single dwelling unit or phased development that cumulatively results in a net increase of two or more dwelling units above the number existing thirty-six (36) months earlier on any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Section.

§235 6.28.7 Conflict with Other Bylaws

The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

§235 6.28.8 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Wellfleet's Zoning Bylaws.

Local Market Update – November 2022

A Research tool provided by the Cape Cod and Islands Association of REALTORS®. Inc.



Wellfleet

Single-Family Properties

Key Metrics	November			Year to Date		
	2021	2022	+ / -	2021	2022	+ / -
Pending Sales	9	5	- 44.4%	66	57	- 13.6%
Closed Sales	13	7	- 46.2%	71	56	- 21.1%
Median Sales Price*	\$826,000	\$975,000	+ 18.0%	\$805,000	\$920,000	+ 14.3%
Inventory of Homes for Sale	5	11	+ 120.0%	--	--	--
Months Supply of Inventory	0.8	2.2	+ 175.0%	--	--	--
Cumulative Days on Market Until Sale	16	19	+ 18.8%	42	24	- 42.9%
Percent of Original List Price Received*	105.3%	97.2%	- 7.7%	101.9%	103.2%	+ 1.3%
New Listings	7	6	- 14.3%	64	71	+ 10.9%

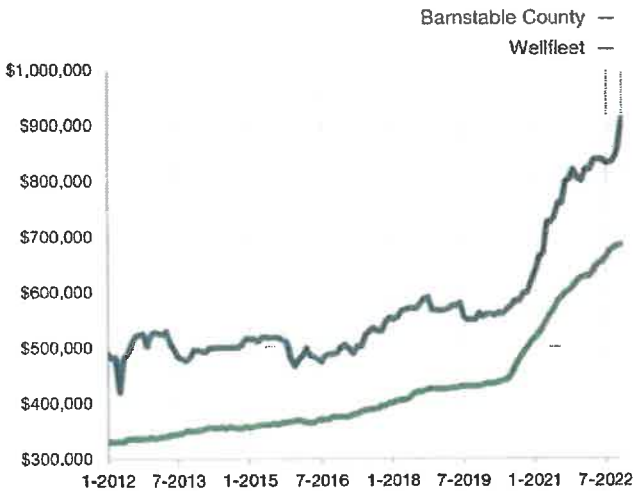
* Does not account for seller concessions. | Activity for one month can sometimes look extreme due to small sample size.

Condominium Properties

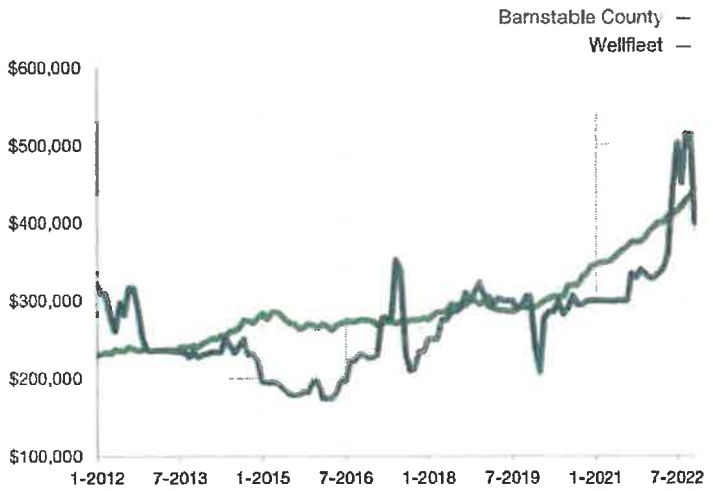
Key Metrics	November			Year to Date		
	2021	2022	+ / -	2021	2022	+ / -
Pending Sales	1	0	- 100.0%	11	13	+ 18.2%
Closed Sales	3	2	- 33.3%	12	15	+ 25.0%
Median Sales Price*	\$502,000	\$390,750	- 22.2%	\$334,500	\$399,000	+ 19.3%
Inventory of Homes for Sale	0	4	--	--	--	--
Months Supply of Inventory	0.0	2.6	--	--	--	--
Cumulative Days on Market Until Sale	10	9	- 10.0%	60	35	- 41.7%
Percent of Original List Price Received*	110.7%	99.7%	- 9.9%	101.4%	101.2%	- 0.2%
New Listings	0	0	--	9	18	+ 100.0%

* Does not account for seller concessions. | Activity for one month can sometimes look extreme due to small sample size.

Median Sales Price – Single-Family Properties Rolling 12-Month Calculation



Median Sales Price – Condominium Properties Rolling 12-Month Calculation



Local Market Update – November 2022

A Research tool provided by the Cape Cod and Islands Association of REALTORS®, Inc.



Barnstable County

Single-Family Properties

Key Metrics	November			Year to Date		
	2021	2022	+ / -	2021	2022	+ / -
Pending Sales	293	242	- 17.4%	3,910	3,000	- 23.3%
Closed Sales	367	275	- 25.1%	3,822	3,010	- 21.2%
Median Sales Price*	\$660,000	\$669,000	+ 1.4%	\$615,000	\$690,000	+ 12.2%
Inventory of Homes for Sale	424	508	+ 19.8%	--	--	--
Months Supply of Inventory	1.2	1.9	+ 58.3%	--	--	--
Cumulative Days on Market Until Sale	26	36	+ 38.5%	40	29	- 27.5%
Percent of Original List Price Received*	99.2%	95.9%	- 3.3%	101.0%	100.5%	- 0.5%
New Listings	256	210	- 18.0%	4,282	3,678	- 14.1%

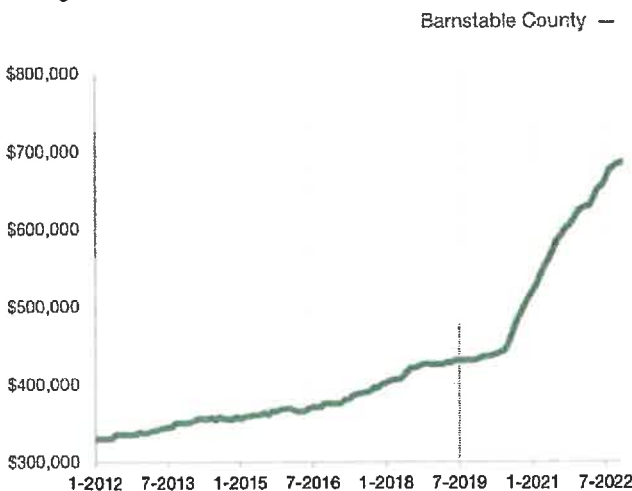
* Does not account for seller concessions. | Activity for one month can sometimes look extreme due to small sample size.

Condominium Properties

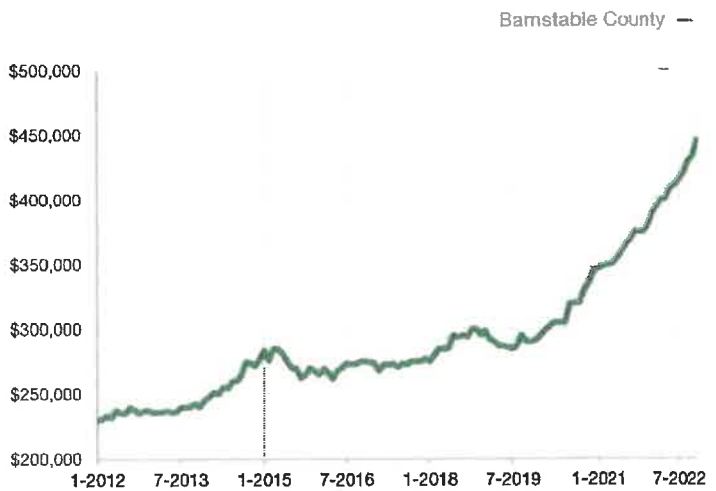
Key Metrics	November			Year to Date		
	2021	2022	+ / -	2021	2022	+ / -
Pending Sales	84	41	- 51.2%	1,078	792	- 26.5%
Closed Sales	98	69	- 29.6%	1,027	830	- 19.2%
Median Sales Price*	\$391,475	\$518,000	+ 32.3%	\$375,000	\$451,000	+ 20.3%
Inventory of Homes for Sale	136	145	+ 6.6%	--	--	--
Months Supply of Inventory	1.4	2.1	+ 50.0%	--	--	--
Cumulative Days on Market Until Sale	21	26	+ 23.8%	46	33	- 28.3%
Percent of Original List Price Received*	99.5%	97.8%	- 1.7%	99.9%	100.8%	+ 0.9%
New Listings	65	49	- 24.6%	1,112	906	- 18.5%

* Does not account for seller concessions. | Activity for one month can sometimes look extreme due to small sample size.

Median Sales Price – Single-Family Properties Rolling 12-Month Calculation



Median Sales Price – Condominium Properties Rolling 12-Month Calculation





SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

VI

BUSINESS
~ B – F ~
TREE PRESERVATION ZONING BYLAWS

REQUESTED BY:	Ryan Curley ~ Selectboard Chair
DESIRED ACTION:	To review and approve Definitions of Trees within the NSP Zoning Bylaw Amendment
PROPOSED MOTION: SUMMARY:	I move to refer the Tree Preservation Zoning Bylaws as drafted to town counsel for review and comment and to the Planning Board as a final draft.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Article XX DEFINITIONS OF TREES

To see if the Town will [vote to](#) amend the Wellfleet Zoning By-Laws by [amending §235 2.1](#) as follows:

§235 2.1 Definitions:

Community Wildfire Protection Plan: A plan developed in the collaborative framework established by the Wildland Fire Leadership Council and agreed to by the local government, local fire department, federal land management agencies managing land in the vicinity of the planning area, and other stakeholders. A CWPP may address issues such as wildfire response, hazard mitigation, community preparedness, or structure protection - or all the above.

Invasive Plants: Plant species identified by the Massachusetts Invasive Plant Advisory Group as Invasive, Likely Invasive, or Potentially Invasive [\[Link for reference\]](#)

Locally Notable Trees: Native trees with a girth of 120 inches 3m or greater measured at breast height (4.5') or below the lowest branching trunk, whichever is less. Or tree species listed as Endangered, Threatened, or of Special Concern by Massachusetts

Timber: Woody plants and trees with a girth of sixteen (16) inches measured at breast height (4.5') or below the lowest branching trunk, whichever is less.

Tree Thinning: Tree removal in an immature forest stand that reduces tree density and between-tree competition performed by a certified arborist.

Summary: This adds definitions to the Zoning Bylaws in regards to trees and timber. This contains no applications of the definitions in and of themselves, but the definitions can be utilized by other bylaws.

Commented [RC1]: Switched from metric to imperial and set at an even number (10' in girth) is slightly larger. If perfectly round it is 38.2" in diameter prior was 3m (118.11 inches 37.6 inches in diameter)

Commented [RC2]: I checked with the Health and Conservation Agent and the NPS with the list of species they were not aware of any present locally at this time. These are protected under the Massachusetts Endangered Species Act

For Reference:
Endangered
Betula pumelia- Swamp Birch
Crataegus bicknellii- Bicknell's Hawthorn
Ilex montana- Mountain Winterberry
Magnolia virginiana- Sweet Bay Magnolia
Morus rubra- Red Mulberry
Populus heterophylla- Swamp Cottonwood
Sorbus decora- Northern Mountain Ash
Thuja occidentalis- Northern White Cedar, Arborvita

Threatened:
Alnus viridis ssp. crispa- Mountain Alder
Quercus muehlenbergii- Yellow Oak, Chinkapin Oak
Salix exigua ssp. interior- Sandbar Willow

Special Concern:
Quercus macrocarpa- Bur Oak, Mossy Cup Oak

Commented [CMM3]: This definition is vague. See comment below about defining 'mature tree'.

Commented [RC4R3]: 12" in girth would be 3.82 inches in diameter.
16"G would be 5.1" D if perfectly round

18.5 is approx. 6" in diameter.

Commented [RC5]: 12" in girth would be 3.82 inches in diameter.
16"G would be 5.1" D if perfectly round

18.5 is approx. 6" in diameter.

Article XX2 CUTTING OF TIMBER AMENDMENT

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending §235 6.9 as follows:

§235 6.9.1 CUTTING OF TIMBER WITHIN NSP

Within the National Seashore Park District, there shall be no cutting of timber except permitted by the Building Commissioner ~~for the~~ following reasons:

- (a) By an owner for the purpose of reasonably controlling brush or trees;
- (b) Maintenance cutting in pastures;
- (c) Cutting for clearance or maintenance on right-of-way including those pertaining to public utilities or public highways.

(d) as specified in a Community Wildfire Protection Risk prevention Plan by the Wellfleet Fire Department or the National Park Service.

(e) the removal of Invasive Plants as determined by a certified arborist.

(f) As permitted by the Special Permit Granting Authority under 6.24 National Seashore Park District Special Permit of the Wellfleet Zoning Bylaws.

Exemptions:

This section shall not apply to the removal of trees threatening people, structures, roadways, or utilities.

This section shall not apply to municipal projects.

Summary: This updates the "Cutting of Timber". The assumption is that the current bylaw dates to the 1960s, and there was not much of an awareness of the detrimental impacts of most invasive species, and fewer were considered invasive. A Community Wildfire Protection Plan [CWPP] is seeks to mitigate some of the risks of a wildfire to life and property and would be developed under the aegis of the Town and the Park. As of now, there is not a CWPP, so this provision is future looking.

Commented [CMM6]: Who prepares this plan and who is it filed with? What prevents a property owner from coming up with a "plan" just to avoid obtaining a SP?

Commented [RC7R6]: The Fire Department or NPS not the homeowner.

Commented [CMM8]: Who verifies that only invasive species are removed?

Commented [RC9R8]: Certified arborist

Commented [RC10]: Note this was added as the Planning Board Chair insisted this was allowed in a meeting with Rebecca Roughly and myself on October 12, 2022

Article XX3 Landscape and Tree Preservation Bylaw

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by inserting a new **§235 6.9.2** as follows:

§235 6.9.2 Landscape and Tree Preservation Bylaw

§235 6.9.2.1 Purpose: A wide variety of landscapes are necessary to provide a richness of habit required to support a diverse variety of species. Planting of native species in disturbed areas prevents those areas from being colonized by invasive species. Massachusetts General Law, Chapter 40A, Section 9, Fourth paragraph as amended by 2021, 24, Sec. 20 effective July 1, 2021. See 2021, 24, Sec. 149. allows municipalities to adopt "incentive" ordinances in a manner that protects open space.

§235 6.9.2.2

No construction or site preparation work shall be done on any land, **resulting in the removal of greater than ~~twenty ten~~ percent (20~~±~~0%) of existing vegetation or Timber** or a maximum area of disturbance of 10,000 sq ft, **whichever is less** or the grading of the site until any necessary permits and approvals have been obtained. If the total area of disturbance is greater than ~~120,500~~ sq ft, a special permit shall be required in all districts.

At the conclusion of all site work, including but not limited to the construction of structures, grading, and grubbing, the disturbed area must be re-vegetated with native species. In the absence of re-vegetation with native species of the disturbed area, a fee determined by the table **[Table 6.9.2.3]** shall be applied to be paid to the **Environmental Betterment Fund**. Landscaping with **Invasive Plants** is hereby prohibited.

Table 6.9.2.31

Area not re-vegetated	Base Fee	Fee for area not re-vegetated
5,000-9,999 sq ft	\$100	25 c/sq ft
10,000-19,999 sq ft	\$100	50 c/sq ft
> 20,000 sq ft	\$100	75 c/sq ft

Commented [RC11]: "Zoning ordinances or by-laws may provide for special permits authorizing the transfer of development rights of land within or between districts. These zoning ordinances or by-laws shall include incentives, such as increases in density of population, intensity of use, amount of floor space or percentage of lot coverage, that encourage the transfer of development rights in a manner that protects open space, preserves farmland, promotes housing for persons of low and moderate income or further other community interests; provided, however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of development rights to be permitted as of right, without the need for a special permit or other discretionary zoning approval." <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40a/Section9>

Commented [RC12]: Note in order to have a payment in lieu of it requires a special permit, due to that we need to define what are the considerations that are taken into account in terms of granting a special permit. Because of the requirement to have a special permit we also need to calibrate the permitting and factors to the towns capacity to process them.

Exemptions:

This section shall not apply to the removal of Invasive Plants as determined by a certified arborist, trees that are diseased in the opinion of a certified arborist, or the removal of trees threatening people, structures, roadways, or utilities.

This section shall not apply to municipal projects.

If Wellfleet adopts a Community Wildfire Protection Plan, the specifications contained therein shall supersede those herein.

This section shall not prohibit site work reasonably necessary for conducting land survey or tests required as a condition precedent to the issuance of any permit or approval. If, after obtaining all necessary permits and approvals, such work is commenced and then abandoned, all areas of the site which were disturbed during construction or site preparation shall be re-vegetated with native species in a manner sufficient to avoid erosion.

~~Deed-restricted~~Deed-restricted affordable housing or housing deed restricted to year-round residency shall be exempt from payments in lieu of re-vegetation.

Tree Thinning may be permitted by the Building Commissioner where the total canopy cover is retained, and disturbance to the ground and other vegetation is minimized. ~~Such~~Tree thinning may be ~~is~~ exempt from payments in lieu of re-vegetation.

Whereas Wellfleet is a Right to Farm Community land clearance in association with agriculture, provided all necessary permits and approvals have been obtained, shall be exempt from payment in lieu of re-vegetating so long as the land is re-vegetated within three years of the cessation of agriculture operations.

