



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, November 1, 2022, at 7:00pm**. The Chapter 107 of the Acts of 2022, this meeting will be conducted in person and as a courtesy via remote means, per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law.

Joining the Meeting:

In-person at the Wellfleet ACC, 715 Old King's Highway, Wellfleet, MA, 02667

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

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

By Phone: **phone to +1 929 205 6099** and enter **Meeting ID: 856 8960 4806** | **Passcode: 611877** Landline callers can participate by dialing *9 to raise their hand.

To Participate during public comment:

- Zoom: Raise hand to be called on to speak.
- Phone: dial *9 to raise your hand.

It is at the Chair's discretion to call on members of the public. All speakers must be recognized to speak. If attending a meeting in person, please find the closest available microphone and confine any personal conversations to outside the meeting room. Anyone may record the session but must notify the Chair and may not interfere with the meeting to record it.

Additionally, the meeting will be broadcast live, in real time, via live broadcast on Comcast cable (Wellfleet Government TV Channel 18), also available via livestream or Video on Demand (VOD) recordings at www.wellfleet-ma.gov

I. *Announcements, Open Session and Public Comments*

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

II. *Consent Agenda*

- A. Approve the closure of Fox & Crow for repairs and updates ~ Trudy Vermehren
- B. Wellfleet Elementary PTA ~ Holiday Bazar Fundraiser~ Use of town hall parking lot ~ December 10, 2022; 1pm-8pm
- C. Wellfleet Chamber of Commerce ~ Use of Town Property ~ Annual Tree Lighting ~ Brianna Sullivan
- D. Approve the closure of The Wicked Oyster November 18, 2022, to April 2023. ~ Eliza Fitts

- III. ***Board/Committee Appointments and Updates***
 - A. Wellfleet Conservation Trust review and approve a conservation restriction Map #36, Lot #91
 - B. Maurice's Campground Planning Members to be chosen ~ Chair Curley

- IV. ***Business***
 - A. One year license agreement with Mac's at the pier for calendar year 2023 ~ Mac Hay/Town Administrator
 - B. Town Seal Replacement Request, ~ Community Preservation Committee
 - C. Eversource Spraying ~ Chair Curley
 - D. Zoning Bylaw Amendment ~ Notable Trees ~ Chair Curley
 - E. Zoning Bylaw Amendment ~ Intensity of Use of Multi-Family Dwellings ~ Chair Curley
 - F. Financial Update ~ Town Administrator
 - G. Distribution of the Town Administrator's Six-Month Review ~ Selectboard
- V. ***New Business***
- VI. ***Selectboard Reports***
- VII. ***Town Administrator's Report***
- VIII. ***Topics for Future Discussion***
- IX. ***Vacancy Reports***
- X. ***Minutes***
 - A. October 18, 2022
- XI. ***Adjournment***



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

I

ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

II

CONSENT AGENDA

REQUESTED BY:	Various Parties
DESIRED ACTION:	To approve the following without objection
SUMMARY:	I move to approve the following items with no objection: <ul style="list-style-type: none">○ Approve the closure of Fox & Crow for repairs and updates ~ Trudy Vermehren○ Wellfleet Elementary PTA ~ Holiday Bazar Fundraiser~ Use of town hall parking lot ~ December 10, 2022; 1pm-8pm no fee to be charged.○ Wellfleet Chamber of Commerce ~ Use of Town Property ~ Annual Tree Lighting ~ Brianna Sullivan no fee to be charged.○ Approve the closure of The Wicked Oyster on November 18, 2022.



Board of Selectmen

Request for Placement on Agenda

Name: The Fox and Crow Inc.

Address: 70 Main St.

Company or Organization Representing: _____

Phone Number: 508-349-1639

Email Address: trudy10@mac.com

Specific Request: Request permission to close from Oct 31st - Dec 22nd, 2022 to make repairs, winterize, and perform maintenance on premises.

2.82

To be Filed out by Dept. _____

Applicant Notified: _____ Date of Hearing: _____

Date Request Completed: _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant WES - PTA

Affiliation or Group WES - PTA

Telephone Number 774-722-5428

Mailing Address 100 Lawrence Rd.

Email address lauran02128@yahoo.com

Wellfleet, Ma 02667

Town Property to be used (include specific area) Parking Lot behind the town hall

Date(s) and hours of use: 12/10/22 1pm-8pm (raindate 12/11/22 1pm-8pm)

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.

Holiday Bazaar fundraiser for the WES-PTA. Vendor tents, craft tents, food tents, food trucks, kids games and activities. # of tents to be determined after approval. No fee charged for the event. Donations to the PTA will be accepted.

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

determined by the selectboard

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

Action by the Board of Selectmen:

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____

Date: _____

Processing Fee: \$50.00 pd RLE 10/21/20

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: <i>Shelary -</i> Comments/Conditions: Permits/Inspections needed: <i>temporary food service permits</i> <i>- PTA contacted Shelby 10-21-22</i>	Inspector of Buildings: <i>Jim Badera</i> Comments/Conditions: Permits/Inspections needed: <i>will talk to applicant</i>
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Police Department: <i>ok - Chief Orley</i> Comments/Conditions:	Fire Department: <i>ok - Chief Pauley</i> Comments/Conditions:
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DPW: <i>ok - Jay Norton</i> Comments/Conditions:	Community Services Director: <i>ok - Suzanne Thomas</i> Comments/Conditions:
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Harbormaster: <i>N/A</i> Comments/Conditions	Shellfish: <i>N/A</i> Comments/Conditions
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Recreation: <i>N/A</i> Comments/Conditions	Town Administrator: <i>ok - Rich Walden</i> Comments/Conditions
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APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant: **Brianna Sullivan**

Affiliation or Group: **Wellfleet Chamber of Commerce**

Telephone Number: **508-349-2510**

Mailing Address: **PO Box 571, Wellfleet 02667**

Email address **info@wellfleetchamber.com**

Town Property to be used (include specific area) **Lawn area in front of Town Hall**

Date(s) and hours of use: **Saturday, December 10, 2022 – 3:30-5:30pm**

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.

This gathering is the Chamber’s annual Tree Lighting and Sing Along! We expect about 50-60 attendees at the short tree lighting ceremony, followed by a holiday themed sing along. Equipment used will include a PA system for the musicians, various instruments, spotlight, 10x10 pop-up tent (in case of inclement weather.)

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

Use of outside electrical outlet to run an extension cord for musicians to plug into their equipment and spotlight and permission to “light” (plug in) the trees in front of Town Hall.

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

Action by the Board of Selectmen:

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____

Date: _____

Processing Fee: _____ \$50.00

pd - 10/24 ch # 2725

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: <i>ok - Helary Lemas</i> Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: <i>N/A</i> Comments/Conditions: Permits/Inspections needed:
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Police Department: <i>ok - per Chief Herley</i> Comments/Conditions:	Fire Department: <i>ok Chief Pauley</i> Comments/Conditions:
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DPW: <i>Jay Norton - OK</i> Comments/Conditions <i>please include Peter Williams, facilities foreman 2 weeks in advance of ceremony -★</i>	Community Services Director: <i>ok - Suzanne Thomas</i> Comments/Conditions:
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Harbormaster: <i>N/A</i> Comments/Conditions	Shellfish: <i>N/A</i> Comments/Conditions
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Recreation: <i>ok - Becky Rosenberg</i> Comments/Conditions	Town Administrator: Comments/Conditions
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62 This **Spectrum Policy** consists of the Declarations, Coverage Forms, Common Policy Conditions and any
30 other Forms and Endorsements issued to be a part of the Policy. This insurance is provided by the stock
PK insurance company of The Hartford Insurance Group shown below.
SBA

INSURER: HARTFORD FIRE INSURANCE COMPANY
ONE HARTFORD PLAZA, HARTFORD, CONNECTICUT 06155
COMPANY CODE: 1



000009 8/18 2 04

Policy Number: 08 SBA PK3062 DW

SPECTRUM POLICY DECLARATIONS

ORIGINAL

Named Insured and Mailing Address: WELLFLEET CHAMBER OF COMMERCE
(No., Street, Town, State, Zip Code) INC
PO BOX 571
WELLFLEET MA 02667

Policy Period: From 09/22/22 To 09/22/23 1 YEAR
12:01 a.m., Standard time at your mailing address shown above. **Exception:** 12 noon in New Hampshire.

Name of Agent/Broker: BENSON YOUNG & DOWNS INS AGY/PHS
Code: 088126

Previous Policy Number: 08 SBA PK3062

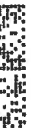
Named Insured is: ASSOCIATION

Audit Period: NON-AUDITABLE

Type of Property Coverage: SPECIAL

Insurance Provided: In return for the payment of the premium and subject to all of the terms of this policy, we agree with you to provide insurance as stated in this policy.

TOTAL ANNUAL PREMIUM IS: \$1,824
IN RECOGNITION OF THE MULTIPLE COVERAGES INSURED WITH THE HARTFORD, YOUR
POLICY PREMIUM INCLUDES AN ACCOUNT CREDIT.



Countersigned by *Susan J. Castaneda* 07/12/22
Authorized Representative Date



TEK Restaurant Group Inc.

d/b/a

the wicked oyster

50 main street
wellfleet, ma 02667

October 28, 2022

Dear Board Members,

We are requesting permission for a winter closing from November 14th, 2022 until April (14th?) of 2023.

We recognize that this is, once again, a longer period than would normally be granted for a “year-round” liquor license. However, the health concerns we have had for the past two winters remain (many of our clientele are still more comfortable with outdoor dining) and are only compounded this year by rising utility costs and staffing issues.

We are hopeful that our closing will also help the admirable off-season efforts of other local businesses (like our new neighbors, The Fox and Crow!).

Thank you in advance for your understanding and consideration. If you have any questions or concerns, please feel free to contact Ken Kozak at (508) 221-4197.

Sincerely,

Eliza Fitts and Ken Kozak
Owners

Phone 508-349-3455 • Fax 508-349-3468
info@thewickedo.com/www.thewickedo.com



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

III

BOARD/COMMITTEE APPOINTMENTS & UPDATES

~ A ~

REQUESTED BY:	Wellfleet Conservation Trust
DESIRED ACTION:	To review and approve a conservation restriction Map #36, Lot #91
PROPOSED MOTION:	I move to approve the restrictions written and explained in the letter from the Conservation Trust for Map #36, Lot #91
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



October 25, 2022

The Wellfleet SelectBoard
c/o Mr. Richard Waldo, Town Administrator
Wellfleet Town Hall
Wellfleet, MA 02667

- by email to Mr. Waldo -

Dear Members of the Select Board:

RE: Request for review and approval of a Conservation Restriction on Map 36 Lot 91

On behalf of the Wellfleet Conservation Trust (WCT) and our advisor/partner, The Compact of Cape Cod Conservation Trusts (the Compact), I request your review and approval of the attached Conservation Restriction (CR) as it applies to the parcel at 10 Paine Avenue - off Old Wharf Rd. and Bond Street in South Wellfleet - Map 36 Lot 91.

This CR is required because the seller has been approved by the State Executive Office of Energy and Environment Administration (EOEEA) to receive a Massachusetts Conservation Land Tax Credit (CLTC). Per state and Wellfleet regulations, the SelectBoard must approve and sign the CR for it to be effective. The CR is a perpetual real interest in the land and must be registered with the Registry of Deeds or; Land Court, as appropriate, after approval and signing of the Secretary of State for the EOEEA. The form and content of this CR has been vetted by EOEEA for approval by all required.

This CR has been reviewed by the Wellfleet Conservation Commission at its October 19th meeting and per our normal Wellfleet procedures, the Commission will be submitting a recommendation for your approval of this CR.

The terms of the CR are conventional and based on the EOEEA's model CR. The staff of the EOEEA have reviewed this CR and are satisfied to recommend the Secretary's approval, as the final approval in this process.

Under the attached CR, the initial fee owner of the land, the "Grantor", will be the Compact, as needed by state regulations. After the CR is effected, the fee ownership will be transferred to WCT. The initial CR Grantee (holder) will be the Orenda Wildlife Land Trust, a regional land trust. After the transfer of the fee title is made to WCT, the CR holder will become The

Compact. The EOEEA has approved of these subsequent procedures and is fully satisfied. I will be available at your meeting if you wish further explanation and background.

Thank you for your consideration.

Sincerely,

R. Dennis O'Connell

R. Dennis O'Connell, President
508-349-2162

Attachment: CR Ref# 17171. Wellfleet draft CR- CLTC #0577.ex-Swain Lot

cc: Ms. Hillary Greenberg- Lemos, Wellfleet Health and Conservation
Mr. Mark Robinson, Executive Director, The Compact

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

GRANTEE: Orenda Wildlife Land Trust, Inc.

ADDRESS OF PREMISES: 10 Paine Avenue, South Wellfleet 02663

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

(pending)

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

CONSERVATION RESTRICTION

I. PREAMBLE

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

II. PURPOSES:

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

Conservation Land Tax Credit The fee interest in the Premises was acquired utilizing, in part, the Conservation Land Tax Credit Program authorized under the Chapter 509 Acts of 2008 Sections 1-4 as amended by Chapter 409 Acts of 2010 Sections 4-13 of the Massachusetts General Court.

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

- Open Space. The Premises contributes to the protection of the scenic and natural character of Wellfleet and the protection of the Premises will enhance the open-space value of these and nearby lands. By protecting the 0.53 acres, this Conservation Restriction will enhance open space available for public passive recreation, and the 0.83 acres included covered by this Conservation Restriction is adjacent to wetlands on Cape Cod Bay and Wellfleet Harbor.
- Wildlife Habitat. Approximately 50% of the Premises is considered BioMap2 Core Habitat Species of Conservation Concern, and is proximate to areas designated by the MA Division of Fisheries and Wildlife acting by and through its Natural Heritage and Endangered Species Program (NHESP) as “Priority Habitats of Rare and Endangered Species,” the protection of which aligns with NHESP’s wildlife and habitat protection objectives.
- Area of Critical Environmental Concern. Approximately one half of the Premises falls within the Wellfleet Harbor Area of Critical Environmental Concern (ACEC), designated by the state in 1989 in part due to the coastal and marine resources, wetlands, and cultural significance of this area of South Wellfleet.
- Public Access. Public access to the Premises will be allowed for passive outdoor recreation, education and nature study and provides close-to-home recreational opportunities for Wellfleet residents and visitors.
- Biodiversity. The Premises will protect areas designated as BioMap2 Core Habitat and Critical Natural Landscape, specifically for the land adjacent to the Premises, as defined by the Massachusetts Natural Heritage and Endangered Species Program. BioMap2, published in 2010, was designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. *BioMap2* is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan.
- Wetlands. The Premises provides upland buffer to nearby saltwater marsh and contains valuable habitat for a diverse array of wildlife species as well as provide the many other public benefits of wetlands protection recognized by the Commonwealth of Massachusetts (Section 40 of Chapter 131 of the Massachusetts General Laws). The protection of the Premises’ 0.53 acres contributes to the success of the larger wetlands, and wildlife.
- Climate Change Resiliency. The Premises is identified as an area of average Terrestrial Resilience according to The Nature Conservancy’s (TNC) Resilient Land Mapping Tool. TNC’s Resilient Land Mapping Tool was developed in order to map ‘climate-resilient’ sites that are ‘more likely to sustain native plants, animals, and natural processes into the future.’ The protection of these climate resilient sites is an important step in both reducing human and ecosystem vulnerability to climate change and adapting to changing conditions.
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July

1991, the Barnstable County Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan* (“RPP”), amended in 1996, 2002, 2009, 2012, 2018, and 2021 which provided, *inter alia* (references are to the 2018 RPP amended March 2021):

- “To protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers” (Wetland Resources Goal, p. 61);
 - “Protect wetlands and their buffers from vegetation and grade changes.”
- “To protect, preserve, or restore wildlife and plant habitat to maintain the region’s natural diversity” (Wildlife and Plant Habitat Goal, p. 61);
 - “Maintain existing plant and wildlife populations and species diversity.”
- “To conserve, preserve, or enhance a network of open space that contributes to the region’s natural and community resources and systems” (Open Space Goal, p. 61);
 - “Protect and preserve natural, cultural, and recreational resources;”
 - “Maintain or increase the connectivity of open space;” and
 - “Protect or provide open space appropriate to context.”

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

- Consistency with Clearly Delineated Town of Wellfleet Open Space and Recreation Plan. Protection of the Premises will further the Town of Wellfleet’s documented goals regarding conservation of land. The Town of Harwich’s Open Space Plan (2014) and draft Five Year Plan provides guidance for preserving and protecting Wellfleet’s open space, recreational areas, and water resources. The Plan prioritizes conservation of land that is unfragmented, promotes natural resource protection, and prevents the loss of critical wildlife and plant habitats (p. 63). The protection of the Premises will meet these goals in providing connectivity to Town open space, preserving native species, and enabling passive recreational opportunities.
- Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of “conservation purposes” as defined in 26 CFR 1.170A-14(d)(1), because its conservation would: protect the land for outdoor recreation by the general public; reserve the land for education regarding the natural world; protect wildlife and wetland habitats; and it would contribute to the preservation of open space because it is proximate to several other parcels already conserved.
- Consistency with Clearly Delineated State Conservation Policy. The Premises possesses significant open space, natural, aesthetic, ecological, plant and wildlife habitat, and scenic values (collectively “Conservation Values”) of great importance to the Grantee and the people of Wellfleet and the Commonwealth of Massachusetts. By protecting the 0.53 acres, this Conservation Restriction will protect the adjacent saltmarsh within the Wellfleet

Harbor ACEC available for public passive recreation. The Premises will provide a walking and passive recreation location for local residents and visitors.

These and other conservation values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

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

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, solar panel, solar array, wind turbine, conduit, line, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project,

the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;

7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Residential or Industrial Uses. Using the Premises for residential, commercial or industrial purposes;
12. Inconsistent Uses. Using the Premises that would materially impair the Conservation Values, or for any other uses or activities that are inconsistent with the Purposes or that would materially impair the Conservation Values.

B. Permitted Acts and Uses

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

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV.);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises;

4. Natural Habitat and Ecosystem Improvement. Conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation. This could include, but is not limited to: 1) wetland buffer restoration, 2) removal of non-native species and 3) establishing indigenous/native species.
5. Archaeological Investigations. Conducting archaeological activities, including archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;
6. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;
7. Fences. The right to erect and maintain open-faced (i.e., sight-pervious) fences, such as wooden split rail, for property boundary delineation, so long as the dimensions and design of said fences do not impede free wildlife passage;
8. Motorized Vehicles. Using motorized vehicles by persons with mobility impairments.
9. Outdoor Passive Recreational and Educational Activities. Hiking, jogging, cross-country skiing, snowshoeing, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor passive recreational and educational activities;

C. Site Restoration

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

D. Compliance with Permits, Regulations, Laws

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

or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

E. Notice and Approval.

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
 - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals.
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.
3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

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

B. Legal and Injunctive Relief.

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration) and equitable relief against any violations, including, without limitation,

injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.

2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver.

