



## Wellfleet Selectboard

### **Note: Start Time of 6pm**

The Wellfleet Selectboard will hold a public meeting on **Tuesday, May 21, 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](https://www.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

*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.*

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### **I. *Announcements and Public Comments***

**Note: Public comments are limited to no more than three minutes per speaker.**

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

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

**A.** Appointment of Joy Burghardt to the Conservation Commission for a term of three years.

**B.** Appointment of Patricia Taylor as an alternate member to the Wellfleet Energy & Climate Action Committee for a term of three years.

**C.** Reappointment of full-time police officers:

Matthew McGue

Christopher Greene

Tyler Legare

Jack Poska

Rachel Bunce

Jack Richards

- D. Reappointment of Special Police Officers ~ Appointment Period; July 1, 2024 – June 30, 2025.

Marc Spigel  
Ronald Fisette  
Jacob Berrick  
William Brazile

- III. ***Consent Agenda ~ Chair Carboni is recused from this item.***
  - A. Continued from the May 7, 2024, meeting; use of Gull Pond to have a story board along Gull Pond fencing ~ “The Adventures of Allie the Alewife.” From May 2024 to October 2024.
- IV. ***Police Appointments***
  - A. Appointment of Henry Lombard as a full time Police Officer
  - B. Appointment of Reilly Kannally as a full time police officer
- V. ***Public Hearings***
  - A. Application received April 29, 2024; Billingsgate Market (Maurice’s store); Christopher Ross; New Alcohol License.
  - B. To amend the Marina Regulation for the 2024 season closing date of October 15<sup>th</sup> and amend it to November 1<sup>st</sup> for the 2024 season Marina closing date.
  - C. To approve a special event alcohol license for beer and wine, September 20, 2024, from 5:30pm – 9:00pm, at the First Congregational Church, Wellfleet.
- VI. ***Board/Committee Appointments and Updates***
  - A. Interview and possible appointment of Robert Wagner as the Wellfleet representative for the Barnstable County Home Consortium.
- VII. ***Business***
  - A. Approval for the signing of Thomas Guerino’s Town Administrator Contract with the Town of Wellfleet
  - B. Approval for an auxiliary tent located in the parking lot of The Wellfleet Beachcomber, for food and alcohol service for the 2024 summer season.
  - C. Wellfleet Food Pantry ~ Discussion on the next location for the food pantry.
  - D. Wellfleet Ice Machine Update ~ Town Administrator
  - E. Update on Bound Brook Road ~ Jay Norton
  - F. Reorganization of leadership within the Selectboard
  - G. Set up a working meeting to establish goals ~ Town Administrator
- VIII. ***Selectboard Reports***
- IX. ***Town Administrator’s Report***
- X. ***Topics for Future Discussion***
- XI. ***Correspondence***
- XII. ***Minutes***
  - A. May 7, 2024
- XIII. ***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 article 19 or the right to free speech under article 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 Massachusetts General Laws Chapter 30A, § 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 a 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 others officer to remove the person from the meeting.

### Public Comment at Selectboard meetings

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

- Addressing the Board or public when not recognized by the Chair, whether at the microphone or in the audience.
- Interrupting a speaker who is 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: May 21, 2024

I

## ANNOUNCEMENTS AND PUBLIC COMMENTS

<b>REQUESTED BY:</b>	Wellfleet Selectboard
<b>DESIRED ACTION:</b>	Announcements to the board and public
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b><i>NOTE: Public comments are limited to no more than three minutes per speaker and be allowed to speak once during open comments.</i></b> The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____  Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

II

## CONSENT AGENDA

<b>REQUESTED BY:</b>	Various Parties
<b>DESIRED ACTION:</b>	To approve the following without objection
<b>SUMMARY:</b>	<b>I move to approve the following items with no objection:</b> <ul style="list-style-type: none"><li>• Appointment of Joy Burghardt to the Conservation Commission for a term of three years.</li><li>• Appointment of Patricia Taylor as an alternate member to the Wellfleet Energy &amp; Climate Action Committee as an alternate member for a term of three years.</li><li>• Reappointment of the following full-time officers: Matthew McGue                      Christopher Greene Taylor Legare                         Jack Poska Rachel Bunce                         Jack Richards</li><li>• Reappointment of Special Police Officers – July 1, 2024 – June 30, 2025 Marc Spigel                             Ronald Fisetle Jacob Berrick                             William Brazile</li></ul>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Conditions:
<b>VOTED:</b>	Yes _____ No _____ Abstain _____



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

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

FILL OUT THE FORM BELOW and mail it to:

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

Name Joy Burghardt Date 4/10/2024

Mailing Address 305 Goss Lane  
Wellfleet, MA

Phone (Home) \_\_\_\_\_ (cell) 3397933866

E-mail burghardtjoy@gmail.com

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

Extensive work with individuals with disabilities and underserved populations, Educational Administrator, Behavior Analyst,  
Experience working with State agencies such as Department of Mental Health, Dept of Developmental Services  
Experience in program development, job training, and working with Dept of Transitional Assistance.

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

Experience developing and leading youth and adult outreach programs  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Committees/Boards of Interest: 1) Recreation  
2) Cultural Council  
3) Conservation



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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

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

Name Patricia Taylor Date: April 18, 2024

Mailing Address PO Box 1755, North Eastham, MA 02651 (S. Wellfleet address: 6 Silver Spring Road)

Phone (Home) N/A cell 347-216-0867

E-mail patricia.taylor240@gmail.com

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

I have worked for three decades as an Off-Broadway theatre Managing Director and Financial Management consultant. Currently my work is part-time and all done remotely. My husband and I raised our family in New York City, but we have had a house in South Wellfleet since 1997 and now we split our time evenly between NYC and the Cape.

Volunteer work: I am a long-standing member of the NYC chapter of Citizens' Climate Lobby (focusing on national policies to address the climate crisis). I also donated my time at Wellfleet Preservation Hall, helping with financial tasks

and audit prep, for two years before opening and then for the first ten years of operation.

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

I have a B.A. from Vassar College, where I studied English and Economics and an M.F.A. from Columbia University in Theatre Management. My interest in renewable energy and the climate crisis is long-standing. Over the last seven years I have lobbied many times with Citizens' Climate Lobby, meeting with Federal and State representatives about supporting climate legislation. Last fall I read the Vineyard's climate action plan, "The Vineyard Way," and became interested in the work being done by Wellfleet's Energy & Climate Action Committee.

Committees/Boards of Interest:

Wellfleet Energy & Climate Action Committee

(I would like to volunteer as an Alternate)

Town of Wellfleet  
Police Department

May 1, 2024

To: Wellfleet Select Board  
From: Chief Kevin M. LaRocco

Subject: FULL TIME POLICE OFFICERS REAPPOINTMENT

Full time police officers require annual appointments for the first 5 years of their career, and thereafter they are tenured and require no further appointments.

I request the following individuals be reappointed as a Full Time Police Officer:

Appointment Period:            July 1, 2024 through June 30, 2025

<u>Officer:</u>	<u>Initial Appointment</u>
Matthew McGue	2/17/2020
Christopher Greene	2/14/2022
Tyler Legare	01/30/2023
Jack Poska	05/15/2023
Rachel Bunce	04/08/2024
Jack Richards	10/31/2023

Respectfully submitted for your information and consideration.

Kevin M. LaRocco,  
Chief of Police

cc: Tom Guerino, Town Administrator  
Jennifer Congel, Town Clerk



Town of Wellfleet  
Police Department

May 1, 2024

To: Wellfleet Select Board  
From: Chief Kevin M. LaRocco

Subject: SPECIAL POLICE OFFICERS REAPPOINTMENT

I request the following individuals be reappointed as a Special Police Officer:

Appointment Period:            July 1, 2024 through June 30, 2025

Marc Spigel

Ronald L. Fisette

Jacob Berrick

William Brazile

Respectfully submitted for your information and consideration.

Kevin M. LaRocco,  
Chief of Police

cc: Tom Guerino, Town Administrator  
Jennifer Congel, Town Clerk



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024



## CONSENT AGENDA

*Chair Carboni is recused from this item.*

~ A ~

<b>REQUESTED BY:</b>	Friends of the Herring River
<b>DESIRED ACTION:</b>	To approve the use of fencing along Gull Pond for a story walk
<b>PROPOSED MOTION:</b>	I move to approve the use of Gull Pond Fencing area for a story walk along the fence to tell the story of “Allie the Alewife” by Barbara Brennessel PhD. From May 2024 to October 2024.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667

Applicant Dale Rheault for Friends of Herring River  
Affiliation or Group Friends of Herring River  
Telephone Number 401-855-4001 Mailing Address 1580 Route 6 #5  
Wellfleet, MA 02667  
Email address drheault@herringriver.org

Town Property to be used (include specific area)  
The fencing along the parking area of Gull Pond

Date(s) and hours of use: May 22 - Oct 15, 2024

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

The purpose is to create a story walk or trail tale using "The Adventures of Allie the Akwife," a children's story written by Barbara Brennessel PhD. Each page of the book is laminated and mounted on a board and hangs on the show fencing with nylon cable ties. Visitors will learn about the Herring Run

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

none

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

Action by the Board of Selectmen:

Approved as submitted

Approved with the following condition(s):

Disapproved for following reason(s):

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

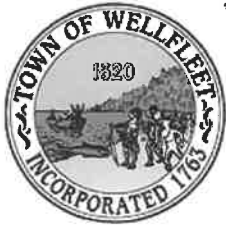
<b>Health/Conservation Agent:</b> <i>ok - Beth Pyles</i> Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b> <i>NIA</i> Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b> <i>ok - Deputy Chief Turner</i> Comments/Conditions:	<b>Fire Department:</b> <i>ok - Chief Pauley</i> Comments/Conditions:
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<b>DPW:</b> <i>ok - Jay Norton</i> Comments/Conditions	<b>Community Services Director:</b> <i>ok - Suzanne Thomas</i> Comments/Conditions:
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<b>Harbormaster:</b> <i>NIA</i> Comments/Conditions	<b>Shellfish:</b> <i>NIA</i> Comments/Conditions
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<b>Recreation:</b> <i>ok - Becky Rosenberg</i> Comments/Conditions	<b>Town Administrator:</b> <i>✓</i> Comments/Conditions
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## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

IV

### POLICE APPOINTMENTS

~ A ~

<b>REQUESTED BY:</b>	<b>Kevin LaRocco ~ Police Chief</b>
<b>DESIRED ACTION:</b>	<b>To approve the appointment of Henry Lombard as a full time Police Officer.</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the appointment of Henry Lombard as a full-time police officer subject to physical agility test, police academy application, background check, psychological evaluation and post application.</b>
<b>SUMMARY:</b>	<b>Thank you, Officer Lombard, for serving the Wellfleet community.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s): _____
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

Town of Wellfleet  
Police Department

May 21, 2024

To: Select Board  
From: Chief Kevin LaRocco

Subject: FULL TIME POLICE OFFICER APPOINTMENT

I request Henry Lombard be appointed as a Full Time Police Officer subject to the successful acceptance and subsequent completion of the Massachusetts Police Training Council Academy. Henry will be filling a current vacant position.

**Henry Lombard:**

Physical	Completed/Passed
Physical Agility Test	Pending
Police Academy Application	Pending
Background Check	Pending
Psychological Evaluation	Pending
POST Application	Pending

I recommend that Henry be appointed as above and that a conditional offer of employment be extended as follows:

- Pass a background investigation.
- Pass the Physical Agility Test (PAT test)
- Obtain or be able to obtain a MA license to carry a firearms permit (Class A)
- Complete the Full Time Police Academy
- Satisfactorily complete the Field Training program
- Satisfactory completion of one year of probation
- Satisfactory POST Commission certification

Respectfully submitted for your information and consideration.

Kevin LaRocco  
Chief of Police

cc: Tom Guerino, Acting Town Administrator

Police Officer Position; Full Time  Part Time

Communications Position; Full Time  Part Time

<b>WELLFLEET POLICE DEPARTMENT</b> <b>SUMMARY SHEET OF APPLICANT'S INFORMATION</b>
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Applicant's Name : Lombard Henry Blair  
(Last) (First) (Middle)

**The following information is a summary of information provided as part of a 10 page application packet. The entire application is available for your review if you so desire.**

<b>I PERSONAL HISTORY</b>
---------------------------

Address: \_\_\_\_\_  
(Number & Street)  
Yarmouthport MA 02675  
(City/Town) (State) (Zip)

<b>II EDUCATION</b>
---------------------

	School Name, Address and Phone Number	Graduated Yes/No	Number of Years Attended	Degree	Major
High School	Dennis Yarmouth Regional High School, 210 Station Ave, South Yarmouth, MA 02664	Yes	4	X	
Undergraduate	Johnson State College Cape Cod Community College	NO	1		
Graduate					
Other					

- b. Have you attended or are attending a Reserve Police Academy? Yes  No  If yes, give details to include completion date: \_\_\_\_\_
- c. Have you attended or are attending a Full Time Police Academy? Yes  No  If yes, give details to include completion date: \_\_\_\_\_
- d. Do you have a First Responder certificate? Yes  No  Exp. Date: \_\_\_\_\_
- e. Do you have a CPR certificate? Yes  No  Exp. Date: \_\_\_\_\_

f. List any special abilities, interests, sports, or hobbies along with degrees of proficiency:

\_\_\_\_\_

\_\_\_\_\_

g. List any special equipment or computer systems with which you have experience.

\_\_\_\_\_

**III EMPLOYMENT HISTORY**

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
4/2015	present	Lombard Painting 16 Lombard Way East Dennis, MA 02641			Henry Lombard Owner 508-385-6927
Reason for Leaving: Would like to be closer to family and are where she grew up.					

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
4/2010	8/2014	Banks Landscaping 45 Bakers Drive Harwich, MA 02639			John Banks 508-237-8007

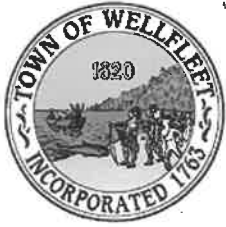
Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
9/2003	4/2010	Town of Dennis Transfer Station, 100 Theophilus F. Smith Road, South Dennis, MA 02660			Mike Smith 508-760-6230
Reason for Leaving: No chance for advancement.					

b. Have you ever been disciplined or forced to resign because of misconduct or unsatisfactory employment? Yes [  ] No [  ] If yes, give details:

\_\_\_\_\_

c. Are you eligible for rehire with each of your former employers? Yes [  ] No [  ] If no, please explain: \_\_\_\_\_





# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

IV

## POLICE APPOINTMENTS

~ B ~

<b>REQUESTED BY:</b>	<b>Kevin LaRocco ~ Police Chief</b>
<b>DESIRED ACTION:</b>	<b>To approve the appointment of Reilly Kannally as a full-time police officer.</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve appointment of Reilly Kannally as a full-time police officer subject to physical agility test, police academy application, background check, psychological evaluation, and post application. Thank you, Officer Kannally, for serving the Wellfleet community.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition (s):
<b>VOTED:</b>	

Town of Wellfleet  
Police Department

May 21, 2024

To: Select Board  
From: Chief Kevin LaRocco

Subject: FULL TIME POLICE OFFICER APPOINTMENT

I request Reilly Kannally be appointed as a Full Time Police Officer subject to the successful acceptance and subsequent completion of the Massachusetts Police Training Council Academy. Reilly will be filling a current vacant position.

**Reilly Kannally:**

Physical	Completed/Passed
Physical Agility Test	Passed/Dennis PD
Police Academy	Graduated/Dennis PD
Background Check	Completed/Passed
Psychological Evaluation	Completed/Passed
POST Commission Certified	Passed

I recommend that Reilly be appointed as above and that a conditional offer of employment be extended as follows:

- Satisfactorily complete the Field Training program.
- Satisfactory completion of one year of probation.

Respectfully submitted for your information and consideration.

Kevin LaRocco  
Chief of Police

cc: Tom Guerino, Town Administrator



f. List any special abilities, interests, sports, or hobbies along with degrees of proficiency:

Hunting, Fishing, shooting, motorcycles

g. List any special equipment or computer systems with which you have experience.

IMC, CJIS

**III EMPLOYMENT HISTORY**

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
1/2020	present	Dennis Police Department 90 Bob Crowell Road South Dennis, MA 02660			Sgt. Nick Patsavos (508) 451-8145
Reason for Leaving: Would like to be closer to family and are where she grew up.					

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
11/2015	11/2020	United States Marine Corps			Captain Walsh (479) 295-0997

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
5/2014	3/2015	Goose Hummock			Phil Howarth (508) 241-1137
Reason for Leaving: Joined the Unites States Marine Corps					

b. Have you ever been disciplined or forced to resign because of misconduct or unsatisfactory employment? Yes [ ] No [ XX ] If yes, give details.

