



## Wellfleet Selectboard

**Note: Start Time of 7pm**

The Wellfleet Selectboard will hold a public meeting on **Tuesday, November 15, 2022, at 7:00pm**. 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=blpIVFFBZzViQ0xNWkZKMm9iMVdrdz09>

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](http://wellfleet-ma.gov)**

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## **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. FEMA Generator Grant, DPW Building ~ Jay Norton/Rebecca Roughley
- B. Request from Hog Island Wellfleet to stay open until January 1, 2023, ~ Michael McNamara, manager
- C. Board to sign the warrant for the special town election on January 10, 2023. ~ Regarding New Nauset Regional High School Project.
- D. Appointment to the Cable Advisory Committee ~ Heather Doyle
- E. Appointment to the Marina Advisory Committee ~ James Gray
- F. Appointment to the Wellfleet Cultural Council ~ Kathleen Grzewinski

- III. ***Public Hearings***
  - A. Shellfish Grant Renewal for Chris Merl, grants #95-19 and #95-20 ~ Shellfish Constable Civetta
  - B. Shellfish Grant Renewal for Robert Emmet grants #861 and #861-A ~ Shellfish Constable Civetta
  - C. Shellfish Grant Extension to Grant #2000-6 located on Egg Island for Nick Sirucek. ~ Shellfish Constable Civetta ~ **This hearing will be continued until December 20, 2022.**
- IV. ***Licenses***
  - A. Macs on the Pier (Belvernon, LLC.) ~ Renewal of a one-year license for property
- V. ***Use of Town Property***
  - A. Living Shoreline and Bank Stabilization ~ 376 & 400 King Phillip Road, Wellfleet ~ Mark Burgess, Shorefront Consulting; B.S. Ocean Engineering
  - B. Trash Artwork around Wellfleet ~ Patrick Otton
- VI. ***Board/Committee Appointments and Updates***
  - A. Appoint Michelle Olem to fill the vacant Governor's appointee position on Wellfleet Housing Authority ~ Wellfleet Housing Authority
  - B. Reduce the number of members from 7 to 5 on the Dredging Task Force ~ Chris Allgeier, Chair
  - C. Maurice's Campground Planning Committee ~ interviewing and appointing final members.
  - D. Cable Advisory Committee Amend charge ~ Chair Curley
- VII. ***Business***
  - A. Kayaks at Lt. Island Bridge ~ Banning concerns and reasons
  - B. Inclusionary Zoning Bylaw Amendment ~ Chair Curley
  - C. ARPA County Funding Request ~ Maurice's Campground ~ Town Administrator
- VIII. ***New Business***
- IX. ***Selectboard Reports***
- X. ***Town Administrator's Report***
- XI. ***Topics for Future Discussion***
- XII. ***Vacancy Reports***
- XIII. ***Minutes***
  - A. November 1, 2022
- XIV. ***Adjournment***



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

I

## ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

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



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

II

### CONSENT AGENDA

<b>REQUESTED BY:</b>	<b>Various Parties</b>
<b>DESIRED ACTION:</b>	<b>To approve the following without objection</b>
<b>SUMMARY:</b>	<b>I move to approve the following items with no objection:</b> <ul style="list-style-type: none"><li>○ <b>FEMA Generator Gran, DPW Building ~ Jay Norton/Rebecca Roughley</b></li><li>○ <b>Request from Hog Island Wellfleet to stay open until January 1, 2023, ~ Michael McNamara</b></li><li>○ <b>Selectboard to sign warrant from special town election January 10, 2023, Nauset Regional High School Project</b></li><li>○ <b>Appointment to Cable Advisory Committee ~ Heather Doyle</b></li><li>○ <b>Appointment to Marina Advisory Committee ~ James Gray</b></li><li>○ <b>Appointment to the Wellfleet Cultural Council ~ Kathleen Grzewinski</b></li></ul>

## Terms and Conditions

**Major Disaster:** FEMA-4496-MA

**Hazard Mitigation Grant Program Project Number:** 4496-7R

**Program:** Hazard Mitigation Grant Program, Assistance Listing #97.039

**Applicant (Sub-recipient):** Town of Wellfleet

**Project Title:** Wellfleet DPW Emergency Generator

**Project Location:** 220 West Main Street, Wellfleet, MA, GPS Coordinates: Lat: 41.941936, Long: -70.039735

**Project Description / Scope of Work:** The proposed project is to replace the Town of Wellfleet's Department of Public Works (DPW) 20-year-old, 60 KW emergency generator with a new 125 KW diesel fuel generator. The new generator would provide emergency power to supply all DPW operations during a power outage. The project would remove and demolish the existing generator, which is located outside at the rear of the DPW facility (c. 1999). The existing generator would be disposed offsite in accordance with all applicable rules and regulations. The same location would be used for the new generator. The new generator would be enclosed to provide protection from the weather. The existing concrete pad, bollards, and building exterior wiring would also be removed. New construction would consist of a new concrete pad installation at the location of the existing generator. Dimensions of the new pad would be 20-foot-long x 10-foot-wide x 6-inches-deep (est.). In addition, rewiring would be needed to connect additional functions to the new generator. The new pad would also serve as the base for the diesel tank. New exterior conduit and wiring would be installed from the site of the new generator to the existing Auto Transfer Switch (ATS).

**Federal Funding:** The federal funding provided for this project is \$107,250 which is 89% of the total approved project cost of \$120,720. The final budget is included as Attachment A.

### **Non-federal Funding:**

As a condition of the federal award, the Recipient is required to contribute a non-federal match/local share. The final budget was provided in the application and established the total costs, local share and federal share. The local share is \$13,470 which is 11% of the total approved project cost of \$120,720. The commitment letter is included as Attachment B. Below is the break-down of the local share:

- Cash: \$10,869.55
- In-Kind Services: \$2,600.45

**Source:** Town Funds and In-Kind Services

**Type:** Combination

See 2 C.F.R. § 200.306 for further guidance.

Regarding the cost share, President Biden signed FY22 Omnibus Appropriations bill (H.R. 2471, “Consolidated Appropriations Act, 2022”) into law on Tuesday, March 15, 2022.

This bill includes the opportunity to increase the federal cost share requirement for HMGP projects to 90% for any emergency or major disaster declared between January 1, 2020, and December 31, 2021. This applies to DR-4496-MA. The Recipient will provide at least a 10% local share, as noted above.

**Sub-recipient Management Costs:**

Per the form provided in the application, the Recipient has declined the opportunity to receive Sub-recipient Management Costs.

**Overview.** The following sections of this document set forth the various terms and conditions for the referenced project above under the Hazard Mitigation Grant Program (“HMGP”) with which both the recipient and subrecipient must comply. Failure to comply with these terms and conditions could jeopardize the federal funding provided and result in the total or partial termination of the Federal award and disallowance of some or all costs.

**I. General Terms and Conditions**

The Recipient and Applicant must comply with the terms and conditions set forth in the FEMA-State Agreement and the FY2022 Department of Homeland Security Standard Terms and Conditions Version 3 (May 16, 2022). Additionally, the Recipient and Applicant must comply with the terms and conditions set forth in the Hazard Mitigation Assistance Guidance (February 27, 2015), 2 C.F.R. pt. 200 and 44 C.F.R. pt. 206.

**II. Environmental and Historic Preservation Terms and Conditions**

The recipient and subrecipient must:

- A. Comply with the terms and conditions set forth in the Record of Environmental Consideration (“REC”) for the project. The REC is included as Attachment C.

**III. Administrative Requirements Terms and Conditions**

- A. The Recipient and Applicant must comply with the requirements of 2 C.F.R. pt. 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. This includes, among other things, the requirement to comply with the procurement standards at 2 C.F.R. §§ 200.317-326.
- B. Before making any change to the FEMA-approved budget for this project, the Recipient must request prior written approval from FEMA where required by 2 C.F.R. § 200.308. If the total HMGP grant award for this declaration has an approved budget greater than the simplified acquisition threshold (currently \$250,000), the Recipient may not transfer funds for nonconstruction projects among direct cost categories, programs, functions, or activities

without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget for the entire HMGP grant award that FEMA last approved.

- C. Pursuant to 2 C.F.R. § 200.309, the Recipient and Applicant may charge only allowable costs incurred during the period of performance (except as described in 2 C.F.R. § 200.461) and any costs incurred before FEMA approved this project that were authorized by FEMA. Any costs incurred outside the period of performance are not allowable.
- D. The Recipient must obtain FEMA review and approval before the Recipient and Applicant commences work on any change in the scope of work for the project.
- E. The Recipient must submit a final payment of claim and supporting documentation for this project in accordance with 44 C.F.R. § 206.438 and *Hazard Mitigation Assistance Guidance* (2015) within 180 days of the earlier of the date the subrecipient completes the project or the project completion deadline.
- F. The project completion deadline for this project is **February 1, 2026**. Pursuant to 2 C.F.R. § 200.309, the Recipient and Applicant may charge only allowable costs incurred during the period of performance (except as described in 2 C.F.R. § 200.461) and any costs incurred before FEMA approved this project that were authorized by FEMA. Any costs incurred outside the period of performance are not allowable. The current project schedule is included as Attachment D.

#### **IV. Programmatic Terms and Conditions**

The recipient and subrecipient must:

- A. The Recipient and Sub-recipient must comply with 44 CFR pt. 206, subpart N - Hazard Mitigation Grant Program.
- B. Contribute a non-federal cost share of at least 10 percent of the total approved project cost.
- C. The Benefit Cost Ratio (BCR) at the time of the award for this project is **3.16**. This final calculation is based on FEMA’s re-analysis of the third RFI response from October 13, 2022. The FEMA BCA Re-analysis report is included in Attachment E.

**V. Acknowledgements**

\_\_\_\_\_  
Signature Recipient

\_\_\_\_\_  
Signature Subrecipient

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



# Attachment A-Final Budget

Name of Sub-Recipient	Grant Program
Wellfleet, Massachusetts	HMGP-4496

CFDA #	Federal Identification Number	Budget (Check One)		Budget Period		
97.039		New <input type="checkbox"/>	Revised <input checked="" type="checkbox"/>	From:	11/1/2022	To: 3/1/2024

FEMA Ob#	Task	Activity/Cost Classification	A. Eligible and Approved Total Cost	B. Local Share*
	1	Specify, Order and Receive Equipment	5000	0
	2	Demo Existing Generator System	2470	2470
	3	Dispose Ex. Generator Equipment	2000	0
	4	Construct New Concrete Pad (w/ bollards)	11000	11000
	5	Install New Generator and Hookup	85750	0
	6	Testing and Startup	3000	0
	7	Closeout	4000	0
	8	Final Engineering Design	7500	0
	9			
Subtotal			\$120,720	\$13,470
Project (Program ) income				
Total			\$120,720	\$13,470

\* Local & Federal Share percentages vary depending on grant program. Refer to 2015 HMA Guidance and Notice of Funding Opportunities for (The percentages included in this subapplication reflect modified percentages in the passage FY22 Omnibus Appropriations Bill, H.R. 2471, "C)

Please provide a dollar amount that you anticipate spending in each fiscal year listed below for the federal funds only				
	FY 21	FY 22	FY 23	85000

**For Strategic Funds Management, the Federal Funds obligations will be broken down by tasks and duration of the tasks.**  
Mitigation Project Milestone Work Schedule

Ob#	FEMA Amendment #	Duration (Months)	Federal Share Amount	Date of obligation	Contract end
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# Attachment B-Match Commitment Letter



Jay R. Norton  
DPW Director

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

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

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August 19, 2022

**Subject: Letter of Support and Financial Commitment on Behalf of the Town of Wellfleet  
Hazard Mitigation Grant Program (HMGP)  
HMGP-4496-MA**

To Whom It May Concern:

I am submitting this letter in support of the Town of Wellfleet's application for funding through HMGP-4496-MA. The Town's proposed DPW Garage Emergency Generator project would ensure that all DPW services, as well as the services of the Board of Health and the Building Department remain operational during power outages, and especially severe storm events by providing emergency power to the entire public works facility.

The Town of Wellfleet strongly supports this application for funding and commits to meeting the 90/10 cost share, either through in-kind services or matching funding. If funding is needed, DPW commits to providing the required funding from the FY 24 DPW's capital budget (pending Town meeting approval).

Very Truly Yours,

*Jay R. Norton*

8-19-22

Jay Norton  
Director of Public Works

# Attachment C-Record of Environmental Consideration (REC)

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4496-0007-MA (R) (1)

Title: DPW Emergency Generator

NEPA DETERMINATION

Non Compliant Flag: No

EA Draft Date:

EA Final Date:

EA Public Notice Date:

EA Fonsi

Level: CATEX

EIS Notice of Intent

EIS ROD Date:

Comment Project Location/Lat, Long: 220 West Main Street, Wellfleet, MA; 41.941936, -70.039735

Project Scope of Work: The proposed project is to replace the Town of Wellfleet's Department of Public Works (DPW) undersized, 20-year-old emergency generator with a new 100-125 KW (est.) diesel fuel generator. The new generator would provide emergency power to supply all DPW operations during a power outage. The Town of Wellfleet is seeking Hazard Mitigation Grant Program funding.

The project would remove and demolish the existing generator, which is located outside at the rear of the DPW facility (c. 1999). The existing generator would be disposed offsite in accordance with all applicable rules and regulations. The same location would be used for the new generator. The new generator would be enclosed to provide protection from the weather. The concrete pad, bollards, and building exterior wiring would also be removed. New construction would consist of a new concrete pad installation at the location of the existing generator. Dimensions of the new pad would be 20-foot-long x 10-foot-wide x 6-inches-deep (est.). In addition, rewiring would be needed to connect additional functions to the new generator. The new pad would also serve as the base for the diesel tank. New exterior conduit and wiring would be installed from the site of the new generator to the existing Auto Transfer Switch (ATS). Ground disturbance would occur in previously disturbed areas for the new generator pad and for trenching associated with new conduit and wiring (no more than 18" below grade).

NEPA Comment: This project has been determined to be Categorical Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and DHS Instruction 023-01-001-01. Particular attention should be given to the project conditions before and during project implementation. Failure to comply with these conditions may jeopardize federal assistance including funding. - kvale - 10/17/2022 13:59:36 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
*n18	(*n18) Federal Assistance for Construction or Installation of Structures, Facilities, or Equipment to Ensure Continuity of Operations. Federal assistance for the construction or installation of measures for the purpose of ensuring the continuity of operations during incidents such as emergencies, disasters, flooding, and power outages involving less than one acre of ground disturbance. Examples include the installation of generators, installation of storage tanks of up to 10,000 gallons, installation of pumps, construction of structures to house emergency equipment, and utility line installation. This CATEX covers associated ground disturbing activities, such as trenching, excavation, and vegetation removal of less than one acre, as well as modification of existing structures.	Yes

EXTRAORDINARY

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4496-0007-MA (R) (1)

Title: DPW Emergency Generator

Environmental Law/ Executive Order	Status	Description	Comment
Clean Air Act (CAA)	Completed	Project will not result in permanent air emissions - Review concluded	Clean Air Act: Installing a new emergency generator and electrical wiring would not result in permanent air emissions. - kvale - 10/17/2022 14:09:14 GMT
Coastal Barrier Resources Act (CBRA)	Completed	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	Coastal Barrier Resources Act: Project is approximately 0.4 miles east of CBRS Unit MA-17P (Griffin/Great Islands) but is not located within the CBRS Unit or in an Otherwise Protected Area. - kvale - 10/17/2022 14:07:50 GMT
Clean Water Act (CWA)	Completed	Project would not affect any water of the U.S. - Review concluded	Clean Water Act: Project is located outside of and would not affect waters of the U.S. - kvale - 10/17/2022 14:08:32 GMT
Coastal Zone Management Act (CZMA)	Completed	Project is located in a coastal zone area and/or affects the coastal zone	Coastal Zone Management Act: Project is not seaward of a line 100 feet inland of the 100-year floodplain, nor is it a listed federal action that would require consistency review in Massachusetts. - kvale - 10/17/2022 14:08:50 GMT
	Completed	State administering agency does not require consistency review - Review concluded	
Executive Order 11988 - Floodplains	Completed	No effect on floodplain/flood levels and project outside floodplain - Review concluded	EO11988: Per Flood Insurance Rate Map (FIRM) community map and panel number 25001C0233J dated 07/16/2014, the project is located outside the Special Flood Hazard Areas (SFHA) (100-year floodplain). - kvale - 10/17/2022 14:10:28 GMT
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	EO11990: Determination based on review of U.S. Fish and Wildlife National Wetlands Inventory, Wetlands Mapper at <a href="http://www.fws.gov/wetlands/Data/Mapper.html">http://www.fws.gov/wetlands/Data/Mapper.html</a> accessed on 05/04/2022; project is neither located in nor will it affect mapped wetlands. - kvale - 10/17/2022 14:10:46 GMT
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	Low income or minority population in or near project area	EO12898 (EJ): There is a low-income population (50-60th percentile) as compared to the state and the U.S. in the project area; however, the project would allow the DPW to operate during storms and other power outage events, supporting public safety in the area. No disproportionately adverse impacts are expected. - kvale - 10/17/2022 14:11:12 GMT
	Completed	No disproportionately high and adverse impact on low income or minority population - Review concluded	



## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4496-0007-MA (R) (1)

Title: DPW Emergency Generator

Environmental Law/ Executive Order	Status	Description	Comment
Endangered Species Act (ESA)	Completed	Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action	Endangered Species Act: Determination based on 05/03/2022 review of USFWS site at: <a href="https://ecos.fws.gov/ipac/">https://ecos.fws.gov/ipac/</a> ; this project as described will not affect ESA-listed Northern long-eared bat or critical habitat. No tree removal is occurring; therefore, FEMA determines no effect to the species. - kvale - 10/17/2022 14:07:29 GMT
	Completed	No effect to species or designated critical habitat (See comments for justification) - Review concluded	
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	Farmlands Protection Policy Act: Project site is not within important farmland areas. - kvale - 10/17/2022 14:09:28 GMT
Fish and Wildlife Coordination Act (FWCA)	Not Applicable	Project does not affect, control, or modify a waterway/body of water - Review concluded	
Migratory Bird Treaty Act (MBTA)	Completed	Project located within a flyway zone	Migratory Bird Treaty Act: Work associated with this project does not have the potential to take migratory birds. - kvale - 10/17/2022 14:09:41 GMT
	Completed	Project does not have potential to take migratory birds - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project not located in or near Essential Fish Habitat - Review concluded	Magnuson-Stevens Act: Project is not located near the coast or major river and therefore does not affect EFH. - kvale - 10/17/2022 14:09:56 GMT
National Historic Preservation Act (NHPA)	Completed	Applicable executed Programmatic Agreement. Activity meets Programmatic Allowance (enter date and # in comments) - Review concluded	NHPA: Pursuant to Appendix B of the Massachusetts Section 106 Programmatic Agreement executed on 12/13/2018 (Revised 06/22/2022), this project will have limited to no effect on historic properties. The scope of work, as described, meets Programmatic Allowance[s] Tier I Section B.1, repair of buildings less than 45 years old and Tier II Section D.2.a., installation of generators on previously disturbed soil. At this time, no consultation with the State Historic Preservation Officer (SHPO) or Tribes is required; however, if the scope of work changes this project needs to be resubmitted for further EHP review. The scope of work was reviewed by Krista Richardson-Cline who has been determined to be SOI Qualified in Archaeology and they have determined that as described the project, meets the requirements of the Allowance(s). See project conditions. - kvale - 10/17/2022 14:38:36 GMT

## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4496-0007-MA (R) (1)

Title: DPW Emergency Generator

Environmental Law/ Executive Order	Status	Description	Comment
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	Wild and Scenic Rivers Act: Project is not within 0.25 miles of a designated river. - kvale - 10/17/2022 14:10:09 GMT

## CONDITIONS

**Special Conditions required on implementation of Projects:**

NHPA CONDITION (artifacts): In the event of the discovery of archaeological deposits (e.g. Indian pottery, stone tools, shell, old house foundations, old bottles) the Subrecipient and their contractor shall immediately stop all work in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. The Subrecipient and their contractor shall secure all archaeological discoveries and restrict access to discovery sites. The Subrecipient shall immediately report the archaeological discovery to the Recipient MEMA State Hazard Mitigation Officer, Sarah White, 508-820-2053 and the FEMA Deputy Regional Environmental Officer Mary Shanks, 617-901-2204; FEMA will determine the next steps.

Source of condition: National Historic Preservation Act (NHPA)

Monitoring Required: No

NHPA CONDITION (human remains): In the event of the discovery of human remains, the Subrecipient and their contractor shall immediately stop all work in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. The Subrecipient and their contractor shall secure all human remains discoveries and restrict access to discovery sites. The Subrecipient and their contractor shall follow the provisions of applicable state laws. Violation of state law will jeopardize FEMA funding for this project. The Subrecipient will inform the Office of the Chief Medical Examiner, the State Archaeologist, the Recipient MEMA State Hazard Mitigation Officer, Sarah White, 508-820-2053 and the FEMA Deputy Regional Environmental Officer Mary Shanks, 617-901-2204. FEMA will consult with the SHPO and Tribes, if remains are of tribal origin. Work in sensitive areas may not resume until consultation is completed and appropriate measures have been taken to ensure that the project is compliant with the National Historic Preservation Act.

Source of condition: National Historic Preservation Act (NHPA)

Monitoring Required: No

**Standard Conditions:**

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

# Attachment D-Final Project Schedule

## MITIGATION PROJECT WORK SCHEDULE

**Applicant: Town of Wellfleet**

**Grant: HMGP 4496**

<b>Task<sup>1</sup></b>	<b>Estimated Task Start Date <sup>2</sup></b>	<b>Task Duration (in months)</b>	<b>Estimated Task End Date</b>
Project Start	11/1/2022	0	11/1/2022
Order and Receive Materials and Equipment	11/15/2022	8	7/15/2023
Demo Existing Generator System (Town)	7/15/2023	2	9/15/2023
Dispose of Demoed Equipment (Town Managed)	9/15/2023	1	10/15/2023
Construct New Concrete Pad (Town)	10/15/2023	2	12/15/2023
Install New Generator	12/15/2023	2	2/15/2024
Testing and Startup	2/15/2024	1	3/15/2024
Closeout	3/15/2024	3	6/15/2024
<b>Total Estimated Time for Project Completion</b>		<b>19 Months</b>	

1. Enter tasks in the first column. These should be major milestones as detail does not have to be budgeted at the micro level. Tasks could include planning, engineering/design, construction, project management, etc.  
 2. Estimate first task start date 90 days from receipt of contract package.

Attachment E-  
FEMA BCA Re-Analysis Report



# Benefit-Cost Calculator

V.6.0 (Build 20221001.0249 | Release Notes)

## Benefit-Cost Analysis

Project Name: Wellfleet DPW Garage Emergency Generator [Copied on 8/18/2022 @ 9:18:20] [Copied on 10/11/2022 @ 13:57:38]



Map Marker ▲	Mitigation Title	Property Type	Hazard	Benefits (B)	Costs (C)	BCR (B/C)
1	Other @ 220 West Main Street, Wellfleet, Massachusetts, 02667_copy		DFA - Infrastructure Failure	\$ 398,220	\$ 125,888	3.16
<b>TOTAL (SELECTED)</b>				<b>\$ 398,220</b>	<b>\$ 125,888</b>	<b>3.16</b>
<b>TOTAL</b>				<b>\$ 398,220</b>	<b>\$ 125,888</b>	<b>3.16</b>

Property Configuration	
<b>Property Title:</b>	Other @ 220 West Main Street, Wellfleet, Massachusetts, 02667_copy
<b>Property Location:</b>	02667, Barnstable, Massachusetts
<b>Property Coordinates:</b>	41.94198141896257, -70.0399001734517
<b>Hazard Type:</b>	Infrastructure Failure
<b>Mitigation Action Type:</b>	Other
<b>Property Type:</b>	Critical Facility Building
<b>Analysis Method Type:</b>	Professional Expected Damages

Cost Estimation	
Other @ 220 West Main Street, Wellfleet, Massachusetts, 02667_copy	
<b>Project Useful Life (years):</b>	19
<b>Project Cost:</b>	\$120,720
<b>Number of Maintenance Years:</b>	19 Use Default:Yes
<b>Annual Maintenance Cost:</b>	\$500

Comments

- Project Useful Life:**  
Assumed based on BCA Guidance.
- Mitigation Project Cost:**  
Estimate developed by DPW and Coneco
- Annual Maintenance Cost:**  
Assumed cost for annual/regular exercising of generator and for annual fuel replacement.

Damage Analysis Parameters - Damage Frequency Assessment	
Other @ 220 West Main Street, Wellfleet, Massachusetts, 02667_copy	
<b>Year of Analysis was Conducted:</b>	2022
<b>Year Property was Built:</b>	1999
<b>Analysis Duration:</b>	24 Use Default:Yes

Comments

- 

**Analysis Year:**

Revised BCA prepared on 8/19/22

- 

**Year Built:**

From Wellfleet Assessor Property Card. Copy attached.

Critical Facilities Properties

Other @ 220 West Main Street, Wellfleet, Massachusetts, 02667\_copy

**Critical Facility Type:** Other

Comments

- 

**Service Budget List:**

The Wellfleet DPW Facility houses all DPW operations and equipment and the operations of the Conservation Commission, the Board of Health and the Building Department. As recommended by the BCA Hotline, the annual budgets of the operations located in the building have been used to determine the \$/day lost due to a power failure. The values shown were collected from the Town's Fiscal Year 2021 Operating, Capital and Enterprise Budget dated December 3, 2019. Copies of the Budget Detail Tables from the 2021 annual budget are attached with the DPW and Board of Health and Conservation Budgets highlighted.

Critical Facilities - Other

Other @ 220 West Main Street, Wellfleet, Massachusetts, 02667\_copy

Service Name	Annual Operating Budget (\$)
DPW Operations Including Snow and Ice, Stormwater, Road Maintenance	2,161,830
Board of Health	204,753

Professional Expected Damages Before Mitigation

Other @ 220 West Main Street, Wellfleet, Massachusetts, 02667\_copy

Recurrence Interval (years)	OTHER	OPTIONAL DAMAGES			VOLUNTEER COSTS		TOTAL
	Impact (days)	Category 1 (\$)	Category 2 (\$)	Category 3 (\$)	Number of Volunteers	Number of Days	Damages (\$)
62	7	0	0	0	0	0	45,387
25	3.5	0	0	0	0	0	22,693
1.1	1	0	0	0	0	0	6,484
0.2	1	0	0	0	0	0	6,484



Comments

- 

**Damages Before Mitigation:**

A letter dated 10/11/22 provides justification for the inputted data.

Annualized Damages Before Mitigation  
Other @ 220 West Main Street, Wellfleet, Massachusetts, 02667\_copy

Annualized Recurrence Interval (years)	Damages and Losses (\$)	Annualized Damages and Losses (\$)
0.2	6,484	26,525
1.1	6,484	10,542
25	22,693	766
62	45,387	732
Sum Damages and Losses (\$)		Sum Annualized Damages and Losses (\$)
	81,047	38,565

Professional Expected Damages After Mitigation  
Other @ 220 West Main Street, Wellfleet, Massachusetts, 02667\_copy

Recurrence Interval (years)	OTHER		OPTIONAL DAMAGES			VOLUNTEER COSTS		TOTAL
	Impact (days)	Category 1 (\$)	Category 2 (\$)	Category 3 (\$)	Number of Volunteers	Number of Days	Damages (\$)	
181	1	0	0	0	0	0	6,484	

Comments

- 

**Damages After Mitigation:**

Recurrence Interval of 181 years and 1 Impact Day were chosen based on information provided by FEMA in their 2022 RFI.

Annualized Damages After Mitigation  
Other @ 220 West Main Street, Wellfleet, Massachusetts, 02667\_copy

Annualized Recurrence Interval (years)	Damages and Losses (\$)	Annualized Damages and Losses (\$)
181	6,484	36
Sum Damages and Losses (\$)		Sum Annualized Damages and Losses (\$)
	6,484	36

Benefits-Costs Summary

Other @ 220 West Main Street, Wellfleet, Massachusetts, 02667\_copy

<b>Total Standard Mitigation Benefits:</b>	\$398,220
<b>Total Social Benefits:</b>	\$0
<b>Total Mitigation Project Benefits:</b>	\$398,220
<b>Total Mitigation Project Cost:</b>	\$125,888
<b>Benefit Cost Ratio - Standard:</b>	3.16
<b>Benefit Cost Ratio - Standard + Social:</b>	3.16



Hog Island Surf Lodge  
842 Rt 6  
South Wellfleet, MA  
02667

November 3<sup>rd</sup>, 2022

Wellfleet Select Board  
300 Main Street  
Wellfleet, MA 02667

To the Wellfleet Select Board,

My name is Mike McNamara and I am the acting manager of The Hog Island Surf Lodge and Beer Yard in South Wellfleet. I would like to request a placement on the agenda with the Board to request a liquor license extension through the end of the calendar year. This will allow us to offer the ability for local businesses to host holiday parties in our new space in South Wellfleet, as well as continue to offer the town a location for lunch and dinner. As we know, many restaurants have closed for the season. Our hope (and mission) is to ultimately become a staple year round restaurant offering great food and beverage choices all while continuing to fuel our local economy and provide workforce opportunities.

Thank you so much, please let me know if there is anything else you might need from me in advance of the meeting.

All the best!  
Mike

**Mike McNamara**  
**Founder / President**  
**Hog Island Beer Co.**

203-249-7528  
[www.hogislandbeerco.com](http://www.hogislandbeerco.com)

# ADDITIONAL CONSTRUCTION COSTS & CONTINGENCY – OPTION #5

<b>Additional Funding Request</b>	
Additional Construction Costs	\$29,675,835
Additional Construction Contingency Funds	\$5,984,665
Soft Cost & Administration	\$1,000,000
FF&E/IT (escalation cost)	\$814,500
Construction Testing & Inspection Services	\$125,000
Moving Services & Storage Containers	\$100,000
Builder’s Risk Insurance	\$400,000
<b>Total Estimated Additional Costs</b>	<b>\$38,100,000</b>

Current Total Project Budget	\$131,825,665
Revised Total Project Budget	\$169,925,665
<b>Total Funding Request</b>	<b>\$38,100,000</b>



# Nauset Public Schools

78 Eldredge Park Way, Orleans, Massachusetts 02653  
Phone: 508-255-8800 • Fax: 508-240-2351 • <http://nausetschools.org>

**Brooke A. Clenchy**  
Superintendent of Schools

**Robin A. Millen Ed.D.**  
Director of Curriculum

**Mary Buchanan**  
Director of Student Services

**Giovanna B. Venditti**  
Director of Finance and Operations

**Joanna Hughes**  
Director of Human Resources

Nauset Regional School District  
Suggested Votes for Additional Funds to Pay Costs of  
Proposed Addition/Renovation of NRHS

(Vote of the Regional School District School Committee)

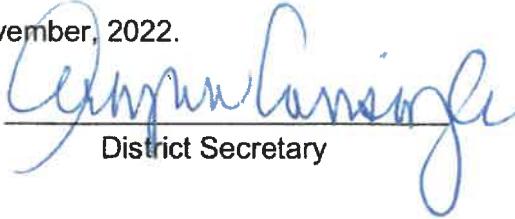
I, the undersigned Secretary of the Nauset Regional School District School Committee (the "Committee") of the Nauset Regional School District, Massachusetts (the "District"), hereby certify that the following is a true copy of excerpts from the minutes of a special meeting of the Committee duly called and held on November 3, 2022 at 6:00 p.m. at the offices of the District, pursuant to due and proper notice of time, place and purpose of said meeting (the "Meeting") given to each member of the Committee. The meeting was attended by nine (9) of the ten (10) members of the Committee, constituting a quorum, which members were present and voting throughout; and the following vote was duly adopted by vote of nine (9) yeas, zero (0) nays and zero (0) abstentions:

"VOTED: That the Nauset Regional School District (the "District") hereby appropriates the sum of Thirty-Eight Million One Hundred Thousand Dollars (\$38,100,000), for the purpose of paying costs of renovating and adding to Nauset Regional High School, located at 100 Cable Road, North Eastham, Massachusetts, including the payment of all costs incidental or related thereto, which amount shall be expended in addition to the One Hundred Thirty-One Million Eight Hundred Twenty-Five Thousand Six Hundred Sixty-Five Dollars (\$131,825,665) previously appropriated for this purpose (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, said amount to be expended at the direction of the School Building Committee. To meet this appropriation the District is authorized to borrow said amount, under and pursuant to G.L. c. 71, §16(n) and the District Agreement, as amended, or pursuant to any other enabling authority. The District acknowledges that although the amount originally appropriated to pay costs of the Project is eligible for grant funding through the Massachusetts School Building Authority ("MSBA"), the additional amount appropriated by this vote will not be eligible for grant funding through the MSBA.