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

D. Disclaimer of Liability

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

E. Acts Beyond the Grantor's Control

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

resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS

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

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

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

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

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

C. Grantee's Receipt of Property Right

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, for the purpose of enforcing this Conservation Restriction, but does not entitle Grantee, upon extinguishment, release, or termination, to any proceeds received by the Grantor from the subsequent sale, exchange or involuntary conversion of

the Premises. Any proceeds that result from any such extinguishment, release, or termination will be distributed only after complying with the terms of any gift, grant, or other funding requirements.

D. Cooperation Regarding Public Action

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

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

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

B. Execution of Instruments

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

C. Running of the Benefit

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

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

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

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

B. Grantor's Liability

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

IX. ESTOPPEL CERTIFICATES

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

X. NON MERGER

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

XI. AMENDMENT

A. Limitations on Amendment

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

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;

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

B. Amendment Approvals and Recording

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

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XIII. NOTICES

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

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

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

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

XIV. GENERAL PROVISIONS

A. Controlling Law

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

B. Liberal Construction

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

C. Severability

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

D. Entire Agreement

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

XV. BASELINE DOCUMENTATION REPORT

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

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

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

B. Subordination

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

C. Prior Encumbrances

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

D. Attached hereto and incorporated herein by reference are the following:

Signature pages:

Grantor – The Compact of Cape Cod Conservation Trusts, Inc.
Grantee Acceptance – Orenda Wildlife Land Trust, Inc.
Certificate of Vote – Grant Wiklund, Clerk, Orenda Wildlife Land Trust, Inc.
Approval of the Town of Wellfleet Selectboard
Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

Exhibits:

Exhibit A: Legal Description of Premises
Exhibit B: Reduced Copy of Recorded Plan of Premises

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

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

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

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared Leonard W. Johnson, President, The Compact of Cape Cod Conservation Trusts, Inc., and Henry Lind, Treasurer, The Compact of Cape Cod Conservation Trusts, Inc., and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that each signed it voluntarily for its stated purpose.

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

ACCEPTANCE OF GRANT

This Conservation Restriction from The Compact of Cape Cod Conservation Trusts, Inc., was accepted by Orenda Wildlife Land Trust, Inc., this _____ day of _____, 2022.

By: _____
Daniel Morast

Its: President, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared Daniel Morast, President of Orenda Wildlife Land Trust, Inc., and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

CERTIFICATE OF VOTE

I, Grant Wiklund, duly elected Clerk of the Orenda Wildlife Land Trust, Inc., hereby certify that at a meeting of the Board of Directors duly called on the ____ day of _____ 2022, at which meeting, acting throughout upon motion duly made and seconded, a quorum being present, it was unanimously

VOTED: that Daniel Morast, President of Orenda Wildlife Land Trust, Inc., be and hereby is authorized in the name of Orenda Wildlife Land Trust, Inc., to accept a conservation restriction from The Compact of Cape Cod Conservation Trusts, Inc. on its property at 10 and 11 Paine Avenue, South Wellfleet, his execution thereof shall be sufficient evidence of the Board of Directors' approval.

I further certify that Daniel Morast is the duly elected President of Orenda Wildlife Land Trust, Inc., and that I am the duly elected Clerk and that said vote is still in full force and effect.

A true copy.

Attest:

Grant Wiklund, Clerk
Orenda Wildlife Land Trust, Inc.

Date: _____, 2022

APPROVAL OF SELECTBOARD

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

SELECT BOARD:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared _____, Chair, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she/he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

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

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

Dated: _____, 2022

BETHANY CARD
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared BETHANY CARD, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Legal Description of Premises

The Premises subject to this Conservation Restriction is an approximately 0.3-acre parcel of land in the Town of Wellfleet, Barnstable County, Commonwealth of Massachusetts, shown as

Lots 83 and 84 as shown on a plan of land entitled in part "Plan of Land in South Wellfleet Mass... .. land of Miles J. Merrill," which plan is dated July 13, 1892 and a copy of which is recorded with the Barnstable County Registry of Deeds with Plan Book 29, Page 31.

See sketches in Exhibits B and C following.

Said parcel is more particularly bounded and described as follows:

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

Northerly by Arey Avenue as shown on the hereafter mentioned plan, a distance of twenty-seven and 31/100 (27.31) feet;

Easterly by Lots 81 and 82 as shown on the hereafter mentioned plan, a distance of one hundred fifty and 03/100 (150.03) feet;

Southerly by Paine Avenue as shown on the hereafter mentioned plan, a distance of one hundred forty and 44/100 (140.44) feet; and,

Westerly by land shown on Land Court Plan No. 34869-A, by two courses for a total distance of one hundred eighty-eight and 66/100 (188.66) feet.

Said premises contain an area of 13,216 square feet and are shown as Lots 83 and 84 on a plan recorded with the Barnstable County Registry of Deeds in Plan Book 29, Page 31.

Wellfleet Town Tax Map 36, Parcel 91 (11 Paine Avenue)

EXHIBIT B

Reduced Copy Plan of Premises

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

Lots 15, 16, 26, 27, 28, 41, 42, 59, **83, 84**, 65, 86, 99, 100, 101, 102, and Mill Hill Lots 9, 10, 15, 18, 19, 21 and 22, all as shown on a plan of land entitled "Plan of Land in South Wellfleet of Miles J. Merrill" and recorded with the Barnstable County Registry of Deeds in Plan Book 29, Page 31; and *Excerpt of Deed of record in Deeds Book 2858 Page 152*

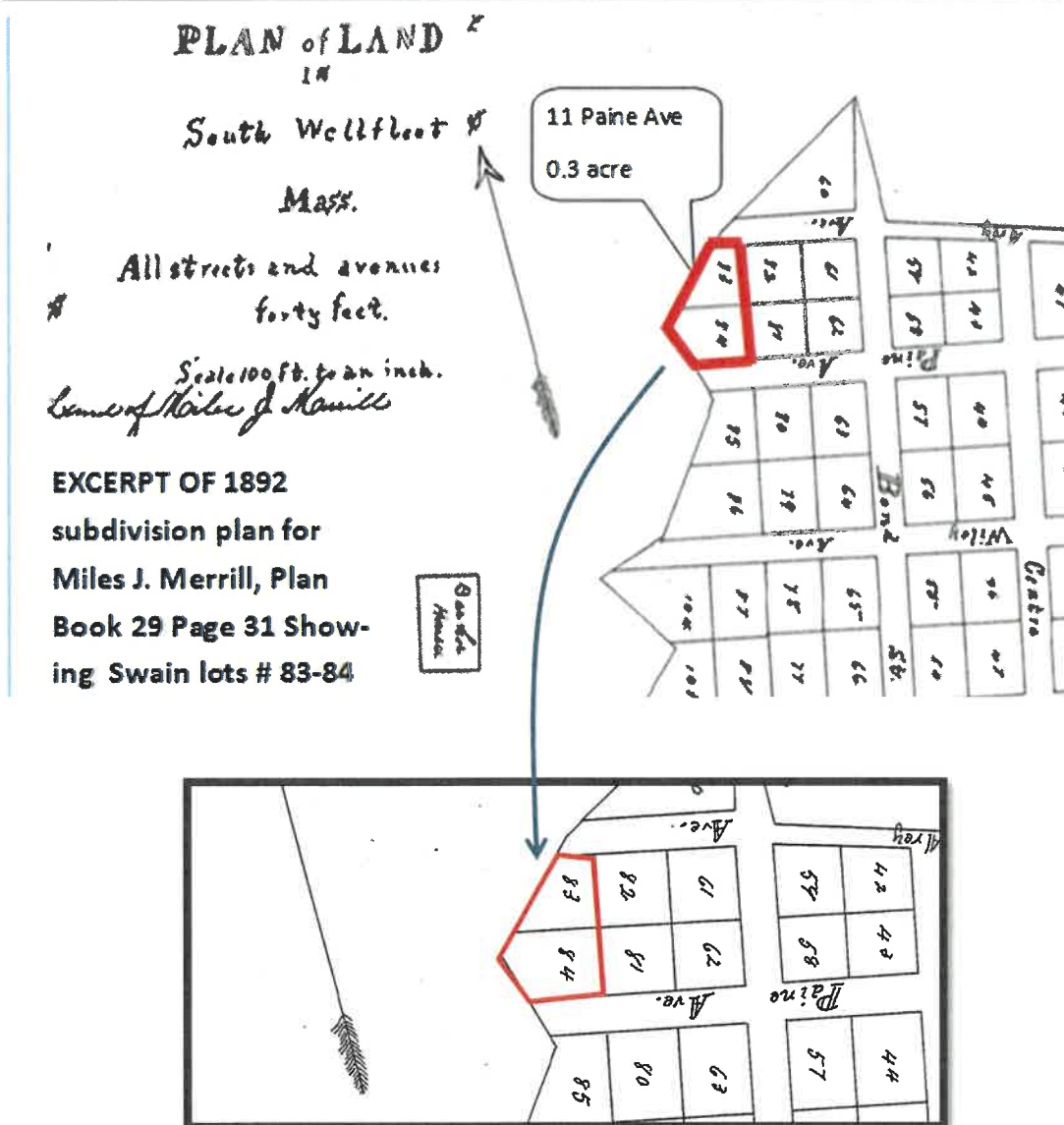


EXHIBIT C

Town of Wellfleet Tax Map #36 Parcel #91 (2022)

Assessor's Map 36





SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

III

BOARDS/COMMITTEE APPOINTMENTS & UPDATES

~ B ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To appoint members of the Maurice's Campground Planning Committee
PROPOSED MOTION:	I move to approve:
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

First Name Last Name

Roland Blair

Brian Stern

Heather Doyle

Emily Achtenberg

Robert Wagner

Gary Sorkin

Sharon Rule Agger

Affiliations

Maurice's Campground Working Group



**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 Brian Stern Date 9/26/2022

Mailing Address 124 State Hwy RT 6

Phone (Home) _____ (cell) 404 376 2624

E-mail BAstern728@gmail.com

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

I am an abutter to Maurice Campground

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

Ph.D Chemical engineer
Material scientist

Committees/Boards of Interest: 1) Maurice Campground - next phase
2) for usage committee
3) _____



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FILL OUT THE FORM BELOW and mail it to:

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

HEATHER DOYLE 14 October 2022

Mailing Address PO Box 297, South Wellfleet, Ma 02663

Phone (Home) (cell) 508 524 9049

E-mail Heatherine1@gmail.com

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

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

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

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

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

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

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

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

□□Committees/Boards of Interest:

- 1) Wellfleet_Maurices Campground project (Continue on)
- 2) Cable Advisory
- 3)

Town of Wellfleet Boards and Committees

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

VACANCIES IN BOLD

* *Appointed by Moderator*



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

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

FILL OUT THE FORM BELOW and mail it to:

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

Name Sharon Rule - Agger Date 30 September 2022

Mailing Address 56 Cahoon Hollow Rd
Wellfleet

Phone (Home) NA (cell) 508-240-4121

E-mail rule.aggers@gmail.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: I have been on the Local Housing

Partnership for many years, am on the
Wellfleet Affordable Housing Trust and served on
the Maurice's Campground Working Group as chair of
the Communications subgroup. Have volunteered 10 days
for Habitat.

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 an (old) Bachelor of Architecture
degree but was never licensed.

Committees/Boards of Interest: 1) Maurice's Planning Committee
2) _____
3) _____



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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FILL OUT THE FORM BELOW and mail it to:

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

2022 OCT 20 AM 11:27
TOWN OF WELLFLEET

Name Robert Wagner Date 10/20/22

Mailing Address PO Box 903
S Wellfleet 02663

Phone (Home) _____ (cell) 413 923-8070

E-mail bwagner954@yahoo.com
bwagner954

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

Town of Hatfield - Planning Board, 2000-22
Ag Commission, 2002-22 Community
Preservation Commission, 2008-22

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

Professional career focused on land use
planning land conservation and
protection primarily with national, non-
profit American Farmland Trust

Committees/Boards of Interest: 1) Maurice's Campground Stakeholders
2) _____
3) _____



**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 Emily Achtenberg Date 10/1/22

Mailing Address 47 Halifax St. Boston, MA 02130
20 Marsh End Wellfleet, MA 02667- Seasmal

Phone (Home) _____ → (cell) 617-365-3775

E-mail ejpa@aol.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Urban planner, 50+ years experience in affordable housing preservation, primarily as a consultant to non-profits + govt agencies. Consultant to Lawrence Rd Task Force in developer selection process. Volunteer member of Maurice's Campground Purchase Committee, developing purchase

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

financing plan (summer '22), MCP (Master of City Planning), MIT 1970.
I am a seasonal resident of Wellfleet, spending 1 wk/mo. in town
off season + most of June-Sept. Can participate virtually
when not in town.

Committees/Boards of Interest: 1) Maurice's Campground Planning Committee
2) _____
3) _____



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

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FILL OUT THE FORM BELOW and mail it to:

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

Name Roland Blair Date 10/14/22

Mailing Address Po Box 324 79 Springbrook Rd.
Wellfleet MA 02667

Phone (Home) _____ (cell) 781-248-6931

E-mail roland5147@yahoo.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: I was part of the working group for the

purchase of Maurice's Campground. I have a background
of ^{managing} large communications projects and
a broad concern for the housing needs of Wellfleet.

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 previously owned a trailer in the campground
and I am currently an abatter - I feel I know the
needs of campground residents and of the local
community.

Committees/Boards of Interest: 1) Maurice's Campground Planning Committee.
2) _____
3) _____



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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FILL OUT THE FORM BELOW and mail it to:

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

Name Gary Sorkin Date 9/30/22

Mailing Address PO Box 1681
Wellfleet, MA 02667

Phone (Home) 508 349-7547 (cell) 978 505-9099

E-mail gary.sorkin2@gmail.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Chair, Wellfleet Local Housing Partnership
Chair, Wellfleet Community Preservation Committee
Treasurer, Wellfleet Affordable Housing Trust
Treasurer, Wellfleet Housing Authority

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

Member, Maurice's Working Group
Member, 95 Lawrence Affordable Housing
Task Force

Committees/Boards of Interest: 1) Maurice's Planning Committee
2) _____
3) _____



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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FILL OUT THE FORM BELOW and mail it to:

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

Name Jan Plaque Date 10/15/22

Mailing Address PO Box 291
S. Wellfleet 02663

Phone (Home) 508-349-7290 (cell) —

E-mail janaque@comcast.net

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

21 years Wellfleet School Com., 12 years Open Space Com.
Current member Community Preservation Com.
Lawrence St. Planning Com.

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

My professional background is as a high school English teacher so I have no specific expertise. I love Wellfleet and enjoy working to make it a better place for all of us.

Committees/Boards of Interest: 1) 20 State Highway Planning Com.
2) _____
3) _____



**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 DOMENICO RUSSO Date 10/10/22

Mailing Address 839 MAIN ST UNIT 38 TORRINGTON CT 06790
SEASONAL RESIDENT AT MAURICE'S CAMPGROUND, SITE 118

Phone (Home) _____ (cell) 860 970-4808

E-mail RUSSO_DOMENICO@yahoo.com

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

14 YEARS EXPERIENCE AS A RETAIL MANAGER / CUSTOMER SERVICE (CONNECTICUT)

2 YEARS AS ASSISTANT PROJECT MANAGER FOR COMMERCIAL AND
RESIDENTIAL PROPERTY (VIRGINIA)

4 YEARS AS PROPERTY MANAGER FOR A 25-VILLA LUXURY RENTAL PROPERTY
(TURKS + CAICOS ISLANDS)

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 EXPERIENCE MANAGING THE DAILY OPERATIONS OF MULTI-MILLION
DOLLAR PROPERTIES INCLUDING ALL INCOME AND EXPENSES. I'VE PARTICIPATED
IN PLANNING NEW DEVELOPMENTS OBTAINING BIDS/QUOTES FOR MAINTENANCE
AND CONSTRUCTION PROJECTS AS WELL AS ALL CORRESPONDING PERMITS.

Committees/Boards of Interest: 1) THE MAURICE'S CAMPGROUND / 80 HWY PLANNING
2) _____ COMMITTEE
3) _____

THANK YOU,

Domenico Russo



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

IV

BUSINESS

~ A ~

REQUESTED BY:	Town Administrator ~ Rich Waldo
DESIRED ACTION:	To approve the one-year license renewal with Belvernon, LLC (Mac's at the Pier)
PROPOSED MOTION:	I move to approve the one-year license renewal with Belvernon, LLC and be executed by the Town Administrator
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition (s):
VOTED:	

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (this "License") is entered into as of this 16th day of November, 2021, by and between the **Town of Wellfleet** (the "Town"), acting by and through its Selectboard, having an address of 300 Main Street, Wellfleet, MA 02667 and **Belvernon, LLC** ("Licensee"), a having an address of 265 Commercial Street, Wellfleet, MA 02667.

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

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

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

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

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

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

The Term of this License shall commence on January 1, 2022 and continue until December 31, 2022, unless sooner terminated in accordance with the provisions of Section 9 below (the "Term"). Such entry and use shall be further limited by the provisions of Section 4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. MISCELLANEOUS

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

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

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

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

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

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

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

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

[Signature Page Follows]

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

TOWN OF WELLFLEET,
By Its Selectboard

Ryan Curley, Chair

Michael DeVasto, Vice Chair

Janet Reinhart, Member

Helen Miranda Wilson, Member

John A. Wolf, Member

LICENSEE:

MacGregor B. Hay

~~Alexander B. Hay~~



Mr. Dr.

~~John D. Wolf~~

Herrmannsdorfer

John D. Wolf

EXHIBIT A

Sketch Plan of License Area



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

IV

BUSINESS

~ B ~

REQUESTED BY:	Wellfleet Community Preservation Committee
DESIRED ACTION:	To approve the town seal replacement
PROPOSED MOTION:	I move to approve the submission of a request for funding to the Community Preservation Committee for a town seal replacement
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____

Town of Wellfleet

Application for Community Preservation Funding

Please submit 10 copies to:
Wellfleet Community Preservation Committee
300 Main Street
Wellfleet, MA 02667
508-349-0330

Date: 10/14/22

Project Title: Town Seal Replacement Contest

Project Sponsor/Organization: Town of Wellfleet (Note approval for this project will be sought with the Selectboard on November 1st.)

Contact Name: Ryan Curley

Mailing Address: 300 Main St, Wellfleet, MA, 02667

Telephone: 508-246-4718 Email: ryan.curley@wellfleet-ma.gov

Federal Tax Identification number (if nonprofit): _____

CPA Category (circle all that apply after notifying appropriate boards):

Community	Historic	Open	Outdoor
Housing	Preservation	Space	Recreation

CPA Funding Requested: \$1000 Total Project Cost: \$1000

Project Description: Please answer the following questions, keeping answers brief but complete. Include supporting materials as necessary.

- Goals:** What are the goals of this project? How does this project benefit Wellfleet and meet the goals of the Community Preservation Act?
- Community Need:** Why is this project needed? Does it address needs identified in existing Town plans?
- Community Support:** What is the nature and level of support for this project?
- Timeline:** What is the schedule for project implementation?
- Implementation:** Who will be responsible for implementing and overseeing this project?
- Success Factors:** How will the success of this project be measured?
- Budget:** What is the total budget for the project and how will CPA funds be spent? Be as comprehensive as possible. Second requests are discouraged.
- Other Funding:** What additional funding sources are available, committed, or under consideration? Include copies of commitment letters, if available.
- Maintenance:** If ongoing maintenance will be required, who will be responsible and how will it be funded?
- Other information:** Any additional information that might benefit the CPC in consideration of this project.

