



Wellfleet Selectboard

Note: Start Time of 6pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, February 8, 2022, at 6:00 p.m.** This meeting will be held via **Zoom Video Conference** in accordance with the temporary suspension and enhancement of the Open Meeting Law requirements by the General Court of the Commonwealth of Massachusetts. Instructions for a Zoom video conference meeting which also allows phone dial-in are given below:

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

7. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.
-

I. *Announcements, Open Session and Public Comments*

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

II. *Consent Agenda*

- A. Designating Charles Sumner to negotiate the easement rights with the Town of Truro and a private party relative to the placement and maintenance of a culvert for the Herring River Restoration Project ~ Interim TA Charles Sumner
- B. Seasonal Wages Public Safety ~ Chief Hurley, Lt. LaRocco
- C. Renew Charlie Sumner's Contract until May 15, 2022
- D. Amending and Waiving the Fee for The Wellfleet Gardeners for the use of the Town Lawn on May 28, 2022.
- E. Disclosure of Appearance of a Conflict of Interest ~ Tom Siggia
- F. Use of Baker's Field for a Soccer Camp to Scott Francis for a fee of \$650.
- G. Appointment of Denya LeVine to the Wellfleet Council on Aging Advisory Board
- H. Appointment of Stephen Pickard to the Shellfish Advisory Board

III. *Wellfleet's Priorities for the use Barnstable County ARPA Funds ~ Vaira Harik Assistant Barnstable County Administrator*

IV. *Financial Management Workplan*

- A. Review of Efforts to Date and Timeline ~ Acting Town Accountant Lisa Souve, Acting Town Treasure Mary McIsaac & Interim TA Charles Sumner
- B. FY2023 Financial Forecast ~ Interim TA Charles Sumner

V. *Covid 19 Updates & Recommendations*

VI. *Public Hearings*

- A. Application received January 21, 2022, to transfer Annual Liquor license #00008-HY-1348 from Chap & Wags, INC. dba The Wagner at Duck Creek to The Jaunty Cygnet, dba The Swan

VII. *Board/Committee Appointments, Updates and Members Of the Public*

- A. Coles Neck Engineer Contract ~ Rebecca Roughley/ Jim Hood Water Commissioner
- B. Commercial St & Bank St Intersection Issues ~ Trudy Vehndier
- C. Historical Commission ~ Merrill Mead-Fox & Gordon Kahn

VIII. *Business*

- A. Outdoor Seating & Tent ~ Mac's Shack, Mac Hay
- B. Letters Regarding Town Meeting Articles to be Signed by the Selectboard ~ Town Council
- C. Media Services Update Including Media Room Upgrades ~ JP Ludwig
- D. Town Lawn ~ Jay Norton
- E. Herring River Restoration Project W27 Request for amendment to 401WQC ~ Interim TA Charles Sumner

- IX. ***2022 Annual Town Meeting Warrant Articles.***
 - A. Affordable Lots Zoning Bylaw ~ Chair Curley
 - B. Amending Wellfleet Zoning Bylaws, Cottage Colonies ~ Chair Curley
 - C. Wild Animals Bylaw ~ Wilson
 - D. Short Term Rentals First Local Option Community Impact Fee (G.L. c. 64G, § 3D(a)) ~ Chair Curley
 - E. Short Term Rentals Second Local Option Community Impact Fee (G.L. c. 64G, § 3D(b)) ~ Chair Curley
 - F. Town Meeting Article For the Use Short Term Rental First Local Option Community Impact Fee (G.L. c. 64G, § 3D(a)), and Short Term Rental Second Local Option Community Impact Fee (G.L. c. 64G, § 3D(b)) Receipts.
 - G. Housing Stabilization Fund ~ Chair Curley
 - H. Radioactive Water Release Resolution ~ Chair Curley
 - I. Radioactive Water Release Legal Contingency Fund ~ Chair Curley
 - J. Annual Town Meeting Warrant Review
- X. ***Selectboard Annual Town Reports***
 - A. Annual Town Report
 - B. Report on Investigation for the Annual Town Report
- XI. ***Selectboard Reports***
- XII. ***Town Administrator's Report***
- XIII. ***Topics for Future Discussion***
- XIV. ***Correspondence and Vacancy Reports***
- XV. ***Minutes***
 - A. January 18, 2022
 - B. January 25, 2022
- XVI. ***Adjournment***



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

I

ANNOUNCEMENTS, OPEN SESSION & PUBLIC COMMENTS

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022



CONSENT AGENDA

REQUESTED BY:	Approval without objection is required for the following items:
DESIRED ACTION:	To approve the following
PROPOSED MOTION: SUMMARY:	<ul style="list-style-type: none"> A. I move to appoint Charles Sumner to negotiate the easement rights with the Town of Truro and a private party relative to the placement and maintenance of a culvert for the Herring River Restoration Project. B. I move to approve the FY 2023 seasonal wages as printed in the packet for the Police Department C. I move to extend intern Town Administrator Charles Sumner's contract to May 15, 2022 D. I move to amend the use of the town hall driveway to the Wellfleet Gardeners on May 28, 2022, from 6am -1pm for a fee of \$0 E. No motion required ~ receipt of the disclosure of appearance of conflict on interest ~ Thomas Siggia F. I move to approve the use of Baker's Field to Scott Francis for a soccer camp from 6/27/22- 7/1/22 from 9am-5pm and 8/22/22 – 8/26/22 from 9am-12pm for a fee of \$650 G. I move to appoint Denya DeVine to the Wellfleet Council on Aging Advisory Board with a term ending 6/30/2024 to be sworn in by the Town Clerk before acting as a member of the committee and shall comply with the Town Charter, and all state and local requirements H. I move to appoint Stephen Pickard to the Shellfish Advisory Committee with a term ending 6/30/2024 to be sworn in by the Town Clerk before acting as a member of the committee and shall comply with the Town Charter and all state and local requirements.
ACTION TAKEN:	<p>Moved By: _____ Seconded By: _____</p> <p>Condition(s):</p>

To: Chief Michael Hurley

From: Lieutenant Kevin M. LaRocco

Date: January 27, 2022

Subject: Seasonal/Part time wages

Chief,

Several weeks ago, the Beach Director Suzanne Thomas requested an agenda item with the Board of Selectman regarding seasonal and part time wages. This was an item I was working on as our part time positions wages are way off track compared to other towns as well.

Please see the comparison:

Wellfleet:

Reserve Officer: **\$19.19** Relief Dispatcher: **\$17.41** Matron: **\$17.41**

Eastham:

Reserve Officer: **N/A** Relief Dispatcher: **\$20.45-\$25.14** Matron: **\$20.45**

Truro:


Reserve Officer: **N/A** Relief Dispatcher: **\$25.68-\$29.69** Matron: **\$25.68**

Provincetown:

Reserve Officer: **\$21.55-\$24.61** Relief Dispatcher: **\$27.01-\$31.95** Matron: **\$21.00**

As you can see, our numbers compared to other towns are quite off. This could also be part of the reason we are unable to retain any Relief Dispatchers and/or Matrons. Could you request an agenda line item? I have also attached the form Suzanne originally used for her request and added lines 34-37 under police.

Respectfully submitted,



Lieutenant Kevin M. LaRocco

Position	Department	FY22	FY23
CNSLR	Recreation	\$ 14.00	\$15 to \$17
SKATEPARK MONITOR	Recreation	\$ 16.00	\$15 to \$20
HEAD CNSLR	Recreation	\$ 16.50	\$16 to \$20
CNSLR/INSTRUCTOR	Recreation	\$ 16.50	\$16 to \$20
CONCERT MANAGER	Recreation	\$ 20.00	\$16 to \$20
COACHING	Recreation	\$ 20.00	\$16 to \$20
Pickleball Monitor	Recreation	\$ 16.50	\$16 to \$22
Beach Guard	Beaches	\$ 14.00	\$17 to \$22
Beach Sticker Clerk	Beaches	\$ 14.00	\$17 to \$22
GULL PD SWIM INSTRUCTOR	Recreation	\$ 15.00	\$17 to \$22
SKATEPARK MANAGER	Recreation	\$ 20.00	\$17 to \$22
OFF SEASON PART-TIME HELP	Recreation	\$ 20.00	\$17 to \$22
Asst. Beach Guard Captain	Beaches	\$ 16.00	\$19 to \$24
OFFICE MANAGER	Recreation	\$ 20.00	\$19 to \$24
Lifeguard	Beaches	\$ 17.00	\$20 to \$25
Seasonal Recycling Facilities Person	DPW	\$ 14.50	\$20 to \$25
Seasonal Park and Grounds Person	DPW	\$ 14.50	\$20 to \$25
Seasonal Recycling Facilities Person	DPW	\$ 14.50	\$20 to \$25
Seasonal Park and Grounds Person	DPW	\$ 14.50	\$20 to \$25
Morning Recreation Director	Recreation	\$ 22.00	\$20 to \$25
GULL PD DIRECTOR	Recreation	\$ 20.00	\$20 to \$25
SPECIAL NEEDS COUNSELOR	Recreation	\$ 16.50	\$20 to \$25
Buildings and Grounds Rec	Recreation	n/a	\$20 to \$25
Seasonal Deputy Constable PT	Shellfish	\$ 16.00	\$20 to \$25
Seasonal	Harbor	\$ 16.00	\$ 20.00
Seasonal 2	Harbor	\$ 17.00	\$ 20.50
Seasonal 3	Harbor	\$ 18.00	\$ 21.00
Beach Guard Captain	Beaches	\$ 18.00	\$21 to \$26
Asst. Head Lifeguard	Beaches	\$ 22.00	\$25 to \$30
Seasonal Deputy Constable FT	Shellfish	\$ 20.00	\$25 to \$30
Asst. Beach Administrator	Beaches	\$ 28.00	\$30 to \$35
Head Lifeguard	Beaches	\$ 28.00	\$30 to \$35
Reserve Officer	Police	\$ 19.09	\$21-\$26
Relief Dispatcher	Police	\$17.41	\$21-\$26
Matron	Police	\$17.41	\$21-\$26
Community Service Officer	Police	\$16.97	\$18-\$21

**EMPLOYMENT AGREEMENT
BETWEEN
TOWN OF WELLFLEET
AND
INTERIM TOWN ADMINISTRATOR**

THIS AGREEMENT, made pursuant to Chapter 41, Section 108N of the General Laws and entered into this 8th day of February 2022, by and between the Town of Wellfleet of Barnstable County, Commonwealth of Massachusetts, a municipal corporation, hereinafter called the "Town," acting by and through its Select Board, hereinafter called "Board" and Charles Sumner, hereinafter called "Interim Town Administrator" as follows:

WITNESSETH:

WHEREAS, there is a vacancy in the position of Town Administrator of the Town of Wellfleet;

WHEREAS, the Board, under Chapter 41, Section 108N of the General Laws, consistent with Chapter 5 Section 5-1-1 of the Charter, may contract with a Town Administrator for such services;

WHEREAS, the operational needs of Town government necessitate the employment of an Interim Town Administrator pending the successful search for a permanent Town Administrator;

WHEREAS, it is the desire of the Board to establish the terms and conditions of employment for said Interim Town Administrator in a written contract; and

WHEREAS, Charles Sumner agrees to accept temporary employment as Interim Town Administrator of said Town on the terms and conditions outlined below;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

Section I, Functions and Duties of the Town Administrator.

The Town hereby offers to employ Charles Sumner as Interim Town Administrator of said Town, and the Interim Town Administrator accepts said offer of employment. The Interim Town Administrator shall be the Chief Administrative Officer of the Town. The Interim Town Administrator shall perform the duties as set forth by the Charter of the Town of Wellfleet, the Town's By-Laws, any other applicable general or special law of the Commonwealth, the attached job description, and such other duties as the Board shall from time to time legally assign to him.

Section II, Term.

This Agreement shall become effective February 8th, 2022, and shall remain in effect for ninety days thereafter, may be further extended by mutual agreement of the parties, or unless sooner terminated in the sole discretion of the Select Board.

Section III, Status.

The parties agree and the Interim Town Administrator acknowledges, that he is an exempt employee for purposes of the Fair Labor Standards Act.

The parties further agree, and the Interim Town Administrator acknowledges that despite the initial ninety day term of this Agreement, the Select Board may choose to terminate this Agreement and the Interim Town Administrator's employment at any time, upon a majority vote of the Select Board taken in accordance with the requirements of the Open Meeting Law, G.L. c. 30A, §§18-25. The Interim Town Administrator shall be due any compensation owed as of the date of such termination but shall not otherwise be entitled to any additional amounts or severance payment(s).

Should the Interim Town Administrator voluntarily terminate his position with the Town before the expiration of the term of this Agreement, the Interim Town Administrator shall give the Town two (2) weeks' written notice in advance, unless the parties agree otherwise in writing.

Section IV, Compensation/Hours of Work.

A. The Town agrees to pay the Interim Town Administrator for services rendered under this Agreement, the gross weekly salary \$2,880.00, subject to applicable withholdings and deductions payable in installments at the same time as other employees of the Town are paid. This salary is based upon an average of 32 hours per week of work at a rate of \$90/hour.

B. The Interim Town Administrator's core hours of work will be Monday-Thursday, depending upon operational needs. Moreover, it is understood that in some weeks, the Interim Town Administrator may work more than 32 hours per week in response to the needs and requirements of the job, and to that end, the Interim Town Administrator will be allowed to make adjustments to his weekly schedule as he shall deem appropriate during said normal office hours, provided the taking of such time does not interfere with the proper discharge of his duties. The Interim Town Administrator is expected to track his hours of work.

C. During the term of his employment, the Interim Town Administrator is expected to work primarily onsite at the Wellfleet Town Hall. Any regular schedule that includes remote work on a recurring basis must be approved in advance by the Select Board. Adjustments to this schedule necessary in response to the current COVID-19 related State of Emergency must be reviewed and approved by the Select Board. The Chair of the

Select Board may approve said adjustment(s) on an emergency basis, pending approval by the Board.

D. The Interim Town Administrator is expected to attend all Select Board and Town Meetings unless excused by the Select Board.

E. The parties agree that the Interim Town Administrator will commence his duties with the Town on or before May 15, 2022.

F. The parties agree that the Interim Town Administrator shall not receive any benefits, including any paid accrued leave. The Interim Town Administrator waives participation in any of the Town-offered health, dental, disability, or life insurance plans for which he may otherwise be eligible.

G. The Town shall provide the Interim Town Administrator with a laptop computer to facilitate the performance of his duties. The Interim Town Administrator shall return this laptop, together with any other town-issued property, promptly upon termination of employment.

Section V, Expenses.

The Interim Town Administrator shall be reimbursed for any reasonable expenses incurred in the performance of his duties, or as an official representative of the Town, including attendance by him at civic or social events.

Section VI, Indemnification.

A. To the extent permitted by law, the Town shall defend, hold harmless and indemnify the Interim Town Administrator from any and all civil demands, claims, suits, actions and legal proceedings brought against him in his capacity as Interim Town Administrator, provided that the incident arose while the Interim Town Administrator was acting within the scope of his employment and in good faith.

The Town may obtain such insurance to cover its obligations hereunder as it deems appropriate.

B. The Interim Town Administrator agrees to promptly notify the Town of any such claim and to cooperate fully with Counsel designated by the Town to handle such claim. This section shall not obligate the Town to provide a defense, save harmless or indemnify the Interim Town Administrator if he personally knows of such claim and fails to provide the Town with prompt and timely notice of a claim for which he seeks coverage under this section.

C. The Interim Town Administrator agrees that the Town, acting through the Select Board, has the sole authority to determine the proper defense of any claim that is brought under this section, and he further agrees that the Town has the exclusive authority to make decisions regarding settlement of any claim brought under this section. Finally, the Interim Town Administrator agrees that the Town's obligation to defend, save harmless or indemnify him under this section does not apply to claims settled or defended without the Board's knowledge, consent and/or agreement.

D. Where indemnification is not otherwise required under Subsection A, above, the Town shall not indemnify the Interim Town Administrator in connection with any claim, complaint, demand or other legal action brought by him against the Town or any Town official or employee.

This section shall survive the natural expiration of this Agreement.

Section VII, Notices.

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

1. TOWN: Chair of Select Board
Wellfleet Town Hall
300 Main Street
Wellfleet, MA 02667

TOWN ADMINISTRATOR:

Alternatively, notices required pursuant to this Agreement may be personally served. Notice shall be deemed as given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section VIII, General Provisions.

- A. The text herein shall constitute the entire Agreement between the parties.
- B. This Agreement shall prevail over any conflicting personnel provisions of the Town By-Laws or Rules and Regulations.
- C. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Interim Town Administrator.
- D. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
- E. This agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Town of Wellfleet, Massachusetts, has caused this Agreement to be signed and executed in its behalf by its Selectboard and duly attested by its Town Clerk, and the Interim Town Administrator has signed and executed this Agreement, both in duplicate.

TOWN OF WELLFLEET SELECTBORD

TOWN ADMINISTRATOR

Ryan Curley, Chair

Charles Sumner

Michael DeVasto

Janet Reinhart

Helen Miranda Wilson

John Wolf

DATE: _____

DATE: _____

Attest Signature:

Approved as to Legal Form

Town Clerk

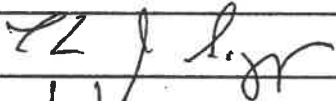
Town Counsel

DATE: _____

DATE: _____

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

PUBLIC EMPLOYEE INFORMATION	
Name of public employee:	Thomas Siggia
Title or Position:	SAB – Vice Chair, Secretary
Agency/Department:	Shellfish Advisory Board
Agency address:	300 Main Street Wellfleet, MA 02667
Office Phone:	518-935-3093
Office E-mail:	tsiggia@gmail.com
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure out of an abundance of caution, to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
APPEARANCE OF FAVORITISM OR INFLUENCE	
Describe the issue that is coming before you for action or decision.	<p>I serve on the Board of Directors for Wellfleet S.P.A.T., a local nonprofit who previously donated to ARC in return for a board seat on ARC.</p> <p>S.P.A.T. has not held a board seat with ARC in a number of years. However it is conceivable that S.P.A.T., being an active advocate for the shellfishing community, may make comment on the domicile issue at hand regarding grant #792.</p>
What responsibility do you have for taking action or making a decision?	If Selectboard requests SAB to review ARC domicile position , I would be part of discussion.
Explain your relationship or affiliation to the person or organization.	I am currently a Director on the Wellfleet S.P.A.T. Board of Directors.
How do your official actions or decision matter to the person or organization?	My official actions do not have an outright effect on S.P.A.T. business. S.P.A.T. renewed their own Conflict of Interest and Affiliations paperwork in January, and my role with the SAB is disclosed. Everyone is aware and all discussions are transparent.

Optional: Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	I would receive no financial income on results of any decision on ARC
If you cannot confirm this statement, you should recuse yourself.	WRITE AN X TO CONFIRM THE STATEMENT BELOW. <input checked="" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	
Date:	2/1/2022

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.

Form revised July, 2012

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELFLEET
300 MAIN STREET
WELFLEET, MA 02667

Applicant Scott Francis Affiliation or Group Challenger Sports

Telephone Number 401-213-0466 Mailing Address 94 B Jefferson Blvd

Email address Sfrancis@challengersports.com Warwick, RI 02888

Town Property to be used (include specific area) Bakers Field (soccer field) - we used this field years previous when running camps (2016-2019)

Date(s) and hours of use: 6/27-7/1 (9-3pm) + 8/22-8/26 (9-12pm)

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

Low cost recreational type soccer camp experience requires a soccer field with use of soccer equipment provided by CS. A minimum of 20 players and maximum of 50 players at \$80 for 5 hours, \$150 for 15 hours and \$225 for 30 hours

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

Assistance with marketing materials to members and help acquiring a field

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

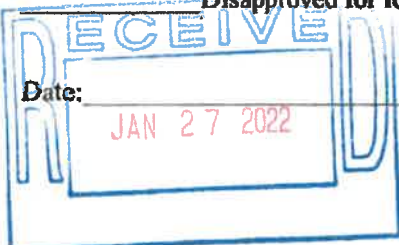
Action by the Board of Selectmen:

_____ Proof of Insurance Required

_____ Approved as submitted

_____ Approved with the following condition(s): _____

Disapproved for following reason(s): _____



Date: _____

JAN 27 2022

Processing Fee: \$50.00

Fee: was 525 in 2017

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: Comments/Conditions: Permits/Inspections needed:
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Police Department: 1/27/22 okay Comments/Conditions:	Fire Department: 1/27/22 okay Comments/Conditions:
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DPW: 1/27/22 okay Comments/Conditions	Community Services Director: Comments/Conditions:
--	---

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

Recreation: 2/2/2022 okay Comments/Conditions	Town Administrator: Comments/Conditions
--	---





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

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

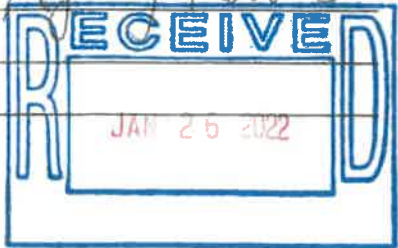
**FILL OUT THE FORM BELOW and mail it to:
Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667**

Name Denya LeVine Date 1.25.22
Mailing Address 45 Spw Turtle Way
Wellfleet 02667
Phone (Home) 774-383-3961 (cell) 508-255-5090
E-mail denya1@verizon.net

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: I am a lifelong volunteer.
Currently I volunteer on 4 committees
at WOMR where I've been a volunteer for
36 years. I recently stepped down from the
Wellfleet Porchfest Committee.

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:
Until 3/2020 I was a full-time
musician. Being a self employed musician
requires many, many skills, too many to
enumerate here. I am now a part-time
musician.

Committees/Boards of Interest: 1) Council on Aging Advisory
2) _____
3) _____



2/8



**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 Stephen Pickard Date 1/26/22

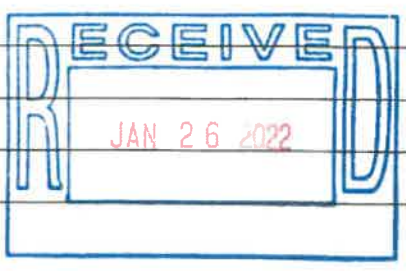
Mailing Address Po Box 1407

Phone (Home) 508-349-6417 (cell) 508-332-0422

E-mail wmpickard@aol.com

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

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



Committees/Boards of Interest: 1) Shellfish Advisory
2) _____
3) _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

III

WELFLEET'S PRIORITIES FOR THE USE OF BARNSTABLE COUNTY ARPA FUNDS

REQUESTED BY:	Varik Harik; Assistant Barnstable Count Administrator
DESIRED ACTION:	To solicit feedback the board and public on the ARPA funds
PROPOSED MOTION:	No action is needed for this agenda item and if one needs to be made it will be done so at the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

IV

FINANCIAL MANAGEMENT WORKPLAN

REQUESTED BY:	Charlie Sumner, Lisa Souve, Mary McIsaac
DESIRED ACTION:	To update the board and the public on their ongoing efforts and review their timeline to date.
PROPOSED MOTION:	There is no action required, if one is decided on it will be made at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

IV

FINANCIAL MANAGEMENT WORKPLAN

REQUESTED BY:	Charlie Sumner
DESIRED ACTION:	To review the updated 2023 financial forecast with the board and public
PROPOSED MOTION:	There is no action required, if one is decided on it will be made at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

To: Selectboard
From: Charles L. Sumner, Interim Town Administrator
Subject: FY2023 Financial Forecast
Date: February 3, 2022

Please find attached draft no. 2 of the Financial Forecast plan for FY2023 which I will review at your February 8, 2022, meeting.

I have made several modifications to the document which I hope will serve to advance some of the critical decisions that the Selectboard and the Finance Committee will have to make over the next few months heading up to the 2022 Annual Town Meeting and Election.

The first section that I would like to call to your attention is page 1, section A on State Aid Receipts. These revenues increased by approximately \$74,000, largely because of an increase in Chapter 70 Education Aid as projected in Governor Baker's proposed budget. This is certainly good news but is still subject to the full legislative process.

The second area of explanation is on page 1, Section B. Estimated Receipts. As you will recall from the period where we set the tax rate for FY2022 we use all our "Local Receipts" to balance the budget, as well as some projected revenues from marijuana fees. While we had little choice at the time, this was not a recommended best practice approach. Therefore, I have reduced the utilization of these revenues by 10% in FY2023 and another 5% in FY2024. Using 80 to 85% of this revenue stream goes a couple of good things. First in the case of a revenue loss, for example when White Crest Beach closed in FY2021, you want to have a capacity to cushion the impact. Secondly when your actual local receipts exceed your estimates, you create "Free Cash", another common best management practice.

The next area that I will discuss is page 2, Section B. Warrant Articles for the Annual Town Meeting. If you focus on item no. 1 (Misc. Raise & Appropriate Articles) you will note that the R & A funding requests total is \$1,359,700, for which we have no monies to finance these costs. In the past we have had a practice of including a menu of borrowing debt exclusions ballot questions to pay for these items. I would suggest that we seek voter approval for a Capital Exclusion Override in the range of \$750,000 to \$1,000,000. These funds should be reserved for capital plan requests going forward. Whatever the number turns out to be we will need to make several policy decisions to moderate these overall requests leading up to finalizing the warrant.

Section B, item no 9 CPA Projects is largely a work in progress; this is an area that Lisa Souve is actively working to review and correct over the next few weeks going back to June 30, 2019. It should have any grave impact on the overall fiscal picture, but I simply wanted you to know that there is a lot of uncertainty that needs to be reconciled.

Section 3, Projected Surplus or Deficit, and you will note that the project deficit for the operating budget is \$851,149 and the capital budget is \$1,359,700. I am still waiting for assessment costs for both the Nauset Regional Public Schools and the Cape Cod Technical Regional High School, which should be available within the new 2 weeks.

Page 3 of the Financial Forecast is new, and it serves to define some cost implications for a series of policy decisions as progress in this budgetary process, as follows:

1. Section A. Estimated FY2023 Property Tax Levy and Rate – This section serves as a base line for the tax levy for FY2023 if you decide to not seek any property tax override for the upcoming Fiscal Year 2023, i.e., a 3% increase in the rate.
2. Section B. List of Overrides for FY2023 – This section identifies a series of 6 Proposition 2 ½ Overrides for FY2023 as currently constituted within the draft budget and warrant. Obviously there are some opportunities to moderate these items but without severe reductions in the Town/School Budgets and the Capital Budget some type of override seems certain. Once again, I show the estimated expense and tax rate impact on each option.
3. Section C. Other Departmental Funding Requests for FY2023 – This section is relatively small in terms of total dollars, but is intended to show 5 requests from boards, committees, and departments for new funding items.

Finally, this document is a work in progress that will evolve throughout the winter. I do need to spend some time with Lisa Souve to review and vet this work plan, however this will be delayed until she has more time availability.

**TOWN OF WELLFLEET
FINANCIAL FORECAST
FISCAL YEAR 2023 (Draft No. 2 - 2/2/22)**

1. ESTIMATED REVENUES RESOURCES		FY2022	FY2023	FY2024	FY2025	FY2026	FY2027
A. Property Tax Levy Base:							
1. Property Tax Levy Base		\$17,177,914	\$17,937,060	\$18,515,486	\$19,110,974	\$19,724,000	\$20,355,057
2. Proposition 2 1/2 Tax Levy Increase		\$429,448	\$448,426	\$462,887	\$477,774	\$493,100	\$508,876
3. Property Tax Levy Construction Growth		\$161,618	\$130,000	\$132,600	\$135,252	\$137,957	\$140,716
4. Debt Exclusion Levy Authorization		\$2,764,582	\$2,808,380	\$2,667,961	\$2,534,563	\$2,407,835	\$2,287,443
5. Cape Cod Commission Levy Exclusion		\$105,435	\$108,071	\$110,773	\$113,542	\$116,381	\$119,290
6. Prop. 2 1/2 Override		\$168,080	\$0	\$0	\$0	\$0	\$0
Property Tax Levy Sub-total		\$20,807,077	\$21,431,937	\$21,889,707	\$22,372,105	\$22,879,272	\$23,411,383

B. Estimated Receipt Categories:		FY2022	FY2023	FY2024	FY2025	FY2026	FY2027
1. State Aid Receipts		\$343,562	\$417,568	\$423,499	\$427,354	\$431,247	\$435,180
2. Miscellaneous Town Receipt Revenues		\$2,814,275	\$2,532,848	\$2,282,568	\$2,314,341	\$2,346,748	\$2,379,804
Estimated Receipts Sub-total		\$3,157,837	\$2,950,416	\$2,706,067	\$2,741,695	\$2,777,996	\$2,814,984

C. Other Available Funds:		FY2022	FY2023	FY2024	FY2025	FY2026	FY2027
1. Free Cash Funds		\$0	\$639,200	\$0	\$0	\$0	\$0
2. Raise & Appropriate for Misc. Articles		\$32,857	\$0	\$0	\$0	\$0	\$0
3. Fire Department Ambulance Funds		\$93,000	\$375,000	\$0	\$0	\$0	\$0
4. Overlay Surplus Accts		\$0	\$0	\$0	\$0	\$0	\$0
5. Beach Fund		\$694,000	\$676,000	\$689,520	\$703,310	\$717,377	\$731,724
6. Cable Franchise Funds		\$135,370	\$140,000	\$142,800	\$145,656	\$148,569	\$151,541
7. Shellfish Fund		\$37,256	\$26,000	\$5,000	\$5,000	\$5,000	\$5,000
8. Transfer Station/SEMASS Fund		\$400,000	\$400,000	\$408,000	\$416,160	\$424,483	\$432,973
9. Recreation Fund		\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
10. Stabilization Fund		\$614,200	\$0	\$0	\$0	\$0	\$0
11. Waterway Fund		\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
11. Cemetery Fund		\$0	\$2,056	\$2,056	\$2,056	\$2,056	\$2,056
12. Marina Enterprise Revenues		\$0	\$593,500	\$608,338	\$623,546	\$639,135	\$655,113
13. Water Enterprise Revenues		\$0	\$168,000	\$172,200	\$176,505	\$180,918	\$185,441
14. CPA Estimated Revenues (Added to Tax Bill)		\$696,315	\$738,980	\$757,455	\$776,391	\$795,801	\$815,696
15. CPA Fund Reserves / Projects (Budgeted Reserves)		\$106,582	\$602,800	\$0	\$0	\$0	\$0
16. Debt/Borrowing Warrant Articles		\$3,129,886	\$0	\$0	\$0	\$0	\$0
Other Available Funds Sub-total		\$5,961,466	\$4,383,536	\$2,807,368	\$2,870,624	\$2,935,338	\$3,001,543

1. GRAND TOTAL ESTIMATED REVENUES		\$29,926,379	\$28,765,889	\$27,403,142	\$27,984,423	\$28,592,606	\$29,227,909
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2. ESTIMATED EXPENDITURES							
A. Operating Budgets - Town & Schools:		FY2021	FY2023	FY2024	FY2025	FY2026	FY2027
1. Town & School Operating & Debt Budgets		\$24,375,117	\$25,122,973	\$25,899,044	\$26,719,695	\$27,579,883	\$28,482,032
2. Water Enterprise Budget		\$285,714	\$408,608	\$418,823	\$429,294	\$440,026	\$451,027
3. Marina Enterprise Budget		\$600,550	\$598,650	\$613,616	\$628,957	\$644,681	\$660,798
Sub-total Operating Budgets		\$24,375,117	\$26,130,231	\$26,931,483	\$27,777,945	\$28,664,589	\$29,593,856

B. Warrant Articles for Annual Town Meeting		FY2022	FY2023	FY2024	FY2025	FY2026	FY2027
1. Misc. Raise & Appropriate Articles		\$32,857	\$1,359,700	\$0	\$0	\$0	\$0
2. Stabilization Fund & Fire Detail Articles (Free Cash)			\$639,200	\$0	\$0	\$0	\$0
3. Collective Bargaining Settlement Articles			\$292,500	\$0	\$0	\$0	\$0
4. Ambulance Receipts Account Warrant Articles		\$10,000	\$375,000	\$0	\$0	\$0	\$0
5. Overlay Surplus			\$0	\$0	\$0	\$0	\$0
6. Cable Franchise Fee Program		\$135,370	\$140,000	\$140,000	\$140,000	\$140,000	\$140,000
7. Shellfish Equipment/Project			\$26,000	\$5,000	\$5,000	\$5,000	\$5,000
8. Waterway/Wetland/Cemetery			\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
9. CPA Projects		\$802,897	\$1,341,780	\$757,455	\$776,391	\$795,801	\$815,696
10. Prop 2 1/2 General Override			\$0	\$0	\$0	\$0	\$0
11. Debt Exclusion Articles for Fire Engine & Fire Supp. System		\$3,129,886	\$0	\$0	\$0	\$0	\$0
Sub-total Warrant Articles		\$4,111,010	\$4,179,180	\$907,455	\$926,391	\$945,801	\$965,696

C. Other Special Charges & Assessments		FY2022	FY2023	FY2024	FY2025	FY2026	FY2027
1. State & County Assessments		\$521,447	\$537,327	\$538,473	\$547,305	\$556,358	\$565,637
2. Overlay Reserve for Property Tax Abatements		\$26,563	\$130,000	\$133,250	\$136,581	\$139,996	\$143,496
3. Other Special Charges & Deficits			\$0	\$0	\$0	\$0	\$0
Sub-total Charges & Assessments		\$548,010	\$667,327	\$671,723	\$683,886	\$696,354	\$709,132

2. GRAND TOTAL ESTIMATED EXPENDITURES	\$29,034,137	\$30,976,738	\$28,510,661	\$29,388,223	\$30,306,744	\$31,268,684
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3. PROJECTED SURPLUS OR (DEFICIT*)	\$28,272	(\$2,210,849)	(\$1,107,519)	(\$1,403,799)	(\$1,714,138)	(\$2,040,775)
Adjusted Surplus or Deficit		(\$2,210,849)	(\$1,107,519)	(\$1,403,799)	(\$1,714,138)	(\$2,040,775)
Operating Budget Deficit		\$851,149				
Capital Budget Deficit		\$1,359,700				

Deficit will result in a requirement for either a Prop 2 1/2 Override, new revenue source or budget reductions.

**TOWN OF WELLFLEET
FINANCIAL PROJECTIONS
FISCAL YEAR 2023**

Tax Rate & Levy Projection		Annual Expense	Property Tax Levy	Total Assess Prop Val	Tax Rate	Projected % Increase	Cost (\$) Increase	Tax Impact \$618,750
	Actual FY2022 Property Tax Levy & Rate		\$20,807,077	\$2,795,267,360	\$7.44			
A	Estimated FY2023 Property Tax Levy & Rate	\$624,860	\$21,431,937	\$2,795,267,360	\$7.67	3.00%	\$0.2235	\$138.32

B. List of Prop Tax Overrides FY2023

General, capital exclusions and/or debt exclusions.									
1	Operating Override for Police Officers (2)	\$186,759	\$186,759	\$21,618,696	\$2,795,267,360	\$7.73	0.87%	\$0.0668	\$41.34
2	Operating Override for FF/EMT/Para (2)	\$206,964	\$206,964	\$21,825,660	\$2,795,267,360	\$7.81	0.96%	\$0.0740	\$45.81
3	Town & School General Override	\$851,149	\$851,149	\$22,676,809	\$2,795,267,360	\$8.11	3.90%	\$0.3045	\$188.41
4	Capital Improvement Fund Override	\$1,359,700	\$1,359,700	\$24,036,509	\$2,795,267,360	\$8.60	6.00%	\$0.4864	\$300.98
5	Fire Engine Replacement Debt Exclusion	\$675,000	\$111,030	\$24,147,539	\$2,795,267,360	\$8.64	0.46%	\$0.0397	\$24.58
6	School Fire Supp System Debt Exclusion	\$2,200,000	\$187,280	\$24,334,819	\$2,795,267,360	\$8.71	0.78%	\$0.0670	\$41.46

C. Other Departmental Funding Requests for FY2023:

7	Shellfish PT Adm. Support Pos. & Phone	\$17,375	\$17,375	\$24,352,194	\$2,795,267,360	\$8.71	0.07%	\$0.0062	\$3.85
8	Rights of Public Access Committee	\$2,500	\$2,500	\$24,354,694	\$2,795,267,360	\$8.71	0.01%	\$0.0009	\$0.55
9	Wellfleet Housing Trust Expense	\$3,000	\$3,000	\$24,357,694	\$2,795,267,360	\$8.71	0.01%	\$0.0011	\$0.66
10	DPW Emergency Contingency	\$50,000	\$50,000	\$24,407,694	\$2,795,267,360	\$8.73	0.21%	\$0.0179	\$11.07
11	Cemetery Commission Expenses	\$7,500	\$7,500	\$24,415,194	\$2,795,267,360	\$8.73	0.03%	\$0.0027	\$1.66
Grand Total		\$3,608,118	\$24,415,194	\$2,795,267,360	\$8.73	17.34%	\$1.29	\$798.68	

**Division of Local Services
Cherry Sheets
Town of Wellfleet**

Updated: 1/26/22

Receipts:

1	Education:	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027
a.	Chapter 70	\$ 223,660	\$ 295,433	\$ 298,387	\$ 301,371	\$ 304,385	\$ 307,429
b.	School Transportation	\$ -	\$ -				
c.	Retired Teachers Pension	\$ -	\$ -				
d.	Charter Tuition Reimbursement	\$ -	\$ -				
e.	Smart Growth	\$ -	\$ -				
f.	School Lunch	\$ -	\$ -				
g.	School Choice Receiving Tuition	\$ 15,641	\$ 15,641	\$ 15,641	\$ 15,641	\$ 15,641	\$ 15,641
	Sub-total	\$ 239,301	\$ 311,074	\$ 314,028	\$ 317,012	\$ 320,026	\$ 323,070
2	General Government:						
a.	Unrestricted General Govt Aid	\$ 64,240	\$ 65,974	\$ 66,634	\$ 67,300	\$ 67,973	\$ 68,653
b.	Local Share of Racing Taxes	\$ -	\$ -				
c.	Regional Public Libraries	\$ -	\$ -				
d.	Urban Revitalization	\$ -	\$ -				
e.	Veterans Benefits	\$ 8,807	\$ 7,972	\$ 8,807	\$ 8,807	\$ 8,807	\$ 8,807
f.	Exempt VBS & Elderly	\$ 13,550	\$ 12,271	\$ 13,550	\$ 13,550	\$ 13,550	\$ 13,550
g.	State Owned Land	\$ 12,523	\$ 12,516	\$ 12,641	\$ 12,768	\$ 12,895	\$ 13,024
	Reserved for Direct Expenditures						
h.	Public Libraries	\$ 5,141	\$ 7,761	\$ 7,839	\$ 7,917	\$ 7,996	\$ 8,076
	Sub-total	\$ 104,261	\$ 106,494	\$ 109,471	\$ 110,342	\$ 111,221	\$ 112,110
	Total Estimated Receipts	\$ 343,562	\$ 417,568	\$ 423,499	\$ 427,354	\$ 431,247	\$ 435,180
Charges:							
1	County Assessments:						
a.	County Tax	\$ 203,775	\$ 208,869	\$ 214,091	\$ 219,443	\$ 224,929	\$ 230,553
b.	Essex County Reg Comm	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
c.	Essex County Reg Comm	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Sub-total	\$ 203,775	\$ 208,869	\$ 214,091	\$ 219,443	\$ 224,929	\$ 230,553
2	State Assessments & Charges:						
a.	Retired Employees Health Insur.						
b.	Retired Teachers Health Insur.						
c.	Mosquito Control Projects	\$ 77,132	\$ 79,064	\$ 81,041	\$ 83,067	\$ 85,143	\$ 87,272
d.	Air Polluton	\$ 2,808	\$ 3,020	\$ 2,808	\$ 2,808	\$ 2,808	\$ 2,808
e.	Metropolitan Area Planning Council	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
f.	Old Colony Planning Council	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
g.	RMV Non-Renewal Surcharge	\$ 3,080	\$ 3,940	\$ 3,080	\$ 3,080	\$ 3,080	\$ 3,080
	Sub-total	\$ 83,020	\$ 86,024	\$ 86,929	\$ 88,955	\$ 91,031	\$ 93,160
3	Transportation Authorities:						
a.	Boston Metro. Transit District	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
b.	CC Regional Transit Authority	\$ 55,340	\$ 56,724	\$ 58,142	\$ 59,595	\$ 61,085	\$ 62,612
	Sub-total	\$ 55,340	\$ 56,724	\$ 58,142	\$ 59,595	\$ 61,085	\$ 62,612
4	Tuition Assessments:						
a.	School Choice Sending Tuition	\$ 179,312	\$ 185,710	\$ 179,312	\$ 179,312	\$ 179,312	\$ 179,312
b.	Charter School Sending Tuition	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
c.	Essex County Tech Sending	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Sub-total	\$ 179,312	\$ 185,710	\$ 179,312	\$ 179,312	\$ 179,312	\$ 179,312
	Total Estimated Charges	\$ 521,447	\$ 537,327	\$ 538,473	\$ 547,305	\$ 556,358	\$ 565,637

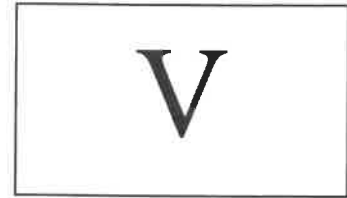
**DOR Tax Recapitulation
Local Receipts "Not Allocated"**

#	Category	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027
		Actual	Actual	Actual	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated
		Receipts	Receipts	Receipts	Receipts	Receipts	Receipts	Receipts	Receipts	Receipts
1	Motor Vehicle Excise	\$ 525,503	\$ 507,593	\$ 568,764	\$ 568,764	\$ 568,764	\$ 580,139	\$ 591,742	\$ 603,577	\$ 615,648
2	Other Excise									
	a. Meals	\$ 251,288	\$ 251,409	\$ 208,541	\$ 208,541	\$ 208,541	\$ 212,712	\$ 216,966	\$ 221,305	\$ 225,731
	b. Rooms Occupancy	\$ 116,428	\$ 414,712	\$ 854,795	\$ 899,473	\$ 899,473	\$ 917,462	\$ 935,812	\$ 954,528	\$ 973,619
	c. Other	\$ 13,342	\$ 14,491	\$ 13,422	\$ 13,422	\$ 13,422	\$ 13,422	\$ 13,423	\$ 13,424	\$ 13,425
	e. Cannabis		\$ -	\$ 2,678	\$ 270,000	\$ 270,000	\$ 275,400	\$ 280,908	\$ 286,526	\$ 292,257
3	Penalties & Interest on Taxes	\$ 89,282	\$ 92,137	\$ 92,533	\$ 92,533	\$ 92,533	\$ 92,533	\$ 92,533	\$ 92,533	\$ 92,533
4	Payments in Lieu of Taxes	\$ 22,127	\$ 27,152	\$ 27,021	\$ 27,021	\$ 27,021	\$ 27,021	\$ 27,021	\$ 27,021	\$ 27,021
5	Charges for Services - Water	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6	Charges for Services - Sewer	\$ -	\$ 26,293	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Charges for Services - Hospital	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8	Charges for Services - Solid Waste Fees	\$ 29,106	\$ 9,880	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9	Other Charges for Services	\$ -	\$ 125	\$ 37,980	\$ 37,980	\$ 37,980	\$ 37,980	\$ 37,980	\$ 37,980	\$ 37,980
10	Fees	\$ 73,617	\$ 76,385	\$ 73,697	\$ 73,697	\$ 73,697	\$ 73,697	\$ 73,697	\$ 73,697	\$ 73,697
	a. Cannabis Impact Fees	\$ -	\$ -	\$ 4	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
11	Community Impact Short Term Rentals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12	Rentals	\$ 79,651	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
13	Departmental Revenues - Schools	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
14	Departmental Revenues - Libraries	\$ 10,405	\$ 4,239	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
15	Departmental Revenues - Cemeteries	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
16	Departmental Revenues - Recreation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
17	Other Departmental Revenues	\$ 200,784	\$ 221,173	\$ 47,820	\$ 47,820	\$ 47,820	\$ 47,820	\$ 47,820	\$ 47,820	\$ 47,820
18	Licenses & Permits	\$ 342,984	\$ 294,256	\$ 339,698	\$ 339,698	\$ 339,698	\$ 339,698	\$ 339,698	\$ 339,698	\$ 339,698
19	Special Assessments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20	Fines & Forfeits	\$ 34,597	\$ 26,570	\$ 67,257	\$ 67,257	\$ 67,257	\$ 67,257	\$ 67,257	\$ 67,257	\$ 67,257
21	Investment Income	\$ 97,054	\$ 69,554	\$ 12,630	\$ 12,630	\$ 12,630	\$ 12,630	\$ 12,630	\$ 12,630	\$ 12,630
22	Medicaid Reimbursement	\$ 55,054	\$ 44,599	\$ 46,149	\$ 46,149	\$ 46,149	\$ 46,149	\$ 46,149	\$ 46,149	\$ 46,149
23	Miscellaneous Recurring	\$ 1,458	\$ -	\$ 92,720	\$ 92,700	\$ 92,700	\$ 92,700	\$ 92,700	\$ 92,700	\$ 92,700
24	Miscellaneous Non-Recurring	\$ 98,590	\$ -	\$ 15,718	\$ 16,590	\$ 16,590	\$ 16,590	\$ 16,590	\$ 16,590	\$ 16,590
25	Total	\$ 2,041,270	\$ 2,105,568	\$ 2,501,427	\$ 2,814,275	\$ 2,814,275	\$ 2,853,211	\$ 2,892,926	\$ 2,933,435	\$ 2,974,755
26	Reduction Adjustment					10.00%	20.00%	20.00%	20.00%	20.00%
27	Reduction Amount					\$ 281,428	\$ 570,642	\$ 578,585	\$ 586,687	\$ 594,951
28	Adjusted Total	\$ 2,041,270	\$ 2,105,568	\$ 2,501,427	\$ 2,814,275	\$ 2,532,848	\$ 2,282,568	\$ 2,314,341	\$ 2,346,748	\$ 2,379,804



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022



COVID-19 UPDATES & RECOMMENDATIONS

REQUESTED BY:	Chair Curley, Health Agent Lemos
DESIRED ACTION:	A staff member will give an update on any information needed
PROPOSED MOTION:	There is no action required for this item.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

VI

PUBLIC HEARINGS

REQUESTED BY:	Chap & Wags, INC.
DESIRED ACTION:	To transfer an annual liquor license from Chap & Wags INC. dba, the Wagner at Cuck Creek to The Jaunty Cygnet, dba The Swan
PROPOSED MOTION: SUMMARY:	I move to approve the transfer of the Annual Liquor License #00008-HY-1348 from Chap & Wags, INC. dba The Wagner at Duck Creek to The Jaunty Cygnet, dba The Swan
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**TOWN OF WELLFLEET
PUBLIC HEARING**

In accordance with M.G.L. Chapter 138, notice is hereby given that a public hearing will be held virtually on Tuesday February 8, 2022 at 6:00 p.m. to consider the following:

- Application received January 21, 2022, to transfer Annual liquor license #00008-HT-1348 from Chap & Wags, Inc. dba The Wagner at Duck Creek to The Jaunty Cygnet, dba The Swan.
<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

WELLFLEET BOARD OF SELECTMEN

BOARD OF SELECTMEN
TOWN OF WELLFLEET

APPLICATION PROCESSING FORM FOR LIQUOR LICENSE

Applicant: The Jaunty Cygnet Inn dba The Swan

Grant C. Hester, Manager

Address: 70 Main Street

Date Received: January 21, 2022 12:33 pm

Application for: (check one)

- Restaurant - all alcohol
- Restaurant - beer & wine
- Package Store - all alcohol
- Package Store - beer & wine
- Innholder - all alcohol
- Innholder - beer & wine
- New License
- Transfer of License**
- Transfer of Stock
- New Officers/Directors/Stockholders
- Change in Description of Premises
- Seasonal to Annual
- Change of Manager
- Change of Hours

Police: _____ Date: 1/24/22 Comments: OKay

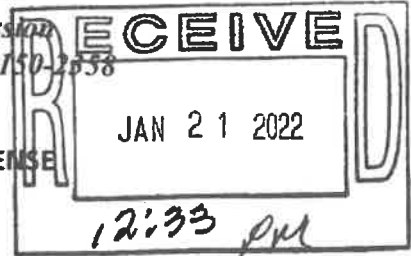
Fire: _____ Date: 2/2/22 Comments: The building will need to be inspected prior to opening

Health: _____ Date: 1/21/22 Comments: OKay

Zoning: _____ Date: _____ Comments: _____



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2538
 www.mass.gov/abcc



APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

GRANT HESTER AND JOHN O'TOOLE (THROUGH FITZGERALD HILL LLC AND OPERATING UNDER THE JAUNTY CYGNET LLC ARE PURCHASING THE WAGNER AT DUCK CREEK AND THE WELL.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12 <input checked="" type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Inn consisting of a main tavern with the first floor of 1920 sq ft including storage areas and restrooms with an attached 300 sq ft kitchen. Also, a first floor function hall consisting of 1960 sq ft of combined 3 rooms and lobby, ground level function room, 1 room hall of 3056 sq ft, captain's room of 200 sq ft, and patio of 200 sq ft., back deck

Total Sq. Footage	<input type="text" value="8,616"/>	Seating Capacity	<input type="text" value="120"/>	Occupancy Number	<input type="text" value="165"/>
Number of Entrances	<input type="text" value="4"/>	Number of Exits	<input type="text" value="3"/>	Number of Floors	<input type="text" value="2"/>

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name By what means is the license being transferred?

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
<input type="text" value="Leon Wagner"/>	<input type="text" value="Officer"/>	<input type="text" value="50%"/>
<input type="text" value="Erica Chapman"/>	<input type="text" value="Officer"/>	<input type="text" value="50%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/Cafe/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB	Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="Grant Hester"/>	<input type="text" value="240 1/2 Bradford St, Provincetown MA 02657"/>	<input type="text" value="REDACTED"/>	<input type="text" value="07/05/1974"/>	<input type="text" value="Manager"/>	<input type="text" value="50%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
<input type="text" value="John O'Toole"/>	<input type="text" value="240 1/2 Bradford St, Provincetown MA 02657"/>	<input type="text" value="REDACTED"/>	<input type="text" value="9/24/1968"/>	<input type="text" value="Manager"/>	<input type="text" value="50%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

VII

BOARDS/COMMITTEES APPOINTMENTS, UPDATES AND MEMBERS OF THE PUBLIC

~ A ~

REQUESTED BY:	Rebecca Roughley, ATA & Jim Hood Chair of Water Commissioner's
DESIRED ACTION:	To update the board and public on the Coles Neck Engineer Contract
PROPOSED MOTION:	There is no action needed for this agenda item, if a motion needs to be made it will be done so at the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

OWNER-ENGINEER AGREEMENT

THIS AGREEMENT made this ____ day of _____ in the year Two Thousand and Twenty-Two, between Environmental Partners, LLC, with a usual place of business at 1900 Crown Colony Drive, Unit 402, Quincy, MA 02169, hereinafter called the ENGINEER, and the Town of Wellfleet Massachusetts, acting by its Assistant Town Administrator, with a usual place of business at 300 Main Street, Wellfleet, MA 02667, hereinafter called the OWNER.

The ENGINEER and the OWNER, for the consideration hereinafter named, agree as follows:

1. Scope of Work

The Engineer shall furnish all labor, materials, equipment and insurance to perform all work required for the project known as Construction Administration and Supplemental Engineering Services in Connection with the Coles Neck Water Main Replacement Project (the Project), in accordance with the Scope of Services set forth in Attachment A.

2. Contract Price

The Owner shall pay the Engineer for the performance of this Agreement, subject to any additions and deductions provided for herein, in current funds, the not to exceed sum of Three Hundred Fourteen Thousand Nine Hundred Fifty Dollars (\$314,950). Breakdown of compensation by task is set forth in Attachment A.

3. Commencement and Completion of Work

- A. It is agreed that time is of the essence of this Agreement. The Engineer shall commence and prosecute the work under this Agreement upon execution hereof and shall complete the work on or before December 31, 2022.
- B. Time as Essential Condition: It is understood and agreed that the commencement of and completion of the work are essential conditions of this Agreement. It is further agreed that time is of the essence for each and every portion of the Agreement wherein a definite and certain length of time is fixed for the performance of any act whatsoever; and where under the Agreement any additional time is allowed for the completion of any work, the new time fixed by such extension shall be of the essence of this Agreement. It is understood and agreed that the times for the completion of the work are reasonable, taking into consideration the average climatic range and usual industrial conditions prevailing in this locality.
- C. Progress and Completion: Engineer shall commence work promptly upon execution of this Agreement and shall prosecute and complete the work regularly, diligently and uninterruptedly at such a rate of progress as will insure completion within the stipulated number of calendar days.

4. Performance of the Work

A. Direction of the Work: The Engineer shall supervise and direct the Work, using his best skills and attention, which shall not be less than such state of skill and attention generally rendered by the engineering/design profession for projects similar to the Project in scope, difficulty and location. The Engineer shall be solely responsible for coordinating all portions of the Work under the Agreement.

B. Responsibility for the Work:

- (1) The Engineer shall be responsible to the Owner for the acts and omissions of his employees, subcontractors and their agents and employees, and other persons performing any of the Work under a contract with the Engineer. Consistent with the standard of care referenced in paragraph A. above, the Engineer shall be responsible for the professional and technical accuracy and the coordination of all designs, drawings, specifications, estimates and other work or services furnished by him or his consultants and subcontractors. The Engineer shall perform his work under this Agreement in such a competent and professional manner that detail checking and reviewing by the Owner shall not be necessary.
- (2) The Engineer shall not employ additional consultants not named in his proposal to the Owner, nor sublet, assign or transfer any part of his services or obligations under this Agreement without the prior approval and written consent of the Owner. Such written consent shall not in any way relieve the Engineer from his responsibility for the professional and technical accuracy and coordination of all data, designs, drawings, specifications, estimates and other work or services furnished under this Agreement.
- (3) All consultants must be registered and licensed in their respective disciplines if registration and licensure are required under the applicable provisions of Massachusetts law.
- (4) The Engineer and all consultants and subcontractors shall conform their work and services to any guidelines, standards and regulations of any governmental authority applicable to the type of work or services covered by this Agreement, including those of the Massachusetts Highway Department and the Department of Environmental Protection.
- (5) The Engineer shall not be relieved from his obligations to perform the Work in accordance with the requirements of this Agreement either by the activities or duties of the Owner in its administration of the

Agreement, or by inspections, tests or approvals required or performed by persons other than the Engineer.

- (6) Neither the Owner's review, approval or acceptance of, nor payment for any of the work or services performed shall be construed to operate as a waiver of any rights under the Agreement or any cause of action arising out of the performance of the Agreement.

C. Deliverables, Ownership of Documents: One (1) reproducible copy of all drawings, plans, specifications and other documents prepared by the Engineer shall become the property of the Owner upon payment in full therefor to the Engineer. Ownership of stamped drawings and specifications shall not include the Engineer's certification or stamp. Any re-use of such documents without the Engineer's written verification of suitability for the specific purpose intended shall be without liability or legal exposure to the Engineer or to the Engineer's independent professional associates, subcontractors or consultants. Distribution or submission to meet official regulatory requirements or for other purposes in connection with the Project is not to be construed as an act in derogation of the Engineer's rights under this Agreement.

D. Notices, Compliance With Laws:

- (1) The Engineer shall give all notices and comply with all federal, state and local laws, ordinances, rules, regulations and lawful orders of any public authority relating to the performance of the Work. The Engineer shall provide the Owner with reproductions of all permits, licenses and receipts for any fees paid.
- (2) If the Engineer observes that any of the Owner's design schemes, outlines or goals are at variance with applicable laws, statutes, codes and regulations in any respect, he shall promptly notify the Owner in writing, and any necessary changes shall be accomplished by appropriate modification.
- (3) In the performance of the Work, the Engineer shall comply with all applicable federal, state and local laws and regulations, including those relating to workplace and employee safety.

5. Site Information Not Guaranteed: Engineer's Investigation

Upon request of the Engineer, the Owner shall furnish to the Engineer available surveys, data and documents, if any, relating to the area which is the subject of the Scope of Work. All such information, including that relating to subsurface and other conditions, natural phenomena, existing pipes, and other structures is from sources at present available to the Owner. All such

information is furnished only for the information and convenience of the Engineer and is not guaranteed. It is agreed and understood that the Owner does not warrant or guarantee that the subsurface or other conditions, natural phenomena, existing pipes, or other structures will be the same as those indicated in the information furnished, and the Engineer must satisfy himself as to the correctness of such information. If, in the opinion of the Engineer, such information is inadequate, the Engineer may request the Owner's approval to verify such information through the use of consultants or additional exploration. In no case shall the Engineer commence such work without the Owner's prior written consent. Such work shall be compensated as agreed upon by Owner and Engineer.

6. Payments to the Engineer

- A. The Owner shall make payment to the Engineer, monthly, upon approval of the Engineer's requisitions therefor. All requisitions shall be in the same proportionate amount of the Contract Price as the proportion of the work completed to the total scope of work.
- B. If there is a material change in the scope of work, the Owner and the Engineer shall mutually agree to an adjustment in the Contract Price.
- C. If the Owner authorizes the Engineer to perform additional services, the Engineer shall be compensated in an amount mutually agreed upon, in advance, in writing. Except in the case of an emergency, the Engineer shall not perform any additional services until such compensation has been so established.

7. Reimbursement

Except as otherwise included in the Contract Price or otherwise provided for under this Agreement, the Engineer shall be reimbursed by the Owner: (a) at 1.1 times the actual cost to the Engineer of consultants retained to obtain information pursuant to Article 5 hereof or otherwise. No such reimbursement shall be made unless the rates of compensation have been approved, in advance, by the Owner; (b) at 1.1 times the actual cost of additional or specially authorized expense items, as approved by the Owner.

8. Final Payment, Effect

The acceptance of final payment by the Engineer shall constitute a waiver of all claims by the Engineer arising under the Agreement.

9. Terms Required By Law

This Agreement shall be considered to include all terms required to be included in it by the Massachusetts General Laws, and all other laws, as though such terms were set forth in full herein.

10. Indemnification

- A. General Liability: The Engineer shall indemnify and hold harmless the Owner from and against any and all claims, damages, losses, and expenses, including attorney's fees, to the extent arising out of the performance of this Agreement and to the extent the same relate to matters of general commercial liability, when such claims, damages, losses, and expenses are caused, in whole or in part, by the negligent acts or omissions of the Engineer or his employees, agents, subcontractors or representatives.
- B. Professional Liability: The Engineer shall indemnify and hold harmless the Owner from and against any and all claims, damages, losses, and expenses, including attorney's fees, arising out of the performance of this Agreement when such claims, damages, losses, and expenses are caused, in whole or in part, by the negligent acts, negligent errors or omissions of the Engineer or his employees, agents, subcontractors or representatives.
- C. No Limitation of Rights: The indemnification obligation of Engineer under this paragraph 10 is in addition to, and not in limitation of, any other rights and remedies available to the Owner under this Agreement, at law or in equity.

11. Insurance

- A. The Engineer shall at his own expense obtain and maintain a Professional Liability Insurance policy for errors, omissions or negligent acts arising out of the performance of this Agreement in a minimum amount of \$1,000,000.00.
- B. The coverage shall be in force from the time of the agreement to the date when all construction work for the Project is completed and accepted by the Owner. If, however, the policy is a claims made policy, it shall remain in force for a period of six (6) years after completion.

Since this insurance is normally written on a year-to-year basis, the Engineer shall notify the Owner should coverage become unavailable.

- C. The Engineer shall, before commencing performance of this Agreement, provide by insurance for the payment of compensation and the furnishing of other benefits in accordance with M.G.L. c.152, as amended, to all its employees and shall continue such insurance in full force and effect during the term of the Agreement.
- D. The Engineer shall carry insurance in a sufficient amount to assure the restoration of any plans, drawings, computations, field notes or other similar data relating to

the work covered by this Agreement in the event of loss or destruction until the final fee payment is made or all data are turned over to the Owner.

- E. The Engineer shall also maintain public liability insurance, including property damage, bodily injury or death, and personal injury and motor vehicle liability insurance against claims for damages because of bodily injury or death of any person or damage to property.
- F. Certificates and any and all renewals substantiating that required insurance coverage is in effect shall be filed with the Agreement. Any cancellation of insurance, whether by the insurers or by the insured, shall not be valid unless written notice thereof is given by the party proposing cancellation to the other party and to the Owner at least fifteen days prior to the intended effective date thereof, which date shall be expressed in said notice.
- G. The Owner reserves the right to modify any conditions of this Article.

12. Notice

All notices required to be given hereunder shall be in writing and delivered to, or mailed first class to, the parties' respective addresses stated above. In the event that immediate notice is required, it may be given by telephone or facsimile, but shall, to the extent possible, be followed by notice in writing in the manner set forth above.

13. Termination

- A. Each party shall have the right to terminate this Agreement in the event of a failure of the other party to comply with the terms of the Agreement. Such termination shall be effective upon seven days' notice to the party in default and the failure within that time of said party to cure its default.
- B. The Owner shall have the right to terminate the Agreement without cause, upon ten (10) days' written notice to the Engineer. In the event that the Agreement is terminated pursuant to this subparagraph, the Engineer shall be reimbursed in accordance with the Agreement for all work performed up to the termination date.

14. Miscellaneous

- A. Royalties and Patents: The Engineer shall pay all applicable royalties and license fees. He shall defend all suits or claims for infringement of any patent rights and shall save the Owner harmless from loss on account thereof, except that the Engineer shall not be responsible to the extent of any loss resulting directly from a particular design, process or the product of a particular manufacturer or manufacturers where the same have been specified solely by the Owner, except that if the Engineer believes or has reason to believe that the design, process or product so specified is or may be an infringement of a patent, he shall be

responsible for such loss unless he promptly gives such information to the Owner in writing, and thereafter the Owner insists in writing on the use of the design, process or product specified.

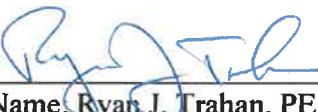
- B. Assignment: The Engineer shall not assign or transfer any of its rights, duties or obligations under this Agreement without the advance written approval of the Owner, in its sole and absolute discretion.
- C. Governing Law: This Agreement shall be governed by and construed in accordance with the law of the Commonwealth of Massachusetts.
- D. Certification of Tax Compliance: By its execution of this Agreement, the Engineer certifies, pursuant to General Laws Chapter 62C, Section 49A and under the pains and penalties of perjury, that it has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals, the Owner by its authorized representatives who, however, incur no personal liability by reason of the execution hereof or of anything herein contained, as of the day and year first above written.

ENGINEER:

OWNER:

By its: Assistant Town Administrator

By: 
Name: Ryan J. Trahan, PE
Title: President

ATTACHMENT A - SCOPE OF SERVICES

**FOR
CONSTRUCTION ADMINISTRATION AND SUPPLEMENTAL ENGINEERING
SERVICES IN CONNECTION WITH**

**COLES NECK WATER MAIN REPLACEMENT PROJECT
WELLFLEET, MASSACHUSETTS**

January 2022



SECTION 1. CHARACTER AND EXTENT OF ENGINEERING AND SUPPLEMENTAL SERVICES:

ENVIRONMENTAL PARTNERS shall furnish the following engineering and supplemental services in connection with the Coles Neck Water Main Replacements Construction Administration Services.

Task 1 – Construction Administration

- A. ENVIRONMENTAL PARTNERS will provide construction administration services for a duration of approximately 43 weeks to assist the Town with the management and administration of the construction contract. Task 1 shall include:
1. Assist in the coordination of the project and maintain communication with Town's Project Team and their designee(s).
 2. Attend a project kick-off meeting with the selected Contractor, the Town, and other interested parties to discuss the construction of the project, as outlined in the Construction Contract Documents, including: (1) scheduling; (2) methodology for dispute resolution; (3) substitutions of materials and/or construction procedures; (4) clarifications of the Contract Documents; and (5) coordination with the Town.
 3. Coordination and management of construction and installation activities.
 4. Review and coordination of shop drawings and project submittals for materials, equipment, and other project requirements. EP anticipates approximately 20 submittals during the course of construction.
 5. Coordination and attendance at in-person monthly construction progress meetings (total of 11).
 6. The preparation of project correspondences to the Town and Contractor to facilitate timely execution of construction activities in accordance with the construction contract requirements.
 7. Preparation of responses to Requests for Information (RFIs).
 8. Review and coordination of claims and change orders.
 9. Coordination with the resident project representative on project progress, submittals, and project claims and change orders.

10. Issue all instructions of Town to Contractor(s); issue necessary interpretations and clarifications of the Contract Documents and in connection therewith prepare change orders as required; have authority, as Town's consultant, to require special inspection or testing of the work; act as initial interpreter of the requirements of the Contract Documents and judge of the acceptability of the work thereunder and make decisions on all claims of Town and Contractor(s) relating to the acceptability of the work or in the interpretation of the requirements of the Contract Documents pertaining to the execution and progress of the work; but ENVIRONMENTAL PARTNERS shall not be liable for the result of any such interpretations or decisions rendered in good faith.
11. Review and take appropriate action with respect to shop drawings, results of tests and inspections, and other data which the Contractor is required to submit, but only for conformance with the design concept of the project and compliance with the information given in the Contract Documents (but such review or other action shall not extend to means, methods, sequences, techniques, or procedures of construction, or to safety precautions and programs incident thereto); determine the acceptability of substitute materials and equipment proposed by Contractor(s); and receive and review (for general content, as required by the Specifications) maintenance and operating instructions, schedules, guarantees, bonds, and certificates of inspection, which are to be assembled by Contractor(s) in accordance with the Contract Documents.
12. Make visits to the site at intervals appropriate to the various stages of construction to observe as an experienced and qualified design professional the progress and quality of the executed work of Contractor(s) and to determine in general if such work is proceeding in accordance with the Contract Documents. (ENVIRONMENTAL PARTNERS construction administrative staff shall not be required to make exhaustive or continuous onsite observations to check the quality or quantity of such work). ENVIRONMENTAL PARTNERS construction administrative staff shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by Contractor(s) or the safety precautions and programs incident to the work of Contractor(s). ENVIRONMENTAL PARTNERS efforts will be directed toward providing a greater degree of confidence for the Town that the completed work of Contractor(s) will conform to the Contract Documents, but ENVIRONMENTAL PARTNERS shall not be responsible for the failure of Contractor(s)

to perform the work in accordance with the Contract Documents. During such visits, and on the basis of onsite observations, ENVIRONMENTAL PARTNERS shall endeavor to keep the Town informed of the progress of the work, shall endeavor to guard the Town against defects and deficiencies in such work and may recommend the Town disapprove or reject work failing to conform to the Contract Documents. ENVIRONMENTAL PARTNERS anticipates 20 site visits during the course of construction.

13. Based on ENVIRONMENTAL PARTNERS on site observations as an experienced and qualified design professional on review of applications for payment and the accompanying data and schedules, determine the amounts owing to Contractor(s) and recommend in writing to the Town payments to Contractor(s) in such amounts; such recommendations for payment will constitute a representation to the Town, based on such observations and review, that the work has progressed to the point indicated, that, to the best of ENVIRONMENTAL PARTNERS knowledge, information and belief, the quality of such work is in accordance with the Contract Documents (subject to an evaluation of such work as a functioning Project upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents, and to any qualifications stated in his recommendation), and that payment of the amount recommended is due Contractor(s); but by recommending any payment ENVIRONMENTAL PARTNERS will not thereby be deemed to have represented that continuous or exhaustive examinations have been made by ENVIRONMENTAL PARTNERS to check the quality or quantity of the work or to review the means, methods, sequences, techniques or procedures of construction or safety precautions or programs incident thereto or that ENVIRONMENTAL PARTNERS has made an examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, or that title to any of the work, materials or equipment has passed to the Town free and clear of any lien, claims, security interest or encumbrances, or that Contractor(s) have completed their work exactly in accordance with the Contract Documents.

14. ENVIRONMENTAL PARTNERS shall collect and store certified payrolls from the Contractor(s) or subcontractor and provide the Town with copies as requested.

ENVIRONMENTAL PARTNERS shall not be responsible for the acts or omissions of any Contractor, or subcontractor, or any of the Contractor(s)' or subcontractors' agents or employees or any other

persons (except ENVIRONMENTAL PARTNERS own employees and agents) at the site or otherwise performing any of the Contractor(s)' work; however, nothing contained in the paragraphs above, inclusive, shall be construed to release ENVIRONMENTAL PARTNERS from liability for failure to properly perform duties undertaken by him in the Contract Documents.

Task 2 – Resident Engineering

- A. ENVIRONMENTAL PARTNERS will provide one full-time resident project representatives whose duties, responsibilities, and limitations of authority are outlined below, for a duration of up to one thousand four hundred forty (1440) hours. This is based on a 32-week contract duration and 9 hours per day.
- B. ENVIRONMENTAL PARTNERS shall not be responsible for the means, methods, techniques, sequences, or procedures of construction selected by the Contractor(s), or the safety precautions and programs incident to the work of the Contractor(s), but ENVIRONMENTAL PARTNERS shall be responsible for notifying the Contractor and Town of any work that is cause for concern with respect to consistency with the requirements of the contract plans and specifications. ENVIRONMENTAL PARTNERS efforts will be directed toward providing a greater degree of confidence for Town that the completed work of the Contractor(s) will conform to the Contract Documents, but ENVIRONMENTAL PARTNERS shall not be responsible for the failure of the Contractor(s) to perform the work in accordance with the Contract Documents. On the basis of on-site observations, ENVIRONMENTAL PARTNERS shall keep the Town informed of the progress of work, guard the Town against defects and deficiencies in such work, and recommend the Town disapprove or reject work failing to conform to the Contract Documents.
- C. The Resident Project Representative's duties, responsibilities, and limitations of authority are outlined below.

- a. General:

- The Resident Project Representative is ENVIRONMENTAL PARTNERS Agent, and shall act under the supervision of the ENVIRONMENTAL PARTNERS Project Manager (Project Manager). He shall confer with the Project Manager regarding his actions. His dealings in matters pertaining to on-site work will be, in general, with the Project Manager and the Contractor, keeping the Town advised as indicated below and as

necessary. His dealings with subcontractors will only be through or with the full knowledge of Contractor or his on-site representative. He shall generally communicate with Town with the knowledge of the Project Manager.

b. Duties and Responsibilities:

Resident Project Representative shall:

1. Schedules:

- i. Review the progress schedule, schedule of shop drawing submissions, and schedule of values prepared by Contractor, and consult with the Project Manager concerning their acceptability.

2. Conferences:

- i. Attend progress meetings and other job conferences, as required, in consultation with the Project Manager.

3. Liaison:

- i. Serve as ENVIRONMENTAL PARTNERS liaison with the Contractor and the Town, working principally through Contractor's designated on-site representative, and assist them in understanding the intent of the Contract Documents. Assist the Project Manager in serving as the Town's liaison with Contractor when the Contractor's operations affect Town's on-site operations.
- ii. Assist in obtaining from the Town additional details of information required at the job site for proper execution of the work.

4. Shop Drawings:

- i. Immediately advise the Project Manager and the Contractor, or his on-site representative, of the commencement of any work requiring a shop drawing submission, if the submission has not been reviewed by ENVIRONMENTAL PARTNERS.

5. **Review of Work, Rejection of Defective Work, Inspections and Tests:**

- i. Conduct periodic on-site reviews of construction in progress, or as otherwise necessary, to determine, to the best of his knowledge, (1) if work is proceeding in general accordance with the Contract Documents; and (2) that completed work is in substantial conformance with the Contract Documents. During such visits, and on the basis of on-site observations, EP shall keep the Town informed of the progress of the work, shall guard the Town against defects and deficiencies in such work, and shall recommend the Town disapprove or reject work failing to conform to the Contract Documents.
- ii. Report to the Project Manager, who, in turn, will notify the Town whenever any work is, to the best of his knowledge and belief, unsatisfactory, faulty or defective, or is not in substantial conformance with the Contract Documents, or has been damaged, or does not meet the requirements of any inspections, tests, or approvals required to be made; and advise the Project Manager when he believes work should be corrected or rejected or should be uncovered for observation, or requires special testing or inspection or approval. Record and advise the Contractor of work failing to meet the Contract requirements.
- iii. Verify that tests are conducted, as required by the Contract Documents, and in the presence of the required personnel, and that the Contractor maintains adequate records thereof; observe, record, and report to the Project Manager appropriate details relative to the test procedures.
- iv. Obtain records of all on-site testing and site visits from the Contractor's on-site representative, and report these to the Project Manager.

- v. Performance of the services outlined in Section 5., parts (i.) through (iv.) is to protect Town against defects and deficiencies in the work, and to verify compliance with the Contract Documents. Nothing in Section 5 relieves the Contractor of their independent obligations under their contract with Town.

6. **Interpretation of Contract Documents:**

- i. Transmit to the Contractor clarification and interpretation of the Contract Documents, as issued by the Project Manager.

7. **Modifications:**

- i. Consider and evaluate the Contractor's suggestions for modifications in Drawings and Specifications, and report them, with recommendations, to the Project Manager.

8. **Records:**

- i. Maintain orderly files for correspondence; reports of job conferences and submissions; and reproductions of original Contract Documents, including all addenda, change orders, field orders, additional drawings issued subsequent to the execution of the Contract, ENVIRONMENTAL PARTNERS clarifications and interpretations of the Contract Documents, progress reports, and other project-related documents.
- ii. Keep a diary or log book recording hours on the job site; weather conditions; data relative to questions of extras or deductions; list of principal visitors and representatives of fabricators, manufacturers, suppliers, and distributors; daily activities; decisions; and observations in general and specific observations in more detail, as in the case of observing test procedures. Send copies to the Project Manager.

- iii. Record names, addresses, and telephone numbers of all Contractors, subcontractors, and major suppliers of equipment and materials.

9. **Reports:**

- i. Furnish periodic reports, as required, of progress of the work and of the Contractor's compliance with the progress schedule and schedule of shop drawing submissions.
- ii. Prepare field memorandum, preliminary change orders and extra work orders, obtaining all back-up material. Recommend to the Project Manager Field Memorandum, Change Orders, Extra Work Orders, and Field Changes.

10. **Payment Requisitions:**

- i. Review applications for payment with the Contractor for compliance with the established procedure for their submission, and forward them, with recommendations, to the Project Manager, noting particularly their relation to the schedule of values, work completed, and materials and equipment delivered at the site but not incorporated in the work.

11. **Certificates, Maintenance and Operations Manuals:**

- i. During the course of the work, verify that certificates, maintenance and operation manuals, as appropriate, and other data required to be assembled and furnished by Contract are applicable to the items actually installed, and deliver this material to the Project Manager for his review and forwarding to Town prior to final acceptance of the work.

12. **Completion:**

- i. Conduct a review to determine if the Project is substantially complete, and to determine if, to the best of ENVIRONMENTAL PARTNERS knowledge, the work has been

completed in substantial conformance with the Contract Documents and the intent of the design, and if Contractor has fulfilled all of his obligations there-under, so that ENVIRONMENTAL PARTNERS may recommend, in writing, final payment to Contractor(s), and may give written notice to Town and the Contractor(s) that the work is acceptable (subject to any conditions therein expressed), but any such recommendations and notice shall be subject to the limitations expressed in the AGREEMENT.

- i. Before ENVIRONMENTAL PARTNERS issues a Certificate of Substantial Completion, assist the Project Manager in developing a list of observed items requiring correction or completion.
 - ii. Conduct final review in the company of the Project Manager, Town and Contractor, and assist in the preparation of a final list of items to be corrected.
 - iii. Verify, to the best of his knowledge, that all items on the final list have been completed or corrected, and make recommendations to the Project Manager concerning acceptance.
- c. Limitations of Authority - Resident Project Representative:
1. Shall not authorize any deviation from the Contract Documents, or approve any substitute materials or equipment, unless authorized by the Project Manager.
 2. Shall not undertake any of the responsibilities of Contractor, subcontractors, or Contractor's superintendent.
 3. Shall not expedite work for the Contractor.
 4. Shall not advise on or issue directions relative to any aspect of the means, methods, techniques, sequences, or procedures of

construction, unless such is specifically called for in the Contract Documents.

5. Shall not advise or issue directions as to safety precautions and programs in connection with the work.
6. Shall not authorize Town to occupy the project in whole or in part.
7. Shall not participate in specialized field or laboratory tests or inspections conducted by others, except as specifically authorized by ENVIRONMENTAL PARTNERS.
8. Shall not exceed limitations on ENVIRONMENTAL PARTNERS authority as set forth in the Contract Documents.

Task 3 – Closeout and Record Drawings

- A. Provide record drawings to the DPW at the completion of the project using contractor records and notes, and Resident Representative records and notes.
- B. Coordinate project closeout including review of substantial completion requests and preparation of closeout documentation (certificate of substantial completion, contractor's affidavit of payment, contractor's waiver of liens, and consent to final payment).
- C. Conduct a review to determine if the Project is substantially complete and to determine if, to the best of ENVIRONMENTAL PARTNERS knowledge, the work has been completed in substantial conformance with the Contract Documents and the intent of the design and if Contractor has fulfilled all of his obligations thereunder so that ENVIRONMENTAL PARTNERS may recommend, in writing, final payment to Contractor(s) and may give written notice to the Town and the Contractor(s) that the work is acceptable (subject to any conditions therein expressed), but any such recommendations and notice shall be subject to the limitations expressed in the paragraph above.
- D. Coordinate and assist Town with closeout activities as required by the local, state, and federal environmental permits.
- E. Prepare project closeout documents for the Wellfleet Board of Water Commissioners, Department of Public Works, and state agencies, including MassDOT and MassDEP.

SECTION 4. COMPENSATION:

The Client agrees to pay to ENVIRONMENTAL PARTNERS as compensation for professional services under this Agreement as follows:

- A. Compensation for services under **Task 1 – Construction Administration** shall be made on the basis of a not to exceed fee of Ninety-Seven Thousand Nine Hundred Fifty Dollars (\$97,950).
- B. Compensation for services under **Task 2 – Resident Engineering** shall be made on the basis of a not to exceed fee of One Hundred Eighty Thousand Five Hundred Dollars (\$180,500).
- C. Compensation for services under **Task 3 – Closeout and Record Drawings** shall be made on the basis of a not to exceed fee of Thirty-Five Thousand Seven Hundred Dollars (\$35,700).
- D. Total compensation under the AGREEMENT shall not exceed Three Hundred Fourteen Thousand One Hundred Fifty Dollars (\$314,150)
- E. The compensation indicated above is based on an estimate of the character and extent of services involved. Unforeseen conditions, which become evident during the course of the services, may alter or increase the effort required. The not-to-exceed amounts indicated for any task will not be exceeded without formal written amendment to this Agreement between the Client and ENVIRONMENTAL PARTNERS.
- F. Payment for services shall be made by the Client to ENVIRONMENTAL PARTNERS on the basis of periodic invoices. Payment shall be made by the Client on or before thirty (30) calendar days after receipt of any invoice. If the Client objects to any invoice submitted by ENVIRONMENTAL PARTNERS, Client shall advise ENVIRONMENTAL PARTNERS of Client's objections, in writing, within fourteen (14) days of receipt of such invoice.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

VII

**BOARDS/COMMITTEES APPOINTMENTS, UPDATES
AND MEMBERS OF THE PUBLIC**

~ B ~

REQUESTED BY:	Trudy Vehndier
DESIRED ACTION:	To discuss the issues concerning Bank Street and Commercial Street Intersection
PROPOSED MOTION:	There is no action needed for this agenda item, if a motion needs to be made it will be done so at the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

VII

BOARDS/COMMITTEES APPOINTMENTS, UPDATES AND MEMBERS OF THE PUBLIC

~ C ~

REQUESTED BY:	Merrill Mead-Fox & Gordon Kahn
DESIRED ACTION:	To give an update to the board and public regarding the Wellfleet Historical Commission
PROPOSED MOTION:	There is no action needed for this agenda item, if a motion needs to be made it will be done so at the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

WHC-Design Guidelines Introduction for 2/8/22

To: Members of the Selectboard

From: Merrill Mead-Fox and Gordon Kahn, Co-Chairs of The Wellfleet Historical Commission

We look forward to meeting with the Selectboard regarding our work on developing Historical Commission Design Guidelines. In response to Selectboard feedback, we have made some changes to the Design Guidelines Draft, which we are sending to you with this letter. We also plan to address some of the concerns mentioned in our last meeting with the Selectboard about these Design Guidelines. Here is a brief re-introduction before we meet:

The Wellfleet Historical Commission was established by Town Meeting Vote in 1986, for the preservation of historic buildings “which reflect the historical, cultural, or architectural heritage of the town of Wellfleet”. The Commission is responsible for reviewing plans for substantial alteration or demolition of historically significant buildings in the town of Wellfleet. We are also charged with researching and preparing inventory forms on historic properties in Wellfleet, and these inventories inform our work.

According to Article XIII, Wellfleet’s Demolition Delay Bylaw:

“The purpose of this ordinance is to protect from demolition historically significant buildings which reflect the historical, cultural, or architectural heritage of the Town of Wellfleet, and to encourage the owners of such buildings to explore and develop acceptable alternatives to demolition such as preservation, renovation, restoration, or relocation.”

We make use of the Secretary of the Interior’s Standards for Rehabilitation (included in your packet) as we meet with building owners about proposals which involve partial or complete demolition of historic structures. Through trainings with the Massachusetts Historical Commission, we have become aware that many towns in Massachusetts use more specific Design Guidelines for historic buildings/districts.

In the Summer of 2021, the WHC voted to develop a subcommittee to work on developing Design Guidelines (included in your packet):

- 1). To provide preservation guidance for property owners working on historic buildings
- 2). To be more consistent and clear about our guidelines for owners of historic buildings who come before us
- 3). To help train new Historical Commission members and the public about historic preservation standards

After research into Design Guidelines used by Provincetown, Harwich, and Falmouth, we developed a draft of Design Guidelines that we thought would be appropriate for Wellfleet. Our Guidelines are most similar to Provincetown’s, allowing for a bit more flexibility in some areas.

We consulted with Sarah Korjeff, the Preservation Specialist for the Cape Cod Commission, who said, “I think it’s a good idea to have design guidance for property owners working on historic buildings in Wellfleet. The information you have compiled hits all of the important issues and is clear and concise...It is my understanding that the Historical Commission may adopt design guidelines similar to the way they can adopt rules and regulations governing their procedures. I think it is appropriate to consult town staff and other boards and committees before your Commission votes to adopt them.

We look forward to discussing these Guidelines and related concerns with you, and working with you to preserve and protect historically significant buildings in Wellfleet.

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The following Standards for Rehabilitation were developed in 1995 by the National Park Service of the U.S. Department of the Interior. They are the national standard to guide rehabilitation work on historic resources and are used by the Wellfleet Historical Commission when rendering their recommendations.

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural or architectural values.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the historic property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

WELLFLEET HISTORIC DESIGN GUIDELINES

These Design Guidelines are meant to provide guidance to property owners working on historic buildings in Wellfleet. These guidelines are based on preservation standards in Massachusetts, Cape Cod, and the Department of the Interior. They are meant to be advisory in nature. Please consider these Guidelines carefully prior to submitting an application to the Wellfleet Historical Commission.

Chimneys:

Chimneys are an important component of many historic structures in Wellfleet. Whenever possible, it is best to retain or repair original or later important chimneys. New chimneys should be of a size, scale, design, and location that are appropriate to the type and style of the building, as demonstrated by historic buildings of similar size and design.

