



Wellfleet Selectboard

Note: Start Time of 6pm

The Wellfleet Selectboard will hold a public meeting on **Thursday, February 29, 2024, at 6:00 p.m.** located at the Wellfleet Adult Community Center (ACC), 715 Old King's Highway, Wellfleet, MA 02667. Remote participation will be available by Zoom and telephone as provided below, in compliance with 940 CMR 29.10 and the Town's Remote Participation Policy. If technological problems interrupt remote participation, the meeting may be suspended or ended at the discretion of the Chair in consultation with the Board.

Selectboard meetings are broadcast live on Comcast cable (Wellfleet Government TV Channel 18) and are recorded. Recordings of meetings are available at wellfleet-ma.gov

Note: Any individual may record the meeting, but must first notify the Chair, and may not interfere with the meeting to record it. See M.G.L. c. 30A, s. 20(f).

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

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

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

To participate during public comment:

In person: go to closest available microphone.

Zoom: raise hand to be called on to speak.

Phone: dial *9 to raise hand to be called on and dial *6 to unmute once called on.

All participants must be recognized by the Chair prior to speaking during public comment or at any other time during the meeting. See "Speech and Conduct at Public Meetings" page following Agenda for further information on the law governing public participation.

I. *Announcements and Public Comments*

Note: Public comments are limited to no more than three minutes per speaker, and a speaker will be allowed to speak only once. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

II. *2023 Zoning Articles*

- Town Counsel will provide an update on the status of Attorney General's Review.
- **Potential Vote on Town Response**

III. *Town Meeting Date*

A. The board will discuss and vote on a new town meeting date.

IV. *Community Development Block Grant*

A. Discussion on the opportunity to join surrounding towns to be a part of this grant.

- V. ***Ice Machine at the Marina***
A. Discussion of procurement, funding, and location.
- VI. ***Budget Call backs***
A. Building, Conservation and Health Departments
B. Water Enterprise Fund
C. Budget call backs may be needed for the following:
 - Enterprise Fund; Marina
 - Community Services: Beaches, Council on Again, Recreation, and Library.
- VII. ***Town Meeting Warrant***
A. The Board will continue to review the annual town meeting warrant.
- VIII. ***Adjournment***

Speech and Conduct at Public Meetings

The SJC's Barron v. Kolenda case decided in March of 2023 held that "civility cannot be required regarding the content of speech at a public comment session in a public meeting."

Barron v. Kolenda also held that public bodies may impose restraints on the conduct of individuals at a public meeting:

"What can be required is that the public comment session be conducted in an "orderly and peaceable" manner, including designating when public comment shall be allowed in the governmental meeting, the time limits for each person speaking, and rules preventing speakers from disrupting others, and removing those speakers if they do. We have concluded that such time, place, and manner restrictions do not violate either the right to assembly under art. 19 or the right to free speech under art. 16.

In addition to the SJC's instructions in Barron v. Kolenda on a public body's right to require "orderly and peaceable" public comment, the Massachusetts Open Meeting Law contains rules for conduct at public meetings. From Mass. General Laws Chapter 30A, s. 20:

- No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent.
- No person shall disrupt the proceedings of a meeting of a public body.
- If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting
- If the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

Public comment at Selectboard meetings

The Selectboard does not seek to, and will not regulate the content of speech by participants at public comment (with the exception of threats, incitements to violence, or other jeopardy to public safety). However, consistent with the Barron v. Kolenda case, the Chair will enforce the above rules to prevent disruption of meetings and to ensure "orderly and peaceable" public comment. Examples of conduct that disrupts a meeting include:

- Addressing the Board or the public when not recognized by the Chair, whether at the microphone or in the audience.
- Interrupting a speaker recognized by the Chair.
- Interrupting a Board member or Board discussion.
- Continuing to speak when time for comment has expired and the Chair has advised that the speaker is no longer recognized.
- Refusing to cease any of the above or other disruptive conduct when requested by the Chair

The Chair will flag disruptive conduct and issue a verbal warning to the individual engaged in it. If an individual who has received a verbal warning continues to disrupt proceedings (at that time or later in the meeting), the individual will be asked to leave the meeting. If the individual does not leave the meeting, the Chair will authorize his or her removal from the meeting.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 27, 2024

I

ANNOUNCEMENTS AND PUBLIC COMMENTS

REQUESTED BY:	Wellfleet Selectboard
DESIRED ACTION:	Announcements to the board and public
PROPOSED MOTION: SUMMARY:	<i>NOTE: Public comments are limited to no more than three minutes per speaker and be allowed to speak once during open comments.</i> 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 29, 2024

II

2023 ZONING ARTICLES

~ A ~

REQUESTED BY:	Selectboard ~ Town Counsel
DESIRED ACTION:	Town counsel will provide an update on the status of the Attorney General's Review
PROPOSED MOTION:	There may be a vote taken on this item as a response to the Attorney General, if so a motion will be made at the time of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Town Clerk's Certification
Wellfleet -- Case # 11177
Special Town Meeting of September 18, 2023
Articles # 5, 6, 7, 8, 9, 10, and 11

I hereby certify that I have posted and published a true copy of this Attorney General's Notice, as follows:

Posting - On 1/11/2024, and for a period of at least 14 days, I posted a true copy of this Notice at the following conspicuous place in the Wellfleet Town Hall:
Town Clerk's bulletin board.

Publication - I published a true copy of this Notice in Provincetown Independent newspaper of general circulation in the Town of Wellfleet. The date of publication was: 1/17/2024. A copy of the published notice, including the date of publication, is attached.

Certification of Claims Filed - I certify that 21 days has expired from the date on which the notice was published in a newspaper and as of such date 01/17/24:

no claims were filed, or

one or more claims were filed, and copies of each are attached hereto.

Date: 02/08/2024 Jennifer M. Conzel
Town Clerk, Town of Wellfleet

Attorney General's Notice

Pursuant to G.L. c. 40, § 32

**Town of Wellfleet -- Case No. 11177
Special Town Meeting of September 18, 2023
Articles # 5, 6, 7, 8, 9, 10, and 11**

RECEIVED

2024 JAN 11 A 9:16

TOWN CLERK
TOWN OF WELLFLEET

Attorney General's Limited Authority to Waive Procedural Defects in the Notice of the Planning Board Hearing

Pursuant to the provisions of G.L. c. 40, § 32, if the Attorney General finds there to be any defect in the procedure of adoption or amendment of any zoning by-law relating to the form or content of the notice of the Planning Board hearing prescribed by G.L. c. 40A, § 5, or to the manner or dates on which said notice is mailed, posted or published as required by that section, then instead of disapproving the by-law or amendment by reason of any such defect, the Attorney General may elect to proceed under the defect waiver provisions of G.L. c. 40, § 32. Under those provisions, the Attorney General is conditionally authorized to waive any such defect.

Defect Determined in Notice of Planning Board Hearing

The Attorney General has determined that the planning board hearing notice relating to the above Articles failed to comply with the notice requirements for such hearing established by G.L. c. 40A, § 5. Section 5 provides in part (with emphasis added):

No zoning...by-law or amendment thereto shall be adopted until after the planning board in a...town has...held a public hearing thereon...at which interested persons shall be given an opportunity to be heard.... Notice of the time and place of such hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the...town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the...town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town...In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought.

Based on the materials submitted to this Office, we have identified the following defect: the Planning Board hearing notice was first published in the newspaper on August 24, 2023 for a September 6, 2023 hearing. This is only thirteen days before the hearing and not fourteen as required by G.L. c. 40A, § 5. For this reason, the 90-day period prescribed for the Attorney General's review of Articles 5, 6, 7, 8, 9, 10 and 11 is suspended in accordance with G.L. c. 40, § 32.

Attorney General's Election to Proceed Under the Waiver Provisions of G.L. c. 40, § 32

The Attorney General has elected to proceed under the limited defect waiver authority conferred by G.L. c. 40, § 32.

Suspension of Review of Zoning By-Law Amendments

The 90-day period prescribed by law for the Attorney General's review of local by-laws is therefore

A TRUE COPY ATTEST

Jennifer M. Conzel

Town Clerk

suspended in accordance with the provisions of G.L. c. 40, § 32.

Posting and Publication of This Notice

The Town Clerk shall post a true copy of this Notice in a conspicuous place in the Wellfleet Town Hall for a period of not less than 14 days and shall publish a copy once in a newspaper of general circulation in the Town of Wellfleet.

Filing of Claim That Defect in Notice Was Misleading or Otherwise Prejudicial

Within 21 days of the date on which this Notice is published in a newspaper of general circulation in the Town of Wellfleet, any resident of the Town of Wellfleet, or the owner of any real property in the Town of Wellfleet or any other party entitled to notice of the planning board hearing may file with the Town Clerk a written statement that the notice defect was misleading or otherwise prejudicial. The statement must include the reasons supporting the claim that the defect in the Planning Board Notice was misleading or otherwise prejudicial. This statement must be actually on file with the Town Clerk not later than 21 days from the date on which this Notice is published in the newspaper.

Town Clerk's Certification of Compliance with This Notice

After the expiration of the 21-day period, the Town Clerk shall submit to the Attorney General a true copy of this Notice with a certification of compliance with the publishing and posting requirements of the preceding paragraph, and a certification that either (a) no claim was filed within the 21-day period, or (b) one or more claims were filed within the 21-day period. The Town Clerk shall submit to the Attorney General true copies of any such claim(s).

Resumption of Attorney General's Review

Upon receipt of one original copy of this Notice with the Clerk's certification, the 90-day period provided for the Attorney General's review under G.L. c. 40, § 32, shall resume. If no claim is made, the Attorney General has the discretion to waive any such defect; if any claim is made, however, the Attorney General may not waive any such defect.

Note: By not filing a claim under this provision, a person shall not be deprived of the right to assert a claim of invalidity arising out of any possible defect in the procedure of adoption or amendment, as provided in G.L. c. 40, § 32, and in G.L. c. 40A, § 5.

Date: January 9, 2024

cc: Town Counsel Carolyn M. Murray

Town of Truro

ZONING BOARD OF APPEALS

NOTICE OF REMOTE PUBLIC HEARINGS

MONDAY, FEBRUARY 26, 2024
AT 5:30 PM

2023-012/ZBA Robert J. Martin II and 100 Route 6 LLC for property located at 100 Route 6 (Atlas Map 55, Parcel 12). Applicant appeals a Cease and Desist Order issued by Building Commissioner on November 29, 2023, with respect to property located in the Seashore District.

Join Zoom:

<https://us02web.zoom.us/j/88099031902>

Meeting ID: 880 9903 1902

Passcode: 158454

Dial In: +1-848-831-3880;
+1-305-224-1968

View on television Channel 8 in Truro; or on the Homepage website (www.truro-ma.gov), select "Truro TV Channel 8" button under "Helpful Links", and click on the green "Watch" button in the upper right corner of the page.

Contact the Planning Department Administrator at (508) 214-0835 or ed@truro-ma.gov to provide written comment via postal mail or email, and for review of applications and plans.

Chris Lucy, Chair

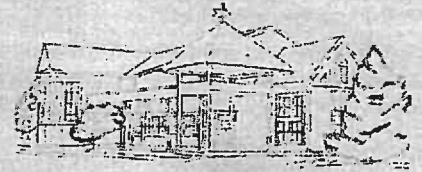
Published: Provincetown Independent, January 11 & 18, 2024

Town of Wellfleet

CONSERVATION COMMISSION

Please take notice that the Wellfleet Conservation Commission

Truro Central School



PUBLIC HEARING PROPOSED SCHOOL BUDGET

In accordance with Chapter 71, Sec. 38N, of the Massachusetts General Laws, the Truro School Committee will hold a Public Hearing on the FY 2025 Proposed School Budget in a hybrid meeting on January 26, 2024 at 4:30 p.m. at Truro Central School. A link to the Public Hearing hybrid meeting can be found on the Truro Central School website www.truromass.org. A copy of the proposed School Budget for Public Examination is available on the Truro Central School website www.truromass.org and for inspection in the office at the Truro Central School, Truro, MA.

Published in the *Provincetown Independent*, Thursday, January 18, 2024 and Thursday, January 25, 2024

734C: Request for Determination of Applicability to extend boundaries of shellfishing grant for the farming of quahogs and oysters

**Business Meeting
Mail / Discussion
Meeting Minutes**
January 17, 2024

Jurisdictional Opinions:
Chapnick, 57 Wigwam Street, Map 35, Parcel 158: Jurisdictional Opinion to remove a pile of brush, prune three pitch pines to provide six feet of clearance to house

Published: Provincetown Independent

ATTORNEY GENERAL'S NOTICE

Pursuant to G.L. c. 40, § 32

TOWN OF WELLFLEET —
CASE NO. 11177

SPECIAL TOWN MEETING OF
SEPTEMBER 18, 2023

ARTICLES # 5, 6, 7, 8, 9, 10, AND 11

Attorney General's Limited Authority to Waive Procedural Defects in the Notice of the Planning Board Hearing

Pursuant to the provisions of G.L. c. 40, § 32, if the Attorney General finds there to be any defect in the procedure of adoption or amendment of any zoning by-law relating to the form or content of the notice of the Planning Board hearing prescribed by G.L. c. 40A, § 5, or to the manner or dates on which said notice is mailed, posted or published as required by that section, then instead of disapproving the by-law or amend-

Defect Determined in Notice of Planning Board Hearing

The Attorney General has determined that the planning board hearing notice relating to the above Articles failed to comply with the notice requirements for such hearing established by G.L. c. 40A, § 5. Section 5 provides in part (with emphasis added):

No zoning...by-law or amendment thereto shall be adopted until after the planning board in a...town has...held a public hearing thereon...at which interested persons shall be given an opportunity to be heard.... Notice of the time and place of such hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the...town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the...town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town...In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought.