\_\_\_\_\_

c. Are you eligible for rehire with each of your former employers? Yes [ XX ] No [ ] If no, please explain: \_\_\_\_\_



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024



## PUBLIC HEARINGS

~ A ~

<b>REQUESTED BY:</b>	<b>Billingsgate Market ~ Christopher Ross</b>
<b>DESIRED ACTION:</b>	<b>To approve the application for a new Beer and Malt Alcohol Seasonal License</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the new application received April 29, 2024, from Billingsgate Market, Christopher Ross for a new Beer and Malt Seasonal License.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET  
PUBLIC HEARING

Notice is hereby given that the Wellfleet Selectboard will hold a public hearing on Tuesday, May 21, 2024, at 6:00p.m. virtually and in person via zoom and at the Wellfleet Adult Community Center (715 Old King's Highway) to decide the following:

- Application received April 29, 2024; from Billingsgate Market, Christopher Ross; for a new Alcohol License to serve Beer and Malt Beverages Seasonally.

WELLFLEET SELECTBOARD

Join Zoom Meeting

<https://us02web.zoom.us/j/85689604806?pwd=blp1VFFBZzViQ0xNWkZKMm9iMVdrdz09>

Meeting ID: 856 8960 4806

Passcode: 611877

Dial by your location

- +1 929 205 6099 US (New York)

## Payment Confirmation

### YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

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



**Transaction Processed Successfully.**

**INVOICE #: 72bff54e-aaea-404f-a411-9b423e1a6df1**

Description	Applicant, License or Registration Number	Amount
FILING FEES-RETAIL	Billingsgate Market	\$200.00
		<b>\$200.00</b>

**Total Convenience Fee: \$4.70**

**Date Paid: 4/26/2024 10:43:01 AM EDT**

**Total Amount Paid: \$204.70**

#### Payment On Behalf Of

**License Number or Business Name:**  
Billingsgate Market

**Fee Type:**  
FILING FEES-RETAIL

#### Billing Information

**First Name:**  
Chris

**Last Name:**  
Ross

**Address:**  
80 us 6

**City:**  
wellfleet

**State:**  
MA

**Zip Code:**  
02667

**Email Address:**  
cmrjd33@gmail.com

## NEW LICENSE

To apply for an alcoholic beverages retail license, you will need the following:

- **\$200 Fee** paid online through our online payment link: [ABCC PAYMENT WEBSITE](#)
- **Monetary Transmittal Form**
- **New Retail Application**
- **Manager Application**
- **Vote of the Entity**
- **Business Structure Documents**
  - If Sole Proprietor, **Business Certificate**
  - If partnership, **Partnership Agreement**
  - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
- ✂ • **CORI Authorization Form** Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
- ✓ • **Proof of Citizenship** for the proposed Manager of Record.
  - **Supporting Financial Records** for all financing and or loans, including pledge documents, if applicable.
- ✓ • **Legal Right to Occupy**, a lease or deed.
- ✓ • **Floor Plan**
- **Abutter's Notification**
- **Advertisement**
- **Additional information, if necessary, utilizing the formats provided and or any affidavits.**
- **Management Agreement**, if applicable, requires the following:
  - Management Agreement Application
  - Management Agreement
  - Vote of the Entity
  - CORI Forms for all listed in Section 11 and attachments

*Please Note: You may be requested to submit additional supporting documentation if necessary.*





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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
 MONETARY TRANSMITTAL FORM

APPLICATION FOR A NEW LICENSE

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

ECRT CODE: RETA

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

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

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

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

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

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

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



Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, MA 02150

JEAN M. LORIZIO, ESQ.  
CHAIRMAN

CORI REQUEST FORM

The Alcoholic Beverages Control Commission ("ABCC") has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information ("CORI"). For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

**ABCC LICENSE INFORMATION**

ABCC NUMBER:  LICENSEE NAME:  CITY/TOWN:

(IF EXISTING LICENSEE)

**APPLICANT INFORMATION**

LAST NAME:  FIRST NAME:  MIDDLE NAME:

MAIDEN NAME OR ALIAS (IF APPLICABLE):  PLACE OF BIRTH:

DATE OF BIRTH:  SSN:  ID THEFT INDEX PIN (IF APPLICABLE):

MOTHER'S MAIDEN NAME:  DRIVER'S LICENSE #:  STATE LIC. ISSUED:

GENDER:  HEIGHT:   WEIGHT:  EYE COLOR:

CURRENT ADDRESS:

CITY/TOWN:  STATE:  ZIP:

FORMER ADDRESS:

CITY/TOWN:  STATE:  ZIP:

**PRINT AND SIGN**

PRINTED NAME:  APPLICANT/EMPLOYEE SIGNATURE:

**NOTARY INFORMATION**

On this  before me, the undersigned notary public, personally appeared

(name of document signer), proved to me through satisfactory evidence of identification, which were

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

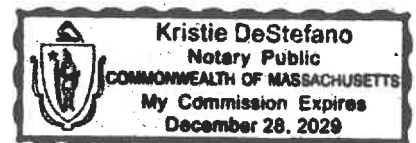
NOTARY

**DIVISION USE ONLY**

REQUESTED BY:

SIGNATURE OF CORI-AUTHORIZED EMPLOYEE

The DCJ Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft PIN Number by the DCJ. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCJ via mail or by fax to (617) 660-4614.





Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, MA 02150

JEAN M. LORIZIO, ESQ.  
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**CORI REQUEST FORM**

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**ABCC LICENSE INFORMATION**

ABCC NUMBER: <small>(IF EXISTING LICENSEE)</small>		LICENSEE NAME:		CITY/TOWN:	
---	--	----------------	--	------------	--

**APPLICANT INFORMATION**

LAST NAME:	Reeves	FIRST NAME:	Wendy	MIDDLE NAME:	Catherine
MAIDEN NAME OR ALIAS (IF APPLICABLE):	Sugg	PLACE OF BIRTH:	Boston, MA		
DATE OF BIRTH:	07/16/1981	SSN:	[REDACTED]	ID THEFT INDEX PIN (IF APPLICABLE):	
MOTHER'S MAIDEN NAME:	O'Hazo	DRIVER'S LICENSE #:	[REDACTED]	STATE LIC. ISSUED:	MA
GENDER:	Female	HEIGHT:	5' 3"	WEIGHT:	130
		EYE COLOR:	Hazel		
CURRENT ADDRESS:	605 Old Kings Hwy				
CITY/TOWN:	Wellfleet	STATE:	MA	ZIP:	02667
FORMER ADDRESS:	200 Cove View Road				
CITY/TOWN:	Wellfleet	STATE:	MA	ZIP:	02667

**PRINT AND SIGN**

PRINTED NAME:	Wendy C. Reeves	APPLICANT/EMPLOYEE SIGNATURE:	<i>Wendy C. Reeves</i>
---------------	-----------------	-------------------------------	------------------------

**NOTARY INFORMATION**

On this April 26, 2024 before me, the undersigned notary public, personally appeared Wendy Reeves  
(name of document signer), proved to me through satisfactory evidence of identification, which were Drivers License  
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

*[Signature]*  
NOTARY

**DIVISION USE ONLY**

REQUESTED BY:	
	<small>SIGNATURE OF CORI-AUTHORIZED EMPLOYEE</small>

The DCJ Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identify Theft PIN Number by the DCJ. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCJ via mail or by fax to (617) 660-4624.



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

APPLICATION FOR A NEW LICENSE

Municipality

**1. LICENSE CLASSIFICATION INFORMATION**

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="OFF"/>	<input type="text" value="Beer &amp; Malt"/>	<input type="text" value="Seasonal"/>	<input type="text"/>

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

*This is a market that will serve deli sandwiches and Beer & Wine to be drunk off premises*

Is this license application pursuant to special legislation?  Yes  No Chapter  Acts of

**2. BUSINESS ENTITY INFORMATION**

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

Entity Name  FEIN

DBA  Manager of Record

Street Address

Phone  Email

Alternative Phone  Website

**3. DESCRIPTION OF PREMISES**

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

*The market is one floor with a basement. Two rooms on 1st floor.*

Total Square Footage: <input type="text" value="1,600"/>	Number of Entrances: <input type="text" value="2"/>	Seating Capacity: <input type="text" value="0"/>
Number of Floors: <input type="text" value="1"/>	Number of Exits: <input type="text" value="5"/>	Occupancy Number: <input type="text" value="30"/>

**4. APPLICATION CONTACT**

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:  Phone:

Title:  Email:

**APPLICATION FOR A NEW LICENSE**

**5. CORPORATE STRUCTURE**

Entity Legal Structure	<input type="text" value="LLC"/>	Date of Incorporation	<input type="text" value="July 21&lt;sup&gt;st&lt;/sup&gt;, 2023"/>
State of Incorporation	<input type="text" value="MA"/>	Is the Corporation publicly traded?	<input type="radio"/> Yes <input checked="" type="radio"/> No

**6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST**

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

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

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Chris Ross"/>	<input type="text" value="20 CROSS CART WAY"/>	<input type="text" value="REDACTED"/>	<input type="text" value="09-02-1971"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="OWNER/manager"/>	<input type="text" value="50%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="WENDY Reeves"/>	<input type="text" value="605 Old Kings Hwy"/>	<input type="text" value="REDACTED"/>	<input type="text" value="07-16-1981"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="OWNER/manager"/>	<input type="text" value="50%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached?  Yes  No

**CRIMINAL HISTORY**

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

Yes  No

## APPLICATION FOR A NEW LICENSE

### 6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

### 6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

### 6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

## 7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name Julie Simpson

Landlord Phone 617-691-7201

Landlord Email JulieSimpson414@gmail.com  
stay@americascampground.com

Landlord Address P.O. Box 1914 Wellfleet, MA 02667

Lease Beginning Date 06/01/2023

Rent per Month 3,888.00

Lease Ending Date 11/30/2026

Rent per Year 35,000.00

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes  No

**APPLICATION FOR A NEW LICENSE**

**8. FINANCIAL DISCLOSURE**

A. Purchase Price for Real Estate	<input type="text"/>
B. Purchase Price for Business Assets	<input type="text"/>
C. Other * (Please specify below)	\$100,000.00
D. Total Cost	\$100,000.00

\*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

**SOURCE OF CASH CONTRIBUTION**

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Chris Ross	\$50,000.00
Wendy Reeves	\$50,000.00
Total:	\$100,000.00

**SOURCE OF FINANCING**

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

**FINANCIAL INFORMATION**

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

*Our personal investments of \$150,000 each to cover start up costs, rent, renovations, ect...*

**9. PLEDGE INFORMATION**

Please provide signed pledge documentation.

Are you seeking approval for a pledge?  Yes  No

Please indicate what you are seeking to pledge (check all that apply)  License  Stock  Inventory

To whom is the pledge being made?

# SEAMEN'S BANK

## Deposit Accounts Balances Summary

Report Created: 04/26/2024 10:02:25 AM (ET)

Account: All Accounts

Date Range: 04/13/2024 to 04/26/2024

As of Date	Account Number/Description	Ledger Balance	Accessible Balance	Total Credits	Total Debits	Average Ledger Balance Ctd	Current Balance
<b>Checking Accounts</b>							
04/26/2024 10:02 AM (ET)	*7186 OPERATING		\$6,016.94				\$10,491.94
04/25/2024	*7186 OPERATING	\$10,491.94	\$10,491.94	\$0.00	\$0.00	\$1,316.00	
04/24/2024	*7186 OPERATING	\$10,491.94	\$10,491.94	\$10,000.00	\$0.00	\$933.00	
04/23/2024	*7186 OPERATING	\$491.94	\$491.94	\$0.00	\$0.00	\$518.00	
04/22/2024	*7186 OPERATING	\$491.94	\$491.94	\$0.00	\$0.00	\$519.00	
04/19/2024	*7186 OPERATING	\$491.94	\$491.94	\$0.00	\$0.00	\$520.00	
04/18/2024	*7186 OPERATING	\$491.94	\$491.94	\$0.00	\$0.00	\$525.00	
04/17/2024	*7186 OPERATING	\$491.94	\$491.94	\$0.00	\$130.00	\$527.00	
04/16/2024	*7186 OPERATING	\$621.94	\$621.94	\$0.00	\$0.00	\$529.00	
04/15/2024	*7186 OPERATING	\$621.94	\$621.94	\$0.00	\$0.00	\$523.00	



# 10. MANAGER APPLICATION

## A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name  Date of Birth  SSN

Residential Address

Email  Phone

Please indicate how many hours per week you intend to be on the licensed premises

## B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?\*  Yes  No \*Manager must be a U.S. Citizen  
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?  Yes  No  
If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

## C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
05/1991	09-2023	Food operations manager	BeachSide Management	Dan Murray

## D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action?  Yes  No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date

# 11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?  
If yes, please fill out section 11.

Yes  No

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

**IMPORTANT NOTE:** A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

## 11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name  Address  Phone

Name of Principal  Residential Address  SSN  DOB

Title and or Position  Percentage of Ownership  Director  Yes  No US Citizen  Yes  No MA Resident  Yes  No

Name of Principal  Residential Address  SSN  DOB

Title and or Position  Percentage of Ownership  Director  Yes  No US Citizen  Yes  No MA Resident  Yes  No

Name of Principal  Residential Address  SSN  DOB

Title and or Position  Percentage of Ownership  Director  Yes  No US Citizen  Yes  No MA Resident  Yes  No

Name of Principal  Residential Address  SSN  DOB

Title and or Position  Percentage of Ownership  Director  Yes  No US Citizen  Yes  No MA Resident  Yes  No

### CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?  
If yes, attach an affidavit providing the details of any and all convictions.

Yes  No

## 11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

### LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

**11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 11A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

**11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT**

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

**11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

**11F. TERMS OF AGREEMENT**

- a. Does the agreement provide for termination by the licensee? Yes  No
- b. Will the licensee retain control of the business finances? Yes  No
- c. Does the management entity handle the payroll for the business? Yes  No

d. Management Term Begin Date  e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

- \$ per month/year (indicate amount)
- % of alcohol sales (indicate percentage)
- % of overall sales (indicate percentage)
- other (please explain)

**ABCC Licensee Officer/LLC Manager**

Signature:   
Title:   
Date:

**Management Agreement Entity Officer/LLC Manager**

Signature:   
Title:   
Date:

## **ADDITIONAL INFORMATION**

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

**APPLICANT'S STATEMENT**

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

of MSRC LLC  
Name of the Entity/Corporation

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

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

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

Signature: Christopher M Ross

Date: 4/24/2024

Title: OWNER

**ENTITY VOTE**

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

For the following transactions (Check all that apply):

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

“VOTED: To authorize   
Name of Person

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

“VOTED: To appoint   
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts.”