Doors & Doorways:

Original or historically significant doors should be retained or replaced-in-kind. Replacement doors, if necessary, should match the original in material, size, and design. Decorative features (such as transoms, sidelights, door hoods, brackets, columns, balusters, and pediments) should be retained and repaired or replaced-in-kind. New doors may be added, or existing doors moved, provided they do not detract from an original or architecturally significant elevation.

Dormers:

Dormers and other roof alterations and additions are permitted under the following criteria: 1) preservation of original roof slope at either side of alteration, and 2) use of materials appropriate to the surrounding original roof and siding materials. If replacing missing features, such as cupolas or chimneys, such replacement should be based upon historic evidence.

Gable dormers should be set back appropriately from the roof eave, fascia, and edge. They should be arranged in such a way that they respect historic precedent and the architecture of the building. Shed dormers should be set back appropriately from the roof eave and roof ridge. Materials should be compatible with the building, including roof shingles, siding, cornice and trim, and windows.

Porches and decks:

Historic porches and decks, including their decorative features, should be retained and repaired. Where repair of deteriorated features is not feasible, the replacement should match the original in appearance, material, and design.

Complete elevation drawings must be submitted for porch and deck additions, clearly detailing all design elements (i.e. railings, balusters, materials, paint color, under porch treatment, the relation of the proposed porch to the building). Such additions should be contextual (i.e. reflect the historic character, architectural detail, and materials of the house). Location, materials, and design are critical components of porch, deck, and stair additions or alterations.

Roofs and roofing:

Most 18th and 19th century buildings were originally clad in wood shingles, typically either white pine or cedar shake, with a few prominent buildings clad in slate. We encourage property owners to replace traditional wood shake shingles with the same material. Replacement wood shingles should match the existing, including shape, profile, and size. We encourage property owners to retain and repair slate roofs. When slate roofs are replaced, they should be replaced-in-kind, including size, shape, color, and pattern. Acceptable alternatives to slate and wood shingle may include one of the limited group or products which successfully imitate slate or wood, and should be of appropriate color, size, and shape.

All architectural features that give the roof its essential character, such as dormers, cupolas, cornices, brackets, and chimneys should be preserved, or if necessary, replaced.

Stairs:

Exterior historic stairs, including decorative features, should be retained and restored. Where repair of deteriorated features is not feasible, the replacement should match the original in appearance, material, and design. New stairs should be designed in a way that does not obscure or destroy significant architectural features, including window and door openings and ornamentation, and complements the architectural style of the building.

If necessary, fire escapes should be located to minimize visibility from a public street or way. In all cases, fire escapes should be designed to have a minimal impact on the appearance and integrity of the building.

Solar Panels:

Solar panels are permissible on historic buildings as long as their installation and alteration does not result in a loss of significant historic materials and original architectural features. Installation of solar panels must be undertaken in such a manner that, if they are removed in the future, the essential form and integrity of the historic property and its environment is unimpaired.

Trim and Siding:

Trim work is an essential part of a building's character. Features such as cornices, brackets, window moldings, doorway pediments, and other decorative elements should be retained. Deteriorated material should be repaired or replaced, where necessary, with new materials that duplicates the original as closely as possible.

Clapboards, cedar shingles, board and batten, and flush board siding are the predominant siding materials in Wellfleet's commercial and residential buildings. Original siding material should be retained and replaced-in-kind whenever possible.

Windows:

Windows, their size, pattern, and location, are one of the most significant character-defining features of a historic building. Historically appropriate window openings should be retained, and windows should be in keeping with the style of architecture. When an application for substantial window replacement is received, the following options will be considered: 1) restoration of entire existing windows, 2) individual sash replacement, and 3) full replacement of windows. The stylistic period or periods that the building represents should be respected in the material and design of the windows.

The muntin pattern should be appropriate to the original style of the building or to its altered style, if that style has gained significance. Muntins, whether structural or permanently applied, must have an exterior three-dimensional profile of an appropriate width. Windows with removable muntins are not acceptable. Glass should not have any deeper tinting than a manufacturer's normal Low-E coating applied for energy efficiency.

Replacement windows on historic structures should be made of wood, and may have exterior cladding. When the applicant requests replacements, they can choose one of the following types of sash, and this will be specified in the decision:

1) **wood, single pane true divided light:** non-insulated

2) **Insulated energy efficient true divided light, double pane:** These have a true muntin bar, as in a true divided light single pane window.

3) **Insulated energy efficient simulated divided light, double pane:** These have permanently applied interior and exterior split muntin bars with a filler piece between the glass.

Alterations to window openings shall be reviewed on a case-by-case basis. The historic characteristics of the building should be reflected in the material and design of windows, including appropriate materials, proportion, and design. New window openings in principal elevations are rarely appropriate or permitted. Deletion of windows, particularly on principal facades, are rarely allowed. Altered window openings should be returned to as close to their historic dimensions as reasonable.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

VIII

BUSINESS

~ A ~

REQUESTED BY:	Mac Hay ~ Macs Seafood
DESIRED ACTION:	To discuss and approve continued outdoor seating for Mac's Shack.
PROPOSED MOTION:	I move to approve Mac's Shack continue their outdoor seating for the summer season of 2022.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



January 27, 2022

Wellfleet Board of Selectmen
Wellfleet Town Hall
300 Main Street
Wellfleet, MA 02667

Dear Wellfleet Board of Selectmen,

We request your consideration at the February 8, 2022 Board of Selectmen meeting to grant Board approval for Mac's Seafood's application to erect a temporary tent structure at Mac's Shack, 91 Commercial Street, Wellfleet from April 1 to December 1, 2022.

The tent specifications, seating plan and traffic flow pattern are identical to the applications approved by the Board of Selectmen in 2020 and 2021 (see attached narrative).

There will be no change to seating capacity – rather the space allows us to place the dining tables at a safe social distance to help mitigate the risk of Covid-19 and protect the health of customers to the best of our ability as the pandemic continues. The ABCC and Board of Selectmen approved alcohol consumption in the space when we applied for an alternation of premises in 2020.

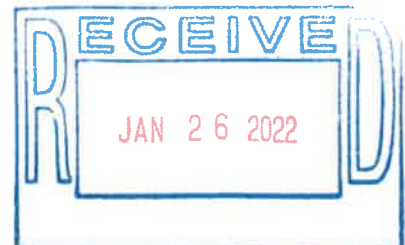
The 2022 Tent Permit Application was submitted to the Building Department on January 26, 2022 and copies distributed to the Police, Fire and Health Departments for approval.

Thank you for your consideration and please contact me if you require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mac Hay", is written over a faint, larger blue outline of the signature.

Mac Hay
President & CEO

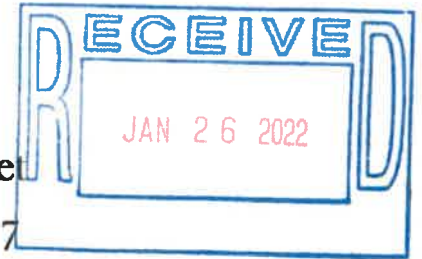


PO Box 1768 | Wellfleet, MA 02667

PH (508) 214-3290 | FAX (508) 214-3292 | www.macsseafood.com



Mac's Shack
91 Commercial Street
Wellfleet, MA 02667

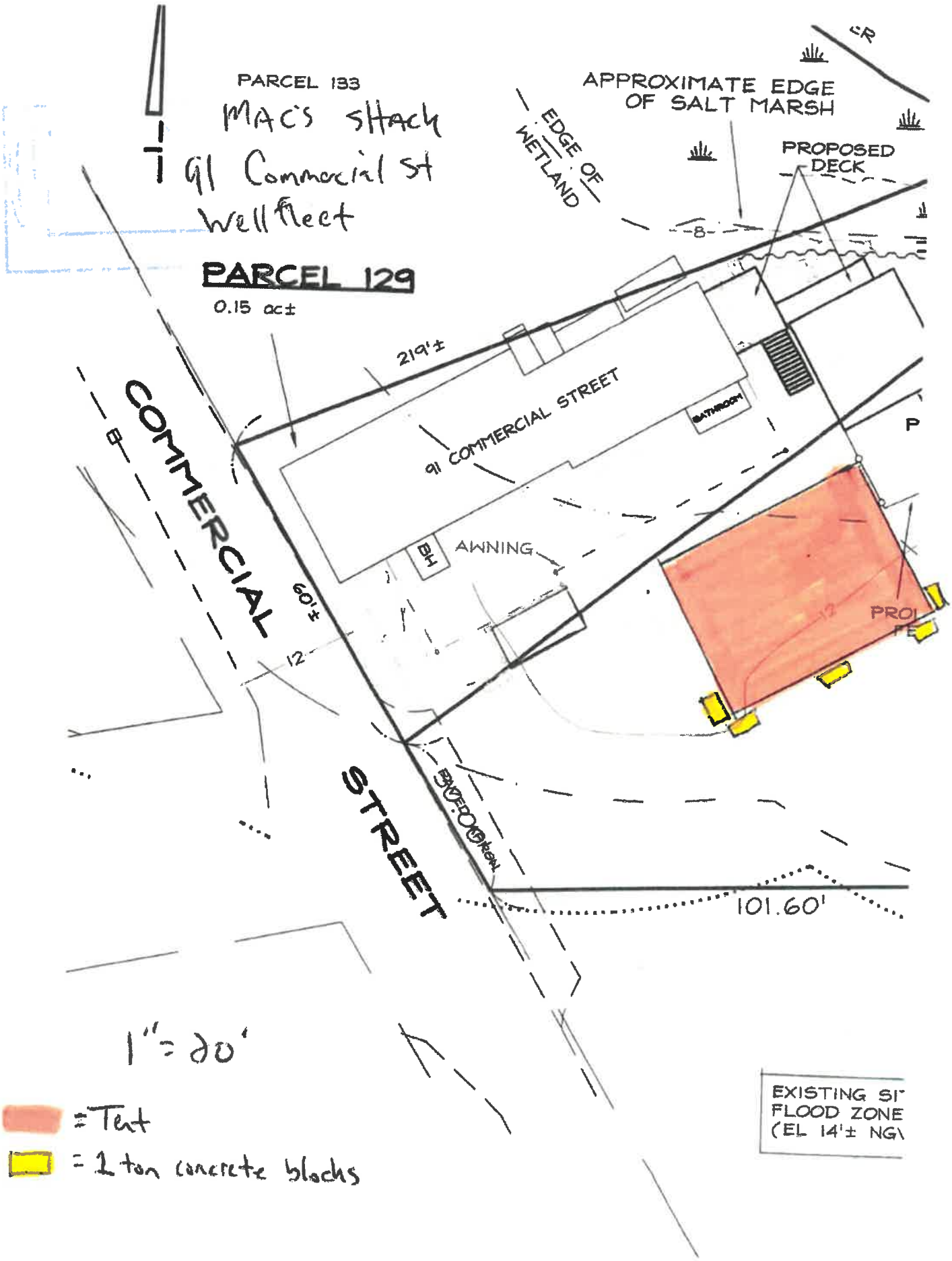


January 18, 2022

Description of Tented Dining area in Parking Lot

1. 30'x40' NavTrac Tent extending approximately 24' into the parking lot area just east of the hostess shed and west of the walk-in
2. One-ton concrete blocks installed around the perimeter of the tent for tent anchoring and buffer/protection from any potential vehicle traffic
3. Reconfigured parking spaces to provide ample space in the driveway for vehicular traffic – identical approved configuration from 2020 and 2021
4. Traffic lanes re-routed at least 10' away from tent perimeter – identical approved configuration from 2020 and 2021
5. Clear traffic cones and signage to direct "in and out" traffic pattern
6. Tent to be erected in accordance with all MA state laws and permitted as such

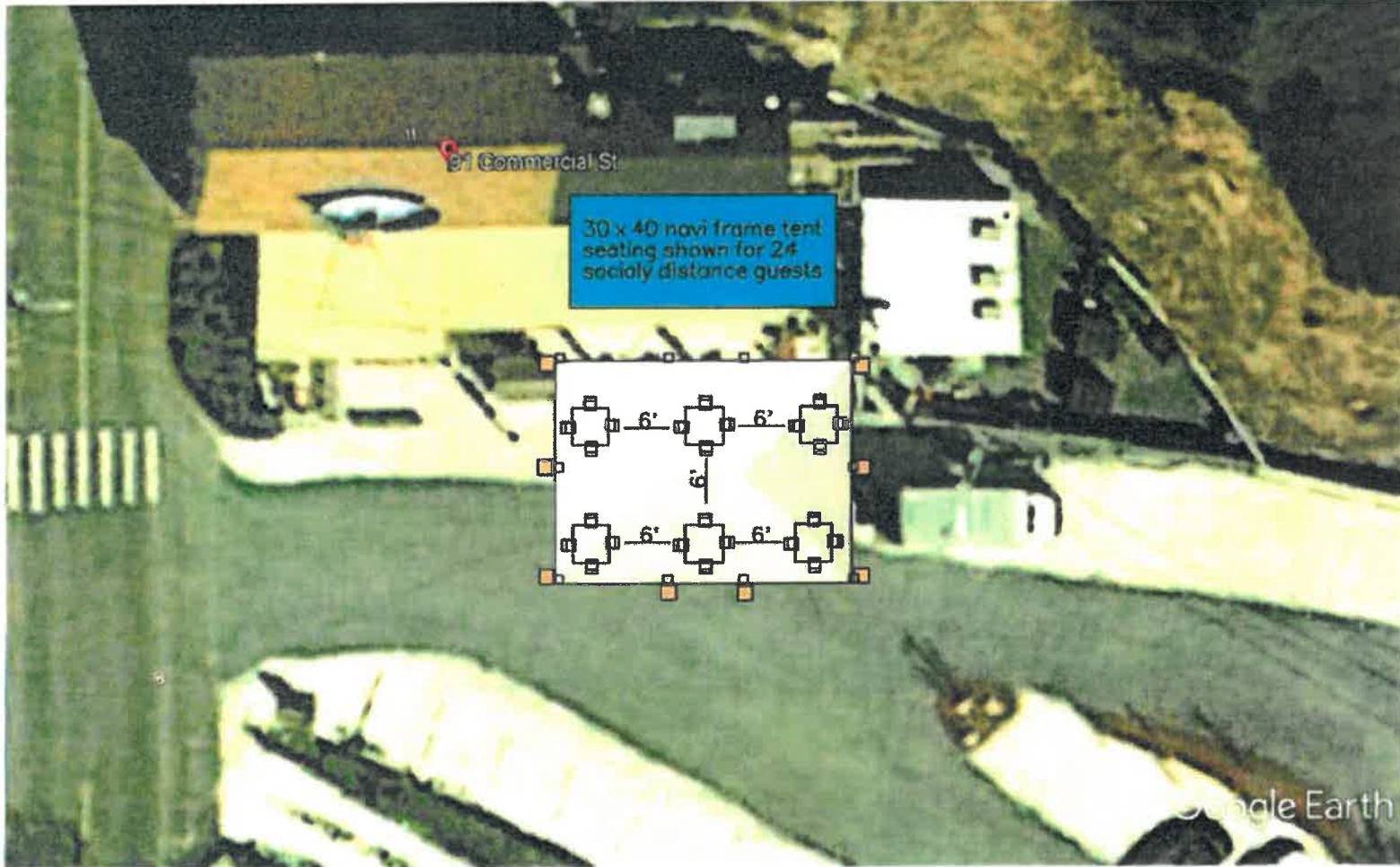
Police okay
Fire okay



Mac's Shack @ Commercial St. Proposed Tent



 = 30x40 Tent



CHASE CANOPY
LUXURY TENTS | EVENT RENTALS

Date: soon
Project: Mac's Seafood
Designer: Dan



The Commonwealth of Massachusetts
Board of Building Regulations and Standards
Massachusetts State Building Code, 780 CMR, 9th Edition
Building Permit Application To Construct, Repair, Renovate Or Demolish a
One- or Two-Family Dwelling

Town of Wellfleet
Building Dept.
220 West Main St
Wellfleet, MA
02667
508-349-0309

This Section Is For Official Use Only

Building Permit Number: _____ Date Applied: _____

Building Official (print name) _____ Signature _____ Date _____

SECTION 1: SITE INFORMATION

1.1 Property Address: 91 Commercial Street
Wellfleet, MA 02667

1.2 Assessors Map & Parcel Numbers

21 129
Map Number Parcel Number

1.1a Is this an accepted street? yes no _____

1.3 Zoning Information:
Commercial Restaurant
Zoning District Proposed Use

1.4 Property Dimensions: 0.15
Lot Area (sq ft) Frontage (ft)

1.5 Building Setbacks (ft) See attached **Is this a historical or commercial property? Yes No**
(circle one as required)

Front Yard		Side Yards		Rear Yard	
Required	Provided	Required	Provided	Required	Provided

1.6 Water Supply: (M.G.L c. 40, §54)
Public Private _____

1.7 Flood Zone Information:
Zone: AE Outside Flood Zone?
Check if yes

1.8 Sewage Disposal System
Municipal _____ On site disposal system

SECTION 2: PROPERTY OWNERSHIP¹

2.1 Owner¹ of Record:
Belvernon, LLC 91 Commercial Street
Name (Print) Wellfleet Job Address
Anthony A. King 508-214-3290
Owner's signature Homeowner's phone number

SECTION 3: DESCRIPTION OF PROPOSED WORK² (check all that apply)

New Construction Existing Building Owner-Occupied Repairs(s) Alteration(s) Addition
Wood Stove Accessory Bldg. Number of Units _____ **Solar** Other: Specify: Temporary tent

Brief Description of Proposed Work²:
Temporary tent for dining. 30x40 Navi Trac Tent/6x30 Marquis Tent
Duration: April 1 - December 1, 2022 (or sooner, weather dependent)

SECTION 4: ESTIMATED CONSTRUCTION COSTS

Item	Estimated Costs: (Labor and Materials)	Official Use Only
1. Building	\$ 35,000	1. Building Permit Fee: \$ _____
2. Electrical	\$	2. Fire Permit: \$ _____ Other: _____
3. Plumbing	\$	List: _____
4. Mechanical (HVAC)	\$	Total All Fees: \$ _____
5. Mechanical (Fire Suppression)	\$	Check No. _____ Check Amount: _____
6. Total Project Cost:	\$ 35,000	Cash Amount: _____ Paid in Full _____ Outstanding Balance Due: _____

SECTION 5: CONSTRUCTION SERVICES

5.1 Licensed Construction Supervisor (CSL)

N/A
 Name of CSL- Holder _____
 Street # and Address _____
 City/Town, State, ZIP _____
 Mailing Address if different _____
 Telephone _____ E-Mail _____
 Signature _____

N/A
 License Number _____ Expiration Date _____
 List CSL Type (see below) _____

Type	Description
U	Unrestricted (up to 35,000 Cu. Ft.)
R	Restricted 1&2 Family Dwelling
M	Masonry Only
RC	Residential Roofing Covering
WS	Residential Window and Siding
SF	Residential Solid Fuel Burning Appliance Installation

5.2 Registered Home Improvement Contractor (HIC)

Chase Canopy Company, Inc./Andrew Chase
 HIC Company Name or HIC Registrant Name
 4 Nicky's Lane, Mattapoisett, MA 02739
 Address
 508-758-2155
 Telephone
 Signature _____
 andrew@chasecanopy.com
 E-Mail

N/A
 Registration Number _____
 Expiration Date _____

SECTION 6: WORKERS' COMPENSATION INSURANCE AFFIDAVIT (M.G.L. c. 152, § 25C(6))

Workers Compensation Insurance affidavit must be completed and submitted with this application. Failure to provide this affidavit will result in the denial of the Issuance of the building permit.

Signed Affidavit Attached? Yes. X No. _____

SECTION 7a: OWNER AUTHORIZATION TO BE COMPLETED WHEN OWNER'S AGENT OR CONTRACTOR APPLIES FOR BUILDING PERMIT

I, MacGregor Hay, as Owner of the subject property, hereby authorize Chase Canopy to act on my behalf, in all matters relative to work authorized by this building permit application.
 Signature of Owner *MacGregor Hay* Date 1/20/2022

SECTION 7b: OWNER¹ OR AUTHORIZED AGENT DECLARATION

I, MacGregor Hay, as Owner or Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and behalf.
 Signature of Owner or Authorized Agent *MacGregor Hay* Date 1/20/2022
 (Signed under the pains and penalties of perjury)

NOTES:

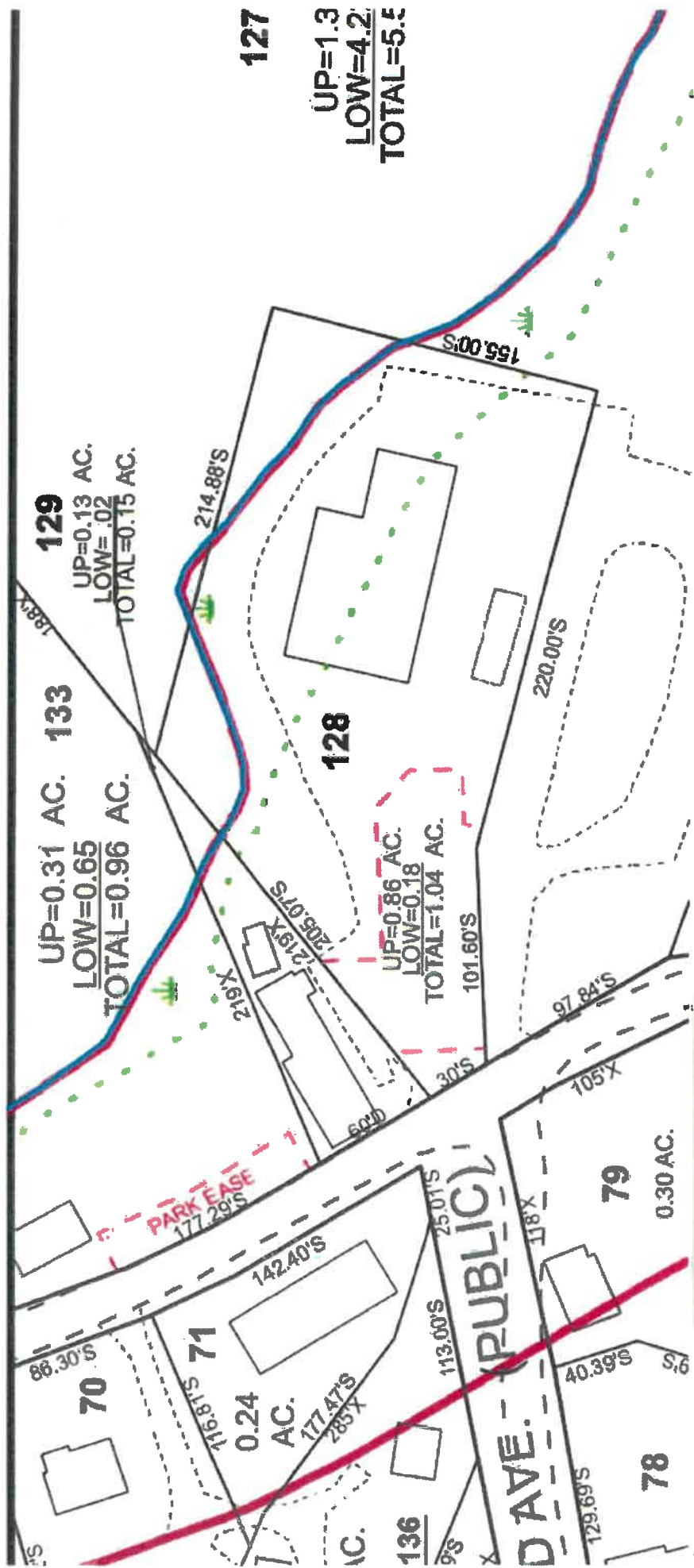
1. An Owner who obtains a building permit to do his/her own work, or an owner who hires an unregistered contractor (not registered in the Home Improvement Contractor (HIC) Program), will not have access to the arbitration program or guaranty fund under M.G.L. c. 142A. Other important information on the HIC Program and Construction Supervisor Licensing (CSL) can be found in 780 CMR Regulations 110.R6 and 110.R5, respectively.

2. When substantial work is planned, provide the information below:

Total floors area (Sq. Ft.) _____	(including garage, finished basement/attics, decks or porch)
Gross living area (Sq. Ft.) _____	Habitable room count _____
Number of fireplaces _____	Number of bedrooms _____
Number of bathrooms _____	Number of half/baths _____
Type of heating system _____	Number of decks/ porches _____
Type of cooling system _____	Enclosed _____ Open _____

Debris Disposal: Debris resulting from this work shall be disposed at N/A which is a properly licensed solid waste disposal facility as required by MGL, C111, S 150A

(15-98)



129
 UP=0.13 AC.
 LOW=.02
 TOTAL=0.15 AC.

133
 UP=0.31 AC.
 LOW=0.65
 TOTAL=0.96 AC.

127
 UP=1.3
 LOW=4.2
 TOTAL=5.5

128
 UP=0.86 AC.
 LOW=0.18
 TOTAL=1.04 AC.

70

71

0.24 AC.

79

0.30 AC.

78

136

PARK EASE
 177.29'S

DAVE. (PUBLIC)

188'X

214.88'S

155.00'S

220.00'S

219'X

219'X

205.07'S

60'W

30'S

101.60'S

97.84'S

105'X

88.30'S

716.8'S

142.40'S

177.47'S

285'X

113.00'S

25.01'S

118'X

40.39'S

S.6

129.69'S

IMPORTANT DOCUMENT
Certificate of Flame Resistance

ISSUED BY



Date of Shipment
7/31/2018

Sales Order #
SO-659446

EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

This is to certify that the materials described are inherently flame retardant and were supplied to:

266673
CHASE CANOPY COMPANY
4 NICKYS LN
P O BOX 46
MATTAPoisETTE MA 02739
USA

FLAME RETARDANT



Registration Number: SNYDER MFG :
F-14001.01 & NFPA 701 & ASTM
E84 CLA

Fabric meets requirements of

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and the application of said chemical was done in conformance with California Fire Marshall Code.

**Flame Retardant Process Used Will Not Be Removed By Washing
And Is Effective For the Life Of The Fabric**

Serial # 8046025 (1)

Description of item certified: NAVI-TRAC LITE MIDDLE 30W X 10 VINYL WHITE SNYDER

SNYDER MFG

Name of Applicator of Flame Resistant Finish

A handwritten signature in cursive script that reads "Michael L. McKim".

Signed: **ANCHOR INDUSTRIES INC**

IMPORTANT DOCUMENT
Certificate of Flame Resistance

ISSUED BY



EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

Date of Shipment
7/31/2018

Sales Order #
SO-859446

This is to certify that the materials described are inherently flame retardant and were supplied to:

266875
CHASE CANOPY COMPANY
4 NICKYS LN
P O BOX 46
MATTAPOISETTE MA 02739
USA

FLAME RETARDANT



Registration Number: SNYDER MFG :
F-14091-01 - & NFPA 701 - & ASTM
E84 CLA

Fabric meets requirements of

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and the application of said chemical was done in conformance with California Fire Marshall Code.

**Flame Retardant Process Used Will Not Be Removed By Washing
And Is Effective For the Life Of The Fabric**

Serial # 8046023 (2)

Description of item certified: NAVI-TRAC LITE HIP END 30W X 15 VINYL WHITE SNYDER

SNYDER MFG

Name of Applicator of Flame Resistant Finish

Michael L. McKim
Signed: ANCHOR INDUSTRIES INC

IMPORTANT DOCUMENT
Certificate of Flame Resistance

REGISTRATION
NUMBER

F140.1



ISSUED BY



EVANSVILLE, INDIANA 47725
MANUFACTURERS OF THE FINISHED
TENT PRODUCTS DESCRIBED HEREIN

Date of Shipment

3/28/2008

Tent Identification

04595468

**This is to certify that the materials described have been flame-retardant treated
(or are inherently nonflammable) and were supplied to:**

266675
CHASE CANOPY COMPANY
4 NICKYS LN
P O BOX 46

MATTAPOISETTE MA 27390406

Certification is hereby made that:

**The articles described on this Certificate have been treated with a flame-retardant approved
chemical and that the application of said chemical was done in conformance with California
Fire Marshal Code. All fabric has been tested and passes NFPA 701-99, CPAI 84, ULC 109.**

Serial #

8085010C (10)

Description of item certified:

FI MARQ MID 9WX10 SNYDER WHITE
#1023970A

**Flame Retardant Process Used Will Not Be Removed By
Washing And Is Effective For The Life Of The Fabric**

SNYDER MFG NEW PHILADELPHIA OH
Name of Applicator of Flame Resistant Finish

Signed:

A. Clark
ANCHOR INDUSTRIES INC.

IMPORTANT DOCUMENT
Certificate of Flame Resistance

REGISTRATION
NUMBER

F140.1



ISSUED BY



EVANSVILLE, INDIANA 47725
MANUFACTURERS OF THE FINISHED
TENT PRODUCTS DESCRIBED HEREIN

Date of Shipment

3/28/2008

Tent Identification

04595468

**This is to certify that the materials described have been flame-retardant treated
(or are inherently nonflammable) and were supplied to:**

266675
CHASE CANOPY COMPANY
4 NICKYS LN
P O BOX 46

MATTAPOISETTE MA 27390406

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshal Code. All fabric has been tested and passes NFPA 701-99, CPAI 84, ULC 109.

Serial #

8085050C (10)

Description of item certified:

FI MARQ PR OF ENDS 9W (2PC)
SNYDER WHITE #1023970A

**Flame Retardant Process Used Will Not Be Removed By
Washing And Is Effective For The Life Of The Fabric**

SNYDER MFG NEW PHILADELPHIA, OH

Name of Applicator of Flame Resistant Finish

Signed:

ANCHOR INDUSTRIES INC.



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 Office of Investigations
 Lafayette City Center
 2 Avenue de Lafayette, Boston, MA 02111-1750
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers
Applicant Information **Please Print Legibly**

Name (Business/Organization/Individual): Chase Canopy Company, Inc.

Address: P.O. Box 46, 4 Nickys Lane

City/State/Zip: Mattapoissett MA 02739 Phone #: 508-758-2055

Are you an employer? Check the appropriate box:

- | | |
|--|---|
| <p>1. <input checked="" type="checkbox"/> I am a employer with <u>25</u> employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] †</p> | <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance. ‡</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p> |
|--|---|

Type of project (required):

6. New construction
7. Remodeling
8. Demolition
9. Building addition
10. Electrical repairs or additions
11. Plumbing repairs or additions
12. Roof repairs
13. Other temp tents/ event equip

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡ Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.

Insurance Company Name: Arch Insurance Company

Policy # or Self-ins. Lic. #: PRWCC0003605 Expiration Date: 01/01/2023

Job Site Address: _____ City/State/Zip: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date). Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature] Date: 01/06/22

Phone #: 508-758-2055

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (check one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector 6. Other _____

Contact Person: _____ Phone #: _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

VIII

BUSINESS

~ B ~

REQUESTED BY:	Executive Assistant/Town Clerk
DESIRED ACTION:	To approve the letters written regarding town meeting warrant articles to be signed by the selectboard
PROPOSED MOTION:	I move to approve the letters written about the town meeting warrant articles and to be signed and sent to the state representatives as soon as they are signed.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET
OFFICE OF THE SELECTBOARD

300 MAIN STREET **WELLFLEET** **MASSACHUSETTS 02667**
(508) 349-0300 **(508) 349-0305 (FAX)**
www.wellfleet-ma.gov

January 21, 2022

Hon. Julian Cyr
State Senator
State House, Room 312-E
24 Beacon Street
Boston, MA 02133

Hon. Sarah K. Peak
State Representative
State House, Room 7
24 Beacon Street
Boston, MA 02133

Re: Town of Wellfleet – Home Rule Petition for Special Legislation
 Authorizing the Town to Establish a Real Estate Transfer Fee

Dear Senator Cyr and Representative Peak:

Please accept this letter as a request, pursuant to Article II, Section 8, Paragraph 1, Clause (1) of the Amendments to the Constitution, as amended by Article LXXXIX, that you file legislation with the General Court on behalf of the Town of Wellfleet. At the June 26, 2021 Annual Town Meeting, the voters of the Town approved the within request under Article 37 of the warrant for said meeting. Article 37 proposed to authorize the Selectboard to petition the General Court for special legislation to assess a fee upon certain real estate transfers within the Town. The fee will only be applied to properties that are transferred for a sale price of greater than 120 percent over the median home value in the Town. The funds generated by this fee will be deposited in the Town's Capital Improvement Stabilization Fund and the Wellfleet Affordable Housing Trust. Town Meeting approved Article 41 as printed in the warrant.

Enclosed herewith please find certified copies of the warrant article and vote at the June 26, 2021 Annual Town Meeting.

The Selectboard respectfully requests that you file the special legislation on behalf of the Town and appreciates your consideration of this important matter. Please contact the Acting Town Administrator Charles Sumner with any further questions concerning the proposed legislation.

Hon. Julian Cyr
Hon. Sarah K. Peak
January 21, 2022
Page 2

Your prompt attention to this important matter is greatly appreciated.

Respectfully submitted,

Town of Wellfleet Selectboard

Ryan Curley, Chair

Michael DeVasto, Vice Chair

Janet Reinhart

John A. Wolf

Helen Miranda Wilson

Enc.



TOWN OF WELLFLEET
OFFICE OF THE SELECTBOARD

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
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January 21, 2022

Hon. Julian Cyr
State Senator
State House, Room 312-E
24 Beacon Street
Boston, MA 02133

Hon. Sarah K. Peak
State Representative
State House, Room 7
24 Beacon Street
Boston, MA 02133

Re: Town of Wellfleet – Home Rule Petition for Special Legislation
Establishment of Prevailing Wages

Dear Senator Cyr and Representative Peak:

Please accept this letter as a request, pursuant to Article XXX, Section 8, Paragraph 1, Clause (1) of the Amendments to the Constitution, as amended by Article LXXXIX, that you file legislation with the General Court on behalf of the Town of Wellfleet. At the June 26, 2021 Annual Town Meeting, the voters of the Town approved the within request under Article 38 of the warrant for said meeting. Article 38 proposed to authorize the Selectboard to petition the General Court for special legislation authorizing the Town exempt certain public construction projects valued at \$50,000 or less from the requirements of the Prevailing Wage Law. The purpose of this Act is to allow the Town to complete smaller projects in a more cost effective manner for the taxpayers of the Town. Town Meeting approved Article 38 as printed in the warrant.

Enclosed herewith please find certified copies of the warrant article and vote at the June 26, 2021 Annual Town Meeting.

The Selectboard respectfully requests that you file the special legislation on behalf of the Town and appreciates your consideration of this important matter. Please contact the Acting Town Administrator Charles Sumner with any further questions concerning the proposed legislation.

Hon. Julian Cyr
Hon. Sarah K. Peak
January 21, 2022
Page 2

Your prompt attention to this important matter is greatly appreciated.

Respectfully submitted,

Town of Wellfleet Selectboard

Ryan Curley, Chair

Michael DeVasto, Vice Chair

Janet Reinhart

John A. Wolf

Helen Miranda Wilson

Enc.



TOWN OF WELLFLEET
OFFICE OF THE SELECTBOARD

300 MAIN STREET

WELLFLEET

MASSACHUSETTS 02667

(508) 349-0300

(508) 349-0305 (FAX)

www.wellfleet-ma.gov

January 21, 2022

Hon. Julian Cyr
State Senator
State House, Room 312-E
24 Beacon Street
Boston, MA 02133

Hon. Sarah K. Peak
State Representative
State House, Room 7
24 Beacon Street
Boston, MA 02133

Re: Town of Wellfleet – Home Rule Petition for Special Legislation
Expanding Residential Property Exemption

Dear Senator Cyr and Representative Peak:

Please accept this letter as a request, pursuant to Article II, Section 8, Paragraph 1, Clause (1) of the Amendments to the Constitution, as amended by Article LXXXIX, that you file legislation with the General Court on behalf of the Town of Wellfleet. At the June 26, 2021 Annual Town Meeting, the voters of the Town approved the within request under Article 41 of the warrant for said meeting. Article 41 proposed to authorize the Selectboard to petition the General Court for special legislation to authorize an additional exemption from local property taxes in an amount equal to not more than 35 percent of the average assessed value for class one residential parcels within the town of Wellfleet that are occupied on a year-round basis. The purpose of this act is to allow the Town to provide incentive to property owners to create and retain more year-round residency within the Town. Town Meeting approved Article 41 as printed in the warrant.

Enclosed herewith please find certified copies of the warrant article and vote at the June 26, 2021 Annual Town Meeting.

The Selectboard respectfully requests that you file the special legislation on behalf of the Town and appreciates your consideration of this important matter. Please contact the Acting Town Administrator Charles Sumner with any further questions concerning the proposed legislation.

Hon. Julian Cyr
Hon. Sarah K. Peak
January 21, 2022
Page 2

Your prompt attention to this important matter is greatly appreciated.

Respectfully submitted,

Town of Wellfleet Selectboard

Ryan Curley, Chair

Michael DeVasto, Vice Chair

Janet Reinhart

John A. Wolf

Helen Miranda Wilson

Enc.



TOWN OF WELLFLEET
OFFICE OF THE SELECTBOARD

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January 21, 2022

Hon. Julian Cyr
State Senator
State House, Room 312-E
24 Beacon Street
Boston, MA 02133

Hon. Sarah K. Peak
State Representative
State House, Room 7
24 Beacon Street
Boston, MA 02133

Re: Town of Wellfleet – Home Rule Petition for Special Legislation
 Authorizing the Commissioner Capital Asset Management to Grant an Easement in the
 Town of Wellfleet.

Dear Senator Cyr and Representative Peak:

Please accept this letter as a request, pursuant to Article II, Section 8, Paragraph 1, Clause (1) of the Amendments to the Constitution, as amended by Article LXXXIX, that you file legislation with the General Court on behalf of the Town of Wellfleet. At the June 26, 2021 Annual Town Meeting, the voters of the Town approved the within request under Article 42 of the warrant for said meeting. Article 42 proposed to authorize the Commonwealth's Division of Capital Asset Management to grant an easement to private parties to cross-over land under the custody and control of the Department of Conservation and Recreation. Because the land that will be subject to the easement is protected pursuant to Article 97 of the Amendments to the Massachusetts Constitution, two-thirds votes of both houses of the Legislature are required to approve this act. Town Meeting approved Article 42 as printed in the warrant.

Enclosed herewith please find certified copies of the warrant article and vote taken under Article 42 at the June 26, 2021 Annual Town Meeting.

The Selectboard respectfully requests that you file the special legislation on behalf of the Town and appreciates your consideration of this important matter. Please contact the Acting Town Administrator Charles Sumner with any further questions concerning the proposed legislation.

Hon. Julian Cyr
Hon. Sarah K. Peak
January 21, 2022
Page 2

Your prompt attention to this important matter is greatly appreciated.

Respectfully submitted,

Town of Wellfleet Selectboard

Ryan Curley, Chair

Michael DeVasto, Vice Chair

Janet Reinhart

John A. Wolf

Helen Miranda Wilson

Enc.



TOWN OF WELLFLEET
OFFICE OF THE SELECTBOARD

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January 21, 2022

Hon. Julian Cyr
State Senator
State House, Room 312-E
24 Beacon Street
Boston, MA 02133

Hon. Sarah K. Peak
State Representative
State House, Room 7
24 Beacon Street
Boston, MA 02133

Re: Town of Wellfleet – Home Rule Petition for Special Legislation
 Authorizing the Commissioner Capital Assess Management to Grant an Easement in the
 Town of Wellfleet.

Dear Senator Cyr and Representative Peak:

Please accept this letter as a request, pursuant to Article II, Section 8, Paragraph 1, Clause (1) of the Amendments to the Constitution, as amended by Article LXXXIX, that you file legislation with the General Court on behalf of the Town of Wellfleet. At the June 26, 2021 Annual Town Meeting, the voters of the Town approved the within request under Article 42 of the warrant for said meeting. Article 42 proposed to authorize the Commonwealth's Division of Capital Asset Management to grant an easement to private parties to cross-over land under the custody and control of the Department of Conservation and Recreation. Because the land that will be subject to the easement is protected pursuant to Article 97 of the Amendments to the Massachusetts Constitution, two-thirds votes of both houses of the Legislature are required to approve this act. Town Meeting approved Article 42 as printed in the warrant.

Enclosed herewith please find certified copies of the warrant article and vote taken under Article 42 at the June 26, 2021 Annual Town Meeting.

The Selectboard respectfully requests that you file the special legislation on behalf of the Town and appreciates your consideration of this important matter. Please contact the Acting Town Administrator Charles Sumner with any further questions concerning the proposed legislation.

Hon. Julian Cyr
Hon. Sarah K. Peak
January 21, 2022
Page 2

Your prompt attention to this important matter is greatly appreciated.

Respectfully submitted,

Town of Wellfleet Selectboard

Ryan Curley, Chair

Michael DeVasto, Vice Chair

Janet Reinhart

John A. Wolf

Helen Miranda Wilson

Enc.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

VIII

BUSINESS

~ C ~

REQUESTED BY:	JP Ludwig
DESIRED ACTION:	To update the board and public on the town media services for the town of Wellfleet
PROPOSED MOTION:	A motion will be made at the time of the meeting if needed
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Report for Wellfleet Administration Regarding Government TV Channel Operations and Upgrade

In November of 2021 JP Ludwig Consulting signed a contract with the Town of Wellfleet to take over management of the town's government TV cable channel and media operations. This included overseeing an equipment upgrade and the installation of a new master control and production system for the town. This document is to give the administration a brief overview of my initial evaluation and plans for implementing the upgrade to equipment and operations. I chose to use bullet points in no particular order for the sake of brevity and efficiency.

- There are three aspects to managing the town media operation:
 1. Master control playback: This is the equipment and software that interfaces with the cable TV origination drop that is connected to the Comcast cable hub and places the content on cable channel 18. Currently the origination point being used is at the library
 2. Production and recording with the equipment currently located at the Senior Center
 3. Content management on line and live streaming abilities plus managing/maintaining a video archive
- I met with former operations manager Mia Baumgarten for an overview of general operations with the equipment at hand and for background of town media operations to date
- I currently access the equipment at the library remotely at this time using software I installed for general operations
- I am currently downloading and playing back over cable channel 18 town government programming from the Wellfleet Media YouTube channel. This includes all regulatory boards as well as other meetings
- At this time there are no live stream capabilities of the channel itself other than the zoom meetings on YouTube. The new system setup includes this live streaming feature as well as a VOD server that stores content in the cloud. Also these services will be available by a downloadable app in the future
- I met with an equipment vendor on site to evaluate current operations and gather technical information for hardware, software, and equipment upgrades for the purpose of obtaining a quote, which I received and forwarded to the administration for procurement. The quote also includes a hybrid system that will integrate online meeting capabilities with live production from the COA
- Relocation of origination is held up for now in communications with Comcast. For the time being, in the interest of getting the installation of the new equipment finished, we will keep master control at the library and move it to a different point of origination at a later date. Until then we will have live capability to cable channel 18 from the COA to the library as well as live streaming over the web after the install

- The town web site needs to be updated with my contact info, once the new media systems are installed links to content will need to be changed
- It would be helpful if the town had its own official social media accounts (Facebook, Twitter) I could set those up and maintain them in an official capacity. I have a lot of experience with managing social media accounts for municipalities and could provide the town with an official town policy for management of same
- Priority of meetings recorded (regulatory boards) would be my suggested policy to the Select Board and Administration going forward when meetings begin in person again: Select Board, Planning Board, Board of Health, Conservation Commission, Finance Committee. The administration can expand meeting coverage in the future according to budget
- Having assessed you current production equipment capabilities; another meeting room in the basement of Town Hall could be equipped for recording meetings with equipment repurposed from the COA and with the portable equipment that the town already owns and uses for town meeting. It may require purchasing a few new microphones
- If the town would like to retain my services to produce town meeting in April my production team can accommodate. Most of the equipment that would be needed the town already owns and there is a sound company that I work with on a regular basis producing town meeting in other towns on Cape. My team can also anticipate any Covid protocol measures that may need to be taken in the course of production

Once all the new equipment is installed and tested the town can take its media operations to the next level. Once this media upgrade project is complete, probably early spring, it will be an invaluable tool for those working within town government, providing the latest technology for residents and nonresidents alike to stay up to date on all the various endeavors of Wellfleet municipal government.

Respectfully submitted,

James Paul Ludwig

774-840-0811

videopaul@comcast.net



MA STATE CONTRACT OFF50

Prepared For:
 James Paul Ludwig
 Town of Wellfleet
 Wellfleet, MA
videopaul@comcast.net

Date: 1.7.2022
 Quote: GP3108
 Valid For: 19 Days
 Terms N30
 Prepared By: Gary Pink

Qty	Model	Description		Price	Ext
Playback System Upgrade					
1	CBL-VIO2-600	Tightrope Cablecast VIO2 Video Server -10TB RAID 5	2 IO Channels	\$ 16,182.50	\$ 16,182.50
1	CBL-SVR450-VOD-10	Tightrope Cablecast Pro VOD Server - 10Tb RAID 5		\$ 9,187.50	\$ 9,187.50
1	CBL-LIVE-350	Tightrope Live Streaming Server	1 per channel	\$ 2,952.50	\$ 1,075.00
1	CBL-CGPLAYER-LIC	Tightrope Cablecast CG Player License		\$ 1,375.00	\$ 667.50
1	CBL-REFLECT	VOD and Live to AWS Cloud-Includes content on Apple TV		\$ 2,200.00	\$ 667.50
		Roku, FireTV-Per Year			
COA Production/Hybrid Upgrade					
1	BPS-FX10	Broadcast Pix FX10 Production Switcher		\$ 14,245.50	\$ 14,245.50
1	TH-43CQE1W	Panasonic Professional 43" UHD Display for MV		\$ 780.00	\$ 780.00
1	MTMS1U	Chief Wall Mount for Above		\$ 167.50	\$ 167.50
1	HELO	AJA Recorder		\$ 1,385.00	\$ 1,385.00
1	RSH4S1S AJA HELO	Middle Atlantic Rackshelf for above		\$ 175.00	\$ 175.00
1	DGS-1210-28P	Dlink POE+ Switch w/193W Budget		\$ 437.00	\$ 437.00
1	WP-20	Kramer Wall Plate with VGA & HDMI to HDBaseT		\$ 860.50	\$ 860.50
1	TP-789Rxr	Kramer HDBaseT Receiver w/POE		\$ 412.50	\$ 412.50
2	VM-2H2	Kramer 1x2 HDMI DA		\$ 318.75	\$ 637.50
1	RK-3T-B	Rack Adapter for Above		\$ 102.50	\$ 102.50
2	CONVCMIC/SH03G/WPSU	BMD SDI to HDMI w/PS		\$ 59.00	\$ 118.00
1	CR3X	Mackie Powered Speakers		\$ 89.75	\$ 89.75
1	UTAP	AJA SDI to USB3 Converter		\$ 390.00	\$ 390.00
2	DAC70	Datavideo HDMI to SDI Scaler		\$ 540.00	\$ 1,080.00
1	DAC-91	Datavideo SDI Audio Embedder		\$ 372.00	\$ 372.00
1	DAC-90	Datavideo SDI Audio De-Embedder		\$ 334.00	\$ 334.00
1	RMK-2	Datavideo Rackmount/Power Supply		\$ 315.00	\$ 315.00
1	BMD-CONVNTRM/EA/DA	Blackmagix Terenex SDI Distribution Amp		\$ 490.00	\$ 490.00
1	BMD-CONVNTRM/YA/RSH	Blackmagix Terenex Rack Shelf		\$ 106.25	\$ 106.25
1	1202VLZ4	Mackie 1202VLZ4 Audio Mixer		\$ 292.50	\$ 292.50

Ockers Company
 830 West Chestnut Street, Brockton, MA 02301
 Phone 781-769-7810 Fax 781-769-5750

1	TV75	Touchview 76" Interactive TV		\$ 2,999.00	\$ 2,999.00
1	TVi5	Touchview PC Module No Operating System		\$ 760.00	\$ 760.00
		i5 Quad Core , 4GB DDR4 , 128GB SSD , Ultra HD			\$ -
1	TVWin10	Windows 10 License for above		\$ 199.00	\$ 199.00
1	3032	Load and License Win10 on PC Module		\$ 75.00	\$ 75.00
1	GKM552R	IO Gear long range Keyboard/Mouse		\$ 45.00	\$ 45.00
1	TV-STAND-FIXM	Touchview Fixed Mobile Stand		\$ 479.00	\$ 479.00
1	CF60MaxRack	Martin and Ziegler 5" MaxRack desk with bridge and rack		\$ 2,285.00	\$ 2,285.00
		Prepared Under MA State Contract OFF50			
1	Installation-PW	Install all components, move OFE gear to new rack and console. Rewire console. Build Touchview. Install plate and wire. Customer training, drawings		\$ 7,200.00	\$ 7,200.00
1	CCP	Cables, Connectors, Parts		\$ 925.00	\$ 925.00
1	SH	Manufacturer Incoming Freight		\$ 1,850.00	\$ 1,850.00
		Package Total			\$ 67,387.50

Ockers Company
 830 West Chestnut Street, Brockton, MA 02301
 Phone 781-769-7810 Fax 781-769-5750



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

VIII

BUSINESS

~ D ~

REQUESTED BY:	Jay Norton ~ Director of DPW
DESIRED ACTION:	To update and get feedback from the board and public regarding the front lawn of town hall
PROPOSED MOTION:	A motion will be made at the time of the meeting if needed
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

VIII

BUSINESS

~ E ~

REQUESTED BY:	Charles Sumner
DESIRED ACTION:	To update the board on the amendment request for the Herring River Restoration Project W27 to 401WQC
PROPOSED MOTION:	A motion will be made at the time of the meeting if needed
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Daniel F. Gilmore, Chief
Wetlands & Waterways Program
MassDEP - Southeast Region
20 Riverside Drive
Lakeville, MA 02346

Re: Request for Combined Permit Amendment for Combined Permit/401 Water Quality Certification

Dear Mr. Gilmore:

With this letter and accompanying form ww27, we are requesting an amendment to the above referenced Combined Permit and Water Quality Certification issued September 29, 2021.

The requested amendment seeks to modify Standard Combined Permit Condition #5 in the nature of a substitute:

5. The Town of Wellfleet shall assume and pay all claims and demands arising in any manner from the non-federal work (by non-federal entities on non-federal land) authorized herein, and shall save harmless and indemnify the Commonwealth of Massachusetts, its officers, employees, and agents from all claims, audits, damages, costs and expenses incurred by reason thereof. The Cape Cod National Seashore, as a Federal applicant, shall be liable to the extent permitted under Federal law.

This request is necessary based on the fact that any agency commitment to “save harmless” or indemnify any party would violate the Anti-Deficiency Act, 31 U.S.C. §§ 1341-42, 1511-19, which prohibits federal employees from committing the Government to any obligation to pay funds in advance of appropriations. *See Shell Oil Co. v. United States*, 108 Fed. Cl. 422, 436-37 (2013); *see also California-Pacific Utilities Co. v. United States*, 194 Ct. Cl. 703, 715 (1971). By definition an indemnification provision would obligate the agency to the payment of an indefinite sum, and is therefore prohibited. Notably, the Anti-Deficiency Act has criminal penalties for violation.

Congress has provided a limited waiver of sovereign immunity relating to activities resulting in the discharge or runoff of pollutants as presented in Section 313 of the Clean Water Act, codified as Title 33 United States Code, Section 1323(a). However, the indemnification provision is not connected to the “discharge or runoff of pollutants” nor the “control and abatement of water pollution,” so the Federal Government may not be required to comply with this condition. In addition, an agreement to indemnify, hold free and harmless, or defend is a decision regarding the bringing and/or settlement of litigation, which can only be made by the Attorney General of the United States; decision-making authority regarding litigation on behalf of the United States has been

delegated within the Department of Justice, but not to the Department of the Interior. Accordingly, the Cape Cod National Seashore, a unit of the National Park Service, is barred by law from entering into the requested indemnification agreement and release by accepting the Standard Condition #5 of the Combined Permit and Water Quality Certification.

With regard to liability, pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680, the United States is liable for personal injuries and property damage “caused by the negligent or wrongful act or omission” of its employees while acting within the scope of their employment “under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.” Therefore, there should not be a concern that there would be no recourse in the event of personal injury or property damage resulting from the negligence of Federal employees.

Thank you for your consideration of this amendment. If additional information is required to process this request, please contact Carole Ridley, Ridley & Associates, Inc., at cr@ridleyandassociates.com or 508-221-8941.

Sincerely,

Charles Sumner
Interim Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667
Tel. 508-349-0300
Charles.sumner@wellfleet-ma.gov

Brian Carlstrom
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Cape Cod National Seashore
99 Marconi Site Road
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Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

SEP 29 2021

Town of Wellfleet
ATTN: Charles Sumner, Town Administrator
300 Main Street
Wellfleet, MA 02667

US National Park Service
Cape Cod National Seashore
ATTN: Brian Carlstrom, Superintendent
99 Marconi Site Road
Wellfleet, MA 02667

RE: COMBINED PERMIT/401 WATER QUALITY CERTIFICATION
Application for: BRP WW 07 & 10
401 WATER QUALITY CERTIFICATION FOR DREDGING & FILL/EXCAVATION

AT: Chequessett Neck Road, Pole Dike Road, Old County Road, Bound Brook Island Road,
High Toss Road, Way 672, and Herring River Estuary North of the Chequessett Neck
Road Dike
Wellfleet and Truro, MA

401 WQC Transmittal # X287602 (Dredging)
401 WQC Transmittal # X287603 (Fill/Excavation)

Dear Mr. Sumner and Mr. Carlstrom:

The Department of Environmental Protection ("MassDEP") has reviewed your applications for a License/Permit for Waterways, 401 Water Quality Certification for Dredging (DEP Transmittal #X87602) and a 401 Water Quality Certification for Fill/Excavation (DEP Transmittal # X287603), as referenced above (Collectively "Combined 401 WQC"). In accordance with the provisions of Section 401 of the Federal Clean Water Act as amended (33 U.S.C. §1251 et seq.), MGL c.21, §§ 26-53, and 314 CMR 9.00, MassDEP has determined there is reasonable assurance the project or activity will be conducted in a manner which will not violate applicable Massachusetts Surface Water Quality Standards (314 CMR 4.00) and other applicable requirements of state law. The Chapter 91 Licenses associated with this project will be issued as separate documents.

The Herring River contains waters in and adjacent to the Cape Cod National Seashore, designated in the Massachusetts Surface Water Quality Standards (the "Standards") as an Outstanding Resource Water (ORW) (314 CMR 4.04(3)) Class SA (314 CMR 4.06 (Table 26)). Such waters are intended as "excellent habitat for fish, other aquatic life and wildlife, and for primary and secondary contact recreation." Furthermore, this area has been designated in the Standards for Shellfishing. Antidegradation provisions of these Standards require that "existing uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." The discharge of dredged or fill material and/or dredging in an ORW is not permitted, except as otherwise provided in 314 CMR 9.06(3)(a) through (k) and 314 CMR 9.07(1)(k)1. through 5.

The project is an Ecological Restoration project and proposes to restore native tidal wetland habitat to large portions of the Herring River floodplain in and adjacent to the Cape Cod National Seashore by re-establishing tidal flow. Tidal flow will be increased incrementally over time using an Adaptive Management Plan (AMP) that will balance ecological goals with flood control measures to allow the highest tide range practicable while protecting vulnerable properties, including roads and homes. Pursuant to 314 CMR 9.06(3)(b) and 314 CMR 9.07(1)(k)2., the activities associated with this Ecological Restoration project are permissible in an ORW.

The above-referenced Ecological Restoration project consists of the following activities described in the Combined Application as Class 1 activities:

- Chequessett Neck Road Bridge and Water Access Facility: The existing Chequessett Neck Road dike and culverts will be replaced with a new bridge and electrically controlled sluice gates to allow for the gradual transition from the culvert restricted tidal flushing regime to conditions closely resembling the river's natural flow prior to the installation of the dike.
- Mill Creek Water Control Structure: A water control structure with slide/flap tide sluice gates will be constructed across Mill Creek near the entrance to the Lower Herring River to allow for a controlled re-introduction of tidal exchange while protecting structures on private properties.
- Removal of High Toss Road Causeway: An earthen berm causeway is present where the Herring River passes under the western portion of High Toss Road. Hydrodynamic modeling showed that this portion of the road will cause a restriction when tidal flow is increased at Chequessett Neck Road. The causeway and culvert will be removed, and a new Herring River channel will be excavated.
- Pole Dike Road Water Control Structure: Pole Dike Road will be raised as it crosses over the river and the culvert opening under the road will be increased. A sluice gate structure will also be installed at the culvert to restrict flow into Upper Pole Dike Creek.

- **Elevation of Low-Lying Roads, Crossings and Culverts:** Portions of several low-lying roads, including Pole Dike, Bound Brook Island, Old County and High Toss Roads and Way #672 are vulnerable to high tide water levels with the restored tidal flow. Segments of these roadways will be elevated, and roadside slopes will be modified.
- **Private Property Mitigation:** Portions of the golf course at Chequessett Yacht and Country Club will be elevated. The project proposes to excavate and reconstruct Hole #2 to provide a portion of the fill needed for the project. Channel clearing and vegetation management activities are also proposed to improve drainage on the property.

The construction of Class 1 elements will result in temporary alteration of wetlands. These impacts result from the installation of temporary structures (i.e., sheeting and cofferdams), erosion and sedimentation controls and construction access drives, the removal of vegetation and the establishment of staging and work areas. Approximately 118,573 square feet of Bordering Vegetated Wetland (BVW), 910 square feet of Land Under Water (LUW), 29,112 square feet of Salt Marsh (SM) and 19,300 square feet of Land Under the Ocean (LUO) will be temporarily impacted during the construction phase of Class 1 activities.

The construction of Class 1 elements will also result in permanent alteration of wetlands. A total of 633,455 square feet of BVW, 11,374 square feet of LUW, 17,982 square feet of SM, and 21,243 square feet of LUO will be permanently and unavoidably impacted during the widening and regrading of roadway embankments, elevation of roadways, replacement of culverts, construction of permanent access drives, installation of dike and gate structures, regrading of tidal channels, improvements to drainage infrastructure, removal of High Toss Road Causeway, and the raising and reconstruction of low-lying areas on the golf course.

The filling associated with the activities detailed above will alter approximately 614,606 square feet of BVW, 4,311 square feet of LUW, 8,637 square feet of SM and 14,896 square feet of LUO. Approximately 18,451 square feet of BVW and 10,674 square feet of Salt Marsh will be excavated.

In addition, a total of approximately 5,442 cubic yards (4,773 cubic yards from coastal waters and 669 cubic yards from inland waters) of material will be dredged at several of the aforementioned locations, the majority of which will occur at Chequessett Neck Road Bridge.

The reintroduction of tidal flows to the Herring River floodplain is expected to result in widespread restoration of degraded coastal wetlands to estuarine sub-tidal and intertidal habitats according to modeled data from the Sea Level Affecting Marshes Model (SLAMM). The modeled data shows approximately 15 acres of LUW and 393 acres of BVW type habitat will be lost and 269 acres of SM will be gained once Class 1 activities are completed.

Specific best management practices were proposed to minimize disturbances to the wetland resource areas. Erosion and sedimentation controls will be implemented at the limits of work to prevent sediment and siltation from entering wetland resource areas.

The project shall be carried out in accordance with the habitat management plan developed in consultation with and approved by the Massachusetts Natural Heritage and Endangered Species Program. The project shall also be carried out in accordance with any time of year restrictions recommended by the Massachusetts Division of Marine Fisheries.

The project is expected to significantly improve estuarine water quality, restore degraded wetlands, and re-establish salt, brackish and freshwater marsh habitats, enhance natural coastal processes, and restore the connection between the estuary and the larger marine environment.

Class 2 actions, which will be the subject of a future water quality certification, include marsh management activities to be undertaken over a period of years as tidal flow is incrementally restored to the Herring River estuary.

Alternatives Analysis: Numerous alternatives for several project elements were considered. For various reasons, the proposed project as described herein is comprised of the preferred alternatives.

Due Diligence Review: A due diligence review of the project area was conducted through the use of several resources, including MassGIS data layers. Based on the results of that review, it was determined that pesticides would be added to the parameters established in the sampling program within 314 CMR 9.07(2)(b)6.

Sediment Sampling Data: Project wide, a total of seventeen samples were collected for gradation analysis. The results of the gradation analysis revealed that the samples are mainly sand and some fines with a range of 0.3 to 61.4 passing the No. 200 U.S. Standard Series Testing Sieve (the "No. 200 Sieve").

Of the aforementioned group, eleven samples were submitted for chemical analysis. The results of the chemical analysis that was performed on the samples were compared to MassDEP's Interim Policy for Sampling, Analysis, Handling and Tracking Requirements for Dredged Sediment Reuse and Disposal (COMM-94-007). All of the results were either non-detect or below the Reportable Concentration ("RC") S-1 criteria of the Massachusetts Contingency Plan ("MCP").

Dredged Material Dewatering: The sediment will be dewatered on site. Although a preliminary plan has been proposed, it should be noted that the exact details will be developed by the contractor. Therefore, MassDEP shall require the applicant's contractor to provide a final dewatering plan prior to construction [see Special Combined Permit Condition # 15].

Beneficial Reuse of Sediments: After it has been dredged and dewatered, all of the material will be beneficially reused at various locations on or near the project site pursuant to the plans and documents cited in Special Combined Permit Condition # 6. It should be noted that the exact amount of material being transported to each location is not yet known. Therefore, the applicant shall include special provisions in the contract documents to ensure proper handling and disposal of the dredged material; and the contractor shall submit the appropriate material tracking documents to MassDEP [see Special Combined Permit Condition #s 17 and 18]. Pursuant to 314 CMR 9.07(5)(a), all dredged material, when transported upon public roadways, shall have no free liquid as determined by the Paint Filter Test.

Dredged Material Disposal or Reuse: While the applicant would prefer to beneficially reuse all of the dredged material at various locations at or near the project site, some portion of it may also be removed and disposed of or reused as landfill daily cover material at an appropriate facility. If that outcome occurs, the identification of the licensed disposal location shall be the responsibility of the contractor [see Special Combined Permit Condition # 16]. When the disposal or reuse facility is identified by the contractor, information shall be provided to MassDEP [see Special Combined Permit Condition # 16]. The applicant shall include special provisions in the contract documents to ensure proper handling and disposal of the dredged material; and the contractor shall submit the appropriate material tracking documents to MassDEP [see Special Combined Permit Condition #s 17 and 18]. Pursuant to 314 CMR 9.07(5)(a), all dredged material, when transported upon public roadways, shall have no free liquid as determined by the Paint Filter Test.

Public Notice: The Combined Permit Application public notice was published in the Cape Cod Times and in the Environmental Monitor on April 7, 2021. The Department did not receive any public comments during the 21-day public comment period which ended on April 28, 2021.

Section 61 Findings: Pursuant to M.G.L. Chapter 30, Sections 61 to 62H inclusive [the Massachusetts Environmental Policy Act (“MEPA”)], this project was reviewed as EOEEA # 14272. In the Certificate issued on July 15, 2016 on the Final Environmental Impact Report (FEIR), the Secretary of Energy and Environmental Affairs (the “Secretary”) determined that “the FEIR adequately and properly complied with MEPA and its implementing regulations and that “Outstanding issues will be addressed during State and local permitting, the proposed regulatory structure, and the AMP”.

Therefore, based on information currently in the record, MassDEP grants a Combined Permit for this project, subject to the following conditions to maintain water quality; to minimize impact on waters and wetlands; and to ensure compliance with appropriate state law. MassDEP further certifies in accordance with 314 CMR 9.00 that there is reasonable assurance the project or activity will be conducted in a manner which will not violate applicable water quality standards (314 CMR 4.00) and other applicable requirements of state law. Finally, MassDEP has determined that upon satisfying the conditions and mitigation requirements of this approval, the project provides a level of water quality necessary to protect existing uses and accordingly finds that the project to be implemented satisfies the Surface Water Quality Standards at 314 CMR 4.00.

STANDARD COMBINED PERMIT CONDITIONS

1. Acceptance of this Combined Permit shall constitute an agreement by the applicant to conform to all terms and conditions stated herein.
2. This Combined Permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the applicant prior to the commencement of any activity hereby authorized.
3. This Combined Permit shall be revocable by MassDEP for noncompliance with the terms and conditions set forth herein. This Combined Permit may be revoked after MassDEP has given written notice of the alleged noncompliance to the applicant or his agent and those persons who have filed a written request with MassDEP for such notice; and has afforded the applicant a reasonable opportunity to correct said noncompliance.
4. This Combined Permit is issued subject to all applicable federal, state, county, and municipal laws, ordinances, by-laws, and regulations, including but not limited to, a valid Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, §.40.
5. The applicant shall assume and pay all claims and demands arising in any manner from the work authorized herein, and shall save harmless and indemnify the Commonwealth of Massachusetts, its officers, employees, and agents from all claims, audits, damages, costs and expenses incurred by reason thereof.

SPECIAL COMBINED PERMIT CONDITIONS

1. This project could result in a violation of the water quality standards adopted by MassDEP's Division of Water Pollution Control. Therefore, reasonable care and diligence shall be taken by the applicant to ensure that the proposed activities will not violate the Coastal and Marine Water Class SA criteria [314 CMR 4.05(4)(a) and (5)].
2. Pursuant to 314 CMR 9.01(3) and 314 CMR 4.04, the contractor shall take all steps necessary to assure that the proposed activities will be conducted in a manner that will avoid violations of the anti-degradation provisions of the Massachusetts Surface Water Quality Standards that protect all waters, including wetlands. This condition is necessary to assure that any discharge from the project complies with the Massachusetts Surface Water Quality Standards, as provided in 314 CMR 9.00, to protect the public health and restore and maintain the chemical, physical, and biological integrity of the water resources of the Commonwealth.
3. In furtherance of 314 CMR 9.06(2) and 9.07(1), the Construction Methods shall be performed in accordance with Section 5 of the Project Narrative entitled: "Herring River Restoration Project Phase 1: 401 Water Quality Certification Application", dated March 2021, submitted by Town of Wellfleet and U.S. National Park Service, Cape Cod National Seashore.

4. In furtherance of 314 CMR 9.06(2) and 9.07(1), prior to start of work, the applicant shall provide MassDEP with the name, address and phone number(s) of the person responsible for ensuring that all work complies with the conditions of this Water Quality Certification.
5. Pursuant to 314 CMR 9.09(2), the Department shall be notified of any change(s), modifications, or deletions of work as specified in the proposed project plans that may affect water quality prior to the start of work or any portion of the work. Depending on the nature and the scope of any change, the Department will determine whether the change(s) requires further approvals or revision to this Certification. This condition is necessary to assure that any project changes comply with the Massachusetts Surface Water Quality Standards, as provided in 314 CMR 9.00, to protect the public health and restore and maintain the chemical, physical, and biological integrity of the water resources of the Commonwealth.
6. Pursuant to 314 CMR 9.05(1), all work shall be performed in accordance with the following documents and plans:
 - Application for Combined Permit, Transmittal Forms #X287602 and X287603, dated March 24, 2021, as revised through September 13, 2021, with attachments
 - Plans entitled: "Herring River Restoration Project: Chequessett Neck Road Bridge and Water Access Facility Construction" consisting of 53 sheets, various scales, dated 1/26/21, prepared by Fuss & O'Neill, signed and stamped by Shawn M. Martin, Civil P.E., Kevin M. Sullivan, Electrical P.E., Stuart Harris, Structural P.E.;
 - Plans entitled: "Herring River Restoration Project: Mill Creek Water Control Structure and Drainage Improvements" consisting of 36 sheets, various scales, dated 1/26/21, prepared by Fuss & O'Neill, signed and stamped by Shawn M. Martin, Civil P.E., Stuart Harris, Structural P.E. and Kevin M. Sullivan, Electrical P.E.;
 - Plans entitled: "Herring River Restoration Project: High Toss Road Permit-Level Design Plans" consisting of 13 sheets, various scales, dated 3/12/21, prepared by WSP, signed and stamped by Clayton Carlisle, P.E.;
 - Plans entitled: "Herring River Restoration Project: Engineering Design to Elevate Low-Lying Roadways and Replace Associated Culverts" consisting of 91 sheets, various scales, dated March 2021, prepared by Louis Berger, signed and stamped by Clayton Carlisle, P.E.;
 - Plans entitled: "Herring River Restoration Project: Permit Level Design for Low-Lying Property Impact Prevention Way #672, Hirsch-Meek Property (25 Way #672), & Ellis Property (27 Way #672)" consisting of 11 sheets, various scales, dated March 2021, prepared by WSP, signed and stamped by Clayton Carlisle, P.E.;

- Plans entitled: “Chequessett Yacht and Country Club Reconfiguration Permit Plans: Herring River Restoration Project” consisting of 37 sheets, various scales, dated March 24, 2021, as revised through September 21, 2021, prepared by ESS Group, Howard Maurer Golf Course Design, LLC Irrigation Consulting, Inc., and York Bridge Concepts, all plans signed and stamped by Jason M. Gold, P.E. except the irrigation and timber cart bridge plans;
- Letter from Division of Marine Fisheries, dated May 25, 2018, consisting of two (2) pages; signed by Eileen M. Feeney, Fisheries Habitat Specialist;
- Email from Massachusetts Division of Fisheries and Wildlife, to: Craig Wood cwood@essgroup.com, dated April 17, 2018, consisting of one (1) email page and one (1) page entitled: “Fisheries Section, Environmental Review Best Management Practices”, signed by Caleb Slater, PhD, Anadromous Fish Project Leader;
- Letter from United States Department of Commerce National Oceanic and Atmospheric Administration National Marine Fisheries Service, dated December 10, 2020, consisting of six (6) pages, signed by Louis A. Chiarella, Assistant Regional Administrator for Habitat Conservation;

This condition is necessary to assure that any project changes comply with the Massachusetts Surface Water Quality Standards, as provided in 314 CMR 9.00, to protect the public health and restore and maintain the chemical, physical, and biological integrity of the water resources of the Commonwealth.

7. In the furtherance of 314 CMR 9.06(2), a copy of this Certification and referenced plans and other documents shall be provided to the contractor(s) prior to the start of construction and shall be kept available on the work site during all phases of construction.
8. Per 314 CMR 9.10, work in accordance with this Certification may begin following the 21-day appeal period and once all other permits have been received. This condition is necessary to assure that due process is provided to certain persons deemed to be aggrieved by the Certification.
9. In the furtherance of 314 CMR 9.06(2) and 9.07(1), the Department shall be notified in writing (email, attention Cally.Harper@mass.gov and Derek.Standish@mass.gov) one week prior to the start of in-water work. The Applicant and its contractor shall allow agents of the Department to enter the project site, subject to contractor’s health and safety protocols, to inspect the work and verify compliance with the terms and conditions of this Certification. This condition is necessary to assure that all work complies with the Massachusetts Surface Water Quality Standards, as provided in 314 CMR 9.00, to protect the public health and restore and maintain the chemical, physical, and biological integrity of the water resources of the Commonwealth.

10. The term of the 401 WQC of the Combined Permit remains in effect for the same duration as the federal permit that requires it or five years from the date of issuance of this Combined Permit, whichever comes first. This condition is necessary to assure that any discharge from the project is conducted in a timely manner to assure compliance with the Massachusetts Surface Water Quality Standards, as provided in 314 CMR 9.00, to protect the public health and restore and maintain the chemical, physical, and biological integrity of the water resources of the Commonwealth.
11. The applicant may request an amendment or extension of this Certification in accordance with 314 CMR 9.09(2) and (3), respectively. This condition is necessary to assure that any discharge from the project is conducted in a timely manner to assure compliance with the Massachusetts Surface Water Quality Standards, as provided in 314 CMR 9.00, to protect the public health and restore and maintain the chemical, physical, and biological integrity of the water resources of the Commonwealth.
12. Pursuant to 314 CMR 9.06(2), prior to the start of construction, erosion and sedimentation control barriers detailed in the plans below shall be installed as necessary to protect the wetland and other sensitive areas during construction activities:
 - Plan set entitled “Herring River Restoration Project: Chequessett Neck Road Bridge and Water Access Facility Construction” dated 1/26/21, 1” = 30’, prepared by Fuss & O’Neill, signed and stamped by Shawn M. Martin:
 - CS-104, Sheet 9 of 53, Demolition and Erosion Control Plan No. 1 – Chequessett Neck Road;
 - CS-105, Sheet 10 of 53, “Demolition and Erosion Control Plan No. 2 – Duck Harbor Road Staging, Parking and Water Access
 - Plan set entitled “Herring River Restoration Project: Mill Creek Water Control Structure and Drainage Improvements” dated 1/26/21, various scales, prepared by Fuss & O’Neill, signed and stamped by Shawn M. Martin;
 - CS-104, Sheet 6 of 36, Site Preparation Plan No. 1
 - CS-105, Sheet 7 of 36, Site Preparation Plan No. 2
 - CS-106, Sheet 8 of 36, Site Preparation Plan No. 3
 - CD-503, Sheet 33 of 36, Erosion and Sediment Control Details
 - Plan Set entitled “Herring River Restoration Project: High Toss Road Permit-Level Design Plans” dated 3/12/21, various scales, prepared by WSP, signed and stamped by Clayton Carlisle, P.E.
 - C-5, Sheet 6 of 13, Proposed Conditions
 - C-6, Sheet 7 of 13, Proposed Conditions
 - C-7, Sheet 8 of 13, Proposed Conditions
 - D-1, Sheet 11 of 13, Details

- Plan Set entitled “Herring River Restoration Project: Engineering Design to Elevate Low-Lying Roadways and Replace Associated Culverts”, various scales, dated March 2021, prepared by Louis Berger, signed and stamped by Clayton Carlisle, P.E.
 - C28-C44, Sheets 34-50, Proposed Conditions Plans and Profiles
 - C78, Sheet 84, Civil Details 01
 - C85 Sheet 91, Planting Notes and Details

- Plans entitled: “Herring River Restoration Project: Permit Level Design for Low-Lying Property Impact Prevention Way #672, Hirsch-Meek Property (25 Way #672), & Ellis Property (27 Way #672)”, various scales, dated March 2021, prepared by WSP, signed and stamped by Clayton Carlisle, P.E.;
 - C04, Sheet 6 of 11, Proposed Conditions Way #672
 - C05, Sheet 7 of 11, Proposed Conditions Hirsh-Meek Property (25 Way #672)
 - C06, Sheet 8 of 11, Proposed Conditions Ellis Property (27 Way #672)
 - C07, Sheet 9 of 11, Civil Details 1
 - C08, Sheet 10 of 11, Civil Details 2

- Plan Set entitled “Chequessett Yacht and Country Club Reconfiguration Permit Plans: Herring River Restoration Project” various scales, dated 3/24/21, revised 9/21/21, prepared by ESS Group, Howard Maurer Golf Course Design, LLC Irrigation Consulting, Inc., and York Bridge Concepts, all plans signed and stamped by Jason M. Gold, P.E.
 - GEC-1, Sheet 9 of 26, Grading & Erosion Control
 - GEC-2, Sheet 10 of 26, Grading & Erosion Control
 - GEC-3, Sheet 11 of 26, Grading & Erosion Control
 - GEC-4, Sheet 12 of 26, Grading & Erosion Control
 - GEC-5, Sheet 13 of 26, Grading & Erosion Control
 - D-1, Sheet 25 of 26, Details

This condition is necessary to assure that any discharge from the project complies with the Massachusetts Surface Water Quality Standards to protect the public health and restore and maintain the chemical, physical, and biological integrity of the water resources of the Commonwealth.

13. Future maintenance dredging is not authorized under this Combined Permit. Pursuant to 314 CMR 9.04(5), the project does not qualify for the routine maintenance exemption. This condition is necessary to ensure that the chemical, physical and biological integrity of wetlands and waters of the Commonwealth are protected.

14. No later than 21 days prior to commencement of dredging activity, a detailed plan of the physical dredging operation, including descriptions of the type of dredge equipment to be used, shall be submitted to MassDEP for review and written approval. Pursuant to 314 CMR 9.07(1), this condition is necessary to ensure that construction practices are implemented in such a manner as to prevent degradation to wetlands and waters of the Commonwealth.

15. No later than 21 days prior to commencement of dredging activity, a dredged material dewatering plan shall be submitted to MassDEP for review and written approval. At a minimum, the dewatering plan shall include, but not be limited to, the type of containment, method of dewatering (i.e. mechanical or by gravity), method of collecting the dewatered effluent, and method of disposal. Pursuant to 314 CMR 9.07(1), this condition is necessary to adequately minimize and contain runoff water and material from the dredged material dewatering process to protect the water resource area. It is also necessary to ensure that water quality is not degraded, and biological resources are not negatively impacted by potential discharges.
16. MassDEP shall be notified in writing of the names and locations of either the specific upland beneficial reuse sites or the licensed facility accepting the dredged material for disposal or reuse as daily cover material. If the licensed facility is located out of state, documentation shall be provided to MassDEP that the dredged material disposal/reuse has been approved and will be accepted by the receiving state in accordance with 314 CMR 9.07(13)(b). The dredged material shall not be transported to the facility without concurrence of MassDEP. Pursuant to 314 CMR 9.07(5) and 314 CMR 9.07(13), this condition is necessary to ensure that dredged material disposal will not adversely affect any wetlands or waters in the receiving area.
17. A Dredged Material Tracking Form (“DMTF”) or Material Shipping Record (“MSR”) shall be used to track the dredged material to either the upland beneficial reuse sites or the licensed upland facility. A fully executed copy of the DMTF or MSR shall be provided to MassDEP within 30 days of final shipment to the beneficial reuse location or licensed facility. Pursuant to 314 CMR 9.07(5), this condition is necessary to maintain a record of the dredged material for reference and to ensure accountability in its transportation. This assists in the protection of health, safety, public welfare, and the environment from any potential hazards during transportation. Finally, it attests to the dredged material conforming with permitting and regulatory requirements for acceptance at the receiving location.
18. Best Management Practices (“BMPs”) shall be implemented during transportation of the dredged material to either the beneficial reuse location or licensed receiving facility. At a minimum, when transported upon public roadways, all dredged material shall have no free liquid as determined by the Paint Filter Test or other suitably analogous methodology acceptable to MassDEP, and a tarpaulin or other means shall be used to cover the dredged material during transport. Pursuant to 314 CMR 9.07(5), this condition is necessary to protect off site water quality during transportation. These practices help to avoid fugitive dust and siltation into wetlands and waters of the Commonwealth.
19. Within 30 days of the completion of dredging, photographs of the affected areas depicting post-dredge conditions shall be taken and submitted to Derek Standish at MassDEP, One Winter Street, Boston, MA 02108. Pursuant to 314 CMR 9.07(1), this condition is necessary to ensure that construction practices are implemented in such a manner as to prevent degradation to wetlands and waters of the Commonwealth.

20. No later than four weeks after issuance of this Combined Permit, the applicant shall submit a notification procedure outlining the reporting process to MassDEP for incidents relating to dredging activities that impact surrounding resource areas and habitats including, but not limited to, observed dead or distressed fish or other aquatic organisms, observed oily sheen on the surface of the water, a sediment spill, a turbidity plume beyond the deployed BMPs, and a barge or equipment accident/spill. If at any time during implementation of the project such an incident occurs, the applicant shall immediately notify MassDEP and all site related activities impacting the water shall cease until the source of the problem is identified and adequate mitigating measures are deployed to the satisfaction of MassDEP. Pursuant to 314 CMR 9.07(3), this condition is necessary to ensure that construction is conducted in a manner that minimizes short-term, long-term, and cumulative impacts on the aquatic ecosystem and provides protection to human health.
21. All erosion control 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, except as described in the documents and plans cited in Special Combined Permit Condition #6. 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 MassDEP, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Erosion control barriers shall serve as the limit of work unless another limit of work line has been approved by MassDEP pursuant to this Combined Permit. The applicant shall provide to the Department and the local Conservation Commissions, the name and phone number of an individual (Construction Supervisor) responsible for repair and maintenance of the erosion control barrier. This condition is necessary to assure that any discharge from the project complies with the Massachusetts Surface Water Quality Standards, as provided in 314 CMR 9.00, to protect the public health and restore and maintain the chemical, physical, and biological integrity of the water resources of the Commonwealth.
22. Any tears, rips, breaks, or collapse of the erosion and sedimentation control barriers identified in Special Condition #12 shall be repaired immediately (i.e. in no more than 24 hours). This condition is necessary to assure that any discharge from the project complies with the Massachusetts Surface Water Quality Standards, as provided in 314 CMR 9.00, to protect the public health and restore and maintain the chemical, physical, and biological integrity of the water resources of the Commonwealth.
23. In furtherance of 314 CMR 9.06(2), all equipment/machinery shall be stored above the *Mean High Tide Line* ("MHTL")/High Water Mark ("HWM") and outside any wetland resource areas when not in use.
24. In furtherance of 314 CMR 9.06(2) and 9.07(1), any supplies, debris, fill or other materials stockpiled within the roadways and temporary workspaces shall be stored in a manner so as to prevent such materials from entering the wetland resource areas beyond the erosion control barrier unless otherwise approved by MassDEP pursuant to this Combined Permit.

Failure to comply with this Combined Permit is grounds for enforcement, including civil and criminal penalties, under MGL c.21 §42, 314 CMR 9.00, MGL c. 21A §16, 310 CMR 5.00, MGL c.91, 310 CMR 9.00 or other possible actions/penalties as authorized by the General Laws of the Commonwealth.

This Combined Permit does not relieve the applicant of the obligation to comply with other appropriate state or federal statutes or regulations. Any changes made to the project as described in the Notice of Intent, Combined Permit Application or supplemental documents will require further notification to MassDEP.

This Permit is not final until all administrative appeal periods from this Permit have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed. The appeal period is for twenty-one (21) days. No work shall be undertaken until the Permit has become final.

Please note that MassDEP may revoke this Combined Permit for non-compliance with the terms and conditions set forth. Therefore, it is recommended that you contact MassDEP prior to performing any alterations or use modifications for review and, if necessary, approval.

NOTICE OF APPEAL RIGHTS

401 WQC Appeal Process (314 CMR 9.10):

Certain persons shall have a right to request an adjudicatory hearing concerning Combined Permits by MassDEP when an application is required:

- a. the applicant or property owner;
- b. any person aggrieved by the decision who has submitted written comments during the public comment period;
- c. any ten (10) persons of the Commonwealth pursuant to M.G.L. c.30A where a group member has submitted written comments during the public comment period; or
- d. any governmental body or private organization with a mandate to protect the environment, which has submitted written comments during the public comment period.

Any person aggrieved, any ten (10) persons of the Commonwealth, or a governmental body or private organization with a mandate to protect the environment may appeal without having submitted written comments during the public comment period only when the claim is based on new substantive issues arising from material changes to the scope or impact of the activity and not apparent at the time of public notice. To request an adjudicatory hearing pursuant to M.G.L. c.30A, § 10, a Notice of Claim must be made in writing, provided that the request is made by certified mail or hand delivery to MassDEP, with the appropriate filing fee specified within 310 CMR 4.10 along with a DEP Fee Transmittal Form within twenty-one (21) days from the date of issuance of this Certificate.