The additional debt authorized by this vote of the Committee shall be submitted to the registered voters of the District's member towns for approval at a District-wide election to be held on January 10, 2023 in accordance with the provisions of G.L. c. 71, §16(n) and the District Agreement.

The warrant calling the District-wide election to be held on January 10, 2023, in the form presented to this meeting, is hereby approved, with such changes as bond counsel to the District shall approve prior to its posting."

WITNESS my hand as of this 4th day of November, 2022.

  
District Secretary

(District Seal)

Nauset Regional School District  
Suggested Debt Exclusion Question for the Member Towns

Shall the Town of Brewster be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay its allocable share of the additional bonds issued by the Nauset Regional School District to pay costs of renovating and adding to Nauset Regional High School, located at 100 Cable Road, North Eastham, Massachusetts, including the payment of all costs incidental or related thereto?

Nauset Regional School District  
Suggested Debt Exclusion Question for the Member Towns

Shall the Town of Eastham be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay its allocable share of the additional bonds issued by the Nauset Regional School District to pay costs of renovating and adding to Nauset Regional High School, located at 100 Cable Road, North Eastham, Massachusetts, including the payment of all costs incidental or related thereto?



Nauset Regional School District  
Suggested Debt Exclusion Question for the Member Towns

Shall the Town of Orleans be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay its allocable share of the additional bonds issued by the Nauset Regional School District to pay costs of renovating and adding to Nauset Regional High School, located at 100 Cable Road, North Eastham, Massachusetts, including the payment of all costs incidental or related thereto?

Nauset Regional School District  
Suggested Debt Exclusion Question for the Member Towns

Shall the Town of Wellfleet be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay its allocable share of the additional bonds issued by the Nauset Regional School District to pay costs of renovating and adding to Nauset Regional High School, located at 100 Cable Road, North Eastham, Massachusetts, including the payment of all costs incidental or related thereto?

**From:** [Arlynn L. Consiglio](#)  
**To:** [Jacqueline Beebe](#); [John Kelly](#); [Laurie Gillespie-Lee](#); [Molly Bates](#); [Peter Lombardi](#); [Richard Waldo](#); [Robin Young](#)  
**Cc:** [Giovanna Venditti](#); [Brooke Clenchy](#)  
**Subject:** Memo to Town Managers From Superintendent Clenchy and Director Venditti  
**Date:** Friday, November 4, 2022 10:22:23 AM  
**Importance:** High

---

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

Good Morning Everyone,  
Please see message below from Superintendent Clenchy and Director Venditti.  
Additionally, kindly follow these links to the following documents:  
(Please note originals of all signed/certified documents will be mailed to Town Clerks).

[Certified Vote of the NRSC](#)  
[Debt Exclusion Language](#)  
[Additional Construction Costs & Contingency – Option 5 \(Voted\)](#)

Good morning everyone,

At the Regional School Committee meeting last night, the Committee voted to ask the voters for additional funds to complete the High School Building Project. The amount voted on was based on the recommendation from the High School Building Committee of \$38.1 million dollars. Attached is the detail which encompasses the costs associated with the additional funds required. Also linked in this email is the suggested debt exclusion language for each member Town and the certified vote of the Regional School Committee.

Arlynn will be communicating with the four Town Clerks in the next few days with respect to the Election Warrant language and Official Ballot language.

If you have any questions please contact us.

Thank you.

Brooke and Giovanna  
Brooke Clenchy  
Superintendent of Schools

Giovanna B. Venditti  
Director of Finance and Operations  
Nauset Public Schools

[78 Eldredge Park Way](#)

[Orleans, MA 02653](#)

Phone: 508-255-8800, Ext. 7007

Fax: [508-240-2351](#)

E-Mail: [yendittig@nausetschools.org](mailto:yendittig@nausetschools.org)

Follow us on Facebook: [Nauset Schools Facebook Page](#)

Follow us on Twitter: [@NPSsocialmedia](#)

*The Nauset Public Schools does not discriminate on the basis of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, homelessness or housing status in its educational programs, activities or employment policies.*

*Please note the Massachusetts Secretary of State's office has determined that most emails to and from municipal offices and officials are public records. For more information please refer to: <http://www.sec.state.ma.us/pre/preidx.htm>*

*This transmission contains information which is confidential and/or legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of action in reliance on the contents of this transmission is strictly prohibited. If you are not a designated recipient, you may not review, copy, or distribute this message. If you receive this in error, please notify the sender by reply e-mail and delete this message. Thank you.*

**Town of Wellfleet**  
**SPECIAL TOWN ELECTION WARRANT**

**January 10.2022**

The Commonwealth of Massachusetts

To either of the Constables in the Town of Wellfleet in the County of Barnstable:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet at the **WELLFLEET ADULT COMMUNITY CENTER, 715 OLD KING'S HIGHWAY on Tuesday the 10<sup>th</sup> day of January 2023, between the hours of 11 a.m. and 7 p.m. to vote on the following question:**

**QUESTION No. 1**

Shall the Town of Wellfleet be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay its allocable share of the additional bonds issued by the Nauset Regional School District to pay costs of renovating and adding to Nauset Regional High School, located at 100 Cable Road, North Eastham, Massachusetts, including the payment of all costs incidental or related thereto?

And you are hereby directed to serve these warrants by posting attested copies thereof, one in the Post Office in Wellfleet and one in the Post Office in South Wellfleet, fourteen (14) days at least before the date of said meetings.

Hereof fail not and make do return of these warrants with your doings thereon, to the Town Clerk, at the time and place of said meetings.

Given under our hands this 15th day of November 2022.

**Wellfleet Board of Selectmen**

\_\_\_\_\_  
Ryan D. Curley, Chair

\_\_\_\_\_  
Michael F. DeVasto, Vice Chair

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

\_\_\_\_\_  
Kathleen E. Bacon, Member

---

John A. Wolf Clerk

**Constable's Return of Service**

I have served the foregoing warrants by posting attested copies thereof in the Post Office in Wellfleet and the Post Office in South Wellfleet on November \_\_\_\_\_, 2022, which is at least fourteen (14) days before the date of said election, as within directed.

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

Constable:



**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

HEATHER DOYLE 14 October 2022

Mailing Address PO Box 297, South Wellfleet, Ma 02663

Phone (Home) (cell) 508 524 9049

E-mail Heatherine1@gmail.com

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

Thirty years as a results-oriented business & program manager in technology firms.

Locally, I am co-founder and chair of a local 3 year old nonprofit (CCOceancommunity.org 501c3) which is a volunteer organization. Further I am a working board member of Cape Cod Mass Appeal, member of the first 2022 Maurice's Campground working group, and have volunteered with events and fundraising with The Lily House, Wellfleet Mass. I also sit on the Cape Cod Tech Counsel as Secretary and the Technology and Communications group under Barnstable County Regional Emergency Planning committee.

Will bring a demonstrated history of being an organized project planner, seeing tasks and projects through to the end outcome. In particular, reaching concerned persons with news and important information outreach. Particular help with social media outlets, surveys, print material etc. My professional positions and volunteer positions demand fiscal responsibility, filings, and accuracy. My local alliances and contacts in the county can help collaboration around technology projects that are at hand in our town and region.

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

Long history of working collaboratively with all sorts of teams, both formal and informal teams, as member or a leader. Particular focus on forming, communicating and meeting deadlines. Laser focus on great outcomes for the town of Wellfleet as a volunteer. I am grateful to be able to pivot professional skills to local projects with real impact. Breaking down large tasks into small attainable pieces, track, contribute and inspire results with a smile. My favorite position was working, training

and leading the US based Lifeline (now Philips) elderly response call center in Watertown Massachusetts.

I started work history in a career in telecom, (NYNEX) later computer technologies, (GEAC, PictureTel, Digital broadband, Conversant, Comverse, NetApp) internet technologies. Worked at many start up organizations where the structure and day to day activities are not clear. Very self-motivated.

□□Committees/Boards of Interest:

- 1) Wellfleet\_Maurices Campground project (Continue on)
- 2) Cable Advisory
- 3)

### **Town of Wellfleet Boards and Committees**

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

### **VACANCIES IN BOLD**

\* *Appointed by Moderator*





**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 James GRAY Date 11/1/22

Mailing Address 27 Old Kings Hwy

Wellfleet, MA 02667

Phone (Home) (508) 214-6351 (cell) (508) 737-2381

E-mail Jamesgray1981@yahoo.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Commercial Fisherman/BOAT OWNER OF 27 years  
Malcalister Towing (tugBOATS), Center for Coastal Studies  
Vessel captain

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 fished wellfleet harbor as a young boy with my father.  
and still do to this day. I am captain of my own Sea Scallop  
BOAT currently out of Wellfleet.

I've also worked on tug BOATS down in FL and  
Captain Vessels for Center for Coastal Studies when needed.  
Wellfleet Resident my whole life

Committees/Boards of Interest: 1) Marine Advisory  
2) \_\_\_\_\_  
3) \_\_\_\_\_

## Town of Wellfleet Boards and Committees

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

### **VACANCIES IN BOLD**

\* *Appointed by Moderator*

05/03/2018



**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 or bring it to:  
Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Kathleen Grzewinski Date Nov, 9, 2022

Mailing Address 105 Pinewood Circle  
Wellfleet MA 02667

Phone (Home) 508-349-1035 (cell) 978-660-1737

E-mail Kgrzewinski@gmail.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: I am a retired teacher - 32 yrs - who is

now a substitute for the Nauset schools. I have  
volunteered at the Wellfleet library playing guitar  
with Martha Gordon for 2 summers of story hr.  
I also have taught ESY for both Nauset and

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

Provincetown for 5 years. I have experience  
with my former Town's cultural council -  
Ashby MA which I was a member for  
3 years. And I'm a volunteer for Meals on  
wheels when needed.

Committees/Boards of Interest: 1) Cultural Council  
2) \_\_\_\_\_  
3) \_\_\_\_\_

## Town of Wellfleet Boards and Committees

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

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=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

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

WELLFLEET SELECTBOARD



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## MEMORANDUM

DATE: September 19, 2022  
TO: Town of Wellfleet Selectboard Members  
RE: Administrative change for grant license expiration dates moving forward

Dear Selectboard members:

As the Wellfleet Shellfish Department staff reviewed the list of 11 grants up for renewal in 2022, we realized that each group of grants had a different expiration date, which would have meant at least nine different public hearings. This seemed daunting for us and disrespectful regarding the Selectboard's time.

We spoke with other towns about when they renewed their grant licenses, and the Eastham Shellfish Constable explained how she, too, had encountered this problem and decided to change the expiration dates all to be the same date each year. We thought this was a good idea.

We looked for a time when it would be feasible for grant holders to do the paperwork (better in the winter/early spring), when the department would have time (early spring) and when it would best be accommodated by the Selectboard's schedule (once Annual Town Meeting preparation has ended) and came up with April 30.

I then reached out to the grant holders up for renewal this year and explained the change to them. All agreed that it made perfect sense and said that it was fine with them to make this change, even if it meant that their license terms would be slightly less than the 10 years requested.

Michael Parlante preferred an even shorter term so that the licenses up for renewal this year would expire with his other grant licenses. We have no problem with this, and when those all come up for renewal next, we can have them expire together on April 30.

I believe that it is in all our best interest to work efficiently and make the best use of everyone's time with this change. I am happy to answer any questions you may have at your meeting on September 27, 2022.

Thank you,

Nancy Civetta  
Shellfish Constable

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

Phone (508) 349-0325



Fax (508) 349-0305



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022



## PUBLIC HEARINGS

~ A ~

<b>REQUESTED BY:</b>	Shellfish Constable ~ Nancy Civetta
<b>DESIRED ACTION:</b>	To approve grant renewal for Chris Merl's grants; number #95-19 and #95-20
<b>PROPOSED MOTION:</b>	I move to approve Chris Merl's grant renewal request for grant numbers #95-19 and #95-20 consisting of 1.84 acres located on Egg Island for a period of nine years, 10 months and 28 days with an expiration date of April 30, 2032.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

November 9, 2022

To: Selectboard Members  
Re: Grant renewal recommendation  
From: Nancy Civetta, Shellfish Constable

I received an application from Chris Merl on September 23, 2022, to renew shellfish grant license numbers #95-19 and #95-20 for a period of ten years.

I reviewed his state propagation and commercial shellfishing permits to make sure they were in good standing. They are.

However, during the last five years, these grants have been struggling to meet minimum productivity, which would be equal to \$1,840.00 in sales each year. I reviewed his annual grant reports and compared them with the grant inspections we conducted and concluded that while ample aquaculture was taking place, Chris needed to make sales.

We spoke with him multiple times about this issue and have worked closely with him over the last year to monitor his productivity. Chris provided us with two receipts from February 14, 2022, which demonstrated more than \$1,840.00 in sales. Things are currently moving in a positive direction, and we applaud his renewed efforts out there!

At this point, I do recommend that Chris Merl's license for grant #s #95-19 and #95-20 be renewed for 9 years, 10 months and 28 days, expiring 4/30/2032, as per my memo dated September 19, 2022, provided in your packet as a reminder.

The Shellfish Department will continue to work closely with him to ensure he continues to meet minimum productivity for these grants each year moving forward.

Attached please find the renewal application.

Respectfully submitted,

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

Nancy Civetta  
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305



APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 9-23-22

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

I/We hereby request renewal of Shellfish Grant License # 95-19/20, located at


EGG ISLAND, in Wellfleet, MA and consisting of 2 acres.

and with an issue date of 3/1/96, and an expiration date of 6/2/2022

for a (five) (ten) year period.

I/We agree to pay to the Town Clerk, within thirty days after approval, the annual fee and \$1.00 for recording

and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.

Signature  Signature \_\_\_\_\_ Signature \_\_\_\_\_

Name CHRIS MERRELL Name \_\_\_\_\_ Name \_\_\_\_\_

Mailing Address P.O. Box 1993 Wellfleet, MA 02667 Mailing Address \_\_\_\_\_ Mailing Address \_\_\_\_\_

Telephone 508-237-2632 Telephone \_\_\_\_\_ Telephone \_\_\_\_\_

Email cmer12000@yahoo.com Email \_\_\_\_\_ Email \_\_\_\_\_



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

III

### PUBLIC HEARINGS

~ B ~

<b>REQUESTED BY:</b>	<b>Shellfish Constable ~ Nancy Civetta</b>
<b>DESIRED ACTION:</b>	<b>To approve grant renewal for Robert Emmet's grant numbers #861 and #861-A</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve Robert Emmet's grant renewal request for grant numbers #861 and #861-A consisting of 1.5 acres located on Field Point for a period of four (4) years, eleven (11) months, and four (4) days with an expiration date of April 30, 2027.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

November 9, 2022

To: Selectboard Members  
Re: Grant renewal recommendation  
From: Nancy Civetta, Shellfish Constable

I received an application from Robert Emmet on September 25, 2022, to renew shellfish grant license numbers #861 and #861-A for a period of five years, per our regulation section 7.8.3 Renewal of Aquaculture Licenses. Robert was awarded these grants through a lottery in 2020, and therefore, his first renewal period will be for five years.

I reviewed his state propagation and commercial shellfishing permits to make sure they were in good standing. They are.

I reviewed his annual grant reports and compared them with the grant inspections we conducted and concluded that he is making the required minimum investment in aquaculture gear of \$1,500 a year for a farmer in the second year of his grant lease. Furthermore, Robert also provided us with a receipt from August 26, 2022, which demonstrated more than \$1,500.00 in sales, which is a requirement that would kick in during his fourth year with the grant. He is doubly compliant, and we applaud this newcomer's efforts out there!

I recommend that Robert Emmet's licenses for grant #861 and # 861-A be renewed for 4 years, 11 months and 4 days, expiring 4/30/2032, as per my memo dated September 19, 2022, provided in your packet as a reminder.

Attached please find his renewal application.

Respectfully submitted,

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

Nancy Civetta  
Shellfish Constable



APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE


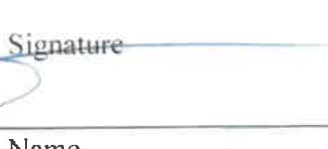
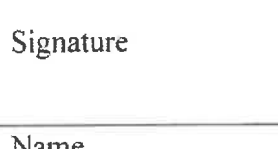
Date: 9/25/22

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

I/We hereby request renewal of Shellfish Grant License # 81, located at Field Point, in Wellfleet, MA and consisting of \_\_\_\_\_ acres.

and with an issue date of 5/26/2022 and an expiration date of 9/25/23  
for a (five) (ten) year period.

I/We agree to pay to the Town Clerk, within thirty days after approval, the annual fee and \$1.00 for recording and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.

Signature	Signature	Signature
		
Name	Name	Name
<u>ROBERT EMMET</u>		
Mailing Address	Mailing Address	Mailing Address
<u>P.O. 1170</u>	<u>South Wellfleet</u>	<u>02663</u>
Telephone	Telephone	Telephone
<u>609-941-4436</u>		
Email	Email	Email
<u>Roberthemmet@gmail.com</u>		



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

III

### PUBLIC HEARINGS

~ C ~

<b>REQUESTED BY:</b>	Shellfish Constable ~ Nancy Civetta
<b>DESIRED ACTION:</b>	To continue the public hearing for potential grant extension on grant 2000-6 on egg Island for Nick Sirucek until December 20, 2022.
<b>PROPOSED MOTION:</b>	I move to continue the public hearing to consider a potential grant extension to grant #2000-6 on Egg Island for Nick Sirucek until December 20, 2022.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition (s):
<b>VOTED:</b>	



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## MEMORANDUM

DATE: November 9, 2022  
TO: Town of Wellfleet Selectboard Members  
RE: Egg Island grant extension public hearing continuation

Dear Selectboard members:

Nick Sirucek requested a public hearing for the Selectboard to consider approving an extension to his grant license #2000-6 on Egg Island.

When we conducted a site visit there with the Harbormaster, the Harbormaster had concerns for boaters. We met in our office yesterday and Nick agreed to try another configuration for this grant extension, incorporating the Harbormaster's feedback.

In addition, the Shellfish Department is confused about this regulation regarding grants on Egg Island:

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

Grants may be located in the following areas:

Area 1: On tidal flats off Mayo Beach and Chequessett Neck from the eastern boundary of the Town property at Powers Landing to the Town Pier and at least three hundred (300) feet northward of a line from the seaward end of the Breakwater to the easternmost tip of Great Island, **except in the area above mean low water on Egg Island.**

We have scheduled this to be discussed at the next Shellfish Advisory Board (SAB) meeting, which was supposed to take place on November 14, before your November 15 meeting. However, the media consultant is not able to accommodate an in-person meeting that day, so the SAB meeting is being postponed. The Shellfish Department would rather be able to conduct some more research into the regulations and take part in an SAB discussion before we bring this public hearing in front of the Selectboard for action.

We respectfully request – and Nick Sirucek agrees with this request – that you vote to continue this public hearing until December 20, 2022.

Thank you,

Nancy Civetta  
Shellfish Constable

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

Phone (508) 349-0325



Fax (508) 349-0305



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

IV

### LICENSES

~ A ~

<b>REQUESTED BY:</b>	<b>MacGregor Hay/Town Administrator</b>
<b>DESIRED ACTION:</b>	<b>To approve the renewal of the one-year license with the town and Belvernon, LLC</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve license as printed between the Town of Wellfleet and Belvernon, LLC (Mac's at the Pier) For a term of one-year to be executed by the Town Administrator.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## LICENSE AGREEMENT

THIS LICENSE AGREEMENT (this "License") is entered into as of this 16th day of November, 2022, by and between the **Town of Wellfleet** (the "Town"), acting by and through its Selectboard, having an address of 300 Main Street, Wellfleet, MA 02667 and **Belvernon, LLC** ("Licensee"), a having an address of 265 Commercial Street, Wellfleet, MA 02667.

WHEREAS, the Town is the owner of certain property located at 255 Commercial Street, being Assessor's Map 21-114-0 (the "Town Property"), which Town Property contains a Town landing, and a pier, said Town landing and pier depicted on the sketch plan attached hereto as Exhibit A (the "License Area"); and

WHEREAS, the Licensee is the owner of record of property located at 265 Commercial Street, being Assessor's Map 21-113-0, described in a deed recorded with the Barnstable County Registry of Deeds in Book 14545, Page 51 (the "Licensee Property"), which is the site of a restaurant, commonly known as "Mac's, which is contiguous to the License Area; and

WHEREAS, Licensee has requested the Town to grant Licensee a license allowing Licensee to use the License Area for the operation of an outdoor eating and drinking area adjacent to and contiguous to the Licensee Property, and appurtenant to Mac's Restaurant, as depicted on the Plan attached hereto as Exhibit A, including but not limited to, chairs, tables, umbrellas, fencing, bollards and planters and related appurtenances, that can be easily removed without damage to the Town Property and subject to the conditions set forth herein (the "Intended Purpose"); and

WHEREAS, the Town is amenable to granting Licensee permission to use the License Area for the aforesaid purposes, on the terms and conditions set forth herein.

NOW, THEREFORE, for good and valuable consideration, the parties agree as follows:

1. USE. PURPOSE. TERM. The Town hereby grants Licensee and its agents, representatives, employees and invitees, including members of the public, a license to use and maintain the License Area solely for the Intended Purpose.

The Term of this License shall commence on January 1, 2023, and continue until December 31, 2023, unless sooner terminated in accordance with the provisions of Section 9 below (the "Term"). Such entry and use shall be further limited by the provisions of Section 4.

2. CONSIDERATION. In consideration for this License, Licensee shall pay an annual fee of \$7,500.00 to be paid to the Marina Enterprise Fund and shall bear all costs and expenses associated with the exercise of the rights granted hereunder, together with the observation and performance by Licensee of all the obligations and covenants set forth within this License to the reasonable satisfaction of the Town.



3. CONDITION OF THE PREMISES. Licensee accepts the License Area in its "as is" condition for the purpose of this License and acknowledges and agrees that the Town has made no representations or warranties regarding the fitness of the Town Property or its suitability for the purpose of this License. In no event shall the Town be responsible or liable for the condition of the License Area, including its security, which shall be the sole responsibility of Licensee. The provisions of this paragraph shall survive the termination of this License.

4. LICENSEE'S CONDUCT. During the exercise of the rights hereby granted, Licensee shall at all times conduct itself so as not to unreasonably interfere with the use of the Town Property by the Town, members of the public, and others entitled thereto, and observe and obey directives of the Town and its duly designated representatives, as well as all applicable laws, statutes, by-laws, regulations and permitting or licensing requirements. Licensee's use shall not disturb or damage the Town Property or the License Area, any improvements thereon, and Licensee shall repair any and all damage to the Town Property, the License Area and/or any improvements caused by the act, omission or negligence of Licensee, its contractors, agents, representatives, employees, invitees and/or permittees (with Licensee, the "Licensee Parties"). This obligation shall survive the termination of this License.

For avoidance of doubt, this License is not exclusive, and members of the public, other than customers of the Licensee, may use the License Area for any and all purposes, including occupying Licensee's tables, chairs and other amenities at the License Area. Moreover, at all times, Licensee shall leave sufficient room for members of the public to access other property of the Town located towards the water beyond the License Area.

Licensee shall not make any permanent alterations or modifications to the License Area without the approval of the Town, which approval may be denied, in the Town's sole discretion. In the event the Town permits such alterations or modifications, Licensee must procure all necessary permits before constructing any improvements at the License Area, and cause all work to be performed in a good and workmanlike manner, and in accordance with the requirements of insurers, employing materials of good quality. Licensee shall at all times comply with any and all applicable local, state and federal rules, regulations and by-laws. At the termination of the License, all such improvements must be removed, unless the Town elects that such improvements shall remain.

Licensee shall not permit any mechanics' liens, or similar liens, to remain upon the License Area for labor and material furnished to Licensee or claimed to have been furnished to Licensee in connection with work of any character performed or claimed to have been performed at the direction of Licensee and Licensee shall cause any such lien to be released of record forthwith without cost to the Town. All laborers and materialmen furnishing labor and materials for the work shall release the Town from any and all liability. If Licensee does not perform the work itself, it shall employ responsible contractors to perform the work.

Licensee shall, during the Term of this License and at its sole expense, maintain the License Area, and any improvements thereon, in good and safe order and condition.

5. INDEMNIFICATION AND RELEASE. Licensee shall defend, indemnify and hold harmless the Town from and against any and all claims, demands, suits, actions, costs, judgments and liabilities of whatsoever kind or nature, including, without limitation, reasonable attorneys' fees, which may be brought against, imposed upon, incurred by, or asserted against the Town by reason of any failure on the part of Licensee to comply with any provision or tenn required to be performed or complied with by Licensee under this License, or the terms of any applicable laws, rules, regulations and/or by-laws; for any injury, death and/or property damage suffered by any person in or around the Town Property or the License Area, relating in any way to Licensee's exercise of its rights under this License, the negligence or willful misconduct of any of Licensee Parties, and/or the condition of or any defect in the materials installed or improvements made by Licensee.

Licensee releases the Town, its employees, officers, agents, board members, and attorneys from any claims, actions, rights of action, causes of action, damages, costs, loss of services, expenses, compensation, attorneys' fees or other liability or responsibility for Licensee's losses or damages related to the condition of the Town Property and License Area, and Licensee agrees and covenants that it will not assert or bring, nor cause any third-party to assert or bring, any claim, demand, lawsuit or cause of action against the Town, including, without limitation, claims for property damages, diminution in property value claims, personal injury or death damages and any other damages relating to, or arising from, Licensee's use of the Town Property or the License Area.

The provisions of this Section shall survive the termination of this License.

6. INSURANCE. Licensee shall maintain public liability insurance, including coverage for bodily injury, wrongful death and property damage, in the minimum amounts set forth herein to support the obligations of Licensee under the terms of this License to indemnify, defend and hold harmless the Town: General Liability: \$1,000,000 per occurrence, and umbrella liability coverage of \$2,000,000. Licensee shall require the insurer to give at least thirty (30) days' written notice of termination, reduction or cancellation of the policy(ies) to the Town. The insurance shall be placed with insurance companies licensed by the Massachusetts Division of Insurance to do business in the Commonwealth of Massachusetts and have a Best's rating of B+ or better. Licensee shall provide the Town with a certificate of insurance prior to entering upon the License Area and at such other times as the Town may reasonably request, in each case indicating the Town is an additional insured on the policy(ies) and showing compliance with the foregoing provisions.

To the extent required by law, Licensee or Licensee's contractors shall maintain worker's compensation insurance, during the performance of any work on the License Area until the completion thereof. Licensee agrees that any contractor performing work on behalf of Licensee shall carry workers' compensation insurance, liability insurance, and automobile liability insurance in amounts reasonably acceptable to the Town and shall name the Town as an additional insured party. Prior to the commencement of any work on the License Area, Licensee shall provide Town with a copy of the contractor's insurance certificate indicating liability insurance coverage as herein specified, and copies of any approvals, including any permits, necessary or obtained to conduct said work. To the extent possible, Licensee shall obtain, for

each policy of insurance secured by it, provisions permitting waiver of any claims against the Town for loss or damage within the scope of the insurance, and Licensee, for itself and its insurers, waives all claims against the Town as to such claims covered by such insurance.

8. RISK OF LOSS. Licensee agrees that it shall enter upon and use the License Area at its own risk, and the Town, its agents, employees, representatives, officers, agents, board members and attorneys shall not be liable to Licensee for any injury or death to persons entering the License Area pursuant to the License, or loss or damage to vehicles, equipment or other personal property of any nature whatsoever of Licensee, or of anyone claiming by or through Licensee, that are brought upon the License Area pursuant to the License, except if such injury, death, loss or damage is caused by the willful act or gross negligence of the Town, or its employees, agents or contractors. The provisions of this Section shall survive the termination of this License.

9. TERMINATION. This License shall be terminated by either party upon written notice of revocation given to the other party at least thirty (30) days prior to the termination date stated within said notice, except in the event of default in Licensee's obligations, including the insurance obligations, in which case this License shall terminate by written notice given to Licensee seven (7) days prior to the termination date stated in the notice unless Licensee cures the same to the Town's reasonable satisfaction within said 7-day period.

In the event of the termination of this License by either party, Licensee, at Licensee's sole cost and expense, shall remove any improvements and restore and/or repair the License Area to such condition as shall be specified by the Town by the effective date of such termination. In the event that any such improvements are not removed on or prior to the termination date, the improvements shall automatically become the Town's property, without any consideration due from the Town. The provisions hereof shall survive the termination of this License.

10. NOTICE. For purposes of this License, the parties shall be deemed duly notified in accordance with the terms and provisions hereof, if written notices are hand-delivered, sent by registered or certified mail, postage prepaid, or sent by recognized overnight mail, or sent by confirmed facsimile transmission, to the addresses set forth above, or to such other addresses as may from time to time hereafter be designated by the parties by like notice.

11. MISCELLANEOUS

A. No Estate Created. This License shall not be construed as creating or vesting in Licensee any estate in the License Area, but only the limited right of use as hereinabove stated.

B. Survival. All appropriate terms and provisions relating to the restoration of the Property and the removal of the improvements shall survive the termination of this License, in addition to the survival of other terms stated herein to so survive.

C. Modifications. Modifications or amendments to this License shall be in writing and duly executed by both parties hereto to be effective.

D. Assignment. This License, or any of the rights created herein, are personal to those persons listed herein as Licensee, and their agents, employees, contractors and invitees, and may not be assigned or transferred in any manner.