.....**FOR CPC USE ONLY**.....

File # _____ Date Received _____

Determination _____

Project Description:

1. Goals: To hold a contest to replace the Wellfleet Town Seal. The Seal is historically inaccurate. Many towns with similar features and depictions are being replaced across the region. The intent is to hold a competition similar to the Wellfleet Chamber's Guidebook cover where local artists, or creatives will submit their work, the community will be engaged to select the seal that is felt is most appropriate. The funds requested will be distributed to the three highest scoring submissions.
 - a. From the Provincetown Independent in regards to the seal in relation to the Historical Society. "On the official seal of the town of Wellfleet, a party of pilgrims rows ashore in a dinghy as a crowd of indigenous people wait on the beach. The scene is labeled "1620," and is encircled by the words "Town of Wellfleet Incorporated 1763." Historically, this picture is completely false, says Sheryl Jaffe, coordinator of the Wellfleet Historical Society and Museum. "The implication is that [the pilgrims and Native Americans] encountered each other," she says. "But, in reality, they never interacted like that. There was no welcoming party in Wellfleet. The pilgrims went by Wellfleet but never even landed here." Concerns have also been raised about the depictions of Wampanoags and is sometimes described as cartoonish.



2. Community Need: The town seal is widely used as a symbol of the Town. It is time to update the seal to accurately represent the history of the town.
3. Community Support: There was an article on the 2020 Annual Town Meeting Article 32 advising the state to update the state seal and flag passed by an overwhelming majority.
4. Timeline: Three months to collect submissions, 1-2 months to select the winner
5. Implementation: Selectboard/TA will require a update to the general bylaws, target is 2023 annual town meeting.

6. Success Factors: New seal that better reflects the town is selected that does not misrepresent the towns history or the peoples.

7. Budget: Up to \$1,000 distributed among the three highest scoring submissions.

8. Other Funding: None

9. Maintenance: None

10. Other information:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

IV

BUSINESS

~ C ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To approve a letter to Eversource regarding spraying
PROPOSED MOTION:	I move to approve the letter as drafted to be submitted to as comments on Eversource's vegetation management plan.
SUMMARY:	
Project	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET

300 MAIN STREET

WELLFLEET
(508) 349-0300

MASSACHUSETTS

William Hayes
Supervisor of Vegetation Management
Eversource Energy
247 Station Drive SE-370
Westwood MA 02090-9230

Dear Mr. Hayes,

The Wellfleet Selectboard has received the 2022 Yearly Operating Plan (YOP) for vegetation management within your company's easement along the power lines in Wellfleet. We are, once again, vehemently opposed to any use of herbicides to manage vegetation in the easement.

We have repeatedly asked Eversource to use manual cutting or other, less environmentally harmful clearing methods as you did successfully for many years. In the past, some communities have been allowed to cut and clear to your specifications and have achieved the desired end affect.

It is impossible to identify the many possible effects of the chemicals identified in VII. Proposed Herbicides, Carriers, Adjuvants and Rates section of the YOP document. Testing for the effect of every component (including inactive ingredients which are not identified on labels) on every organism or geographic location, in all climates and seasons, according to every when/ where/ how variable is never done. So even if the Massachusetts Pesticide Board approves their use by a licensed person, it's not possible to know exactly how they will take affect on our land, or in our bodies. Inactive ingredients which are not identified on labels of a pesticide are often as toxic as the active ingredients. Furthermore, the initially rated safety of many approved pesticides has later been discredited.

Given the proximity of your easement to surface water, vernal pools, private drinking water wells, private property, Public Water Protection Zones of Contribution and the fact that the power lines provide habitat to many species of plants, insects and animals, including box turtles (a Near Endangered Species), using herbicides, when other tools are available to accomplish your purpose, is unnecessarily harmful to the environment.



Sincerely, the Wellfleet Selectboard:

Ryan Curley, Chair
Michael DeVasto, Vice Chair
Kathleen Bacon
John Wolf
Barbara Carboni

cc. Representative Sarah Peake
Senator Julian Cyr
Taryn LaScola, director MA Pesticide Board
John Lebeaux, Commissioner MDAR
Hillary Greenberg Lemos; Wellfleet Health/Conservation Agent
Richard J. Waldo; Wellfleet Town Administrator

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APPENDICES

1. Electric System Maps
2. List of Municipalities
3. 333 CMR 11.00
4. Chapter 132B
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6. Preface to 310 CMR 10.00
7. Wetlands Study
8. Chapter 85, Section 10
9. References

1. INTRODUCTION

Eversource Energy, Eastern MA (Eversource) hereby submits this Vegetation Management Plan (VMP) in compliance with 333 CMR 11.00, *Rights of Way Management* regulations (Appendix 3).¹ One of the specific goals of 333 CMR 11.01: Purpose (1) “Ensures that an Integrated Pest Management (IPM) approach to vegetation management is utilized on all rights-of-way covered by 333 CMR 11.00.” Under ANSI 300 part 7, the American National Standards Institute (ANSI) defines IPM as IVM or Integrated Vegetation Management.

Eversource Energy, Eastern MA delivers electricity to approximately 1.1 million electric customers in 81 municipalities and it has a regulatory obligation to manage vegetation located on company electric rights-of-way (ROW) and minimize adjacent encroachments on powerlines to ensure the safe and reliable delivery of electric power to its customers. Electricity is transmitted over 89 miles of electric transmission and 55 miles of electric distribution ROW throughout the seventeen communities within Cape Cod and Martha’s Vineyard, Massachusetts (Appendices 1 & 2).

Eversource manages vegetation at its facilities in a safe, environmentally responsible manner to comply with local, state, and federal laws and regulations. In this effort, Eversource is responsible for maintaining its ROW free from hazards and encroachments. Vegetation is one of the items that can interfere with electric service causing electric service interruptions by direct and indirect contact, can inhibit access for maintenance and inspection, can ignite wildfires, and become a safety risk. The Eversource vegetation management program provides for the necessary safety, system

¹A partial list of the regulations that Eversource must comply with that relate to the activities in this document also include: Chapter 132 B, Pesticide Control Act (Appendix 4); all pertinent clauses in Chapter 85 of the Acts of 2000 (Appendix 8); MESA; MGL c.131, Massachusetts Endangered Species Act and its regulations, 321 CMR 10.00, Massachusetts Endangered Species Regulations; 310 CMR 10.00, *Wetlands Protection Regulations*; 310 CMR 22.00, Drinking Water regulations; Chapter 216, *An Act Relative to the Emergency Service Response of Public Utility Companies*; *NERC Standard FAC-003-1, Commissioner Order 69*, and all applicable Federal Occupational Safety and Health Act, Department of Transportation and Department of Environmental Protection regulations.

reliability, access to facilities, regulatory compliance, and security following industry best management practices.²

Eversource's program reduces the amount of herbicides by using selective herbicides/application techniques at the lowest effective labeled rate, timing applications for maximum effect, avoiding fixed application schedules, using mechanical control techniques where appropriate, and encouraging low growing plant communities that supports nature's ability to regulate itself by inhibiting the germination and growth of tree seedlings through competition (for light, moisture, nutrients) and depredation of wildlife (browsing/feeding). This program allows for the safe delivery of reliable electric service while minimizing the impact on property owners and supports a more diverse habitat for wildlife that depends upon early successional landscapes.



Illustration 1: Grasslands Habitat in a Barrens Ecosystem

² Miller, R.H. 2012. *Best Management Practices: Integrated Vegetation Management*. Society of Arboriculture, Champaign, IL. Galen Guerrero-Murphy, Tim Follensbee II, and Jeff Disorda 2015. *Best Management Practices (BMPs) for Protection of Threatened and Endangered Species during Integrated Vegetation Management and Operations and Maintenance of Electric Transmission Lines in Vermont*. Environmental Concerns in Rights-of-Way Management, 11th International Symposium, Halifax, Nova Scotia.

2. GOALS AND OBJECTIVES

Eversource has a regulatory obligation to manage the property under its electric powerlines that it either owns in fee or has an easement right to maintain to ensure the safe and reliable delivery of electric power to its customers. To achieve this goal, Eversource has prepared this VMP that explains its' practices and procedures to manage incompatible vegetation that is undesirable, presents a safety hazard, or is unsuitable to the intended use of the ROW.

Eversource's VMP outlines and explains the standards of vegetation control expected from a IVM program. This document serves to communicate objectives that will be accomplished through the VMP, Yearly Operational Plans (YOPs) and notification processes required by 333 CMR 11.00.

The following are individual objectives of Eversource's vegetation management program:

- To maintain ROW that ensures the safe and dependable delivery of electricity.
- To control vegetation that impedes ground and aerial inspections or interferes with the ability to access the ROW and structures for maintenance or emergencies.
- To encourage stable early successional ecological communities of primarily low growing plant communities.
- To remove or control incompatible vegetation on the ROW, along access roads, around structures, gates, and the perimeter of electric substations.
- To protect the Priority Habitat of State-Listed species.
- To control invasive and poisonous plant species.
- To follow all *sensitive areas* restrictions listed in 333 CMR 11.04.
- To ensure that all vegetation management operations are conducted in a safe, effective manner and in conformity with all federal and state laws, regulations, and permit conditions.
- To use experienced, trained vegetation management personnel with Massachusetts pesticide applicator licenses working under the direct supervision of a Commercial Certified Rights of Way Category 40 applicator.
- To maintain the flexibility necessary to accommodate unique situations and the need for more appropriate techniques in accordance with new regulations, scientific advances, operational experience and/or comments from municipalities,

state agencies and contractors (when necessary, following the procedures in 333 CMR 11.05(4)(d)).

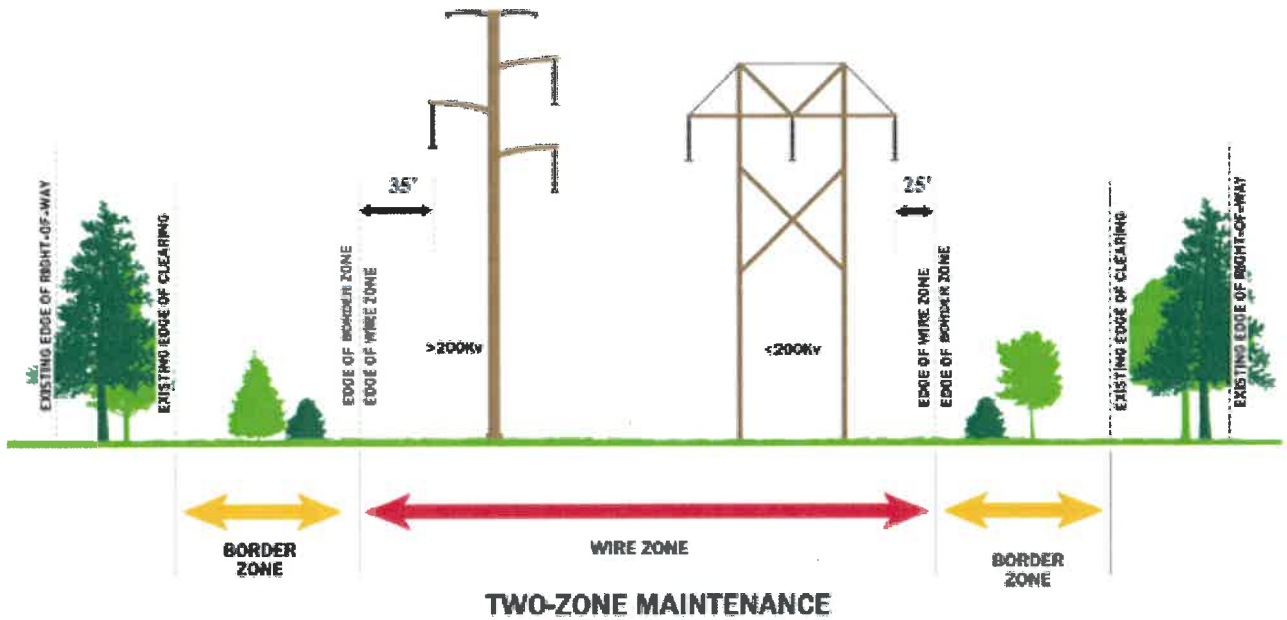
- To present a clear, constructive explanation of Eversource's vegetation maintenance program to external stakeholders, including abutting landowners, state and municipal officials, contractors, and the public.

3. IDENTIFICATION OF INCOMPATIBLE VEGETATION

EVERSOURCE ELECTRIC ROW

Pursuant to the policy and intent set forth in Eversource's VMP, all vegetation that is incompatible must be removed that obscures the ROW corridors and grow tall enough to interfere with the safe, efficient, and legal operation of an electrical power line. The wire-border zone approach is a management philosophy that can be applied through cultural control. The wire zone is managed to promote a low-growing plant community dominated by grasses, flowers, ferns, and small shrubs under 3 feet in height at maturity. The allowed mature plant height may be modified, up to 15 feet in height at maturity by species, to accommodate established herbaceous or woody plant communities that protect the electric facility and reduce long-term maintenance and aesthetic values. All other plants with a mature height greater than 15 feet will be removed. The wire zone shall include the area directly beneath the overhead conductors extending outward a distance from the outermost conductor(s) based on voltage. The wire zone from the outermost conductor is 25 feet for voltage less than 230kv and 35 feet for voltage greater than or equal to 230kV. In the border zone woody vegetation that obtain heights greater than 25 feet at maturity by species at the time of maintenance will be removed. All other shrub species may remain where practical. The wire zone border zone approach is Two-Zone maintenance. Some ROW corridors will be maintained as a wire zone only given the distance from the outermost conductor based on voltage is the edge of the cleared ROW resulting in One-Zone maintenance (see Illustration 2).

Illustration 2: Wire Zone Border Zone Approach



Examples of incompatible tree species include, but are not limited to:

Alder	Cherry	Pine
Aspen	Hemlock	Maple
Beech	Hickory	Oak
Birch	Locust	Sassafras

Compatible vegetation species can thrive on an Electric ROW. Many plant and animal species use ROW as their homes, feeding grounds or nurseries. Certain plant species, therefore, are generally encouraged on the ROW using an IVM program:

- Most herbaceous growth is acceptable and encouraged throughout the ROW.
- Small trees and shrubs that mature less than 25 feet in height (Border Zone) are not usually incompatible *unless* due to their location or attributes they interfere with the function of the ROW.

Certain categories of non-tree species may be incompatible because of their location and/or their nature. Dense woody vegetation, shrubs and vines are incompatible where they are capable of interfering with the inspection and maintenance of the poles, wires, and along access roads, paths and gates which need to be kept clear, especially for emergencies. Invasive, poisonous and nuisance plant species are incompatible.

INVASIVE, POISONOUS PLANTS AND NUISANCE PLANT SPECIES

Eversource intends to control invasive, poisonous and nuisance plant species with herbicides and mechanical treatment methods within the ROW.

Nuisance Vegetation

Nuisance vegetation is plant species that pose a risk to the safety and health of individuals working on or traversing a ROW and it can impede a rapid response in an emergency. These plants have heavy thorns, dense foliage and/or impenetrable stems (many are also invasive plant species); examples include, but are not limited to, blackberries, raspberries, grapevines, and many invasive plant species. Eversource plans to use a combination of mechanical and chemical treatment methods to reduce their spread.

Poisonous Plants

Massachusetts, particularly the southeast, has an abundant population of poison ivy and other poisonous plants. This poses a health hazard to Eversource personnel, contractors and the public-at-large. Mechanical methods do not reduce the spread of these populations—particularly poison ivy—therefore Eversource plans to use herbicides to spot treat poisonous plants at sites identified as having a risk of posing a health hazard.

Invasive Plant Species

Invasive plant species have become an increasing concern throughout Massachusetts in areas that include ROW corridors where they can spread rapidly. Many of these non-native plant species were planted for their showy flowers, vigorous growth, erosion control and abundant fruits that attract wildlife. According to the Massachusetts Invasive Plant Advisory Group, "invasive plants" are non-native species that have spread into native or minimally managed plant systems in Massachusetts.

<https://www.mass.gov/service-details/invasive-plants>

These plants cause economic or environmental harm by developing self-sustaining populations and becoming dominant and/or disruptive to those systems. Eversource's IVM program considers the control of invasive plants using both mechanical and/or chemical control techniques, as necessary in specific locations.

Identification During Vegetation Management Activities

To ensure the accurate identification of compatible and incompatible vegetation, all vegetation management contractors are required to supply personnel trained to recognize plant species typically found growing on utility sites and to recognize the difference between compatible and incompatible vegetation: This training includes how to identify early successional communities that are preferred on electric ROW.

4. INTEGRATED VEGETATION MANAGEMENT

333 CMR 11.01(1) requires that all right-of-way managers “Ensure that an Integrated Pest Management (IPM) approach to vegetation management is utilized on all rights-of-way covered by 333 CMR 11.00.”. The purpose in implementing the vegetation control program in this VMP is to advance the consistent and safe operation of Eversource’s ROW using the appropriate industry standard IVM program. Eversource’s IVM program will use all appropriate IVM methods available including mechanical, chemical, cultural, and biological control methods. Mechanical and chemical control methods facilitate development of a low-growing plant community that in time will become the cultural control over the plant community.

Eversource’s IVM program takes into consideration all factors involved in the maintenance and operation of electric ROW that includes:

- An understanding of the conditions existing on its ROW.
- An understanding of federal and state regulatory mandates that dictate what vegetation is compatible or incompatible on its ROW.
- The regulatory agencies mandated goals and objectives of utility ROW vegetation management.
- The most current treatment methods.

- The intent to prevent unreasonable adverse effects to the environment and the safety and health of non-target organisms.
- The economic effects of the treatment both for Eversource and their customers, including the need to deliver energy products safely and economically.
- Monitoring and the ability to adapt the program to both current and arising ecological conditions.³

Eversource looks to the longest, most respected and benchmark study of the use of IVM on Electric ROW for the foundation of its IVM program. Scholars have studied various research plots on Pennsylvania ROW (popularly known as the “Bramble and Burns” studies) for the past sixty-years. In this continuous study the working definition of IVM is:

...elimination of target [incompatible] trees (undesirable tree species, e.g., tall, rapid-growing trees that eventually may cause a power outage) via herbicide or mechanical means.... [and the] development of a tree-resistant plant cover type that eliminates or delays invasion of target [incompatible] trees on the ROW.⁴

There is no single definition of IVM that suits every situation and every entity. According to the United State Environmental Protection Agency, Office of Pesticide Programs:

“[Utility] Integrated Vegetation Management (IVM) is generally defined as the practice of promoting desirable, stable, low-growing plant communities.... These methods include a combination of chemical, biological, cultural, mechanical, and/or manual treatments.... Each IVM program is designed around individual goals, needs, and resources.... Consequently, every IVM program is unique.”

<https://www.epa.gov/pest/integrated-vegetation-management-ivm-practices-around-utility-rights-way>

³Christopher A. Nowak & Benjamin D Ballard. “A Framework for Applying Integrated Vegetation Management on Rights-of-Way.” *Journal of Arboriculture* 31(1) (January 2005): 28-37.

