



## Wellfleet Selectboard

### **Note: Start Time of 7pm**

The Wellfleet Selectboard will hold a public meeting on **Tuesday, June 06, 2023, at 7:00 p.m.** The Chapter 2 of the Acts of 2023, 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=blplVFFBZzViO0xNWkZKMm9iMVdrdz09>

By Phone: **phone+1 929 205 6099** and enter **Meeting ID: 856 8960 4806** **IPasscode: 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 the outside of the meeting room. Anyone may record the session but must notify the Chair and may not interfere with the meeting to record it.

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

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### **I. *Announcements, Open Session and Public Comments***

**Note:** *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.*

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

- A. Agreement between the Town of Orleans and Wellfleet to allow Wellfleet residents to participate in Orleans COA day program.
- B. Appointment of Cynthia Franklin to the Energy and Climate Action Committee
- C. Approval of Common Victualer License ~ Leeside Cafe, LLC ~ Murro VanMeter

### **III. *Community Updates***

- A. Lawrence Hill Update~ Jay Coburn
- B. Andrew Gottlieb~ Association to Preserve Cape Cod (APCC) Presentation
- C. Letter from The Town of Brewster Selectboard requesting amendments to the Nauset Regional School Agreement~ Enrollment calculations.

- D. Maurice's Campground~ Julie Simpson, to discuss Beach Stickers for Campground, See packet for memo.
- IV. ***Public Hearings***
  - A. **CONTINUED FROM 5/16/2023:** To amend the fees and set guidelines for the use of Bakers Field Pavilion for Commercial/private events. (*Documents of the changes can be found in the administration office at town hall*)
  - B. **CONTINUED FROM 3/21/2023** ~ Application received 1/10/2023 for a grant extension (to be numbered #99-1 Ext) to shellfish grant license #99-1 consisting of approximately .43 acres on Mayo Beach from Angela Osowski (Wellfleet, MA) Robert Mallory (Wellfleet, MA) and Mary Mallory (Wellfleet, MA).
- V. ***Use of Town Property***
  - A. Peter McMahon, Cape Cod Modern House Trust~ Use of Baker's Field Pavilion for a workshop, Monday July 3, 2023; 7:00pm-9:00pm.
  - B. Kayla Sibilica, ALTAER Sauna ~ Use of a local beach to conduct a photo shoot of a Sauna Trailer ~ June 18, 2023.
  - C. Murro VanMeter ~ Leeside Cafe LLC ~ Newcomb Hollow Beach, concession parking space for the 8<sup>th</sup> year of his food truck; June 15, 2023 - September 15, 2023.
- VI. ***Business***
  - A. Order of Taking~ Main Street~ As voted at the Town Meeting June 11, 2022.
  - B. Agreement for Professional Engineering Services between the town of Wellfleet and Fuss & O'Neil for Chequessett Neck Bridge and Water Access Facility Project, to be authorized by the Selectboard and signed by the Town Administrator.
  - C. Staffing Discussion and possible regrading recruitment and retention.
  - D. Staffing
- VII. ***Selectboard Reports***
- VIII. ***Town Administrator's Report***
- IX. ***Topics for Future Discussion***
- X. ***Vacancy Reports***
- XI. ***Minutes***
  - A. May 23, 2023
  - B. May 30, 2023
- XII. ***Adjournment***



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

I

### ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

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

# JOIN US ON TUESDAY, JULY 4TH, @ 10AM FOR THE ANNUAL 4TH OF JULY PARADE!

THE ANTIQUE CAR PARADE STARTS AT 9:30AM

**IT'S TIME TO BREAK OUT THE RED, WHITE & BLUE  
BECAUSE THIS YEARS THEME IS....**



TO REGISTER VISIT:

[WWW.WELLFLEETCHAMBER.COM/FOURTH-OF-JULY-PARADE/](http://WWW.WELLFLEETCHAMBER.COM/FOURTH-OF-JULY-PARADE/)

EMAIL [INFO@WELLFLEETCHAMBER.COM](mailto:INFO@WELLFLEETCHAMBER.COM)  
FOR MORE INFORMATION OR HELP REGISTERING







# SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: June 6, 2023

V

## CONSENT AGENDA

<b>REQUESTED BY:</b>	<b>Various Parties</b>
<b>DESIRED ACTION:</b>	<b>To approve the following without objection</b>
<b>SUMMARY:</b>	<b>I move to approve the following items with no objection:</b> <ul style="list-style-type: none"><li>• <b>Agreement between the Town of Orleans and Wellfleet to allow Wellfleet residents to participate in Orleans COA day program.</b></li><li>• <b>Appointment of Cynthia Franklin to the Energy and Climate Action Committee</b></li></ul>

Memorandum of Agreement  
Between

Town of Orleans through  
Select Board  
19 School Road  
Orleans, MA 02653

and

Town of Wellfleet through  
Select Board  
300 Main Street  
Wellfleet, MA 02667

This Memorandum of Agreement is entered into this 10<sup>th</sup> day of May, 2023, by and between the Town of Orleans (hereinafter referred to as "Orleans") and the Town of Wellfleet (hereinafter referred to as "Wellfleet.")

WHEREAS, Orleans Council on Aging operates an adult supportive daycare program (hereinafter referred to as the "SDP"), which provides a safe, caring, person-centered environment for older adults in need of social engagement while providing respite for caregivers, and

WHEREAS, Orleans SDP has capacity to accept residents of Wellfleet into the Program, but the daily reimbursement rate of \$65 per non-resident participant that Orleans receives through a contract with Elder Services of Cape Cod or through private pay fees do not cover the full daily cost of \$95 per participant, and

WHEREAS, Wellfleet desires to provide SDP access for their residents and has offered to make a supplemental payment of \$30 per day for each Wellfleet participant to Orleans to cover the full cost of the SDP,

NOW THEREFORE, Orleans and Wellfleet enter into this Agreement.