Case Administrator
Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108

A copy of the request shall at the same time be sent by certified mail or hand delivery to the issuing office of the Wetlands and Waterways Program at:

MassDEP -- SERO
Wetlands and Waterways Program
20 Riverside Drive
Lakeville, MA 02347

A Notice of Claim for Adjudicatory Hearing shall comply with MassDEP's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6), and shall contain the following information pursuant to 314 CMR 9.10(3):

- a. the 401 Combined Permit Transmittal Number and MassDEP Wetlands Protection Act File Number;
- b. the complete name of the applicant and address of the project;
- c. the complete name, address, and fax and telephone numbers of the party filing the request, and, if represented by counsel or other representative, the name, fax and telephone numbers, and address of the attorney;
- d. if claiming to be a party aggrieved, the specific facts that demonstrate that the party satisfies the definition of "aggrieved person" found at 314 CMR 9.02;
- e. a clear and concise statement that an adjudicatory hearing is being requested;
- f. a clear and concise statement of (1) the facts which are grounds for the proceedings, (2) the objections to this Certificate, including specifically the manner in which it is alleged to be inconsistent with the MassDEP's Water Quality Regulations, 314 CMR 9.00, and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written Combined Permit; and
- g. a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant, the owner (if different from the applicant), the conservation commission of the city or town where the activity will occur, the Department of Environmental Management (when the certificate concerns projects in Areas of Critical Environmental Concern), the public or private water supplier where the project is located (when the certificate concerns projects in Outstanding Resource Waters), and any other entity with responsibility for the resource where the project is located.


The hearing request along with a DEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
PO Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. MassDEP may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Should you have any questions relative to this permit, please contact Cally Harper (508) 946-2815, or by e-mail at cally.harper@mass.gov

Sincerely,


Daniel F. Gilmore, Chief
Wetlands & Waterways Program
Bureau of Water Resources

DFG/cjh

ecc: Wellfleet Conservation Commission
Hillary Greenberg-Lemos, Wellfleet Conservation Agent, Hillary.Lemos@wellfleet-ma.gov

Truro Conservation Commission
Emily Beebe, Truro Conservation Agent, eebeebe@truro-ma.gov

MassDEP – SERO – Wetlands & Waterways Program
ATTN: Brendan Mullaney
Brendan.Mullaney@mass.gov

Regulatory Division
The New England District
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751
alan.r.anacheka-nasemann@usace.army.mil

401 Water Quality Certification
Herring River Restoration Project
Transmittal Numbers X287602, X287603
Page 16 of 16

ecc: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114
mepa@mass.gov

Wellfleet Harbormaster
255 Commercial Street
Town Pier
Wellfleet, MA 02667
William.Sullivan@wellfleet-ma.gov

Ridley & Associates, Inc.
Attn: Carole Ridley
115 Kendrick Road
Harwich, MA 02645
cr@ridleyandassociates.com

Environmental Reviewer
Division of Marine Fisheries
836 S. Rodney French Boulevard
New Bedford, MA 02744
dmf.envreview-south@mass.gov

Caleb Slater
Massachusetts Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581
Caleb.Slater@mass.gov

Louis Chiarella
NOAA
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930
lou.chiarella@noaa.gov

Emily Holt
Natural Heritage and Endangered Species Program
Massachusetts Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581
emily.holt@mass.gov



Massachusetts Department of Environmental Protection

Adjudicatory Hearing Fee Transmittal Form

IMPORTANT! This form is intended for fee transmittal only. The contents of a request for an adjudicatory appeal (Notice of Claim) are established at 310 CMR 1.01(6) and the substantive statutes and regulations governing the Department's action.

A. Person/Party Making Request

1. Name and address of person or party making request:

Name - If appropriate, name group representative

Street Address

City

State

Zip Code

2. Project Information:

Street Address

City

State

Zip Code

DEP File or ID Number

\$

Amount of filing fee attached

Email Address

B. Applicant (if applicable)

1. Name and address of applicant:

Name - If appropriate, name group representative

Street Address

City

State

Zip Code

Email Address

C. Instructions

1. Send this form and check or money order of \$100.00 payable to the Commonwealth of Massachusetts to the MassDEP Lockbox at:

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

2. Send a **copy** of this form and a **copy** of the check or money order with the Request for Adjudicatory Appeal (Notice of Claim) to:

Case Administrator
Office of Appeals and Dispute Resolution
One Winter Street
Boston, MA 02108

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





Massachusetts Department of Environmental Protection
Bureau of Water Resources – Wetlands and Waterways
WW 27 Request for Combined Permit Amendment
for Waterways License/Permit and
401 Water Quality Certification

X287602 (dredge)
X287603 (fill)
DEP Transmittal # _____

B. Project Information (cont.)

3. Summary of proposed changes related to Chapter 91 licensing of water-dependent **non-dredging activities**:

Authorized	Proposed	Net change
NA	NA	NA
NA	NA	NA

Explain all changes, including any changes in potential impacts to resource areas and/or waterways as well as additional mitigation proposed (use additional sheets if necessary)
No proposed changes in potential impacts to resources areas and/or waterways.

- 4. Include a copy of the existing combined 401/Chapter 91 Dredging, 401 Water Quality Certification, or Chapter 91 License.
- 5. Provide date of Chapter 91 license recording at the Registry of Deeds: _____ / _____ / _____
Day/Month/Year
- 6. Include a plan showing project changes.
- 7. For a proposed increase of the dredging area, submit sediment-analysis data of representative sample(s) for grain size and contaminants, as required by current policy and regulation (314 CMR 9.07). If you have questions about sediment data, please call the Division of Wetlands & Waterways at 617-292-5893.

C. Certification

Application is hereby made for an amendment to the Chapter 91 License/Permit and 401 Water Quality Certification.

“I certify that I am familiar with the work proposed and that to the best of my knowledge and belief the information contained in this application is true, complete, and accurate.”

Applicant's signature / Date
Charles Sumner
Print name

Agent's signature / Date
Brian Carlstrom
Print name

Property Owner's signature (if different from applicant)/ Date

Print name of property owner (if different from applicant)

Submit this form to: MassDEP Water Quality Certification Program, ATTN: David Wong, 1 Winter Street, 5th floor, Boston, MA 02108. Attach copy of MassDEP transmittal form (see below) and **copy** of check or money order documenting payment of \$302.00 fee.

Complete the MassDEP Transmittal form found at <https://www.mass.gov/service-details/transmittal-form-number-for-massdep-permit-application-payment>. Submit with a copy of this WW 27 form along with a fee of \$302.00 (check or money order only) payable to the Commonwealth of Massachusetts to:

MassDEP
P.O. Box 4062
Boston, MA 02211



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

IX

2022 ANNUAL TOWN MEETING WARRANT ARTICLES

~ A ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	To present and vote on the Affordable Lots Zoning Bylaw as drafted by the chair
PROPOSED MOTION:	A motion will be made if needed at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Local Market Update – December 2021

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



Wellfleet

Single-Family Properties

Key Metrics	December			Year to Date		
	2020	2021	+ / -	2020	2021	+ / -
Pending Sales	13	3	- 76.9%	98	70	- 28.6%
Closed Sales	8	4	- 50.0%	86	75	- 12.8%
Median Sales Price*	\$1,057,500	\$755,000	- 28.6%	\$617,500	\$805,000	+ 30.4%
Inventory of Homes for Sale	12	3	- 75.0%	--	--	--
Months Supply of Inventory	1.5	0.5	- 66.7%	--	--	--
Cumulative Days on Market Until Sale	103	5	- 95.1%	130	40	- 69.2%
Percent of Original List Price Received*	97.5%	105.7%	+ 8.4%	95.1%	102.1%	+ 7.4%
New Listings	9	2	- 77.8%	100	66	- 34.0%

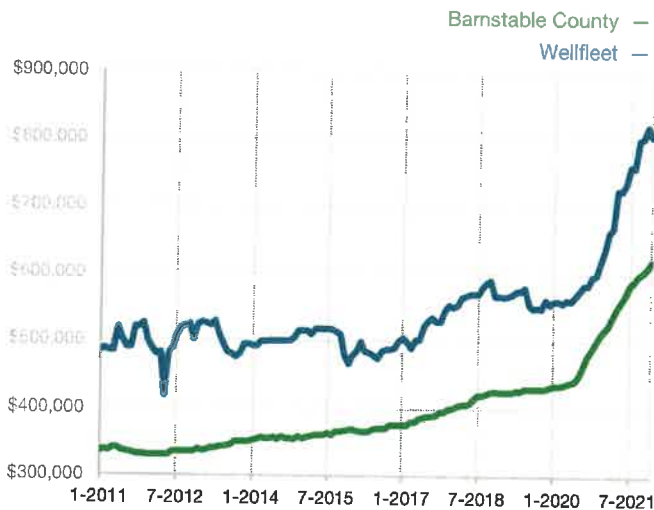
* Does not account for seller concessions. | Activity for one month can sometimes look extreme due to small sample size.

Condominium Properties

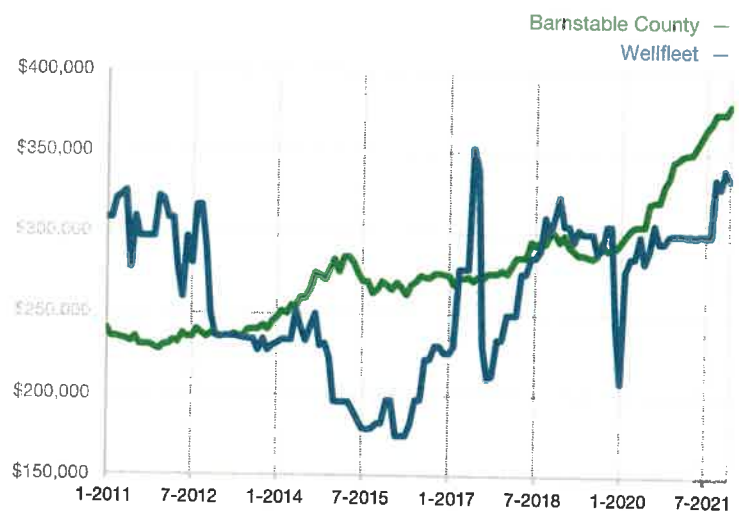
Key Metrics	December			Year to Date		
	2020	2021	+ / -	2020	2021	+ / -
Pending Sales	0	1	--	28	12	- 57.1%
Closed Sales	3	0	- 100.0%	27	12	- 55.6%
Median Sales Price*	\$343,000	\$0	- 100.0%	\$300,000	\$334,500	+ 11.5%
Inventory of Homes for Sale	2	0	- 100.0%	--	--	--
Months Supply of Inventory	0.6	0.0	- 100.0%	--	--	--
Cumulative Days on Market Until Sale	38	0	- 100.0%	140	60	- 57.1%
Percent of Original List Price Received*	94.5%	0.0%	- 100.0%	92.7%	101.4%	+ 9.4%
New Listings	1	1	0.0%	23	10	- 56.5%

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

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



Median Sales Price – Condominium Properties Rolling 12-Month Calculation



To see if the Town will amend the Wellfleet Zoning By-Laws by inserting 6.28 B Affordable Lots and Affordable Undersized Lots, and to amend the Table of Contents and Sections 2.1, 5.3 as follows:

TABLE OF CONTENTS

["6.28.B Affordable Lots and Affordable Undersized Lots" is hereby inserted between "6.28 Provisions To Encourage The Development of Affordable Dwellings In Wellfleet" and "6.29 Fast Food & Formula Restaurant Prohibition"]

2.1 DEFINITIONS

[Is hereby amended with the following definitions inserted between Adult Video Store and Alteration]

Affordable Lot - A lot containing not less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a buildable lot. A of a One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units.

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Affordable Undersized Lot - A lot containing less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a buildable lot. A of a One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units. An affordable undersized lot shall be subject to any conditions attached to a Special Permit issued by The Special Permit Granting Authority

5.3. Use Regulations

Table 5.3.1 is amended as follows: Insert "Affordable Lot" and "Affordable Undersized Lot" before "Bed and Breakfast"

["P" is a permitted use. "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
Affordable Lot	P	P	P	O	P	P
Affordable Undersized Lot	A	A	A	O	A	A

6.28.B Affordable Lots and Affordable Undersized Lots

6.28.B.1 Purpose: The purpose of this bylaw is to increase the supply of housing that is

available and permanently affordable to low or moderate income households by allowing affordable dwelling units to be built on otherwise non-complying lots, provided the lots meet the criteria listed herein.

It is intended that the affordable housing units created under this bylaw qualify as low or moderate income units for purposes of M.G.L. Ch. 40B sec. 20-23 and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units.

6.28.B.2 Applicability: - This bylaw applies shall apply to lots of record as of January 1, 2021 which do not meet the zoning requirements for a buildable lot as determined by The Town. Any increase in tax assessment for an applicable lot shall only occur upon an issuance of a building permit for an affordable One Family Dwelling ~~single family dwelling~~ on that applicable lot.

6.28.B.3 The Building Inspector may allow construction of a single family home One Family Dwelling, to be restricted a by a Regulatory Agreement and/or Deed Rider, in an acceptable form, be executed and recorded by the applicant, as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on an eligible parcel of land that meets the following criteria:

1. Parcel is not within the National Seashore Park District;
2. Parcel has no existing dwelling unit
3. Parcel contains at least 10,000 square feet of contiguous upland area;
4. Parcel satisfies applicable Board of Health requirements;
5. Parcel satisfies applicable Town of Wellfleet's-Wellfleet's Conservation Commission Environmental Protection Regulations;
6. Parcel has a minimum of twenty (20) feet of frontage on a way previously approved by the Planning Board or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic. Lots without suitable frontage may be buildable under this section if there is an adequate recorded access easement of at least twenty (20) feet in width from the lot to a previously way approved by the Planning Board or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic and emergency response apparatus;
7. ~~The applicable side setbacks shall be determined by establishing an average setback based upon the principal structures on the lots immediately adjacent to the lot to be built upon as a separate lot. In no case shall t~~he side setbacks shall not be less than ten (10) feet, nor shall a dwelling be built within ten (10) feet of the any other dwelling or principal structure. If a dwelling is built within twenty five (25) feet of any other dwelling or principal structure a stockage type fence at least ~~6'~~ 6' in height may be required by the Permit Granting Authority. The existing setbacks of principal structures on the lots immediately adjacent to the subject lot must be shown on the plans;

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8. Parcel shall not be built upon if it was purposely created as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town;
9. No part of any access driveway may be within fifteen (15) feet of a principal structure on an adjoining lot.

6.28.B.4 The Zoning Board of Appeals ~~;~~ As the Special Permit Granting Authority under this section ~~The Zoning Board of Appeals~~, may grant a special permit to allow construction of a ~~single family home~~ One Family Dwelling, to be restricted as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on a lot less than 10,000 square feet of upland if:

- ~~1. The lot is similar in nature, i.e. in size and shape, to the lots immediately adjacent to the lot to be built upon as a separate lot, and;~~
- ~~2.1.~~ 1. The Board finds that such a reduction in size minimum lot requirement would further the purposes of the bylaw without causing any undue nuisance, hazard or congestion in the Town or neighborhood.
2. All criteria outlined in section 6.28.B.3, except the minimum 10,000 square foot of upland requirement of 6.28.B.3, paragraph 3, must be met for Board of Appeals approval of a lot with an area under 10,000 square feet upland in size.
3. The Special Permit Granting Authority may impose conditions and restrictions on the special permit, including, but not limited to, a) restricting the total number of bedrooms or occupants in the dwelling, b) such other restrictions or limitations as are considered necessary or appropriate to carry out the intent and purposes of the bylaw.

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6.28.B.5 Transfer or Sale: ~~The Zoning Board of Appeals, as the Special~~ Permit Granting Authority under this section, ~~may shall~~ allow the lot owner to transfer or to rent the constructed ~~One Family Dwelling~~ single family home to an income eligible immediate family member (sibling, parent or child), at an affordable price or rent per the applicable standards in Bylaw section 6.28.B.1, provided that the unit is restricted in such a way that future transference or leasing ~~to non family members~~ comply with the applicable affordability requirements in Bylaw section 6.28.B.1.

6.28.B.6 Affordability: ~~No Building Permit or Certificate to Occupy shall be issued by the Building Inspector until the developer has demonstrated that all of the applicable requirements of 6.28.B.1 have been met.~~

~~6.28.B.7 Conditions and Restrictions: The Special Permit Granting Authority may impose conditions and restrictions on the special permit, including, but not limited to, a) restricting the total number of bedrooms or occupants in the dwelling, b) requiring that a Regulatory Agreement and/or Deed Rider, in an acceptable form, be executed and recorded by the applicant, c) such other restrictions or limitations as are considered necessary or appropriate to carry out the intent and purposes of the bylaw.~~

Commented [RC1]:

6.28.B.106 Conflicts with other bylaws ~~;~~ The provisions of this bylaw shall be considered

supplemental to all other zoning bylaws. To the extent that a conflict exists between this bylaw and others, ~~the more restrictive~~ this bylaw, ~~or and the provisions~~ therein, shall apply ~~... excepting setback and frontage requirements.~~

SUMMARY

This bylaw provides limited relief of zoning requirements to promote the development of otherwise unbuildable lots solely for the purpose of deed-restricted affordable single-family homes in perpetuity or the maximum allowable period by law. The relief granted is a reduction in the minimum lot size, frontage, and setbacks. There are a total of 18 parcels that have a high probability and 26 additional parcels where it may be applicable. These parcels are largely within neighborhoods of similarly sized lots. There is no increase in tax burden borne by the owner of one of these parcels until a building permit has been issued. This bylaw will only apply to pre-existing lots and will not be applicable new lots. 10,000 sq ft is the minimum allowed lot size for Title V septic systems. It is important to note that other issues could cause a lot to be functionally unbuildable such as the location of abutter's wells and septic systems. This is an opportunity for private parties to build a limited number of affordable units that would remain affordable in perpetuity.

TOWN OF WELFLEET

Housing Needs Assessment and Action Plan



Prepared by the Wellfleet Housing Authority and Wellfleet Housing Partnership

Members of the Wellfleet Housing Authority (WHA)

Elaine McIlroy, Chair
Mia Baumgarten
Richard Ciotti
Sarah Pechukas Slivka
Gary Sorkin

Members of the Local Housing Partnership (LHP)

Gary Sorkin, Chair
Paul Cullity
John Cumbler
Robert DuBeau
Bruce Hurter
Sharon Inger
Barbara Knapp
Alfred Pickard
Sharon Rule-Agger
Judy Taylor

Karen Sunnarborg, Consultant

October 2017

TOWN OF WELLFLEET

Housing Needs Assessment and Action Plan

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TOWN OF WELFLEET

Housing Needs Assessment and Action Plan

The Consultant and Wellfleet Local Housing Partnership and Wellfleet Housing Authority would like to acknowledge the following individuals for their contributions to this Housing Needs Assessment and Action Plan:

- Brian Carlson, Assistant Town Administrator
- Joseph Powers, Town Clerk
- Daren Davis, Building Department
- Nancy Vail, Assessor
- Hillary Greenberg-Lemos, Conservation Agent
- Margaux LeClair, Massachusetts Department of Housing and Community Development
- Ryan Castle, Cape Cod and the Islands Association of Realtors and Cape Cod Young Professionals Housing Group
- Hadley Luddy, Homeless Prevention Council of the Lower Cape
- Cindi Maule, Housing Assistance Corporation
- Paula Schnepf, Sandwich Housing Authority (contact for Point in Time homeless census)
- Suzanne Grout Thomas, Wellfleet Council on Aging

TOWN OF WELLFLEET

Housing Needs Assessment and Action Plan

I. EXECUTIVE SUMMARY

This Wellfleet Housing Needs Assessment and Action Plan provides updated information on demographic, economic and housing characteristics and trends and further recommends strategies for the Town to implement to meet local housing goals and fulfill a vision for a safe and healthy community in which a wide range of individuals and families can call home. This Plan also meets all requirements under the state's Housing Production Plan Guidelines that are meant to provide greater local control over housing development.

DEMOGRAPHIC PROFILE

Key findings from this Housing Needs Assessment include the following demographic changes:

Population Growth

Between 1990 and 2010, Wellfleet's net population increased by 10% to 2,750 residents compared to 20% and 76% increases in total housing units and seasonal units, respectively, during the same period. Clearly the seasonal and occasional housing markets have fueled new development.

Population projections estimate declines in the year-round population from 2,750 residents in 2010 to 2,675 or 2,421 residents by 2030 according to Metropolitan Area Planning Council (MAPC) and State Data Center calculations, respectively. It is important to emphasize that projections are not always borne out in fact, but at a minimum the trend toward seasonality of the population is expected to continue.

Age Distribution

All age categories below 45 years have experienced population losses while all those above involved considerable gains. For example, those between the ages of 25 and 34 declined by 49% between 1990 and 2015. Children under 18 decreased by 13% while those 65 years or older increased by 113%. In fact, Wellfleet's seniors are not only growing in number but are living longer and becoming frailer and therefore more reliant on the community's network of services.

Those in the 25 to 44 age range, raising their own families and establishing community roots, decreased by 62% between 1990 and 2015.

These population changes are much more extreme than for the Cape as a whole and state. While children comprised about 14% of Wellfleet's population in 2015, they were 16% and 21% of the county and state populations, respectively, while seniors were 34% of all residents in Wellfleet but 27% in the county and 15% statewide.

These demographic shifts are expected to continue with those below the age of 20 decreasing by 30% between 2010 and 2030 and those 65 years or older increasing by 74% to comprise 48% of all residents according to MAPC figures. State Data Center estimates are less extreme with projected decreases in those up to age 19 of 11% and a 46% increase in seniors to represent 44% of the total population.

Households

The number of households increased by 37% between 1990 and 2010, higher than the net population growth of 25% and reflecting growing numbers of smaller households and an aging population. Average household size was 1.99 persons in Wellfleet compared to 2.24 and 2.53 persons for the county and state, respectively.

25% of all households had heads 65 years of age or older who were living alone based on 2015 census estimates.

ECONOMIC PROFILE

There have also been considerable economic changes including:

Income Distribution and Poverty

The 2015 census estimates suggest a median household income of \$45,735, down from \$66,109 in 2010, running counter to increasing income levels in other Cape communities with the exception of Truro and Provincetown. Such a substantial decrease is questionable however. It is interesting to note that almost 26% of Wellfleet residents in the labor market were self-employed.

28% of households earned more than \$100,000 in 2010, while 17% had incomes below \$25,000. In 2010.

Substantial income disparities are clear from the median income of homeowner and renter households of \$53,611 and \$22,045, respectively, in 2015. These income levels are based on the Town's year-round residents, not the occasional residents who occupy 63% of the housing stock and likely have significantly higher incomes to compete in the housing market.

The median income of senior households at \$43,675 is lower than the county's at \$47,464.

Poverty increased from 4.2% in 2010 to 11.7% according to 2015 census estimates, higher than the county at 8.7% but comparable to the state at 11.6%. The 4.2% level of poverty in the 2010 census data may be more accurate however, given the 2015 census estimates steep declines in income levels.

Employment

As a resort community, Wellfleet experiences seasonal shifts in its labor force. For example, the unemployment rate was 12.1% as of February 2017, up from 8.5% for 2016 as a whole. The seasonality of the job market also has some workers living on limited incomes during the winter.

The average weekly wage of \$756 for those who work in Wellfleet translates into an annual income of about \$39,500 and reflects the concentration of jobs in the lower-paying service sector that supports local tourism.

A key question arises regarding the community's capacity to meet the service needs of its residents and in fact the expanding needs of its seniors.

Projected decreases in younger adults will continue to erode the workforce and require older workers to fill in on lower-paying retail and service jobs and employees to come from places further and further away.

Special Needs

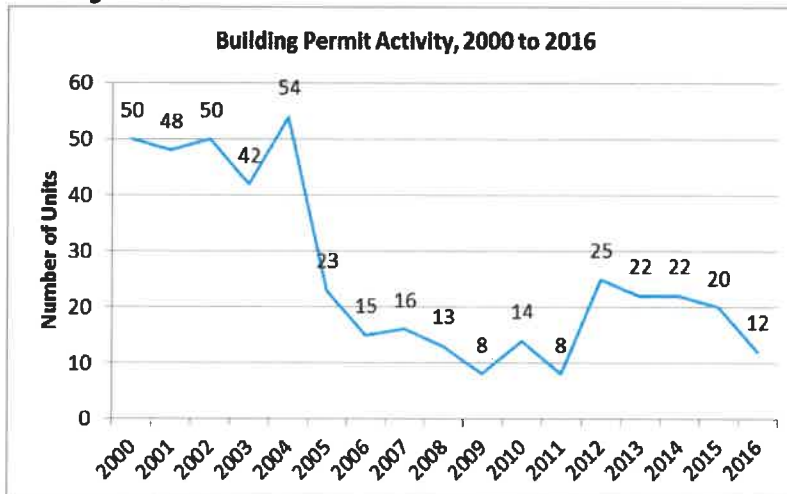
16.1% of residents claimed some type of disability, much higher than county and state levels of 13.4% and 11.5%,

respectively. Also, 26% of those 65 years of age or older indicated they had some type of disability, which will likely increase as this population continues to age.

HOUSING PROFILE

Wellfleet has also experienced the following major shifts in housing characteristics and trends:

Housing Growth



Residential building activity has slowed down with the average annual number of permits for new single-family residential units between 2011 and 2016 of 16 units compared to 49 between 2000 and 2004.

The average per unit valuation was \$201,106 between 2000 and 2004 and then increased to \$377,095 between 2011 and 2016.

A total of 14 units were built in small multi-family properties between 2012 and 2013. The surge in unit numbers included in the above figure largely reflects these multi-family units.

There has been a significant amount of teardown activity where typically smaller older homes are demolished and replaced by somewhat larger and more modern ones, involving half of new residential permits in 2016. This would imply that net new housing growth is less than what is being reported in the census and building permit data.

Increases in seasonal or occasional units from 1,566 units in 1990 to 2,824 by 2015, representing an 80% increase, more than double the 37% growth rate for the year-round housing stock. Seasonal or second homes comprised 63% of all housing units according to 2015 census estimates.

There has been a loss of year-round rentals, declining by 42 units or by 13.5% during the 1990 to 2015 period, likely related to the conversion to owner-occupancy and/or seasonal or occasional use.

Housing Market Conditions

Wellfleet is experiencing very tight market conditions with vacancy rates of zero percent for both owner-occupied and renter-occupied properties according to 2015 census estimates. Realtors indicate that there was little inventory available in all price ranges during the spring when there is usually a surge of units coming on to the market. Homes are selling quickly when priced appropriately.

In 2000 there were 287 units or 36% of the owner-occupied, year-round housing stock valued below \$200,000. This relatively affordable housing dwindled to 104 units or 8% as of 2015. On the other hand, those higher-end properties of \$500,000 or more involved about 10% of the housing stock in 2000, increasing to 48% of all owner-occupied, year-round units as of 2015.

The single-family home market was at its peak in 2004 when the median house price was \$650,000. Home values fluctuated considerably after that, declining to a low of \$460,000 in 2015 and up a bit to \$468,000 in 2016.

There is little remaining affordability in Wellfleet's single-family inventory but considerable affordability in the condominium market with 4.5% and 62.5% of units valued below \$300,000, respectively. Most condos are seasonal however.

Real estate agents confirm that they typically see very few year-round or winter rental listings. The rental market in Wellfleet is complicated by decreasing numbers of these units in the context of seasonal shifts. Given the limited supply of year-round rentals, housing costs are high and it is difficult to find a two-bedroom year-round market rental for less than \$1,400. Additionally, property owners can earn more in renting their homes for only a short period of time in the summer than renting year-round. Owners also want to be able to use their homes off and on during the year. Another constraint to year-round rentals is the income of year-round residents that puts going rents to no more than the \$1,400 to \$1,600 range.

Affordability Gaps

The gap between median household income and the median single-family house price has widened. The median income earning household could likely afford a single-family home of about \$185,000 based on 95% financing. **The affordability gap is about \$310,000 - the difference between the price of the median priced single-family home (\$468,000) and what a median income household (\$45,735) can afford (\$185,000).¹**

For those earning at 80% of area median income limit (\$61,150 for a family of three), this gap is \$217,500, the difference between the maximum they could afford of approximately \$250,500 and the median single-family house price of \$468,000.

There is also an affordability gap for condos as the median condo price of \$232,000, as of the end of 2016 from The Warren Group's Banker & Tradesman, would require an income of about \$65,721, which is more than Wellfleet's median household income of \$45,735 and the HUD area median income for Barnstable County of \$61,150 for a household of three.² **The gap would be \$83,000, the difference between the median condo price (\$232,000) and what a median income earning household could likely afford (\$149,000).**

According to Assessor's data, only 18 homes or 0.6% of all *single-family homes* were affordable to households earning below the town's median income (\$45,735) based on 2015 census estimates.

¹ Figures based on 95% financing, interest of 5.0%, 30-year term, annual property tax rate of \$6.83 per thousand, \$250 monthly condo fee, and insurance costs of \$4 per \$1,000 for condominiums and \$6 per thousand for single-family homes. The calculations are also based on the purchaser spending no more than 30% of gross income on mortgage (principal and interest), taxes and insurance. It is also assumes that the purchaser would be eligible for a subsidized mortgage program such as the ONE Mortgage Program or a MassHousing mortgage that would not require Private Mortgage Insurance.

² Figures based on 95% financing, interest of 5.0%, 30-year term, annual property tax rate of \$6.83 per thousand, \$250 monthly condo fee, insurance costs of \$4 per \$1,000 for condominiums, and the purchaser spending no more than 30% of gross income on mortgage (principal and interest), taxes and insurance. It is also assumes that the purchaser would be eligible for a subsidized mortgage program such as the ONE Mortgage Program on a MassHousing mortgage that would not require private mortgage insurance.

A lower-priced market rental of \$1,400 for a two-bedroom unit would require an income of about \$64,000 (assuming \$200 in average utility bills and not paying more than 30% of income on housing costs). On the other hand, the median income earning renter (\$22,045 based on 2015 census estimates) could afford a rent of only about \$351 under the same assumptions. Consequently, the affordability gap would be more than \$1,000, the difference between the market rental and what a median-income earning renter could afford. It is consequently not surprising that so many renters are paying far too much for their housing.

It is important to note that landlords often require first and last month's rent and a security deposit on monthly rentals, also creating **substantial up-front cash requirements for renters.**

Cost Burdens

A HUD report indicates that of the 1,682 year-round households included in this analysis, 718 or 43% were reported with cost burdens as they were paying more than 30% of their income on housing costs.

494 households or 43% of households earning at or below 80% AMI were spending more than half of their income on housing costs.

Moreover, of these households 414 or 25% were spending more than half of their income on housing.

There were 809 households, or 48% of all households, who were earning at or below 80% AMI. Of these, 728 households or about 90% were experiencing cost burdens.

Almost one-third of Wellfleet's renter households are 62 years of age or older, 86% with cost burdens, while two-thirds of owner households were in this age range, 29% with cost burdens.

There were 568 renter households spending too much of their income on their existing housing. Reviewing the proportionate need of seniors, families, and single individuals, seniors comprise about 44% of those with cost burdens, families make-up about 21%, and non-elderly/non-family individuals 35%.

There were also 513 owner households spending too much of their income on their housing and about half of these households were seniors with families at 18% and non-elderly/non-family individuals 31%.

Subsidized Housing Inventory (SHI)

Wellfleet has 34 units in its Subsidized Housing Inventory (as of August 17, 2016), 13 (38.2%) of which are rental, 15 (44.0%) that involve homeownership units, and the remaining 7 (20.6%) through a Housing Rehab Loan Program. These units count towards the state's 10% state affordability goal with Wellfleet currently at 2.2%. Another 53 affordable units are in the development pipeline that will bring the percentage to 3.4%.

A combination of information on demographic shifts, cost burdens, affordability gaps, and the community's housing mix suggest the following targeted housing goals:

- 60 affordable units over 10 years
- 75% or 45 units projected as affordable rentals
 - 50% of rentals or 22 units for seniors and single persons/one-bedroom units
 - 40% or 18 units for small families/two-bedroom units
 - 10% or 5 units for large families/at least three-bedrooms
- 25% or 15 units projected as affordable ownership units

20% or 3 units for seniors and single persons/one-bedroom units
40% or 6 units for small families/two-bedroom units
40% or 6 units for large families/at least three-bedroom units

- Handicapped accessibility and/or supportive services in at least 10% of all affordable units created in family housing and 20% of all units in affordable senior/single-person housing

SUMMARY OF HOUSING PRODUCTION GOALS

The state administers the Housing Production Program that enables cities and towns to adopt an affordable housing plan that demonstrates production of .50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory (SHI). If this is accomplished in any calendar year, the town will have 12 months or 24 months, respectively, when it will have the likely ability to deny Chapter 40B comprehensive permit applications that it deems do not meet local needs.³ Wellfleet would have to produce at least eight (8) affordable units annually to meet these annual production goals.

The state's subsidizing agencies have entered into an Interagency Agreement that provides more guidance to localities concerning housing opportunities for families with children and are now requiring that at least 10% of the units in affordable production developments that are funded, assisted or approved by a state housing agency have three (3) or more bedrooms with some exceptions (e.g., age-restricted housing, assisted living, supportive housing for individuals, SRO's, etc.).

SUMMARY OF HOUSING STRATEGIES

The strategies summarized below are based on previous plans, the Housing Needs Assessment, local housing goals, local housing surveys and other community input (the May 27, 2017 Community-wide Housing Workshop in particular), and the experience of comparable communities in the area and throughout the Commonwealth. Some of the strategies reflect a continuation of efforts that have already proven effective in promoting affordable housing in Wellfleet. The strategies are grouped according to the type of action proposed – Building Local Capacity, Zoning, as well as Housing Development and Assistance – and categorized according to priority as those to be implemented within Years 1 and 2, those within Years 3 to 5, and longer term approaches. The strategies also reflect state requirements that ask communities to address a number of major categories of strategies to the greatest extent applicable:⁴

³ If a community has achieved certification within 15 days of the opening of the local hearing for the comprehensive permit, the ZBA shall provide written notice to the applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the applicant wishes to challenge the ZBA's assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

⁴ Massachusetts General Law Chapter 40B, 760 CMR 56.03.4.

It is also important to note that these strategies are presented as a package for the Town to consider, prioritize, and process, each through the appropriate regulatory channels.

Capacity Building Strategies

Specific actions to help build local capacity to address local housing needs are listed below. While these strategies do not directly produce affordable units, they provide the necessary support to implement a proactive housing agenda and build local support for new affordable housing initiatives.

- *Continue to conduct ongoing community outreach and education*
The Town will continue to engage the community in discussions on affordable housing to present information on the issue needed to dispel myths and negative stereotypes and to help galvanize local support, political and financial, for new housing initiatives.
- *Hire a part-time Housing Coordinator*
The Town will consider bringing on the necessary expertise to provide ongoing support to effectively coordinate the implementation of various components of the Housing Plan. The recently-introduced Cape Community Housing Partnership has surfaced the prospect of establishing a regional collaboration of communities to share the expertise of housing professionals which might be explored.
- *Provide sustainable funding sources and incentives*
While Wellfleet is fortunate to have CPA funding and an Affordable Housing Trust Fund to support affordable housing, additional resources are needed to address the range of local needs and meet production goals. The Town recently approved a real estate transfer tax and room occupancy tax to create potential new funding for some amount of affordable housing but state legislative approval is still required. This Plan also includes other potential resources for consideration as investments or incentives for affordable housing production and preservation.

Zoning Strategies

Greater flexibility will be needed in the Town's Zoning By-law and new tools will be required to capture more affordable units and better guide new development to "smarter" locations.

- *Better promote affordable accessory dwelling units (AADU's)*
The Town has made the promotion of affordable accessory dwelling units a priority since 2004 as such units represent effective and well-supported options for increasing community housing opportunities without resorting to new housing units. The Housing Plan recommends a number of provisions to better promote AADU's in the community.
- *Amend inclusionary zoning*
Another potential zoning change would be to adopt inclusionary zoning with mandates of integrating affordable housing into new development coupled with incentives that include density bonuses and a formula for providing cash in-lieu of units that can be invested in other Town housing activities.

- *Integrate affordable housing into the Cluster Residential Development Bylaw*
The Town will investigate amending its zoning to provide mandates and incentives for including affordable housing in its Cluster Residential Development by-law that promotes a smarter way of developing land besides the traditional subdivision and suburban sprawl.
- *Allow more diverse housing types in more areas*
The Town should consider where somewhat denser housing development might be added, scrutinizing its zoning districts for opportunities to weave more diverse housing types, including multi-family housing, into neighborhoods.
- *Allow year-round use of condominiums*
Since cottage colonies contain units that are comparable to condominiums and may offer some smaller and more affordable housing alternatives, the Town might consider creating greater flexibility in the zoning by-laws to enable these units to be converted to year-round use and to create other condos for year-round occupancy. At this point only one unit can be available for year-round occupancy in each existing colony.

Housing Development Strategies

To implement this Housing Plan, the Town will need to continue partnering with developers, non-profit and for profit, in the creation of additional affordable units as well as funding local housing initiatives.

- *Continue to partner with developers on privately owned sites*
Continuing to work cooperatively with private developers, non-profit and for profit, has been a major thrust of Wellfleet's housing efforts and is a major component of this Housing Production Plan. With incentives created in the Zoning By-law to promote affordable housing and with the availability of the local and state "friendly 40B" options, the Town will continue to partner with developers to guide new development that incorporates affordable units and smart growth principles.
- *Continue to fund local housing programs*
The Town should continue working with Bailey Boyd Associates and CDP on the funding and administration of the Housing Rehabilitation Program, also continuing to fund the BuyDown and Rental Assistance Programs, potentially tweaking program requirements as appropriate.
- *Continue to make suitable publicly-owned property available for affordable housing*
While Town-owned property is limited, the Town should convey suitable, surplus publicly-owned properties to selected developers through a Request for Proposals (RFP) process that requires a significant amount of affordable housing.
- *Develop a Regional/Lower Cape housing development strategy*
There are regional precedents for providing housing units and services, and the Town should continue to actively engage in the regional initiatives that are emerging as part of the Cape Community Housing Partnership and further discuss and invest in regional solutions to the Lower Cape's housing challenges.

- *Develop seasonal workforce housing*

Cape Cod has experienced summer labor shortages for decades. Efforts to modify zoning are needed to enable employers to build housing for seasonal workers. As suggested at the May 2017 Housing Workshop, the Town should pursue creative ways of providing seasonal workforce housing in appropriate locations and under reasonable conditions. Seasonal worker housing might also provide an opportunity for the Lower Cape communities to work together in support of such development.

Table I-1 provides a summary of these housing strategies.

Table I-1: Summary of Housing Strategies

Strategies	Years 1-2	Years 3-5	Year 5+	# Affordable Units	Responsible Parties***
A. Capacity Building Strategies					
1. Continue to conduct ongoing community outreach	X			*	LHP, WHA + other sponsors
2. Hire a Part-time Housing Coordinator	X			*	BOS with LHP + WHA support
3. Provide sustainable funding sources and incentives for affordable housing	X			*	BOS with LHP + WHA support
B. Zoning Strategies					
1. Better promote AADU's	X			*	PB with LHP + WHA support
2. Adopt inclusionary zoning		X		*	PB with LHP + WHA support
3. Integrate affordable housing in the Cluster Residential Development bylaw		X		*	PB with LHP + WHA support
4. Allow more diverse housing types in more areas		X		*	PB with LHP + WHA support
5. Allow year-round use of condos			X	*	PB with LHP + WHA support

C. Development and Assistance Strategies					
1. Continue to partner with developers on private properties	X			6	PB/ZBA with LHP + WHA support
2. Continue to fund local programs	X			13	BOS/CPC with LHP + WHA support
3. Continue to make suitable public property available for affordable housing	X			26	BOS with LHP + WHA support
4. Develop a regional/Lower Cape housing development strategy		X		**	BOS with LHP + WHA support
5. Develop seasonal workforce housing			X	*	BOS with LHP + WHA support

**Indicates actions for which units are counted under housing development strategies, have an indirect impact on production, do not add to the Subsidized Housing Inventory, or cannot be counted toward production goals.*

*** Units can only potentially be counted if located in Wellfleet.*

*****Abbreviations**

- Board of Selectmen = BOS
- Local Housing Partnership = LHP
- Wellfleet Housing Authority = WHA
- Planning Board = PB
- CPC = Community Preservation Committee
- Zoning Board of Appeals = ZBA

II. INTRODUCTION

A. Background and Purpose

Wellfleet is primarily a resort and residential community that “is blessed with an abundance of natural resources: our harbor, our burgeoning shellfish commerce, our ocean beaches, the acres of unspoiled natural habitat, our proud history, and leadership status in marine activities of all sorts.”⁵ These “natural wonders” and important sense of community have prompted a series of planning efforts to protect the town’s future, focused on the following four major local goals:

1. *Protect Natural Resources*

While providing a great boost to the local economy, tourism in tandem with a growing number of second home owners and retirees, also comes with a host of challenges including the protection of the Town’s open spaces, beaches, waterways, and fragile ecosystem.

2. *Protect Historic Resources*

Efforts to protect the Town’s very character, including its historic artifacts as well as historic commercial industries such as fishing, are becoming increasingly important given continuing development and tourism.

3. *Guide Economic Development and Growth*

While residents wish to avoid the economic development of malls and industries that may negatively impact the environment and community character, they recognize the need for better-paying, year-round, job opportunities for younger workers in particular as well as “green enterprises”.

4. *Provide Affordable Community Housing*

In light of demographic and economic trends, Town leaders and residents are concerned about whether Wellfleet will be able to sustain a reasonable diversity of ages, occupations, and incomes in light of escalating land and home values.

In addition to preparing the Local Comprehensive Plan in 1995, the Town has engaged in the following additional planning activities related to affordable community housing:

- Planning Wellfleet’s Future Survey in 2005
- The updated of the Local Comprehensive Plan in 2008
- Wellfleet Housing Needs Assessment in 2008
- Community Housing Action Plan in 2008
- Wellfleet Senior Housing Survey in 2015

This Housing Needs Assessment and Action Plan update and augment the planning work that has been done to date. It revisits the issue of housing in Wellfleet, particularly housing affordability, to present a documented snapshot of current conditions and trends. It also looks at existing gaps between what housing is available to serve local residents and what is required to meet local needs, including a review of local, regional and state resources. This Plan also identifies housing goals and strategies to address identified priority needs based on input from a wide variety of sources including interviews with local

⁵ Wellfleet Local Comprehensive Plan, 2008 update.

and regional stakeholders, public meetings, prior planning efforts, the priority housing needs identified in Section III.C, and the experience of Wellfleet to date as well as other comparable localities in the area and throughout the Commonwealth.

B. Definition of Affordable Housing

Affordable housing, sometimes referred to as subsidized housing or community housing, is generally defined by the income of the household in comparison to housing costs. For example, HUD generally identifies units as affordable if gross rent and the carrying costs of owning a home (mortgage, homeowner association fees, property taxes and insurance) is not more than 30% of total income. If households are paying more than these amounts, they are described as experiencing housing cost burdens; and if they are paying 50% or more for housing, they have severe cost burdens.

Affordable housing can also be defined according to percentages of median income for the area. Housing subsidy programs are typically targeted to particular income ranges depending upon programmatic goals. Based on 2017 HUD area income limits, extremely low-income housing is directed to households with incomes at or below 30% of area median income as defined by the U.S. Department of Housing and Urban Development (\$24,350 for a family of three for the Barnstable County area) and very low-income is defined as households with incomes over 30% but less than 50% of area median income (\$40,600 for a family of three). Low- and moderate-income generally refers to the range between 51% and 80% of area median income (\$61,200 for a family of three at the 80% level – up from \$61,150 in 2016). These income levels are summarized in Table II-1.

The Cape Cod Commission has defined affordable housing as that costs no more than 30% of total gross income for households earning at or below 80% of the median income for Barnstable County, referred to as area median income (AMI).

Table II-1: 2016/2017 Income Levels for Affordable Housing in the Barnstable County Area

# in Household	30% AMI/extremely Low-income	50% AMI/Very Low-income	60% AMI	80% Median Income/Low-income
1	\$17,850/\$18,950	\$29,750/\$31,600	\$35,700/\$37,920	\$47,550/\$47,600
2	20,400/21,650	34,000/36,100	40,800/43,320	54,350/54,400
3	22,950/24,350	38,250/40,600	45,900/48,720	61,150/61,200
4	25,450/27,050	42,450/45,100	50,940/54,120	67,900/68,000
5	27,500/29,250	45,850/48,750	55,020/58,500	73,350/73,450
6	29,550/31,400	49,250/52,350	59,100/62,820	78,800/78,900
7	31,600/33,550	52,650/55,950	63,180/67,140	84,200/84,350
8+	33,600/35,750	56,050/59,550	67,260/71,460	89,650/89,800

2017 median household income for the Barnstable County Metropolitan Statistical Area (MSA) = \$90,200 (for 4-person household) up significantly from \$77,100 in 2016 although there was very little change in the 80% AMI levels.

The state has added some additional requirements for housing to be affordable, established as part of legislation for promoting affordable housing under Chapter 774 of the Acts of 1969, creating the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B). This legislation allows developers to override local zoning if the project meets certain requirements and the municipality has less than 10% of its year-round housing stock defined as affordable under the 40B Subsidized Housing Inventory. In calculating a community's progress toward the 10% Chapter 40B goal, the state counts a housing unit as affordable if it is created by state or federal programs that support low- and moderate-income households earning at or below 80% of area median income.

**FOR THE PURPOSES OF CHAPTER 40B,
AFFORDABLE HOUSING IS GENERALLY DEFINED
AS HOUSING UNITS THAT ARE:**

1. Subsidized by an eligible state or federal program or a subsidizing agency
2. Subject to a long-term deed restriction limiting occupancy to income eligible households for a specified period of time
3. Subject to an Affirmative Fair Housing Marketing Plan

Based on the Massachusetts Department of Housing and Community Development's most recent data on Wellfleet's supply of affordable housing included in the state's Subsidized Housing Inventory, Wellfleet had 1,550 year-round housing units of which 34 are currently counted by the state as affordable, representing 2.2% of the year-round housing stock. Assuming future housing growth however, the 10% figure is a moving target as ultimately the required minimum number of year-round units will increase over time.

Most state-supported housing assistance programs are targeted to households earning at or below 80% of area median income (AMI), however, others, particularly rental programs, are directed to those earning at lower income thresholds. For example, the Low Income Housing Tax Credit Program that subsidizes rental units is targeted to households earning less than 60% AMI, \$45,900 for a family of three in Wellfleet. First-time homebuyer programs typically apply income limits of up to 80% AMI. It is worth noting that according to a special HUD report, an estimated 809 households or about 48% of Wellfleet's total households might have been income-eligible for affordable housing using the 80% AMI income criterion alone without consideration of financial assets.

The Community Preservation Act (CPA) allows Community Preservation funding to be directed to those within a somewhat higher income range – 100% AMI – now commonly referred to as “community housing”. Additionally, some housing developments incorporate several income tiers. For example, one project could combine units for those earning at or below 80% AMI, moderate-income “workforce” units for those earning between 80% and 120% of median income, and even some market rate units to help cross-subsidize the more affordable ones. Rental projects often include a couple of tiers below the 60% level to reach some of the most financially vulnerable residents in a community. It should be noted, however, that those units that involve occupants with incomes higher than 80% AMI, while still serving local housing needs, will not count as part of the Subsidized Housing Inventory (SHI) and help the Town reach its 10% affordability goal unless they are part of a rental development where 100% of the units could qualify for inclusion in the SHI.

III. DEMOGRAPHIC PROFILE⁶

It is important to closely examine demographic characteristics and trends to understand the composition of the population and how it relates to current and future housing and service needs. The following key questions will be addressed in this section:

- What have been the historical growth trends in the community and how has this growth contributed to unmet housing needs?
- What are the ramifications of increases and decreases of various age groups in regard to housing needs?
- What are the variations in household size and types of households that suggest unmet or greater housing needs?

These and other issues will be discussed in this section.

A. Population Growth – Steady growth and then some slowdown after 2000 with a recent upsurge

Wellfleet's population grew steadily after World War II at a rate of about 25% per decade and then decreased to about half that level after 1980 through 2000. Population growth then declined to no real net growth between 2000 and 2010 before increasing again by 13% between 2010 and 2015, up to 3,109 residents. These population changes are summarized in Table III-1 and Figure III-1.

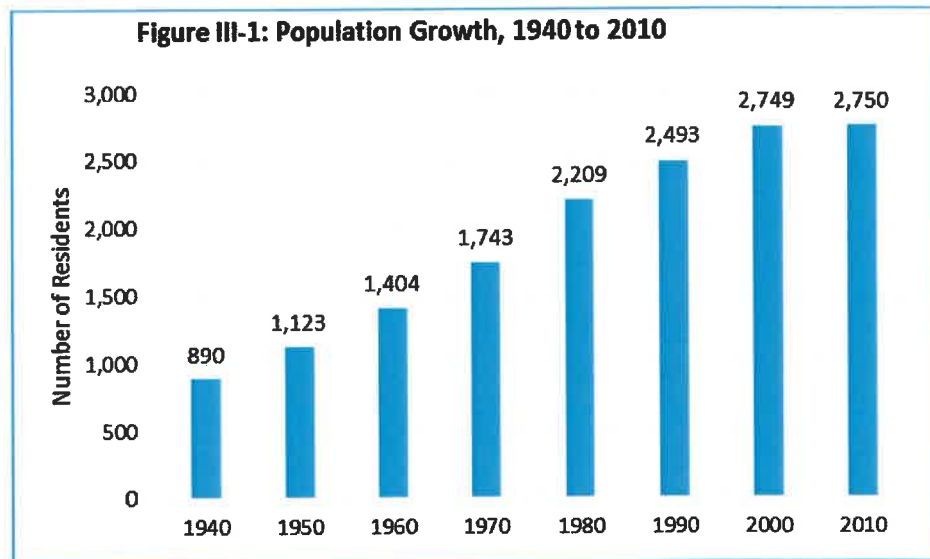
Table III-1: Population Change, 1930-2015

Year	Population	Increase in # Residents	Percentage Change
1930	823	--	--
1940	890	67	8.1
1950	1,123	233	26.2
1960	1,404	281	25.0
1970	1,743	339	24.1
1980	2,209	466	26.7
1990	2,493	284	12.9
2000	2,749	256	10.3
2010	2,750	1	0.04
2015	3,109	359	13.1

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2011-2015 and MassBenchmarks, State Data Center at the University of Massachusetts' Donahue Institute.

⁶ It should be noted that this Housing Study includes the most up-to-date data available. The decennial census data is typically provided as this data reflects actual counts. The most recent issue of the Census Bureau's American Community Survey (ACS) is also shown for some data not covered by the decennial counts and for more up-to-date information. Because the ACS is based on sample information, it is subject to sampling error and variation.

The seasonal or second home population has also grown considerably. According to U.S. census data, the year-round population increased by 10% between 1990 and 2010, from 2,493 to 2,750 residents, while the number of housing units increased by 20%, from 3,576 to 4,305 units, and seasonal units increased an estimated 76%, from 1,566 to 2,755 units (see Table V-4).



Town census figures from the Town Clerk’s office indicate that the total population included 3,184 residents as of April 7, 2017, higher by 75 residents in comparison to the 2015 census estimates.

Population projections from the Metropolitan Area Planning Council (MAPC) estimate small future population losses to 2,792 residents by 2020 and 2,675 by 2030, a 4% decline from the 2010 census count of 2,790 residents. The State Data Center at the University of Massachusetts’ Donahue Institute projects even greater population losses to 2,594 residents by 2020 and 2,421 by 2030, representing a 12% population decrease since 2010. It is important to emphasize that projections are not always borne out in fact, but at a minimum the trend toward seasonality of the population is expected to continue.

A Cape Cod Commission economist suggests that these projections may not involve such significant population declines based on a number of factors. For example, the outpacing of births by deaths in a typical retirement community may be a less reliable measure for population trends than the ability of the community to attract new population from outside the region.⁷

B. Population Density – Lower population size and density

Table III-2 provides comparative data on population size and density for communities on the Cape as well as Barnstable County and the state. Communities on the Lower Cape tended to have smaller land areas, smaller populations and lower population density. For example, the lowest population size and

⁷ Ramachandran, Mahesh, Environmental Economist for the Cape Cod Commission, “The Cape’s Population Problem Isn’t a Problem,” from Banker & Tradesman, November 28, 2016.

densities were in Truro and Wellfleet with Provincetown, Eastham, Chatham and Orleans following next in order.

Significant drivers of these relatively low density figures include the substantial population of occasional residents, large amount of land area dedicated to the Cape Cod National Seashore with considerable development limitations, and longer commutes from employment centers.

Table III-2: Population Size and Density for Cape Communities, 2010

Place	Land Area (Square Miles)	Population	Population Density
Barnstable	60.0	45,193	752.8
Bourne	40.9	19,754	482.8
Brewster	23.0	9,820	427.2
Chatham	16.2	6,125	377.6
Dennis	20.6	14,207	689.8
Eastham	14.0	4,956	354.2
Falmouth	44.2	31,531	712.7
Harwich	21.0	12,243	581.8
Mashpee	23.5	14,006	596.5
Orleans	14.2	5,890	415.5
Provincetown	9.7	2,942	304.5
Sandwich	43.0	20,675	480.4
Truro	21.1	2,003	95.1
Wellfleet	19.8	2,740	138.7
Yarmouth	24.2	23,793	981.2
Barnstable County	395.5	215,888	545.8
Massachusetts	1,840	6,547,629	835.2

Source: MassBenchmarks, State Data Center at the University of Massachusetts Donahue Institute

C. Age Distribution – Continued decreases in younger residents and significant increases in older ones with projected continuations of these trends

All age categories below age 45 experienced significant losses between 1990 and 2010 while all those above involved considerable gains.

As Table III-3 demonstrates, Wellfleet has experienced significant demographic shifts over the past several decades including:

Declining population of children: While the overall population grew by 10% between 1990 and 2010, those under age 18 decreased by 28% with a net loss of 143 children. This represented a declining portion of the population – from

20.5% in 1990 to 14.3% by 2010. The 2015 census estimates suggest an increase to 444 children under age 18 and 10.4% of all residents, representing a reversal of past trends and surprising as well as questionable.

- *Little change in the numbers of those 18 to 24:* Between 1990 and 2010, those between the ages of 18 and 24 changed very little, from 127 residents to 123. Once again the 2015 census estimates suggest a reversal of this trend with an increase to 227 residents and 7.3% of the population.

Table III-3: Age Distribution, 1990-2015

Age Range	1990		2000		2010		2015*	
	#	%	#	%	#	%	#	%
Under 5 Years	153	6.1	118	4.3	82	3.0	96	3.1
5 – 17 Years	359	14.4	372	13.5	287	10.4	348	11.2
18 – 20 Years	127	5.1	60	2.2	33	1.2	227	7.3
21 – 24 Years			74	2.7	90	3.3		
25 – 34 Years	354	14.2	228	8.3	222	8.1	180	5.8
35 – 44 Years	464	18.6	413	15.0	269	9.8	127	4.1
45 – 54 Years	248	9.9	535	19.5	461	16.8	416	13.4
55 – 64 Years	290	11.6	351	12.8	574	20.9	653	21.0
65 – 74 Years	278	11.2	334	12.1	405	14.7	628	20.2
75 – 84 Years	182	7.3	195	7.1	243	8.8	298	9.6
85+ Years	38	1.5	69	2.5	84	3.1	136	4.4
Total	2,493	100.0	2,749	100.0	2,750	100.0	3,109	100.0
Under 18	512	20.5	490	17.8	369	13.4	444	14.3
Age 65+	498	20.0	597	21.7	732	26.6	1,062	34.2
Median Age	40.7 years		47.0 years		53.5 years		58.0 years	

Source: U.S. Census Bureau, 1990, 2000 and 2010 and 2011-2015 American Community Survey 5-Year Estimates. *Data only available as percentages and therefore some rounding error occurs. ** Data not broken down any further.

- Losses in younger adults:* There was a very significant drop in those between the ages of 25 and 34 who are entering the labor market and beginning to form their own families. In 1990 this group comprised about 14% of Wellfleet’s residents, but by 2010 the percentage dropped to 8%. There was a net loss of 132 residents between 1990 and 2010, representing a 37% decline. The 2015 census estimates indicate even further declines to 180 residents and about 6% of the population.

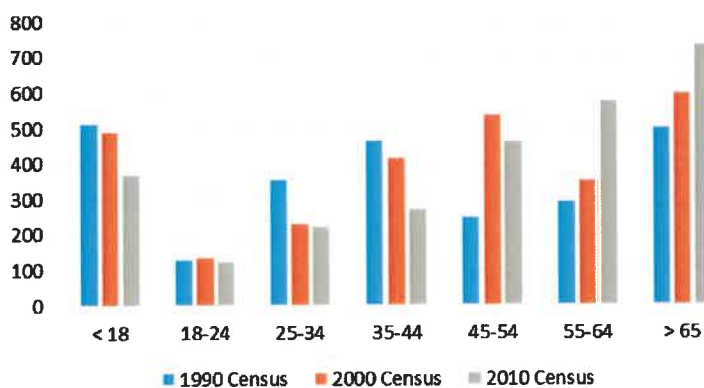
Those in the 25 to 44 age range, raising their own families and establishing community roots, decreased by 40% between 1990 and 2010.

There were also significant losses in those in the 35 to 44 age range, from 18.6% of the population in 1990 to 9.8% by 2010, or from 464 to 269 residents, representing a loss of 195 residents or 42%. The 2015 estimates suggest a continued decline in this age group, down to 127 residents and only 4.1% of the population.

The trend towards declining numbers of young adults is occurring throughout most communities of the Cape, particularly the Lower Cape, where the combination of fewer job opportunities, particularly those outside of the retail and service sectors that pay well, and escalating living expenses are increasingly forcing this group to relocate further away. While challenging, the Town should consider strategies to enable young people to remain in the community. The BuyDown Program that provides subsidies for first-time homebuyers, while limited in the number of participants, is an example of an approach for enabling younger families to establish roots in the community.

- *Substantial increases in middle-aged residents:* Another significant population shift is reflected in those between the ages of 45 and 54, who comprised 10% of Wellfleet residents in 1990 but 16.8 by 2010, growing from 248 to 461 residents or by about 86% after an increase to 535 resident according to the 2000 census. The 2015 census estimates suggest some decline to 416 residents in this age range, from almost 17% of all residents in 2010 to 13.4%.
- *Older middle-aged residents doubled in number:* Those in the 55 to 64 age category increased from 290 residents in 1990, or almost 12% of the population, to 574 by 2010 or 21% of all residents. This represents a net increase of 284 residents and a growth rate of 98%.

Figure III-2: Age Distribution, 1990-2010



Besides the effects of the aging baby boom generation, this growth is largely correlated to the costs of living, where older residents in the height of their earning potential are better able to afford to live in town. This trend is also reflected in increases in the median age, from 40.7 years in 1990 to 58.0% by 2015. This median age is much higher than 51.3 years Cape-wide and 39.3 for the state.

- *Significant increases in older adults:* The percentage of those 65 years of age or older increased from 20% in 1990 to about 27% by 2010, and an estimated 34% by 2015. The numbers of residents in this age group increased by 234 residents between 1990 and 2010 or by 47%. The 2015 census estimates suggest even further increases to 1,062 residents and 34% of the population, more than doubling in number since 1990. Figure III-2 clearly shows the predominance of older adults in the community and their continuing growth.

Table III-4 provides comparative information for Barnstable County and the state, which highlights the trends described above. Wellfleet continues to have proportionately fewer younger residents and greater numbers of older ones, although the percentage of those in the 18 to 34 age range is higher than the county level based on the 2015 census estimates.

The level of those under age 18 is lower in Wellfleet, at 14.3% in 2015 compared to 16.2% and 20.9% for the county and state, respectively. On the other end of the age range, those age 65 and older includes 34% of all Wellfleet residents in 2015, significantly higher than 27.1% for Barnstable County and 14.7% for the state.

Table III-4: Comparative Demographic Data, 2000 and 2015

	Wellfleet		Barnstable County		Massachusetts	
	% 2000	% 2015	% 2000	% 2015	% 2000	% 2015
Under 18	17.8	14.3	20.4	16.2	23.6	20.9
Age 18 to 34	13.2	17.2	14.9	15.6	17.8	24.0
Age 35 to 44	15.0	4.1	15.3	9.5	14.6	12.7
Age 45 to 54	19.5	13.4	14.8	14.6	16.7	14.9
Age 55 to 64	12.8	21.0	11.5	17.1	13.8	13.0
Age 65 +	21.7	34.2	23.1	27.1	13.5	14.7
Median Age	47.0 years	58.0 years	44.6 years	51.3 years	36.5 years	39.3 years

Source: U.S. Census Bureau, 2000 and 2011-2015 American Community Survey 5-Year Estimates.

While those age 65 or older increased by 47% between 1990 and 2010, they are expected to increase by another 74% by 2030, coinciding with the aging of the baby boomers. The housing needs of this expanding population of seniors will need to be addressed in the Town’s housing agenda.

Table III-5 presents population projections by age range through 2020 and 2030 in comparison to 2010 census figures, prepared by the Metropolitan Area Planning Council (MAPC). These projections suggest some modest population loss to 2,675 residents by 2030, or by 2.7% since 2010. During this time of projected population decline, the percentage of those 65 years of age or more is estimated to increase to about 40% of all residents by 2020 and up to 48% by 2030. This represents a net gain of

541 seniors. On the other hand, those under the age of 20 are estimated to decline from 393 residents in 1990 to 275 in 2030 or by 30%.

Table III-5: MAPC Population Projections for 2020 and 2030

Age Range	2010 Census		2020 Projections		2030 Projections	
	#	%	#	%	#	%
Less than 5 years	82	3.0	80	2.9	60	2.2
5 to 19 years	311	11.3	235	8.4	215	8.0
20 to 34 years	321	11.7	221	7.9	161	6.0
35 to 64 years	1,304	47.4	1,149	41.1	966	36.1
65+ years	732	26.6	1,107	39.6	1,273	47.6
Total	2,750	100.0	2,792	100.0	2,675	100.0

Source: Metropolitan Area Planning Council (MAPC), Massachusetts Housing Data Portal, January 2014.

Table III-6 provides projections of the age distribution in Wellfleet through 2030 from the State Data Center at the University of Massachusetts’ Donahue Institute. This data suggests a greater population loss, down to 2,594 residents by 2020 and 2,421 in 2030. It also provides additional confirmation of the substantial increases in those 65 years of age or older, growing from 27% to 44% of the population in the context of a 12% overall population loss, but lower than the almost 48% level in the MAPC projections.

Younger residents under age 20 are estimated to decline in number, from 393 to 349 residents, but are projected to remain relatively stable proportionately to the total population at about 14%. Those in the 20 to 64 age categories are projected to decrease substantially.

Table III-6: State Data Center Population Projections for 2020 and 2030

Age Range	2010 Census		2020 Projections		2030 Projections	
	#	%	#	%	#	%
Less than 5	82	3.0	82	3.2	74	3.1
5 to 19 years	311	11.3	292	11.3	275	11.4
20 to 34 years	321	11.7	201	7.7	146	6.0
35 to 64 years	1,304	47.4	1,032	39.8	857	35.4
65+ years	732	26.6	987	38.0	1,069	44.2
Total	2,750	100.0	2,594	100.0	2,421	100.0

Source: University of Massachusetts, Donahue Institute, State Data Center.

These demographic changes would significantly change the character of the community given substantial losses of population diversity, significant losses of younger workers, and an extended retirement focus. This situation is not unique to Wellfleet as it is a trend throughout the Mid and Lower Cape.

D. Race – Limited racial diversity

The population has remained predominately white but minority residents have steadily increased in number from 30 residents in 1990 to 84 or 3% in 2010 as shown in Table III-7. The 2015 census estimates suggest an increase to 133 minority residents or to 4.3% in 2015 with 35 identifying themselves as Black or African American and 46 as Asian. Another 51 claimed they were of two races and 6 identified themselves of having Hispanic or Latino heritage.

E. Household Characteristics – Relative stability in the mix of household types over the past several decades

25% of all Wellfleet households involved individuals 65 years of age or older who lived alone based on 2015 census estimates, considerably higher than 17.4% and 11.3%, for the county and state, respectively, and correlated with Wellfleet’s significant population of older adults.

As shown in Table III-7, the number of households has increased over the past several decades, as with population growth, from 1,129 to 1,366 between 1990 and 2010. This represented a net growth rate of 21%, double the population growth during this period and reflective of some growth in smaller households. This growth in smaller households is further reflected in declines in the average household size from 2.21 persons in 1990 to 2.01 in 2010. The 2015 census estimates suggest an increase in the number of households to 1,548 but a continuing decrease in average household size to 1.99.

Over the years, the number of family households has increased somewhat but has decreased proportionately from 61.5% in 1990 to 53% in 2010. The 2015 census estimates suggest an increase to 55% which is relatively comparable to the 2000 level. Non-family

households have correspondingly increased to 47% and 45% in 2010 and 2015, respectively, higher than the 2015 Barnstable County and the state levels of 38.5% and 36.4%, respectively.

While the number of female-headed households with children under age 18 is small, they decreased a bit over the decades from 59 in 1990 to 47 in 2010 but went up substantially to 134 households according to 2015 census estimates, once again somewhat questionable. Because these households

typically are among the most financially vulnerable in any community, any increase represents a troubling trend.

Table III-7: Demographic Characteristics, 1990-2015

Characteristics	1990		2000		2010		2015	
	#	%	#	%	#	%	#	%
Total Population	2,493	100.0	2,749	100.0	2,750	100.0	3,109	100.0
Minority residents*	30	1.2	94	3.4	84	3.1	133	4.3
Total # Households	1,129	100.0	1,301	100.0	1,366	100.0	1,548	100.0
Family Households**	694	61.5	725	55.7	724	53.0	848	54.8
Female Heads of Households with Children < 18 **	59	5.2	54	4.2	47	3.4	134	8.7
Non-family Households **	435	38.5	576	44.3	642	47.0	700	45.2
Householder living Alone/65 years +	360/ 152	31.9/ 13.5	453/ 172	34.8/ 13.2	509/ 226	37.3/ 16.5	628/387	40.6/ 25.0
Average Household Size/Family Size	2.21/2.82 persons		2.11/2.75 persons		2.01/2.60 persons		1.99/2.51 persons	

Sources: U.S. Census Bureau, 1990, 2000 and 2010 and American Community Survey 5-Year Estimates, 2011-2015.

*All non-white classifications

** Percent of all households

Table III-8 provides a breakdown of household size by household type, comparing 2015 census estimates for Wellfleet to Barnstable County and the state. This information indicates that there were proportionately more persons living alone in Wellfleet at 40.6% of all households compared to 32.9% countywide and 28.7% for the state.

The level of two-person households was comparable to the county at 40% but higher than the state at 33%. On the other hand, Wellfleet had a lower level of larger households in comparison to the Cape and the state as a whole, and proportionately fewer families. It is therefore not surprising that Wellfleet's average household size of 1.99 persons was significantly lower than those of the county and state at 2.24 and 2.53, respectively.

**Table III-8: Types of Households by Size for Wellfleet, Barnstable County, and Massachusetts
2015**

Households by Type and Size	Wellfleet		County	MA
	#	%	%	%
Family Households	848	54.8	61.5	63.6
2-person household	547	35.3	35.3	26.5
3-person household	134	8.7	11.9	15.4
4-person household	119	7.7	9.3	13.7
5-person household	39	2.5	3.3	5.4
6-person household	0	0.0	1.1	1.7
7 or more person household	9	0.6	0.7	0.8
Non-family Households	700	45.2	38.5	36.4
1-person household	628	40.6	32.9	28.7
2-person household	72	4.7	4.8	6.2
3-person household	0	0.0	0.5	1.0
4-person household	0	0.0	0.2	0.4
5-person household	0	0.0	0.03	0.1
6-person household	0	0.0	0.04	0.03
7 or more person household	0	0.0	0.0	0.01
Total	1,548	100.0	100.0	100.0

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates.

IV. ECONOMIC PROFILE

This section examines income, employment and educational information as well as disability data to address the following questions:

- What changes in income levels have occurred and how does this relate to housing affordability?
- Are there growing income disparities among residents?
- What are the employment trends related to the mix of employers and workforce (year-round and seasonal)?
- How do population projections affect workforce needs and demands?
- What are the trends toward educational attainment that can affect employment opportunities and housing affordability?
- What proportion of the population is disabled or has other special needs that limit their employment options and income?

These and other economic issues will be discussed in this section.

A. Income – Increasing incomes for many based on 2010 census data but considerable decreases based on 2015 census estimates

Table IV-1 presents census income data from 1999 through 2015, which is also visually presented in the chart in Figure IV-1.⁸ There are surprising discrepancies between the 2010 and 2015 data as incomes are

Despite some increasing household wealth, there are substantial numbers of households with incomes below \$25,000, including 286 households or 21% of all households based on 2010 census estimates, almost 30% of all households based on 2015 figures. There are substantially more of these households than the 34 SHI units, and they are challenged to compete in Wellfleet's housing market.

estimated to have dropped considerably with the 2015 median household income of \$45,735 down from \$66,109 in 2010 and comparable to the 1999 level. Such a decline runs counter to what has been occurring in most Cape communities with the exception of Provincetown and Truro (see Table IV-3).

Those earning more than \$75,000 increased from 24% of all households in 1999 to 42% as of 2010, including 28% earning above \$100,000. The 2015 census estimates identify those earning more than \$75,000 falling to 25%. In 1999, 19% of households were earning between \$50,000 and \$74,999, increasing to about 25% in 2010, and then down to almost 21% in 2015.

It is likely that some of the households in the lower income ranges may in fact be long-term residents who own their homes, which have risen in value over the years. Nevertheless, continued increases in the cost of living as well as health-related issues may drive some of these households out of the community.

Given the seasonal nature of a significant segment of Wellfleet's economic base, many residents who are employed are reliant on seasonal jobs which are sometimes supplemented by forming their own businesses and unemployment compensation.

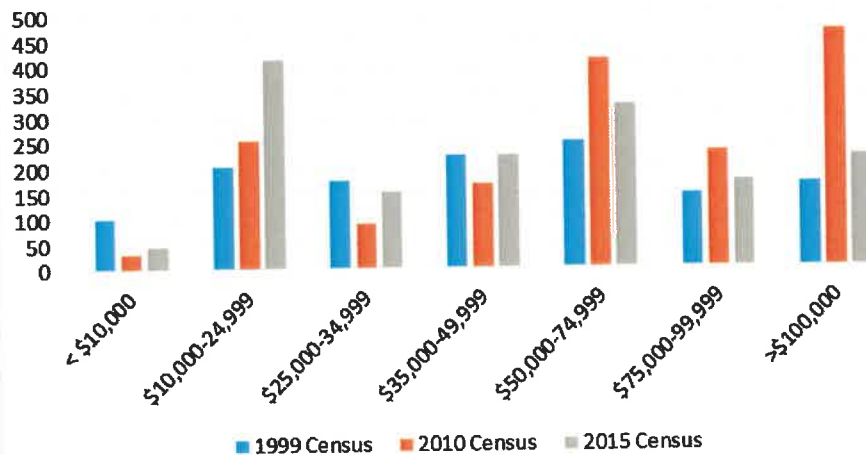
⁸ Some 1990 census data is not available given Wellfleet's population of less than 2,500 residents at the time and resulting small sample sizes.

Table IV-1: Income Distribution, 1989-2015

Income Range	1999		2010		2015	
	#	%	#	%	#	%
Under \$10,000	101	7.8	32	1.9	45	2.9
\$10,000-24,999	203	17.8	254	15.4	415	26.8
\$25,000-34,999	174	13.5	89	5.4	153	9.9
\$35,000-49,999	222	17.2	167	10.0	222	14.3
\$50,000-74,999	249	19.3	411	24.9	321	20.7
\$75,000-99,999	145	11.3	230	13.9	172	11.1
\$100,000-149,999	115	8.9	165	10.0	127	8.2
\$150,000 or more	51	4.0	303	18.3	93	6.0
Total	1,287	100.0	1,651	100.0	1,548	100.0
Median Household Income	\$43,558		\$66,109		\$45,735	

Source: U.S. Census Bureau, 2000 and 2010 and 2011-2015 ACS 5-Year Estimates.

Figure IV-1: Income Distribution



As shown in Table IV-2, incomes for Wellfleet residents were on average somewhat lower than the Cape as a whole in 1999 with median household income levels of \$43,558 and \$45,933, respectively, for example. In 1999, the county had a relatively comparable income distribution to Wellfleet's, but income levels were higher by 2010 with 28% of Wellfleet households earning more than \$100,000 compared to 22% for the county and about 23% of Wellfleet households earned less than \$35,000, lower than the county level of 31%. As noted earlier, the 2015 income distribution for Wellfleet showed a substantial decrease in income levels with the median down to \$45,735 and well below \$63,251 for the county. There were also significant increases in lower income households and decreases in high income earners in comparison to the county. **These 2015 census estimates show such a significant decrease over 2010 levels and are therefore very questionable.**

**Table IV-2: Income Distribution by Household: Wellfleet and Barnstable County
1999, 2010 and 2015**

Income Range	Wellfleet			Barnstable County		
	1999 %	2010 %	2015 %	1999 %	2010 %	2015 %
Under \$10,000	7.8	1.9	2.9	6.8	6.2	4.5
10,000-24,999	17.8	15.4	26.8	17.8	13.8	14.9
25,000-34,999	13.5	5.4	9.9	12.8	10.8	8.4
35,000-49,999	17.2	10.0	14.3	16.8	13.6	12.2
50,000-74,999	19.3	24.9	20.7	21.5	19.9	18.4
75,000-99,999	11.3	13.9	11.1	11.9	13.5	13.8
100,000-149,999	8.9	10.0	8.2	8.0	13.0	16.3
150,000 or more	4.0	18.3	6.0	4.4	9.2	11.6
Total	100.0	100.0	100.0	100.0	100.0	100.0
Median income	\$43,558	\$66,109	\$45,735	\$45,933	\$55,294	\$63,251

Source: U.S. Census Bureau, 2000 and 2011-2015 American Community Survey 5-Year Estimates

Table IV-3 compares median household income over time to neighboring communities as well as the county and state. Most communities had median income levels in the \$60,000 to \$68,000 range, lower than the state at \$68,563 however. The communities of Dennis, Provincetown and Wellfleet had medians below \$60,000 based on 2015 data but are more in line with the other communities in the case of the 2010 census figures which are likely more accurate.

**Table IV-3: Comparison of Median Household Incomes for Wellfleet and Neighboring Communities,
1999, 2010 and 2015**

Community	1999 Median Income	2010 Median Income	2015 Median Income
Brewster	\$49,276	\$58,374	\$66,220
Chatham	\$45,519	\$65,990	\$67,587
Dennis	\$41,598	\$50,642	\$53,381
Eastham	\$42,618	\$58,750	\$60,760
Harwich	\$41,552	\$54,958	\$68,267
Orleans	\$42,594	\$56,313	\$64,861
Provincetown	\$32,716	\$44,646	\$36,958
Truro	\$42,981	\$80,425	\$60,432
Wellfleet	\$43,558	\$66,109	\$45,735
Barnstable County	\$45,933	\$60,317	\$63,251
Massachusetts	\$50,502	\$64,509	\$68,563

Source: U.S. Census Bureau, 2000 and 2010 Census, Summary File 3, and 2011-2015 ACS 5-Year Estimates.

As presented in Table IV-4, there are considerable income disparities based on the type of household with higher median income levels for families, homeowners, and households with middle-aged heads. One surprising outcome was the higher income level for full-time workers who are female, a pattern that is atypical in most communities. Here again, the substantial discrepancies between the 2010 and 2015 income figures is prominent and such declines make the 2015 data questionable.

Table IV-4: Median Income by Household Type, 2015

Type of Household/Householder	Median Household Income	
	2010	2015
Individual/per capita	\$47,269	\$33,876
Households	\$66,109	\$45,735
Families	\$90,099	\$46,517
Nonfamilies	\$50,702	\$25,815
Renters	\$44,783	\$22,045
Homeowners	\$73,125	\$53,611
Householder less than age 25*	--	--
Householder age 25 to 44	\$49,952	\$40,278
Householder age 45 to 64	\$79,122	\$52,222
Householder age 65 or more	\$59,018	\$43,675
Male full-time, year-round workers	\$51,786	\$42,292
Female full-time, year-round workers	\$54,306	\$55,353

Source: U.S. Census Bureau, 2006-2011 and 2011-2015 American Community Survey 5-Year Estimates

* Indicates data not available as sample size too small.

These income figures are also based on Wellfleet’s year-round population, not those who live in town for only part of the year. Many in this group of occasional residents, who occupy about 63% of Wellfleet’s housing units, likely have significantly higher average incomes in order to afford the high costs of seasonal units or second homes, thus further widening income disparities within the community.

Table IV-5 presents a comparison of income levels for owners and renters. More than three-quarters of renters earned less than \$35,000 in 2015 compared to almost one-third of homeowners. On the other hand, 17% of the homeowners earned more than \$100,000 and none of the renters earned more than \$75,000. The income disparity is also reflected in median income levels of \$53,611 and \$22,045 for owners and renters, respectively, based on 2015 census estimates. Once again, the 2010 figures suggest much higher income levels with medians of \$73,125 and \$44,783, respectively, with much greater percentages of homeowners earning more than \$100,000 and fewer earning less than \$25,000. There was also a drop in the number and percentage of renters earning less than \$25,000.

Table IV-5: Income Distribution by Tenure, 2010 and 2015

Income Range	Homeowners				Renters			
	2010		2015		2010		2015	
	#	%	#	%	#	%	#	%
Under \$10,000	32	2.4	24	1.9	0	0.0	21	7.8
\$10,000-24,999	128	9.6	286	22.4	126	39.1	129	47.8
\$25,000-34,999	75	5.6	99	7.7	14	4.3	54	20.0
\$35,000-49,999	136	10.2	204	16.0	31	9.6	18	6.7
\$50,000-74,999	307	23.1	273	21.4	104	32.3	48	17.8
\$75,000-99,999	183	13.8	172	13.5	47	14.6	0	0.0
\$100,000-149,999	165	12.4	127	9.9	0	0.0	0	0.0
\$150,000 +	303	22.8	93	7.3	0	0.0	0	0.0
Total	1,329	100.0	1,278	100.0	322	100.0	270	100.0

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2006-2010 and 2011-2015

Table IV-6 summarizes the income distribution by the age of the head of the household, indicating that younger households tended to have lower incomes with all those under age 25 (only 33 households) and about 46% of those in the age 25 to 44 age range earning less than \$35,000 compared to 39% and 38% in the age 45 to 64 and over 65 age categories, respectively. On the other end of the income range, those earning more than \$100,000 did not include anyone under the age of 44 and about 20% of those households in the age 44 to 64 and 13% of those 65 years and over.

The disparity of incomes by age is also reflected in the median income levels that included \$40,278 for younger households in the age 25 to 44 range, \$52,222 for those age 45 and 64 in the prime of their earning potential, and down to \$43,675 for households with heads who were 65 years of age or older, many who have retired and live on fixed incomes.

This data is based on 2015 census information and the 2010 census provides a higher income distribution among age ranges with higher median income levels as shown in Table IV-4.

Table IV-6: Income Distribution by Age of Householder, 2015

Income Range	Less than Age 25		Age 25 to 44		Age 45 to 64		Age 65 or Over	
	#	%	#	%	#	%	#	%
Under \$10,000	0	0.0	0	0.0	21	3.4	24	3.1
\$10,000-24,999	33	100.0	24	19.0	155	24.8	213	27.9
\$25,000-34,999	0	0.0	31	24.6	68	10.9	54	7.1
\$35,000-49,999	0	0.0	16	12.7	71	11.3	135	17.7
\$50,000-74,999	0	0.0	48	38.1	96	15.3	177	23.2
\$75,000-99,999	0	0.0	7	5.6	102	16.3	63	8.3
\$100,000-149,999	0	0.0	0	0.0	88	14.1	39	5.1
\$150,000 or more	0	0.0	0	0.0	35	5.6	58	7.6
Total	33	100.0	126	100.0	626	100.0	763	100.0

Source: U.S. Census Bureau, 2011-2015 ACS 5-Year Estimates

B. Poverty – Relatively low but increasing according to 2015 census estimates

Table IV-7 presents poverty levels in Wellfleet over the past couple of decades.⁹ Once again the data reflects the disparity between the relatively higher income data included in the 2010 census and the on average lower income figures in the 2015 census estimates. For example, the 2010 census identifies a total of 115 residents living in poverty, or 4.2% of the population, while the 2015 figures indicates a three-fold increase to 364 residents or 11.7%. More notably, the 2010 census indicates that there were no children under age 18 living in poverty, which then increased to 114 children and 25.6% in the 2015 figures. These deviations in census figures continue to be difficult to reconcile.

These 2015 poverty levels are still a bit below the county census figure of 8.7% and comparable to the 11.6% state rate for individuals in 2015.

⁹ The federal poverty levels for 2016 were \$11,880 for a single individual and \$20,160 for a family of three (3).

Table IV-7: Poverty Status, 1999-2015

Types of Residents/ Households	1999		2010		2015	
	#	%	#	%	#	%
Individuals Below Poverty *	205	7.5	115	4.2	364	11.7
Families **	42	5.7	14	1.9	65	7.7
Related Children Under 18 Years ***	47	9.7	0	0.0	114	25.6
Individuals 65 and Over ****	35	6.0	12	1.6	99	9.3

Source: U.S. Census Bureau, 2000 and American Community Survey 5-Year Estimates 2006-2010 and 2011-2015.

*Percentage of total population for whom poverty status was determined

**Percentage of all families for whom poverty status was determined

***Percentage of all related children under 18 years

****Percentage of all individuals age 65+

C. Employment – Half of jobs are in the lower-paying service sector

Wellfleet is located well into the Lower Cape and a fair distance from the major population and job centers of Boston and Providence. The 2015 census estimates indicated that almost 43% of Wellfleet’s 1,461 employed residents were involved in management or professional occupations and 34% were employed in the lesser paying retail and service oriented jobs that supported the local economy including sales and office occupations (13.1%), and service occupations (21.0%). Another 18.5% were involved in natural resources, construction and maintenance occupations and about 5% were in

Wellfleet’s resort economy causes fluctuations in the job force that increases in the summer months to serve seasonal needs. At this point, there are increasingly limited housing options in Wellfleet to house lower paid seasonal workers. The seasonality of the job market also has some workers living on limited incomes during the winter.

production, transportation and material moving jobs. While 64% were wage or salaried workers, another 10.8% were government workers, and 25.7% were self-employed. This level of self-employment is considerably higher than other areas with countywide and statewide figures at 12.0% and 6.1%, respectively, for example.

Labor and workforce data from the state’s Office of Labor and Workforce Development is presented in Table IV-8, which project an unemployment rate in Wellfleet as of February 2017 of 12.1%, with 192 residents unemployed, up from the average annual unemployment rate of 8.5% for 2016 and indicative of some seasonal fluctuations of the workforce during the winter. These unemployment levels are considerably higher than those for Chatham at 7.2%, Barnstable at 6.3%, and 3.4% for Boston as of February 2017,

but much lower than 24.8% for Provincetown for example.

Additional labor and workforce data from the state’s Office of Labor and Workforce Development shows an average employment of 1,220 workers and 184 businesses. All industries with an average of more than 100 employees are highlighted in the table.

The data also confirms the concentration of jobs in the retail and service sectors and further demonstrates the corresponding lower wage levels with an average weekly wage of \$756 that translates into an annual income of about \$39,500 for year-round employment. Of particular note are the 372 jobs in the accommodation and food services businesses, many likely to be seasonal.