A true copy attest,

For Corporations ONLY

A true copy attest,

\_\_\_\_\_  
Corporate Officer /LLC Manager Signature

\_\_\_\_\_  
Corporation Clerk's Signature

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Print Name)

## ADDENDUM A

### 6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name

Percentage of Ownership in Entity being Licensed  
(Write "NA" if this is the entity being licensed)

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

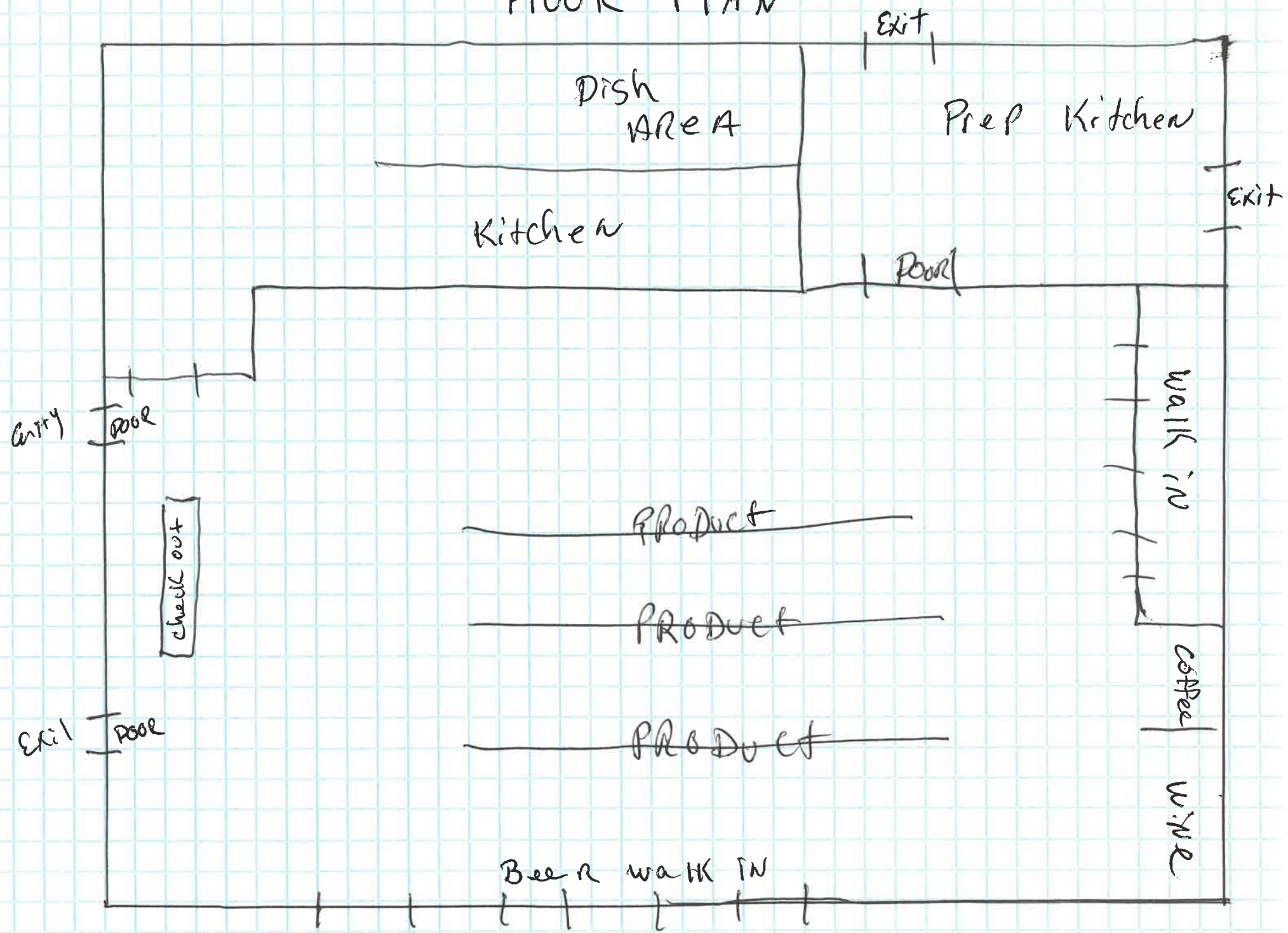
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

#### CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?  
If yes, attach an affidavit providing the details of any and all convictions.

Yes  No

# FLOOR PLAN







*The Commonwealth of Massachusetts*  
*Secretary of the Commonwealth*  
*State House, Boston, Massachusetts 02133*

William Francis Galvin  
Secretary of the  
Commonwealth

February 9, 2024

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of organization of a Limited Liability Company was filed in this office by

**MSRC LLC**

in accordance with the provisions of Massachusetts General Laws Chapter 156C on **July 21, 2023.**

I further certify that said Limited Liability Company has filed all annual reports due and paid all fees with respect to such reports; that said Limited Liability Company has not filed a certificate of cancellation; that there are no proceedings presently pending under the Massachusetts General Laws Chapter 156C, § 70 for said Limited Liability Company's dissolution; and that said Limited Liability Company is in good standing with this office.

I also certify that the names of all managers listed in the most recent filing are: **CHRIS ROSS**

I further certify, the names of all persons authorized to execute documents filed with this office and listed in the most recent filing are: **CHRIS ROSS, WENDY REEVES**

The names of all persons authorized to act with respect to real property listed in the most recent filing are: **CHRISTOPHER ROSS**



In testimony of which,

I have hereunto affixed the

Great Seal of the Commonwealth

on the date first above written.

*William Francis Galvin*

Secretary of the Commonwealth

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Name	Address
SOC SIGNATORY	WENDY REEVES	80 ROUTE 6 WELLFLEET, MA 02667 USA

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Name	Address
REAL PROPERTY	CHRISTOPHER ROSS	80 ROUTE 6 WELLFLEET, MA 02667 USA

9. Additional matters:

10. This certificate is effective at the time and on the date approved by the Division, unless a later effective date not more than ninety (90) days from the date of filing is specified:

Later Effective Date (mm/dd/yyyy): \_\_\_\_\_ Time (HH:MM) \_\_\_\_\_

SIGNED UNDER THE PENALTIES OF PERJURY, this 21 Day of July, 2023,

CHRISTOPHER ROSS

, Signature of Authorized Signatory.

The Commonwealth of Massachusetts, William Francis Galvin  
**Corporations Division**

One Ashburton Place - Floor 17, Boston MA 02108-1512 | Phone: 617-727-9640

**Certificate of Organization**

(General Laws, Chapter 156C, Section 12)

Filing Fee: \$500.00

Identification Number: 001678085 (number will be assigned)

1. The exact name of the limited liability company is:

MSRC LLC

2. The address in the Commonwealth where the records will be maintained:

Number and street: 80 ROUTE 6

Address 2:

City or town: WELFLEET State: MA Zip code: 02667

Country: UNITED STATES

3. The general character of business (if the limited liability company is organized to render professional service, this form must be filed by fax, mail or in person):

DELI, MARKET

4. The latest date of dissolution, if specified: (mm/dd/yyyy)

5. The name and address of the Resident Agent:

Agent name: CHRISTOPHER ROSS

Number and street: 20 CROSS CART WAY

Address 2:

City or town: EASTHAM State: MA Zip code: 02642

I CHRISTOPHER ROSS,

resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Name	Address
MANAGER	CHRIS ROSS	80 ROUTE 6 WELFLEET, MA 02667 USA



*The Commonwealth of Massachusetts*  
*Secretary of the Commonwealth*  
*State House, Boston, Massachusetts 02133*

**William Francis Galvin**  
Secretary of the  
Commonwealth

Date: February 09, 2024

To Whom It May Concern :

I hereby certify that a certificate of organization of Limited Liability Company was filed in this office by

**MSRC LLC**

in accordance with the provisions of Massachusetts General Laws Chapter 156C, on  
**July 21, 2023.**

I further certify that said Limited Liability Company has not filed a certificate of cancellation; that there are no proceedings presently pending under the Massachusetts General Laws Chapter 156C, § 70 for said Limited Liability Company's dissolution; and that, so far as appears of record, said Limited Liability Company has legal existence.



In testimony of which,  
I have hereunto affixed the  
Great Seal of the Commonwealth  
on the date first above written.

*William Francis Galvin*

Secretary of the Commonwealth

Certificate Number: 24020180890

Verify this Certificate at: <https://corp.sec.state.ma.us/corpweb/Certificates/Verify.aspx>

Processed by:



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

mass.gov/dor

Letter ID: L024437760  
Notice Date: February 9, 2024  
Case ID: 0-002-311-731



## CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



MSRC LLC  
80 STATE HWY RTE 6 BLDG 80  
WELLFLEET MA 02667-8141

960000

### *Why did I receive this notice?*

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

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

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

### *What if I have questions?*

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

### *Visit us online!*

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

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

Edward W. Coyle, Jr., Chief  
Collections Bureau

## MANAGEMENT AGREEMENT

This Management Agreement (the "Agreement") dated as of June 30, 2023 (the "Effective Date") is by and between JLS Adventures, LLC, a Massachusetts limited liability company doing business as Maurice's Campground, located at 80 State Hwy RT 6, Wellfleet, MA, 02667 (hereinafter referred to as "Operator"), and MSCR, LLC, a Massachusetts limited liability company (the "Manager").

WHEREAS, Operator has entered into that certain Agreement of Lease dated as of April 7, 2023 (the "Campground Lease"), with the Town of Wellfleet pursuant to which Operator is leasing the premises known as 80 State Highway, Wellfleet, MA (the "Campground") and the related business operated thereon known as "Maurice's Campground".

WHEREAS, the Operator desires to engage the Manager to manage the convenience store located at the Campground and known as "Maurice's Market" (the "Market"), and to in connection therewith to sublease a portion of the Campground consisting of the building in which the Market is located, together with the surrounding property of the Market (east to west) from the front of the propane filling station not including the propane filling station to State Hwy RT 6 and (north to south) from the south side of the campground driveway to 100' (one hundred feet) from the southernmost most side of the Market or the southernmost property line of the Campground or whichever is closer (the "Market Premises").

NOW THEREFORE, the parties agree as follows:

### Management.

Manager shall sublease the Market Premises and manage the Market located thereon and known as Maurice's Market, such management to be consistent with the prior operation of the Market.

### Term.

The initial term of this Agreement shall commence on June 30, 2023 (the "Commencement Date") and expire on March 2, 2026, said term being consistent with the term of the Campground Lease. The Manager shall have the right to renew the term for an additional three year term, subject to the Operator's exercise of its option to renew its term under the Campground Lease, such option to extend to be exercised ninety (90) days prior to the expiration of the term. Thereafter, the Manager shall have further options to renew consistent with the renewal terms granted to the Operator pursuant to the Campground Lease.

Payments to Operator: As consideration for Manager being granted the right to manage the Market and sublease the Market Premises, Manager shall pay Operator monthly on the first day of each month based upon a seasonal base of \$35,000.00 per five month season, from June first through October 31<sup>st</sup>. During the first year of the term, Manager shall pay Operator a monthly fee of \$7,000.00. In each successive year, the monthly fee paid by Manager shall increase by 5%, consistent with Operators increase in the Lease with the town. In the event that the Market Premises are operated on an annual rather than seasonal basis, the parties agree to revisit the payment schedule, but not the amount.

### Manager Responsibilities:

Manager shall have decision-making authority in the day-to-day operation, direction, management and supervision of the Market. Manager's obligations shall include:

- (a) Hiring, training, compensation, supervision and termination of Market personnel, and determining the number of staff required.
- (b) All individuals(s) or employee(s) used by the Manager to provide services hereunder shall be deemed Manager's agents or employee(s) and such individual(s) shall not be considered employees, agents, or subcontractors of Operator for any purpose whatsoever. Manager shall be liable for payment of their compensation and for any all tax and legal obligations, including but not limited to withholding and reporting of income and social security taxes, contributing to social security and unemployment taxes and obtaining customary levels of worker's compensation insurance.
- (c) the creation of Market menus, alcohol selections/lists, retail, rental, apparel and the pricing of the same and the setting dress codes for the Market operations;
- (d) maintaining and operating the Market operations in accordance with local and state safety, health, sanitation, and food handling codes and regulations. Manager shall be responsible for all surface and sanitation cleaning of kitchen, equipment, areas of operation. As to matters relating to the operation or management of the Market which are not provided for in this Agreement, Manager shall consider in good-faith Operator's reasonable observations and requests with respect thereto, provided that Operator shall not make any such requests which would be inconsistent with Campground policies and standards. At Operator or Manager request, Operator and Manager shall meet to discuss such observations and requests;
- (e) purchasing and maintaining inventory of food, beverages (including without limitation, wine and beer) and operating supplies.
- (f) Manager shall pay all invoices for Market goods or services ordered by Manager in relation to Manager's responsibilities, within thirty days of receipt of invoice, unless Manager is disputing in good faith, the amount of validity of any such invoice. If Manager is disputing any such invoice, a copy of the disputed invoice and letter of explanation shall be provided to Operator, and Manager shall deposit with Operator in reserve the amount of such invoice, which amount shall be released to Manager upon final disposition of such dispute and payment in full of the then agreed amount of such invoice. In addition, if any mechanic's lien or materialmen's lien is filed against the Manager and/or Operator by reason of any claim relating to the food and beverage operations, then within 10-days after filing thereof, Manager shall cause same to be discharged of record by filing the necessary bond or otherwise.
- (g) compliance with all necessary licenses and permits as required with local, state, and federal regulations. Manager shall not take any actions which could jeopardize or otherwise adversely affect any of such licenses and permits and at all times shall manage and operate the Market operations in accordance with such conditions and other applicable laws;
- (h) applying sound administrative, accounting, cash management, budgeting, operational, sales, personnel, and purchasing policies and practices in accordance with the terms of this Agreement;
- (i) notifying the Operator if it has actual knowledge relating to, and promptly forwarding to the Operator any notices or other communications it delivers or receives with respect to: (1) the occurrence of damage or destruction to the Market Premises, (ii) any litigation, claim or proceeding affecting Operator or the operation of the Market, and any written threat to institute any of the same which is likely to give rise to any such litigation, claim, or proceeding; (iii) any notice of violation (or alleged violation) of any law relating to the Market which could expose the Operator, its employees, members and guests.

Manager's Compensation.

As consideration for the services performed by the Manager during the term hereof, Manager shall be entitled to retain one hundred percent (100%) of all revenues generated by the Market, net of the payment of all expenses related to the operation of the Market and the Market Premises.

Delivery of Market Premises.

The Market Premises will be delivered to the Manager in "as is" condition, with the exception that Operator represents that the equipment, to the best of its' knowledge, is in good working order. Manager shall be responsible for costs for general upkeep, performance, and regular maintenance of existing food service equipment consistent with "normal" day-to-day operations.

Limitation of Manager's Authority

It is understood and agreed that Manager and its employees, agents and officers are engaged as independent contractors, on an exclusive basis, and not as employees or authorized agents of the Operator and shall not represent themselves to be employees or authorized agents of the Campground. Further, neither Manager nor its employees, agents or officers shall have any authority to enter into any contracts or binding commitments in the name of or on behalf of Operator.

Utilities. Manager shall pay or cause to be paid all expenses of heat, light, and gas (utilities) for the Market Premises.

Insurance.

Manager covenants and agrees, at its sole cost and expense, throughout the duration of this Agreement, to obtain, keep and maintain in full force and effect for the mutual benefit of Operator, and Manager:

- General Liability:                   \$2,000,000 General aggregate, combined single limit  
   \$1,000,000 Bodily Injury & Property Damage  
   \$1,000,000 Personal Injury
- Liquor/Dram Shop Liability:   \$1,000,000 per person / \$2,000,000 per accident
- Employee Liability:               \$1,000,000 each accident  
   \$1,000,000 disease – policy limit  
   \$1,000,000 disease – each employee Workers Compensation:

With minimum liability limits as required by statute.

Worker's Compensation:       as required by the Commonwealth of Massachusetts

For each of the above policies, Manager shall cause each to be endorsed to name the Town of Wellfleet, as additional insured and to provide that the policy issuer shall give at least 30-days prior written notice to Operator of cancellation, non-renewal or material reduction in coverage or



material amendment of the policy. Manager represents, covenants, and warrants to Operator that the aforesaid insurance coverage is and will continue to be in full force and effect during the term of this Agreement. The insurance policy or policies evidencing the foregoing coverage shall be written by an insurance company or companies with a Best Rating A or better and authorized to contract business in the Commonwealth of Massachusetts. Manager shall provide Operator with a certificate of insurance on an ACORD form satisfactory to Operator evidencing each of the foregoing insurance coverages prior to the inception of this Agreement.

#### Sales & Use Tax

Manager shall collect all federal, state, and local sales taxes on or with respect to the sales of food and beverage and other products or services performed under this Agreement. The collection and disbursement of tax proceeds shall be paid by the Manager.

#### Indemnity

Manager shall indemnify and hold Operator, its subsidiaries and affiliates, and the directors, officers, employees, trustees, agents and representatives of each thereof, harmless against any and all liabilities, claims, causes of action, fines, judgements, settlements, costs, expenses, penalties, losses or damages whatsoever of any kind or nature (including without limitation court costs and reasonable attorneys' fees) resulting or arising from or relating to Manager's actions and operations, in whole or in part, as described herein, including but not limited to any and all claims arising out of the sale of alcohol.

Operator shall indemnify and hold Manager, its subsidiaries and affiliates, and the directors, officers, employees, trustees, agents and representatives of each thereof, harmless against any and all liabilities, claims, causes of action, fines, judgements, settlements, costs, expenses, penalties, losses or damages whatsoever of any kind or nature (including without limitation court costs and reasonable attorneys' fees) resulting or arising from or relating to acts of the Operator arising out of the operation of the Campground.

#### Termination

This Agreement may be terminated (a) by Manager in whole or in part at any time either with or without cause upon 30-days prior written notice to Operator; (b) at any time by either party upon material breach of this Agreement by the other party which breach is not cured within 15-days after receipt of written notice thereof by the other party; (c) immediately by the Operator for cause as defined below; (d) immediately by Operator upon notice of termination of the Campground Lease; or (e) immediately by the Operator if Manager is unable, or shall admit its inability, to pay its debts to Operator or third party vendors as they become due.

For the purposes of this Agreement, "cause" shall include, without limitation (i) failure by the Manager to comply with applicable policies of Operator after notice to Manager and Manager has failed to cure the activities in contravention of Operator policies for a period of 10 days; or in contravention of local, state and/or federal health and/or safety statutes, codes, and/or regulations for a period of 30 days, (ii) the perpetuation of, or participation in, financial misdealing, and (iii) for other loss or damage to the Campground, its employees, directors, officers, members, and guests arising from the gross negligence, willful misconduct or bad faith on the part of Manager.