RESPONSIBILITIES OF ORLEANS

- A) Provide adult supportive daycare program to Wellfleet participants that includes snacks, beverages, and lunch; fitness classes; discussions of current events; art and music programs; and activities which promote optimal social, emotional, and physical wellness.
- B) Provide potential participants with a free trial day to determine eligibility and ongoing assessments to monitor the well-being of all participants.
- C) Provide the Wellfleet Council on Aging with notification when a new Wellfleet participant has been cleared for attendance in the SDP, and when an existing Wellfleet participant is discharged from the SDP.
- D) Provide the Wellfleet Council on Aging with a monthly report of Wellfleet resident SDP participation.

**RESPONSIBILITIES OF WELLFLEET**

- A) Coordination of SDP communication from Wellfleet will be through the Council on Aging.
- B) Process supplemental payments to the Orleans Council on Aging for Wellfleet participants on a monthly basis following receipt of the monthly report of SDP participation from Orleans.

**DURATION**

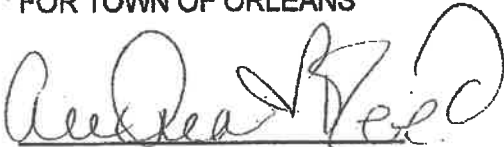
- A) This Memorandum of Agreement shall be effective from July 1, 2023, through June 30, 2024.
- B) Either Orleans or Wellfleet may terminate this Agreement by thirty (30) days written notice to the other party if the other party substantially fails to fulfill its obligations hereunder through no fault of the terminating party.
- C) Orleans may terminate this Agreement at any time if Orleans' contract with Elder Services of Cape Cod is terminated.

**AMENDMENT**

This Agreement may be amended as mutually agreed by both parties in writing.

IN WITNESS WHEREOF, Orleans and Wellfleet execute this Agreement the \_\_\_\_ day of \_\_\_\_ in the year two thousand and twenty-three.

FOR TOWN OF ORLEANS

  
\_\_\_\_\_  
Chair, Select Board

5.10.23  
Date

FOR TOWN OF WELLFLEET

\_\_\_\_\_  
Chair, Select Board

\_\_\_\_\_  
Date



**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 CYNTHIA FRANKLIN Date 5-30-23

Mailing Address PO Box 462

So WELLFLEET, MA 02663

Phone (Home) 508-349-1633 (cell) 508-247-7148

E-mail cynthia.franklin42@gmail.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Former employee and current volunteer with MA Audubon Wellfleet Bay

and Center for Coastal Studies; Volunteer Coordinator, habitat focused naturalist and environmental educator, field and lab experience in support of scientific research.

- grant writing and grant management experience

- 30+ year career in management and federal/state regulations (healthcare)

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

- BA Political Science, Boston University MBA Boston University

- Training and experience in environmental education, including sessions and education connections on "How to talk about climate change"

- Member and supporter of: Association to Preserve Cape Cod, MA Audubon, Center for Coastal Studies, Woods Hole Oceanographic Institute.

Committees/Boards of Interest: 1) Energy and Climate Action Committee

2) \_\_\_\_\_

3) \_\_\_\_\_



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

III

### COMMUNITY UPDATES

~ A ~

<b>REQUESTED BY:</b>	<b>Jay Coburn, Vita Shklovsky ~ Community Development Partnership</b>
<b>DESIRED ACTION:</b>	<b>To discuss the next steps regarding Lawrence Hill housing</b>
<b>PROPOSED MOTION:</b>	<b>If a motion is needed one will be made at the time of the meeting.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

III

### COMMUNITY UPDATES

~ B ~

<b>REQUESTED BY:</b>	<b>Andrew Gottlieb ~ Association to Preserve Cape Cod</b>
<b>DESIRED ACTION:</b>	<b>To present to the board and public an update on Hanging in the balance report</b>
<b>PROPOSED MOTION:</b>	<b>No motion is needed for this agenda item.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

# Hangin' in the Balance

An Urgent Call for Protecting  
Cape Cod's Natural Resources



Technical Assistance provided by Horsley Witten Group



## ACKNOWLEDGMENTS

This report by the Association to Preserve Cape Cod has been prepared as an accompaniment to [Grow Smart Cape Cod: Bringing Natural Resource Protection & Housing Needs Together](#), a project by the Association to Preserve Cape Cod and the Housing Assistance Corporation.

Funding is provided by Barnstable County and its Economic Development Council License Plate Grant Program through the Cape Cod Commission.



# TABLE OF CONTENTS

## Contents

ACKNOWLEDGMENTS.....	ii
TABLE OF CONTENTS.....	iii
LIST OF FIGURES.....	vi
LIST OF MAPS.....	vii
EXECUTIVE SUMMARY.....	viii
SECTION I. PRESERVING CAPE COD.....	1
Protected Versus Developed Land on the Cape.....	4
SECTION II. PRIORITY NATURAL RESOURCE AREAS.....	9
Identifying Priority Natural Resource Areas.....	9
Protected Open Space.....	9
Priority and Estimated Habitats.....	13
BioMap2.....	16
Core Habitat.....	16
Critical Natural Landscape.....	17
Zone II Wellhead Protection Areas.....	19
Wetlands, Ponds, and Coastal Estuaries.....	21
Certified and Potential Vernal Pools.....	24
SECTION III. NATURAL RESOURCE PROTECTION CASE STUDIES.....	26
Case Study: Land Use Planning for Drinking Water Quality Protection in Brewster.....	26
Case Study: Open Space Preservation in Dennis.....	28
Case Study: Cranberry Bog, River, and Wetland Restoration in Falmouth.....	29