Based on the materials submitted to this Office, we have identified the fol-

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PUBLIC HEARINGS**

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AT 5:30 PM**

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Meeting ID: 880 9903 1902

Passcode: 158454

Dial In: +1-846-931-3880;
+1-305-224-1988

View on television Channel 8 in Truro; or on the Homepage website (www.truro-ma.gov), select "Truro TV Channel 8" button under "Helpful Links", and click on the green "Watch" button in the upper right corner of the page.

Contact the Planning Department Administrator at (508) 214-0935 or esandy@truro-ma.gov to provide written comment via postal mail or email, and for review of applications and plans.

Chris Lucy, Chair

Published: Provincetown Independent, January 11 & 18, 2024

Town of Wellfleet

CONSERVATION COMMISSION

Please take notice that the Wellfleet Conservation Commission

* 2nd copy
to show the entire
ad.

**Central
School**



**PUBLIC HEARING
PROPOSED SCHOOL BUDGET**

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Pursuant to G.L. c. 40, § 32

**TOWN OF WELLFLEET —
CASE NO. 11177**

**SPECIAL TOWN MEETING OF
SEPTEMBER 18, 2023**

ARTICLES # 5, 6, 7, 8, 9, 10, AND 11

**Attorney General's Limited
Authority to Waive Procedural
Defects in the Notice of the
Planning Board Hearing**

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**Defect Determined in Notice of
Planning Board Hearing**

The Attorney General has determined that the planning board hearing notice relating to the above Articles failed to comply with the notice requirements for such hearing established by G.L. c. 40A, § 5. Section 5 provides in part (with emphasis added):

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Provincetown Independent

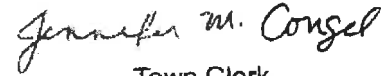
Publication Name:
Provincetown Independent

Publication URL:

Publication City and State:
Provincetown, MA

Publication County:
Barnstable

A TRUE COPY ATTEST



Town Clerk
WELLFLEET

Notice Popular Keyword Category:

Notice Keywords:

Notice Authentication Number:
202402071048458495421
2204992356

Notice URL:
provincetownindependent.org/classifieds/legal-notices/wellfleet-legal-notices/2024/01/17/wellfleet-legal-notices-61/

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Notice Publish Date:

Thursday, January 18, 2024

Notice Content

Attorney General's Notice

Pursuant to G.L. c. 40, § 32

Town of Wellfleet — Case No. 11177

Special Town Meeting of September 18, 2023

Articles # 5, 6, 7, 8, 9, 10, and 11

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Suspension of Review of Zoning By-Law Amendments

The 90-day period prescribed by law for the Attorney General's review of local by-laws is therefore suspended in accordance with the provisions of G.L. c. 40, § 32.

Posting and Publication of This Notice

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Filing of Claim That Defect in Notice Was Misleading or Otherwise Prejudicial

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Date: January 9, 2024

cc: Town Counsel Carolyn M. Murray

Published: Provincetown Independent, January 18, 2024

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ATTORNEY GENERAL'S NOTICE

Pursuant to G.L. c. 40, § 32

TOWN OF WELLFLEET —
CASE NO. 11177

SPECIAL TOWN MEETING OF
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The Attorney General has elected to proceed under the limited defect waiver authority conferred by G.L. c. 40, § 32.

Suspension of Review of Zoning By-Law Amendments

The 90-day period prescribed by law for the Attorney General's review of local by-laws is therefore suspended in accordance with the provisions of G.L. c. 40, § 32.

Posting and Publication of This Notice

The Town Clerk shall post a true copy of this Notice in a conspicuous place in the Wellfleet Town Hall for a period of not less than 14 days and shall publish a copy once in a newspaper of general circulation in the Town of Wellfleet.

Filing of Claim That Defect in Notice Was Misleading or Otherwise Prejudicial

Within 21 days of the date on which this Notice is published in a newspaper of

general circulation in the Town of Wellfleet, any resident of the Town of Wellfleet, or the owner of any real property in the Town of Wellfleet or any other party entitled to notice of the planning board hearing may file with the Town Clerk a written statement that the notice defect was misleading or otherwise prejudicial. The statement must include the reasons supporting the claim that the defect in the Planning Board Notice was misleading or otherwise prejudicial. This statement must be actually on file with the Town Clerk not later than 21 days from the date on which this Notice is published in the newspaper.

Town Clerk's Certification of Compliance with This Notice

After the expiration of the 21-day period, the Town Clerk shall submit to the Attorney General a true copy of this Notice with a certification of compliance with the publishing and posting requirements of the preceding paragraph, and a certification that either (a) no claim was filed within the 21-day period, or (b) one or more claims were filed within the 21-day period. The Town Clerk shall submit to the Attorney General true copies of any such claim(s).

Resumption of Attorney General's Review

Upon receipt of one original copy of this Notice with the Clerk's certification, the 90-day period provided for the Attorney General's review under G.L. c. 40, § 32, shall resume. If no claim is made, the Attorney General has the discretion to waive any such defect; if any claim is made, however, the Attorney General may not waive any such defect.

Note: By not filing a claim under this provision, a person shall not be deprived of the right to assert a claim of invalidity arising out of any possible defect in the procedure of adoption or amendment, as provided in G.L. c. 40, § 32, and in G.L. c. 40A, § 5.

Date: January 9, 2024

cc: Town Counsel Carolyn M. Murray

Published: Provincetown Independent,
January 18, 2024

RECEIVED

2024 JAN 11 A 9:14

TOWN CLERK
TOWN OF WELLFLEET

A TRUE COPY ATTEST

Jennifer M. Conzel

Town Clerk
WELLFLEET

February 6, 2024

Attorney General Andrea Joy Campbell
Municipal Law Unit
10 Mechanic Street
Suite 301 Worcester, MA 01608

Re: Case # 11177

Dear Attorney General Campbell:

As someone who is very involved with Wellfleet town proceedings, I can attest that having more time, even one more day, at the very least, would have allowed me to try to comprehend the seven very complex zoning amendments being proposed. If I had had more time, I would have attended and could have informed and encouraged others to attend this very important Planning Board hearing.

There was a lot going on at the time. Citizens that typically would have attended the public hearing were engaged in a months-long battle with the selectboard over a mitigation plan that included perpetual USACE involvement and a separate attempt by one Selectboard member to corporatize our shellfish grants. The selectboard did not want participation at the hearing for their articles, never mentioning the planning board hearing at their meetings.

Gerry Parent, the Chair of the Planning Board, declared at the August 23 Planning Board meeting, "Town Counsel is there, remember, Town Counsel is representing the Selectboard in zoning bylaws in this issue. She's not representing the Planning Board 'cause we didn't draw these articles. She's being instructed to review them by the Selectboard...What you've got to be prepared for is *you have got to ask specific, specific, in-depth questions*. You can ask her to explain it, first,...but **that's the reason I tried to get this to you as soon as early as possible (the articles in their final form) because I just found that one paragraph after reading this thing I don't know how many different times...**it's up to us as the Planning Board or us to ask some questions, like we would ask of each other, when we were doing the zoning bylaws to vent (sic) it, be devil's advocate, what would happen if they did this or that, what's the end result ...she will answer those questions honestly *but we have to ask the questions*. I don't think she's going to go out on a limb and volunteer information." Member Picard interjects "That's not her job, her job is to protect the people who submitted this." And Parent agreed "Yes....Alfred (Picard) is good at this, he'll ask serious questions and I will too, **but the more time you have to read it**, and then go back to our zoning bylaw and see if there's any conflict. And I went back to our zoning bylaw with the inclusionary and it's, it's...(trailing)..well, that's the situation on this...hopefully there will be a good turnout."

This process was clearly an attempt by our inept and unresponsive Selectboard to push through their own articles with as little public input as possible, a worrying trend. The Selectboard printed and mailed the Warrant *prior* to the planning board hearing. Disturbingly, Parent explained and observed, "...Once it's advertised...once it hits the paper tonight or tomorrow, for the first advertising, these zoning bylaws are in place. They become effective. Regardless of what we recommend to Town Meeting on the 6th, they are still effective. They will remain in effect until Town Meeting either votes them up or votes them down. If they vote them down, we go back to the old zoning, if they vote them up, they stay in place, has to go to the Attorney General's office, if they pass them, then they stay in place. That's why I said **'the Planning Board in the past, would never, whether I was Chair or whether Denny was chair or Janet was chair, we would never attempt to put seven articles on a public hearing on one night** but because they're pushing this to get a quorum at Town Meeting because there's not enough on the spring (sic) meeting to people there, they feel, they put it off to that set so they're putting the pressure on us, regardless of whether or not they say that we've had it for a long period of time, I'm not even getting into that discussion,..."

RECEIVED

2024 FEB -6 P 2:34

TOWN CLERK
TOWN OF WELLFLEET

On September 6, the public hearing was held at 5:30pm rather than the usual 7:00pm. It was the Wednesday after the long Labor Day weekend that started at Town Hall at noon on Friday. In attendance were just one former Planning Board member who was there for two-thirds of the meeting, and one person listening on Zoom who never spoke. Chair Parent had indicated twice, on July 23 and again on August 23, that it was quite likely this hearing would take two days and continued to September 13. That did not happen. In the hearing on the 6th, Parent asks "who does this apply to...I don't know...it's not specific...and what's the cost (buy-out equation)...and what's 'affordable'" and how he himself was cramming up until that morning when he had re-read the inclusionary bylaw again, after having done so dozens of times, and was still confused. Town Counsel also admitted she did not understand the rationale behind the equation.

While I strongly believe that all seven articles should be thrown out and redone for deliberate lack of proper notice, a number of the articles affect me more than others. Specifically, Article #6 (Cottage Colonies) directly affects me financially. I own a small, antique circa 1907, 710 square foot cottage which is pre-existing non-conforming but not in a "cottage colony". This zoning amendment now allows small cottages *in cottage colonies* to expand to 550 square feet, by right (which the Chair himself admits he missed), without needing to go before ZBA for a special permit. Murray concluded, "That would just be a building permit, for expanded use." The Planning Board believes this would have little or no effect on the attempt to create "affordable" housing but might instead spur owners to tear down the existing structures and rebuild them to the maximum size allowed and resell them at market rate. Article #6 affects my property's value as there will be an increase in inventory of this size house because of these rebuilds expanding to 550-800 square feet. During the hearing, Planning Board member David Fox asked how many cottage colonies ("master special permits") there are so that he could get a sense of scale, so he could understand how big an issue this is, but Town Counsel Murray did not know, nor answer that question. Had there been a full minimum 14 days of notice, I would have been there and insisted that she answer that important and relevant question or reveal she did not know.

The entire town, including myself, is particularly harmed by Article #5 (Inclusionary Zoning). This bylaw is incredibly complicated and convoluted to the point that no town officials including the Selectboard, who wrote and sponsored it, or even Town Counsel profess to understand it. Article #5 will effectively "slow down or freeze" development in the town until a developer is willing to legally challenge it. This means no building for a town that is in desperate need of housing.

Similarly, everyone is harmed by Article #8, which prevents tree cutting in a zone where many homeowners are in need of new innovative septic systems. Article #8 prevents homeowners from cutting trees on their property in a zoning district that is mostly overgrown National Park with zero forestry management. The town is in imminent danger of wildfire.

Unfortunately, the Attorney General's office does not look at towns comprehensively. If it did, it would realize that there are a lot of problems in Wellfleet. We've had DOR and DLS here for two years to try to sort out finances and have had five Town Administrators in five years and much staff turnover. I have taken precious time to write numerous letters to various departments in the Attorney General's office and issues either fall through the cracks between jurisdictions of your different departments or on the rare occasion the AG actually sides with the People, she never goes as far as to characterize these actions as intentional or a pattern. Our inept, unresponsive Selectboard is making very bad, hasty decisions which will affect the town for the rest of my lifetime. I am harassed by Town Administration and Town staff and rarely allowed to speak. Since Town staff complained, the People are only allowed to speak during Public Comment at the beginning of a meeting and not during the meeting when discussing policy in detail.

Quite simply, this was a rush job by the Selectboard on not one, but SEVEN zoning amendments, and Carolyn Murray failed to provide proper Planning Board hearing notice. It's ironic that Town Counsel recently wrote me a letter citing in its defense that it had been 31 days, not 30, to file a complaint (see attached letters). What a difference a day makes.

I urge the Office of the Attorney General to decline to waive the notice defects and disapprove Wellfleet Articles 5, 6, 7, 8, 9, 10 and 11 but especially Articles 5, 6 and 8.

Sincerely,



Jude Ahern
PO Box 394
South Wellfleet, MA 02663
(917) 488-1513
jude@judeahern.com

Attachments:

Wellfleet Town Counsel Carolyn Murray letter to Attorney General Division of Open Government
Attorney General Division of Open Government letter to Ahern

June 14, 2023

Carolyn M. Murray
cmurray@k-plaw.com

BY ELECTRONIC MAIL ONLY (openmeeting@state.ma.us)

Carrie Benedon, Esq.
Director, Division of Open Government
Office of Attorney General
One Ashburton Place
Boston, MA 02108

Re: Town of Wellfleet – Select Board
Open Meeting Law Complaint from Jude Ahern dated June 2, 2023

Dear Ms. Benedon:

Please be advised that this firm serves as Town Counsel to the Town of Wellfleet (the “Town”). The Town’s Selectboard (“Board”) is in receipt of an Open Meeting Law Complaint (the “Complaint”) filed by Ms. Jude Ahern (the “Complainant”), dated June 2, 2023, which was received by the Town that same day. The Complaint alleges that the Board violated the Open Meeting Law by listing an incorrect statutory reference on a public hearing advertisement relative to a dredging mitigation plan and by not bringing that plan before the Annual Town Meeting for approval. A copy of the Complaint is attached hereto as Exhibit 1.