§235 8.4.4 Special Permits for Under §235 6.9.2

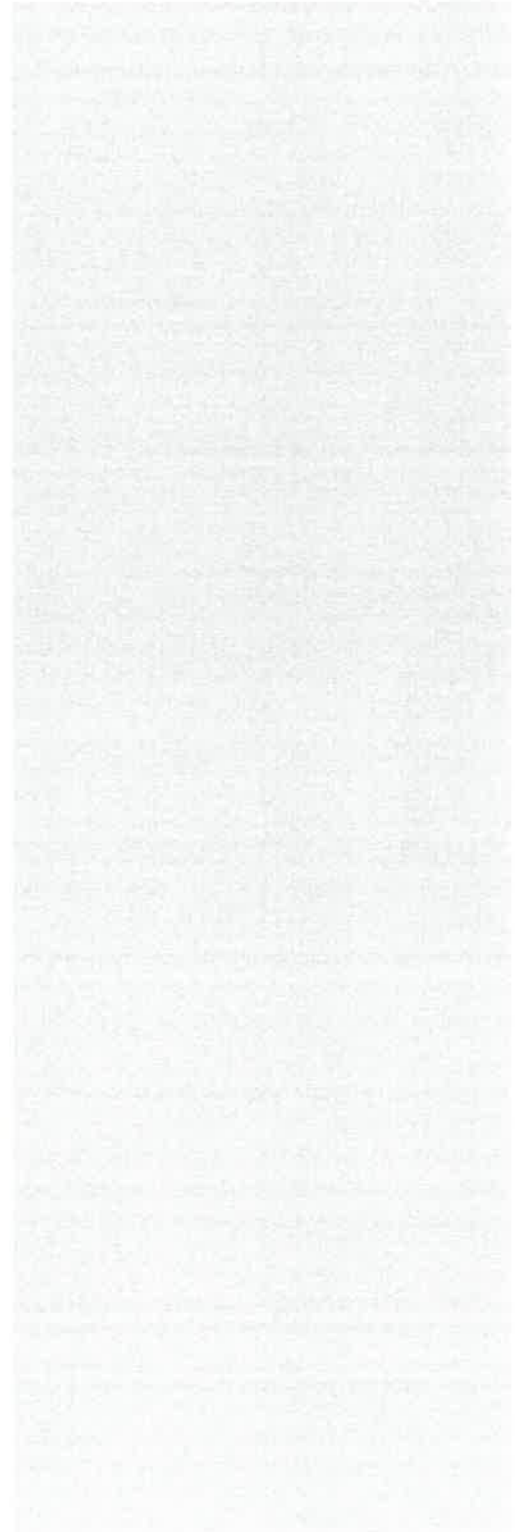
The Board of Appeals acting as the SPGA, shall grant a special permit unless it finds that the proposal shall have an adverse effects on the Town of the vicinity outweighing any benefits, taking into consideration the stated district objectives (Section 3.2) and, where germane, the following matters:

(a) Whether the site is more sensitive than are most similarly zoned sites to environmental damage from a proposal such as this, considering erosion, siltation potential groundwater or surface water contamination, habitat disturbance, or loss of valuable natural vegetation

(b) Whether scenic views from public ways and developed properties have been considerably treated.

(c) Whether any traditional public access to or along the shoreline has been maintained

Summary: At the 2022 Annual town meeting, the petitioned Article 48 "Tree Preservation Resolution," passed with an overwhelming majority. The Selectboard was charged with causing



a tree preservation bylaw to be drafted. Girth (circumference) is the standard forest measurement of a tree as is breast height. The petitioned article made no provision for cutting trees not associated with construction or demolition activities. The bylaw before you prohibits large scale removal of trees and ground cover unless all permits have been issued as well as protecting other forms of vegetation. A payment in lieu of re-vegetation, as requested in the Tree Preservation referendum at the 2022 Town Meeting, in the instance of large-scale disturbance, requires the bylaw to operate under Massachusetts General Law, Chapter 40A, Section 9, Fourth paragraph, which requires a Special Permit, this establishes the presumption that a special permit would be granted unless the SPGA reaches a finding that the proposed clearing is unusually detrimental. Additionally, a payment in lieu of re-vegetation is required and the receipts are placed into the Environmental Betterment Fund as a means to offset the environmental disturbance.

Commented [RC13]: "Zoning ordinances or by-laws may provide for special permits authorizing the transfer of development rights of land within or between districts. These zoning ordinances or by-laws shall include incentives, such as increases in density of population, intensity of use, amount of floor space or percentage of lot coverage, that encourage the transfer of development rights in a manner that protects open space, preserves farmland, promotes housing for persons of low and moderate income or further other community interests; provided, however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of development rights to be permitted as of right, without the need for a special permit or other discretionary zoning approval. "

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40a/Section9>

Article XX4 Locally Notable Trees

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending §235 2.1, and §235 6.9 and inserting a new Section §235 6.9.3 as follows:

§235 6.9.3 Locally Notable Trees

Recognizing the value large older trees provide to wildlife and the unique role they play in the ecosystem they should be preserved whenever possible. No removal of or trimming of Locally Notable Trees shall be permitted until all necessary permits and approvals have been obtained unless there is an immediate threat to public safety, structures, or utilities.

§235 6.9.3.1 Removal of Locally Notable Trees shall require a special permit from the Special Permit Granting Authority. Any application for the removal of a Locally Notable Trees shall be referred to the Conservation Commission for comment prior a hearing per Ch. 40A, Sec. 11 before the Special Permit Granting Authority. A priority shall be placed on retaining these trees during the course of any construction activities or site plan and or landscaping.

§235 6.9.3.2 Applications for the trimming of a Locally Notable Tree must include a letter from a certified arborist that the trimming poses little risk to the health of the tree prior to any such work being performed and are subject to the approval of The Tree Warden. Said Trimming includes that of the Tree's root system. If the Tree Warden or Arborist determines that the trimming of a Locally Notable Tree poses a threat to its health, they shall refer the matter to the Special Permitting Authority, who will refer it to the Conservation Commission for comment prior to the hearing.

§235 6.9.3.3 EXEMPTIONS

This section shall not apply to the removal of Invasive Plants, diseased trees, or those threatening people, structures, roadways, or utilities. This section shall not apply to municipal projects.

235 8.4.4 Special Permits for Under §235 6.9.3

The Board of Appeals acting as the SPGA, may grant a special permit for the removal of a Locally Notable Tree if it reaches a finding that there is no viable alternative to said removal.

Summary: It also requires a special permit to remove or for the trimming that may pose a risk to the health of very large trees. Very large trees provide extensive ecosystem benefits as well as often natural playgrounds. This also clarifies and strengthens the prohibition of the cutting of timber in the NSP.

Commented [CMM14]: As written, the removal of any single tree fitting this description require a SP. Should we set a minimum threshold of land area occupied by the trees or removal of 5 trees or more before requiring a SP?

Commented [RC15R14]: Yes

Commented [CMM16]: Will the hearing require notice to abutters per Ch. 40A, Sec. 11?

FOR REFERENCE CH 40 S 9

"Zoning ordinances or by-laws may provide for special permits authorizing the transfer of development rights of land within or between districts. These zoning ordinances or by-laws shall include incentives, such as increases in density of population, intensity of use, amount of floor space or percentage of lot coverage, that encourage the transfer of development rights in a manner that protects open space, preserves farmland, promotes housing for persons of low and moderate income or further other community interests; provided, however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of development rights to be permitted as of right, without the need for a special permit or other discretionary zoning approval. "

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40a/Section9>

FOR REFERENCE ATM 2022

For the Tree Preservation :

ARTICLE NO. 48 - TREE PRESERVATION RESOLUTION:

To see if the Town will vote to adopt the following **TREE PRESERVATION RESOLUTION:**

WHERE AS, trees are recognized for their abilities to improve air quality, protect from glare and heat, reduce noise, aid in the stabilization of soil, provide natural flood and drainage control, create habitats for wildlife, enhance aesthetics and property values, contribute to the distinct character of certain neighborhoods and roadways, provide natural privacy to neighbors, and reduce ambient carbon in the atmosphere; and

WHERE AS, the preservation and protection of certain trees on private property, the requirement to replant trees to replace those removed, and the collection of financial contributions to support the Town's tree planting and maintenance efforts are public purposes that protect the public health, welfare, environment, and aesthetics; and

WHERE AS, at our 2021 Town Meeting, the voters of Wellfleet passed a resolution declaring a climate emergency and committing to eliminate the town's carbon emissions by or before 2050; and in order to achieve that goal, we will need not only to maintain, but also to *increase* our net number of trees, to compensate for emissions we are not able to eliminate.

Now, therefore, be it RESOLVED: That the Town vote to authorize the Select Board to cause to be prepared for consideration at the next Town Meeting, a Tree Preservation ByLaw supporting the preservation and protection of trees on residential, municipal and *commercial* lots *preceding* or during significant demolition and/or construction activity, by designating areas of a lot where trees must be protected, and requiring

mitigation for trees removed via replanting or collection of fees to support the Town's tree planting and maintenance efforts; and

FURTHER RESOLVED: That in order to effectuate the purposes of the resolution, the Town of Wellfleet's Select Board appoint a committee of five (5) members (Tree Preservation Bylaw Committee), with a recommendation to include one member of the Wellfleet Conservation Commission, and one member of the Wellfleet *Zoning Board*, to be charged with the drafting of the Bylaw for the Select Board's review and approval prior to submission for the Town's approval at the 2023 Town Meeting; and;

FINALLY

RESOLVED: That the Tree Preservation Bylaw Committee *consider* the following non-binding recommendations:

1. The Tree Preservation Bylaw only apply to trees that are six (6) inches in diameter or greater and located within a lot's twenty-five (25) foot setback area (Protected Trees);
2. The Tree Preservation Bylaw will prohibit the removal of Protected Trees during construction, or for a period of time not to exceed fifteen (15) months prior to an application for a demolition or building permit for:
 - a. demolition of an existing structure of 250 gross square feet or greater, (b) construction of any building or structure on a vacant lot, or (c) construction of one or more structures or additions to structures on a lot that increases the Gross Floor Area by 50% or greater.
3. The Tree Preservation Bylaw will provide an option, if it is not practical to save a Protected Tree, for it to be removed and replaced with new trees elsewhere, or pay into a tree fund, which the Town will use to buy and plant trees in residential areas.
4. The Tree Preservation Bylaw will not apply to the subdivision of land under the Town's Subdivision Rules and Regulations, those areas of a property under the jurisdiction of the Wetlands Protection Act, public shade trees pursuant to M.G.L. Chapter 87, emergency projects necessary for public safety, health, and welfare, trees severely damaged as the direct result of a natural disaster, or trees that are hazardous.
5. The Tree Preservation Bylaw will require that mitigation be based upon the DBH (diameter at breast height) of Protected Tree(s) removed. For each inch of DBH of the Protected Tree(s) removed, no less than one half (½) inch caliper of a new native tree(s) shall be replanted with each new tree having a minimum caliper of two (2) inches. If the Protected Tree to be removed is an overstory tree species, the replacement tree(s) to mitigate the removal shall be a native overstory tree species; or to take any other action relative thereto:

(Citizens Petition)

Majority Vote Required

Recommendations:

Selectboard: Yes - 0, No - 5, Abstain - 0.

Bylaw Committee: Yes – 0, No – 3, Abstain -0.

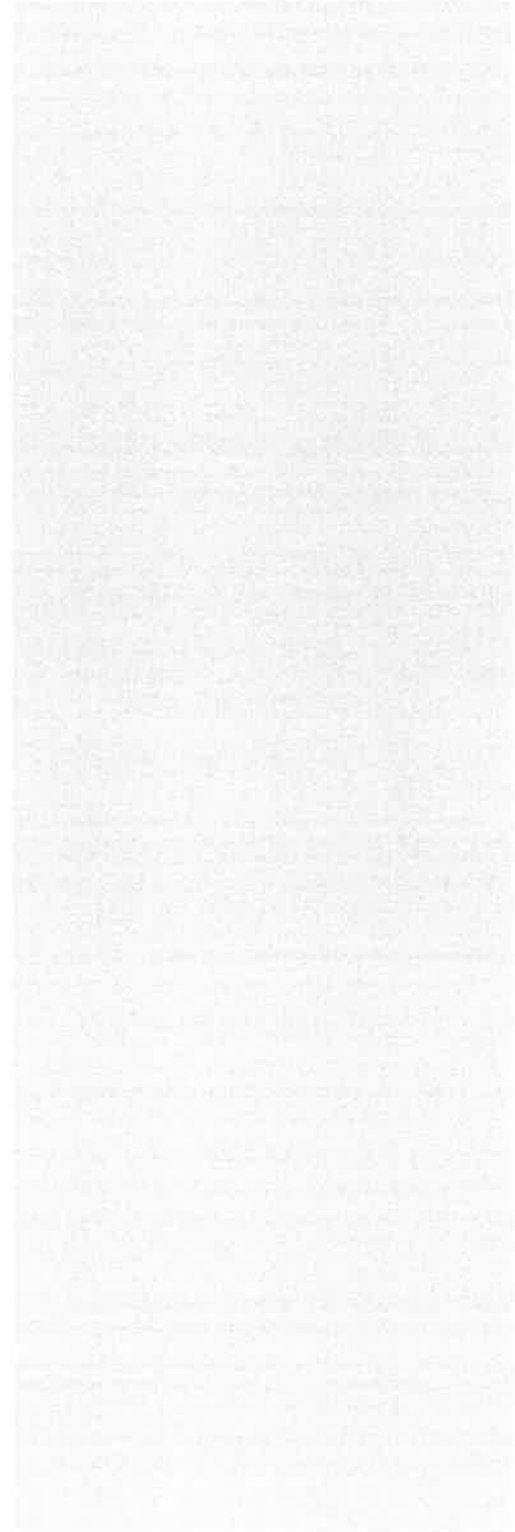
Ms. Harriet Korim moved, and it was seconded, that Article No. 48, Tree Preservation Resolution, be adopted as printed in the warrant except in paragraph four to correct, Select Board to one word, the word By-law to only have the B be capitalized, line three include no italics, and treeson is two words. Line five reads, and by requiring mitigation for trees removed by via replanting or collection, ect. Line six ends with efforts and a period and most importantly the last paragraphs five and six, beginning with further resolved and finally resolved be removed.

Mr. Devasto moved, and it was seconded to amend the motion where in the fourth paragraph to end after the word By-law.

The Moderator called for a vote of Mr. Devasto's amendment, and declared that carried on a majority vote.

The Moderator called for a vote on Ms. Korim's motion as amended and declared it carried on a majority vote.

|



More information:



Ancient Tree Guide no.4:
What are ancient, veteran and other
trees of special interest?

This leaflet is the fourth in a series about ancient trees:

- Ancient Tree Guide no.1: Trees and Farming
 - Ancient Tree Guide no.2: Trees in Historic Parks and Landscape Gardens
 - Ancient Tree Guide no.3: Sites and Development
- They are available from the Woodland Trust or can be downloaded (as a pdf file) in English and Welsh from www.ancienttreeforum.org.uk.
Mae'r daflen hon ar gael yn Gymraeg fel pdf o www.ancienttreeforum.org.uk.