Table IV-8: Average Employment and Wages by Industry in Wellfleet, 2015

Industry	# Establishments	Total Wages	Average Employment	Average Weekly Wage
Construction	25	\$5,186,271	105	\$950
Retail trade	35	\$4,819,020	157	\$590
Information	4	\$1,010,122	34	\$571
Finance & insurance	3	\$819,919	16	\$985
Real estate/rental	9	\$1,207,751	30	\$774
Professional/technical services	11	\$706,751	14	\$971
Management of companies/enterprises	3	\$2,915,162	32	\$1,752
Administrative and waste services	13	\$1,329,676	42	\$609
Health care and social assistance	13	\$3,057,867	76	\$774
Arts, entertainment and recreation	8	\$4,305,517	108	\$767
Accommodation and food services	31	\$11,879,236	372	\$614
Other services, Exec. public administration	7	\$1,036,224	43	\$463
TOTAL	184	\$47,929,464	1,220	\$756

Source: Massachusetts Executive Office of Labor and Workforce Development, April 3, 2017

Shaded rows indicate industries with 300 or more employees.

While Wellfleet's \$756 weekly wage level was less than half of Boston's at \$1,770, it was higher than Dennis' at \$753 as well as other the Lower Cape communities including Eastham (\$713) and Provincetown (\$720). Only Truro had a higher average weekly wage at \$803. Wage levels are higher in the Upper Cape with average weekly wages of \$908 and \$970 for Bourne and Falmouth, respectively, and \$869, \$926 and \$936 for the off-Cape communities of New Bedford, Plymouth and Attleborough, respectively, for example.

It should also be noted that 71% of workers drove alone to work, another 4% carpooled, and 25 workers, or 1.8%, used public transportation. Another 4% walked to work and 14.5% of workers worked at home. The average commuting time was 21.7 minutes according to 2015 census estimates. The reliance on the car can be a major financial challenge for lower income residents.

D. Education – More college-educated residents and declining school enrollments

According to the U.S. census, the educational attainment of Wellfleet residents is high and has improved. Based on 2010 census figures, 99.2% of those 25 years and older had a high school diploma or higher and 61.7% had a Bachelor's degree or higher, up from the 2000 figure of 40.3% with a college degree and higher than the 2000 figure of 33.6% for the county. As of 2015, educational attainment decreased to 95.1% with at least a high school degree and 51.8% with a college degree or higher. These

levels still remain much higher than county and state figures which included 40% of all those 25 years of age or older and signal the higher earning potential of Wellfleet residents.

Census estimates also indicate declining school enrollments related to demographic shifts to fewer children. Those enrolled in school (nursery through graduate school) in 2000 totaled 538 residents or 19.6% of the population, and then decreases to 452 and 14.5% of all residents as of 2015. Additionally, those enrolled in kindergarten through high school totaled 388 students in 2000, declining to 356 as of 2015 and representing 79% of those who were enrolled in school.

Public school enrollments also reflect decreasing numbers of children. For example, those children enrolled at the Wellfleet Elementary School decreased from 141 students in the 2000-2001 school year to 113 by 2016-17. Comparably, enrollments at the Nauset Regional Schools (Middle School and High School) – that include students from Brewster, Orleans, Wellfleet and Eastham – decreased from 1,790 in 2000-2001 to 1,464 by 2016-2017. These declines are reflective of the substantial demographic shift towards fewer younger residents and increasing numbers and proportions of older ones that is occurring throughout the Cape but is particularly worrisome for the Lower Cape. Population projections suggest continuing decreases in children.

E. Disability Status – Higher level of special needs

Of the 2015 noninstitutionalized population of 3,109, 499 or 16.1% claimed some type of disability, down considerably from 19.6% in 2000, but still higher than county and state levels of 13.4% and 11.5%, respectively. Of those under 18 years of age, 35 or 7.8% had a disability with another 168 in the 18 to 64 age range claiming a disability or about 11% of those in this age range. In regard to the population 65 years of age or older, 296 seniors or 26.4% of those in the age group claimed some type of disability. These levels of disability, particularly those of seniors, represent significant special needs within the Wellfleet community and are likely to increase as the older population continues to grow.

Additional information on the types of disabilities for local seniors is summarized in Table IV-9, comparing Wellfleet estimates to those of the state based on Tufts Health Plan Foundation's Healthy Aging Community Profile. This report indicates that older residents in Wellfleet have lower levels of the listed disabilities than state levels with the exception of vision impairments for those age 65 to 74 and cognition problems in the 75 plus age category. This report further indicates that older residents of Wellfleet have lower rates of Alzheimer's disease, diabetes, asthma, hypertension, ischemic heart disease, congestive heart failure, and obesity among other medical issues. They also have fewer annual hospital stays, emergency room visits, and prescription medication use.

As the population continues to age, services from the Council on Aging and other area service providers will become increasingly important, including the potential need for more assisted living options.

Table IV-9: Types of Disabilities

Population Characteristics	Wellfleet Estimates	State Estimates
% Disabled for a year or more	27.3%	31.0%
Hearing impairment % 65-74/% 75+	2.4%/6.7%	7.4%/21.2%
Vision impairment % 65-74/% 75+	4.6%/7.4%	3.2%/9.3%
Cognition impairment % 65-74/% 75+	2.7%/14.1%	4.7%/12.1%
Ambulatory impairment % 65-74/% 75+	9.3%/11.8%	12.9%/29.4%
Self-care impairment % 65-74/% 75+	0.0%/6.7%	3.7%/12.2%
Independent living impairment % 65-74/% 75+	4.6%/16.6%	7.2%/24.3%

Source: Tufts Health Plan Foundation, Massachusetts Health Aging

V. HOUSING PROFILE

This section of the Housing Needs Assessment summarizes housing characteristics and trends, analyzes the housing market from a number of different data sources and perspectives, and compares what housing is available to what residents can afford addressing the following major questions:

- How has recent housing growth compared to historic trends?
- What do population projections suggest are future housing priorities?
- What is the mix of housing types and how does this relate to year-round and seasonal housing demand?
- How do housing vacancy rates affect the current housing dynamic?
- What has been the impact of the recent financial recession on the housing market?
- What are the current affordability gaps for homeownership and rentals?
- How much can households earning at various income levels afford to pay for their housing whether for purchase or rent?
- What housing is affordable in the community including state-approved Subsidized Housing Inventory (SHI) units (often referred to as big “A” affordable units) as well as any private housing that is still relatively affordable (referred to as little “a” affordable)?
- What mix of housing needs should be considered priorities for local support and investment?

Housing in Wellfleet involves two distinct markets, the year-round housing stock and the seasonal or second home market which comprises 63% of all dwellings. This seasonal usage, the burgeoning interest in second homes by affluent baby boomers, and the attractiveness of the Cape for retirement, in addition to regional market pressures, have translated into rising housing prices that are no longer affordable to many long-term, year-round residents.

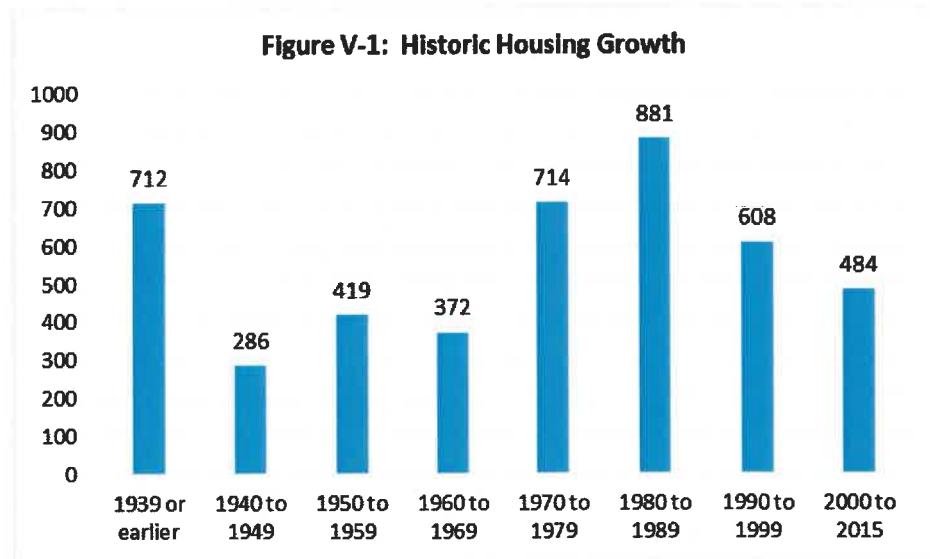
A. Housing Growth – Slowdown in recent housing growth

Table V-1 and Figure V-1 chart housing growth based on 2015 census estimates, showing relatively steady growth from 1940 through 1990 to a high of 881 units built in the 1980s and then a decline after that to about half the amount since 2000 of 484 units.

While Wellfleet’s population grew by 10% between 1990 and 2010, housing units increased by 20%, which was largely fueled by the seasonal and second home markets that increased by 76%.

Since 2000, residential building activity has slowed down considerably to a growth rate of 11% between 2000 and 2015 compared to 13.6% in the 1990s and 19.7% in the 1980s. This data also suggests only an additional seven units were built from 2010 to 2015, while building permit data indicates that a total of about 111 units were built during this period instead

while additional census data in Table V-4 indicates that 171 units were built during this period. Disparities in data, particularly census estimates, are not unusual given sample error, however the building permit data is probably the most reliable in this circumstance.



Actual housing counts from the U.S. Census from 1990 to 2010 are included in Table V-4. The 478 units that are identified as being built between 2000 and 2015 are very close to the 484 units counted as part of the 2015 census estimates. The 422 units included in Table V-4 as being built in the 1990s are significantly lower than the 608 included in the 2015 census estimates in Figure V-1 however.

The data further indicates that housing growth has been higher than population growth. Between 1990 and 2010, the Town experienced a 20.4% rate of housing growth, from 3,576 units in 1990 to 4,305 by 2010, about double the total year-round population growth of 10.3% during this period. An additional 198 units were added through 2016 based on building permit activity for a total of 4,503 units as of the end of 2016. The 2015 census estimates suggest a somewhat lower housing figure of 4,476 units which likely does not reflect teardown activity.

Table V-1: Housing Units in 2015 by Year Structure Was Built

Time Period	# Units	% Units
2010 or later	7	0.2
2000 to 2009	477	10.7
1990 to 1999	608	13.6
1980 to 1989	881	19.7
1970 to 1979	714	16.0
1960 to 1969	372	8.3
1950 to 1959	419	9.4
1940 to 1949	286	6.4
1939 or earlier	712	15.9
Total	4,476	100.0

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2011-2015

Building permit data from 2000 to 2016 is summarized in Table V-2. This data indicates that building activity has slowed down in recent years with 244 new single-family units permitted between 2000 and 2004, down considerably to 89 permits between 2005 and 2010, and 95 between 2011 and 2016. There were 14 new units permitted in small multi-family structures between 2012 and 2013 as well. Another major trend is the increase in the average per unit valuation, from an average of \$201,106 between

2000 and 2004, \$358,394 between 2005 and 2010, and \$377,095 between 2011 and 2016 for new single-family homes.

Table V-2: Building Permit Activity for New Residential Units, 2000 through 2016

Year	# Permits	Total Valuation	Average Valuation
2000	50	\$7,794,374	\$155,887
2001	48	\$8,784,200	\$183,004
2002	50	\$8,415,250	\$168,305
2003	42	\$11,319,681	\$269,516
2004	54	\$12,756,332	\$236,228
2005	23	\$9,036,000	\$392,870
2006	15	\$3,952,883	\$263,526
2007	16	\$5,104,000	\$319,000
2008	13	\$5,958,444	\$458,342
2009	8	\$2,639,600	\$329,950
2010	14	\$5,206,140	\$371,867
2011	8	\$2,088,005	\$261,000
2012	17	\$6,727,740	\$401,632
	2 3/4F = 8 units	\$800,000	\$100,000
2013	16	\$6,331,990	\$395,749
	2 3/4F = 6 units	\$600,000	\$100,000
2014	22	\$8,317,571	\$378,071
2015	20	\$8,995,097	\$449,755
2016**	12	\$3,403,000	\$283,583
Total/Average Per Year (2000-2004)	244/49	\$49,069,837	\$201,106
Total/Average Per Year (2005-2010)	89/15	\$31,897,067	\$358,394
Total/Average Per Year (2011-2016)	95 Single-family/ 14 Multi-family	\$35,863,403 \$1,400,000	\$377,095 \$100,000

Source: Wellfleet Building Department and MassBenchmarks from the State Data Center at the University of Massachusetts ** Figures do not include two new mobile homes that were permitted in 2016.

There has also been a significant level of teardown activity however, where typically smaller older homes are demolished and replaced by somewhat larger and more modern ones. For example, half of the 2016 new residential units involved demolition/replacement activity. This would imply that net new housing growth is less than what is being reported in the census and building permit data.

Buildout projections that were prepared by the Town in 2008 as part of the update of its Local Comprehensive Plan, suggest that the Town is approaching buildout. As more than 60% of the Town is permanently-protected open space, new development is significantly constrained. The Town Assessor indicates that there are 270 vacant buildable parcels and that about one-quarter of them are actually unbuildable given wetlands, septic requirements, insufficient frontage, etc., reducing buildable parcels to about 200. It is likely that some of these parcels are not in residential zones and others might accommodate more than a single unit if allowed by zoning, which causes additional shifts in the number of potential development opportunities remaining in town. As the Town approaches buildout, redevelopment will become more of an issue and some large parcels that are currently used for other purposes, such as campgrounds for example, may become targets for new development and thus change the buildout figures still more.

Table V-3 compares Wellfleet’s housing growth from 1970 through 2000 and then between 2001 and 2015 to that of its neighbors as well as the Cape as a whole and state. Wellfleet’s housing growth rate between 1970 and 2000, at 49.2% of all units, was comparable to the 49.6% level for the county and quite a few nearby communities but much higher than 29.8% statewide. Growth rates during this period ranged from 23.4% for Provincetown to a high of 64.8% in Brewster when that community built the large Ocean Edge condominium complex.

While housing growth has slowed, this data suggests that since 2001 Wellfleet had a somewhat higher rate of growth than those of the county and state at 9.8% as opposed to 8.9% and 8.6%, respectively. Wellfleet’s relatively recent housing growth is significantly lower than Provincetown’s and Truro’s but the same as Brewster and Chatham at 10.9%.

**Table V-3: More Recent Housing Development, 1970 to 2015
Wellfleet and Neighboring Communities, Barnstable County and Massachusetts**

Community	# Units Built 1970-2000	% Units Built 1970-2000	# Units Built 2001-2015	# Units Built 2001-2015
Brewster	5,003	64.8	843	10.9
Chatham	2,712	38.1	772	10.9
Dennis	6,863	42.8	721	4.5
Eastham	3,030	51.3	610	10.3
Harwich	4,628	46.0	914	9.1
Orleans	2,738	51.7	519	9.8
Provincetown	1,059	23.4	595	13.2
Truro	1,324	40.4	467	14.3
Wellfleet	2,203	49.2	484	10.9
Barnstable County	79,931	49.6	14,266	8.9
Massachusetts	843,361	29.8	240,035	8.6

Source: U.S. Census Bureau, 5-Year Estimates from the American Community Survey, 2011-2015

B. Types of Units and Structures – Continued increases in seasonal/second home units

Table V-4 includes a summary of housing occupancy characteristics from 1990 through 2015. Out of 5,344 total housing units in 2010, Wellfleet had 3,290 year-round units¹⁰ of which 2,950 were occupied. The 2015 census estimates suggest that the Town lost 46 housing units despite building permit activity that involved 99 units (116 new units as of the end of 2016). This loss might be explained by multi-unit properties being converted to fewer units or single-family use and teardown activity where some reconstruction lagged behind demolition activity. Also, because the 2015 figures rely on sample data as opposed to actual counts in the 2010 data, the 2010 figures may be more reliable. Nevertheless, this Housing Needs Assessment will also include 2015 census estimates in the analysis when the 2010 census figures also rely on sample data for some types of information in addition to providing some updated data for comparative purposes.

In reviewing changes in the housing stock since 1990, the following trends become apparent:

- *Increases in seasonal or occasional units:* **The absolute numbers of seasonal units or second homes increased from an estimated 1,566 units in 1990 to 2,824 by 2015, representing an 80%**

¹⁰ Year-round units are defined as total units minus those for seasonal, occasional or recreational use and is used as the figure for determining the percentage of affordable units under Chapter 40B.

rate of growth, more than double the 37% growth rate for the year-round occupied housing stock. The comparison of total housing units to seasonal or occasional units is visually presented in Figure V-2. While total housing units increased by 900 units between 1990 and 2015, the number of seasonal units grew by 1,258 units indicating that almost all new construction was for seasonal or occasional residents and some year-round units were converted to seasonal or second home use.

- *Owner-occupied units increased by 64% during the 1990 to 2015 period:* Out of the total occupied housing units in 2015, 1,278 or about 80% were owner-occupied, only modestly higher than Barnstable County’s level of 79%.
- *There has been a loss of rental units, declining by 42 units or by 13.5% during the 1990 to 2015 period:* Rental units decreased in number and as a percentage of all units to 270 units or 17.4% of all occupied units in 2015. This loss is likely explained by the conversion of rentals to owner-occupancy and/or seasonal or occasional use.

Table V-4: Housing Occupancy, 1990-2015

Housing Characteristics	1990		2000		2010		2015	
	#	%	#	%	#	%	#	%
Total # Units	3,576	100.0	3,998	100.0	4,305	100.0	4,476	100.0
Occupied Units*	1,129	31.6	1,301	32.5	1,366	31.7	1,548	34.6
Total Vacant/ Seasonal, Recreational or Occasional Use*	2,447/ 1,566 ***	68.4/ 64.0 ***	2,597/ 2,568	67.5/ 64.2	2,939/ 2,755	68.3/ 64.0	2,928/ 2,824	65.4/ 63.1
Occupied Owner Units **	817	72.4	996	76.6	1,090	79.8	1,278	82.6
Occupied Rental Units **	312	27.6	305	23.4	276	20.2	270	17.4
Average House- Hold Size of Owner-Occupied Unit	--		2.20 persons		2.04 persons		1.98 persons	
Average House- Hold Size of Renter-Occupied Unit	--		1.83 persons		1.88 persons		2.06 persons	

Source: U.S. Census Bureau, 1990 (limited data available for towns with less than 2,500 residents with Wellfleet’s 1990 population at 2,493), 2000 and 2010 and 2011-2015 American Community Survey 5-Year Estimates.

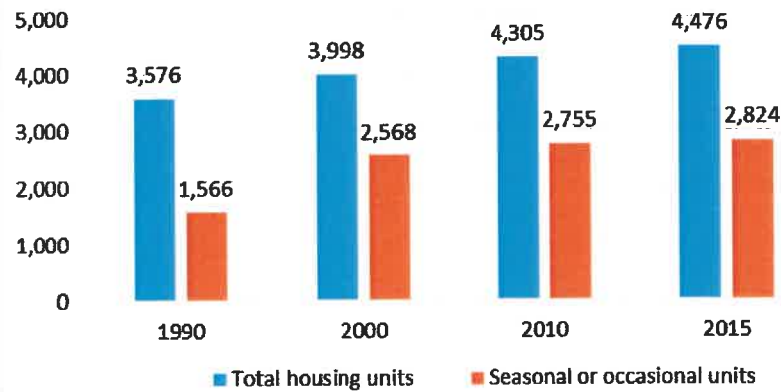
* Percentage of total housing units

** Percentage of occupied housing units

*** Data not available for 1990 but estimated at 64% based on other census counts.

Due to this very high level of seasonal housing and second homes, at about 64% of all units, Wellfleet’s population increases substantially during the summer months. These temporary residents put high demands on local services but bolster the town’s economy. However, having such a substantial portion of homes unavailable for year-round occupancy further limits the supply of affordable housing for year-round residents.

Figure V-2: Change in Total and Seasonal/Occasional Units, 1990 to 2015



- *Shifts in average persons per unit:* The average number of persons per unit declined between 2000 and 2015, from 2.20 persons to 1.98 persons for owner-occupied units, but increased for rental units from 1.83 persons to 2.06 persons. These relatively low average occupancy levels reflect local, regional and national trends towards smaller households.
- *Consistently low homeownership vacancy rates:* The vacancy rate for owner-occupied units was 4.2% in 1990 and decreased to 2.9% by 2010 and then was zero percent in 2015 as shown in Table V-5.
- *Substantial fluctuations in rental vacancy levels:* The rental vacancy rate went from 14.5% in 1990, to 5.6% in 2000, and then up as high as 23% by 2010, significantly higher than state and national levels. The 2015 census estimates suggest that the vacancy rate plummeted to zero percent, a marked change in just five years. Some significant decrease in the rental vacancy rate is not altogether surprising given that Section 8 voucher holders are finding it very challenging to find qualifying rental housing in the community.

Table V-5: Vacancy Rates, 2000, 2010 and 2015

Tenure	Wellfleet 1990	Wellfleet 2000	Wellfleet 2010	Wellfleet 2015	MA 2010/2015	Nation 2010/2015
Rental	14.5%	5.6%	23.0%	0.0%	3.5%/4.2%	5%/6.4%
Homeowner	4.2%	2.1%	2.9%	0.0%	0.7%/1.2%	3%/1.9%

Source: U.S. Census Bureau, 2000 and 2010 and American Community Survey 5-Year Estimates, 2011-2015

- *Predominance of single-family homes:* As shown in Table V-6, **89% of Wellfleet's housing units were single-family detached homes** based on 2015 census estimates, significantly higher than the county's level at 81.5% and much higher than the state where somewhat more than half of all units were in such dwellings. The data indicates that there was an increase of 453 of these units between 2000 and 2015, 94% of the total 483 units added to the housing stock during that period according to census figures. The 3,977 figure for single-family detached homes in 2015 is substantially higher however than the Wellfleet Assessor's total for single-family homes of

3,077. Some of this discrepancy is likely based on Assessor’s data tracking multiple houses on a single lot separately.

The data further demonstrates that there were losses in attached single-family units, primarily townhouses, as well as some modest losses of units in multi-family structures with the exception of the doubling in two-unit dwellings from 85 to 191 units. Census data also suggests fluctuations in mobile homes. Table V-6 identifies 234 homes in 2015, up from 176 in 2010, and Assessor’s data confirms that there are two mobile home parks remaining in Wellfleet but does not include numbers of units. Assessor’s records further indicate that there are 56 two-family properties, representing a total of 112 units, which is considerably less than the 191 units indicated in the 2015 census estimates but much higher than the 2010 census figure of 14 such units.

Table V-6: Units in Structure, 2000 to 2015

Type of Structure	2000		2010		2015	
	#	%	#	%	#	%
1 Unit Detached	3,524	88.3	4,237	91.6	3,977	88.9
1 Unit Attached	82	2.1	38	0.8	23	0.5
2 Units	85	2.1	14	0.3	191	4.3
3 or 4 Units	34	0.9	70	1.5	32	0.7
5 to 9 Units	36	0.9	58	1.3	19	0.4
10 or More Units	13	0.3	20	0.4	0	0.0
Mobile Homes	213	5.3	176	3.5	234	5.2
Other	5	0.1	0	0.0	0	0.0
Total	3,993	100.0	4,613	100.0	4,476	100.0

Sources: U.S. Census Bureau, 2000, and American Community Survey 5-Year Estimates, 2006-2010 and 2011-2015

Table V-7 examines units by type of structure for renters versus homeowners. About 64% of all rental units were in single-family detached units, likely indistinguishable from owner-occupied ones. The remaining portion of rental units were dispersed primarily in smaller multi-family dwellings of two to four units with only 3.7% in in larger multi-family buildings of five to nine units. Not surprisingly, almost all of the owner-occupied units were in single-family units with some owner-occupancy in single-family attached units, two-unit structures, a nine-unit condominium, and a limited number of owner-occupied mobile homes.

Table V-7: Tenure by Units in Structure, 2015

Type of Structure	Owner-occupied Units		Renter-occupied Units	
	#	%	#	%
1 Unit Detached	1,205	94.3	172	63.7
1 Unit Attached	23	1.8	0	0.0
2 Units	17	1.3	37	13.7
3 or 4 Units	0	0.0	30	11.1
5 to 9 Units	9	0.7	10	3.7
10 or More Units	0	0.0	0	0.0
Mobile Homes	24	1.9	21	7.8
Total	1,278	100.0	270	100.0

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2011-2015

- *Moderately-sized housing stock on average:* The median number of rooms per housing unit was 5.6 and 5.5 in 2010 and 2015, respectively according to census data, indicating that the average home was medium-sized with three bedrooms. The 2015 census estimates suggest that the number of rooms per dwelling ranged from three rooms or less in 835 units (18.7%) to nine rooms or more in 183 dwellings (4.1%), representing a relatively small portion of very large residential units, about half the 8.3% for the county about one-third of the 11.5% statewide level.

C. Housing Market Conditions – Very limited affordability remaining in the private housing stock with the exception of condos

Ownership

Census data also provides information on housing values as summarized in Table V-8. In 1990 there were 209 units or one-quarter of the owner-occupied, year-round housing stock valued below \$200,000. This relatively affordable housing dwindled to 55 units or 4.2% as of 2010, and then doubled to 104 units by 2015. While approximately 55% of this housing was valued between \$200,000 and \$500,000 in 2000, as of 2010 the percentage had dropped to about 34% of all units and then up to almost 44% according to 2015 census estimates. Those higher-end properties of \$500,000 or more involved about 10% of the housing stock in 2000 but comprised almost 62% of all owner-occupied, year-round units in 2010, and declining to 48% in 2015. The increased value of Wellfleet’s housing stock is also reflected in median values that more than doubled between 2000 and 2015, from \$242,700 to \$494,000 according to census figures, much higher than the rate of inflation during this period of 27%.

**Table V-8: Housing Values of Owner-occupied Properties
1990 to 2015**

Value	1990		2000		2010		2015	
	#	%	#	%	#	%	#	%
Less than \$50,000	4	0.5	0	0.0	0	0.0	46	3.6
\$50,000 to \$99,000	30	3.7	17	2.1	29	2.2	16	1.3
\$100,000 to \$149,000	175	21.4	74	9.2	0	0.0	24	1.9
\$150,000 to \$199,000	474	58.0	196	24.3	26	2.0	18	1.4
\$200,000 to \$299,999			251	31.1	113	8.5	51	4.0
\$300,000 to \$499,999			191	23.6	343	25.8	506	39.6
\$500,000 to \$999,999			71	8.8	713	53.6	467	36.5
\$1 million or more			8	1.0	105	7.9	150	11.7
Total	817	100.0	808	100.0	1,329	100.0	1,278	100.0
Median	--		\$242,700		\$586,400		\$494,000	

Source: U.S. Census Bureau, 1990 and 2000 Summary File 3 and American Community Survey 5-Year Estimates, 2006-2010 and 2011-2015.

More updated and historic market data is tracked by The Warren Group from Multiple Listing Service information based on actual sales. This market information from 2000 through 2016 is summarized in Table V-9, demonstrating some significant market fluctuations.

The single-family home market was at its peak in 2004 when the median house price was \$650,000. Home values were up and down considerably after that, declining to a low of \$460,000 in 2015 and up a bit to \$468,000 in 2016.

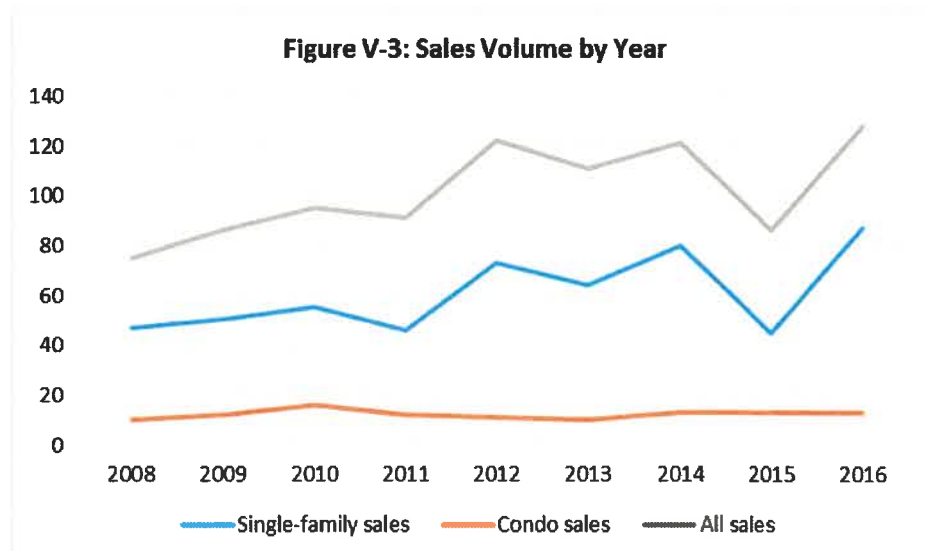
The condo market has also experienced substantial volatility with a high median price of \$415,437 in 2005, down to a low of \$195,500 in 2014, and rebounding somewhat to \$232,000 by 2016.

Table V-9: Median Sales Prices, 2000 to 2016

Year	Months	Single-family Values	# Single-Family Sales	Condo Values	# Condo Sales
2016	Jan - Dec	\$468,000	87	\$232,000	13
2015	Jan - Dec	460,000	45	220,000	13
2014	Jan - Dec	494,000	80	195,500	13
2013	Jan - Dec	480,000	64	222,500	10
2012	Jan - Dec	482,500	73	216,000	11
2011	Jan - Dec	527,950	46	325,000	12
2010	Jan - Dec	475,000	55	231,500	16
2009	Jan - Dec	482,950	50	264,750	12
2008	Jan - Dec	580,500	47	285,500	10
2007	Jan - Dec	539,000	63	265,000	20
2006	Jan - Dec	600,000	47	250,000	15
2005	Jan - Dec	565,000	68	415,437	31
2004	Jan - Dec	650,000	51	278,000	19
2003	Jan - Dec	416,000	67	165,000	25
2002	Jan - Dec	390,000	75	129,900	26
2001	Jan - Dec	307,500	58	90,000	17
2000	Jan - Dec	255,000	83	81,750	15

Source: The Warren Group, April 7, 2017

The volume of sales – including single-family homes, condos and all sales – by year since 2008 is presented in Figure V-3, clearly showing the fluctuations in the housing market with the highest volume in 2016. A local realtor suggests that listings and sales were down somewhat in early 2017 however.



A comparison of median values for Wellfleet and neighboring communities, as well as the Cape and state as a whole, is presented in Table V-10. This table includes the median single-family house price at

pre-recession levels in 2006, post-recession levels in 2009, and as of the end of 2016. The table also shows the percentage changes between these periods, demonstrating where prices have been the most volatile and which communities have best recovered from the recession. This data is also visually presented in Figure V-4 for the 2006 and 2016 timeframes. This analysis indicates the following market trends:

- While the median values of all neighboring communities fell between 2006 and 2009, the medians rebounded somewhat after that with the exception of Wellfleet.
- None of the communities' 2016 median prices have surpassed pre-recession levels with the exception of Provincetown which is a clear outlier with a median house value of \$990,000, up from \$813,750 in October 2016. Values in the other communities ranged from the lowest percentage change between 2006 and 2016 of -3% in Brewster to a high of -22% in Wellfleet. This is not the case in other parts of the state, particularly those in the Metro West area of Greater Boston, where median prices surpassed pre-recession ones several years ago. This is also reflected in the relatively small but positive percentage change between 2006 and 2016 of 2.9% for the state.
- The median sales values in Wellfleet have been in the middle of the price ranges, at \$468,000 as of the end of 2016, between a low of \$283,750 in Yarmouth and a high of \$622,500 for Truro besides the \$990,000 median in Provincetown.

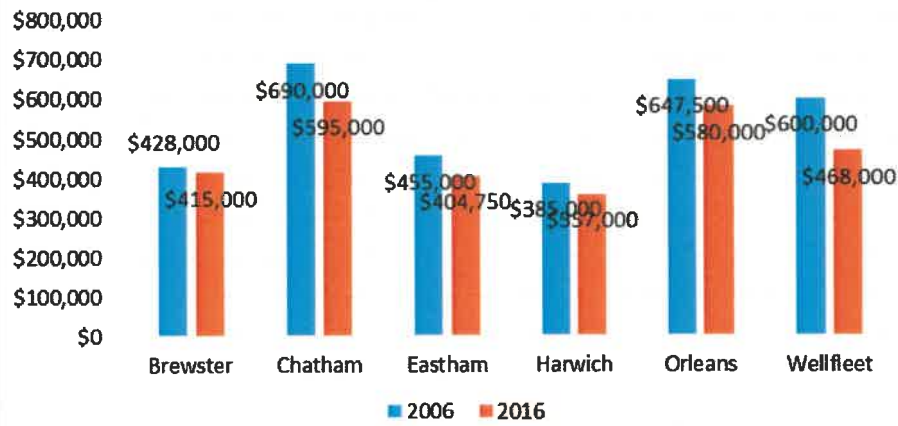
Table V-10: Median Single-family House Price for Wellfleet and Neighboring Communities as of 2006, 2009, and 2016

Place	Median Single-family House Price			% Change 2006 to 2009	% Change 2009 to 2016	% Change 2006 to 2016
	2006	2009	2016			
Barnstable	\$476,500	\$405,000	\$430,000	-15.0%	6.2%	-9.8%
Brewster	\$428,000	\$364,000	\$415,000	-15.0%	14.0%	-3.0%
Chatham	\$690,000	\$511,250	\$595,000	-29.3%	16.4%	-13.8%
Dennis	\$350,000	\$288,700	\$330,000	-17.5%	14.3%	-5.7%
Eastham	\$455,000	\$385,000	\$404,750	-15.4%	5.1%	-11.0%
Harwich	\$385,000	\$324,400	\$357,000	-15.7%	10.0%	-7.3%
Orleans	\$647,500	\$525,000	\$580,000	-18.9%	10.5%	-10.4%
Provincetown	\$727,000	\$600,000	\$990,000	-18.9%	65.0%	36.2%
Truro	\$717,000	\$517,750	\$622,500	-27.8%	20.2%	-13.2%
Wellfleet	\$600,000	\$482,950	\$468,000	-19.5%	-3.1%	-22.0%
Yarmouth	\$315,000	\$256,250	\$283,750	-18.6%	10.7%	-9.9%
County	\$387,000	\$315,000	\$358,000	-18.8%	13.7%	-7.5%
State	\$345,000	\$285,000	\$346,000	-17.4%	21.4%	2.9%

Source: The Warren Group, Banker & Tradesman, April 7, 2017

Data based on single-family home sales of \$1,000 plus, excluding foreclosure deeds.

Figure V-4: Median Single-family House Prices for Wellfleet and Neighboring Communities, 2006 and 2016



Another analysis of housing market data is presented in Table V-11, which breaks down sales data from the Multiple Listing Service for single-family homes and condominiums between April 2016 and March 2017. The distribution of these sales prices is visually presented in Figure V-5.

This data indicates that about 20% of Wellfleet’s housing stock sold below \$300,000 during this period, including 133 single-family homes and seven condos. Only three single-family homes and three condos sold for less than \$200,000 and were likely to be small and in poor condition, perhaps not winterized. **Many of the units that sold for less than \$300,000 would potentially be affordable to low- and moderate-income households and the median price for condos of \$232,000 demonstrates the relative affordability of this type of housing in the community. Many of these units are seasonal however, located in old cottage colonies.** There were only twelve total condo sales, none selling above \$600,000.

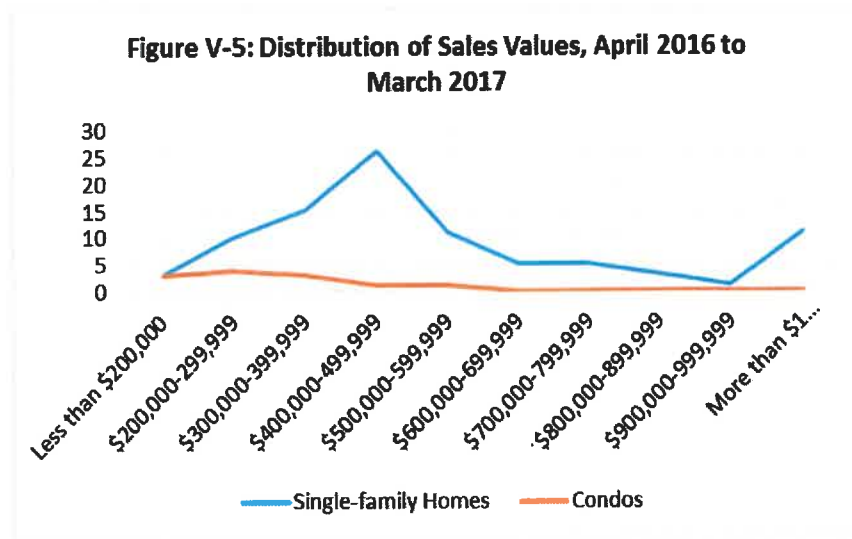
The median single-family home price during this period was \$462,500. There is also a small luxury market in Wellfleet, with eleven homes selling for more than \$1 million, the highest at \$3.4 million.

Table V-11: Single-family House and Condo Sales, April 2016 to March 2017

Price Range	Single-family Units		Condos		Total	
	#	%	#	%	#	%
Less than \$200,000	3	3.3	3	25.0	6	5.9
\$200,000-299,999	10	11.1	4	33.3	14	13.7
\$300,000-399,999	15	16.7	3	25.0	18	17.6
\$400,000-499,999	26	28.9	1	8.3	27	26.5
\$500,000-599,999	11	12.2	1	8.3	12	11.8
\$600,000-699,999	5	5.6	0	0.0	5	4.9
\$700,000-799,999	5	5.6	0	0.0	5	4.9
\$800,000-899,999	3	3.3	0	0.0	3	2.9
\$900,000-999,999	1	1.1	0	0.0	1	1.0
Over \$1 million	11	12.2	0	0.0	11	10.8
Total	90	100.0	12	100.0	102	100.0
Median	\$462,500		\$232,000		--	

Source: The Warren Group, *Banker & Tradesman*, April 15, 2017.

A local realtor indicates that in the spring of 2017, when one would expect a pick-up in home listings, there has been a lack of inventory of homes for sale in every price range. While there is typically an average of 70 properties on the market, listings only averaged about 45 as of April 2017. Once listed, properties sell quickly if appropriately priced.



Information from the Town Assessor on the assessed values of residential property in Wellfleet is presented in Table V-12.¹¹ Table V-12 and Figure V-6 present the range of values for single-family homes and condominiums and confirms that there is little remaining affordability in Wellfleet’s single-family inventory but considerable affordability in the condominium market with 4.5% and 62.5% of units valued below \$300,000, respectively. Condominiums in fact are a significant part of Wellfleet’s housing stock, totaling 339 units, and the most affordable component of the community’s private housing although, once again, most involve only seasonal use.

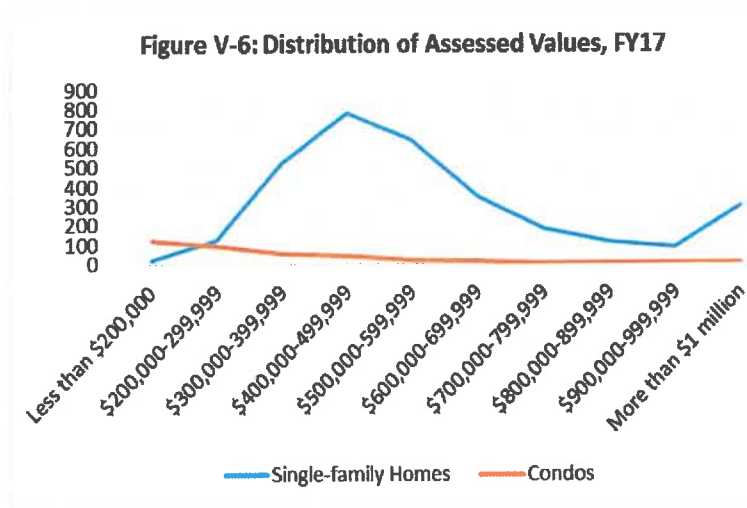
Table V-12: Assessed Values of Single-family Homes and Condos

Assessment	Single-family Dwellings		Condos		Total Properties	
	#	%	#	%	#	%
\$0-199,999	20	0.6	120	35.4	140	4.1
\$200,000-299,999	119	3.9	92	27.1	211	6.2
\$300,000-399,999	516	16.8	53	15.6	569	16.7
\$400,000-499,999	775	25.2	43	12.7	818	23.9
\$500,000-599,999	639	20.8	18	5.3	657	19.2
\$600,000-699,999	345	11.2	12	3.5	357	10.4
\$700,000-799,999	178	5.8	1	0.3	179	5.2
\$800,000-899,999	112	3.6	0	0.0	112	3.3
\$900,000-999,999	80	2.6	0	0.0	80	2.3
Over \$1 million	293	9.5	0	0.0	293	8.6
Total	3,077	100.0	339	100.0	3,416	100.0
Median Value	\$512,600		\$245,200		--	

Source: Wellfleet Town Assessor, Fiscal Year 2017.

¹¹ It should be noted that assessments typically lag behind market values, particularly in a rising housing market.

A total of 42% of the *single-family homes*, or 1,291 units, were valued in the \$300,000 to \$500,000 range, with about 516 units in the \$300,000 to \$399,999 range and potential targets for the Town’s BuyDown Program upon resale. On the other hand, 370 homes or 12% were assessed between \$700,000 and \$1 million and another 293 homes were valued at more than \$1 million, indicating that Wellfleet has a significant high-end luxury market. This market is visually clear in Figure V-6, which shows declining numbers of units valued at less than \$500,000 and then a pronounced uptick in properties assessed at more than \$1 million. The median assessed single-family home was \$512,600.



Assessor’s data indicates that there are also 239 *small multi-family properties* including 56 two-family properties (112 units), only 3 three-family dwellings (9 units) as well as 180 properties with more than one house on the lot. Once again, very few of these properties were valued affordably with only 22 properties assessed at less than \$400,000. Of particular note are the multiple houses on a single lot with 25 properties valued beyond \$1 million.

In regard to *mixed-use properties*, there were 59 such properties with values ranging from \$201,300 to \$1,177,600. Assessor’s data also indicates that there are *two mobile home parks* in Wellfleet but does not include the number of units. The data further identifies *eight 4 to 8-unit structures*, assessed at \$265,800 to \$757,700 in value.

Rentals

Table V-13 summarizes census data for rental unit costs from 2000 to 2015. Median rents doubled between 2000 and 2010, from \$667 to \$1,310, although 2015 census estimates indicate a downturn to \$916. Wellfleet’s 2000 median of \$1,310 was considerably higher than gross rent of \$723 for the county, but its 2015 median of \$916 was well below the Cape-wide rent of \$1,104, and the decrease in median rent in 2015 is surprising and questionable, particularly given extremely low vacancy rates.

There are very few listings of market rentals. For example, in March 2017 there were only two listings including a three-bedroom, year-round house with 2,500 square feet of living space for \$3,000 per month and a temporary rental of a trailer with 500 square feet for \$200 per week during renovations. The sell date for the trailer was estimated to be mid to late summer.

A local realtor confirms that very few year-round or winter rentals typically come onto the market. The rental market in Wellfleet is complicated by decreasing numbers of these units in the context of seasonal shifts. It makes economic sense for property owners to only rent their units in the summer season when rent levels are very high and can realize a substantial profit without the wear and tear associated with a winter rental. Owners of second homes also want to be able to use their units off and on during the year, further restricting the supply of year-round rentals. Given this limited supply, housing costs are high, and it is difficult to find a two-bedroom, two-bath, year-round, market rental for

less than \$1,400. A realtor further suggested that given the incomes of year-round residents, rents that they can afford are typically tapped out between the \$1,400 and \$1,600 range.

Table V-13: Rental Costs, 2000-2015

Rent	2000		2010		2015	
	#	%	#	%	#	%
Under \$200	5	1.6	0	0.0	12	4.4
200-299	0	0.0	23	7.1		
300-499	40	13.1	62	19.3		
500-749	126	41.3	0	0.0	164	60.7
750-999	67	22.0	14	4.3		
1,000-1,499	16	5.2	100	31.1	30	11.1
1,500 +	0	0.0	59	18.3	47	17.4
No cash rent	51	16.7	64	19.9	17	6.3
Total	305	100.0	322	100.0	270	100.0
Median rent	\$667		\$1,310		\$916	

Source: U.S. Census Bureau, 1990 and 2000 and American Community Survey 5-Year Estimates for 2006-2010 and 2011-2015. * Percentage of total housing units

Summer rentals, like most of this part of the Cape, continue to be very pricey, especially near the water. For example, summer rentals typically range for about \$800 per week for a small seasonal cottage to \$10,000 per week for large homes on the water with amenities. Wellfleet does have a supply of cottage communities that are clustered near the water, many of which have even been converted to condos and rented out during the summer but where year-round occupancy is not allowed.

D. Affordability Analysis

While it is useful to understand past and current housing costs, it is also important to analyze the implications of these costs on residents' ability to afford them for both homeownership and rentals.

Affordability Gaps - Homeownership

A traditional rough rule of thumb is that housing is affordable if it costs no more than 2.5 times the buyer's household income. By this measure, the median income household earning \$45,735 in Wellfleet (according to 2015 census estimates) could afford a house of approximately \$114,338, 28% the median house price of \$468,000 as of the end of 2016 according to The Warren Group that tracks all sales. *This implies that the household in the middle of the town's income range faced an "affordability gap" of \$353,662.*

Another way of calculating the affordability gap is to estimate the difference between the median priced house and what a median income earning household can afford to pay based on spending no more than 30% of income on housing costs.¹² To afford the median sales price of a single-family home of \$468,000, based on The Warren Group's *Banker & Tradesman* data as of the end of 2016, a household would have to earn an estimated \$100,400 with 80% financing.¹³ This income is more than double the median

¹² Based on the 2015 census estimate of \$45,735 for median household income for Wellfleet.

¹³ Figures based on 80% financing, interest of 5.0%, 30-year term, annual property tax rate of \$6.83 per thousand, \$250 in monthly condo fees, and insurance costs of \$4 per \$1,000 for condominiums and \$6 per thousand for single-family homes. The calculations are also based on the purchaser spending no more than 30% of gross income on mortgage (principal and interest), taxes and insurance. It also assumes that the purchaser would be

household income for the town per 2015 census estimates of \$45,735 and consequently there is a considerable affordability gap. This 80% mortgage financing would also require the purchaser to come up with at least \$100,000 in upfront cash, certainly a substantial challenge for a first-time homebuyer!

The median income earning household could likely afford a single-family home of about \$185,000 based on 95% financing. *The affordability gap is then about \$283,000 - the difference between the price of the median priced single-family home (\$468,000) and what a median income household can afford (\$185,000).*¹⁴ This assumes that the purchaser could qualify for a subsidized mortgage that requires much lower down payments and no Private Mortgage Insurance (PMI).

There is very little affordability remaining in Wellfleet's housing market and even what could be considered a "starter home" of \$293,000 requires an income of about \$72,000. There are only an estimated 121 single-family homes available to those earning at or below this income.

For those earning at 80% of area median income limit (\$61,150 for a family of three), this gap is \$217,500, the difference between the maximum they could afford of approximately \$250,500 and the median single-family house price of \$468,000. These figures are once again based on 95% financing, assuming that the purchasers could qualify for homebuyer programs such as the state's One Mortgage Program or MassHousing's mortgage offerings for example. It should also be noted that this price is based on the 80% of area median income (AMI) limit for Barnstable County, and purchase prices for deed-restricted units are calculated for a household earning at 70% AMI to allow for some marketing window in addition to other prescribed requirements.

There are also affordability gaps for condos as the median condo price of \$232,000, as of the end of 2016 from The Warren Group's Banker & Tradesman, would require an income of about \$65,721, which is more than Wellfleet's median household income of \$45,735 and the HUD area median income for Barnstable County of \$61,150 for a household of three.¹⁵ *The gap would be \$83,000, the difference between the median condo price (\$232,000) and what a median income earning household could likely afford (\$149,000).* The affordability gap for those households earning at the 80% of area median income (\$61,150 for a household of three) decreases to an estimated \$17,000 or the difference between the median condo price (\$232,000) and what a household earning at \$61,150 could probably afford (\$215,000).

Table V-14 provides a breakdown of the number of units existing within various affordability ranges and demonstrates how little affordability exists within the community's housing stock.

eligible for a subsidized mortgage program such as the ONE Mortgage Program or a MassHousing mortgage that would not require Private Mortgage Insurance.

¹⁴ Ibid.

¹⁵ Figures based on 95% financing, interest of 5.0%, 30-year term, annual property tax rate of \$6.83 per thousand, \$250 monthly condo fee, insurance costs of \$4 per \$1,000 for condominiums, and the purchaser spending no more than 30% of gross income on mortgage (principal and interest), taxes and insurance. It also assumes that the purchaser would be eligible for a subsidized mortgage program such as the ONE Mortgage Program on a MassHousing mortgage that would not require private mortgage insurance.

Table V-14: Distribution of Single-family Home and Condo Values by Income Range

Price Range Single-family/ Condo*	Income Range (based on HUD Area Median Income (AMI) Limits	Single-family Homes Available in Price Range		Condominiums Available in Price Range	
		#	%	#	%
\$185,000/\$149,000	Wellfleet's Median Household (\$45,735)	18	0.6	61	18.0
\$250,500/\$215,000	At 80% AMI (\$61,150)**	44	1.4	134	39.5
\$250,501-293,000/ \$215,001-\$260,000	80% - 100% AMI** (\$61,150 - \$72,270)***	77	2.5	47	13.9
\$293,001-405,000/ \$260,001-\$370,000	100% - 120% AMI (\$72,271 - \$86,725)^	568	18.5	70	20.6
More than \$405,000/ more than \$370,000	More than 120% AMI (More than \$86,725)^	2,388	77.6	88	26.0
Total		3,077	100.0	339	100.0

Source: Town Assessor's Database for Fiscal Year 2017. Please note that as a standard practice, assessed value is assumed to be at least 93% below actual value or potential sale price with some assessments even lower.

Figures based on a three-person household.

* Includes estimated condo fee of \$250 per month.

** Based on 95% financing given potential eligibility for subsidized mortgage programs such as the ONE Mortgage Program and MassHousing offerings. All other income ranges assume 80% financing. *** Based on Community Preservation Act income limits for a household of 3.

^ Based on 80% financing.

According to Assessor's data, only 18 homes or 0.6% of all *single-family homes* were affordable to households earning below the town's median income (\$45,735) based on 2015 census estimates. Using percentages of area median income for Barnstable County, only 44 or 1.4% were likely affordable to those earning at or below 80% of area median income (\$61,150 for a household of three) in 2016. Another 77 units or 2.5% of all single-family homes were likely affordable to those earning between 80% and 100% of area median income (\$72,270). It should also be noted that it is likely that many of these units were probably small and in poor condition.

Condominiums are largely valued much more affordably with 61 units or almost 18% of condos likely affordable to households earning at or below the Wellfleet \$45,735 median household income using the 2015 census estimate. Those units affordable to households earning at or below 80% of area median income, based on a household size of three, include 134 units or about 40% of all condos. Another 47 condos or about 14% were also assessed within a relatively affordable range, likely affordable to those earning between 80% and 100% of area median income. Some condos, however, are not available on a year-round basis as they involved the conversion of small cottages to ownership that are used seasonally from about April through October.

About 54% of condos were potentially affordable to those earning at or below 100% AMI, 40% below 80% AMI, which demonstrates considerable affordability in this segment of Wellfleet's housing market.

It should also be noted that Assessor's data indicated that Wellfleet had 239 small multi-family dwellings including 56 two-family properties (96 units), 3 three-family dwellings (15 units) as well as 180

properties with more than one house on the lot. Such housing is frequently more affordable as it often generates rental income. For example, the median valued two-family home in Wellfleet, based on Assessor's data, was \$602,900. While high, this price if involving owner-occupancy with one rental unit would be affordable to a purchaser earning approximately \$118,800 based on 95% financing and \$99,400 with 80% financing (conservatively assuming rental income of \$1,000 of which 75% or \$750 is likely to be included in mortgage underwriting computations). This is low in comparison to a condo at the same price that would require incomes of about \$158,800 and \$139,400 for 95% and 80% financing, respectively, given the additional computation of the condo fee (assuming \$250) and lack of rental income.

Affordability Gaps - Rentals

In regard to rentals, a year-round market rental priced in the lower range of the market would be about \$1,400 and require an income of about \$56,000 without consideration for utilities that would boost the required income closer to \$64,000 (assuming \$200 in average utility bills and not paying more than 30% of income on housing costs). The median income earning renter (\$22,045 based on 2015 census estimates) could afford a rent of only about \$351 under the same assumptions. Consequently, the affordability gap would be more than \$1,000, the difference between market rental and what a median-income earning renter could afford. The higher 2010 median renter income of \$44,743 would translate into a rent of \$919, still well below market rents, and an affordability gap of almost \$500. It is consequently not surprising that so many renters are paying far too much for their housing.

It is important to note that landlords often require first and last month's rent and a security deposit on monthly rentals, also creating substantial up-front cash requirements for renters.

Cost Burdens

It is also useful to identify numbers of residents living beyond their means based on their housing costs. The U.S. census provides data on how much households spent on housing whether for ownership or rental. Such information is helpful in assessing how many households are overspending on housing, defined as spending more than 30% of their income on housing.

Based on 2015 census estimates, 124 homeowners in Wellfleet were spending between 30% and 34% of their income on housing and another 433 were spending more than 35% of their income on housing expenses, totaling 557 or **44% of all year-round owner households**.

In regard to renters, 9 renters were spending between 30% and 34% of their income on housing and another 187 were allocating 35% or more of their income for housing for a total of 196 renter households or **73% of all renters**.

This census data suggests that 753 households in 49% of all Wellfleet's year-round, occupied, housing units were living in housing that was by common definition unaffordable.

HUD provides additional data on housing affordability problems through its CHAS report that identifies cost burdens by household type and whether they were renters or owners, offering a breakdown of households within specific income categories as summarized in Table V-15. For example, the first cell indicates that of the 80 elderly renters earning at or below 30% of area income, 50 were spending between 30% and 50% of their income on housing costs with another 30 spending more than half of their income on housing.

This report, based on 2013 census data for Wellfleet (the latest report available), indicates that of the 1,682 year-round households included in this analysis, 718 or 43% were reported with cost burdens as they were paying more than 30% of their income on housing costs. Moreover, of these households, 414 or 25% of all households were spending more than 50% of their income on housing, referred to as being severely cost burdened.

414 households or 51% of households earning at or below 80% of area median income were spending more than half of their income on housing costs and thus were experiencing severe cost burdens.

There were 809 households, or 48% of all households in this analysis, who were earning at or below 80% of median income for the Barnstable County area. Of these, 728 households or about 90% were experiencing cost burdens.

A total of 83 households earning more than 80% of area median income, or 5% of all households, were also overspending.

Table V-15: Cost Burdens by Tenure, Income and Type of Household, 2013

Type of Household	Households Earning < 30% AMI/ # with cost burdens **	Households Earning > 30% to <50% AMI/ # with cost burdens**	Households Earning > 50% to < 80% AMI/ # with cost burdens**	Households Earning > 80% and < 100% AMI /# with cost burdens**	Households Earning > 100% AMI/ # with cost burdens**	Total
Elderly Renters	80/50-30	15/0-0	15/15-0	0/0-0	0/0-0	110/65-30
Small Family Renters	4/0-0	45/30-15	0/0-0	35/0-0	0/0-0	84/30-15
Large Family Renters	0/0-0	0/0-0	0/0-0	0/0-0	0/0-0	0/0-0
Other Renters	50/0-50	25/15-10	15/0-0	0/0-0	50/0-0	140/15-60
Total Renters	134/50-80	85/45-25	30/15-0	35/0-0	50/0-0	334/110-105
Elderly Owners	75/0-60	95/10-35	175/95-25	105/15-0	440/10-10	890/130-130
Small Family Owners	15/0-15	20/10-10	45/15-20	4/0-4	175/15-0	259/40-49
Large Family Owners	0/0-0	0/0-0	0/0-0	0/0-0	4/4-0	4/4-0
Other Owners	45/0-45	90/30-60	0/0-0	20/0-10	40/0-15	195/30-130
Total Owners	135/0-120	205/50-105	220/110-45	129/15-14	659/29-25	1,348/204-309
Total	269/50-200	290/95-130	250/125-45	164/15-14	709/29-25	1,682/314-414

Source: U.S. Department of Housing and Urban Development (HUD), SO200/75-35CDS CHAS Data, and American Community Survey, 2013. **First number is total number of households in each category/second is the number of households paying between 30% and 50% of their income on housing (with cost burdens) – and third number includes those that are paying more than half of their income on housing expenses (with severe cost burdens). Small families have four (4) or fewer family members while larger families include five (5) or more members. Elderly are 62 years of age or older. “Other” renters or owners are non-elderly and non-family households.

More specific findings from this report include the following:

Renters

- There were 334 year-round, renter households included in this report with 249 or 75% having incomes at or below 80% of median for Barnstable County.¹⁶ Of these, 215 or 86% were spending too much on their housing including 60 or 24% with severe cost burdens.

¹⁶ The 334 total renter household figure in this analysis is significantly more than the total number of year-round rental units included in the 2015 census estimates of 270.

- **None of the 85 renter households earning above 80% AMI were overspending.**
- Of the 110 elderly renters 62 years of age or older, only 15 were not overspending, all earning between 30% and 50% AMI. Of particular concern are the 30 elderly renters who were spending more than half their income on housing, all earning at or below 30% AMI.
- Of the 84 small families, almost half had cost burdens, all with incomes between 30% and 50% AMI including 15 with severe cost burdens.
- *There were no large families (5 members or more) renting in Wellfleet.* Large families are likely to encounter difficulty finding larger units to rent in the community and rents for homes are steep.
- *The greatest number of renters included non-family and non-elderly households, largely single individuals, who represented 42% of all renters compared to 33% of seniors and 25% of small families.* Half of these households were overspending, all earning at or below 50% of median. Of particular concern are the 60 such households with severe cost burdens, some who may likely be relying on Social Security Disability Income.

Owners

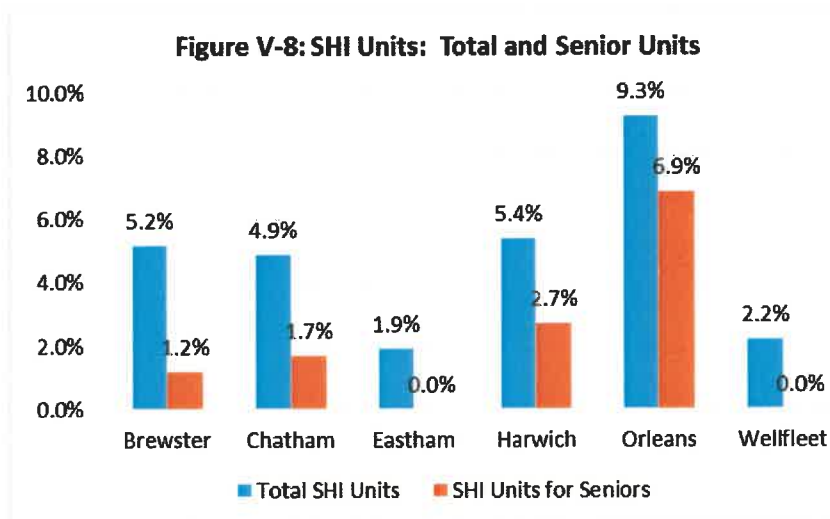
- There were 1,348 year-round homeowner households¹⁷ identified in this report of which 513 or 38% were experiencing cost burdens including 309 or 23% with severe cost burdens.
- Of the 560 or 42% of owners earning at or below 80% of area median income, 430 or 77% were overspending and 270 or 48% were spending more than half of their income on housing costs.
- Even 83 owner households earning above 80% AMI were overspending.
- *Almost two-thirds of Wellfleet's homeowners are 62 years of age or older.* Of these elderly households, 345 or 39% were earning at or below 80% of median income that included 225 with cost burdens and 120 with severe cost burdens.
- Families also had considerable cost burdens. Of the 259 small families who owned homes, 89 or 34% were overspending on their housing. There were 80 small families earning at or below 80% AMI, all but ten with cost burdens and 45 with severe cost burdens.
- ***There were only four large families (five or more household members) who owned their homes, in fact only four such households living in Wellfleet, all earning above area median income.***
- There were 195 non-family, non-elderly homeowners, mostly single individuals, of which 160 or 82% were experiencing cost burdens. Of these, 135 or 69% were earning at or below 80% of area median, all experiencing cost burdens including 105 or 78% with severe cost burdens.

¹⁷ This figure is considerably more than the 1,278 total year-round homeowners included in the 2015 census estimates.

E. Subsidized Housing Inventory (SHI)

As of August 17, 2016, the state listed 34 affordable housing units in Wellfleet’s state-approved Subsidized Housing Inventory (SHI), representing 2.19% of the total year-round housing stock of 1,550 units. This means that the Town has a gap of 121 more affordable units to reach the state’s affordability threshold of 10% under Chapter 40B and remains susceptible to comprehensive permit applications that can override local zoning. Because the number of year-round units is based on the decennial census figure, it will change when the 2020 census figures are released and thus the 10% state threshold is a moving target.

Most communities in the state are confronting challenges in boosting their supply of affordable housing. All of Wellfleet’s neighbors have affordable housing levels below the 10% state target, as visually presented in Figure V-8, but Orleans is well ahead of the pack in terms of the level of affordable units and senior housing.



To be counted as affordable under Chapter 40B, housing must be dedicated to long-term occupancy of income-eligible households through deed restrictions. Occupants of the affordable units must have incomes at or below 80% of area median income (AMI) limits that are provided annually by the U.S. Department of Housing and Urban Development (HUD) for

the Barnstable County area (see Table II-1 for these 2016 levels, adjusted by household size, and Section II.B for more details).

Current Inventory

As noted above, Wellfleet had 34 units in its Subsidized Housing Inventory, 13 (38.2%) of which are rental, 15 (44.0%) that involve homeownership units, and the remaining 7 (20.6%) through a Housing Rehab Loan Program. Table V-17 summarizes SHI units that were eligible for counting towards the state’s 10% state affordability goal. The Housing Rehab units will be coming off of the SHI during the next few years that will leave only 27 SHI units for an affordability level of 1.7%.

The Housing Assistance Corporation (HAC) manages state rental vouchers including three for Wellfleet. A major problem has been the lack of rental units available with some voucher holders searching for units for well over three months.

Table V-16: Wellfleet’s Subsidized Housing Inventory (SHI)

Project Name	# Affordable Units	Project Type/ Financing	Use of a Comp Permit	Affordability Expiration Date
Oyster Lane	6	Ownership/DHCD	Yes	3/31/2041
Habitat for Humanity/ Spring Valley Road	4	Ownership/DHCD	No	Perpetuity
Wellfleet HOR Program /Way Road	1	Ownership	No	12/21/2014?
Wellfleet Apartments/ Fred Bell Way	12	Rental/DHCD, HUD, USDA	Yes	2041
Old Wharf Road	4	Ownership/MHP	No	Perpetuity
LCCDC/CDP HOR Program	1 5	Rental/DHCD Ownership/DHCD	No	12/18/16 to 2023
Habitat for Humanity/ Atwood Avenue	1	Ownership/DHCD	No	Perpetuity
Total	34			

Source: Massachusetts Department of Housing and Community Development, August 17, 2016.

Pipeline Projects

The Town has 19 additional affordable units in the pipeline through the following projects:

- Wellfleet BuyDown Program***
 The Wellfleet Housing BuyDown Program provides up to \$150,000 in CPA subsidy towards purchasing a Wellfleet home, lowering the price to first-time homebuyers earning at or below 80% AMI and thus making a lower-end, market-rate, Wellfleet home affordable. In exchange for the subsidy, the purchase will be deed restricted and affordable in perpetuity. The Program is administered by the Town of Wellfleet in partnership with the Wellfleet Housing Authority. There have been several earlier rounds of Program funding, however these units were not eligible for inclusion on the SHI. In this round, two applicants have been selected and the units will be SHI eligible.
- Old King’s Highway***
 Habitat for Humanity of Cape Cod is in the process of obtaining the necessary permitting through a comprehensive permit to build three new homes on a formerly Town-owned property on Old King’s Highway.
- 2082 Route 6 State Highway***
 The Town of Wellfleet and Wellfleet Housing Authority are also working together to bring on a developer to create an estimated three affordable homeownership units on a 1.72-acre area of land located on State Highway Route 6. The Wellfleet Housing Authority acquired the property with CPA funds and issued a Request for Proposals (RFP) to select a developer in April 2017, selecting Habitat for Humanity of Cape Cod. The existing house on the site will be converted to a rental, and an additional two ownership units will be built.
- Paine Hollow Rental Homes***
 Eight affordable rental units are planned on Paine Hollow Road to be developed by Community Housing Resource, Inc. The project involves a mix of one, two and three-bedroom units. The Town of Wellfleet approved \$175,000 in funding in 2001, but based on an abutter legal challenge the project has been delayed and another vote in support of funding was put before

the April 2017 Town Meeting and approved. The developer applied for state funding under the relatively new Community Scale Housing Initiative Program.

- *Gull Pond Road Condominiums*
Community Housing Resource, Inc. is also building six one and two-bedroom rental units on a 2.2-acre site that should be available for occupancy in September 2017.

The development of these units will bring the total SHI unit count to 53 or about 3.4% of the year-round housing stock.

F. Targeted Housing Goals

This Housing Needs Assessment and Action Plan provides a roadmap to guide the Town of Wellfleet in promoting affordable housing over the short and longer term, directing such development to appropriate target populations and locations in the context of the following local and regional housing issues:

- Due to the rising costs of both homeownership and rentals, including escalating costs associated with taxes, insurance (including flood insurance) and utilities; some residents are finding it increasingly difficult to afford to remain in Wellfleet.
- Decent paying jobs are limited in a predominantly tourist economy and thus children who grew up in town face the likelihood that they may not be able to return to raise their own families locally.
- Long-term residents, especially the elderly, are finding themselves less able to maintain their homes and keep up with other costs but unable to find alternative housing that better meets their current lifestyles and pocket-books.
- Seniors are living longer and more residents are becoming frailer and increasingly reliant on a home care industry in which workers are harder to find given relatively low wages and high costs of living in the area.
- Families are finding it more difficult to “buy into” the private housing market and “buy up,” purchasing larger homes as their families grow.
- Town employees and employees of local businesses are increasingly hard pressed to find housing that is affordable in Wellfleet and face long commutes.
- Some residents need to rent out their homes in the summer months and camp or move in with relatives during this period in order to afford to stay in the community. Alternatively, others are at the mercy of landlords who raise rents well beyond their means in the summer months, forcing them to relocate.

As the affordability analysis indicates in Section V.D, significant gaps remain between what many current year-round residents can afford and the cost of housing that is available. Based on the demographic, economic and housing characteristics and trends documented in this and previous sections, the following priority housing needs have been identified:

1. Rental Housing Need – Goal of 75% of all affordable units produced

Both rental and ownership housing are needed to encourage a mix of housing types in response to diverse populations and household needs. There is, however, a more compelling case for year-round rental units based on the following important considerations:

- Target the needs of the community’s most vulnerable residents with very limited financial means as rental housing is typically more affordable and requires less up-front cash.
- Promote greater housing diversity as recent development has exclusively involved single-family homes that are primarily directed to those who can afford market prices, retirees and second home owners in particular. More housing options are necessary to meet the needs of local workers who are priced out of the housing market, people who grew up in Wellfleet and want to raise their own families locally, and empty nesters, for example.
- Invest local subsidy funds, such as CPA funding, in support of greater numbers of households/occupants over time as rentals turnover more regularly than ownership units.
- Provide more appropriately sized units for increasing numbers of small households.
- Provide opportunities for some seniors who are “overhoused” and spending far too much on their housing to relocate to more affordable and less isolated settings, opening up their homes to families requiring more space.
- Make up for some of the loss of rental units over the past several decades.
- Leverage other funds, as state and federal resources are almost exclusively directed to rental housing development, family rentals in particular.
- Enhance the ability to qualify occupants for housing subsidies as state requirements for including units on the SHI make it very difficult for long-term homeowners to be eligible for subsidized housing.
- Provide opportunities for mixed-income housing where several different income tiers can be accommodated within the same project.
- Offer more affordable housing options to some of the 86% of renter households who have been paying too much for their housing.
- Support the housing needs of the lower-wage earning seasonal workforce.
- Stabilize individuals and families who are at risk of homelessness which is particularly acute during the summer months when some are forced to double-up with friends and family or even camp while their winter rental is occupied by other during the summer season.¹⁸

The analysis included in Table V-17 projects a shortage of 220 rental units for low- and moderate-income renters. This data, however, was based only on existing renters in 2013 and does not reflect pent-up regional need for additional rental opportunities, particularly in the context of such a costly housing market. If Wellfleet wants to attract more young adults and families and maintain an adequate workforce, it will have to provide additional affordable rental opportunities to enable them to live in town as the current subsidized rental stock is inadequate to meet these needs.

¹⁸ The HUD annual Point-in-Time count of the homeless which took place on January 27, 2016, indicated that there were 394 homeless persons living on the Cape and Martha’s Vineyard, up from 356 in 2015. Of these, there were 54 unsheltered adults on Cape Cod.

Table V-17: Rental Unit Gap Analysis

Income Group	Income Range*	Affordable Rent**	# Renter Households	# Existing Affordable Units***	Deficit/Surplus
Less than 30% AMI	\$20,400 and	Less than \$310	134	4	-130
Between 30% and 50% of AMI	\$20,401 to \$34,000	\$310 to \$650	85	10	-75
Between 50% and 80% of AMI	\$34,401 to \$54,350	\$651 to \$1,159	30	15	-15
Above 80% AMI	Above \$54,350	Above \$1,159	85	85	0
Total			334	114	-220

Source: 2013 HUD SOCDs CHAS Data *Based on 2016 HUD Income Levels for average household size of two persons.** Includes an average monthly utility cost of \$200 and renters not spending more than 30% of their income on housing costs. *** Assumes those renters that are not cost burdened.

A further analysis of the rental needs of different types of households is included in Table V-18. This table indicates that in 2013 there were 568 renter households spending too much of their income on their housing. Reviewing the proportionate need of seniors, families, and single individuals, seniors comprise about 44% of those with cost burdens, families make-up about 21%, and non-elderly/non-family individuals 35%. This table also clearly shows the need for housing that those with extremely low incomes can afford.

Table V-18: Cost Burdens by Type of Renter Household

Income	Elderly	Small Families	Large Families	Other Renters	Total
< 30% AMI	80	0	0	50	130
30-50% AMI	0	45	0	25	70
50-80% AMI	15	0	0	0	15
> 80% AMI	0	0	0	0	0
Total	95 (44%)	45 (21%)	0 (0%)	75 (35%)	215 (100%)

Source: 2013 HUD SOCDs CHAS Data

This Housing Needs Assessment recommends that rental housing be distributed as follows in Table V-19 largely based on the deficit in Table V-17, the distribution indicated in Table V-18, and the relative lack of subsidized family housing in the community within a context of an eroding population of younger individuals and families. This distribution is also based on the production of 60 affordable units over the next ten years, 75% of which would be targeted as rentals.

Table V-19: Projected Distribution of Affordable Rental Units, 2017 to 2027

Target Renter Households	Target Unit Size	Proportion of Need	# Affordable Rental Units
Seniors/Individuals	One bedroom	50%	22
Small Families	Two bedrooms	40%	18
Large Families	Three+ bedrooms	10% ¹⁹	5
Total		100%	45

Source: 2013 HUD SOCDS CHAS Data

2. Homeownership Need – Goal of 25% of all affordable units produced

Provide opportunities for families who want to invest in Wellfleet but are shut-out of the current housing market.

- Lend additional stability to neighborhoods as homeowners tend to become more rooted and invested in the community.
- Enable children who were raised in the community to return to raise their own families locally;
- Provide housing options for municipal employees.
- Provide smaller homes for increasingly smaller families.
- Boost the small number of subsidized ownership units in the community.
- Offer more affordable housing alternatives to empty nesters who want to downsize, thus opening their existing homes to families.
- Offer more affordable housing options to some of the 38% of owner households who have been paying too much for their housing.

The continuation of the BuyDown Program as well as potential small clustered cottage-style housing in pocket neighborhoods could be pursued in addition to other infill development, including mixed-uses that include mixed-income condo projects, offer good options for increasing affordable homeownership opportunities in Wellfleet.

Table V-20 is based on the HUD CHAS report summarized in Table V-15, comparing numbers of households earning within income categories to units that are affordable to them. These calculations suggest that there is an approximately 500-unit deficit in homeownership units, largely needed for those earning below 80% AMI.

¹⁹ The state’s subsidizing agencies have entered into an Interagency Agreement that provides more guidance to localities concerning housing opportunities for families with children and are now requiring that at least 10% of the units in affordable production developments that are funded, assisted or approved by a state housing agency have three (3) or more bedrooms with some exceptions (e.g., age-restricted housing, assisted living, supportive housing for individuals, SRO’s. etc.).

Table V-20: Homeownership Affordability Analysis

Income Group	Income Range*	Affordable Sales Prices for Single-family/Condo ²⁰	# Households **	# Existing Affordable Units**	Deficit or Surplus
Less than 80% AMI	Less than \$61,150	Less than \$250,500/215,000	560	130	-430
Between 80% and 100% AMI	\$61,150 to \$72,270	\$250,501 to \$293,000/\$215,000 to \$260,000	129	100	-29
Above 100% AMI	Above \$72,270	Above \$293,000/\$260,000	659	605	-54
Total			1,348	835	-513

Sources: Wellfleet Assessor’s Office

*Based on 2013 HUD Income Levels for household size of three persons.

** Based on 2013 HUD SOCDS CHAS data

It should be noted that it is difficult for existing homeowners to qualify for new affordable housing opportunities as there are limits on financial assets and current ownership in state requirements. For example, state requirements regarding assets limit qualifying purchasers of age-restricted housing to no more than \$200,000 in net equity from a previous house owned within the last three years and an additional \$75,000 in financial assets. This puts many seniors out of the running for affordable housing that can be counted as part of the Subsidized Housing Inventory, particularly in communities with high property values where long-term owners are likely to have earned substantial amounts of equity in their homes. Nevertheless, such housing does serve an important need for local seniors who want to afford to live independently in Wellfleet but in less isolated settings that better meet their current lifestyles and without the hassles of home maintenance.

A further analysis of the needs of different types of owner households is included in Table V-21. This table indicates that in 2013 there were 513 owner households spending too much of their income on their housing. Reviewing the proportionate need of seniors, families, and single individuals, seniors comprise about half of those with cost burdens, families make-up about 18%, and non-elderly/non-family individuals 31%.

Table V-21: Cost Burdens by Type of Owner Household

Income	Elderly	Small Families	Large Families	Other Owners	Total
< 30% AMI	60	15	0	45	120
30-50% AMI	45	20	0	90	155
50-80% AMI	120	35	0	0	155
> 80% AMI	35	19	4	25	83
Total	260 (51%)	89 (17%)	4 (0.8%)	160 (31%)	513 (100%)

Source: 2013 HUD SOCDS CHAS Data

²⁰ Figures based on 95% financing, interest of 5.0%, 30-year term, annual property tax rate of \$6.83 per thousand, insurance costs of \$6 per \$1,000 for single-family homes and \$4 per thousand for condos, estimated monthly condo fees of \$250, and a household paying 30% of income on housing costs. The analysis also assumes that purchasers within these income limits can qualify for a subsidized mortgage program such as the ONE Mortgage Program or MassHousing offerings.

This Housing Needs Assessment recommends that owner housing be distributed as follows in Table V-22 largely based on the deficit in Table V-17, the distribution indicated in Table V-18, and the relative lack of subsidized family housing in the community within a context of an eroding population of younger individuals and families. This distribution is also based on the production of 60 affordable units over the next ten years, 25% of which would be targeted for homeownership.

Table V-22: Projected Distribution of Affordable Ownership Units, 2017 to 2027

Target Renter Households	Target Unit Size	Proportion of Need	# Affordable Ownership Units
Seniors/Individuals	One bedroom	20%	3
Small Families	Two bedrooms	40%	6
Large Families	Three+ bedrooms	40% ²¹	6
Total		100%	15

Source: 2013 HUD SOCDS CHAS Data

3. Integrate handicapped accessibility and supportive services into new development – Goal of at least 20% of all units produced for seniors and persons with disabilities and 10% for families

Handicapped accessibility and supportive services (such as those offered by the Council on Aging or through assisted living options as well as transportation, home maintenance and other service-related programs) should be integrated into new housing production efforts. This is particularly important in Wellfleet given the relatively high proportion of residents who claim a disability and the growing population of older residents. Moreover, the high costs of housing has a profound effect on those with disabilities who may be unable to work full-time or rely on Social Security Disability Income as they have some of the greatest challenges in finding stable, decent and affordable housing that meets their special needs. A local Senior Housing Survey, conducted in 2015, indicated strong support for more affordable housing options for seniors including assisted living units.

4. Residents Production of Affordable Units – Goal of 25% of Total Affordable Units Produced

The Town anticipates that about 25% of the affordable units produced will involve units that are created directly by Wellfleet residents through the Accessory Apartment Dwelling Unit bylaw or the Town’s local 40B bylaw for example.

5. Summary of Housing Needs

Table V-23 presents targeted affordable housing development goals over the next ten years based on a combination of information on demographic shifts, cost burdens, affordability gaps, and the community’s housing mix.

²¹ The state’s subsidizing agencies have entered into an Interagency Agreement that provides more guidance to localities concerning housing opportunities for families with children and are now requiring that at least 10% of the units in affordable production developments that are funded, assisted or approved by a state housing agency have three (3) or more bedrooms with some exceptions (e.g., age-restricted housing, assisted living, supportive housing for individuals, SRO’s. etc.).

Table V-23: Summary of Priority Housing Needs and Targeted Development Goals

Rental Units	Seniors + Single Persons/ One Bedroom Units @ 50%	Small Families/ 2 Bedrooms @ 40%	Large Families/3+ Bedrooms @ 10%	Total/10-Year Goals
Rental @ 75%	22	18	5	45
Ownership Units	Seniors + Single Persons/ One Bedroom Units @ 20%	Small Families/ 2 Bedrooms @ 40%	Large Families/3+ Bedrooms @ 40%	Total/10-Year Goals
Ownership @ 25%	3	6	6	15
Total	25	24	11	60
Special Needs* (% of total units)	(5)	(3)	(2)	(10)

Source: 2013 HUD SOCDS CHAS and Karen Sunnarborg Consulting

* Represents 10% of all units created in family housing and 20% in senior and single-person housing, rounding up. For example, of the total 25 projected total one-bedroom units produced, largely directed to seniors or those with disabilities, 20% would involve handicapped accessibility and/or supportive services.

Table V-23 suggests the following targeted housing goals:

- 60 affordable units over 10 years
- 75% or 45 units projected as affordable rentals
 - 50% of rentals or 22 units for seniors and single persons/one-bedroom units
 - 40% or 18 units for small families/two-bedroom units
 - 10% or 5 units for large families/at least three-bedrooms
- 25% or 15 units projected as affordable ownership units
 - 20% or 3 units for seniors and single persons/one-bedroom units
 - 40% or 6 units for small families/two-bedroom units
 - 40% or 6 units for large families/at least three-bedroom units
- Handicapped accessibility and/or supportive services in at least 10% of all affordable units created in family housing
- 20% of all units in affordable senior/single-person housing

VI. HOUSING CHALLENGES

The Town of Wellfleet is committed to encouraging sustainable growth and development, including the production and preservation of affordable housing. It is also cognizant of the importance of promoting such growth within the context of preserving natural resources, economic health, and quality of life. It will continue to be a great challenge for the community to create enough housing choices to address the wide range of housing needs in light of the following constraints:

A. Environmental Constraints

Wellfleet is located on a narrow arm of land on the Lower Cape with 44 miles of saltwater coastline along the Atlantic Ocean and Cape Cod Bay that attracts thousands of visitors annually. Wellfleet's beaches along with other highly valued natural amenities provide opportunities for a wide range of recreational activities and important habitats that need to be protected to the greatest extent possible.

Some of the natural assets that are of particular concern and/or a constraint to development include:

- Perhaps the Town's greatest tourist attraction is the Ocean beach area set below a dramatic sea cliff which is protected from development by the Cape Cod National Seashore. Nevertheless, these areas are in danger of overuse which is difficult to control within the context of increasing tourism.
- The Wellfleet Harbor Area of Critical Environmental Concern (ACECs)²² is shared with Truro and includes the northern portions of the Herring River flood plain that is also an important run for herring and eels. The Harbor's many inlets, bays and islands represent one of the largest estuarine systems on the Cape.
- Wellfleet's large areas of wetlands and marshes contribute to the town's scenic beauty but are also essential to its largest year-round industry, the shell fishing industry. Wellfleet is blessed with a diversity of wetland types and sizes scattered throughout town which provide food and important habitats for a wide range of plants and animals.
- Conservation land, protected by public and private entities, is scattered throughout town with some concentrations around coastal and inland wetland areas. These lands comprise about 60% of Wellfleet's total land area.
- Local soil composition and topology also pose problems for development with about 24% of land with wetness problems and about another quarter steeply sloped. The remaining land, about 3,445 acres or 55%, consists of sand deposits that might be appropriate for septic systems under Title 5, but with extremely high permeability also enables nitrates to percolate freely, potentially causing groundwater problems.
- The Town's freshwater resources include 13 kettle ponds totaling over 284 acres of surface area. These areas are all located within the National Seashore, five ponds with public access. These ponds are dependent solely on the fluctuations of the Monomoy Aquifer's (the Cape's sole source aquifer) water table and may be low in the summer. They also provide unique habitats for rare and endangered plants (Plymouth Gentian, Long-beaked Bald Rush) and rare animals

²² Areas of Critical Environmental Concern (ACECs) as those that are specially recognized because of their uniqueness, significance and quality of their natural and cultural resources. These areas are nominated by the locality and reviewed and designated by the state's Secretary of Energy and Environmental Affairs. Designation as an ACEC creates a framework of local and regional stewardship.

(Comet Darner, New England Bluet Damselfly).²³ Seven of these ponds are more than ten acres in size and classified as Great Ponds.

- Flooding events from storms continue to be a local challenge both along the coast and inland river areas. Moreover, in the coming decades, flooding and erosion will be increasingly exacerbated by climate change and sea level rise. The Federal Emergency Management Agency (FEMA) recently adjusted the Flood Insurance Rate Maps (FIRMS), which has had implications on insurance costs for many property owners.
- The Indian Neck Ossuary is an archaeologically important burial ground on the Indian Neck peninsula, arguably the most important archaeological find on Cape Cod.

Mitigation Measures:

The Town continues to be proactive in preserving its natural amenities, including important erosion control measures. The Town and other conservation organizations have been active in acquiring and preserving open space over the years that includes about 60% of the Town's total land area as noted above. These conservation entities include the Wellfleet Conservation Trust, which has been particularly active in areas around the harbor, as well as the Wellfleet Bay Wildlife Sanctuary as part of Mass Audubon's efforts, the National Seashore, in addition to the Town's Conservation Commission.

In addition to acquiring open space, the Town is also promoting "smart growth" development by adopting special zoning including the establishment the Floodplain Overlay District, two Wellhead Protection Districts, and the National Seashore Park District for example to protect property and the water supply as well as vegetation, fish and wildlife and preserve natural and scenic areas. The Town also adopted a Main Street Overlay District to support mixed-use development in the downtown.