E. No Waiver. The failure of either party to seek redress for violation or to insist upon the strict performance of any covenant or condition of this Agreement shall not prevent a subsequent act, which would have originally constituted a violation, from having all the force and effect of a violation. No provision of this Agreement shall be deemed to have been waived by either party unless such waiver is in writing and signed by the party to be bound thereby.

F. Remedies. No mention in this License of any specific right or remedy shall preclude the Town or Licensee from exercising any other right, or from having any other remedy, or from maintaining any action to which it may otherwise be entitled either in law or in equity.

G. Captions. The captions in this License are inserted for convenience of reference only and in no way define, describe or limit the scope or intent of this License or any of the provisions thereof.

H. Governing Law. This License shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and any and all legal actions brought in connection with this License shall be brought in courts within the Commonwealth of Massachusetts.

[Signature Page Follows]

In Witness Whereof, the parties hereto have caused this License Agreement to be executed as of date above written.

TOWN OF WELLFLEET,  
By it's Selectboard

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

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

\_\_\_\_\_  
Barbara Carboni

\_\_\_\_\_  
John Wolf

\_\_\_\_\_  
Kathleen Bacon

LICENSEE:

\_\_\_\_\_  
MacGregor B. Hay



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

V

### USE OF TOWN PROPERTY

~ A ~

<b>REQUESTED BY:</b>	<b>Shorefront Consulting; BS Ocean Engineering; Mark Burgess</b>
<b>DESIRED ACTION:</b>	<b>To approve the beach stabilization for 376 &amp; 400 King Phillip Road</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the application from Shorefront Consulting; Mark Burgess; for beach and shorefront stabilization for 376 &amp; 400 King Phillip Road, Wellfleet.</b>
<b>SUMMARY:</b>	
<b>Project</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# Shorefront Consulting

Professional Services on Land or At Sea

290 Center St., Dennis Port, MA 02639  
508-280-8046

[www.shorefrontconsulting.com](http://www.shorefrontconsulting.com)  
[shorefrontconsulting@gmail.com](mailto:shorefrontconsulting@gmail.com)

Wellfleet Conservation Commission  
Attn: Hillary Greenberg  
300 Main Street  
Wellfleet, MA 02667  
By hand delivery

February 22, 2022

**Re: Notice of Intent Application Filing Package – Updated information as requested**  
Proposed Living Shoreline and Bank Stabilization  
Nicole Mordecai  
374 King Phillip Road  
South Wellfleet, MA 02663  
Map 35, Parcel 182

On behalf of my client, Nicole Mordecai, I am submitting this letter to serve to address the questions from the commission as a result of the February 16, 2022 hearing. The questions that were asked related to the calculation of the NHESP erosion estimate of 200 cubic yards, more detailed monitoring protocol, and the consideration of using less rocks for the revetment extension, and the source of the sand or a protocol to ensure that there is an adequate match of grain size for the nourishment effort. Each question is addressed separately below.

- 1) The calculation of the NHESP erosion rate was initially made for the 2012 permit. That permit covered the extension of the revetment to within 25 feet of the property line, and was approximately 85 feet long (scaled from the license plans). NHESP uses the erosion rate from the CZM Shoreline Change Project, multiplied by the entire bank height, multiplied by the width of the bank subject to erosion for the current proposal (70+/- feet), then divides that by 27 to get the volume in cubic yards per year.

The CZM profiles indicate a shoreline erosion rate of -0.66 feet per year. The total height of the bank along the slope (hypotenuse); not the elevation difference itself is about 80 feet. Therefore, the calculated erosion rate would be  $L \times D \times H = 85 \times .66 \times 80 = 4,488$  cubic feet, or (divided by 27) equals about 166 Cubic yards. This number is short of the 200 cubic yards specified in the permit, but it is likely due to a "safety factor" of around 30%. I have worked with NHESP several times on revetment renourishment, and they use the same Bank Length, Bank Height, and Erosion rate to arrive at the estimated annual erosion rate.

Note; we know that the bank has been nourished with approximately 400 cubic yards of sand each year for the last 3 years, and the bank is still eroding at an alarming rate. Therefore, the actual rate of erosion is much higher than the 200 cubic yards per year, and is likely the cause of the impacts to the shellfish grants in the area. The installation of the revetment extension and the Living Shoreline will reduce the erosion on the bank to a more manageable state, with the amount of sediment introduced into the system reduced to a point where it no longer impacts the shellfish grounds. Other than the required 200 cubic yards of material required each year, the additional re-nourishment of the fiber rolls is based on a trigger point of the 30% exposure. Therefore, additional sand would only be added as removed, and not just year after year. This can also be a condition in the conservation permit to provide the nourishment only as specified in the NHESP letters associated with each project.

- 2) Wilkinson Environmental Design has updated their maintenance protocols to reflect the required annual nourishment of 200 cubic yards for the Mordecai project alone, along with the re-nourishment trigger point of more than 30% of the fiber rolls being uncovered, which they estimated at 15 cubic yards. For the Prager project, only the 30% trigger point requirement is used, but that re-nourishment amount is not specified. The proper amount would therefore be as required in order to re-establish the 4"-6" of cover required over the fiber rolls. The revised protocol can be included as a required document in the conservation permit.

- 3) Denny McGinn from EZ-Doze-it was consulted on 2/22/22 to review the existing revetment condition and staking locations of the proposed extension by reconfiguring the existing revetment end, and transferring the stone to the new location. In his opinion, the revetment can be reworked and extended to the location on the plan, with only one truckload of additional stone. Further, the existing stones that would be moved will serve as the toe stones and intermediate stones. The added stone would only be the smaller stones used towards the top of the revetment. He has been asked to keep the additional stones to a minimum. This can be included as a special condition in the conservation permit.
- 4) The source of the sand was not discussed. The cape is literally running out of available sand as pits empty to their property lines and the water table. New sources are being sought as this happens. However, the commission can require a sieve analysis from the bank, and then from the borrow pit to ensure that there is an adequate match of grain size. Once the bank sieve is determined, it can be used with the existing sieve data that the pits have to make a match. This could also be included as a special condition in the conservation permit.

The current erosion rate appears to be accelerating even more, as indicated by the picture below. The erosion is now fully at the top of the bank, with a four-foot vertical drop. This was not the case just a week ago. The rock work and drift fence relocation can occur at the same time that the annual nourishment for the Mordecai property is conducted. National Heritage precludes any construction after April 15<sup>th</sup>. We have conferred with Seth Wilkinson about construction timing and there is not enough time to install the living shoreline before the April 15<sup>th</sup> cutoff date. Therefore the rest of the site will remain vulnerable to erosion until the fall. It is imperative that the Mordecai's property have the most protection allowed by the regulations to bolster the site until October 15<sup>th</sup>, when the Living Shoreline installation can commence.



Picture taken 2/22/22

I hope that this letter addresses the questions of the board. Please include this letter for your **March 2, 2022** public hearing. If there are any questions or concerns regarding this letter, please contact me as soon as possible.

Sincerely,

Mark Burgess  
Shorefront Consulting  
B.S. Ocean Engineering

cc: Nicole Mordecai (applicant)  
Seth Wilkinson, Wilkinson Ecological Design



# WILKINSON

## ECOLOGICAL DESIGN

28 Lots Hollow Road | Orleans, MA 02653

Tel:(508)255-1113 | Fax:(508)255-9477

### WORK PROTOCOLS FOR FIBER ROLL ARRAY AND REINFORCED HIGH MARSH INSTALLATION

374, 376, and 400 King Phillip Road, Wellfleet

August 17, 2020

Revised 2/22/2022

#### PROJECT OVERVIEW

The project proposes the installation of a hybrid stabilization system to protect the eroding coastal bank. This system will consist of a fiber roll array, a reinforced high marsh planted with transitional high marsh species, and regular sediment nourishment (hereinafter, "the Project"). The fiber roll array will consist of a 90 linear foot section constructed to a height of seven rows and a 35 linear foot section of the fiber roll array will be constructed to a height of five rows.

A 90 linear foot reinforced high marsh will be installed along the seaward edge of the fiber rolls to stabilize a dynamic beach elevation, protect the fiber roll array from higher than average tides and ice scouring, and provide additional native vegetation to the Project area where none currently exist. The reinforced high marsh is comprised of a below-grade matrix of cobble, compatible sediment, coir fibers, and compost encased in biodegradable material that act as a planting medium for transitional marsh species such as saltmarsh hay, spike grass, seaside goldenrod, switchgrass, and American beach grass.

This system combines to provide two layers of erosion protection to the toe of the Coastal Bank while also providing the benefits of additional native vegetation. The proposed coastal adaptation strategy takes into account the anticipated sea level rise. The Project includes an ongoing monitoring and maintenance program (hereinafter, "Maintenance Program") as further detailed below. The Maintenance Program is proposed to be ongoing and to continue for as long as the Project remains in place.

#### ACCESS

The proposed access route for larger heavy equipment shall be via the public landing at the end of Omaha Road. The heavy equipment shall traverse the existing vehicle route used by the trucks of shell fisherman, at low tide, to reach the beach and bottom of the coastal bank at the project site. Small equipment and materials will be conveyed from the end of King Phillip Road along the existing path to the beach in front of the subject parcel. Ground protection mats will be laid along the access route from the end of King Phillip Road, where necessary, to protect any native vegetation and the stability of soils along the access route. This access route and use of the protection mats will allow access in a manner which will have no negative effects on existing vegetation or the stability of the coastal bank.

#### INSTALLATION OF FIBER ROLL ARRAY

Working from the toe of the bank, the bank will be re-contoured where necessary to create a stable slope angle and meet specifications on the site plan. Excess sand from the re-contouring will be utilized for sediment nourishment over the completed array. Installation of the fiber rolls begin with the lowest row and construction continues up gradient to the height specified in the site plan. Fiber rolls are proposed to be encapsulated in a layer of 900 gram weight coir blankets, with a layer of high tenacity mesh on the seaward side of the array to provide additional protection from chafing and ultra-violet degradation. The fiber rolls, coir blankets, and high tenacity mesh will be anchored using helical anchors as it is being constructed. All fiber rolls will be identified with stainless steel tags noting the name, address of the property, and phone number of the installer.

Following installation, all exposed soils on the bank will be immediately seeded with the specified native seed mixture and biodegradable erosion control blankets will be properly installed. Specified native shrubs and herbaceous plant species will then be planted through the erosion control blanketing.

### **INSTALLATION OF REINFORCED HIGH MARSH**

After completion of the fiber roll array, the reinforced high marsh will be installed. The reinforced high marsh will be approximately thirty-six inches thick and consist of 50% eight to twelve-inch rounded cobble, 25% coir fiber and compost, and 25% compatible sediment. The mixture of cobbles, coir fiber, compost, and compatible sediment will be encased in two layers of 700-gram coir fabric and one layer of biodegradable coir matting. Rounded cobbles will be placed in a staggered natural arrangement along the seaward edge of the reinforced high marsh to protect the reinforced high marsh and plantings from ice scour. Following construction, the specified native forbs and grasses shall be installed into the reinforced high marsh. A temporary layer of high-tenacity mesh will be secured to the surface of the reinforced marsh during the first three years of growth. This temporary layer will provide additional structural support to the marsh growing medium as the plants and root systems establish. After three years of growth, the high-tenacity mesh covering will be removed and properly disposed of off site. To protect the establishing planting from smothering due to wrack accumulation, an 18" fence will be temporarily installed along the seaward edge of the reinforced marsh. This temporary fence will only be in place for two to three years during the growing season to allow for successful establishment of the plantings.

If feasible, a temporary irrigation system will be installed to encourage rapid colonization of the bank and the reinforced high marsh within the first three years after planting. After three years the irrigation system will be disconnected and removed from the Project area.

### **SEDIMENT NOURISHMENT**

The fiber roll array will be nourished using the excess sand from re-contouring the coastal bank following installation. Thereafter, ongoing annual sediment nourishment in the amounts detailed below will serve to supply the adjacent coastal resource areas with a sediment source. This nourishment will also help to extend the life of the fiber rolls.

### **MAINTENANCE PROGRAM**

Maintenance of the fiber rolls, associated plants, and bioengineering materials is understood to be critical to ensure a longer lifespan of the erosion management strategy. Thus, the Project includes annual maintenance, as well as regular monitoring throughout the storm season, ensuring extra maintenance and repairs will be undertaken after significant storm events, as needed.

Sediment nourishment of the fiber roll array is an activity that should be conducted on a long-term basis in order to provide the adjacent coastal resource areas with a sediment source. A sieve analysis will test and ensure compatible grain size sediment is used for nourishment on the fiber roll array. The trigger for nourishment of the fiber roll array shall be when 30% or more of the array becomes exposed. If the trigger has been reached, the array will be nourished between October 15 - April 15 to maintain 4"-6" of compatible sediment over the rolls. The volume of nourishment will be 115 cubic yards as was specified in the NHESP reponce letter dated November 19, 2021 (18.5 cubic yard at 374 King Phillips Road and 96.5 at 376/400 King Phillips Road). If 115 cubic yards of nourishment can not be placed on the fiber roll array, any remaining nourishment will be placed on the beach to reach the required volume. The access for nourishment of the array will follow the same access used for installation of the array.

In the winter months, the Project will be regularly monitored after every significant storm. It is expected that minor maintenance activities, such as tightening anchor cables and repositioning fiber rolls, may be necessary after major storms. Prior to all regularly scheduled maintenance activities and/or winter repair and maintenance activities, the Conservation Commission shall be notified through its Conservation Agent in

advance. The access for maintenance activities will follow the same access used for installation, via the public landing at the end of Omaha Road.

**MONITORING**

Formal inspections of the Project will be conducted annually and after major storm events for three years. A monitoring report will be submitted to the Wellfleet Conservation Commission by July 15th of each year. The report will include descriptions of site conditions, the general performance and condition of the fiber roll array and reinforced high marsh, the condition of all planting, and the need for sediment nourishment. Photo documentation of the fiber roll array and reinforced high marsh will be included in the annual report.



We are feeling a sense of urgency right now particularly since it will be another 7 months before we can install the Living Shoreline. We believe that a significant storm, without any additional protection, will result in the loss of the deck and then the residence itself.

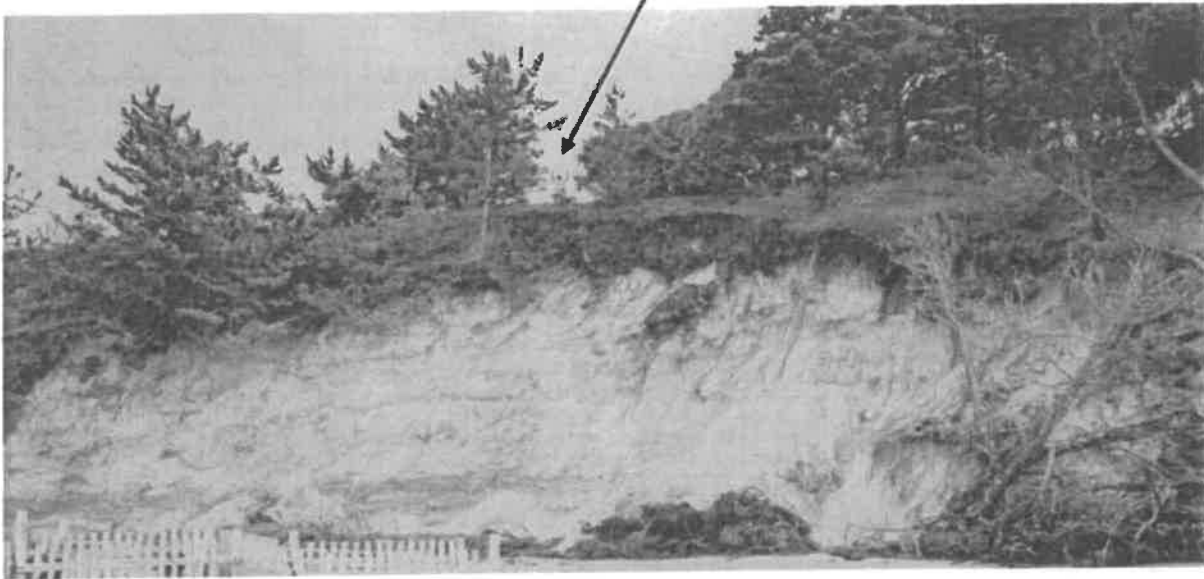
As far as the sea wall is concerned, we, and my mother before us, have done everything asked of us for the past 20 years. Among a myriad of other things, we installed fiber rolls and fences, replenished sand as required, and were finally allowed to install a partial revetment.

We realize that the Commission is trying to balance a lot of interests and we respect that. Every house from Omaha Beach to our property, 13 houses and probably over 1,000 feet of shoreline, has a stone revetment. We are only asking for a very small additional quantity of rocks. There is no longer time for the Living Shoreline to be installed this season, but there is time to reconfigure the revetment.

We love Wellfleet and our family has been good to Wellfleet. We are asking for you to help us save our house by approving this project while there's still time for us to at least start the construction during this building season.

Thank you,

Nicole Mordecai  
374 King Phillip Road



**Members of the Commission,**

**My family has owned the property at 374 King Philip Road since 1960. We have been paying our taxes, using very few services, and contributing to the community in many ways. My mother, Hassie Yankelovich, loved her home and loved Wellfleet. She contributed to numerous Wellfleet organizations including being a founding donor to Preservation Hall and leaving them a donation in her will. She also made a sizable contribution to MA Audubon's Terrapin Turtle program.**

**Our house was built in 1965 and the existing partial revetment was installed in 2012. Prior to that date, our septic system was located seaward of our house but, in accordance with the conditions of the previous revetment project, we moved both the septic system and the well so that they are now located between our house and the street. As a result, it is not possible to relocate the footprint of the house away from the edge of the cliff. We know that several Commissioners viewed our property from the beach, but we do not believe that gives a true sense of the relatively small amount of space between our house and the eroded cliff. The photo above, taken July 28, 2021, shows a woman in yellow standing on the corner of our deck. Below, this image is compared with Mark Burgess' February 22, 2022 photo showing how much erosion has happened in the past 7 months (person has been added in Photoshop to the second photo for comparison purposes). She would now only be steps away from the edge. Larger photos are available at:**

**<https://tinycloud.com/374-erosion>**



# Shorefront Consulting

Professional Services on Land or At Sea

290 Center St., Dennis Port, MA 02639  
508-280-8046

[www.shorefrontconsulting.com](http://www.shorefrontconsulting.com)  
[shorefrontconsulting@gmail.com](mailto:shorefrontconsulting@gmail.com)

Wellfleet Conservation Commission  
Attn: Hillary Greenberg  
300 Main Street  
Wellfleet, MA 02667  
By hand delivery and email

January 25, 2022

**Re: Notice of Intent Application Filing Package – Revised Plan, Narrative, and Protocols**  
Proposed Living Shoreline and Bank Stabilization  
Nicole Mordecai  
374 King Phillip Road  
South Wellfleet, MA 02663  
Map 35, Parcel 182

On behalf of my client, Nicole Mordecai, I am submitting 9 copies of revised plans and protocols for the above referenced project. The following revised documents are enclosed;

- Revised project Narrative and Construction Protocol
- Work Protocols for Fiber Roll Array and Reinforced High Marsh Installation, by Wilkinson Ecological Design, dated 8/17/20
- Plan entitled “Plan Showing Proposed Shorefront Protection”, by Shorefront Consulting, dated 8/21/21, revised 1/11/2022.
- Plan entitled “Restoration Plan” by Wilkinson Ecological Design, dated 8/17/2021, revised 1/11/2022.

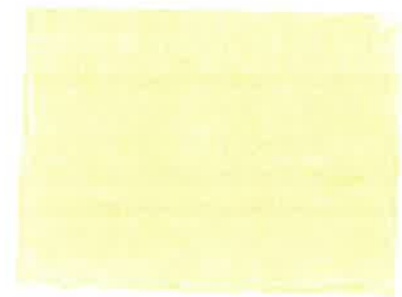
The scope of work for this project has not changed; the adjacent project for the Pragers was changed to a phased approach. One plan and protocol is submitted for both projects to make review easier. Please include these documents for your continued review of the project for the **February 16, 2022** public hearing. If there are any questions or concerns regarding this information, please contact me as soon as possible.

Sincerely,

Mark Burgess  
Shorefront Consulting  
B.S. Ocean Engineering

Enclosures: As Stated

cc: Mass. DEP/SERO – Wetlands (By email)  
Nicole Mordecai (applicant)  
Seth Wilkinson, Wilkinson Ecological Design (By email)



HEALTH DEPARTMENT  
TOWN OF WELLFLEET  
JAN 25 2022  
RECEIVED BY:

**Performance Standards Narrative and Construction Protocol – Revised; revisions in *italics*****Property Description**

The properties are located in the Indian Neck area, south of the Wellfleet Harbor, and west of the Blackfish Creek embayment. There is an existing revetment fronting most of the Mordecai property, as well as an existing drift fence that were both approved in 2012 by local, state and federal permitting. The Prager property is still natural, but shares a few feet of the existing drift fence. Both properties have a very steep coastal bank, where the slope lessens slightly going east *on the Prager property*. At the base of the bank, there is a double sand drift fence, also permitted with the revetment. To the east, the coastal bank and beach slopes are more gradual, and off the site the area becomes salt marsh extending out from the coastal bank. Proceeding east, the area becomes nearly level, with the fronting marsh and beach. There is a large expanse of coastal beach fronting the property at low tide. Over time, the area east of the revetment has eroded into a “bowl” shaped pit. This area has been nourished annually in accordance with the permits, at a rate of 200 cubic yards each year. Recent nourishment efforts were 400 cubic yards, then 800 cubic yards, and then 400 cubic yards each year thereafter. The erosion is so bad now, the existing deck at the top of the slope is in danger, with the Mordecai house next. The Prager house is far away, but now the erosion is threatening the existing Prager beach access steps.

**Project Description**

The area east of the revetment has been eroding, and annual nourishment is required per the Order of Conditions (SE77-1246), special condition #1, to place 200 cubic yards of nourishment (minimum) annually in the spring. In 2016, Shorefront Consulting was asked to evaluate the area. It is the opinion of Shorefront Consulting that the required nourishment of 200 cubic yards each year was inadequate to compensate for the erosion at the site. And, as the bowl/scarp increased, the sharp angles only increased the erosion. Initially, thoughts were to increase the nourishment amount to 300 cubic yards, which was the amount placed in 2015. In 2016, the amount was increased to 400 cubic yards.

In 2019, the area appeared to have stabilized to the point where the initial “bowl” or scarp was not getting appreciably bigger, and the beach was not getting lower (as observed from the existing drift fence). Most, if not all of the nourished sediment is still being eroded, and the beach is still lower than when the project was first completed in 2012. Further, the area to the east (on the Prager property) is eroding in an attempt to stabilize the shoreline. In 2019, the drift fence was moved slightly, and lowered so that it would interact with the beach more often. In 2020, the area was nourished again, which finally pushed MHW back out to the drift fence. This is what the plan currently portrays.

**Proposed Project**

The proposed project is to *extend the existing revetment on the Mordecai property to no more than 15 feet of the Prager property. This includes the toe stones, so none of the revetment will be within 15 feet of the Prager property line. Then, it is proposed to install a living shoreline from the existing revetment, extending 110 feet onto the Prager property.* The existing revetment end is now protruding onto the beach, and it is proposed to move this stone landward to “soften” the curve, and then extend the revetment to within 15 feet of the property line, as allowed in the regulations.

The installation of the living shoreline is located at the new end of the revetment, above MHW, and extending in a somewhat curved fashion along the shoreline, past the Prager steps, tapering down in height as you proceed east. The end of the living shoreline is nothing but fiber rolls at this point, which can be angled and “blended” into the shoreline. In this way, the living shoreline is intended to work in unison with the natural process of re-stabilization of the bank and beach area, to avoid further downgrade erosion. By stabilizing the shoreline and working with the natural processes, it is possible that maintaining a more stabilized beach profile will provide a more stabilized shoreline. The applicant is well aware of the dynamics of this area, and wants to install this natural solution to work in harmony with the dynamics. A similar living shoreline was used at the seaward side of Lieutenant’s Island, and after some adjustments, appears to be having success. This site is very similar in the size of the bank, the angle of the slope, the length of the beach, etc.. It is therefore anticipated that this solution will also work well in this location.

***Phased Approach for the Prager property***

*The Prager project will be accomplished in two phases. Phase one installs approximately 70 feet of living shoreline from the Mordecai/Prager property line moving in an easterly direction as shown on the plans. Phase 2 of the project installs the remaining 40 feet of living shoreline and fiber rolls. Phase 2 is basically for the protection of the existing access steps, and will be implemented by the Pragers at their option. Phase 2 is not required, but an option to be implemented, depending on how the system performs and the shoreline evolves over time. An extension permit will be required (Prager filing) if Phase 2 is not implemented by the time the permit expires. In this way, the Prager project has an option to continue the living shoreline at their discretion, and allows flexibility for the project and the ever changing conditions at this site.*

**Existing permitting**

All of the existing permits were reviewed for this project. Beach nourishment is exempt from MEPA review, and there is an existing conservation and management permit for both the nourishment and the drift fence from NHESP/MESA for the Mordecai property. Since the Prager property is still in its natural state, there is only an order of conditions with the required MESA review for that property. Both properties will undergo new MESA review, with the Mordecai permit likely modified/ revised to reflect the current project, and a new MESA permit for the Prager property. Since the revetement is permitted and licensed, and the reworking of it is above MHW, no additional permitting other than a Chapter 91 minor project modification will be required for the revetment. The living shoreline is placed at or slightly above MHW, and does not require additional permitting beyond the local level.

**Historical Photos for Comparison**

Below is a series of photos taken from Google Earth in 2 year intervals, starting in 1995 and ending at 2018. There are pictures of the beach and bank taken from beach level in 2018 and in September of 2021 included with this filing.



Google Earth 1995 Photo



Google Earth 2000 Photo





Google Earth 2002 Photo



Google Earth 2004 Photo



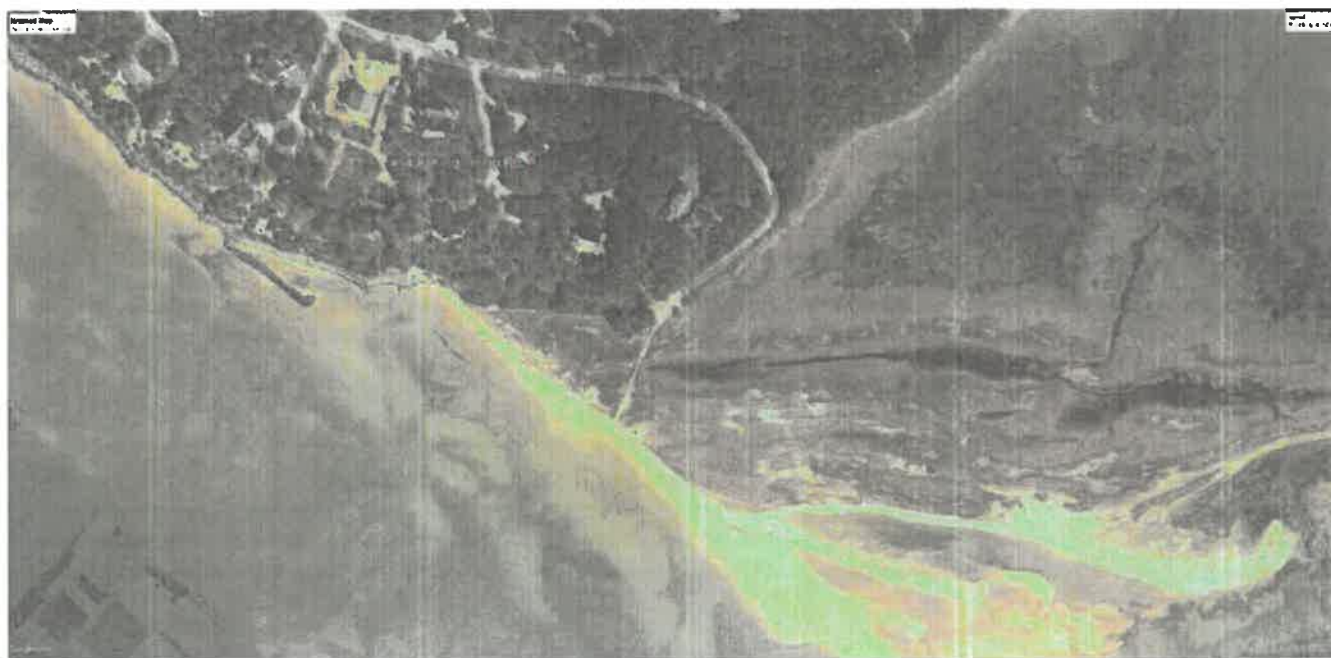
Google Earth 2006 Photo



Google Earth 2008 Photo



Google Earth 2010 Photo



2012 Google Earth Photo



2014 Google Earth Photo



2016 Google Earth Photo



2018 Google Earth Photo

Just for instant comparison, a 1971 aerial is below to compare with 2018.



1971 historic aerial from Historic Aerials.com

**NOTE:** you can see that the shoreline angle has not changed from 1971; the shoreline has simply “marched” down the shoreline to the east, at exactly the same angle, “indented”, filling in Blackfish Creek with the sediment as it moved east, with or without shoreline protection.

**Resource Area Determination**

The project site is located on the north side of Cape Cod, where the tidal range is consistent. The tidal range is roughly 10 feet, between elevation 4.5' NAVD88 (for Mean High Water) and -5.3' NAVD88 (for Mean Low Water). Mean High Water is forced along most of the existing revetment, and fades to the bottom of the scarp moving eastward. The proposed work is located both above and below Mean High Water and on the coastal beach and bank. The area is also within the Wellfleet Bay ACEC. The ACEC boundary is located roughly just behind the current drift fence location. Refer to the project plan for locations of the resource areas for the project.

**Performance Standards**

The project proposes the reconfiguration of the existing revetment end to "soften" the angle to the shoreline and move it landward, above MHW, while extending it eastward to within 15 feet of the property line, as allowed by the regulations. In addition, the installation of a Living Shoreline is proposed for the remaining 15 feet, with another 110 feet of the living shoreline on the Prager Property. The living shoreline extends approximately 70 feet east, with the remainder of the solution being 5 rows of fiber rolls. The fiber rolls will be tapered to blend into the shoreline. IN this way, the wave energy that remains at the end of the fiber rolls should be in its natural state, without any end effects to the adjacent beach. Once the living shoreline is in place, the bank will be stabilized with fiber rolls, filled in where necessary, and planted in accordance with the Restoration plan provided by Wilkinson Ecological Design.

The resource areas affected by the project are the Coastal Bank and the Coastal Beach, and are located within the Wellfleet ACEC. The project as proposed will not have any adverse effects to the surrounding resource areas, and is proposed to benefit all of the surrounding resource areas. Each resource area is discussed below.