Advice and information on ancient and veteran trees
www.ancienttreeforum.org.uk

Tell us about a tree you have found or find one at
www.AncientTreeHunt.org.uk

Tell us about a wood or tree under threat and get lots more information about fighting a threat at:
www.woodunderthreat.org.uk

Information about heritage trees
www.treecouncil.org.uk

Information about champion trees in the British Isles and the Ancient Tree Group:
www.treeregister.org

Further reading:

Veteran trees: A guide to good management (2000) ed H. Read. Published by English Nature (now Natural England). No longer available in hardcopy, only as a pdf from their website at www.naturalengland.org.uk

Fay, S. (2002) The Principles of Environmental Arboriculture. *The Arbicultural Journal* 26 (4)

Hammond, P. & Wall, T. eds (1999) *Veteran and English Trees*. English Nature

Milroy, K. (1981) *The Common Ground*. Hutchinson

Rackham, O. (1990) *Trees and woodlands in the British landscape* (revised edition). Phoenix London

Rudge, D., Stokes, J. and Oxbie, J. (2006) *Upland trees of Scotland*. The Tree Council

Stokes, J. (2007) *Great Britain Trees*. The Tree Council

Weaver, J. (1998) *Estimating the age of large and veteran trees in Britain*. Forestry Commission Information Note No 12

The Woodland Trust
Aston Park
Cranshaw
Leeds LS10 4LL
Telephone: 01438 541111

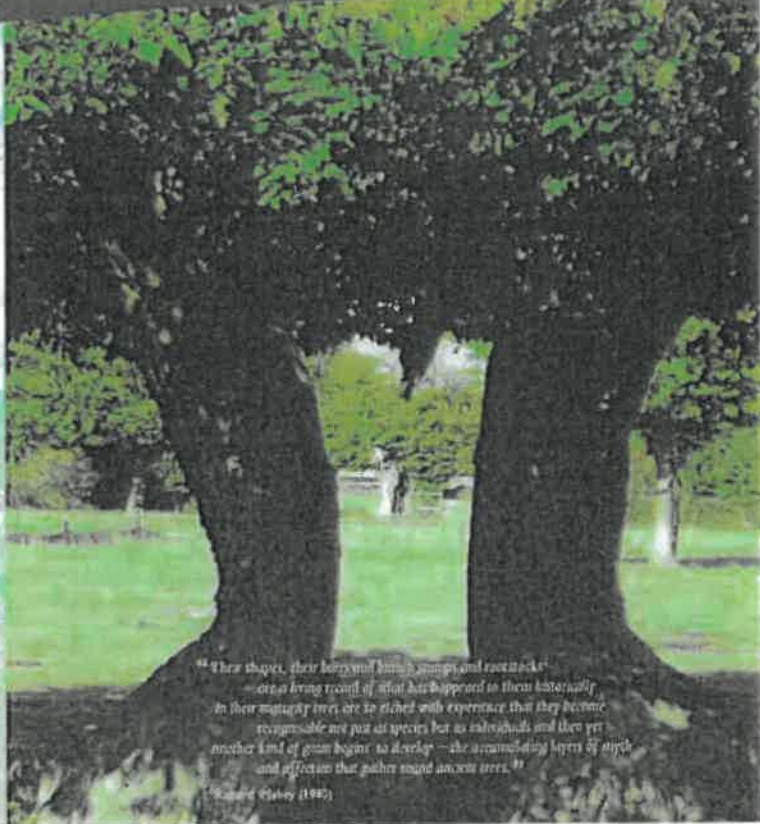
The Woodland Trust Wales
(Gwent Centre)
2 Caspary Yard, Crossin Rd
Cwmil, CF10 5AN
Telephone: 08452 92664

The Woodland Trust Scotland
South Inch Business Centre
Shore Road
Perth, PD 8BW
Telephone: 01739 82621

The Woodland Trust in Northern Ireland
1 Dufferin Court, Dufferin Avenue
Bangor, County Down BT20 2DL
Telephone: 028 9122 5787



Website: www.woodlandtrust.org.uk Email: enquiries@woodlandtrust.org.uk
Ancient Tree Forum: c/o The Woodland Trust, Aston Park, Cranshaw, Leeds LS10 4LL. Tel: 01438 541111
The Woodland Trust is a charity registered in England and Wales no 294244 and in Scotland no. SC038826
A company making company limited by guarantee. Registered in England no. 1040877
The Woodland Trust logo is a registered trademark. The Ancient Tree Forum is a registered charity no. 1021812
Press cover photo: V&A Boutique Book cover photo: The Crown Diagram on p. 10: Nicola Fay 1789 1187



*"Their shapes, their hollowed limbs, gnarls and root stocks -
- are a living record of what has happened to them historically.
In their maturity trees are so rich with experience that they become
recognisable not just as species but as individuals and then yet
another kind of poem begins to develop - the accumulating layers of depth
and affection that gather round ancient trees."*

— Ronald Kirby (1982)



Trees of special interest

Across the UK there are many special trees. They may be outstanding because they are old, provide important habitat, are the biggest of their species, are linked with an important historic event or have some exceptional cultural significance. Often it is obvious why they are so special - their appearance is so out of the ordinary or their heritage value is so long established. However, there are circumstances when we want to make it absolutely clear that a tree has special interest. This is when we need to be able to describe what we mean by the terms:

- Ancient or aged
- Veteran
- Heritage
- Champion
- Notable



Who is this guide for?

This guide is intended to help people recognise trees that have special interest and to help justify why a tree (or group of trees) stands out from others of the same species. Sometimes it is important that their specific qualities can be clearly recognised, so they can be properly protected and managed.

The guide is intended for anyone who is interested in the wonderful world of these remarkable trees. It is for those involved in tree protection, specialists and amateurs, writers, landscape historians and archaeologists, recorders and owners, children and adults; in fact anyone.

“...these grey, gnarled, low bowed, knock kneeed, bent, huge, strange, long armed, deformed, bunchbarked, misshapen oak men that stand awning and watching century after century.”

Francis Kilvert on ancient trees at Moccas Park, 1876



Ancient oak with a crown which is just starting to retrench

What is an ancient tree?

An ancient tree is one that has passed beyond maturity and is old, or aged, in comparison with other trees of the same species. Its canopy may be small. It will probably have a very wide trunk relative to other trees of the same species and it is very likely that it will be hollow. These features are not a sign that the tree is about to die. In fact, even in this ancient stage the tree may stay alive and healthy for many decades and often centuries. All these characteristics are used to help identify a truly ancient tree. However, ancient trees grow in so many different environments and have been influenced by so many factors over their long lives that they may not always have large girths.

The older the tree the more valuable it becomes. Dying ancient trees may endure for many decades and by still being present in the landscape continue the biological, historical or cultural connection, as well as providing very valuable habitat for wildlife.

Ancient trees – the ageing process

Most people would think that trees keep growing taller and taller, but ancient trees prove us wrong. Even though the crowns of ancient trees continue to be very much alive, they become smaller, due to gradual dieback and branch loss. This starts to occur after the tree has passed its peak of maturity and is a natural process in which the area of foliage and the

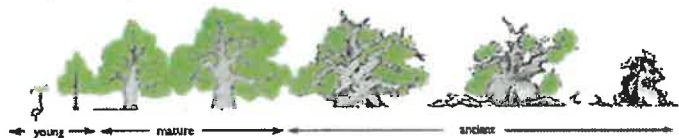
root system are rebalanced with each other. This process is known as crown retrenchment and is sometimes also described as ‘growing downwards’. In some conifer species flattening and broadening of the crown may be the only indication of retrenchment. Dead, broken, lower branches may also remain attached to the trunk due to the durability of the wood.

A small crown and a wide trunk allows a tree to withstand high winds and avoid being uprooted. Conifers may also develop many new multiple stems following storm or lightning damage, resulting in the appearance of a flattened upper crown.

Hollowing of the trunk as a tree ages is entirely normal and is not a sign of ill health. It is the deadwood in the centre of the tree that is slowly decayed by fungi which rarely, if at all, colonise the living sapwood. The hollowing of the trunk (and the shedding and decay of dead branches associated with retrenchment) may help the tree to live for longer, by releasing minerals that were ‘locked up’ in the wood so they are available for the tree to re-use.

It may take several hundred years for this special habitat to be created and be suitable for many rare and specialised fungi and animals. The decaying wood of an ancient tree is one of the most important habitats that exist in Europe and therefore it is vital to conserve all our ancient trees.

Diagram showing the stages in the life of an ancient tree



The ancient phase may be the longest phase in the tree's life and the most valuable for associated wildlife

How old is it?

When a tree is growing in average conditions, its girth may be a guide to whether it is ancient or not. Consider the largest girth of the species of tree (see chart below) and relate it to that. There is a way of estimating the age of a tree - see White, 1998. However, always bear in mind that soils, altitude, climate, growing conditions and whether the tree has been pollarded (cut repeatedly through part or all of its life) can affect the rate at which the tree grows so this method can only be used as a guide to ageing a tree. Ancient trees growing in environmentally challenging places like the uplands may be significantly smaller.

The more we look at trees in different growing conditions, the more we learn about tree girth as a guide to separating 'ancient' from 'veteran' and 'notable' trees. We have provided a provisional guide to typical girths of some common tree species growing in average conditions, but as we gather more data we may need to adjust the ranges.

- Key characteristics* of an ancient tree**
- Crown 'growing downwards' or flattening (in conifers) through the ageing process
 - A large girth by comparison with other trees of the same species - (it may have a smaller girth if it is growing in poor conditions or is a pollard)
- Also:**
- Hollowing trunk; this may have one or more openings to the outside
 - Sag-headedness (dead, axler-like branches extending beyond the crown)
 - Fruit bodies of heart-rot fungi
 - Cavities (eg where branches have broken away), sap runs or osseous forming water pools in branch hollows
 - Rougher or more creviced bark
 - An 'old' look which has high aesthetic appeal
 - Aerial roots growing down into the decaying trunk or branches
- *The more of these a tree has, the more likely it is to be ancient.



An ancient apple tree, not very large but distinctly old for its species

Tree species	Girth (m)														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Yew															
Green chestnut															
Oak															
Ulm															
Sycamore															
Ash															
Beech															
Alder															
Field maple															
Riparian															
Manchurian															

KEY

- 0-1 Very ancient
- 2-3 Ancient
- 4-5 Notable
- 6-7 Locally notable

Chart showing typical relationship between girth and tree species growing in average conditions.

What is a veteran tree?

Veteran is a term describing a tree with habitat features such as wounds or decay. The terms ancient and veteran have been used interchangeably in the past, however, it is important to know what the differences between them. A veteran tree is a survivor that has developed some of the features found on an ancient tree, not necessarily as a consequence of time, but of its life or environment. Ancient veterans are ancient trees, not all veterans are old enough to be ancient. A veteran may be a young tree with a relatively small girth in contrast to an ancient tree, but bearing the 'scars' of age such as decay in the trunk, branches or roots, fungal fruiting bodies, or dead wood. These veteran features will still provide wildlife habitat.

These habitat features typically start to appear in the mature, pre-ancient stage and also in traditional pollards.



Not all veterans are ancient. A tiny veteran beech tree

Accelerating the ageing clock

Stress (eg from drought) and physical damage (eg from lightning) may also create veteran features, although where it significantly reduces the life expectancy of the tree, it will only provide short-lived habitat value. Cultivation too close to the tree, damage from construction and trenching work to street trees are a common cause of root damage. They can often lead to die-back in the crown creating lots of dead branches, which may lead to rapid decline and death before the complex habitats which characterise veterans have a chance to develop.

There is an important distinction between retrenchment and trees appearing to die back from serious disease or wounding damage. If a tree is undergoing natural retrenchment, individual branches are shed or die back but the remainder of the crown continues to flourish and remain healthy. This may happen on many occasions, and often leads to development of another crown (ie resetting the age clock). If, however, the tree is in serious decline or about to die, the entire crown looks thin or pale and progressively dies back. In younger trees die-back is often associated with massive injury or stress.

"Working out the stage in life a tree has reached comes from practice and not from books"
(Blackham, 1976)

- Key habitat features of a veteran tree:**
- Evidence of decay processes, such as hollowing in the trunk, fruit bodies of fungi known to cause wood decay and cavities or rot holes (eg where limbs have broken off or bark is damaged).
 - Significant amounts of dead wood: many dead limbs or branches (larger than 20cm in diameter) in the crown or fallen.

What is a champion tree?



The fittest cherry in the UK
Douglas Fir (all dark orange), the tallest tree in the UK

A champion tree is one that is the tallest or has the largest trunk girth of its kind in the UK (or a given region). Champions that have a very large girth will usually be ancient trees. However, champions because of their height are unlikely to be ancient. The tallest champion trees can be mature trees, at the peak of their growth. However, they may also be quite young trees: a rare or introduced species of tree may be quite young for its species but can be the tallest or have the widest trunk when compared with others of the same species growing here in the UK. The Tree Register of the British Isles holds the details of all the largest trees of each species – the definitive record of Britain and Ireland's champion trees.

What are heritage trees?

A heritage tree is one that has contributed to or is connected to our history and culture. Relevant attributes include:

- Historical, archaeological or cultural associations especially with important or colourful events or famous people (eg the Major Oak in Sherwood Forest). Alternatively they may be trees planted to commemorate a particular occasion or old pollards demonstrating the importance of this system of tree management down the centuries.

- Aesthetic appearance, landscape character or architectural setting. They might have strange shapes from natural growth or human intervention (eg great layering trees or the Cage Pollard at Burnham Beeches). The trees may also be of exceptional importance because they make a particular design statement (eg the Albert and Victoria cedars at Stowe Park). They may be groups of trees such as found in avenues, orchards, groves of particular exceptional importance (eg the lime avenues at Hampton Court or the Meikleour beech hedge in Perthshire). They can be well loved landmarks in local communities.

- Rare or having great botanical interest. They could be rare native trees (eg whitly pear), or first trees from seed planted by a tree collector (eg the first Douglas firs planted), or special cultivars of historic interest (eg the first Bramley apple tree).

Heritage trees are often ancient but not necessarily so. A tree that has been planted by some notable person, such as Queen Elizabeth II, or to commemorate an event will have historic value but is unlikely to be ancient. However, all ancient trees are heritage trees.



The Major Oak – one of the most famous ancient and heritage trees in the UK



The Meikleour beech hedge, Perthshire

What is a notable tree?

Notable trees are usually magnificent mature trees which stand out in their local environment because they are large by comparison with other trees around them. They are often taller than ancient trees and they may be fatter than many veteran trees but do not have any obvious veteran characteristics. In parts of the UK where trees are less common, a tree that is relatively small may be notable because it is significant in its local environment. Some notable trees may be relatively young eg Wellingtonias but still appear remarkably large. Most notable trees will be worthy of recognition regionally or locally.



A notable mature elm



U.S. Fire Administration
Working for a fire-safe America

Creating a Community Wildfire Protection Plan

May 2020



FEMA

Creating a Community Wildfire Protection Plan

May 2020



FEMA



U.S. Fire Administration
Working for a fire-safe America

Mission Statement

We support and strengthen fire and emergency medical services and stakeholders to prepare for, prevent, mitigate and respond to all hazards.



U.S. Fire Administration
Working for a fire-safe America

Table of Contents

Overview	1
Key Stakeholders	1
Identified Risk/Fire History Maps	1
Assets at Risk	2
Forest Health/Fire Fuels Class	5
Action Plan	6
Additional Information	10
Signature Page	10
Reference Materials	11

Overview

This is not an all-inclusive document but a guide to assist you in creating a [Community Wildfire Protection Plan \(CWPP\)](#). Remember, the more agency representatives and resident leaders you include in helping you create the document, the better the plan you will have. Please note that items included as suggestions in the template are by no means inclusive of all components your community needs to work on. You will need to identify your own unique risks and create your own solutions.

Do not forget to connect with state and local entities who may also be able to provide you with additional guidance about local risks and code requirements. The [state of Texas](#), for example, provides some excellent guidance on developing a CWPP. Please refer to the reference materials added to the end of this document for additional guidance.

This PDF file contains attachments that you might not be able to see if you view the file in your web browser. Save it to your device and open it in a PDF application like Adobe Acrobat.



Click when you see this icon to download a template to complete, print and include with your plan.

Key Stakeholders

In this area, all individuals who live/work in the community, tribe(s), entities that manage infrastructure (cell towers, utilities, schools and other public facilities), those who provide emergency response (fire/police, etc.), land managers (federal, such as U.S. Forest Service (USFS) and U.S. Department of the Interior (DOI), and state and local representatives, etc.), granges, 4-H groups, faith-based groups, resource conservation districts and everyone who is interested in participating in creating the CWPP.

Some communities also indicate whether a representative was contacted and declined to participate. This is not an all-inclusive list. You can add or subtract contacts as needed. The individuals participating should reflect the demographics of your community. The more participants that you include, the better the plan you will have by getting a real understanding about the needs and strengths in your jurisdiction, creating a whole community planning approach that includes all members of your community.

For example, you should include individuals who have disabilities, pet and livestock owners, families, and seniors, and as much as possible, get an accurate representation of the people who live and work in the area to ensure that all their needs and strengths are included in your assessment.

Identified Risk/Fire History Maps

This is where you document research completed before your community meeting that you have made available to everyone participating. This information helps everyone better understand the strengths and needs of the community and provides facts to speak to during your meeting. Be sure to include maps with your plan.

Check out the USFS's brand-new [risk-mapping tool](#) for assistance with mapping and identifying community risk.

1. Fire history: The [USGS](#) provides some information. You can also work with your state forester or USFS, U.S. Park Service or DOI representatives to give you guidance if they are available.

You can also draw your own design on a local map. It is important to understand fire history because sometimes wildfires will burn periodically in the same area. It is also important to understand what areas have burned in the past because wildfire may burn more intensely in an area that has not burned for many years.

Additional fire history information can also be found on the U.S. Department of Agriculture Forest Service's "[All Lands Wildfire Risk Portal](#)." This webpage also has information that can help you in the process of crafting creative wildfire safety project solutions.

2. Use a topographic map with assets at risk identified. Use [USGS maps](#). These maps can be downloaded free of charge.
3. Use vegetation fuels class maps. Check with [Landfire](#) and/or a local forester.
4. Use research about the demographics of the local population to identify capabilities and better understand how to work with and for the community. For example, is there a large number of residents who would need assistance in the event of an evacuation due to an aging population or residents without cars? Will educational/outreach materials need to be produced in more than one language or use infographics? Check out [City-Data](#).
5. Additional research tools that can help with data to assist communities located in much more rural areas are provided by [Headwater's Economics](#).
6. You may want to include a map identifying where fire and other emergency services buildings and resources are located, including fire stations and hydrant/water source locations.

Assets at Risk

It is here where you define the conditions of the infrastructure/homes at a broad scale. It is highly encouraged that you consult a local, federal or state entity and/or a wildfire mitigation specialist to assist you.

You want to take a comprehensive look at conditions that are common to homes in the area; remember, you are not individually assessing each home but rather are looking at the community as a whole. If the community you are assessing is large, you may want to create sections for the various neighborhoods and homeowners associations (HOAs), identifying home components that lend themselves to home ignition from embers in each neighborhood depending on the type of home construction found there.

Research has shown that most homes/structures ignite and burn during a wildfire because of construction components that lend themselves to easily ignite and because of poor landscape maintenance around the home. As you identify common characteristics of homes typically found in the area and define areas of home/infrastructure construction that could contribute to structure ignition, you can identify actions that can reduce your risk of loss. Some of these design features could include things such as wood shake shingle roofs; stucco roofs without bird stops; gutters that are full of material because of overhanging trees; open eaves; decks with material stored underneath; dry, dead vegetation and trash (human treasures) immediately next to homes and outbuildings; and others, focusing on the first 5 feet.