Surrender. Upon the expiration of this Agreement, or upon any earlier termination, Manager shall quit and surrender possession of the Market Premises to Operator in as good order and condition, and shall, without expense to Operator, remove or cause to be removed from the Market Premises all debris and rubbish.

Governing Law. This Agreement shall be governed by and construed in accordance with the laws of The Commonwealth of Massachusetts.

[Signature page follows.]

IN WITNESS WHEREOF, the Owner and the Manager have each caused these presents to be executed by its proper corporate officer, and its corporate seal hereto affixed as of the day and year first above written.

MANAGER:

MSCR, LLC

Witness: \_\_\_\_\_

By:   
Christopher M. Ross  
Authorized Signatory

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

Date: 8/15/2023

OPERATOR:

JLS ADVENTURES LLC

Witness: \_\_\_\_\_

By:   
Julie Simpson  
Authorized Signatory

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

Date: 8/15/2023



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024



## PUBLIC HEARINGS

~ A ~

<b>REQUESTED BY:</b>	<b>Billingsgate Market ~ Christopher Ross</b>
<b>DESIRED ACTION:</b>	<b>To approve the application for a new Beer and Malt Alcohol Seasonal License</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the new application received April 29, 2024, from Billingsgate Market, Christopher Ross for a new Beer and Malt Seasonal License.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET  
PUBLIC HEARING.

Notice is hereby given that the Wellfleet Selectboard will hold a public hearing on Tuesday, May 21, 2024, at 6:00p.m. virtually and in person via zoom and at the Wellfleet Adult Community Center (715 Old King's Highway) to decide the following:

- To amend the Marina Regulation for the 2024 season closing date of October 15<sup>th</sup> and amend it to November 1<sup>st</sup> for the 2024 season Marina closing date

WELLFLEET SELECTBOARD

Join Zoom Meeting

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrcz09>

Meeting ID: 856 8960 4806

Passcode: 611877

Dial by your location

- +1 929 205 6099 US (New York)

## Rebekah Eldridge

---

**From:** William Sullivan  
**Sent:** Wednesday, May 1, 2024 11:30 AM  
**To:** Rebekah Eldridge  
**Cc:** Brittany Tilton  
**Subject:** public hearing

Hi Rebekah,

I would like to request a public hearing to specifically amend the Marina Regulation for the 2024 season closing date of October 15<sup>th</sup> and amend it to November 1<sup>st</sup> for the 2024 season Marina closing date. This is in hope, a trial, to work with all partners of the Marina in to aid in complying with the Town of Wellfleet Marina Regulations. On a trial basis for the first year, and If successful then we would like to look at a permanent change for the closing date at that time.

Thank you,

**WILLIAM SULLIVAN**  
**HARBORMASTER**  
**TOWN OF WELLFLEET**  
**250 COMMERCIAL STREET**  
**WELLFLEET, MA. 02667**  
**(508) 349-0320**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

V

### PUBLIC HEARINGS

~ C ~

<b>REQUESTED BY:</b>	Eileen Hickey
<b>DESIRED ACTION:</b>	To approve a one-day special alcohol license
<b>PROPOSED MOTION:</b>	I move to approve the one-day special beer and wine license to Eileen Hickey for a Chinese Wedding Tea Ceremony on September 20, 2024 from 5:30pm to 9:00pm at the First Congregational Church.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET  
PUBLIC HEARING

Notice is hereby given that the Wellfleet Selectboard will hold a public hearing on Tuesday, May 21, 2024, at 6:00p.m. virtually and in person via zoom and at the Wellfleet Adult Community Center (715 Old King's Highway) to decide the following:

- To approve a special event alcohol license for beer and wine, September 20, 2024, from 5:30pm – 9:00pm, at the First Congregational Church, Wellfleet.

WELLFLEET SELECTBOARD

Join Zoom Meeting

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrcz09>

Meeting ID: 856 8960 4806

Passcode: 611877

Dial by your location

- +1 929 205 6099 US (New York)



TOWN OF WELLFLEET  
APPLICATION FOR SPECIAL EVENT LIQUOR LICENSE

1. Applicant Eileen Hickey

Address 1211 Sherwood Ave, Cherry Hill, NJ 08002 Telephone 781-724-6189

2. Affiliation/Group Gavelek/Brierly Family For Profit \_\_\_\_\_ Non Profit X

3. Type of License All Alcohol (\$100.00/day) \_\_\_\_\_ Beer and Wine (\$50.00/day) X

4. Type of Activity Being Conducted Chinese Wedding Tea Ceremony and buffet dinner

5. Date Sept. 20, 2024 Hours of Service 5:30pm-9pm

6. Description of Premises \_\_\_\_\_

Fellowship Hall at the First Congregational Church, UCC of Wellfleet

7. Name, Address, Telephone of Designated Manager (person responsible for activity)

Eileen Hickey 1211 Sherwood Avenue, Cherry Hill, NJ 08002

Local address: 220 Eastwind Circle, Wellfleet 781-724-6189

8. If activity involves food service, please describe fully (i.e. raw shellfish, heated casseroles, bakery goods, etc.)

Chinese food buffet from restaurant on Cape Cod tbd

Eileen M. Hickey  
Applicant's signature e

April 29th, 2024  
Date

*paid \$50 - processing*



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

VI

### BOARD/COMMITTEE APPOINTMENT AND UPDATES

~ A ~

<b>REQUESTED BY:</b>	<b>Robert Wagner</b>
<b>DESIRED ACTION:</b>	<b>To appoint Robert Wagner as the Wellfleet representative for the Barnstable County Consortium.</b>
<b>PROPOSED MOTION:</b>	<b>I move to appoint Robert Wagner as the Wellfleet representative for the Barnstable County Consortium for a term of three years.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

Email from Elaine McIlroy speaking in favor of Robert Wagner to be appointed to the Barnstable County Consortium as a representative for Wellfleet.

The Wellfleet Housing Authority is pleased to recommend Bob Wagner to represent Wellfleet on the Barnstable County Home Consortium. We thank Richard Ciotti who has served for the past 7 years.

Bob was just elected to serve a five-year term on the Wellfleet Housing Authority and also serves as an Alternate on the Maurice's Campground Planning Committee.

His work with the national, nonprofit American Farmland Trust ("No Farms, No Food") and consulting engagements with the nonprofits Equity Trust and Land For Good involved the application of deed restrictions, easements and ground leases; techniques that are employed or can be modified for use in creating affordable housing opportunities. His 10+ years of service as a member and chair of the Planning Board, and 15 years as chair of the Community Preservation Committee in Hatfield, Massachusetts exposed him to the many options available to create a diversity of housing types and opportunities, but also the many challenges in building support for, funding and implementing such initiatives.



## SELECTBOARD

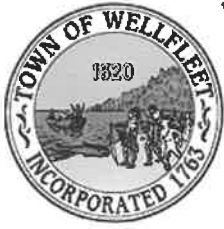
AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

# VII

### BUSINESS

~ A ~

<b>REQUESTED BY:</b>	Selectboard
<b>DESIRED ACTION:</b>	To approve and sign Thomas Guerino's three-year town administrator contract!
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve and have the Selectboard sign the three-year contract for Thomas M. Guerino! Thank you, Mr. Guerino, for being willing to serve the town of Wellfleet, we as a board look forward to working with you!</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

# VII

### BUSINESS

~ B ~

<b>REQUESTED BY:</b>	<b>The Wellfleet Beach Comber ~ Todd LeBart, Manager</b>
<b>DESIRED ACTION:</b>	<b>To approve an auxiliary tent in the parking lot for food and beverage service.</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve an auxiliary tent to be placed in the parking lot at Cahoon Hollow, the Wellfleet Beach Comber for the 2024 season, to serve food and alcoholic beverages.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**THE BEACHCOMBER**



**CAHOON HOLLOW BEACH, CAPE COD  
PO Box 1409, Wellfleet, Ma. 02667 508-349-6055  
[www.thebeachcomber.com](http://www.thebeachcomber.com)**

April 29, 2024  
Board of Selectmen  
300 Main St.  
Wellfleet, MA 02667

Re: Licensing for an auxiliary "tent"

Ladies and Gentlemen:

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

Thank you for your consideration.

  
Todd E. LeBart, Mgr.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

VII

### BUSINESS

~ C ~

<b>REQUESTED BY:</b>	<b>Wellfleet Food Pantry, Cindy Batchelder</b>
<b>DESIRED ACTION:</b>	<b>To discuss with the board next location for the food pantry of Wellfleet</b>
<b>PROPOSED MOTION:</b>	<b>No motion is needed for this agenda item.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

# WELLFLEET FOOD PANTRY

## Food for Neighbors

P. O. Box 625  
South Wellfleet, MA 02663

### Who are we?

The Wellfleet Food Pantry is an independent, volunteer-staffed 501(c)(3) non-profit organization that has been serving the Wellfleet community since 1999. We are affiliated with the Lower Cape Outreach Council.

### Current Issue:

The number of Wellfleet residents we serve has grown from 165 in 2020, to more than 200 in 2023.

- Together, these 200+ households include 379 Wellfleet residents, of whom 21% are seniors and 17% are children under 18.

As a result of the increasing number of residents shopping at our Pantry, **we have outgrown our current home (525 sq ft)** within Grace Chapel, 25 Lieutenant Island Road. We have been looking unsuccessfully for new space within Wellfleet for the Pantry for the past 6 months, and have agreed with Grace Chapel that we would be **out of our current home by the end of 2024**.

### What does the Pantry provide to the Wellfleet community?

Open 3 days per week, the Pantry functions as a mini grocery store, providing cost-free essential food items that include groceries, fresh produce, dairy products, frozen meat and fish, and personal care and household items for Wellfleet residents in need.

- The Pantry receives
  - 2 deliveries from Greater Boston Food Bank (GBFB) per month;
  - 80,000 lbs of food per year.
- In addition, the Pantry receives food and monetary donations from local residents, local businesses, and other local organizations, which greatly expand the breadth and quality of items we are able to offer our shoppers.
- We also coordinate with the Wellfleet Council on Aging to shop for and deliver items to home-bound Wellfleet residents twice per month.

But the Wellfleet Food Pantry provides more than food to our community ...

- It was a late winter day on Cape Cod; the wind was howling, and the drizzle flew sideways. We had fewer shoppers that morning and a little more time to chat with folks we had grown to know.
  - One shopper, who had told us a year earlier that she'd been diagnosed with cancer, celebrated with us that for now she is cancer free.
  - Another told us he had served for years as a policeman in Haiti. He slowly shook his head.
  - Another matter-of-factly told us we were her "socialization" for the day.
- All left thanking us for their bags of food, but more had been shared than just the food.

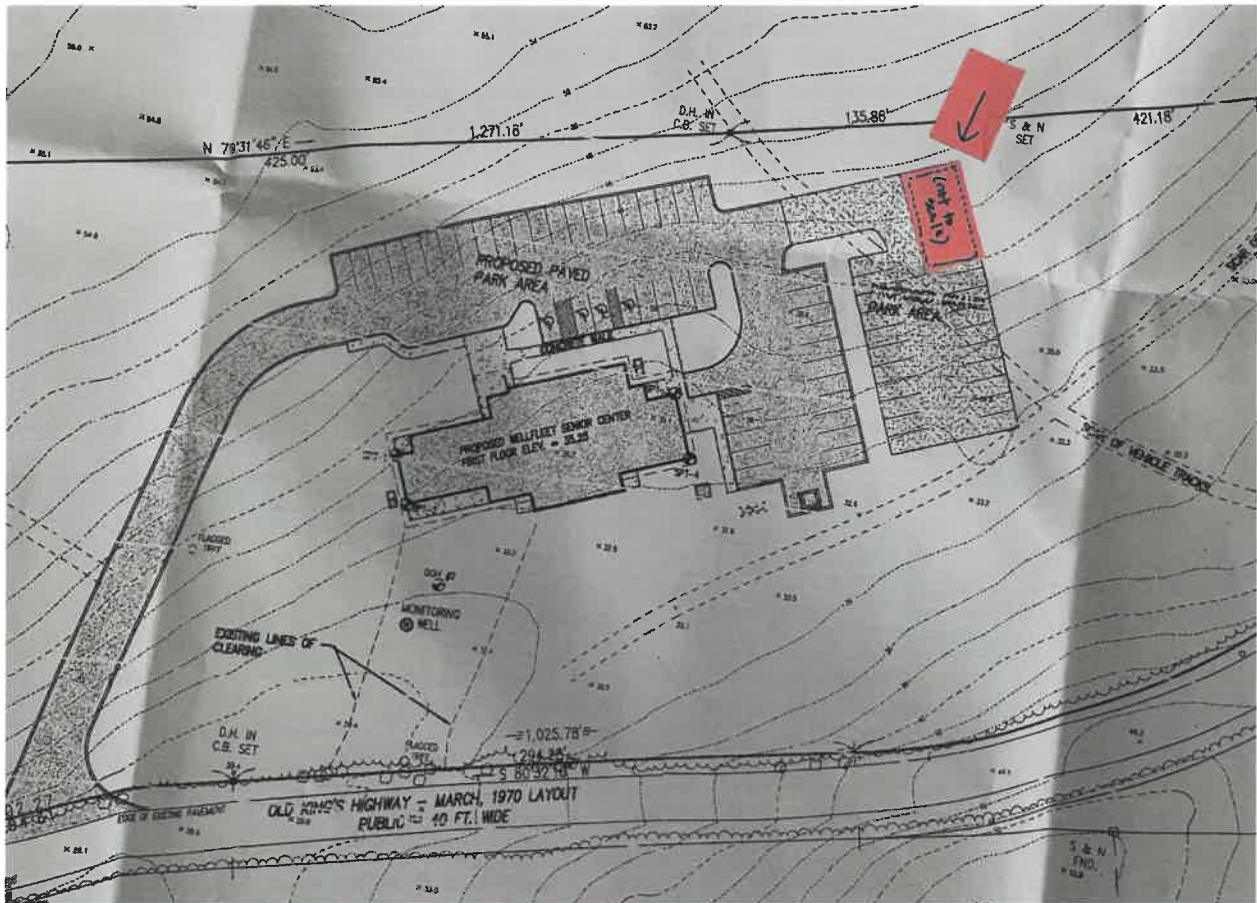


## What are we seeking in our new home?

We are looking for 850-1,000 sq. ft. of dedicated, secure, handicap-accessible space. A convenient location within Wellfleet is very important, as is the ability to maintain privacy for our shoppers.

## What are we asking of the Selectboard?

We have been meeting with Tom Guerino, Beth Pyles, Jay Norton and Suzanne Thomas about the opportunity to put up a temporary building on town land. With their endorsement, we propose to erect a temporary building of ~850-1,000 sq. ft. in the back parking area of the Adult Community Center property:



We are seeking Selectboard approval for the Wellfleet Food Pantry to erect a temporary building to be used for operation of the Pantry, until we are able to move to a permanent home. All costs associated with the acquisition and ongoing maintenance of the building, as well as ongoing Pantry operating costs, will be borne by the Wellfleet Food Pantry, at no cost to the town of Wellfleet.

Thank you for your consideration.

(508) 349-3036  
wellfleetfoodpantry.org





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

# VII

### BUISNESS

~ D ~

<b>REQUESTED BY:</b>	<b>Town Administrator, Tom Guerino</b>
<b>DESIRED ACTION:</b>	<b>To update the board on any progress made with the ice machine</b>
<b>PROPOSED MOTION:</b>	<b>No motion is needed for this agenda item.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

VII

## BUSINESS

~ E ~

<b>REQUESTED BY:</b>	<b>Jay Norton, DPW Director</b>
<b>DESIRED ACTION:</b>	<b>To give the board and community an update on Bound Brook Road</b>
<b>PROPOSED MOTION:</b>  <b>Summary:</b>	<b>There is no motion needed for this agenda item.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

VII

## BUSINESS

~ F ~

<b>REQUESTED BY:</b>	Selectboard
<b>DESIRED ACTION:</b>	To be reorganize the leadership on the board
<b>PROPOSED MOTION:</b>	I move to appoint _____ as chair of the Selectboard. I move to appoint _____ as vice chair of the Selectboard. I move to appoint _____ as Clerk of the Selectboard.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

# VII

### BUSINESS

~ G ~

<b>REQUESTED BY:</b>	<b>Town Administrator &amp; Selectboard</b>
<b>DESIRED ACTION:</b>	<b>To discuss and schedule a working meeting for the board to establish goals.</b>
<b>PROPOSED MOTION:</b>	<b>I move to schedule a working meeting on _____ at __pm in the Town hall basement conference room.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

VIII

## SELECTBOARD REPORTS:

Reported by:	Topic:



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

IX

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### TOWN ADMINISTRATOR REPORTS

- **The town administrator will give a verbal report at this meeting.**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

X

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### TOPICS FOR FUTURE DISCUSSION

- The board will bring up topics that they wish to be on future agendas.





# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

XI

## CORRESPONDENCE

<b>REQUESTED BY:</b>	Selectboard
<b>DESIRED ACTION:</b>	To review correspondence that has been received via mail or email.
<b>PROPOSED MOTION:</b>  <b>Summary:</b>	No motion is needed for this agenda item
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

PUBLIC NOTICE – TOWN OF WELFLEET, MA  
NOTICES OF INTENT TO FILE WATERSHED PERMITS  
PURSUANT TO 310 CMR 15.215(2)(c)(3)

Public Notice is hereby given that the Town of Wellfleet, MA has filed the Notice of Intent (NOI) to apply for a watershed permit for the Wellfleet Harbor watershed with the Massachusetts Department of Environmental Protection, Bureau of Water Resources – Watershed Permitting Program. This is a pre-Watershed Application form that allows the Town to submit a proposed schedule for obtaining watershed permits for the listed watersheds. Filing these NOIs prevents commencement of the five-year time period in which Title 5 system upgrades would otherwise be required under 310 CMR 15.215(2)(a) and suspends the Title 5 upgrade requirements for new construction under 310 CMR 15.215(2)(b). Additional information regarding the Notice of Intents may be obtained by contacting the Wellfleet Health Department, 220 West Main Street, Wellfleet MA or by calling (508)349-0308.

**Need Help?** For technical assistance in using this web application, please call the ePLACE Help Desk Team at (844) 733-7522 or (844) 73-ePLAC between the hours of 7:30 AM-5:00 PM Monday-Friday, with the exception of all Commonwealth and Federally observed holidays. If you prefer, you can also e-mail us at [ePLACE\\_helpdesk@mass.gov](mailto:ePLACE_helpdesk@mass.gov). For assistance with non-technical questions, please contact the issuing Agency directly using the links below.

Contact:  
[Energy and Environmental Affairs, MASSDEP](#)  
[Energy and Environmental Affairs, MDAR](#)  
[Energy and Environmental Affairs, DCR](#)

**Convenience Fee:** Please note there will be a convenience fee for all online credit card transactions. There is also a nominal fee for online payment by check.

## Home

DEP Applications

### WP94 - Notice of Intent for Watershed Permit Application

1	2 Location Information	3 Application Information	4 Documents	5 <b>Review</b>	6 Application Submitted
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#### Step 5: Review

[Continue Application »](#)

[Save and resume later](#)

Please review the information below prior to submission. After the application has been submitted, you will not be able to make changes. To make changes after submittal you must contact the Department directly.

## Review and Certification

[Edit Application](#)

### Municipality Information

Showing 1-1 of 1

Contact Type	Name	Organization Name	Contact Person	Action
Permittee Company		Town of Wellfleet	Heith Martinez	<a href="#">Edit/View</a>

### Watershed Location Information

Wellfleet Harbor Watershed | 0 0 Wellfleet MA 02667

### Additional Information

Additional Information:

## Certification

---

I agree: Yes  
Date: 05/16/2024

## Documents

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Documents: Please upload 1 Required Document(s) which are mandatory to submit this Application: 1. Proposed Pre-Application Schedule

## Attachment

---

When uploading file document(s) the maximum file size allowed is 50 MB.  
The 'File Name' (including file extension) MUST NOT exceed 75 characters in length.  
The document 'Description' MUST NOT exceed 50 characters in length.  
Documents that exceed any of these limits will be removed by the system, and cannot be retrieved, which may delay the review process.  
.bat;.bin;.dll;.exe;.js;.msi;.sql;.vbs;.ade;.adp;.chm;.cmd;.com;.cpl;.hta;.ins;.isp;.jar;.jse;.lib;.lnk;.mde;.msc;.msp;.mst;.php;.pif;.scr;.sct;.shb;.sys;.vb;.vbe;.vxd;.wsc;.wsf;.wsh are disallowed file types to upload.

Name	Type	Size	Latest Update	Description	Action
<a href="#">Wellfleet Watershed Permitting Schedule.pdf</a>	Proposed Pre-Application Schedule	69.60 KB	05/16/2024	Watershed Permit Milestone Schedule	<a href="#">Actions</a> ▼

## Application Submitter

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Individual Telephone #: 774-470-1637  
ANASTASIA RUDENKO E-mail: anastasia.rudenko@ghd.com  
Hyannis, MA, 02601  
United States

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

By checking this box, I agree to the above certification.

Date:

[Continue Application »](#)

[Save and resume later](#)



# Technical Memorandum

April 22, 2024

To	Town of Wellfleet, MA	Contact No.	774-470-1637
Copy to		Email	anastasia.rudenko@ghd.com
From	Anastasia Rudenko, PE	Project No.	11216492
Project Name	Wellfleet Harbor Watershed Management Planning		
Subject	Wellfleet Harbor Watershed Permit Milestone Schedule		

## Watershed Permit Milestone Schedule

In accordance with 310 CMR 15.215(2)(c), the anticipated pre-application schedule for the Wellfleet Harbor watershed permit application is outlined below.

- File Notice of Intent – Spring 2024
- Finalize Wellfleet Harbor Targeted Watershed Management Plan / MEPA Review – 2024 to 2025
- Treated Effluent Recharge Evaluations and Permitting – 2024 to June 2030
- Capital Planning Analysis – 2025 to June 2030
- Submit Watershed Permit Application – 2030

This Technical Memorandum is provided as an interim output under our agreement with Town of Harwich. It is provided to foster discussion in relation to technical matters associated with the project and should not be relied upon in any way.



247 Station Drive, SW-1038  
Westwood, MA 02090

**Michael Babineau**  
Supervisor  
Electric Transmission  
Vegetation Management

April 24, 2024

## **45 Day Yearly Operational Plan Public Notice, Review and Comment Period**

Dear Municipal Officials:

In compliance with 333 CMR 11.06, *45 Day Yearly Operational Plan Public Notice, Review and Comment*, please review Eversource Energy, Eastern MA's 2024 Yearly Operational Plan for Cape Cod and Martha's Vineyard (Barnstable and Dukes Counties)

Posted at the listed websites, Eversource Energy, Eastern MA's *Yearly Operational Plan (YOP) for Cape Cod and Martha's Vineyard* details specific information pertaining to the intended 2024 program:

<https://www.mass.gov/service-details/rights-of-way-vegetation-management-vmmps-yops-and-notices>

<https://www.eversource.com/content/residential/about/reliability/vegetation-management/transmission-system-vegetation-management/transmission-vegetation-management-projects>

Please review the enclosed maps that locate the rights-of-way and the location of known *sensitive areas*. If there are any additional *sensitive areas* located on or near the right-of-way, please advise us as soon as possible, so we may establish permanent records and implement appropriate field protective actions. We particularly rely on this process to collect corrections to the public wells and to record the locations of private wells. The enclosed maps will be updated with any new information that is received by Eversource Energy, Eastern MA and posted at the above website. If you would like a hard copy of the YOP, please contact us with this request.

Also please review the enclosed copy of the Environmental Monitor Notice, published under the Massachusetts Environmental Policy Act (MEPA) also located at:

<https://www.mass.gov/service-details/the-environmental-monitor>

Enclosures: 21 Day Letter  
Environmental Monitor Notice  
2024 Yearly Operational Plan Maps

Notice Sent to: Chief Elected Municipal Official  
Board of Health  
Conservation Commission  
Municipal Water Supplier  
Massachusetts Pesticide Bureau



247 Station Drive, SW-1038  
Westwood, MA 02090

**Michael Babineau**  
Supervisor  
Electric Transmission  
Vegetation Management

Certified mail-return receipt requested

April 24, 2024

Dear Municipal Official:

This letter is to inform you that Eversource Energy, Eastern MA intends to selectively apply herbicides in 2024 along the power line rights-of-way that pass through your municipality. This treatment is conducted as a component of an integrated vegetation management program that uses the appropriate mechanical and/or herbicides treatments to control vegetation in order to encourage the growth of healthy early successional ecological communities that benefit wildlife while allowing for the safe delivery of electricity to our customers.

Eversource Energy, Eastern MA's 2023-2027 *Five-year Vegetation Management Plan (VMP) for Cape Cod and Martha's Vineyard (Barnstable and Dukes counties)* is posted at the following websites:

<https://www.mass.gov/service-details/rights-of-way-vegetation-management-vmps-yops-and-notices>

<https://www.eversource.com/content/residential/about/reliability/vegetation-management/transmission-system-vegetation-management/transmission-vegetation-management-projects>

If you would like a hard copy please contact us with this request.

Eversource Energy, Eastern MA's 2024 *Yearly Operational Plan (YOP) for Cape Cod and Martha's Vineyard* is also posted at the above websites. If you would like a hard copy, please contact us with this request.

Please review the YOP map(s) that locate the ROW corridors and the plotted location of known sensitive areas including public and private drinking water supplies. **If there are any additional sensitive areas located on or near the ROWs, please advise us as soon as possible so a permanent record can be established, and appropriate field protective actions implemented. We particularly rely on this process to collect corrections to the public wells and to record the location of private wells.** The enclosed maps will be updated with any new information that is received by Eversource Energy, Eastern MA and posted at the above website.

The herbicides are listed in Section VII of the YOP and will be selectively applied to target vegetation by experienced, Massachusetts' licensed/certified applicators that walk along the ROWs using backpack equipment.

The foliage treatments will take place between June 1<sup>st</sup> and October 18<sup>th</sup> along with cut surface treatments (CST). Fall CST, basal treatments or sensitive foliar treatments may be necessary and are scheduled between October 1<sup>st</sup> and December 31<sup>st</sup> in areas along the ROWs that might not have received a foliage treatment or to trees over 12 feet tall. The exact time is dependent upon weather conditions and field crew progress.

In compliance with 333 CMR 11.06-11.07, No herbicide applications will occur before the conclusion of the 45-day YOP review period, the 21-day treatment notice and the 48-hour newspaper notice. At the end of these review periods, which can run concurrently, no application shall commence more than ten days before nor conclude more than ten days after the treatment periods listed above.

All the herbicides selected for this program are registered by the Federal Environmental Protection Agency, the Massachusetts Pesticide Board, and are recommended for use in and around sensitive areas jointly by the Massachusetts Pesticide Bureau and Massachusetts Department of Environmental Protection (please refer to the YOP for specifics).

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

225 Turnpike Road, 3<sup>rd</sup> Floor, Southborough, MA 01772  
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



Maura T. Healey  
GOVERNOR

Kimberley Driscoll  
LIEUTENANT  
GOVERNOR

Rebecca L. Tepper  
SECRETARY

Ashley E. Randle  
COMMISSIONER

### **NOTICE: PUBLIC COMMENT PERIOD EXTENSION**

Pursuant to the provisions of the Rights-of-Way Management Regulations, 333 CMR 11.00, to apply herbicides to control vegetation along rights-of-way (ROW), a five-year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) must be approved by the Department of Agricultural Resources (MDAR). Eversource Energy, Eastern MA (Cape Cod and Martha's Vineyard) holds a current VMP, therefore, notice of receipt of a YOP and procedures for public review is hereby given as required by Section 11.06 (3).

Eversource Energy, Eastern Ma has submitted a YOP to MDAR in February 2024.

In 2024 Eversource Energy, Eastern MA will conduct an Integrated Vegetation Management (IVM) program on their transmission and distribution lines. The intended vegetation control program will be consistent with Eversource Energy, Eastern MA's VMP (approved by MDAR June 5, 2023). In accordance with the guidelines set forth in Eversource Energy, Eastern MA's VMP for Cape Cod and Martha's Vineyard and YOP, herbicides will be selectively applied to target vegetation by licensed/certified applicators carrying backpack or handheld application equipment for the IVM program.

Eversource Energy, Eastern MA's YOP identifies the following municipality where they intend to use herbicides to treat their electric Rights-of-Way in 2024:

Eastern MA (EMA) Cape municipalities:				
Bourne	Chatham	Dennis	Falmouth	Harwich
Sandwich	Truro	Wellfleet	Yarmouth	

Eversource Energy, Eastern MA will only use herbicides recommended by MDAR for use in regulated sensitive areas for their IVM program. Pursuant to 333 CMR 11.04, no herbicides will be sprayed within any designated "no spray sensitive area" instead mechanical only methods will be used to control vegetation.

Public notification, by certified mail, will be provided to each "affected" municipality at least twenty-one days prior to any herbicide application.

In accordance with 333 CMR 11.06 (2), Eversource Energy, Eastern MA's YOP for Cape Cod and Martha's Vineyard includes the identification of target vegetation; methods of identifying, marking and protecting regulated sensitive areas; application techniques; the herbicides, application rates, carriers and adjuvants proposed for use; alternative control measures, a list of the application companies and YOP supervisor; procedures for handling, mixing and loading herbicides; emergency resources including local, state and federal emergency telephone numbers; maps of the ROWs which included regulated sensitive areas, and herbicide fact sheets and labels.



Clayton Edwards  
Rights of Way Program  
Massachusetts Department of Agriculture Resources  
Pesticide Bureau  
225 Turnpike Rd., 3<sup>rd</sup> Floor  
Southborough, MA 01772

Any questions or comments regarding the YOP should be addressed to:

Michael Babineau, Supervisor  
Eversource Energy  
Vegetation Management  
247 Station Drive, SW-1038  
Westwood, MA 02090-9230  
781-441-3798 (office)

**COMMENT PERIOD ENDS AT THE CLOSE OF BUSINESS (5pm), June 21, 2024**

Note: Notice was initially published in the April 24, 2024 Environmental Monitor, Comment period has been extended to close of business, (5pm), June 21, 2024.



**CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGE**  
**PROTECTED COMMUNICATION**

April 26, 2024

**VIA EMAIL & U.S. MAIL**

David Cotton  
Wellfleet Town Hall  
300 Main Street  
Wellfleet, MA 02667

**Re: ACTION REQUIRED – Opioid PBM Update**

Dear David Cotton:

Over the course of the last eight years, your opioid consortium has now recovered approximately \$60 billion from pharmaceutical manufacturers, distributors, and pharmacies. These funds will go a long way to helping abate the opioid crisis, but our work is not done.

As part of our continued efforts to help remedy the effects of the opioid crisis in your community, our consortium has been investigating the role that pharmacy benefit managers (PBMs) played in contributing to the crisis. PBMs are companies who administer prescription drug plans for health insurers, self-insured employers, and governments; negotiate drug prices and availability with drug manufacturers; process and pay claims; review drug utilization data and operate mail-order pharmacies.

Judge Polster recently opened a new bellwether track of cases against Express Scripts and OptumRx, two of the three PBMs with the largest market share in the United States<sup>1511</sup>. We are in the process of drafting a motion that would give all plaintiffs in the MDL the right to amend their claims by opting-in to a master pleading which follows the existing bellwether complaints (available here) and sets forth the legal and factual basis for claims against the PBMs. In connection with this effort, we are recommending that, subject to our obtaining Court approval, you agree to amend your current complaint to add claims against Express Scripts and OptumRx and their relevant subsidiaries (the PBM Defendants) concerning their role in fueling the opioid crisis<sup>1512</sup>.

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<sup>1511</sup> The other of the three largest PBMs in the country, CVS Caremark/Caremark Rx, is a subsidiary of CVS Health. Caremark was included in the recent national CVS settlement.

<sup>1512</sup> The relevant Express Scripts entities are: Express Scripts, Inc.; Express Scripts Administrators, LLC; Medco Health Solutions, Inc.; ESI Mail Order Processing, Inc.; ESI Mail Pharmacy Service, Inc.; Express Scripts Pharmacy, Inc.; Evernorth Health, Inc. (formerly Express Scripts Holding Company); and Express Scripts Specialty Distribution Services, Inc. The relevant OptumRx entities are: UnitedHealth Group, Inc., Optum, Inc., OptumInsight, Inc., OptumInsight Life Sciences, Inc., OptumRx, Inc., OptumRx Discount Card Services, LLC; Optum Perks, LLC; OptumHealth Care Solutions, LLC; OptumHealth Holdings, LLC; and Optum Health Networks, Inc.

The logo for National Opioid Litigation features two vertical orange bars of varying heights on the left side. To the right of these bars, the words "NATIONAL" and "OPIOID LITIGATION" are stacked vertically in a bold, teal, sans-serif font.