On June 20, 2023, the Board met in open session at a properly posted meeting to discuss the Complaint and consider its response. The Board has carefully reviewed the allegations contained in the Complaint and, following such discussion, has authorized this response on its behalf, in accordance with G.L. c.30A, §23 and 940 CMR 29.05(5), which is based upon information provided by the Town.

DISCUSSION

The Complaint is not ripe for review by the Division of Open Government because 1) the Complaint was not submitted within the statutory thirty (30) day timeframe and 2) the Complaint does not allege violations of the Open Meeting Law.

I. The Complaint was untimely filed.

This Complaint is not ripe for review by the Attorney General because it was not properly filed in accordance with the Open Meeting Law. Complaints alleging violations of the Open Meeting Law must be filed, within thirty (30) days of the date of the alleged violation, with the body alleged to have violated the law. G.L. c.30A, §23(b). The Complaint related to the May 2, 2023 Board meeting and therefore, pursuant to §23(b), it was required to be filed by June 1, 2023. However, the Complaint was dated and filed on June 2, 2023 – thirty-one (31) days following the meeting at issue and after the

Carrie Benedon, Esq.
Director, Division of Open Government
June 14, 2023
Page 2

~~statutory deadline had elapsed.~~ The Open Meeting Law complaint process is intended to enable communities that have violated the Law to review the matter and take corrective action, if appropriate. ~~Because the complaint was not properly filed, the Board respectfully submits that the Division of Open Government must decline review. See OML Declination 2-20-18 (Kingston Public Bodies); see also OML Declination 8-10-16 (Mendon Board of Selectmen).~~

II. The Complaint does not allege violation of the Open Meeting Law.

Even if the Complaint was timely filed, however, the Complaint is not ripe for review by the Division of Open Government because the allegations contained therein do not implicate provisions of the Open Meeting Law. The provisions of G.L. c.30A, §23 state, in pertinent part, “Upon the receipt of a complaint by any person, the attorney general shall determine, in a timely manner, whether there has been a violation of the open meeting law” (emphasis added). Absent a showing or claim that the Open Meeting Law has been violated, the Division of Open Government is not empowered to review the Complaint. The Division of Open Government generally declines to review allegations that do not implicate the Open Meeting Law. See OML Declination January 25, 2016 (Nahant); OML Declination April 8, 2022 (Savoy).

Here, the Complaint alleges that the Board erred in listing a public hearing for the dredging mitigation plan as being held pursuant to G.L. c.138 when the proper statutory reference was G.L. c.130. Ex. 1, at 2. The Complaint further alleges that such plan should go before the Annual Town Meeting as “a change in use of land.” Id. Such allegations are wholly unrelated to and would not be constitute violations of the Open Meeting Law. First, the Town agrees that listing the dredging public hearing as being held pursuant to G.L. c.138 in the public hearing notice in *The Provincetown Independent* was in error. See Ex. 1, at 3–4. While G.L. c.138 liquor license hearings were being held during the same public hearing as the dredging mitigation plan, the proper statutory reference for the dredging mitigation plan is G.L. c.130. However, this minor administrative error was not replicated on the posted agenda, which is what the Open Meeting Law regulates. Ex. 1, at 6. Second, whether a particular proposal implicates other statutory provisions is outside of the scope of the Open Meeting Law. While the Town does not believe the proposed dredging mitigation plan is a change in use of land that need be presented to Town Meeting, whether Town Meeting should be involved in a board or committee decision is not germane to the Open Meeting Law.

The Complainant’s allegations plainly do not involve the Open Meeting Law, and there is no suggestion in the Complaint that any provision of the Open Meeting Law was violated by the Board. Rather, the Open Meeting Law requires that boards and committees conduct their business in a public and accessible manner. Here, the business of the board was properly conducted in compliance with the Open Meeting Law. Whether the Board acted in the manner desired by the Complainant with respect to the dredging mitigation plan is not a matter relevant to Open Meeting Law compliance and therefore is not subject to review by the Division of Open Government.



Carrie Benedon, Esq.
Director, Division of Open Government
June 14, 2023
Page 3

CONCLUSION

Based on the foregoing, the Board respectfully submits that there has been no violation of the Open Meeting Law and as such, the Board considers this matter resolved.

Please do not hesitate to contact me if you require additional information.

Very truly yours,

Carolyn M. Murray

CMM/mad

Enc.

cc: Jude Ahern (by e-mail only to jude@judeahern.com)
Select Board

867603/WELL/0178

0.6/9



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

November 27, 2023

VIA EMAIL ONLY

Judith Ahern
jude@judeahern.com

RE: Open Meeting Law Complaint

Dear Judith Ahern:

This office received a complaint from you on July 13, 2023,¹ alleging that the Wellfleet Selectboard (the "Board"), the Wellfleet Dredging Task Force (the "Task Force"), and the Wellfleet Shellfish Department² violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on June 2, and the Board responded, through counsel, by letter dated June 22.

Although the complaint lists the violation date as May 2, we understand the complaint to relate to meetings held on May 2, 23, and 30. The complaint relates to a dredging mitigation plan and alleges that 1) the notice for a public hearing held on May 2 was insufficient, including by citing to the wrong law as requiring the public hearing; and 2) that on notices for Board meetings held on May 23 and 30 discussion of the dredging mitigation plan was not listed as a continuation of the May 2 public hearing but rather as regular business. The complaint also alleges that the Town has refused to answer the Complainant's questions about whether a public hearing was required for the dredging mitigation plan, and if so, what law required a public hearing. For the following reasons, we decline to review this complaint.³

¹ All dates are in 2023 unless otherwise stated.

² The Open Meeting Law applies only to public bodies and individuals serving as public body members, not to municipal departments and agencies. See OML Declination 3-26-2021 (City of Boston). Therefore, we decline to review the allegation that the Wellfleet Shellfish Department violated the Open Meeting Law.

³ To the extent the request for further review raises allegations about the Board's June 20 meeting, we decline to review these allegations. As the Complainant is aware, the Division will not review allegations that were not raised in an original complaint filed with the public body. See OML 2018-89, n. 2; OML 2020-31, n. 4.

With respect to the allegations regarding notice for a public hearing held on May 2, the complaint is both untimely and does not raise allegations of violations of the Open Meeting Law. The Open Meeting Law requires that complaints be filed with the public body within 30 days of the alleged violation. G.L. c. 30A, § 23(b); 940 CMR 29.05(4). If the alleged violation could not have been known at the time it occurred, then the complaint must be filed with the public body within 30 days of the date on which the alleged violation could reasonably have been discovered. 940 CMR 29.05(4). Alleged violations that take place during an open session can reasonably be discovered at the time they occur. See OML 2012-52.⁴ Because the May 2 meeting occurred in open session any allegation about the sufficiency of the notice for that meeting should have been filed with the Board within 30 days of the meeting. Your complaint was filed 31 days after the meeting; thus, we find the complaint was untimely and decline to review it. Strict enforcement of filing deadlines may sometimes produce harsh results, but, as the United States Supreme Court has said.

The notion that a filing deadline can be complied with by filing sometime after the deadline falls due is, to say the least, a surprising notion, and it is a notion without limiting principle. If 1-day late filings are acceptable, 10-day late filings might be equally acceptable, and so on in a cascade of exceptions that would engulf the rule erected by the filing deadline; yet regardless of where the cutoff line is set, some individuals will always fall just on the other side of it. Filing deadlines, like statutes of limitations, necessarily operate harshly and arbitrarily with respect to individuals who fall just on the other side of them, but if the concept of a filing deadline is to have any content, the deadline must be enforced. "Any less rigid standard would risk encouraging a lax attitude toward filing dates," United States v. Boyle, 469 U.S. [241] at 249 [1985]. A filing deadline cannot be complied with, substantially or otherwise, by filing late—even by one day.

U.S. v. Locke, 471 U.S. 84, 100-101 (1985). See also, OML Declination 4-30-2013 (Cape & Vineyard Electric Cooperative, Inc.).

Regardless, even if the complaint had been timely filed with respect to the May 2 meeting, we would still decline to review it. The Division of Open Government's statutory authority concerns compliance with the Open Meeting Law, G.L. c. 30A, §§ 18-25. Here, the complaint alleges that the notice for a public hearing held on May 2 was insufficient, including by citing to the wrong law as requiring the public hearing. The Open Meeting Law does not govern the requirements for providing notice of a public hearing; therefore, we decline to review this allegation. See OML 2014-31; OML Declination 6-25-2018 (Rowley Planning Board); OML Declination 1-29-2015 (Holbrook Planning Board). Likewise, we decline to review the allegation that discussion of the dredging mitigation plan on May 23 and 30 should have been noticed as a continuation of the public hearing held on May 2. Finally, we offer no opinion on whether the Board was required to hold a public hearing related to the dredging mitigation plan.

⁴ All previous determinations issued by the Division can be found on the Attorney General's website: <https://www.mass.gov/the-open-meeting-law>.

For the above reasons, we decline to review your complaint. We now consider this matter closed. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

Sincerely,



Elizabeth Carnes Flynn
Assistant Attorney General
Division of Open Government

cc: Carolyn M. Murray, Esq., KP Law (via email: cmurray@k-plaw.com)
Wellfleet Selectboard (via e-mail: BOS@wellfleet-ma.gov)
Wellfleet Town Clerk (via e-mail: Townclerk@wellfleet-ma.gov)

Letter of Claim Pursuant to M.G.L. c. 40, § 32
Attorney General's Case #11177, Wellfleet

Kevin M. Sexton
PO Box 237
420 Lecount Hollow Road
South Wellfleet, MA 02663
(508) 246-0049
sexton_kevin@hotmail.com

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2024 FEB -6 P 2:36
TOWN CLERK
TOWN OF WELLFLEET



February 5, 2024

Attorney General Andrea Joy Campbell
Municipal Law Unit
10 Mechanic Street
Suite 301 Worcester, MA 01608

Dear Attorney General Campbell,

My family owns a number of parcels of land in Wellfleet, both improved and unimproved, that are directly affected by several of the seven zoning articles passed at Wellfleet's Special Town Meeting on September 18, 2023. The Planning Board's notice defect was misleading or otherwise prejudicial.

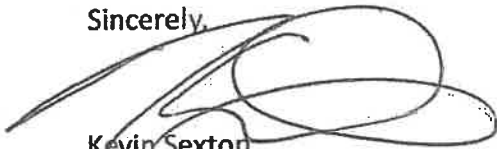
The period of notice, less than the minimum required by statute, for the planning board's hearing was not enough time for me to weigh the effect of the proposed bylaw changes on my properties. The fact that the notice period encompassed the Labor Day holiday weekend magnified the effect of subminimum notice. Similarly, the fact that seven complicated zoning articles were scheduled for the single hearing made a full statutory notice period the absolute minimum necessary for me and other affected members of the public to assess the implications of each article and participate in the public hearing process. For instance, at the time the notice was published, as trustee, I was a party to litigation centering on the Wellfleet Zoning Board's interpretation of the word "timber". The effect of a zoning article (Article 8) defining that word in a way that neither party is arguing in Land Court is something that required a minimum of fourteen days to investigate. I simply did not have the opportunity to fully measure the effects on my property or obtain legal advice and so I was unable to attend the hearing informed and be heard. Under a full period of notice, I would have attended and participated.

My inability to participate in the public process was prejudicial, particularly for Articles 5 and 8. Article 5 (Inclusionary Zoning), an extremely complicated, confusing article that took up

five pages in the Town Warrant, negatively affects two large developable parcels of land that we own in far-reaching legal and financial ways. Article 8 introduced new definitions, including one defining the word "timber". The effect of Article 8 is to prohibit the cutting of nearly all trees in a zoning district in which we own two parcels of heavily wooded land, including the largest privately owned parcel in the district. Article 8 severely limits our ability to make normal use of our land. Furthermore, Article 8 was not only subject to the hearing notice defect but was misrepresented in the "full text" notice at the town clerk's office and in the planning board's document, accessible via a website link in the published notice. Only the first five words of the "timber" definition were underlined, indicating that they were the only new language. In fact, the entire definition was new. This was both misleading and prejudicial to anyone considering participating in the planning board hearing.

I urge you to decline to waive the notice defects as is required under the statute and to disapprove Wellfleet Articles 5 and 8.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Sexton", written over a large, loopy scribble.

Kevin Sexton

Kendall Sexton
PO Box 237
South Wellfleet, MA 02663
skendallg@yahoo.com

February 6, 2024

Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608

Re: Case No. 11177- Wellfleet

Dear Assistant Attorney General Gunagan,

On October 2, 2023, I wrote your office in opposition to Article 8 on the Wellfleet Special Town Meeting Warrant (see attached letter). I am writing today to supplement that letter with further reasons showing that I was prejudiced by the defective notice. I have been harmed in an additional way that is, while hopefully uncommon, prejudicial within the meaning of the statute.