⁴Yahner, R.H. and R.J. Hutnik. 2005. *Integrated Vegetation Management on an electric transmission right-of-way in Pennsylvania, U.S.* *Journal of Arboriculture*. 30:295-300 Richard H. Yahner “State Game Lands 33 Research and Demonstration Project—57 years of Continuous Study on the Shawville to Lewiston 230-kV line of First Energy (Penelec). 2009: 9; Yahner. “2009 Annual Report to Cooperators. Green Lane Research and Demonstration Project: 23 Years of Continuous Study.” (2009): 8; Yahner. “Wildlife Response to More than 50 years of Vegetation Maintenance on a Pennsylvania U.S., Right-of-Way.” *Journal of Arboriculture* 30(2) (March 2004).

Eversource's IVM program follows a New England conditions-based variation of the ANSI Standards 300, Part 7 *Integrated Vegetation Management*. A combination of herbicide (chemical methods) applications and mechanical (mechanical—handheld and large equipment—methods) treatments that support the ability of early successional ecological communities. It also takes into consideration compatible land uses that eliminate the need to control incompatible vegetation such as parks, lawns, pastures, etc. (cultural methods).

On its own, and without following a treatment cycle that utilizes chemical and mechanical methods every three to five years, the natural/biological method is not a permanent solution as plant life is by its nature unstable, it is, however, governed by the relatively predictable process of change in composition or structure of ecological succession. In New England, succession strives towards the mature (climax) forest, but is interrupted by natural or man-made disturbances both intentionally and accidentally. Utility IVM programs are an intentional man-made disturbance that supports the need to deliver energy products by encouraging early successional ecological communities. This is achieved by discouraging the establishment of and when necessary removing certain types of vegetation. Eversource's approach reduces the amount of herbicide used by using selective herbicides/application techniques at the lowest effective label rate, timing applications for maximum effect, avoiding fixed application schedules, using mechanical control techniques where appropriate, and encouraging low growing plant communities.

Mechanical and chemical controls are the direct techniques used to target incompatible vegetation and include mowing, hand-cutting, side pruning, tree removals and herbicide applications. Utilizing these techniques allows lower growing plants the opportunity to form sustainable ecological communities. Regeneration of low growing native plants is a vital part to our utility IVM program because native plants have a much better chance for survival, especially during adverse growing conditions; planted vegetation often fails due to site-species incompatibility.

In our IVM program, these early successional ecological communities lower the dependence on chemical and mechanical controls. Our program reduces the future use of chemicals and reduces disturbance caused by mechanical controls. At the same time,

discouraging succession relies on selective chemical and mechanical treatments. All methods depend upon the others in a continuous cycle that employs the unique advantages of each. Without combining all methods, incompatible plant species develop increased stem densities that require more intense control measures, and ecological succession continues its path to the mature forest.

IVM allows for treatment cycles to be lengthened with fewer incompatible species on the ROW that require control. There is over sixty years' worth of evidence in New England showing that this approach has, over time, significantly reduced the per-acre application rate of herbicides on utility ROW and reduced the need for intensive mechanical controls.⁵ Following this approach the company has over time, reduced the amount of herbicide used per acre. Our rights-of-way were once dominated by high stem densities of incompatible tree species in a mechanical program only. Since implementing the 5-year Vegetation Management Plans using an IVM based program results in the average rate per acre of applied herbicide mixes starting at approximately 3 gallons (24 pints). ROW that has IVM cycles using selective herbicide applications have had incompatible woody stem densities reduced and a more diverse desirable vegetation cover, resulting in average rate per acre at approximately 1-1½ (8-10 pints) gallons per acre. ROW that has had an inconsistent IVM program such as the Cape & Vineyard may have per acre rates of herbicide on specific ROW revert closer to the 3 gallons because of increased stem density due to the interrupted IVM program of mechanical only. When the ROW IVM cycle is consistent the herbicide usage will reflect that ROW reduced herbicide usage. Today many of the company's ROW have less mechanical control necessary on the floor as there are fewer incompatible species on the ROW that require control. The mechanical control efforts are concentrated on side pruning and removing trees at the easement edges of the ROW.

⁵Environmental Consultants, Inc. "Study of the Impact of Vegetation Management Techniques on Wetlands for Utility Rights of Way in the Commonwealth of Massachusetts." Prepared for New England Electric et.al, 1989; Environmental Consultants, Inc. "Determination of the Effectiveness of Herbicide Buffer Zones in Protecting Water Quality on New York State Powerline Rights-of-Way." Final report for the Empire State Electric Energy Research Corporation, 1991; K.H. Deubert. "Studies on the Fate of Garlon 3A and Tordon 101 Used in Selective Foliar Application in the Maintenance of Utility Rights of Way in Eastern Massachusetts." Final Report prepared for New England Electric et.al., 1985. N.H. Nickerson, G.E. Moore, and A.D. Cutter. "Study of the Environmental Fates of Herbicides in Wetland Soils on Electric Utility Rights-of-Way in Massachusetts over the Short Term." Final Report prepared for

New England Electric et.al, December 1994; Matt Hickler, NHESP approved Review Biologist, Reports for TransCanada, National Grid, NSTAR Electric, and Northeast Utilities under 321 CMR 10.00 Massachusetts Endangered Species Act Regulations, 2006-2010; “Utility Transmission Forestry Herbicide Use Summary Records” for NSTAR Electric, Vermont Electric Power Company, TransCanada Hydro Northeast, Inc and National Grid USA Electric Companies (see National Grid 5 year VMP 2009-2013, p. 9); C.A. Nowak and L.P. Abrahamson, “Vegetation Management on Electric Transmission Line Rights-of-Way in New York State: The Stability Approach to Reducing Herbicide Use.” Proceedings of the International Conference on Forest Vegetation Management, Auburn University, April 1993.

5. MECHANICAL CONTROLS

Mechanical controls include hand cutting, mowing of trees and incompatible brush, side pruning and removal of mature trees. Eversource vendors comply with the ANSI A300 (part1) for Tree Care Operations- Tree, Shrub, and other Woody Plant Management – Standards Practices (Pruning). The following section lists their uses and sets some basic guidelines.

HAND CUTTING

Definition:

The use of chainsaws and brush saws to remove the stem and/or branches from the plant’s root system.

Uses:

- Incompatible vegetation 15’ tall at maturity and over.
- Pitch pine, *Pinus rigida* exceeding 6’ in height or all conifers.
- In easement restricted areas.
- In chemical restricted sensitive areas.
- Allows for selectivity in targeting incompatible vegetation.

Operational Practices:

- Trees are cut as close to the ground as possible so that stump height is no higher than root flare.
- Cut stems are windrowed or chipped.
- Depending on the situation windrow are positioned parallel along the edge of the ROW corridor and should not exceed 2ft. in height.
- Cut woody vegetation in yards or recreational sites will be chipped and disposed of or removed to adjacent areas.
- Cut woody vegetation is not left on or across paths, roads, fence lines, stone walls or in waterways or in such a manner that would permit it to wash into these areas.
- The placement of cut woody vegetation must comply with applicable State Fire Marshall’s regulations.

- Chipping is used on sites designated by Eversource when leaving brush piles is prohibited or impractical.
- No chips shall be left in wetlands.
- All cut cherry and red maple is removed from private property active pastures as it is a hazard to grazing animals.

MOWING

Definition:

The cutting, severing, or shattering of vegetation by large rotary or flail mowers. These heavy-duty mowers, usually ranging from 3-8 feet wide, are typically mounted on large four-wheel drive rubber-tired tractors or tracked vehicles.

Uses:

- Can be the preferred mechanical technique, especially on sites where extremely tall and dense incompatible vegetation makes hand cutting inefficient and expensive.
- Where herbicides are prohibited.
- Inspections of vegetation conditions during ROW patrols.

Operational Practices:

- Mowing may be restricted by terrain conditions such as steep, rocky sites or wet soils.
- It necessitates the use of hand cutting methods next to obstructions such as stone walls and fence lines.
- Mowing brush can throw large chips and debris great distances from the cutting equipment and requires employing someone to prevent people and animals from coming too close to the work site.
- Care will be taken to accurately locate the bounds of activity, to minimize erosion and potential damage due to ruts, and to minimize impact to the environment.
- Measures may include matting of wetland areas, installation of silt fences and chipping and removal of all debris.

SIDE PRUNING

Definition:

Side pruning or removal of encroaching tops and/or branches of trees growing on or near a ROW. This management technique is usually accomplished using an aerial lift mounted on either an oversized truck or off-road vehicle. Tree climbing is sometimes employed in situations where terrain prevents the passage of equipment.

Uses:

- Maintaining the edge definition of the ROW corridor.

- Facilitates, expedites, and increases efficiency of the inspections of vegetation conditions during ROW patrols.

Operational Practices:

- All pruning activities are performed in accordance with proper arboriculture practices to insure the health and aesthetic value of the trees as well as all applicable regulations.

REMOVALS

Definition:

Removal of trees that have become a hazard to the ROW or that may have been overlooked in previous treatment cycles and allowed to encroach the ROW and the lines and conductors. In these cases, trees will be removed in such a way that they cannot strike wires, guy wires, structures, appurtenances, and adjacent properties. In most cases, these trees will be addressed using aerial lift equipment, but may require climbing where terrain dictates. Larger overhanging limbs may require rigging to safely control the fall of cut material. Trees that do not overhang or directly threaten the line may be “pieced down” by removing material from the top down in small sections that cannot strike the line or cause damage. In cases of severe encroachment on a larger scale, qualified and appropriate timber harvesting equipment and contractors may be employed to clear the ROW up to the edge of easement.

Uses:

- To keep trees from striking electric conductors, guy wires and structures.
- Maintaining the edge definition of the ROW corridor.
- Facilitates, expedites, and increases efficiency of the inspections of vegetation conditions during ROW patrols.

Operational Practices:

- All removal activities will be performed by qualified line clearance arborists.
- Care will be taken to accurately locate the bounds of activity, to minimize erosion and potential damage due to ruts, and to minimize impact to the environment.
- Measures may include matting of wetland areas, installation of silt fences and chipping and removal of all debris.

6. MECHANICAL CONTROLS: BENEFITS AND LIMITATIONS

Eversource’s IVM program does not function without mechanical controls.

Between regulatory restrictions and the need to free access to treatment areas, chemical

controls cannot work without mechanical controls. Likewise, mechanical controls and chemical controls work together to support the establishment and viability of early successional ecological communities.

Mechanical controls are the preferred method in some areas where the use of herbicides may be prohibited or restricted in various sensitive areas leaving mechanical treatment methods as the only option. Sensitive areas include defined distances per regulation near drinking water supplies both private and public, wetlands or water over wetlands, rivers, certified/potential vernal pools, and agricultural or inhabited areas (see section nine). Certain Priority Habitats defined by Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) call for the use of mowing instead of, or in conjunction with herbicide applications to encourage or restrict the height of various host plants.

Mechanical treatment methods are also used in the following situations: on vegetation over 15 feet in mature height; in preparation for some herbicide treatments; in individual areas deemed as sensitive; around structures; on access roads; to clear easements; and in areas of thick impenetrable vegetation. Large areas of high-density incompatible species have exceeded maximum herbicide treatment heights, a mechanical treatment may be more practical, followed in one or two growing seasons, by an herbicide application to obtain effective control. This includes along the easement edges where trees are cleared or pruned maintaining the width of the ROW. The electric utility easements are areas of a property that were defined for use by utility companies when the property was first put on a property map.

Upon establishing the easement edge, the cleared area of the ROW is managed by the Wire Zone, Border Zone approach using the appropriate treatment methods; mechanical controls on their own are only a short-term solution to controlling vegetation on a ROW system. Mechanically cut vegetation often re-sprouts with multiples of stems from dormant buds on the root collar resulting in a stem density/stocking that is significantly greater than the original vegetation cut. An annual program that uses only mechanical treatment cycles increases dense areas of woody vegetation. This vegetation competes with and dominates the low growing vegetation Eversource wishes to encourage.

When relying on mechanical control methods alone, dense areas of incompatible vegetation can become costly and dangerous to hand-cut with power saws and are best controlled by mowing. Large mowing equipment, although an excellent IVM tool, can have a negative impact on compatible plant communities whose establishment is crucial to developing successful natural controls. Mowing can also create a potential seedbed for fast growing, pioneering incompatible species such as poplars, cherries, birches, and various invasive species. This can increase the frequency of the maintenance cycle and destroy the dominance of stable, diverse early successional plant communities. Similarly, sensitive areas, such as wetlands and residential areas can be adversely impacted when crossed by mechanical maintenance equipment.

7. CHEMICAL CONTROLS

Chemical controls are herbicide applications which include foliar, basal, and cut stump surface treatments (CST), and plant growth regulator (PGR) applications. They are a vital year-round component of an IVM program in establishing and stabilizing early successional plant communities and the development of natural controls to maintain this goal. The following sections lists their uses and sets some basic guidelines.

GENERAL GUIDELINES

- Eversource requires an advance person or “prep-cutting” crew to patrol the ROW before the herbicide application operation.
- Sensitive areas will be identified and appropriately measured and flagged, then verified and recorded when appropriate in cooperation with local water suppliers and conservation commissions.
- Herbicides will NOT be applied during the following adverse weather conditions:
 - ✓ No herbicide shall be applied when the wind velocity is such that there is a high propensity to drift off target and/or during measurable precipitation, and no person shall apply herbicides in such a manner that results in drift into any No-spray Area.
 - ✓ CST or basal applications during periods of heavy rainfall.
 - ✓ Foliar applications of volatile herbicides when temperatures exceed 89 degrees Fahrenheit and low humidity.
 - ✓ CST or Basal application when deep snow (i.e., 6” plus or ice frozen on stem or stump) prevents adequate coverage of incompatible species

- to facilitate acceptable control.
 - ✓ Basal applications when the stems are excessively wet from moisture.
- Herbicides are not applied:
 - ✓ To vegetation standing in surface water.
 - ✓ Within Sensitive Areas per 333 CMR 11.00,
- All conifers over six feet tall will be controlled by cutting.

FOLIAGE APPLICATIONS

Definitions:

The application of herbicides to fully developed leaves, stems, needles, or blades of a plant.

Low Volume Foliar:

Hand-operated pumps or motorized, backpack sprayers with herbicide concentrations per the manufacturers' label(s). The motorized backpack sprayer produces an air current that delivers the herbicide mixture from the portable spray tank to the targeted vegetation. The hand sprayer uses a column of water. In both cases, the amount of herbicide solution applied only dampens or lightly wets the targeted vegetation, instead of being applied to the point of run-off. This minimizes the amount of excess herbicide drip from incompatible species onto desirable ground cover. Low volume applications also eliminate the need to bring heavy equipment on the ROW for the transportation of significant quantities of herbicide solution.

Modified Low Volume Foliar:

Uniform, penetrating herbicide mixtures delivered to dense incompatible vegetation. This technique usually involves 200 to 500 gallon hydraulic sprayers mounted on a truck or tractor equipped with several hundred feet of hose and hand-held spray guns. The herbicide mixture can be directed to specific plants for spot treatments or broadcast for uniform coverage in dense thickets of nuisance plants such as poisonous or invasive plant species.

Uses:

- An effective control method in light and medium brush densities.
- Effective control of some invasive, nuisance and poisonous vegetation.
- Contributes to establishing and stabilizing early successional plant communities.
- Allows for selectivity in targeting vegetation based on the weeds the herbicide impacts.

General Guidelines:

- Herbicides are mixed per label instructions.
- Herbicides are applied as a uniform spray over the entire plant's foliage.
- Low pressure foliar application equipment will be adjusted to apply a spray pattern that achieves effective control at the lowest application rate.
- Application period usually extends from early June through the beginning of leaf drop in early fall.
- Anti-drift agents are added to the mix or solution in all foliage applications to reduce the potential of herbicide drift beyond targeted vegetation—drift control agents reduce the break-up of sprays into fine droplets and offer increased selectivity, leaf tissue penetration, and herbicide deposition on targeted vegetation.
- Foliar applications can be made, and are effective, in light mist conditions.
- When foliar applications are stopped by rainfall, treatment will not resume until the rain ends and water no longer creates a shield to accept herbicide application.
- No herbicide shall be applied when the wind velocity is such that there is a high propensity to drift off target and/or during measurable precipitation, and no person shall apply herbicides in such a manner that results in drift into any No-spray Area.

LOW-VOLUME STEM BASAL

Definition:

- The selective application of herbicides in an oil solution to the lower 12-15 inches of the stem using a solid cone or flat fan nozzle.

Uses:

- Year-round application technique, except during deep snow conditions that cover the target area.
- Typically employed during the non-foliage season when targeted stems are easier to identify without the interference of lush, tall grasses or ferns.
- A way to tackle inaccessible areas such as steep banks.

Guidelines:

- Utilizes hand-operated backpack sprayers.
- Use a basal oil made for herbicide application to penetrate the bark.
- Not an appropriate method to control high stem densities due to high herbicide rates per acre.
- Extending the herbicide treatment period beyond the foliage season

justifies using this technique for appropriate vegetation conditions.

- May be the appropriate choice for visually sensitive areas.

CUT STUMP SURFACE TREATMENT (CST)

Definition:

The application of an herbicide mixture to the cut surface of a stump immediately following or during a cutting operation using an herbicide concentration, diluted in water or a non-freezing solution.

Uses:

- Year-round applications except during deep snow conditions that prevent cutting the stumps low enough.
- Offers the opportunity to chemically treat incompatible vegetation where other methods are not possible.
- Commonly used to prevent re-sprouts when hand cutting vegetation.

Guidelines:

- Application equipment includes low-volume, backpack, hand-pump sprayers; handheld squirt bottles; paintbrushes, or sponge applicators.
- Only necessary to treat the phloem and cambium tissue, regardless of the stump diameter.
- Treatment made to cut stumps per label instructions.
- Best to avoid using it during the season of bud swell to full leaf expansion.
- Not practical in moderate to heavy stem densities.

TREE GROWTH REGULATORS (TGR)

Definition:

Tree Growth Regulators (TGRs) are plant growth regulator chemicals that manage or reduce the potential growth rate of trees.

Uses:

- Useful especially along street distribution lines where repetitive trimming is necessary to maintain adequate tree-wire clearances.
- Can lengthen the time frame between trimming cycles and improve the aesthetics of street and yard trees that may otherwise require removal or severe pruning.

Guidelines:

- Applied as basal drench around the base of the tree.
- Applied as a soil injection next to the buttress root zone.

8. CHEMICAL CONTROLS: JUSTIFICATION, RATIONALE FOR USE AND GUIDELINES AS PART OF AN INTEGRATED VEGETATION MANAGEMENT PROGRAM

State and federal regulations require Eversource to deliver energy products to its customers in a safe and efficient manner and to control vegetation on its ROW. To meet these obligations in an ecologically sound manner, as discussed above and according to a wide range of studies this is best completed by stabilizing early successional ecological communities on ROW.⁶ Eversource needs to use all treatment methods available to encourage a landscape that is both accessible and sustainable.

In our IVM program, chemical controls are an important method to achieve long term vegetation control. Herbicides control the entire plant, including the root system. Eliminating the ability of the treated plants to return also increases the length of time between treatment cycles by reducing their recurrence and stem counts. This is achieved by scheduling herbicide applications to sustain acceptable vegetation control at minimal application rates.⁷ When these factors are taken into consideration herbicide applications can minimize the amount of manpower and equipment and their repeated impact on the environment, including the much greater potential for unintended larger petroleum and hydraulic fluid leaks from mechanical equipment.