Case Study: Nutrient Pollution Reduction Efforts in Orleans .....	31
SECTION IV. RECOMMENDATIONS .....	34
Actions Local Governments Can Take to Protect, Preserve, Restore, and Enhance Natural Resources .....	34
Continue to Advance Open Space Acquisitions on the Cape.....	34
Expand the Use of Innovative Planning Strategies to Protect Natural Resources.....	36
Increase Restoration of Natural Resource Areas.....	38
Continue Investments in Nutrient Reduction Techniques.....	41
Actions You Can Take to Protect, Preserve, Restore, and Enhance Natural Resources .....	43
Support Zoning Changes that Direct Growth to the Appropriate Locations .....	43
Support Continued Funding for Open Space .....	43
Champion Stronger Regulations .....	44
Demand Local Investments in Wastewater Infrastructure.....	45
Support State and Federal Funding for Wastewater Management .....	45
Invasive Species Management.....	45
Native Species Planting.....	46
Plant Rain Gardens to Filter Polluted Runoff.....	47
Minimize Pavement and Maximize Native, Drought-Tolerant Plantings on Your Property.....	48
Cut Pesticide Use .....	48
Eliminate the Fertilization of Turf and Reduce Other Fertilizer Applications.....	49
Proper Septic System Care.....	50
Take Care of Your Gas-Powered Vehicles and Yard Equipment.....	50
Manage Domestic Animal Waste.....	50
Best Practices to Protect Ponds.....	51
Safely Manage Hazardous Household Products and Choose Non-Toxic Products.....	51



Support Restoration Projects and Efforts to Restore Migratory Fish Passage ..... 52

Assist Verification Efforts for Vernal Pools ..... 52

Support Documentation for Priority and Estimated Habitats ..... 53

REFERENCES ..... 54

## LIST OF FIGURES

Figure 1. A fisherman casts his line in Paines Creek in Brewster (Gerald Beetham).	ix
Figure 2. Cape Cod wetlands (Association to Preserve Cape Cod).	x
Figure 3. Swan River Estuary (Gerald Beetham).	xi
Figure 4. Rain garden designed with native plants (Horsley Witten Group).	xii
Figure 5. Nauset Marsh in Eastham (Pixabay).	1
Figure 6. Stony Brook in Brewster (Gerald Beetham).	2
Figure 7. Brewster flats (Association to Preserve Cape Cod).	2
Figure 8. "Losing Cape Cod, Saving Cape Cod" 1951-2005 land use spatial analysis (Woods Hole Research Center and Cape Cod Commission).	4
Figure 9. Satellite-derived estimates of the fractional turf grass (lawn) area in the United States (NASA Ames Research Center).	6
Figure 10. Eastern Box Turtle (Association to Preserve Cape Cod).	9
Figure 11. The saltmarsh sparrow is listed as a state species of "Greatest conservation need" (Gerald Beetham).	17
Figure 12. Drinking water protection sign in Hyannis (Association to Preserve Cape Cod).	19
Figure 13. Hinkley Pond, Harwich (Gerald Beetham).	21
Figure 14. Olivers Pond (Gerald Beetham).	22
Figure 15. Vernal pool (Association to Preserve Cape Cod).	24
Figure 16. Slough Pond, Punkhorn Parkland (Chris Simmons).	26
Figure 17. Brewster conservation lands and Zone II areas (Horsley Witten Group).	27
Figure 18. Drone aerial photo of Tobey Woodlands (Cape Cod Times).	28
Figure 19. Coonamessett River, Falmouth (Tighe & Bond).	29
Figure 20. Coonamessett River post-restoration (Gerald Beetham).	30
Figure 21. Henson's Cove Conservation Area (Orleans Conservation Trust).	32
Figure 22. Diamondback Terrapin found in Henson's Cove Conservation Area (Orleans Conservation Trust).	33
Figure 23. Barnstable Great Marsh (CJ Gregory/Mass Audubon).	34
Figure 24. Beech woods (Association to Preserve Cape Cod).	35
Figure 25. Mashpee River Reservation (Trustees of Reservations).	36
Figure 26. Stormwater runoff carries debris down to the storm drain (Association to Preserve Cape Cod).	37
Figure 27. Hatches Harbor (James Heffernan).	38
Figure 28. Cranberry bog restoration comparison (MA Division of Ecological Restoration).	39
Figure 29. Strong Island salt marshes (Cape Cod Chronicle).	40
Figure 30. Sewer manhole cover (Pixabay).	41

Figure 31. Oysters and other shellfish can be utilized to improve water clarity and reduce nitrogen in marine waters (Randy Harris). .....	42
Figure 32. Provincetown Conservation Trust property (Vladimir Shuster). .....	43
Figure 33. West Reservoir cyanobacteria bloom in Harwich (Association to Preserve Cape Cod). .....	44
Figure 34. Phragmites, an invasive plant species in Massachusetts (Pixabay). .....	46
Figure 35. Rose milkweed, a native plant species in Massachusetts (Association to Preserve Cape Cod). .....	47
Figure 36. Spotted bee balm ( <i>Monarda punctata</i> ) (Gerald Beetham). .....	48
Figure 37. Pollinators, such as bees, are some of the most vulnerable species to the impacts of pesticides (Association to Preserve Cape Cod)...	49
Figure 38. Septic system (US Environmental Protection Agency). .....	50
Figure 39. Orleans "Mutt Mitt" dispenser (Orleans Pond Coalition). .....	51
Figure 40. Childs River restoration in Falmouth and Mashpee (Association to Preserve Cape Cod). .....	52
Figure 41. Piping plovers, one of the bird species listed as threatened on both the Massachusetts and Federal Endangered Species Lists (Merri Lee Metzger/Mass Audubon). .....	53