In my October 2nd letter, I pointed out that notice for the public hearing was less than the required 14 days. Since then, the Town of Wellfleet proceeded to distribute my letter to various officials and to the *Provincetown Independent* newspaper. On February 1, 2024 that paper ran a story that named me, included portions of my letter and blamed me for your office's requirement that the town post a subsequent notice. The author of the story then posted it on the *Wellfleet Community Space* Facebook page, a group with more than ten thousand members. There, members wrote such things as, "*Disgusting*", "*Low life*" and "*The money that has to be wasted on these people.*", a comment endorsed with a "Thumbs Up" from Sharon Inger, Chair of the Wellfleet Zoning Board of Appeals.

If not for the defective notice, my name would not have appeared in the newspaper and I would not be subjected to nasty comments on social media. The notice defect is the *sine qua non*.

This ordeal was designed to and has effectively discouraged me and others from exercising our right to participate in the process of amending our town's bylaws. In recently moving back into this community after many years, I have unfortunately learned that any assertion of one's rights in Wellfleet is met with bullying and intimidation.

Please consider my letter of October 2, 2023, a claim under M.G.L. c. 40, § 32 (see ¶3(d) of attached letter), in addition to serving as a letter urging the disapproval of Article 8 on various other legal grounds.

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TOWN CLERK
TOWN OF WELLFLEET



Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Kendall Sexton', written over a horizontal line.

Kendall Sexton
enclosure

Kendall G. Sexton
PO Box 237
South Wellfleet, MA 02663
(508) 349-2344
skendallg@yahoo.com

October 2, 2023

Attorney General Andrea Joy Campbell
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608

VIA USPS and Email: bylaws@state.ma.us

Re: Town of Wellfleet-Special Town Meeting-Sept. 18, 2023, Article #8

Dear Attorney General Campbell,

Recently the Town of Wellfleet passed an article (Article 8, September 18th Special Town Meeting) amending their by-law to define “timber” and thus prohibiting the cutting of any tree greater than approximately 5 inches in diameter on private property within the NSP district, a zone that includes more than one half of the town.

The cutting of timber has been prohibited by Sec. 6.9 of the by-law since the early 1960s. However, the by-law previously did not define timber.¹

I urge you to disapprove this amendment for the following reasons:

1. The prohibition of the cutting of nearly all trees on private land within a district is illegal, effects an unconstitutional taking, violates due process guarantees and cannot be a function of zoning.
 - a. The amendment is aimed squarely at the preservation of private land for public enjoyment within the NSP district². However, the SJC has long

¹ The motivation behind the selectboard’s article is a rush to define “timber” while the very issue is being litigated in the Massachusetts Land Court, See Sexton vs. Wellfleet ZBA, Land Court Case No. 21 MISC 000457.

² See: Wellfleet By-Law Sec. 3.2 (Wellfleet Zoning Bylaws-District Objectives) “*National Seashore Park - To provide for those residential and commercial uses that do not conflict with the regulations governing the activities of the National Seashore Park and are not incompatible with the character of the park.*”

rejected the argument that the zoning act affords towns a method of preserving private land. *“The preservation of privately owned land in its natural, unspoiled state for the enjoyment and benefit of the public by preventing the owner from using it for any practical purpose is not within the scope and limits of any power or authority delegated to municipalities under the Zoning Enabling Act.”* MacGibbon v. Board of Appeals of Duxbury, 356 Mass. 635, 640 (1970), citing Aronson v. Sharon, 346 Mass. 598, 603-604 (1964). Effectively preventing property owners from making normal use of land is a taking and not a function of zoning.

- b. The possibility of a by-law creating an unbuildable “buffer zone” was rejected by the SJC in Farmer vs. Town of Billerica, 381 Mass. 775, 775 (1980), *“If the town meeting’s action were construed as the town argues, the town would have placed the land beyond any practical use.”* That interpretation, rendering the land useless and the subject of a taking, was rejected and the bylaw was instead interpreted in a manner so as *“to avoid its illegality and its possible unconstitutionality”*.

The Farmer court noted, *“The Attorney General, as amicus curiae, argues that the town’s action here amounts to total confiscation and that ‘[i]f the town wants the property for the purpose it passed the buffer zone amendment, it should take it by eminent domain.’”*

2. Enforcement of the by-law prohibiting the cutting of timber (Sec. 6.9-, in the process of being replaced by, Sec 6.9.1-ARTICLE 9), effectively prohibits the installation of state and town mandated septic systems along with every other improvement necessitating the cutting of trees within the NSP zone.
 - a. The NSP zone in Wellfleet can only be described as heavily wooded with most trees easily falling within the new definition of “timber”.
 - b. The by-law offers no special permit or any other avenue around the prohibition on tree-cutting.^{3 4}

including the preservation of natural and scenic areas, as well as providing of certain recreational and leisure time activities for users of the park.” (emphasis added)

³A problem with otherwise legal building permits was recognized on at least two occasions. See Planning Board Public Hearing 9-6-2023 at 1:39:56, Alfred Pickard (Planning Board Member): *I have a question through you to Carolyn [Murray, Town Counsel], an easier one. Where in here- if I own a property in Wellfleet, excuse me, the National Seashore, and because of my setbacks of the marsh or whatever I can apply for a building permit to add on, I meet the requirements and there happens to be trees there- where in this whole section does it say I’m allowed to cut them down?* Attorney Murray: *It does not.*

Also see, special town meeting debate on Article 9, where Selectman Devasto unsuccessfully proposed an amendment allowing the “cutting of timber” where a “lawful building permit” had been issued.

⁴ Even the new “notable tree” bylaw (ARTICLE 10) contains a provision to allow removal with a special permit. *“§235-6.9.3.4 Special Permits The Board of Appeals acting as the SPGA, may grant a special permit for the removal of a Locally Notable Tree if it reaches a finding that there is no viable alternative to said removal.”*

- c. Variances for relief from the by-law cannot be legally obtained as the relief sought through a variance must be from a condition “...not affecting generally the zoning district in which it is located...” M.G.L. c40A sec10. See also, Bicknell Realty Co. v. Board of Appeal of Boston 330 Mass. 676, 680 (1953) “*This condition [poor soil], which was not peculiar to the locus, was not within the statutory provision which with other factors empowered the board of appeal to grant the variance.*” (emphasis added).⁵ The omnipresence of trees in this district is indisputable.
 - d. The by-law effectively prohibits the upgrade and installation of septic systems required by state (and local) law within this zone.
 - e. The by-law effectively prohibits the relocation and/or removal of homes and septic systems that is all too often necessary in this zone given many homes proximity to an ever-eroding coastal bank.
 - f. The by-law effectively prohibits “the installation of solar energy systems or the building of structures that facilitate the collection of solar energy” in violation of MGL Ch. 40A Sec. 3.
 - g. The by-law effectively prohibits the “use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture” and the “construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture”, also in violation of MGL Ch. 40A Sec. 3.
3. Procedure was deceptive, defective and in violation of MGL Ch. 40A Sec. 5.
- a. First publication for the September 6, 2023 Planning Board hearing was made on August 24, 2023, “less than fourteen days before the day of said hearing” and thus in violation of MGL Ch. 40A Sec. 5.⁶ Publication was made in the Provincetown Independent, a weekly newspaper that is published (and dated) on Thursdays (see attached copy of notice).
 - b. Compliance with the statutory notice period is imperative when seven complicated zoning articles⁷ appearing on the warrant are being noticed.

⁵ Also see: Norcross v. Board of Appeal of Boston, 255 Mass. 177, 185 (1926) “*It is only in rare instances and under exceptional circumstances that relaxation of the general restrictions established by the statute ought to be permitted.*”

⁶ See MGL C. 40A Sec. 5 and <https://www.mass.gov/info-details/frequently-asked-questions-about-municipal-law>: “Planning Board Hearing Questions

Q: Is the 14-day notice requirement for the planning board hearing on a proposed zoning amendment satisfied where the first notice was posted and published on the 14th day prior to the date of the hearing?
A: Yes. M.G.L. c. 40A, Section 5, requires that the first of the two notices required for the hearing be “not less than 14 days” before the date of the hearing. Planning Boards get in trouble when they attempt to count the date on which the first notice was posted and published, and the date of the hearing. **Thus, a first notice on Wednesday, May 1 is OK for a hearing on Wednesday, the 15th, but not for a hearing on Tuesday, the 14th.**” (Emphasis added)

⁷ See, for example Article #5, an “Inclusionary Zoning” by-law with zero incentives/bonuses for the developer and filling four pages in the warrant booklet.

- c. The “public hearing” was all but unattended by the public, with a single attendee.
- d. I was prejudiced by the short notice period. My family owns several parcels of land in the town of Wellfleet and we did not have adequate time to assess the impact of each of seven (7) zoning articles to our property prior to the public hearing.
- e. The Planning Board is well aware of the statutory fourteen-day requirement, its chairman having been on the board in excess of 25 years. Failure to comply is inexcusable, deliberate, renders the notice and subsequent hearing defective and should not be sanctioned by your office.
- f. The text of the new definitions in Article 8 was not included in the published notice.
- g. The published notice contained the wrong address for the location of the hearing.⁸
- h. In the warrant the new definition of “timber” appeared as “Timber: Woody plants and trees with a girth of sixteen (16) inches measured at breast height (4.5’) or below the lowest branching trunk, whichever is less.”
- i. Throughout the warrant new language is depicted as underlined and existing copy is not. The published warrant clearly indicated that the first five words were new and the rest was part of the existing by-law. In fact, the whole definition was new. This deception was only rectified on town meeting floor with a motion by the chair of the selectboard. The impact of the by-law amendment could not have been known by the average citizen reader of the warrant-believing that little was being modified.
- j. It was also voted to amend the proposed definition of “timber” on town meeting floor by adding the words “or more” after the word “inches”. The effect of this change, when coupled with Sec 6.9 (being replaced with Sec. 6.9.1-ARTICLE 9) is to prohibit tree cutting and thus any reasonable use of land in half the town.
- k. A shift from prohibiting the cutting of trees of a certain specific size to most trees in the zone is clearly beyond the scope of the published Article. This is especially true when a reader of the published warrant would have no reason (for lack of underlining- see above) to believe the measurement portion of the definition was even changing.
- l. I found the last-minute amendments deceptive, prejudicial and substantially different from the article appearing in the warrant.⁹ The allowance of two substantial amendments to a one-line definition is appalling.

⁸ Notice was made for a hearing at 716 Old Kings Hwy Wellfleet MA, the hearing was, in fact, held at 715 Old Kings Hwy.

⁹Consider: If the definition of “locally notable trees” did not contain the words “or greater” and the words “or less” were proposed to be amended into it on town meeting floor, effectively outlawing all tree cutting within the town, would the amendment have been considered within the scope of the printed article? The amendment to the “timber” definition should not be treated differently.

The City of Chicago considers in this matter.

Blurred

A handwritten signature in black ink, appearing to read 'Kendall G. Foster'. The signature is stylized with a large, sweeping initial 'K' and a long horizontal stroke extending to the right.

Kendall G. Foster

LEGAL NOTICES

CONTINUED FROM PAGE 89

Town of Provincetown

ZONING BOARD OF APPEALS

The Board will hold a Public Hearing... 6:00 P.M. ON THURSDAY, SEPTEMBER 7, 2023, in the Judge Walsh Room in Town Hall, 260 Commercial Street, Provincetown, MA on the following cases.

ZBA 23-38 Application by Sheila Kaiser, on behalf of Andrew W. Lowie, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extension or Alteration, of the Zoning By-Laws to replace a back deck on and along a pre-existing, non-conforming rear yard setback and to build a small addition on the structure located on a lot that is in excess of the required lot coverage at 19 Montello Street (Residential 3 Zone).

ZBA 23-43 Application by Loic Rossignon, on behalf of Topnot Properties, LLC, seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, 011, Other customary accessory uses of the Zoning By-Laws to erect a temporary structure whenever inclement weather is predicted or a seating area is needed for protection from the elements on the property located at 225 Commercial Street (Town Center Commercial Zone).

ZBA 23-44 Application by Christopher Hartley, as behalf of P&J 141, LLC, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B5, Restaurants, Bars, Entertainment, of the Zoning By-Laws to present outdoor entertainment on the property located at 141 Bradford Street (Town Center Commercial Zone).

Jeremy Callahan, Chair
Posted, Town Hall
Phone: 09167923 9 03 31 11 P

The Independent: August 24, 2023

Town of Truro

LOCAL COMPREHENSIVE PLAN COMMITTEE

NOTICE OF PUBLIC HEARING THURSDAY, SEPTEMBER 7, 2023 AT 4:00 PM

The Truro Local Comprehensive Plan Committee will hold a public hearing on a draft Local Comprehensive Plan on SEPTEMBER 7, 2023 AT 4:00 PM at the Truro Community Center, 7 Standish Way, North Truro. The draft plan will be available on or about August 29, 2023 on the LCPC website at https://www.truro.ma.gov/2023/08/29/2023-draft-local-comprehensive-plan/. Call the Planning Department at (508) 214-0928.

Mara Glazer, Chair
Published Independently
August 17 & 24, 2023

SELECT BOARD

NOTICE OF PUBLIC HEARING

AMENDMENTS TO REGULATIONS FOR THE TAKING OF SHELLFISH, SEA WORMS, EELS AND CRABS

The Truro Select Board and the Shellfish Advisory Committee will hold a hybrid public hearing on TUESDAY, SEPTEMBER 12, 2023 AT 5:00 PM at which time proposed amendments to the Regulations for the Taking of Shellfish, Sea Worms, Eels and Crabs will be discussed.