⁶Belisle, Francis. "Wildlife Use of Riparian Vegetation Buffer Zones in High Voltage Powerline Rights-of-Way in the Quebec Boreal Forest." *7th International Symposium on Environmental Concerns in Rights-of-Way Management*, 1999; Confer, John L. "Management, Vegetative Structure and Shrubland Birds of Rights-of-Way," *7th International Symposium on Environmental Concerns in Rights-of-Way Management*, 1999; CVPS. "Central Vermont Public Service Corporations 2006 Strategy; T&D Forestry," Rutland, VT, 2006; Niering, William A. "Roadside Use of Native Plants: Working with Succession, An Ecological Approach in Preserving Biodiversity." *Roadside Use of Native Plants*: http://www.environment.fhwa.dot.gov/ecosystems/vegmgmt_rdsduse.asp.

⁷*Utility Transmission Forestry Herbicide Use Summary Records*; Nowak & Abrahamson.

The herbicide formulations are applied selectively by low-volume methods that dry quickly on the plant surface, which significantly restricts the greatest potential for off-target exposure. Additionally, anti-drift adjuvants that can be adjusted to accommodate changes in wind velocity are included in all foliage applications to further limit the likelihood of unintentional exposure to non-target organisms. Applications are not made in situations when there is a reasonable expectation that herbicides will drift from the targeted vegetation, or during measurable precipitation.

The pesticide program of the Massachusetts Department of Agricultural Resources (MDAR) established a *Sensitive Area Material List* to help reduce the potential of any negative impact using herbicides in sensitive areas defined in 333 CMR 11.04. All the herbicides on this list have gone through extensive testing to be considered for registration by the Environmental Protection Agency (EPA). Before being included on the *Sensitive Area Materials List*, they go under further scrutiny by MDAR and Massachusetts Department of Environmental Protection (MDEP).

MDAR *Sensitive Area Materials List*:

<https://www.mass.gov/service-details/rights-of-way-sensitive-area-materials-list>

Selective herbicides applications do not adversely affect wetland plant composition or function according to the study cited in the *DFA Decision Concerning The Wetland Impact Study Conducted Pursuant to 333 CMR 11.04(4)(c)(2)*⁸ (Appendix 7). According to the 1989 study by Environmental Consultants, Inc. quoted in the *Decision*, mechanical vegetation control techniques result in significantly greater impact on wetland composition and function.

Herbicide applications can be more selective than mechanical treatment methods. Selective herbicide applications encourage plant species diversity by targeting only incompatible vegetation for removal. They offer varied degrees of selectivity and favor certain types of plants; for example, broadleaf vegetation can be controlled with little or no impact to grasses.

⁸ DFA is now MDAR.

A continual cycle of selective herbicide applications as part of an IVM program, therefore, promotes low-growing plant communities while reducing the density of incompatible species and reduces the herbicide use rates⁹

Most plant species are best controlled by early recognition and intervention using chemical controls. A quick response with the flexibility to use the appropriate control methods will reduce the likelihood of severe infestations.

Selective herbicide applications can be much less destructive than mowing to nesting sites and the vegetation necessary for food and cover. Minor site disturbance is associated with selective herbicide applications. For example: to control the dense re-sprouts resulting from a mowing operation requires higher per acre rates of applied herbicide to achieve acceptable control than a selective herbicide/cutting application.

This is not to say that mowing is not a significant component in an IVM program. Both control methods need to be used in combination with hand cutting techniques to cover all situations. In fact, thoughtful, carefully planned, selective herbicide applications in combination with mechanical controls, where appropriate, promote wildlife habitat by encouraging plant species diversity.¹⁰

Herbicide application equipment that is well maintained incorporating the most up-to-date features and the requirement that licensed contractors apply herbicides per label instructions minimizes environmental site damage. Herbicides, particularly when applied selectively by low-volume methods, dry quickly on the plant surface, thereby significantly restricting the greatest potential for dermal exposure. The use of anti-drift adjuvants in all foliage applications that can be adjusted to accommodate changes in wind velocity further limit the likelihood of unintentional exposure to non-target organisms.

⁹ John Gwozdz, Lewis Payne, Kendra Gorski, and Jim Kooser 2015. *Herbicide Use Rates over Four Treatment Cycle: Proof th IVM tool is working* Environmental Concerns in Rights-of-Way Management, 11th International Symposium, Halifax, Nova Scotia.

¹⁰A brief list of examples includes W.C. Bramble and W.R. Burns. "A long-term ecological study of game food and cover on a sprayed utility right-of-way." *Bulletin No. 918*, Purdue University (1974):16; Yahner. "Wildlife Response to More than 50 years of Vegetation Maintenance on a Pennsylvania U.S., Right-of-Way": 123; James S. Marshall and L.W. Vandruuff. *Impact of Selective Herbicide Right-of-Way Vegetation Treatment on Birds*. Environmental Management 30(6) (December 2002): 801-806.

The selection of the herbicides coupled with the appropriate treatment methods is made with consideration given to the environmental sensitivity of a ROW or site within a ROW. For example, incompatible species, such as non-sprouting conifers, are generally not treated since herbicide treatment is not necessary for control. Exceptions to this general guideline are made where white pine regeneration has seeded in large thick “carpets” and mowing would be more destructive than an herbicide application.

The herbicides, applications and other treatment methods used on any given ROW are selected based on site sensitivity, species composition and density. Herbicides will not be used in certain areas if site sensitivity, regulations, new restrictions, or species composition or height require otherwise. Eversource chooses the most appropriate treatment methods to meet its goals, objectives, and obligations. The most responsible solution is to use all three components of IVM where appropriate.

9. DEFINITION, IDENTIFICATION AND TREATMENT OF SENSITIVE AREAS

Per 333 CMR 11.02, sensitive areas are "any areas within rights-of-way...in which public health, environmental or agricultural concerns warrant special protection to further minimize risks of unreasonable adverse effects." They include, but are not limited to, the following:

Water Supplies

- Zone I's
- Zone II's
- IWPA's (Interim Wellhead Protection Areas)
- Class A Surface Water Sources
- Tributaries to a Class A Surface Water Source
- Class B Drinking Water Intakes
- Private Wells

Surface Waters

- Wetlands
- Water Over Wetlands
- The Mean Annual High-Water Line of a River
- The Outer Boundary of a Riverfront Area

- Certified Vernal Pools
- Cultural Sites
- Agricultural Areas
 - Inhabited Areas
- Wildlife Areas
- Certified Vernal Pool Habitat
 - Priority Habitat

Sensitive areas consist of *no-spray areas* in which herbicide use is prohibited, *limited spray areas*, and areas that require sensitive area restrictions. Protecting these environmentally sensitive sites is accomplished by establishing limited spray and no-spray areas and treatment restrictions based on the sensitivity of each site and the requirement to minimize any unreasonable adverse impacts within that area (See Appendix 5).

The herbicides included in the *Herbicides Recommended for Use in Sensitive Areas List (Sensitive Area Materials List)* will be applied in limited spray areas according to the application restrictions in 333 CMR 11.04 or in the case of Priority Habitat, approval of the YOP by the Natural Heritage and Endangered Species Program of the Massachusetts Department of Fisheries and Wildlife (NHESP). A current copy of the *Sensitive Areas Materials List* and MDAR approved active ingredient fact sheets are available at:

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

IDENTIFICATION OF SENSITIVE AREAS

Sensitive areas can be divided into two additional categories that help identify and treat them: “*readily identifiable in the field*” and “*not readily identifiable in the field.*” Readily identifiable in the field areas will be identified, marked, and treated when appropriate, marked according to all applicable restrictions listed in 333 CMR 11.00. Not readily identifiable in the field areas will likewise be marked and treated when appropriate, but they are identified in the field using data marked on maps and collected in the YOP and notification processes.

- Sensitive areas usually identifiable in the field, include but are not limited to

surface water, some private and public water supplies, wetlands, inhabited and agricultural areas.

- Sensitive areas not usually identifiable in the field, including, but are not limited to designated public surface water supplies, public ground water supplies, some private drinking supplies, the first 400 feet of water supply tributaries, certified vernal pools, and Priority Habitat of State-listed Species.

As appropriate, therefore, sensitive areas will be identified and when necessary marked in the field by Eversource staff, an experienced vegetation management treatment crew point person, individuals trained in the identification of sensitive areas that require the use of GIS (geographic information systems) and GPS equipment, and/or by a NHESP approved botanist trained in the delineation of state-listed species.

Eversource and contractor personnel assigned the task of identifying sensitive areas in the field will use the following sources and methods:

- Massachusetts Department of Environmental Protection water supply maps /GIS mapping layers available through MassGIS.
- MDAR records of identified private wells along the ROW.
- Correspondence, meetings, and input from municipalities within the forty-five-day YOP and twenty-one-day municipal right-of-way notification letter (including Board of Health, Conservation Commission, Public Water Supplier and Select Board/Mayor/Town Administrator) review and comment periods and the 48-hour newspaper notification (under 333 CMR 11.06 & 11.07 and Chapter 85 of the Acts of 2000).
- Correspondence, meetings, and input from Eversource's abutter and/or landowner notification procedure, as applicable.
- Eversource's maps, records, and institutional knowledge.
- Any additional pertinent information that becomes available during the YOP process and throughout the five years of this VMP.
- A point person who verifies identified sensitive areas and any additional areas that may require special precautions.
- United States Geological Survey (USGS) topographical maps.
- Information from contractor's knowledge and records.
- Information from MassGIS.
- Confidential information from NHESP.
- A copy of the YOP and VMP.
- Treatment crew(s) are required to have the following references on the job site to

help identify sensitive areas:

- ✓ Topographical maps (electronic or paper)
- ✓ Copy of YOP
- ✓ Any additional information that may become available.

Maps are a resource and a tool for both the public and the vegetation management crews, therefore, they contain the data needed to identify, mark, and treat sensitive areas appropriately.

Maps included in the YOP are updated every year as new data becomes available. Some sensitive areas are contained on the base USGS topographic maps such as applicable Wetland Resource Areas (Rivers, Wetlands, etc.) The most current data available through MassGIS such as public water supplies, certified vernal pools, and any data that Eversource has collected to date on items such as private wells are then added on top of the USGS data. At the time of treatment, additional sensitive areas will be added to the maps utilized by Eversource's vegetation management contractors. Please note that to enable any viewer to see the essential information on the maps, Zone II's and other limited spray areas are not mapped in areas where Eversource only uses herbicides on the *MDAR Rights-of-Way Sensitive Area Materials List*.

The locations of the Priority Habitats of state listed species as regulated by the NHESP of the Division of Fisheries & Wildlife are only included on field maps to contractors who sign a confidentiality agreement expressly for this purpose. A map layer of Priority Habitats is available to the general public at <http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis> but it is neither specific to areas of concern for herbicide applications nor does it include data on the individual species since the exact location and details of their habitat is protected.

CONTROL STRATEGIES FOR SENSITIVE AREAS

Mandated sensitive areas will be treated following the restrictions in applicable state and federal regulations. Eversource also reserves the right to designate additional areas as areas that require special treatment considerations including, but not limited to, landowner agreements, visual or environmental impact considerations, and other considerations that arise during the treatment cycles.

Treatments in all sensitive areas will follow the operational guidelines and restrictions listed above, as well as the guidelines described in the Sensitive Area Table in Appendix 5.

Wetlands

Pursuant to 333 CMR 11.04 (4) (c) (2), based upon the results of two ROW wetland impact studies (see appendix 5), the MDAR in consultation with the Department of Environmental Protection and the Rights-of-Way Advisory Panel, made a determination that herbicides, when used at various utilities including electric lines, under the guidance of an IVM program and other conditions as set forth in the determination, have less impact on wetlands than mechanical only techniques. Therefore, in accordance with the conditions of the determination, Eversource will selectively apply herbicides to wetland sites, except within ten feet of standing and flowing water and to conifers which will be cut (Appendix 5).

Public and Private Water Supplies

Appropriate sources and references will be consulted to determine the location of public and private water supplies. Eversource's YOP maps will include all known public and private water supplies at the time of printing using the sources listed above, and the mapping information used by contract treatment crews will be updated as necessary during the treatment cycle.

To aid in the public and private water supply identification process, under 333 CMR 11.01(3)¹¹, Eversource requests that during the various federal, state, and voluntary notification processes and during the treatment cycle, that public and municipal agencies and private entities and individuals share information on new or unidentified public and private water supplies.

Identified private drinking supplies within one hundred feet of a ROW are included in our permanent records and maps, and landowners are encouraged to post signs on the edge of the ROW to help identify private water supplies (the no-spray treatment area is fifty feet from a private well).

¹¹333 CMR 11.01(3): “[The Specific goals of 333 CMR 11.00 are to] Ensure ample opportunity for public and municipal agency input on potential impacts of herbicide application to rights-of-way in

environmentally sensitive areas.”

A point person will patrol the ROW to verify sensitive areas and buffers are appropriately measured and when applicable flagged and recorded for permanent record.

Massachusetts Endangered Species Act

Eversource recognizes the importance of the Massachusetts Endangered Species Act, M.G.L.C. 131 A, and its significance to ROW vegetation management. Eversource will comply with all applicable portions of this Act and the regulations promulgated thereunder. Eversource will also follow the rules and prohibitions directed at human activities which “Take” or alter their Significant Habitat (as of this printing there are no designated Significant Habitat in Massachusetts on Eversource ROW or statewide).

321 CMR 10.14, Massachusetts Endangered Species Act Regulations, Part II Exemptions and 333 CMR 11.04(3) (a-c) exempts utility ROW vegetation management from the permit process under the following conditions:

(12) The management of vegetation within existing utility rights-of-way provided that the management is carried out in accordance with a vegetation management plan approved in writing by the Division prior to the commencement of work for which a review fee shall be charged, the amount of which shall be determined by the commissioner of administration under the provisions of M.G.L. c.7, § 3B...

[and for roadside distribution lines]

(6) installation, repair, replacement, and maintenance of utility lines (gas, water, sewer, phone, electrical) for which all associated work is within ten feet from the edge of existing paved roads.

To comply with exemption 10.14(12), Eversource will submit this VMP and YOPs to the NHESP for review.

The NHESP has delineated areas as Priority Habitat based on the "Best Scientific Evidence Available" to protect State-listed species from a "take."

Under the approval process, details about the Priority Habitat of state-listed species that might be affected by our activities and management recommendations are shared with Eversource under strict confidentiality agreements.¹²

Using this data and best management practices, Eversource and contract personnel will follow the appropriate vegetation management treatment methods within these sensitive areas taking all practical means and measures to modify ROW vegetation management procedures to avoid damage to state-listed species and their habitat.

To identify Priority Habitats, Eversource personnel, NHESP approved review botanists and vegetation management crews must use proper identification procedures. Contractors are, therefore, required to train their personnel to recognize the location of Priority Habitats using one of the following tools: paper maps, GPS coordinates and/or GIS systems.

10. OPERATIONAL GUIDELINES FOR APPLICATORS RELATIVE TO HERBICIDE USE

Eversource relies on independent vegetation management contractors and requires that they comply with all applicable federal and state laws and regulations. This VMP, the YOPs and information in the notification documentation are the operational guidelines for applicators relative to herbicide use. Therefore, according to the regulations, at a minimum, the contractor's application crews shall have a copy of the YOP accessible at the work site.

In addition to the guidelines contained in other sections of the VMP, this section sets forth the general operational guidelines for vegetation management.

¹²A map layer of Priority Habitat is available to the general public at <http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis>, but it is neither specific to the areas of concern for herbicide applications nor does it have detailed data on the species of concern; the exact location and details of their habitat is kept confidential for their protection.

Eversource will alter or add to these guidelines based on potential future changes or additions to state and federal regulations that apply to herbicide applications and all changes or additions will be approved by MDAR.

EVERSOURCE PERSONNEL

- The following individual is responsible for monitoring, supervising, and coordinating vegetation management programs (Eversource may direct contractors to communicate with other Eversource personnel):

William Hayes, Senior Supervisor
Eversource Energy,
Transmission Vegetation Management (EMA, NH, WMA)
247 Station Drive, SW-B1036
Westwood, MA 02090-9230
781-441- 3932 (office)

- The arborist(s) will inform the contractor which ROW will be treated, the range of treatment dates and any other specification required to complete the job.
- Eversource will provide ROW maps with treatment restriction lists and written instructions outlining any special treatment considerations or instructions.
- Contractors will notify the Eversource company representative(s) of any questions or complaints from the public and/or government agencies that relate to ROW vegetation management. Eversource will deal with these complaints or questions in a timely fashion.

CONTRACTOR SAFETY, CONTRACT AND LEGAL COMPLIANCE GUIDELINES

- Contractors must provide qualified, personnel who have been trained to recognize and identify compatible and incompatible vegetation and are knowledgeable in the safe and proper use of both mechanical and chemical vegetation management techniques.
- All personnel applying herbicides in Massachusetts must hold a pesticide applicator license and must work under the on-site supervision of a certified applicator, with a Category 40 certification.
- Herbicides will be handled and applied only in accordance with label instructions
- Mixing will not be done on the ROW.
- Contractors will not start work without the appropriate maps, restriction lists, landowner notifications and mixing rate instructions.

- Contractors will be in compliance with the latest revisions of all industry standards including, but not limited to all applicable safety standards under the Occupational Safety and Health Act (OSHA) including 1910.269, Electric Power Generation, Transmission, and Distribution; ANSI Z133 & ANSI 300 standards, and Eversource Safety Procedures.
- All contract personnel will follow label instructions regarding Personal Protective Equipment (PPE).
- Applicators will immediately cease operations if adverse conditions or other circumstances warrant.
- Access to a ROW will be using established roadways whenever possible.
- All bar-ways and gates shall be immediately closed.
- Care shall be exercised to prevent the rutting or destruction of roadways, fields, or any other form of access.
- No litter of any kind will be left on the ROW or adjoining land.

CONTRACTOR DAILY TASKS

- Call the appropriate Eversource personnel
- In compliance with both regulations and Eversource policy, the contractors' foreman or senior crew member must complete daily vegetation management reports that include:
 - ✓ Date, name, and address of vegetation management contractor(s).
 - ✓ Identification of site or work area.
 - ✓ List of crew members.
 - ✓ Type of equipment and hours used, both mechanical and chemical
 - ✓ Method of application and description of incompatible vegetation
 - ✓ Amount, concentration, product name of herbicide(s), adjuvants and dilutants (EPA registration numbers must be on file).
 - ✓ Weather conditions.
 - ✓ Notation of any unusual conditions or incidents, including public inquiries.
 - ✓ Recording and/or verification of sensitive areas on ROW maps.
- All required forms will be distributed to the contractors by the Eversource representative(s).
- Eversource request that contractor(s) call if they see a hazard tree.
- Contractors must follow the Specifications noted in the Request for Proposal.

EQUIPMENT

- Eversource will not dictate the exact equipment to be used by the contractors, instead, all equipment shall be of adequate design to produce professional quality results.
- Equipment must be maintained in good working condition, including being calibrated as appropriate.
- Care and common sense shall be exercised when moving vehicles and equipment.