*Coastal Bank* – The area of coastal bank (for the proposed work) extends from the top of the slope down to the top of the existing revetment, extending east to the property line on the Mordecai property, and then another 110 feet onto the Prager property. The reworking of the existing revetment angle will "soften" the return angle, and reduce any end effect wave reflection in the area. The living shoreline will restore the beach and bank profiles and will have only beneficial impacts to the coastal bank, with no negative impacts. The construction protocol requires protective measures for the affected resource areas. Therefore, the project as proposed can be permitted under 310 CMR 10.30 (6) through (8).

*Coastal Beach* – The area of coastal beach extends from the bottom of the existing scarp at MHW and out to MLW. Other than the revetment reworking, all of the proposed work is above MHW. The Living Shoreline is on the beach, starting about at MHW and proceeding landward to the base of the existing erosion. The beach will benefit the living shoreline by restoring the profile to stabilize the beach without the impacts of repeated beach nourishment. Only periodic maintenance is required to maintain the living shoreline, once in place.

The combination of the revetment angle rework and the installation of the Living Shoreline will not change the role for the beach in storm damage prevention, flood control, or protection of wildlife habitat. The Living Shoreline will restore the volume or form of the beach sediments, and increase the ability of the beach to respond to wave action, while decreasing any effects for any downdrift beach. The Living Shoreline, as designed, will have no adverse impacts to the coastal beach, and therefore meets the performance standards for work in an ACEC and Coastal Beach. Therefore, the project as proposed can be permitted under 310 CMR 10.27 (1) through (7).

*Land Subject to Coastal Storm Flowage (LSCSF)* – The area immediately landward of the base of the scarp is within the flood plain, and the area seaward of the existing drift fence is within the Velocity Zone. Therefore, the work area is within Land Subject to Coastal Storm Flowage, while also being within the Coastal Bank and Coastal Beach resource areas. Although LSCSF is an area that is allowed protection under the Wetlands Protection Act, there are no performance standards for this area. That work will not have any significant adverse impacts, and can be permitted under 310 CMR 10.05(6)k.

*Wellfleet Bay ACEC* – The project as proposed serves to enhance the interests in the Wetlands Protection Act for the effected resource areas by protecting the coastal bank from severe erosion and restoring beach elevations with the impacts of large volumes of repeated beach nourishment. The project will have no adverse effects to the affected or surrounding resource areas and can therefore be permitted in the ACEC.

**Alternatives Analysis for Project:**

The proposed work consists of the elements as previously described. As such, the following analysis is offered to describe the available options for this project.

**OPTION 1: Do Nothing** –Continue to provide the minimum nourishment amount of 200 cubic yards per year. It is evident that the annual nourishment amount required by the existing permits is not enough to keep the shoreline stabilized. Initially, additional nourishment is required to make up for the periodic loss of sediment over time. If the 200 cubic yard annual amount is maintained, the area of scarped erosion will continue, increasing the bank erosion, with the scarp moving up the slope and destabilizing the coastal bank (the current condition). Excessive erosion of the coastal bank will damage the existing vegetation on the bank, and eventually put the dwelling in danger. This would not be a suitable outcome. It is proven that the existing program in place is not working; the erosion continues to increase, no matter how much sand is placed on the site. Too much sand has impacted downdrift beaches and shellfish resources. Therefore, this alternative is not the preferred option.

**OPTION 2: “Soft” solutions** – This option was evaluated for use in the area east of the revetment in an effort to provide a more stable “transition zone” to the adjacent slope and beach areas. Soft solutions are not advised in areas of a velocity zone. They do not stand up to excessive wave action and the resulting forces usually destroy the installation at considerable cost and cleanup expense to the applicant. A fiber roll project was attempted on this site before the revetment was approved. The fiber rolls were not sustainable at this location. Fiber rolls, erosion control matting, etc. (utilized in velocity zones) frequently end up destroyed, wasting resources, material, and money, and cause debris to be placed on the beach which results in a safety hazard for the public. Fiber rolls do not provide adequate erosion control for this type of environment, and therefore the bank would continue to erode and potentially destabilize the bank slope. Please remember that the proposed fiber rolls are installed above the MHW line, out of the day to day wave action, and serve to stabilize the bank in an area where they are, in fact, properly utilized. They are not being used to protect the base of the bank from the day-to-day tidal action, where the fiber roll installation is inadequate. Therefore, the use of soft solutions at the base of the bank is not a preferred option.

**OPTION 3: Leave the Sand drift fence in its current location and height** – This option would leave the drift fence in its current location. While the drift fence was lowered to meet the new beach elevation, it will still need to be moved slightly to match the angle of the living shoreline installation. No expansion of the drift fence is proposed. If the fence remains in its current location and height, it will not be as effective as the proposed location. Therefore, this is not a preferred option.

**OPTION 4: Install the Living Shoreline, but leave the end of the revetment where it is** – If the existing revetment is not reworked, it will enhance any negative effects from any reflection of the waves on the end of the revetment. Further, the Living Shoreline would be installed well landward of the revetment, and would have to be extended to landward of the revetment because of the location of the base of the scarped erosion. Therefore, there would be an increase in the discontinuity of the shoreline angles, which will not work in harmony with the Living Shoreline. In addition, the revetment extension is needed to provide increased protection against flanking in order to protect the erosion from reaching the dwelling. Therefore, leaving the revetment where it is only increases the shoreline discontinuities and assumed impacts, lessens the available protection for the dwelling, and is not the desired option.

**OPTION 4: Project as proposed** – The reworked revetment return and extension is designed to provide increased protection for the dwelling as much as possible, softening angles to the shoreline, and blending with the proposed Living Shoreline. The beach will be stabilized with the living shoreline, reducing the need (and the amount) for periodic beach nourishment. The living shoreline will require maintenance over time, which is anticipated. The scope of the maintenance will depend on the extent of storm activity, but is usually limited to the replacement of any marsh plant materials, jute matting, compatible soils, etc., along with the tightening of the cables for the fiber rolls. The maintenance can be performed with small equipment like a small tracked bobcat or small excavator, and of course, by hand.

The drift fence will be relocated slightly and placed where it will be half buried, allowing the fence to fully function as designed. The revetment reworking, the living shoreline, and the relocation of the drift fence will stabilize the beach and work with the natural processes to stabilize this portion of the shoreline. Therefore, this is the preferred option.

**CONSTRUCTION PROTOCOL**

The work shall be performed with the minimum amount of equipment required to obtain the project objectives. The staging area for materials will be at the town landings and on a portion of the coastal beach fronting the landing. All equipment shall be stored at the town landing or above Mean High Water when not in use.

**Pre-Construction Meeting**

Prior to construction, a pre-construction meeting shall be held on-site with the Contractor (Wilkinson Environmental Design and EZ-Doze-It, etc.), Property Owner, Conservation Commission and/or agent, and the Project Manager (Shorefront Consulting). The purpose of the meeting is to clearly delineate the limits of work and access, as well as the staging area. The Contractor will describe the proposed means and methods for performing the work within the requirements of the plans, order of conditions and construction protocol. The Contractor will comply with mitigation measures as established by the Conservation Commission.

To be discussed at this meeting:

- Existing property conditions, necessary precautions to be taken by the Contractor;
- Means and methods for construction and the use and protection of the town landing;
- Necessary post-construction repairs and conditions;
- Procedure for post-construction inspection;
- Shorefront Consulting's responsibilities for inspection and project coordination

During Construction, the site shall be accessible for inspection during reasonable hours by all parties, members of the conservation commission and their agents, and the Project Manager.

**Post-construction requirements**

Upon completion of construction, and in accordance with the conservation and management permit, photos shall be taken of the completed nourishment and submitted to the conservation commission.

**Restoration of project area**

Upon completion of construction, the beach, access, and town landing areas and any other areas disturbed by the construction effort shall be returned as much as practical to their pre-construction conditions to the satisfaction of the property owner and conservation agent.

***Phased approach for the Prager Project***

*For the Prager project, install Phase 1 as shown on the plans initially. As time progresses, Phase 2 will be implemented by the Pragers at their option. All existing permits, plans, and construction/permitting protocols apply to both phases.*

Wilkinson Ecological Design Work Protocols are attached to this filing *in a separate document* ~~narrative below~~.



# WILKINSON

ECOLOGICAL DESIGN

28 Lots Hollow Road | Orleans, MA 02653

Tel (508)255-1113 | Fax:(508)255-9477

## WORK PROTOCOLS FOR FIBER ROLL ARRAY AND REINFORCED HIGH MARSH INSTALLATION

374 King Phillip Road, Wellfleet

August 17, 2020

### PROJECT OVERVIEW

The project proposes the installation of a hybrid stabilization system to protect the eroding coastal bank. This system will consist of a fiber roll array, a reinforced high marsh planted with transitional high marsh species, and regular sediment nourishment (hereinafter, "the Project"). The fiber roll array will consist of a 90 linear foot section constructed to a height of seven rows and a 35 linear foot section of the fiber roll array will be constructed to a height of five rows.

A 90 linear foot reinforced high marsh will be installed along the seaward edge of the fiber rolls to stabilize a dynamic beach elevation, protect the fiber roll array from higher than average tides and ice scouring, and provide additional native vegetation to the Project area where none currently exist. The reinforced high marsh is comprised of a below-grade matrix of cobble, compatible sediment, coir fibers, and compost encased in biodegradable material that act as a planting medium for transitional marsh species such as saltmarsh hay, spike grass, seaside goldenrod, switchgrass, and American beach grass.

This system combines to provide two layers of erosion protection to the toe of the Coastal Bank while also providing the benefits of additional native vegetation. The proposed coastal adaptation strategy takes into account the anticipated sea level rise. The Project includes an ongoing monitoring and maintenance program (hereinafter, "Maintenance Program") as further detailed below. The Maintenance Program is proposed to be ongoing and to continue for as long as the Project remains in place.

### ACCESS

The proposed access route for larger heavy equipment shall be via the public landing at the end of Omaha Road. The heavy equipment shall traverse the existing vehicle route used by the trucks of shell fisherman, at low tide, to reach the beach and bottom of the coastal bank at the project site. Small equipment and materials will be conveyed from the end of King Phillip Road along the existing path to the beach in front of the subject parcel. Ground protection mats will be laid along the access route from the end of King Phillip Road, where necessary, to protect any native vegetation and the stability of soils along the access route. This access route and use of the protection mats will allow access in a manner which will have no negative effects on existing vegetation or the stability of the coastal bank.

### INSTALLATION OF FIBER ROLL ARRAY

Working from the toe of the bank, the bank will be re-contoured where necessary to create a stable slope angle and meet specifications on the site plan. Excess sand from the re-contouring will be utilized for sediment nourishment over the completed array. Installation of the fiber rolls begin with the lowest row and construction continues up gradient to the height specified in the site plan. Fiber rolls are proposed to be encapsulated in a layer of 900 gram weight coir blankets, with a layer of high tenacity mesh on the seaward side of the array to provide additional protection from chafing and ultra-violet degradation. The fiber rolls, coir blankets, and high tenacity mesh will be anchored using helical anchors as it is being constructed. All fiber rolls will be identified with stainless steel tags noting the name, address of the property, and phone number of the installer.





**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
WPA Form 5 – Order of Conditions  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

Provided by MassDEP:  
**SE077-1595**  
MassDEP File #

eDEP Transaction #  
**Wellfleet**  
City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Barnstable a. County 223734 b. Certificate Number (if registered land)

c. Book \_\_\_\_\_ d. Page \_\_\_\_\_

7. Dates: 10/21/21 a. Date Notice of Intent Filed 03/02/22 b. Date Public Hearing Closed 03/24/22 c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
The Yankelovich 1999 Trust Wellfleete Agreement 374 and 376 King Phillips Rd restoration plan  
Wilkinson Ecological Design  
 b. Prepared By \_\_\_\_\_ c. Signed and Stamped by \_\_\_\_\_  
8/17/21 d. Final Revision Date various e. Scale \_\_\_\_\_  
Shoront Consulting Plan showing proposed shorefront protection (Edwin Gless, PE) 01/11/22 g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:  
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a.  Public Water Supply
- b.  Land Containing Shellfish
- c.  Prevention of Pollution
- d.  Private Water Supply
- e.  Fisheries
- f.  Protection of Wildlife Habitat
- g.  Groundwater Supply
- h.  Storm Damage Prevention
- i.  Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
**SE077-1595**  
 MassDEP File # \_\_\_\_\_

eDEP Transaction # \_\_\_\_\_  
 Wellfleet \_\_\_\_\_  
 City/Town \_\_\_\_\_

**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) \_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
	e. c/y dredged _____	f. c/y dredged _____		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
	Cubic Feet Flood Storage			
	e. cubic feet _____	f. cubic feet _____	g. cubic feet _____	h. cubic feet _____
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet _____	b. square feet _____		
	Cubic Feet Flood Storage			
	c. cubic feet _____	d. cubic feet _____	e. cubic feet _____	f. cubic feet _____
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet _____	b. total sq. feet _____		
	Sq ft within 100 ft			
	c. square feet _____	d. square feet _____	e. square feet _____	f. square feet _____
	Sq ft between 100-200 ft			
	g. square feet _____	h. square feet _____	i. square feet _____	j. square feet _____



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE077-1595  
 MassDEP File #

eDEP Transaction #  
 Wellfleet  
 City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)**

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	120 a. square feet	120 b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	55 a. linear feet	55 b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	1180 a. square feet	1180 b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
WPA Form 5 – Order of Conditions  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

Provided by MassDEP:  
SE077-1595  
MassDEP File #

eDEP Transaction #  
Wellfleet  
City/Town

**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE077-1595  
 MassDEP File #

eDEP Transaction #  
 Wellfleet  
 City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
 

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
 "File Number            SE077-1595 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE077-1595  
MassDEP File #

eDEP Transaction #  
Wellfleet  
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1)  is subject to the Massachusetts Stormwater Standards
- (2)  is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;





**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE077-1595

MassDEP File #

eDEP Transaction #

Wellfleet

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
  - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE077-1595  
MassDEP File #

eDEP Transaction #  
Wellfleet  
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

- 
20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE077-1595  
MassDEP File #

eDEP Transaction #  
Wellfleet  
City/Town

### D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Wellfleet Conservation Commission hereby finds (check one that applies):
- a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Wellfleet Environmental Protection Bylaws

Article 5

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Special Conditions  
Supervisor: Agent 508-349-0308

## Special Conditions Mordecai:

1. Notice of Intent Application Filing Package-Updated information as requested, dated February 22, 2022, including Wilkinson Ecological Design Work Protocol For Fiber Roll Array and Reinforced High Marsh Installation dated August 17, 2020, revised 2/22/22.
2. The coastal bank shall be nourished with 200 cubic yards annually in March with a report submitted to the Conservation Commission by April 15 of each year.
3. Renourishment shall be applied to the fiber roll array when they are 30% exposed. If this trigger is reached, nourishment must be placed annually in March (unless otherwise approved in writing by the Commission or its Agent) to maintain 4"-6" of compatible sediment over the rolls. A report must be submitted to the Conservation Commission by April 15 of each year.
4. Renourishment must be placed when low tides are zero or above ("plus" tides) for a string of no less than three days. While we recognize that work is also weather dependent, ideally, we would want contractors to also consider wind direction and avoid northwest winds.
5. A sieve analysis must be performed on the bank and in the borrow pit to ensure a match in grain size and sand composition. The analysis shall be submitted to the Conservation Commission prior to the placement of sand.
6. As a perpetual maintenance condition of this Order of Conditions, the requirement to nourish annually shall not expire upon the issuance of a Certificate of Compliance and shall be referred to in the Certificate of Compliance and by reference in all future deeds to this property. This requirement may be revisited by the Commission should a proposed activity or changing site conditions justify modifications as described in a new Notice of Intent.
7. The Applicant acknowledges that sufficient sources of sand and its corresponding transport along the shore are critical components of healthy and sustainable sandy coasts. Recognizing that future scientific studies may demonstrate that parcel-based annual nourishment is not the most effective or efficient means of mitigating impacts to natural nearshore sediment systems, property owners agree to work with the towns to identify more effective approaches for providing comparable volumes of sediment to the system. Examples of some approaches might include the placement of nourishment material on alternative parcels, if available, that supplement sediment source areas while avoiding sediment sink areas within the same littoral cell; in-lieu contributions to an annual nourishment escrow account, should one be established in the future, to help fund larger scale, multiple parcels, beach nourishment projects.
8. All requests for modifications to the Approval Documents shall be prepared in writing by the licensed Professional Engineer responsible for the design of the approved project. The request shall be submitted to the Conservation Agent or Conservation Commission and describe the proposed changes to construction specifications, methods, and approved plans. No work shall proceed until approved by the Conservation Agent or Conservation Commission.

## **General Conditions Issued Pursuant to the Wellfleet Environmental Protection Bylaw**

**1. Plan Changes** - All construction must comply with the approved plans and conditions of this Order. For any proposed change in the approved plans or work, the applicant shall file a new Notice of Intent or Amendment. A written inquiry may be made to the Conservation Commission to determine whether the change is substantial enough to require a new filing. No change in the plan is permissible without prior written approval from the Wellfleet Conservation Commission or its agents.

**2. Order and Plan Distribution** - The applicant and the project representative shall be responsible for providing the contractor(s) with a copy of this Order of Conditions, as well as the plan(s) of record. The Order and plans shall be furnished on site during all phases of construction.

**3. Order Compliance** - The applicant, property owners, and/or any successor(s) in title are responsible for ensuring compliance with this Order and its conditions. This includes informing all contractors and subcontractors of any special conditions or provisions of this Order concerning their work.

**4. Order Recording** - The Order shall be recorded with the Barnstable County Registry of Deeds prior to the commencement of work. The applicant or its agent shall submit the recording information (stamp on WPA Form 5, Section G). Failure to do so is regarded as a violation of this Order and may result in the issuance of an Enforcement Order to cease and desist all work under this Order until the recording information is received by the Wellfleet Conservation Commission.

**5. Pre-construction Notification and Site Visit**- The conservation commission is to be notified in writing of the date on which work will begin. A pre-construction site visit shall be conducted with the conservation agent, supervisor, contractor(s), applicant and engineer prior to commencement of work.

**6. Photo Documentation** - Pre and post construction photos shall be submitted prior to issuance of a Certificate of Compliance.

**7. Inspection of Ongoing Work** - The Wellfleet Conservation Commission and its agents shall have the right to enter and inspect the property at all reasonable times to evaluate compliance with the conditions stated in this Order. This may include taking photographs, or acquiring other data necessary to assess compliance with the Order.

**8. Order Conveyance** - This Order shall convey to any successor in control, or successor in interest of the property described in the Notice of Intent and plan(s) of record cited. The Order conveys until a Certificate of Compliance has been issued.

**9. Certificate of Compliance and Recording** - Upon completion of the project, the applicant shall notify the Conservation Commission in writing and request a Certificate of Compliance (WPA Form 8A). Once issued, the Certificate of Compliance shall be recorded at the Registry of Deeds and the applicant shall send a copy of the completed, stamped Recording Confirmation (WPA Form 8B, Section D) to the Wellfleet Conservation Commission.

**10. Ongoing Conditions** - The Wellfleet Conservation Commission may continue any conditions imposed in this Order (including but not limited to monitoring, maintenance, beach nourishment, etc.) beyond the issuance of the Certificate of Compliance in accordance with 310 CMR 10.05.9E.

WPA Form 5



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE077-1595  
MassDEP File #

eDEP Transaction #  
Wellfleet  
City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.  
This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

03/24/22  
1. Date of Issuance  
6  
2. Number of Signers

M. Fisher  
Signature

MICHAEL FISHER  
Printed Name

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Signature

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

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Signature

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Printed Name

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Signature

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Signature

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Printed Name

\_\_\_\_\_  
Signature

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

by hand delivery on

by certified mail, return receipt requested, on

\_\_\_\_\_  
Date

03/24/22  
Date

MORBACA1



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Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE077-1595  
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**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

03/24/22  
1. Date of Issuance

Please indicate the number of members who will sign this form.  
This Order must be signed by a majority of the Conservation Commission.

6  
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.



Signature

MARTIN F. MURPHY

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

3/24/22

Monterey  
374 King Philip Road



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

3/24/22  
1. Date of Issuance  
6  
2. Number of Signers

[Signature]  
Signature

Barbara Brenness  
Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date 3/24/22





Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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SEOTT-1595  
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 \_\_\_\_\_  
 eDEP Transaction #  
 Wellfleet  
 City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.  
 Please indicate the number of members who will sign this form.  
 This Order must be signed by a majority of the Conservation Commission.

3/24/22  
 1. Date of Issuance  
6  
 2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

[Handwritten Signature]  
 Signature

Leon Shreves  
 Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

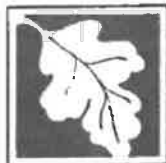
Printed Name

by hand delivery on

by certified mail, return receipt requested, on 3/24/22

Date

Date



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE071-1595  
 MassDEP File #

eDEP Transaction #

City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.  
 This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

3/24/22  
 1. Date of Issuance

6  
 2. Number of Signers

*Ben Fairbank*  
 Signature

Benjamin Fairbank  
 Printed Name

\_\_\_\_\_  
 Signature

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

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

by hand delivery on  
3/4/22  
 Date

by certified mail, return receipt requested, on  
3/24/22  
 Date



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE017-1595  
 MassDEP File #

eDEP Transaction #  
 Wellfleet  
 City/Town

*Mordani*

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

3/24/22  
 1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

6  
 2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

*[Signature]*  
 Signature

John T Dumbler  
 Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

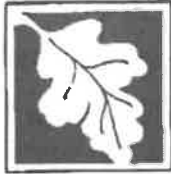
Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

3/24/22  
 Date



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE077-1595  
 MassDEP File #

eDEP Transaction #  
 Wellfleet  
 City/Town

## **F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.





# Shorefront Consulting

Professional Services on Land or At Sea

290 Center St., Dennis Port, MA 02639  
508-280-8046

[www.shorefrontconsulting.com](http://www.shorefrontconsulting.com)  
[shorefrontconsulting@gmail.com](mailto:shorefrontconsulting@gmail.com)

January 26, 2022

Wellfleet Conservation Commission  
Attn: Hillary Greenberg  
300 Main Street  
Wellfleet, MA 02667  
By hand delivery

**Re: Notice of Intent Application Filing Package**  
Proposed Living Shoreline and Bank Stabilization  
Jane P. Prager, Trustee  
376 and 400 King Phillip Road  
Wellfleet, MA 02663  
Map 35, Parcels 184 and 185

On behalf of my client, Jane Prager, I am submitting 9 copies of a Notice of Intent Application Filing Package, one original check for municipal filing, and 9 copies of the design plan for the above referenced project. The following items are enclosed:

- Notice of Intent Application and Fee Transmittal Form
- Performance Standards Narrative and Construction Protocol
- Copy of previous NHESP review letter dated May 6, 2008
- Copy of check #7080 for \$207.50 made payable to Commonwealth of Mass. For state share of DEP fee, (original sent directly to lockbox)
- Copy of Check #2165 for \$300 made payable to Commonwealth of Mass. NHESP
- Check #7077 for \$232.50 made payable to Town of Wellfleet for town share of DEP fee
- Check #7078 for the \$100 NOI local filing fee
- Affidavit of Service, Abutter Notification Letter and Abutter List
- Wellfleet Assessor Map 35, USGS Map, and Flood Map, identifying locus
- Photographs of site
- Mass. NHESP submission letter and proof of submission (copy of email)
- Work Protocols for fiber roll array and Reinforced High Marsh Installation, by Wilkinson Ecological Design, dated 8/17/20
- Plan entitled "Plan Showing Proposed Shorefront Protection", by Shorefront Consulting, dated 8/21/21, revised 1/11/22
- Plan entitled "Restoration Plan" by Wilkinson Ecological Design, dated 8/17/2021, revised 1/11/22

Please schedule this filing for your **February 16, 2022** public hearing. White slips will be scanned and emailed at the time of abutter notification. I will be on vacation for the hearing and intend on presenting remotely. If there are any questions or concerns regarding this filing, please contact me as soon as possible.

Sincerely,

Mark Burgess  
Shorefront Consulting  
B.S. Ocean Engineering

Enclosures: As Stated

cc: Mass. DEP/SERO – Wetlands (By EDEP and email)  
Jane Prager (applicant)  
Mass. NHESP (by email and overnight mail)  
Seth Wilkinson, Wilkinson Ecological Design

HEALTH DEPARTMENT  
TOWN OF WELLFLEET

JAN 25 2022

RECEIVED BY:

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 3 - Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

~~Wetlands Environmental Protection Bylaw~~

Provided by MassDEP:

MassDEP File #:

eDEP Transaction #:1315696

City/Town:WELLFLEET

**A.General Information**

**1. Project Location:**

a. Street Address 376 AND 400 KING PHILLIP ROAD  
b. City/Town WELLFLEET c. Zip Code 02663  
d. Latitude 41.90776N e. Longitude 70.01826W  
f. Map/Plat # 35 g. Parcel/Lot # PARCELS 184 AND 185

**2. Applicant:**

Individual  Organization

a. First Name JANE b. Last Name PRAGER  
c. Organization JANE P. PRAGER TRUST AND THE ALAN S. PRAGER TRUST  
d. Mailing Address 36 PLAINFIELD ROAD  
e. City/Town WABAN f. State MA g. Zip Code 02468  
h. Phone Number 617-519-8627 i. Fax j. Email lauramprager@gmail.com

**3. Property Owner:**

more than one owner

a. First Name JANE b. Last Name PRAGER  
c. Organization JANE P. PRAGER TRUST AND THE ALAN S. PRAGER TRUST  
d. Mailing Address 36 PLAINFIELD ROAD  
e. City/Town WABAN f. State MA g. Zip Code 02468  
h. Phone Number 617-519-8627 i. Fax j. Email lauramprager@gmail.com

**4. Representative:**

a. First Name MARK b. Last Name BURGESS  
c. Organization SHOREFRONT CONSULTING  
d. Mailing Address 290 CENTER STREET  
e. City/Town DENNIS PORT f. State MA g. Zip Code 02639  
h. Phone Number 508-280-8046 i. Fax j. Email shorefrontconsulting@gmail.com

**5. Total WPA Fee Paid (Automatically inserted from NOI Wetland Fee Transmittal Form):**

a. Total Fee Paid 440.00 b. State Fee Paid 207.50 c. City/Town Fee Paid 232.50

**6. General Project Description:**

PROPOSED LIVING SHORELINE AND BANK STABILIZATION

**7a. Project Type:**

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Limited Project Driveway Crossing
- 4.  Commercial/Industrial
- 5.  Dock/Pier
- 6.  Utilities
- 7.  Coastal Engineering Structure
- 8.  Agriculture (eg., cranberries, forestry)
- 9.  Transportation
- 10.  Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

HEALTH DEPARTMENT  
TOWN OF WELLFLEET

JAN 25 2022

RECEIVED BY



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 3 - Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Wellfleet Environmental Protection Bylaw

Provided by MassDEP:  
 MassDEP File #:  
 eDEP Transaction #:1315696  
 City/Town:WELLFLEET

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No  
 6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.Coastal Resource Areas: (See 310 CMR 10.25 - 10.35)

Resource Area Size of Proposed Alteration Proposed Replacement (if any)

a. <input type="checkbox"/> Designated Port Areas	Indicate size under	Land under the ocean below,
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes, below	
d. <input checked="" type="checkbox"/> Coastal Beaches	852	
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
f. <input checked="" type="checkbox"/> Coastal Banks	110	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab, crea.
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	2060	
	1. square feet	

4.Restoration/Enhancement

Restoration/Replacement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please entered the additional amount here.

- a. square feet of BVW b. square feet of Salt Marsh

5.Projects Involves Stream Crossings

Project Involves Streams Crossings



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 3 - Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

WELLFLEET Environmental Protection Bay

Provided by MassDEP:  
MassDEP File #:  
eDEP Transaction #:1315696  
City/Town:WELLFLEET

3.  Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review...

2. For coastal projects only, is any portion of the proposed project located below the mean high waterline or in a fish run?

a.  Not applicable - project is in inland resource area only

b.  Yes  No

If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 S. Rodney French Blvd  
New Bedford, MA 02744

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930

If yes, it may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a.  Yes  No

If yes, provide name of ACEC (see instructions to WPA Form 3 or DEP Website for ACEC locations). Note: electronic filers click on Website.

WELLFLEET BAY

b. ACEC Name

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a.  Yes  No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L.c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L.c. 130, § 105)?

a.  Yes  No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a.  Yes, Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol.2, Chapter 3)

2. A portion of the site constitutes redevelopment

3. Proprietary BMPs are included in the Stormwater Management System

b.  No, Explain why the project is exempt:

1.  Single Family Home

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 3 - Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

*Wetland Environmental Protection Bylaw*

Provided by MassDEP:

MassDEP File #:

eDEP Transaction #:1315696

City/Town:WELLFLEET

**E. Fees**

- 1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number	<u>7077</u>	3. Check date	<u>1/18/22</u>
4. State Check Number	<u>7080</u>	5. Check date	<u>1/18/22</u>
6. Payer name on check: First Name	<u>L9019</u>	7. Payer name on check: Last Name	<u>Prager</u>

**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant	<u><i>Jane Prager</i></u>	2. Date	<u>01/17/22</u>
<i>as trustee of the Jane F. Prager Trust and of the Alan S. Prager Trust.</i>			
3. Signature of Property Owner(if different)	<u><i>[Signature]</i></u>	4. Date	<u>1/25/22</u>
5. Signature of Representative (if any) <i>Homefront Consulting</i>	<u><i>[Signature]</i></u>	6. Date	<u>1/25/22</u>

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

If the applicant has checked the "yes" box in Section C, Items 1-3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 3 - Notice of Wetland Fee Transmittal**  
**Form**

Provided by MassDEP:  
 MassDEP File #:  
 eDEP Transaction #: 1315696  
 City/Town: WELLFLEET

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

*WELLFLEET Environmental Protection Bylaw*

**A. Applicant Information**

1. Applicant:

a. First Name JANE b. Last Name PRAGER  
 c. Organization JANE P. PRAGER TRUST AND THE ALAN S. PRAGER TRUST  
 d. Mailing Address 36 PLAINFIELD ROAD  
 e. City/Town WABAN f. State MA g. Zip Code 02468  
 h. Phone Number 6175198627 i. Fax j. Email lauramprager@gmail.com

2. Property Owner:(if different)

a. First Name JANE b. Last Name PRAGER  
 c. Organization JANE P. PRAGER TRUST AND THE ALAN S. PRAGER TRUST  
 d. Mailing Address 36 PLAINFIELD ROAD  
 e. City/Town WABAN f. State MA g. Zip Code 02468  
 h. Phone Number 6175198627 i. Fax j. Email lauramprager@gmail.com

3. Project Location:

a. Street Address 376 AND 400 KING PHILLIP ROAD b. City/Town WELLFLEET

Are you exempted from Fee?  (YOU HAVE SELECTED 'NO')

Note: Fee will be exempted if you are one of the following:

- City/Town/County/District
- Municipal Housing Authority
- Indian Tribe Housing Authority
- MBTA

State agencies are only exempt if the fee is less than \$100

**B. Fees**

Activity Type	Activity Number	Activity Fee	RF Multiplier	Sub Total
A.) WORK ON DOCKS, PIERS, REVETMENTS, DIKES, ETC. (COASTAL OR INLAND).	110	4.00		440.00

City/Town share of filing fee	State share of filing fee	Total Project Fee
\$232.50	\$207.50	\$440.00

**Performance Standards Narrative and Construction Protocol – Revised; revisions in *italics*****Property Description**

The properties are located in the Indian Neck area, south of the Wellfleet Harbor, and west of the Blackfish Creek embayment. There is an existing revetment fronting most of the Mordecai property, as well as an existing drift fence that were both approved in 2012 by local, state and federal permitting. The Prager property is still natural, but shares a few feet of the existing drift fence. Both properties have a very steep coastal bank, where the slope lessens slightly going east *on the Prager property*. At the base of the bank, there is a double sand drift fence, also permitted with the revetment. To the east, the coastal bank and beach slopes are more gradual, and off the site the area becomes salt marsh extending out from the coastal bank. Proceeding east, the area becomes nearly level, with the fronting marsh and beach. There is a large expanse of coastal beach fronting the property at low tide. Over time, the area east of the revetment has eroded into a “bowl” shaped pit. This area has been nourished annually in accordance with the permits, at a rate of 200 cubic yards each year. Recent nourishment efforts were 400 cubic yards, then 800 cubic yards, and then 400 cubic yards each year thereafter. The erosion is so bad now, the existing deck at the top of the slope is in danger, with the Mordecai house next. The Prager house is far away, but now the erosion is threatening the existing Prager beach access steps.