## NATIONAL OPIOID LITIGATION

To understand the PBM Defendants' ability to impact the opioid crisis, one need look no further than the statements of their own employees who, in internal emails, stated as follows:

*"No component of our healthcare system is in a better position to deliver more immediate and more impactful changes to the current course of this crisis than our nation's PBMs. . . . PBM's are in a very powerful position to deploy systems-based claims edits that can ensure that physician prescribing and pharmacy dispensing is in line with the most-up-date scientific evidence and national consensus guidelines . . . PBMs also bring enormous clinical and analytic horsepower to the table to be able to more effectively screen for aberrant prescribing and dispensing of opioids by our nation's physicians and pharmacies; to risk stratify patients based upon potentially for dependency, addiction and overdose; and the ability to deploy numerous interventions targeted at both the provider and the patient themselves to clinically intervene in a more timely and effective manner to decrease such risks. As an intermediary between the physician, pharmacist, patient, pharmaceutical manufacturer, health systems, and other components of the industry, the PBM is also in an ideal position to drive improvements in education and awareness of the dangers of opioid therapy and the various tools available for all constituents to contribute to positive change in the course of this epidemic."*

Despite all these resources and a raging epidemic, one can only wonder why the PBM Defendants failed to act. Again, to answer this question, we need look no further than their own documents. For example, in 2017, when clients and government agencies were "demanding" change to limit the flow of pills, Express Scripts concluded that if they "were to implement either the 7 day or 10 day limit on short acting opioids which are most profitable for us we are looking to lose \$10-\$20 Million in margin." In other words, Express Scripts knew that if they put tools in place to restrict short acting opioid prescription fills to seven or ten days, it would cost them \$10 to \$20 million per year.

The PBM Defendants' role in creating and sustaining the opioid epidemic has been largely hidden from public scrutiny. However, evidence recently developed in the MDL, including the documents described above, reveals that the PBM Defendants, hired by third party payors, insurers, and health plans to design formularies and administer prescription drug programs and colluded with the Opioid Manufacturers to make opioids more available. The PBM Defendants had a broad scope of knowledge concerning the opioid crisis by virtue of their access to opioid utilization data for the individuals covered by the insurance plans they administer, their contracts with over 98% of the retail pharmacies in the country, and the detailed dispensing data they collect with respect to the opioid prescriptions filled at every pharmacy in their networks.

Instead of using this data, however, to identify concerning red-flag opioid prescriptions and implement restrictions that would have curtailed the flow of pills, the PBM Defendants knowingly ignored this information and, to increase their profits, they permitted their pharmacy networks to dispense billions of opioid pills into communities across the country. These actions by the PBM Defendants allowed the market to be flooded with prescription opioids and facilitated the opioid epidemic. Based on their conduct, the PBM Defendants would be sued in their



capacities as: (1) PBMs; (2) data, analytics, research, and marketing providers; and (3) mail-order pharmacies.

If the Court permits it, amending your complaint will ensure that you have the opportunity to participate in any recovery if there is a favorable resolution of claims against the PBMs. Public entities that amend their complaints potentially could recover from the PBMs, while cities and counties who do not amend may be unable to participate in any recovery.

**Please respond by Friday, May 17, 2024 confirming that you agree to the amendment of your complaint to add the PBM Defendants, including related subsidiaries. Alternatively, if you have any questions about the case against the PBMs or the proposed amendment process, let us know.**

**Send all responses and inquires on this topic to Aaron Harrah at Hill, Peterson, Carper, Bee & Deitzler, PLLC at [amendmycomplaint@hpcbd.com](mailto:amendmycomplaint@hpcbd.com).**

**For your convenience and to assist us with tracking responses, if your subdivision agrees to amend its complaint to add the PBM Defendants, in the subject line of your responsive email, please use the following format: [State abbreviation]\_[ Subdivision name]\_[Subdivision type (County, Tribe, Parish, City, Town)]\_[Agree].**

**As an example, if Greenbrier County, West Virginia, agrees to amend its complaint to add the PBM Defendants the subject line of its responsive email would be: WV\_Greenbrier\_County\_Agree.**

**A Tribe's response would be: MT\_Blackfeet\_Tribe\_Agree.**

**A Parish's response would be: LA\_St. John's\_Parish\_Agree.**

**The same format would apply similarly to Cities and Towns.**

We look forward to hearing from you. Thank you for the continued opportunity to serve your community.

Thank you,

**Aaron Harrah**

[amendmycomplaint@hpcbd.com](mailto:amendmycomplaint@hpcbd.com)

Hill, Peterson, Carper, Bee & Deitzler, PLLC | Attorney

800.822.5667

304.414.4198 Direct Dial

[www.hpcbd.com](http://www.hpcbd.com)

**Mark Pifko**

Baron & Budd, P.C. | Shareholder

310.467.7799 mobile

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818.839.2333 main

[www.baronandbudd.com](http://www.baronandbudd.com)

## **IMPORTANT INFORMATION REGARDING EMAIL COMMUNICATIONS**

Our Consortium regularly sends communications to our clients via email. However, we have noticed that our emails have a very low open rate, meaning that you are potentially not receiving the most up-to-date information in the case, often due to email security settings or SPAM filters.

The attached letter was also sent via email from [OpioidLitigation@LevinLaw.com](mailto:OpioidLitigation@LevinLaw.com), with a subject line of: *ACTION REQUIRED - Opioid PBM Update - PROTECTED - CONFIDENTIAL - ATTORNEY CLIENT PRIVILEGED*. We ask that you take a moment to ensure you received that email.

To ensure prompt delivery of our emails, we ask that you work with your IT staff to “whitelist” or add [OpioidLitigation@LevinLaw.com](mailto:OpioidLitigation@LevinLaw.com) to your safe senders list.

We also strongly recommend whitelisting or adding the following domain names to your safe senders list:

**LevinLaw.com**

**BaronBudd.com**

**FarrellFuller.com**

**McHughFuller.com**

**GreeneKetchum.com**

**HPCBD.com**

**PowellMajestro.com**

Whitelisting varies by email client, internet security provider, and service provider. Please ask your IT staff to assist you in this process.

Please keep us informed of any changes to contact information, so that our communications get to the right people.

## Rebekah Eldridge

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**From:** Lilee Merl <lilee.merl@powerdigital.com>  
**Sent:** Tuesday, May 7, 2024 6:59 PM  
**To:** Board of Selectmen  
**Subject:** Concerns Regarding the Extension of the SAB Application Deadline

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

Select board -

I am writing to express my concerns regarding the recent decision to extend the application deadline for the Shellfish Advisory Board, particularly given that this extension was announced on the very day scheduled for interviews.

As you know, deadlines are set to ensure a fair and orderly process. Extending a deadline at the last minute can be compared to a teacher extending the due date for an assignment right when it is due— it disadvantages those who have planned and worked hard to meet the original timeline and can discourage dedicated participants from future involvement.

This last-minute change seems to unfairly advantage those who failed to meet the established deadline and penalizes diligent applicants who organized their commitments around the original schedule. It raises questions about the adherence to procedure and fairness in the application process.

I believe that maintaining the integrity of the application process is crucial, and I respectfully request that the board reconsider such changes in the future to preserve trust and fairness in the system.

--

**Lilee Merl**  
SEO Strategist

c.774.722.2974 | o. 619.501.1211

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**we empower business growth @ [powerdigital.com](https://powerdigital.com)**



## Rebekah Eldridge

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**From:** Denice Lapierre <denicelapierre@gmail.com>  
**Sent:** Thursday, May 9, 2024 10:51 PM  
**To:** Tom Guerino; Board of Selectmen  
**Subject:** How the state finds our finances as stated in the DLS report for 2023/2022

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

Do Townspeople know how we are viewed by the State?

**The town recently hired a human resource director with the goal of consolidating human resources into a single office taking over the responsibilities designated to the town administrator, assistant town administrator, personnel board, and treasurer. This investment in a dedicated manager addresses the lack of proper personnel management and mitigates the town's risk of unnecessary liabilities when it lacks a properly trained and dedicated personnel staff to address issues in a timely, professional manner, including complying with collective bargaining agreements, personnel policies, and federal, state, and local requirement - THIS IS TAKEN FROM THE DLS REPORT.**

IT IS A GLARING PROBLEM THAT IS PART OF LAST YEARS ISSUES.

**Wellfleet's staffing issues have nurtured the environment for financial difficulties.**

**The town's unorganized and mismanaged finances were such that the FY2022 budget process did not start until March 2021. The FY2022 budget was itself not balanced when presented to town meetings. Contributing to this, departments tend to work in silos and many financial operations are paper driven and lack consistency**

The deficiencies are astounding and have been spoken about in the DLS report overall.

--All items in bold are state issued statements Why are we still not listening to people that speak at meetings? I think people are really mad for a reason. Let's either work together or continue this path of ignorant nonsense. There's a few people including our appointed officials that think the town votes blindly. Lets get smart and stop the cycle of waste.

Denice Lapierre  
(508)237-7133



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

May 10, 2024

Thomas Breuer  
139 East 63<sup>rd</sup> St, Apt. 10B  
New York, NY 10065

Re: National Register of Historic Places—Marcel Breuer House and Studio, Wellfleet

Dear Mr. Breuer:

We are pleased to inform you that the Marcel Breuer House and Studio, 634 Black Pond Road, Wellfleet, Massachusetts will be considered by the Massachusetts Historical Commission for nomination to the National Register of Historic Places. The National Register of Historic Places is the Federal government's official list of historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage.

Listing of this property provides recognition of the community's important historic resources and assures protective review of Federal projects that might adversely affect the character of the property.

Listing in the National Register does not mean that limitations will be placed on the property by the Federal government. Public visitation rights are not required of property owners. The Federal government will not attach restrictive covenants to the property or seek to acquire it. If a property is listed in the National Register, the owner may do anything with it that he/she wishes, unless state or federal funds, permits, or licensing are used, unless State or Federal historic rehabilitation tax credits, funds, permits, or licensing are used, or unless some other regional and/or local ordinance or policy is in effect.

In Massachusetts, properties nominated to the National Register are automatically listed in the State Register of Historic Places. There are no limitations, public visitation requirements, or restrictive covenants for private properties included in the State Register. State Register properties owned by municipalities and nonprofit organizations may compete for state restoration grants.

You are invited to attend the meeting of the Massachusetts Historical Commission at which this nomination will be considered. The Commission will meet at 1:00 p.m. on June 12, 2024. Details on how to attend will be posted on the MHC's website closer to the meeting date. The Commission meeting is a public meeting and all interested parties are encouraged to attend.

220 Morrissey Boulevard, Boston, Massachusetts 02125  
(617) 727-8470 • Fax: (617) 727-5128  
[www.sec.state.ma.us/mhc](http://www.sec.state.ma.us/mhc)





**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

**THE NATIONAL REGISTER OF HISTORIC PLACES:  
EFFECTS AND BENEFITS OF LISTING**

The National Register of Historic Places is the nation's official list of historic places worthy of preservation. Listing in the National Register (NR) recognizes historic properties that are significant to our communities, our state, and our nation. The NR is a federal program of the National Park Service, administered in Massachusetts by the Massachusetts Historical Commission (MHC). The NR recognizes unique and irreplaceable historic resources that give a sense of time and place to our downtowns, neighborhoods, village centers, and rural landscapes, and contribute to our communities' character, making Massachusetts a special place.

NR listing is an important preservation planning tool that encourages preservation, but it does not guarantee that listed properties will be preserved. The NR is not a design review program, but it does provide limited protection from state and federal actions, as well as eligibility for certain matching state restoration grants (when available) and certain tax benefits for certified rehabilitation projects.

**STATE REGISTER OF HISTORIC PLACES:**

Properties listed in the NR are automatically listed in the State Register of Historic Places as well. The State Register is a compendium of properties with historic designations, listed by municipality, and serves as a reference guide, helping to determine whether a state funded, permitted, or licensed project will affect historic properties. The State Register review process helps ensure that listed properties will not inadvertently be harmed by activities supported by state agencies. The State Register is published annually and is available through the Statehouse Bookstore.

**EFFECTS OF NR LISTING FOR PRIVATE PROPERTIES:**

NR status in itself places no constraints on what owners may do with their property when using private funding, unless state or federal funds, permits, or licensing are used, or when some other regional or local bylaw, ordinance, or policy is in effect. NR listing does not impose additional restrictions to already existing local regulations or ordinances, nor does listing eliminate regulations currently in effect. Please be aware, however, that certain local ordinances, including demolition delay, may reference NR designation as a condition triggering review. NR-listed buildings may qualify for exemptions from some aspects of the State Building Code. Owners of private property listed in the NR have no obligation to open their properties to the public, to restore them, or even to maintain them. Owners can do anything they wish with their private property provided that no Federal or state funding, licensing, permitting, or approval is involved. If owners use state or federal funds to alter their property or need state or federal permits, the proposed alteration will be reviewed by MHC staff. The review is triggered by the funding or permitting source, not by the historic designation. Local funding and permitting do not trigger MHC review. Owners may affix plaques to their listed properties, if they choose, but it is not required. MHC does not provide or review plaques. City or town sign ordinances should be consulted.

## THE NATIONAL REGISTER CRITERIA

**Criteria:** The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

**Criteria Considerations:** Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- B. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- C. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or
- D. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- F. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- G. A property achieving significance within the past 50 years if it is of exceptional importance.

## **RESULTS OF LISTING IN THE NATIONAL AND STATE REGISTERS OF HISTORIC PLACES**

**Eligibility for Federal tax provisions:** If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 revises the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and Tax Reform Act of 1984, and as of December 22, 2017, provides for a 20 percent investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings, as well as certain other buildings.

The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

**Consideration in planning for Federal, Federally licensed, and Federally assisted projects:** Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow for the Advisory Council on Historic Preservation to have an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

**Consideration in issuing a surface coal mining permit:** In accordance with the Surface Mining and Control Act of 1977, there must be consideration of historic values in the decision to issue a surface coal mining permit, where coal is located. For further information, please refer to 30 CFR 700 *et seq.*

### **Qualification for Federal grants for historic preservation when funds are available.**

**Eligibility for state restoration grants:** If a property is listed in the National Register, it is automatically included in the State Register of Historic Places. All municipally and nonprofit-owned properties included in the State Register are eligible to compete for 50% matching grants from the Massachusetts Preservation Projects Fund. The Massachusetts Preservation Projects Fund is a state-funded matching grant program established in 1984 to support the preservation and maintenance of properties and sites listed in the State Register of Historic Places.

### **Eligible projects include:**

**PRE-DEVELOPMENT PROJECTS** (for studies necessary to enable future development or protection of a State Register property, feasibility studies including plans and specifications and certain archaeological investigations);

**DEVELOPMENT PROJECTS** (for construction activities including stabilization, protection, rehabilitation, and restoration); and

**ACQUISITION PROJECTS** (funding for the latter is specifically allocated for endangered State Register properties).

For additional information and preapplication forms, contact the Grants Division, Massachusetts Historical Commission.

### **Consideration in planning for State funded, permitted, and licensed projects:**

Massachusetts General Laws, Chapter 9, Section 26-27C, directs all state bodies and persons subject to the State Register to consult the State Register early in the planning process in order to eliminate, minimize, or mitigate any adverse effect to properties listed in the State Register. For further information, please refer to 950 CMR 71.

*Massachusetts Historical Commission, Office of the Secretary of the Commonwealth, William Francis Galvin, Secretary, Massachusetts Archives Building, 220 Morrissey Boulevard, Boston, MA 02125 (617) 727-8470*

## Rebekah Eldridge

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**From:** Helen Miranda Wilson <helen@helenmirandawilson.com>  
**Sent:** Friday, May 10, 2024 4:06 PM  
**To:** Rebekah Eldridge; Tom Guerino  
**Cc:** Parent Gerry; Inger Mort; Leon Shreves; Deborah Freeman; Hood Jim  
**Subject:** Needing a quorum and a chair to be physically present at a municipal meeting NO LONGER REQUIRED.

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

Everyone,

Unfortunately, at the 5/7/24 Selectboard meeting, an agenda item had to be postponed because

it was thought that a quorum of the Selectboard had to be physically present in order to act.

One member was absent, one was on Zoom, and one was recused.  
So there were only two members still at the table.

Please see what I have highlighted below from the AG's website.

I have also included a link to an up-to-date training from KPLaw which refers to this temporary provision.

This *most recent*, sensible update to the OML quorum requirements was not shared widely here, which is perhaps why nobody else at the Selectboard meeting on Tuesday seemed aware of it. I checked with the Chairs of the ZBA and Cons Comm: they also didn't know about it. The Chair of the Planning Board did, but only because he had asked Town counsel.

It might be good if all of our committees were copied with what's now required.

The OML was tweaked several (many!) times because of the pandemic. Having hybrid meetings or meetings at which all attendees are attending remotely are now normal, but are still done in compliance with "temporary provisions". This one is currently due to expire on March 31, 2025.