## LIST OF MAPS

Map 1. Developed land on Cape Cod (2001-2019). .....	8
Map 2. MA NHESP Estimated and Priority Habitat 2008 and 2021. ....	15
Map 3. MA BioMap1 and BioMap2. ....	18
Map 4. MassDEP designated Zone II Wellhead Protection Areas. ....	20
Map 5. National Wetlands Inventory identified wetlands. ....	23
Map 6. MA NHESP Certified and Potential vernal pools. ....	25

## EXECUTIVE SUMMARY

*Historic development patterns on the Cape have fragmented critical habitats, eliminated key resource types, and degraded drinking and marine water quality, among other concerns. There is limited undeveloped land left on the Cape. If we, as a community, continue to develop as we have been, these problems will only get worse. **We must make better choices.***

***How Cape communities choose to develop and conserve now will define the future for our region.***

*Protecting more of the remaining areas of critical open space is necessary to conserve and restore the land and water resources that make Cape Cod so special, both for current and future residents.*

Cape Cod is blessed with globally rare coastal plain ponds, pristine beaches and shorelines, extensive salt marshes, and sprawling freshwater wetlands. These resources are some of the primary drivers for people to live and vacation on the Cape. They also provide critical habitats for the numerous rare plants and animals that live in these special areas.

The creation of the Cape Cod National Seashore in 1961 permanently preserved more than 27,000 acres (12% of the land area on Cape Cod), protecting beaches, coastal banks, salt marshes, freshwater ponds, interior forests and woodlands, and wetlands. Numerous rare and endangered species continue to thrive in the undisturbed habitat provided by the Seashore property.

Over the last 50 years, the residents of Cape Cod have recognized the need to further protect Cape Cod's fragile ecosystems and have

supported their municipalities and local land trusts in buying and preserving critical open space areas. In 1998, the passage of the Cape Cod Land Bank legislation, and then later passage of the Community Preservation Act<sup>1</sup> in 2000, provided a source of local funding to support town acquisitions of open space. According to the Cape Cod Commission's 2018 Regional Policy Plan, approximately 40% of the Cape is considered protected open space.

Concurrently, development pressures in the last 50 years have damaged or impacted many of Cape Cod's wetlands, ponds, and coastal estuaries. In 2022, APCC's State of the Waters: Cape Cod analysis revealed that **90%** of assessed embayments and **39%** of assessed freshwater ponds on the Cape have unacceptable water quality due to excess nutrients. A significant contributing factor to the health of these water bodies is the health of bordering lands.

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<sup>1</sup> While the Community Preservation Act was passed by the Legislature in 2000, Cape towns used the modified CPA, enacted c. 2006 to replace the

Cape Cod Land Bank Act. Two towns, Chatham and Provincetown, used both through the Land Bank sunset in 2020.



Figure 1. A fisherman casts his line in Paines Creek in Brewster (Gerald Beetham).

These important land and water resources continue to be threatened by ongoing development, exacerbated in the last two years as real estate prices and development pressure have risen substantially. See more on this below.

This report documents and maps the current status of sensitive natural resource areas on Cape Cod, estimates which of these areas have been permanently protected, and documents unprotected areas that remain at risk from development. The changes in land cover between 2001 and 2019 are also analyzed, using data from the National Land Cover Database. For example, in that timeframe, approximately **4,500 acres** of forest have been lost due in part to additional residential and commercial development on Cape Cod. This reduction in forest area and consequential fragmentation of the resource has adverse ramifications on habitat that extend beyond the actual acreage that was lost.

Since the 1980s a number of local, county, and state regulations have been adopted to restrict development in many sensitive areas, such as wetlands. Wetlands comprise approximately **30%** of the land area of the Cape, or approximately **70,000 acres**. In particular, the Massachusetts Wetlands Protection Act and local wetlands protection bylaws regulate development within 100 feet of wetland resource areas. These regulations have helped slow, but not stop, the rate of wetland loss in these areas. The result, particularly in wetland buffer areas where incursions have been allowed to occur, has been death by a thousand incremental cuts from loss of habitat, loss of flood storage capability, and less resilience to the impacts of climate change.

Development in upland areas adjacent to wetlands or in the watershed to a pond, coastal estuary, or other waterbody also directly impacts the health of these water resources. The transformation of a forested area to a residential development, even if residential areas retain portions of these forested areas, has direct impacts. Nitrogen, phosphorus, and other contaminants in septic system effluent directly impact ponds, coastal estuaries, and other waterbodies, including the Cape's drinking water supplies. Stormwater runoff transports nutrients, pathogens, and hazardous materials directly to wetlands and surface waters. Landscape practices associated with the conversion from forested areas to cultivated lawns adversely impact water resources by adding nutrients from fertilizer use and harmful contaminants in the form of pesticides and herbicides. The cost to remediate these water quality impacts is substantial. The Cape Cod Commission estimates that it will cost \$4 billion over 50 years to execute the Cape Cod 208 Plan Update, which would eliminate or reduce just the nitrogen pollution in Cape marine waters not inclusive of freshwater resources.



This report is designed to chronicle the history of land protection on Cape Cod and identify unprotected areas where additional open space acquisition and other strategies are needed to protect rare species' habitats and limit further water quality impacts. Specifically, the report documents:

**Development and Preservation.** This section features the extent of protected land and land development on Cape Cod. Development patterns from 2001 to 2019 seem to reflect an increase in concentrated development. “High intensity development” areas (e.g., apartment complexes, row houses, and commercial/industrial development) on the Cape saw an increase of approximately 16% between 2001 and 2019. How and if this trend continues and, if so, where it is allowed will determine if development continues to degrade the environment or is used as a tool to fix past practices. According to the Cape Cod Commission’s 2018 Regional Policy Plan, approximately 40% of the Cape is protected open space, approximately 46% is developed, and only roughly 14% remains undeveloped and unprotected. Though the Cape has roughly 91,000 acres of open space protected in perpetuity, there are nearly 50,000 acres of undeveloped land on the Cape that are not permanently protected. Of this undeveloped land, roughly 40,000 acres overlap with priority natural resource areas. What we do with these remaining acres will define our region and its future.