For assistance, refer to the [U.S. Fire Administration flyer](#), [the Institute for Business and Home Safety](#), [the Fire Adapted Communities Learning Network Self-Assessment Tool](#) and [the National Fire Protection Association](#).

Below is an example table to help you. This is not all inclusive; please add your own identified potential ignition sources.

Example		
Home structure component	Potential ignition source	Home maintenance suggestion
Decks	Material stored underneath.	Remove and place in closed shed, replace, or treat with ignition-resistant materials.
Gutters	Leaves and pine needles in gutters.	Clean frequently, especially before fire season.
Eaves	Large gaps around.	Caulk or fill and paint over.
Vents	Open unscreened.	Screen with metal screen of about 1/8 inch or replace with baffled or other fire-resistive vents.
Roofs	Poorly maintained, made of wood shakes or other combustible material.	Replace roofs with ignition-resistant designs (e.g., Class A, metal).
Home siding	Poorly maintained, made of wood shakes or other combustible material.	Replace home siding with ignition-resistant designs (e.g., stucco).
Windows and doors	Single-pane windows, gaps around doors.	Replace windows with double-pane, tempered glass. Replace doors with fire-code rated ones. Seal gaps around windows and doors to keep embers out.
Landscape around homes	Overgrown with weeds; dry, dead vegetative matter; large flammable bushes under windows.	Pay special attention to make sure the area within the first 5 feet of the home is lean and green; remove open trash receptacles, building materials and trash from next to the home.
Stucco roof	No bird stops at the ends.	Clean debris such as nests from openings and cement ends or add bird stops.
Fencing	Flammable construction attached to the home.	Replace at least 5 feet of the flammable fence that attaches to the home.

Do not forget to pay attention to outbuildings (sheds, chicken coops, etc.) that are within 100 feet of the home that, when they burn, could cause the main structure to ignite. This is just a sample. Please add additional items that you identify.

Example

Outbuildings/ infrastructure	Potential ignition source	Maintenance suggestion
Sheds	Gas cans outside.	Store inside locked shed, preferably inside a locker.
Chicken coops	No door; hay and flammable material inside.	Install door.
Pump house	Dead vegetation around outside.	Remove all flammable material from around the building focusing on the first 5 feet and improving landscaping within 100 feet.

Address the condition of community buildings such as schools and churches. Also examine the condition of the vegetation along the roads to improve evacuation needs. Are there at least two separate ways out of the community?

Identify updates needed to critical infrastructure such as public utilities. For example, if power to the area went out due to wildfire, would the local water facility still be able to supply water? Perhaps there is a need for an alternatively powered generator. Is there an area cleared around power poles? (This is something community members could work on in conjunction with the local utility company.)

Example

Critical infrastructure	Potential hazard	Maintenance suggestion
Roads	Roads are not properly marked with signs.	Install metal reflective signs that will make it easier for emergency responders in smoky conditions.
Fire station	Vents are not screened on the bottom of the building and doors are not properly sealed.	Install 1/8-inch screen, and seal around doors to prevent embers from entering the building.
Power poles	Dead vegetation growing around and tree limbs hanging over.	Work with the local utility company to remove all flammable material from around the power pole, especially within the first 5 feet, removing tree limbs hanging over power lines.

It is important to include road departments and public works departments to address other infrastructure conditions. Another consideration is if bridges are load tested to ensure that fire trucks can use them safely. Are roads adequately identified with metal reflective signage that would not burn during a wildfire?

Forest Health/Fire Fuels Class

Using [Landfire](#) or other data and experienced foresters and/or wildfire mitigation specialists, examine the conditions of vegetation within and surrounding the community starting with landscaping surrounding the homes. Identify the general health of the natural area. Are there problems with invasive pests? Were there large storms in the area, and is there a lot of deadfall? Is there a need for prescribed fire, mechanical or chemical treatments to reduce fuel load?

Be sure that you refer to experienced, credentialed specialists. A certified arborist can help with landscaping questions surrounding homes, and a certified forester (agency representative or paid professional) may be someone to whom you refer to help you better understand what projects you can work on surrounding the community that can improve forest health.

Below is a sample. Your list will identify local forest health issues within and surrounding the community.

Forest/landscape health issues identified

This list is just a sample. You will have your own unique insect and disease issues that you will need to identify with the help of credentialed specialists for guidance. The guidance to restore a resilient landscape may require mechanical work, prescribed fire or other methods implemented by qualified professionals. Again, if you are completing a CWPP for a large area, you may want to break up these forest/landscape health issues identified by neighborhood or HOA.

Health issue identified	Professional guidance	Action to improve forest/landscape health
Insect issue example: oak mortality due to goldspotted oak borer	If located around homes, arborist/forester for landscape along roads and surrounding community.	
Invasive plant issue example: cheatgrass	If located around homes, arborist/forester range specialist for landscape along roads and surrounding community.	
Flammable vegetation issue example: deadfall due to windstorms	Depending on location: if surrounding homes, community effort; if located in natural area, consult forester or land manager.	

Health issue identified	Professional guidance	Action to improve forest/ landscape health
Invasive plant issue example: overgrowth of invasive bamboo	If located around homes, arborist/forester range specialist for landscape along roads and surrounding community.	
Invasive plant issue example: invasive broom	Depending on location: if surrounding homes, community effort; if located in natural area, consult forester or land manager.	Example: Two important ways to manage brooms are mechanical removal and treatment with herbicides. Broom spreads through seed dispersal, so maintaining a healthy natural vegetation and reducing soil disturbance will minimize the spread of broom.
Unhealthy landscape issue example: overgrown woodlots between homes	Depending on location: if surrounding homes, community effort; if located in natural area, consult forester or land manager.	

Action Plan

It is here where you identify and prioritize project work that needs to be completed in your community. This project work should be prioritized based upon what is identified as the greatest risk or where you can make the greatest impact. Identify the capability of your community to complete projects. Oftentimes it is preferable to start with simple low-cost projects that can be effective, and gain buy-in by community members. Sometimes you need to consolidate small wins into larger ones.

Include activities that engage volunteer action. Youth groups can also provide assistance. Some colleges and high schools encourage youth to complete community service projects as part of their curriculum.

Another source of volunteer manpower to complete project work may come from local businesses. These entities, such as various big box stores, may also donate materials or resources to help you with project work.

As you become more confident in completing identified projects, you may want to explore federal grant funding, but keep in mind that there will be a lot of financial and other project management activities that will need to be followed. Make sure that you have someone or a reputable group that can manage such project work. Below are just a few samples of project work that can help your community become safer in the event of a wildfire.

Make sure that you tie in your goals to the [National Cohesive Wildland Fire Management Strategy](#).

Action plan

Goal 1: Create fire-adapted communities.

Goal	Crucial activities	Success metric	Project lead and partners	Importance
Pursue Firewise USA® site recognition.	Complete risk assessment with USFS, plan Firewise Day, write community action plan.	National recognition as a Firewise USA site by 2021.	Project lead: local fire prevention officer, Happy Town Fire Department. Partners: USFS.	High
Provide information to recreational users about fire safety.	Posters about "One Less Spark – One Less Wildfire" at park kiosks.	Reduced number of recreational user wildfire ignitions.	Project lead: park ranger. Partners: Boy/Girl Scouts, other youth volunteers.	Medium
Reducing risks for home ignition.	Completing risk assessment of individual homes.	More homes compliant to local ordinances.	Project lead: community mitigation specialist/building or code enforcement. Partners: office of emergency service/local resource conservation district.	High

Goal 2: Create fire-resilient landscapes through collaboration on public and private lands.

Goal	Crucial activities	Success metric	Project lead and partners	Importance
Remove flammable material around homes in neighborhood	Organize community clean-up day. Secure a donated dumpster. Plan and host event.	Amount of material removed.	Project lead: local fire prevention officer, Happy Town Fire Department. Partners: youth and other neighborhood grass-roots volunteer efforts.	High

Goal	Crucial activities	Success metric	Project lead and partners	Importance
<p>Assist vulnerable populations with fuel reduction assistance.</p> <p>Focus: helping to improve the wildfire safety of the whole neighborhood by helping those who need assistance.</p>	<p>Organize event to help homeowners who cannot do landscaping maintenance on their own.</p>	<p>Number of residents assisted.</p>	<p>Project lead: senior or community center coordinator.</p> <p>Partners: local volunteers, donations from private corporations.</p>	<p>High</p>
<p>Remove deadfall left by windstorms.</p> <p>Focus: remove flammable materials located within the first 100 feet around homes.</p>	<p>Secure the donation of a chipper, green dumpster or waste facility that allows green dumping. Advertise via local newsletter, banner at fire station or web page the time/ date when chipper or dump will be available to give homeowners adequate time to collect materials that have accumulated around their homes.</p>	<p>Amount of material removed.</p>	<p>Project lead: community mitigation specialist/ building or code enforcement.</p> <p>Partners: office of emergency service/ local resource conservation district.</p>	<p>Medium</p>

Goal 3: Improve fire response capabilities.

Goal	Crucial activities	Success metric	Project lead and partners	Importance
Provide weather information to local emergency responders specially to assist with wildfire response.	Installing weather monitoring equipment and computer applications.	Provide daily updates and, during a wildfire weather event, hourly updates.	Project lead: local fire department. Partners: local emergency managers, USFS, perhaps private industry grant, National Oceanic and Atmospheric Administration.	High
Develop a communications plan for sending information and notices to the public.	Integrate with public alerts and warnings plan for status updates and instructions for evacuation; coordinate with community leaders.	Public is informed of current event status, what to do, where to go, and when and how to leave in an evacuation.	Local emergency manager, fire department, communications team, emergency alert staff, and local news and weather affiliates, and coordinate with community leaders.	High
Identify water sources.	Add reflective blue marker in center of road where hydrant is located.	Number of hydrants marked throughout the community.	Project lead: water district/public works department in collaboration with local fire district. Partners: grant from federal program or private industry.	Medium

Additional Information

Additional information can include firefighting capabilities, needed memorandums of agreement between other entities, and future development plans for the community.

Note that this document is a living document, which means that it needs to be revisited and updated as project work is completed, maintenance items are identified, or the community expands and includes new partners. Make sure that you make the document available for everyone to look at and approve before implementing.

Signature Page

The Healthy Forests Restoration Act requires three signatures from applicable city or county, (tribal) government, local fire department(s), and the state entity responsible for forestry. Additional signatories can be added but are not required.

It is not required, but if you wish, you could include representatives from all groups that participated.

Reference Materials

- Community Wildfire Protection Plan. (n.d.). National Wildfire Coordinating Group online glossary. <https://www.nwcg.gov/term/glossary/community-wildfire-protection-plan-cwpp>
- CWPP Task Force members. (2008, August). *Community guide to preparing and implementing a Community Wildfire Protection Plan*. Forests and Rangelands. https://www.forestsandrangelands.gov/documents/resources/communities/CWPP_Report_Aug2008.pdf
- Jakes, P., Burns, S., Cheng, A., Sacli, E., Nelson, K., Brummel, R., Grayzeck, S., Sturtevant, V., & Williams, D. (2007, March). Critical elements in the development and implementation of Community Wildfire Protection Plans (CWPPs). In B. W. Butler, W. Cook, comps, *The fire environment—Innovations, management, and policy; conference proceedings*. 26-30, Destin, Florida. Proceedings RMRS-P-46CD. Fort Collins, Colorado: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. CD-ROM. p. 613-624. <https://www.fs.usda.gov/treesearch/pubs/28604>
- Jakes, P. J. (2012). *Best management practices for community wildfire protection plans*. U.S. Forest Service, Research and Development Group. https://www.fs.fed.us/research/highlights/highlights_display.php?in_high_id=48
- Jakes, P. J., Nelson, K. C., Enzler, S. A., Burns, S., Cheng, A. S., Sturtevant, V., Williams, D., Bujak, A., Brummel, R. F., Grayzeck-Souter, S., & Staychock, E. (2011). Community wildfire protection planning: Is the Healthy Forests Restoration Act's vagueness genius? *International Journal of Wildland Fire*, 20: 350-363. <https://www.fs.usda.gov/treesearch/pubs/38474>
- Landfire. (n.d.). <https://www.landfire.gov/>
- U.S. Department of the Interior. (n.d.). *Fuels management*. Office of Wildland Fire. <https://www.doi.gov/wildlandfire/fuels>
- Wildland Fire Policy Committee. (n.d.). *Community Wildfire Protection Plan (CWPP) - Leader's guide*. International Association of Fire Chiefs. <https://www.iafc.org/topics-and-tools/resources/resource/community-wildfire-protection-plan-leaders-guide>
- Williams, D. R., Jakes, P. J., Burns, S., Cheng, A., & Nelson, K. (2009). Community wildfire protection plans: Enhancing collaboration and building social capacity. *JFSP Research Project Reports*. Paper 144. <https://www.fs.usda.gov/treesearch/pubs/53687>
- Forests and Rangelands. (2004, March). *Preparing a Community Wildfire Protection Plan*. <https://www.forestsandrangelands.gov/documents/resources/communities/cwpphandbook.pdf>



U.S. Fire Administration
Working for a fire-safe America

16825 South Seton Ave.
Emmitsburg, MD 21727
www.usfa.fema.gov

May 2020

Massachusetts Invasive Plants Advisory Group

- >> [Home: About the Group](#)
- >> [Members](#)
- >> [Publications/Resources](#)
- >> [Contacts](#)

Annotated Species Lists:

- [Invasive \(36\)](#)
- [Likely Invasive \(33\)](#)
- [Potentially Invasive \(3\)](#)
- [Not Currently Meeting Criteria \(34\)](#)

Criteria:

- [Original \(2005\)](#)
- [Updated \(2022\)](#)

Definitions

Species Reviewed:

- [Listed Alphabetically](#)
- [Listed by Category](#)

Plants voted as: INVASIVE

"Invasive" plants are non-native species that have spread into native or minimally managed plant systems in Massachusetts. These plants cause economic or environmental harm by developing self-sustaining populations and becoming dominant and/or disruptive to those systems. As defined here, "species" includes all synonyms, subspecies, varieties, forms, and cultivars of that species unless proven otherwise by a process of scientific evaluation.

***Acer platanoides* L. (Norway maple)**

A tree occurring in all regions of the state in upland and wetland habitats, and especially common in woodlands with colluvial soils. It grows in full sun to full shade. Escapes from cultivation; can form dense stands; out-competes native vegetation, including sugar maple; dispersed by water, wind and vehicles.

***Acer pseudoplatanus* L. (Sycamore maple)**

A tree occurring mostly in southeastern counties of Massachusetts, primarily in woodlands and especially near the coast. It grows in full sun to partial shade. Escapes from cultivation inland as well as along the coast; salt-spray tolerant; dispersed by wind, water and vehicles.

***Aegopodium podagraria* L. (Bishop's goutweed; bishop's weed; goutweed)**

A perennial herb occurring in all regions of the state in uplands and wetlands. Grows in full sun to full shade. Escapes from cultivation; spreads aggressively by roots; forms dense colonies in flood plains.

***Ailanthus altissima* (P. Miller) Swingle (Tree of heaven)**

This tree occurs in all regions of the state in upland, wetland, & coastal habitats. Grows in full sun to full shade. Spreads aggressively from root suckers, especially in disturbed areas.

***Alliaria petiolata* (Bieb.) Cavara & Grande (Garlic mustard)**

Synonym: *Alliaria officinalis* Andr. Ex Bieb.

A biennial herb occurring in all regions of the state in uplands. Grows in full sun to full shade. Spreads aggressively by seed, especially in wooded areas.

***Berberis thunbergii* DC. (Japanese barberry)**

A shrub occurring in all regions of the state in open and wooded uplands and wetlands. Grows in full sun to full shade. Escaping from cultivation; spread by birds; forms dense stands.

***Cabomba caroliniana* A.Gray (Carolina fanwort; fanwort)**

A perennial herb occurring in all regions of the state in aquatic habitats. Common in the aquarium trade; chokes waterways.

***Celastrus orbiculatus* Thunb. (Oriental bittersweet; Asian or Asiatic bittersweet)**

A perennial vine occurring in all regions of the state in uplands. Grows in full sun to partial shade. Escaping from cultivation; berries spread by birds and humans; overwhelms and kills vegetation.

***Cynanchum louiseae* Kartesz & Gandhi (Black swallow-wort, Louise's swallow-wort)**

Synonyms: *Cynanchum nigrum* (L.) Pers. non Cav.; *Vincetoxicum nigrum* (L.) Moench

A perennial vine occurring in all regions of the state in upland, wetland, and coastal habitats. Grows in full sun to partial shade. Forms dense stands, out-competing native species: deadly to Monarch butterflies.

***Elaeagnus umbellata* Thunb. (Autumn olive)**

A shrub occurring in uplands in all regions of the state. Grows in full sun. Escaping from cultivation; berries spread by birds; aggressive in open areas; has the ability to change soil.

***Eragrostis curvula* (Schrad.) Nees (Weeping lovegrass)**

A perennial warm season bunchgrass that occurs on road edges, agricultural grasslands, sandplain grassland, and coastal heathland areas, mainly in coastal and island counties. In globally rare early successional habitats, this grass has demonstrated the ability to expand rapidly. (Reviewed 2021)

***Euonymus alatus* (Thunb.) Sieb. (Winged euonymus; Burning bush)**

A shrub occurring in all regions of the state and capable of germinating prolifically in many different habitats. It grows in full sun to full shade. Escaping from cultivation and can form dense thickets and dominate the understory; seeds are dispersed by birds.