Helen

**Updated guidance on holding meetings pursuant to the Act Extending Certain COVID-19 Measures**

**Guidance Update – June 28, 2023**

On March 29, 2023, Governor Healey signed into law a supplemental budget bill which, among other things, further extends temporary provisions pertaining to the Open Meeting Law to March 31, 2025. The temporary provisions were first implemented by Executive Order in March 2020 and subsequently enacted by Section 20 of Chapter 20 of the Acts of 2021, An Act Relative to Amending Certain COVID-19 Measures Adopted During the State of Emergency (“Section 20”) (as amended several times to extend the expiration of the temporary provisions).

The temporary provisions in Section 20 pertaining to the Open Meeting Law contain two primary provisions.

First, public bodies may continue providing live “adequate, alternative means” of public access to the deliberations of the public body, instead of holding meetings in a public place that is open and physically accessible to the public. “Adequate, alternative means” may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time.

Second, any or all members of a public body may continue participating in meetings remotely; the Open Meeting Law’s requirement that a quorum of the body and the chair be physically present at the meeting location remains suspended.

A public body is not required to provide remote access to a meeting if the meeting is held in a physical location that is open and accessible to the public. Nonetheless, we encourage public bodies to provide multiple methods of access to a meeting when feasible.

[PRESENTED BY LAUREN F. GOLDBERG, ESQ. AND ...Massachusetts Municipal Association \(MMA\)https://www.mma.org > uploads > 2023/04 > M...](https://www.mma.org/uploads/2023/04/M...)

## Rebekah Eldridge

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**From:** Diane Brunt <dibrunt@yahoo.com>  
**Sent:** Monday, May 13, 2024 4:03 PM  
**To:** Tom Guerino; Rebekah Eldridge; Board of Selectmen  
**Cc:** Diane Brunt  
**Subject:** TA regular monthly reports

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

TA reports are still not in writing , nor posted on the town site , nor are many dept heads putting reports on the website anymore. While the Board has allowed you to make these reports orally at, I have requested that you resume the written reports,. Oral reports at an unknown time in the meeting are not transparent, not convenient, and are impossible to reference. It is as if You are attempting to protect yourself and Dept heads from liability. Given the behaviors I understand the reluctance to put anything in writing, but if you all have nothing to hide please resume putting these in writing and posting them where we can all see them. Same to Dept heads, some of which used to be so diligent about their reports, are no longer making them available for the public to access easily or at all.

I hope I will not have to keep asking for this. Richard Waldo's report from 1/9/245 is the last TA report on the website . You have not posted one since you arrived.

Thank you for your attention to this matter.

## Rebekah Eldridge

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**From:** Diane Brunt <dibrunt@yahoo.com>  
**Sent:** Monday, May 13, 2024 4:14 PM  
**To:** Board of Selectmen; Tom Guerino  
**Cc:** Diane Brunt  
**Subject:** 5/7 SAB positions

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

RUDE and /or worse....

1 -That you never contacted the candidates to tell them they were on the agenda...

2 - That the position for Shellfish Advisory alternate vacancy was scheduled at dead low tide

3 - That you clearly decided before the meeting to postpone the appointments , but never let the candidates know (so they missed tides for no reason)

4 - that you allowed applications that came in AFTER the meeting agenda item (to fill the alternate position) had already been posted to cause a postponement

ALL rude and unethical - and not at all surprising.

## Rebekah Eldridge

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**From:** Tom Guerino  
**Sent:** Wednesday, May 15, 2024 12:27 PM  
**To:** Rebekah Eldridge  
**Subject:** FW: Elisabeth Hollinden Featured in Environment+Energy Leader

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

Corresp[ondence

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**From:** GZA <info@gza.com>  
**Sent:** Wednesday, May 15, 2024 10:32 AM  
**To:** Board of Selectmen <BoS@wellfleet-ma.gov>  
**Subject:** Elisabeth Hollinden Featured in Environment+Energy Leader

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



### Elisabeth Hollinden Featured in Environment + Energy Leader



In [a recent article in Environment + Energy Leader](#), Elisabeth Hollinden shares the peril and promise for America's endangered freshwater mussels. Based on

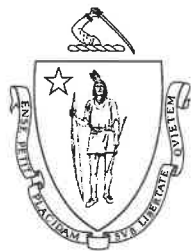


Elisabeth's decade of experience of surveying and relocating the animals known as "the liver of the river," the article offers a view of why mussel surveys are important and the work being done to protect mussels.

Read the full article on the [Environment + Energy Leader website](#).

GZA, 249 Vanderbilt Avenue, Norwood, Massachusetts 02062, United States, 1-844-342-5492

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THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
www.mass.gov/ago

May 16, 2024

Jennifer M. Congel, Town Clerk  
Town of Wellfleet  
300 Main Street  
Wellfleet, MA 02667

**RE: Wellfleet Special Town Meeting of September 18, 2023 - Case # 11177  
Warrant Articles # 5, 6, 7, 8, 9, 10, and 11 (Zoning)  
Warrant Articles # 13 and 14 (General) <sup>1</sup>**

Dear Ms. Congel:

**Articles 5, 6, 7, 8, 9, 10, and 11** - We approve Articles 5, 6, 7, 8, 9, 10, and 11 from the September 18, 2023 Special Town Meeting because they do not conflict with state law. See Amherst v. Attorney General, 398 Mass. 793, 795-96, 798-99 (1986) (requiring inconsistency with state law or the constitution for the Attorney General to disapprove a by-law).

During our review of these Articles, we received input urging this Office to disapprove them on both substantive and procedural grounds. However, as explained below, the arguments advanced in the opposition do not provide us with grounds to disapprove these Articles.

In this decision, we summarize the by-law amendments adopted under Articles 5 through 11, including the procedural process in adopting them and the Attorney General's standard of review of zoning by-laws, and then explain why, based on our standard of review, we approve these Articles.

**I. Summary of the By-law Amendments**

Articles 5 through 11 propose various amendments to the Town's zoning by-laws. Under Article 5 the Town voted to: (1) amend the Town's zoning by-laws to add to Section 2.1, "Definitions," new definitions for terms related to affordable housing, including a definition for "Affordable Housing Unit;" and (2) add a new Section 6.28.1, "Inclusionary Housing By-law," that requires residential projects with three or more dwelling units to provide a certain percentage of affordable housing units. Under Article 6 the Town amended the definition of "Cottage

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<sup>1</sup> In a decision issued on January 9, 2024, we approved Articles 13 and 14.

Colonies,” to change the floor area requirements for units within a Cottage Colony. Under Article 7 the Town deleted Section 5.4 (F) regarding dimensional requirements for multi-family dwellings. Under Article 8 the town added new definitions regarding trees and plants, including a new definition for “Timber” and “Locally Notable Trees.” Under Article 9 the Town voted to amend Section 6.9.1, to allow tree cutting to remove invasive plants and as part of a Community Wildfire Protection Plan within the Town’s National Seashore Park District. Under Article 10 the Town added a new Section 6.9.3 requiring a special permit to remove “Locally Notable Trees” as that term is defined in the Section 2.1. Finally, under Article 11 the Town amended Section 8.3, “Penalty,” to increase the penalties for zoning by-law violations to \$300.00 and to allow the use of non-criminal disposition to enforce zoning by-law violations.

## **II. Attorney General’s Standard of Review of Zoning By-laws**

Our review of Articles 5 through 11 is governed by G.L. c. 40, § 32. Pursuant to G.L. c. 40, § 32, the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst, 398 Mass. at 795-96. The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) Rather, to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. “As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid.” Bloom v. Worcester, 363 Mass. 136, 154 (1973). Massachusetts has the “strongest type of home rule and municipal action is presumed to be valid.” Connors v. City of Boston, 430 Mass. 31, 35 (1999) (internal quotations and citations omitted). “The legislative intent to preclude local action must be clear.” Bloom, at 155.

Articles 5 through 11, as amendments to the Town’s zoning by-laws, must be accorded deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002) (“With respect to the exercise of their powers under the Zoning Act, we accord municipalities deference as to their legislative choices and their exercise of discretion regarding zoning orders.”). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General’s standard of review is equivalent to that of a court. “[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare.” Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). Because the adoption of a zoning by-law by the voters at Town Meeting is both the exercise of the Town’s police power and a legislative act, the vote carries a “strong presumption of validity.” Id. at 51. “If the reasonableness of a zoning bylaw is even ‘fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.’” Id. at 51 (quoting Crall v. City of Leominster, 362 Mass. 95, 101 (1972)). However, a municipality has no power to adopt a zoning by-law that is “inconsistent with the constitution or laws enacted by the [Legislature].” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

### III. Procedural History of Articles 5 through 11

The Attorney General's review of town by-laws under G.L. c. 40, § 32 includes a determination whether the town has submitted "adequate proof that all of the procedural requirements for the adoption of such by-law have been complied with." G.L. c. 40, § 32. Zoning by-laws must comply with G.L. c. 40A, § 5, that provides in relevant part as follows (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 executive office of housing and livable communities, the regional planning agency, if any, and to the planning board of each abutting city and town.

Here, the Planning Board hearing notice for Articles 5 through 11 did not comply with G.L. c. 40A, § 32 because the notice was first published in a newspaper of general circulation in the Town on August 24, 2023, which was thirteen (not fourteen) days before the September 6, 2023 planning board hearing. The Town complied with all other notice requirements in G.L. c. 40A, § 5, including the second (timely) publication in the newspaper, and the (timely) posting of the notice in town hall. Thus, the defect was limited to the Town missing by one day the first newspaper publication deadline.

General Laws Chapter 40, Section 32 authorizes the Attorney General to proceed under certain defect waiver provisions if the Attorney General determines, as we did here, that there is a defect in the manner or dates on which the Planning Board hearing notice was mailed, posted or published as required by G.L. c. 40A, § 5.<sup>2</sup> This provision allows the Attorney General to direct

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<sup>2</sup> General Laws Chapter 40, Section 32, ¶ 2 provides in relevant part as follows:

Notwithstanding the provisions of the preceding paragraph, if the attorney general finds there to be any defect in the procedure of adoption or amendment of any zoning by-law relating to form or content of the notice of the planning board hearing prescribed in section 5 of chapter 40A, or to the manner or dates on which said notice is mailed, posted or published as required by said section 5, then instead of disapproving the by-law or amendment because of any such defect, the attorney general may proceed under the provisions of this paragraph. If the attorney general so elects, written notice shall be sent to the town clerk within a reasonable time setting forth with specificity the procedural defect or defects found, including a form of notice thereof . . . The town clerk shall forthwith post the notice in a

the Town Clerk to post and publish a notice of the defect and allows for objections to be filed regarding the procedural defect. If no valid claims are filed establishing that the “defect was misleading or was otherwise prejudicial” then the Attorney General is authorized to waive the procedural defect. G.L. c. 40, § 32.

On January 9, 2024, the Attorney General elected to proceed under the provisions of G.L. c. 40, § 32. On February 8, 2024, the Town Clerk certified that the notice of defect was posted and published in accordance with the provisions of G.L. c. 40, § 32. See Town Clerk certification. The Town Clerk received three letters from Kendall Sexton, Kevin Sexton, and Jude Ahern in response to the notice and the Town Clerk filed these letters with our Office along with her certification. As further explained below, we determine that the letters submitted to the Town Clerk do not qualify as valid claims establishing that the “defect was misleading or was otherwise prejudicial” as required by G.L. c. 40, § 32.

#### **IV. Analysis of Articles 5 through 11’s Consistency with State Law**

As to the procedural requirements in G.L. c. 40A, § 5, we cannot conclude that the letters are valid claims under G.L. c. 40, § 32 that require this Office to disapprove Articles 5 through 11. Our decision is substantially governed by the court’s analysis in Hallenborg v. Town Clerk of Billerica, 360 Mass. 513, 529-530 (1971) (“amendments of zoning by-laws or ordinances ought not to be set aside lightly as invalid because of trivial procedural defects in their adoption...at the behest of persons who have not shown themselves to be prejudiced significantly by the procedural deficiencies”).

In Hallenborg, the Supreme Judicial Court considered whether a notice published one day less than the fourteen-day statutory requirement rendered a zoning amendment invalid. Id. at 515-516. The notice’s one-day shortfall did not render the zoning amendment invalid because there was no showing of prejudice. Id. The Court concluded that zoning amendments should not be set aside because of “trivial procedural defects.” Id. at 518.

Here, the letters filed in response to the posting of the notice of defect include no evidence that the 13-day publication prevented the authors from attending or participating in the Planning Board Hearing. Rather the letters state in general terms that the additional day would have provided

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conspicuous place in the town hall for a period of not less than 14 days and shall publish it once in a newspaper of general circulation in the town. The notice shall state that any resident, the owner of any real property in the town, or any other party entitled to notice of the planning board hearing, who claims that any such defect was misleading or was otherwise prejudicial may, within 21 days of the publication, file with the town clerk a written notice so stating and setting forth the reasons supporting that claim. Forthwith after the expiration of said 21 days, the town clerk shall submit to the attorney general either (a) a certificate stating that no claim was filed within the 21 day period, or (b) a certificate stating that one or more claims were filed together with copies thereof. . . . If no claim was made, the attorney general may waive any such defect; but, if any claim is made then the attorney general may not waive any such defect. . . .

the objectors with the opportunity to become fully informed of the proposed amendments. These statements do not demonstrate the prejudice required by G.L. c. 40, § 32 and Hallenborg, 360 Mass. at 529-530. In these circumstances we cannot conclude that the publication of the Planning Board hearing notice in the newspaper thirteen (rather than fourteen) days before the hearing was “misleading or otherwise prejudicial” as required by G.L. c. 40, § 32. We conclude that the letters filed by three residents of the Town do not qualify as valid claims under G.L. c. 40, § 32, and the Attorney General is authorized to waive, and does so waive, the procedural defect.

#### **V. Article 8’s Definition of “Timber” Does Not Conflict with State Law**

During our review of Articles 8 we received comments urging us to disapprove Article 8 on various grounds including that it: (1) results in an unconstitutional taking of private property; (2) prohibits the installations of septic systems in violation of state law; (3) prohibits agricultural uses in violation of G.L. c. 40A, § 3; and (4) prohibits solar installations in violations of G.L. c. 40A, § 3. As explained below, we do not agree that these arguments provide the Attorney General with grounds to disapprove Article 8.

Under Article 8, the Town amended Section 2.1, “Definitions,” to add definitions for “Community Wildlife Protection Plan,” “Invasive Plants,” “Locally Notable Trees,” “Timber,” and “Tree Thinning.” The new definition for “Timber” provides as follows:

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.

Section 6.9.1, “Cutting of Timber Within the NSP,” of the zoning by-law prohibits the cutting of timber within the Town’s National Seashore Park District (NSP) unless the cutting falls under one of the five listed exemptions. Prior to the Article 8 the Town did not define “Timber.” As amended, Section 6.9.1 will prohibit cutting of “Timber” now defined as “woody plants and trees with a girth of sixteen inches measured at breast height or below the lowest branching trunk, whichever is less.” This new definition of “Timber” does not conflict with state law.

In reviewing a by-law for consistency with state law, the Attorney General must determine whether the by-law violates state substantive or procedural law but does not decide factual issues. See Amherst v. Attorney General, 398 Mass. at 795, 798 n. 9 (overturning the Attorney General’s decision disapproving a hunting by-law where the Attorney General concluded that the Town was rural and therefore could not restrict hunting because the Court found that “[n]either this court nor the Attorney General may conclude if those demographic statistics classify the town as urban or rural.”). The analysis required to determine whether the by-law, as applied to a particular circumstance, results in an alleged unconstitutional taking of property is beyond the role of the Attorney General in reviewing by-laws under G.L. c. 40, § 32. Such an analysis involves determinations of factual issues that are well outside the bounds envisioned by G.L. c. 40, § 32. We also find no other conflict with state law, including the alleged conflicts with state law regarding septic system installation, agricultural uses, and solar uses.

While we approve the by-law amendments adopted under Article 8, the Town must apply the definition of “Timber.” and the prohibitions in Section 6.9.1 consistent with the protections

given to agriculture under G.L. c. 40A, § 3. Section 3 provides exemption from local zoning by-laws for certain agricultural uses and provides in relevant part as follows:

No zoning . . . by-law . . . shall . . . prohibit unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products. . . .

In addition, G.L. c. 128, § 1A defines agriculture and provides in pertinent part as follows:

“Farming” or “agriculture” shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

These statutes together establish that, to the extent the use of land or structures constitutes commercial agriculture, the Town cannot require a special permit for, unreasonably regulate, or prohibit such activities: (1) on land zoned for agriculture; (2) on land that is greater than five acres in size; and (3) on land of 2 acres or more if the sale of products from the agricultural use generates \$1,000 per acre or more of gross sales. The Town should consult with Town Counsel about the proper application of G.L. c. 40A, § 3 to the definitions of “Timber” and Section 6.9.1’s prohibition on cutting of timber within the NSP on agricultural property.