B. Regulatory Constraints

As is the case in most American communities, a zoning by-law or ordinance is enacted to control the use of land including the patterns of housing development. Wellfleet is divided into six different Zoning Districts²⁴, including the following two Residential Districts:

- Residential 1 (R1) – Allows somewhat more moderate density in areas generally serviced by public utilities that includes most of the town including areas west of Route 6.
- Residential 2 (R2) – Allows a variety and choice more in keeping with a rural environment and includes the area to the north of the Eastham line up to the northern boundaries of properties on Freedjum Road and to the east of Route 6.

Zoning in the Residential Districts requires a minimum of 30,000 square feet of land area per buildable lot, 135 feet of frontage and a lot coverage of 15%. Because affordable housing typically relies on economies of scale that comes with greater density, this large-lot zoning, while protecting the environment, makes it extremely challenging to build such housing without waivers of existing requirements through the Chapter 40B process or other special local zoning provisions.

²³ Other notable rare species in Wellfleet include the Diamondback Terrapin, Box Turtle, Spadefoot Toad, Four-toed Salamander, Least Tern, Piping Plover, Barrens Black Moth, Broom Crowberry, and Prickly Pear.

²⁴ Wellfleet Zoning By-laws, Section 3.1, Establishment of Districts, and Section 3.2, District Objectives.

Table VI-1: Intensity of Use Schedule

	CD	R1	R2	NSP	C	C2
Minimum Lot Requirements						
Area, square feet	20,000	30,000	40,000	3 acres	40,000	30,000
Frontage, feet	125	135	135*	200	200	135
Minimum Yard Requirements						
Front, feet	25	30	30**	50	100***	50
Side, feet	20	25	25	35	35	35
Rear, feet	25	30	30	35	35	35
Maximum Building Coverage	15%	15%	15%	5%	25%	15%
Maximum Height						
Stories	2	2	2	2	2	2
Feet	28	28	28	28	28	28

Source: Wellfleet Zoning Bylaw, Section 5.4. * Increases to 200 on Route 6 ** Increases to 300 on Route 6
 *** Of which not less than 25% of the required front yard must be maintained with vegetative cover.

Zoning also includes a Central District (CD), two Commercial Districts (C and C2), and the area of the National Seashore Park (NSP) with an Intensity of Use Schedule included in Table VI-1. Commercial development is only allowed along an extended portion of Route 6, the downtown Central District, and in scattered areas in the northeast of town.

The following provisions promote affordable housing, smart growth development, and a greater diversity of housing types:

- *Provisions to Encourage the Development of Affordable Dwellings* – These provisions were adopted “to further the goal of encouraging various lot sizes and housing types for persons of various income levels in accordance with Massachusetts General Laws, Chapter 40A, Section 9 which allows municipalities to adopt ‘incentive’ ordinances for the creation of affordable year-round dwellings, and for the purpose of helping people who, because of rising land prices, have been unable to obtain suitable housing at an affordable price and maintaining a stable economy by preventing out-migration of residents who provide essential services.”²⁵ Zoning defines an affordable dwelling development as having at least 50,000 square feet of land with at least 25% of the units created as affordable and eligible for inclusion in the Subsidized Housing Inventory (SHI). Permitting is by Special Permit of the Planning Board in both residential and commercial districts. Additional requirements include:
 - Minimum lot size of 20,000 square feet although the Planning Board has the discretion to reduce or suspend the minimum area and frontage requirements that are otherwise applicable in the Zoning By-law, provided that there is at least 10,000 square feet of lot area for each bedroom in the development and setbacks of at least ten feet. The minimum lot size must be 20,000 square feet however, if the development involves a subdivision of the parcel. Moreover, the Planning Board has the further discretion to permit a density of less than 10,000 square feet for each bedroom if the applicant can demonstrate that the sewage disposal system will result in nitrogen loading of less than ten parts per million.

²⁵ Wellfleet Zoning By-laws, Section 6.28.

- The proposed development is suitable for the proposed location with other features that provide a stable and desirable character that is complementary to the site’s natural features.
- That the development, density increase or relaxation of zoning standards has no material, detrimental effect on the character of the neighborhood.
- *Affordable Accessory Dwelling Units* – The Town has made the promotion of affordable accessory dwelling units a priority for quite some time in an effort to promote affordable, year-round rental units.²⁶

The Town has established the following process for approving Affordable Accessory Dwelling Units:

- Property owner applies for a Special Permit.
- Building Inspector and Board of Health visit and inspect the unit to determine if there are any health and safety violations that must be corrected prior to the owner obtaining the Special Permit.
- The ZBA reviews the application and the reports submitted by the Building Inspector and Board of Health, holds a public hearing, and grants the Special Permit.
- The Building Inspector issues a Certificate of Occupancy.
- A list of qualified tenants is available to property owners or owners may be able to select their own tenant.
- Prospective tenants must submit income information to the Assistant Town Administrator who documents that they qualify for the units. Once qualified, property owners will be officially notified of the monthly rent they are able to charge based on HUD Fair Market Rents (FMRs).
- The Town Assessor issues a tax abatement to the property owner based on a specified formula, without the need for the owner to submit to a separate application process.²⁷
- The property owner annually submits forms that document the continued eligibility of the tenant and use of HUD Fair Market Rents.
- They leave the marketing of the units and parking issues up to the owners.
- The program does not involve any fees.

If a property owner decides at some point to opt out of the special permit, they must inform the Building Inspector and remove the kitchen in the accessory unit. They are allowed to convert the space to other uses such as a “private guest house” or office.

The number of permitted accessory units varies between 12 and 16.

- *Cluster Residential Developments* – The Zoning By-law includes provisions related to cluster development “to allow intensive use of land while at the same time maintaining existing character; preserve open space for conservation and recreation; introduce variety and choice into residential development; meet housing needs; and facilitate economical and efficient

²⁶ Wellfleet Zoning By-laws, Section 6.21.

²⁷ The property tax exemption is based on the assessed value of the property multiplied by the square footage of the accessory unit divided by the total square footage of the property.

provision of public services.”²⁸ Such developments respond to “smart growth” principles by promoting more compact development and preserving open space. These developments are processed through a Special Permit of the Planning Board that needs to determine that the proposed design is preferable to a conventional grid-type subdivision. Major requirements include:

- A minimum of at least 15 contiguous acres.
 - Open space must be at least 25% of the upland located in the parcel, the space to be conveyed to an entity that will insure its continued preservation.
 - Minimum lot size of 10,000 square feet and maximum lot coverage of 15%.
 - Drinking water and wastewater provisions must meet all state and local Board of Health requirements and no sewerage treatment facility or advanced wastewater treatment equipment can be used.
 - Projects are encouraged to incorporate recommendations for Compact Residential Developments that are included in the Cape Cod Commission’s “A Design Guideline Manual for Sustainable Development on Cape Cod”.
- **Main Street Overlay District** – This by-law “enables the development and redevelopment of Wellfleet’s Village Center (a portion of Main Street) in keeping with its historic development patterns, including the size and spacing of structures and open spaces”.²⁹ The area extends along Main Street from Bank Street to Holbrook Avenue. The zoning promotes mixed-uses and more compact development in keeping with “smart growth” principles. A Special Permit of the Zoning Board of Appeals is required under the following provisions:
 - Safe and convenient pedestrian access must be incorporated into all plans for new construction.
 - Professionally-prepared landscape plans that provide a landscaped buffer strip and appropriate screening plus assurances that such space will be properly maintained.
 - Maximum height of any new or expanded structure of 28 feet.
 - Front yard setbacks that may be reduced to zero, side yard setback of at least six feet, and rear yard setbacks of at least 15 feet, thus allowing more compact development.
 - Maximum lot coverage of 33%, significantly higher than the 15% requirement in other districts.
 - Ability to reduce or waive the parking requirements in the underlying zoning.
 - Allowance of a mix of residential and non-residential uses.

Mitigation Measures: This Housing Plan recommends several additional zoning changes that will further promote affordable housing, a greater diversity of housing types, and smart growth development including the continued promotion of accessory dwelling units, inclusionary zoning, modifying the Cluster Residential Development bylaw, and the year-round use of condos (see Section VII.B).

²⁸ Wellfleet Zoning By-laws, Section 6.6.1.

²⁹ Wellfleet Zoning By-law, Section 9.2.1.

C. Limited Community Infrastructure

Major factors that limit growth in Wellfleet are related to on-site septic systems and concerns about the contamination of the community's fragile water supply. Wellfleet has no public sewer services at this time. Wastewater disposal is almost solely reliant on septic systems, raising concerns about the impacts of any new development on the environment, water supply and quality in particular. For example, the nitrogen load from the watershed exceeds the threshold for Wellfleet Harbor, resulting in impaired water quality. There are currently 126 innovative/alternative nitrogen reducing treatment systems serving residential and commercial properties. These systems are generally only installed when required by the Board of Health. The development of the downtown has certainly been constrained by Title 5 requirements as has the development of affordable housing which typically relies on some amount of density to be financially feasible.

Town water service extends to 275 buildings in town leaving much of the community reliant on private wells. Public wells are located off Grist Mill Road, near the pier, and at Cole's Neck. The Town did expand its public water system in response to an Administrative Consent Order, extending the water main from Cole's Neck Road and Pole Dike Road to West Main Street, Bank Street, Commercial Street and Kendrick Avenue, serving a combination of municipal facilities and commercial properties.

Public transportation is also limited to bus service from Hyannis to Provincetown and regular service to Boston and other areas of the Cape by the Plymouth and Brockton line. The Regional Transit Authority provides B-Bus and Dial-a-Ride with services targeted to the elderly and those with disabilities. Public transportation also includes the Flex Bus. Demand for these services has and will continue to increase as those over 65 grow in number over the next couple of decades. Another issue is that these services are not extended to unpaved roadways and so have further limitations. The Council on Aging also operates a free van service to local stores and services for seniors.

Mitigation Measures: While there are no plans to extend water services at this time, there were serious discussions about extending water down Route 6 to the Outer Cape Health Services facility, however an adequate supply of water was found and it was determined that the expansion was unnecessary. The Town will continue to make sure that any new development complies with Title 5 and other environmental regulations.

D. High Property Values

As detailed in Section V.C and V.D of this Plan, both housing costs and affordability gaps are very high and thus substantial amounts of subsidies are required to make affordable housing financially feasible. These market conditions are summarized below.

Ownership Housing

The single-family home market has fluctuated but the median price was \$468,000 by the end of 2016. There is in fact very little affordability remaining in Wellfleet's single-family home market but considerable affordability in the condominium market with 4.5% and 62.5% of units valued below \$300,000, respectively. Condominiums in fact are a significant part of Wellfleet's housing stock, totaling 339 units, and the most affordable component of the community's private housing although most involve only seasonal use. On the other hand, 370 homes or 12% were assessed between \$700,000 and \$1 million and another 293 homes were valued at more than \$1 million, indicating that Wellfleet has a significant high-end luxury market.

A local realtor indicated that in the spring of 2017, when one would expect a pick-up in home listings, there was a lack of inventory of homes for sale in every price range. While there is typically an average of 70 properties on the market, listings only averaged about 45 as of April 2017. Once listed, properties sell quickly if appropriately priced.

This imbalance between supply and demand has been the driving force behind high housing prices and affordability gaps. The affordability gap is now about \$283,000 - the difference between the price of the median priced single-family home (\$468,000) and what a median income household can afford (\$185,000).³⁰ This assumes that the purchaser could qualify for a subsidized mortgage that requires much lower down payments and no Private Mortgage Insurance (PMI).

For those earning at 80% of the area median income limit (\$61,150 for a family of three), this gap is \$217,500, the difference between the maximum they could afford of approximately \$250,500 and the median single-family house price of \$468,000. These figures are once again based on 95% financing, assuming that the purchasers could qualify for homebuyer programs such as the state's One Mortgage Program or MassHousing's mortgage offerings for example.³¹

There are also affordability gaps for condos as the median condo price of \$232,000, as of the end of 2016 from The Warren Group's Banker & Tradesman, would require an income of about \$65,721, which is more than Wellfleet's median household income of \$45,735 and the HUD area median income for Barnstable County of \$61,150 for a household of three.³² The gap would be \$83,000, the difference between the median condo price (\$232,000) and what a median income earning household could likely afford (\$149,000). The affordability gap for those households earning at the 80% of area median income (\$61,150 for a household of three) decreases to an estimated \$17,000 or the difference between the median condo price (\$232,000) and what a household earning at \$61,150 could probably afford (\$215,000).

Rental Housing

Rents are also high as it is difficult to find a two-bedroom, year-round, market rental for less than \$1,400. Real estate agents confirm that they typically see very few year-round or winter rentals coming on to the market. The rental market in Wellfleet is complicated by decreasing numbers of year-round rental units in the context of seasonal shifts.

In regard to affordability, a year-round, market rental priced at about \$1,400 would require an income of about \$56,000 without consideration for utilities that would boost the required income closer to \$64,000 (assuming \$200 in average utility bills and not paying more than 30% of income on housing costs). The median income earning renter (\$22,045 based on 2015 census estimates) could afford a rent of only about \$351 under the same assumptions. Consequently, the affordability gap would be more than \$1,000, the difference between the market rental and what a median-income earning renter could afford. The higher 2010 median renter income of \$44,743 would translate into a rent of \$919, still well below market rents, and an affordability gap of almost \$500. It is consequently not surprising that so

³⁰ Ibid.

³¹ Ibid.

³² Figures based on 95% financing, interest of 5.0%, 30-year term, annual property tax rate of \$6.83 per thousand, \$250 monthly condo fee, insurance costs of \$4 per \$1,000 for condominiums, and the purchaser spending no more than 30% of gross income on mortgage (principal and interest), taxes and insurance. It is also assumed that the purchaser would be eligible for a subsidized mortgage program such as the ONE Mortgage Program on a MassHousing mortgage that would not require private mortgage insurance.

many renters are paying far too much for their housing. A realtor further suggested that given the incomes of year-round residents, rents that they can afford are typically tapped out between the \$1,400 and \$1,600 range.

It is also important to note that landlords often require first and last month's rent and a security deposit on rentals, also creating substantial up-front cash requirements.

Summer rentals, like most of this part of the Cape, continue to be very pricey, especially near the water. For example, summer rentals typically range for about \$800 per week for a small two-bedroom bungalow away from the water to \$10,000 per week for homes on the water.

Vacant Property

Assessor's data suggests that there are about 270 vacant developable parcels remaining in town. The median valued vacant parcel was assessed at \$218,100. Conservatively assuming \$200 per square foot in total development costs, a 2,000 square foot house would cost about \$400,000 before acquisition costs and about \$618,100 in total costs, significantly higher than the median single-family house price of \$468,000 and well beyond the means of most year-round residents.

Mitigation Measures: Given high property costs and resulting affordability gaps, it will be important for the Town to provide subsidies and leverage additional public and private resources to make units more affordable to households earning a wide range of incomes who are priced out of the private housing market. Section VIII of this Plan provides strategies for subsidizing these units.

It should also be noted that Wellfleet has a considerable supply of mobile homes in two separate parks that are among the most affordable units in the unsubsidized housing market and are considered to be assets in the community. The 2015 census estimates identify 234 such units. While these units sell at affordable prices, lenders have not been willing to provide mortgages for such purchases.

E. Limited Developable Property

The Town includes 20.47 total square miles of which 61% is under the administration of the National Park Service as part of the Cape Cod National Seashore. While one can still buy private land and erect a house within the Seashore, such property can be subject to acquisition by the National Park Service at some point with the exception of 600 improved properties that can remain in private ownership in perpetuity as they were built before the National Seashore was established in September of 1959. Other issues that limit development opportunities for year-round residents include:

- *Wellfleet is approaching buildout* – Buildout projections that were prepared by the Town in 2008 as part of the update of its Local Comprehensive Plan, suggest that the Town is approaching buildout. As more than 60% of the Town is permanently-protected open space, new development is significantly constrained. The Town Assessor indicates that there are 270 vacant buildable parcels and that about one-quarter of them are actually unbuildable given wetlands, septic requirements, insufficient frontage, etc., reducing buildable parcels to about 200. It is likely that some of these parcels are not in residential zones while others might accommodate more than a single unit if allowed by zoning, causing additional shifts in the number of potential development opportunities remaining in town. As the Town approaches buildout, redevelopment will become more of an issue and some large parcels that are currently used for other purposes, such as campgrounds for example, may become targets for new development and thus change the buildout figures still more.

- *Increases in seasonal or occasional units* – The absolute numbers of seasonal units or second homes increased from an estimated 1,566 units in 1990 to 2,824 by 2015, representing an 80% rate of growth, more than double the 37% growth rate for the year-round occupied housing stock. Based on 2015 census estimates, seasonal or occasional units comprise 63% of all Wellfleet’s housing units. While such housing bolsters the town’s economy, having such a substantial portion of homes unavailable for year-round occupancy further limits the supply of housing for year-round residents. Additionally, Wellfleet’s zoning restricts condominiums to seasonal use.
- *There has been a loss of rental units,:* Rental units decreased in number and as a percentage of all units to 270 units or 17.4% of all occupied units in 2015, representing a loss of 42 units or by 13.5% during the 1990 to 2015 period. This loss is likely explained by the conversion of rentals to owner-occupancy and/or seasonal or occasional use.
- *Decline in building activity* – Since 2000, residential building activity has slowed down considerably to a growth rate of 11% between 2000 and 2015 compared to 13.6% in the 1990s and 19.7% in the 1980s. Additionally, most of the new building activity was for seasonal or second home use. For example, while Wellfleet’s population grew by 10% between 1990 and 2010, seasonal or second home units increased by 76%.
- *Extremely low vacancy rates* – The homeowner and rental vacancy rates were reported as zero in the US Census Bureau’s 2015 census estimates. While an actual zero percent level is impossible given natural turnover, it nevertheless signals the existence of extremely tight market conditions.
- *Significant teardown activity* – There has also been a significant level of teardown activity where typically smaller older homes are demolished and replaced by larger and more expensive ones. For example, half of the 2016 new residential units involved demolition/replacement activity. This would imply that net new housing growth is less than what is being reported in the census and building permit data.
- *Development is substantially constrained by environmental considerations* – As noted above in Section VI.A, the combination of a high level of preserved open space, the prevalence of environmentally sensitive areas distributed throughout town, as well as the substantial amount of property included in the National Seashore make developable property increasingly more difficult to come by, a situation that is exacerbated by high acquisition costs. Additionally, while some nearby communities have wooded areas of upland that can be more readily developed, this is not the case for Wellfleet where the coastal shoreline is such a predominant feature of the landscape.
- *Limited municipally-owned property* – Many communities have relied on Town-owned property on which to build affordable housing, establishing the terms and conditions for the development through a Request for Proposals and a Regulatory Agreement. About a decade ago, the Town conducted a formal review of all Town-owned properties to identify any that might be suitable for some amount of affordable housing and identified ten properties, some of which have been recently developed. Consequently, the Town of Wellfleet owns very

limited developable property and property costs are so high that tax-foreclosed property is a rarity.

Mitigation Measures: Given these limitations, it will be important for the Town to revisit its identified inventory of municipally-owned properties and make the best use of existing development opportunities through redevelopment activities. The potential inclusion of special wastewater treatment facilities or even the sewerage of the downtown or other areas to facilitate somewhat higher density development in appropriate locations should also be explored at some point. These and other rezoning measures are further discussed in Section VIII.

F. Limited Subsidies

The Town of Wellfleet is fortunate to have some important local resources available for affordable housing including the Community Preservation Fund and the Wellfleet Affordable Housing Trust Fund. Such funding has been essential in creating important affordable housing opportunities including support for the Rental Assistance Program (at about \$50,000 per year for the past 10 years) and the BuyDown Program. It also has access to HOME Program funding that is administered by Barnstable County Department of Human Services.

This funding is limited however, with \$650,000 in CPA funding available in 2016 for all use categories and a balance of about \$200,000 in the Wellfleet Affordable Housing Trust Fund. In addition to supporting local programs, these funds can also be very important in leveraging other sources of financing however, although state and federal subsidies for affordable housing preservation and production as well as rental assistance have been prone to budget cuts over the years making funding extremely competitive. A representative from the Cape's regional housing non-profit housing agency, the Housing Assistance Corporation (HAC), even suggested that while obtaining site control for new projects might have been the major challenge in the past, it is now obtaining the necessary financing.

Mitigation Measures: This Housing Plan provides guidance on the use of Community Preservation Funds and the Wellfleet Affordable Housing Trust Fund for affordable housing initiatives that will enable the Town to support the production of new affordable units and leverage other public and private funding sources. Numbers of participants in the first public meeting on this Housing Plan suggested that the Town should make a greater commitment to providing CPA funds for affordable housing initiatives. This Plan also identifies other of revenue sources that have the potential for significantly increasing subsidies for affordable housing.

G. Community Opposition

Residents in most communities are concerned about the impacts that any new development will have on local services and the quality of life, and many may also have negative impressions of affordable housing in general. It is not unusual for the very term "affordable housing" to carry with it a negative connotation or stigma. Therefore, local opposition to new affordable developments is more the norm than the exception in most communities. Residents often prefer the status quo to the uncertain implications of new development and Not in My Backyard (NIMBY) push-back from neighbors can block positive developments, for years in the event of litigation.

There is also strong resident acknowledgement that rising housing prices are compromising their sense of community and that more workforce housing is needed. More people are recognizing that the new kindergarten teacher, their grown children, an elderly neighbor may not be able to afford to live or

remain in the community. Housing for seasonal workers is also a serious concern of local employers. Residents are increasingly aware that those who provide local services, whether they are municipal workers, a waitress in a nearby restaurant, or the local handyman, need an affordable place to live.

Mitigation Measures: Wellfleet will pursue ongoing community education to inform local leaders and residents on the issue of affordable housing, to help dispel negative stereotypes, provide up-to-date information on new opportunities, and to garner political support (see details in Section VIII). It will be important to continue to be sensitive to community concerns and provide opportunities for residents to not only obtain accurate information on housing issues, whether they relate to zoning or new development, but have opportunities for real input.

Of particular importance to these outreach efforts are two major Cape-wide initiatives. First, the Cape Cod Commission and Barnstable County HOME Program have been engaged in a Cape-wide Housing Market Analysis that has included presentations to the public as well as Town officials and committees and projected housing needs and demand. Second, the Community Development Partnership (CDP) and Housing Assistance Corporation (HAC) are in the process of developing a Cape Community Housing Partnership to promote a better understanding of housing needs and opportunities on a regional basis. This Partnership will sponsor training and advocacy activities including a six-part series of workshops as part of a Cape Housing Institute, advocacy training for interest residents, and a social media campaign on the need for greater housing diversity in the region.

H. Demographic Shifts

An additional challenge to meeting local housing needs involves demographic changes that have been taking place over the past several decades and are projected to continue. For example, all age categories below age 45 experienced significant losses between 1990 and 2010 while all those above involved considerable gains. While the overall population grew by 10% between 1990 and 2010, those under age 18 decreased by 28% with a net loss of 143 children. This represented a declining portion of the population – from 20.5% to 14.3%. Those in the 25 to 44 age range, raising their own families and establishing community roots, decreased by 40% between 1990 and 2010.

On the other hand, older adults between age 55 and 64 doubled in number during this period. Also, while those age 65 or older increased by 47% between 1990 and 2010, they are expected to increase by another 74% by 2030, coinciding with the aging of the baby boomers. The housing needs of this expanding population of seniors will need to be addressed in the Town's housing agenda. This need, however, must also be balanced with efforts to try to attract and retain younger residents which lend such important vitality to any community in addition to an important workforce.

An additional part of the challenge is to create housing opportunities that are more in line with various "lifestages", providing housing options beyond the more isolating single-family homes for seniors as well as starter homes for families. Such options are likely to require regulatory relief given potential need for increased density to make development feasible.

Mitigation Measures: Continued funding of the BuyDown Program with some reasonable tweaks will enable the Town to continue to respond to the housing needs of families looking for starter housing. This Plan also suggests some additional opportunities for creating different types of housing to better match the current lifestyles of seniors and those with special need (see Section VIII.C).

VII. HOUSING DEVELOPMENT GOALS

This Housing Needs Assessment and Action Plan is being prepared to meet state requirements under Housing Production. The Massachusetts Department of Housing and Community Development (DHCD) administers the Housing Production Program in accordance with regulations that are meant to provide municipalities with greater local control over housing development. Cities and towns are required to prepare and adopt a Housing Production Plan that demonstrates the production of an increase of at least 0.5% of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory, the equivalent of eight (8) units in the case of Wellfleet.³³ If DHCD certifies that the locality has complied with its annual goal or that it has produced at least 1.0% of its year-round housing (the equivalent of 16 units for Wellfleet), the Town could, through its Zoning Board of Appeals, potentially deny what it considered inappropriate comprehensive permit applications for one or two years, respectively, without the developer's ability to appeal the decision to the state.³⁴

Using the strategies summarized under Section VIII and priority needs and targeted goals established in Section V.F, the Town of Wellfleet has developed a Housing Production Program that estimates affordable housing activity over the next five (5) years. The projected goals are best guesses at this time, and there is likely to be a great deal of fluidity in these estimates from year to year. The goals are based largely on the following criteria:

- At a minimum, at least fifty percent (50%) of the units that are developed on publicly-owned parcels should be affordable to households earning at or below 80% of area median income. The rental projects will also target some households earning at or below 60% of area median income with lower income tiers as well depending upon subsidy program requirements. It should also be noted that the Town can provide CPA assistance to subsidize units for those earning between 80% and 100% of area median income, commonly referred to as "community housing" units, however these units cannot count as part of the Subsidized Housing Inventory or towards annual housing production goals. Some local housing initiatives, such as the Affordable Accessory Dwelling Unit Program, targets workforce housing units to the 120% AMI level, although these units are not eligible for inclusion in the SHI but serve a pressing local need for smaller, year-round rental units.
- Projections are based on no fewer than four (4) units per acre, averaging about eight (8) total bedrooms. However, given specific site conditions and financial feasibility, it may be appropriate to decrease or increase density as long as projects are in compliance with state Title

³³ Massachusetts General Law Chapter 40B, 760 CMR 56.00.

³⁴ If a community has achieved certification within 15 days of the opening of the local hearing for the comprehensive permit, the ZBA shall provide written notice to the applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the applicant wishes to challenge the ZBA's assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

5 and wetlands regulations. Because development opportunities are limited, the Town should make sure that new development makes good use of designated development parcels.

- Because housing strategies include development on privately owned parcels, production will involve projects sponsored by private developers through the standard regulatory process or possibly the “friendly” comprehensive permit process. The Town will continue to work with these private developers to fine-tune proposals to maximize their responsiveness to community interests and to increase affordability to the greatest extent feasible, potentially infusing funding from the Wellfleet Affordable Housing Trust Fund or CPA where appropriate.
- The projections involve a mix of rental and ownership opportunities that reflect the targeted housing goals included in the Housing Needs Assessment (see Section V.F) where at least 75% of the units are directed to rentals. The Town will work with developers to promote a diversity of housing types directed to different populations with housing needs including families, seniors, single occupants and individuals with special needs to offer a wider range of housing options for residents.
- Handicapped accessibility and/or supportive services in at least 10% of all affordable units created in family housing and 20% of all units in affordable senior/single-person housing.

Table VII-1: Wellfleet Housing Production Program

Strategies by Year	Affordable Units @ < 80% AMI	Workforce Units @ 80%-120% AMI or Ineligible for SHI	Total Units*
Year 1 – 2018			
Development of publicly-owned property/ Old King’s Highway Homes/”friendly 40B” (ownership)	3	0	3
Development of publicly-owned property/ 2082 State Highway/”friendly 40B” (ownership and rental)	3	0	3
BuyDown Program (ownership)	2	0	2
Rental Assistance Program (new participants)	0	8	8
Accessory Dwelling Units	0	2	2
<i>Subtotal</i>	<i>8</i>	<i>10</i>	<i>18</i>
Year 2 – 2019			
Certified/Covered under Year 1			
Public property development/”friendly 40B”/Paine Hollow Apartments (rental)	8	0	8
BuyDown Program (ownership)	2	0	2
Rental Assistance Program (new participants)	0	8	8
Accessory Dwelling Units	0	2	2
<i>Subtotal</i>	<i>10</i>	<i>10</i>	<i>20</i>
Year 3 – 2020			
Certified/Covered under Year 2			
BuyDown Program (ownership)	3	0	3
Rental Assistance Program (new participants)	0	8	8
Accessory Dwelling Units	0	2	2
<i>Subtotal</i>	<i>3</i>	<i>10</i>	<i>13</i>
Year 4 – 2021			
Public property development/”friendly 40B”/Land adjacent to Senior Center (rental)	12	0	12
BuyDown Program (ownership)	3	0	3

Rental Assistance Program (new participants)	0	8	8
Accessory Dwelling Units	0	2	2
<i>Subtotal</i>	<i>15</i>	<i>10</i>	<i>25</i>
Year 5 – 2022			
Private property development/cluster development bylaw – pocket neighborhood with bungalow-style units (ownership)	2	8	10
Private property development/special needs housing (rental)	4	0	4
BuyDown Program (ownership)	3	0	3
Rental Assistance Program (new participants)	0	8	8
Accessory Dwelling Units	0	2	2
<i>Subtotal</i>	<i>9</i>	<i>18</i>	<i>27</i>
TOTAL	45	58	103

* The totals include market rate units in addition to the affordable and workforce units.

VIII. HOUSING STRATEGIES TO ADDRESS NEEDS AND GOALS

The strategies outlined below are based on previous plans, studies, a survey of seniors, the Housing Needs Assessment, local housing goals, community input and the experience of other comparable localities in the area and throughout the Commonwealth. Of particular importance was the Community-wide Housing Workshop that was held on May 24, 2017 that included breakout group brainstorming on priority actions for the Town to pursue as part of this Plan. A summary of this Workshop is included as Appendix 4.

The strategies are categorized according to those that will build the community's capacity to promote or preserve affordable housing as well as those related to zoning and direct development or assistance projects. Moreover, the strategies are prioritized with "High" priority actions estimated for immediate attention and implementation during the first two years of this Plan, "Medium" for Years 3 to 4, and "Lower" for longer-term implementation. A summary of these actions is included in Table I-1.

The actions also reflect state requirements that ask communities to address all of the following major categories of strategies to the greatest extent applicable:³⁵

- *Identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating affordable housing developments to meet its housing production goal;*
 - Integrate affordable housing in the Cluster Residential Development Bylaw (see strategy VIII.B.3)
 - Continue to partner with developers on privately owned sites (strategy VIII.C.1 – includes some locations)

- *Identification of specific sites for which the municipality will encourage the filing of comprehensive permit projects;*
 - Continue to make suitable public land available for affordable housing (strategy VIII.C.3)
 - Continue to partner with developers on privately owned sites (strategy VIII.C.1)

- *Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality;*
 - Integrate affordable housing in the Cluster Residential Development Bylaw (see strategy VIII.B.3)
 - Better promote Affordable Accessory Dwelling Units (VIII.B.1)
 - Continue to partner with private developers on privately owned sites (see strategy VIII.A.1) As indicated in strategy VIII.A.1, the Town should continue to work with developers to create affordable housing in line with smart growth principles including:
 - Mixed-use development in appropriate locations
 - Motel or cottage colony conversions to year-round use
 - Accessory apartments
 - Redevelopment of underutilized, nonresidential properties into housing
 - Smaller infill housing in existing neighborhoods

³⁵ Massachusetts General Law Chapter 40B, 760 CMR 56.03.4.

- Cluster development
 - Group homes or other congregate living options for older residents or special needs populations
 - Some multi-generational, multi-family housing
 - Transit-oriented development along Route 6
- *Municipally owned parcels for which the municipality commits to issue requests for proposals to develop affordable housing.*
 - Continue to make suitable public land available for affordable housing (see strategy VIII.C.3)
 - *Participation in regional collaborations addressing housing development*
 - Develop a regional/Lower Cape housing development strategy (strategy VIII.C.4)
 - Participate in Barnstable County HOME Consortium (referenced in strategy VIII.C.4)

It will also be important to insure that affordable units produced through this Plan get counted, to the greatest extent possible, as part of the Subsidized Housing Inventory (SHI), applied through the Local Initiative Program (LIP) administered by the state's Department of Housing and Community Development (DHCD) if another state or federal housing subsidy is not involved. In order to be counted as part of the Subsidized Housing Inventory the units must meet the following major criteria:

- Subsidized or approved by a state subsidizing agency;
- Sold or rented based on procedures articulated in an affirmative fair housing marketing and resident selection plan approved by DHCD;
- Sales prices and rents must be affordable to households earning at or below 80% of area median income; and
- Long-term affordability is enforced through affordability restrictions, approved by DHCD.

In addition to being used for "friendly 40B" projects, LIP can be used for counting those affordable units as part of a Town's Subsidized Housing Inventory that are being developed through some local action including:

- Zoning-based approval, particularly inclusionary zoning provisions and special permits for affordable housing;
- Substantial financial assistance from funds raised, appropriated or administered by the municipality; and/or
- Provision of land or buildings that are owned or acquired by the municipality and conveyed at a substantial discount from their fair market value.

Affordable units created as part of the Town's BuyDown Program fall into this Local Action Unit (LAU) category. Additionally, a Requesting New Units Form must be submitted to DHCD with other required materials to insure that these units get counted.

It should be noted however, that a major goal of this Plan is not only to strive to meet the state's 10% goal under Chapter 40B, but to also serve local needs. Consequently, there are instances where housing initiatives might be promoted to meet these needs that will not necessarily result in the inclusion of units in the Subsidized Housing Inventory; examples potentially include the promotion of

mixed-income housing that includes income tiers above 80% of area median income, the town's Rental Assistance Program, and the promotion of accessory dwelling units.

Within the context of compliance issues, identified local needs, existing resources, community input and the other goals listed in Section II of this Plan, the following housing strategies are offered for consideration. *It is important to note that these strategies are presented as a package for the Town to prioritize and process, each through the appropriate regulatory channels.*

A. Capacity Building Strategies

The May 24, 2017 Community Housing Workshop surfaced a number of comments related to the importance of affordable housing to the community, some participants even suggesting that housing should become the Town's #1 priority issue. The following strategies relate to this expanded commitment to building the Town's capacity to promote and preserve community housing opportunities through *increased education, professional support and financial resources*:

1. Continue to Conduct Ongoing Community Education

Priority: Years 1 to 2

Responsible Parties: Local Housing Partnership and Wellfleet Housing Authority as well as other entities involved in affordable housing-related initiatives such as the Planning Board, Zoning Board of Appeals and Community Preservation Committee

As suggested in the May 2017 Community Workshop, the Town should "find a way to better tell the story about the need for affordable housing to broaden the base of support" and "put a face on those in need".

Current Status: Because most of the housing strategies in this Action Plan rely on local approvals, including those of Town Meeting, community support for new initiatives has and will continue to be essential. Strategic efforts to better inform residents on the issue of affordable housing and specific new initiatives can build local support by generating a greater understanding of the benefits of affordable housing while reducing misinformation, dispelling negative stereotypes, generally promoting greater community acceptance. These outreach efforts

are mutually beneficial as they provide useful information to community residents and important feedback to local leaders on community concerns.

Next Steps: The preparation and presentation of this Housing Needs Assessment and Action Plan offer further opportunities to bring attention to the issue of affordable housing, highlighting updated information on housing needs and proposed strategies that can help attract community support for affordable housing initiatives. Other education opportunities should continue to be pursued such as:

- *Forums on specific new initiatives*

As the Town develops new housing initiatives, the sponsoring entity must hold community meetings to insure a broad and transparent presentation on these efforts to other local leaders and residents, providing important information on what is being proposed and opportunities for feedback before local approvals are requested.

- *Housing summits*

Most communities lack an effective mechanism for promoting regular communication among relevant Town boards and committees on issues related to affordable housing. Having a forum to share information on current housing issues would help foster greater communication and coordination among these entities, even providing opportunities to pursue strategic planning and policy development among local boards. Additionally, inviting residents to some of these meetings can help build community interest, improve communication, and garner support.

The use of social media is an effective outreach tool for the communication of important housing-related information and events, particularly for younger residents. Outreach to area colleges and technical schools can also be helpful in attracting attention from younger adults.

- *Enhanced Website*

The Local Housing Partnership should work with appropriate Town staff on providing a housing section on the Town's website with useful information on housing-related activities, resources and important links. As suggested in the May 2017 Housing Workshop, this website could also create an Affordable Housing Clearinghouse for information on available affordable units.

- *Community Access Television*

Important informational meetings and public hearings related to affordable housing should be televised where possible to provide information to larger numbers of residents on new housing initiatives and issues.

- *Lower Cape Housing Meetings*

The Cape Cod Commission had been organizing meetings of representatives of the Lower Cape, from Orleans to Provincetown, to discuss the range of housing issues that affect the area. Those who were encouraged to attend included members of the Board of Selectmen, Housing Committees/Partnerships/Trusts, and Housing Authorities as well as Town Planners, and representatives of community-based organizations. Efforts should be made to reintroduce these regional meetings. Such meetings would be particularly important in pursuing a regional housing development strategy as proposed in strategy VIII.C.4 which was highly supported by participants in the May 2017 Housing Workshop. If the Cape Cod Commission was unable to coordinate these meetings, each Lower Cape community could take a turn in hosting meetings on at least a quarterly basis.

- *Celebrate success*

The Town should attract attention to any progress that is made with respect to the implementation of this Housing Plan through media and events, potentially offering testimonials from those who benefit from the housing that is created. Because the development of affordable housing is typically a long process that can take great persistence and patience from a wide range of parties, ground-breakings and ribbon-cuttings also offer opportunities for all involved to be acknowledged and feel good about their contributions.

- *Public information on existing programs and services*

The Town should get the word out about existing local and regional programs and services that support renters and homeowners. For example, assistance in making property improvements as well as counseling or workshops in purchasing a home or reducing the risk of foreclosure is available from the Housing Assistance Corporation (HAC) and the Community Development Partnership (CPD). High housing costs are still creating problems for low-income residents despite the recession of a few years ago. For example, renters continue to confront difficulties finding safe and decent rental units, especially during the summer, as market and subsidized rentals are very limited. Owners, including seniors living on fixed incomes, are finding it increasingly difficult to afford the costs associated with rising energy costs, insurance and home improvements, and some have been faced with foreclosure. Additionally, some seniors and those with special needs require handicapped adaptations and repairs to help them remain in their homes. Wellfleet residents might also benefit from technical and financial support in the case of septic failures and Title 5 compliance issues.

- *Educational opportunities for board and committee members*

Local boards such as the Board of Selectmen, Community Preservation Committee, Local Housing Partnership, Zoning Board of Appeals, Planning Board and other interested local leaders, as well as members of the Wellfleet Housing Authority, should be able to receive ongoing training on affordable housing issues. Well advised and prepared board and committee members are likely to conduct Town business in a more effective and efficient manner. New members without significant housing experience would benefit substantially from some training and orientation. Moreover, requirements keep changing and local leaders must keep up-to-date. Funding for the professional development of staff with some role in housing would also help keep them up-to-date on important new developments, best practices and regulations.

The University of Massachusetts Extension's Citizen Planner Training Collaborative (CPTC) offers classes periodically throughout the year and will even provide customized training sessions to individual communities. The Massachusetts Housing Partnership (MHP) conducts its annual Massachusetts Housing Institute, which is "an educational program to support municipalities and local participants to better understand the affordable housing development process and have an effective role in initiating and implementing local solutions to increasing housing choices". Other organizations and agencies, such as DHCD, MHP, CHAPA, and the Community Preservation Coalition, also provide conferences and training sessions on a wide variety of housing issues that would be useful for local officials and staff persons to attend. In addition, there are numerous written resources for localities. For example, DHCD has prepared a procedural "how to" booklet for local communities on the development process, MHP has many technical guides for localities, and CHAPA has a wide variety of reports on many issues related to affordable housing as well.

Of particular importance are upcoming efforts of the Community Development Partnership (CDP) and Housing Assistance Corporation (HAC), with support from the Massachusetts Housing Partnership (MHP), to develop a Cape Community Housing Partnership to promote a better understanding of housing needs and opportunities on a regional basis. The Partnership is undertaking three major initiatives over the next year:

???

- A six-part series of workshops as part of what is being called the Cape Housing Institute will be conducted, modeled on the statewide Housing Institute that MHP coordinates annually. These sessions are planned to provide a wide range of information on housing issues, targeted to local leaders and housing stakeholders. They will be held in various subregions of the Cape starting in October 2017.
- Training for local citizens on how to serve as advocates for affordable housing initiatives will begin in January 2018 to create an informed cadre of residents that can provide useful input and support for affordable housing programs and projects in their communities.
- A public and social media campaign will be launched to provide information on affordable housing to better educate the public on the needs, benefits, and opportunities for promoting greater housing diversity throughout the region.

Resources Required: Volunteer time of members of the Local Housing Partnership to coordinate these activities with potential support from the proposed Housing Coordinator (see strategy VIII.A.2).

2. Hire a Part-time Housing Coordinator

Priority: Years 1 to 2

Responsible Parties: Board of Selectmen with support from the Local Housing Partnership, Wellfleet Housing Authority, and Community Preservation Committee.

Current Status: DHCD guidelines require that each community have a “local project administrator” who is responsible monitoring the affordability of SHI units or designate this task. Most communities designate some staff person or entity to do this work and communities have accomplished this in different ways. For example, Bourne has used CPA funds to hire a part-time Affordable Housing Specialist, expanding the number of hours as the Scope of Work increased over time. The Town of Yarmouth has a housing staff person on board to assume these housing-related functions. Dennis just hired a part-time Housing Coordinator funded through CPA funds, and the Town of Provincetown has a full-time Housing Coordinator.

Next Steps: The Town should determine how best to insure that it has adequate oversight to monitor affordability and insure that all affordable units are counted as part of the SHI and continue to meet all state requirements. Additionally, the Town could use some support in undertaking the following potential activities:

- Staff the Local Housing Partnership;
- Coordinate the implementation of this Plan;
- Provide HOME Program related tasks;
- Answer housing inquiries;
- Maintain a list of those to notify when affordable housing opportunities arise;
- Conduct marketing/lottery work;
- Review and submit reports regarding development proposals;
- Review affordable housing development documents;
- Coordinate new or modify zoning related to affordable housing, working with the Planning Board;

- Assist in the preparation of Requests for Proposals (RFP) for housing projects;
- Provide orientation to new housing-related board members;
- Perform community outreach and education, including the preparation of materials;
- Research funding sources available to supplement local resources;
- Draft criteria to evaluate affordable housing proposals;
- Organize public forums and special events, including housing summits;
- Explore development opportunities; and
- Draft funding guidelines and the action plans for the Affordable Housing Trust Fund.

With input from the Local Housing Partnership and the Housing Authority, the Board of Selectmen should develop a Scope of Services for a part-time housing consultant/housing coordinator and obtain funding from the Community Preservation Committee or Housing Trust Fund. It would then issue a Request for Proposals (RFP) to solicit interest from qualifying professionals or organizations to undertake these services. It should also be noted that other consultants could be brought on as needed to handle specific activities including environmental engineers for predevelopment work, appraisers, surveyors, lawyers, etc.

Alternatively, as part of efforts to explore regional collaborations under strategy VIII.C.4, Wellfleet with other Cape communities might consider establishing a Regional Housing Services Office modeled on those that have been created in the Metro West and North Suburban areas of Boston as well as another being developed in Central Massachusetts. For example, the Metro West Regional Housing Services Office was established as a collaborative effort among the **seven** communities of Acton, Bedford, Burlington, Concord, Lexington, Sudbury, and Weston to provide assistance in planning, permitting, monitoring, maintaining, and increasing their inventory of affordable housing. Each participating community pays an annual membership fee to the Town of Concord, the lead community, to cover the Office's expenses. This fee provides access to part-time consultants with expertise in affordable housing, funded by Community Preservation Funds. The Community Development Partnership (CDP) has begun exploring this option.

Resources Required: Annual funding for a part-time Housing Coordinator typically ranges from \$25,000 to \$35,000 depending upon the Scope of Services. This funding could come from CPA or the Affordable Housing Trust Fund.

3. Provide Sustainable Funding Sources and Incentives

Priority: Years 1 to 2

Responsible Parties: Board of Selectmen with support from the Local Housing Partnership, Wellfleet Housing Authority, and Community Preservation Committee.

Current Status: While Wellfleet is fortunate to have CPA funding and an Affordable Housing Trust Fund to support affordable housing, additional resources are needed. The message that community preservation and economic development can be achieved through affordable or mixed-income housing development is a compelling one for those who care about the community.

While it may be recognized that seasonal rentals and second-home owners subsidize the Town's tax base without utilizing the most costly of services, education, more than half of the new housing stock developed between 2000 and 2015 was for seasonal or occasional use, which has pushed housing prices

beyond the means of most year-round residents and thus has driven the need for more affordable year-round units. Moreover, given that the Lower Cape communities have some of the lowest property tax rates in the Commonwealth, other opportunities to raise funding from temporary residents and landlords should become priorities. Wellfleet has recently taken some decisive action in this regard.

If passed by the state legislature, this will enable the Town to devote more resources towards the implementation of this Housing Plan.

Wellfleet's Town Meeting recently voted to authorize the Board of Selectmen to file a petition for special legislation that would authorize the Town to impose a 0.5% real estate transfer tax of the purchase price of any real property, exempting the first \$500,000 of the purchase price among several other exemptions.

and

Wellfleet's recent Annual Town Meeting also approved a room occupancy tax that renews a previous petition voted at the 2015 Annual Town Meeting which has not been acted upon by the State Legislature. Representative Peake's Office has requested that it be re-voted for the next legislative session. The petition would make vacation rentals subject to the same room tax as is currently paid by hotels and motels.

Estimates suggest that the real estate transfer tax will generate approximately \$30,000 per year in revenue and that the room occupancy tax would raise about \$250,000. It would be important for LHP and WHA to advocate that a significant amount of these new revenue sources be appropriated in support of affordable housing efforts.

Next Steps: the Town might explore the following other options for tapping into different funding streams, potentially in concert with neighboring communities:

- Wellfleet's Community Preservation Committee and Town Meeting have been generous over the years with respect to providing CPA funding for housing with almost \$3 million in allocations of the approximately \$7.3 raised since CPA was adopted in town. There was some sentiment during the May 2017 Housing Workshop that there should be an even *greater commitment of CPA funds* given the importance of the issue. Some communities, like Sudbury and Grafton for example, have authorized that 10% of the annual CPA funding be automatically deposited into their Housing Trust Funds to further capitalize these funds which enable the Trusts to respond to development opportunities by acquiring property without significant wait time.
- Exploring a *two-tier tax system* that provides a somewhat lower tax rate for year-round units as opposed to seasonal or occasional ones.
- Using *regional appropriations of CPA funding* based on the premise that housing that is developed in one community is likely to benefit residents of other nearby communities as well. Recent examples of such an approach include Cape Cod Village in Orleans, Campbell-Purcell

Wellfleet also exempts landlords from a portion of real estate taxes for units that are rented year-round to eligible tenants at rents that do not exceed HUD Fair Market Rents (FMRs). This benefit should be widely publicized to increase awareness and its use.

Community Housing in Eastham and potentially the Governor Prence development, also in Eastham. More information on these developments is included in strategy VIII.C.4.

- Providing information to owners on the *potential tax advantages* of donating property or selling property at a discounted price for charitable purposes. Such funding or property could be targeted to Wellfleet's Affordable Housing Fund.
- Pursue *innovative technology grants* to support more sustainable and denser development such as those related to solar energy.

Required Resources: Donated time from members of the Local Housing Partnership which could be greatly assisted by the additional professional support recommended in strategy VIII.A.2.

B. Zoning Strategies

Zoning is a powerful tool for guiding development to appropriate locations and mandating or incentivizing the inclusion of public benefits, including affordable housing. The following zoning-related actions are proposed for consideration:

1. Better Promote Affordable Accessory Dwelling Units (AADU's)

Priority: Years 1 to 2

Responsible Parties: Planning Board with support from the Local Housing Partnership and Wellfleet Housing Authority

Current Status: The Town has made the promotion of affordable accessory dwelling units a priority since 2004 when it introduced the Wellfleet Affordable Accessory Dwelling Unit (AADU).³⁶ As indicated in the 2007 Housing Action Plan, AADU represents an effective and well-supported option for increasing community housing opportunities without resorting to new housing units. It recognizes that Wellfleet's retirement community and seasonal owners can benefit from the security and income offered by an accessory dwelling unit."³⁷

The Town defines such a unit as a year-round living space located within or attached to a principal dwelling, principal structure, a garage, or constructed as a detached unit. Units may not be larger than 1,200 square feet of livable floor area. Because the Program does not require deed restrictions nor mandates that tenants be selected from a pre-qualified Ready Renters List, the units are not eligible for inclusion in the Subsidized Housing Inventory although they are in fact relatively affordable based on specified income limits (up to 120% of median income for Barnstable County annually adjusted by household size by HUD) and rent limits (based on annually adjusted HUD Fair Market Rents according to the number of bedrooms). Up to three affordable accessory dwelling units are allowed per lot, and owners may occupy the principal dwelling or the affordable accessory dwelling unit(s). Septic systems are required to meet Title 5 standards.

Wellfleet has established the following process for approving Affordable Accessory Dwelling Units (AADUs):

³⁶ Wellfleet Zoning By-laws, Section 6.21.

³⁷ Development Cycles, Community Housing Action Plan, 2007.

- Property owner applies for a Special Permit.
- Building Inspector and Board of Health visit and inspect the unit to determine if there are any health and safety violations that must be corrected prior to the owner obtaining the Special Permit.
- The ZBA reviews the application and the reports submitted by the Building Inspector and Board of Health, holds a public hearing, and grants the Special Permit.
- The Building Inspector issues a Certificate of Occupancy.
- A list of qualified tenants is available to property owners or owners may be able to select their own tenant.
- Prospective tenants must submit income information to the Assistant Town Administrator who documents that they qualify for the units. Once qualified, property owners will be officially notified of the monthly rent they are able to charge based on HUD Fair Market Rents (FMRs).
- The Town Assessor issues a tax abatement to the property owner based on a specified formula, without the need for the owner to submit to a separate application process.³⁸
- The property owner annually submits forms that document the continued eligibility of the tenant and use of HUD Fair Market Rents.
- They leave the marketing of the units and parking issues up to the owners.
- The program does not involve any fees.

If a property owner decides at some point to opt out of the Special Permit, they must inform the Building Inspector and remove the kitchen in the accessory unit. They are allowed to convert the space to other uses such as a “private guest house” or office.

The number of permitted units varies from about 12 to 16. The occupants tend to include both older and younger single adults.

Next Steps: The Town should consider the following options to better promote AADU’s in the community:

- Offer amnesty for owners of illegal units to make them legal if rented affordably. This provision would also help remedy potential health and safety problems associated with illegal units.
- There was some discussion in the past about the Town providing no interest, deferred loans to support necessary improvements, however this program was never implemented. Establishing a Revolving Loan Program with CPA and/or Housing Trust funds makes sense. There are good models to use in implementing such a program although the maximum amount provided per participant is an important decision. Such a program would have to be limited to those earning at or below 100% AMI however.
- Consider adding a “by right” provision as proposed in the model Accessory Dwelling Unit bylaw that is being promoted by the Cape Cod Commission Cape or as part of a two-tier approach used by Lexington and Newton for example.³⁹

³⁸ The property tax exemption is based on the assessed value of the property multiplied by the square footage of the accessory unit divided by the total square footage of the property.

³⁹ These bylaws include by-right approvals if the unit meets standard requirements related to minimum bedroom count, minimum lot size, minimum unit size, ownership, parking access, and matching architectural character for example. A Special Permit option is also allowed for non-standard situations in the case of detached or external

- Expand the tax incentives for creating accessory dwellings.
- Provide subsidies to encourage developers of new units to create AADU's.

Resources Required: Donated time of the Planning Board should coordinate this effort with other appropriate local officials, drafting the zoning amendment and coordinating the necessary approvals towards implementation. This strategy is also likely to require professional support from the Town Planner/Assistant Town Administrator with input potentially from the proposed Housing Coordinator (see strategy VIII.A.2) and/or a consultant that could be covered by CPA funding or the Affordable Housing Trust Fund.

2. Adopt Inclusionary Zoning

Priority: Years 3 to 5

Responsible Parties: Planning Board with support from the Local Housing Partnership and Wellfleet Housing Authority

Current Status: Inclusionary zoning, not currently included in Wellfleet's Zoning By-law, is a zoning provision that requires a developer to include affordable housing as part of a development or potentially contribute to a fund for such housing. This mechanism has been adopted by 161 communities in the state.

Studies on inclusionary zoning indicate that mandatory provisions coupled with strong incentives are most effective in promoting affordable housing. It is important to provide sufficient incentives to developers to make sure that the incorporation of affordable units will be financially feasible. Incentives also reduce the risk of litigation from developers who claim that the mandatory inclusion of affordable units involves a "taking" of their property rights. In fact inclusionary zoning can be legally vulnerable if requirements make it impossible for the developer to earn a reasonable return on the project as a whole.

Many of the municipalities that have inclusionary zoning in place are reaping the rewards of these actions through the creation of actual affordable units and/or cash contributions to the locality for investment in affordable housing production. Most of the by-laws include mandated percentages of units that must be affordable, typically 10% to 20%, and density bonuses⁴⁰. Some also allow the development of affordable units off-site and/or cash in-lieu of actual units. Table VIII-1 provides a summary of some inclusionary zoning requirements from other communities.

Next Steps: There are a variety of by-laws that have been adopted in localities throughout the state but requirements vary considerably. The Executive Office of Environment and Energy's Smart Growth Toolkit includes a model inclusionary zoning by-law that highlights key local decisions and makes some commentary for consideration throughout (www.mass.gov/envir/smart_growth_toolkit/pages/SG-by-laws.html). The Citizen Planner Training Collaborative website has a model by-law with commentary and some policies as well (www.umass.edu/masscptc/exampleby-laws.html).

apartments, apartments located in commercial buildings or units that do not meet the minimum standards for the by-right approval.

⁴⁰ Density bonuses allow increased densities beyond what is allowed under the Zoning By-law.

The Wellfleet Planning Board should explore models and prepare a zoning amendment that is best suited to supporting affordable housing in the community. The Planning Board should prepare, adopt and present the by-law to Town Meeting for adoption. Ideally the adoption of this by-law would lead to the production of actual housing units, but may also deliver payments in lieu of actual units to help capitalize Wellfleet’s Affordable Housing Trust Fund.

Table VIII-1: Summary of Inclusionary Zoning Requirements in Other Communities

Municipality	Required Percentage of Affordable Units	Minimum Project Size	Payment-in-lieu of Affordable Units
Amherst	Based on project size Ranges from 7% to 12%	10 Units	No
Arlington	15%	6 Units	Yes
Barnstable	10%	10 Units	Formed a committee to study
Belmont	10%, 12.5% or 15% depending on project size	2 single-family or two-family homes	Yes
Brookline	15%	6 Units	Yes
Cambridge	15%**	10 Units	Yes
Duxbury	10%	6 Units	Yes
Hopkinton	10%	10 Units	Yes
Medway	10%	6 Units	Yes
Newton	15%	4 Units*	Yes
Provincetown	16.67%	2-5 (payment in-lieu) 6 Units	Yes
Somerville	12.5% to 20% depending on location	6 Units*	Yes
Tewksbury	15%	4 Units*	Yes
Watertown	15%	5 Units	Yes
Wellesley	20%	5 Units	Yes
Yarmouth	20%	5 Units	Yes

*Zoning indicates that the calculation of a fractional unit of 0.5 or more shall be regarded as a whole unit. With a 12.5% to 15% affordability requirement, the 0.5 threshold occurs with four (4) total units.

** Considering increasing the percentage to 20%.

Provincetown passed an Inclusionary Zoning Bylaw at its recent Annual Town Meeting in April 2017 that requires one-sixth (16.67%) of new units produced in housing projects of six (6) or more units be

affordable or community housing units⁴¹ under the Special Permit process through the Planning Board. The development of 2 to 5 new dwelling units also requires a Special Permit and includes a payment-in-lieu condition of providing a fractional unit payment to be made to the Town's Affordable Housing Fund as follows:

- For 2-3 new units, the payment = (total # of new units) x (16.67%) x (affordability gap)⁴² x (33%)
- For 4-5 new units, the payment = (total # of new units) x (16.67%) x (affordability gap) x (50%)
- Developers of 2-5 units can opt to exceed the 16.67% requirement and build or rehabilitate an affordable/community unit(s) on-site or off-site instead of making the payment and also be eligible to take advantage of incentives in the bylaw.
- For year-round rental units, a lien is placed on the property and the payment is deferred until such time that the year-round use ceases with the full balance due at that time.

The bylaw also allows payments in-lieu of actual units in projects of 6 or more units based on the following formulas:

- For 6-9 new units, the payment = (total # of new units) x (16.67%) x (affordability gap) x (67%)
- For 10 or more new units, the payment = (total # of new units) x (16.67%) x (affordability gap)

Land donation-in-lieu of providing affordable/community housing units is also allowed under specific conditions. Incentives are also provided in the bylaw for any project that meets or exceeds the minimum 16.67% requirement through bonuses on density, height, building permit fee reduction, and a streamlined permitting process. There are also provisions for off-site development.

Wellfleet might consider some of these provisions and those from other models, although targeting the affordable units to those earning at or below 80% AMI should be a priority given the number of renter households in the community who are spending far too much of their income on housing costs.

Resources Required: The Planning Board should coordinate this effort with other appropriate local officials, drafting the zoning amendment and coordinating the necessary approvals towards implementation. This strategy is also likely to require professional support from the Town Planner/Assistant Town Administrator with input potentially from the proposed Housing Coordinator (see strategy VIII.A.2) and/or a consultant that could be covered by CPA funding or the Affordable Housing Fund. Potential technical assistance funding could come from the DHCD's Planning Assistance Towards Housing (PATH) Program.

The monitoring of affordability will also be important for the town to oversee, both initially to insure inclusion in the SHI and on an ongoing basis.

⁴¹ Affordable housing is defined as units targeted to those earning at or below 100% of area median income (AMI) for Barnstable County with the household paying no more than 30% of income on housing costs. Community housing is defined as units targeted to those earning above 100% of area median income for Barnstable County and up to 180% AMI with the household paying no more than 30% of income on housing costs.

⁴² The affordability gap is defined as the difference between the average assessment of all one-and two-bedroom condominiums in Provincetown and the sale price a one or two-bedroom housing unit affordable to a two-person household earning at 80% of area median income for Barnstable County.

3. Integrate Affordable Housing into the Cluster Residential Development Bylaw

Priority: Years 3 to 5

Responsible Parties: Planning Board with support from the Local Housing Partnership and Wellfleet Housing Authority

Current Status: Wellfleet’s Zoning By-law includes a Cluster Residential Development By-law “to allow intensive use of land while at the same time maintaining existing character; preserve open space for conservation and recreation; introduce variety and choice into residential development; meet housing needs; and facilitate economical and efficient provision of public services.”⁴³ Such developments respond to “smart growth” principles by promoting more compact development and preserving open space. These developments are processed through a Special Permit of the Planning Board that needs to determine that the proposed design is preferable to a conventional grid-type subdivision (requirements are included in Section VI.B). The by-law does not include any requirements or incentives for including affordable housing.

Next Steps: The Town should consider density bonuses for the integration of some amount of affordable housing into the By-law and allow some multi-family dwelling types as well. More incentivized density bonuses and affordability requirements should encourage mixed-income development and support greater project feasibility.

The Planning Board should review model by-laws and tweak the existing one. Model by-laws have been produced by the Metropolitan Area Planning Council, Massachusetts Audubon, and others in the Green Neighborhood Alliance, and adopted by a number of Massachusetts communities. Several examples are offered on the Citizen Planner Training Collaborative website (www.umass.edu/masscptc/exampleby-laws.html) and the state’s Smart Growth Toolkit (www.mass.gov/envir/smart_growth_toolkit/pages/SG-by-laws.html).

Resources Required: The Planning Board should coordinate this effort with other appropriate local officials, drafting the zoning amendment and coordinating the necessary approvals towards implementation. This strategy is also likely to require professional support from the Town Planner/Assistant Town Administrator with input potentially from the proposed Housing Coordinator (see strategy VIII.A.2) and/or a consultant that could be covered by CPA funding or the Affordable Housing Fund.

4. Allow More Diverse Housing Types in More Areas

Priority: Years 3 to 5

Responsible Parties: Planning Board with support from the Local Housing Partnership and Wellfleet Housing Authority

Current Status: Wellfleet’s Zoning Bylaw significantly limits multi-family housing development. Both Residential Districts in Wellfleet restrict housing development to single units solely with multi-family structures allowed only in Commercial C District.

⁴³ Wellfleet Zoning By-laws, Section 6.6.1.

As Table VIII-2 indicates, this is not a unique circumstance among communities in Massachusetts. For example, on the Cape and the Islands, 87% of the communities do not have zoning for multi-family housing with almost all of the developable land without such zoning. This is higher than any other region in the state. While this data is relatively old, it is likely that there have been very limited changes in local zoning to better promote multi-family housing development throughout the region and state.

Table VIII-2: Summary by Region of Multi-family Housing Zoning Restrictions

Region	% Without Multi-family Zoning	% of Regions' Developable Land without Multi-family Zoning
MA Average	74%	83%
Berkshire	84%	84%
Boston	59%	79%
Cape and Islands	87%	98%
Central MA	76%	82%
Northeast	76%	82%
Pioneer Valley	75%	82%
Southeast	77%	88%

Source: Massachusetts Department of Environmental Affairs, Buildout Analysis 2000-2002

The Town does have a local Chapter 40B bylaw under Section 6.28, Provisions to Encourage the Development of Affordable Dwellings. Zoning defines an affordable dwelling development as having at least 50,000 square feet of land with at least 25% of the units created as affordable and eligible for inclusion in the Subsidized Housing Inventory (SHI). Permitting is by Special Permit of the Planning Board in both residential and commercial districts. Further details on this bylaw are included in Section VI.B. While this bylaw gives the Planning Board considerable discretion in waiving some requirements, no units have been permitted under the bylaw to date.

The Planning Board did approve the Habitat project of three houses on three acres but when neighbors appealed, Habitat chose to go to ZBA under state 40B. There have been some local concerns that the bylaw might not stand up to appeals should abutters decide to go to the courts, and the Town has relied on the state's Chapter 40B process instead.

It should be noted that Wellfleet has two mobile home parks with ownership units at Harborside Village and more typical leased units at Massasoit Park. The Town considers these homes to be very important components of its year-round more affordable housing stock. Problems have been encountered in financing these units however.

Because affordable housing typically depends on economies of scale, particularly in areas like Wellfleet with such high property values, it is difficult to develop such housing at a scale sufficient enough to meet housing production goals or without very deep subsidies. Without appropriate zoning or the Chapter 40B comprehensive permit process, various housing types that can address local needs are not permitted.

Participants of the May 2017 Housing Workshop recommended that the Town explore ways to change zoning to increase density and better address community needs including allowing more diverse housing types and permitting smaller lot development. They also suggested that the Town be more creative in its approach to affordable housing and explore some innovative types of housing such as converted shipping containers, yurts, trailers, and tiny houses. Such housing types would likely need special zoning. Other types of housing that are potentially more affordable and suitable for rentals, starter homes or for downsizing might include:

- *Bungalow or cottage housing in pocket neighborhoods*
This type of housing has been popular in the West Coast of the country where there is an intense focus on smart growth development principles and accommodating increasing numbers of smaller households. The model involves the development of small cottages or bungalows that are clustered around a community green space. This housing type targets empty nesters, single professionals, and young couples. Such development provides opportunities for the ownership or even rental of small, detached dwellings within or on the fringe of existing neighborhoods, often enhancing affordability while simultaneously encouraging the creation of more usable open space for the residents through flexibility in density.
- *Mixed-use, “above the shop” type housing*
Mixed-use structures with commercial space on the ground floor and residences above can enhance business areas where some greater density is appropriate. By providing housing in close proximity to goods, services, and transportation, the housing can provide more revenue to local businesses and vitality to town and village centers. Wellfleet prudently allows mixed-use, “above the shop” type housing in its Main Street Overlay District, but there may be additional opportunities for such development along the Route 6 corridor with bus service.
- *Zero-lot-line units/Townhouses*
Zero-lot-line units involve residential structures that come up to or very nearly approach the edge of the property line in order to create more usable space. Such units include rowhouses, garden homes, patio homes and townhomes and are sometimes referred to as half homes. These units are typically developed as condominiums but can also be rentals.
- *Co-housing*
The cohousing concept originated in Denmark with a focus on knowing one’s neighbors and providing a safe and nurturing environment for children, harking back to the “intentional communities” concept that was introduced in the mid-19th Century. These developments are cooperative neighborhoods, typically with homes clustered around a common building with facilities that are shared by all residents (dining room, kitchen, play rooms, library).
- *Senior housing/Assisted Living*
There are no assisted living options in Wellfleet and residents who require significant supportive services typically must relocate to other communities. While some assisted living facilities integrate an amount of affordability, most such units are extremely expensive.

- *Congregate housing*

Congregate housing can take many forms and other names for such housing have included supported housing, life-care homes, boarding or rooming houses, sober houses, congregate retirement housing, congregate senior communities, residential care, sheltered housing, enriched housing, single room occupancy (SRO) housing, enhanced single room occupancy (ESRO), safe havens, etc. Cohousing and group homes share elements of congregate living as well. Besides the assisted living options mentioned above, these housing types can be effective in meeting the needs of an increasingly older population and those with special needs.

- *Live-work space*

Live-work space, sometimes referred to as zero commute housing, are spaces where artists or other workers combine their residence with their work area, typically in an open floor plan offering large, flexible work areas. Community Housing Resource, Inc. has been particularly successful in developing this type of housing.

Next Steps: The Planning Board, with support from the Local Housing Partnership and Wellfleet Housing Authority, should consider where somewhat denser housing development might be added, scrutinizing its zoning districts for opportunities to weave more diverse housing types, including multi-family housing, into neighborhoods. Areas near transportation access and commercial uses should be priorities.

Development can be designed to be harmonious with the existing built environment. There are potential sites that might accommodate a housing unit or small number of units or even conversions of existing properties to serve local affordable housing needs, particularly small starter units, affordable rentals, and special needs housing. The potential of developing non-conforming lots that still provide adequate space for new housing should also be considered.

As reported by the Lincoln Institute of Land Policy, “Urban planners and public officials are focused on developing housing types that restore the ‘missing middle’ – row houses, duplexes, apartment courts, and other small to midsize housing designed at a scale and density compatible with single-family residential neighborhoods.” The “missing middle” concept grew out of the New Urbanism movement “to inject more moderately-priced housing into residential neighborhoods, from shrinking or subdividing lots to adding accessory dwelling units (ADUs), to expanding legal occupancy in homes.”⁴⁴ It suggests housing types that “typically have small to medium-size footprints with a body width, depth, and height no larger than a single-family home. They can blend into a neighborhood as compatible infill, encouraging a mix of socioeconomic households and making more effective use of transit and services.”⁴⁵

Many of the housing types listed above can conform to this “missing middle” concept and respond to the community’s need for smaller units, rental units in particular. These housing types are either not allowed in local zoning or substantially restricted. Zoning changes should be considered to allow more types of housing in the use restrictions and guide such units to appropriate locations with feasible densities to allow for some inclusion of affordable units. This new zoning can include design guidelines to insure that new housing is harmonious within the local architectural context.

⁴⁴ Ibid.

⁴⁵ Ibid.

The Town might also pursue opportunities to support the financing of mobile homes as they turnover, potentially working with local lenders on a special loan pool that the Town can help capitalize through the Wellfleet Affordable Housing Trust Fund or other resources as discussed in strategy VIII.A.3.

Resources Required: The Planning Board should coordinate this effort with other appropriate local officials, drafting the zoning amendment and coordinating the necessary approvals towards implementation. This strategy is also likely to require professional support from the Town Planner/Assistant Town Administrator with input potentially from the proposed Housing Coordinator (see strategy VIII.A.2) and/or a consultant that could be covered by CPA funding or the Affordable Housing Fund. Technical assistance funding might also be available from DHCD’s Planning Assistance Toward Housing (PATH) Program.

5. Allow Year-round Use of Condominiums

Priority: Longer Term

Responsible Parties: Planning Board with support from the Local Housing Partnership and Wellfleet Housing Authority

Current Status: The Zoning By-laws do not address condominiums per se, but define a cottage colony as – “A group of two or more detached dwellings located on the same lot, each containing one dwelling unit only which is designed for independent family living including cooking facilities and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year. Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft.”⁴⁶

Since these cottage colonies contain units that are comparable to condominiums and may offer some smaller and more affordable housing alternatives, the Town might consider greater flexibility in the zoning by-laws to enable these units to be converted to year-round use and to create other condos for year-round occupancy. At this point only one unit can be available for year-round occupancy in each colony. Nevertheless, the converted units can provide an important affordable alternative to single-family homes, especially for changing lifestyles as a result of demographic shifts.

Next Steps: The Planning Board should amend the Zoning By-laws and permit the conversion of these cottage colonies to year-round use based on certain conditions. Amendments to the By-law should also include a definition of a condominium and allow new construction or conversion of other dwelling types to increase a diversity of housing types, particularly smaller year-round units for increasing numbers of smaller households. The size restrictions should also be modified to allow for somewhat larger units.

Additionally, the Town might consider subsidizing the conversion of such units through its Affordable Housing Fund if the units meet affordability requirements under the state’s Local Initiative Program (LIP) and are eligible for inclusion in the SHI. Given potential additional funding streams through the approval of the transfer tax and room occupancy tax (see strategy VIII.A.3), the Town may have more funding to support additional initiatives that address local housing needs.

Resources Required: The Planning Board should coordinate this effort with other appropriate local officials, drafting the zoning amendment and coordinating the necessary approvals towards

⁴⁶ Wellfleet Zoning By-laws, Section 2.1, Definitions.

implementation. This strategy is also likely to require professional support from the Town Planner/Assistant Town Administrator with input potentially from the proposed Housing Coordinator (see strategy VIII.A.2) and/or a consultant that could be covered by CPA funding or the Affordable Housing Fund.

C. Development and Assistance Strategies

In addition to continuing existing housing assistance programs, the following strategies rely on partnerships between the Town and private developers on the development of both private and publicly-owned properties as well as among communities through creative regional solutions to addressing housing needs:

1. Continue to Make Suitable Public Property Available for Affordable Housing

Priority: Years 1 to 2

Responsible Parties: Board of Selectmen with support from the Local Housing Partnership and Wellfleet Housing Authority

Current Status: As indicated in Section VI, major obstacles to developing affordable housing in Wellfleet include the limited availability of developable property, publicly-owned property in particular. Nevertheless, there is a precedent for providing publicly-owned property for affordable housing including:

- Habitat for Humanity properties on Spring Valley Road and Atwood Avenue.
- 2082 State Highway, a 1.74-acre property that the Town is planning to build homeownership units, recently issuing a Request for Proposals (RFP) to select a developer Not Town property. WHA purchased with CPA funds.
- Old Wharf Road homes.
- Parcels being developed by Community Housing Resource, Inc. as part of the Paine Hollow and Gull Pond Road rental developments.
- Oyster Lane where six affordable homeownership units were created with a comprehensive permit.
- Fred Bell Way, also known as Wellfleet Apartments, includes 12 affordable rental units and is currently managed by CDP.⁴⁷

In addition to the 2082 State Highway parcel, there are other Town-owned properties that are under some preliminary consideration for affordable housing development. In 2015, the Horsley and Witten Group completed a study of Town-owned parcels to determine their potential feasibility for housing development. They identified only 10 properties, and of these, two included Gull Pond and Paine Hollow, both of which are now in development. DPW and WHA requested that several properties located near the Elementary School and the older COA be set-aside for affordable housing but met resistance. Another parcel that was identified is referred to as the “sandpit”. This and other properties on the Horsley and Witten list would be worth revisiting.

Another potential opportunity is the land adjacent to Wellfleet’s Senior Center which is owned by the Town and includes nine acres within the National Seashore. While the site might accommodate at least

⁴⁷ The property was acquired by the Wellfleet Housing Authority in 1999.

12 housing units, given that it is located on a buffer area for a public well, it had not been developable given water issues. The water problems have been resolved. Another constraint is that Town-owned land within the Seashore can only be used for a municipal purpose. Nevertheless, if the Town conveys the property for the purpose of developing affordable housing, it could then be considered a municipal purpose. It will be important for the Town to discuss such development with the National Seashore.

The Town may also decide to acquire privately-owned sites at some time in the future for the purposes of developing some amount of affordable housing, potentially including other uses such as protecting open space, preserving historic properties, and/or recreational opportunities. CPA funding is an important resource for such acquisition. For example, the Towns of Carlisle and Falmouth acquired land for affordable housing development including open space preservation and other public benefits. Should the transfer tax and room occupancy tax be approved by the state, the Town will have additional resources to respond to development opportunities as they arise.

Next Steps: The Local Housing Partnership and Wellfleet Housing Authority will continue to work with other Town boards and committees to pursue surplus municipal property for the development of affordable housing, including possible tax title property as well. For such properties, when identified, the Town should focus on providing the following types of support:

- *Predevelopment Work* – The Town should support the costs of preliminary feasibility analyses of existing Town-owned parcels with funding through Community Preservation funds or the Affordable Housing Trust Fund. Town is using some CPA funding on some site analyses on 2082 State Highway such as test wells.
- *Request for Proposals (RFP)* – Following the necessary approvals for the conveyance of Town-owned properties, the Assistant Town Administrator with support from the Local Housing Partnership and Wellfleet Housing Authority, and potentially the proposed Housing Coordinator or a consultant, will prepare a Request for Proposals (RFP) to solicit interest from developers based on the Town’s specific project requirements and select a developer also based on identified criteria included in the RFP.
- *Permitting* – Projects will more typically require densities or other regulatory relief beyond what is allowed under the existing Zoning By-laws, and this will likely be obtained through the “friendly” comprehensive permit process under DHCD’s Local Initiative Program (LIP), the Town’s local 40B bylaw, or other special zoning. The Chapter 40B has been used in the past in the development of a number of former Town-owned parcels including Paine Hollow Road and Gull Pond Apartments for example.
- *Advocacy* – The Town will need to be involved in helping the selected developer secure necessary financial, technical and political support. Evidence of municipal support is critical when seeking financial or technical assistance from regional, state or federal agencies.
- *Gap Financing* – Comprehensive permits typically do not involve external public subsidies but use internal subsidies by which the market units cross-subsidize the affordable ones. Because development on Town-owned properties will likely include more affordable units than are required under Chapter 40B to boost the public benefits associated with the conveyance of Town-owned property for affordable housing, it is likely that local funding will be necessary to

leverage additional sources of financing from regional, state and/or federal governments and make development financially feasible.

- *Monitoring* – It will be important for the Town to insure that the affordable units that are produced meet all state requirements if they are intended to be eligible for inclusion in the SHI. If not designated as the Monitoring Agent, the Local Housing Partnership or the Wellfleet Housing Authority should obtain annual reports regarding the continued compliance of all SHI units with respect to affordability.

Resources Required: Local resources will be required to help subsidize the development and leverage other sources of financing, the amounts dependent on the size and type of the development, the numbers of affordable units, and the targeted income level(s).

The donated time of members of the Local Housing Partnership and other Town boards and committees (such as Assessing, ZBA, and Community Preservation Committee) will be important as well as coordination from the Assistant Town Administrator and potentially the proposed Housing Coordinator (see strategy VIII.A.2) or a consultant.

Projected # Affordable Units Produced: 26 units

2. Continue to Partner with Developers on Privately Owned Sites

Priority: Years 1 to 2

Responsible Parties: Planning Board or Zoning Board of Appeals with support from the Local Housing Partnership and Wellfleet Housing Authority

Current Status: Continuing to work cooperatively with private developers, non-profit and for profit, is a major component of this Housing Plan. The Town already has a good track record working with developers on affordable housing, non-profit developers in particular. For example, the Community Development Partnership (CDP) is managing units at Fred Bell Way, a 12-unit affordable rental development off of Old County Road. Additionally, Habitat for Humanity of Cape Cod has built four homes on Spring Valley Road and Atwood Avenue in Wellfleet. Community Housing Resource, Inc. is building eight affordable rentals on Paine Hollow Road as well as an additional six rentals as part of the Gull Pond Apartments development.

With incentives created in the zoning bylaw to promote affordable housing (see Section VI.B) and with the availability of the “friendly 40B” option or even local 40B provisions, the Town is in a good position to continue to work cooperatively with developers to guide new development that incorporates affordable units and smart growth principles including the following types of development:

- Mixed-use development in appropriate locations
- Motel or cottage colony conversions to year-round use
- Accessory apartments
- Redevelopment of underutilized, nonresidential properties into housing
- Smaller infill housing in existing neighborhoods
- Cluster development
- Group homes or other congregate living options for older residents or special needs populations

- Some multi-generational, multi-family housing
- Transit-oriented development along Route 6

Recommendations from the May 2017 Housing Workshop also included the following locations for potential housing development:

- Walkable areas near the downtown
- Barracks on National Seashore (Air Force Base)⁴⁸
- Areas near the Senior Center (near amenities)
- All over town through a relaxed Accessory Dwelling Unit bylaw
- Other communities with infrastructure and amenities
- Central District (still have septic issues)
- Converting cottage colonies
- “Landing strip” off of Ocean View Drive
- Undersized lots
- Excess cemetery space
- Movable seasonal workforce housing
- Land on way to the dump along Coles Neck Road
- Land with Town water services
- Land swaps with the National Seashore⁴⁹
- Wellfleet by the Sea (Large area of Town-owned land in National Seashore)

Next Steps: The Town will focus on the following approaches for creating new affordable units on privately-owned parcels in line with “smart growth” principles:

- *Zoning Changes* – The longer-term zoning strategies included in Section VIII.B in addition to current zoning should provide a reasonable framework for new development that will include some amount of affordable housing.
- *Chapter 40B* – Comprehensive permits, particularly the “friendly” 40B process through the state’s Local Initiative Program (LIP), have proven to be a useful tool in many communities for projects that require significant waivers of local zoning but meet local needs and priorities. Wellfleet has used the comprehensive permit process on several developments including Oyster Lane, Wellfleet Apartments, and Paine Hollow for example.

Locations where the “friendly” 40B process make the most sense include those listed above as recommended by participants of the May 2017 Housing Workshop. Any future development of municipal sewer services would provide opportunities for somewhat denser development that would make affordable housing financially more feasible.

- *Local 40B Provisions* – While Section 6.28 of the Zoning By-laws, Provisions to Encourage the Development of Affordable Dwellings, has not been used to date, there may be opportunities to apply this zoning in the future.

⁴⁸ This property is under federal jurisdiction and would require negotiations with the federal government.

⁴⁹ Ibid.

Resources Required: Donated time from the Local Housing Partnership in providing initial feedback on housing proposals with potential support from the proposed Housing Coordinator (see strategy VIII.A.2). Donated time from members of the Planning Board and Zoning Board of Appeals will also be required with respect to permitting. In many cases, subsidies will also be required to fill funding gaps to make projects economically feasible and to leverage other sources of public and private financing.

Projected # Affordable Units Produced: 6 units

3. Continue to Fund Local Housing Programs

Priority: Years 1 to 2

Responsible Parties: Board of Selectmen and Community Preservation Committee with support from the Local Housing Partnership and Wellfleet Housing Authority

Current Status: The Town has established two important local housing initiatives including:

- ***Wellfleet BuyDown Program***

The Wellfleet Housing BuyDown Program provides up to \$150,000 in CPA subsidy towards purchasing a Wellfleet home, lowering the price to first-time homebuyers earning at or below 80% AMI and thus making a lower-end, market-rate, Wellfleet home affordable. In exchange for the subsidy, the purchase will be deed restricted and affordable in perpetuity. The Program is administered by the Town of Wellfleet in partnership with the Wellfleet Housing Authority. There have been several earlier rounds of Program funding, however these units were not eligible for inclusion on the SHI. In this round, two applicants have been selected and the units will be SHI eligible.

- ***Rental Assistance Program***

Through ongoing CPA funding, the Wellfleet Housing Authority (WHA) has developed the Rental Assistance Program that allows qualifying individuals and families to maintain affordable, year-round rental housing. This initiative is meant to help stabilize these households through rental subsidies and important education. Rental assistance is provided through a monthly voucher for a period of no more than three years based on the following criteria:

- The monthly voucher amount is based on the participating household's annual income, current percentage of the rent contribution (30% of income) and utility allowance based on HOME Program guidelines.
- The subsidy is paid directly to the landlord and the participant is responsible for prompt payment of their portion of the rent.
- Monthly rents cannot exceed 110% of the HUD Fair Market Rents with utility allowances if applicable.
- Units must be registered with the Town and inspected by the Wellfleet Building Inspector to insure compliance with health and safety requirements. This is not being done. Last building inspector refused to inspect.
- Participants must attend financial management counseling provided by WHA to help them move toward self-sufficiency.
- Income must be at or below 80% AMI with priority given to those earning 60% AMI or less.

- Single persons can receive up to a maximum of \$400 per month while families can be eligible for up to \$800 per month.

Over the past ten years, the Program has assisted 45 households or about six to ten households per year. While these units do not qualify for inclusion in the SHI, they nevertheless serve a pressing local need of providing affordable year-round rentals.

The Town of Wellfleet has also been receiving Community Development Block Grant (CDBG) funding to support the rehabilitation of properties that are owned or rented by low- or moderate-income residents (earning at or within 80% of area median income). The funding comes from HUD but is administered by the state's Department of Housing and Community Development (DHCD). These units have deed restrictions in affect for 15 years, which will expire over time and eventually be eliminated from the Subsidized Housing Inventory. Wellfleet still has seven such units included on its SHI.

The community development consultant, Bailey Boyd Associates, has prepared the grant applications and the Community Development Partnership (CDP) is administering the Program. The primary objective is to correct all code violations, including health and safety concerns, in homes and apartments, which are identified through property inspections by licensed construction supervisors. Landlords are required to pay 50% of the costs, and homeowners can receive 100% of the costs up to \$35,000. The grant money is provided as a no-interest deferred loan that is forgivable and declines by 1/15 per year. If the property is sold before the 15 years expires, the landlord or homeowner must repay the unforgiven portion of the loan.

Next Steps: The Town should continue working with Bailey Boyd Associates and CDP on continued funding and administration of the Housing Rehabilitation Program. In addition to continuing to fund the BuyDown and Rental Assistance Programs, the Town may want to tweak program requirements. For example, in the recent BuyDown Program funding round, there were a number of applicants with incomes just slightly above the 80% AMI limit but within the 100% AMI level for which CPA funding can still apply. Some consideration may be given to providing some greater flexibility in program requirements. For example, there could be a two-tiered approach with a higher subsidy level for those earning within the 80% AMI limits and a lower subsidy amount for those earning between 80% and 100% AMI. Nevertheless, the Town needs to weigh such a change with the fact that units cannot be included in the SHI if the occupants have incomes above the 80% threshold.

Additionally, given rising home prices, the Town will need to continue to insure that the subsidy amount is in line with market conditions as those in the last round of the Program could not locate units within the initial maximum purchase prices. With DHCD approval, the maximum subsidy was increased from \$125,000 to \$150,000.