LANDOWNERS/ABUTTERS

Landowners/abutters are individuals whose property is either under Eversource's ROW easements/fee land and/or abuts the ROW.

- Landowners will be treated with courtesy and respect always.
- Permission must be obtained for ingress and egress if entering the ROW from private land.
- If a landowner demands vegetation maintenance cease, the contractor should remove the crew and equipment off the property, inform the appropriate Eversource representative as soon as possible and wait for clearance before returning to that location.
- When addressing serious complaints from a landowner, or other concerned person, notice will be sent to the appropriate authorities at MDAR.

RESULTS

- Vegetation management programs must result in 95% control of incompatible species or the contractor may be held responsible to re-treat areas that do not meet required results if these “touch-up” treatments follow all restrictions in 333 CMR 11.03(8) as listed in the *Control Strategies for Sensitive Area* table in Appendix 5.
- Vegetation management crews will exercise care to ensure low-growing compatible vegetation and other non-target organisms are not unreasonably affected by the application of herbicides.
 - Unreasonable site damage or destruction during any phase of the vegetation management operation by the contractor, his agents, or employees, will be repaired by said contractor to Eversource's satisfaction. Eversource evaluates claims promptly based upon an internal investigation and the information you provide. Once the investigation is complete, we will contact you with the results.

11. ALTERNATIVE LAND USES

Wherever practical, as determined by the Senior Arborist or Eversource management,

Eversource will cooperate with landowners through whose property Eversource owns easements, to facilitate "alternative land use" practices by the landowner's that may reduce or eliminate the need for vegetation management by Eversource.

Acceptable uses may include but are not limited to an approved lawn, garden, or crops with compatible species of plants, golf courses, parking lots, approved by Eversource Energy. Any alternative land use proposed by a landowner within an electrical transmission easement must be reviewed by Eversource. Eversource will review a properly submitted proposal and consider conditional approval. The submittal should be addressed to: Supervisor, T & D Rights and Survey, Eversource Energy, Eastern MA, 247 Station Drive, Mail Stop SE210, Westwood, MA 02090. Any approval by the Company is given in the form of a written license only and with the understanding that Eversource's easement rights are in no way diminished nor does the company assume any liability.

12. REMEDIAL SPILL AND EMERGENCY PLAN

Eversource contracts with independent, professional, certified herbicide applicators that are responsible for the containment, clean up and reporting of chemical spills or accidents. The following is a guide to the information sources that, according to various regulations, must be available to the treatment crew in the event of a chemical spill or emergency.

TYPES OF CHEMICAL SPILLS THAT REQUIRE ACTION

Chemicals include, but are not limited to the following:

- Herbicides
- Bar and Chain Oil
- Motor & Hydraulic Oil
- Diesel Fuel
- Gasoline
- Title 3 Hazmat Materials

REQUIRED SPILL RESPONSE EQUIPMENT

As a minimum, the ROW crew shall have available on the job site:

- VMP and YOP with emergency contact lists
- Safety Data Sheets and product labels

- Product Fact Sheets
- Appropriate absorbent material such as “speedi dri” or “soak up”
- Shovel
- Broom
- Flagging
- Leak proof container
- Heavy-duty plastic bags

PERSONAL CONTACT

In the event of **Personal Contact** with hazardous chemicals:

- Wash affected area with plenty of soap and water
- Change clothing which has absorbed hazardous chemicals
- If necessary, contact a physician
- If necessary, contact the proper emergency services
- If necessary, follow the procedures for Major or Minor Spills as outlined below
- Avoid breathing the fumes of hazardous chemicals

TECHNICAL REFERENCE MATERIALS

A. Herbicide Information

1. Product Label
2. Product Safety Data Sheet (SDS)
3. Product Fact Sheet, if available

B. Table 1. Herbicide Manufacturers:

MANUFACTURER	TELEPHONE NUMBER	SPECIAL INSTRUCTIONS
Albaugh Inc.	(800) 247-8013	
Bayer Environmental Science	(800) 334-7577	
BASF Corporation	(800) 832-4357	
Dow Agro Sciences	(800) 992-5994	
E.I. du Pont de Nemours and Company	(800) 441-3637	Medical Emergencies
Monsanto	(314) 694-4000	
Nufarm	(877) 325-1840	Medical Emergencies

C. Table 2. State Agencies:

STATE AGENCY	TELEPHONE NUMBER	SPECIAL INSTRUCTIONS
MDAR, Pesticide Bureau	(617) 626-1700	A.S.A.P. (within 48 hours)
Massachusetts Department of Environmental Protection, Emergency Response Section	DEP 24 Hour Contact: (888) 304-1133	For emergencies involving reportable quantities of oil or hazardous materials; required info: City/town, street address, site name (if applicable), material
	Southeast Region: (508) 946-2700	

MA Department of Public Health, Bureau of Environmental Health's Environmental Toxicology Program	(617) 339-8351	
Massachusetts Poison Information Centers	(800) 682-9211	For medical emergencies involving suspected or known pesticide poisoning symptoms

D. Table 3. Emergency Services:

EMERGENCY SERVICE	TELEPHONE NUMBER	SPECIAL INSTRUCTIONS
Massachusetts State Police, Central Office	(617) 566-4500 or 911	
Local Fire / Police Dept.	911	
ChemTrec	(800) 424-9300	
Clean Harbors	(800) OIL-TANK	
Pesticide Hotline	(800) 858-7378	PST: 6:30 am – 4:30 pm, Web: www.NPIC.orst.edu

E. Eversource 's contact in the case of a spill or accident is:

Eversource System Control:
Ops North, (617) 541-7825,
Electric Ops South, (617) 541-7858,

F. Table 4. Local Emergency Numbers:

Emergencies Services for All Municipalities: 911

(to be filled out with the appropriate towns and included in the YOPs)

Town	Board of Health	Town/City Hall	Town	Board of Health	Town/City Hall

CLEAN-UP PROCEDURES

Education and attention will constantly be directed at accident and spill prevention; however, the following is a guideline in the event of an unfortunate incident:

REPORTABLE SPILLS (Spills of reportable quantity of material): FOLLOW STEPS 1-11

NON-REPORTABLE SPILLS: FOLLOW STEPS 1-4, 7-11 as appropriate & contact the EVERSOURCE representative.

Table 5: HERBICIDE SPILL CHECK LIST

Order	ACTION	Done (√)
1	Use all PPE as directed by product label or SDS.	
2	Cordon-off spill area to unauthorized people and traffic to reduce the spread and exposure of the spill	
3	Identify source of spill and apply corrective action, if possible stop or limit any additional amounts of spilled product.	
4	Contain spill and confine the spread by damming or diking with soil, clay, or other absorbent materials.	
5	Report spills of "reportable quantity" to the Mass. Dept. of Environmental Protection and MDAR:	
	MDAR, Pesticide Bureau	(617) 626-1700
	Massachusetts Department of Environmental Protection Emergency Response Section	MA DEP 24 Contact Number: (888) 304-1133 Southeast Region: (508) 946-2700
6	If the spill cannot be contained or cleaned-up properly, or if there is a threat of contamination to any bodies of water, immediately contact any of the following applicable emergency response personnel:	
	local fire, police, rescue	911
	Eversource: Operations	(617) 541-7821
	Eversource Transmission: William Hayes	(781) 441-3932
	Eversource Distribution - Paul Sellers	(508) 957-4603
	Product Manufactures	
	1. BASF Corporation	(800) 832-4357
	2. Bayer Environmental Science	(800) 334-7577
	3. Dow Agro Sciences	(800) 992-5994
	4. E.I du Pont de Nemours & Company	(800) 441-3637
	5. Monsanto	(314) 694-4000
	6. Nufarm	(877) 325-1840
	7. Rainbow Treecare	(877) 272-6747
	8. Chemtrec	(800) 424-9300
	9. additional emergency personnel	
	If there is a doubt as to who should be notified, contact State Police, Central Office	(617) 566-4500 or 911
	Remain at the scene to provide information and assistance to responding emergency clean-up crews	
	Refer to the various sources of information relative to handling and cleanup of spilled product	
7	If possible, complete the process of "soaking up" with absorbent materials	
8	Sweep or shovel contaminated products and soil into leak proof containers for proper disposal at approved location	
9	Spread activated charcoal over spill area to inactivate any residual herbicide	
10		
11		

13. Identification and Qualification of Individual Developing and Submitting the Plan

Identification and qualification of the individual preparing and submitting this VMP, supervision of the IVM program and overall supervision for development and implementation of the VMP is performed by:

William N. Hayes Jr., Senior Supervisor
Eversource Energy
Transmission Vegetation Management (EMA, NH, WMA)
247 Station Drive, SW-B1036
Westwood, MA 02090-9230
781-441- 3932 (office)

I am ultimately responsible for preparation, implementation of and compliance with this VMP and YOP's to be submitted annually. Responsible for implementing the vegetation management programs best practices on transmission, and distribution systems. I develop and evaluate methods for vegetation management to ensure transmission and distribution system reliability follows regulations and standards. Provide work scheduling, prescription of herbicides and application methods, procurement of necessary permits, municipal notifications, contractor selection, provision of technical expertise and liaison between Company right-of-way easement landowners, neighbors, local and state officials and other interested parties and field supervision of vegetation management contractors and Eversource arborists.

My qualifications extend from my education to over 30 years of work related to utility arboriculture. I have a Bachelor of Science, Majoring in Forestry Management with concentration in Arboriculture/Urban Forestry from the University of Massachusetts. Credentials include Massachusetts Certified Arborist, International Society of Arboriculture Certified Arborist, Massachusetts Category 40 Pesticide License, Consumers Power Co. Certified Basic Tree Trimmer. I am member of the Massachusetts Arborist Association, Massachusetts Tree Wardens & Foresters Association, Utility Arborist Association, and the International Society of Arboriculture.

APPENDIX 1:

EVERSOURCE ENERGY
CAPE COD AND MARTHA'S VINEYARD
(BARNSTABLE AND DUKES COUNTIES)

ELECTRIC SYSTEM MAP

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

BETHANY A. CARD
Secretary

JOHN LEBEAUX
Commissioner

NOTICE: PUBLIC HEARING FOR VEGETATION MANAGEMENT PLAN

Pursuant to the Rights-of-Way Management Regulations (333 CMR 11.00) in order to apply pesticides to control vegetation to maintain Rights-of-Ways, the Massachusetts Department of Agricultural Resources (MDAR) must approve a Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP). The VMP is intended to justify the need to control vegetation, identify target vegetation, describe the intended methods of control, describe methods for identifying sensitive areas, describe operational guidelines for applicators, outline a program of Integrated Pest Management (IPM) designed to reduce the use of herbicides, and describe alternative land use activities.

The following municipalities are advised that Eversource Energy, proposes to utilize herbicides to treat their Rights-of-Way on Cape Cod and Martha's Vineyard:

MUNICIPALITIES		
BARNSTABLE	EDGARTOWN	SANDWICH
BOURNE	FALMOUTH	TISBURY
BREWSTER	HARWICH	TRURO
CHATHAM	MASHPEE	WELLFLEET
DENNIS	OAK BLUFFS	YARMOUTH
EASTHAM	ORLEANS	

PUBLIC HEARINGS SCHEDULED:

In accordance with 333 CMR 11.05 MDAR will conduct a regional public hearing to receive public comment on the proposed Vegetation Management Plan for the Eversource Energy, Cape Cod and Islands as submitted by Eversource Energy.

To provide all interested parties an opportunity to comment on the proposed VMP, a public hearing will be held via Zoom:

November 3, 2022, 11:00am-12:00pm

Meeting ID: 854 2364 7314

Passcode: 190512

<https://us02web.zoom.us/join/85423647314>

Available for Public Review Prior to Hearings:

Section 11.05 (3)(d) of the ROW Management Regulations provide: "At least 21 days prior to the end of the public comment period, the applicant shall send a copy of the proposed VMP to the chief elected official, the Board of Health, and the Conservation Commission in affected communities upon their request." Such request should be made to:

William Hayes, Senior Arborist
Eversource Energy, Eastern MA
Vegetation Management
247 Station Drive, SE-370
Westwood, MA 02090-9230
781-441- 3932 (office)

The proposed VMP is posted at <http://www.mass.gov/eea/agencies/agr/pesticides/vegetation-management-and-yearly-operation-plans.html> and <https://www.eversource.com/content/ema-c/residential/about/reliability/vegetation-management/transmission-system-vegetation-management/transmission-vegetation-management-projects> for reviewing. It is also available for review at the Reference Desk of the following public library:

Jonathan Bourne Library, 19 Sandwich Road, Bourne, Massachusetts

Written Comments Requested

The public hearings listed above will give interested parties the opportunity to present data, views or arguments, orally or in writing concerning the proposed VMP. Persons giving testimony are also requested to provide written comments. Written comments in advance of the hearing dates are welcome. The Department will accept written testimony concerning the Eversource Energy, Cape Cod and Islands VMP until the close of business (5pm): Monday, November 7, 2022.

Commentary should be sent to:

Rights-of-Way Program
Massachusetts Department of Agricultural Resources
251 Turnpike Road
Southborough, MA 01772

Comments period closes end of business (5pm): Monday, November 7, 2022



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

IV

BUSINESS

~ D ~

REQUESTED BY:	Selectboard/Chair ~ Ryan Curley
DESIRED ACTION:	To review, discuss and take a possible vote on Zoning Bylaw Amendment, Locally Notable Trees
PROPOSED MOTION:	I move to refer the Zoning Bylaws amendment of Locally Notable Trees to town counsel for review and comment and to the planning board as a draft for comment.
Summary:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____

Locally Notable Trees

To see if the Town will amend the Wellfleet Zoning By-Laws by Sections 2.1, 6.9 and insert 6.9.2 as follows:

2.1 Definitions:

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

Commented [RC1]: Seems large (118.11) but it is 37.5956" in diameter another option is 118" which is 37.56" in diameter

6.9.3 Locally Notable Trees

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

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

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

6.9.3.3

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

6.9.3.4

Massachusetts General Law, Chapter 40A, Section 9, Fourth paragraph as amended by 2021, 24, Sec. 20 effective July 1, 2021. See 2021, 24, Sec. 149. allows municipalities to adopt "incentive" ordinances in a manner that protects open space. The **Special Permit Granting Authority** may determine fees appropriate the removal of a **Locally Notable Tree**.

Commented [RC2]: Does this require a special permit?

Also does this section require an opportunity to revegetate off site?

Commented [RC3R2]: "Zoning ordinances or by-laws may provide for special permits authorizing the transfer of development rights of land within or between districts. These zoning ordinances or by-laws shall include incentives, such as increases in density of population, intensity of use, amount of floor space or percentage of lot coverage, that encourage the transfer of development rights in a manner that protects open space, preserves farmland, promotes housing for persons of low and moderate income or further other community interests; provided, however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of development rights to be permitted as of right, without the need for a special permit or other discretionary zoning approval."

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

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

IV

BUSINESS

~ E ~

REQUESTED BY:	Ryan Curley ~ Chair/Selectboard
DESIRED ACTION:	To review, discuss and take a possible vote on Zoning Bylaw Amendment, Intensity of Use of Multi-Family Dwellings
PROPOSED MOTION: SUMMARY:	I move to refer the Zoning Bylaws amendment. Intensity of Use of Multi-Family Dwellings town counsel for review and comment and to the planning board as a draft for comment.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Intensity of Use of Multi-Family Dwellings

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by adding underlined text and by deleting text that is struck-through as follows, or to do or act on anything thereon:

A. By Amending Chapter 235 Article ?? Section 5.4.5 Intensity of Use Application to Multiple Family Dwellings by striking the section:

~~5.4.5 Intensity of Use Application to Multiple Family Dwellings~~

~~The first unit of a multiple family dwelling or of an apartment building shall require a minimum land buildings on any NSP District lot exceed 3,600 sq. ft. area equal to the lot requirements of the district in which located Each additional unit will require 8,000 square feet of land area. Front, side and rear yard and maximum building coverage requirements of the district in which the structures located shall apply. (Amended 4/30/85 ATM, Art. 64)~~

Commented [RC1]: This is poorly worded and no longer applicable in NSP. Multi-family units are not allowed and other changes since 1985



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

IV

BUSINESS

~ F ~

REQUESTED BY:	Town Administrator ~ Rich Waldo
DESIRED ACTION:	To provide the board and public with a current financial update
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

IV

BUSINESS

~ G ~

REQUESTED BY:	Wellfleet Selectboard
DESIRED ACTION:	To distribute the Town Administrator's Six-Month Review
PROPOSED MOTION: SUMMARY:	No Motion is needed for this agenda item
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Performance Evaluation Policy

The Performance Evaluation Policy for the Town Administrator includes the following:

1. Establishment of measurable objectives which the Town Administrator can achieve for the next review period for up to 5 goals which reflect the areas which the town and the Board expect him or her to exercise leadership.
2. Opportunity for regular as well as annual written feedback from the Board to the Town Administrator on goals, priorities, and performance, as well as regular informal feedback. Each year, with the performance evaluation process.
3. A formal evaluation of performance of the Town Administrator meeting the objectives for these goals, to be done by each Board member, using the attached Performance Evaluation Form.
4. Regular performance reviews are critical in establishing a cohesive working arrangement between the Selectboard and the Town Administrator.
5. An annual salary review which includes both (a) any change in base salary determined by contract or by negotiation, and (b) any merit increase based upon the performance evaluation, *as set forth below*.

Performance Evaluation Schedule

The following schedule describes the formal process to be followed each year to establish objectives for and to review the performance of the Town Administrator.

1 Year Evaluation Period

June 2022

The Town Administrator shall submit their professional development plan.

July 2022

The Board will establish first year goals for the Town Administrator.

September 2022

The Selectboard and Human Resource Director (ATA) will initiate the Evaluation Process. The Selectboard will complete their individual reviews and submit them to the Assistant Town Administrator the for the Chair to compile.

November 2022

The Selectboard will meet with the Town Administrator to review their six-months evaluations.

November 30th, 2022

Six-month anniversary.

March 2023

The Selectboard and Human Resource Director (ATA) will initiate the Evaluation Process. The Selectboard will complete their individual reviews and submit them to the Assistant Town Administrator the for the Chair to compile.

April 2023

The Selectboard will meet with the Town Administrator to review their evaluations and determine. The Selectboard will consider annual performance merit increases to become effective on May 31st of each year. The merit increase will be based on the annual performance review, which will be performed by the Selectboard in timely fashion. Merit increases will consider cost of living adjustments provided to other Wellfleet municipal employees and movement through the salary range and will be based on performance.

First Monday in May

Annual Town Election.

Annual Review

February and March.

A formal evaluation is done by each Board member, including written feedback and recommendations for improvement for the next review period.

An informal review of the annual performance evaluation - including any measures to improve performance, and professional development objectives for the next year - should be conducted by two members of the Board with the Town Administrator before the ratings are presented at and voted on at a formal Board meeting. The overall performance rating should be presented to the public using the definitions which the Board selected ("meets expectations", etc.), rather than the numerical score.

The annual salary review should be discussed at a later formal Board meeting. Depending upon the terms of the contract with the Town Administrator, any increase in base salary may consist of either or both (a) any change in base salary determined by contract or by negotiation, and (b) any merit increase based upon the overall performance rating.