This will be a hybrid meeting which can be attended in-person at Truro Town Hall, 24 Town Hall Road, Select Board Meeting Room, or virtually by following this link https://www.zoom.us/j/9202309762. You can also dial in using your phone: 1-306-224-1268 Meeting ID: 828 090 7681

Kristin Beier
Select Board, Chair, Town of Truro

Published: Provincetown Independent
August 24 and August 31, 2023

Town of Wellfleet

ZONING BOARD OF APPEALS

Pursuant to Massachusetts General Laws, Chapter 40A, Section 11 and Wellfleet Section 235-B & 23A will hold public hearings on SEPTEMBER 14, 2023, STARTING AT 7:00 PM in person at the Adult Community Center, 715 Old King's Highway and remotely via zoom.

Join Zoom Meeting
https://us02web.zoom.us/j/826790756517
Meeting ID: 863 0596 5144
Passcode: 019881
One tap mobile
Dial by your location
+1 928 205 6099 US (New York)

23-13 Thor Construction, 1522 State Highway A, Map 30, Parcel 30. Applicant appeals pursuant to Wellfleet Zoning Bylaws Section 235-7.31 and 235-8.4A from a zoning determination by the Building Commissioner that the applicant's sign is unlawful under the Sign Code and must be removed from its current location. The sign is located in the same non-conforming location as the previous owner's sign installed pursuant to Wellfleet Building Permit No. 12-024 issued January 24, 2012.

23-14 Moore, 206 Hollbrook Ave., Map 14, Parcel 16L. Applicant requests Special Permit pursuant to Wellfleet Zoning Bylaws Section VI-E.1 Non-Conforming uses, 6.1.5 alterations to non-conforming single family residential structures, and 6.1.5B addition alteration is not substantially more detrimental

23-15, Freyss, 28 Hamblen Farm Road Map 12, Parcel 12-24-0. Applicant requests Special Permit pursuant to Wellfleet Zoning Bylaw 6.3E.1 to alter a pre-existing, non-conforming dwelling on their property by rebuilding with alterations to use as a year-round rental.

Published: Provincetown Independent
August 24, 2023

Town of Wellfleet

LEGAL AD FOR ZONING AMENDMENTS

Pursuant to G.L. Chapter 40A, Sec. 3, the Town of Wellfleet Planning Board will hold a public hearing on September 07, 2023, at 7:00pm, at Wellfleet Adult Community Center 714 Old Kings Hwy. Applicant will consider and offer a recommendation to Town Meeting on the proposed zoning amendments listed below. The full text of which are available at the Office of the Town Clerk located at Town Hall 300 Main Street, Wellfleet, MA 02887 and available at https://www.wellfleetma.gov/2023/08/24/proposed-zoning-amendments-planning-board-scheduling-board/. The public is invited to attend in-person and be heard, or the public can participate remotely by joining via Zoom Meeting.

https://us02web.zoom.us/j/826790756517
Meeting ID: 824 7083 3351
Passcode: 895068

The proposed zoning amendments to be considered are summarized as follows:

- 1. Inclusionary Zoning: To see if the Town will vote to amend Chapter 235, Article II DEFINITIONS, § 235-2.1, by inserting new definitions for "Affordable Housing Unit," "Affordable Housing Restriction," and to amend Chapter 235, Article VI by adding a new Section 8.28 Inclusionary Zoning Bylaw, which would require, in the CD, RL, R2, C and CW zoning districts, a Special Permit from the Zoning Board or Appeals for any project that results in a net increase of three or more dwelling units as part of a single application, whether by new construction, a change in use, or by the addition or rehabilitation of existing structures, but excluding nursing homes, and to provide a certain percentage of on-site deed restricted affordable housing units or to make a payment in lieu of such affordable housing units or a land donation to the Wellfleet Affordable Housing Trust.
2. Cottage Colonies: To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article II DEFINITIONS by deleting text that is struck through and inserting text that is underlined for "Cottage Colony" such that the minimum unit size is not less than 550 300 sq. ft. that each or area and not more than 750 800 sq. ft. and for "Cottage Colony NSR" such that each unit shall contain not less than 550 300 sq. ft. of floor area and not more than 750 800 sq. ft.
3. INTENSITY OF USE OF MULTI-FAMILY DWELLINGS: To see if the Town will vote to amend the Wellfleet Zoning By-Laws, Chapter 235, Article V - Uses, Section 235-5.4(F) by deleting the text that is struck through as follows: Intensity of Use Application to Multiple Family Dwellings: The first-unit of a multiple-family dwelling or of an apartment building shall require a minimum lot area equal to the lot requirements of the district in which located. Each additional unit will require 8,000 square feet of lot area. Front, side and rear yard and maximum building coverage requirements of the district in which the structures are located shall apply. (Amended 4/30/85 ATM; Art. B4.)
4. DEFINITION OF TREES: To see if the Town will vote to amend the Wellfleet Zoning By-Laws, Article II DEFINITIONS, §235-2.1, by inserting new definitions in alphabetical order for "Community Wildlife Protection Plant," "Native Plant," "Locally Notable Trees," "Timber," and "Tree Thinning"
5. DEFINITION OF TIMBER: To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending §235-6B(1) using or timber by adding text underlined below.

Town of Eastham

NOTICE OF PUBLIC HEARING

EASTHAM COMMUNITY PRESERVATION ACT COMMITTEE

SEPTEMBER 6, 2023 5:00 PM
EASTHAM TOWN HALL

The Eastham Community Preservation Act Committee will hold a Public Hearing on **WEDNESDAY, SEPTEMBER 6, 2023 AT 5:00 PM** at the Eastham Town Hall Earle Mountain Meeting Room, 2500 State Highway, Eastham, MA 02642. Eastham residents and/or prospective applicants are encouraged to attend for a review of the CPA process and to discuss ideas for future CPA projects. Questions may be directed to the Eastham Planning Department (508) 240-5800. Application forms are available at the Eastham Town Hall and the Town of Eastham CPA website.

Join Zoom Meeting

Meeting ID: 843 7849 5236

Passcode: 843277
Dial by your location
+1 386 347 5053 (US)

Published: Provincetown Independent, August 24 and 31, 2023

Kristin Reed
Select Board, Chair, Town of Truro

Published: Provincetown Independent, August 24 and August 31, 2023

ZONING BOARD OF APPEALS

NOTICE OF REMOTE PUBLIC HEARINGS

MONDAY, SEPTEMBER 25, 2023
AT 5:30 PM

2023-049/ZBA – Kimberly Peters for property located at 4 Harrier Way (Atlas Map 50, Parcel 263). Applicant seeks a Special Permit to excavate Cross Floor Area in the Residential District under Zoning Bylaw Sections 80.2 and 80.8 with the construction of an ADU on the property.

Join Zoom from your computer, tablet, or smartphone:

Meeting ID: 832 3819 6171

Passcode: 378082
Dial by your location:
+1 848 821 3880 US,
+1 305 224 1968 US

View on television Channel 18 in Truro, or on the Honeysign website (www.honeysign.com), select "Truro TV Channel 18" feature under "Bright Leads" and click on the green "Watch" button in the upper right corner of the page.

Contact the Planning Department Administrator at (508) 214-0095 or (508) 240-5800 to provide written comment via postal mail or email, and for review of applications and plans.

Chris Lucy, Chair
Published: Provincetown Independent, August 24 and August 31, 2023.

dwelling on their property by rebuilding with alterations to use as a year-round rental.

Published: Provincetown Independent, August 24 and August 31, 2023

SELECT BOARD

In accordance with MGL Chapter 130 Sections 52, 53, 57, 58, 59, 60, 69, 80 and 80 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing on **SEPTEMBER 5, 2023, AT 7:00 P.M.** to consider the following:

To amend the Town of Wellfleet Shellfishing Policy and Regulations in Section 1, Definitions, Section 4, General Regulations, Section 5, Noncommercial Shellfishing, Section 6, Commercial Shellfishing, Section 7, Shellfish Aquaculture and Section 11, Enforcement.

Recommendation of the Shellfish Constable will be available in the September 5, 2023, Selectboard's packet.

In person: 716 Old King's Highway (Adult Community Center)

Join Zoom Meeting:
Meeting ID: 858 0980 4908

Passcode: 811877
Dial by your location: 929 205 8099

Published: Provincetown Independent, August 24, 2023

in alphabetical order for "Community Wildfire Protection Plan", "Invasive Plants", "Locally Notable Trees", "Timber", and "Tree Thinning"

5. **CUTTING OF TIMBER:** To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending §235 -5.8, Cutting of Timber, by adding text underlined below.

§235 - 5.8.1 CUTTING OF TIMBER WITHIN NSP

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

- (c) Cutting for clearance or maintenance on right-of-way including lines pertaining to public utilities or public highways, provided said clearance or maintenance complies with Chapter 200, the Town's Specific Road Bylaw, as applicable;
- (d) as specified in a Community Wildfire Protection Plan by the Wellfleet Fire Department or the National Park Service; or
- (e) the removal of Invasive Plants.

Exemptions

This section shall not apply to federal, state, or municipal projects.

6. **LOCALLY NOTABLE TREES:** To see if the Town will vote to amend the Wellfleet Zoning By-Laws by inserting a new Section §235- 6.9.J – Locally Notable Trees to require a special permit from the Zoning Board of Appeals for the removal of such trees or approval by the Tree Warden to trim such trees unless there is an immediate threat to public safety, structures, or utilities, as determined by the Tree Warden or a certified arborist. The ZBA shall apply the special permit criteria of §235-8.4.B and grant a special permit upon a finding that there is no viable alternative to removal of the tree. This section shall not apply to the removal of Invasive Plants, diseased trees, or those posing an imminent threat to people, structures, roadways, or utilities, as determined by the Tree Warden, or to federal, state, or municipal projects.

7. **ZONING ENFORCEMENT PENALTIES:** To see if the Town will vote to amend the Wellfleet Zoning Bylaws by amending Chapter 235, Article VIII – Administration- Section 8.3- Penalty, by deleting the existing §235-8.3 and inserting the following new text to increase fines for violations to \$300 per offense:

§ 235-8.3 Penalty

A. Any person, association, firm or corporation violating any of the provisions of this bylaw may be fined \$300 for each offense. Each day that such a violation continues shall constitute a separate offense. This bylaw may be enforced by noncriminal disposition pursuant to the provisions of General Laws Chapter 40, Section 21D.

B. Accessory Dwelling Units: Any person, association, firm or corporation violating § 235-9.21

Accessory Dwelling units (ADU), may be fined \$300.00 for each offense. Each Accessory Dwelling Unit in violation shall be a separate violation. Each day that such violation continues shall constitute a separate offense. This bylaw may be enforced by noncriminal disposition pursuant to the provisions of General Laws Chapter 40, Section 21D.

Published: Provincetown Independent, August 24 and 31, 2023

CHRISTOPHER LUCY



2023-049/ZBA



Thank you for reading



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 29, 2024



TOWN MEETING DATE

~ A ~

REQUESTED BY:	The Selectboard
DESIRED ACTION:	To discuss and vote to change the date of annual town meeting.
PROPOSED MOTION:	I move to change the date of annual town meeting from April 24, 2024, to May __, 2024
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 29, 2024

IV

COMMUNITY DEVELOPMENT BLOCK GRANT

~A~

REQUESTED BY:	Cassie Boyd Marsh; Bailey Boyd associates, Inc.
DESIRED ACTION:	To review and discuss Wellfleet participating in a regional Community Development Block Grant.
PROPOSED MOTION:	I move to have Chair Barbara Carboni sign the regional community development block grant requesting funds for housing rehabilitation and childcare subsidies.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition (s):
VOTED:	



Memorandum

To: Wellfleet Select Board
CC: Richard Waldo, Town Administrator
From: Cassie Boyd Marsh, Bailey Boyd Associates, Inc.
Subject: Participation in FY24 Brewster Regional CDBG Grant
Date: February 5, 2024

The Town of Brewster will be submitting a regional Community Development Block Grant requesting funds for housing rehabilitation and childcare subsidies. Wellfleet is currently participating in the Brewster regional grant, and in the past participated in both Truro and Eastham grants. This is the 34th regional grant that we are submitting to benefit Lower Cape residents.

The Housing Rehabilitation Program:

The Regional Housing Rehab Program will fund 14 households with a 0% interest deferred payment forgivable loan, making repairs of up to \$70,000 to keep low and moderate-income residents in their homes. Code repairs, weatherization and health and safety violations will be the priority of the program, along with handicap accessibility. All applicants are accepted regionally on a first-come/first-served basis. During the most recent program year, 5 Wellfleet homes were rehabilitated.

The Childcare Subsidy Program:

This program will provide up to \$7,000 per eligible child to subsidize care while parents work, go to school or seek employment. The funds go directly to the participating certified childcare provider based on the child's attendance. These funds subsidize the parent's payments on a sliding scale basis.

The Housing Rehab and Childcare Subsidy programs are also an important economic catalyst as the majority of contractors and all of the childcare providers are local.

If the town of Wellfleet would like to participate in the FY24 joint application, please sign the attached EOHLIC Joint Authorization Form and email it to Cassie Boyd Marsh (cboyd@baileybovd.com) by March 8, 2024.

As always there is no cost to the town and an enormous benefit to local residents, contractors and childcare providers. We'd be glad to answer any questions that you may have.