***Euphorbia esula* L. (Leafy spurge; wolf's milk)**

A perennial herb occurring in all regions of the state in grasslands and coastal habitats. Grows in full sun. An aggressive herbaceous perennial and a notable problem in western USA.

***Fallopia japonica* (Houtt.) Dcne. (Japanese knotweed; Japanese or Mexican Bamboo)**

Synonym: *Polygonum cuspidatum* Sieb. & Zucc.; *Reynoutria japonica* Houtt.

A perennial herbaceous subshrub or shrub occurring in all regions of the state in upland, wetland, and coastal habitats. Grows in full sun to full shade, but hardier in full sun. Spreads vegetatively and by seed; forms dense thickets.

***Ficaria verna* Huds. (Lesser celandine; fig buttercup)**

Synonyms: *Ranunculus ficaria* L.

A perennial herb occurring on stream banks, and in lowland and uplands woods in all regions of the state. Grows in full sun to full shade. Propagates vegetatively and by seed; forms dense stands especially in riparian woodlands; an ephemeral that outcompetes native spring wildflowers.

***Frangula alnus* P. Mill. (European buckthorn; glossy buckthorn)**

Synonyms: *Rhamnus frangula* L.; *R. frangula* var. *angustifolia* Loud.

Shrub or tree occurring in all regions of the state in upland, wetland, and coastal habitats. Grows in full sun to full shade. Produces fruit throughout the growing season; grows in multiple habitats; forms thickets.

***Glaucium flavum* Crantz (Sea or horned poppy; yellow hornpoppy)**

A biennial and perennial herb occurring in southeastern MA in coastal habitats. Grows in full sun. Seeds float; spreads along rocky beaches; primarily Cape Cod and Islands.

***Hesperis matronalis* L. (Dame's rocket)**

A biennial and perennial herb occurring in all regions of the state in upland and wetland habitats. Grows in full sun to full shade. Spreads by seed; can form dense stands, particularly in flood plains.

***Iris pseudacorus* L. (Yellow iris)**

A perennial herb occurring in all regions of the state in wetland habitats, primarily in flood plains. Grows in full sun to partial shade. Out-competes native plant communities.

***Lepidium latifolium* L. (Broad-leaved pepperweed; tall pepperweed)**

A perennial herb occurring in eastern and southeastern regions of the state in coastal habitats. Grows in full sun. Primarily coastal at upper edge of wetlands; also found in disturbed areas; salt tolerant.

***Lonicera japonica* Thunb. (Japanese honeysuckle)**

A perennial vine occurring in all regions of the state in upland, wetland, and coastal habitats. Grows in full sun to full shade. Rapidly growing, dense stands climb and overwhelm native vegetation; produces many seeds that are bird dispersed; more common in southeastern Massachusetts.

***Lonicera morrowii* A.Gray (Morrow's honeysuckle)**A shrub occurring in all regions of the state in upland, wetland, and coastal habitats. Grows in full sun to full shade. Part of a confusing hybrid complex of nonnative honeysuckles commonly planted and escaping from cultivation via bird dispersal.

***Lonicera x bella* Zabel [*morrowii* x *tatarica*] (Bell's honeysuckle)**
This shrub occurs in all regions of the state in upland, wetland, and coastal habitats. Grows in full sun to full shade. Part of a confusing hybrid complex of nonnative honeysuckles commonly planted and escaping from cultivation via bird dispersal.

***Lysimachia nummularia* L. (Creeping jenny; moneywort)**
A perennial herb occurring in all regions of the state in upland and wetland habitats. Grows in full sun to full shade. Escaping from cultivation; problematic in flood plains, forests and wetlands; forms dense mats.

***Lythrum salicaria* L. (Purple loosestrife)**
A perennial herb or subshrub occurring in all regions of the state in upland and wetland habitats. Grows in full sun to partial shade. Escaping from cultivation; overtakes wetlands; high seed production and longevity.

***Myriophyllum heterophyllum* Michx. (Variable water-milfoil; Two-leaved water-milfoil)**
A perennial herb occurring in all regions of the state in aquatic habitats. Chokes waterways, spread by humans and possibly birds.

***Myriophyllum spicatum* L. (Eurasian or European water-milfoil; spike water-milfoil)**
A perennial herb found in all regions of the state in aquatic habitats. Chokes waterways, spread by humans and possibly birds.

***Phalaris arundinacea* L. (Reed canary-grass)**
This perennial grass occurs in all regions of the state in wetlands and open uplands. Grows in full sun to partial shade. Can form huge colonies and overwhelm wetlands; flourishes in disturbed areas; native and introduced strains; common in agricultural settings and in forage crops.

***Phragmites australis* (Cav.) Trin. ex Steud. subsp. *australis* (Common reed)**
A perennial grass (USDA lists as subshrub, shrub) found in all regions of the state. Grows in upland and wetland habitats in full sun to full shade. Overwhelms wetlands forming huge, dense stands; flourishes in disturbed areas; native and introduced strains.

***Polygonum perfoliatum* L. (Mile-a-minute vine or weed; Asiatic tearthumb)**
Synonyms: *Persicaria perfoliata* (L.) H. Gross; *Ampelygonum perfoliatum* (L.) Roberty & Vautier
This annual herbaceous vine is currently known to exist in several counties in MA, and has also has been found in RI and CT. Habitats include streamside, fields, and road edges in full sun to partial shade. Highly aggressive; bird and human dispersed.

***Potamogeton crispus* L. (Crisped pondweed; curly pondweed)**
A perennial herb occurring in all regions of the state in aquatic habitats. Forms dense mats in the spring and persists vegetatively.

***Rhamnus cathartica* L. (Common buckthorn)**
A shrub or tree occurring in all regions of the state in upland and wetland habitats. Grows in full sun to full shade. Produces fruit in fall; grows in multiple habitats;

forms dense thickets.

***Robinia pseudoacacia* L. (Black locust)**

A tree that occurs in all regions of the state in upland habitats. Grows in full sun to full shade. While the species is native to central portions of Eastern North America, it is not indigenous to Massachusetts. It has been planted throughout the state since the 1700's and is now widely naturalized. It behaves as an invasive species in areas with sandy soils.

***Rosa multiflora* Thunb. (Multiflora rose)**

A perennial vine or shrub occurring in all regions of the state in upland, wetland and coastal habitats. Grows in full sun to full shade. Forms impenetrable thorny thickets that can overwhelm other vegetation; bird dispersed.

***Salix atrocinerea*/*Salix cinerea* L. (Large Gray Willow/Rusty Willow)**

A large shrub or small tree most commonly found in the eastern and southeastern areas of the state, with new occurrences being reported further west. Primarily found on pond shores but is also known from other wetland types and rarely uplands. *Salix atrocinerea* L. / *Salix cinerea* L. are either recognized as closely related species or the conspecific subspecies *Salix cinerea* ssp. *oleifolia* and *S. cinerea* ssp. *cinerea*. Forms dense stands and can out-compete native species along the shores of coastal plain ponds. (Reviewed 2014)

***Trapa natans* L. (Water-chestnut)**

An annual herb occurring in the western, central, and eastern regions of the state in aquatic habitats. Forms dense floating mats on water.

[< Back to Top >](#)

[Home](#) | [Contacts](#)

Massachusetts Invasive Plants Advisory Group

- >> **Home: About the Group**
- >> **Members**
- >> **Publications/Resources**
- >> **Contacts**

Annotated Species Lists:

- **Invasive (36)**
- **Likely Invasive (33)**
- **Potentially Invasive (3)**
- **Not Currently Meeting Criteria (34)**

Criteria:

- **Original (2005)**
- **Updated (2022)**

Definitions

Species Reviewed:

- **Listed Alphabetically**
- **Listed by Category**

Plants voted as: LIKELY INVASIVE

"Likely Invasive plants" are non-native species that are naturalized in Massachusetts but do not meet the full criteria that would trigger an "Invasive plant" designation. As defined here, "species" includes all synonyms, subspecies, varieties, forms, and cultivars of that species unless proven otherwise by a process of scientific evaluation.

***Actinidia arguta* (Sieb. & Zucc.) Planch. Ex Miq. (Hardy kiwi, Tara vine)**

A fast-growing woody vine that may climb to 30 feet or more on trees. Grows in sun or shade. Used in permaculture. Where it escapes it can aggressively climb trees and smother them, while also producing new seedlings. (Reviewed 2015)

***Ampelopsis brevipedunculata* (Maxim.) Trautv. (Porcelain-berry; Amur peppervine)**

A woody vine found primarily in southeastern counties of Massachusetts but known from some western counties as well. Occurs in upland woodland edges and thickets and grows in full sun to partial shade. Escapes from cultivation and is bird dispersed.

***Anthriscus sylvestris* (L.) Hoffmann (Wild chervil)**

Synonym: *Chaerophyllum sylvestre* L.

A biennial or short-lived perennial herb with a few reported sites in minimally managed habitats scattered across the state. It occurs in old fields, wetlands, roadsides and proliferates in floodplain soils. Grows in full sun to partial shade. It has a very long taproot and is reported to be spreading in Vermont and Connecticut.

***Berberis vulgaris* L. (Common barberry; European barberry)**

A shrub occurring in all regions of the state, primarily in uplands. It grows in full sun to full shade. The potential of this plant to spread is high; once common but widely eradicated because it is an alternate host for wheat rust; it hybridizes with Japanese barberry.

***Butomus umbellatus* L. (Flowering rush)**

An herbaceous perennial. Can occur on inundated shorelines and in shallow water, river and lakeshores, mudflats, and floodplain forests. (Reviewed 2008)

***Cardamine impatiens* L. (Bushy rock-cress; narrowleaf bittercress)**

A winter annual or biennial herb found in western Massachusetts occurring in rich woods, rocky ledges, roadsides, and stream banks. It grows in full sun to full shade. Disperses seeds easily and is spreading rapidly in other parts of New England.

***Centaurea stoebe* DC. (Spotted knapweed)**

Synonym: *Centaurea biebersteinii*, *C. maculosa*

A biennial or perennial herb occurring in all regions of the state in upland and coastal habitats. Grows in full sun. Aggressively grows in well-drained, disturbed soils; serious problem in western states where it out-competes native grassland species, literature reports are currently lacking for this in the northeast.

***Cynanchum rossicum* (Kleopov) Borhidi (European swallow-wort; pale swallow-wort)**

Synonym: *Vincetoxicum rossicum* (Kleopov) Barbarich

A perennial herb occurring in the western region of the state in upland habitats. Grows in full sun to partial shade. Forms dense stands; found primarily in the lower Connecticut River Valley.

***Cytisus scoparius* (L.) Link (Scotch broom)**

A shrub that occurs along roadsides, coastal sites, disturbed sites, pastures, and dry scrubland. Its nitrogen fixing ability allows it to compete successfully on nutrient-

poor, dry, sandy soils. It is seen as an ecological threat to native grasslands of Massachusetts as well as the globally rare sandplain grasslands of the coast and islands. (Reviewed 2021)

***Egeria densa* Planchon (Brazilian waterweed; Brazilian elodea)**

Synonyms: *Anacharis densa* (Planch.) Victorin; *Elodea densa* (Planch.) Caspary
A perennial herb occurring in the eastern and southeastern regions of the state in aquatic habitats. Common in the aquarium trade; chokes waterways; currently only found in a few MA ponds.

***Epilobium hirsutum* L. (Hairy willow-herb; Codlins and cream)**

A perennial herb occurring in all regions of the state in wetlands. Grows in full sun. Seeds dispersed by wind and water; evidence currently lacking that this species out-competes other vegetation in minimally managed habitats.

***Euphorbia cyparissias* L. (Cypress spurge)**

A perennial herb occurring in all regions of the state in upland habitats. Grows in full sun. Persists in open areas; evidence currently lacking that this species out-competes other vegetation in minimally managed habitats.

***Festuca filiformis* Pourret (Hair fescue; fineleaf sheep fescue)**

A perennial grass occurring in all regions of the state, in grasslands and open woodlands. Grows in full sun to partial shade. Common in minimally managed grassland habitats; more data needed on its ability to outcompete native species.

***Glyceria maxima* (Hartman) Holmburg (Tall mannagrass; reed mannagrass)**

A perennial grass currently known from one marsh in Essex County. Grows in full sun to partial shade. Spreads vegetatively and produces viable seeds; forms dense stands.

***Heracleum mantegazzianum* Sommier & Levier (Giant hogweed)**

A perennial herb occurring in scattered sites across all regions of the state; thrives in multiple habitats. Grows in full sun to full shade. Escapes from cultivation; seeds can be dispersed by water; can cause severe skin reactions.

***Humulus japonicus* Sieb. & Zucc. (Japanese hops)**

An annual herbaceous vine with current records in western MA, but historical records from all regions of the state. Grows in floodplain forests and riverbanks in full sun to partial shade. Escapes from cultivation; capable of prolific growth.

***Hydrilla verticillata* (L.f.) Royle (Hydrilla; water-thyme; Florida elodea)**

A perennial aquatic herb occurring in the southeastern region of the state. Only found in one MA pond currently (2004); easily dispersed by birds and humans; chokes entire water bodies.

***Ligustrum obtusifolium* Sieb. & Zucc. (Border privet)**

A shrub occurring in all regions of the state in woodlands and woodland edges. Grows in full sun to full shade. Widespread and shade tolerant, bird dispersed; more data needed on density and distribution; flowers are needed to identify species.

***Lonicera tatarica* L. (Tatarian honeysuckle)**

A shrub found from Boston westward in thickets, woods, and edges of woods. Can grow in full sun to full shade. Commonly confused with other non-native honeysuckles; crosses with Morrow's honeysuckle (*L. morrowii*) to produce the invasive hybrid Belle's honeysuckle (*L. xbella*).

***Microstegium vimineum* (Trin.) A. Camus (Japanese stilt grass; Nepalese browntop)**

An annual grass occurring in the western region of the state in upland and wetland habitats. Grows in full sun to full shade. Forms dense stands; currently localized in the lower Connecticut River Valley; spreads in flood plains.

***Miscanthus sacchariflorus* (Maxim.) Franch. (Plume grass; Amur silvergrass)**

This perennial grass is currently known to occur in central MA in wetland margins and roadsides. Grows in full sun. Spreads by rhizomes and develops dense stands along roadsides and adjacent native habitats.

***Myosotis scorpioides* L. (Forget-me-not)**

A perennial herb occurring in all regions of the state in wetlands. Grows in full sun to full shade. Escaping from cultivation; prolific in open wooded streams, stream-banks and wet meadows; evidence about its persistence is needed.

***Myriophyllum aquaticum* (Vell.) Verdc. (Parrot-feather; water-feather; Brazilian watermilfoil)**

Synonym: *Myriophyllum brasiliense* Camb.

A perennial herbaceous aquatic occurring in southeastern MA along a shallow pond edge.

Grows in full sun to partial shade. Reproduces from fragments; commonly used in the water garden trade.

***Najas minor* All. (Brittle water-nymph; lesser naiad)**

An annual herb occurring in the western region of the state in aquatic habitats. Chokes waterways; spread by humans and possibly birds; currently found only in Berkshire County (2002).

***Nymphoides peltata* (Gmel.) Kuntze (Yellow floating heart)**

This aquatic perennial occurs in ponds in central MA. Grows in full sun to partial shade. Can create a dense floating mat on ponds and can reproduce from fragments.

***Phellodendron amurense* Rupr. (sensu lato) (Amur cork-tree)**

Synonyms: *Phellodendron japonicum* Maxim.; *Phellodendron amurense* var. *japonicum* (Maxim.) Ohwi; *Phellodendron sachalinense* (F. Schmidt) Sarg.; *Phellodendron amurense* var. *sachalinense* F. Schmidt; *Phellodendron lavalleyi* Dode; *Phellodendron amurense* var. *lavalleyi* (Dode) Sprague

This tree occurs in uplands of eastern to central MA. Grows in full sun to full shade. A bird dispersed species that has escaped cultivation.

***Pinus thunbergii* Parl. (Japanese black pine)**

A small evergreen tree that can reach heights of about 6-9 m tall and about 6-11 m wide in cultivation. It occurs in coastal sites, disturbed sites, sand dunes, and dry scrubland. It is seen as an ecological threat to native grasslands and dune systems, including the globally rare sandplain grasslands of coastal Massachusetts and the islands. (Reviewed 2021)

***Pueraria montana* (Lour.) Merrill (Kudzu; Japanese arrowroot)**

Synonym: *Pueraria montana* var. *lobata* (Willd.) Maesen & S. Almeida

A perennial herbaceous vine found in southeastern MA. Occurs at Arnold Arboretum; uplands. Grows in full sun to partial shade. Present in MA and subject to control; marginally hardy in MA but has the potential to invade minimally-managed areas based on its performance elsewhere.

***Ranunculus repens* L. (Creeping buttercup)**

A perennial herb occurring in all regions of the state in wetlands. Grows in full sun to full shade. Common around springs and wetlands; evidence currently lacking that this species out-competes other vegetation in minimally managed habitats.

***Rorippa amphibia* (L.) Bess. (Water yellowcress; great yellowcress)**

Synonyms: *Nasturtium amphibium* (L.) Ait. f.; *Sisymbrium amphibium* L.