**Project Description**

The area east of the revetment has been eroding, and annual nourishment is required per the Order of Conditions (SE77-1246), special condition #1, to place 200 cubic yards of nourishment (minimum) annually in the spring. In 2016, Shorefront Consulting was asked to evaluate the area. It is the opinion of Shorefront Consulting that the required nourishment of 200 cubic yards each year was inadequate to compensate for the erosion at the site. And, as the bowl/scarp increased, the sharp angles only increased the erosion. Initially, thoughts were to increase the nourishment amount to 300 cubic yards, which was the amount placed in 2015. In 2016, the amount was increased to 400 cubic yards.

In 2019, the area appeared to have stabilized to the point where the initial “bowl” or scarp was not getting appreciably bigger, and the beach was not getting lower (as observed from the existing drift fence). Most, if not all of the nourished sediment is still being eroded, and the beach is still lower than when the project was first completed in 2012. Further, the area to the east (on the Prager property) is eroding in an attempt to stabilize the shoreline. In 2019, the drift fence was moved slightly, and lowered so that it would interact with the beach more often. In 2020, the area was nourished again, which finally pushed MHW back out to the drift fence. This is what the plan currently portrays.

**Proposed Project**

The proposed project is to *extend the existing revetment on the Mordecai property to no more than 15 feet of the Prager property. This includes the toe stones, so none of the revetment will be within 15 feet of the Prager property line. Then, it is proposed to install a living shoreline from the existing revetment, extending 110 feet onto the Prager property.* The existing revetment end is now protruding onto the beach, and it is proposed to move this stone landward to “soften” the curve, and then extend the revetment to within 15 feet of the property line, as allowed in the regulations.

The installation of the living shoreline is located at the new end of the revetment, above MHW, and extending in a somewhat curved fashion along the shoreline, past the Prager steps, tapering down in height as you proceed east. The end of the living shoreline is nothing but fiber rolls at this point, which can be angled and “blended” into the shoreline. In this way, the living shoreline is intended to work in unison with the natural process of re-stabilization of the bank and beach area, to avoid further downgrade erosion. By stabilizing the shoreline and working with the natural processes, it is possible that maintaining a more stabilized beach profile will provide a more stabilized shoreline. The applicant is well aware of the dynamics of this area, and wants to install this natural solution to work in harmony with the dynamics. A similar living shoreline was used at the seaward side of Lieutenant’s Island, and after some adjustments, appears to be having success. This site is very similar in the size of the bank, the angle of the slope, the length of the beach, etc.. It is therefore anticipated that this solution will also work well in this location.

**Phased Approach for the Prager property**

*The Prager project will be accomplished in two phases. Phase one installs approximately 70 feet of living shoreline from the Mordecai/Prager property line moving in an easterly direction as shown on the plans. Phase 2 of the project installs the remaining 40 feet of living shoreline and fiber rolls. Phase 2 is basically for the protection of the existing access steps, and will be implemented by the Pragers at their option. Phase 2 is not required, but an option to be implemented, depending on how the system performs and the shoreline evolves over time. An extension permit will be required (Prager filing) if Phase 2 is not implemented by the time the permit expires. In this way, the Prager project has an option to continue the living shoreline at their discretion, and allows flexibility for the project and the ever changing conditions at this site.*



Google Earth 2002 Photo



Google Earth 2004 Photo



Google Earth 2010 Photo



2012 Google Earth Photo



2018 Google Earth Photo

Just for instant comparison, a 1971 aerial is below to compare with 2018.



1971 historic aerial from Historic Aerials.com

NOTE: you can see that the shoreline angle has not changed from 1971; the shoreline has simply “marched” down the shoreline to the east, at exactly the same angle, “indented”, filling in Blackfish Creek with the sediment as it moved east, with or without shoreline protection.

**Alternatives Analysis for Project:**

The proposed work consists of the elements as previously described. As such, the following analysis is offered to describe the available options for this project.

**OPTION 1: Do Nothing** –Continue to provide the minimum nourishment amount of 200 cubic yards per year. It is evident that the annual nourishment amount required by the existing permits is not enough to keep the shoreline stabilized. Initially, additional nourishment is required to make up for the periodic loss of sediment over time. If the 200 cubic yard annual amount is maintained, the area of scarped erosion will continue, increasing the bank erosion, with the scarp moving up the slope and destabilizing the coastal bank (the current condition). Excessive erosion of the coastal bank will damage the existing vegetation on the bank, and eventually put the dwelling in danger. This would not be a suitable outcome. It is proven that the existing program in place is not working; the erosion continues to increase, no matter how much sand is placed on the site. Too much sand has impacted downdrift beaches and shellfish resources. Therefore, this alternative is not the preferred option.

**OPTION 2: “Soft” solutions** – This option was evaluated for use in the area east of the revetment in an effort to provide a more stable “transition zone” to the adjacent slope and beach areas. Soft solutions are not advised in areas of a velocity zone. They do not stand up to excessive wave action and the resulting forces usually destroy the installation at considerable cost and cleanup expense to the applicant. A fiber roll project was attempted on this site before the revetment was approved. The fiber rolls were not sustainable at this location. Fiber rolls, erosion control matting, etc. (utilized in velocity zones) frequently end up destroyed, wasting resources, material, and money, and cause debris to be placed on the beach which results in a safety hazard for the public. Fiber rolls do not provide adequate erosion control for this type of environment, and therefore the bank would continue to erode and potentially destabilize the bank slope. Please remember that the proposed fiber rolls are installed above the MHW line, out of the day to day wave action, and serve to stabilize the bank in an area where they are, in fact, properly utilized. They are not being used to protect the base of the bank from the day-to-day tidal action, where the fiber roll installation is inadequate. Therefore, the use of soft solutions at the base of the bank is not a preferred option.

**OPTION 3: Leave the Sand drift fence in its current location and height** – This option would leave the drift fence in its current location. While the drift fence was lowered to meet the new beach elevation, it will still need to be moved slightly to match the angle of the living shoreline installation. No expansion of the drift fence is proposed. If the fence remains in its current location and height, it will not be as effective as the proposed location. Therefore, this is not a preferred option.

**OPTION 4: Install the Living Shoreline, but leave the end of the revetment where it is** – If the existing revetment is not reworked, it will enhance any negative effects from any reflection of the waves on the end of the revetment. Further, the Living Shoreline would be installed well landward of the revetment, and would have to be extended to landward of the revetment because of the location of the base of the scarped erosion. Therefore, there would be an increase in the discontinuity of the shoreline angles, which will not work in harmony with the Living Shoreline. In addition, the revetment extension is needed to provide increased protection against flanking in order to protect the erosion from reaching the dwelling. Therefore, leaving the revetment where it is only increases the shoreline discontinuities and assumed impacts, lessens the available protection for the dwelling, and is not the desired option.

**OPTION 4: Project as proposed** – The reworked revetment return and extension is designed to provide increased protection for the dwelling as much as possible, softening angles to the shoreline, and blending with the proposed Living Shoreline. The beach will be stabilized with the living shoreline, reducing the need (and the amount) for periodic beach nourishment. The living shoreline will require maintenance over time, which is anticipated. The scope of the maintenance will depend on the extent of storm activity, but is usually limited to the replacement of any marsh plant materials, jute matting, compatible soils, etc., along with the tightening of the cables for the fiber rolls. The maintenance can be performed with small equipment like a small tracked bobcat or small excavator, and of course, by hand.

The drift fence will be relocated slightly and placed where it will be half buried, allowing the fence to fully function as designed. The revetment reworking, the living shoreline, and the relocation of the drift fence will stabilize the beach and work with the natural processes to stabilize this portion of the shoreline. Therefore, this is the preferred option.





**MassWildlife**

Commonwealth of Massachusetts

# Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

May 6, 2008

Don Lewis  
Cape Cod Consultants  
7 Vine Street  
Marion MA 02738

RE: 376 King Phillip Road, Wellfleet  
NHESP File No. 08-24480

Dear Mr. Lewis:

The Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife has received your letter (dated May 3, 2008) requesting an amendment to the NHESP imposed timing restriction for the above referenced project.

We have reviewed the information provided and approve your request to amend the timing restriction from May 15 to October 15 to June 1 to October 15. Resultantly, all work must be completed during the period extending from October 15 to June 1. No work may take place from June 2 to October 14<sup>th</sup> without written pre-approval from the NHESP.

If you have any questions about this letter, please contact Kristin E. Black, Endangered Species Review Biologist, at 508-389-6367 (kristin.e.black@state.ma.us).

Sincerely,

Thomas W. French, Ph.D.  
Assistant Director

cc: Wellfleet Conservation Commission  
Mark Burgess, Coastal Engineering Company, Inc. - Representative  
DEP Southeast Regional Office, Wetlands Program

[www.masswildlife.org](http://www.masswildlife.org)

Division of Fisheries and Wildlife

Field Headquarters, North Drive, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7891

*An Agency of the Department of Fish and Game*



**MassWildlife**

Commonwealth of Massachusetts

# Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

April 25, 2008

Wellfleet Conservation Commission  
220 West Main Street  
Wellfleet, MA 02667

Jane Prager  
36 Plainfield Street  
Waban, MA 02468

RE:      Applicants:                    Jane Prager  
         Project Location:            376 King Phillip Road  
         Project Description:        Installation of at-grade timber beach access steps  
         DEP Wetlands No.:         077-1174  
         NHESP File No.:            08-24480

**To Whom It May Concern:**

The Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife has reviewed a *Notice of Intent* with plans (dated 03/13/08), submitted in compliance with the rare wildlife species section of the MA Wetlands Protection Act Regulations (310 CMR 10.37). Additional materials were submitted for review pursuant to the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00) (MESA).

Based on a review of information that was submitted and the information that is contained in our database, the NHESP has determined that the proposed project is within the actual habitat of the following state-listed species:

Scientific Name	Common Name	Taxonomic Group	MA Status
<i>Malaclemys terrapin</i>	Diamondback Terrapin	Reptile	Threatened
<i>Charadrius melodus</i>	Piping Plover	Bird	Threatened

These species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00).

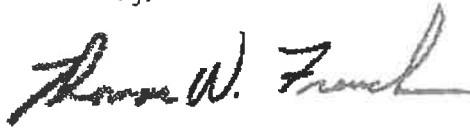
Diamondback Terrapins feed in salt marshes and nest in open, sparsely vegetated areas of coastal dunes and banks. They will sometimes move overland hundreds of feet to nest, and nests may be located at considerable distances from the salt marsh edge. Piping Plovers in Massachusetts nest on sandy coastal beaches and dunes which are relatively flat and free of vegetation. They often build their nests in a narrow area of land between the high tide line and the foot of the coastal dunes.

**WETLANDS PROTECTION ACT (WPA)**

[www.masswildlife.org](http://www.masswildlife.org)

Division of Fisheries and Wildlife  
Field Headquarters, 1 Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890  
*An Agency of the Department of Fish and Game*

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a large, prominent initial 'T'.

Thomas W. French, Ph.D.  
Assistant Director

CC: Mark Burgess, Coastal Engineering Company, Inc. - Representative  
DEP Southeast Regional Office, Wetlands Program

DRA SHOREFRONT CONSULTING  
210 CENTER STREET  
DENNISPORT, MA 02639  
PH. 508-280-3046

2100  
870179110

1/18/22 20

PAY TO THE ORDER OF Commonwealth of Mass NHESP \$ 300.00  
Three hundred DOLLARS

DEPOSITORS NAME  
135 FOUNTAIN  
QUINCY MASS 02269

FOR 1/18/22 2021 MASS

FILE

LAURA M PRAGER  
FREDERICK H MILLHAM  
8 PILGRIM RD  
WABAN, MA 02468-2124

7077

63-13/110 MA  
26565

1/18/22 Date

Pay to the Order of Town of Wellfleet \$ 232 <sup>50/100</sup>  
Two hundred and thirty two and 50/100 Dollars

BANK OF AMERICA

ACH R/T 011000138

For NOI

*Signature*

7077

LAURA M PRAGER  
FREDERICK H MILLHAM  
8 PILGRIM RD  
WABAN, MA 02468-2124

7078

63-13/110 MA  
26565

1/18/22 Date

Pay to the Order of Town of Wellfleet \$ 100 <sup>Plus</sup>  
One hundred dollars and 00/100 Dollars

BANK OF AMERICA

ACH R/T 011000138

For town fee

*Signature*

7078

LAURA M PRAGER  
FREDERICK H MILLHAM  
8 PILGRIM RD  
WABAN, MA 02468-2124

7080

63-13/110 MA  
26565

1/18/22 Date

Pay to the Order of Commonwealth of MA \$ 207 <sup>50/100</sup>  
Two hundred and seven and 50/100 Dollars

BANK OF AMERICA

ACH R/T 011000138

For NOI

*Signature*

7080



# Shorefront Consulting

Professional Services on Land or Sea

290 Center St., Dennis Port, MA 02639  
508-280-8046

[www.shorefrontconsulting.com](http://www.shorefrontconsulting.com)  
[shorefrontconsulting@gmail.com](mailto:shorefrontconsulting@gmail.com)

January 26, 2022

## AFFIDAVIT OF SERVICE

### **Massachusetts Wetlands Protection Act**

### **M.G.L., CH 131, Sec. 40**

I, Mark Burgess, of Shorefront Consulting, hereby certify under the pains and penalties of perjury that on January 26, 2022, I sent notification to abutters, in compliance with the second paragraph of Massachusetts General Laws, Chapter 131, Section 40, and the Department of Environmental Protection's Guide to Abutter Notification, dated, April 8, 1994, in connection with the following matter:

A Notice of Intent was filed under the Massachusetts Wetlands Protection Act and the Wellfleet Wetlands Protection By-law, by Jane Prager with the Wellfleet Conservation Commission on October 18, 2021 for the properties located at 376 and 400 Phillip Road, Map 35, Parcels 184 and 185 in South Wellfleet, MA. The project is for the proposed shorefront protection (living shoreline).

The form of notification and a list of the abutters to whom the notice was given and their addresses are attached to this Affidavit of Service.

Sincerely,

Mark Burgess  
Shorefront Consulting  
B.S. Ocean Engineering

Enclosures: As Stated

cc: Wellfleet Conservation Commission  
Mass. DEP (by EDEP)  
Jane Prager (Applicant)



# Shorefront Consulting

Professional Services on Land or At Sea

290 Center St., Dennis Port, MA 02639  
508-280-8046

[www.shorefrontconsulting.com](http://www.shorefrontconsulting.com)  
[shorefrontconsulting@gmail.com](mailto:shorefrontconsulting@gmail.com)

## **ABUTTER NOTIFICATION**

### **Massachusetts Wetlands Protection Act**

**M.G.L., CH 131, Sec. 40**

**Return Receipt Requested**

Dear Abutter:

In accordance with the second paragraph of Massachusetts General Laws, Chapter 131, Section 40, and the Town of Wellfleet Wetlands Bylaw, you are hereby notified that Jane Prager has filed a Notice of Intent with the Wellfleet Conservation Commission for proposed shorefront protection (living shoreline) at 376 and 400 King Phillip Road, in South Wellfleet, MA. This work falls within an Area Subject to Protection under the Wetlands Protection Act (M.G.L. c. 131, s. 40).

Information and plans for the Notice of Intent may be examined at the Wellfleet Conservation Commission Office located at 300 Main Street or by calling them at 508-349-0308. A public hearing will be held Wednesday evening, **February 16, 2022** at 5pm, at the Wellfleet Town Hall, lower level meeting room, 300 Main Street. This information will also be published in the local newspaper at least five (5) days prior to the hearing. **If the hearing is also held remotely, please refer to the posted agenda or call the conservation department for online viewing options.**

You may also contact my office or the Massachusetts Department of Environmental Protection, Southeast Region at (508) 946-2700 for more information about this application or the Wetlands Protection Act.

Sincerely,

Mark Burgess  
Shorefront Consulting  
B.S. Ocean Engineering

cc: Mass. DEP/SERO – Wetlands (By EDEP)  
Wellfleet Conservation Commission  
Jane Prager (Applicant)

TOWN OF WELLFLEET, MA  
 BOARD OF ASSESSORS  
 300 Main Street, MA 02667

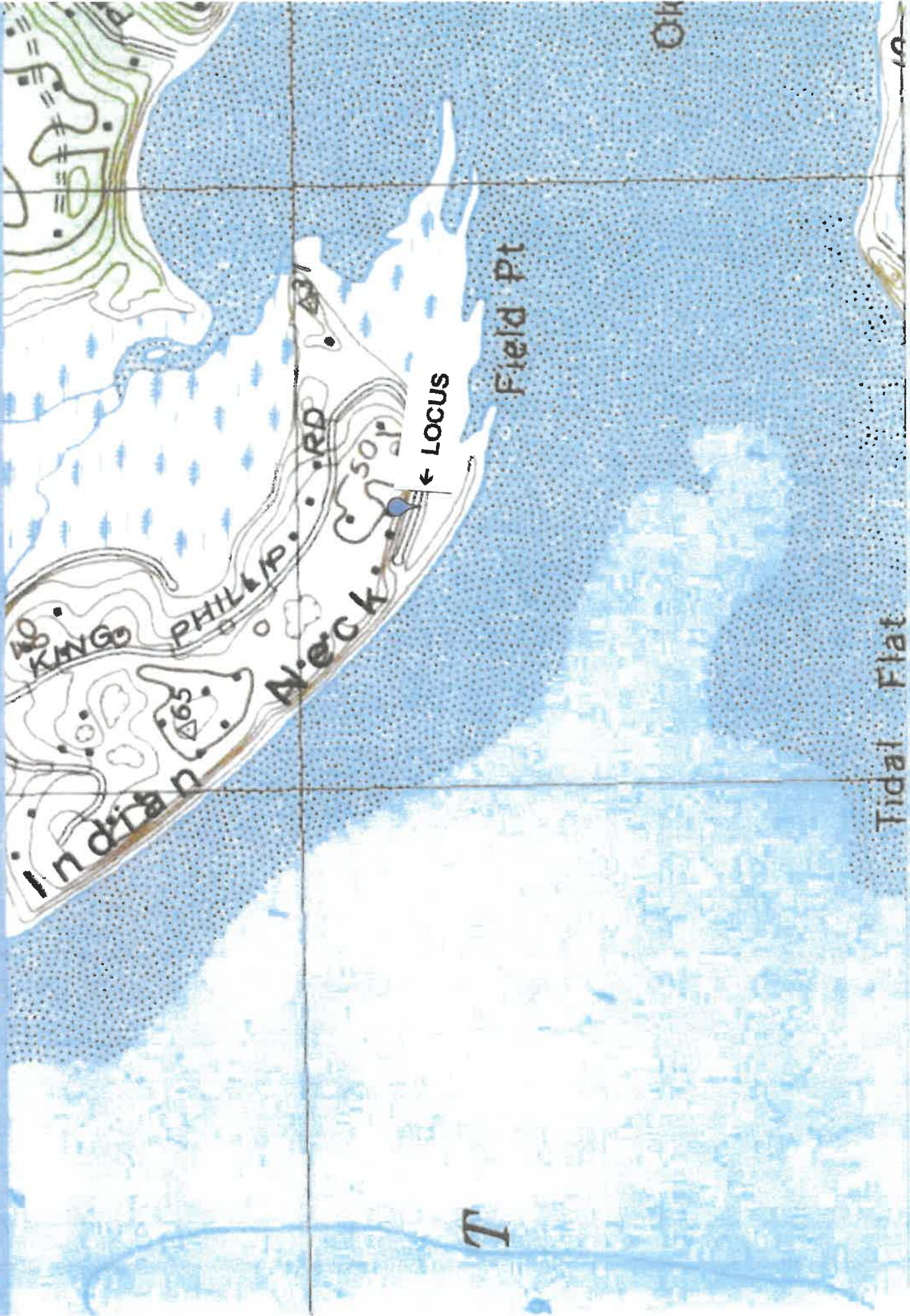
Abutters List Within 100 feet of Parcel 35/185/0

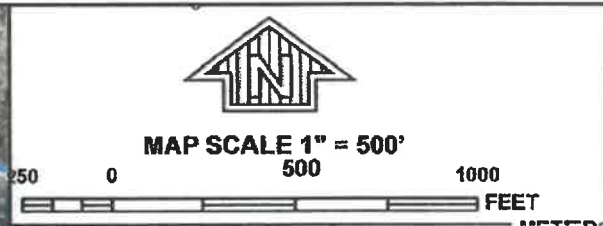
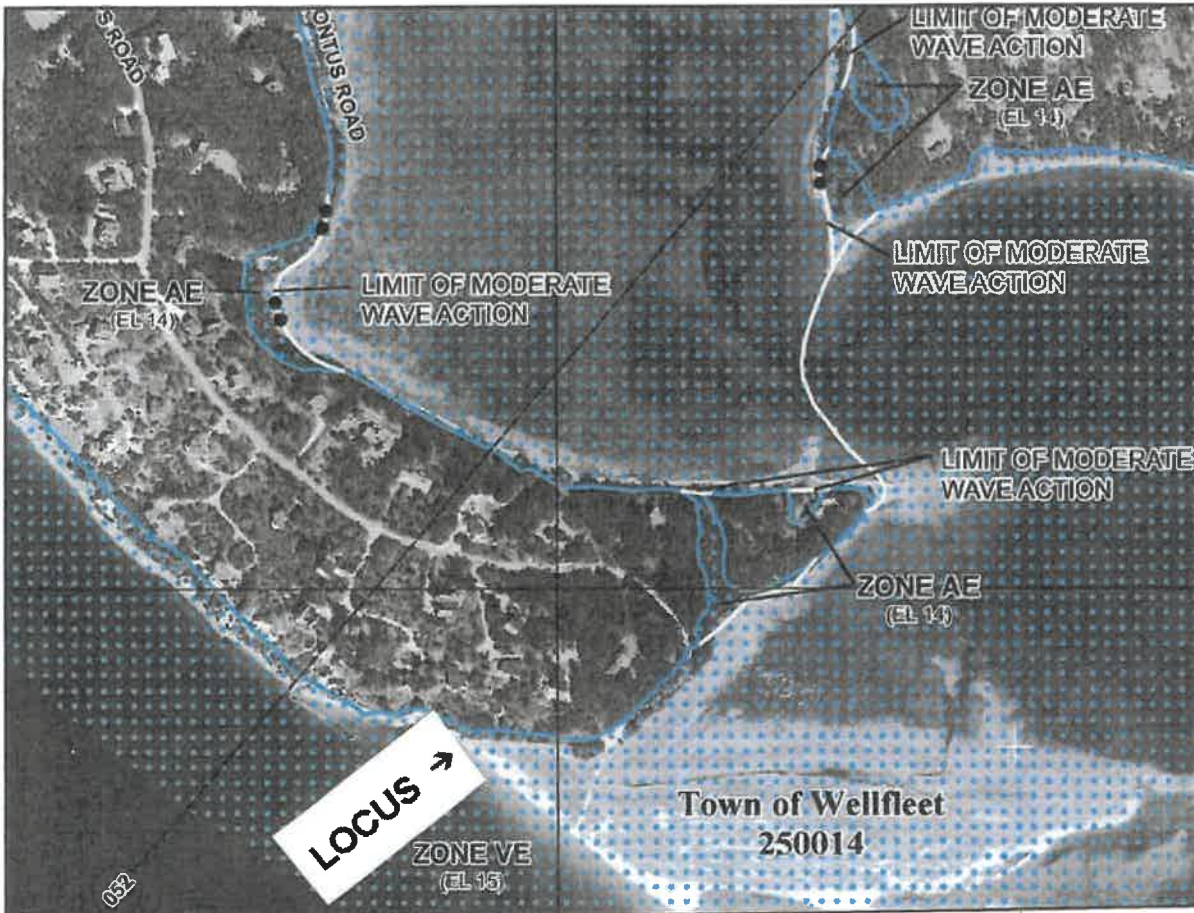


Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
8858	34-17-811-E	TOWN OF WELLFLEET	0 KING PHILLIP RD	300 MAIN ST	WELLFLEET	MA	02667
3794	35-181-0-R	WALDHORN RICHARD E & GORELICK JAMIE S	370 KING PHILLIP RD	3713 WILLIAMS LANE	CHEVY CHASE	MD	20816
3795	35-182-0-R	MORDECAI NICOLE Y C/O HASMIEG YANKLOVICH	374 KING PHILLIP RD	135 CONANT RD	WESTON	MA	02483
3797	35-184-0-R	PRAGER JANE P TRUSTEE <i>Lor.Us</i>	376 KING PHILLIP RD	36 PLAINFIELD RD	WABAN	MA	02468
3798	35-185-0-R	PRAGER JANE P TRUSTEE <i>Lor.Us</i>	400 KING PHILLIP RD	36 PLAINFIELD ST	WABAN	MA	02468
3799	35-186-0-R	MURRAY JOHN W	410 KING PHILLIP RD	54 WOODCHESTER DR	WESTON	MA	02493
3800	35-187-0-R	SIMON PETER R TRUSTEE SIMON TOBY B TRUSTEE	430 KING PHILLIP RD	BOX 590	WELLFLEET	MA	02667
3801	35-188-0-R	PRAGER ALAN & JANE & NEMETZ JOSEPH & MURRAY JOHN W	0 KING PHILLIP RD OFF	36 PLAINFIELD ST	WABAN	MA	02468
3805	35-192-0-R	WELLFLEET LLC	415 KING PHILLIP RD	131 WASHINGTON ST	CAMDEN	ME	04843
3806	35-193-0-R	CARROLL MARGARET D	395 KING PHILLIP RD	21 COOLIDGE HILL RD	CAMBRIDGE	MA	02138
3807	35-194-0-R	NOZAR JAMES T & UNGER ADAM M	375 KING PHILLIP RD	BOX 1424	WELLFLEET	MA	02667









  
 NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0242J

**FIRM**  
 FLOOD INSURANCE RATE MAP  
 BARNSTABLE COUNTY,  
 MASSACHUSETTS  
 (ALL JURISDICTIONS)

PANEL 242 OF 875  
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
WELLFLEET, TOWN OF	250014	0242	J

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
 25001C0242J  
 EFFECTIVE DATE  
 JULY 16, 2014

Federal Emergency Management Agency

JOINS PANEL 0244

416<sup>000</sup>mE

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



Pre-nourishment conditions on 3/5/18



Photo showing existing conditions in 3/5/18



post nourishment condition on 3/12/18 (800 cubic yards)



Post nourishment condition 3/12/18 (800 cubic yards)

Request for amended order; The Yankelovich Wellfleet 1999 Trust Agreement, Map 35, Parcels 182 and 185



Photo showing existing conditions on 10/25/18



Photo showing existing conditions on 10/25/18



Photo showing existing conditions on 10/25/18



Proposed trigger point will be the drift fence bottom

Notice of Intent for Proposed Living Shoreline, Mordecai and Prager, Map 35, Parcel 182 (Mordecai), and Parcel 184 and 185 (Mordecai)



Panoramic photo showing existing conditions on 9/2/21



Photo showing existing conditions on 9/2/21



Photo showing existing conditions on 9/2/21

Notice of Intent for Proposed Living Shoreline, Mordecai and Prager, Map 35, Parcel 182 (Mordecai), and Parcel 184 and 185 (Mordecai)

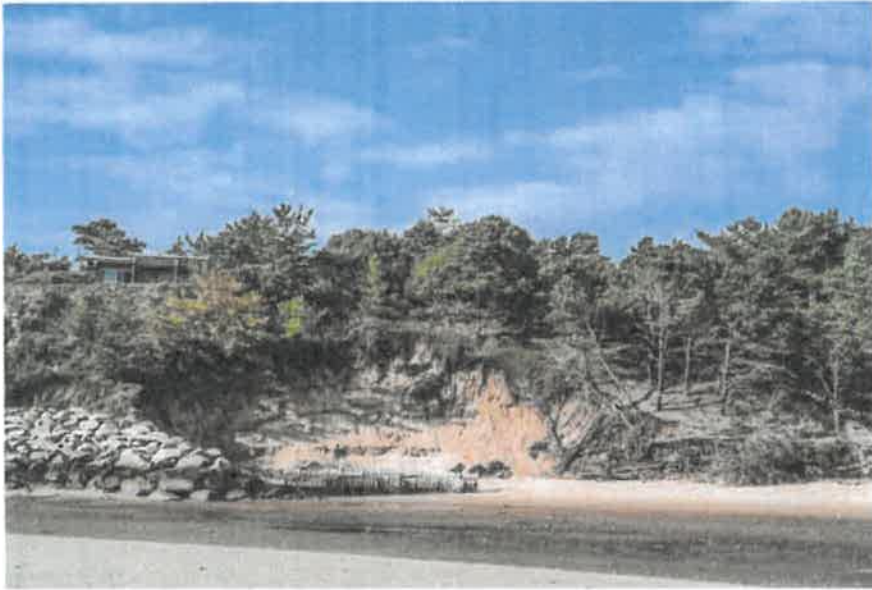
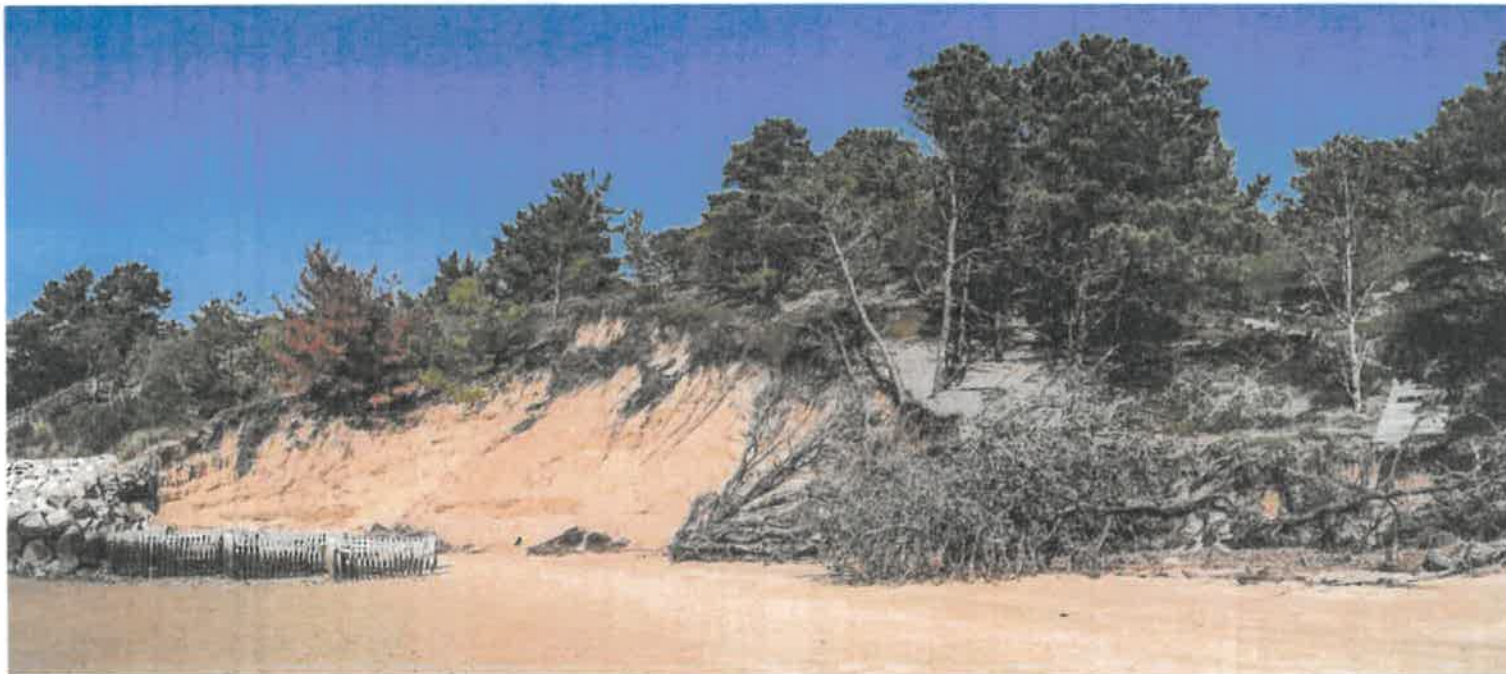


Photo showing existing conditions on 9/2/21



Photo showing the Prager beach access steps on 9/2/21



Panoramic photo showing existing conditions on 10/11/21

Notice of Intent for Proposed Living Shoreline, Mordecai and Prager, Map 35, Parcel 182 (Mordecai), and Parcel 184 and 185 (Mordecai)



Photo showing existing conditions on 10/11/21



Photo showing the Prager beach access steps on 10/11/21



Panoramic photo showing existing conditions on 10/11/21

Notice of Intent for Proposed Living Shoreline, Mordecai and Prager, Map 35, Parcel 182 (Mordecai), and Parcel 184 and 185 (Mordecai)



# Shorefront Consulting

Professional Services on Land or At Sea

290 Center St., Dennis Port, MA 02639  
508-280-8046

www.shorefrontconsulting.com  
shorefrontconsulting@gmail.com

Regulatory Review Natural Heritage & Endangered Species Program  
1 Rabbit Hill Road  
Westborough, MA 01581  
By Certified Mail

October 12, 2021

**Re: MESA Project Review and Notice of Intent Application Filing Package**

Proposed Living Shoreline and Bank Stabilization  
Nicole Mordecai  
374 King Phillip Road  
South Wellfleet, MA 02663  
Map 35, Parcel 182

Jane P. Prager, Trustee  
376 and 400 King Phillip Road  
South Wellfleet, MA 02663  
Map 35, Parcels 184 and 185

On behalf of my clients Nicole Mordecai and Jane Prager, I am submitting (1) full size (24"x 36") copy of the site plan and restoration plan, plus a copy of a Notice of Intent Application Filing Package, and two original checks for the NHESP filing fee for the above referenced projects.