In addition, the Town should consult with Town Counsel when applying the new definition of “Timber” and Section 6.9.1’s timber cutting prohibition to a solar energy system development because if these zoning by-law provisions are used to deny a solar energy system or is applied in a way that makes it impracticable or uneconomical to a build solar energy system and related structures, such application would run a serious risk of violating G.L. c. 40A, § 3. See Tracer Lane II Realty, LLC v. City of Waltham, 489 Mass. 775, 781 (2022) (Waltham’s prohibition on solar energy systems in all but one to two percent of its land area violates the solar energy provisions of G.L. c. 40A, § 3; see also PLH LLC v. Town of Ware, No. 18 MISC 000648 (GHP), 2019 WL 7201712, at \*3 (Mass. Land Ct. Dec. 24, 2019), aff’d, 102 Mass. App. Ct. 1103 (2022), (“the review of the municipality conducted under the bylaw's special permit provisions must be limited

and narrowly applied in a way that is not unreasonable, is not designed or employed to prohibit the use or the operation of the protected use, and exists where necessary to protect the health, safety or welfare.”) The Town should consult with Town Counsel on this issue.

Very truly yours,

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

*Kelli E. Gunagan*

By: Kelli E. Gunagan  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600

cc: Town Counsel Carolyn M. Murray





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey  
Governor

Kimberly Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

May 16, 2024

Town of Wellfleet  
c/o Jay R. Norton, DPW Director  
220 West Main Street  
Wellfleet, MA 02667

RE: Authorization of Emergency Action - Pursuant to: Waterways Regulations 310 CMR 9.20  
Town of Wellfleet, Bound Brook Island Road

Dear Mr. Norton:

This authorization of emergency action is in response to your request of May 16, 2024 on behalf of the Town of Wellfleet, wherein you requested approval pursuant to the Emergency Action provisions of 310 CMR 9.20 to raise the elevation on portions of Bound Brook Island Road in Wellfleet. Bound Brook Island Road has experienced significant road flooding due to overwash at Duck Harbor caused by sea level rise in Cape Cod Bay combined with southerly/westerly winds and storms. The flooding is exacerbated by tidal restrictions in the Herring River flood plain that limit drainage. Raising the elevation within portions of the road will alleviate these issues until a more permanent solution is implemented as part of the Herring River Restoration Project. Your submission includes letters from the Wellfleet Police and Fire Chiefs detailing the danger that this flooding poses to residents and impacts to public safety response for properties accessed by this roadway.

The request also includes plans entitled "Road Flooding Mitigation, Partial Elevation of Bound Brook Island Road, Wellfleet, Massachusetts", prepared by WSP, dated May 2024. The Wellfleet Conservation Commission has issued an Emergency Certification under the Massachusetts Wetlands Protection Act, dated 5/16/2024, approving the partial elevation of Bound Brook Island Road.

The Department has reviewed your proposal and finds that the present situation warrants the issuance of an Emergency Authorization. Therefore, in order to avoid or eliminate this threat to public safety, Emergency Authorization is hereby granted to the Town of Wellfleet for the partial elevation of Bound Brook Island Road in Wellfleet. Said work shall be in conformance with the location and details as shown on the plans referenced herein.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

Pursuant to the provisions of 310 CMR 9.20, the Town of Wellfleet is required to submit a Chapter 91 License application in accordance with 310 CMR 9.11 within 30 days of the date of emergency approval. However, the Department is currently reviewing an application (Waterways Application #W21-5993) that includes the full elevation of this portion of Bound Brook Island Road as part of the Herring River Restoration Project. Therefore, the current application serves to meet the Town's obligation under the provisions of 310 CMR 9.20 and no additional application is required.

This authorization does not relieve the Applicant of its obligation to obtain all other applicable Local, State and/or Federal authorizations prior to the commencement of the activity authorized herein. Furthermore, pursuant to 310 CMR 9.20(3), all work authorized herein shall be completed within 30 calendar days of the date of this authorization, unless a written extension is approved by the Department.

Should you have any questions concerning this matter, please contact me at (508) 946-2707 or [brendan.mullaney@mass.gov](mailto:brendan.mullaney@mass.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "B.C. Mullaney", with a stylized flourish at the end.

Brendan C. Mullaney  
Section Chief  
Waterways Program

ecc: Wellfleet Conservation Commission  
Wellfleet Harbormaster  
Waterways Program, DEP-Boston  
Office of Coastal Zone Management

## Rebekah Eldridge

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**From:** Tom Guerino  
**Sent:** Friday, May 17, 2024 9:14 AM  
**To:** Rebekah Eldridge  
**Subject:** Fwd: Sign on to support Offshore Wind in Barnstable

Correspondence

Get [Outlook for iOS](#)

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**From:** Emma Brown <emma.brown@sierraclub.org>  
**Sent:** Thursday, May 16, 2024 6:05 PM  
**To:** Board of Selectmen <BoS@wellfleet-ma.gov>  
**Subject:** Sign on to support Offshore Wind in Barnstable

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

Dear Wellfleet Select Board,

Vineyard Wind 1 is successfully generating electricity and powering homes in Massachusetts. Its undersea cables land under the beaches of Barnstable and connect to New England's electric grid. To meet the state's demand for clean energy, two additional projects are currently looking to land cables in Barnstable, but are facing opposition from a small but loud minority of residents. This opposition has caused the Town Council to stop negotiations on both projects, and halt the advance of these beneficial Offshore wind projects. [We need your help to let Barnstable Town Council know that we support them!](#) Our loud voice across the state can overpower this minority of opposition and encourage local support to come forward!

**We all gain enormous benefits from bringing offshore wind onto our power grid, but we need coastal towns like Barnstable to host these cable landings. Without offshore wind, we cannot cost-effectively meet our net-zero goals.**

Questions? [View our Info Sheet](#)

We are sending this letter to Barnstable municipal officials to show our support! [View our letter here.](#)

If you or any other municipal officials you know would like to support this effort, please sign on by 5pm on June 12th, by [filling out this form](#).

With gratitude,  
Sierra Club Massachusetts Chapter

## Rebekah Eldridge

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**From:** Nick S <nsirucek@outlook.com>  
**Sent:** Friday, May 17, 2024 10:23 AM  
**To:** Board of Selectmen  
**Cc:** Rebecca Taylor  
**Subject:** SAB 5/15 Votes

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

To Wellfleet Select Board,

At our May 15<sup>th</sup> meeting, the SAB made the following votes:

In regards to our ongoing discussion of Regulation 6.5.3 (re: vehicle weight on beaches) the following motion was made:

-Motion: "Ask the Select Board to make no changes to Regulation 6.5.3 until the SAB can discuss it further.", motion passed 5-0

In regards to designating an SAB representative to apply to the Herring River Project Stakeholder group the following motion was made:

-Motion: "To designate Rebecca Taylor to apply to the Herring River Project Stakeholder group", motion passed 5-0

In regards to the SAB applying for a Wellfleet Oyster Alliance Community Grant to help pay for the Ice Machine project the following motion was made:

-Motion: "To submit the Wellfleet Oyster Alliance grant application in the amount of \$60,000 for the ice machine and related expenses, and to add the itemized cost estimates and timeline to the project narrative." Motion passed 5-0.

Per our understanding of the Town's grant policy, we will submit the grant application to the Town Administrator for approval prior to submitting it to the Wellfleet Oyster Alliance.

Thanks,  
Nick Sirucek  
SAB Secretary



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

XII

## MINUTES

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of Meeting Minutes for May 7, 2024.</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the minutes of May 7, 2024.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

***Wellfleet Selectboard  
Tuesday May 7, 2024; 6pm  
Hybrid Meeting  
715 Old Kings Highway/Zoom  
Meeting Minutes***

**Members Present:** Barbara Carboni, Chair; John Wolf, Vice Chair; Michael DeVasto (virtual); Sheila Lyons

**Members Absent:** Ryan Curley

**Others Present:** Tom Guerino, Town Administrator; Rebekah Eldridge, Executive Assistant; Nancy Civetta, Shellfish Constable; Rich Pauley, Fire Chief; Dan Silverman, Town Moderator; Michael Turner, Police Lieutenant; Sharon Rule-Agger; Jude Ahern, Diane Brunt, Heith Martinez, Health Agent, Scott Horsley, Consultant; Marc Drainville, DEP; David Lorio Izzo, Brian Baumgartel,

Chair Carboni called the meeting to order at 6:05pm

**I. *Announcements and Public Comments***

**Note:** Public comments are limited to no more than three minutes per speaker.

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Chair Carboni thanked Sayre for serving on the board and welcomed Lyons. She announced the funeral arrangements for Buddy \_\_\_ who was a longtime resident. Lt. Turner spoke to the board announcing the resignation of police officer and spoke to the new recruitment the police department has been doing.

Chair Carboni asked for public comment, Rule-Agger came to the microphone and announced a program being run at the library called Waste no Water discussing alternative septic systems.

Ahern spoke to the board discussing public comment, she gave her opinion on the millions of dollars needing to be spent on septic systems.

Brunt spoke to the board and public, explaining she was going to use her comments for whistle blowing she spoke about the 2022 audit.

**II. *Fire Department Update ~ Chief Richard Pauley***

- Chief Pauley came to the table and announced his retirement from the Wellfleet Fire Department, he gave a speech on how it has been an honor to be a fire chief. The Chief read his letter of retirement to the public. Speaking of the professionalism of the Wellfleet fire department. Chair Carboni asked the board members for statements which they all commented on and thanked him for his service and stepping up when needed.

**III. *Town Moderator Business ~ Dan Silverman***

**A.** Discussion of Childcare Provisions

Silverman came to the table and spoke to the board about the town meeting childcare which will be provided at the town meeting and stated the application was on the town's website.

**B. Beach Sticker Giveaway Authorization**

**Board Member Wolf Moved; Board Member Lyons Seconded; and it was voted to approve the giveaway of 5 beach stickers at the end of town meeting.**

**Roll Call Vote: 4-0**

**C. Deadline for Informational Inserts in the motion's booklet.**

Silverman spoke to the board stating that the deadline to hand in handouts to go into the motion's booklet is May 16<sup>th</sup>.

Silverman also announced that there will be a pre town meeting forum on May 14<sup>th</sup>. Which is a hybrid meeting.

**IV. *Consent Agenda***

**A. Use of town property ~ Mike Schiller, Jack's Boat rental ~ drop off areas at Long Pond and Powers Landing, May 15, 2024 – September 30, 2024; 8am – 6pm. For a fee is \$385.00**

**B. Amnesty Day ~ Transfer Station ~ DPW ~ May 11, 2024; 8am – 2pm**

**C. Interview and potential appointment of Richard Emmet to the Wellfleet Energy and Climate Action Committee for a term of three years.**

**D. Andrew Smith & Mercedes Muse ~ Front Lawn of Town Hall for civil Wedding Ceremony ~ May 24, 2024, 3:30-4:30pm ~ 10 people total.**

**Board Member Wolf moved; Board Member Lyons seconded; and it was voted to approve the consent agenda as presented.**

**Roll Call Vote: 4-0**

**V. *Public Hearings***

**A. Verizon New England Inc. and NSTAR DBA: Eversource Energy to place a jointly owned pole – 55/0.5 – at the property between #135 and #145 Samoset Ave, Wellfleet.**

**Board Member Lyons moved; Board Member Wolf Seconded, and it was voted to approve Verizon New England Inc. and NSTAR dba: Eversource Energy to place a jointly owned pole~ 55/0.5 ~ property between #135 and #145 Samoset Ave. Wellfleet.**

**Roll Call Vote: 4-0**

**B. Application received on 4/9/2024 from Barbara Austin (Wellfleet, MA) and Jerre Austin (Wellfleet, MA) for the transfer of shellfish grant license #s 85-G and 85G-A consisting of approximately three acres on Indian Neck from Barbara Austin and Jerre Austin to Barbara Austin, Jerre Austin and Ellen Craven (Wellfleet).**

**Board Member Wolf Moved; Board Member Lyons Seconded; and it was voted to approve the transfer of shellfish grant license #85-G and 85G-A consisting of approximately three acres on Indian Neck from Barbara Austin and Jerre Austin to Barbara Austin. Jerre Austin and Ellen Craven all of Wellfleet MA.**

**Roll Call Vote: 3-0-1 (DeVasto Recused)**

**VI. Licenses**

**A. Common Victualler License Renewals:**

- Emack & Bolios
- Billingsgate Market (Previously Maurice's Market)

**Board Member Wolf moved; Board Member Lyons Seconded, and it was voted to approve the renewals for the Common Victualler Licenses, as listed above.**

**Roll Call Vote: 4-0**

**VII. Board/Committee Appointments & Updates**

**A. Interview and Potential Appointment of Timothy Sayre to the Maurice's Planning Committee moving from an alternate member to a voting member, for a term of three years.**

Sayre came to the microphone explaining that if the board would vote him on a member of the board, they need to wait 30 days which is what ethics told him. To make his appointment to begin June 30, 2024.

The board discussed and agreed to vote him a a voting member beginning June 30<sup>th</sup>.

The board will investigate the time,

**Board Member Lyons Moved; Board Member Wolf Seconded; and it was voted to appoint Tim Sayre as a voting member to the Maurice's Planning Committee to begin appointment on June 30, 2024. Pending the review of time limits by the ethics committee.**

**Roll Call Vote: 4-0**

**B. Interviews and potential Appointment of an alternate member of the Shellfish Advisory Board for a term of three years.**

Timothy Hughes

Lisa Dexter

The board agreed to move this to the meeting on May 21, 2024, as there were other applications that came into the office over the weekend.

**NO ACTION TAKEN**

**VIII. Use of Town Property**

**A. Friends of Herring River, Dale Rheault ~ May 22, 2024 – October 15, 2024; creating a story walk along the fencing parking area of gull pond. ~ See application for full details.**

This application was moved to May 21, 2024

**NO ACTION WAS TAKEN**

**IX. Business**

**A. Update on status of the Watershed Management Plan, milestone schedule, and RME/SUP ~ Heith Martinez, Scott Horsley, Anastasia Rudenko, Brian Baumgartel, and David Lorio Izzo.**

Martinez introduced Scott Horsley to the board and Horsley began the slide show of the information and updated progress of the watershed management plan. This slide show presentation showed the progress and next steps with the permitting process. Izzo explained the second slide show presentation to the board. There were questions from the board members regarding this presentation. The board discussed this presentation at great length.



The board had some questions for Horsley on this part of the presentation.

**NO ACTION WAS TAKEN**

- B. Local Housing Partnership to discuss a charge change. ~ Sharon Rule Agger Agger came to the microphone and explained why the board was asking to make slight changes to their charge as Local Housing Partnership. She explained the changes and why the partnership was asking for these changes.

**Board Member Wolf Moved; Board Member Lyons Seconded; and it was voted to approve the changes made by the Local Housing Partnership to the charge given to them to reflect the new changes.**

**Roll Call Vote: 4-0**

- C. Renew the acting town administrator's designation and appointment, including extension of contract.

**Board Member Lyons Moved; Board Member DeVasto Seconded; and it was voted to renew the acting town administrator Thomas Guerino's designation and appointment period and extension of his contract for a term of up to 90 days.**

**Roll Call Vote: 4-0**

X. ***Selectboard Reports***

Lyons spoke about the zoning and spoke about the comments Ahern made and stated that maybe the board could take a course or reboot the board on best practices.

XI. ***Town Administrator's Report***

Guerino spoke to the board informing them, he responded to a few comments made during public comment. He stated he's been in close contact with Katherine Klein, he has been working with Norton on Bound Brook Road. He explained that he is having weekly finance meetings with DOR and the finance team of Wellfleet to stay on financial tasks. He spoke about the town planner and the expansion of her job description and the money it will save the town.

He stated that he met with the Chair of the Conservation Commission.

He spoke about the ice machine grant that was submitted for a second ice machine.

He stated that he would like to have a working meeting to discuss goals.

XII. ***Topics for Future Discussion***

May 21<sup>st</sup> will have the use of town property and the appointment to the Shellfish Advisory Committee.

XIII. ***Correspondence***

XIV. ***Minutes***

- A. April 16, 2024, ~ Chair Carboni questioned the public comment. **Board Member Wolf Moved; Chair Carboni Seconded; and it was voted to approve the meeting minutes of April 16, 2024, as**

**Roll Call Vote: 3-0-1 (Lyons Abstained)**

XV. ***Adjournment***

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

**4-0**

**Meeting adjourned 8:20pm**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 21, 2024

XIII

### ADJOURNMENT

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