A perennial herb occurring in central MA. Grows in wetlands in full sun to partial shade. Common and increasing in central MA river drainages; a major threat to riparian habitats forming dense stands at some locations.

***Rubus phoenicolasius* Maxim. (Wineberry; Japanese wineberry; wine raspberry)**

A shrub found in uplands of southern MA. Can grow in full sun to partial shade. Animal and human dispersed; forms thickets.

***Senecio jacobaea* L. (Tansy ragwort; stinking Willie)**

A biennial herb occurring in a few sites east of the Connecticut River; habitat is open uplands. Grows in sun or partial shade. This species is highly invasive in the Canadian Maritimes; may also spread from disturbed areas.

***Tussilago farfara* L. (Coltsfoot)**

A perennial herb occurring in all regions of the state in upland and wetland habitats. Grows in full sun to full shade. Particularly problematic in lime seeps and disturbed sites; evidence currently lacking that this species out-competes other vegetation in minimally managed habitats.

[< Back to Top >](#)

[Home](#) | [Contacts](#)

Massachusetts Invasive Plants Advisory Group

- >> [Home: About the Group](#)
- >> [Members](#)
- >> [Publications/Resources](#)
- >> [Contacts](#)

Annotated Species Lists:

- [Invasive \(36\)](#)
- [Likely Invasive \(33\)](#)
- [Potentially Invasive \(3\)](#)
- [Not Currently Meeting Criteria \(34\)](#)

Criteria:

- [Original \(2005\)](#)
- [Updated \(2022\)](#)

Definitions

Species Reviewed:

- [Listed Alphabetically](#)
- [Listed by Category](#)

Plants voted as: POTENTIALLY INVASIVE

"Potentially invasive plants" are non-native species not currently known to be naturalized in Massachusetts, but that can be expected to become invasive within minimally managed habitats within the Commonwealth. As defined here, "species" includes all synonyms, subspecies, varieties, forms, and cultivars of that species unless proven otherwise by a process of scientific evaluation.

***Arthraxon hispidus* (Thunb.) Makino (Hairy joint grass; jointhead; small carpetgrass)**

An annual grass historically known from Franklin County but not currently known from the state. Habitats elsewhere include roadsides, shores, ditches, and low woods and fields. Grows in full to partial shade. Is problematic in Connecticut and southward.

***Carex kobomugi* Ohwi (Japanese sedge; Asiatic sand sedge)**

A perennial sedge established mainly in sand dunes and growing in full sun. There is only one current New England location—in Rhode Island; it can spread rapidly in dune systems.

***Lonicera maackii* (Rupr.) Herder (Amur honeysuckle)**

A shrub having specimens and reports from a number of MA counties, but verification of naturalization at these locations is needed. The likely habitats are woods and woodland edges. Can grow in full sun or shade. Escapes from cultivation, but documentation needed regarding naturalized populations in MA; recognized as invasive in the Midwest and portions of the southeastern USA.

[< Back to Top >](#)

[Home](#) | [Contacts](#)



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

VI

BUSINESS

~ IT DEPARTMENT CAPITAL BUDGET ~

REQUESTED BY:	Town Administrator
DESIRED ACTION:	To review the 10-year Capital Improvement Plan for the IT department.
PROPOSED MOTION:	I move to approve the 10-year Capital Improvement Plan for the Wellfleet IT Department.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**TOWN OF WELLFLEET
FY2024 TEN YEAR CAPITAL IMPROVEMENT PLAN**

Edit Date: November 18, 2022

Department	Project	BOS	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
1 Management Information												
Systems/Technology:	a. General MIS Equipment & Software		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
	b. Munis Software Conversion			\$250,000								
2 Shellfish Department:												
	a. Fleet Replacement		\$42,000	\$46,200			\$50,000	\$50,000	\$50,000			
	b. Oyster Tumbler		\$12,000									
	c. Floating Upweller Nursery Project					\$36,557						
	d. 115 HP outboard motor for skiff				\$18,000							
	e. Twin 90hp outboard motor for barge								\$30,000			
	f. New workboat (20-yr replacement)							\$35,000				
3 Recreation Department:												
	a. Fleet Replacement - 15 Passenger Van			\$55,775								
	b. Resurface Tennis & Pickleball Courts - Bakers Field (?)		\$20,300		\$25,500							
4 Council on Aging:												
	a. COA Building Addition Feasibility Study		\$50,000									
	b. Extend walkway - one half mile through woods			\$280,000								
	c. Create Adult exercise equipment adjacent to toddler playground				\$150,000							
	d. Plans for addition to ACC building					\$400,000						
	e. Construction for addition to ACC building						\$4,000,000					
	f. Replace Transit Van							\$55,000				
5 Beaches:												
	a. Replace UTV				\$17,000							
	b. Replace ATV		\$11,000									
6 Marina Department:												
	a. Fleet Replacemnt		\$60,000			\$70,000						
	b. Outboard Motor Replacement			\$12,000	\$18,000						\$50,000	
	c. ATV Replacement			\$20,000			\$70,000					
	d. Marina Master Plan		\$200,000									
	e. Pier Camera System				\$15,000							
	f. Maintenance Dredge (Channel)		\$50,000					\$3,200,000				

Department	Project	BOS	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
7	Health , Conservation & Bld:											
	a. Purchase Permit Tracking Software System		\$225,000									
	b. Wastewater Planning & Permitting - Engineering Consulting		\$250,000	\$252,500	\$255,025	\$257,575	\$260,151	\$262,753	\$265,380	\$268,034	\$270,714	\$273,421
	c. Enhanced IA subsidies		\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
	d. Sewer Expansion - Design						\$2,000,000					
	e. Wastewater Treatment Facility - TBD				\$30,500,000							
	f. Hybrid Design - Harbor, Duck Creek & Cove Watershed			\$2,000,000								
8	Police Department:											
	a. Fleet Replacement		\$130,000	\$65,000	\$65,000	\$130,000	\$70,000	\$70,000	\$140,000	\$75,000	\$75,000	\$150,000
	b. Police Equipment Project (Misc. Items)		\$50,000				\$50,000			\$50,000		
	c. Records/Dispatch Software			\$200,000								
	d. Replace ATV				\$40,000			\$40,000				\$50,000
	e. Replace AED					\$30,000					\$40,000	
	f. Record System Update								\$50,000			
9	Fire Department:											
	a. Replace Command Car								\$75,000			
	b. Replace Ambulance 99				\$400,000							\$450,000
	c. Basic Office/Training Furniture		\$28,000									
	d. Replace 4" supply hose				\$60,000		\$30,000				\$40,000	
	e. Replace Medical/Rescue Equip.		\$135,000	\$90,000						\$100,000	\$75,000	
	f. Replace Duty Truck (Sq. 80)											
	g. Radio Repeaters			\$80,000								
	h. Replace Ambulances 97 & 98		\$365,000					\$385,000				
	i. Replace SCBA bottles				\$150,000	\$200,000						
	j. Replace Forestry 90						\$85,000					
	k. Replace Tanker 96											\$400,000
	l. Replace Engine 95											
	m. Training room / EOC completion											
	n. Catwalk storage											
	o. Replace mobile data terminals		\$30,000			\$55,000	\$35,000			\$25,000		
	p. Recoat apparatus bays floor											
	q. Fire Prevention/Inspection vehicle					\$65,000						

		7. Police Station											
		a. Septic Upgrades (Title V/sewer connection) Cost/year TBD											
		b. Landscaping/Irrigation							\$50,000				
		8. Sub-Station:											
		a. Roof Replacement			\$25,000								
		b. Septic Upgrades (Title V/sewer connection) Cost/year TBD											
		9. Recreation & Bakers Field:											
		a. Septic Upgrades (Title V/sewer connection) Cost/year TBD											
		b. Bathroom/Facility Upgrades							\$60,000				
		c. Baker Field Upgrade								\$800,000			
		10. Beach Restrooms:											
		a. Beach restroom replacement (White Crest)		\$350,000									
		b. Beach restroom replacement (LeCount)			\$450,000								
		c. Beach restroom replacement (Gull Pond)				\$225,000							
		d. Beach restroom replacement (Newcomb)					\$400,000						
		11. Water Filling Stations:											
		a. Library, Town Hall, Kendrich & Marina Buildings		\$25,000	\$25,000	\$25,000	\$25,000						

13	Water System Capital												
	a. Tank Maintenance												
	b. Master Plan Update					\$50,000							
	c. Meter Replacement Program			\$275,000									
	d. Billing Software & Reader			\$25,000									
	e. Generator (Coles Neck)			\$35,000									
14	Maurices Campground												
	a. Watermain Extension			\$500,000									
	b. Housing Development Planning and Development			\$50,000	\$100,000		\$200,000			\$5,000,000			
	c. Wastwater System Planning & Construction			\$150,000		\$500,000		\$500,000		\$3,000,000			
	d. Capital Building Repairs - (Operating Budget)			\$240,000	\$96,000	\$66,000	\$24,000	\$12,000	\$10,000				
	Grand Total Annually			\$4,757,300	\$6,586,575	\$34,150,230	\$3,195,673	\$11,138,768	\$7,369,701	\$9,391,426	\$1,761,457	\$1,287,808	\$1,633,421

Departmental Totals		FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
1	Management Information	\$50,000	\$300,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
2	Shellfish Department:	\$54,000	\$46,200	\$18,000	\$36,557	\$50,000	\$85,000	\$80,000	\$0	\$0	\$0
3	Recreation Department:	\$20,300	\$55,775	\$25,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4	Council on Aging:	\$50,000	\$280,000	\$150,000	\$400,000	\$4,000,000	\$55,000	\$0	\$0	\$0	\$0
5	Beaches	\$11,000	\$0	\$17,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
6	Marina Department:	\$310,000	\$32,000	\$33,000	\$70,000	\$70,000	\$3,200,000	\$0	\$0	\$50,000	\$0
7	Health , Conservation & Bld:	\$675,000	\$2,452,500	\$30,955,025	\$457,575	\$2,460,151	\$462,753	\$465,380	\$468,034	\$470,714	\$473,421
8	Police Department:	\$180,000	\$265,000	\$105,000	\$160,000	\$120,000	\$110,000	\$190,000	\$125,000	\$115,000	\$200,000
9	Fire Department:	\$558,000	\$170,000	\$610,000	\$320,000	\$150,000	\$385,000	\$75,000	\$125,000	\$115,000	\$850,000
10	Department of Public Works:	\$1,424,000	\$1,839,100	\$1,360,705	\$1,411,540	\$1,336,617	\$711,948	\$470,046	\$778,423	\$442,094	\$0
11	Library Department	\$0	\$100,000	\$0	\$10,000	\$2,000,000	\$2,000,000	\$0	\$25,000	\$0	\$0
12	Elementary School Department:	\$150,000	\$800,000	\$35,000	\$56,000	\$390,000	\$300,000	\$61,000	\$190,000	\$45,000	\$60,000
13	Water System Capital	\$335,000	\$50,000	\$225,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
14	Maurice's Campground	\$940,000	\$196,000	\$566,000	\$224,000	\$512,000	\$10,000	\$8,000,000	\$0	\$0	\$0
	Grand Total	\$4,757,300	\$6,586,575	\$34,150,230	\$3,195,673	\$11,138,768	\$7,369,701	\$9,391,426	\$1,761,457	\$1,287,808	\$1,633,421



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

VI

~ BUSINESS ~

~ MAURICE'S CAMPGROUND CAPITAL BUDGET ~

REQUESTED BY:	Town Administrator & Maurice's Planning Committee
DESIRED ACTION:	To review and approve the 10-year Capital Improvement Plan for the Planning and Development of Maurice's Campground.
PROPOSED MOTION:	I move to approve the 10-year Capital Improvement Plan for the Planning and Development for Maurice's Campground as presented at tonight's meeting.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

DEPARTMENT: Maurice's Campground

REQUESTED BY: Town Administrator

Project Description & Objectives

Maurice Housing Planning and Development

Project Need & Background

Town purchased Maurice's Campground with the vision of developing for affordable housing opportunities. This request will allow the planning committee to utilize a facilitator and/or consulting services for visioning efforts to determine best future use of the site.

Priority # of Projects Submitted Priority # for Fiscal Year
3 3 1 2024

Degree of Urgency (check all that apply)

- Legislation: required by state or federal legislation or regulation
Hazard: removes an obvious or potential hazard to public health or safety
Efficiency: replaces equipment or facility that is obsolete, or would be too costly to repair or maintain and better utilizes existing standard of service
Standard of Service maintains or provides existing standard of service
Economic Advantage: directly benefits the Town's economic base by increasing property values or other revenue potential
Increased Service: expands or increases a service or improves a standard of service
New services: makes possible a new service or increases convenience of an existing service.

Priority of Function (check all that apply)

- Protection of persons and property: police, fire, rescue, inspections, etc.
Environmental health: water, sewer, sanitation, public health, etc.
Heritage and cultural: education, libraries, etc.
Housing: public housing, etc.
Pedestrian and vehicular transportation: street construction and maintenance, parking, etc.
Recreation: parks, athletic programs, etc.
General government: office facilities, central services, etc.

Projected Costs by Year

Table with 2 columns: Year (FY 2024-2029, TOTAL) and Cost (50000, empty boxes)

Other Comments

Empty box for other comments

DEPARTMENT: Maurice's Campground

REQUESTED BY: Town Administrator

Project Description & Objectives

Maurice Wastewater Planning

Project Need & Background

Town purchased Maurice's Campground with the vision of developing for affordable housing opportunities. This request will allow the planning team to utilize engineering and consulting services to evaluate existing infrastructure and plan for future wastewater needs associated with developing the site.

Priority # of Projects Submitted Priority # for Fiscal Year
2 3 1 2024

Degree of Urgency (check all that apply)

- Legislation: required by state or federal legislation or regulation
Hazard: removes an obvious or potential hazard to public health or safety
Efficiency: replaces equipment or facility that is obsolete, or would be too costly to repair or maintain and better utilizes existing standard of service
Standard of Service maintains or provides existing standard of service
Economic Advantage: directly benefits the Town's economic base by increasing property values or other revenue potential
Increased Service: expands or increases a service or improves a standard of service
New services: makes possible a new service or increases convenience of an existing service.

Priority of Function (check all that apply)

- Protection of persons and property: police, fire, rescue, inspections, etc.
Environmental health: water, sewer, sanitation, public health, etc.
Heritage and cultural: education, libraries, etc.
Housing: public housing, etc.
Pedestrian and vehicular transportation: street construction and maintenance, parking, etc
Recreation: parks, athletic programs, etc.
General government: office facilities, central services, etc.

Projected Costs by Year

Table with 2 columns: Year (FY 2024 to FY 2029 and TOTAL) and Cost. FY 2024 cost is 150000.

Other Comments

Empty text box for other comments.

DEPARTMENT:

REQUESTED BY:

Project Description & Objectives

Eastham Municipal Water Main Extension

Project Need & Background

The Town purchased Maurice's campground in December of 2022 with limited water supply from their two production wells. In order to maximize the development on the site the Town should opt-in to connecting to the Eastham municipal water system. Eastham has endorsed the connection.

Priority #	of Projects Submitted	Priority #	for Fiscal Year
<input type="text" value="1"/>	<input type="text" value="3"/>	<input type="text" value="1"/>	<input type="text" value="2024"/>

Degree of Urgency (check all that apply)

- Legislation: required by state or federal legislation or regulation
- Hazard: removes an obvious or potential hazard to public health or safety
- Efficiency: replaces equipment or facility that is obsolete, or would be too costly to repair or maintain and better utilizes existing standard of service
- Standard of Service maintains or provides existing standard of service
- Economic Advantage: directly benefits the Town's economic base by increasing property values or other revenue potential
- Increased Service: expands or increases a service or improves a standard of service
- New services: makes possible a new service or increases convenience of an existing service.

Priority of Function (check all that apply)

- Protection of persons and property: police, fire, rescue, inspections, etc.
- Environmental health: water, sewer, sanitation, public health, etc.
- Heritage and cultural: education, libraries, etc.
- Housing: public housing, etc.
- Pedestrian and vehicular transportation: street construction and maintenance, parking, etc
- Recreation: parks, athletic programs, etc.
- General government: office facilities, central services, etc.

Projected Costs by Year

FY 2024	<input type="text" value="500000"/>	FY 2030	<input type="text"/>
FY 2025	<input type="text"/>	FY 2031	<input type="text"/>
FY 2026	<input type="text"/>	FY 2022	<input type="text"/>
FY 2027	<input type="text"/>	FY 2033	<input type="text"/>
FY 2028	<input type="text"/>	TOTAL	<input type="text"/>
FY 2029	<input type="text"/>		

Other Comments



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

VII

SELECTBOARD REPORTS:

Reported by:	Topic:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

VIII

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 January 17, 2023 Select Board Meeting
Date: January 10, 2023

Administration

- Members of the Dredging Task Force joined staff and others to have a high level discussion with the Army Corp of Engineers on dredging Area II of the Harbor. The team will work through the options available to them and bring forward to stakeholders of the group.
- The administrative team works to finalize a draft of the FY24 budget with the understanding that some areas such as the schools budget will not be known for a few more weeks. The first round of meetings with the finance committee is scheduled for January 17 – 19th.
- The Town Administrator and Assistant Town Administrator will be attending this years annual MMA conference from January 19 – 21st.
- Maurice's Campground Operations RFP was released on 12/28. Bid opening is 2/8.
- Our new HR Director, Christine Ezersky started on 1/9. New positions remain open for: Town Accountant, Assistant Town Accountant, Principal Clerk, and Assistant Harbor Master.
- Grant reporting was completed by 12/31 for DLTA and Mass Works.