A digital copy of this filing will be emailed to the NHESP email (Hoenig, Amy (FWE) Amy.Hoenig@MassMail.State.MA.US). This project will be filed by October 18, 2021 with the Wellfleet Conservation Commission for their **November 17, 2021** public hearing.

Please provide comments in writing to Shorefront Consulting and the Wellfleet Conservation Commission as soon as possible. If there are any questions or concerns regarding this filing, please contact me immediately.

Sincerely,

Mark Burgess  
Shorefront Consulting  
B.S. Ocean Engineering  
Enclosures: As Stated

cc: Wellfleet Conservation Comm  
Nicole Mordecai (Owner)  
Jane Prager (Owner)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature X pw <span style="float: right;">Agent</span></p> <p>B. Received by (Printed Name) <span style="float: right;">Address</span></p> <p>C. Date of Delivery 10/14</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Regulatory Review Natural Heritage &amp; Endangered Species Program Division of Fisheries and Wildlife 1 Rabbit Hill Road Westborough, MA 01581</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <span style="float: right;"><input type="checkbox"/> Priority Mail Express®</span></p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <span style="float: right;"><input type="checkbox"/> Registered Mail™</span></p> <p><input type="checkbox"/> Certified Mail® <span style="float: right;"><input type="checkbox"/> Registered Mail Restr. Delivery</span></p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <span style="float: right;"><input type="checkbox"/> Return Receipt for Merchandise</span></p> <p><input type="checkbox"/> Collect on Delivery <span style="float: right;"><input type="checkbox"/> Signature Confirmation</span></p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <span style="float: right;"><input type="checkbox"/> Signature Confirmation Restricted Delivery</span></p> <p><input type="checkbox"/> Insured Mail <span style="float: right;"><input type="checkbox"/> Signature Confirmation Restricted Delivery (over \$500)</span></p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Transfer from service label)</p> <p>9590 9402 5359 9189 1140 78</p> <p>BJ048611995US</p>	

PS Form 3811, July 2015 PSN 7630-02-000-9053

Domestic Return Receipt



**WORK PROTOCOLS FOR FIBER ROLL ARRAY AND  
REINFORCED HIGH MARSH INSTALLATION**  
374 King Phillip Road, Wellfleet  
August 17, 2020

**PROJECT OVERVIEW**

The project proposes the installation of a hybrid stabilization system to protect the eroding coastal bank. This system will consist of a fiber roll array, a reinforced high marsh planted with transitional high marsh species, and regular sediment nourishment (hereinafter, "the Project"). The fiber roll array will consist of a 90 linear foot section constructed to a height of seven rows and a 35 linear foot section of the fiber roll array will be constructed to a height of five rows.

A 90 linear foot reinforced high marsh will be installed along the seaward edge of the fiber rolls to stabilize a dynamic beach elevation, protect the fiber roll array from higher than average tides and ice scouring, and provide additional native vegetation to the Project area where none currently exist. The reinforced high marsh is comprised of a below-grade matrix of cobble, compatible sediment, coir fibers, and compost encased in biodegradable material that act as a planting medium for transitional marsh species such as saltmarsh hay, spike grass, seaside goldenrod, switchgrass, and American beach grass.

This system combines to provide two layers of erosion protection to the toe of the Coastal Bank while also providing the benefits of additional native vegetation. The proposed coastal adaptation strategy takes into account the anticipated sea level rise. The Project includes an ongoing monitoring and maintenance program (hereinafter, "Maintenance Program") as further detailed below. The Maintenance Program is proposed to be ongoing and to continue for as long as the Project remains in place.

**ACCESS**

The proposed access route for larger heavy equipment shall be via the public landing at the end of Omaha Road. The heavy equipment shall traverse the existing vehicle route used by the trucks of shell fisherman, at low tide, to reach the beach and bottom of the coastal bank at the project site. Small equipment and materials will be conveyed from the end of King Phillip Road along the existing path to the beach in front of the subject parcel. Ground protection mats will be laid along the access route from the end of King Phillip Road, where necessary, to protect any native vegetation and the stability of soils along the access route. This access route and use of the protection mats will allow access in a manner which will have no negative effects on existing vegetation or the stability of the coastal bank.

**INSTALLATION OF FIBER ROLL ARRAY**

Working from the toe of the bank, the bank will be re-contoured where necessary to create a stable slope angle and meet specifications on the site plan. Excess sand from the re-contouring will be utilized for sediment nourishment over the completed array. Installation of the fiber rolls begin with the lowest row and construction continues up gradient to the height specified in the site plan. Fiber rolls are proposed to be encapsulated in a layer of 900 gram weight coir blankets, with a layer of high tenacity mesh on the seaward side of the array to provide additional protection from chafing and ultra-violet degradation. The fiber rolls, coir blankets, and high tenacity mesh will be anchored using helical anchors as it is being constructed. All fiber rolls will be identified with stainless steel tags noting the name, address of the property, and phone number of the installer.



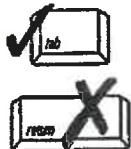
Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
**SE077-1599**  
MassDEP File #  
eDEP Transaction #  
**Wellfleet**  
City/Town

**A. General Information**

Please note:  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

Important:  
When filling  
out forms on  
the  
computer,  
use only the  
tab key to  
move your  
cursor - do  
not use the  
return key.



1. From: Wellfleet  
Conservation Commission

2. This issuance is for (check one):  
a.  Order of Conditions      b.  Amended Order of Conditions

3. To: Applicant:  
Jane Prager  
a. First Name      b. Last Name  
Jane P. Prager Trust and Alan S.Pra  
c. Organization  
36 Plainfield Road  
d. Mailing Address  
Waban MA 02468  
e. City/Town      f. State      g. Zip Code

4. Property Owner (if different from applicant):  
same  
a. First Name      b. Last Name  
c. Organization  
d. Mailing Address  
e. City/Town      f. State      g. Zip Code

5. Project Location:  
376 and 400 King Phillip Road Wellfleet  
a. Street Address      b. City/Town  
35 184 & 185  
c. Assessors Map/Plat Number      d. Parcel/Lot Number  
Latitude and Longitude, if known:      d      m      s      d      m      s  
d. Latitude      e. Longitude

The Family Trust under Article Fourth A. of The Alan S. Prager Trust

RECEIVED BY:  
APR 01 2022  
HEALTH DEPARTMENT  
TOWN OF WELLFLEET



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE077-1599  
 MassDEP File #

eDEP Transaction #  
 Wellfleet  
 City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Barnstable (376) 180074 (400) 204105  
 a. County b. Certificate Number (if registered land)

c. Book d. Page

7. Dates: 01/25/22 03/02/22 3/24/22  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
 The Yankelovich Wellfleet 1999 Trust Agreement 374 and 376 King Phillips Rd restoration Plan  
 Wilkinson Ecological Design

b. Prepared By c. Signed and Stamped by  
 08/17/21 varies

d. Final Revision Date e. Scale  
 Shorefront Consulting plan showing shorefront protection 01/11/22  
 (Edwin Gless, PE) g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a.  Public Water Supply
  - b.  Land Containing Shellfish
  - c.  Prevention of Pollution
  - d.  Private Water Supply
  - e.  Fisheries
  - f.  Protection of Wildlife Habitat
  - g.  Groundwater Supply
  - h.  Storm Damage Prevention
  - i.  Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
**SE077-1599**  
 MassDEP File # \_\_\_\_\_

eDEP Transaction # \_\_\_\_\_  
**Wellfleet**  
 City/Town \_\_\_\_\_

**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) \_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____ e. c/y dredged _____	b. square feet _____ f. c/y dredged _____	c. square feet _____	d. square feet _____
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
Cubic Feet Flood Storage	e. cubic feet _____	f. cubic feet _____	g. cubic feet _____	h. cubic feet _____
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet _____	b. square feet _____		
Cubic Feet Flood Storage	c. cubic feet _____	d. cubic feet _____	e. cubic feet _____	f. cubic feet _____
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet _____	b. total sq. feet _____		
Sq ft within 100 ft	c. square feet _____	d. square feet _____	e. square feet _____	f. square feet _____
Sq ft between 100-200 ft	g. square feet _____	h. square feet _____	i. square feet _____	j. square feet _____



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE077-1599  
 MassDEP File #

eDEP Transaction #  
 Wellfleet  
 City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)**

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	852 a. square feet	852 b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. <input checked="" type="checkbox"/> Coastal Banks	110 a. linear feet	110 b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	2060 a. square feet	2060 b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE077-1599  
MassDEP File #

eDEP Transaction #  
Wellfleet  
City/Town

## B. Findings (cont.)

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

## C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE077-1599  
MassDEP File #

eDEP Transaction #  
Wellfleet  
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
 

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            SE077-1599 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE077-1599  
MassDEP File #

eDEP Transaction #  
Wellfleet  
City/Town

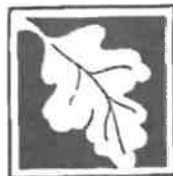
**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1)  is subject to the Massachusetts Stormwater Standards
- (2)  is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE077-1599  
MassDEP File #

eDEP Transaction #  
Wellfleet  
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE077-1599  
MassDEP File #

eDEP Transaction #  
Wellfleet  
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE077-1599  
 MassDEP File #

eDEP Transaction #  
 Wellfleet  
 City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Wellfleet Conservation Commission hereby finds (check one that applies):
  - a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:
 

<u>1. Municipal Ordinance or Bylaw</u>	<u>2. Citation</u>
--	--------------------

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.
  - b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
 

<u>Wellfleet Environmental Bylaw</u>	<u>Article 5</u>
<u>1. Municipal Ordinance or Bylaw</u>	<u>2. Citation</u>
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.  
 The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Special Conditions Attached  
 Supervisor: Agent 508-349-0308

## Special Conditions Prager:

1. Notice of Intent Application Filing Package-Updated information as requested, dated February 22, 2022, including Wilkinson Ecological Design Work Protocol For Fiber Roll Array and Reinforced High Marsh Installation dated August 17, 2020, revised 2/22/22.
2. Renourishment shall be applied to the fiber roll array when they are 30% exposed. If this trigger is reached, nourishment must be placed annually during the period between October 15-April 14 (unless otherwise approved in writing by the Commission or its Agent) to maintain 4"-6" of compatible sediment over the rolls. A report must be submitted to the Conservation Commission by June 15 of each year.
3. Renourishment must be placed when low tides are zero or above ("plus" tides) for a string of no less than three days. While we recognize that work is also weather dependent, ideally, we would want contractors to also consider wind direction and avoid northwest winds.
4. A sieve analysis must be performed on the bank and in the borrow pit to ensure a match in grain size and sand composition. The analysis shall be submitted to the Conservation Commission prior to the placement of sand.
5. As a perpetual maintenance condition of this Order of Conditions, the requirement to nourish annually shall not expire upon the issuance of a Certificate of Compliance and shall be referred to in the Certificate of Compliance and by reference in all future deeds to this property. This requirement may be revisited by the Commission should a proposed activity or changing site conditions justify modifications as described in a new Notice of Intent.
6. The Applicant acknowledges that sufficient sources of sand and its corresponding transport along the shore are critical components of healthy and sustainable sandy coasts. Recognizing that future scientific studies may demonstrate that parcel-based annual nourishment is not the most effective or efficient means of mitigating impacts to natural nearshore sediment systems, the property owners agree to work with the Wellfleet Conservation Commission to identify more effective approaches for providing comparable volumes of sediment to the system. Examples of some approaches might include the placement of nourishment material on alternative parcels, if available, that supplement sediment source areas while avoiding sediment sink areas within the same littoral cell; in-lieu contributions to an annual nourishment escrow account, should one be established in the future, to be help fund larger scale, multiple parcels, beach nourishment projects.
7. All requests for modifications to the Approval Documents shall be prepared in writing by the licensed Professional Engineer responsible for the design of the approved project. The request shall be submitted to the Conservation Agent or Conservation Commission and describe the proposed changes to construction specifications, methods, and approved plans. No work shall proceed until approved by the Conservation Agent or Conservation Commission.

8. Thirty (30) days after completing construction of each phase of the work authorized by this Order, and prior to the request for a Certificate of Compliance, the site shall be inspected by the licensed Professional Engineer to ensure that all loose stones and other debris have been removed from coastal beach and adjacent areas and bank vegetation has taken hold.
9. Within sixty (60) days of completion of the approved activity, including site cleanup and stabilization, the Applicant shall request in writing that the Conservation Commission issue a Certificate of Compliance or partial certificate of compliance based on the phase of the project completed. The request shall be prepared by the professional engineer and include an As-Built Plan, a written statement certifying substantial compliance with the Approval Documents, a description of any deviations from the Approval Documents, and demonstrate at least a 90% vegetation survival rate.
10. The Commission agrees that Phase 1 of the project is not dependent on Phase 2, and that the applicant may choose to delay constructing Phase 2 or may choose not to construct Phase 2 at all. Any Phase 2 work must be undertaken in compliance with this Order, but it is not a violation of this Order and does not require an amendment to this Order if the applicant has not constructed Phase 2 when the Order or any extended Order expires.
11. Memo to the Wellfleet Conservation Commission from Greg Berman dated March 2, 2022.
12. Division of Fisheries and Wildlife letter dated February 15, 2022, NHESP File No.: 08-24480, including any later modifications to the letter by the Division of Fisheries and Wildlife.

## **General Conditions Issued Pursuant to the Wellfleet Environmental Protection Bylaw**

**1. Plan Changes** - All construction must comply with the approved plans and conditions of this Order. For any proposed change in the approved plans or work, the applicant shall file a new Notice of Intent or Amendment. A written inquiry may be made to the Conservation Commission to determine whether the change is substantial enough to require a new filing. No change in the plan is permissible without prior written approval from the Wellfleet Conservation Commission or its agents.

**2. Order and Plan Distribution** - The applicant and the project representative shall be responsible for providing the contractor(s) with a copy of this Order of Conditions, as well as the plan(s) of record. The Order and plans shall be furnished on site during all phases of construction.

**3. Order Compliance** - The applicant, property owners, and/or any successor(s) in title are responsible for ensuring compliance with this Order and its conditions. This includes informing all contractors and subcontractors of any special conditions or provisions of this Order concerning their work.

**4. Order Recording** - The Order shall be recorded with the Barnstable County Registry of Deeds prior to the commencement of work. The applicant or its agent shall submit the recording information (stamp on WPA Form 5, Section G). Failure to do so is regarded as a violation of this Order and may result in the issuance of an Enforcement Order to cease and desist all work under this Order until the recording information is received by the Wellfleet Conservation Commission.

**5. Pre-construction Notification and Site Visit**- The conservation commission is to be notified in writing of the date on which work will begin. A pre-construction site visit shall be conducted with the conservation agent, supervisor, contractor(s), applicant and engineer prior to commencement of work.

**6. Photo Documentation** - Pre and post construction photos shall be submitted prior to issuance of a Certificate of Compliance.

**7. Inspection of Ongoing Work** - The Wellfleet Conservation Commission and its agents shall have the right to enter and inspect the property at all reasonable times to evaluate compliance with the conditions stated in this Order. This may include taking photographs, or acquiring other data necessary to assess compliance with the Order.

**8. Order Conveyance** - This Order shall convey to any successor in control, or successor in interest of the property described in the Notice of Intent and plan(s) of record cited. The Order conveys until a Certificate of Compliance has been issued.

**9. Certificate of Compliance and Recording** - Upon completion of the project, the applicant shall notify the Conservation Commission in writing and request a Certificate of Compliance (WPA Form 8A). Once issued, the Certificate of Compliance shall be recorded at the Registry of Deeds and the applicant shall send a copy of the completed, stamped Recording Confirmation (WPA Form 8B, Section D) to the Wellfleet Conservation Commission.

**10. Ongoing Conditions** - The Wellfleet Conservation Commission may continue any conditions imposed in this Order (including but not limited to monitoring, maintenance, beach nourishment, etc.) beyond the issuance of the Certificate of Compliance in accordance with 310 CMR 10.05.9E.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE077-1599  
 MassDEP File #

eDEP Transaction #  
 Wellfleet  
 City/Town

## F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SEOTT-1599  
 MassDEP File #

eDEP Transaction #  
 Wellfleet  
 City/Town

### E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.  
 This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

3/24/22  
 1. Date of Issuance  
6  
 2. Number of Signers

<u>M. J. E.</u>	<u>MICHAEL FISHER</u>
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

3/24/22





Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE077-1599  
 MassDEP File #

eDEP Transaction #  
Wellfleet  
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3/24/22  
 1. Date of Issuance

6  
 2. Number of Signers

Benjamin Fairbank  
 Signature

Benjamin Fairbank  
 Printed Name

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 Signature

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by hand delivery on  
3/4/22  
 Date

by certified mail, return receipt  
 requested on  
3/24/22  
 Date



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 -- Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE017-1599  
MassDEP File #

eDEP Transaction #  
Wellfleet  
City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

3/24/22  
1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

6  
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

[Signature]  
Signature

MARTIN F. MURPHY  
Printed Name

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Signature

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\_\_\_\_\_  
Date

by certified mail, return receipt requested, on  
3/24/22  
Date

Prayer



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE077-1599  
 MassDEP File #

eDEP Transaction #  
Wellfleet  
 City/Town

**E. Signatures**

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 1. Date of issuance

Please indicate the number of members who will sign this form.

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6  
 2. Number of Signers

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<u>Barb Re</u> Signature	<u>Barbara Brennessel</u> Printed Name
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by hand delivery on

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Date

3/24/22  
Date



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
*SE077-1599*  
 MassDEP File #

eDEP Transaction #  
 Wellfleet  
 City/Town

*Prugh*

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

*3/24/22*  
 1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

*6*  
 2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

*[Handwritten Signature]*  
 Signature

*John T Cumbler*  
 Printed Name

Signature

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Printed Name

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Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

*3/24/22*  
 Date

Prager



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SCOTT-1599  
MassDEP File #

eDEP Transaction #  
Wellfleet  
City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.  
This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

3/24/22  
1. Date of Issuance  
6  
2. Number of Signers

*Leon Shreves*  
Signature

Leon Shreves  
Printed Name

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by hand delivery on

by certified mail, return receipt requested, on

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Date

3/24/22  
Date



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
WPA Form 5 – Order of Conditions  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

Provided by MassDEP:  
**SE077-1599**  
MassDEP File #

eDEP Transaction #  
**Wellfleet**  
City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Wellfleet  
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

370 & 400 King Phillip Rd (35/184 & 185)      SE077-1599  
Project Location      MassDEP File Number

Has been recorded at the Registry of Deeds of:

County      Book      Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book      Page

In accordance with the Order of Conditions issued on:

Date 3/24/21

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

**BARNSTABLE REGISTRY OF DEEDS  
John F. Meade, Register**

# WILKINSON

ECOLOGICAL DESIGN

28 Lots Hollow Road | Orleans, MA 02653

Tel:(508)255-1113 | Fax:(508)255-9477

## WORK PROTOCOLS FOR FIBER ROLL ARRAY AND REINFORCED HIGH MARSH INSTALLATION

374, 376, and 400 King Phillip Road, Wellfleet

August 17, 2020

Revised 2/22/2022

Revised 10/21/2022 to include additional information about access,  
parking, and material storage

### PROJECT OVERVIEW

The project proposes the installation of a hybrid stabilization system to protect the eroding coastal bank. This system will consist of a fiber roll array, a reinforced high marsh planted with transitional high marsh species, and regular sediment nourishment (hereinafter, "the Project"). The fiber roll array will consist of a 90 linear foot section constructed to a height of seven rows and a 35 linear foot section of the fiber roll array will be constructed to a height of five rows.


A 90 linear foot reinforced high marsh will be installed along the seaward edge of the fiber rolls to stabilize a dynamic beach elevation, protect the fiber roll array from higher than average tides and ice scouring, and provide additional native vegetation to the Project area where none currently exist. The reinforced high marsh is comprised of a below-grade matrix of cobble, compatible sediment, coir fibers, and compost encased in biodegradable material that act as a planting medium for transitional marsh species such as saltmarsh hay, spike grass, seaside goldenrod, switchgrass, and American beach grass.

This system combines to provide two layers of erosion protection to the toe of the Coastal Bank while also providing the benefits of additional native vegetation. The proposed coastal adaptation strategy takes into account the anticipated sea level rise. The Project includes an ongoing monitoring and maintenance program (hereinafter, "Maintenance Program") as further detailed below. The Maintenance Program is proposed to be ongoing and to continue for as long as the Project remains in place.

### ACCESS

An access route from upland areas of 374, 376, and 400 King Phillip Road were assessed, but not proposed due to the heavy disturbance that would be caused. This access would have required the removal of many native trees, disturbance to the well established native ground cover vegetation, and removal of existing decks and walkways. Access from upland areas of the properties would have also further destabilized the already eroding Coastal Bank.

The proposed access route for larger heavy equipment shall be via the public landing at the end of Omaha Road. The heavy equipment shall traverse the existing vehicle route used by the trucks of shell fisherman, at low tide, to reach the beach and bottom of the coastal bank at the project site. No equipment or materials will be stored at the end of Omaha Road.

 The equipment to be used will include:

1. A large wheeled front-end loader that would transport the materials from Omaha Road to the project area. The maximum number of trips per day from the end of Omaha Road will be 10.

The following equipment would traverse the access route once to reach the project area, and a second time to leave the project area when installation is complete.

2. 20 ton tracker excavator.
3. Mini tracker excavator.
4. Tracked skid-steer.



All parking for the workers will be from the end of King Phillip Road. Small equipment and materials will be conveyed from the end of King Phillip Road along the existing path to the beach in front of the subject parcel. This access route will allow access in a manner which will have no negative effects on existing vegetation or the stability of the coastal bank. Any storage of material during the installation would be within the project area on 400 King Phillip Road.



### **INSTALLATION OF FIBER ROLL ARRAY**

Working from the toe of the bank, the bank will be re-contoured where necessary to create a stable slope angle and meet specifications on the site plan. Excess sand from the re-contouring will be utilized for sediment nourishment over the completed array. Installation of the fiber rolls begin with the lowest row and construction continues up gradient to the height specified in the site plan. Fiber rolls are proposed to be encapsulated in a layer of 900 gram weight coir blankets, with a layer of high tenacity mesh on the seaward side of the array to provide additional protection from chafing and ultra-violet degradation. The fiber rolls, coir blankets, and high tenacity mesh will be anchored using helical anchors as it is being constructed. All fiber rolls will be identified with stainless steel tags noting the name, address of the property, and phone number of the installer.

Following installation, all exposed soils on the bank will be immediately seeded with the specified native seed mixture and biodegradable erosion control blankets will be properly installed. Specified native shrubs and herbaceous plant species will then be planted through the erosion control blanketing.

### **INSTALLATION OF REINFORCED HIGH MARSH**

After completion of the fiber roll array, the reinforced high marsh will be installed. The reinforced high marsh will be approximately thirty-six inches thick and consist of 50% eight to twelve-inch rounded cobble, 25% coir fiber and compost, and 25% compatible sediment. The mixture of cobbles, coir fiber, compost, and compatible sediment will be encased in two layers of 700-gram coir fabric and one layer of biodegradable coir matting. Rounded cobbles will be placed in a staggered natural arrangement along the seaward edge of the reinforced high marsh to protect the reinforced high marsh and plantings from ice scour. Following construction, the specified native forbs and grasses shall be installed into the reinforced high marsh. A temporary layer of high-tenacity mesh will be secured to the surface of the reinforced marsh during the first three years of growth. This temporary layer will provide additional structural support to the marsh growing medium as the plants and root systems establish. After three years of growth, the high-tenacity mesh covering will be removed and properly disposed of off site. To protect the establishing planting from smothering due to wrack accumulation, an 18" fence will be temporarily installed along the seaward edge of the reinforced marsh. This temporary fence will only be in place for two to three years during the growing season to allow for successful establishment of the plantings.

If feasible, a temporary irrigation system will be installed to encourage rapid colonization of the bank and the reinforced high marsh within the first three years after planting. After three years the irrigation system will be disconnected and removed from the Project area.

### **SEDIMENT NOURISHMENT**

The fiber roll array will be nourished using the excess sand from re-contouring the coastal bank following installation. Thereafter, ongoing annual sediment nourishment in the amounts detailed below will serve to supply the adjacent coastal resource areas with a sediment source. This nourishment will also help to extend the life of the fiber rolls.

### **MAINTENANCE PROGRAM**

Maintenance of the fiber rolls, associated plants, and bioengineering materials is understood to be critical to ensure a longer lifespan of the erosion management strategy. Thus, the Project includes annual maintenance, as well as regular monitoring throughout the storm season, ensuring extra maintenance and repairs will be undertaken after significant storm events, as needed.



Sediment nourishment of the fiber roll array is an activity that should be conducted on a long-term basis in order to provide the adjacent coastal resource areas with a sediment source. A sieve analysis will test and ensure compatible grain size sediment is used for nourishment on the fiber roll array. The trigger for nourishment of the fiber roll array shall be when 30% or more of the array becomes exposed. If the trigger has been reached, the array will be nourished between October 15 - April 15 to maintain 4"-6" of compatible sediment over the rolls. The volume of nourishment will be 115 cubic yards as was specified in the NHESP reponce letter dated November 19, 2021 (18.5 cubic yard at 374 King Phillips Road and 96.5 at 376/400 King Phillips Road). If 115 cubic yards of nourishment can not be placed on the fiber roll array, any remaining nourishment will be placed on the beach to reach the required volume. The access for nourishment of the array will follow the same access used for installation of the array.

In the winter months, the Project will be regularly monitored after every significant storm. It is expected that minor maintenance activities, such as tightening anchor cables and repositioning fiber rolls, may be necessary after major storms. Prior to all regularly scheduled maintenance activities and/or winter repair and maintenance activities, the Conservation Commission shall be notified through its Conservation Agent in advance. The access for maintenance activities will follow the same access used for installation, via the public landing at the end of Omaha Road.

#### **MONITORING**

Formal inspections of the Project will be conducted annually and after major storm events for three years. A monitoring report will be submitted to the Wellfleet Conservation Commission by July 15th of each year.

## Hillary Lemos

---

**From:** Nancy Civetta  
**Sent:** Wednesday, October 26, 2022 1:29 PM  
**To:** Jay Norton; Hillary Lemos  
**Cc:** Meredith Ballinger  
**Subject:** RE: King Phillip Road/Omaha Landing

Hi all,

I echo Jay's sentiments.

I have read the proposal and here are my concerns:

Where are these being stored during the project's construction?

1. *20 ton tracker excavator.*
2. *Mini tracker excavator.*
3. *Tracked skid-steer.*

*It says: Any storage of material during the installation would be within the project area on 400 King Phillip Road.*

But does that mean on the beach or on their upland property?

I am concerned about this proposal:

*If 115 cubic yards of nourishment can not be placed on the fiber roll array, any remaining nourishment will be placed on the beach to reach the required volume.*

Won't that simply wash away immediately? ...onto the grants to the south and east

I would ask for communication in advance from Wilkinson each time it intends to use the access via Omaha Rd. and along the beach where the shellfishermen drive for beach nourishment and maintenance so that I can give people a heads up.