**Priority Natural Resource Areas.** This section captures the status of priority natural resource areas on Cape Cod. With a history of sprawl and unsustainable development, our natural resources on the Cape have suffered some considerable losses. The Cape has lost an estimated 36% of its salt marshes since European settlement (Association to Preserve Cape Cod, 2022). Forest cover loss amounts to approximately 4,500 acres between 2001 and 2019. Nearly 25% of forest land cover lost since 2001 appears to now be developed



*Figure 2. Cape Cod wetlands (Association to Preserve Cape Cod).*

landcover (e.g., single family housing, multi-family housing, commercial, and industrial development). Today, priority natural resources on the Cape comprise approximately 190,000 acres. However, development has occurred in, and consequently impacted, approximately 27% or over 50,000 acres of these remaining priority natural resource areas.

**Case Studies.** This section includes four case studies that document the numerous benefits that come from open space protection and resource protection strategies utilized in Brewster, Dennis, Falmouth, and Orleans. These strategies were implemented with different priorities in mind, ranging from the protection of drinking water, to planning for salt marsh migration caused by climate change, to restoring fish passage and the climate resiliency benefits

of existing resources, and restoring water quality in wetlands and coastal estuaries.

**Recommendations.** This section highlights 29 actions that local town governments and individuals can take to protect, preserve, restore, and enhance their natural resources. These include the following:

For Municipalities:

- Continue to advance open space acquisitions on the Cape: Continue to acquire open space parcels, especially in priority natural resource areas.
- Continue investments in nutrient reduction techniques: Expand investments in nutrient reduction techniques such as traditional sewerage, approved innovative/alternative (IA) septic systems, and shellfish propagation.
- Expand the use of innovative planning strategies to protect natural resources:
  - o Districts of Critical Planning Concern: Designate Districts of Critical Planning Concern to impose temporary moratoriums on certain types of development or activities in a specified area to plan for and adopt special rules and regulations that will protect resources or values of regional, statewide, or national significance.
  - o Natural Resource Protection Zoning: Designate Natural Resource Protection Districts to require that natural resource protection be a priority in these areas and encourage clustered development in the least impactful location.
  - o Stormwater management regulations: Develop protective stormwater management regulations that encourage enhanced infiltration.



Figure 3. Swan River Estuary (Gerald Beetham).

- Increase restoration of natural resource areas:
  - o Wetland protection regulations: Strengthen wetland protection regulations to ensure wetland resources can be fully utilized for their flood control benefits.
  - o Cranberry bogs: Support the restoration of cranberry bogs to wetlands to enhance carbon sequestration and flood storage and improve habitat restoration.
  - o Freshwater wetlands: Support the restoration of freshwater wetlands through the removal of dams or culverts to restore flows, installing stormwater treatment practices, or utilizing other water quality improvement strategies.
  - o Salt marshes: Support the restoration of salt marshes by protecting adjacent floodplains and strengthening regulatory protections.
  - o Rivers: Support the restoration of rivers through the removal of dams and culverts, installing stormwater treatment practices, or utilizing other water quality improvement strategies.

### For Individuals:

- Support continued funding for open space: Encourage local decision makers to continue to support funding for the acquisition of open space in your community.
- Support restoration projects and efforts to restore migratory fish passage: Support community efforts to restore natural resources.
- Support zoning changes that direct growth to the appropriate locations: Encourage local decision makers to adopt zoning changes which ensure development occurs in areas with the appropriate infrastructure, limiting sprawl and minimizing impacts to natural resources.
- Champion stronger regulations: Encourage the adoption of regulations in your community which protect natural resources.
- Demand local investments in wastewater infrastructure: Encourage local decision makers to make investments in



*Figure 4. Rain garden designed with native plants (Horsley Witten Group).*

- wastewater infrastructure to reduce water pollution in your community and in the region.
- Support state and federal funding for wastewater management: Advocate for state and federal wastewater management investments for your community and the region by contacting your state legislators or federal members of Congress.
- Assist verification efforts for vernal pools: Support efforts to verify the locations of vernal pools by volunteering with local conservation organizations or reporting vernal pool observations online to MassWildlife's Natural Heritage and Endangered Species Program (NHESP).
- Support documentation for priority and estimated habitats: Support efforts to maintain accurate records for rare species by reporting rare species to the state or requesting a voluntary assessment of your property to determine whether there are any Endangered, Threatened or Species of Special Concern present on a portion of the property.
- Invasive species management: Take steps to reduce invasive plant species in your community through actions such as volunteering with local land trusts to help with invasive species removal projects, removing and controlling invasive species in your yard, and ensuring your boating equipment has been cleaned and dried before and after use in a freshwater pond.
- Native species planting: Take steps to support the cultivation of native species in your home and in your community through actions such as learning about native plantings for your yard and encouraging local decision makers to plant native plants on town-owned properties.
- Plant rain gardens to filter polluted runoff: Support the planting of rain gardens at your home and in your

community and other green infrastructure designs that encourage infiltration and treatment of stormwater runoff.