Assessing

- The Board of Assessors met on December 9, 16 and January 5 to vote on FY2023 abatement applications. 23 real estate and 21 personal property abatements were granted.
- Motor vehicle excise tax 6th commitment will issue January 11 with a due date of February 12.
- Boat excise tax bills were due December 30. Demands will issue January 17.
- Data collector Jennifer Kane is actively performing building permit and cyclical inspections in the field.

Building

- Review Building Permit Applications, Issue Permits, Issue Certificates of Occupancy, Issue Certificates of Completion, Annual Inspections, Issue Certificate of Inspections, building site

inspections, Respond to Complaints, Office Hours 8:00 – 10:30 a.m., (or by appointment) to address Building Code and Zoning questions with applicants and the public.

- Responding to written complaint letter concerning 70 Main Street, regarding (7) alleged Town of Wellfleet Zoning Bylaw Violations from an abutter to 70 Main Street property.
- Reviewing 2023 Business License applications.
- Posted the existing structure located at 49 Chequessett Neck Road as “Unsafe”, on December 22, 2022 at 3:30 p.m. Owner to provide initial plan with timelines for demolition or renovation of structure to Town of Wellfleet Building Department within 30 days of posting.

Collector

- Of the \$11,531,428.98 committed for the first half of fiscal 2023, 99% has been collected.
- The last of motor vehicle excise tax bills from the registry have been released and will be going out on the 11th of January, due the 10th of February.
- The first motor vehicle commitment of 2023 will be issued shortly, with bills to follow. This is the largest commitment of the motor vehicle year and a scanline will be added to the bill for processing in Boston to help streamline the collection process.
- Final Notice Prior to Tax Taking letters from our tax attorneys have gone out to delinquent tax payers for fiscal years 2018, 2019, and 2020.

Community Services

Council on Aging / Adult Community Center

- 12/15/22 – met with Patrick Otten and Suzannah Nickerson on the beach trash art boxes for next summer. One will be at Newcomb Hollow and the second at Mayo Beach. At the end of the season, we will assess the success or lack thereof of the emplacement
- Ukelele lessons on Wednesdays at 12:30 continue to be very popular
- In an effort to help people stay healthy, exercise programs are now free to Wellfleet residents.

Beach Program

- The Beach sticker photo contest closed on 12/15/2022. 21 artists submitted their work for consideration. All the photos were evaluated by the Art program committee at the COA and six finalists were selected. I am currently working with the six photos to determine which of these lend themselves best to being the background of the Resident sticker, Combination Stickers and Visitor stickers. For the first time, there was a theme for the pictures and that was Shellfishing.
- The Art Committee in conjunction with the Wellfleet Historic District committee will hold an art opening in April at the Adult Community Center that features this year’s selected artists as well as artists from previous years.
- The canoe/kayak/SUP Board lottery closed at the end of the day on January 1, 2023. It was opened on April 1, 2022. All the entries will be sorted by location, checked for eligibility

and entered into a lottery for the available spaces. Lottery results will be released during the first week of February.

Harbormaster

- No update

Health/Conservation

- We are continuing to distribute covid antigen test kits to residents and employees of local businesses. We finally got rid of our existing stock and then acquired several more cases to distribute from the State. Since I submitted my previous bullets, we have had 12 cases identified in the state reporting database (PCR Only). The County is currently in the high-risk category, and we are seeing more people reverting to mask use.
- We have received training on our online inspectional software as it was recently updated and are working with the consultant to schedule field inspectional work. The consultant is also willing to work with our fishermen interested in temporary food service events to provide a training specific to shellfish. This is an exciting opportunity because of her scope of knowledge and excitement about such events.
- Slowly working on a new initiative for food insecurity that involves a community fridge. This model has been successful throughout the commonwealth. It is a bit costly so we are in search of a grant to assist us in moving ahead. We met with the extension to review and discuss this proposal and see if they could offer any assistance.
- Progress is being made on our septic and well viewer. Arozana Tesson has been coming in the afternoons to update the programming and we expect it to complete in the next few weeks. We have had some IT difficulties getting things up and running as the computer in our office is quite old and the screen quite small. We have been working with IT who serves both Truro and Wellfleet to remedy the situation.
- Full submission for the APRA grant with our regional partners was submitted on December 22. The application includes the multidisciplinary team to support health, public health screenings, and a joint asset mapping and facilitation of programming and services being offered on the outer cape. We are hopeful that we will receive full funding for this project as the needs are large. It was a heavy lift getting this application together and submitted.
- We continued work on the regional CZM Resiliency Grant on shoreline management and the Community Best Practices Grant. We met and reviewed a scope of work and budget for Urban Harbors Institute to continue regional departmental work.
- Sent formal correspondence to MA DEP at their request to review design and installation issues with provisional use enhanced I/A technologies.
- Had another meeting with Barnstable County MASSTEC staff to review their EPA grant for RME work and to see how Wellfleet wants to partner and participate. We will be working collaboratively over the coming months and years and a formal MOU will be forthcoming.
- Letter of Intent for a UFWS fish passage grant for upper herring river culverts has been submitted.

- Met with the OCCS team and Police Chief to discuss Opioid settlement ideas and heard from a broad range of community partners on the work they do and the work that is needed in our communities. The hope is to pool the money on the outer cape to provide the best use of the funding we can and to support existing programs or organizations already in place.

Fire

- Paramedic Bill Blake and EMT Ryan Hickey are in their final weeks of classes at the Massachusetts State Firefighting Academy in Bridgewater. This is to certify both as full-time firefighters (Firefighter I/II) in accordance with National Fire Protection Association and Commonwealth of Massachusetts fire training requirements. Both will graduate on January 20th, 2023
- Work continues on preparing Ladder 93 for its refurbishment by Greenwood Emergency Vehicles, North Attleborough, MA and it should be delivered to the dealer the week of January 23rd, It is anticipated that it will take approximately 90-120 days for this refurbishment project.
- Our extremely capable Administrative Assistant Theresa Townsend has been successful in obtaining over \$219,000.00 from the Federal Emergency Management Agency, Staffing for Adequate Fire and Emergency Response (SAFER) grant program.
- We have been notified by the Massachusetts Department of Fire Services that we have been awarded a grant in the amount of \$12,274.00 for new firefighter safety equipment. This will allow us to purchase replacement cold water immersion (dry) suits and related ice rescue equipment.

Library

- We have slowly been adding to our "Library of Things." This includes full place settings (in partnership with the Wellfleet Recycling Committee) as well as so many other amazing "things" that people may need. They include a telescope, sewing machine, yarn swift, knitting needles, portable projector and screen, gardening implements and more. We have not received/cataloged all of our items yet, and we are still brainstorming what else we are going to add, but you can watch for the exciting additions on our home page, under the "Library of Things" icon towards the bottom – url here: <https://www.wellfleetlibrary.org/library-of-things>
Thank you to the Friends of the Library for supplying some of our items.
- Given the increase in bad storms over the past few years, we thought it was time we held an Emergency Preparedness Workshop. Please join us on Sunday, January 22 at 3:00 PM where Chip Reilly, an Emergency Preparedness Specialist with Barnstable County will take us through such important items as, how to build an emergency kit, emergency preparedness for persons with disabilities or access/functional needs, safety tips for sheltering in place, how to support your neighbors before, during, and after a storm. Older adults and caregivers are encouraged to attend. This is important for everyone living in a coastal community such as ours.
- The Friends of the Library are bringing back their popular music series in January and February! On many Saturdays at 3:00 PM, you can hear free music at the library to brighten up your winter months. On January 22, Julie Charland & Denya LeVine will be

performing. On January 28th, The Kareem Sanjaghi band will be back at the library. Several more bands will play in February. Check our website for the latest.

- If you do not already receive our electronic newsletter (Our "Mermaid Memo") please sign up on our homepage at wellfleetlibrary.org. It's the best way you can learn about all the amazing programming we have coming up! We also have a Facebook page and are on Instagram at @WellfleetPublicLibrary - give us a follow!
- The library will be closed on Tuesday, January 24th for training. After many years, CLAMS has contracted with a new software vendor for our Integrated Library System (ILS). This is the software we use to set up patron records, check in/out materials, catalog materials, and rely on for all of our workflows. CLAMS is holding a training session all day on the 24th with the vendor reps and it's crucial that the entire staff attend. It's the only way we can ensure we will give stellar service to everyone as we migrate to the new system.

Police

- The department is in the final stages (background check) of filling the final vacant police officer position that has been open since July 1st. The potential candidate will come to the department academy trained and will have finished his master's degree program in criminal justice. The candidate lives in a seaside community on the north shore and is looking to relocate to cape cod. The department is excited to have a candidate interested to work in our community and should have an official appointment letter ready by next month.
- The department, along with Wellfleet Fire, Eastham Police and Eastham Fire hosted a movie with Santa at the Wellfleet Cinema on Saturday December 17th. After a two year hiatus due to Covid, the event was a huge success with approximately 125 excited kids who came to tell Santa what they wanted for Christmas then enjoyed a movie with their family. Thank you to all involved who made the day huge success.
- I (Chief Hurley) attended the first Opioid Use Resource Group for the Outer cape that involved many different groups (town health agents, public safety, support groups, medical professional, etc..) affected in this area. The group was formed as a result of the Opioid Settlement monies that were awarded to the outer cape communities and how to best use those funds to combat the continuing drug epidemic. The intent is for the group to develop goals and objectives that health agents can bring back to their respective communities.

Public Works

- DPW Administration
 - a. Finalizing the OPR (Owners Project Representative) contract for the Herring River Restoration project. Attended a progress meeting with MIG (contractor) on 1/9/23
 - b. Director Norton and Assistant Director Morris met with USDA/NRCS grant representatives at Lt. Island Road to discuss the stormwater management/road improvement project to move the design along.
 - c. Awaiting grant agency review of engineering proposals for Keller's Corner and Power's Landing stormwater improvement projects.

- d. Selected a consultant to assist with the Briar Lane/Ryder Court culvert reconstruction project. We will be entering a contract for initial design and permitting services to improve the culverts that are currently in disrepair.
- e. Initial easement appraisals are wrapping up for Main Street properties as part of the Rt 6/Main street intersection project. We look forward to seeing the reports so we can begin discussions with the affected property owners.
- f. Director Norton and Administrative Assistant Leidenfrost met with Administrator Waldo and Accountant Sprague to review the FY 2024 DPW Operating Budget.
- Facilities/Grounds
 - a. Finished the restoration of Long Pond with upgraded walkways, fences and replaced the stairs to the beach/pond. Kudos to Foreman Williams and his crew for a great job
 - b. Cleaning up the cemeteries around Town, managing leaves/trees etc.
 - c. Set up the 1/10/23 elections at the ACC
- Highway
 - a. Restored Keller's Corner with 1,000 +/- CY of beach nourishment. Kudos to Foreman Russell and his crew for a great job
 - b. We continue to haul material from the pit to the transfer station. This is to prepare for the Herring River Low Lying Roads project that is anticipated to commence in late 2023.
- Transfer Station
 - a. Foreman Cicale with the help of Americorps conducted a waste audit at the transfer station. The full report and drone footage can be found on the Transfer Station website. <https://www.wellfleet-ma.gov/transfer-station-recycling-center/pages/18-waste-audit-2022>. Kudos to Mike and crew for taking the time out of their busy days to perform this task and also to Stephen SetteDucati for capturing it with his drone!

Recreation

- Recreation basketball season is in full swing with teams from grades K-6 practicing. Games for grades 3-6 begin this week, a complete game schedule is posted on the Town website.
- The New Year's Day free community ice skating session was a success with over 100 skaters participating.
- Open gym basketball for high school age through adult has begun at the Elementary School gym, this popular program has over 25 attendees per week.
- The Department is working with the WPD and local teens to develop after school and weekend activities for this often overlooked age group. A meeting to establish a teen advisory board is scheduled for this week.

- Extensive after school and weekend programming in arts and crafts, pickleball and futsal (indoor soccer) and more are scheduled to begin at the end of the month.
- Extensive planning is underway for the Billingsgate Basketball Tournament which will be held in March.
- Planning has already begun for the Summer Recreation Programs for 2023.

Shellfish Department

- No Update

Town Clerk

- Finalizing vote by mail, and organizing for the January 10, 2023, dual district and special town election.
- Have begun receiving back Census forms that were mailed to all year-round households.
- Have begun processing dog licenses.
- Continue to work on organization within the department, including having Kings information systems back to Town, sometime in the next few months to audit those buildings that were not done last October.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

IX

TOPICS FOR FUTURE DISCUSSION

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

X

VACANCY REPORTS

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

Date: January 17, 2023
To: Board of Selectmen
From: Rebekah Eldridge
Re: Vacancies on Town Boards

Bike and Walkways Committee (5 members)

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	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	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	Appointing Authority	Length of Term
2 alt Positions	Selectboard	3 years

Requesting Appointment: No applications on file

Cable Advisory Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Selectboard	1 year

Requesting Appointment: **One application on file – Josh Yeston**

Commission on Disabilities (up to 5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Selectboard	3 years

Requesting Appointment: No applications on file

Conservation Commission (7 Members + 2 alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Positions	Selectboard	
2 alt Positions		3 years

Requesting Appointment: **One Application on File ~ Robert Stewart**

Council on Aging (11 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Selectboard	3 years

Requesting Appointment: No application on file

Cultural Council (no more than 15 Members)

Vacant Positions	Appointing Authority	Length of Term
7 Positions	Selectboard	3 years

Requesting Appointment: no applications on file

Dredging Task Force (5 Members)

Vacant Positions	Appointing Authority	Length of Term
0 Positions	Selectboard	3 years

Requesting Appointment: No applications on file

Energy and Climate Action Committee

Vacant Position	Appointing Authority	Length of Term
1 Position	Selectboard	

Alternate Position
1 Position

Finance Committee (9 members, 2 alternate)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Town Moderator	3 years

Requesting Appointment: **one application on file** ~ Timothy Sayer

Historical Commission (7 members)

Vacant Positions	Appointing Authority	Length of Term
0 Vacancies	Selectboard	3 years

Requesting Appointment: **no** application on file

Local Housing Partnership (at least 10 members)

Vacant Positions	Appointing Authority	Length of Term
0 Vacancy	Selectboard	1 year

Requesting Appointment: No application on file

Marina Advisory Committee (7 Members, 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Selectboard	2 years

Requesting Appointment: No applications on file

Natural Resources Advisory Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
3 Position	Selectboard	3 years

Requesting Appointment: No application on file

Open Space Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
0 Positions	Selectboard	1 year

Requesting Appointment: **No** application on file

Personnel Board (4 members + TA + FinCom Rep)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Selectboard	3 years

Requesting Appointment: No applications on file

Planning Board (7 members + 2 alternates)

Vacant Positions	Appointing Authority	Length of Term
2 Alternate Position	Selectboard	5 years

Requesting Appointment: No applications on file

Recreation Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Selectboard	3 years

Requesting Appointment: No applications on file

Recycling Committee (7 Members + 2 Alternates)

Vacant Positions Appointing Authority

2 Alternate Positions Selectboard

Requesting Appointment: No applications on file

Length of Term

3 years

Rights of Public Access (5 Members)

Vacant Positions Appointing Authority

2 Positions Selectboard

Requesting Appointment: No application on file

Length of Term

1-2 years

Shellfish Advisory Board (7 members + 2 Alternates)

1 Vacant Positions Appointing Authority

1 Alternate Position Selectboard

Requesting Appointment: No application on file

Length of Term

3 years

Zoning Board of Appeals (5 Members, 4 Alternates)

Vacant Positions Appointing Authority

0 Position Selectboard

Requesting Appointment: No applications on file

Length of Term

3 years



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

XI

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of Minutes
PROPOSED MOTION:	I move to approve the meeting minutes of December 20, 2022.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**Wellfleet Selectboard
Hybrid Meeting
Zoom/715 Old King's Highway, Wellfleet
Tuesday December 20, 2022; 7PM
Meeting Minutes**

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

Others Present: Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Carole Ridley, Herring River Restoration Project; Nancy Civetta, Shellfish Constable; Trudy Vermehren; Fox & Crow; Chris Easley, Nauset School Committee; Judith Schumacher, Nauset School Committee; Doreen, Fisherman's Alliance; John, Department of Marine Fisheries; Nick Sirucek, shellfish grant owner; Helen Miranda Wilson, resident; Rich Pauley, Fire Chief; Stephen Pickard, resident; Alfred Pickard, Resident shellfisherman; Victoria Delmas, Lawyer abutters of the Fox & Crow; Roland Blair, Resident; Gary Sorkin, Community Preservation Committee Chair; Jay Coburn, Community and Housing Development president; Tim Sayer, resident; Will Sullivan, Harbormaster.

Chair Curley Called the meeting to order at 7:10pm

I. *Announcements, Open Session and Public Comments*

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

Chair Curley explained that Board Member DeVasto will be joining a few minutes late as he was remote for the executive session.

Chief Pauley shared an email from Truro Fire Chief stating his great appreciation of Lt. Sean Clark for assisting in a car fire. Helping to prevent a fire spreading from the car to the residence. Chief Pauley stated he wanted to recognize Lt.

There were no other announcements.