MASSACHUSETTS COMMUNITY DEVELOPMENT BLOCK GRANT FFY 2024

Community Development Fund 2024
Joint Application Authorization: Wellfleet

CDF-2024-Brewster*-00016

MUNICIPALITY: Wellfleet

Contact Person:

Name	Barbara Carboni
Title	Chair, Select Board

Signature of Chief Elected Official

Printed Name of Chief Elected Official

Title of Chief Elected Official



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 29, 2024

V

ICE MACHINE

~ A ~

REQUESTED BY:	John Wolf, Board member and ice machine working group
DESIRED ACTION:	To review and discuss recommendations for placement of ice machine and to instruct the TA to submit an RFP
PROPOSED MOTION:	I move to instruct the interim town administrator and the town accountant to assemble and issue an RFP based on quotes supplied by the working group.
SUMMARY:	(possible vote) I move to have the ice machine placed between Mac's at the pier and the Shellfish/Beach building.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Find address or place



Layer List

- Layers
- Text
 - Lines
 - Aquaculture
 - Resources To Avoid
 - Mass. Coastal Boat Launches
 - Eelgrass Beds - Current
 - Eelgrass Beds - Historic
 - U.S. Army Corps Federal Navigation Proj
 - Shellfish Suitability Areas
 - Coastal Town Permitting for Aquaculture
 - Mass. Ocean Management Planning Area
 - Designated Shellfish Growing Areas
 - Areas of Critical Environmental Concern
 - NHEHP Priority Habitats of Rare Species
 - North Atlantic Right Whale Critical Habit
 - NOAA Raster Nautical Chart

Map navigation controls including a home button, zoom in (+) and zoom out (-) buttons, and a scale bar showing 700 feet and coordinates -70.030 41.920 Degrees.



Barbara Carboni, Chair, Selectboard
Town of Wellfleet
300 Main Street,
Wellfleet, MA 02667

RE: Ice Maker Project

February 28, 2024

Chairperson Carboni:

I am writing in my capacity as a member of Belvernon LLC, owner of residential property at 3 Kendrick Avenue, abutter directly adjacent to the proposed site for new ice makers on the Town Pier. I also own and operate several of the proposed ice makers in my professional capacity as a wholesale seafood dealer. I have firsthand knowledge of these machines, including their installation, operation and maintenance.

I support the idea of this infrastructure upgrade to support Wellfleet's commercial shellfish industry, and I'm thankful to Senator Cyr for the State funding that he helped facilitate. However, I have several major concerns about the selected site and strongly object to this proposal at the currently proposed site, directly South of the beach sticker shack.

I strongly urge the town to be a good neighbor and find a more suitable site for this equipment.

Background: These machines are large, expensive, heavy and **loud** industrial machines. No design plans have been provided, so we must all guess at the final installation result. A typical configuration for the outdoor installation of one these machines would be two metal shipping containers stacked on top of each other. The dimensions of each container are roughly 20' x 8' x 9'6" high. Stacking containers two high brings the height to a minimum of 19'.

The ice maker machinery is installed in the upper container in the stack, protecting the equipment from the elements, with the condensing unit installed above the roof of the upper container. The condensing unit consists of large fans for dissipating the heat created during the production process, standing approximately two feet high from the top of the container. The produced ice falls down a chute, through holes cut through the bottom of the upper container and the top of the lower container, depositing the ice into the lower container.

I would be happy to give the Board a firsthand tour of these machines, I have several installed a short drive away in our facility in South Chatham, including one with the exact setup described. Of note, this equipment is located in Chatham's Industrial zoning district.

Problem: No plans, no notices to abutters: This is the largest industrial project undertaken by the Town since the installation of the solar panels over the capped landfill. No public hearings were held and abutters' notices were never sent. This plan was developed without input from critical stakeholders. No site plans, elevations, equipment schedules, water, electrical and drainage requirements have been established. Had any such plans been produced and made available for consideration by the public, I believe consensus would quickly form that this is the wrong location for an industrial equipment installation of this nature.

Problem: Noise and vibration. Wellfleet Zoning Bylaws § 235-2.1, define “Industry, Heavy” as follows: *“The production, assembly, processing, finishing or manufacture of any object or material which results in or would result in noise, dust, odor, vibration, gasses or any objectionable feature that can or could be detected at any time off the premises upon which located.”* § 235-5.3 further states that Heavy industry is an Omitted/Prohibited use in *all* zoning districts within the Town of Wellfleet. Locating these very large industrial machines within a handful of feet of a residential structure, is clear a violation of our zoning bylaws.

The intent of the committee is to locate this machinery literally within a few feet of residential bedrooms. These are very loud machines. The condensing units are constantly cycling, 24 hours per day. They cycle on and off in short, loud bursts. The noise of the condensing units, the periodic chopping of ice and dropping of the ice batches from a distance of 9 feet, 24 hours per day, will render the residence at 3 Kenrick Avenue unlivable. The Town Pier is a very large site. The Town of Wellfleet has the ability to be a good neighbor and locate this equipment somewhere else.

Problem: Scale. The committee wishes to install two of these machines. This would mean a cube of four containers measuring about 20’ x 16’ x 21’ including the mechanicals above. I was told that the floor of the lower container would be raised to a working height at the level of a typical pickup truck bed, in order to efficiently unload the product into coolers and vats in the customers’ trucks. This would bring the overall height to about 24’, likely taller than the ridge lines of the three closely surrounding buildings. This will take one of the most photographed parts of Wellfleet and transform it overnight into a large industrial scene.

Problem: Preexisting conditions. A professionally designed drainage system will need to be installed to dissipate the large amounts of water generated. This area underneath the pavement at this site is already very crowded. The site in question already contains: A water line and stub for 3 Kendrick Avenue; electrical and data conduits running from the southwest corner of the shellfish shack to the L Pier; Electrical conduits running to the new fuel pumps from the southwest corner of the shellfish shack; electrical conduit servicing 3 Kendrick Avenue and 265 Commercial Street (Mac’s Seafood). If any of this underground equipment should need to be replaced or require maintenance, this industrial ice making equipment would need to be dismantled and moved, perhaps under emergency circumstances.

Problem: Right of Way Easement: An Easement encumbers the proposed site, granting a right of way for the benefit of 3 Kendrick Avenue, granting right of way access to the property directly behind the proposed location of these machines. Positioning these machines, or any structure, in this area, would be considered a violation of the easement.

I urge you to vote against siting this industrial equipment at the proposed location. I welcome the opportunity to assist you in developing alternative plans.

Sincerely,



Sam Bradford
Member, Belvernon LLC
Resident of Wellfleet

Enc: Installation and site photos

CC: Senator Julian Cyr



Figure 1 Proposed Site looking West. The white and grey building to the left is 3 Kendrick Avenue, a two family residence.



Figure 2 Proposed site looking south. Note the asphalt patches for existing underground utilities running to the South and to the East



Figure 3 Typical installation - double stacked shipping containers



Figure 4 Condensing Unit is mounted on top. Ice Maker is installed in upper container. Lower container is for ice storage



Figure 5 Side View. Ice is unloaded from end door (ajar)



Figure 6 Close up of Condensing Unit



Figure 7 Close up of ice maker - 4 ton



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 29, 2024

VI

BUDGET CALL BACKS

REQUESTED BY:	Selectboard
DESIRED ACTION:	To call back any remaining budgets with questions
PROPOSED MOTION:	There is no motion needed for this agenda item.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 29, 2024

VII

DRAFT TOWN MEETING WARRANT

REQUESTED BY:	The Selectboard
DESIRED ACTION:	To review and discuss the current draft annual town meeting warrant
PROPOSED MOTION: SUMMARY:	There is no motion needed at this time.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



ANNUAL TOWN MEETING

Monday April , 2024

6:00 PM

at

Wellfleet Elementary School

100 Lawrence Road, Wellfleet, MA

&

ANNUAL TOWN ELECTION

Monday April 29, 2024

at

12:00 Noon to 7:00 PM

Wellfleet Senior Center

715 Old King's Highway

Draft - Rev. 1

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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 ceiling 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 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 action on 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") may only be made by a voter who has been recognized. Anonymous calls from voters to "call the question" are out of order and will be ignored by the Moderator. A motion to end debate requires a separate 2/3 majority vote, so 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 (with some statutory exceptions)
Zoning bylaws subject to Housing Choice Act	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

XXX

Respectfully submitted; Kathy Granlund, Chair

Jenn Rhodes, Vice Chair; Fred Magee; Stephen Polowczyk; Jeff Tash; Bob Wallace;
Moe Barocas; Ira Wood

ANNUAL TOWN MEETING WARRANT

Monday, April 29, 2024

The Commonwealth of Massachusetts

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

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet at the **WELLFLEET ADULT COMMUNITY CENTER, 715 OLD KING'S HIGHWAY** in Wellfleet on **Monday the 29th day of April, 2024, between twelve o'clock noon and seven o'clock p.m.**, then and there to vote for the election of the following Town officer: one Moderator for one year; two for Selectboard for three years; Two for the Wellfleet Elementary School Committee for three years; two for the Board of Library Trustees for three years; ; one for the Board of Library Trustees for one year; one for the Cemetery Commission one for three years; one for the Housing Authority for five years. Also, to vote on the following questions:

SECTION I: BUDGET ARTICLES

ARTICLE NO. 1 – FY2025 OPERATING BUDGET:

To see if the Town will vote to act on the operating budget, including recommendations and reports of the Select Board, Finance Committee and other Town Officials, and to see if the Town will vote to raise and appropriate or transfer from receipts reserved and other available funds and accounts, the sum of \$31,558,701;

Budget Division	Lines	FY 2024	FY 2025	% Change
General Government	1 - 24	3,082,183	3,268,572	6.05%
Public Safety	25 - 31	5,685,330	6,005,619	5.63%
Public Works	36 - 43	2,623,645	2,698,742	2.86%
Shellfish Department	44 - 45	353,439	382,137	8.12%
Community Services	46 - 57	2,562,881	2,836,897	10.69%
Unallocated Expenditures	58 - 62	4,528,994	4,747,914	4.83%
Debt Service	63 - 66	3,497,572	3,676,679	5.04%
Subtotal		22,334,044	23,613,559	5.73%
Educational Services	32 - 35	6,807,758	7,945,142	16.71%
Total Budget		29,141,802	31,558,701	8.29%

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0.

Recommend: Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

SUMMARY: This article funds the operating budget for several Town departments for FY2025. It provides 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, 2024, through June 30, 2025. Details of the budget can be viewed in Appendix A.

ARTICLE NO. 2 – 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.	XXX	DPW	420	\$xx.00
	Grand-total			\$00.00

or to do or act on anything thereon.

(Requested by the Selectboard)

Four-fifths Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0.

Recommend: Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

SUMMARY: Invoices received after the close of the fiscal year for services rendered or goods received prior to July 1 are considered prior year bills. Per MGL Chapter 44 Section 64, prior year bills to be paid from the Town’s general operating fund may only be paid by a vote of Town Meeting.

ARTICLE NO. 3 – FY 2024 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 2024 appropriations such sums of money necessary to supplement the operating budgets of the various Town Departments as follows:

	From (Decrease)	Line Item	To (Increase)	Line Item	Amount
a.	XXX	124	XXX	124	\$ 00.00
	Grand-Total				\$ 00.00

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes- 0, No – 0, Abstain – 0.

Recommend Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

SUMMARY: This article is seeking permission to transfer funding within the FY 2024 operating budget ending June 30, 2024. We have a few shortfalls in various departmental budgets that will be remedied by transferring monies from those areas within the budget that have surpluses.

ARTICLE NO. 4 – FY 2025 CAPITAL BUDGET:

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$2,503,000 to fund the Fiscal Year 2025 Capital Budget for the purposes, and from the sources, as listed below,

Line	Function/Department	Amount	Funding Source
1	Administration & Finance Departments		
a	Town Hall Repair & Maintenance Program	100,000	Free Cash
b	IT Network Replacement Program	30,000	Tax Levy
c	IT PC & Component Replacement Program	40,000	Tax Levy
d	Maurices Campground Site Development	225,000	Tax Levy
e	Wastewater Planning, permitting, testing	250,000	Free Cash
2	Police & Dispatch Departments		
a	Police Station Repair & Maintenance Program	50,000	Free Cash
b	Police Department Fleet Replacement Program	132,000	Tax Levy
c	Police Department Equipment Replacement Program	28,000	Tax Levy
d	Dispatch Equipment Replacement Program	5,000	Tax Levy
3	Fire Department		
a	Fire Station Repair & Maintenance Program	50,000	Free Cash
b	Fire Department HVAC Upgrade	350,000	Free Cash
c	Ambulance 98 Replacement (additional)	33,500	Reappropriated Articles
d	Fire Department Fleet Replacement Program	33,000	Tax Levy
e	Medical/Rescue Equipment Replacement Program	35,500	Ambulance Fund
f	Fire Suppression Equipment Replacement Program	29,000	Ambulance Fund
g	Radio/Communication Equipment Replacement Program	19,000	Ambulance Fund
h	Power Lift Stretchers for ambulances	80,000	Ambulance Fund
4	Public Works Department		
a	Public Works Facility Repair & Maintenance Program	50,000	Free Cash
b	Construct Equipment Shed – Transfer Station	60,000	Free Cash
c	Beach Restroom Planning	200,000	Free Cash
d	Public Works Fleet Replacement Program	150,000	Tax Levy
e	Replace 1979 Tractor	35,000	Free Cash
f	Public Works Equipment Replacement Program	35,000	Tax Levy
g	Transfer Station Equipment Replacement Program	22,000	Tax Levy
5	Shellfish Department		
a	Shellfish Department Fleet Replacement Program	32,000	Shellfish Fund

b	Equipment/engine Replacement Program	25,000	Tax Levy
6	Council On Aging		
a	Senior Center Repair & Maintenance Program	50,000	Free Cash
b	Council on Aging Fleet Replacement Program	9,000	Tax Levy
c	Equipment Replacement Program	3,500	Tax Levy
7	Beach Department		
a	Beach Department Fleet Replacement Program	11,500	Beach Fund
b	Beach Equipment Replacement Program	7,500	Beach Fund
8	Recreation Department		
a	Court Resurfacing Repair & Maintenance Program	25,000	Free Cash
b	Bakers Field Repair & Maintenance Program	10,000	Free Cash
c	Transportation Van	59,000	Free Cash
d	Recreation Equipment Replacement Program	9,000	Tax Levy
9	Library Department		
a	Library Repair & Maintenance Program	25,000	Free Cash
b	Furniture & Shelving Replacement Program	5,000	Tax Levy
10	School Department		
a	Elementary School Repair & Maintenance Program	75,000	Free Cash
b	Equipment/furnishings Replacement Program	15,500	Tax Levy
11	Marina Enterprise Fund		
a	Boat Engine Replacement Program	22,000	Retained Earnings
b	Equipment/Trailer Replacement Program	3,500	Retained Earnings
12	Water Enterprise Fund		
a	Water Tank Maintenance	29,000	Retained Earnings
b	Treatment Facilities Maintenance & Upgrades	44,500	Retained Earnings
	Total Capital Budget Appropriations	2,503,000	

SUMMARY OF FUNDING SOURCES	
Free Cash	1,459,000
Ambulance Fund	163,500
Shellfish Fund	32,000
Beach Fund	19,000
Reappropriated Articles	33,500

Marina Enterprise Fund Retained Earnings	25,500
Water Enterprise Fund Retained Earnings	73,500
Tax Levy	697,000
Total Funding	2,503,000

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0.