- Minimize pavement and maximize native, drought-tolerant plantings on your property: Where pavement is necessary, use permeable materials. Plant and promote the planting of native drought-tolerant plants to conserve water usage.
- Best practices to protect ponds: Support pond health through actions such as creating and maintaining a vegetated buffer of native plants between your lawn and the water, minimizing lawn area, avoiding fertilizer and pesticide use, and controlling erosion to avoid sediment entering the pond.
- Cut pesticide use: Support the reduction of pesticides used in your home and your community through actions such as employing mechanical means of weed control, avoiding the use of chemical soaps and cleaning products that contain pesticides, and encouraging local decision makers to reduce or remove pesticide usage from town-owned properties.
- Eliminate the fertilization of turf and reduce other fertilizer applications: Support the reduction of fertilizers, both organic and synthetic, on turf at home and in your community through actions such as encouraging local

decision makers to curtail the use of fertilizer application on town-owned properties.

- Proper septic system care: Ensure your septic system is up to date on maintenance and utilized appropriately through actions such as pumping your septic system at least every three years. Do not flush medications or dump hazardous fluids or paint down the drain. Avoid the use of anti-bacterial soaps and harsh cleaning chemicals.
- Take care of your gas-powered vehicles and yard equipment: Ensure proper maintenance of your gas-powered vehicles and yard equipment through actions such as fixing leaks and washing your car at a carwash with water recycling rather than washing it in your driveway.
- Manage domestic animal waste: Appropriately manage domestic animal waste through actions such as picking up after your pet and ensuring their waste ends up in the trash or supporting the proper management of manure in farm settings.
- Safely manage hazardous household products and choose non-toxic products: Limit the use of hazardous household products by choosing non-toxic products and ensuring that toxic products are disposed of properly and not down the drain.



## SECTION I. PRESERVING CAPE COD

Cape Cod is home to a rich diversity of natural resources that define the region as a special place for residents and visitors. From kettle ponds and freshwater wetlands, to sloping dunes and coastal bays, the environment is in many ways the lifeblood of the Cape's economy. On the Cape, tourism generates an estimated \$1.3 billion in spending by domestic travelers, supporting 12,000 jobs and generating more than \$89 million in state and local tax receipts (The Boston Foundation, 2018). A significant number of these tourists travel to the Cape to experience the unique natural environment that defines this region. In addition to tourism, the success of the fishing industry is tied to the health of the Cape's ecosystems. Commercial fishing for six salt marsh reliant species brought in \$19 million in 2009 for the Cape, and in 2018 oyster harvesting brought in \$14.5 million and quahog harvesting brought in \$1 million for the Cape (Barnstable County Commissioners et al., 2012; Cape Cod Commission, 2020).

Part of what makes the Cape so unique are the plants and animals that inhabit this region. The Cape has the highest number and highest density of state-listed rare plant and animal species of any region in Massachusetts with a total of 132 state-listed species, including 75 threatened and endangered species (Cape Cod Commission, 2019a).

And yet, even as critical as natural resources are to the Cape, current land use practices and regulatory standards promote development patterns and practices that jeopardize the very resources that draw people to the Cape in the first place. The region faces immense challenges with degraded water quality, habitat fragmentation, the spread of invasive species, and the additional



Figure 5. Nauset Marsh in Eastham (Pixabay).

development and climate pressures that threaten its remaining natural resources. For example:

- The Cape has lost an estimated 36% of its salt marshes since European settlement (Association to Preserve Cape Cod, 2022).
- Collectively, forest cover loss amounts to approximately 4,500 acres lost between 2001 and 2019 on the Cape.
- In 2022, APCC's State of the Waters: Cape Cod assessment revealed that 90% of graded embayments and 39% of graded freshwater ponds on the Cape have unacceptable water quality due to excess nutrients (Association to Preserve Cape Cod, 2021).

These are troubling numbers considering that clean and safe waters are critical not just for recreation and fishing, but also as the underpinnings of the Cape's economy and the Cape's broader



reputation as a place of natural splendor. The destruction of the Cape's upland and wetland natural resource areas have been in large part caused by decades of planning and development decisions which encouraged sprawl and pollution without consideration for the impacts to sensitive habitats, surface waters, or groundwater. The Cape's economy will remain vibrant only as long as the waters remain clean, and the ecosystems remain healthy. Right now, the quality of the Cape's environment and our quality of life are diminished and at risk of collapse.

Having already lost a considerable amount of our natural resource areas, particularly during the 1970s-1990s, we now must contend with severely fragmented habitats, a coastline that is largely built out, and of particular concern, nutrients and other pollutants that impact water quality, one of the chief environmental threats for this region and one of the most expensive problems to address. To restore our water resources and preserve the Cape as we know it today, we will need to act comprehensively and aggressively to protect the natural resources that are remaining. While there have



Figure 7. Cape Cod Bay (Association to Preserve Cape Cod).



Figure 6. Stony Brook in Brewster (Gerald Beetham).

been conservation efforts in Cape communities to help protect open space and to restore impacted natural resources, the response has not met the scale of the problem we are facing as a region.

The almost total reliance on single family detached housing production has devastated the Cape's environment, needlessly consuming land and leading to habitat fragmentation, poor water quality, and traffic that has been exacerbated by sprawl. Based on an analysis of land cover data from 2001 to 2019, an estimated **2,399 acres** of medium density development occurred on the Cape during this time period, most commonly including single family housing development. The Cape's reliance on single family housing has also driven up the cost of housing and fueled the Cape's affordability problems. Many of the "easiest" places to develop have been developed, and future decisions regarding land use are likely to become more and more difficult. Communities throughout the Cape, more than ever, need to carefully balance the needs of residents for housing, jobs, and services with the need to maintain a strong, healthy environment.