April of each year.

Any departing member of the Board should prepare a letter to the Town Administrator which summarizes the priorities they see for the next year. The Town Administrator should prepare a draft of his or her objectives for the next evaluation period, including any areas for improvement which were identified.

May and June.

The incoming Board should set its policy goals for the next year, taking into account recommendations from the outgoing Board for goals which carry over, and goals provided by Departments and the Town Administrator. The incoming Board should work with the Town Administrator to finalize the objectives for the next year, based upon the goals set by the Board and the draft objectives prepared by the Town Administrator.

October and November.

An informal review of progress towards meeting the objectives should be made at mid-year for improvement or major project goals.

TOWN OF WELLFLEET - TOWN ADMINISTRATOR PERFORMANCE EVALUATION

Ryan Curley, Selectboard Chair

Richard Waldo, Town Administrator

Rebecca Roughly, Assistant Town Administrator/ Human Resource Manager

Annual Performance Evaluation Form¹

Town Administrator : Richard Waldo

Evaluation period: 6 Month

Period

Each Board member should complete this evaluation form, sign it in the space below, and return it to Rebecca Roughly. The deadline for submitting this performance evaluation is 5pm on November 13. Evaluations will be summarized by the Chair and distributed to all members.

Board Member's Signature _____ Date Submitted _____

Review Period Covered: Annual _____ Mid-year X Other _____

A. PERFORMANCE CATEGORY SCORING

This evaluation form presents ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement in categories 1 - 10, use this scale to indicate your rating of the Town Administrator.

5 = Excellent (almost always exceeds the performance standard)

4 = Above average (generally exceeds the performance standard)

3 = Average (generally meets the performance standard)

2 = Below average (usually does not meet the performance standard)

1 = Poor (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

¹ Adapted from City Manager Performance Evaluation, University of Tennessee Institute for Public Service.

1. INDIVIDUAL CHARACTERISTICS

- _____ Diligent and thorough in the discharge of duties, "self-starter"
 - _____ Exercises good judgment
 - _____ Displays enthusiasm, cooperation, and willingness to adapt
 - _____ Exhibits mental and physical stamina appropriate for the position
 - _____ Exhibits composure, appearance, and attitude appropriate for executive position
- Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

2. PROFESSIONAL SKILLS AND STATUS

- _____ Maintains knowledge of current developments affecting the practice of local government management
 - _____ Demonstrates a capacity for innovation and creativity
 - _____ Anticipates and analyzes problems to develop effective approaches for solving them
 - _____ Willing to try new ideas proposed by the Selectboard and/or staff
 - _____ Sets a professional example by handling affairs of the public office in a fair and impartial manner
- Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

3. RELATIONS WITH MEMBERS OF THE ELECTED BODY

- _____ Carries out directives of the Selectboard as a whole as opposed to those of any one member or minority group
 - _____ Sets meeting agendas that reflect the guidance of the Board and avoids unnecessary involvement in administrative actions
 - _____ Disseminates complete and accurate information equally to all members in a timely manner
 - _____ Assists by facilitating decision making without usurping authority
 - _____ Responds well to requests, advice, and constructive criticism
- Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

4. POLICY EXECUTION

- _____ Implements Selectboard actions in accordance with the intent of the Board
- _____ Supports the actions of the Board, both inside and outside the organization, after a decision has been reached
- _____ Understands, supports, and enforces local government's laws, policies, and bylaws
- _____ Reviews bylaw and policy procedures periodically to suggest improvements to their effectiveness
- _____ Offers workable alternatives to the Board for changes in law or policy when an existing policy or bylaw is no longer practical

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

5. REPORTING

- _____ Provides regular information and reports to the Selectboard concerning matters of importance to the local government, using the charter as guide
- _____ Responds in a timely manner to requests from the Board for special reports
- _____ Takes the initiative to provide information, advice, and recommendations to the Board on matters that are non-routine and not administrative in nature
- _____ Produces reports that are accurate, comprehensive, concise, and written to their intended audience
- _____ Produces and handles reports so as to convey the message that affairs of the town are open to public scrutiny

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

6. CITIZEN RELATIONS

- _____ Is responsive to requests from citizens
- _____ Demonstrates a dedication to service to the town and its citizens
- _____ Maintains a nonpartisan approach in dealing with the news media
- _____ Meets with and listens to members of the community to discuss their concerns, and strives to understand their interests
- _____ Makes an appropriate effort to maintain citizen satisfaction with services

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

7. STAFFING

- _____ Recruits and retains competent personnel for staff positions
- _____ Applies an appropriate level of supervision to improve any areas of substandard performance
- _____ Stays accurately informed and appropriately concerned about employee relations
- _____ Manages the compensation and benefits plan professionally
- _____ Promotes training and development opportunities for employees at all levels of the organization

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

8. SUPERVISION

- _____ Encourages heads of departments to make decisions within their jurisdictions with minimal manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- _____ Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- _____ Develops and maintains a friendly and informal relationship with the staff and workforce in general, yet maintains the professional dignity of the office of the Town Administrator
- _____ Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- _____ Encourages teamwork, innovation, and effective problem solving among the staff members

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

9. FISCAL MANAGEMENT

- _____ Prepares a balanced budget to provide services at a level directed by the Selectboard
- _____ Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- _____ Prepares a budget and budgetary recommendations in an intelligent and accessible format
- _____ Ensures that actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- _____ Monitors and manages fiscal activities of the town appropriately

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

10. COMMUNITY

_____ Shares responsibility for addressing the difficult issues facing the town

_____ Avoids unnecessary controversy

_____ Cooperates with neighboring communities and the county

_____ Helps the Selectboard address future needs and develop adequate plans to address long-term trends

_____ Cooperates with other regional, state, and federal government agencies

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

PERFORMANCE CATEGORY

ENTER CATEGORY SCORES

_____ + _____ + _____ + _____ + _____ + _____ + _____ + _____ + _____ + _____ = _____

SUBTOTAL SCORE _____ ÷ 10 = _____

1. What performance area(s) would you identify as most critical for improvement?

❖

❖

❖

❖

2. What constructive suggestions or assistance can you offer the Town Administrator to enhance performance? Particularly areas that scores a 1 or 2.



B. GOALS / OBJECTIVES – ACHIEVEMENT

For each goal/objective, use the following scale to indicate your rating of the Town Administrator’s progress:

3 = Achieved

2 = Partially achieved

1 = Not achieved

1. Support and Promote Housing Development

- a. Effectively Support the 95 Laurence Rd Project
- b. Create an inventory of all Town-owned properties and public facilities to assess the development and expansion of housing at these locations for seasonal and year-round housing.
- c. Maurice’s Project support.
- d. Short Term Rental Tax re-allocation plan.

Subtotal value = _____.

Comments:

2. Continue Improvement of Town Finances

- a. Address findings in annual financial audit and review and consider implementing the recommendations issues by the Department of Revenue's Financial Management Review.
- b. Finish Normalizing the Town's Financial Operations
- c. Transfer Station Financial Model Evaluation
- d. Village Core Parking and Parking for a Fee

Subtotal value = _____.

Comments:

3. Address Cahoon Hollow Beach issues

- a. Facilitate discussions with area partners (NPS) to address the issues.
- b. Develop a long term plan to reduce the burden of managing the crowds and unruly behavior at the beach and traffic issues on OVD.

Subtotal value = _____.

Comments:

4. Invest in Public Facilities & Town Properties

- a. Public Restrooms Renovations/Replacements Plan
- b. Evaluation of the Old Shellfish Shack
- c. Permanent Workspace out of the Weather for the Shellfish Department
- d. Marina Master Plan

Subtotal value = _____.

Comments:

5. Modernization

- a. Software Platform for Town Services, staff; and the public

Subtotal value = _____.

Comments:

6. Improve Communications & Community Engagement

- a. Develop a communications plan for Town government that includes transparency and community outreach on Town projects and initiatives and increases the Town's positive social media presence with continuity and consistency across all departments.

Subtotal value = _____.

Comments:

7. Strengthen Human Resources & Staff Support

- a. Hire a HR Director on a timely basis
- b. Establish clear expectations, accountability, and educational opportunities for Town Employees
- c. Analyze staffing and storage space needs

Subtotal value = _____.

Comments:

8. Advance Climate Resiliency Efforts

- a. Municipal Rooftop Solar Elevation
- b. Implement the changes to Fuel Efficient Vehicle Policy

Subtotal value = _____.

Comments:

9. Support Public Health & Mental Health and Substance Abuse Programming

- a. Work with the Health Agent and Police Department to identify unmet needs and potential solutions.

Subtotal value = _____.

Comments:

10. Other Achievements, Projects & Initiatives (please list)

- a.
- b.
- c.
- d.
- e.
- f.
- g.

Subtotal value = _____.

Comments:

FINAL COMMENTS

What other comments do you have for the Town Administrator (e.g., priorities, expectations, goals, or objectives for the new fiscal year)?

TOWN OF WELLFLEET - TOWN ADMINISTRATOR PERFORMANCE EVALUATION

GOALS / OBJECTIVES ACHIEVEMENT

ENTER CATEGORY SCORES

_____ + _____ + _____ + _____ + _____ + _____ + _____ + _____ + _____ = _____

SUBTOTAL SCORE _____ ÷ 10 = _____

OVERALL SCORE

PERFORMANCE CATEGORY SUBTOTAL _____

GOALS/OBJECTIVES CATEGORY SUBTOTAL _____

OVERALL SCORE _____

EVALUATION CRITERIA -

Evaluation an Overall Score of:

Score 7 – 8 : Exceeds Expectations

Score 5 – 6 : Meets Expectations

Score 3 – 4 : Needs Improvement

Score 0 – 2 : Not Meeting Expectations
(Create an action plan)

SUGGESTED ANNUAL MERIT INCREASE (ANNUALLY IN APRIL)

At the Annual Evaluation an Overall Score of:

Score 7 – 8 : 4%

Score 5 – 6 : 2.5%

Score 3 – 4 : 1%

Score 0 – 2 : No Merit increase

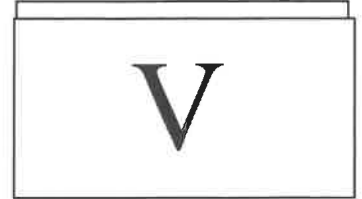
*Merit increase must be incorporated into the budgeting process

**Merit increases only occur after an Annual Evaluation.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022



NEW BUSINESS

REQUESTED BY:	Chair Ryan Curley
DESIRED ACTION:	To Discuss topics that are not reasonably anticipated by the Chair more than 48 hours before the meeting.
PROPOSED MOTION:	If a motion is needed for a topic that is brought up one will be made at the time of the meeting.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

VI

SELECTBOARD REPORTS:

Reported by:	Topic:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

VII

TOWN ADMINISTRATOR REPORTS

- **Please see Selectboard packet for full report**



MEMORANDUM

TOWN OF WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 Fax (508) 349-0305
www.wellfleet-ma.gov

To: Selectboard
From: Richard J. Waldo, Town Administrator
Cc: Rebekah Eldridge, Executive Assistant to Town Administrator
Subject: Department Update Report for the November 1, 2022 Select Board Meeting
Date: October 25, 2022

Administration

- Bids for the engineering and permit applications for the Clean Sand Dredging will be opened on November 30th. Awards are expected to be issued in mid-late December.
- On October 21st the 95 Lawrence Comprehensive 40B permit was officially issued.
- Interviews are scheduled for the Principal Clerk position the week of 11/1.
- JM Goldson, our consultant who is updating our Housing Production Plan came to Wellfleet on 10/27 to tour the Town and conducted forums to engage the community in what our housing needs look like in the next 5 years. If you haven't already, please take the survey: <https://www.surveymonkey.com/r/WellfleetHPP>
- The real estate and personal property bill files have been sent to the printer.
- The issue date is 11/1/22 due date is 12/1/22. We will be collecting over \$20 Million dollars between now and May 1st, 2023.
- The fiscal 2023 boat excise tax bills (based on summer of 2022) are being issued November 1st, due December 30, 2022.
- We have 2 FY2022 Appellate Tax Board hearings scheduled for November 2 and November 9. These are appeals of FY2022 abatement application denials.

Building

- Review Building Permit Applications, Issue Permits, Issue Certificates of Occupancy, Issue Certificates of Completion, Annual Inspections, Issue Certificate of Inspections, building site inspections, Respond to Complaints, Office Hours 8:00 – 10:30 a.m., (or by appointment) to address Building Code and Zoning questions with applicants and the public.
- Responding to written complaint letter concerning 70 Main Street, regarding (7) alleged Town of Wellfleet Zoning Bylaw Violations from an abutter to 70 Main Street property.
- Coordinating with Health Department on violations at 177 Peace Valley Road and 49 Chequessett Neck Road.

Community Services

Council on Aging / Adult Community Center

- Ukelele lessons: beginning in November, we will offer free weekly ukulele lessons for beginners and more experienced players. If you have a ukulele gathering dust, please consider joining us. Fun Fact: ukulele is NOT pronounced “you-ka-lay-lee” but “oo-ka-lay=lee”. Call the Center to sign up
- Open Enrollment Season: If you are on Medicare you probably could benefit from a Part D addition that covers your particular needs for medications and also covers some of the gaps between what the medical folks charge and what Medicare will pay. The dates you can do that are from now through December 7th. The Center has two SHINE counselors seeing people every Wednesday. SHINE is under the Barnstable County Health Department and stands for Serving Health Insurance Needs of Everyone. Call for information and an appointment to see if you can save money and or get better coverage.

Beach Program

- I will attend the Cape Cod Beach Managers Fall meeting in Chatham on Tuesday, October 25th. This group has been meeting since the late 80’s and we share problems and solutions. There is an annual report put together that compares the sticker costs and revenues from each Town that is very useful during budget time.

Social and Human Services

- There are 17 three and four year olds currently attending Pre-school who have qualified for the Wellfleet Voucher program. Provincetown, Truro and Eastham have expanded their program to include infants and toddlers in daycare. I will be presenting a request for funding for the same expansion in Wellfleet as an article at the ATM.

Harbormaster

- Oysterfest: We got together for another year and managed parking spots for the weekend event. A special thank you to Richard Goldberg, Bob Mallory, Rob Leary, and Will Barrio for volunteering their time to help out the Marina with what happened to be our largest year yet taking in over \$22,000.
- Marina Season: As usual the Marina has closed for its seasonal operations on October 15th. As we prepare to take docks out and “winterize” our assets we have a tremendous amount of vessels still in the water “in violation” slowing down our staff’s production.
- Shoaling at breakwater: We have Bids for the engineering and permit applications for the Clean Sand Dredging will be opened on November 30th. Awards are expected to be issued in mid-late December.

Health/Conservation

- We are continuing to distribute covid antigen test kits to residents and employees of local businesses. We will continue to distribute tests until we run out. In the previous month we have had 0 positive test identified on our online reporting tool and 5 identified in the state reporting database (PCR Only). The County is currently in the medium risk category.
- The BOH is holding a Public Meeting on draft Regulations pertaining to changes to the subsurface sewage disposal section and the Targeted Watershed Management Plan on

Wednesday November 9, 2022. It will be a hybrid meeting available on zoom or in person at the Adult Community Center at 5:30 pm. Notification will go out in the tax bill. All BOH meetings are posted on the town calendar on the web site.

- We have held two flu/covid vaccination clinics. One at the Adult Community Center and one at WES. We notified all staff of the vaccination opportunities and will hold two additional regional clinics on Thursday October 10 at the Community Center from 3:30-5:30 and on November 17 at WES from 3:30-5:15. Both of these clinics are open to residents and families. There will be flu vaccine and covid booster vaccine available at these clinics for children. Pre-registration is required for both.
- To register for Wellfleet: <https://home.color.com/vaccine/register/vnacc?calendar=8bf425ed-1a36-4890-9d14-58510f9ce819>
- To register for Truro: <https://home.color.com/vaccine/register/vnacc?calendar=42045cf7-d1f8-4e08-8768-131dc9537891>
- Cyanobacteria growth rates in the ponds were all at acceptable levels this week and we are continuing to monitor them through mid-November. The advisory at Duck Pond has been removed and the public notified. This past week we also observed the presence of cyanobacteria in Gull Pond however it was not at enough of a concentration to warrant an advisory. We are continuing to work very closely with NPS DPH and APCC to gain concurrence on when posting should be done.
- We conducted inspections at OysterFest on Saturday and Sunday for all of the food service establishments.
- Teen programming is beginning in November at Preservation Hall every Thursday from 4-5. November will be art classes; December will be Cooking classes and January will be music classes. This is open to all teens and facilitated by professionals in the fields. Registration is required but there is no commitment to a single class or a series.
- To register: <https://forms.gle/39zVsE7mUcr933iZ9>
- Health, Building, Fire and Police are actively pursuing two housing matters one with the AG's office and town counsel.
- Put together an informational letter and resources for food service establishments to gain compliance with frequently violated regulations. This letter/resource list will be sent out with 2023 business licenses.
- We applied for and were awarded the Community Compact Best Practices Grant to evaluate regional conservation efforts with the Towns of Eastham, Truro, and Provincetown utilizing the Urban Harbors Institute as our lead consultant.
- Met with members of the NRAB and GUPACA to discuss pond management and draft BOH regulations.

Fire

- We are currently working on our first draft of the Department Annual Operating Budget for FY-2024. Our extremely capable Administrative Assistant Theresa Townsend has been instrumental in this effort.
- We continue to request our Staffing for Adequate Fire and Emergency Response (SAFER) funding grant requests, and again, thanks to Theresa she has been able to secure over \$100,000.00 in funding from the Federal Emergency Management Agency (FEMA) over the last six (6) months. This money is returned to the Town's General Fund.
- We are coordinating the schedule with Greenwood Emergency Vehicles for the refurbishment of Ladder 93.
- We are working with the family of Chief Warren Dyer (retired) for his Celebration of Life ceremony. Chief Dyer was a great leader of this Department and community and his passing his heartfelt throughout our community.

Library

- Exciting news! Beginning Sunday, November 6th, the library will be open again for off-season Sunday hours. We are thrilled to welcome people back to the library on Sunday afternoons from 2-5 through the end of May. We look forward to the festive atmosphere of having our wonderful community back in the library on Sundays.
- The Library is now offering FREE yoga! Join us on Thursday mornings from 10:30-11:30 for Ahimsa Peaceful Yoga - perfect for beginners and seniors. This will continue for six sessions, beginning November 3rd. Check our website for exact dates.
- Back by popular demand : The Pleasures of the Script. A Community Playreading Group. No acting experience is necessary! The play is Glengarry Glen Ross by David Mamet. The group meets Wednesday November 2nd and 9th at 4:00 PM. What fun!
- I finished my financial report to the Massachusetts Board of Library Commissioners that allows us to be eligible for State Aid. We qualify because 19.5% of our operating budget is designated for materials, we are open a certain number of hours, and we circulate our materials to other libraries in the Commonwealth.