Recommend: Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

SUMMARY: This article represents the Town’s proposed capital spending plan for FY 2025.

ARTICLE NO. 5 – FY2025 MARINA ENTERPRISE FUND:

To see what sums of money the Town will vote to appropriate, raise, or transfer from available funds, for the Marina Enterprise Fund operating budget for fiscal year 2025,

Budget Element	FY 2024	FY 2025
Amounts Appropriated:		
Salaries & Wages	259,125	284,003
Expenses	271,375	260,625
Debt Service	<u>110,500</u>	<u>339,939</u>
Total Appropriations	<u>641,000</u>	<u>884,567</u>
Funding Sources:		
Marina Revenue	641,000	731,265
Marina Enterprise Fund Retained Earnings		136,302
Other Available Funds	-	<u>17,000</u>
Total Funding Sources	<u>641,000</u>	<u>884,567</u>

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0.

Recommend: Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

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. A detail of the budget can be viewed in Appendix A.

ARTICLE NO. 6 – FY2025 WATER ENTERPRISE FUND:

To see what sums of money the Town will vote to appropriate, raise, or transfer from available funds, for the Water Enterprise Fund operating budget for fiscal year 2025,

Budget Element	FY 2024 *	FY 2025
Amounts Appropriated:		
Salaries & Wages	150,582	159,000
Expenses	228,125	233,278
Debt Service	<u>205,566</u>	<u>106,212</u>
Total Appropriations	<u>584,273</u>	<u>498,490</u>
Funding Sources:		
Water Revenue	179,000	200,000
General Fund Subsidy (Tax Levy)	<u>405,273</u>	<u>298,490</u>
Total Funding Sources	<u>584,273</u>	<u>498,490</u>

**FY 2024 includes the effect of the \$145,000 Proposition 2 ½ override passed for Wastewater/Water Superintendent.*

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0.

Recommend: Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

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 – AUTHORIZE LEASE PURCHASE OF AMBULANCE:

To see if the Town will authorize, under General Laws Chapter 44, Section 21C, upon the recommendation of the Select Board, a lease purchase financing agreement for the acquisition of an

ambulance for the Fire Department for a term of up to the useful life of said equipment, and to fund the first year of said lease, appropriate and transfer from the Ambulance Fund the sum of \$125,000,

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0.

Recommend: Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

SUMMARY: This article will authorize the lease payments per the ambulance replacement program (Ambulance 99 purchase/replacement) to be funded through the Ambulance Receipts fund for the first year of a five-year lease/purchase agreement.

ARTICLE NO. 8 – AUTHORIZE BORROWING FOR DREDGING:

To see if the Town will vote to raise and appropriate or borrow the sum of \$4,500,000, or any other sum, for the purpose of funding the dredging of Wellfleet Harbor, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59, Section 21C (Proposition 2 ½ so called) amounts required to pay the principal and interest of the borrowing approved by such vote.

or to do or act on anything thereon.

(Requested by the Selectboard)

2/3rd Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0.

Recommend: Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

SUMMARY: XX

ARTICLE NO. 9 – TRANSFER TO STABILIZATION FUND:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$ ___,000.00, 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:

Insert Yes – 0, No – 0, Abstain – 0.

Recommend Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

SUMMARY: The purpose of this article is to transfer funds from Free Cash into the Stabilization Fund.

SECTION II: ADDITIONAL FINANCIAL ARTICLES

ARTICLE NO. 10 – FINANCE DIRECTOR - 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 \$___,000, or any other sum for the purpose of funding a Finance Director; provided, however that no sums shall be expended hereunder unless and until the Town has voted to assess an additional \$___,000 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)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0.

Recommend: Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

SUMMARY: This article is intended to fund the cost of adding an appropriately educated, experienced, and qualified and credentialed Finance Director including salary and benefits. Funding is subject to the approval of a Proposition 2 ½ override

ARTICLE NO. 11 – OUTER CAPE OPIOID REMEDIATION WORK GROUP :

To see if the Town will vote to raise and appropriate and/or transfer from the opioid special purpose fund the sum of \$___,000, or any other sum for the purpose of contributing to the Outer Cape Opioid Remediation Work Group (Outer Cape Wellness Collaborative) or to do or act on anything thereon.

(Requested by the Selectboard)

2/3rd Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0.

Recommend: Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

SUMMARY: XXX

ARTICLE NO. 12 – SENIOR WORK-OFF ABATEMENT PROGRAM:

To see if the Town will vote to amend its prior acceptance of G.L. Chapter 59, Section 5K, as accepted under Article 30 of the 2004 Annual (or Special?) Town Meeting, for the purpose of increasing the maximum real estate tax reduction allowed under the senior work-off abatement program up to \$2,000 in a given tax year, and further to authorize the Select Board to amend its rules and regulations for this program to be consistent with this vote, or to take any action related thereto.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0. (Recuse)

Recommend Yes – 0, No – 0, Abstain – 0. (Recuse)

Finance Committee: Yes – 0, No – 0, Abstain – 0.

SUMMARY: On October 4th, 2023, Governor Maura Healey signed into law H.4104, better known as the “Tax Relief” bill.

Three sections within this bill affect assessors:

1. Section 2: Amends MGL Chapter 59, Section 5K by increasing the amount a person in a senior tax work-off program can earn each calendar year from \$1,500 to \$2,000.

“SECTION 2. Section 5K of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out, in lines 14 and 39, the figure “\$1,500” and inserting in place thereof, in each instance, the following figure:- \$2,000.”

In 2004, Town Meeting voted to explicitly allow a reduction in real estate taxes up to \$750, this article would allow for a higher reduction of \$2,000 as allowed in the Tax Relief bill.

ARTICLE NO. 13 – SHELLFISH REVOLVING FUND SPENDING LIMIT

(Consent Calendar):

To see if the Town will vote to establish a spending limit for FY2025 of \$60,000.00 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:

Insert Yes – 0, No – 0, Abstain – 0. (Recuse)

Recommend Yes – 0, No – 0, Abstain – 0. (Recuse)

Finance Committee: Yes – 0, No – 0, Abstain – 0.

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.

SECTION III: COMMUNITY PRESERVATION ARTICLES

ARTICLE NO. 14 – 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 for the Fiscal Year 2025 and to see if the Town will:

- a) Vote to set aside from the Community Preservation Fund estimated annual revenues for later spending the sum of \$ __, __.00 for open space, the sum of \$ __, __.00 for historic preservation, the sum of \$ __, __.00 for community housing, and the sum of \$ __, __.00 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2025, pursuant to G.L. c. 44B, Section 6;
- b) Vote to appropriate from the Community Preservation Fund estimated annual revenues the sum of \$ __,000.00 to fund a portion of the annual debt service obligations for the purchase of Maurice’s Campground, a previously approved by Town Meeting; and
- c) Vote to set aside the sum of \$ __, __.00 to be placed in the 2025 Budgeted Reserve for general Community Preservation Act purposes, or to do or act on anything thereto.

(Requested by the Community Preservation Committee)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0.

Recommend Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

Community Preservation Committee: Yes – 0, No – 0, Abstain – 0.

SUMMARY: XXX

ARTICLE NO. 15 – COMMUNITY PRESERVATION – XXX:

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2025 Projected Surcharge revenues a sum of \$ __, __.00 and from the Undesignated Fund Balance a sum of \$ __, __.00 for a total sum of \$ __, __.00 to contribute to the cost of, and thereby support, XXX. and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or do or act anything thereon.

(Requested by the Community Preservation Committee)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0.

Recommend Yes – 0, No – 0, Abstain – 0.

Finance Committee: Yes – 0, No – 0, Abstain – 0.

Community Preservation Committee: Yes – 0, No – 0, Abstain – 0.

Housing Authority: Recommends 0-0

Local Housing Partnership: Yes – 0, No – 0, Abstain – 0.

SUMMARY: XXXX

SECTION IV: UNCLASSIFIED ARTICLES

ARTICLE NO. 16 – TO CONVEY A LICENSE AT OLD CHEQUESSETT NECK ROAD TO THE UNITED STATES OF AMERICA FOR ACCESS TO CONSTRUCT AND MAINTAIN A HERRING RIVER RESTORATION PROJECT WATER CONTROL STRUCTURE:

To see if the Town will authorize the Selectboard to convey a license, or a series of licenses, of indefinite term, but at least 99 years, to the United States of America (Cape Cod National Seashore) for the purpose of installing, constructing, operating, maintaining and repairing an access road, for vehicular and pedestrian traffic, from the travelled portion of Old Chequessett Neck Road to property of the United States of America, on a portion of Old Chequessett Neck Road and on property of Wellfleet Conservation Trust, all as shown on a plan entitled “Easement License Plan Herring River Restoration Project Mill Creek Water Control Structure Access Road Wellfleet, MA,” dated October 2, 2023, prepared by Outermost Land Survey, Inc., a copy of which is on file with the Town Clerk, as said plan may be amended, on such terms and conditions as the Selectboard deems to be in the best interests of the Town, and to execute any and all documents and instruments necessary or convenient to carry out the purposes of this article, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0. (Recuse)

Recommend Yes – 0, No – 0, Abstain – 0. (Recuse)

SUMMARY: The Town and Cape Cod National Seashore are undertaking the Herring River Restoration Project to restore tidal flow and revive the extensive ecological and economic benefits provided by a healthy estuary. In connection with the Project, the National Seashore intends to construct and operate a water control structure on its land near or adjacent to 575 Old Chequessett Neck Road. To access that water control structure, an easement right was needed over a portion of 575 Old Chequessett Neck Road and the Town has secured such easement from the Conservation Trust. This article would authorize the Town to provide a license to the National Seashore for access over the easement to construct and maintain the roadway and the Mill Creek Control Structure.

ARTICLE NO. 17 – STRETCH ENERGY CODE - CORRECTION:

REQUEST ARTICLE BE PREPARED BY COUNSEL – CMR Correction

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0. (Recuse)

Recommend Yes – 0, No – 0, Abstain – 0. (Recuse)

SUMMARY: XX

SECTION V: CHARTER, BYLAWS, INITIATIVE PETITIONS

ARTICLE NO. 18 – CHARTER AMENDMENTS:

RESERVE FOR CHARTER AMENDMENTS

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0. (Recuse)
Recommend Yes – 0, No – 0, Abstain – 0. (Recuse)

SUMMARY: XX

**ARTICLE NO. 19 – WASTEWATER COMMISSIONERS / REGULATIONS /
ETC.:**

RESERVE FOR WASTEWATER OPERATION & MAINTENANCE ARTICLE(s)

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0. (Recuse)
Recommend Yes – 0, No – 0, Abstain – 0. (Recuse)

SUMMARY: XX

**ARTICLE NO. 20 – PETITIONED ARTICLE – TOWN OF WELLFLEET
SCHOLARSHIP PROGRAM:**

To see if the Town will vote to adopt the following resolution:

WHEREAS, to address the very high cost of college and the fact that many Wellfleet families have a very difficult time paying for a 4-year degree program for their children;

WHEREAS, we find this an inequity that should be addressed.

NOW, THEREFORE, the Town Meeting votes to establish a Town of Wellfleet Scholarship Program with the following requirements:

- 1) To be eligible a student must be a Nauset High School graduate whose parent(s) live in Wellfleet;
- 2) Applicants must demonstrate a financial need by submitting a completed FAFSA form and provide data for all 529 plans that the applicant is eligible for;
- 3) Applicants must be either applying to or enrolled in a 4-year bachelor's degree program;
- 4) Applicants may renew their scholarship annually if they maintain good grades;
- 5) Applicants must be attending an accredited, not-for-profit college;
- 6) All scholarship payments will be made directly to the colleges;
- 7) The scholarship program will be administered by the Cape Cod Foundation and the Cape Cod Association, which last year provided more than \$54,000 in scholarships to eight (8) Wellfleet families, and more than \$1 million in scholarships to Cape Cod families.