I think that should be it. (I do wish we could have them access it through the end of King Phillip Rd., which was a paper road used for years until the rocks got put in – and we still don't understand by whom.)

Let me know what else you need from me.

Thank you,  
Nancy

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

**From:** Jay Norton <Jay.Norton@wellfleet-ma.gov>  
**Sent:** Wednesday, October 26, 2022 8:55 AM

**To:** Hillary Lemos <Hillary.Lemos@wellfleet-ma.gov>; Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>  
**Cc:** Meredith Ballinger <Meredith.ballinger@wellfleet-ma.gov>  
**Subject:** RE: King Phillip Road/Omaha Landing

Thanks Hillary

I've reviewed the document "*Work Protocols for Fiber Roll Array and Reinforced High Marsh Installation*" for 374, 376, and 400 King Phillip Road latest revision 10/21/22 and am satisfied with the revisions that there will be no storage of material or equipment at the landing. I would also support Anne's comments that the contractor needs to abide by the conditions set forth by the Field Point Association, as well as the Town of Wellfleet with restoring the road and landing to its pre-existing condition (which I'm not concerned with knowing Wilkinson's great reputation).

I didn't want to send this to the group until we all had a consensus. If it's more appropriate for me to respond to the other email chain let me know, or if you'll pass my comments along.

Jay R. Norton – DPW Director  
Department of Public Works  
Town of Wellfleet  
220 West Main Street  
Wellfleet, MA 02667  
508-349-0315  
[jay.norton@wellfleet-ma.gov](mailto:jay.norton@wellfleet-ma.gov)



**From:** Hillary Lemos <[Hillary.Lemos@wellfleet-ma.gov](mailto:Hillary.Lemos@wellfleet-ma.gov)>  
**Sent:** Tuesday, October 25, 2022 3:37 PM  
**To:** Nancy Civetta <[Nancy.Civetta@wellfleet-ma.gov](mailto:Nancy.Civetta@wellfleet-ma.gov)>; Jay Norton <[Jay.Norton@wellfleet-ma.gov](mailto:Jay.Norton@wellfleet-ma.gov)>  
**Cc:** Meredith Ballinger <[Meredith.ballinger@wellfleet-ma.gov](mailto:Meredith.ballinger@wellfleet-ma.gov)>  
**Subject:** FW: King Phillip Road/Omaha Landing

Here is the access plan. Pleaser review and give me your thoughts.

**From:** Steve LaBranche <[Steve@wilkinsonecological.com](mailto:Steve@wilkinsonecological.com)>  
**Sent:** Friday, October 21, 2022 4:06 PM  
**To:** Hillary Lemos <[Hillary.Lemos@wellfleet-ma.gov](mailto:Hillary.Lemos@wellfleet-ma.gov)>  
**Cc:** Jeremy Schaub <[Jeremy@wilkinsonecological.com](mailto:Jeremy@wilkinsonecological.com)>; Seth Wilkinson <[Seth@wilkinsonecological.com](mailto:Seth@wilkinsonecological.com)>  
**Subject:** King Phillip Road/Omaha Landing

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

Hi Hillary,

Thank you so much for calling me to discuss the situation regarding Omaha Landing. I have attached the updated Protocol for the project which includes the type of equipment to be used as well as the number of trips per day we would like to make. Please let me know as soon as possible if we have left anything out and have a great weekend.

Be well,

Steve

STEVE LABRANCHE /*Project Manager*  
**WILKINSON ECOLOGICAL DESIGN, INC.**  
28 Lots Hollow Road | Orleans, MA 02653  
T 508-255-1113 | C 508-246-9209



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

V

### USE OF TOWN PROPERTY

~ B ~

<b>REQUESTED BY:</b>	<b>Suzanne Nickerson (artist) and Patrick Otton</b>
<b>DESIRED ACTION:</b>	<b>To approve the use of beaches in Wellfleet to hang art encased art.</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve Suzanne Nickerson and Patrick Otton to showcase their "Trash Art" around Wellfleet to showcase the amount of trash that can be accumulated on our beaches.</b>
<b>Summary:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



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

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

<b>Police Department:</b>  Comments/Conditions:	<b>Fire Department:</b> <i>OK - Chief Paulley</i> Comments/Conditions:
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<b>DPW:</b>  Comments/Conditions	<b>Community Services Director:</b>  Comments/Conditions: <i>See Suzanne's comments - Applicant will use Welfleet trash</i>
--	--

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

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

November 1, 2022

Rebecca Roughley, Asst. Town Administrator  
Richard J Waldo, Town Administrator  
Town Hall  
300 Main Street  
Wellfleet, MA 02667

Dear Richard and Rebecca,

On display now at the Wellfleet Public Library for the month of November are 35 pieces of Plastic Trash artworks by Suzanna Nickerson. Why?

Our beaches are no longer the beaches once walked by Thoreau. Today's beaches are littered with trash: plastic, litter, and marine debris. It is easy to step over and ignore. We are proposing a project to heighten every beach going visitor's awareness of today's environment: displaying in artistic format the vast accumulation of trash that is found on today's beaches.

Suzanna Nickerson and Patrick Otton are residents on Cape Cod. We live here because we love the seashore, the woodlands, the ponds, and the beaches of Cape Cod. We are sensitive to the environmental degradation and human impact in the area. On her beach walks, Nickerson picks up the trash she finds underfoot and creates artistic displays of the found trash.

It is those artistic displays that we wish to mount in display cases and erect at every public beach entrance on Cape Cod. The displays will act as an implicit reminder of the human environmental impact that can be seen on all our beaches.

Otton will fabricate custom waterproof wood and plexiglass display cases for the artwork. Fabrication, mounting, and erection details are all open for discussion.

With 560 miles of coastline, we think Thoreau, Beston, Kennedy, 200,000 Cape residents and 5 million yearly visitors would like this idea! What do you think?

We would like to opportunity to meet with you to discuss this proposed beach trash art project. Please see the attached descriptive flier. And, please take time to visit the Wellfleet Library to see the art work and display case.

Please contact us for more information and for scheduling a meeting. We are looking forward to meeting with you. Thank you.

Sincerely,



Suzanna Nickerson, Artist  
774-563-0775  
suzannaan@yahoo.com  
Patrick Otton, Helper  
617-244-2761  
[p\\_otton@yahoo.com](mailto:p_otton@yahoo.com)







Another example of found trash Beach art

#### WHAT IS IT?

It has become an unavoidable habit: Chatham and Vineyard artist, Nickerson, walks almost daily picking up litter from our Cape Cod beaches. Sure, it could all be thrown in to a trash can but that does not diminish or eliminate the voluminous physical and emotional weight of finding so much plastic trash on our beaches. Instead, Nickerson, cleans, sorts and then creates artistic collages to remind us of the impact of plastic on our beaches and in Nature.

#### WHY?

Over five million tourists visit Cape Cod beaches, ponds and woodlands each year. The Cape Cod National Seashore alone has four million visitors. We are accustomed to appreciating Nature – the beauty around us. But what is it that we see and feel? How focused are we? Do we only see and enjoy the water vistas, the horizon, the rising and setting of the sun or moon? Or do we also see the human impact on Nature?

We propose that a visual prompt could help align our consciousness to our individual actions and behavior. Can we link our visitation spirit with the impact of plastic on Nature? That is the function and purpose Nickerson's art: helping people see the impact of plastic on wildlife and the environment.



Marine debris



Degrading foam

### PROPOSAL

Working with you, determine display locations, choice of artwork, and specifying display case size and design. Cases can be oriented either vertical or horizontal. Deciding all the details, size, shape, color, etc., can be an interactive process. Each art work collage has a descriptor detailing the work. For example: "All of this trash was picked up by one person in an hour walk on Salt Marsh Beach, January 14, 2021."

The art work, materials, and labor is considered a donation contributed free of charge.

### SUMMARY

Our beaches are no longer the beaches Thoreau once walked. We need to raise our perceptions and sensitivity to understand that we all impact Nature. It is our hope that this artwork will help individuals see that all our actions count.

### CONTACT

Suzanna Nickerson, Artist

774-563-0775

[suzannaan@yahoo.com](mailto:suzannaan@yahoo.com)

Patrick Otton, Helper

617-244-2761

[p\\_otton@yahoo.com](mailto:p_otton@yahoo.com)



Examples of Cape Cod "found" plastic art



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

VI

### BOARD/COMMITTEE APPOINTMENTS AND UPDATES

~ A ~

<b>REQUESTED BY:</b>	<b>Wellfleet Housing Authority ~ Selectboard</b>
<b>DESIRED ACTION:</b>	<b>To appoint Michelle Olem to fill the vacant governor's appointee position on Wellfleet Housing Authority</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to appoint Michelle Olem to fill the vacant governor's appointee position on behalf of the governor's office who didn't act on appointing someone within the 120 day time period, to the Wellfleet Housing Authority for a term of five-years to end June 30, 2027. To be sworn in by the Town Clerk before participating in any Housing Authority decisions or votes.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

Wellfleet Housing Authority  
300 Main Street  
Wellfleet, MA 02667  
[info@wellfleethousing.org](mailto:info@wellfleethousing.org)

November 4, 2022

Dear Wellfleet Select Board,

At their meeting of November 3, 2022, the Wellfleet Housing Authority voted to request that the Select Board appoint Michele Olem to fill the vacant Governor's Appointee position on the Authority. This is a five year term.

Attached is Ms. Olem's letter of interest and her resume. The WHA strongly supports her application based on her work experience, her knowledge of the Town as a long-time resident and her expressed interest in working on housing issues. She participated in a recent Housing Focus Group for the new Housing Production Plan and attended a WHA meeting to learn more about the current issues and programs.

Since the Governor's office did not act on appointing someone to fill the position within 120 days of being notified of a vacancy, the Select Board can appoint someone to fill the position.

We respectfully ask the Board to consider her application and interest in serving and we support her appointment to fill the position.

Sincerely,  
Elaine McIlroy,  
Chair, Wellfleet Housing Authority

*Michele M. Olem  
PO Box 97  
Wellfleet, MA 02667  
508-498-7596  
molem@comcast.net*

October 27, 2022

Dear Housing Authority Members,

First I would like to thank you for inviting me to apply for a membership on the Wellfleet Housing Authority.

I would be honored to serve on the committee. I believe that if we want our community to survive, we need to be sure that young families have safe and consistent housing. We need to be able to attract people to fill the jobs that are necessary to build and maintain a vibrant community.

I am very familiar with the stress on families who do not have secure housing. In Cambridge, I was the director of a daycare for homeless children and worked in a homeless shelter. In my current job, as a counselor, many of my clients struggle in finding year-round housing.

Since moving to Wellfleet 15 years ago I have participated in many town activities. I was the chair of the Cultural Council for 6 years and an officer for the Democratic Town Committee. I was part of Recovery 349 (working on better services to help people with addiction). In addition, I have volunteered at Oyster Fest and at Preservation Hall for many years.

I admire the dedication of the WHA in working on solutions and would like to contribute to the effort.

Best,

Michele M. Olem

**Michele M. Olem, M.Ed., LADC I, MAPGS**  
**P.O. Box 97**  
**Wellfleet, MA 02667**  
**(508) 498-7596**

### **Clinical and Educational Experience**

*Clinician*—Private Practice, Eastham, MA—May 2008 to present

*Clinical Director*--Habit OPCO, Yarmouth, MA--August 2009 to January 2011

*Clinician*—Project WAVE, Gosnold, Falmouth, MA—October 2005 to August 2007

Counseled women with an history of trauma, domestic violence, and addiction

Used a strength-based relational model to help the women build a safe and healthy life

Facilitated Seeking Safety and substance abuse groups

The project was a 3 year grant based at Safe Harbor—A family domestic violence shelter

*Clinician*—Mount Auburn Hospital, Cambridge, MA— July 1992 to October 2005

Did individual, couple and group counseling for substance abuse and problem gambling clients

Facilitated first and second offender DUI groups

Participated in the creation and management of dual diagnosis day treatment program

Counseled work release inmates—HIV/AIDS coordinator

*Director*—Women drop-in program at Shelter inc., Cambridge, MA—1991 to 1992

Created a safe and caring environment where women could become empowered

*Director*—Day care for homeless children, Cambridge, MA—1988 to 1991

Created a specialized curriculum focused on nurturing, safety and developing self-esteem for children living in shelters and motels. Developed supportive programs for the parents

*Administrator/Teacher*—Primary Bilingual School, Washington, D.C. 1966 to 1968

*Board Member/lobbyist*—Common Cause, Boston, MA --1972 to 1976

Designed and conducted seminars on the legislative process—Drafted legislation

### **Business Experience**

*General Manager*—American Supply, Waltham, MA—1980 to 1987

Managed import-export firm with offices in 6 countries

*Administrator*—Polaroid, Needham, MA—1978 to 1980

Established and managed department of commuter services

### **Education**

*Certificate of Substance Abuse Counseling*—University of Massachusetts—1992

*Masters in Education*—Wheelock College, Boston, MA—1988

*Masters in Business Administration*—Simmons College--1978

*Bachelor of Arts in Psychology*—Boston University--1965

*License:* Licensed Drug and Alcohol Counselor I

*Certification:* Certified problem Gambling Specialist





# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022



## BOARD/COMMITTEE APPOINTMENTS AND UPDATES ~ B ~

<b>REQUESTED BY:</b>	<b>Chair of the Dredging Task Force ~ Chris Allgeier</b>
<b>DESIRED ACTION:</b>	<b>To approve the reduction of members on the task force from 7 members to 5 members</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the Dredging Task Force go from a seven member board to a five member board.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

VI

## BOARD/COMMITTEE APPOINTMENTS AND UPDATES

~ C ~

<b>REQUESTED BY:</b>	Wellfleet Selectboard
<b>DESIRED ACTION:</b>	To interview the remaining applicants for Maurice's Campground Planning Committee
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	A motion will be made once the board has come to a final decision on the remaining committee members.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

VI

### BOARD/COMMITTEE APPOINTMENTS AND UPDATES

~ D ~

<b>REQUESTED BY:</b>	<b>Ryan Curley ~ Chair</b>
<b>DESIRED ACTION:</b>	<b>To amend the charge of the Cable Advisory Committee</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the changes made to amend the charge of the Wellfleet Cable Advisory Committee as printed in draft form and to be placed on the advisory page and distributed to the Town Clerk and the committee as soon as possible</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**Cable, Internet, and Cellular Service Advisory Committee**

**CHARGE:**

To advise and assist the Selectboard in the:

- ~~• Negotiation of the Town's license agreement with the cable and internet operators, Comcast, for long-term contracts.~~
- ~~• Availability of High Speed Internet availability throughout the Town and identification underserved areas.~~
- ~~• Develop implementation plans to bring Cell and Data services to underserved areas with a priority focus on those areas where the lack of service is a detriment to public safety and town services.~~
- ~~• The monitoring, support and operation of regional public access TV and Town Media Channels~~
- ~~• The CAC is also involved in monitoring and supporting the regional public access television channel 99 and the regional educational channel 22, both operated by the non-profit Lower Cape Community Access Television, Inc. (LCCAT), as well as the government access channel 18, operated by Wellfleet Town staff.~~

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# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

VII

## BUSINESS

~ A ~

<b>REQUESTED BY:</b>	Selectboard
<b>DESIRED ACTION:</b>	To address concerns regarding the banning of kayaks on and near Lt. Island Bridge
<b>PROPOSED MOTION:</b>	If a motion is decided on it will be made at the time of the meeting
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea ____ Nay ____ Abstain ____

## Rebekah Eldridge

---

**From:** Dick Elkin <dickelkin@gmail.com>  
**Sent:** Sunday, November 6, 2022 1:37 PM  
**To:** Board of Selectmen  
**Subject:** Kayak Launching Ban at Lieutenant Island Bridge

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

On Friday, November 4<sup>th</sup>, two signs appeared on Lieutenant Island Road, one on each side of the bridge. These signs say, "LAUNCHING A BOAT IS PROHIBITED ON EITHER SIDE," which seems to preclude launching kayaks, paddleboards, canoes, and sunfish.

This location has been one of Wellfleet's most popular kayak launching spots, often when the road is flooded. There is no parking location on the island itself near to a launch site that is both public and not subject to flooding at high tide.

What purpose is served by the ban? Who authorized it? What public hearings were held, and how was the public notified of the hearings?

If the signs had been installed during the kayaking season, protest would have been immediate.

Recreation is a major attraction in Wellfleet and a contributor to our economy. The disregard of recreational interests is disturbing.

The positioning of the sign in the middle of the shoulder is a poor choice, since it prevents cars from pulling off the road to allow traffic leaving the island to pass when they inadvertently meet in that spot.

This ban was done without public input or, I think, much thought, and it interferes with a well-established Wellfleet recreation. I think the selectboard should understand why and how this was done.

Regards

*Dick Elkin*

100 Catboat Rd #225  
S. Wellfleet, MA 02663  
508 349 2853  
508 358 2461 (mobile)

## Rebekah Eldridge

---

**From:** Mary Ann Makar <mmakar71@yahoo.com>  
**Sent:** Sunday, November 6, 2022 10:15 PM  
**To:** Board of Selectmen  
**Subject:** Lieutenant Island Bridge

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

Dear Board of Selectmen,

I just heard that Wellfleet is considering a ban of putting kayaks into the creek at the Lieutenant Island bridge. How disappointing. We used to park our cars on the northeast side of the island. One day we unknowingly went when there was a full moon high tide. The water rose so quickly that the parking lot got flooded, our car got stuck in the mud and was subsequently totaled because the wires were saturated with salt water.

Since then, we put in at the bridge and park our cars next to the hill on the side of the road. The cars are now safe from the rising waters. This launch area supports two beautiful paddles: Blackfish Creek and circumventing Lieutenant Island.

Please reconsider and allow us to be able to paddle this beautiful area. Kayaking is a wonderful way to get exercise, enjoy our beautiful waterways, and observe the wildlife.

Sincerely,  
Mary Ann Makar  
PO BOX 1606  
North Eastham, MA 02651

## Rebekah Eldridge

---

**From:** Jay Norton  
**Sent:** Monday, November 7, 2022 8:17 AM  
**To:** Richard Waldo  
**Cc:** Suzanne Thomas; Nancy Civetta; Rebecca Roughley; Rebekah Eldridge  
**Subject:** RE: Kayak Launching Ban at Lieutenant Island Bridge  
**Attachments:** IMG\_0803.jpg; IMG\_0804.jpg

Good morning Rich,

This was brought to my attention from the Lieutenant Island Association, requesting a sign because people back their trailers up on the marsh and it is not an official Town Landing from my understanding. I referred the matter to the conservation department and they concurred this was an issue with many complaints so they authorized DPW to install the signs. Furthermore, vehicles should not be driving on the shoulders of the road by the bridge because it undermines the approaches and roadway.

When we went to install the signs – sure enough, there was a trailer on the marsh. See attached pictures.

If the board wants the signs down or wording changed, let me know.

Jay R. Norton – DPW Director  
Department of Public Works  
Town of Wellfleet  
220 West Main Street  
Wellfleet, MA 02667  
508-349-0315  
[jay.norton@wellfleet-ma.gov](mailto:jay.norton@wellfleet-ma.gov)



---

**From:** Richard Waldo <[Richard.Waldo@wellfleet-ma.gov](mailto:Richard.Waldo@wellfleet-ma.gov)>  
**Sent:** Monday, November 7, 2022 8:06 AM  
**To:** Jay Norton <[Jay.Norton@wellfleet-ma.gov](mailto:Jay.Norton@wellfleet-ma.gov)>  
**Cc:** Suzanne Thomas <[Suzanne.Thomas@wellfleet-ma.gov](mailto:Suzanne.Thomas@wellfleet-ma.gov)>; Nancy Civetta <[Nancy.Civetta@wellfleet-ma.gov](mailto:Nancy.Civetta@wellfleet-ma.gov)>; Rebecca Roughley <[Rebecca.Roughley@wellfleet-ma.gov](mailto:Rebecca.Roughley@wellfleet-ma.gov)>; Rebekah Eldridge <[Rebekah.Eldridge@wellfleet-ma.gov](mailto:Rebekah.Eldridge@wellfleet-ma.gov)>  
**Subject:** FW: Kayak Launching Ban at Lieutenant Island Bridge

Hi Jay,

Is there any background behind the posting of these signs.? I have received a few emails over the weekend regarding the “new” restriction on Lt. Island bridge.

**Richard J. Waldo**  
Town of Wellfleet - Town Administrator



## Rebekah Eldridge

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**From:** Suzanne Thomas  
**Sent:** Monday, November 7, 2022 9:42 AM  
**To:** Jay Norton; Richard Waldo  
**Cc:** Nancy Civetta; Rebecca Roughley; Rebekah Eldridge  
**Subject:** RE: Kayak Launching Ban at Lieutenant Island Bridge

Good Morning,

I was made aware of the issues at this location by the Conscom and support the signage.

Suzanne

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**From:** Jay Norton <Jay.Norton@wellfleet-ma.gov>  
**Sent:** Monday, November 7, 2022 8:17 AM  
**To:** Richard Waldo <Richard.Waldo@wellfleet-ma.gov>  
**Cc:** Suzanne Thomas <Suzanne.Thomas@wellfleet-ma.gov>; Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>  
**Subject:** RE: Kayak Launching Ban at Lieutenant Island Bridge

Good morning Rich,

This was brought to my attention from the Lieutenant Island Association, requesting a sign because people back their trailers up on the marsh and it is not an official Town Landing from my understanding. I referred the matter to the conservation department and they concurred this was an issue with many complaints so they authorized DPW to install the signs. Furthermore, vehicles should not be driving on the shoulders of the road by the bridge because it undermines the approaches and roadway.

When we went to install the signs – sure enough, there was a trailer on the marsh. See attached pictures.

If the board wants the signs down or wording changed, let me know.

Jay R. Norton – DPW Director  
Department of Public Works  
Town of Wellfleet  
220 West Main Street  
Wellfleet, MA 02667  
508-349-0315  
[jay.norton@wellfleet-ma.gov](mailto:jay.norton@wellfleet-ma.gov)



## Rebekah Eldridge

---

**From:** Lorraine Giovinazzo <legiovinazzo@gmail.com>  
**Sent:** Monday, November 7, 2022 10:15 AM  
**To:** Board of Selectmen  
**Subject:** Boat ban Lt Island

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

Clarification is needed for the sign installed Nov.4,2022. Is the no boat launch for motor boats only or is the no launch for kayaks and paddleboards?

Lorraine Giovinazzo

Sent from my iPad

## Rebekah Eldridge

---

**From:** Ross Bierkan <ross@wellfleetequity.com>  
**Sent:** Monday, November 7, 2022 10:22 AM  
**To:** Board of Selectmen  
**Subject:** Unfortunate ban on launching Kayaks at Lieutenant Island Bridge

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

Dear Selectboard,

I am a resident of Orleans, but have many friends in Wellfleet and have chosen that good name for my business LLC. Despite my admiration for the name and the community of Wellfleet, I find myself contacting you to express disappointment and dismay over the new signage at Lieutenant Island Bridge prohibiting the launching of kayaks there. One of the finest and most meaningful aspects of life on the outer Cape is the marvelous natural resources available to us. Blackfish Creek is a beloved paddling site, and there are precious few access points to it. For years, my friends along the outer Cape and I have relied on this Bridge as our access, and we are at a loss as to why it would be closed without any public discourse, notice, or even documentation.

By the way, even the location of the signs is ill-advised, as they inhibit drivers wishing to pull aside to allow oncoming traffic across the narrow lane to pass. The entire project seems abrupt, almost rogue and amateurish. But perhaps I am going too far. I do not seek to insult here, only to express concern. Thank you for your consideration of the matter.

Ross Bierkan  
**Wellfleet Equity**  
[Ross@WellfleetEquity.com](mailto:Ross@WellfleetEquity.com)  
240-535-9486

## Rebekah Eldridge

---

**From:** Richard Waldo  
**Sent:** Monday, November 7, 2022 10:25 AM  
**To:** Dick Elkin; Board of Selectmen  
**Subject:** RE: Kayak Launching Ban at Lieutenant Island Bridge

Good Morning Dick,  
I am discussing this with our Town staff and will defer to the Selectboard if further follow-up is necessary.

The issue was brought to the Towns attention from the Lieutenant Island Association, requesting a sign as people were parking on the marsh and the area is not an official Town Landing.

The matter was referred to the conservation department, they had confirmed this area was an issue with many complaints and supported DPW installing the signs.

Furthermore, vehicles should not be driving on the shoulders of the road by the bridge because it undermines the approaches and roadway.

I will discuss this matter with the SB chair to determine if a more public process is necessary for this new restriction.

### Richard J. Waldo

Town of Wellfleet - Town Administrator  
300 Main Street  
Wellfleet MA 02667  
Phone 508-349-0300 ext. 1115  
Fax 508-349-0305  
Email: [richard.waldo@wellfleet-ma.gov](mailto:richard.waldo@wellfleet-ma.gov)



---

**From:** Dick Elkin <dickelkin@gmail.com>  
**Sent:** Sunday, November 6, 2022 1:37 PM  
**To:** Board of Selectmen <BoS@wellfleet-ma.gov>  
**Subject:** Kayak Launching Ban at Lieutenant Island Bridge

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

On Friday, November 4<sup>th</sup>, two signs appeared on Lieutenant Island Road, one on each side of the bridge. These signs say, "LAUNCHING A BOAT IS PROHIBITED ON EITHER SIDE," which seems to preclude launching kayaks, paddleboards, canoes, and sunfish.

## Rebekah Eldridge

---

**From:** Joanne Patterson <joanepatt@gmail.com>  
**Sent:** Monday, November 7, 2022 4:09 PM  
**To:** Board of Selectmen  
**Subject:** Kayak Ban in Wellfleet

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

We have just become aware of a kayak ban at the entrance of the bridge to Lieutenant's Island. This is a wonderful place to put in kayaks to paddle Blackfish Creek and around the Island. After pulling up toward the bridge and unloading our kayaks we always then move our vehicles to the parking lot. I can't think of any reason that this would be objectionable to anyone. Please reconsider this ban.

Joanne and Don Patterson

## Rebekah Eldridge

---

**From:** Jayne Oliva <jayneoliva@gmail.com>  
**Sent:** Monday, November 7, 2022 4:12 PM  
**To:** Board of Selectmen  
**Subject:** ban on kayaks/lt island

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

Why is there a ban on launching kayaks here?? Why did we not get a say?

Would like to see sign removed.

Jayne Oliva, year round resident

## Rebekah Eldridge

---

**From:** Deb Felix <debfelix99@gmail.com>  
**Sent:** Monday, November 7, 2022 4:49 PM  
**To:** Board of Selectmen  
**Subject:** Launching my Kayak at the Lt. Island Bridge

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

Dear Select Board,

I am a year-round resident of Wellfleet and I have lived in Wellfleet for part or all of the year for 56 years, including attending Nauset Regional HS.

Though I am still working today, I volunteer at the library, the Historical Society, and for the COA (I volunteer to teach part of the popular water aerobics class at Great Pond in the summer).

I love kayaking around Wellfleet, and I especially enjoy launching at the Lieutenant Island bridge to explore Blackfish Creek and Drummer Cove or to go around the island.

I was surprised to hear that a sign went up very recently asking people not to launch boats there. Could you please tell me how this came about and if there is a way to have this decision reversed?

Thank you in advance for your most serious consideration.

Sincerely,

Deb Felix  
10 Locust Lane  
Wellfleet, MA 02667

**Dr. Debra A. Felix**



**Admissions Advising**  
[www.felixeducationalconsulting.com](http://www.felixeducationalconsulting.com)

*Please note: If you have an emergency or require a quick reply, please text me. I do not always access email on Sundays.*

## Rebekah Eldridge

---

**From:** Helen Rogers <hrogersnauset@yahoo.com>  
**Sent:** Monday, November 7, 2022 5:54 PM  
**To:** Board of Selectmen  
**Subject:** Prohibiting boat launch Lieutenants Island

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

I respectfully ask you to reconsider this ban. I am an active member of the Newcomers Kayak group and thoroughly enjoy our trips from that spot. We're a very conscientious group. No one has ever approached us about any problem so if there is anything we need to do please let us know.

Respectfully submitted  
Helen Rogers  
Brewster, MA.



## Rebekah Eldridge

---

**From:** Barbara Ann Cano <barbara.ann.cano@gmail.com>  
**Sent:** Monday, November 7, 2022 6:38 PM  
**To:** Board of Selectmen  
**Subject:** Lieutenant Island Kayaking Ban

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

Welfleet Selectboard,

I was disturbed to learn that Welfleet has posted signs prohibiting launching kayaks (along with other boats) from the land adjacent to the bridge to Lieutenant's Island, for no obvious reason since there doesn't appear to be a parking ban. Because kayaks neither pollute the water nor create noise, this seems to be a healthy recreational activity the town would want to encourage rather than prohibit.

I would really like to know the rationale for the ban.

Barbara Cano

## Rebekah Eldridge

---

**From:** Thomas Slack <Slacksoncape@comcast.net>  
**Sent:** Monday, November 7, 2022 8:09 PM  
**To:** Board of Selectmen  
**Subject:** Kayak launching at Lt. Island

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

BOS:

Is there any explanation for the "No boat launching " signs at the approach to the Lt. Island bridge ? As a long time Wellfleet resident and an avid kyaker I was taken aback by this apparent arbitrary decision.....by whom? Seems to me that there should been an opportunity for some public input into what is an important part of our town's recreational life.

Tom Slack  
126 Eastwind Cir., Wellfleet



## Rebekah Eldridge

---

**From:** Bruce Hurter <brucehurter@comcast.net>  
**Sent:** Tuesday, November 8, 2022 8:05 AM  
**To:** Board of Selectmen; Bruce Hurter  
**Subject:** Lt Island

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

Signs have gone up prohibiting the launching of any craft from the area near the Lt Island bridge. This is one of the few access points for kayakers in this part of Wellfleet and has been used for years. I am unclear where this decision was made, and did not see a call for public comment. At a time when the Town is working to maintain public access to the water why is the Town eliminating an important water access? Bruce Hurter

Sent from my iPad

## Rebekah Eldridge

---

**From:** Don Holm <palmetto511@gmail.com>  
**Sent:** Tuesday, November 8, 2022 8:50 AM  
**To:** Board of Selectmen  
**Subject:** Boat launching ban on Lt Island Road near bridge

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

Sirs,

I'm a kayaker and very much enjoy using the beautiful bays in the Wellfleet area. The early November warmth encouraged me to seek a usual kayak trip around Lt. Island. My usual and safe launching point is adjacent to the bridge. On this day, I encountered a sign prohibiting the launching of boats near the bridge.

According to friends in Wellfleet, no public hearings or public comment was held prior to this decision. As a frequent user of this location. I'm saddened by this decision, and the timing is interesting since the kayaking season is nearly over.

BTW in the past, I when using the Lt Island launching area, I was always courteous to automobile traffic and parked off the road.