### ***The Cost of Preserving Open Space Versus Development***

*It is important to recognize that while there are upfront costs to acquire open space, these investments actually save money for a town over the long run. Two prior studies on Cape Cod looked at this issue in Brewster and Truro and documented that the cost of providing necessary services for year-round residential properties exceeds the taxes and other forms of revenue received by the town from these properties. Overall, the cost for emergency services, road maintenance, education and other town services exceed the amount paid in taxes and from other revenue by approximately 30%. The cost implications for new development are especially a challenge in Massachusetts where towns are limited to a 2.5% property tax increase each year (unless approved through a townwide referendum vote) when costs for town employee salaries and other associated expenses typically increase annually by more than the 2.5% limit. In comparison, this study revealed that open land and farms bring in more revenue than they cost the town in service expenditures. In Truro, for each dollar in revenues from open space land, the town is called on for just 41 cents in expenditures, and in Brewster, 31 cents in expenditures (Association to Preserve Cape Cod, 2001a, 2001b). Although the studies reflect a snapshot in time for both towns, the findings are consistent with similar studies conducted in other communities across the country under a model developed by the American Farmland Trust. There are clear and distinct benefits created by open space protection for water quality protection, climate change mitigation, avoided costs of additional wastewater treatment and collection capacity to mitigate incremental nutrient loading, and wildlife and endangered species habitat preservation, but there is also a potential cost savings provided to town's that make investment in additional open space acquisition particularly attractive in comparison to encouraging new development.*

Part of this balance involves building smarter and more sustainably, directing new development to villages and community activity centers that have centralized wastewater infrastructure and other services; creating and expanding public sewer systems (and, where that is not practicable, using innovative wastewater treatment alternatives that are proven to be effective and permissible) to help protect groundwater and surface water resources; and embracing green building and zoning standards to lessen carbon emissions, reduce impervious surfaces, and more. Another equally vital part, however, involves continued conservation of sensitive lands and water resources. When development causes the destruction of particular natural resource areas, the loss of that habitat is magnified due to fragmentation. Preserving continuous landscapes will be critical to ensure that wildlife corridors are maintained to the greatest extent possible.

Continued growth in development must go hand in hand with natural resource protection. The purpose of this report is to make that case. We attempt to answer the following questions.

1. How has Cape Cod land cover changed over the last two decades? What natural resources have we lost? What have the impacts of this loss been?
2. What natural resources remain today and why should they be protected?
3. Where on Cape Cod have we had success in preserving, protecting, or restoring natural resources and what have been the results?

## Protected Versus Developed Land on the Cape

In Massachusetts, land cover data from prior years tells a compelling story about how development has impacted our natural resources. This trend is most certainly the case for Cape Cod, which experienced explosive population growth from the 1950s through

the early 2000s (Stats Cape Cod, n.d.). Massachusetts Geographic Information System (GIS) maps from that time period illustrate a period of significant, sprawling development on the Cape, the consequences of which we are still contending with today.