II. *Consent Agenda*

A. Approve the closing of town offices at noon on Friday December 23, 2022.

B. Shellfish Advisory Board ~ Nick Sirucek to be moved from Alternate to acting member

C. Acceptance of the Community Compact Cabinet's Information Technology Grant, \$190,708 ~ Town Administration

D. Acceptance of Mass works infrastructure Grant for 95 Lawrence Rd. Wastewater Treatment Facility, \$250,000 ~ Town Administration

E. Comprehensive Emergency Management Plan ~ Formal vote to approve the presentation given at the December 6, 2022, meeting.

F. Use of Town Property, January 14, 2023, Uncle Tim's Bridge ~ Wellfleet Historical Society

G. Approval of Change of Manager New Fleet Corp; DBA: Hog Island Surf Lodge & Beer Yard ~ Mike McNamara

H. Common Victualler Licenses:

Ceraldi
CShore
Fox & Crow
Wellfleet Cinemas
Wellfleet Drive In, Flea Market
Wellfleet Miniature Golf, Dairy Bar & Grill
Hog Island Surf Lodge & Beer Yard
Dent Donuts
The Swan
Wellfleet Motel & Lodge

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

Roll Call Vote: 5-0

III. *Presentation from Nauset Regional School Committee*

A. Presentation on special election on January 10, 2023

Easley and Schumacher spoke to the board and the public sharing a presentation regarding the new school looking to be built explaining why the budget is more than originally anticipated three years prior. Speaking to the public about the January 10th special election. The presentation discussed the current building and how it is outdated and needs to be rebuilt to address the current building code violations and building issues. He explained the feasibility study that has taken place. Schumacher continued the presentation discussing the design process. She gave details to the board and public regarding the design. She explained what the Nauset community wants and needs for their students. She continued discussing the structure of the school and how it will promote engagement with students and teachers.

She explained that the community was asked what they wanted in a new school? She explained that the most important thing that was stated for the new school was the layout of the campus. Students and parents love the layout of the current school and the ability to go outside in between classes.

It was explained that because of the COVID-19 pandemic the 2020 town meeting vote was canceled and the vote for the school was postponed.

Easley took the presentation back over and explained where the building process is now, and what the next steps are with the building. He continued explaining the building process and who won that bid for the school. Easley finished the presentation discussing the January 10, 2023 special town election, explaining what the vote would mean and the money that would go with that. He stated what the tax implications on the residents in the towns that the students attend Nauset Regional High School.

NO ACTION WAS TAKEN

IV. *Port Profile ~ CCCFA/DMF ~ Doreen Legit Cape Cod Commercial Fisherman's Alliance and Dan McCarran, Director of Department of Marine Fisheries.*

They spoke to the board explaining who the fisherman's alliance is and how they work with local towns and fisheries. She explained that they have partnered with University of Boston and are working with different harbormasters and fisherman. She explained that they are visiting every town with commercial fisheries and explained that there is an enormous economic value to fisheries and explained the importance of commercial fishing. She went into detail. The director thanked the board and public for allowing them to present. He explained the data the Department of Marine fisheries has and is willing to share with the public and local fishermen, to help better protect the working waterfront.

NO ACTION WAS TAKEN

V. **Public Hearings**

Chair Curley and Board Member DeVasto Recused themselves from this hearing. Board Member Carboni was asked to chair this portion of the hearing.

BOARD MEMBER DEVASTO RECUSED HIMSELF FROM ALL SHELLFISH HEARINGS

A. Continuation of Public Hearing from December 6, 2022, **to approve a grant extension to 2000-06 ~ Shellfish Constable Nancy Civetta**

Civetta spoke to the board and public and stated she supports this extension, she spoke about the discussion at the Shellfish Advisory board. Explaining there were more discussions about this extension. She expressed needing a community discussion on this topic regarding the shellfish regulations. She explained that they are hard to understand and she wants to do the correct thing when it comes to this regulation. She stated they could have a community discussion or go to town counsel and ask an opinion on the wording of this regulation. She stated she is finding herself with a lack of clarity when it comes to this extension, although she is in support of it. Carboni asked Civetta to read the regulation which she did. She explained that she and the other constable went back in the records to see where and the reasoning behind this regulation and she stated she was unsuccessful. Civetta spoke more to this extension. They discussed it with the board. Carboni asked if she thought it could be lawfully granted and Civetta stated she is feeling uncertain about this extension right now. She would like more clarification. Sirucek spoke to the board explaining his thought process on the extension of his grant on Egg Island. The board discussed this and had some questions for Sirucek. Upland Landowners representative spoke to the board with some questions about hazards to people swimming and paddle boarding. Issues with expansions of grants. Carboni asked if there was a specific question from the landowners that need to be clarified.

Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to continue this hearing until January 17, 2023.

Roll Call Vote: 3-0-2 (Curley and DeVasto Recused)

It was discussed to speak with town counsel to make sure this can be ready for the January 17th public hearing.

B. Continuation of Public Hearing from December 6, 2022, to change Definitions, Annual Report with Town Counsel opinion ~ Shellfish Advisory Board and Shellfish Constable Nancy Civetta

Chair Curley came back to the meeting and opened the next public hearing.

Civetta spoke to the board and the public regarding the opinions of town counsel. Waldo spoke to the public giving a little more information regarding the forms that are submitted to the town and the Department of Marine Fisheries. He explained how counsel came up with their opinion regarding confidentiality. Waldo stated that he and staff wanted to be sure they understood the opinion, if the town was to adopt the DMF form as their form, it would constitute everything on that form would be held confidential. They stated there is no case laws or determination to say that any forms that are submitted under section 65 should be redacted. The question would be if the town goes with the DMF form everything would be kept confidential. Chair Curley gave his opinion on town counsels opinion and stated some of his concerns using DMF and the town's reports. He stated he feels the reports should be public record. Civetta spoke about minimum productivity and what she had once believed.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted not to amend the change of definitions annual report for the shellfish rules and regulations for the Town of Wellfleet.

Roll Call Vote: 4-0-1

C. Approve the transfer of grant license # 85-D, 85D-A, and 85D-AB ~ Shellfish Constable Nancy Civetta

Civetta spoke to this transfer of grant licenses; she stated that it is going out of a corporation and into a personal.

Board Member Bacon Moved; Chair Curley Seconded; and it was voted to transfer grant licenses #85-D, #85D-A, and #85D-AB totaling five acres on Indian Neck from Indian Neck Sea Farms, Inc from Carol Mindrebo, president, Todd Mindrebo, Treasurer/Secretary to Todd Mindrebo and Carol Mindrebo

Roll Call Vote: 4-0-1

D. Approval of transfer of grant license #2010-01 ~ Shellfish Constable Nancy Civetta

There was no discussion as Civetta stated this was a simple transfer.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to transfer grant license #2010-01 totaling 0.2 acres inside the Indian Neck breakwater from Edward Tesson to Edward Tesson and Ronald Butilier.

Roll Call Vote: 4-0-1

E. Approve an increase in recreational shellfishing permit fees ~ Shellfish Advisory Board and Shellfish Constable Nancy Civetta

Civetta explained that she and the Shellfish advisory board spoke about raising the recreational fees up \$10.

Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve a \$10.00 increase to recreational shellfishing permit fees as of January 1, 2023

Roll Call Vote: 4-0-1

- F. Approve requirement for grant license holders to purchase a Wellfleet commercial shellfishing permit or other fee ~ Shellfish Advisory Board and Shellfish Constable Nancy Civetta
Civetta spoke to this item stating that it was voted on the shellfish advisory board voted with a 6-0 vote to require that grant holders obtain a commercial shellfishing permit. Chair Curley questioned when this would take effect? Civetta stated that the shellfish advisory board wanted the board to make that decision. Civetta stated that February 28th is the date that grant reports and fees are due so that would be a reasonable date. Pickard spoke to the board asking for two months to be able to allow the shellfishermen to get their paperwork in. Wilson spoke to the board, questioning the extra time would only be allowed this year not in the years to come.
DeVasto spoke to the board asking if someone new is added to the grant after the commercial licenses are sold. He stated that this could be a negative financial impact on certain shellfishermen with the holidays coming up that could be an issue. He stated not for everyone but for a certain few it could be a financial issue. Wilson stated that maybe it shouldn't be mandated, she feels it should remain the choice of the harvester.
Bacon asked if the permits could be charged at a sliding scale. Civetta stated she didn't think it could be done that. Pickard spoke to the fee and stated that to hold a grant is \$25 an acre he feels that a commercial license isn't a lot of money to ask for people who are making money from their grant and feels it isn't a hardship.
Board Member Bacon Moved; Board Member Carboni Seconded and it was voted to require all grant holders hold a commercial shellfishing permit, beginning February 28, 2023
Roll Call Vote: 4-0-1
- G. Approval of fees to be charged for public hearings ~ Selectboard
Eldridge spoke to the board stating that she and the Assistant Town Administrator worked together to find costs for publishing public hearings in newspapers and came to a conclusion that most towns charge the applicants to pay for a public hearing posting.
Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve public hearing fees be charged to the applicant at \$175 per hearing.
- H. Shellfish Grant Lottery for Egg Island grant numbers 95-15 and 95-16 ~ Shellfish Constable Nancy Civetta
Chair Curley Read the names of each applicant for the lottery and explained he would be blindfolded when he drew the names. He tossed the names in the bin.
Chair Curley read the names picked:
Grant # 95-15: Karen Johnson
Grant # 95-16: Rosh Shermer
Board Member Bacon Moved; Board Member Carboni Seconded; and it was voted to close the public hearing for the lottery.

VI. Licenses

- A. Year-Round Alcohol Licenses ~ Please see Selectboard Packet for full list**
Eldridge explained to the board how these year-round licenses work and are passed.
Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to renew the year-round alcohol Licenses listed in the packet.

Roll Call Vote: 5-0

- B. Weekday Entertainment License ~ Please see Selectboard Packet for full list**
Chair Curley Moved; Board Member DeVasto Seconded and it was voted to approve the weekday entertainment licenses for the businesses listed in the packet except the Fox & Crow which would be read out of this group.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded; to approve the Weekday Entertainment for the Fox & Crow.

Discussion followed the motion:

The lawyer spoke on behalf of the abutters stating that there is a concern with the noise levels at that property. She summarized her letter to the board speaking about the entertainment which is against the zoning regulations for the town of Wellfleet also stating that because the business has many zoning violations this business should not be granted an entertainment license. She spoke about a grandfathered use where the entertainment can happen in the building not outside. She continued speaking to the board about the entertainment there.

Waldo spoke to this item and stated that the building commissioner has been in constant contact with the lawyer for the abutters. Vermehren spoke to the board regarding her entertainment at the building. She refuted the accusations of the abutters. There was more discussion on this license approval.

It was discussed to condition the license. Chair Curley read the new outdoor seating extension from the state of Massachusetts.

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

- C. Sunday Entertainment License ~ Please see Selectboard Packet for full list**
Chair Curley Moved; Board Member Seconded; and it was voted to approve the Sunday Entertainment Licenses for the businesses listed in the Selectboard packet except the Fox & Crow.

Roll Call Vote: 5-0

Chair Curley Moved, Board Member DeVasto seconded; and it was voted to approve the Fox & Crow for their Sunday Entertainment License.

Discussion followed:

It was discussed to approve this license and have the Zoning Board of Appeals deal with zoning issues. Vermehren stated she felt she was being singled out because of the abutters obtaining a lawyer. Delmas spoke for the record, stated that in the application the applicant is to sign off that all laws and regulations are being followed. It was suggested to condition the license on the building commissioners' findings.

Board Member Carboni Moved; Board Member DeVasto seconded; and it was voted to approve the Sunday entertainment license for the Fox & Crow

with the condition that they are in compliance with all zoning regulations are followed.

Roll Call Vote: 4-1-0 (Bacon voted no)

VII. Business

- A. Owners Project Representative Contract ~ Herring River ~ Carole Ridley
Ridley spoke to the board explaining this contract. She gave details on what this contract is for. This project will be exclusively funded by grants.

Chair Curley Moved; Board Member DeVasto Moved; to authorize the Town Administrator to execute a one-year contract with Environmental Partners, in the amount of \$319,794, for services as Owners Project Representative for the Herring River Restoration Project, as outlined in the proposal and contract documents provided in the Selectboard Packet.

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

- B. To approve a CPC warrant Article ~ 95 Lawrence Road
Sorkin and Coburn spoke to the board regarding this article. Bacon asked if this was all of the CPC funds, Sorkin stated that no, this wasn't all their funding. He stated they are working with Lisa Souve on the funds that are available for this project, as well as the other projects that were applied for. Bacon Asked when this project plans to be fully funding. Coburn stated that it depends on the community development decision. Which comes out in the springtime.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to insert and recommend the 95 Lawrence Road warrant article.

Roll Call Vote: 5-0

- C. Draft RFP for Maurice's Campground Operations ~ to approve issuance ~ Town Administrator

Chair Curley Recused himself from this agenda item.

Waldo spoke to the board and stated that the town is now owners of the campground but need someone or a group to run the campground for the town. He stated the timing for this RFP to go out is very important as the opening of the campground is in March. He stated that town counsel has reviewed this RFP, the Bond counsel has reviewed this. He stated this was an RFP that needed to be drafted from the ground up. He explained more of the process for this RFP to be drafted. He explained that there are campers that the town now owns and would like to maintain those campers as workforce summer housing. He stated the reality is that the town doesn't have the resources to run this campground. He gave more details of this lease and how it would work. The board discussed this in detail.

Board Member Bacon Moved; Board Member DeVasto Seconded; and it was voted to approve the issuance of the draft RFP for 80 State Highway Wellfleet (Maurice's Campground)

Roll Call Vote: 4-0-1

D. Capital Improvement Budgets

Marina

Sullivan went over his FY 2024 capital improvement plan. He focused on the 2024 plan and explained why he listed what he did. He went into detail about what was in his budget line items. The board had a few questions for Sullivan. Sullivan explained that he has a fleet replacement and after speaking to Ford this afternoon the cost of this vehicle would be \$10,000 more than what was originally put into his budget and asked the board to adjust the number from 60 to 70 thousand dollars. He spoke to moving the marina vehicles to electric and having the marina run on wind turbines.

Chair Curley Moved; Board Member Seconded; and it was voted to approve the Marina Departments 2024 Capital Improvement Budget as presented at tonight's meeting.

Roll Call Vote: 5-0

Library

Waldo spoke to this budget, stating the library director wasn't at the meeting and there was no 2024 fiscal year request.

NO ACTION WAS TAKEN

Water

Waldo spoke to the board stating there was no one from the board of water commissioners on the meeting due to the time of night. He gave a brief description of what the water department is asking, including new meters, readings. And bringing the billing in house to make it less expensive and more feasible for the town. The board discussed the meters and what the process would be. Chair Curley questioned the cost and who would be responsible for that cost. The board discussed the rate structure and how to generate revenue. Chair Curley stated that if the meters are over ten years old the property owners should be paying for the new meters, the town shouldn't be absorbing those costs. Waldo stated the goal is to make these enterprise funds be self sufficient

Board Member Bacon moved; Board Member DeVasto Seconded; and it was voted to approve the Water Enterprise FY2024 capital budget as presented.

Roll Call Vote: 4-0-1 (Curley voted no)

Shellfish ~ BOARD MEMBER DEVASTO RECUSED HIMSELF FROM THIS AGENDA ITEM

Civetta spoke to the board going over her FY 2024 capital budget. She stated that some of her budgets were out of order. She explained her budget and the needs of her department.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the Shellfish Department's FT 2024 capital budget as presented.

Roll Call Vote: 4-0-1

IT ~ this agenda item was postponed

Maurice's ~ this agenda item was postponed

- E. Inclusionary Zoning Bylaw Amendment ~ Chair Curley ~ **This item was postponed.**

VIII. *Selectboard Reports*

Wolf presented his revised report to the board. He gave a brief summary of both the dredging task force and the marina advisory board meetings.

IX. *Town Administrator's Report*

Bacon spoke to the lights on the trees at town hall being lit. She spoke to the testing at 95 Lawrence Road.

Waldo spoke to the purchase of the campground. He spoke to the operating budgets and that he is working with departments and the finance committee to hammer the budgets out. He stated that solar speed signs were placed throughout the town.

X. *Topics for Future Discussion*

XI. *Vacancy Reports*

XII. *Minutes*

- A. December 6, 2022

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the meeting minutes of December 6, 2022 as amended.

Roll Call Vote: 5-0

XIII. *Adjournment*

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

Roll Call Vote: 5-0

Meeting adjourned 11:35pm

***** Public Documents: *****

Letter from executive assistant

Application from Nick Sirucek to become an acting member from alternate

Two grant award letters

Comprehensive Emergency Management Plan

Use of Town Property Application for Uncle Tim's Bridge

Application for change of manager for Hog Island Surf Lodge and Beer Yard.

Common Victualler License renewals

Nauset School Committee Presentation on new school building project

Presentation of Department of Marine Fisheries and the Fisherman's Alliance regarding commercial fishing in Wellfleet

Shellfish public hearing documents

Business License Entertainment application renewals

Owners Project Representative Contract for Herring River Restoration Project

CPC Warrant Article for 95 Lawrence Road Project

Draft RFP for Maurice's Campground

Capital Improvement Budgets for:

Marina

Shellfish

Library

Municipal Water System

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

IT
Maurice's Campground
Town Administrator's Report
Vacancy Report
Meeting Minutes of December 6, 2022



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 17, 2023

XII

ADJOURNMENT

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