Another potential change to the BuyDown Program would be to have an entity with sufficient capacity acquire homes directly, make necessary improvements and then select occupants based on state Local Initiative Program (LIP) requirements. This approach could be accomplished through the following process:

- Obtain CPA, Wellfleet Affordable Housing Trust Fund, or other funding to support several units.
- Issue a Request for Proposals (RFP) to solicit proposals from qualified entities to administer the Program.
- Select the most qualified respondent and enter into an agreement that describes Program terms

and conditions.

- Work in partnership to insure that all program requirements are met, providing the subsidy upon each unit closing.

Another alternative would be to establish a Municipal Affordable Housing Fund under Chapter 44, Section 55C of the Massachusetts General Laws that would have the authority to acquire and convey property as well as several other powers. Town Meeting approval would be required to create this municipal entity.

The Town may also consider adding some additional amount of subsidy to the Rental Assistance Program to help fund Individual Development Accounts (IDAs). For example, the Chatham Housing Authority has also been administering a Voucher Program that offers qualifying households a subsidy for a period of five years and consists of two parts – a shallow rent subsidy of not more than \$350 per month and an automatic contribution to a monthly escrow account, deducted from the rent subsidy. The CHA determines the amount put in escrow monthly for each eligible participant, that can be used for the purpose of a down payment should the participant wish to pursue homeownership or other important costs such as specialized training or higher education. Like Chatham, Wellfleet might also want to have the flexibility of extending the term of the voucher payments given a participant's circumstances.

In addition to extending these programs, the Town might want to explore other program options that could include:

- *Accessory Apartment Loan Program*
In an effort to promote the use of the Affordable Accessory Dwelling Unit bylaw and thus smaller year-round rentals, the Town could reintroduce a loan program. The Town provided three such loans of up to \$10,000 in the past, but encountered **staff capacity issues**. It might consider offering no-interest, deferred loans to help finance these units.
- *Emergency/Small Repair Program*
The Town may also consider a special fund to help qualifying lower income owners make emergency repairs such as those to a furnace, roof or other item that threaten the health and safety of the occupants. For example, the Town of Sudbury provides up to \$5,000 in grants for a range of repairs for households earning up to median income with homes assessed below the Town's median house price. Additionally, Provincetown's Little Fix Program assists homeowners and renters with clean-up, landscaping, and small home repair projects, largely targeting seniors, people with disabilities and veterans. The Program is coordinated by the Town and relies heavily on volunteers.

The Harwich Ecumenical Council for Housing (HECH) also manages the Housing Emergency Loan Program (HELP) for the towns of Orleans, Brewster and Yarmouth that provides no interest, deferred loans of up to \$20,000. The Town might explore how this program could be expanded into Wellfleet.

- *Rental Relocation Program*
Given the high up-front costs associated with moving into a new rental unit, including the first and last month's rent as well as a security deposit, the Town might consider subsidizing these expenses up to a certain maximum amount for qualifying tenants. Once again, the Town did

offer such loans in the past but encountered record-keeping problems given lack of Town staff to coordinate program operations and suspended funding. With support from a proposed Housing Coordinator (see strategy VIII.A.2), the Town might consider new funding for such an effort through grants.

It could also participate in the Hands of Hope Outreach Center's existing program that helps Cape families currently living in unsuitable rental housing relocate to better living conditions by providing first and last month's rent.

- **Emergency Assistance Program**

The Town should provide continued funding to support emergency assistance programs to help residents pay overdue bills that would allow a family to remain in their home and community instead of face eviction. Existing programs include those operated by the Homelessness Prevention Council of the Lower Cape and Lower Cape Outreach Council.

There are numbers of communities that are implementing such programs and consequently models/program designs that the Town can review and adapt to Wellfleet. Some of the above programs could also be easily adaptable to modifications of the Regional Housing Rehabilitation Program that was administered by CDP in Wellfleet for a period of time.

Resources Required: Local resources (the Affordable Housing Trust Fund, as well as additional resources that might be raised through the potential transfer tax and room occupancy tax) will be required to help subsidize these programs. The donated time of members of the Local Housing Partnership and Wellfleet Housing Authority will continue to be important for administering these programs as well as potential support from the proposed Housing Coordinator (see strategy VIII.A.2). If new programs are introduced, it might be useful to explore having a non-profit organization undertake program management functions.

While there are many precedents for using CPA funding for housing rehabilitation and restoration efforts, it should be noted that the state's Department of Revenue and the Community Preservation Coalition have determined that CPA funds for such programs can only be used when the property was acquired or created with CPA. Consequently, they advise that funds for rehab efforts come from other sources such as CDBG, inclusionary zoning proceeds, negotiated fees from developers, an Affordable Housing Trust Fund, or other revenue source for example (see strategy VIII.A.3).

Projected # Affordable Units Produced: 13 units

4. Develop a Regional/Lower Cape Housing Development Strategy

Priority: Years 3 to 5

Responsible Parties: Board of Selectmen with support from the Local Housing Partnership and Wellfleet Housing Authority

Current Status: There was strong support for providing regional solutions to addressing affordable housing issues in the May 2017 Housing Workshop. Certainly there are regional precedents for providing housing units and services including:

- *Housing Rehabilitation Program* – A total of seven SHI units remain as part of the Town’s SHI that were funded by the Housing Rehabilitation Program, but because deed restrictions were shorter in term, these units are falling off of the SHI with the last one expiring in 2023. These rehabbed units were subsidized with Community Development Block Grant (CDBG) funding through the Department of Housing and Community Development (DHCD). One current SHI unit involved a regional program administered by the Cape Cod Commission and the others through the Lower Cape Cod Community Development Corporation (now called the Community Development Partnership). The Program involves joint funding applications and administration with other Lower Cape communities.
- *Cape Community Housing Partnership* – The Community Development Partnership (CDP) and Housing Assistance Corporation (HAC), are establishing a Cape Community Housing Partnership to promote a better understanding of housing needs and opportunities on a regional basis. The Partnership is spearheading initiatives related to training and advocacy over the next year (see strategy VIII.A.1 for more information).
- *Cape Cod Regional Market Analysis* – The Cape Cod Commission (CCC) is sponsoring a study to estimate existing and future housing supply and demand. The study will provide detailed measurements of existing housing shortages and forecasted supply/demand gaps over the next ten years and begin developing regional strategies to meet identified needs. The study will also identify what housing products are obtainable to households at a range of income levels up to 160% of area median income and will show what gaps exist between housing availability and demand for households of varying demographic characteristics. The Commission engaged Crane Associates, Inc., in collaboration with Economic and Policy Resources, Inc., to conduct the study.
- *Barnstable County HOME Consortium, Continuum of Care and Regional Network to End Homelessness* – Wellfleet has also been participating in other regional housing-related efforts to provide planning and funding in support of affordable housing through these entities, including supportive housing for the homeless.
- *Cape Cod Village* – The Town of Wellfleet approved \$100,000 in CPA funding to help subsidize the Cape Cod Village project in Orleans which will provide service-enriched affordable housing for 15 autistic adults. A total of \$950,000 in CPA funding was raised from not only Wellfleet and Orleans but also the communities of Brewster, Chatham, Eastham, Truro, and Provincetown.
- *Campbell-Purcell Property Community Housing* – The Town of Eastham issued a Request for Proposals for the development of the Campbell-Purcell Town-owned parcel. Pennrose was selected as developer and is planning a 65-unit rental development that will be permitted through the Chapter 40B comprehensive permit process. With funding support from MassHousing’s Workforce Housing Initiative, 50 of the units will be targeted to those earning at or below 60% AMI with the other 15 units for those earning up to 110% AMI. The developer has approached the Town with a CPA funding request in the \$100,000 range.
- *Governor Prence* – The developer (Stratford Capital Group and the Community Development Partnership) of this proposed 50-unit rental development in Eastham obtained CPA funding commitments from Eastham, Wellfleet, Truro and Orleans to support project financing. Wellfleet’s commitment was significant, at \$50,000. The Town of Eastham denied the

comprehensive permit, and the developer appealed the decision to the state's Housing Appeals Committee. The CPA funding requests were then withdrawn. While the 40B decision was denied, the project could still move forward from the appeals and mediation process.

- *Senior Housing in Orleans* – An argument can be made that the Town of Orleans has been providing a significant portion of affordable senior housing for residents in the region. As shown in Table V-8, Orleans is close to reaching the 10% state affordability threshold, and has the highest percentage of SHI units targeted to seniors at 6.9% of its year-round housing stock or 227 units. It also has a number of market rate condominium developments that are largely populated by older residents at reasonably affordable prices.
- *Seashore Point in Provincetown* – The Residences at Seashore Point is the Outer Cape's only full-service residential community and has attracted residents from other Cape communities looking to downsize. The project includes 81 condominiums that are restricted to purchasers age 55 or older. Market prices range from \$299,000 for a one-bedroom, one-bath unit with 604 square feet to \$479,000 with two bedrooms and two baths and 933 square feet, in line with median condo prices of \$460,000 as of July 2017 based on The Warren Group data in Banker & Tradesman. A wide range of "a la carte" services are offered to residents at varying prices to help them remain independent in their units.

Lower Cape communities share many of the challenges related to housing including rising housing prices for both rental and ownership, extremely low vacancy rates, and shifting demographics towards greater numbers of older residents and fewer younger ones. Widening affordability gaps and greater cost burdens are being experienced in all these communities. These issues are complicated by increasing numbers of seasonal visitors and second home owners in the context of rising challenges in securing a sufficient seasonal workforce. Continuing efforts to explore regional solutions to these housing issues could help form a regional strategy for promoting and preserving housing affordability, including the provision of important services.

Next Steps: The Town should actively engage in the regional initiatives that are emerging as part of the Cape Community Housing Partnership and Regional Market Study for example. Also, as indicated in strategy VIII.A.1, the Cape Cod Commission had been organizing meetings of representatives of the Lower Cape, from Orleans to Provincetown, to discuss regional housing issues. Such meetings might be reintroduced at some point either with support from the Cape Cod Commission, Cape Community Housing Partnership, or with each Lower Cape community taking turns in hosting the meetings on at least a quarterly basis.

Resources Required: Donated time from appropriate representatives of Town boards and committees as well as some potential staff time from the Assistant Town Administrator and/or proposed Housing Coordinator (see strategy VIII.A.2). Potential funding of regional housing initiatives would also likely be required.

Projected # Affordable Units Produced: Any housing that is produced as part of a regional initiative will qualify as part of the SHI in the community in which the units are located if the project meets state affordability requirements.

5. *Develop Seasonal Workforce Housing*

Priority: Longer Term

Responsible Parties: Board of Selectmen with support from the Local Housing Partnership and Wellfleet Housing Authority

Current Status: Cape Cod has experienced summer labor shortages for decades. While in the past Cape communities typically relied on nonimmigrant foreign workers or college students from outside the area to fill these jobs, employment patterns have shifted, largely due to schools starting earlier and the high cost of living. Increasingly the Cape is becoming an unaffordable job market for students as high housing costs leave little opportunity for them to earn enough to make summer work here worthwhile.

Employers are therefore relying more on foreign workers. Nevertheless, caps on H-2B and J-1 visas that grant temporary work visas are also becoming more limited, and these workers must also find housing within their means. The rising costs of housing as well as tight zoning regulations that limit the number of occupants per unit and types of housing that can be built further exacerbate the jobs problem.

Next Steps: Efforts to modify zoning are needed to enable employers to build housing for seasonal workers. As suggested at the May 2017 Housing Workshop, the Town should pursue creative ways of providing seasonal workforce housing such as bunkhouses, dormitories, a tent city, etc. in appropriate locations and under reasonable conditions. Seasonal worker housing might also provide an opportunity for the Lower Cape communities to work together in support of such development. For example, the barracks at the Air Force Base on the National Seashore, located in Truro, was mentioned as a possible location for such housing.

Resources Required: Donated time from appropriate representatives of Town boards and committees as well as some potential staff time from the Assistant Town Administrator and/or proposed Housing Coordinator (see strategy VIII.A.2). Funding will likely be required to support the production of this housing.

Projected # Affordable Units Produced: Because the units will not be considered permanent housing and meet other state affordability requirements (affirmative marketing, deed restrictions), they will not be eligible for inclusion in the SHI. Nevertheless they would serve a pressing local need.

APPENDIX 1

Local and Regional Organizations

The town of Wellfleet has a number of local and regional agencies and organizations available to help support the production of affordable housing or provide housing-related services:

1. *Wellfleet Local Housing Partnership (LHP)*

The Board of Selectmen established the Local Housing Partnership to promote diverse solutions to the acknowledged shortage of affordable housing. It has served as primary advocate for new housing initiatives, working closely with the Housing Authority as well as other Town boards and committees on new housing efforts, including this Housing Needs Assessment and Action Plan.

2. *Wellfleet Housing Authority (WHA)*

The Wellfleet Housing Authority (WHA) was established to provide housing for low- and moderate-income families, seniors and those with disabilities. It manages a number of special programs and projects including the Wellfleet BuyDown Program, the Rental Assistance Program, and the development of the 2082 Route 6 State Highway parcel.

3. *Wellfleet Community Preservation Committee (CPC)*

In September of 2000, the Community Preservation Act (CPA) was enacted to provide Massachusetts cities and towns with another tool to conserve open space, preserve historic properties and provide affordable housing. This enabling statute established the authority for municipalities in the Commonwealth to create a Community Preservation Fund derived from a surcharge of up to 3% of the property tax with a corresponding state match of up to 100% funded through new fees at the Registry of Deeds and Land Court. Once adopted the Act requires at least 10% of the monies raised to be distributed to each of the three categories (open space, historic preservation and affordable housing), allowing flexibility in distributing the majority of the money to any of the three uses as determined by the community. The Act further requires that a Community Preservation Committee of five to nine members be established, representing various boards or committees in the community, to recommend to the legislative body, in this case Town Meeting, how to spend the Community Preservation Fund.

Wellfleet Town Meeting adopted the CPA in May 2005, approving a 3% surcharge without any exemptions. Like the other communities on Cape Cod, Wellfleet voted to convert the 3% property tax surcharge that had been committed to the Land Bank for the purchase and conservation of open space into funding to support the Community Preservation Fund. As a result, the Town was able to continue to receive state matching funds, as state support for the Land Bank had run out, without raising additional taxes.

The Community Preservation Committee includes nine members including representatives of the Housing Authority, Open Space Committee, Recreation Committee, Historical Commission, and several at-large members appointed for three-year terms by the Board of Selectmen. In 2016 a total of almost \$648,000 in CPA funding was available, \$192,803 from the state and \$455,076 from the local surcharge with about \$7.3 million available since CPA was adopted. The April 2017 town Meeting will vote on CPA allocations of \$200,000 to the Affordable Housing Trust fund, and \$100,000 for the Rental Assistance

Program. It will also vote on a previous allocation of \$175,000 for the development of affordable rental units on Paine Hollow Road by non-profit developer, Community Housing Resource, Inc.

The Town has allocated almost \$3 million in CPA funding for housing including:

Summary of CPA Allocations for Housing

Project/Activity	Amount of Funding	Year Funded
Gull Pond	\$144,112	2006
Trust 05	59,193	2006
Trust 06	60,806	2006
Paine Hollow	175,000	2006
Access Prjt.	60,000	2007
Route 6	425,000	2007
Support Program	60,000	2008
USDA Land Acquisition	2,008	
Housing Now	330,000	2009
Habitat	25,000	2010
Housing Now	156,000	2011
Housing Trust	23,000	2011
Buy Down Program	127,000	2012
Estate Plan	10,000	2013
Now 2014	156,000	2014
AADUs	180,000	2014
Habitat	225,000	2015
Buy Down	270,000	2015
Consultant	50,000	2016
CC Village	100,000	2016
Rent Assistance Program	54,162	2016
Rent Assistance Program	101,838	2017
Trust Fund	200,000	2017
Total	\$2,992,111	

4. Wellfleet Affordable Housing Trust Fund

Wellfleet established an Affordable Housing Trust Fund as part of Chapter 352 of the Acts of 2006 that was enacted by the State Legislature, providing a special dedicated fund through private and public gifts, contributions, grants, and appropriations. The Town’s Treasurer manages the fund but expenditures in support of housing activities are made by the Wellfleet Housing Authority in consultation with the Local Housing Partnership.

5. Wellfleet Council on Aging

The Wellfleet Council on Aging is a Town department that supports the quality of life of Wellfleet’s elders through a wide variety of services. These activities include an information and referral service on a wide range of issues, meals, social events, fitness programs, community-based services to promote independent living such as a free shuttle van to local stores and services, and in-home support services. The Council relies heavily on local volunteers to support its activities and operates a senior center.

The Council on Aging identified a substantial need for single-person units that are both handicapped accessible and affordable. Access is a major issue in Wellfleet, not only in the need for units

modifications for people with disabilities but also in problems related to transportation as Wellfleet as Dial a Ride stops at 3:00 and buses will not go down unpaved roads. The COA also mentioned that many seniors do not want to live in age-restricted housing but in developments with mixed ages. A long-term Town goal is in fact to become an age-friendly community as identified by the World Health Organization such that any capital project would need to be age-friendly not only to seniors but to a mix of ages and lifestyles.

The Assessing Department has Real Estate Tax Abatement and Exemption Programs that are summarized both on their website and in their office for the public to obtain. This Program is for income qualifying residents including those who are sight impaired, seniors, veterans, surviving spouses, etc. that reduces property tax bills.

6. *Cape Cod Commission (CCC)*

The Cape Cod Commission (CCC) was created as the regional planning, economic development, and regulatory agency for the Cape in 1990 in response to high level of development in the 1980s and in an effort to protect the area's unique natural, coastal, historical, cultural and other values that were being threatened by uncoordinated and inappropriate uses. (3225 Main Street, Barnstable, MA 02630; 508/362-3828).

7. *Barnstable County Department of Human Services*

The Barnstable County Department of Human Services manages the allocation of HOME Program funds on behalf of the Barnstable County HOME Consortium, taking over as project administrator from the Cape Cod Commission in 2015. This Consortium includes all municipalities in Barnstable County and provides federal HOME Program funding to support the financing of a wide variety of housing activities. (3195 Main Street, P.O. Box 427, Barnstable, MA 02630; 508/375-6628)

8. *Harwich Ecumenical Council for Housing (HECH)*

Harwich Ecumenical Council for Housing (HECH) was formed in 1991 by clergy and lay people from seven (7) churches for the purpose of providing housing for homeless families with children. The organization raises funds from individual donors and special events as well as allocations from communities for special programs, projects and services. HECH has developed programs in homelessness prevention, mortgage foreclosure prevention, child care, youth counseling, and emergency repairs. In 1996, HECH began purchasing its own rental housing to house those who were homeless or at risk of homelessness. With \$177,000 in CPA funding, HECH also manages the Housing Emergency Loan Program (HELP) for residents of Orleans, Brewster and Yarmouth that provides no interest, deferred loans of up to \$20,000. Funding is for emergency repairs such as roofs, windows, siding, and heat and hot water systems. Applicants must have their name on the deed and their primary residence in a single-family unit or provide new affordable year-round rental housing for income-qualified tenants. Total household income cannot exceed 80% of area median income for homeowners or tenants. (P.O. Box 86, West Orleans, MA 02671; (508) 432-0015).

9. *Community Development Partnership (CDP)*

The Community Development Partnership (CDP), formerly known as the Lower Cape Cod Community Development Corporation (LCCDC), was established in 1992 to promote affordable housing and economic development in the towns of the Lower Cape. In regard to affordable housing, the organization recognized that the dwindling supply of affordable housing was becoming a critical problem and focused on two important strategies. Through its Housing Development Program it is creating new, year-round, affordable housing units by purchasing existing units or building new units. In

Wellfleet CDP owns Canal House that provides nine single-occupancy units of transitional housing for those recovering from substance abuse problems. The organization also manages the Housing Rehabilitation Program that is supported by Community Development Block Grant (CDBG) funds provided by the state. This program provides zero interest, deferred payment loans of up to \$35,000 for qualifying property owners to make necessary home improvements, including correcting code violations.

(P.O. Box 1860, Main Street Mercantile, North Eastham, MA 02651; 508/240-7873)

10. *Habitat for Humanity of Cape Cod*

Habitat for Humanity is an ecumenical, non-profit Christian ministry dedicated to building simple, decent homes in partnership with families in need that has grown over the past two decades into one of the largest private homebuilders in the world. The organization has almost 1,600 U.S. affiliates and over 2,000 affiliates worldwide, including one on the Cape that has been able to build new homes for first-time homebuyers through donated land, materials, labor and funding as well as other special financing strategies. The organization has built four homes on Spring Valley Road and Atwood Avenue in Wellfleet. (658 Main Street, West Yarmouth, MA 02673; 508/775-3559)

11. *Housing Assistance Corporation (HAC)*

The Housing Assistance Corporation (HAC) has proclaimed its mission to “promote and implement the right of all people on Cape Cod and the Islands to occupy safe and affordable housing”. This non-profit organization is working throughout the Cape as a sponsor of affordable housing developments and has a wide range of financial and educational resources available for renters, existing homeowners and first-time homebuyers including HOME Program funding and rental subsidies (manages three rental vouchers in Wellfleet). (460 West Main Street, Hyannis, MA 02601; 508/771-5400)

12. *Homeless Prevention Council of the Lower Cape*

The Homelessness Prevention Council provides extensive counseling to those at risk of homelessness in the eight communities of the Lower Cape, including Orleans. Services include advocacy, referrals to available programs and services, help in negotiations with landlords and lenders, support in budgeting, and guidance in obtaining a further education and training. With an annual budget of approximately \$360,000, the organization applies for small grants and donations to provide emergency assistance to those at risk of homelessness. They have achieved success from direct mailings, grant proposals from foundations and church endowments, and special programs directed to children (back pack donations in the September and adopt a child’s three wishes in December for example). (14 Old Tote Road, Orleans, MA 02653; 508/255-9657)

13. *Lower Cape Outreach Council*

The Lower Cape Outreach Council has been providing short-term emergency food, clothing and financial resources to residents of the eight towns on the Lower Cape, including Orleans. This assistance has extended to almost 2,000 households annually that has included help when rent or mortgage payments are behind, when utility shut-offs are threatened, and when other emergency expenses surface that throw individuals and families into a financial crises. The organization also provides important information and referrals to service providers, a jobs program (HopeWorks), and an educational assistance program that provides financial help for those pursuing education, training or other certifications.

(508/240-0694; lcoc@lcoutreach.org)

APPENDIX 2

Summary of Housing Regulations and Resources

I. SUMMARY OF HOUSING REGULATIONS

A. Chapter 40B Comprehensive Permit Law

The Massachusetts Comprehensive Permit Law, Chapter 40B Sections 20-23 of the General Laws, was enacted as Chapter 774 of the Acts of 1969 to encourage the construction of affordable housing throughout the state, particularly outside of cities. Often referred to as the Anti-Snob Zoning Act, it requires all communities to use a streamlined review process through the local Zoning Board of Appeals for “comprehensive permits” submitted by developers for projects proposing zoning and other regulatory waivers and incorporating affordable housing for at least 25% of the units. Only one application is submitted to the ZBA instead of separate permit applications that are typically required by a number of local departments as part of the normal development process. Here the ZBA takes the lead and consults with the other relevant departments (e.g., building department, planning department, highway department, fire department, sanitation department, etc.) on a single application. The Conservation Commission retains jurisdiction under the Wetlands Protection Act and Department of Environmental Protection, the Building Inspector applies the state building code, and the Board of Health enforces Title V.

For a development to qualify under Chapter 40B, it must meet all of the following requirements:

- Must be part of a “subsidized” development built by a public agency, non-profit organization, or limited dividend corporation.
- At least 25% of the units in the development must be income restricted to households with incomes at or below 80% of area median income and have rents or sales prices restricted to affordable levels income levels defined each year by the U.S. Department of Housing and Urban Development.
- Restrictions must run for minimum of 30 years or longer for new construction or for a minimum of 15 years or longer for rehabilitation. Alternatively, the project can provide 20% of the units to households below 50% of area median income. Now new homeownership must have deed restrictions that extend in perpetuity.
- Development must be subject to a regulatory agreement and monitored by a public agency or non-profit organization.
- Project sponsors must meet affirmative marketing requirements.

According to Chapter 40B regulations, the ZBA decision to deny or place conditions on a comprehensive permit project cannot be appealed by the developer if any of the following conditions are met⁵⁰:

- The community has met the “statutory minima” by having at least 10% of its year-round housing stock affordable as defined by Chapter 40B, at least 1.5% of the community’s land area includes

⁵⁰ Section 56.03 of the new Chapter 40B regulations.

affordable housing as defined again by 40B, or annual affordable housing construction is on at least 0.3% of the community's land area.

- The community has made "recent progress" adding SHI eligible housing units during the prior 12 months equal at least to 2% of its year-round housing.
- The community has a one- or two-year exemption under Housing Production.
- The application is for a "large project" that equals at least 6% of all housing units in a community with less than 2,500 housing units.
- A "related application" for the site was filed, pending or withdrawn within 12 months of the application.

If a municipality does not meet any of the above thresholds, it is susceptible to appeals by comprehensive permit applicants of the ZBA's decision to the state's Housing Appeals Committee (HAC). This makes the Town susceptible to a state override of local zoning if a developer chooses to create affordable housing through the Chapter 40B comprehensive permit process.⁵¹ Recently approved regulations add a new requirement that ZBA's provide early written notice (within 15 days of the opening of the local hearing) to the application and to DHCD if they intend to deny or condition the permit based on the grounds listed above that make the application appeal proof, providing documentation for its position. Under these circumstances, municipalities can count projects with approved comprehensive permits that are under legal approval, but not by the ZBA, at the time.

Applicants wishing to appeal the ZBA decision based on appeal-proof grounds must notify the ZBA and DHCD in writing within 15 days of receipt of the ZBA notice. If the applicant appeals, DHCD will review materials from the ZBA and applicant and issue a decision within 30 days of receipt of the appeal (failure to issue a decision is a construction approval of the ZBA's position). Either the ZBA or application can appeal DHCD's decision by filing an interlocutory appeal with the Housing appeals Committee (HAC) within 20 days of receiving DHCD's decision. If a ZBA fails to follow this procedure, it waives its right to deny a permit on these "appeal-proof" grounds.

Recent changes to Chapter 40B also address when a community can count a unit as eligible for inclusion in the SHI including:

- *40R*
Units receiving Plan Approval under 40R now count when the permit or approval is filed with the municipal clerk provided that no appeals are filed by the board or when the last appeal is fully resolved, similar to a Comprehensive Permit project.
- *Certificate of Occupancy*
Units added to the SHI on the basis of receiving building permits become temporarily ineligible if the C of O is not issued within 18 months.

⁵¹ Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households (defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income) by permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

- *Large Phased Projects*
If the comprehensive permit approval or zoning approval allows a project to be built in phases and each phase includes at least 150 units and average time between the start of each phase is 15 months or less, then the entire project remains eligible for the SHI as long as the phasing schedule set forth in the permit approval continues to be met.
- *Projects with Expired Use Restrictions*
Units become ineligible for inclusion in the SHI upon expiration or termination of the initial use restriction unless a subsequent use restriction is imposed.
- *Biennial Municipal Reporting*
Municipalities are responsible for providing the information on units that should be included in the SHI through a statement certified by the chief executive officer.

Towns are allowed to set-aside up to 70% of the affordable units available in a 40B development for those who have a connection to the community as defined per requirements under the state's Local Initiative Program.

While there are ongoing discussions regarding how the state should count the affordable units for the purpose of determining whether a community has met the 10% goal, in a rental project if the subsidy applies to the entire project, all units are counted towards the state standard. For homeownership projects, only the units made affordable to those households earning within 80% of median income can be attributed to the affordable housing inventory.

There are up to three stages in the 40B process – the project eligibility stage, the application stage, and at times the appeals stage. First, the applicant must apply for eligibility of a proposed 40B project/site from a subsidizing agency. Under Chapter 40B, subsidized housing is not limited exclusively to housing receiving direct public subsidies but also applies to privately-financed projects receiving technical assistance from the State through its Local Initiative Program (LIP) or through MassHousing (Housing Starts Program), Federal Home Loan Bank Board (New England Fund), MassDevelopment, and Massachusetts Housing Partnership Fund. The subsidizing agency then forwards the application to the local Board of Selectmen for a 30-day comment period. The Board of Selectmen solicits comments from Town officials and other boards and based on their review the subsidizing agency typically issues a project eligibility letter. Alternatively, a developer may approach the Board of Selectmen for their endorsement of the project, and they can make a joint application to DHCD for certification under the Local Initiative Program (for more information see description in Section I.E below).

Recent changes to 40B regulations expands the items a subsidizing agency must consider when determining site eligibility including:

- *Information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, including inclusionary zoning, multi-family districts and 40R overlay zones.*
- Whether the conceptual design is appropriate for the site including building massing, topography, environmental resources, and integration into existing development patterns.
- That the land valuation, as included in the pro forma, is consistent with DHCD guidelines regarding cost examination and limitations on profits and distribution.

- Requires that LIP site approval applications be submitted by the municipality’s chief executive officer.
- Specifies that members of local boards can attend the site visit conducted during DHCD’s 30-day review period.
- Requires that the subsidizing agency provide a copy of its determination of eligibility to DHCD, the chief executive officer of the municipality, the ZBA and the applicant.

If there are substantial changes to a project before the ZBA issues its decision, the subsidizing agency can defer the re-determination of site/project eligibility until the ZBA issues its decision unless the chief executive officer of the municipality or applicant request otherwise. New 40B regulations provide greater detail on this re-determination process. Additionally, challenges to project eligibility determinations can only be made on the grounds that there has been a substantial change to the project that affects project eligibility requirements and leaves resolution of the challenge to the subsidizing agency.

The next stage in the comprehensive permit process is the application phase including pre-hearing activities such as adopting rules before the application is submitted, setting a reasonable filing fee, providing for technical “peer review” fees, establishing a process for selecting technical consultants, and setting forth minimum application submission requirements. Failure to open a public hearing within 30 days of filing an application can result in constructive approval. The public hearing is the most critical part of the whole application process. Here is the chance for the Zoning Board of Appeals’ consultants to analyze existing site conditions, advise the ZBA on the capacity of the site to handle the proposed type of development, and to recommend alternative development designs. Here is where the ZBA gets the advice of experts on unfamiliar matters – called peer review. Consistency of the project with local needs is the central principal in the review process.

Another important component of the public hearing process is the project economic analysis that determines whether conditions imposed and waivers denied would render the project “uneconomic”. The burden of proof is on the applicant, who must prove that it is impossible to proceed and still realize a reasonable return, which cannot be more than 20%. Another part of the public hearing process is the engineering review. The ZBA directs its consultants to analyze the consistency of the project with local by-laws and regulations and to examine the feasibility of alternative designs.

New Chapter 40B regulations now add a number of requirements related to the hearing process that include:

- The hearing be terminated within 180 days of the filing of a complete application unless the applicant consents to extend.
- Allows communities already considering three (3) or more comprehensive permit applications to stay a hearing on additional applications if the total units under consideration meet the definition of a large project (larger of 300 units or 2% of housing in communities with 7,500 housing units as of the latest Census, 250 units in communities with 5,001 to 7,499 total units, 200 units in communities with 2,500 to 5,000 units, and 150 units or 10% of housing in communities with less than 2,500 units).
- Local boards can adopt local rules for the conduct of their hearings, but they must obtain an opinion from DHCD that there rules are consistent with Chapter 40B.

- Local boards cannot impose “unreasonable or unnecessary” time or cost burdens on an applicant and bans requiring an applicant to pay legal fees for general representation of the ZBA or other boards. The new requirements go into the basis of the fees in more detail, but as a general rule the ZBA may not assess any fee greater than the amount that might be appropriated from town or city funds to review a project of a similar type and scale.
- An applicant can appeal the selection of a consultant within 20 days of the selection on the grounds that the consultant has a conflict of interest or lack minimum required qualifications.
- Specify and limit the circumstances under which ZBA’s can review pro formas.
- Zoning waivers are only required under “as of right” requirements, not from special permit requirements.
- Forbids ZBA’s from imposing conditions that deviate from the project eligibility requirements or that would require the project to provide more affordable units than the minimum threshold required by DHCD guidelines.
- States that ZBA’s cannot delay or deny an application because a state or federal approval has not been obtained.
- Adds new language regarding what constitutes an uneconomic condition including requiring applicants to pay for off-site public infrastructure or improvements if they involve pre-existing conditions, are not usually imposed on unsubsidized housing or are disproportionate to the impacts of the proposed development or requiring a reduction in the number of units other than on a basis of legitimate local concerns (health, safety, environment, design, etc.). Also states that a condition shall not be considered uneconomic if it would remove or modify a proposed nonresidential element of a project that is not allowed by right.

After the public hearing is closed, the ZBA must set-aside at least two sessions for deliberations within 40 days of the close of the hearing. These deliberations can result in either approval, approval with conditions, or denial.

Subsidizing agencies are required to issue final project eligibility approvals following approval of the comprehensive permit reconfirming project eligibility, including financial feasibility, and approving the proposed use restriction and finding that the applicant has committed to complying with cost examination requirements. New Chapter 40B regulations set forth the basic parameters for insuring that profit limitations are enforced, while leaving the definition of “reasonable return” to the subsidizing agency in accordance with DHCD guidelines. The applicant or subsequent developer must submit a detailed financial statement, prepared by a certified public accountant, to the subsidizing agency in a form and upon a schedule determined by the DHCD guidelines.

If the process heads into the third stage – the appeals process – the burden is on the ZBA to demonstrate that the denial is consistent with local needs, meaning the public health and safety and environmental concerns outweigh the regional need for housing. If a local ZBA denies the permit, a state Housing Appeals Committee (HAC) can overrule the local decision if less than 10% of the locality’s year round housing stock has been subsidized for households earning less than 80% of median income, if the locality cannot demonstrate health and safety reasons for the denial that cannot be mitigated, or if the community has not met housing production goals based on an approved plan or other statutory minima listed above. The HAC has upheld the developer in the vast majority of the cases, but in most instances promotes negotiation and compromise between the developer and locality. In its 30-year history, only a handful of denials have been upheld on appeal. The HAC cannot issue a permit, but may only order the ZBA to issue one. Also, any aggrieved person, except the applicant, may appeal to the

Superior Court or Land Court, but even for abutters, establishing “standing” in court is an uphill battle. Appeals from approvals are often filed to force a delay in commencing a project, but the appeal must demonstrate “legal error” in the decision of the ZBA or HAC.

B. Housing Production Regulations

As part of the Chapter 40B comprehensive permit regulations, the Massachusetts Department of Housing and Community Development (DHCD) is administering the Housing Production Program in accordance with regulations that enable cities and towns to do the following:

- Prepare and adopt an Housing Production Plan that demonstrates production of an increase of .05% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory (22 units and 44 units, respectively, for Wellfleet until the new census figures are available in 2011) for *approval* by DHCD.⁵²
- Request *certification* of compliance with the plan by demonstrating production of at least the number of units indicated above.
- Through local ZBA action, deny a comprehensive permit application during the period of certified compliance, which is 12 months following submission of the production documentation to DHCD, or 24 months if the 1.0% threshold is met.

For the plan to be acceptable to DHCD it must meet the following requirements:

- Include a comprehensive housing needs assessment to establish the context for municipal action based on the most recent census data. The assessment must include a discussion of municipal infrastructure include future planned improvements.
- Address a mix of housing consistent with identified needs and market conditions.
- Address the following strategies including -
 - Identification of geographic areas in which land use regulations will be modified to accomplish affordable housing production goals.
 - Identification of specific sites on which comprehensive permit applications will be encouraged.
 - Preferable characteristics of residential development such as infill housing, clustered areas, and compact development.
 - Municipally owned parcels for which development proposals will be sought.
 - Participation in regional collaborations addressing housing development.

Plans must be adopted by the Board of Selectmen and Planning Board, and the term of an approved plan is five (5) years.

C. Chapter 40R/40S

In 2004, the State Legislature approved a new zoning tool for communities in recognition that escalating housing prices, now beyond the reach of increasing numbers of state residents, are causing graduates from area institutions of higher learning to relocate to other areas of the country in search of greater affordability. The Commonwealth Housing Task Force, in concert with other organizations and institutions, developed a series of recommendations, most of which were enacted by the State Legislature as Chapter 40R of the Massachusetts General Laws. The key components of these regulations are that “the state provide financial and other incentives to local communities that pass

⁵² Massachusetts General Law Chapter 40B, 760 CMR 31.07 (1)(i).

Smart Growth Overlay Zoning Districts that allow the building of single-family homes on smaller lots and the construction of apartments for families at all income levels, and the state increase its commitment to fund affordable housing for families of low and moderate income” .⁵³

The statute defines 40R as “a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves opens space, farmland, natural beauty and critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost effective and encourages community and stakeholder collaboration in development decisions.”⁵⁴ The key components of 40R include:

- Allows local option to adopt Overlay Districts near transit, areas of concentrated development, commercial districts, rural village districts, and other suitable locations;
- Allows “as-of-right” residential development of minimum allowable densities;
- Provides that 20% of the units be affordable;
- Promotes mixed-use and infill development;
- Provides two types of payments to municipalities; and
- Encourages open space and protects historic districts.

The incentives prescribed by the Task Force and passed by the Legislature include an incentive payment upon the passage of the Overlay District based on the number of projected housing units as follows:

Incentive Payments	
Incentive Units	Payments
Up to 20	\$10,000
21-100	\$75,000
101-200	\$200,000
210-500	\$350,000
501 or more	\$600,000

There are also density bonus payments of \$3,000 for each residential unit issued a building permit. To be eligible for these incentives the Overlay Districts need to allow mixed-use development and densities of 20 units per acre for apartment buildings, 12 units per acre for two and three-family homes, and at least eight units per acre for single-family homes. Communities with populations of less than 10,000 residents are eligible for a waiver of these density requirements, however significant hardship must be demonstrated. The Zoning Districts would also encourage housing development on vacant infill lots and in underutilized nonresidential buildings. The Task Force emphasizes that Planning Boards, which would enact the Zoning Districts, would be “able to ensure that what is built in the District is compatible with and reflects the character of the immediate neighborhood.”⁵⁵

The principal benefits of 40R include:

⁵³ Edward Carman, Barry Bluestone, and Eleanor White for The Commonwealth Housing Task Force, “A Housing Strategy for Smart Growth and Economic Development: Executive Summary”, October 30, 2003, p. 3.

⁵⁴ Massachusetts General Law, Chapter 40R, Section 11.

⁵⁵ “A Housing Strategy for Smart Growth and Economic Development: Executive Summary,” p. 4.

- Expands a community's planning efforts;
- Allows communities to address housing needs;
- Allows communities to direct growth;
- Can help communities meet production goals and 10% threshold under Chapter 40B;
- Can help identify preferred locations for 40B developments; and
- State incentive payments.

The formal steps involved in creating Overlay Districts are as follows:

- The Town holds a public hearing as to whether to adopt an Overlay District per the requirements of 40R;
- The Town applies to DHCD prior to adopting the new zoning;
- DHCD reviews the application and issues a Letter of Eligibility if the new zoning satisfies the requirements of 40R;
- The Town adopts the new zoning through a two-thirds vote of Town Meeting subject to any modifications required by DHCD;
- The Town submits evidence of approval to DHCD upon the adoption of the new zoning; and
- DHCD issues a letter of approval, which indicates the number of incentive units and the amount of payment.

The state recently enacted Chapter 40S under the Massachusetts General Law that provides additional benefits through insurance to towns that build affordable housing under 40R that they would not be saddled with the extra school costs caused by school-aged children who might move into this new housing. This funding was initially included as part of 40R but was eliminated during the final stages of approval. In effect, 40S is a complimentary insurance plan for communities concerned about the impacts of a possible net increase in school costs due to new housing development.

D. Local Initiative Program (LIP) Guidelines

The Local Initiative Program (LIP) is a technical assistance subsidy program to facilitate Chapter 40B developments and locally produced affordable units. The general requirements of LIP include insuring that projects are consistent with sustainable or smart growth development principles as well as local housing needs. LIP recognizes that there is a critical need for all types of housing but encourages family and special needs housing in particular. Age-restricted housing (over 55) is allowed but the locality must demonstrate actual need and marketability. DHCD has the discretion to withhold approval of age-restricted housing if other such housing units within the community remain unbuilt or unsold or if the age-restricted units are unresponsive to the need for family housing within the context of other recent local housing efforts.

There are two types of LIP projects, those using the comprehensive permit process, the so-called "friendly" 40B's, and Local Action Units, units where affordability is a result of some local action such as inclusionary zoning, Community Preservation funding, other regulatory requirements, etc.

Specific LIP requirements include the following by category:

Income and Assets

- Must be affordable to those earning at or below 80% of area median income adjusted by family size and annually by HUD. Applicants for affordable units must meet the program income limits

in effect at the time they apply for the unit and must continue to meet income limits in effect when they actually purchase a unit.

- For homeownership units, the household may not have owned a home within the past three years except for age-restricted “over 55” housing.
- For homeownership projects, assets may not be greater than \$75,000 except for age-restricted housing where the net equity from the ownership of a previous house cannot be more than \$200,000.
- Income and asset limits determine eligibility for lottery participation.

Allowable Sales Prices and Rents⁵⁶

- Rents are calculated at what is affordable to a household earning 80% of area median income adjusted for family size, assuming they pay no more than 30% of their income on housing. Housing costs include rent and payments for heat, hot water, cooking fuel, and electric. If there is no municipal trash collection a trash removal allowance should be included. If utilities are separately metered and paid by the tenant, the LIP rent is reduced based on the area’s utility allowance. Indicate on the DHCD application whether the proposed rent has been determined with the use of utility allowances for some or all utilities.
- Sales prices of LIP units are set so a household earning 70% of area median income would have to pay no more than 30% of their income for housing. Housing costs include mortgage principal and interest on a 30-year fixed term mortgage at 95% of purchase price, property taxes, condo fees⁵⁷, private mortgage insurance (if putting less than 20% of purchase price down), and hazard insurance.
- The initial maximum sales price or rent is calculated as affordable to a household with a number of household members equal to the number of bedrooms plus one (for example a two-bedroom unit would be priced based on what a three-person household could afford).

Allowable Financing and Costs

- Allowable development costs include the “as is” value of the property based on existing zoning at the time of application for a project eligibility letter (initial application to DHCD). Carrying costs (i.e., property taxes, property insurance, interest payments on acquisitions financing, etc.) can be no more than 20% of the “as is” market value unless the carrying period exceeds 24 months. Reasonable carrying costs must be verified by the submission of documentation not within the exclusive control of the applicant.
- Appraisals are required except for small projects of 20 units or less at the request of the Board of Selectmen where the applicant for the LIP comprehensive permit submits satisfactory evidence of value.
- Profits are limited to no more than 20% of total allowable development costs in homeownership projects.
- In regard to rental developments, payment of fees and profits are limited to no more than 10% of total development costs net of profits and fees and any working capital or reserves intended for property operations. Beginning upon initial occupancy and then proceeding on an annual

⁵⁶ DHCD has an electronic mechanism for calculating maximum sales prices on its website at www.mass.gov/dhcd.

⁵⁷ DHCD will review condo fee estimates and approve a maximum condo fee as part of the calculation of maximum sales price. The percentage interests assigned to the condo must conform to the approved condo fees and require a lower percentage interest assigned to the affordable units as opposed to the market rate ones. DHCD must review the Schedule of Beneficial Interests in the Master Deed to confirm that LIP units have been assigned percentage interests that correspond to the condo fees.

basis, annual dividend distributions will be limited to no more than 10% of the owner's equity in the project. Owner's equity is the difference between the appraised as-built value and the sum of any public equity and secured debt on the property.

- For LIP comprehensive permit projects, DHCD requires all developers to post a bond (or a letter of credit) with the municipality to guarantee the developer's obligations to provide a satisfactory cost certification upon completion of construction and to have any excess profits, beyond what is allowed, revert back to the municipality. The bond is discharged after DHCD has determined that the developer has appropriately complied with the profit limitations.
- No third party mortgages are allowed for homeownership units.

Marketing and Outreach (refer to state Affirmative Fair Housing Marketing Plan guidelines dated June 25, 2008.)

- Marketing and outreach, including lottery administration in adherence with all Fair Housing laws.
- LIP requires that the lottery draw and rank households by size.
- If there are proportionately less minority applicants in the community preference pool than the proportion in the region, a preliminary lottery must be held to boost, if possible, the proportion of minority applicants to this regional level.
- A maximum of 70% of the units may be local preference units for those who have a connection to the community as defined under state guidelines (Section C: Local Preference section of the Affirmative Fair Housing Marketing Plan Guidelines (dated June 25, 2008)).
- The Marketing Plan must affirmatively provide outreach to area minority communities to notify them about availability of the unit(s).
- Marketing materials must be available/application process open for a period of at least 60 days.
- Marketing should begin about six (6) months before occupancy.
- Lottery must be held unless there are no more qualified applicants than units available.

Regulatory Requirements

- The affordable units design, type, size, etc. must be the same as the market units and dispersed throughout the development.
- Units developed through LIP as affordable must be undistinguishable from market units as viewed from the exterior (unless the project has a DHCD-approved alternative development plan that is only granted under exceptional circumstances) and contain complete living facilities.
- For over 55 projects, only one household member must be 55 or older.
- Household size relationship to unit size is based on "households" = number of bedrooms plus one – i.e., a four-person household in a three-bedroom unit (important also for calculating purchase prices of the affordable units for which LIP has a formula as noted above).
- Must have deed restrictions in effect in perpetuity unless the applicant or municipality can justify a shorter term to DHCD.
- All affordable units for families must have at least two or more bedrooms and meet state sanitary codes and these minimum requirements –

1 bedroom – 700 square feet/1 bath
2 bedrooms – 900 square feet/1 bath
3 bedrooms – 1,200 square feet/ 1 ½ baths
4 bedrooms – 1,400 square feet/2 baths

- Appraisals may take into account the probability of obtaining a variance, special permit or other zoning relief but must exclude any value relating to the possible issuance of a comprehensive permit.

The process that is required for using LIP for 40B developments – “friendly” comprehensive permit projects – is largely developer driven. It is based on the understanding that the developer and Town are working together on a project that meets community needs. Minimum requirements include:

1. Written support of the municipality’s chief elected official, the Board of Selectmen in the case of towns, and the local housing partnership, trust or other designated local housing entity. The chief executive officer is in fact required to submit the application to DHCD.
2. At least 25% of the units must be affordable and occupied by households earning at or below 80% of area median income or at least 20% of units restricted to households at or below 50% of area median income.
3. Affordability restrictions must be in effect in perpetuity, to be monitored by DHCD through a recorded regulatory agreement.
4. Project sponsors must prepare and execute an Affirmative Fair Housing Marketing Plan that must be approved by DHCD.
5. Developer’s profits are restricted per Chapter 40B requirements.

The process that is required for using LIP for 40B developments – “friendly” comprehensive permit projects – is as follows:

1. Application process
 - Developer meets with Town
 - Developer and Town agree to proposal
 - Town chief elected officer submits application to DHCD with developer’s input
2. DHCD review involves the consideration of:
 - Sustainable development criteria (redevelop first, concentrate development, be fair, restore and enhance the environment, conserve natural resources, expand housing opportunities, provide transportation choice, increase job opportunities, foster sustainable businesses, and plan regionally),
 - Number and type of units,
 - Pricing of units to be affordable to households earning no more than 70% of area median income,
 - Affirmative marketing plan,
 - Financing, and
 - Site visit.
3. DHCD issues site eligibility letter that enables the developer to bring the proposal to the ZBA for processing the comprehensive permit.
4. Zoning Board of Appeals holds hearing
 - Developer and Town sign regulatory agreement to guarantee production of affordable units that includes the price of units and deed restriction in the case of homeownership and limits on rent

increases if a rental project. The deed restriction limits the profit upon resale and requires that the units be sold to another buyer meeting affordability criteria.

- Developer forms a limited dividend corporation that limits profits.
- The developer and Town sign a regulatory agreement.

5. Marketing

- An Affirmative Fair Housing Marketing Plan must provide outreach to area minority communities to notify them about availability of the unit(s).
- Local preference is limited to a maximum of 70% of the affordable units.
- Marketing materials must be available/application process open for a period of at least 60 days.
- Lottery must be held.

6. DHCD approval must include

- Marketing plan, lottery application, and lottery explanatory materials
- Regulatory agreement (DHCD is a signatory)
- Deed rider (Use standard LIP document)
- Purchase arrangements for each buyer including signed mortgage commitment, signed purchase and sale agreement and contact information of purchaser's closing attorney.

As mentioned above, in addition to being used for "friendly" 40B projects, LIP can be used for counting those affordable units as part of a Town's Subsidized Housing Inventory that are created as a result of some local action. Following occupancy of the units, a Local Action Units application must be submitted to DHCD for the units to be counted as affordable. This application is on DHCD's web site.

The contact person at DHCD is Janice Lesniak of the LIP staff (phone: 617-573-1309; fax: 617-573-1330; email: rieko.hayashi@state.ma.us).

E. MassWorks Infrastructure Program

The MassWorks Infrastructure Program provides a one-stop shop for municipalities and other eligible public entities seeking public infrastructure funding to support economic development and job creation. The Program represents an administrative consolidation of six former grant programs:

- Public Works Economic Development (PWED)
- Community Development Action Grant (CDAG)
- Growth Districts Initiative (GDI) Grant Program
- Massachusetts Opportunity Relocation and Expansion Program (MORE)
- Small Town Rural Assistance Program (STRAP)
- Transit Oriented Development (TOD) Program

The MassWorks Infrastructure Program provides a one-stop shop for municipalities and other eligible public entities seeking public infrastructure funding to support:

- Economic development and job creation and retention
- Housing development at density of at least 4 units to the acre (both market and affordable units)
- Transportation improvements to enhancing safety in small, rural communities

The MassWorks Infrastructure Program is administered by the Executive Office of Housing and Economic Development, in cooperation with the Department of Transportation and Executive Office for Administration & Finance.

II. SUMMARY OF HOUSING RESOURCES

Those programs that may be most appropriate to development activity in Wellfleet are described below.⁵⁸

A. Technical Assistance

1. *Planning Assistance Toward Housing (PATH)*

A relatively new state-funded initiative, the Planning Assistance Toward Housing (PATH) Program, provides planning assistance to municipalities for housing production. The state has made \$600,000 in planning grants available through the program to support locally initiated planning for municipally owned sites, changes to land use and zoning, and other strategies that directly contribute to housing production. This program replaces the Priority Development Fund that was introduced by the state in 2004.

2. *Peer to Peer Technical Assistance*

This state program utilizes the expertise and experience of local officials from one community to provide assistance to officials in another comparable community to share skills and knowledge on short-term problem solving or technical assistance projects related to community development and capacity building. Funding is provided through the Community Development Block Grant Program and is limited to grants of no more than \$1,000, providing up to 30 hours of technical assistance.

Applications are accepted on a continuous basis, but funding is limited. To apply, a municipality must provide DHCD with a brief written description of the problem or issue, the technical assistance needed and documentation of a vote of the Board of Selectmen or letter from the Town Administrator supporting the request for a peer. Communities may propose a local official from another community to serve as the peer or ask DHCD for a referral. If DHCD approves the request and once the peer is recruited, DHCD will enter into a contract for services with the municipality. When the work is completed to the municipality's satisfaction, the Town must prepare a final report, submit it to DHCD, and request reimbursement for the peer.

3. *MHP Intensive Community Support Team*

The Massachusetts Housing Partnership Fund is a quasi-public agency that offers a wide range of technical and financial resources to support affordable housing. The Intensive Community Support Team provides sustained, in-depth assistance to support the development of affordable housing. Focusing on housing production, the Team helps local advocates move a project from the conceptual phase through construction, bringing expertise and shared lessons from other parts of the state. The team can also provide guidance on project finance. Those communities, which are interested in this initiative, should contact the MHP Fund directly for more information.

⁵⁸ Program information was gathered through agency brochures, agency program guidelines and application materials as well as the following resources: Verrilli, Ann. Housing Guidebook for Massachusetts, produced by the Citizen's Housing and Planning Association, June 1999.

4. MHP Chapter 40B Technical Assistance Program

Working with DHCD, MHP launched this program in 1999 to provide technical assistance to those communities needing assistance in reviewing comprehensive permit applications. The Program offers up to \$10,000 in third-party technical assistance to enable communities to hire consultants to help them review Chapter 40B applications. Those communities that are interested in this initiative should contact the MHP Fund directly for more information.

MHP recently announced new guidelines to help cities and towns review housing development proposals under Chapter 40B including:

- State housing agencies will now appraise and establish the land value of 40B sites before issuing project eligibility letters.
- State will put standards in place for determining when permit conditions make a 40B development “uneconomic”.
- There will be set guidelines on determining related-party transactions, i.e., when a developer may also have a role as contractor or realtor.
- Advice on how to identify the most important issues early and communicate them to the developer, how informal work sessions can be effective, and how to make decisions that are unlikely to be overturned in court.

B. Housing Development

While comprehensive permits typically do not involve external public subsidies but use internal subsidies by which the market units in fact subsidize the affordable ones, communities are finding that they also require public subsidies to cover the costs of affordable or mixed-income residential development and need to access a range of programs through the state and federal government and other financial institutions to accomplish their objectives and meet affordable housing goals. Because the costs of development are typically significantly higher than the rents or purchase prices that low- and moderate-income tenants can afford, multiple layers of subsidies are often required to fill the gaps. Sometimes even Chapter 40B developments are finding it useful to apply for external subsidies to increase the numbers of affordable units, to target units to lower income or special needs populations, or to fill gaps that market rates cannot fully cover.

The state requires applicants to submit a One Stop Application for most of its housing subsidy programs in an effort to standardize the application process across agencies and programs. A Notice of Funding Availability (NOFA) is issued by the state usually twice annually for its rental programs and homeownership initiatives. Using the One Stop Application, applicants can apply to several programs simultaneously to support the funding needs of a particular project.

1. HOME Program

HUD created the HOME Program in 1990 to provide grants to states, larger cities and consortia of smaller cities and towns to do the following:

- Produce rental housing;
- Provide rehabilitation loans and grants, including lead paint removal and accessibility modifications, for rental and owner-occupied properties;
- Offer tenant-based rental assistance (two-year subsidies); and/or

- Assist first-time homeowners.

The HOME Program funding is targeted to homebuyers or homeowners earning no more than 80% of median income and to rental units where at least 90% of the units must be affordable and occupied by households earning no more than 60% of median income, the balance to those earning within 80% of median. Moreover, for those rental projects with five or more units, at least 20% of the units must be reserved for households earning less than 50% of median income. In addition to income guidelines, the HOME Program specifies the need for deed restrictions, resale requirements, and maximum sales prices or rentals.

The HOME Rental Program is targeted to the acquisition and rehabilitation of multi-family distressed properties or new construction of multi-family rental housing from five to fifty units. Once again, the maximum subsidy per project is \$750,000 and the maximum subsidy per unit in localities that receive HOME or CDBG funds directly from HUD is \$50,000 (these communities should also include a commitment of local funds in the project). Those communities that do not receive HOME or CDBG funds directly from HUD, like Wellfleet, can apply for up to \$65,000 per unit. Subsidies are in the form of deferred loans at 0% interest for 30 years. State HOME funding cannot be combined with another state subsidy program with several exceptions including the Low Income Housing Tax Credits, HIF and the Soft Second Program.

Like all other communities on Cape Cod, Wellfleet is part of the Barnstable County HOME Consortium and has access to HOME funding.

2. Community Development Block Grant Program (CDBG)

In addition to funding for the Peer-to-Peer Program mentioned in the above section, there are other housing resources supported by federal CDBG funds that are distributed by formula to Massachusetts.

The **Massachusetts Small Cities Program** that has a set-aside of Community Development Block Grant (CDBG) funds to support a range of eligible activities including housing development. However, at least 70% of the money must provide benefits to households earning within 80% of median income. This money is for those nonentitlement localities that do not receive CDBG funds directly from HUD. Funds are awarded on a competitive basis through Notices of Funding Availability with specific due dates or through applications reviewed on a rolling basis throughout the year, depending on the specific program. This funding supports a variety of specific programs.

3. Housing Stabilization Fund (HSF)

The state's Housing Stabilization Fund (HSF) was established in 1993 through a Housing Bond bill to support housing rehabilitation through a variety of housing activities including homeownership (most of this funding has been allocated for the MHP Soft Second Program) and rental project development. The state subsequently issued additional bond bills to provide more funding. The HSF Rehabilitation Initiative is targeted to households with incomes within 80% of median income, with resale or subsequent tenancy for households within 100% of median income. The funds can be used for grants or loans through state and local agencies, housing authorities and community development corporations with the ability to subcontract to other entities. The funds have been used to match local HOME program funding, to fund demolition, and to support the acquisition and rehabilitation of affordable housing. In addition to a program directed to the rehabilitation of abandoned, distressed or foreclosed properties, the HSF provides funds to municipalities for local revitalization programs directed to the creation or preservation of rental projects. As with HOME, the maximum amount available per project

is \$750,000 and the maximum per unit is \$65,000 for communities that do not receive HOME or CDBG funds directly from HUD, and \$50,000 for those that do. Communities can apply for HSF funding biannually through the One Stop Application.

4. *Low Income Housing Tax Credit Program*

The Low Income Housing Tax Credit Program was created in 1986 by the Federal Government to offer tax credits to investors in housing development projects that include some low-income units. The tax credit program is often the centerpiece program in any affordable rental project because it brings in valuable equity funds. Tax credits are either for 4% or 9% of the development or rehab costs for each affordable unit for a ten-year period. The 4% credits have a present value of 30% of the development costs, except for the costs of land, and the 9% credit have a present value equal to 70% of the costs of developing the affordable units, with the exception of land. Both the 4% and 9% credits can be sold to investors for close to their present values.

The Federal Government limits the 9% credits and consequently there is some competition for them, nevertheless, most tax credit projects in Massachusetts are financed through the 9% credit. Private investors, such as banks or corporations, purchase the tax credits for about 80 cents on the dollar, and their money serves as equity in a project, reducing the amount of the debt service and consequently the rents. The program mandates that at least 20% of the units must be made affordable to households earning within 50% of median income or 40% of the units must be affordable to households earning up to 60% of median income. Those projects that receive the 9% tax credits must produce much higher percentages of affordable units.

The Massachusetts Legislature has enacted a comparable state tax credit program, modeled after the federal tax credit program. The One Stop Application is also used to apply for this source of funding.

5. *Affordable Housing Trust Fund*

The Affordable Housing Trust Fund (AHTF) was established by an act of the State Legislature and is codified under Chapter 121-D of the Massachusetts General Laws. The AHTF operates out of DHCD and is administered by MassHousing with guidance provided by an Advisory Committee of housing advocates. The purpose of the fund is to support the creation/preservation of housing that is affordable to people with incomes that do not exceed 110% of the area median income. The AHTF can be used to support the acquisition, development and/or preservation of affordable housing units. AHTF assistance can include:

- Deferred payment loans, low/no-interest amortizing loans.
- Down payment and closing cost assistance for first-time homebuyers.
- Credit enhancements and mortgage insurance guarantees.
- Matching funds for municipalities that sponsor affordable housing projects.
- Matching funds for employer-based housing and capital grants for public housing.

Funds can be used to build or renovate new affordable housing, preserve the affordability of subsidized expiring use housing, and renovate public housing. While the fund has the flexibility of serving households with incomes up to 110%, preferences for funding will be directed to projects involving the production of new affordable units for families earning below 80% of median income. The program also includes a set-aside for projects that serve homeless households or those earning below 30% of median

income. Once again, the One Stop Application is used to apply for funding, typically through the availability of two funding rounds per year.

6. *Housing Innovations Fund (HIF)*

The state also administers the Housing Innovations Fund (HIF) that was created by a 1987 bond bill and expanded under two subsequent bond bills to provide a 5% deferred loan to non-profit organizations for no more than \$500,000 per project or up to 30% of the costs associated with developing alternative forms of housing including limited equity coops, mutual housing, single-room occupancy housing, special needs housing, transitional housing, domestic violence shelters and congregate housing. At least 25% of the units must be reserved for households earning less than 80% of median income and another 25% for those earning within 50% of area median income. HIF can also be used with other state subsidy programs including HOME, HSF and Low Income Housing Tax Credits. The Community Economic Development Assistance Corporation (CEDAC) administers this program. Applicants are required to complete the One-Stop Application.

7. *Federal Home Loan Bank Board's Affordable Housing Program (AHP)*

Another potential source of funding for both homeownership and rental projects is the Federal Home Loan Bank Board's Affordable Housing Program (AHP) that provides subsidies to projects targeted to households earning between 50% and 80% of median income, with up to \$300,000 available per project. This funding is directed to filling existing financial gaps in low- and moderate-income affordable housing projects. There are typically two competitive funding rounds per year for this program.

8. *MHP Permanent Rental Financing Program*

The state also provides several financing programs for rental projects through the Massachusetts Housing Partnership Fund. The Permanent Rental Financing Program provides long-term, fixed-rate permanent financing for rental projects of five or more units from \$100,000 loans to amounts of \$2 million. At least 20% of the units must be affordable to households earning less than 50% of median income or at least 40% of the units must be affordable to households earning less than 60% of median income or at least 50% of the units must be affordable to households earning less than 80% of median income. MHP also administers the Permanent Plus Program targeted to multi-family housing or SRO properties with five or more units where at least 20% of the units are affordable to households earning less than 50% of median income. The program combines MHP's permanent financing with a 0% deferred loan of up to \$40,000 per affordable unit up to a maximum of \$500,000 per project. No other subsidy funds are allowed in this program. The Bridge Financing Program offers bridge loans of up to eight years ranging from \$250,000 to \$5 million to projects involving Low Income Housing Tax Credits. Applicants should contact MHP directly to obtain additional information on the program and how to apply.

9. *OneSource Program*

The Massachusetts Housing Investment Corporation (MHIC) is a private, non-profit corporation that since 1991 has provided financing for affordable housing developments and equity for projects that involve the federal Low Income Housing Tax Credit Program. MHIC raises money from area banks to fund its loan pool and invest in the tax credits. In order to qualify for MHIC's OneSource financing, the project must include a significant number of affordable units, such that 20% to 25% of the units are affordable to households earning within 80% of median income. Interest rates are typically one point over prime and there is a 1% commitment fee. MHIC loans range from \$250,000 to several million, with a minimum project size of six units. Financing can be used for both rental and homeownership projects, for rehab and new construction, also covering acquisition costs with quick turn-around times for

applications of less than a month (an appraisal is required). The MHIC and MHP work closely together to coordinate MHIC's construction financing with MHP's permanent take-out through the OneSource Program, making their forms compatible and utilizing the same attorneys to expedite and reduce costs associated with producing affordable housing.

10. *Section 8 Rental Assistance*

An important low-income housing resource is the Section 8 Program that provides rental assistance to help low- and moderate-income households pay their rent. In addition to the federal Section 8 Program, the state also provides rental subsidies through the Massachusetts Rental Voucher Program as well as three smaller programs directed to those with special needs. These rental subsidy programs are administered by the state or through local housing authorities and regional non-profit housing organizations. Rent subsidies take two basic forms – either granted directly to tenants or committed to specific projects through special Project-based rental assistance. Most programs require households to pay a minimum percentage of their adjusted income (typically 30%) for housing (rent and utilities) with the government paying the difference between the household's contribution and the actual rent.

11. *Massachusetts Preservation Projects Fund*

The Massachusetts Preservation Projects Fund (MPPF) is a state-funded 50% reimbursable matching grant program that supports the preservation of properties, landscapes, and sites (cultural resources) listed in the State Register of Historic Places. Applicants must be municipality or non-profit organization. Funds can be available for pre-development including feasibility studies, historic structure reports and certain archaeological investigations of up to \$30,000. Funding can also be used for construction activities including stabilization, protection, rehabilitation, and restoration or the acquisition of a state-registered property that are imminently threatened with inappropriate alteration or destruction. Funding for development and acquisition projects range from \$7,500 to \$100,000. Work completed prior to the grant award, routine maintenance items, mechanical system upgrades, renovation of non-historic spaces, moving an historic building, construction of additions or architectural/engineering fees are not eligible for funding or use as the matching share. A unique feature of the program allows applicants to request up to 75% of construction costs if there is a commitment to establish a historic property maintenance fund by setting aside an additional 25% over their matching share in a restricted endowment fund. A round of funding was recently held, but future rounds are not authorized at this time.

12. *District Improvement Financing Program (DIF)*

The District Improvement Financing Program (DIF) is administered by the state's Office of Business Development to enable municipalities to finance public works and infrastructure by pledging future incremental taxes resulting from growth within a designated area to service financing obligations. This Program, in combination with others, can be helpful in developing or redeveloping target areas of a community, including the promotion of mixed-uses and smart growth. Municipalities submit a standard application and follow a prescribed application process directed by the Office of Business Development in coordination with the Economic Assistance Coordinating Council.

13. *Urban Center Housing Tax Increment Financing Zone (UCH-TIF)*

The Urban Center Housing Tax Increment Financing Zone Program (UCH-TIF) is a relatively new state initiative designed to give cities and towns the ability to promote residential and commercial development in commercial centers through tax increment financing that provides a real estate tax exemption on all or part of the increased value (the "increment") of the improved real estate. The development must be primarily residential and this program can be combined with grants and loans

from other local, state and federal development programs. An important purpose of the program is to increase the amount of affordable housing for households earning at or below 80% of area median income and requires that 25% of new housing to be built in the zone be affordable, although the Department of Housing and Community Development may approve a lesser percentage where necessary to insure financial feasibility. In order to take advantage of the program, a municipality needs to adopt a detailed UCH-TIF Plan and submit it to DHCD for approval.

14. Community Based Housing Program

The Community Based Housing Program provides loans to nonprofit agencies for the development or redevelopment of integrated housing for people with disabilities in institutions or nursing facilities or at risk of institutionalization. The Program provides permanent, deferred payment loans for a term of 30 years, and CBH funds may cover up to 50% of a CHA unit's Total Development Costs up to a maximum of \$750,000 per project.

15. Compact Neighborhoods Program

DHCD recently announced "Compact Neighborhoods" that provides additional incentives to municipalities that adopt zoning districts for working families of all incomes as well as smart growth development. Similar to 40R, the program requires new zoning that must:

- Allow a minimum number of "future zoned units" in the Compact Neighborhood, which is generally 1% of the year-round housing in the community;
- Allow one or more densities as-of-right in the zone of at least eight (8) units per acre on developable land for multi-family housing and at least four (4) units per acre for single-family use;
- Provide not less than 10% of units be affordable within projects of more than 12 units; and
- Not impose any restrictions to age or other occupancy limitations within the Compact Neighborhood zone although projects within the zone may be targeted to the elderly, persons with disabilities, etc.

Financial assistance through the Priority Development Fund is available to communities that are adopting Compact Neighborhoods zoning, giving priority to the creation of mixed-use development beyond the bounds of a single project. The state also promotes projects that meet the definition of smart growth under 40R, encourage housing that is priced to meet the needs of households across a broad range of incomes and needs.

The process for implementing a Compact Neighborhoods Zone includes:

- Identify an "as-of-right" base or overlay district (the Compact Neighborhood);
- Request and receive a Letter of Eligibility from DHCD; and
- Adopt the Compact Neighborhood Zoning.

16. DHCD Project-Based Homeownership Program

DHCD recently announced a first round of funding for its Project-Based Homeownership Program with two (2) funding categories:

- **Areas of Opportunity**
Funds are being awarded for new construction of family housing projects for first-time homebuyers in neighborhoods or communities that provide access to opportunities that include but are not limited to jobs, transportation, education, and public amenities. The minimum project size is ten (10 units) for up to \$500,000 in funding for a single project and no more than \$75,000 per affordable unit. The maximum total development cost for affordable units is \$300,000 and the maximum developer overhead and fee is 15% of total development costs. Localities must provide matching funds at least equal to the amount of the DHCD subsidy request.
- **Gateway Cities**
A limited amount of funding will be made available to Gateway Cities or other smaller communities with well-defined Neighborhood Redevelopment Plans for the acquisition and rehabilitation or new construction of single-family or duplex units or triple deckers (rehab only). The development of single sites is preferred but scattered-site projects are permissible. The minimum project size is six (6 units) for up to \$500,000 in funding for a single project and no more than \$75,000 per affordable unit. The maximum total development cost for affordable units is \$250,000 and the maximum developer overhead and fee is 15% of total development costs. Localities must provide matching funds at least equal to one-half the amount of the DHCD subsidy request.

Sponsors/developers must have hard letters of interest from construction lenders and mortgage loan originators, follow prescribed design/scope guidelines, submit sound market data at the time of pre-application, and have zoning approvals in place. Interested sponsors/developers must submit a pre-application for funding and following its review, DHCD review will invite certain sponsor/developers to submit full applications.

17. National Housing Trust Fund (NHTF)

The state has allocated \$3.4 million in Housing Trust Funds and 100 Massachusetts Rental Vouchers to help create supportive housing for vulnerable populations including homeless families and individuals, unaccompanied homeless youth, frail seniors with service needs, and individuals in recovery from substance abuse. This program is intended to provide supplemental support to the federal National Housing Trust Fund, a newly–authorized affordable housing program.

18. Community Scale Housing Initiative (CSHI)

The state has introduced a new program to address the need for smaller scale affordable housing projects that are sized to fit well within the host community. The new initiative will provide \$10 million in funding for these projects based on the following eligibility criteria:

- Community must have a population not to exceed 200,000
- Program sponsors can be both non-profit and for-profit entities with a demonstrated ability to undertake the project
- The proposed project must include at least five rental units but no more than 20 rental units
- Project must involve new construction or adaptive reuse
- A minimum of 20% of the units must be affordable but it is anticipated that most proposed projects will have a minimum of 50% affordable units
- The host community must provide a financial commitment in support of the project

- The CSHI subsidy may not exceed \$200,000 per unit unless the developer intends to seek DHCD project-based rental assistance in which case the subsidy may not exceed \$150,000 per CSHI unit
- The total development cost per unit may not exceed \$350,000
- Projects will receive no more than is necessary to make the project feasible
- Projects must be financially feasible without state or federal low income housing tax credits
- Projects are expected to close and proceed to construction within 12 months of the date of the award letter

C. Homebuyer Financing and Counseling

1. *ONE Mortgage Program*

The Massachusetts Housing Partnership Fund, in coordination with the state's Department of Housing and Community Development, has recently introduced the ONE Mortgage Program, a new simplified version of the successful Soft Second Loan Program, which from 1991 to 2013 helped over 17,000 families purchase their first home. Like the Soft Second Program, ONE features low, fixed-rate financing and state-backed reserve that relieves homebuyers of the cost of purchasing private mortgage insurance.

2. *Homebuyer Counseling*

There are a number of programs including the Soft Second Loan Program and MassHousing's Home Improvement Loan Program as well as Chapter 40B homeownership projects that require purchasers to attend homebuyer workshops sponsored by organizations that are approved by the state, Citizens Housing and Planning Association (CHAPA) and/or HUD as a condition of occupancy. These sessions provide first-time homebuyers with a wide range of important information on homeownership finance and requirements. The organization that offers these workshops in closest proximity to Wellfleet is the Housing Assistance Corporation or Community Development Partnership (CDP).

3. *Self-Help Housing.*

Self-Help programs involve sweat-equity by the homebuyer and volunteer labor of others to reduce construction costs. Some communities have donated building lots to Habitat for Humanity to construct affordable single housing units. Under the Habitat for Humanity program, homebuyers contribute between 300 and 500 hours of sweat equity while working with volunteers from the community to construct the home. The homeowner finances the home with a 20-year loan at 0% interest. As funds are paid back to Habitat for Humanity, they are used to fund future projects.

D. Home Improvement Financing

1. *MassHousing Home Improvement Loan Program (HILP)*

The MHFA Home Improvement Loan Program (HILP) is targeted to one- to four-unit, owner-occupied properties, including condominiums, with a minimum loan amount of \$10,000 up to a maximum of \$50,000. Loan terms range from five to 20 years based on the amount of the loan and the borrower's income and debt. MassHousing services the loans. Income limits are \$92,000 for households of one or two persons and \$104,000 for families of three or more persons. To apply for a loan, applicants must contact a participating lender.

2. *Get the Lead Out Program*

MassHousing's Get the Lead Out Program offers 100% financing for lead paint removal on excellent terms that are based on ownership status and type of property. An owner-occupied, single-family home

may be eligible to receive a 0% deferred payment loan up to \$20,000 that is due when the house is sold, transferred or refinanced. An owner-occupant of a two-family house could receive up to \$25,000 to conduct the de-leading work. Maximum income limits for owner-occupants are \$74,400 for one and two-person households and \$85,500 for three or more persons. Investor-owners can also participate in the program but receive a 5% fully amortizing loan to cover costs. Non-profit organizations that rent properties to income-eligible residents are also eligible for 0% fully amortizing loans that run from five to 20 years. Applicants must contact a local rehabilitation agency to apply for the loan.

3. *Septic Repair Program*

Through a partnership with the Massachusetts Department of Environmental Protection and Revenue, MassHousing offers loans to repair or replace failed or inadequate septic systems for qualifying applicants. The interest rates vary according to the borrower's income with 0% loans available to one and two-person households earning up to \$23,000 and three or more person households earning up to \$26,000 annually. There are 3% loans available for those one or two person households earning up to \$46,000 and three or more persons earning up to \$52,000. Additionally, one to four-family dwellings and condominiums are eligible for loan amounts of up to \$25,000 and can be repaid in as little as three years or over a longer period of up to 20 years. To apply for a loan, applicants must contact a participating lender.

4. *Home Modification Program*

This state-funded program provides financial and technical assistance to those who require modifications to their homes to make them handicapped accessible. The Southern Middlesex Opportunity Council (SMOC), with an office located in Buzzards Bay, administers this program for the Cape.

5. *HECH Housing Emergency Loan Program (HELP)*

With \$177,000 in CPA funding, HECH also manages the Housing Emergency Loan Program (HELP) for Wellfleet that provides no interest, deferred loans of up to \$20,000. Funding is for emergency repairs such as roofs, windows, siding, and heat and hot water systems. Applicants must have their name on the deed and their primary residence in a single-family unit or provide new affordable year-round rental housing for income-qualified tenants. Total household income cannot exceed 80% of area median income for homeowners or tenants.

APPENDIX 3

Glossary of Housing Terms⁵⁹

Affordable Housing

A subjective term, but as used in this Plan, refers to housing available to a household earning no more than 80% of area median income at a cost that is no more than 30% of total household income.

Area Median Income (AMI)

The estimated median income, adjusted for family size, by metropolitan area (or county in nonmetropolitan areas) that is adjusted by HUD annually and used as the basis of eligibility for most housing assistance programs. Sometimes referred to as “MFI” or median family income.

Chapter 40B

The state’s comprehensive permit law, enacted in 1969, which established an affordable housing goal of 10% for every community. In communities below the 10% goal, developers of low- and moderate-income housing can seek an expedited local review under the comprehensive permit process and can request a limited waiver of local zoning and other restrictions, which hamper construction of affordable housing. Developers can appeal to the state if their application is denied or approved with conditions that render it uneconomic, and the state can overturn the local decision if it finds it unreasonable in light of the need for affordable housing.

Chapter 44B

The Community Preservation Act Enabling Legislation that allows communities, at local option, to establish a Community Preservation Fund to preserve open space, historic resources and community housing, by imposing a surcharge of up to 3% on local property taxes. The state provides matching funds from its own Community Preservation Trust Fund, generated from an increase in certain Registry of Deeds’ fees.

Comprehensive Permit

Expedited permitting process for developers building affordable housing under Chapter 40B “anti-snob zoning” law. A comprehensive permit, rather than multiple individual permits from various local boards, is issued by the local zoning boards of appeals to qualifying developers.

Department of Housing and Community Development (DHCD)

The state’s lead agency for housing and community development programs and policy. It oversees state-funded public housing, administers rental assistance programs, provides funds for municipal assistance, and funds a variety of programs to stimulate the development of affordable housing.

Fair Housing Act

Federal legislation, first enacted in 1968, that provides the Secretary of HUD with investigation and enforcement responsibilities for fair housing practices. It prohibits discrimination in housing and lending based on race, color, religion, sex, national origin, handicap, or familial status. There is also a

⁵⁹ Heudorfer, Bonnie, “Taking the Initiative: A Guidebook on Creating Local Affordable Housing Strategies”, Citizens Housing and Planning Association with funding from the Massachusetts Housing Partnership Fund, November 2002.

Massachusetts Fair Housing Act, which extends the prohibition against discrimination to sexual orientation, marital status, ancestry, veteran status, children, and age. The state law also prohibits discrimination against families receiving public assistance or rental subsidies, or because of any requirement of these programs.

Inclusionary Zoning

A zoning ordinance or by-law that requires a developer to include affordable housing as part of a development or contribute to a fund for such housing.

Infill Development

The practice of building on vacant or undeveloped parcels in dense areas, especially urban and inner suburban neighborhoods. Promotes compact development, which in turn allows undeveloped land to remain open and green.

Local Initiative Program (LIP)

A state program under which communities may use local resources and DHCD technical assistance to develop affordable housing that is eligible for inclusion on the state Subsidized Housing Inventory (SHI). LIP is not a financing program, but the DHCD technical assistance qualifies as a subsidy and enables locally supported developments that do not require other financial subsidies to use the comprehensive permit process. At least 25% of the units must be set-aside as affordable to households earning less than 80% of area median income.

MassHousing (formerly the Massachusetts Housing Finance Agency, MHFA)

A quasi-public agency created in 1966 to help finance affordable housing programs. MassHousing sells both tax-exempt and taxable bonds to finance its many single-family and multi-family programs.

Metropolitan Statistical Area (MSA)

The term is also used for CMSAs (consolidated metropolitan statistical areas) and PMSAs (primary metropolitan statistical areas) that are geographic units used for defining urban areas that are based largely on commuting patterns. The federal Office of Management and Budget defines these areas for statistical purposes only, but many federal agencies use them for programmatic purposes, including allocating federal funds and determining program eligibility. HUD uses MSAs as its basis for setting income guidelines and fair market rents.

Mixed-Income Housing Development

Development that includes housing for various income levels.

Mixed-Use Development

Projects that combine different types of development such as residential, commercial, office, industrial and institutional into one project.

Overlay Zoning

A zoning district, applied over one or more other districts that contains additional provisions for special features or conditions, such as historic buildings, affordable housing, or wetlands.

Public Housing Agency (PHA)

A public entity that operates housing programs: includes state housing agencies (including DHCD), housing finance agencies and local housing authorities. This is a HUD definition that is used to describe

the entities that are permitted to receive funds or administer a wide range of HUD programs including public housing and Section 8 rental assistance.

Regional Non-profit Housing Organizations

Regional non-profit housing organizations include nine private, non-profit housing agencies, which administer the Section 8 Program on a statewide basis, under contract with DHCD. Each agency serves a wide geographic region. Collectively, they cover the entire state and administer over 15,000 Section 8 vouchers. In addition to administering Section 8 subsidies, they administer state-funded rental assistance (MRVP) in communities without participating local housing authorities. They also develop affordable housing and run housing rehabilitation and weatherization programs, operate homeless shelters, run homeless prevention and first-time homebuyer programs, and offer technical assistance and training programs for communities. The Housing Assistance Corporation (HAC) serves as Wellfleet's regional non-profit housing organization.

Regional Planning Agencies (RPAs)

These are public agencies that coordinate planning in each of thirteen regions of the state. They are empowered to undertake studies of resources, problems, and needs of their districts. They provide professional expertise to communities in areas such as master planning, affordable housing and open space planning, and traffic impact studies. With the exception of the Cape Cod and Nantucket Commissions, however, which are land use regulatory agencies as well as planning agencies, the RPAs serve in an advisory capacity only. The Cape Cod Commission serves as Wellfleet's regional planning agency.

Request for Proposals (RFP)

A process for soliciting applications for funding when funds are awarded competitively or soliciting proposals from developers as an alternative to lowest-bidder competitive bidding.

Section 8

Refers to the major federal (HUD) program – actually a collection of programs – providing rental assistance to low-income households to help them pay for housing. Participating tenants pay 30% of their income (some pay more) for housing (rent and basic utilities) and the federal subsidy pays the balance of the rent. The Program is now officially called the Housing Choice Voucher Program.

Smart Growth

The term used to refer to a rapidly growing and widespread movement that calls for a more coordinated, environmentally sensitive approach to planning and development. A response to the problems associated with unplanned, unlimited suburban development – or sprawl – smart growth principles call for more efficient land use, compact development patterns, less dependence on the automobile, a range of housing opportunities and choices, and improved jobs/housing balance.

Subsidy

Typically refers to financial assistance that fills the gap between the costs of any affordable housing development and what the occupants can afford based on program eligibility requirements. Many times multiple subsidies from various funding sources are required, often referred to as the “layering” of subsidies, in order to make a project feasible. In the state's Local Initiative Program (LIP), DHCD's technical assistance qualifies as a subsidy and enables locally supported developments that do not require other financial subsidies to use the comprehensive permit process. Also, “internal subsidies”

refers to those developments that do not have an external source(s) of funding for affordable housing, but use the value of the market units to “cross subsidize” the affordable ones.

Subsidized Housing Inventory (SHI)

This is the official list of units, by municipality, that count toward a community’s 10% goal as prescribed by Chapter 40B comprehensive permit law.

U.S. Department of Housing and Urban Development (HUD)

The primary federal agency for regulating housing, including fair housing and housing finance. It is also the major federal funding source for affordable housing programs.

APPENDIX 4

Community-wide Workshop & Housing Update May 24, 2017 Meeting Summary

The Wellfleet Housing Authority, Local Housing Partnership and Local Comprehensive Plan Committee sponsored a Community-wide Housing Workshop on May 24, 2017 at Wellfleet Preservation Hall to present key findings from the Housing Needs Assessment. Following Introductions from Brian Carlson, Assistant Town Administrator, and Elaine McIlroy, Chair of the Wellfleet Housing Authority; the Consultant, Karen Sunnarborg, provided a PowerPoint presentation on the highlights of the recently updated Housing Needs Assessment and facilitated a brief question and comment period.

Participants were then provided with instructions on proceeding with Breakout Group Brainstorming. After introducing themselves, participants were asked to identify a Facilitator to keep the group on track in fulfilling the assigned tasks within allotted timeframes and further identifying a Recorder to document key comments from each group member. The purpose of the breakout groups was to obtain input from participants on their vision for community housing as well as priority actions for fulfilling this vision and addressing local housing needs.

Visioning

Each group member was asked in turn to complete the following three questions, resulting in the following comments:

The Town's greatest challenge related to preserving and producing housing affordability and diversity is _____

- Land constraints
- High land value
- Zoning and other regulations
- Lack of available housing for various "lifestages"
- Infrastructure
- Local acceptance/buy-in of affordable housing, particularly from neighbors (NIMBY)
- Higher income levels of second home owners and visitors
- Lack of creativity in pursuing new affordable housing opportunities
- Aging of the population
- Teardowns
- Lack of year-round housing
- High development costs
- Limited year-round rentals
- Litigation
- Changing demographics
- Lack of money and commitment to affordable housing
- Stigma of affordable housing

- Seasonality of housing
- Well-paying, year-round jobs
- Real estate industry
- Market forces (we're up against people with a lot of money)
- Long wait times for affordable units
- Property owners charging too much for rent
- Change will be required to allow more diverse housing types (rentals, increased density)

An appropriate housing goal (something aspirational to strive for in the years ahead) for the Town to achieve is to _____?