Thanks for your consideration,

Donald Holm  
121 Seaview Road'  
Brewster



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

# VII

### BUSINESS

~ B ~

<b>REQUESTED BY:</b>	<b>Ryan Curley ~ Chair</b>
<b>DESIRED ACTION:</b>	<b>To review, discuss and possibly vote on the inclusionary Zoning Bylaw Amendment</b>
<b>PROPOSED MOTION:</b>  <b>Summary:</b>	<b>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.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	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).

**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.

**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 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.

**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.

#### **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.

#### **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.

#### **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.

**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.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

# VII

### BUSINESS

~ C ~

<b>REQUESTED BY:</b>	<b>Town Administrator ~ Rich Waldo</b>
<b>DESIRED ACTION:</b>	<b>ARPA County Funding Request ~ Maurice's Campground</b>
<b>PROPOSED MOTION:</b>	<b>A motion will be made at the time of the meeting</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

Under Barnstable County Ordinance 22-07 the amount of County ARPA funds to be directly distributed to each town shall be allocated as follows:

<b>Town Amount</b>		
Barnstable	\$	1,965,218.61
Bourne	\$	857,391.40
Brewster	\$	495,633.11
Chatham	\$	345,543.15
Dennis	\$	647,205.19
Eastham	\$	301,420.11
Falmouth	\$	1,334,782.27
Harwich	\$	616,255.31
Mashpee	\$	664,229.94
Orleans	\$	330,503.59
Provincetown	\$	208,003.63
Sandwich	\$	849,300.42
Truro	\$	139,312.48
Wellfleet	\$	202,440.22
Yarmouth	\$	1,042,760.57
<b>Total</b>	<b>\$</b>	<b>10,000,000.00</b>



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

VIII

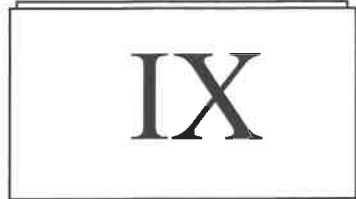
### NEW BUSINESS

<b>REQUESTED BY:</b>	Chair Ryan Curley
<b>DESIRED ACTION:</b>	To Discuss topics that are not reasonably anticipated by the Chair more than 48 hours before the meeting.
<b>PROPOSED MOTION:</b>	If a motion is needed for a topic that is brought up one will be made at the time of the meeting.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022



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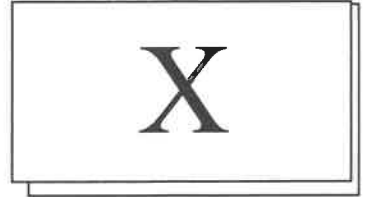
## SELECTBOARD REPORTS:

<b>Reported by:</b>	<b>Topic:</b>



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022



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## TOWN ADMINISTRATOR REPORTS

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





# MEMORANDUM

TOWN OF WELFLEET 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 November 15, 2022 Select Board Meeting  
Date: November 9, 2022

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## Administration

- Budget templates for FY24 have been issued to department heads. All department budgets are to be returned by December 2<sup>nd</sup>, 2022
- A special district wide election is being proposed by the regional school committee for January 10, 2023 to vote for additional funding necessary to move forward with construction at the Nauset Regional High School.
- The Finance Committee will hold a public meeting on November 22, 2022 at 7pm to discuss the Capital Improvement program for FY24 – FY33.
- The administration is working swiftly with the auditors at Powers and Sullivan to complete the FY21 audit.
- The contract with White Water for the water system services was sent out for renewal. This is the second year of the three-year term
- Two contracts were sent out for the appraisal services for the temporary easements for the Rt. 6/ Main Street DOT project
- The HR Director was reposted in the Cape Cod Times, Indeed, and MMA. We are currently interviewing for the Principal Clerk position.

## 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.
- Coordinating with Health Department on violations at 177 Peace Valley Road and 49 Chequessett Neck Road.

## Community Services

### Council on Aging / Adult Community Center

- Memoir writing class continues to be very popular at the COA
- 11-1 – ZOOM meeting with COAST (COAs Serving Together)
- Men's group is meeting weekly on Thursdays at 2
- The ukulele lessons started off with an enthusiastic group of 16 people and are happening weekly at 12:30 on Wednesdays

### Beach Program

- Long Pond stairs are in progress. Fencing and walkway to come.
- I have scheduled a team work day with Americorps on December 22 to revegetate the area and Gull Pond where the stairs were removed and further improvements at Gull will be brought to the SB when the plan has been completed.

### Social and Human Services

- Met with the Wellfleet Historical Society and Museum folks to discuss collaboration of programming and spaces and possible joint grant opportunities

## Harbormaster

- We are in full swing building new docks. We are working on replacing the last section of concrete docks. We build the new wooden floats in house as a cost savings measure, unfortunately it seems to be getting harder and harder to find the time and manpower, but this is our last section to completely replace. In the future we will be looking for professionally manufactured items to meet all the demands placed on them.
- I am working with NOAA, NEFSC, Protected Species Branch, as well as Coastal Studies on a live seal capture program that will be coming to the shores near you. This program has been implemented before in other places, it should be pretty exciting, going to college in Texas I went to plenty of rodeos but this will be a first. It the latest of many research studies that the Harbormaster's department assists in.
- We are working on renewing the permitting for the shoaling under the L-pier. This annual routine maintenance work we do with a lot of help from the Public Works Department. During the winter they come down and dig out some of the built up sand under the L- pier pile up above the tide line for a very short time and truck it off to be re used. Despite being routine maintenance we work with the Health and Conservation Department to refresh the permits every few years.
- The dark end of days is here... except for the Full Beaver Moon that just passed. We have noticed the increase of shadows on the back side of our building where the walkway is. When putting the penny in the buildings fuses to turn on the power to what was the lighting a long long time ago, probably the same vintage as myself, let alone the humming of the electric meter they have basically expired. We are looking into getting an electrician up there to replace with sensed, not censored LED's ... This should help our Fishermen and Fisherwomen with the Fall tides as well as all of our night-walkers.

## Health/Conservation

- We are continuing to distribute covid antigen test kits to residents and employees of local businesses. Last week we distributed antigen tests and thermometers at Mass Appeal which was very successful. In the previous two weeks we have had 0 positive test identified on our online reporting tool and 4 identified in the state reporting database (PCR Only). The County is currently in the medium risk category.
- The BOH is holding a Public Meeting on draft Regulations pertaining to changes to the subsurface sewage disposal section and the Targeted Watershed Management Plan on Wednesday November 9, 2022. It will be a hybrid meeting available on zoom or in person at the Adult Community Center at 5:30 pm. All BOH meetings are posted on the town calendar on the web site.
- There will be two additional opportunities for flu/covid vaccinations. We notified all staff of the opportunities and created social media postings and fliers for backpack mail at the school. Clinics will be held Thursday October 10 at the Truro Community Center from 3:30-5:30 and on November 17 at WES from 3:30-5:15. Both clinics are open to residents and families. Pre-registration is required for both.
- To register for Wellfleet: <https://home.color.com/vaccine/register/vnacc?calendar=8bf425ed-1a36-4890-9d14-58510f9ce819>
- To register for Truro: <https://home.color.com/vaccine/register/vnacc?calendar=42045cf7-d1f8-4e08-8768-131dc9537891>
- Cyanobacteria growth rates in the ponds were all at acceptable levels this week. This is the last week of our seasonal monitoring program. We encourage residents to still reach out to our department if they see anything alarming. We had a very successful meeting with NPS and APCC and agreed upon new signage for ponds to better educate the public on the appearance and risks of cyanobacteria. The finishing touches are being made and another meeting will take place to discuss placement and printing.
- I attended a meeting with Brian Baumgartel from Barnstable County to discuss financing options for septic system upgrades. An announcement on changes should be forthcoming.
- I am working with Anne Reynolds from the Cape Cod Commission on a revision to our septic and well viewer. The revision will include an update to systems installed post 2017, and also include the proposed and contingency sewersheds as outlined in the TWMP.
- We joined the DMF and the Shellfish Department for a morning of water quality sampling to better understand what, where, and when they sample.
- Sent out information on the MA DEP food waste ban to food service establishments.
- Put together an informational letter and resources for food service establishments to gain compliance with frequently violated regulations. This letter/resource lists were sent out with 2023 business licenses and folks are following up appropriately.

- We held the four town kick off meeting for our regional CZM Resiliency Grant on shoreline management and are beginning to set up meetings with DPW's, Beach Administrators, and Harbormasters to discuss sand banking.
- Attended the Annual Massachusetts Health Officers Association conference.

### Fire

- No Update

### Library

- We are going to embark on our next five-year strategic planning process soon! We will be setting priorities for the future of the library and will want to hear from all members of the community- whether you are a regular library patron or someone who has never used the library before. Stay tuned for next steps!
- Calling all Trivia Buffs! We have been having so much fun with Trivia at the library. It draws people from all different demographics, and people meet new folks as they join teams. Our next Trivia night is Wednesday, November 16th at 6:00 PM. Bring friends or meet new ones!
- Our current art exhibit is by Suzanna Nickerson. It is art made by trash collected on area beaches. It's very compelling and tells an important story. This show is up through the month of November. Please come through and see it.

### Police

- As the town's Emergency Management Director, our local CEMP Plan (Community Emergency Management Plan) needs to be updated for MEMA. I am currently working with several student interns at Massachusetts Maritime Academy in Bourne who are helping me evaluate and update the plan as a semester project. The partnership with the college has been a huge help as the document is over 100 pages long. When the plan is complete, I will present to the Select Board and hopefully will have a few of the students present.
- Thank you to our partners at the Fire Department for organizing and holding a successful Trunk or Treat on Halloween at the Wellfleet Drive-In. Detective Nick Daley and Officer Matthew McGue entered a police cruiser into the event in costume and enjoyed interacting with our future generation who dressed as Police Officers!!
- The department assisted the Wellfleet Recreation with the annual Halloween Parade that began on Main Street and ended down at Bakersfield. Big thank you to Officer's Mark Braun, Eric Daley and Sarah Chase for helping the Halloween revelers get across town safely!!
- The Public Safety Departments held a de-brief meeting with key members of SPAT to review and critique the 2022 Oyster Festival weekend. This dedicated group will take a break for the holiday season and begin meeting again in January to start the planning for the 2023 festival. Another big thanks to the community and SPAT for running a safe and successful festival after a two year hiatus.

## Public Works

- DPW Administration
  - a. We interviewed 3 individuals for the Heavy Truck Driver/Assistant Mechanic position and will be making decisions this week on the chosen candidate
  - b. The Rt 6 Main Street Intersection project will begin the appraisal process for temporary and permanent easements along Main street. A consultant has been chosen to assist with the appraisals and we anticipate the process to be completed around February 2023. Informational Outreach letters have been sent to all property owners affected.
  - c. Staff attended a 2 day virtual CAM Training (Community Access Monitor) hosted by Massachusetts Office on Disability (MOD) to learn more about ADA/AAB requirements related to Town facilities
  - d. The Owner's Project Representative (OPR) for the Herring River Restoration project is moving closer to award after some requested clarifications from the low bidder.
  - e. The CNR bridge contract has been executed by the Contractor, awaiting final review from grant partners and Town counsel prior final execution from the Town.
  - f. Lieutenant Island Road improvement plans are nearing 90% design following an extensive site visit, including DPW staff conducting 8 boring samples of pavement thicknesses/subsurface conditions throughout the length of the road to determine the best approach for pavement treatments. I anticipate this being a Spring of 2023 project (Pavement restoration and stormwater facility improvements from Rt 6 to Catboat Road), granted all environmental permits are received.
- Facilities/Grounds
  - a. Scope of work has been received and contracts signed for the electrification HVAC project at the Fire Department. Funding for this has been secured through the Green Communities Grant Program along with Town match. First phase is to develop engineering design plans and specifications.
  - b. Assisted in the installation of subsurface irrigation at Town Hall (Ongoing)
  - c. Began the removal/replacement of the stairs at Long Pond
  - d. With assistance from SPAT, we have been busy repairing Baker's Field. The rain set us back a bit, but we are looking to wrap everything up this week.
  - e. Assisted with Election set up.
  - f. Witnessed winterization measures at Maurice's Campground on Monday 11/7
  - g. Winterizing various seasonal buildings in Town

- Highway
  - a. Catching up on grading dirt roads after all the rainfall we had in late October. There were dozens of washouts around Town. We appreciate everyone's patience as we work our way through these tasks.
  - b. Assisting various departments, such as the Harbor with float removal, etc. (ongoing).
  - c. Started to haul material from the pit to the transfer station (ongoing).
  - d. The solar speed limit signs are in. Highway staff is putting together the machines and will be installing (4) signs at the following locations: Main Street, East Commercial Street, Lieutenant Island Road and Chequessett Neck Road. This is a collaboration with the Police Department.
- Transfer Station
  - a. Transfer Station staff has been creative in finding new streams of revenue. Electrical wires from certain e-waste are being collected with the town benefiting from revenue at the rate of \$0.51/lb.
  - b. Foreman Mike Cicale will be working with the Americorps to perform a "Waste Audit" on recycling waste (Co-mingled and/or paper) to analyze a load to understand what citizens are throwing away and determine the level of contamination. This is an attempt to develop ways to better educate the public.

## Recreation

- The Rec Soccer Season has concluded successfully for all 75 Wellfleet soccer players on 5 teams. Many thanks to the dedicated volunteer coaches, especially for their patience and flexibility for second half of the season due to the disruptions caused by Baker's Field not being playable after Oysterfest. Volunteer coaches included: Henri Vaitkevicius, Murrow Van Meter, Justin and Melissa Lynch, Myya Beck, Thor Baum, Andy O'Dell, Laura Baghetti and Luke Manning, were exemplary in teaching the children with patience and skill.
- This year's Halloween Parade was the first "live" parade in two years, and it was well attended with over 150 people enjoying a beautiful afternoon at the Baker's Field Playground, decked out in many creative costumes, dancing to the tunes of Dj Angel and JT.
- The Recreation Department staff participated in the WFD Trunk or Treat at the Drive-In on Halloween, by creating a spooky trunk and handing out candy.
- After school and weekend activities and classes for all ages at Wellfleet Elementary School and other locations around Town have begun as part of the "Community Center Without Walls" initiative coming to fruition. All listings will be posted on the Town website.
- The Department submitted a Community Preservation Grant for a pavilion/awning for the bandstand at the end of the Town pier. Successful granting of this project will enable enhanced usage by the rec dept and the community.

- Well Attended Adult pickleball round robins continue four days/week at the Mayo Beach Courts, as well as two weekly pickleball clinics which fill to capacity each session. The newly renovated courts have been very well received by the public.

### Shellfish Department

- We announced a lottery for two grants on Egg Island. To participate, applicants must meet the criteria in the regulations and turn in an application packet to the Shellfish Department.
- Johnny worked with a group of seven volunteers from “Johnny’s Crew” and took 90 oyster grow bags full of legal oysters from our grant and distributed them in Chipman’s Cove to get it ready for the opening.
- Chris worked on changing all signage and assembling flags for the Chipman’s Cove opening.
- Chipman’s Cove opened on Sunday, October 30. About 50 shellfishermen, both commercial and recreational, turned out. It was a beautiful sight to see, and everyone left happy.
- Commercial shellfishermen are easily getting their bushel limits of oysters daily from Chipman’s Cove and some are also getting a bushel of quahogs as well or opting to change areas and get a second bushel of oysters.
- It is busy all over town with recreational shellfishermen. We continue to confiscate shellfish from unpermitted individuals.
- Johnny and Chris and AmeriCorps Henry continued breaking down our hats and putting the oyster seed in bags on our grant.
- We prepared documents for grant holders applying for new grants and extensions and coordinated with the Mass. Division of Marine Fisheries for new required paperwork. We are putting together a “cheat sheet” to assist grant holders through this process.
- We finished the last grant inspection!! We continue to work on enforcement issues on grants.
- All 15 grant holders who had transfers or renewals at the September 27 Selectboard public hearing were informed that their new leases were ready to pick up at the Town Clerk’s office and that payments of \$5.00 for each had to be made.
- We issued a verbal warning to a commercial shellfisherman.
- Nancy attended a Shellfish Advisory Board meeting where they took no action on a new regulation. They did approve a few changes to regulations and paperwork changes, such as using the Mass. Division of Marine Fisheries annual report and propagation permit application as the Town’s required annual report. Nancy will take these changes to the Selectboard for a public hearing and vote to include in our regulations.
- Duck Creek finally passed water quality, so it will open on time on December 1. We conducted the last sampling of oysters for the state’s background vibrio study. Johnny took

our state biologist and the Health and Conservation team out for water quality sampling. It was an informative (and FUN!) boat ride.

- Many thanks to the DPW for removing all of the moldy and mouse-infested insulation from our building! They also put down spray foam and menthol sachets to keep the critters out. Then, we got the building cleaned, and it is SO much nicer in here.





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

XI

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### TOPICS FOR FUTURE DISCUSSION

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



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

XII

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## VACANCY REPORTS

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

Date: November 15, 2022  
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	Board of Selectmen	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	Board of Selectmen	3 years

Requesting Appointment: No applications on file

**Board of Health (5 members, 2 alternates)**

Vacant Positions	Appointing Authority	Length of Term
2 alt Positions	Board of Selectmen	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	Board of Selectmen	3 years

Requesting Appointment: No applications on file

**Building and Needs Assessment Committee (5 Members)**

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

**Cable Advisory Committee (5 Members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	1 year

**Requesting Appointment: One application on file**

**Commission on Disabilities (up to 5 Members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

**Conservation Commission (7 Members + 2 alternates)**

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

Requesting Appointment: No applications on file

**Council on Aging (11 Members)**

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No application on file

**Cultural Council** (no more than 15 Members)

Vacant Positions	Appointing Authority	Length of Term
7 Positions	Board of Selectmen	3 years

Requesting Appointment: **One application on file**

**Dredging Task Force** (7 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

**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

**Historical Commission** (7 members)

Vacant Positions	Appointing Authority	Length of Term
0 Vacancies	Board of Selectmen	3 years

Requesting Appointment: **no** application on file

**Local Housing Partnership** (at least 10 members)

Vacant Positions	Appointing Authority	Length of Term
0 Vacancy	Board of Selectmen	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	Board of Selectmen	2 years

Requesting Appointment: No applications on file

**Natural Resources Advisory Committee** (7 Members)

Vacant Positions	Appointing Authority	Length of Term
3 Position	Board of Selectmen	3 years

Requesting Appointment: No application on file

**Open Space Committee** (7 Members)

Vacant Positions	Appointing Authority	Length of Term
0 Positions	Board of Selectmen	1 year

Requesting Appointment: **No** application on file

**Personnel Board** (4 members + TA + FinCom Rep)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

**Planning Board** (7 members + 2 alternates)

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

Requesting Appointment: No applications on file

**Recreation Committee** (7 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

**Recycling Committee (7 Members + 2 Alternates)**

Vacant Positions	Appointing Authority	Length of Term
2 Alternate Positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

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

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	1-2 years
Requesting Appointment: No application on file		

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

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

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

Vacant Positions	Appointing Authority	Length of Term
0 Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

An application was received from a resident looking to join a school or housing committee that has ties and deals with green issues. I am currently talking to some housing committees to see where he could best serve the town.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

**XIII**

### MINUTES

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of Minutes</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the meeting minutes of November 1, 2022.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

***Wellfleet Selectboard  
Tuesday November 1, 2022; 7pm  
Meeting Minutes***

**Members Present:** Ryan Curley, Chair; Kathleen Bacon, Barbara Carboni, John Wolf, (7:15pm)

**Members Absent:** Michael DeVasto, Vice Chair

**Others Present:** Richard Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Trudy Vermehren, owner Fox & Crow Restaurant; Ken Kozak, Owner of the Wicked Oyster; Dennis O’Connell, Wellfleet Conservation Trust; Roland Blair, applicant for Maurice’s Campground committee; Heather Doyle, applicant for Maurice’s Campground committee; Sharon Rule-Agger, Maurice’s Campground applicant; Olga Kahn, Maurice’s Campground applicant; Mac Hay, Belvernon, LLC (Mac’s at the Pier) owner; Alfred Pickard, abutter of Mac’s; Stephen Pickard, Abutter of Mac’s; Chris Allgeier, Chair of the Dredging Task Force.

Chair Curley Called the meeting to order at 7:02pm

**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 announced that Board Member DeVasto would be unable to make the meeting tonight, and Board Member John Wolf was running a few minutes late. Chair Curley Thanked the fire department for the trunk or treat and the people that donated their trunks for the event.

**II. *Consent Agenda***

**A. *Approve the closure of Fox & Crow for repairs and updates ~ Trudy Vermehren***

**(Board Member Bacon asked the chair to take both restaurants off the consent agenda.)**

Chair Curley asked Vermehren to explain why she was asking to close. Board Member Bacon asked when she actually closed, she explained that she closed October 24, 2022. The board would amend the date to reflect the public record.

**Board Member Bacon Moved; Chair Curley Seconded, and it was voted to approve the application to close the Fox & Crown from October 24, 2022, to December 22, 2022.**

**Roll Call Vote: 3-0**

**B. Wellfleet Elementary PTA ~ Holiday Bazar Fundraiser~ Use of town hall parking lot ~ December 10, 2022; 1pm-8pm**

**C. Wellfleet Chamber of Commerce ~ Use of Town Property ~ Annual Tree Lighting ~ Brianna Sullivan**

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve items B and C on the consent agenda as printed.**

**Roll Call Vote: 3-0**

**D. Approve the closure of The Wicked Oyster November 18, 2022, to April 2023. ~ Eliza Fitts (taken out of consent by Board Member Bacon)**

Chair Curley asked Kozak to explain his reasoning for wanting to close. Bacon spoke to Kozak reading him the Wellfleet Selectboard's alcohol licenses rules and regulations. She explained that the restaurant is able to close for 14 days at most. She questioned him about their staff and where they go during the winter. **Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the closure of the Wicked Oyster from November 14, 2022, to April 15, 2022.**

**Roll Call Vote: 3-0 (Bacon voted no)**

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

**A. Wellfleet Conservation Trust review and approve a conservation restriction Map #36, Lot #91**

O'Connell spoke to the board explaining what the 0.3-acre parcel was addressed at 11 Paine Ave.

**Chair Curley Moved, Board Member Bacon Seconded; and it was voted to approve the restrictions written and explained in the letter from the Conservation Trust for Map#36, Parcel #91.**

**Roll Call Vote: 4-0**

**B. Maurice's Campground Planning Members to be chosen ~ Chair Curley**

Chair Curley stated that before the board begins interviews for this committee he would like the board to set a number of members that they would like to be on the committee.

The board discussed the amount of people, and some recommendations were made.

**Chair Curley Moved; Board Member Wolf Seconded and it was voted to approve that two appointments will be made by the town administrator, seven appointments are to be made by the selectboard for three-year terms.**

**Roll Call Vote: 5-0**

Chair Curley continued expressing his appreciation for all who have applied to be on this committee and that this purchase is a momentous purchase for the town.

- Chair Curley began by calling Roland Blair to the microphone and questioned his experience. Blair gave his experience to the board and his passion for housing for the town. Wolf questioned Blair's opinion on Habitat for Humanity Housing, Blair stated that he was in favor. Carboni questioned Blair about other ideas he might have for the property.
- Chair Curley called on Heather Doyle, questioning her to list her experience. She explained she is a stake holder and a community member that cares about what happens with this property. The board asked Doyle the same questions for her and she stated she has no bias when it comes to being on the committee.



## DRAFT

- Emily Achtenberg, was not on the meeting but Bacon gave a little background information on her stating she was on the 95 Lawrence Road Committee and stated she is a very detailed person and would be a valuable asset to the committee.
- Gary Sorkin, was also not on the meeting but the board spoke very highly of him and the benefit he would bring to the committee.
- Robert Wagner was called and not on the meeting.
- Sharon Rule-Agger was next to be spoken to on the board questioned her with the same set of questions. She explained her background being on many of the housing committees for the town. She expressed her passion for housing especially in the town of Wellfleet. Her vision is housing.
- Olga Kahn came on the meeting and was asked the same questions as previous applicants. She spoke to her experience and her knowledge of local housing
- Peter Simon, came to the microphone, and stated that he arrived three-years ago and has stated due to covid. He spoke to the board how important Maurice's was to him and gave some background information. He spoke about healthy housing and his knowledge of that.
- Board Member Bacon spoke on behalf of Jan Plaue stated that she had previously worked with Plaue and stated she was always prepared and knowledgeable with the 95 Lawrence Road housing task force.
- Chair Curley spoke about Farrukh Najmi stating he was on the Maurice's working group and has been very helpful to that committee, Bacon spoke very highly of him and stated he would add "heart and soul to the group".
- Carl Sussman was discussed next, and Chair Curley stated that he has an extensive background in affordable housing, he is a seasonal resident and would be beneficial to this committee. Bacon agreed and stated how important it was to include the seasonal residents on this committee.
- Domenico Russo was not on the meeting Chair Curley stated his background to the board and public and didn't have anymore to add to him at this point. It was discussed that he may be good in the stakeholders group.
- Board Member Spoke to the board and public and stated she felt Board Member Carboni be added to this committee and implored Administrator Waldo to have Carboni as one of the town administrator's appointed members.

## DRAFT

The Board discussed the applicants and how they wanted to choose. Going down the list of who they agreed should be on the committee and who they had more questions for.

**Chair Curley Moved, Board Member Wolf Seconded and it was voted to appoint:**

**Roland Blair  
Emily Achtenberg  
Farrukh Najmi  
Heather Doyle  
Sharon Rule-Agger  
Gary Sorkin**

**to the Maurice's Campground Planning Committee for a term of three years to end June 30, 2025.**

**Roll Call Vote: 4-0**

**Board Member Carboni Moved; Chair Curley Seconded; the motion was to nominate Olga Kahn as the last member of the committee.**

**Roll Call Vote: 2-2**

**MOTION FAILED**

**Board Member Bacon Moved; Board Member Wolf Seconded, the motion was to nominate Carl Sussman to the as the last member of the committee.**

**Roll Call Vote: 2-2**

**MOTION FAILED**

#### IV. *Business*

**A. One year license agreement with Mac's at the pier for calendar year 2023 ~ Mac Hay/Town Administrator**

Administrator Waldo spoke to the license of Mac's (Belvernon, LLC) he stated this is not a renewal this is a license agreement. The owners are interested in holding a license agreement with the town for another year. Waldo went into the explanation as to why it isn't a lease it is a license. He explained the definition of both stating that the town can revoke a license, but a lease is a longer term, needs to go out for bid as a lease. Carboni wanted to look further into this as a lease agreement and go out to bid. The board discussed this with Waldo and Hay to come to an agreement.

Pickard spoke to the board regarding this property and the dredging window may interfere with his opening of the restaurant in the spring. This was discussed. The board couldn't come to an agreement because they weren't a five-member board this evening.

**NO ACTION WAS TAKEN**

## DRAFT

- B. Town Seal Replacement Request, ~ Community Preservation Committee**  
Chair Curley spoke to this item stating that the board would be going in front of the CPC to fund this application. He gave further details on how he planned to go about replacing the town seal with having a competition to have a new depiction of the seal. Carboni explained that there needed to be verification to make sure this money needed to be approved for use. Bacon stated her disapproval of this item stating the seal has been a part of Wellfleet for many years. The board discussed this further.  
**Chair Curley stated he would withdraw the submission.**
- C. Eversource Spraying ~ Chair Curley**  
Chair Curley stated that there was a letter written to Eversource stating the towns objection to the spraying of chemicals. The board agreed herbicides shouldn't be used.  
**Chair Curley Moved; Board Member Carboni seconded, and it was voted approve the letter as drafted to be submitted as comments on Eversource's vegetation management plan.**  
**Roll Call Vote: 4-0**
- D. Zoning Bylaw Amendment ~ Notable Trees ~ Chair Curley**  
**NO ACTION WAS TAKEN**
- E. Zoning Bylaw Amendment ~ Intensity of Use of Multi-Family Dwellings ~ Chair Curley**  
Chair Curley explained the amendments to this bylaw. The board discussed the changes.  
**Chair Curley Moved, Board Member Seconded, and it was voted to refer the Zoning Bylaw Amendment, intensity of use of Multi-Family Dwellings to town counsel for comment and to the Planning Board as a draft for comment.**  
**Roll Call Vote: 4-0**
- F. Financial Update ~ Town Administrator**  
Administrator Waldo gave an update on the town schedule A which has been submitted to the Department of Revenue for review, he explained the backup information will be sent to the auditors which he explained included union agreements, contracts and other documentation. Waldo explained that there is a checklist that the financial team has been working off of and will meet with the auditors every two weeks for updates on where the town stands. He explained that his next meeting with the auditors is Thursday November 10, 2022. The board had questions for Waldo and discussed the auditors' updates with DOR. Chair Curley expressed his concerns for not having fiscal year of 2021 finished.  
**NO ACTION WAS TAKEN**

**G. Distribution of the Town Administrator’s Six-Month Review ~ Selectboard**  
Chair Curley spoke to the board, stating that it would be distributed tonight and changes that needed to be made should be done so tonight. The board reviewed the documents and discussed some items on the review. The board decided that the reviews should be submitted to Rebecca Roughley by November 23, 2022.

**V. *New Business***

There was no new business to report.

**VI. *Selectboard Reports***

Board Member Wolf reported on the Dredging Task force meeting, he stated Alfred Pickard did not renew his appointment with the Task Force so he is no longer on the committee.

**VII. *Town Administrator’s Report***

Waldo spoke to the board, explaining that Nauset Regional School Board was over their estimated budget which he explained was not in his original report. He gave a further update to the board that the bid did come back and the projection for the project will be a little over 35million more than originally stated. Each town was reached out to by the school committee asking what their thoughts were on this new estimate.

**VIII. *Topics for Future Discussion***

Notable trees will be brought before the board when they hear from

**IX. *Vacancy Reports***

Please see packet for full report.

Board Member Wolf asked Allgiere to speak to the

**X. *Minutes***

A. October 18, 2022

**Board Member Bacon Moved; Board Member Carboni Seconded, and it was voted to approve the meeting minutes of October 18, 2022, as printed in draft.**

**Roll Call Vote: 4-0**

**XI. *Adjournment***

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

**Roll Call Vote: 4-0**

**Meeting adjourned 10:05pm**

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

*Application to close the Fox & Crow from October 24, 2022-December 22, 2022, for repairs and updates.*

*Application for use of town property from the Elementary school holiday bizarre*

*Application for use of town property from the Wellfleet Chamber of Commerce for the annual tree lighting*

*Letter from the owners of the Wicked Oyster to close from November to April due to lack of staff*

*Conservation Trust letter for restrictions*

*Maurice’s Campground Planning Committee applications*

# DRAFT

*License agreement with Belvernon, LLC. Macs at the Pier*  
*Application from the board to submit to CPC for town seal money*  
*Letter to Eversource regarding the objection of spraying of herbicides*  
*Zoning Bylaw Amendments for Notable trees and Multifamily Dwellings*  
*Town administrator's six-month review paperwork*  
*Town Administrator's Report*  
*Vacancy Report*  
*Meeting Minutes*



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 15, 2022

# XIV

## ADJOURNMENT

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