Police

- The Police Department helped organize, coordinate, and implement a successful 2-day Oyster Festival event through all the hard work of Lieutenant LaRocco and his team. The cooperation between town departments, SPAT and the community lead to a safe event enjoyed by approximately 7,000 participants a day. The department would also like to recognize partner law enforcement agencies who assisted and supported our team during the weekend festival; Massachusetts State Police EK-9 dogs for explosive detection, Eastham Police Department, Provincetown Police Department, Brewster Police Department, Barnstable Police Department, Mashpee Police Department, and the Barnstable County Sheriff's Office.
- The Chief received a letter from a resident who wanted to thank Officer Mark Braun and Officer Sarah Chase for their support during a mental health wellness check. **"The Police**

determined that I should go to the hospital for treatment and I received very kind words from your officers reassuring me that this was the best outcome”. During these challenging times within our community, it was great to hear from a resident who was able to get help and support from the mental health system.

- The Nauset District Police Departments continue to work with our school principals, staff, and students through the support of Superintendent Brooke Clenchy’s office on security and prevention. The district and the department’s will continue with training, reevaluating safety protocols and open communication with all our school committees. The group is working on a parent workshop to be held district wide sometime this winter to address school safety and response concerns.

Public Works

- DPW Administration
 - a. Budget season – preparing FY 24 capital and operating budget
 - b. Fielding various calls for drainage around Town with the heavy rains. The crew has been doing a great job keeping up with it
 - c. We’ve received 3 applications so far for the Heavy Truck Driver/Mechanical Assistant position.
 - d. We continue to move along projects (Herring River Restoration, MassDOT Rt 6/Main intersection project, Pavement Preservation Project, Kellers Corner Stormwater Improvements, Powers Landing Stormwater Improvements and Lt. Island Road resurfacing/drainage improvements)
 - e. Reaching out to consultants to identify further grant funding for Briar Lane and Ryder Ct culvert replacement
- Facilities/Grounds
 - a. We’ve assessed and revised our custodial cleaning schedules to make the best of staff time when cleaning buildings
 - b. Fall cleanups around Town including the cemetery
 - c. Electric vehicle charging station unit upgrades have been delivered, awaiting confirmation for installation
- Highway
 - a. Contacted K5 corporation to conduct line striping, awaiting confirmation of dates
 - b. Assisting various departments, such as the Harbor with float removal, etc.
 - c. Started to haul material from the pit to the transfer station
 - d. We are 90% ready for upcoming snow season, beginning to engage our private contractors
- Transfer Station
 - a. Attended a webinar on MSW disposal and mattress disposal hosted by MassDEP and various communities

Recreation

- The Rec Soccer Season is winding down with the last games being played the week of November 7. All five teams have had great seasons and improved their skills thanks to many dedicated volunteer coaches. Many thanks to the following volunteer coaches: Henri Vaitkevicius, Murrow Van Meter, Justin and Melissa Lynch, Myya Beck, Thor Baum,

Andy O'Dell, Laura Baghetti and Luke Manning for guiding the teams with patience and skill.

- The Annual Halloween Parade will be live for the first time in three years and is being held this Saturday 10/29 at 2:00 PM starting at Preservation Hall and ending at the Baker's Field Playground.
- After school and weekend activities and classes for all ages at Wellfleet Elementary School and other locations around Town will begin in November as part of the "Community Center Without Walls" initiative coming to fruition. All listings will be posted on the Town website.
- The Department submitted a Community Preservation Grant for a pavilion/awning for the bandstand at the end of the Town pier. Successful granting of this project will enable enhanced usage by the rec dept and the community.
- Well Attended Adult pickleball round robins continue four days/week at the Mayo Beach Courts, as well as two weekly pickleball clinics which fill to capacity each session. The newly renovated courts have been very well received by the public.

Shellfish Department

- There have been more boats harvesting daily than intertidal harvesters of late.
- The Shellfish Department has been working with the Town Administrator, the Building Commissioner and the DPW Director to determine the viability of using the old shellfish office at Mayo Beach as a workspace and storage area. We have been reviewing historical documents and made a site visit to evaluate the current condition of the building. We are doubtful of including repair work on our FY24 CIP, yet continuing to explore potential uses of the building – or another option – that could also solve the Shellfish Department's problem of having no real work space or inside storage area.
- The department oversaw the delivery of oysters to a dealer on the pier for the Wellfleet OysterFest. We conducted inspections and sent the paperwork to the Mass. Division of Marine Fisheries (MADMF). Johnny Clam held an educational talk and tour of our propagation bed for a hardy group of oyster enthusiasts on a pouring rain Saturday morning as part of SPAT's month-long OysterFest activities, and Nancy produced the OysterFest's premier event, the Shuck Off, as a volunteer both Saturday and Sunday of the 'Fest. The department also let the commercial shellfishing community know that SPAT offered free admission to the Wellfleet OysterFest for shellfishermen, farmers, employees and their families. The OysterFest delivered about three tons of recycled shellfish shells to the transfer station, where they will overwinter to be used in our cultching program next spring.
- Our 2022-2023 AmeriCorps member, Henry Torpey, began serving with the department, and is working with Johnny on our propagation bed, helping break down our hats full of oyster seed and assembling gear.
- We have been doing follow up grant inspections for two sets of grant holders who received Orders of Condition from the Selectboard as part of their minimum productivity public hearings. We are communicating (or trying to communicate!) with a dozen grant holders

who are on our minimum productivity watch list. We have issued six letters of forfeiture to grant holders, two for voluntary forfeiture and four for nonpayment of grant fees.

- We have been planning for and organizing the lottery of five available grants, as well as working on advertising and scheduling of two grant renewals and a grant extension request. We have had many meetings with individual grant holders on a diversity of topics.
- We reviewed new regulation language with a Shellfish Advisory Board member and a former Selectboard member before it gets presented at Shellfish Advisory Board next month.
- We sent out a certified mail to a homeowner who has blocked a deeded Town public access to the Herring River. We will keep Administration apprised during this process of restoring the access for the public.
- We have been working with the MADMF to ensure water quality and the contaminated quahogs from the relay pass testing in order to open all of Chipman's Cove this Sunday, October 30. We continue to collect oyster samples for MADMF for their study to understand background vibrio levels in oysters. The vibrio control plan expired on October 19, and now ice is no longer required for oyster harvest.
- We have been responding to complaints both on land and on the water, requiring boat rides and site visits. We continue to stop tourists from taking shellfish without permits and to have educational talks with recreational shellfishermen about taking shellfish seed. We are marking their permits with an "S" so that we are all aware when we inspect recs whom has already had seed confiscated and been given "the talk."
- Nancy worked with the Town Clerk and Town Counsel to fulfill grant holder file public records inspection requests.

Town Clerk

- The AG's office returned decisions for our June 11th, 2022 ATM By law amendments. Article 36 was approved and will be official after a two week.
- Posting requirement. Article 42 is on 299 hold until all posting requirements are met and there are no objections.
- In person early voting has begun and will continue until November 4th (Including Saturday October 29).
- Preparing items for the new calendar year, such as the Annual Street Census and Dog licenses.
- Prepping for the November 8 election, which includes ballot testing, staff scheduling & training.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

VIII

TOPICS FOR FUTURE DISCUSSION

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

IX

VACANCY REPORTS

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

Rights of Public Access Committee

PRESERVING AND IMPROVING THE PUBLICS' RIGHTS OF ACCESS TO TOWN LANDINGS, RIGHTS OF WAY, OR OTHER MEANS OF PUBLIC ACCESS WITHIN THE TOWN OF WELLFLEET.

2 POSITIONS

INTERESTED IN SERVING?

TOWNCLERK@WELLFLEET-MA.GOV



Date: November 1, 2022
To: Board of Selectmen
From: Rebekah Eldridge
Re: Vacancies on Town Boards

Bike and Walkways Committee (5 members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	1 year (complete term)

Requesting Appointment: No applications on file

Board of Assessors (3 members, 1 alternate)

Vacant Positions	Appointing Authority	Length of Term
1 alt Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Board of Health (5 members, 2 alternates)

Vacant Positions	Appointing Authority	Length of Term
2 alt Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Board of Water Commissioners (5 Members, 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
2 alt Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Building and Needs Assessment Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Cable Advisory Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	1 year

Requesting Appointment: No applications on file

Commission on Disabilities (up to 5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Conservation Commission (7 Members + 2 alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Positions	Board of Selectmen	

2 alt Positions 3 years

Requesting Appointment: No applications on file

Council on Aging (11 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No application on file

Cultural Council (no more than 15 Members)

Vacant Positions	Appointing Authority	Length of Term
7 Positions	Board of Selectmen	3 years

Requesting Appointment: **No** application on file

Dredging Task Force (7 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Finance Committee (9 members, 2 alternate)

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

Requesting Appointment: **One** application on file

Historical Commission (7 members)

Vacant Positions	Appointing Authority	Length of Term
0 Vacancies	Board of Selectmen	3 years

Requesting Appointment: **no** application on file

Local Housing Partnership (at least 10 members)

Vacant Positions	Appointing Authority	Length of Term
0 Vacancy	Board of Selectmen	1 year

Requesting Appointment: No application on file

Marina Advisory Committee (7 Members, 2 Alternates)

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

Requesting Appointment: No applications on file

Natural Resources Advisory Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
3 Position	Board of Selectmen	3 years

Requesting Appointment: No application on file

Open Space Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
0 Positions	Board of Selectmen	1 year

Requesting Appointment: **No** application on file

Personnel Board (4 members + TA + FinCom Rep)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Planning Board (7 members + 2 alternates)

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

Requesting Appointment: No applications on file

Recreation Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Recycling Committee (7 Members + 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
2 Alternate Positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Rights of Public Access (5 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	1-2 years
Requesting Appointment: No application on file		

Shellfish Advisory Board (7 members + 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Zoning Board of Appeals (5 Members, 4 Alternates)

Vacant Positions	Appointing Authority	Length of Term
0 Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

An application was received from a resident looking to join a school or housing committee that has ties and deals with green issues. I am currently talking to some housing committees to see where he could best serve the town.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

X

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of Minutes
PROPOSED MOTION:	I move to approve the meeting minutes of October 18, 2022.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Wellfleet Selectboard
Tuesday October 18, 2022; 7pm
Hybrid Meeting
Zoom/715 Old King's Highway
Meeting Minutes

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

Others Present: Richard Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Suzanne Grout Thomas, Community Service Director; Jay Norton, DPW Director; Jill McLaughlin, Stantec representative; Greg Mischel, Mass DOT; Steve Wilkinson from Wilkinson Ecological Design, Inc.; Nicole Costanzo, Esq. KP Law representative; Carole Ridley, Herring River Restoration project; Nils Wiberg, engineer from Fuss and O'Neill; Tim Sayre, Town Resident; Joe Mailawco, Mass DOT; Arthur Autorino, Member of Eastham Selectboard

Chair Curley Called the meeting to order at 7:04pm

I. *Announcements, Open Session and Public Comments*

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

Bacon spoke to a letter of correspondence from the public meeting regarding the Fox & Crow Entertainment license. She spoke to the manner of how the meeting was held and allowing the back and forth she felt was rude and unprofessional. She spoke to the applause that she felt shouldn't have ever been allowed. She continued speaking to the obligation as elected officials. Chair Curley spoke to the limited scope of the licenses and didn't want to address the other issues.

Wolf spoke to a long-time musician that passed away very suddenly this past week. The board sent out their condolences to the family and friends.

II. *Consent Agenda*

A. Board to sign 2022 Warrant for 2022 State Election

Chair Curley Moved, Board Member DeVasto seconded; and it was voted to approve the consent agenda as printed.

Roll Call Vote: 5-0

III. *Use of Town Property*

A. Omaha Landing for coastal bank stabilization and restoration ~ Weekdays from November 1, 2022; - December 30, 2022. ~ Wilkinson Ecological Design, Inc. Chair Curley spoke to the board and stated he would like to refer this back to the to the Conservation Agent. Wilkinson spoke to the board and stated he believed he was allowed to do this after speaking with Conservation Commission. Chair

Curley explained why this project was an issue and felt that because there were so many concerns with department heads it needed to be continued. Chair Curley stated that not only do they need a bond, but they need to let all the abutters know that this is taking place on and around their property.

Board Member Carboni moved, Board member Wolf seconded, and it was voted to advise the applicant to seek further approval of the conservation agent to conduct the work proposed and to seek the approval of all department heads to perform the work and to obtain approval of all the abutters to do the work.

Roll Call Vote: 4-0-1 (DeVasto Abstained)

IV. Business

A. Cannabis Community Host Agreements ~ Chair Curley

Chair Curley informed the board and public that there will be no public comment with on this agenda item.

Costanzo shared a slide show presentation informing the board and public on the new laws set by the Massachusetts Cannabis Control Commission which better explained the community host agreements. She spoke about the impact fees for the community and stated that there are new and different requirements on host communities.

Chair Curley asked the board members to try to avoid any specific host agreements. The board discussed the presentation.

No action was Taken

B. Chequessett Neck Bridge Notice of Award/Contract ~ Town Administrator

Board Member Carboni recused herself from this agenda item. Ridley spoke to the board and gave information on this award and how it was decided. She spoke about the due diligence that was done on all the bids that came in for the project to make sure the needs were met of the bid package. She explained that the request for the board to approve the award notice and contract. Wiberg spoke to the board and explained the timeline of this project and answered any questions that the board had about the project and timeline. Waldo asked Wiberg to give a status of the OPM award. Wiberg stated that Ridley might be able to speak better to that award. Ridley explained the RFP process and the scopes of work for the project. Sayre spoke to the board and public asking about transitioning the gates to a single phase verses a three phase. Wiberg explained why the decision was made, stating it was the best and most cost-effective way to proceed.

Chair Curley Moved, Board Member Seconded, and it was voted to authorize the town administrator to issue a notice of award to MIG Corporation, One Acton Place, Suite 200, Acton MA, indicating that the town accepts MIG's bid submitted on September 22, 2022, to construct the Chequessett Neck Road Bridge and Water Access Facility for a contract price of \$29,835,430.00, following a duly advertised and administered public bidding process, and further to authorize the Town Administrator to finalize and execute a contract with MIG in accordance with the Notice of

Award and bid submittal, including MIG's provision of required insurance and bonding.

Roll Call Vote: 4-0-1 (Carboni recused)

- C. Mass DOT presentation on changes to Route 6/Main Street project – presentation on route 6 resurfacing
Mischel spoke to the board and presented a slide show on the route 6 pavement project. He explained that there are two projects that are happening simultaneously, the pavement preservation project and the route 6/main Street project. Autorino spoke to Mischel about the impacts it will have on the town of Eastham. He made mention that tDOT hadn't come before the Eastham selectboard and he would like to have that arranged so that the impacts to Eastham could be explained to them He spoke about the back up issues with traffic in Eastham and questioned the analysis that DOT has done to see how much more this impact both towns.
The board discussed this project with Mischel and Mailawco who continued to answer questions and some concerns with regard to bus stops. The board discussed this project at great length. The board members voiced their concerns with certain designs of the project.

No Action was taken

- D. Capital Planning Committee ~ Member Carboni
Carboni spoke to the board stating that this was one of her goals for 2023. She explained what a Capital planning committee consists of and how it would work for the town. She explained it is an advisory board not a regulatory board. She went over the documents she supplied to the board. Bacon spoke to the board stating she supports this idea. The board discussed the parameters of the committee and how they would proceed. Waldo stated he thinks this committee would be beneficial. Carboni will draft a bylaw to be discussed at a later date.
- E. Budget Message ~ Chair Curley/Selectboard
Chair Curley moved on to the budget message for the board and asked if there were any comments from the board.
Chair Curley Moved, Board Member Bacon Seconded, and it was voted to approve the budget message as amended to read "check recording"
Roll Call Vote: 5-0
- F. Budget Policy ~ Chair Curley/Selectboard
Chair Curley questioned the board if there were any comments or concerns on the budget policy.
Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the budget policy as drafted.
Roll Call Vote: 5-0
- G. Memorial Plaques and other new memorial items on town property ~ Suzanne Grout Thomas
Thomas spoke to the board about memorial plaques and benches. She stated that there needs to be a plan set into place for the town before they purchase any sort of memorial.

Board Member DeVasto Moved; Board Member Bacon Seconded, and it was voted to place a moratorium of memorials and memorial benches until the town develops a plan by January 2024.

Roll Call Vote: 5-0

- H. Zoning Bylaw Amendment, Cutting of Timber within the NSP ~ Chair Curley
The board discussed the changes made.
Chair Curley Moved; Board Member Bacon Seconded; and it was voted to refer the zoning bylaw amendment on cutting of timber within the national seashore park to town counsel for review and comment and to the Planning Board as a draft for comment.
Roll Call Vote: 5-0

- I. Zoning Bylaw Amendment, Locally Notable Trees ~ Chair Curley
The board discussed this amendment and discussed a fee schedule and who was the authority to set the fees.

No Action was taken

- J. Zoning Bylaw Amendment, Accessory Dwelling Units ~ Local Housing Partnership / Wellfleet Housing Authority
Chair Curley stated that these changes were made by the local housing authority and got to the board to late to be placed on the special town meeting warrant. Board Member DeVasto recused himself from this item as he stated he may be working on this in the future.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to refer the zoning bylaw amendment on accessory dwelling units to town counsel for review and comment and to the Planning Board as a draft for comment.

Roll Call Vote: 4-0-1 (DeVasto Abstained)

- K. Letter of Appreciation to John Riehl ~ John Duane ~ Chair Curley
The board thanked Duane for writing the letter on behalf of the NRAB and town.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the letter of appreciation to John Riehl on behalf of the town of Wellfleet and the Natural Resource Advisory Board adding Natural Resource Advisory Board

Roll Call Vote: 5-0

V. ***New Business***

There was no new business

VI. ***Selectboard Report***

There were no reports

VII. ***Town Administrator's Report***

Waldo gave his update, giving specific thanks to the staff and SPAT for successful Oysterfest. He stated there are some applications in for the Principal Clerk Position

and will start interviews soon. Human Resource Director interviews will begin later in October. He gave an update on setting the tax rate.

He also stated that the Board of Health will hold a public hearing on November 9, 2022, and will be hybrid at the Adult Community Center.

VIII. *Topics for Future Discussion*

IX. *Vacancy Reports*

COMMISSION ON DISABILITES NEEDS MEMBERS

X. *Minutes*

A. October 4, 2022

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to amend the minutes to read Bacon recused as an appearance of conflict of interest.

Roll Call Vote: 5-0

And it was voted to approve the meeting minutes of October 4, 2022 as amended.

Roll call vote: 5-0

XI. *Adjournment*

And it was voted to adjourn

Meeting adjourned 10:32pm

******Public Documents******

2022 State Election Warrant

Use of Town Property application for coastal refurbishment

KP Law documents for cannabis community host agreements

Letter and award for Chequessett Neck Road Bridge

MASS DOT documents and maps for pavement presentation

2022 and 2023 Budget Message from the Selectboard

2022 and 2023 Budget Policy from the Selectboard

Memorandum from Suzanne Thomas regarding Memorial Plaques

Zoning Bylaw Amendments

Cutting Timber within NSP

Locally Notable Trees

Accessory Dwelling Units

Letter of appreciation to John Riehl for his service to the Natural Resource Advisory Board

Town Administrators Report

Vacancy Report dated October 18, 2022

Meeting Minutes from October 4, 2022



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 1, 2022

XI

ADJOURNMENT

REQUESTED BY:	Selectboard Chair Ryan Curley
DESIRED ACTION:	To Adjourn
PROPOSED MOTION:	I move to Adjourn
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____