- Return to historic density in larger existing structures and infill
- Promote inter-town cooperation/regional cooperation
- Allow greater diversity of housing types
- Promote more mixed-use and mixed-income development
- Develop workforce housing (seasonal barracks-style housing)
- Create "lifestage" housing (tiny homes or restore cottage colony)
- Grow the middle class
- Create a year-round community for all ages and populations
- Promote the "green building" and shellfishing industries
- Enable seniors to remain in the community
- Make better utilization of existing dwellings for affordable housing
- Reach the state's 10% affordable housing goal in 5 years
- Find more creative ways to fund housing development
- Pursue small, smart, economical, easy to maintain, and sustainable housing design

The best locations for new housing development include _____?

- The Penny Patch (?)
- Walkable areas near the downtown
- Barracks on National Seashore (Air Force Base)
- Areas near the Senior Center (near amenities)
- Old Council on Aging building
- All over town through a relaxed Accessory Dwelling Unit bylaw
- Other communities with infrastructure and amenities
- Central District (still have septic issues)
- Converting cottage colonies
- "Landing strip" off of Ocean View Drive
- Undersized lots
- Excess cemetery space
- Movable seasonal workforce housing
- Land on way to the dump along Coles Neck Road
- Land with Town water services
- Land swaps with the National Seashore

Prioritizing Actions and Voting

Each member of the breakout groups was then asked in turn to identify the two most important actions or strategies for the Town to implement to address priority housing needs. They were then asked, also in turn, to identify their top three preferences based on the full list of proposed actions created by the group. The full group was then asked to select the top three actions that received the most support as well as the next three in order of priority importance and agreement.

Representatives from each group then presented the priority actions to all participants. Following these presentations, all participants voted on their preferred actions with five stickers which they could place on one item or spread among strategies. They also had one negative sticker that they could use to record opposition to a particular action.

This prioritizing and voting process produced the following actions and number of votes:

Regulatory Strategies

- Change zoning to increase density and better address community needs including more diverse housing types (10 votes)
- Relax zoning to permit smaller lot development and encourage Accessory Dwelling Units (6 votes)
- Modify Accessory Dwelling Unit and Open Space bylaws (2 votes)
- Offer amnesty for owners of illegal units to make them legal if rented affordably (2 votes)
- Revisit Condo bylaw to promote their year-round use (1 vote)

Financing Strategies

- Provide tax incentives for affordable housing such as two-tiered taxes on seasonal vs. year-round units (13 votes)
- Increase available funding so property can be purchased without significant wait time (10 votes)
- Identify new funding streams and resources (7 votes)
- Invest more Community Preservation funding for housing
- Pursue innovative technology grants to support denser development

Town Programs and Services

- Establish a Housing Office staffed by a housing professional (19 votes)
- Make housing the Town's #1 priority (6 votes)
- Put a face on those in need (5 votes)
- Promote greater community acceptance of affordable housing (3 votes)
- Provide greater incentives for businesses and homeowners to increase year-round housing stock (3 votes)
- Find a way to better tell the story about the need for affordable housing to broaden the base of support (1 vote)
- Extend the BuyDown Program
- Have the Town buy homes instead of subsidizing mortgages
- Provide an Affordable Housing Clearinghouse for information on available units
- Acquire land on which to develop

Development Opportunities

- Develop a regional/Outer Cape housing development strategy (15 votes)

- Pursue more creative housing types such as shipping containers, yurts, trailers, tiny houses (6 votes and 1 negative vote)
- Winterize seasonal units for year-round use (4 votes)
- Identify properties available for building or redevelopment, including underutilized commercial property (3 votes)
- Support mixed workforce housing as other towns have done such as Harbor Hill in Provincetown and Nantucket models (1 vote)
- Create more diverse types of housing including multi-generational, multi-family, co-housing, congregate housing for seniors, and other home share options (1 vote)
- Pursue creative ways of providing seasonal workforce housing such as bunkhouses, dormitories, tent city, etc.
- Explore transit-oriented development along Route 6
- Pursue strategic planning and policy development with local boards

Participants were informed that the Town will be working with the Consultant on an Action Plan that will include priority actions that were discussed during the workshop. After the draft is prepared, the Wellfleet Housing Authority, Local Housing Partnership and Local Comprehensive Plan Committee will conduct another public meeting to present the highlights of the Action Plan for further input from local leaders, housing stakeholders and residents.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

IX

2022 ANNUAL TOWN MEETING WARRANT ARTICLES ~ B ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	To present and vote on amending the Wellfleet Lots Zoning Bylaws ~ Cottage Colonies
PROPOSED MOTION:	A motion will be made if needed at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

ARTICLE XX Amending Wellfleet Zoning By-Laws, Cottage Colony

To see if the Town will amend the Wellfleet Zoning By-Laws by amending the Sections 2.1, 5.3 as follows:

2.1 DEFINITIONS

[Is hereby amended with the following definitions:]

Cottage Colony - A group of two or more detached dwellings located on the same lot **not within the NSP**, each containing one dwelling unit only which is designed for independent family living including cooking facilities. ~~and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year.~~ Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft.

Cottage Colony NSP - A group of two or more detached dwellings located on the same lot within the NSP, each containing one dwelling unit only which is designed for independent family living including cooking facilities. and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year. Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft

5.3. USE REGULATIONS

Table 5.3.1 is amended as follows: Insert "Cottage Colony NSP" following "Cottage Colony"

["P" is a permitted use. "O" – An excluded or prohibited use "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
Cottage Colony	O	A	A	O	A	A
Cottage Colony NSP	O	O	O	O	O	O

Summary: The size of dwellings within cottage colonies are ideal for housing that might be affordable to local residents and not be income-restricted. That Wellfleet has functionally restricted approximately 10% of its housing stock to seasonal use only while we struggle to retain and develop year-round housing is counterproductive. This class of housing also tends to be of modest proportions. It thus commands a lower seasonal rent on the market, making it utterly unreasonable to be restricted to seasonal occupancy only. Wellfleet's year-round housing crisis is well documented. Wellfleet badly needs a more balanced blend of housing options. From young people and families to seniors and well-paid professionals, finding and keeping a year-round rental is less and less possible. Businesses of all types and even the Town's departments struggle to find employees because of the high cost and lack of year-round housing. The housing crisis is impacting both residents and visitors as it is already affecting the Town's quality of life and economic sustainability.

ARTICLE XX: Amending Zoning Use, Dwelling, Multiple-Family To see if the Town will vote to amend the Wellfleet Zoning By-Laws, Section 5.3 Use Regulations as follows:

["P" is a permitted use. "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
Dwelling, Multiple Family	P Ø	P Ø	P Ø	O	A	A Ø

Majority Vote Required?

Selectboard: *Recommends 0-0*

Summary:

The purpose of this bylaw is to enable an increase of year-round housing opportunities and to encourage greater diversity of housing types appropriate to residents with varying needs.

Multiple Family Dwellings are a traditional type of housing. This change would not allow for more bedrooms than would otherwise be allowed only how those bedrooms are configured. Multifamily homes present a more affordable type of housing than a single-family home. As written our zoning bylaws encourage the construction of very large, oversized houses if a property owner chooses to build out to the full number of bedrooms allowed. If a property owner can build five bedrooms and they build a 5-bedroom house no local resident will be able to afford the property. If instead they build a 3-bedroom house and a 2-bedroom house those are more affordable for local residents. Multifamily homes also reduce the cost to a family as the underling interest in the land can be split rather than being solely borne by a single unit of housing. This would enable condominiums to be occupied on a year round basis. There are 339 condominium units within Wellfleet and most are restricted to seasonal use only. Our zoning has created a class of properties that can only be occupied on a seasonal basis. The median sale price for a condominium is also significantly lower (\$334,500 2021) than a single family property (\$805,500 2021).

Wellfleet's year-round housing crisis is well documented. Wellfleet badly needs a more balanced blend of housing options. From young people and families to seniors and well-paid professionals, finding and keeping a year-round rental is less and less possible. Our shellfishing families are particularly vulnerable as they are required by regulations to be domiciled in Wellfleet. Businesses of all types and even the Town's departments struggle to find employees because of the high cost and lack of year-round housing. This will impact both residents and visitors as it is already affecting the quality of life and economic sustainability of the town.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

IX

2022 ANNUAL TOWN MEETING WARRANT ARTICLES

~ C ~

REQUESTED BY:	Board Member Wilson
DESIRED ACTION:	To discuss and vote on the Wild Animal Bylaw
PROPOSED MOTION:	I move to approve the Wild Animal Bylaw as presented by Helen Miranda Wilson at tonight's meeting
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

36 CFR § 2.2 Wildlife protection.

(a) The following are prohibited:

(1) The taking of wildlife, except by authorized hunting and trapping activities conducted in accordance with [paragraph \(b\)](#) of this section.

(2) The feeding, touching, teasing, frightening or intentional disturbing of wildlife nesting, breeding or other activities.

(3) Possessing unlawfully taken wildlife or portions thereof.

(b) *Hunting and trapping.*

(1) Hunting shall be allowed in park areas where such activity is specifically mandated by Federal statutory law.

(2) Hunting may be allowed in park areas where such activity is specifically authorized as a discretionary activity under Federal statutory law if the superintendent determines that such activity is consistent with public safety and enjoyment, and sound resource management principles. Such hunting shall be allowed pursuant to special regulations.

(3) Trapping shall be allowed in park areas where such activity is specifically mandated by Federal statutory law.

(4) Where hunting or trapping or both are authorized, such activities shall be conducted in accordance with Federal law and the laws of the State within whose exterior boundaries a park area or a portion thereof is located. Nonconflicting State laws are adopted as a part of these regulations.

(c) Except in emergencies or in areas under the exclusive jurisdiction of the United States, the superintendent shall consult with appropriate State agencies before invoking the authority of [§ 1.5](#) for the purpose of restricting hunting and trapping or closing park areas to the taking of wildlife where such activities are mandated or authorized by Federal statutory law.

(d) The superintendent may establish conditions and procedures for transporting lawfully taken wildlife through the park area. Violation of these conditions and procedures is prohibited.

(e) The Superintendent may designate all or portions of a park area as closed to the viewing of wildlife with an artificial light. Use of an artificial light for purposes of viewing wildlife in closed areas is prohibited.

(f) Authorized persons may check hunting and trapping licenses and permits; inspect weapons, traps and hunting and trapping gear for compliance with equipment restrictions; and inspect wildlife that has been taken for compliance with species, size and other taking restrictions.

(g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

Collateral Fines

2.2 Wildlife Protection

(a) The following are prohibited:

- (1) Unauthorized taking of wildlife 200
- (2) Feeding etc., or intentional disturbing of wildlife (major/minor) 50/150
- (3) Possessing unlawfully taken wildlife/parts 200
- (e) Use of an artificial light for viewing wildlife in closed areas 50
 - 2nd offense within two years*..... 150

Wildlife Protection

- In this Bylaw:

“Attractant” means any substance which could reasonably be expected to attract a wild animal or does attract a wild animal, including but not limited to, garbage, unenclosed compost bins, human food products, pet food, feed, grain or salt.

“Wild animal” means any animal which is not normally domesticated in Massachusetts, including but not limited to, bears, coyotes, foxes, fisher cats, weasels, rats, deer, opossums, raccoons, squirrels, feral cats and skunks.

Prohibitions

1. No person shall feed, tempt with an attractant, touch, tease, frighten or intentionally disturb wildlife during nesting, breeding or any other activities.
2. No person shall leave, store, or maintain any attractant in a manner, area, or location accessible to any wild animal.

Exceptions

- The prohibitions of this Bylaw shall not apply to:

(1) Any person who is the legal owner of a wild animal, if the wild animal is kept in compliance with all applicable federal, State and local laws and regulations.

(2) Any person who feeds or provides food to a trapped, injured or unweaned wild animal between the time that the agency in charge of animal control, or its designated agent, or a licensed wildlife rehabilitator, is notified of the wild animal and the wild animal is received by the agency, facility, or designated agent.

(3) A wildlife rehabilitator licensed pursuant to Massachusetts 321 CMR 2.13, or a wildlife sanctuary licensed pursuant to 321 CMR 7.00, and otherwise in compliance with all applicable federal, State and local bylaws and regulations.

(4) Any person with a bird feeder, provided the feeder is suspended on a cable or other device to make it inaccessible to wild mammals, and the area below the feeder is kept free from the accumulation of seed debris.

(5) Any person or organization that is providing care for feral cats and is making a reasonable effort to trap and sterilize the animals.

(6) Any person feeding animals in the normal course of raising farm animals for food production or in the care of livestock animals, provided all reasonable efforts are made to reduce attractants to wild animals in the course of feeding livestock/farm animals, and in the storage of animal feed.

7) An owner or tenant of land or, if authorized by such owner or tenant, any member of their immediate family or their employee, using an attractant to bait common-type mouse and rat traps, nets, or box or cage-type traps to trap mammals who are causing damage to their property. A box or cage-type trap is one that confines the whole animal without grasping any part of the animal. All such trapping must be done in compliance with MGL Chapter 131, Section 80A and any applicable federal, State and local laws and regulations.

Enforcement

The animal control authority, its staff, its agents, or local law enforcement agents are authorized and empowered to enforce the provisions of this Bylaw.

Penalty

Any person violating this Bylaw shall be guilty of a civil penalty of not less than \$200.(two hundred dollars) and not more than \$2000. (two thousand dollars) for each violation.

Each day that a violation continues or occurs will be considered a new violation for the purpose of assessing fines under this act.

Fines and Penalties

XX.XX.X

Criminal Disposition - In addition to any other legal remedies that may be available, the Animal Control Officer or other designated person, may enforce this By-law by Non-Criminal Disposition. If a Non-Criminal Disposition process, as provided in Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal disposition By-law is elected, then any person who violates the provisions of **ARTICLE XX**, Section **§XX** of the Town's General By-laws shall be subject to the following enforcement fines and penalties.

The enforcing officer or designee may give a written warning for the first offense or shall impose the following fines:

First Offense **\$50.00**

Second Offense **\$100.00**

Third and Subsequent Offenses **\$300.00**



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

IX

2022 ANNUAL TOWN MEETING WARRANT ARTICLES

~ D ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	To discuss Short Term Rentals First Local Option Community Impact Fee (G.L. c. 64G, § 3D(a))
PROPOSED MOTION:	A motion will be made if needed at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Article XX Short Term Rental Community Impact Fee Investor-Owned Homes (G.L. c. 64G, § 3D(a))

The local option community impact fee of 3% is hereby adopted under G.L. c. 64G, § 3D(a) and applies to each transfer of occupancy of a "professionally managed unit," which is defined as one of two or more short-term rental units in same city/town not located within a single- or two- or three-family dwelling that includes the operator's (owner's) primary residence. The fee applies to transfers of occupancies on or after January 1, 2023 for which a rental contract was entered into on or after January 1, 2023. It does not apply to occupancies for which the rental contract was entered into before January 1, 2023.

Summary: This opts the Town into collecting a community impact fee on short-term rentals of "professionally managed" short-term rental units. Professionally managed units are two or more units run by the same operator not located within a two to three family that includes the operator's primary residence. Three percent (3%) is the maximum allowable local option. The statutory requirement is that 35% of the fee must be used for either affordable housing or capital infrastructure. The Town is proposing to dedicate all of these funds to housing. See **Article XX Governing the Use of Short Term Rental Community Impact Fees (G.L. c. 64G, § 3D(a)) & (G.L. c. 64G, § 3D(b)).**

FREQUENTLY ASKED QUESTIONS (FAQs) AN ACT REGULATING AND INSURING SHORT-TERM RENTALS

Frequently asked questions (FAQs) published by the Division of Local Services (DLS) within the Department of Revenue provide general information about Massachusetts municipal tax and finance laws and DLS policies and procedures in effect when published. They do not answer all questions or address complex issues about their topics. FAQs are not public written statements of the Department. They are informational only as described in [830 CMR 62C.3.1\(9\)\(c\)](#), and do not supersede, alter or otherwise change any Massachusetts General Law, Department public written statement or other source of law.

These FAQs provide information of interest to municipal officials regarding “An Act Regulating and Insuring Short-term Rentals”, [c. 337 of the Acts of 2018](#), (the Act) signed by Governor Baker on December 28, 2018. The Act added short-term rentals to the room occupancy excise under [G.L. c. 64G](#) and included other new provisions. These FAQs also include information regarding amendments to the Act that were contained in [c. 5 of the Acts of 2019](#).

We currently have a local option room occupancy excise in my city/town. What actions do we need to take to have it apply to short-term rentals?

As a general rule, unless the legislation provides otherwise, a municipality that accepts a statute accepts any amendments the legislature subsequently makes to the statute. Therefore, if your city or town has already adopted a local option room occupancy excise under [G.L. c. 64G, § 3A](#), your local excise will automatically apply to a short-term rental starting July 1, 2019 for which a rental contract was entered into on or after January 1, 2019. No further action is required for the local excise to apply to short-term rentals. The local excise applies to the same occupancies as the state excise.

You can find a listing of municipalities that currently have a local option room occupancy excise by visiting the Division of Local Services' [Municipal Databank](#).

My city/town does not have a local option excise – how do we adopt it?

If a city/town has not yet adopted a local room occupancy excise, it may do so at any time by voting to accept [G.L. c. 64G, § 3A](#) and establishing the rate for its local room occupancy excise. The maximum local rate is 6% (6.5% in Boston). The local acceptance procedure is as follows:

- In cities, by majority vote of city council and if city has elected mayor, with mayor's approval
- In towns that have town meeting form of government, by majority vote of the annual or special town meeting
- Where there is a town council form of government, by majority vote of the council.

When will a city/town's acceptance of the local excise become effective?

First, the city/town must report its acceptance to the DLS Municipal Databank within 48

hours of the vote. The [form](#) is found on this [DLS webpage](#). The effective date of local excise is the first day of the calendar quarter following 30 days after acceptance or the first day of a later calendar quarter if the later date is specified in the acceptance vote. See the below timetable:

Acceptance Vote	Excise Effective
May 31, 2019	July 1, 2019
June 1, 2019	October 1, 2019

Please refer to the DLS website for a [more detailed acceptance timetable](#).

Is the city/town required to collect the local room occupancy excise?

No. The local excise is paid by the operator (proprietor) directly to DOR and DOR distributes the local share to the city or town. Payments to cities and towns are made on a quarterly basis by DOR.

Can our city/town vote that our local option excise not apply to short-term rentals?

No – The local excise applies to the same occupancies and rentals as the state room occupancy excise.

My city/town currently has a local option excise. May we vote to revoke it or amend the rate?

Yes. If a city/town has already accepted the local room occupancy excise, it may amend the excise rate or revoke its acceptance; however, it may not do so more than once in a 12-month period. The amendment and revocation procedure and effective dates are the same as with an original acceptance. [G.L. c. 64G, § 3A](#).

Did the new law provide for other options for cities and towns in addition to the local option room occupancy excise?

Yes, if a city/town has adopted the local room occupancy excise under [G.L. c. 64G, § 3A](#), it may adopt a local option community impact fee of up to 3% of rent regarding transfers of occupancies of two categories of short-term rentals described below. G.L. c. 64G, § 3D. ([St. 2018, c. 337, § 6.](#)) If a community has not adopted a local room occupancy excise, it cannot adopt any local option community impact fee. If a community revokes its local option excise, its local option community impact fee will automatically be revoked.

The acceptance procedure for the local option community impact fees is the same as required for accepting the local option room occupancy excise. A separate acceptance vote is required to adopt each local option community impact fee as shown below.

First Local Option Community Impact Fee (G.L. c. 64G, § 3D(a)) - The first local option community impact fee is adopted under G.L. c. 64G, § 3D(a) and applies to each transfer of occupancy of a “professionally managed unit,” which is defined as one of two or more short-term rental units in same city/town not located within a single- or two- or three-family dwelling that includes the operator’s (owner’s) primary residence. The fee applies to transfers of occupancies on or after July 1, 2019 for which a rental contract was entered into on or after January 1, 2019. It does not apply to occupancies for which the rental contract was entered into before January 1, 2019. For example, if a summer vacation rental was booked last summer (or at any time before January 1, 2019), the local option community impact fee will not apply.

Second Local Option Community Impact Fee (G.L. c. 64G, § 3D(b)) - If the city/town has voted to adopt the local option community impact fee described above for “professionally managed units” under G.L. c. 64G, § 3D(a), it may by a separate additional vote, adopt the local option community impact fee on short-term rental units located within a two- or three-family dwelling that includes the operator’s primary residence under G.L. c. 64G, § 3D(b). The impact fee will, again, apply only to transfers of occupancies on or after July 1, 2019 for which a contract was entered into on or after January 1, 2019. If the city/town has not adopted the local option community impact fee under G.L. c. 64G, § 3D(a) (above), it cannot adopt the local option community impact fee under G.L. c. 64G, § 3D(b).

DLS’s Municipal Databank must be notified (within 48 hours) when the community adopts a local option community impact fee by completing the notification of acceptance form found [here](#) and providing a certification of the vote(s) of the legislative body.

The effective date of the local option community impact fee will be the first day of the calendar quarter following 30 days after the vote or the first day of a later calendar quarter if the later date is specified in the adoption vote. See the below timetable:

Acceptance Vote	Effective Date
May 31, 2019	July 1, 2019
June 1, 2019	October 1, 2019

The timetable is the same as the local excise acceptance timetable. Please refer to the DLS website for [the local excise acceptance timetable](#).

Who collects the local option community impact fee?

The local option community impact fee is paid by the operator (proprietor) directly to DOR and DOR distributes the local share to the city or town at the same time as the room occupancy excise distribution. [St. 2019, c. 5, § 33\(c\)](#).

Are there any restrictions on how a municipality spends these funds?

The revenue from the local room occupancy excise is general fund revenue and may be appropriated by the city/town's legislative body for any municipal purpose. The revenue from the local option community impact fee, however, is partially restricted. Thirty-five percent (35%) of the impact fee must be dedicated to affordable housing or local infrastructure projects. G.L. c. 64G, § 3D(c). As a result, thirty-five percent (35%) of the local option community impact fee revenue must be accounted for as a "receipts reserved for appropriation" account for affordable housing or local infrastructure projects. A legislative body vote will be required to appropriate these funds for either affordable housing or local infrastructure projects. The balance of the local option community impact fee, the remaining 65%, will be general fund revenue of the city/town and may be appropriated for any municipal purpose. However, under G.L. c. 64G, § 3D(c), the city or town may, by legislative body vote, dedicate more than the required 35%, up to 100% of the local option community impact fees to affordable housing or local infrastructure projects. In that case, the increased percentage of the revenue from the impact fee will be credited to the receipts reserved for appropriation account. Any amount not so dedicated will be general fund revenue. A city or town's legislative body vote regarding a dedication in excess of the required 35% will be effective on the July 1 following the vote and apply until a subsequent legislative body vote changes the percentage which would then become effective the next following July 1 after that vote. "A local infrastructure project" is a capital project for which a community could borrow. For example, the legislative body could appropriate from this receipts reserved for appropriation account to fund the acquisition of a fire truck or to fund road improvements, but not to fund the payment of debt service.

May a city/town adopt a local by-law or ordinance regarding short-term rentals?

Yes, under the new G.L. c. 64G, § 14, a city/town may adopt an ordinance or by-law to regulate operators registered with DOR. Operators are defined under G.L. c. 64G, § 1 as "a person operating a bed and breakfast establishment, hotel, lodging house, short-term rental or motel in the commonwealth" We suggest that cities and towns work with their local counsel if they wish to adopt a local by-law or ordinance.

How can a city or town obtain a list of establishments who are registered with DOR?

A list of establishments who are registered with DOR is available through the DLS Databank on request. A city or town should update this information annually so it is current. Contact: databank@dor.state.ma.us .

What is the Cape Cod and Islands Water Protection Fund?

The short-term rental legislation also includes a new Cape Cod and Islands Water Protection Fund (Fund). It is funded, in part, by a new 2.75% excise on all occupancies subject to the room occupancy excise located within a municipality that is a member of the Fund. It does not apply to occupancies where the total amount of daily rent (or its equivalent) is less than \$15 per day. G.L. c. 64G, § 3C. This excise is paid by the

operator to DOR with its room occupancy excise. Revenues from this new excise are to be credited to the Fund. The effective date of this excise is July 1, 2019.

How do I find out if my city/town is a member of the Cape Cod and Islands Water Protection Fund?

Under G.L. c. 29C, § 19, “Each municipality within Barnstable or Nantucket counties or within the county of Dukes County shall be a member of the fund if it is subject to: (i) an area wide wastewater management plan under section 208 of the federal Clean Water Act, 33 U.S.C. 1288; or (ii) a suitable equivalent plan determined by the department of environmental protection.”

According to the Mass. Dept. of Environmental Protection (DEP) and the Cape Cod Commission, all Barnstable County towns are currently subject to an area wide wastewater management plan under section 208 of the federal Clean Water Act (the “208 Plan Update”) and so all are members of the Fund. (The plan can be found at: <http://www.capecodcommission.org/index.php?id=506>.) Island towns (Nantucket and Dukes County) are not currently members of the Fund. They will need to work with the DEP to obtain its determination of a “suitable equivalent plan” to join the Fund. Those towns should contact DEP for more information on how to obtain a determination by DEP that the town’s plan is a “suitable equivalent plan.”

If my city/town is a member of the Fund, may it withdraw from the Fund?

A city/town may withdraw from the Fund by a two-thirds vote of its legislative body; however, it may not withdraw during the term of a financial assistance award from the Fund. Furthermore, a city/town may not withdraw from the Fund until March 28, 2020, one year after the effective date of St. 2018, c. 337. We interpret this to mean that although the city/town may vote to withdraw before March 28, 2020, the effective date of the vote of withdrawal cannot be before March 28, 2020.

If a city/town withdraws from the Fund and wishes to return to the Fund, it may, by majority legislative body vote, return to the Fund after withdrawal. However, it cannot receive funding from the Fund for two years after its vote to return to the Fund.

In the event of a withdrawal from the Fund or a return to the Fund after a withdrawal, the city or town must notify the DLS Municipal Databank within 48 hours of the vote of the legislative body. Send notification by email to databank@dor.state.ma.us and include a certification of the vote by the city/town clerk.

If my city/town is not currently a member of the Fund and later becomes a member of the Fund, when does the 2.75% excise become effective?

As explained above, a city or town that is within Nantucket and Dukes County that wishes to join the fund would have to contact DEP to obtain its determination that the city/town has a “suitable equivalent plan.” Once DEP makes that determination, the city/town will be a member of the Fund. For those becoming members of the Fund after June 1, 2019, according to St. 2018, c. 337, § 11, as amended by St. 2019, c. 5, § 36,

the 2.75% excise will become effective on the first day of the calendar quarter following 30 days after the municipality has joined the fund. (The timetable for implementation is the same as the above timetables for implementation of local option room occupancy excise and local option community impact fee.) If, however, the city or town wishes the excise to become effective later, it may through a majority vote of its chief executive officers, designate the effective date to be the first day of a later calendar quarter.

A city or town that becomes a member of the Fund must report its joining the Fund to the DLS Municipal Databank within 48 hours of being notified of DEP's determination, unless the city or town's chief executive officers vote to designate a later effective date for the excise, in which case, the city or town must report its joining the Fund within 48 hours of the chief executive officers' vote. Send notification by email to databank@dor.state.ma.us and include a copy of DEP's determination and, if applicable, a certification of the vote of the chief executive officers by the city/town clerk.

Note that under G.L. c. 4, § 7, cl. 5B, the "chief executive officer" includes the mayor in a city and the board of selectmen in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

For more information, please see the [FAQs on the Dept. of Revenue's website](#) and its [Technical Information Release, TIR 19-3](#).

**Massachusetts Department of Revenue
Division of Local Services
Municipal Databank**

(City/Town)

**Notification of Acceptance/Rescission
General Laws Chapter 64G, § 3D
(Local Option Community Impact Fee – Short-term Rentals)**

The Commissioner of Revenue is hereby notified that the City/Town of _____, by vote(s) of its legislative body on _____, _____, has accepted/rescinded the provisions of General Laws Chapter 64G, § 3D to impose a local option community impact fee at the rate of _____ percent, effective _____, and applying to transfers of occupancy of:

- “Professionally-managed units” (one of two or more short-term rental units in same city/town operated by the same operator (owner) and not located within a single- or two- or three-family dwelling that includes the operator’s primary residence)
- Short-term rental units located in a two- or three-family dwelling that includes the operator’s primary residence (separate vote required)

(City/Town Clerk) _____

(Date)

Please submit this form in one of two ways to:

databank@dor.state.ma.us

(617) 660-7023 (fax)

Part I ADMINISTRATION OF THE GOVERNMENT**Title IX** TAXATION**Chapter** ROOM OCCUPANCY EXCISE
64G**Section 1** DEFINITIONS

[Text of section effective as provided by 2018, 337, Sec. 15A as added by 2019, 5, Sec. 37. See 2019, 5, Sec. 46.]

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

"Bed and breakfast establishment", a private owner-occupied house where not less than 4 rooms are let, a breakfast is included in the rent and all accommodations are reserved in advance.

"Bed and breakfast home", a private owner-occupied house where not more than 3 rooms are let, a breakfast is included in the rent and all accommodations are reserved in advance.

"Commissioner", the commissioner of revenue.

"Hosting platform", a service through a digital platform, third-party website, software, online-enabled application, mobile phone application or some other, similar electronic process that allows: (i) an operator to advertise, list or offer the use of an accommodation subject to the excise

under this chapter in exchange for rent; (ii) an operator to collect the payment of rent on an accommodation; and (iii) a person to arrange, book, reserve or rent an accommodation.

"Hotel", a building used for the feeding and lodging of guests licensed or required to be licensed under section 6 of chapter 140.

"Intermediary", a person or entity, other than an operator, that facilitates the sale, use or possession of an occupancy and charges a room charge to the general public; provided, however, that the term "facilitates" shall include a person or entity that brokers, coordinates or in any other way arranges for the purchase, sale, use or possession of occupancies by the general public; provided further, that the term "intermediary" shall include a hosting platform and operator's agent.

"Lodging house", a house licensed or required to be licensed under section 23 of chapter 140 and where lodgings are rented to not less than 4 people who shall not be within the second degree of kindred to the owner or operator of such lodging house.

"Motel", a building or portion of a building in which a person is lodged for hire with or without meals and that is licensed or required to be licensed under section 32B of chapter 140; provided, however, that a "motel" shall not include a hotel or lodging house.

"Occupancy", the use or possession or the right to the use or possession of a room in a bed and breakfast establishment, hotel, lodging house or motel designed and normally used for sleeping and living purposes for a period of not more than 90 consecutive calendar days, regardless of whether such use and possession is as a lessee, tenant, guest or licensee, or the use or possession or the right to the use or possession of a room in a short term rental normally used for sleeping and living purposes for a

period of not more than 31 consecutive calendar days, regardless of whether such use and possession is as a lessee, tenant, guest or licensee; provided, however, that "occupancy" shall include the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment, accompanying the use and possession of such a room.

"Occupant", a person who uses, possesses or has a right to use or possess a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel for rent under a lease, concession, permit, right of access, license or agreement.

"Operator", a person operating a bed and breakfast establishment, hotel, lodging house, short-term rental or motel in the commonwealth including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such bed and breakfast establishment, hotel, lodging house, short-term rental or motel.

"Operator's agent", a person who on behalf of an operator of a bed and breakfast establishment, hotel, motel, short-term rental or lodging house: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent; provided, however, that an "operator's agent" shall include, but not be limited to, a property manager, property management company or real estate agent.

"Person", an individual, partnership, trust or association, with or without transferable shares, joint-stock company, corporation, society, club, organization, institution, estate, receiver, trustee, assignee or referee and

any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of individuals acting as a unit.

"Professionally-managed unit", 1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family or three-family dwelling that includes the operator's primary residence.

[Definition of "Rent" as amended by 2018, 337, Sec. 6 as amended by 2019, 5, Sec. 32 effective March 28, 2019. See 2019, 5, Sec. 46.]

"Rent", the total consideration paid by or on behalf of an occupant, including any service, cleaning or other charge, to an operator or an intermediary collecting and remitting the excise on behalf of an operator under section 13 in exchange for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature; provided, however, that "rent" shall not include: (i) bona fide refundable security deposits; (ii) any amount paid by an occupant that is included in the taxable gross receipts of the operator under chapter 64H or 64I where the operator is a vendor for purposes of those chapters; or (iii) amounts paid by an occupant to an operator for services offered by the operator on similar terms to non-occupants in the regular course of the operator's business.

"Short-term rental", an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all

accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

Part I ADMINISTRATION OF THE GOVERNMENT**Title IX** TAXATION**Chapter** ROOM OCCUPANCY EXCISE
64G**Section 3D** COMMUNITY IMPACT FEES

[Text of section added by 2018, 337, Sec. 6 as amended by 2019, 5, Sec. 33 effective March 29, 2019 and effective as provided by 2018, 337, Secs. 14 and 15A as added by 2019, 5, Sec. 37. See 2019, 5, Sec. 46.]

Section 3D. (a) A city or town that accepts section 3A may, by a separate vote and in the same manner of acceptance as set forth in said section 3A, impose a community impact fee of not more than 3 per cent of the total amount of rent upon each transfer of occupancy of a professionally managed unit that is located within that city or town.

(b) A city or town that votes to impose a community impact fee under subsection (a) may, by a separate additional vote and in the same manner of acceptance as set forth in section 3A, also impose the community impact fee upon each transfer of occupancy of a short-term rental unit that is located within a two-family or three-family dwelling that includes the operator's primary residence.

(c) An operator shall pay the community impact fees imposed under this section to the commissioner at the same time and in the same manner as the excise due to the commonwealth under section 3. All sums received by the commissioner under this section as excise, penalties or forfeitures, interest, costs of suit and fines shall, not less than quarterly, be distributed, credited and paid by the state treasurer upon certification of the commissioner to the city or town. A city or town shall dedicate not less than 35 per cent of the community impact fees collected under this section to affordable housing or local infrastructure projects.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

IX

2022 ANNUAL TOWN MEETING WARRANT ARTICLES

~ F ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	To discuss a town meeting article for the use of short-term rental first Local Option Community Impact Fee (G.L. c. 64G, § 3D (b)) Receipts.
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Article XX Governing the Use of Short-Term Rental Community Impact Fees (G.L. c. 64G, § 3D(a)) & (G.L. c. 64G, § 3D(b)).

The Town of Wellfleet hereby adopts the following allocation formula for receipts received under (G.L. c. 64G, § 3D(a)) & (G.L. c. 64G, § 3D(b)). Thirty-Five percent (35%) shall be allocated to the Wellfleet Affordable Housing Trust to be used exclusively for the purposes of affordable housing, forty-five percent (45%) shall be allocated to the Wellfleet Affordable Housing Trust, twenty percent (20%) shall be allocated to the Housing Stabilization Fund.

Summary: This would bind the Town to allocate any funds received from Community Impact Fees on Short Term Rentals to be used exclusively for housing. Statutory requirements are for 35% to be utilized for either affordable housing or infrastructure projects. As proposed, 35% will be used solely for affordable housing by the Wellfleet Housing Trust, 45% would be allocated to the trust and be unencumbered and could be used to support workforce or market-rate housing. 20% would go to a Housing Stabilization Fund, these funds again would have to be used for housing, but the decisions on how those funds would be used would be left up to town meeting and could be used to support work done by other housing groups within the town. It is uncertain how much revenue will be generated by the community impact fees until the receipts are in hand, it will be modest when compared to the overall room tax revenues. Once receipts are in hand, it should be a relatively predictable source of revenue that would be available to support housing initiatives within Wellfleet.

Article XX Short Term Rental Professionally Managed Community Impact Fee (G.L. c. 64G, § 3D(b))

The local option community impact fee of 3% is hereby adopted under G.L. c. 64G, § 3D(b) on short-term rental units located within a two- or three-family dwelling that includes the operator's primary residence under G.L. c. 64G, § 3D(b). The impact fee will, again, apply only to transfers of occupancies on or after January 1, 2023 for which a contract was entered into on or after January 1, 2023.

Summary: This opts the Town into collecting a community impact fee on short-term rental units within a two- or three-family dwelling that includes the operator's primary residence. 3% is the maximum allowable local option. This article requires the adoption of **Article XX Short Term Rental Community Impact Fee Investor-Owned Homes (G.L. c. 64G, § 3D(a))**. The statutory requirement is that 35% of the fee must be used for either affordable housing or capital infrastructure. The Town is proposing to dedicate these funds exclusively to housing. See **Article XX Governing the Use of Short Term Rental Community Impact Fees (G.L. c. 64G, § 3D(a) & (G.L. c. 64G, § 3D(b))**.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

IX

2022 ANNUAL TOWN MEETING WARRANT ARTICLES

~ G ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	To discuss the Housing Stabilization Fund
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

IX

2022 ANNUAL TOWN MEETING WARRANT ARTICLES ~ H ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	To discuss the radioactive water release resolution
PROPOSED MOTION:	A motion will be made if needed at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

ARTICLE XX: Resolution to Oppose Release of Radioactive Water into Cape Cod Bay. To see if the Town will vote that the Town hereby resolves to firmly and adamantly oppose any release of radioactive water in Cape Cod Bay from the former Pilgrim Nuclear Power Plant by HOLTEC and/or its successors.

[If someone wants to write something pls]

Summary:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

IX

2022 ANNUAL TOWN MEETING WARRANT ARTICLES

~ I ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	To discuss the radioactive water release legal contingency fund
PROPOSED MOTION:	A motion will be made if needed at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Article XX: Radioactive Water Release Legal Contingency Fund

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, not to exceed \$30,000, or any other sum, for the purpose of legal expenses related to the planned release of radioactive water during the Pilgrim Power Plant decommissioning process by HOLTEC International and/or its successors and for the payment of all other costs incidental and related thereto.

Summary: HOLTEC International proposed releasing 1 million gallons of radioactive water used to cool fuel rods in the spent fuel pool the reactor vessel itself and other components in November of 2021, with a planned release in the first quarter of 2022. Following public outcry, HOLTEC backtracked on their timeline, but as of now, it is still their preferred disposal method. A release on the scale proposed would significantly impact Cape Cod Bay and harm the public perception of the Bay's waters, endangering the livelihoods of the residents of Wellfleet and other communities along the Bay. Based on the short notice provided by HOLTEC in the initial planning, communities must be ready to act on equally short notice. This article would provide supplemental legal funding to combat any planned release of radioactive water and be able to file an injunction quickly if required. Without this funding, the Town can not guarantee that it will have a sufficient amount in its legal budget to act on a timely basis. Once the decommissioning process is completed, any unspent funds would be returned to free cash, and the townspeople would ultimately decide how any remaining unspent funds would be expended.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

IX

2022 ANNUAL TOWN MEETING WARRANT ARTICLES

~ J ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	To review and discuss the 2022 Annual Town Meeting Warrant
PROPOSED MOTION:	A motion will be made if needed at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



ANNUAL TOWN MEETING

Monday April 25, 2022

6:00 PM

Wellfleet Elementary School

100 Lawrence Road, Wellfleet, MA

&

ANNUAL TOWN ELECTION

May 2, 2022

12:00 Noon to 7:00PM

Wellfleet Senior Center

715 Old King's Highway

Edit Date: February 2, 2022

Draft No. 3

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FINANCIAL & PROPOSITION 2½ TERMS

Chapter 59, section 21C of the Massachusetts General Laws is commonly referred to as Proposition 2½ (Prop. 2½) or the Tax Limiting Law for Cities and Towns in Massachusetts.

LEVY: The property tax levy is the revenue a Town can raise through real and personal property taxes. The property tax levy is the largest source of revenue for the Town.

LEVY CEILING: This is the maximum the levy can be. The ceiling equals 2.5% of the Town's full and fair cash value. The levy limit is equivalent to a tax rate of \$25.00.

LEVY LIMIT: The maximum the levy can be in a given year. The limit is based on the previous year's levy limit plus certain allowable increases, such as debt exclusions.

LEVY LIMIT INCREASE: The levy limit automatically increases each year by 2.5% of the previous year's levy limit.

NEW GROWTH: New construction and new parcel subdivision may also increase the Town's levy limit.

OVERRIDE: A community can permanently increase its levy limit by successfully voting at a referendum to exceed the limits. A community may take this action as long as it is below the levy ceiling.

DEBT EXCLUSION: This type of override ballot question can be placed on a referendum by a two-thirds vote of the Selectboard. If a majority of the voters approve the ballot question, the Town's levy limit is increased only for the amount voted at the referendum for the life of that debt only. The levy limit increase may exceed the Town's levy ceiling.

DEBT SERVICE: The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest owed on any particular bond issue.

ENCUMBRANCE: A reservation of funds to cover obligations chargeable to but not yet paid from a specific appropriation account.

CAPITAL OUTLAY EXPENDITURES EXCLUSION: This type of override ballot question can be placed on a referendum by a two-thirds vote of the Selectboard. If a majority of the voters approve the ballot question, the additional amount for the payment of the capital project cost is added to the levy limit or levy ceiling only for the year in which the project is being undertaken.

CONTINGENT VOTES: Chapter 59, section 21C (m) permits a Town Meeting to appropriate funds contingent upon passage of a referendum question (OVERRIDE/DEBT EXCLUSION). A contingent vote does not automatically result in an override referendum. An override referendum can only be called by the Selectboard. If a referendum is called by the Selectmen, it must take place within forty-five days of the Town Meeting vote.

TOWN MEETING PROCEDURES

A quorum of 6% of the Town's registered voters must be present in order to conduct business (Charter: Sect. 2-1-3).

Voters are identified by voter cards issued when they check in with the registrars at the beginning of the meeting.

Only voters may participate in voice votes. In case of a counted vote, voters will be identified by their voter cards.

Non-voters who have been admitted to the meeting must sit in the section designated for them. Non-voters who may wish to speak must identify themselves and may address the meeting only by permission of the Moderator (Charter: Sect. 2-1-2).

No voter will be allowed to speak until recognized by the Moderator.

Voters and others recognized to address Town Meeting may only speak twice to any motion or amendment unless authorized by the Moderator (Charter: Sect. 2-7-8).

All motions or amendments must be in writing and be legible. Exceptions for very simple motions or amendments are at the discretion of the Moderator (General Bylaws: Sect. II-2).

The order of consideration of the Articles as printed in the Warrant may be changed only by a 2/3 majority vote (Charter: Sect. 2-7-4).

A motion for indefinite postponement, if passed, ends any proposal under the motion currently being debated. It may only be made after a voter has been recognized and may not come at the end of a speaker's remarks. It is fully debatable to the same extent as the main motion under consideration.

A motion to end debate (known as a "motion for the previous question") must be made by a voter who has been properly recognized. Anonymous cries from voters to "call the question" are out of order and will be ignored by the Moderator. As a motion to end debate requires an additional 2/3 majority vote, it may be more efficient to hear from one or two more speakers and then proceed to a vote on the main motion itself.

A motion to reconsider must be made at the same session as the vote it seeks to reconsider. It can only be made after some intervening business and must be made within one hour of the vote to be reconsidered (Charter: Sect. 2-7-9). It is debatable to the same extent as the motion it seeks to reconsider and requires a majority vote. A motion to reconsider will only be allowed if there is new information that was not available at the time of the original debate. A motion to reconsider will be ruled out of order if, in the judgment of the Moderator, it is simply an attempt at "another bite at the apple."

Some other common motions which require more than a simple majority to pass:

Zoning bylaws	2/3 majority
To authorize borrowing or incur debt	2/3 majority
To transfer or sell Town land	2/3 majority
To approve proposed Charter amendments	2/3 majority
To pay unpaid bills of a prior fiscal year	4/5 majority at an Annual Town Meeting

9/10 majority at a Special Town meeting

FINANCE COMMITTEE STATEMENT

[To be Inserted }

ANNUAL TOWN MEETING WARRANT

Monday April 25, 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 in the Wellfleet Elementary School, 100 Lawrence Road in Wellfleet on the 25th day of April, 2022, at six o'clock in the evening, then and there to vote upon the following Articles:

SECTION I: BUDGET ARTICLES

ARTICLE NO. 1 - FY2023 OPERATING BUDGET:

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2023 Operating Budget, as follows:

[Insert Town Budget]

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Selectboard:

Finance Committee:

SUMMARY: This article will provide funding for the operational budgets for the Cape Cod Technical Regional High School, Wellfleet Elementary School, Nauset Regional School District and the Town of Wellfleet municipal operations for the period of July 1, 2022, through June 30, 2023.

ARTICLE NO. 2 - FY 2022 BUDGETARY TRANSFERS:

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within FY 2022 appropriations such sums of money necessary to supplement the operating budgets of the various Town Departments as follows:

	From:	Line- Item No.	To:	Line- Item No.	Amount
a.	Nauset Regional School District Expenses	301	Property & Liability - Insurance Expenses	945	\$70,000.00
b.	County Assessment Expenses	830	DPW Facilities Expense - (Rental Expense)	417	\$38,974.00
c.	County Assessment Expenses	830	DPW Highway Expense - Truck Repair	422	\$29,943.00
d.	Community Services Salaries	660	Community Services Expense - Police Details	660	\$8,056.00
e.	Cemetery Receipts	-	DPW Facilities Expense - Prof. Services	17	\$3,000.00
f.	County Assessment Expenses	830	Health Insurance Stipend	917	\$40,000.00
g.	County Assessment Expenses	830	General Administration - Advertising & Office Supplies	124	\$12,000.00
h.	County Assessment Expenses	830	Fire Department Expense - Lodging	220	?
	Grand-Total				\$201,973.00

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

**Recommendations:
Selectboard -
Finance Committee -**

SUMMARY: This article is seeking permission to transfer funding within the FY 2022 operating budget ending June 30, 2022. We have several shortfalls in various departmental budgets that will be remedied by transferring monies from those areas within the budget that have surpluses. Additional requests may be added at Town Meeting.

ARTICLE NO. 3 – PRIOR YEAR INVOICES:

To see what sum the Town will vote to transfer from available funds for the purpose of paying prior year unpaid bills listed below:

	Vendor	Source	Line-item	Amount
a.	Massachusetts Department of Unemployment Assistance	County Assessment Expenses	830	\$20,000.00
b.	Terminix Commercial	County Assessment Expenses	830	\$153.00
c.	Dell EMC	County Assessment Expenses	830	\$4,163.00
d.	Cape Fishermen’s Supply	County Assessment Expenses	830	\$145.00
e.	Visiting Nurse Association of Cape Cod	County Assessment Expenses	830	\$760.00
f.	The Learning Garden Preschool	County Assessment Expenses	830	\$1,990.00
g.	Joyce Tibbetts – Longevity/ Library Department	County Assessment Expenses	830	\$375.00
h.	Rebecca Roughley – Health Insurance Stipend & Wage Adjustment	County Assessment Expenses	830	\$1,542.00
i.	Ann Bronsdon Retiree Reimbursement	County Assessment Expenses	830	\$268.00
j.	Wellfleet Water Department	County Assessment Expenses	830	\$993.00
k.	New England Time Solutions, Inc.	County Assessment Expenses	830	\$33.00
l.	W.B. Mason	County Assessment Expenses	830	\$145.00
m.	KP Law, P.C.	County Assessment Expenses	830	\$3,784.00
o.	General Code Publishing	County Assessment Expenses	830	\$630.00

p.	Xavus Sysytems	County Assessment Expenses	830	\$1,800.00
q.	Thompson Reuters	County Assessment Expenses	830	\$508.00
r.	The Abrahams Group	County Assessment Expenses	830	\$250.00
	Grand-total			\$37,539.00

or to do or act on anything thereon.

(Requested by the Selectboard)

4/5 Vote Required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: This article will authorize the payment of outstanding bills from a previous fiscal year. According to Massachusetts General Laws, a Town cannot pay a bill from a previous fiscal year with the current year's appropriation. Therefore, Town Meeting authorization is required.

ARTICLE NO. 4 - FY 2023 CAPITAL BUDGET:

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds such sums of money necessary to fund the Fiscal Year 2023 Town Capital Budget, as follows:

	Department & Project	Amount	Funding Source
1.	MIS/Technology:		
	a. General MIS Equipment	\$50,000.00	Raise & Appropriate
2.	Town Clerk:		
	a. Records Microfilming Project	\$11,000.00	Article No. 3 5/22/2019 ATM
3.	Shellfish Department:		
	a. Shellfish & Beach Office Repair Project	\$42,000.00	Beach Fund - \$21,000.00 & Shellfish Fund - \$21,000.00
	b. Truck Replacement	\$30,000.00	Raise & Appropriate
4.	Recreation Department:		
	a. Repair & Resurface Basketball Courts at Mayo Beach	\$14,500.00	Raise & Appropriate
5.	Council on Aging:	\$0.00	

6.	Marina Department:		
	a. Portable Radio Replacement	\$10,000.00	Raise & Appropriate
7.	Health, Conservation & Building	\$0.00	
8.	Police Department:		
	a. Police Cruiser Replacement (2 units)	\$120,000.00	Raise & Appropriate
	b. Bulletproof Vest Replacement	\$30,000.00	Raise & Appropriate
9.	Fire Department:		
	a. Water Supply Hose Replacement	\$12,000.00	Raise & Appropriate
	b. Portable Radio Replacement Project	\$80,000.00	Raise & Appropriate
	c. Ambulance Replacement Project	\$340,000.00	Ambulance Fund
	d. Mobile Data Terminal Replacement Project	\$25,000.00	Ambulance Fund
10.	Department of Public Works:		
	a. Town Hall Outside Bathroom Repair Project	\$20,000.00	Raise & Appropriate
	b. Town Hall Irrigation Project	\$5,000.00	Raise & Appropriate
	c. COA HVAC Systems Repair	\$35,000.00	Raise & Appropriate
	d. Fire Station HVAC System Repair Project	\$80,000.00	Raise & Appropriate
	e. Recreation Band Stand Awning Replacement Project	\$50,000.00	Raise & Appropriate
	f. Water Refill Station Project	\$20,000.00	Raise & Appropriate
	g. DPW Truck Replacement Project	\$85,000.00	Raise & Appropriate
	h. Route 6/Main Street Engineering Project	\$30,000.00	Raise & Appropriate
	i. DPW Loader Replacement Project	\$200,000.00	Raise & Appropriate
	j. Briar Lane Culvert Replacement	\$75,000.00	Raise & Appropriate
11.	Library Department:		
	a. Computer & Software Upgrade Project	\$35,000.00	Raise & Appropriate

	Grand-total	\$1,399,500.00	

and that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and herby is authorized to borrow for those purposes itemized above as being funded through borrowing under and pursuant to M.G.L. Chapter 44, Sections 7 and 8, or pursuant to any other enabling authority, to issue bonds notes of the Town therefor, and further, to authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder in accordance with M.G.L. c. 40 s. 20, thereby reducing by a like amount authorized to be borrowed to pay such costs, or to do or act on anything thereon.

(Requested by the Selectboard)

Two-thirds Vote Required

Recommendations:
Selectboard -
Finance Committee -

SUMMARY: This article represents the Town’s proposed capital spending plan for FY 2023 and includes debt service (principal and interest) for existing long-term debt.

ARTICLE NO. 5 – MARINA ENTERPRISE FUND:

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2023 Marina Enterprise Fund Budget, as follows:

[Insert budget spreadsheet]

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:
Selectboard -
Finance Committee -

SUMMARY: In accordance with Massachusetts General Laws receipts from Marina Department related activities are used to directly offset Marina related expenditures. Voting a spending amount for the Marina Operations allows all receipts and related expenditures to be recorded in one fund.

ARTICLE NO. 6 – WATER ENTERPRISE FUND:

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2023 Water Enterprise Fund Budget, as follows:

[Insert budget spreadsheet]

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

**Selectboard -
Finance Committee -**

SUMMARY: In accordance with Massachusetts General Laws receipts from Water Department related activities are used to directly offset Water related expenditures. Voting a spending amount for the Water Operations allows all receipts and related expenditures to be recorded in one fund.

ARTICLE NO. 7 – WELLFLEET POLICE OFFICERS UNION CONTRACT:

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money sufficient to fund the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Officers Union beginning July 1, 2022, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

**Selectboard -
Finance Committee -**

SUMMARY: The current collective bargaining agreement will expire on June 30, 2022. We are currently engaged in negotiations with this unit; however, we do not have a settlement at the time of the printing of this warrant. Should we reach an agreement prior to the date of the 2022 Annual Town Meeting the settlement will be presented at Town Meeting.

ARTICLE NO. 8 – TEAMSTERS UNION LOCAL 59 CONTRACT:

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money sufficient to fund the collective bargaining agreement between the Town of Wellfleet and the Teamsters Union Local 59 beginning July 1, 2022, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

**Selectboard -
Finance Committee -**

SUMMARY: The current collective bargaining agreement will expire on June 30, 2022. We are currently engaged in negotiations with this unit; however, we do not have a settlement at the time of the printing of this warrant. Should we reach an agreement prior to the date of the 2022 Annual Town Meeting the settlement will be presented at Town Meeting

ARTICLE NO. 9 – WELLFLEET COMMUNICATIONS UNION MASS COPS LOCAL 326B CONTRACT:

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money sufficient to fund the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Communications Union MASS Cops Local 326B beginning July 1, 2022, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: The current collective bargaining agreement will expire on June 30, 2022. We are currently engaged in negotiations with this unit; however, we do not have a settlement at the time of the printing of this warrant. Should we reach an agreement prior to the date of the 2022 Annual Town Meeting the settlement will be presented at Town Meeting.

ARTICLE NO. 10 – WELFLEET PERMANENT FIREFIGHTERS ASSOCIATION UNION LOCAL 4342 CONTRACT:

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money sufficient to fund the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Permanent Firefighters Union Local 4342 beginning July 1, 2022, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: The current collective bargaining agreement will expire on June 30, 2022. We are currently engaged in negotiations with this unit; however, we do not have a settlement at the time of the printing of this warrant. Should we reach an agreement prior to the date of the 2022 Annual Town Meeting the settlement will be presented at Town Meeting

ARTICLE NO. 11 – NON-UNION AND OTHER PERSONNEL SALARIES & COMPENSATION:

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money sufficient to fund wage and salary adjustments for non-union and other personnel beginning July 1, 2022, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: We have several employees that work under individual employment agreements; this warrant article will be used to fund wage adjustments for some of those individuals.

ARTICLE NO. 12 - OTHER POST-EMPLOYMENT BENEFITS (“OPEB”) APPROPRIATION:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$200,000.00 to be added to the Town’s Other Post-Employment Benefits Liability Trust Fund or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: (C. Sumner)

ARTICLE NO. 13 - TRANSFER TO STABILIZATION FUND:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$639,200.00, or any other sum for the purpose of contributing to the Stabilization Fund or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: The purpose of this article is to transfer funds from Free Cash into the Stabilization Fund. We had to use the sum of \$639,200.00 from the Stabilization Fund at the June 26, 2022, Annual Town Meeting in order to finance the current FY2022 operational budget. This was not a preferred approach but due to the severity of the Town's fiscal condition we had few alternatives at that moment. This action will reestablish the Stabilization Fund to its prior financial status and is important to maintain the Town's bond rating.

SECTION II: ADDITIONAL FINANCIAL ARTICLES
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ARTICLE NO. 14 – POLICE DEPARTMENT NEW STAFF:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$186,759.00, or any other sum, for the purpose of funding two (2) new Police Officers, and all associated costs, provided however that no sums shall be expended hereunder unless and until the Town have voted to assess an additional \$186,759.00 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½), or to do or act on anything thereon.

(Request of the Selectboard and the
Police Chief)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: This article would fund the cost of adding two (2) additional Police Officers. Funding, if approved, would be through a Proposition 2 ½ override. Costs for each position include starting salary of each position (\$60,120), benefits (\$25,685), holiday (\$2,774), uniform (\$1,000) and education incentive (\$3,800). The total payroll, with estimated benefits for one position is \$93,379. As a result of the Police Reform Law of December 2020, the Reserve Officer Program in Massachusetts is being phased out. This will result in the loss of approximately six Reserve Police Officers for the town of Wellfleet. The level of services provided (beach patrols, parking enforcement, shift coverage, organized

events, etc.) along with special event requests held during the summer and shoulder seasons cannot be fulfilled with the current staffing levels.

Effect on Property Taxes: The cost of \$186,759 would add s.s cents to the tax rate and would cost the owner of a median priced (\$xxx,xxx) single-family home \$ss.ss.

ARTICLE NO. 15 – FIRE DEPARTMENT NEW STAFF:

To see if the Town will vote to raise and appropriate and/or transfer from any available source of funds the sum of \$206,964.00, or any other sum for the purpose of funding two (2) new Firefighter/EMT/Paramedic positions; provided, however that no sums shall be expended hereunder unless and until the Town have voted to assess an additional \$206,964.00 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½), or do or act on anything thereon.

(Requested by the Selectboard
and the Fire Chief)

Majority vote required

Recommendations:

Selectboard –

Finance Committee -

SUMMARY: This article would fund the cost of adding two (2) additional Firefighter/EMT/Paramedics. Funding, if approved would be through a Proposition 2 ½ override. Costs for each position include starting salary of each position (\$62,797), benefits (\$25,685), training (\$7,000), holiday and call back costs (\$6,000) and uniforms and protective clothing (\$2,000). The total payroll, with estimated benefits and training costs of one position is \$103,482.00. Effect on Property Taxes: The cost of \$206,964.00. would add s.s cents to the tax rate and would cost the owner of a median priced (\$xxx,xxx) single-family home \$ss.ss.

ARTICLE NO. 16 – PARAMEDIC TRAINING PROGRAM FUNDING:

To see if the Town will vote to raise and appropriate and/or transfer from the Ambulance Receipts Fund the sum of \$10,000.00, or any other sum, for the purpose of creating and funding a paramedic training fund to pay for paramedic training for current or future Wellfleet Fire and Rescue staff or do or act on anything thereon.

(Request of the Selectboard)

Majority vote required

Recommendations:

Selectboard –

Finance Committee –

SUMMARY: This article would fund a paramedic training program for the Wellfleet Fire and Rescue Department with the intent to improve recruiting and retention for the Department. Paramedics who leave the department within two (2) full years of employment would be required to reimburse the Town for the full cost. Paramedics who left the department in their third (3rd) year would be required to

reimburse 2/3 of the cost and those who left in their fourth (4th) year would be required to reimburse the Town for 1/3 of the costs.

ARTICLE NO. 17: FIRE ENGINE REPLACEMENT:

To see if the Town will vote to appropriate the sum of **\$675,000.00** or any other sum for the purpose of paying the cost of purchasing, outfitting and equipping a replacement engine/pumper truck for the Fire Department Engine 95 and for the payment of all other costs incidental or related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectboard be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 (9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½) or to do or act on anything thereon.

(Requested by the Selectboard
and the Fire Chief)

Two-thirds vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: This article requests funding for the purchase of a new replacement engine/pumper truck to replace Engine No. 95 for the Wellfleet Fire Department. Engine 95 will be twenty-five (25) years old next year, is becoming no longer cost effective to maintain, parts are becoming unavailable, and beyond its useful life span.

ARTICLE NO. 18 - WELFLEET HARBOR FLORA AND FAUNA SURVEY:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$60,000.00, or any other sum, for the purpose of broadly initiating a field survey of the fauna and flora in Wellfleet Harbor, especially shellfish and finfish, as a basis for future actions to preserve and enhance this environment, or to do or act on anything thereon.

(Request of the Natural Resources Advisory Board)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: This article seeks funding for an overview survey life in Wellfleet harbor as recommended in the Harbor Management Plan (March 2021). It replicates a Division of Marine Fisheries study , which is now nearly 50 years old. We plan a broad survey of harbor life – finfish and wild shellfish at the top, phytoplankton and harbor grasses at the base. Selected sites of specific interest will be included. Local knowledge will be consulted throughout. NRAB views this work as a critical

step in identifying and preserving the health of the harbor in view of climate change and other environmental impacts.

ARTICLE NO. 19 – HARBOR PILINGS REPLACEMENT PROJECT:

To see if the Town will vote to appropriate by reallocating a sum of money previously appropriated under Article No. 12 of the May 22, 2019, Annual Town Meeting for the Wellfleet Harbor Dredging project to be utilized to pay all costs associated with replacement of harbor pilings at the Wellfleet Marina property or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: (C. Sumner)

ARTICLE NO. 20 – CHAPTER 90 FUNDS:

To see if the Town will vote to authorize the Selectboard to apply for and accept State Grants from the Massachusetts Department of Transportation Highway Division (Chapter 90), and to expend those funds for the purposes of State approved Chapter 90 projects, services, and purchases; or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: The Chapter 90 program was originally enacted in 1973, by the Commonwealth to provide municipalities with reimbursement for documented expenditures on approved road projects. The funding provided within the State’s Transportation Bond Bill, authorizes such improvement projects for highway construction, preservation and improvement projects that create or extend the life of transportation facilities. Funds must be allocated to roadway projects, such as resurfacing and related incidental work. The Town is required to appropriate these funds as an available fund and is reimbursed by the State upon the completion of the project and payment to the vendor. The anticipated amount of Chapter 90 funding for FY2023 is \$_____.

ARTICLE NO. 21 – PUBLIC, EDUCATIONAL AND GOVERNMENT (PEG) ACCESS AND CABLE RELATED FUND:

To see if the Town will vote to accept the provisions of M.G.L. Chapter 44, Section 53F3/4 for the purpose of establishing a PEG Access and Cable Related Fund, and further to appropriate a sum of money from the PEG Access and Cable Related Fund, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: Included within each Comcast customer's cable bill is a line item to provide for the costs of local cable television services. These monies are retained in a special revenue account and are used to enhance local cable programming for the town's public, education, and government channels. These funds will be used to continue these informational and educational services, and may include, but not limited to, equipment purchases, contracted services, construction services, and labor expenses.

ARTICLE NO. 22 – SHELLFISH REVOLVING FUND SPENDING LIMIT:

To see if the Town will vote to establish a spending limit for FY2023 of \$50,000.00 for the Shellfish Revolving Fund established pursuant to MGL Chapter 44, Section 53E1/2, or to do or act on anything thereto.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: The purpose of this article is to establish the spending limit for the Shellfish Revolving Fund which was established for propagation efforts. The Shellfish Department's propagation efforts include the seeding of quahogs and oysters in all Wellfleet waterways which also contributes to improving water quality and natural oyster set in our harbor to benefit growers and spat collectors. This revolving fund takes the responsibility for funding the shellfish department's budget line 180 out of the taxpayer's pockets and puts it in the hands of those who make their living in the shellfish industry and those who harvest shellfish recreationally. The Shellfish Propagation Revolving Fund revenues will be derived from shellfish grant revenue and permit fees. The Revolving Fund expenditures may be used for the propagation, cultivation, protection and study of shellfish only.

ARTICLE NO. 23 – ELEMENTARY SCHOOL FIRE SUPPRESSION SYSTEM PROJECT:

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$2,200,000.00 to fund the installation of a fire suppression system at the Wellfleet Elementary School, including all costs related thereto, and in order to fund this appropriation, the Selectboard will be authorized to borrow said amount pursuant to G.L.C. 44 Sec. 7 or 8, or any other enabling authority, to issue bonds or notes of the Town therefor, and further, to authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder in accordance with M.G. L. c. 40 sec. 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; provided, however that the appropriation authorized hereunder shall be contingent on the approval by the voters of the Town of so-called Proposition 2 ½ debt exclusion question under G.L. c. 59, sec. 2C , or to do or act on anything thereto.

(Requested by the Selectboard)

Two-thirds vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: (Mary Beth Rodman, School Principal)

ARTICLE NO. 24 – HARBOR/MARINA FACILITIES NEEDS ASSESSMENT PROJECT:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$30,000.00, or any other sum, for the purpose of paying costs associated with conducting a Marina Facility Needs Assessment study to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: (Will Sullivan, Harbor Master)

ARTICLE NO. 25 – TRANSFER STATION FACILITIES NEEDS ASSESSMENT PROJECT:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000.00, or any other sum, for the purpose of paying costs associated with conducting a Transfer Station Facility Needs Assessment study to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: (Jay Norton, DPW Superintendent)

ARTICLE NO. 26 – ADULT COMMUNITY CENTER ADDITION FEASIBILITY STUDY PROJECT:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$15,000.00, or any other sum, for the purpose of paying costs associated with conducting a Adult Community Center Building Addition Feasibility study, to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: In the past, several alterations and additions have been proposed for the Adult Community Center.

- Based on plans from 2013, creation of a paved walkway through the woods on the Cahoon Hollow side of the building of one-half mile that connects to the walkway and patio that were installed in 2014. That project was funded with a bequest and there were insufficient funds to complete the entire plan. This walkway will provide access for walkers both able bodied and

those with some mobility challenges in a sheltered place by a building with good parking and amenities.

- When Sea Babies (Cape Cod Children’s Place) was using space in the building, they applied for and received a grant from the Community Preservation Committee to install an Infant/Toddler playground. They moved from the building in June of 2020 and the playground is still there but not maintained. I have had requests to purchase and install adult outdoor exercise equipment for the use of adults adjacent to the existing Infant/Toddler playground.
- The Council on Aging Board conducted a survey of Town residents in 2021 to determine what people would like to see added to the programs at the Adult Community Center. One of the top requests was space for exercise equipment and for free weights. Given the use of the Great Pond Room for COA programs as well as Boards and Committees and as the Wellfleet Polling place, there is no space for this healthy and entertaining activity in the current building. In addition to floor space, a locker room and outside access to the gym will be necessary.
- Because we live in a Pandemic, post-Pandemic world, there is a need for building capacity for hybrid meetings. Because the Adult Community Center is the designated location for that upgrade/expansion, that program will need space to do the job correctly. Additionally, there has been a request for an additional small meeting room like the current Conference Room.

In order to do this in an organized way, I want to do the planning of this multi-level project in one study so that if the decision is made to implement it in stages, everything will fit onto the available land and the end product will be produced with the best fiscal and construction practices in order to create an attractive and functional building and grounds.

ARTICLE NO. 27 –KELLER’S CORNER REVETMENT ENGINEERING PROJECT:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000.00, or any other sum, for the purpose of paying costs associated with conducting a Keller’s Corner Revetment Engineering project, to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: (Jay Norton, DPW Superintendent)

ARTICLE NO. 28 – LIEUTENANT ISLAND/HERON POINT ROAD SURVEY EXPENSE:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$3,200.00, or any other sum, for the purpose of paying costs associated with land survey services for Heron Point Road, or to do or act on anything thereon.

(Requested by the Rights of Public Access Committee)

Majority vote required

Recommendations:

Selectboard -

**Finance Committee -
SUMMARY: (C. Sumner)**

SECTION III: COMMUNITY PRESERVATION ARTICLES

**ARTICLE NO. 29 – COMMUNITY PRESERVATION – ADMINISTRATIVE EXPENSES,
DEBT SERVICE, AND ALLOCATION OF RESERVES:**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2023 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of \$28,684.00 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2023; and further to appropriate from Community Preservation Fund estimated revenues a sum of \$73,898.00 to the reserve for open space; a sum of \$73,898.00 to the reserve for community housing; and further to reserve for future appropriation a sum of \$73,898.00 for historic resources as recommended by the Community Preservation Committee, as well as a sum of \$488,602.00 to be placed in the 2023 Budgeted Reserve for general Community Preservation Act purposes.

(Requested by the Community Preservation Committee)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

Community Preservation Committee – Yes 7, No 0.

SUMMARY: This is an annual CPC housekeeping article. Out of a total projected revenue figure of \$738,984.00 for Fiscal Year 2023, \$28,688.00 is 3.9% of estimated revenue allowed for administrative expenses, as provided by the Community Preservation Act. Open Space’s 10%, Community Housing’s 10%, and Historic Resources’ 10% are reserved respectively for open space, housing and historic preservation purposes. The balance of \$488,602 is reserved for approved CPA projects in any category including Outdoor Recreation.

**ARTICLE NO. 30: COMMUNITY PRESERVATION – WELLFLEET AFFORDABLE
HOUSING TRUST:**

To see if the Town will vote, pursuant to MGL c.44B, to appropriate \$35,000.00 from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues to contribute to the cost of, and thereby support, for building the financial capacity of Affordable Housing Trust, and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or do or act on anything thereon.

(Requested by the Community Preservation Committee)

Majority vote required

Recommendations:

Selectboard -
Finance Committee -
Community Preservation Committee - Yes 7, No 0.
Affordable Housing Authority -
Housing Partnership -

SUMMARY: The Community Preservation Act allows communities to allocate funds to their Affordable Housing Trust. This offers the Wellfleet Affordable Housing Committee a way to respond in a timely manner to appropriate market opportunities for land acquisition, building purchase, essential maintenance needs and other allowed activities.

ARTICLE NO. 31: COMMUNITY PRESERVATION – BUY DOWN 2022:

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues the sum of \$185,000.00 to contribute to the cost of, and thereby support, for the Buy Down Program to assist with the purchase of housing for eligible moderate-income first-time buyers and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or do or act on anything thereon.

(Requested by the Community Preservation Committee)

Majority vote required

Recommendations:
Selectboard -
Finance Committee -
Community Preservation Committee - Yes 7, No 0.
Affordable Housing Authority -
Local Housing Partnership -

SUMMARY: The purpose of the Affordable Housing Buy Down Program is to provide need-based financial assistance to eligible moderate-income first-time homebuyers purchasing existing homes on the open market in the Town of Wellfleet. The goal of the Buy Down Program is to increase the availability of affordable home ownership opportunities in the Town.

ARTICLE NO. 32: COMMUNITY PRESERVATION – LILY HOUSE:

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues, the sum of \$20,000.00 to contribute to the cost of establishing the Lily House as a hospice community home and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof or do or act on anything thereon.

(Requested by the Community Preservation Committee)

Majority vote required

Recommendations:
Selectboard -

Finance Committee -

Community Preservation Committee - Yes 7, No 0.

Affordable Housing Authority -

Local Housing Partnership -

SUMMARY: The Lily House, located at 40 Pocahontas Rd., was bequeathed as a community hospice home for individuals who are at risk of being homeless at the end of life or at risk of dying alone. It will provide a home for two terminally ill residents at a time with an average length of stay of one month. Priority admissions will be given to Wellfleet and other Outer Cape residents. Lily House will offer around-the-clock hospice-level care for 20 to 25 residents per year.

**ARTICLE NO. 33: COMMUNITY PRESERVATION – LOWER CAPE HOUSING INSTITUTE
YEAR 6:**

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues the sum of \$7,500.00 to contribute to the cost of, and thereby support, for the continuance of the Community Development Partnership sponsored Lower Cape Housing Institute in Fiscal Year 2023 and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or do or act on anything thereon.

(Requested by the Community Preservation Committee)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

Community Preservation Committee - Yes 7, No 0.

Housing Authority -

Local Housing Partnership -

SUMMARY: The Community Development Partnership (CDP) is offering the Lower Cape Housing Institute for a sixth year. The CDP seeks contributions from the eight participating towns towards the costs of continued training and technical assistance to develop better understanding of Community Housing needs and to support the town in meeting its housing production goals. Sessions are free to Town officials and other interested parties. CDP expects to continue large audience virtual sessions on particular topics and hold in-person peer group meetings.

**ARTICLE NO. 34: COMMUNITY PRESERVATION – HISTORICAL PLAN
CONTINUATION:**

To see if the Town will vote, pursuant to MGL c.44B, to raise and appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues the sum of \$20,300.00 to the Wellfleet Historical Commission to continue compilation of the Form B inventories of historic properties in Wellfleet with provisions for storage and seminars on the historic homes and their inhabitants, and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or do or act on anything thereon.

(Requested by the Community Preservation Committee)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

Community Preservation Committee - Yes 7, No 0.

Historical Commission -

SUMMARY: The Historical Commission's goal is to create a comprehensive historical plan which will include an inventory of all buildings and structures over 75 years old. The Historical Commission's consultant will be able to continue compiling "Form B" inventories — fact sheets on historic properties in Wellfleet — which are stored at the Wellfleet Public Library and are available online at the Massachusetts Historical Commission's website: www.mhc-macris.org (Massachusetts Cultural Resource Information System). The project includes shelving for the Form B's and additional seminars on the history of homes in Wellfleet and the people who lived in them.

ARTICLE NO. 35: COMMUNITY PRESERVATION - RESTORATION & ACCESSIBILITY OF THE HISTORICAL SOCIETY MUSEUM:

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues a sum of \$20,000.00 for historic restoration of the mid-section and accessibility to 262 Main Street by the Wellfleet Historical Society & Museum, and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or do or act on anything thereon.

(Requested by the Community Preservation Committee)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

Community Preservation Committee - Yes 7, No 0.

Historical Commission -

SUMMARY: The restoration of the mid-section of 262 Main Street will allow the Wellfleet Historical Society and Museum to connect the East wing and the original museum area and provide greater accessibility to the museum. To ensure accessibility, WHSM plans include for a new entrance and reception area, an elevator, handicap restrooms and increased exhibit space. The Historical Society & Museum has completed the permanent Historical Preservation Restriction agreement with the Massachusetts Historical Commission.

ARTICLE NO. 36: WELLFLEET ELEMENTARY SCHOOL PLAYGROUND:

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues a sum of \$315,000.00 for construction of the major component of a new playground and swings at the Wellfleet Elementary School, and to authorize the

Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or do or act on anything thereon.

(Requested by the Community Preservation Committee)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

Community Preservation Committee - Yes 7, No 0.

School Committee -

SUMMARY: The children have been without a playground since 2020 when an official inspection resulted in its condemnation and demolition. The Wellfleet Elementary School Playground Committee has been working to construct a new outdoor playground environment that is safe, inclusive and accessible for children ages 5-12. The playground is available to the community after school hours, on weekends, holidays, and school vacations. With a Community Preservation grant and additional fund raising, it will be possible to install the major area of the playground and the swings in the summer of 2022.

SECTION IV: DISPOSITION OF TOWN PROPERTY ARTICLES

ARTICLE NO. 37 - DISPOSITION OF TOWN LAND/ TRANSFER OF MAP #30, PARCEL #186, AND MAP #42, PARCEL #137 TO CONSERVATION COMMISSION:

To see if the Town will vote to transfer care, custody, management and control of two properties shown on Assessor's Map 30, Parcel 186, described in a Judgement Tax Lien instrument recorded with the Barnstable Registry of Deeds in Book 24924, Page 207 and Assessor's Map 42, Parcel 137 described in a Judgement Tax Lien instrument recorded with the Barnstable Registry of Deeds in Book 25524, Page 269, from the board having care, custody, management and control thereof and from the purpose of which said parcels are held to the Conservation Commission for purposes of open space and conservation or to do or act on anything thereon.

(Request by the Open Space Committee)

2/3 Majority Vote Required

Recommendations:

Selectboard -

Finance Committee -

Open Space Committee -

Conservation Commission -

SUMMARY: Map 30-Parcel 186 is a 2.06-acre wetlands marsh property in Blackfish Creek abutting conservation lands owned by the Wellfleet Conservation Trust and Mass Audubon Society. Map 42 – Parcel 137 is 3.26 acres of wetlands marsh in the Fresh Brook Estuary and abuts the Town owned Bayberry Hill Conservation Land and Trail property off Lt. Island Road.

SECTION V: UNCLASSIFIED ARTICLES

ARTICLE NO. 38 - AFFORDABLE HOUSING TRUST BYLAW AMENDMENT:

To see if the Town will vote to amend the Affordable Housing Trust bylaw adopted under Article No. 44 of the 2021 Annual Town Meeting by : (1) amending the third sentence of Chapter 3, which reads “A quorum at any meeting shall be a majority of the Trustees qualified and present in person.” by striking from it the words “qualified and present in person”; (2) amending the first sentence of Chapter 6 by replacing “G. L. c. 268A” with “G. L. c. 258”; (3) amending the second sentence of Chapter 6 by replacing “G. L. c. 258” with “G. L. c. 268A”; and (4) amending the fourth sentence of Chapter 6 by replacing “G. L. c, 40, section 15” with “G. L. c. 40, section 15A.”, or to do or act on anything thereon.

(Request by the Affordable Housing Trust)

Majority Vote Required

SUMMARY: This article proposes corrections to the Affordable Housing Trust bylaw in response to suggestions by the Attorney General’s Office in the approval letter of October 25, 2021. The amendment to Chapter 3 is to clarify that the Trust’s quorum provisions are consistent with Massachusetts law. The amendments to Chapter 6 are all to correct typographical errors in the bylaw.

Recommendations:

Selectboard -

Finance Committee -

Affordable Housing Trust -Yes 6, No 0

ARTICLE NO. 39 - SPECIAL DETAIL ACCOUNT FOR THE FIRE DEPARTMENT:

To see if the Town will vote to transfer the sum of \$3,000.00 from available funds to the special detail fund for the Fire Department, said account to be administered by the Fire Chief through the Town Accountant and Town Treasurer, or to do or act on anything thereon.

(Requested by the Fire Chief)

Majority vote required

Recommendations:

Selectboard -

Finance Committee –

SUMMARY: (C. Sumner)

ARTICLE NO. 40 – EASEMENT FOR THE HERRING RIVER RESTORATION PROJECT:

To see if the Town will vote to:

- (a) authorize the Selectboard to acquire, on such terms and conditions as the Selectboard may determine, permanent and temporary easements by gift, purchase and/or eminent domain in parcels of land abutting and/or near Pole Dike Road, Bound Brook Island Road, Old Colony Road, and Way No. 672 for the reconstruction, installation, inspection, maintenance, improvement, repair,

replacement and/or relocation of rights of way, drainage, utilities, driveways, slopes, and grading, to enable the Town to undertake the Herring River Restoration Project and for any and all purposes and uses incidental or related thereto, all as approximately shown on plans entitled "Herring River Restoration Project Engineering Design to Elevate Low-Lying Roadways and Replace Associated Culverts, Wellfleet and Truro, Massachusetts, Permanent and Temporary Easement Plan," prepared by WSP for the Town of Wellfleet, dated January 2022, and "Herring River Restoration Project Permit Level Design for Low-Lying Property Impact Prevention, Way #672, Hirsch-Meek Property (25 Way #672) & Ellis Property (27 Way #672), Wellfleet, Massachusetts, Permanent and Temporary Easement Plan," prepared by WSP for the Town of Wellfleet, dated January 2022, copies of which are on file with the Town Clerk, as said plans may be amended from time to time;

- (b) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs related thereto, including, without limitation, the cost of any easement acquisitions; and
- (c) authorize the Board of Selectmen to enter into any and all agreements and take any and all actions necessary or appropriate to effectuate the foregoing purposes.

or take any other action relative thereto.

(Requested by the Selectboard)

Two-thirds vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: The Town of Wellfleet and Cape Cod National Seashore are undertaking the Herring River Restoration Project ("Project") to restore tidal flow and revive the extensive ecological and economic benefits provided by a healthy estuary. The expected benefits include improved water quality, greater community resilience, and enhanced recreational opportunities. More information about the Project is available at <https://www.wellfleet-ma.gov/home/news/herring-river-project>.

The Project includes the elevation of low-lying road segments and replacement of culverts to ensure that roadways are not over-topped during certain conditions once tidal flow is restored. Temporary easement rights are needed allow the Town and its contractors to access portions of private property near the road segments for purposes such as erosion control, staging or other construction activity. Temporary easement rights will expire once the construction work is completed. Permanent easement rights are needed because work will result in certain permanent changes to private property near the road segments, such as a grade change, or installation of a guardrail or culvert, and to allow the Town Department of Public Works access for maintenance. Plans showing the locations of the easements are available for viewing at the Wellfleet Department of Public Works (DPW) located at 220 West Main Street, and Wellfleet Town Clerk's office located at 300 Main Street.

ARTICLE NO. 41 – RESCIND DEBT AUTHORIZATIONS:

To see if the Town will vote to rescind the following funding authorizations, as follows:

Department	Item	Date	Amount
Department of Public Works	South Wellfleet Parking Lot	4/28/14	\$6,948.00
Elementary School	Elementary School Roof	4/28/14	\$338,000.00
DPW Facilities	Town Hall Furnace	4/28/14	\$75,000.00
Police Department	Police Station Construction	11/15/16	\$540,000.00
Selectboard	Land Acquisition	4/22/19	\$1,000,000.00
DPW Facilities	Town Hall Railing Repair	6/26/21	\$6,000.00

or to do or act on anything thereon.

(Requested by the Selectboard

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: The purpose of this article is to rescind a series of debt authorizations approved by Town Meeting to borrow funds for the identified purposes. These projects have been completed and the debt authorizations were not issued and not necessary for the projects. This proposed action is largely a house keeping matter.

ARTICLE NO. 42 - ROUTE 6A/MAIN STREET INTERSECTION PROJECT:

To see if the Town will vote to authorize the Selectboard to acquire by gift, purchase, or taking by eminent domain, any parcels of real property, permanent easements, and temporary easements, for public way purposes, including without limitation drainage, utility slope, grading, road realignment, sidewalks, construction of improvements and structures, and other related purposes, as may be necessary to complete the MassDOT Main Street/Route 6A Transportation Improvement Project, said parcels and easement areas being generally shown on a plan entitled "Route 6A/Main Street Intersection and Corridor Improvements" dated ____ and revised through _____, on file in the Town Clerk's Office and available for public inspection during regular business hours, and as may be amended through final project design; and further to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money, or any other sum, to be expended for engineering, design, and other associated services, and for the acquisition of said parcels of real property and easements, including but not limited to acquisition costs, the award of eminent domain damages and related expenses and fees, said sum being the Town's matching share of the MassDOT Main Street/Route 6A Improvement Project, or to do or act on anything thereon.

(Requested by the Selectboard)

Two-thirds vote Required

Recommendations:
Selectboard -
Finance Committee -

SUMMARY: (Jay Norton, DPW Superintendent)

ARTICLE NO. 43 -TOWN CODE CODIFICATION PROJECT:

To see if the Town will vote to adopt the following amendment to the Town Code;

{Text to be Inserted}

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:
Selectboard -
Finance Committee -

SUMMARY: (Jennifer Congel, Town Clerk)

ARTICLE NO. 44 -LEASE OF TOWN PROPERTY:

To see if the Town will vote to transfer the care, custody, management, and control of a Town-owned parcel known located at Gross Hill Road, as shown on Assessors Map 5, Parcel 8, from the Selectboard or other board or commission currently having custody thereof and from the purpose for which said parcel is currently held to the Selectboard for the purpose for which the parcel is currently held and for the purpose of entering into a long-term lease with one or more cellular communication carriers, upon such terms and conditions as the Selectboard deems to be in the best interest of the Town, or to do or act on anything thereon.

(Requested by the Selectboard)

Two-thirds vote required

Recommendations:
Selectboard -
Finance Committee -

SUMMARY: AT&T has been working with the Town to locate some communications equipment on a pole in the Newcomb Hollow Beach parking lot. The purpose of this equipment is to improve cellular communications in this area, which will benefit public safety purposes. The proposed license agreement will be for a 10-year period and the Town will receive annual payments for the use of town property.

SECTION VI: BYLAWS, INITIATIVE PETITIONS

ARTICLE NO. 45 – BYLAW AMENDMENT FOR ANIMAL CONTROL BYLAW:

To see if the town will vote to

[Text to be inserted]

or do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: (C. Sumner)

ARTICLE NO. 46 – BYLAW AMENDMENT FOR COMMERCIAL SINGLE-USE PLASTIC WATER BOTTLE BAN:

To see if the town will vote to amend the Section 49 of the general by-laws of the Town Code, as follows:

Section 49. Commercial Single-Use Plastic Non-Alcoholic Beverage ~~Water~~ Bottle Ban.

~~Section~~-1: Sale of Single-use Plastic ~~Water~~ Bottles

Effective on ~~September~~ May 1, 2023~~4~~, the Commercial Single Use Plastic Water Bottle Ban will be amended as printed. Effective May 1, 2023 it shall be unlawful to sell bottled non-alcoholic beverages non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Wellfleet.