And to raise and appropriate \$100,000 for this scholarship program or take any other action related thereto.
(Citizens Petition)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 5, No – 0, Abstain – 0.

Recommend Yes – 1, No – 3, Abstain – 0. (1 Recuse)

Finance Committee: Reserve recommendation to Town Meeting

SUMMARY:

ARTICLE NO. 21 – HOME RULE PETITION - PESTICIDE REDUCTION

To see if the Town will vote to authorize and direct the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, authorizing the Town to adopt a Pesticide Reduction Bylaw (the bylaw), the text of which is set forth below, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage; and vote to adopt the bylaw as follows:

CHAPTER PESTICIDE REDUCTION BYLAW

§1. Purpose.

The purpose of this bylaw is to reduce toxic pesticide use in and on public and private property in the Town of Wellfleet in order to promote a healthy environment and to protect the public from the hazards of pesticides, and for implementation of sustainable land and building management practices on all public and private property.

§2. Findings.

- A. Scientific studies associate exposure to pesticides with asthma, cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects, and disruption of the endocrine system.
- B. Infants, children, pregnant women, the elderly, and people with compromised immune systems and chemical sensitivities are especially vulnerable to pesticide effects and exposure.
- C. Pesticides are harmful to pets and wildlife, including threatened and endangered species, soil microbiology, plants, and natural ecosystems.
- D. Toxic runoff from chemical fertilizers and pesticides pollute streams, lakes, estuaries, and drinking water sources.
- E. The use of pesticides is not necessary to create and maintain green lawns and landscapes given the availability of viable alternatives practices and products.

F. People have a right not to be involuntarily exposed to pesticides in the air, water or soil that inevitably result from chemical drift and contaminated runoff.

G. Sustainable land and building management practices that emphasize non-chemical methods of pest prevention and management, and least-toxic pesticide use as a last resort, will eliminate the use of and exposure to pesticides while controlling pest populations.

H. Sustainable land and building management practices complement other important goals of Wellfleets' maintenance and administration, such as energy conservation and security.

I. Wellfleet embraces a precautionary approach to the use of pesticides in order to adequately protect people and the environment from the harmful effects of pesticides.

J. Application of chemicals simply for aesthetic/cosmetic purposes has harmful consequences for our ecosystem, children and pets. Pollinators are directly harmed by applications particularly the indiscriminate (and long-term ineffective) spraying of pesticides.

§3. Authority.

This bylaw is adopted under authority granted by the Home Rule amendment to the Massachusetts Constitution and the provisions of any Special Legislation passed by the Legislature.

§4. Definitions.

For the purposes of this bylaw, the following definitions shall apply:

Allowed Materials List - The list of acceptable pesticides is limited to the following:

1) All non-synthetic (natural) materials, with the exception of prohibited non-synthetic materials under 7 CFR 205.602;

2) Any synthetic material listed at 7 CFR 205.601 that is labeled for turf uses, subject to discretionary authority to require disclosure of inert ingredients; and

3) 25b listed pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Inert ingredient - Any substance (or group of substances with similar chemical structures if designated by the Environmental Protection Agency) (EPA) other than an active ingredient that is intentionally included in any pesticide product (40 CFR 152.3(m)) [7 CFR 205.2 Terms defined.], and are not classified by the EPA Administrator as inserts of toxicological concern. [7 U.S.C. 6502(21) Definitions]

Non-synthetic (natural) materials - A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Organic Foods Production Act. For the purposes of this part, 'non-synthetic' is used as a synonym for natural as the term is used in the regulations. [7 CFR 205.2 Terms defined.]

Pesticide - Any substance or mixture of substances intended for: (i) preventing, destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant; or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term 'pesticide' includes insecticides, herbicides, fungicides, and rodenticides, but does not include cleaning products other than those that contain pesticidal agents.

Synthetic materials - A substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes. [7 U.S.C. 6502(21) Definitions]

§5. Prohibitions.

The application of any Pesticide that is not on the Allowed Material List is prohibited, except as permitted in this bylaw.

§6. Exceptions.

A. The application of the following Pesticides is allowed:

1. Indoor pest sprays and insect baits (excluding rodent baits)
2. Insect repellants for personal and household use
3. Pet: Flea and tick sprays, powders, and pet collars
4. Kitchen, laundry, and bath disinfectants and sanitizer
5. Products labeled primarily to kill mold and mildew
6. Usage for commercial farming and nurseries.

B. Pesticides for the treatment of invasive plants for ecological restoration (see Massachusetts Invasive Plant Advisory Group current lists of Invasive, Likely Invasive, and Potentially Invasive <https://www.massnrc.org/mipag/>) may be used upon the grant of a waiver by the Town Manager or authorized designee.

C. If an emergency public health situation warrants the use of Pesticides, which would otherwise not be permitted under this bylaw, the Town Manager or authorized designee shall have the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials.

§7. Enforcement.

The enforcement authority shall be the Town Administrator, or any town officials as designated by the Select Board to oversee and enforce the provisions of this bylaw.

§8. Penalties.

Any person who violates any provision of this bylaw shall be punished by a fine of one hundred dollars (\$100.00) for the first offense and three hundred dollars (\$300.00) for each offense thereafter. Each day or portion thereof during which a violation continues shall constitute a separate offense and a violation of each provision of the bylaw shall constitute a separate offense.

If the offender is a commercial applicator, the right to do business in Wellfleet may be revoked.

§9. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

Provided, that this bylaw is subject to the Town obtaining special legislation from the Great and General Court of the Commonwealth of Massachusetts authorizing the Pesticide Reduction Bylaw as aforesaid; or to take any other action relative thereto.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes – 0, No – 0, Abstain – 0. (Recuse)

Recommend Yes – 0, No – 0, Abstain – 0. (Recuse)

SUMMARY: The article authorizes the Select Board to file special legislation authorizing the adoption of the proposed bylaw as the application of pesticides in Wellfleet is currently primarily regulated by state and federal law. This article also proposes the adoption of a bylaw that seeks to reduce toxic pesticide use in and on public and private property in order to promote a healthy environment and to protect the public from the hazards of pesticide use. It does not prohibit businesses from selling products containing pesticides to anyone.

ARTICLE NO. 22 – HOME RULE PETITION – AUTHORIZE TOWN OF WELLFLEET TO ESTABLISH A REAL ESTATE TRANSFER FEE:

To see if the Town will vote to authorize the Selectboard to petition the General Court to enact a special act of the Town of Wellfleet, the text of which is set forth below, and that the General Court be authorized to make clerical or editorial changes of form only to the bill so submitted, unless the Selectboard approves amendments to the bill before enactment by the General Court; and further that the Selectboard is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF WELLFLEET TO ESTABLISH A REAL ESTATE TRANSFER FEE

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same as follows:

SECTION 1. For purposes of this act, the words and phrases set forth in this section shall have the following meanings:

"Purchaser", shall refer to the transferee, grantee or recipient of any real property interest.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the

seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 183A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller", shall refer to the transferor, grantor or immediate former owner of any real property interest.

"Seasonal" shall be defined as a period commencing April 1 of each calendar year and termination November 30 of the same calendar year.

"Time of transfer" of any real property interest shall mean the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

"Town" shall refer to the Town of Wellfleet acting by and through its Selectboard.

SECTION 2. There is hereby imposed a Real Estate Transfer Fee equal to (A.) fee in the amount of one (1) percent of said purchase price shall be due and payable by the seller; and (B.) a fee in the amount of one (1) percent of said purchase price shall be due and payable by the purchaser upon the transfer of any real property interest in any real property situated in the Town of Wellfleet. Said fee shall be the liability of the buyer and seller of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser. The fee shall be paid to the Town of Wellfleet. The first \$50,000 collected in each fiscal year shall be deposited in the Town's Capital Improvement Stabilization Fund. The remaining funds collected each fiscal year shall be deposited into the Wellfleet Affordable Housing Trust.

SECTION 3. The following transfers of real property interests shall be exempt from the Real Estate Transfer Fee:

- A. First-time homebuyers who live in the home for at least five (5) years. A lien shall accompany the deed stating that “There is running with the land a lien equal to the amount of fee exempted, plus accumulated interest and penalties until such time as all conditions of this sub-section are met.”
- B. Transfers to the Government of the U.S., The Commonwealth, the Town of Wellfleet and any of their instrumentalities agencies or sub-divisions, such as the Wellfleet Housing Authority and The Wellfleet Housing Trust.
- C. Transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made.
- D. Transfers of convenience with consideration under \$100.00 which include: name change, into trusts, out of trust, etc.
- E. Transfers to any charitable organization as defined in Clause Third of Section Five of Chapter 59 of the General Laws or any religious organization providing that the real property interests so transferred will be held solely for public charitable or religious purposes.
- F. Transfers between immediate family members, marriage partners, parents and children, grandchildren, step-parents and step-children, brothers and sisters, or beneficiaries of an estate.
- G. 120% of the previous fiscal year’s median single-family home assessed value as assessed by the Wellfleet Town Assessor. This exemption shall not apply to properties occupiable on a seasonal basis only. This exemption shall not apply to properties with a sale price above \$2,000,000.

SECTION 4.

- A. The fee imposed shall be due at the time of the transfer of the real property interest.
- B. The buyer shall pay interest on any unpaid amount of the fee at the rate the Town collects on unpaid Real Estate Taxes.
- C. The Town shall notify a buyer by Registered or Certified Mail of any failure to discharge the amount in full of fee due.
- E. The fee shall be paid to the Wellfleet, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Barnstable County, and the assistant recorder for the registry district of Barnstable County, shall neither record nor register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. The Town is authorized to provide for the collection and securing a lien of any outstanding transfer fee. The Town shall have such remedies to collect said amount as provided by law with respect to the

collection of real property taxes. Failure to comply with this requirement shall not affect the validity of any instrument.

SECTION 5. Annual Report. The Town shall prepare and issue an annual report that (i) identifies fee receipts by payer category and unit type; and (ii) quantifies housing programs funded, including type and purpose.

SECTION 6. Severance Clause. The determination or declaration that any provision of this act is beyond the authority of the General Court or is preempted by law or regulation shall not affect the validity or enforceability of any other provisions.

SECTION 7. This Act shall take effect on passage.

(Requested by the Selectboard)

Majority Vote Required.

Recommendations:

Selectboard:

Insert Yes - 5, No - 0, Abstain - 0.

Recommend Yes - 5, No - 0, Abstain - 0.

SUMMARY: This home rule petition establishes a real estate transfer fee within the Town of Wellfleet. The income generated by this fee will solely fund small capital projects and housing in the town. Wellfleet needs as many funding sources as possible to address our housing crisis. This fee is assessed on the sale of a property 120% over the median home value and excludes transfers between family members or beneficiaries of estates. Only the sale value over 120% of the median would be subject to the fee. This fee creates a modest but consistent source of revenue of approximately \$250,000 in a typical year and is sorely needed to start addressing Wellfleet’s housing issues. The median sale price in of a single-family home in Wellfleet was \$940,000 in 2022.

SECTION VI: STANDARD ANNUAL ARTICLES

Voted on together as part of a consent agenda

ARTICLE NO. 23 - 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:

Insert Yes - 0, No - 0, Abstain - 0.

Recommend Yes - 0, No - 0, Abstain - 0.

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. 24 - 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:

Insert Yes - 0, No - 0, Abstain - 0.

Recommend Yes - 0, No - 0, Abstain - 0.

SECTION VII: STANDARD CLOSING ARTICLES

ARTICLE NO. 25 - 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

Recommendations:

Selectboard:

Insert Yes - 0, No - 0, Abstain - 0.

Recommend Yes - 0, No - 0, Abstain - 0.

ARTICLE NO. 26 - OTHER BUSINESS:

To act on any other business that may legally come before the meeting.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert Yes - 0, No - 0, Abstain - 0.

Recommend Yes - 0, No - 0, Abstain - 0.

ANNUAL TOWN ELECTION WARRANT

Monday April 29, 2024

The Commonwealth of Massachusetts

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

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet at the **WELLFLEET ADULT COMMUNITY CENTER, 715 OLD KING'S HIGHWAY in Wellfleet on Monday the 29th day of April, 2024, between twelve o'clock noon and seven o'clock p.m.**, then and there to vote for the election of the following Town officer: one Moderator for one year; two for Selectboard for three years; one for the Wellfleet Elementary School Committee for three years; two for the Board of Library Trustees for three years; ; one for the Board of Library Trustees for one year; one for the Cemetery Commission one for three years; one for the Housing Authority for five years. Also, to vote on the following questions:

Question 1: XXX

Majority Vote Required

2024 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 do return of these warrants with your doings thereon, to the Town Clerk, at the time and place of said meetings.

Given under our hands this ___rd day of _____ 2024.

Wellfleet Selectboard

Barbara Carboni, Chair

John A. Wolf, Vice Chair & Clerk

Ryan Curley, Member

Timothy Sayre, Member

Michael F. DeVasto, Member

Constable's Return of Service

I have served the foregoing warrant by posting attested copies thereof in the Post Office in Wellfleet and the Post Office in South Wellfleet in the Town on _____, which is at least seven (14) days before the date of said meeting, as within directed.

Date: _____

Constable: _____

APPENDIX A
(BUDGET DETAIL)



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: February 29, 2024



ADJOURNEMENT

REQUESTED BY:	Selectboard Chair Barbara Carboni
DESIRED ACTION:	To Adjourn the meeting
PROPOSED MOTION:	I move to adjourn
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____