Enforcement of this regulation will begin on May ~~September~~ 1, 2023~~4~~.

~~Section~~-2. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

~~Section~~-3. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the ability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

~~Section~~ 4. Enforcement

Enforcement of this article shall be the responsibility of the Town Administrator or his/her designee. The Town Administrator shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in G.L. Chapter 40 21D. The following penalties apply:

- First violation: Written Warning
- Second violation: \$150.00 fine.
- Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Wellfleet. All businesses will be routinely inspected until the Town Administrator deems the inspection to no longer be required.

or do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: This bylaw would ban the sale of single use Non-Alcoholic beverage plastic bottles and would supplant the pre-existing plastic water bottle ban. Plastic bottles have significant impacts on environmental health, and the health and longevity of other species, who may ingest plastic as food. Ultimately, plastic re-enters the human food chain where the adverse consequences are both known and emerging. Plastics pollute and impact our environment across their lifecycle from production to use to disposal.

ARTICLE NO. 47 - ADOPTION OF ENABLING LEGISLATION TO ESTABLISH SPEED LIMITS:

To see if the town will vote to accept the provisions of Chapter 90, Section 17C of the General Laws, (Ter. Ed), which allows the Selectboard to establish a speed limit of 25 miles per hour in any thickly settled or business district in the Town that is not a state highway or do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: The Selectboard received a petition from residents seeking to reduce the posted speed limit on a local roadway. In order to effectuate this request the Town will have to adopt this enabling legislation.

ARTICLE NO. 48 - ADOPTION OF ENABLING LEGISLATION FOR THE DISPOSITION OF UNCLAIMED PROPERTY:

To see if the Town will vote to accept the provisions of Section 9A of Chapter 200A of the General Laws, as follows:

DISPOSITION OF UNCLAIMED PROPERTY

(a) In any city, town or district that accepts this section in the manner provided in Section 4 of chapter 4, there shall be an alternative procedure for disposing of abandoned funds held in the custody of the city, town or district as provided in this section.

(b) Any funds held in the custody of a city, town or district may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within one 1 year after the date prescribed for payment or delivery; provided, however, that the last instrument intended as payment shall bear upon its face the statement "void if not cashed within 1 year from date of issue." After the expiration of one 1 year

after the date of issue, the treasurer of a city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument or otherwise cause the financial institution to decline payment on the instrument and any claims made beyond that date shall only be paid by the city, town or district through the issuance of a new instrument. The city, town or district and the financial institution shall not be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than a year after its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto that are presumed to be abandoned under this section shall post a notice entitled "Notice of names of persons appearing to be owners of funds held by (insert city, town or district name), and deemed abandoned". The notice shall specify the names of those persons who appear from available information to be entitled to such funds, shall provide a description of the appropriate method for claiming the funds and shall state a deadline for those funds to be claimed; provided, however, that the deadline shall not be less than 60 days after the date the notice was either postmarked or first posted on a website as provided in this section. The treasurer of the city, town or district may post such notice using either of the following methods: (1) by mailing the notice by first class mail, postage prepaid, to the last known address of the beneficiary or person entitled thereto; or (2) if the city, town or district maintains an official website, by posting the notice conspicuously on the website for not less than 60 days. If the apparent owner fails to respond within 60 days after the mailing or posting of the notice, the treasurer shall cause a notice of the check to be published in a newspaper of general circulation, printed in English, in the county in which the city or town is located.

(d) In the event that funds appearing to be owed to a corporation, organization, beneficiary or person is \$100 or more and the deadline as provided in the notice has passed and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county in which the city, town or district is located; provided, however, that the notice shall provide an extended deadline beyond which funds shall not be claimed and such deadline shall be at least 1 year from the date of publication of the notice.

(e) Once the final deadline has passed under subsection (d), the funds owed to the corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the General Fund of the city, town or district and the city, town or district shall not be liable to the corporation, organization, beneficiary or person for payment of those funds or for the underlying liability for which the funds were originally intended. Upon escheat, the funds shall be available to the city, town, or district's appropriating authority for appropriation for any other public purpose. In addition to the notices required in this section, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary, or person entitled thereto. Prior to escheat of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made, that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification

agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest-bearing account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days after receiving notice thereof to the district, municipal or superior court in the county in which the city, town or district is located. The claimant shall have a trial de novo. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or another party or if the treasurer does not receive notice that an appeal has been filed within one 1 year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner provided in this section. If the claimant is domiciled in another state or country and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district, may order that the city, town or district retain the funds.

or do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendation:

Selectboard -

Finance Committee -

SUMMARY: Under current law unclaimed or abandoned funds must turned over to the Commonwealth of Massachusetts after a period. The acceptance of this enabling legislation would allow the Town to retain these funds after proper notice and process.

ARTICLE NO. 49 – WILDLIFE PROTECTION BYLAW:

To see if the town will vote to adopt the following as a general bylaw and insert it into the Town Code, as follows:

Wildlife Protection Bylaw:

“Attractant” means any substance which could reasonably be expected to attract a wild animal or does attract a wild animal, including but not limited to, garbage, unenclosed compost bins, human food products, pet food, feed, grain or salt.

“Wild animal” means any animal which is not normally domesticated in Massachusetts, including but not limited to: bears, coyotes, foxes, fisher cats, weasels, rats, deer, opossums, raccoons, squirrels, feral cats and skunks.

Prohibitions

1. No person shall feed, tempt with an attractant, touch, tease, frighten or intentionally disturb wildlife during nesting, breeding or any other activities.
2. No person shall leave, store, or maintain any attractant in a manner, area, or location accessible to any wild animal.

Exceptions

• The prohibitions of this Bylaw shall not apply to:

- (1) Any person who is the legal owner of a wild animal, if the wild animal is kept in compliance with all applicable federal, State and local laws and regulations.
- (2) Any person who feeds or provides food to a trapped, injured or unweaned wild animal between the time that the agency in charge of animal control, or its designated agent, or a licensed wildlife rehabilitator, is notified of the wild animal and the wild animal is received by the agency, facility, or designated agent.
- (3) A wildlife rehabilitator licensed pursuant to Massachusetts 321 CMR 2.13, or a wildlife sanctuary licensed pursuant to 321 CMR 7.00, and otherwise in compliance with all applicable federal, State and local bylaws and regulations.
- (4) Any person with a bird feeder, provided the feeder is suspended on a cable or other device to make it inaccessible to wild mammals, and the area below the feeder is kept free from the accumulation of seed debris.
- (5) Any person or organization that is providing care for feral cats and is making a reasonable effort to trap and sterilize the animals.
- (6) Any person feeding animals in the normal course of raising farm animals for food production or in the care of livestock animals, provided all reasonable efforts are made to reduce attractants to wild animals in the course of feeding livestock/farm animals, and in the storage of animal feed.
- 7) An owner or tenant of land or, if authorized by such owner or tenant, any member of their immediate family or their employee, using an attractant to bait common-type mouse and rat traps, nets, or box or cage-type traps to trap mammals who are causing damage to their property. A box or cage-type trap is one that confines the whole animal without grasping any part of the animal. All such trapping must be done in compliance with MGL Chapter 131, Section 80A and any applicable federal, State and local laws and regulations.

Enforcement

The animal control authority, its staff, its agents, or local law enforcement agents are authorized and empowered to enforce the provisions of this Bylaw.

Penalty

Any person violating this Bylaw shall be guilty of a civil penalty of not less than \$200 (two hundred dollars) and not more than \$2000 (two thousand dollars) for each violation. Each day that a violation continues or occurs will be considered a new violation for the purpose of assessing fines under this act.

Fines and Penalties

XX.XX.X

Criminal Disposition - In addition to any other legal remedies that may be available, the Animal Control Officer or other designated person, may enforce this By-law by Non-Criminal Disposition. If a Non-Criminal Disposition process, as provided in Massachusetts General Laws, Chapter 40, Section 21D and the Town’s Non-Criminal disposition By-law is elected, then any person who violates the provisions of **ARTICLE XX**, Section §**XX** of the Town’s General By-laws shall be subject to the following enforcement fines and penalties.

The enforcing officer or designee may give a written warning for the first offense or shall impose the following fines:

- First Offense - \$50.00
- Second Offense - \$100.00
- Third and Subsequent Offenses - \$300.00

(Requested by the Selectboard)

Majority vote required

Recommendation:

Selectboard -

Finance Committee -

SUMMARY: (C. Sumner)

ARTICLE NO. 50 – AFFORDABLE LOTS ZONING BYLAW:

To see if the Town will amend the Wellfleet Zoning By-Laws by inserting 6.28 B Affordable Lots and Affordable Undersized Lots, and to amend the Table of Contents and Sections 2.1, 5.3, as follows:

TABLE OF CONTENTS

["6.28.B Affordable Lots and Affordable Undersized Lots" is hereby inserted between "6.28 Provisions To Encourage The Development of Affordable Dwellings In Wellfleet" and "6.29 Fast Food & Formula Restaurant Prohibition"]

2.1 DEFINITIONS

[Is hereby amended with the following definitions inserted between Adult Video Store and Alteration]

Affordable Lot - A lot containing not less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a buildable lot. A of a One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units.

Affordable Undersized Lot - A lot containing less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a buildable lot. A of a One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units. An affordable undersized lot shall be subject to any conditions attached to a Special Permit issued by The Special Permit Granting Authority

5.3. Use Regulations

Table 5.3.1 is amended as follows: Insert “Affordable Lot” and “Affordable Undersized Lot” before “Bed and Breakfast”

["P" is a permitted use. "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
Affordable Lot	P	P	P	O	P	P
Affordable Undersized Lot	A	A	A	O	A	A

6.28.B Affordable Lots and Affordable Undersized Lots

6.28.B.1 Purpose: The purpose of this bylaw is to increase the supply of housing that is available and permanently affordable to low or moderate income households by allowing affordable dwelling units to be built on non-complying lots, provided the lots meet the criteria listed herein.

It is intended that the affordable housing units created under this bylaw qualify as low or moderate income units for purposes of M.G.L. Ch. 40B sec. 20-23 and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units.

6.28.B.2 Applicability - This bylaw applies shall apply to lots of record as of January 1, 2021 which do not meet the zoning requirements for a buildable lot as determined by The Town. Any increase in tax assessment for an applicable lot shall only occur upon an issuance of a building permit for an affordable One Family Dwelling on that applicable lot.

6.28.B.3 The Building Inspector may allow construction of a One Family Dwelling, to be restricted a by a Regulatory Agreement and/or Deed Rider, in an acceptable form, be executed and recorded by the applicant, as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on an eligible parcel of land that meets the following criteria:

1. Parcel is not within the National Seashore Park District;
2. Parcel has no existing dwelling unit
3. Parcel contains at least 10,000 square feet of contiguous upland area;
4. Parcel satisfies applicable Board of Health requirements;
5. Parcel satisfies applicable Town of Wellfleet's Conservation Commission Environmental Protection Regulations;
6. Parcel has a minimum of twenty (20) feet of frontage on a way previously approved by the Planning Board or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic. Lots without suitable frontage may be buildable under this section if there is an adequate recorded access easement of at least twenty (20) feet in width from the lot to a previously way approved by the Planning Board or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic and emergency response apparatus;
7. The side setbacks shall not be less than ten (10) feet, nor shall a dwelling be built within ten (10) feet of the any other dwelling or principal structure. If a dwelling is built within twenty five (25) feet of any other dwelling or principal structure a stockage type fence at least 6' in height may be required by the Permit Granting Authority . The existing setbacks of principal structures on the lots immediately adjacent to the subject lot must be shown on the plans;
8. Parcel shall not be built upon if it was purposely created as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town;
9. No part of any access driveway may be within fifteen (15) feet of a principal structure on an adjoining lot.

6.28.B.4 The Zoning Board of Appeals - As the Special Permit Granting Authority under this section The Zoning Board of Appeals, may grant a special permit to allow construction of a One Family Dwelling, to be restricted as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on a lot less than 10,000 square feet of upland if:

1. The Board finds that such a reduction in minimum lot requirement would further the purposes of the bylaw without causing any undue nuisance, hazard or congestion in the Town or neighborhood.
2. All criteria outlined in section 6.28.B.3, except the minimum 10,000 square foot of upland requirement of 6.28.B.3, paragraph 3, must be met for Board of Appeals approval of a lot with an area under 10,000 square feet upland in size.
3. The Special Permit Granting Authority may impose conditions and restrictions on the special permit, including, but not limited to, a) restricting the total number of bedrooms or occupants in the dwelling, b) such other restrictions or limitations as are considered necessary or appropriate to carry out the intent and purposes of the bylaw.

6.28.B.5 Transfer or Sale - The Permit Granting Authority under this section, shall allow the lot owner to transfer or to rent the constructed One Family Dwelling at an affordable price or rent per the applicable standards in Bylaw section 6.28.B.1, provided that the unit is restricted in such a way that future transference or leasing comply with the applicable affordability requirements in Bylaw section 6.28.B.1.

6.28.B.6 Affordability - No Building Permit or Certificate to Occupy shall be issued by the Building Inspector until the developer has demonstrated that all of the applicable requirements of 6.28.B.1 have been met.

6.28.B.10 Conflicts with other bylaws _ The provisions of this bylaw shall be considered supplemental to all other zoning bylaws. To the extent that a conflict exists between this bylaw and others, this bylaw, and the provisions therein, shall apply.
or do or act on anything thereon.

(Requested by the Selectboard)

Two-thirds vote required

Recommendations:

Selectboard -

Finance Committee -

SUMMARY: This bylaw provides limited relief of zoning requirements to promote the development of otherwise unbuildable lots solely for the propose of deed restricted affordable single-family homes in perpetuity or the maximum allowable period by law.

ARTICLE NO. 51 – ACCESSORY DWELLING UNIT BYLAW AMENDMENT:

To see if the Town will vote to delete 6.21 Affordable Accessory Dwelling Units of the Wellfleet Zoning By-laws and substitute the following sections in place thereof, and to amend the Table of Contents and Sections 2.1, 5.3, 5.46, 5.47, and 8.3 as follows:

TABLE OF CONTENTS

["Affordable Accessory Dwelling Units" is hereby deleted, and "Accessory Dwelling Units" is substituted in place thereof.]

SECTION II

2.1 DEFINITIONS

[Dwelling Affordable Accessory is hereby deleted and the following definition is substituted in place thereof.]

Dwelling **Unit**, Accessory: a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities

on the same lot as a principal dwelling or other principal structure that shall be leased year-round. 5.3. **Use Regulations**

Table 5.3.1 is amended as follows: Insert “Dwelling, Accessory” between "Conversion of Dwelling Unit" and "Dwelling, Affordable Accessory”

["P" is a permitted use. "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
Dwelling, Accessory Unit	P	P	P	A	P	P
Dwelling, Affordable Accessory	O	O	O	O	A	O

[5.4.6. **Intensity of Use Application to Affordable Accessory Dwelling Units** is hereby deleted and the following section is substituted in place thereof.]

5.4.6. Intensity of Use Application to Accessory Dwelling Units (ADUs)

An Accessory Dwelling Unit shall consist of a minimum of 200 square feet of Livable Floor Area, subject to any requirements of the State.

[5.4.7 **Intensity of Use Application to the Conversion of Dwelling Units** is hereby amended and the following section in bold is inserted.]

5.4.7 Intensity of Use Application to the Conversion of Dwelling Units

No dwelling unit shall be converted into two or more units unless each resulting unit consists of a minimum of 600 square feet of livable floor area; the external appearance of the structure is not changed; the front, side and rear yard requirements of the district in which located are met; and the lot area is not less per dwelling than the lot requirement of the district in which located, **except in the case of an Accessory Dwelling Unit, as provided in Section 6.21 of these Zoning By-laws.**

6.21 Accessory Dwelling Unit

(ADU)

6.21.1 Purpose: To enable an increase of year-round rental housing opportunities; to encourage greater diversity of housing types appropriate to residents with varying needs, and to support a stable and diverse year-round community and a robust local workforce.

6.21.2 Accessory Dwelling Unit (ADU)

~~An~~ Accessory Dwelling **Units**, as defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws ~~is~~ **are an one or more** additional dwelling units allowed on a single lot in all districts of the Town if in compliance with all Town, Commonwealth of Massachusetts and Federal statutes, by-laws and regulations where applicable, unless otherwise allowed by this bylaw.

6.21.2. Accessory Dwelling Units are allowed either as a Detached Building, or as a separate dwelling unit within or attached to a Dwelling, a building used for a Principal Use; or within or attached to any Accessory Building, as defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws.

6.21.2.2 **Individual** Accessory Dwelling Units shall be no larger than one thousand two hundred (1,200) square feet of Livable Floor Area as that term is defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By- laws.

6.21.2.3. In order to maintain its status as an accessory use to the principal use on the same lot, the ADU must be held in the same ownership as the principal use.

6.21.2.4. The rights and requirements of this By-law and/or Special Permit, as they apply to each ADU, shall run with the land upon any transfer of ownership of a property containing an Accessory Dwelling Unit built under the provisions of this By-law.

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6.21.2.5. A property owner may choose to cease to use an Accessory Dwelling Unit by formally reporting its change in use to the agent designated by the Town Administrator to administer and monitor such units and altering it to meet the requirements of a permitted use. The agent will then register this change in use with the Building **Commissioner** ~~Inspector~~, the Health Agent and the Town Assessor.

6.21.3 Procedure

6.21.3.1 The property owner shall apply for a building permit and/or certificate of occupancy for ~~an~~ **each** ADU. The Board of Health shall also review and inspect ~~the~~ **each** ADU for compliance with the Health Code prior to the issuance of a certificate of occupancy. The Fire Department shall also inspect for working carbon monoxide detectors.

6.21.3.2 Prior to the issuance of a certificate of occupancy, **each** ADU shall be registered with the agent designated by the Town Administrator who will administer and monitor such units, maintain a current record of such units and register them with the Town's Assessor, Building Department, and Health Department.

6.21.4 Monitoring

An Affidavit of Compliance signed by the property owner shall be submitted initially, when the unit is first occupied or used, and then annually, on September 1st or the nearest business day, to the agent designated by the Town Administrator to monitor and administer such Units to confirm that the Accessory Dwelling Unit or Units are being leased for a minimum of a year, and not otherwise leased or occupied for any other purpose, and that they shall be used as a dwelling, according to the standards and conditions of this By-law.

6.21.5 Enforcement and Penalties

Upon a written determination by the Building ~~Inspector~~ **Commissioner** that the property owner has failed to comply with these provisions, the property owner shall bring the unit or units into compliance within thirty (30) days of such written notice pursuant to Massachusetts General Law Chapter 40A Section 7. In addition, the Building **Commissioner** ~~Inspector~~ shall impose any and all fines and penalties referenced in Section 8.3 of these By- laws.

6.21.6. Opportunity for Affordable Housing Property Tax Exemption

A property owner who leases an Accessory Dwelling Unit affordably and in compliance with this By-law, as specified by the Special Act of 2010 and adopted by Wellfleet voters in May 2011 may apply to the agent designated by the Town Administrator to administer and monitor such units to receive an application for a property tax exemption.

[8.3 **Penalty** is hereby amended and the following sections in bold are inserted therein.]

8.3 Penalty Any person violating any of the provisions of these Bylaws may be fined not more than \$50.00 for each offense, **except in the case of violations of Section 6.21 Accessory Dwelling Units, the fine shall be \$300.00 for each offense.** Each day that such violation continues shall constitute a separate offense.

(Request of the Local Housing Partnership)

Two-thirds vote required

Recommendations:

Selectboard –

Finance Committee -

Local Housing Partnership -

SUMMARY: The purpose of this bylaw is to enable an increase of year-round rental opportunities; to encourage greater diversity of housing types appropriate to residents with varying needs; and to support a stable and diverse year-round community with a robust local workforce.

Wellfleet's year-round housing crisis is well documented. The need for year-round rentals has become increasingly pressing as more and more year-round homes are converted to short term and seasonal use. There are often no year-round rentals available at any price. From young people and families to seniors and well-paid professionals, finding and keeping a year-round rental is less and less possible. Our shell fishing families are particularly vulnerable as they are required by regulations to be domiciled in Wellfleet. Businesses of all types and even the Town's departments struggle to find employees because of the high cost and lack of year-round housing. This will impact both residents and visitors as it is already affecting the quality of life and economic sustainability of the town.

This By-law would allow Accessory Dwelling Units (ADUs) which are additional, size-restricted dwellings, on a single lot with an existing dwelling or structure or other Principal use, in all Zoning districts if in compliance with all applicable By-laws and regulations. Properties in the National

Seashore Park would require a Special Permit. Such dwellings can be no larger than 1,200 square feet of Livable Floor Area. Before an ADU can be used or occupied it must be registered with an agent designated by the Town Administrator to administer and monitor such units. Such units MUST be leased and occupied year-round with an Affidavit of Compliance filed annually with the Town by the property owner. ADUs do not have limits on who can rent based on income, and there is no set rent for ADUs. The property owner may lease the unit at market rates or may take advantage of the Affordable Housing Tax Exemption if leased affordably as determined by the Town. ADUs cannot be rented seasonally, weekly or daily. The property owner may live in the unit year-round themselves after filing the required Affidavit of Compliance.

SECTION VII: STANDARD ANNUAL ARTICLES

Voted on together as part of a consent agenda

ARTICLE NO. 52 – SURPLUS PROPERTY DISPOSAL:

To see if the Town will vote to authorize the Town Administrator or his/her designee to dispose of personal property by trade-in or sale, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard –

Finance Committee –

SUMMARY: This is an annual request that provides the Town Administrator to sell, trade-in or dispose of surplus property on behalf of the Town.

ARTICLE NO. 53 – COLLECTION OF TAXES:

To see if the Town will vote in accordance with G.L. c. 41, sec. 38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required.

Recommendations:

Selectboard –

Finance Committee –

SUMMARY: (Karen Murphy, Town Collector))

ARTICLE NO. 54 – MASSDEP LIABILITY INDEMINIFICATION:

To see if the Town will vote to assume liability in the manner provided by G.L. c.91, s.29 and 29A, as most recently amended, for damage that may be incurred for work to be performed by the Department of Environmental Protection of Massachusetts for improvements, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, excluding the Herring River and Herring River Dike, in accordance with G.L. c. 91, s. 11, and to authorize the Selectboard to execute and deliver a bond on indemnity therefore to the Commonwealth, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required.

Recommendations:

Selectboard –

Finance Committee –

SUMMARY: (Nancy Civetta, Shellfish Constable)

ARTICLE NO. 55 – NAUSET SCHOOLS ASSESSMENT FORMULA:

To see if the Town will vote to pursuant to the provisions of G.L. c. 71, s.16B, to allocate the sum of the Town's required local contributions to the Nauset Regional School District in accordance with the Nauset Regional School District Agreement, rather than in according to the formula of the Education Reform Act, so called, for Fiscal Year 2023, or to do or act on anything thereon.

(Nauset Regional School Committee)

Majority vote required.

Recommendations:

Selectboard –

Finance Committee –

SUMMARY: This article will apportion the Nauset Regional School District's assessment to the four (4) member towns for the following fiscal year based upon their proportionate school enrollment within the school district. This specific methodology is proved within the inter-municipal agreement, approved by the four towns establishing the Nauset Regional School District.

SECTION VIII: STANDARD CLOSING ARTICLES

ARTICLE NO. 56 – REPORTS OF BOARDS AND COMMITTEES:

To hear reports of the Selectboard, Town Officers, and all other Committees and to act thereon, or do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

ARTICLE NO. 57 - OTHER BUSINESS:

To act on any other business that may legally come before the meeting.

(Requested by the Selectboard)

Majority Vote Required

ANNUAL TOWN ELECTION WARRANT
Monday May 2, 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 SENIOR CENTER, 715 OLD KING'S HIGHWAY in Wellfleet on Monday the 2nd day of May, 2022, between twelve o'clock noon and seven o'clock p.m.**, then and there to vote for the election of the following Town officers: one Moderator for one year; two for the Selectboard for three years; one for the Wellfleet Elementary School Committee for three years; one for the Board of Library Trustees for three years; one for the Cemetery Commission for three years; and two for Constable for three years. Also, to vote on the following questions:

Question 1: Shall the Town of Wellfleet be allowed to assess an additional \$186,759.00 in real and personal property taxes for the purpose of funding two new Police Officer positions for the fiscal year beginning July 1st, two thousand and twenty-two?

Question 2: Shall the Town of Wellfleet be allowed to assess an additional \$206,964.00 in real and personal property taxes for the purpose of funding two new Firefighter/EMT/Paramedic positions for the fiscal year beginning July 1st, two thousand and twenty-two?

Question 3: Shall the Town of Wellfleet be allowed to assess an additional \$750,000.00 in real and personal property taxes for the purpose of funding general school and town operations for the fiscal year beginning July 1st, two thousand and twenty-two?

Question 4: Shall the Town of Wellfleet be allowed to assess an additional \$1,000,000.00 in real and personal property taxes for the purpose of funding a town-wide capital improvement fund for the fiscal year beginning July 1st, two thousand and twenty-two?

Question 5: 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 for the bonds issued in order to purchase a replacement fire engine, and pay all other costs related thereto?

Question 6: 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 for the bonds issued in order to purchase and install a fire suppression system for the Wellfleet Elementary School, and pay all other costs related thereto?

2022 ANNUAL TOWN MEETING WARRANT &
2022 ANNUAL TOWN ELECTION WARRANT

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 due 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 ____ day of 2022.

Wellfleet Board of Selectmen

Ryan Derek Curley, Chair

Michael F. DeVasto, Vice Chair

Janet M Reinhart , Member

Helen Miranda Wilson, 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 and by delivering to the Town Administrator printed copies of the Warrant of a number not less than the number of registered voters in the Town on _____, which is at least seven (14) days before the date of said meeting, as within directed.

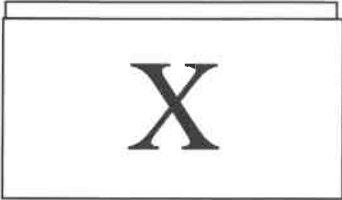
Date: _____

Constable: _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022



SELECTBOARD ANNUAL TOWN REPORTS

~ A ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	To Discuss the Selectboard's annual report
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

X

SELECTBOARD ANNUAL TOWN REPORTS

~ B ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	To Discuss the Selectboard's investigation for the 2021 Annual Report
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

XII

TOWN ADMINISTRATORS & ASSISTANT TOWN ADMINISTRATOR REPORTS

- Please see selectboard packet

To: Selectboard

From: Charles L. Sumner, Interim Town Administrator & Rebecca Roughley, Assistant Town Administrator

Subject: Administration's activity Report for the period January 21, 2022, to February 3, 2022

Date: February 3, 2022

1. Jennifer Congel, Town Clerk shared some important information on legislative activity concerning Extension of Covid-19 Provisions and September Primary Date, as follows:

The House of Representatives passed a \$55 million dollar Covid-19 spending bill, [House Bill 4340](#) with several pandemic-related provisions and authorizations related to public meetings.

Those provisions include:

- Remote option for public bodies: The House bill would extend through July 15 previous authorization for remote public meetings, which currently expire on April 1.
- Open town meeting quorums: The bill would allow select boards, in consultation with their town moderator, to lower quorum requirements for open town meetings to not less than 10% of the existing quorum level.
- Remote representative town meetings: The bill would allow representative town meetings to once again have the option to meet remotely, if approved by the select board and town moderator, as well as the town meeting when it meets.

*The provisions related to open and representative town meetings would be available through July 15, 2022.

The Bill also proposes to set the **State Primary date for Sept. 6, 2022**. Once again, this proposed date falls on the Tuesday after Labor Day. The Town Clerk's Association have expressed concerns regarding this date, knowing that it will coincide with the first day of school for many, increase costs of setup, and present staffing challenges.

The bill now heads to the Senate, which is expected to finalize its own version this week.

- 2. Eversource Energy Emergency** – The utility company recently shared some information about ISO-New England's winter energy forecast for the region and the possibility that energy conservation steps, including controlled outages, could be necessary in certain situations. They have shared a communication with Local Officials with helpful FAQ that provides more information. Also, Eversource will hold an hourlong webinar on this topic at 10 a.m. on Wednesday, Feb. 9, 2022 for municipal officials in Massachusetts.
- 3. Coles Neck Water Main Replacement Project** – We issued Change Order No. 1 in the amount of \$24,860 to Dig-It Construction, which will provide an allowance for the contractor to perform construction activities during the winter period. This will allow for extra costs associated with using a winter paving mix from the asphalt plant.
- 4. MA Department of Revenue (MDOR)** – Lisa Souve, Mary McIsaac and I met with several representatives from the MDOR on Tuesday, January 31, 2022, to provide an overview of our combined efforts to address Wellfleet's accounting and treasury problems from FY2020 and FY2021. This was a productive meeting; we continue to be grateful for their assistance and advice. We will provide more information at the February 8, 2022, meeting

5. **Omaha Road** – Nancy Civetti and I met with Anne Sterling from the Field Point Owners Property Association on Monday, January 31, 2022 to review the Right of Way Easement proposal. We had a productive conversation and identified several items that need review with staff and Town Counsel. Once we have completed this process, we will meet again with Anne to review the comments and work to finalize an agreement for presentation to the Selectboard.
6. **Town Collector** – Karen Murphy’s contract as Town collector expires on June 30, 2022. Rebecca Roughley and I have been working with Karen to negotiate a new 3-year agreement. This process will include a review by Town Counsel to finalize an agreement.
7. **Assistant DPW Superintendent** – We have scheduled 2nd round interviews with a few candidates on Tuesday, February 8, 2022.
8. **Town Treasurer** - We held initial interviews for 2 candidates for the Town Treasurer’s position last week and are working to set some dates for additional conversations.
9. **Town Accountant** – We have advertised for candidates for this position and will be holding initial interviews over the next 2 weeks.
10. **Enhanced I/A Septic System Grant** – Hillary Lemos is currently working with John Giorgio from K Law to draft a template for a grant agreement with property owners that wish to install an enhanced I/A septic system. Property owners would be eligible for a reimbursement grant award for up to \$12,500 with the goal to improve water quality throughout the town.
11. **Massachusetts Cultural Council** – We recently completed the contract documents for the Mass Cultural Council’s Local Cultural Council program; Wellfleet’s FY2022 allocation is \$5,000.



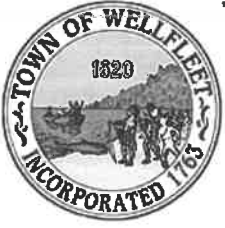
SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

XIII

TOPICS FOR FUTURE DISCUSSION

Requested by:	Topic:	Requested to be on:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

XIV

CORRESPONDENCE AND VACANCY REPORTS

****Please see packet****

!	📄	📧	📧	From	Subject	Received	Size	🚩
Today								
				Helen Mirand...	Wildlife Protection Bylaw docs. for 2/8/2022 Sb packet . Please note that bird feeders are allowed in this draft. <end>	Fri 2/4/2022 11:4...	197 KB	
Yesterday								
				Ryan Curley	Fwd: Monday, February 7th at 7:00 p.m., Duxbury Board of Selectmen ... Get Outlook for Android <https://aka.ms/AAb9ysg>	Thu 2/3/2022 1...	5 MB	
				MA Municipa...	MMA Muni Workshop Webinars: What's ahead for week of Feb. 7 View in browser	Thu 2/3/2022 9...	55 KB	
Wednesday								
				Jack Peak	Peak Time: Death- It's Not Optional Hello Friends, Well, this was a tough topic. Discussing death makes most of us uncomfortable even though we all share the same	Wed 2/2/2022 ...	22 KB	
				William Iacu...	Re: FW: [Wellfleet MA] Poorly Plowed Roads (Sent by Bill Iacuessa, bill... Dear Mr Norton, Thank you for taking the time to address my concern of the roads. There certainly were extenuating circumstances	Wed 2/2/2022 ...	30 KB	
				Regine Desir	Re: D.P.U. Eversource Energy - Notice of Filing, Public Hearings and Pr... Hi Janea , I had to make a correction . Here are the two link for the posted hearings	Wed 2/2/2022 ...	47 KB	
				Regine Desir	Re: D.P.U. Eversource Energy - Notice of Filing, Public Hearings and Pr... Good Morning Janea The following meeting has been posted	Wed 2/2/2022 ...	46 KB	
				Regine Desir	Re: D.P.U. Eversource Energy - Notice of Filing, Public Hearings and Pr... Good Morning Janea Can you send the word doc for this posting please ? Best, Regine	Wed 2/2/2022 ...	47 KB	
				Janea Dunne	D.P.U. Eversource Energy - Notice of Filing, Public Hearings and Proce... On behalf of NSTAR Electric Company, d/b/a Eversource Energy, attached please find the Company's Notice of Filing, Public Hearings	Wed 2/2/2022 ...	167 KB	
Tuesday								
				MA Municipa...	Here's your February issue of The Beacon from the MMA <https://www.informz.net/admin31/images/spacer.gif>	Tue 2/1/2022 6:...	49 KB	
				Jay Norton	FW: [Wellfleet MA] Poorly Plowed Roads (Sent by Bill Iacuessa, bill.iac... Mr. Iacuessa, Thank you for reaching out. I'd like to briefly explain what we dealt with over the weekend to educate you (this isn't	Tue 2/1/2022 5:...	29 KB	
				Rebekah Eldr...	correspondence This came into the office and I wanted you to have it in your correspondence report. Rebekah L. Eldridge Executive Assistant to the	Tue 2/1/2022 2:...	290 KB	
				Rebekah Eldr...	email Hi there,	Tue 2/1/2022 2:...	37 KB	
				Contact form...	[Wellfleet MA] Poorly Plowed Roads (Sent by Bill Iacuessa, bill.iacuess... Hello bos@wellfleet-ma.gov <mailto:bos@wellfleet-ma.gov> ,	Tue 2/1/2022 1:...	18 KB	
Monday								
				Charles Sum...	FW: 612540 Truro-Wellfleet - Shared-Use Path Along Route 6 (Outer C... Good afternoon everyone,	Mon 1/31/2022...	34 KB	
				Bill Biewenga	Fwd: HRSR Reminder Message Dear HRSR members, Just a reminder that we will be meeting on Wednesday from 3-5 for the Herring River Stakeholder Group	Mon 1/31/2022...	487 KB	
				MA Municipa...	Muni Workshop Webinar Series continues this week – register now View in browser	Mon 1/31/2022...	51 KB	
				dmf.shellfish...	DMF Shellfish Emergency Reopening Notice for Massachusetts 1-31-2... Good morning, Please see the attached notice for all coastal waters in the Commonwealth of Massachusetts, effective as of sunrise	Mon 1/31/2022...	36 KB	
Sunday								
				Nancy Civetta	Wellfleet Waters Open to Shellfishing as of Sunrise Tomorrow, Januar... ATTENTION ALL RECREATIONAL SHELLFISHERMEN IN THE TOWN OF WELLFLEET: The Commonwealth of Massachusetts Division of	Sun 1/30/2022 ...	20 KB	
				Nancy Civetta	Wellfleet Waters Open to Shellfishing as of Sunrise Tomorrow, Januar... The Commonwealth of Massachusetts Division of Marine Fisheries (DMF) is re-opening Wellfleet waters to shellfish harvesting as of	Sun 1/30/2022 ...	22 KB	
				lifeexercises	RE: Final Update Thank you, everyone! Janet Reinhart Sent from my Verizon, Samsung Galaxy smartphone	Sun 1/30/2022 ...	22 KB	
				Ryan Curley	RE: Final Update Thx get some shut eye if you can.	Sun 1/30/2022 ...	19 KB	
				Jennifer Wer...	RE: Final Update Greetings, Regardless of Nauset schools being closed, the Library will be open tomorrow. Best, Jennifer Sent from my iPhone	Sun 1/30/2022 ...	25 KB	
				Rebekah Eldr...	RE: Final Update Ditto to what Nancy said! You guys truly are amazing!! ❤️ Thank you all Get Outlook for iOS <https://aka.ms/oOukey> _____	Sun 1/30/2022 ...	26 KB	
				Nancy Civetta	RE: Final Update You guys truly rock! I have even more respect for our police officers knowing now what incredible community service they provide	Sun 1/30/2022 ...	21 KB	

!  	From	Subject	Received	Size	
	Michael Hurley	Final Update	Sun 1/30/2022 ...	21 KB	
	Final storm update:				
	Eric Martinson	U.S. Senate panel discussion: "COVID-19: A Second Opinion"	Sun 1/30/2022 ...	19 KB	
	To whom it may concern in the Town of Wellfleet: As the prevailing Covidian narrative crumbles around us, the more rabid defenders				
	Chris Schwartz	Re: Wellfleet Gardeners Plant Sale; May 28,2022	Sun 1/30/2022 ...	17 KB	
	Way to go, Karen!!				
		Michael Hurley FW: Situational Awareness Statement #7- Winter Storm Update on Ma...	Sun 1/30/2022 ...	2 MB	
	Good morning everyone, please see the latest update from MEMA below. In addition, this message was pushed out this morning on				
Last Week					
	Nancy Civetta	RE: Situation Report #2 - Winter Storm Response Update	Sat 1/29/2022 ...	417 KB	
	I can help drive folks with one of our 4-wheel drive trucks. I should have offered yesterday! Please let me know! Nancy Civetta				
		Michael Hurley Fwd: Situation Report #2 - Winter Storm Response Update	Sat 1/29/2022 ...	2 MB	
	Good evening, Sorry for the delayed response getting this information out, the impacts of the storm have overwhelmed Public				
	Karen Kamin...	Wellfleet Gardeners Plant Sale; May 28,2022	Sat 1/29/2022 ...	16 KB	
	Dear Select persons Thank you for approving the Wellfleet Gardeners' application to hold our annual fundraiser, a plant sale, on				
		Michael Hurley FW: Situational Awareness Statement #5 - Winter Storm – Power Outa...	Sat 1/29/2022 ...	3 MB	
	Good morning, Please see below the latest update from MEMA. In addition, here is the latest social media update to the				
		Owen Fletcher Barnstable County Assembly of Delegates 02/02/22 Regular Meeting ...	Sat 1/29/2022 ...	887 KB	
	As attached in PDF and available on the web at				
		Thomas Siggia Fwd: SAB proposed revisions to Section 7.23 (Boundary discussion)	Sat 1/29/2022 ...	34 KB	
	>				
		Owen Fletcher Barnstable County Assembly of Delegates 02/02/22 Regular Meeting ...	Fri 1/28/2022 4...	495 KB	
	As attached in PDF and available on the web at				
		dmf.shellfish... MA DMF Shellfish Emergency Statewide Closure Notice 1-28-2022	Fri 1/28/2022 3...	332 KB	
	Good afternoon, Please see the attached statewide emergency closure notice. Jeff Kennedy				
	Peter Simon	Re: All State Waters Closed to Shellfishing as of Sunset Tonight, Janua...	Fri 1/28/2022 3...	19 KB	
	Thank you for letting us know. Peter				
	Nancy Civetta	All State Waters Closed to Shellfishing as of Sunset Tonight, January 2...	Fri 1/28/2022 3...	20 KB	
	ATTENTION ALL RECREATIONAL SHELLFISHERMEN IN THE TOWN OF WELLFLEET: The Commonwealth of Massachusetts Division of				
	Nancy Civetta	All State Waters Closed to Shellfishing as of Sunset Tonight, January 2...	Fri 1/28/2022 2...	27 KB	
	The Commonwealth of Massachusetts Division of Marine Fisheries (DMF) is implementing a state-wide precautionary storm closure				
		Melissa Yow Letter for 2/22 Meeting	Fri 1/28/2022 2...	55 KB	
	Members of the Selectboard, Please find the attached letter for your consideration. I am requesting that this letter be added to the				
	Nancy Civetta	Shellfish Crier: Commercial shellfishing permit deadline, grant holder remin...	Fri 1/28/2022 12...	37 KB	
	Town Shellfish Crier January 28, 2022				
	Cape Cod Co...	Cape Cod Commission 2021 Year in Review	Fri 1/28/2022 7...	43 KB	
	Massachuset...	Reminder: Action Alert UPDATED: Pilgrim Nuclear radioactive water di...	Fri 1/28/2022 7...	57 KB	
	Please Take Action on this important matter				
	MA Municipa...	Register: Virtual MSA Business Meeting January 28	Thu 1/27/2022 ...	47 KB	
	Virtual MSA Annual Business Meeting Jan. 28				
	MA Municipa...	Muni Workshop Webinar Series continues this week – register now	Thu 1/27/2022 ...	54 KB	
	View in browser				
	Massachuset...	MMA Alert: Governor's Budget Released, Call Legislators For Increase ...	Wed 1/26/2022...	65 KB	
	<https://www.informz.net/admin31/images/spacer.gif>				
	MA Division ...	Prohibition on Setting of Lobster Trawls in Gosnold Waters is Eliminated	Wed 1/26/2022...	44 KB	
	Having trouble viewing this email? 				
	U.S. DOT Fed...	FHWA Reminder Training Announcement - Transportation Innovation	Wed 1/26/2022...	25 KB	
	Wellfleet Cul...	2022 Cultural Council Grant Announcement	Wed 1/26/2022...	65 KB	
	Building Community Through Cultural Engagement				
	MA Municipa...	Muni Workshop Webinar Series continues this week – register now	Wed 1/26/2022...	51 KB	
	View in browser				
		Executive As... FW: Duck Harbor / Mosquito Meeting Materials for Select Board Meet...	Tue 1/25/2022 ...	1 MB	
	This just came into my email.				
	Helen Miran...	Fwd: ARC's shellfish lease in the 80s	Tue 1/25/2022 ...	804 KB	
	From the BOS minutes!! Thank you Melissa.				

! D	From	Subject	Received	Size	▼
	Massachuset...	Action Alert UPDATED: Pilgrim Nuclear radioactive water discharge	Tue 1/25/2022 ...	57 KB	
	Please Take Action on this important matter				
	Jude Ahern	Fwd: ARC is not a non-profit	Tue 1/25/2022 ...	737 KB	
	This was when SPAT was trying to portray ARC as a non-profit. I noticed. Again, what is ARC exactly now?				
	Jude Ahern	Fwd: ARC grant	Tue 1/25/2022 ...	964 KB	
	nancy did not mention Section 58 at the SAB meeting nor that she had already consulted DMF about it. I read it is continued to be				
	Bill Biewenga	Herring River Stakeholder Group Meeting	Tue 1/25/2022 ...	393 KB	
	Good Afternoon,				
	Melissa Yow	Fwd: ARC's shellfish lease in the 80s	Tue 1/25/2022 ...	800 KB	
	For your consideration				
	Nancy Civetta	revised motion for moving 5 deep water grants in for tonight's meeting	Tue 1/25/2022 ...	142 KB	
	Thank you. Nancy Civetta Shellfish Constable Town of Wellfleet				
	MA Municipa...	Register: Virtual MSA Business Meeting January 28	Tue 1/25/2022 ...	47 KB	
	Virtual MSA Annual Business Meeting Jan. 28				
	Wellfleet Cha...	Selectboard meeting tonight, January 15 at 6:00pm	Tue 1/25/2022 ...	83 KB	
	Ryan Curley	Town Lawn	Tue 1/25/2022 ...	14 KB	
	Hi all Jay had a bug last week and has asked to have the town Lawn be moved to our next meeting. Just FYI <end>				
	Capital Strat...	VIDEO: Watch this discussion on operational assistance with snow and ...	Tue 1/25/2022 ...	56 KB	
	We engaged with leaders in Public Works to...				
	U.S. DOT Fed...	FHWA Announces \$17.8 Million for Tribal Technical Assistance Progra...	Tue 1/25/2022 ...	28 KB	
	Jude Ahern	Fwd: the value of their lease increases exponentially if they are the ON...	Tue 1/25/2022 ...	9 MB	
	Here is the MSI Assessment Committee final report which is the only place one can find the details. <end>				
	Jude Ahern	Fwd: your IRS returns	Tue 1/25/2022 ...	19 KB	
	I want answers to these questions tonight.				
	Jude Ahern	Fwd: ARC grant	Tue 1/25/2022 ...	265 KB	
	Nancy lied at the SAB meeting last week when she said she didn't know and she just "inherited" this situation and I find it very				
	John Wolf	shellfish agenda item	Tue 1/25/2022 ...	15 KB	
	Greetings, everyone: I hope everyone can find the time to watch Wednesday's SAB meeting on the town YouTube channel in advance				
	Michael Hurley	FW: Follow-up information related to energy emergencies	Mon 1/24/2022...	713 KB	
	Please see the attached email on the municipal officials meeting and Q&A from Eversource regarding the Load Shedding issue.				
	Ryan Curley	Fwd: FW: Wellfleet Media Services Report and Evaluation	Mon 1/24/2022...	40 KB	
	----- Forwarded message -----				
	Karen A. LaV...	Re: Wellfleet - Chequessett Neck Water Line Easement	Mon 1/24/2022...	75 KB	
	Hi Katie: The Easement looks good to me. I agree that the escrow should be in a non-interest bearing account. Please make that				
	Capital Strat...	VIDEO: Watch this discussion on operational assistance with snow and ...	Mon 1/24/2022...	56 KB	
	We engaged with leaders in Public Works to...				
	Rebekah Eldr...	Disclosure of Appearance of Conflict of interest	Mon 1/24/2022...	328 KB	
	Hi everyone,				
	Nancy Civetta	Nancy Civetta disclosure form: appearance of COI	Mon 1/24/2022...	178 KB	
	Dear BOS members, In advance of tomorrow's public hearing, I hereby file my form G.L. c. 268A, § 23(b)(3) - Appearance of undue				
	Katharine L. ...	RE: Wellfleet - Chequessett Neck Water Line Easement	Mon 1/24/2022...	176 KB	
	Karen: Attached please find my proposed revisions to the Chequessett Neck Road easement deed. Katie Katharine Lord Klein KP				
	Wellfleet Cha...	Buy Direct from Wellfleet Shellfishermen & Women	Mon 1/24/2022...	84 KB	
	Order by midnight 1/26 for pickup 1/29				
	Irving	arc meeting letter	Mon 1/24/2022...	73 KB	
	Please find attached letter to be read into the record on Tuesday's meeting. Thank you! <end>				
	MA Municipa...	Muni Workshop Webinar Series starts today – register now	Mon 1/24/2022...	47 KB	
	View in browser				
	Karen A. LaV...	Re: Wellfleet - Chequessett Neck Water Line Easement	Mon 1/24/2022...	46 KB	
	Hi Katie: Can you advise when revised easement might be available for review? We are all set on our end with escrow funds. Thank				
	Ryan Curley	Data on the Cape's New Homeowners	Mon 1/24/2022...	15 KB	
	https://capecodcommission.org/about-us/newsroom/detailing-data-on-cape-cods-new-homeowners				
	Ryan Curley	Fwd: Load Shedding	Mon 1/24/2022...	947 KB	
	----- Forwarded message -----				
	Ryan Curley	Fwd: FW: Herring River	Mon 1/24/2022...	1 MB	
	On the agenda for Feb 8				

! D	From	Subject	Received	Size	🔍
	Ryan Curley	County ARPA funds	Mon 1/24/2022...	14 KB	
	Hi all,				
	Steven Levin	Hey there, get the building materials and finishes you need - when yo...	Mon 1/24/2022...	71 KB	
	Are you building, renovating, or purchasing building materials and finishes during pandemic? You're gonna want to see this.				
	Rebekah Eldr...	added item	Sun 1/23/2022 ...	9 MB	
	Good Afternoon, I hope you are enjoying your weekend. Chief Hurley reached out to me and was concerned that his police officer				
	Jude	Fwd: Letter	Sun 1/23/2022 ...	26 KB	
	As Janet and Helen know, questions are not threats and thankfully our district attorney agrees. Again, what is the relationship				
	Two Weeks Ago				
	Jude	What IS ARC exactly?	Sat 1/22/2022 ...	1 MB	
	ARC is an investment company based in Delaware not wellfleet. Our shellfish Constable was instrumental in setting this up in her role				
	Jude	Fwd: Tuesday night you need to explain your role in ARC investment c...	Sat 1/22/2022 ...	17 KB	
	And Janet, I want you to ask your personal attorney Bruce Bierhans why SPAT gave a for-profit investment company \$125k two years				
	Rebekah Eldr...	new item added to the agenda	Fri 1/21/2022 6...	9 MB	
	I have added a section of the Shellfish Regulations. It is in the packet online but not in your paper packets. I have attached the				
	Massachuset...	Women Elected Municipal Officials January Update	Fri 1/21/2022 4...	44 KB	
	WEMO January Update				
	Rebekah Eldr...	change in packet.	Fri 1/21/2022 3...	9 MB	
	Hi, I was wrong on the fee for the race so I corrected it in the packets and on line but I wanted you to have the correct packet in your				
	Rebekah Eldr...	Agenda and Packet	Fri 1/21/2022 2...	9 MB	
	Happy Friday! 😊 I have attached your agenda and packet for Tuesday's meeting. Thank you and have a nice weekend. Stay War...				
	Nancy Civetta	Per request for your 1-25-2022 ARC public hearing packet	Fri 1/21/2022 1...	3 MB	
	Nancy Civetta Shellfish Constable Town of Wellfleet				
	Lilli Green	Fwd: FW: U.S. Department of Treasury issues important Final Rule for ...	Fri 1/21/2022 1...	808 KB	
	Dear Selectboard members, FYI, I received this email yesterday. Have a nice weekend. Regards, Lilli Good afternoon Delegates,				
	Wellfleet Cha...	Winter Blue Lights to shine through March	Fri 1/21/2022 1...	73 KB	
	<https://r20.rs6.net/on.jsp?ca=3451c936-97b8-4a5e-b6ac-e926f662043c&a=1112873798651&c=176496d0-bfb9-11e3-9e33-...>				
	Thomas Siggia	ARC - domicile (BOS meeting Jan 25th)	Fri 1/21/2022 1...	15 KB	
	Last night the SAB had a zoom meeting on the topic of Aquaculture Research Company (ARC) grant number 792 and the question of				
	MA Municipal ... 43rd MMA Annual Meeting begins this morning! You can still register for vir...		Fri 1/21/2022 8:1...	56 KB	
	View in browser				

Date: February 2, 2022
To: Board of Selectmen
From: Jeanne Maclauchlan
Re: Vacancies on Town Boards

Bike and Walkways Committee (5 members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

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
1 alt Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Board of Water Commissioners

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: No applications 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 Position	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 applications on file

Dredging Task Force (7 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Housing Authority (5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Commonwealth of MA	5 years

Requesting Appointment: No applications on file

Natural Resources Advisory Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No application on file

Personnel Board (4 members + TA + FinCom Rep)

Vacant Positions	Appointing Authority	Length of Term
3 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 Positions	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

Shellfish Advisory Board (7 members + 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
2 Positions		
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
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file



[Boards/Commissions Home](#) > [Search Results](#) > [Board/Commission Detail](#)

Boards and Commissions

Wellfleet Housing Authority

[Apply for this Board/Commission](#)

Board/Commission Information

Board Name:	Wellfleet Housing Authority
Legal Authority:	MGL Chapter 121b Section 5
Purpose:	
Seat Restrictions:	Term Limit: 0 Term Length: 5
Meeting Information:	
Compensation:	None

Member Name	Seat Name	Chair	Term End Date

Jeanne Maclauchlan

From: Elaine McIlroy <emcilroy@comcast.net>
Sent: Wednesday, February 2, 2022 1:01 PM
To: Jeanne Maclauchlan
Subject: Fwd: Wellfleet Housing Authority vacancy

Hi Jeanne,

Here's the background on the vacancy. I never got a reply to this email. Let me know if there is anything else I should do.

Thanks,
Elaine

Sent from my iPad

Begin forwarded message:

From: Elaine McIlroy <emcilroy@comcast.net>
Date: January 12, 2022 at 9:12:32 AM CST
To: Charles Sumner <charles.sumner@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Jennifer Congel <Jennifer.Congel@wellfleet-ma.gov>, rebekah.eldridge@wellfleet-ma.gov
Subject: Fwd: Wellfleet Housing Authority vacancy

Good Morning,

The term of our Governor's appointee to the Wellfleet Housing Authority, Mia Baumgarten, expires on January 20. Sadly and understandably, she has chosen not to seek reappointment due to her heavy work schedule. We will miss her youthful and thoughtful presence on the WHA and her networking with a young peer group that can be hard to reach.

It is my understanding from speaking with DHCD, that the person interested in serving should apply by filling out the form in the link below. The WHA would like to seek out interested candidates and would like to have the vacancy announced as any other vacancies on Town committees are announced.

To facilitate the process I believe only one person should be identified to apply to the State. The State has 120 days to act on the appointment. If they do not, the Selectboard can make the appointment and the Town informs the State. This is what happened with Mia's appointment. It took over 4 months to fill the vacancy.

The term is for 5 years. The WHA currently meets once a month on the first Thursday of the month at 10am. The mission of the Wellfleet Housing Authority is to develop and offer programs to assist people in acquiring and retaining secure affordable housing. The WHA works closely with the Local Housing Partnership and the Wellfleet Affordable Housing Trust.

If you need any more information or have questions, please get in touch.

Thank you,
Elaine
Elaine McIlroy, Chair
Wellfleet Housing Authority
617-947-1269



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

XV

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of Minutes <ul style="list-style-type: none">• January 18, 2022• January 25, 2022
PROPOSED MOTION:	I move to approve the Minutes for January 4, 2022, and January 11, 2022, as printed in Draft form
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**Wellfleet Selectboard
With
The Wellfleet Finance Committee
Virtual Meeting ~ Zoom
Tuesday January 18, 2022; 6pm
Meeting Minutes**

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

Finance Committee Members Present: Fred Magee, Chair; Kathy Granlund, Vice Chair; Ira Wood, Stephen Polowczyk, Bob Wallace, Linda Pellegrino. Moe Barocas, Jeff Tash, Jeff Behrens

Finance Committee Members Absent: Jenn Rhodes

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Chief of Police; Jay Norton, DPW director

Chair Curley Called the meeting to order at 6:00pm

Chair Magee Called the finance committee meeting to order at 6:01pm

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.

Chief Hurley informed the board and public that the Wellfleet Police Department has officially begun using their body cameras to promote transparency among the public, he explained they would be doing public outreach to introduce the cameras.

Chair Curley asked Chair Magee to chair the next few agenda items and then Chair Curley would chair the remainder of the meeting.

II. *Fin Com*

A. Review Minutes from December 15, 2021, ~ Chair Magee stated there was a quorum and asked for a motion to accept the minutes.

Barocas Moved; Granlund Seconded, and it was voted to accept the minutes as printed.

Roll call Vote: 7-0-1(Polowczyk abstained due to his absence at the meeting)

B. Vote on Request for Transfer re: Cemetery Commission Vendor bills

Chair Magee explained the next order of business was to approve a transfer for the Cemetery Commissioners which he asked Sumner to explain. Sumner began stating that this money would go into the Department of Public Works budget. He stated there is a vendor that installs the markers when a plot is bought at a cemetery and there is an outstanding balance. He continued to explain how his will work. Chair Magee stated that this is the fourth time that there has been a transfer that the committee has approved, he stated he hopes in the future there

will be a better understanding of emergency and unforeseen circumstances. Sumner explained he will keep a list of the funds that the finance committee has so that in the coming years the committee will be able to keep a tally on where the funds are spent.

Polowczyk Moved; Tash Seconded; and it was voted to approve the transfer in the amount of \$2056.00 as presented.

Roll Call Vote: 9-0

- C. Set Meeting agenda for Operating budget reviews in February and March 2022
Chair Magee stated that the next two months would be department budget reviews. He recommended both February 9th & 23rd for their upcoming meetings. There were no objections. No vote was needed for this item.
Chair Magee turned the meeting back over to Chair Curley.

III. **Business**

- A. Presentation of FY 2023 Town & School Budgets ~ Sumner began explaining his intentions for this meeting, stating that he would review his cover letter with the group. He told them that there were budget books made for each of them that gives great detail about each of the department budgets and this book will be used when the department budget reviews are conducted. He explained how he came to this cover letter and what it entailed. He explained there is a budget and a draft warrant.

Sumner continued going over his letter and the finances of the town. He stated he has not yet received the school budgets as it is early in the year for them to receive those, but he forecasted a 3% increase in funds.

Sumner explained that the town has used the local receipt funds a lot so they had to increase that budget. He gave details on the incoming revenue from the marijuana shops and rental funds.

He gave details on the enterprise funds which are the Marina enterprise and the Water enterprise and explained that the Water is very heavily subsidized, and he will continue to work on that. He spoke to the group about special revenues. He explained that the stabilization fund has been depleted and he recommended when the town does receive their certified free cash, they replenish that account so that the town is able to keep their bond rating.

Sumner gave details to the group going over each part of his cover letter.

Explaining incoming new revenues and debts that the town has. He explained that because the solar panels are up and running the town should have a reduced electric bill and have more credits with that account.

Sumner entertained questions for both committees. Charging for parking at the marina was discussed and Sumner stated it is something that the town needs to consider. A 2.5% override was discussed. The members of each committee discussed the letter at great length. There was a long discussion about the water Enterprise fund and the lack of revenue coming in. It was explained that the Board of Water Commissioners has been working with Sumner and a consultant to help reconstruct the fee structure for the water department with expectations this will help to bring in more revenue.

B. Financial Forecast FY 2023 – FY 2027

Sumner moved on to his financial forecast. Eldridge shared the screen to show the group the spreadsheet that he created. He stated he created this with the hopes that the town will continue to use this as the years progress and just be able to build into it for each fiscal year. He explained what each page consisted off with regard to the entire operating budget for the next 5 years.

Sumner went through each line of the forecast explaining his actions and projections. He discussed the Cable money that has been put aside, the CPC (Community Preservation Committee) projects which he explained their budget doesn't really affect any shortfall because the way they work is if the committee has the money in their account, then they can spend it. He explained he would spend more time with 2024 -2027 but stated he increased each year by 2.5% but he would look more closely at each year. There were some comments made and questions answered by various members of the Finance Committee and Selectboard members. It was stated that the town is looking for an operation budget override of about \$740,000.

C. Town Administrator & Assistant Town Administrator's Report

Sumner gave a verbal update on town happenings. He gave an update on the new Building Commissioner James Badera. He stated that with the help of Victor Staley the department has been able to catch up on the backlog of building permits and inspections. He gave an update on the Herring River Restoration project. He continued informing the board that the TA Search Committee met for the first time this afternoon and set the procedure for moving forward.

D. Distribution of Draft Comprehensive Financial Management Policies for the Town of Wellfleet

Chair Curley gave a description of where this plan first came from and how he would like it to move forward. He explained that he would like to have Sumner's financial team to look at this document and make comments as needed. Magee questioned who should give feedback for this document. Chair Curley explained he would like to get a robust amount of feedback before different policies are inspected. Magee continued asking what the timeline was for this document. Chair Curley was commended on his hard work with writing and putting this document together. The board discussed this document and how long they should allow for boards, committees, and department heads to look it over and provide feedback.

Chair Curley Moved; Board Member Reinhart seconded; and it was voted to refer the Comprehensive Financial Policies to the Town Administrator to be distributed to the town department heads, and to interested town boards and committees to be returned to the Selectboard by February 28, 2022.

Roll Call Vote: 5-0

IV. *Topics for Future Discussion*

There we no topics that were brought up at this meeting.

V. *Adjournment*

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

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adjourn the joint meeting with the finance committee.

Roll Call Vote: 5-0

Chair Magee Moved; Board Member Granlund Seconded; and it was voted to adjourn the Finance Committee meeting.

Roll Call Vote 9-0

Meeting Adjourned 8:05pm

Public Records:

- *Finance Committee Meeting Minutes December 15, 2021*
- *Finance Committee Transfer Sheet*
- *Fiscal Year 2023 Town Administrator's Budget Cover letter*
- *Financial Forecast for Fiscal Years 2023-2027*
- *Town Administrator's Report*
- *Draft Comprehensive Financial Management policies*

Respectfully Submitted:

Rebekah Eldridge

***Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday January 25, 2022, 6pm
Meeting Minutes***

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

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Chief of Police; Kevin LaRocco, Lieutenant; Nancy Civetta, Shellfish Constable; Will Sullivan, Harbormaster; Rebecca Taylor, Chair of Shellfish Advisory Board; Betty Finken, use of town property applicant; John Braden & Kathleen Walker, Representatives of WOMR triathlon; Rick Sawyer, representative of ARC; Kathleen Bacon, resident; Jacob Angelo, Shellfisherman from Barnstable; Bob Wallace, local shellfisherman, former shellfish constable; Brian Carlstrom, Cape Cod National Seashore; Gabrielle Sakolsky, Cape Cod Mosquito Control; Geof Sanders, National Park Service; Lilian Greene, Cape Cod Delegate; Curt Felix, Chair Clean Water Committee

Chair Curley Called the meeting to order at 6:02pm

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 made two announcements to the group. His first was to inform the group that the town lawn will not be discussed this evening.

The second Chair Curley asked the group for a moment of silence in memory of Juliette Brown who lost her life Sunday January 23, 2022.

II. *Consent Agenda*

Chair Curley took two items out of the consent agenda the Recreation Pavilion and the WOMR.

Chair Curley Moved that the two items on the consent agenda from Wellfleet Gardens and Friends of the Library have been approved as there were no conflicts with their applications.

A. Recreation Pavilion ~ Betty Finken ~ September 16, 2022; 5pm-10pm

Chair Curley asked Finken to give the board a little more information on what she is looking to do with the pavilion. She explained to the board that her daughter is getting married, and she would like the wedding party and the guests that are coming from out of town to have a place to stop and grab a bite to eat before they go to their hotel rooms. She stated she was looking to use the parking lot at the pavilion and across the street for an alcohol and food truck. Wilson questioned the liquor license from the owner of the truck. Finken explained that she believed they did have the licenses, but she would double

check and make sure all licenses were up to date. The board discussed this rental with Finken more.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the use of The Wellfleet Pavilion to Betty Finken on September 16, 2022, from 5pm – 10pm and the Pavilion to be returned to its present condition to the satisfaction of the Department of Public Works and the Recreation department for a fee of \$600. The applicant shall be responsible for supplying toilet facilities, trash removal and be responsible for the reimbursement of the town for staff time. To also confirm that Mobile Mixtures is licensed as required by the state to pour alcohol.

Roll Call Vote: 5-0

- B. Town Hall Driveway ~ Wellfleet Gardeners ~ May 28, 2022; 6am-1pm
Approved**
- C. Town Hall Driveway and Front Lawn ~ Friends of the Library ~ July 3, 2022.
August 7, 2022; 7am-2pm (with rain dates on July 10th and August 14th, 2022)
Approved**

- D. Various Locations ~ WOMR ~ September 24, 2022; 5am-11am**
Wilson began commenting on the fact that she loves this group, but she feels it puts too much tax on the town and the town staff. She explained she feels the town should cut back on these events. Braden stated he was the executive director of WOMR and stated that this event isn't asking anymore than what they have asked for in the past. He explained that they are in town at 5am and then usually fully cleaned up and out of town by 11am. Walker agreed with Braden and explained that they always clean up the area when they leave, and the race was moved to September to make it easier on the town resources. The board disagreed with Wilson and stated that the group does have to pay for the resources and believes it is good for the town. The board questioned Chief Hurley who stated the department has been able to accommodate this group and will inform the board if there are any issues for this year.

Chair Curley Moved, Board Member Reinhart Seconded, and it was voted to approve the use of various locations throughout the town of Wellfleet for the Wellfleet Sprint Triathlon to WOMR on September 24, 2022, from 5am to 11am with all areas to be returned to the pre-race conditions to the satisfaction of the Department of Public Works and the Director of Community Services for a fee of \$800.

Roll Call Vote: 5-0

III. *Police Department Update*

- A. Commendation of Sergeant Paul Clark and Officer Michael Allen**
Chair Curley explained that he would like to officially recognize the two officers for performing life saving efforts to save a resident.

Chief Hurley explained to the board that he like to send these commendations to the board to allow the public to know what an amazing and dedicated staff the department has.

Board Member Reinhart stated that the Wellfleet Selectboard would like to commend Sergeant Paul Clark and Officer Michael Allen for their life saving actions on January 17, 2022. Chair Curley Seconded.

Roll Call Vote: 5-0

B. Deployment of Body Cams

Chief Hurley explained to the board that in the previous week the department rolled out their body camera program. He informed the board and the public that they would be conducting community outreach to explain and demonstrate how these cameras work. He also stated that only 10% of the departments have body cameras and gave the statistics on the positive aspects of having the cameras for the officers.

C. New Police Officer Appointment

The board moved on to the appointment of Christopher Greene. Chief Hurley stated that the department was facing a staffing shortage and Greene saw the Facebook recruitment video and was interested in applying to the town. Chief continued stating that he was able to get Greene into the academy with the previous appointment so they will be able to work soon. Greene gave some background to the board and stated he is looking forward to working in the town and feels it is a great fit.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the appointment of officer Christopher A. Greene as a full-time police officer for the town of Wellfleet subject to the successful acceptance and subsequent completion of the Massachusetts Police Training Council Academy.

Roll Call Vote: 5-0

An item was taken out of correspondence to inform the public about load shedding. Chief Hurley explained that this is information that he received as the town's emergency director that due to the short supply of natural gas and the over taxing on the power source that Eversource is notifying customers that there are chances that there will be outages throughout the community. There will be no knowledge of where and when the communities will be affected and Eversource is trying to reduce the impact on the communities. Chief Hurley stated that this isn't just Wellfleet this is throughout all the areas that Eversource services. He explained that some of the outages could be longer and stated if needed warming stations will be opened and available to the town. It was again reiterated that the town has no control over these outages but will keep the public informed.

No action taken

IV. *Notification of Appearance of Conflict of Interest*

A. Chair Curley

Chair Curley stated he has an appearance of conflict of interest, he has no financial interest as he stated his uncle and cousin have grants.

B. Rebecca Taylor ~ Chair of the Shellfish Advisory Board

Chair Curley explained that Taylor does have a financial conflict of interest regarding ARC. He stated the board will have to vote if they believe Taylor has an actual conflict. Reinhart questioned on the disclosure that Taylor hosts ARC on her grant and asked for explanation on what that entails. Taylor stated that she sometimes she hires ARC and sometimes she does research with them. Taylor explained if she recuses herself with this matter at Shellfish meetings, they have a difficult time maintaining a quorum and feels that it might be difficult to maintain a quorum and get votes accomplished.

Chair Curley stated that he has concerns that Taylor will be put into very uncomfortable positions if she doesn't recuse herself.

Board Member Wilson moved, that the because the board has reviewed this particular matter and the financial interest identified in the disclosure by Rebecca Taylor a special municipal employee and the board has determined that Rebecca Taylor's financial interest is not so substantial as to be deemed likely to affect the integrity of services which the municipality may expect of her as a special employee and is required by Massachusetts General Law 268A, Section 10, relative to ARC.

There were some questions of the board regarding financial interest and revenue. DeVasto read a section of Conflict-of-Interest Law regarding the town Shellfish Advisory Boards.

There was no second on this motion, the motion didn't carry.

Chair Curley Moved, Board Member Reinhart Seconded; that the board finds that the financial interest relative to ARC is substantial enough that it is deemed possible that her services might be questioned exclusive to this matter.

Roll Call Vote: 2-2 (motion doesn't carry)

Wilson explained that this vote removes Taylor from a quorum.

Board Member Wilson Moved; Board Member Wolf Seconded; and it was voted that because the board has reviewed the particular matter of ARC and the financial interest as identified above by Rebecca Taylor a special municipal employee, we have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of services which the municipality may expect of the employee and is required by Massachusetts General Law 268A, Section 10.

Roll Call Vote: 2-2 (motion doesn't carry)

The board discussed a broader discussion needs to be had regarding ARC and residents before they discuss Taylor's conflict.

They moved on to the bounds of Taylor's licensed area disclosure. Chair Curley stated he had no issues for her second conflict of interest filed as this is something that is very common.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted that the selectboard, the appointing authority as required by Mass General Law 268A Section 19 has reviewed the particular matter subject relative to licensed area boundaries and has determined that the financial interest identified by Special Municipal Employee Rebecca Taylor is not so substantial as to be deemed likely to affect the integrity of the services to which the municipality may expect of the employee.

Roll Call Vote: 4-0

Chair Hurley explained that another conflict was filed by the shellfish constable Nancy Civetta he stated they did not need a motion for this conflict. Civetta explained that back in 2015 she worked for a nonprofit organization and did some work with ARC.

V. *Public Hearings*

Chair Curley made an announcement to the public stating that they will hear all the information on ARC, their grant and the renewal of their grant but they will not make any decisions and will continue this hearing to a later date. They will deliberate on this matter at this meeting,

Board Member DeVasto stated he will recuse himself for the entire hearing regarding shellfish.

A. Status of License Holder Aquacultural Research Corporation (A.R.C.) of Shellfish Grant License #792 with regards to Sections 7.8.1. Eligibility Requirements, and 7.8.2. Domicile Requirement and Exception.

Chair Curley began introducing Sawyer to the public and board. Wilson began asking when the last person who worked with ARC was domiciled in Wellfleet. Sawyer explained that he is not sure of when someone from Wellfleet was employed by ARC. He stated they have been in the town since 1982. Wilson asked at what point did ARC stop functioning within the town's shellfish regulations. Sawyer stated this section applies only to ARC. She continued that they were stopped being adhered to and when was that? She expressed that this was both the town's fault and ARC's fault. She asked if there is any part of the regulation that ARC is complying with.

Sawyer stated he believed that they haven't stopped complying with these regulations and are still currently doing so. He continued stating there will be a study done this year to help come up with a strain of clams that are less susceptible to aplasia. He continued explaining how they have continued following these regulations.

Chair Curley explained that this isn't about what the hearing is advertised under. He stated under the eligibility requirements ARC doesn't meet that criterion. He stated that when the license was renewed in 2017 the chief officer was domiciled

in Wellfleet and ARC was going to contribute seed to the town. He continued stating that they have not done that in a considerable amount of time. Chair Curley continued expressing that ARC is not meeting any of the eligibility requirements for a new license which is what they are doing tonight.

Sawyer responded to Chair Curley and stated he feels they do meet the requirements. Chair Curley stated they are not conditioned under the grandfather clause because their grant doesn't meet the size. Discussion continued about this grant and whether or not it is legal for ARC to hold the grant because there is no one residing in Wellfleet.

The board discussed how much research was done and where is the research taking place? Civetta explained that the license was never issued by the town for research. She explained that this is not the way the license was issued in 1982 and has never been renewed as a research grant. The letter from 1982 was discussed and what kind of license was discussed. There was a great amount of discussion if ARC is still allowed to have a grant in Wellfleet if they are not domiciled here.

Bacon stated that the board worked so hard pursuing the HDYLTA parcel so no outsiders could come into Wellfleet and take land to shellfish on. She questioned has ARC been doing research like they stated they would be and is there anyone domiciled in Wellfleet. She stated the town's shellfish regulations are very clear and need to be fair to everyone.

Angelo spoke to the board and questioned Sawyer and Taylor. He questioned which research projects Taylor was hosting Taylor did not answer. He asked how much seed was sold from ARC to which harvester or the town of Wellfleet. Which farms use that seed. He continued discussing seed and business plans for each farm. He also questioned the studies of aplasia. Sawyer stated that those haven't been conducted and will be done in the spring. He explained that they do report to the state on how much seed they sell to the harvesters. There was more discussion on research that ARC is doing. Sawyer explained that he didn't have a list of all the research projects that ARC has done.

Wallace spoke to the board stating that when ARC was approved, he was the shellfish constable 1979-1982. He explained that at the time was financially ARC was unable to survive on the sale of seed alone, he continued that the entire industry was an experiment and he felt that the survival of ARC as the sole supplier of seed to the industry. Wallace continued explaining how ARC came to have a grant. The board continued to discuss the grant, the legality of the grant. Chair Curley stated again that the board will make no decisions on this grant at tonight's meeting.

No Action was Taken

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to continue the hearing on Grant #792, ARC. February 22, 2022, at 6pm.

Roll Call Vote: 4-0

B. SAB (Shellfish Advisory Board) Recommendations and planning for the use of the HDYLTA parcel.

Chair Curley moved on to Taylor and asked her to give the shellfish advisory board recommendations for the HDYLTA parcel. Taylor explained they held a

meeting and had long deliberations to decided and come to an agreement on what to do with the parcel. Their recommendations were screen shared by Chair Curley. The board discussed the seven recommendations that the SAB made. Chair Curley asked for public comments there were none. He moved on to the deep-water grants that the SAB discussed in their recommendations.

- C. As recommended by the Shellfish Advisory Board at its meeting on December 28, 2021, to relocate the five deep water Indian Neck grants to within the town owned HDYLTA property as proposed on the map provided by the Wellfleet Shellfish Department.

Chair Curley explained that any recommendation in this that had to do with parcel #792, ARC has been continued and will not be voted on tonight.

Civetta stated to the board that MEPA would not move on any recommendations unless all five grants were voted on at this meeting. The board discussed this.

There were no issues with the layout of the grants. Chair Curley stated ARC didn't meet the regulations, Civetta explained that they are voting on the current licensed grants not upcoming grant applications or renewals.

Board Member Reinhart Moved; Board Member Seconded; and it was voted as recommended by the Shellfish Advisory Board at their meeting on December 28, 2021; to relocate the five deep water Indian Neck Grants within the town owned HDYLTA property as proposed on the Map provided by the Wellfleet Shellfish Department.

- D. That these relocated grants, will keep their same grant numbers and lease holders as follows: 01-03 David Seitler and Melissa Yow, 01-06 Robert Paine and Allison Paine, 792 Aquacultural Research Corporation, 01-04 William Young, Jr. and 01-05 Justin Lynch and Eben Kenny, but be defined by the corresponding new boundary coordinates provided by the Shellfish Department.

Chair Curley asked for these to be two separate motions. He didn't want to vote on 01-06.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted that these grants will keep their same grant numbers and lease holders as follows, 01-03 David Seitler and Melissa Yow; #792 Aquacultural Research Corporation; 01-04 William Young Jr.; 01-05 Justin Lynch and Eben Kenny. Be defined by the corresponding new boundary coordinates provided by the Wellfleet Shellfish Department. In the January 25th, 2022, Selectboard packet the respective current leases shall remain valid and will be updated with the new coordinates as outlined in the shellfish constable's memo in the packet and the status of ARC eligibility to be established at a later date.

Roll Call Vote: 4-0

Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted as recommended by the Shellfish Advisory Board with a vote of 5-0 at their meeting on December 28, 2021, to relocate license area 01-06, Robert Paine and Allison Paine within the town owned HDYLTA property as proposed on the map provided by the Shellfish Department; this grant will

keep the same grant number and lease holder as follows; Robert Paine and Allison Paine but be defined by the corresponding new boundary coordinates provided by the Wellfleet Shellfish department. In the January 25, 2022, Selectboard Packet the respected lease shall remain valid and will be updated with the new coordinates as outlined in the Shellfish Constable's memo in the packet.

Roll Call Vote: 3-0 (Chair Curley Recused himself)

Board Member Reinhart moved; Chair Curley Seconded; and it was voted to take the agenda out of order.

- E. To return the area that these grants formerly occupied to the wild and abandon it as an aquaculture area.

There was no discussion on moving these grants back to the wild.

- F. Recommendations and planning for the use of the HDYLTA parcel.

The board discussed this area and Civetta explained that this area that they are discussing is highly used by boaters and moorings.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted that the area between license 85-5-A to the North and 2006-1 and 2006-1 extension be left free and clear for the purposes of navigation.

Chair Curley moved on to the second parcel and showed it on the screen. He stated it is a one-acre parcel that is currently vacant. He stated this is a potential site for another grant. A lottery for this parcel was discussed.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted that the town of Wellfleet create a new grant between grants #851 & 863 to the west and grants # 861A & 861B to the east if the Wellfleet Shellfish Department determines that the area is suitable for aquaculture and will follow the process laid out in section 7.1 and will hold a lottery as laid out in 7.2 of the Wellfleet Shellfish Policy.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted that the Wellfleet Select Board shall consider grant extensions where reasonable within the HDYLTA parcel.

Roll Call Vote: 3-0-1 (Wilson Abstained)

- G. Status of Moratorium placed on the HDYLTA parcel north of parcel 17.49 on August 16th, 2021.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to life the moratorium placed on the HDYLTA parcel north of parcel 17.49 on August 16, 2021.

Roll Call Vote: 3-0-1 (Wilson Abstained)

- H. Status of Moratorium placed on the HDYLTA parcel south of parcel 17.49 on August 16th, 2021
Chair Curley Moved; Board Member Wolf Seconded; and it was voted to lift the moratorium placed on the HDYLTA parcel south of parcel 17.49 on August 16, 2021.
Roll Call Vote: 4-0

The board will discuss the remaining SAB recommendations at a later meeting.

VI. ***Licenses***

A. **Common Victualer:**

Blackfish Variety
Block & Tackle
Boathouse Fish Market
Cumberland Farms
Dent Donuts
Fox & Crow Café
Harbor Stage Company
Hatch's Fish Market
JB's Pizza Bar & Grill
Mac's Seafood Market
Mac's Shack
Mac's Seafood Takeout
PB Boulangerie Bistro

Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to approve the Common Victualer Licenses to the businesses as printed in the Selectboard Packet.

Roll Call Vote: 5-0

B. **Weekday Entertainment**

Block & Tackle
Fox & Crow Café
Harbor Stage Company
PB Boulangerie Bistro

Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to approve the Weekday Licenses as printed in the Selectboard Packet.

Roll Call Vote: 5-0

C. **Sunday Entertainment**

Block & Tackle
Fox & Crow Café
PB Boulangerie Bistro

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the Sunday Entertainment Licenses as printed in the Selectboard Packet.

Roll Call Vote: 5-0

All Licenses to be copied with the towns Noise Policy

VII. *Board/Committee Appointments and Updates*

A. SAB Recommendation on Seasonal Shellfish Licenses

Taylor and Civetta spoke to the Shellfish Advisory Board's recommendation on the seasonal shellfish Licenses. Seasonal permits were discussed. Civetta explained the advantages of having these licenses. Raising the rate was discussed.

Board Member DeVasto Moved; Board Member Reinhart Seconded; and it was voted to approve the issuance of seasonal shellfish licenses in 2022.

Roll Call Vote: 5-0

VIII. *Business*

A. Cape Cod Mosquito Control Project, CCNS on Mosquito Mitigation – Member Wolf

Sakolsky began her presentation to the board explaining that this past summer had a high number of mosquitos and explained they were unable to access certain areas and have asked for the National Seashores help in extending their permit on the seashore, so they are able to treat the standing water to keep the number of mosquitos at a low rate.

Carlstrom spoke to the board explaining how the park chain of command works. He stated that Sanders has a slide show to share with the board and public.

Carlstrom also stated to the board that the park service's mission is based on an ecological basis not a species-to-species basis and wants people to understand that they will continue to work with their specialist at the seashore.

Sanders shared his screen with the board and explained the work that the park has been doing. He explained they did some mapping of the dunes and over washed areas. He explained the park has installed monitoring devices that capture water level and salinity. He stated they are learning how far the salt water is moving up the system. He showed the studies done at Duck Harbor and the over wash that has happened there. He continued explaining what they are tracking and why. He continued stating what their mosquito management plan will be moving forward. The board discussed this plan and will there be negative affects on people and species.

No action was taken

B. Shellfish tax insert – WSD

Civetta spoke to the board regarding her shellfish insert. She gave the board copies of the brochure and gave some explanations to the board and public. She stated that it is trifold and because of the weight it will prohibit any other tax insert to be put into the mailings. The board has not voted on any other tax insert and agreed this was a good insert to have. Wilson stated that she would like this insert sent to the nonresident taxpayer's association so if they rent their homes in the summer this can be hung on the refrigerator.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the insertion of the Shellfish Department's voters guide to shellfish farm and gear in Wellfleet Harbor in the Wellfleet spring 2022 tax insert.

Roll Call Vote: 5-0

C. Determination and Consent Pursuant to Massachusetts Rules of Professional Conduct, Rule 1.7 - Representation of the Towns of Wellfleet and Truro for the Herring River Restoration Project -KP Law

Chair Curley explained that there needed to be a motion to determine and give consent for KP Law to represent the town of Wellfleet and the Town of Truro in regard to the Herring River Restoration Project. Sumner gave a brief update on this agenda item. Wilson asked which attorney's from KP Law were working on this particular item. Sumner stated he didn't know that information.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted that the Selectboard as the appointing authority consents to KP Law to represent the town of Wellfleet notwithstanding the firm also serving as counsel to the town of Truro with regard to the review of those amendments to the Herring River Restoration Project and to authorize the chair to sign the Determination as required by the roles of professional conduct.

Roll Call Vote: 5-0

D. Town Lawn – DPW Director Jay Norton ~ This was postponed to a future meeting.

IX. *Selectboard Reports*

Chair Curley spoke to the board that the Cape and Islands water protection fund took in a little over 19 million dollars from March of 2021 to November 2021. There were no other reports.

X. *Town Administrator's Report*

Sumner gave an update, stating there was a first meeting of the Town Administrator Search Committee, they were able to get things set up and at their next meeting they will review interview questions. He continued that the town treasurer and town accountant jobs are still posted and will keep Mary McIsaac and Lisa Souve employed to help transition the new hires into the roles. He continued that he is working hard on the annual town meeting warrant. He stated his goal is to get final input from the department heads and send it off to town counsel for review. He

discussed his financial forecast stating that the next piece if that will be the Nauset Regional School District budget which will be reviewed, and he stated he should have the forecast finished.

He updated the board that there was a meeting with the water rate consultant. He stated to the board that it was a great and productive meeting.

XI. *Topics for Future Discussion*

Reinhart would like to look at the code of conduct and the financial management policy that was handed out. Chair Curley stated they are due the end of February and it should be on the first March meeting. The board discussed when they would be discussing Budgets. Chair Curley informed the board that they need to do their annual report for the 2021 annual report and because the board had an investigation on town finances, they need to have an update in the annual report for 2021. They discussed a Cape Cod Commission meeting on February 3rd.

XII. *Correspondence and Vacancy Reports*

Please see the selectboard packet for both reports.

XIII. *Minutes*

- A. January 4, 2022, ~ Chair Curley Moved; Board Member Reinhart Seconded and it was voted to approve the minutes as printed
Roll Call Vote: 4-0-1 (Wilson Abstained)**
- B. January 11, 2022, ~ Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the minutes as printed
Roll Call Vote 4-0-1 (Wilson Abstained)**

XIV. *Adjournment*

**Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to adjourn
Roll Call Vote: 5-0**

Meeting Adjourned 10:01pm

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

Public Documents:

- *Applications submitted for the use of town property*
 - Recreation Pavilion ~ Betty Finken*
 - Town Hall Driveway ~ Wellfleet Gardeners*
 - Town Hall Driveway and Front Lawn ~ Friends of Wellfleet*
 - Various Locations throughout Wellfleet ~ WOMR ~ Triathlon*
- *Letter of Commendation for Sergeant Paul Clark and Officer Michael Allen*
- *Press release regarding officer body cameras*
- *New Officer Christopher Greene's information*
- *Shellfish hearing documentation*
- *Appearance of disclosure of conflict of interest*
- *Business License applications*
- *Slide show from Cape Cod National Park Service*
- *Shellfish Department Tax insert flyer*
- *Letter from KP Law regarding the determination for Herring River*
- *Meeting Minutes of January 4th, & January 11th, 2022*

Respectfully submitted:

Rebekah Eldridge



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 8, 2022

XVI

ADJOURNMENT

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