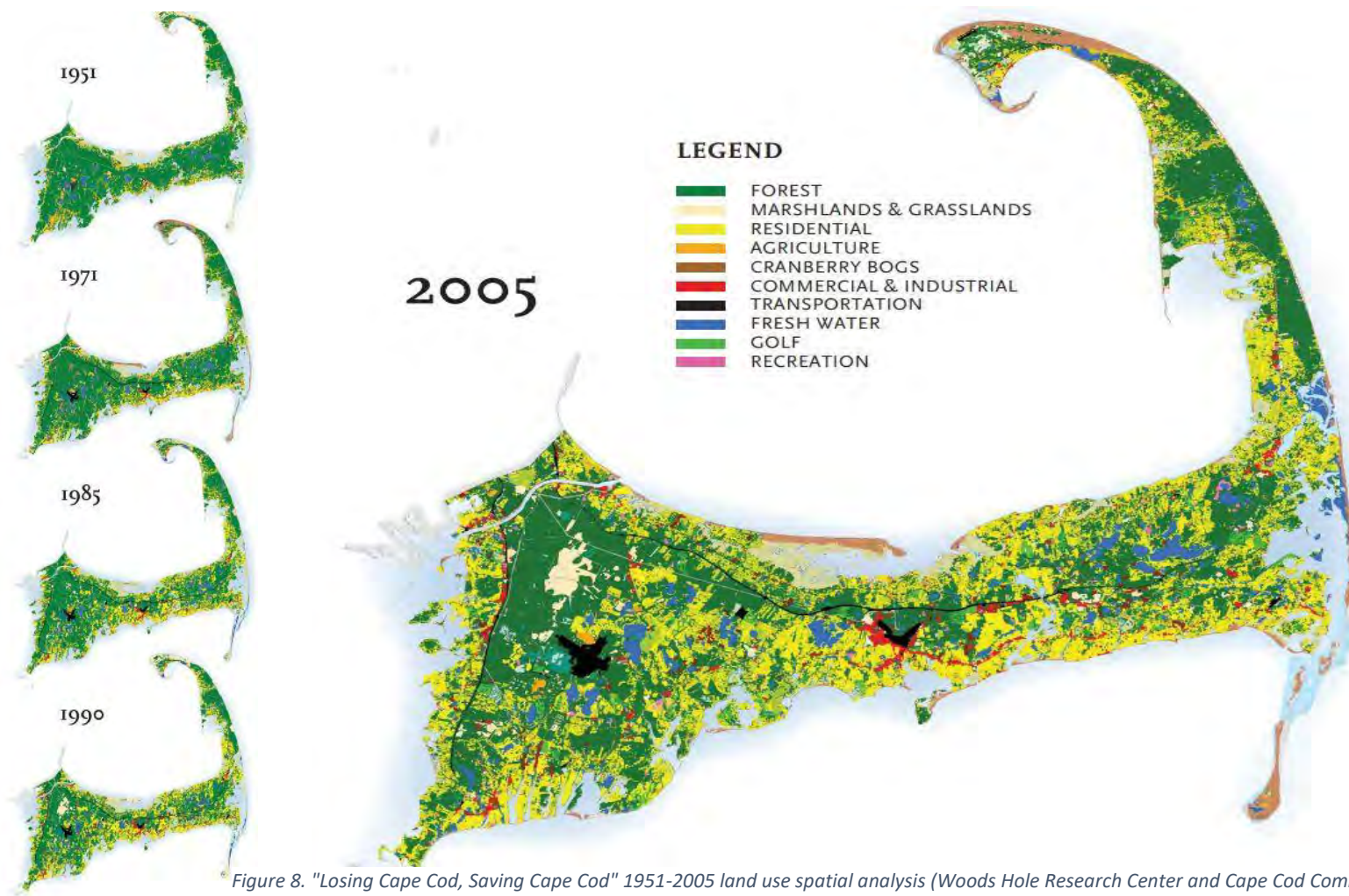


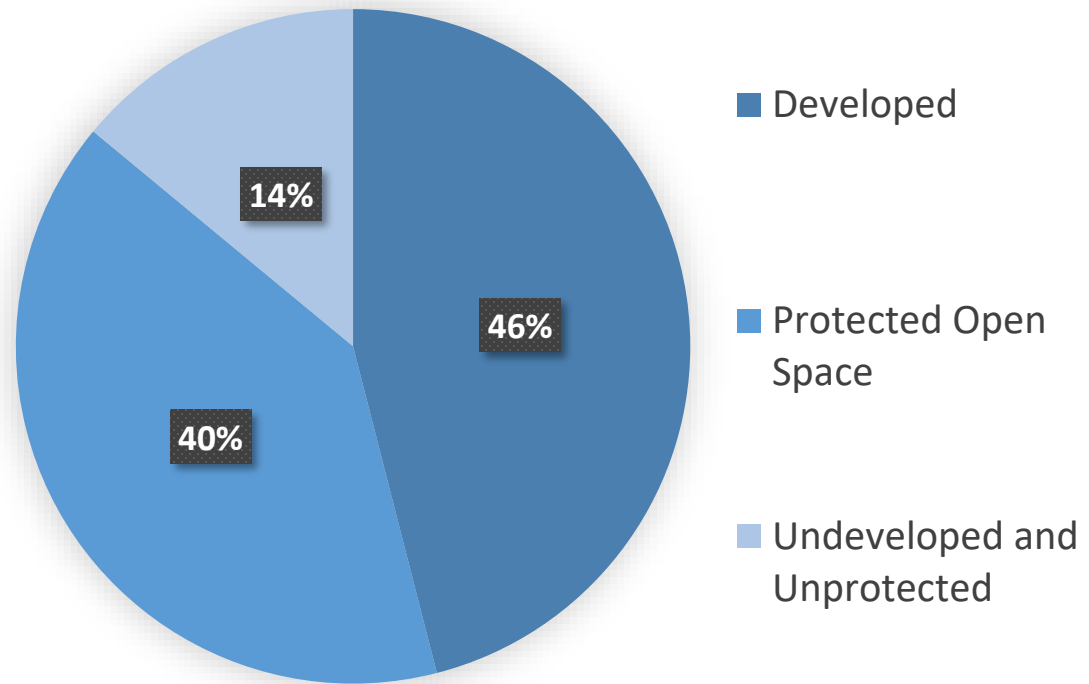
Figure 8. "Losing Cape Cod, Saving Cape Cod" 1951-2005 land use spatial analysis (Woods Hole Research Center and Cape Cod Commission).



Since the early 2000s, population growth has stabilized on the Cape and due to several contributing economic factors, including limited remaining large undeveloped parcels, development has comparatively slowed. According to the Cape Cod Commission's 2018 Regional Policy Plan, approximately 40% of the Cape is protected open space, approximately 46% is developed, and only roughly 14% remains undeveloped and unprotected.

There are nearly **50,000 acres** of remaining undeveloped land on the Cape that are not currently permanently protected. Of those acres, roughly **40,000 acres** overlap with priority natural resource areas. The choices we make for this remaining land will be a deciding factor in the future of Cape Cod.

Over these last nearly twenty years, different categories of land cover have experienced varying degrees of change, some of which were reflective of increases in development. Of note, forest loss on the Cape has been considerable over this time. Deciduous forest loss has been particularly drastic, with the estimated loss of over **2,700 acres** between 2001 and 2019, a percentage change of **28%**. As of 2019, deciduous forest cover accounts for roughly **3%** the land area of the Cape. Collectively, deciduous, evergreen, and mixed forest loss amounts to approximately **4,500 acres** lost between 2001 and 2019. As of 2019, deciduous, evergreen, and mixed forest cover accounts for approximately **37%** of the land area of the Cape. Nearly **25%** of forest land cover lost since 2001 appears to now be developed landcover (e.g., single family housing units, multi-family



housing units, commercial, and industrial development). Approximately **42%** of forest land cover lost since 2001 now appears to be herbaceous landcover (e.g., areas dominated by grasses and other plants without woody stems, such as lawns). With this loss of forest cover, the Cape has lost valuable habitat for wildlife, carbon sinks for sequestration, cooling benefits for hot summer months, enhanced recharge for drinking water areas, and more. The collective impacts of the decline of forest cover on the Cape will only put more pressure on the remaining natural resources.

The following map from the [NASA Ames Research Center](#) shows satellite-derived estimates of the fractional turf grass (lawn) area across the United States. Areas where a large fraction of the land

surface is lawn-covered are deep green, while areas where lawn cover is limited are light green or white. On this map, the Cape is depicted with darker shades of green, illustrating that lawn cover is significant in the region.

Woody wetlands (e.g., shrub swamps or other wetlands that contain at least 20% trees and shrubs) experienced a small increase (2% or 200 acres more woody wetland areas in 2019 compared to 2001) and emergent herbaceous wetlands (e.g., shallow marshes

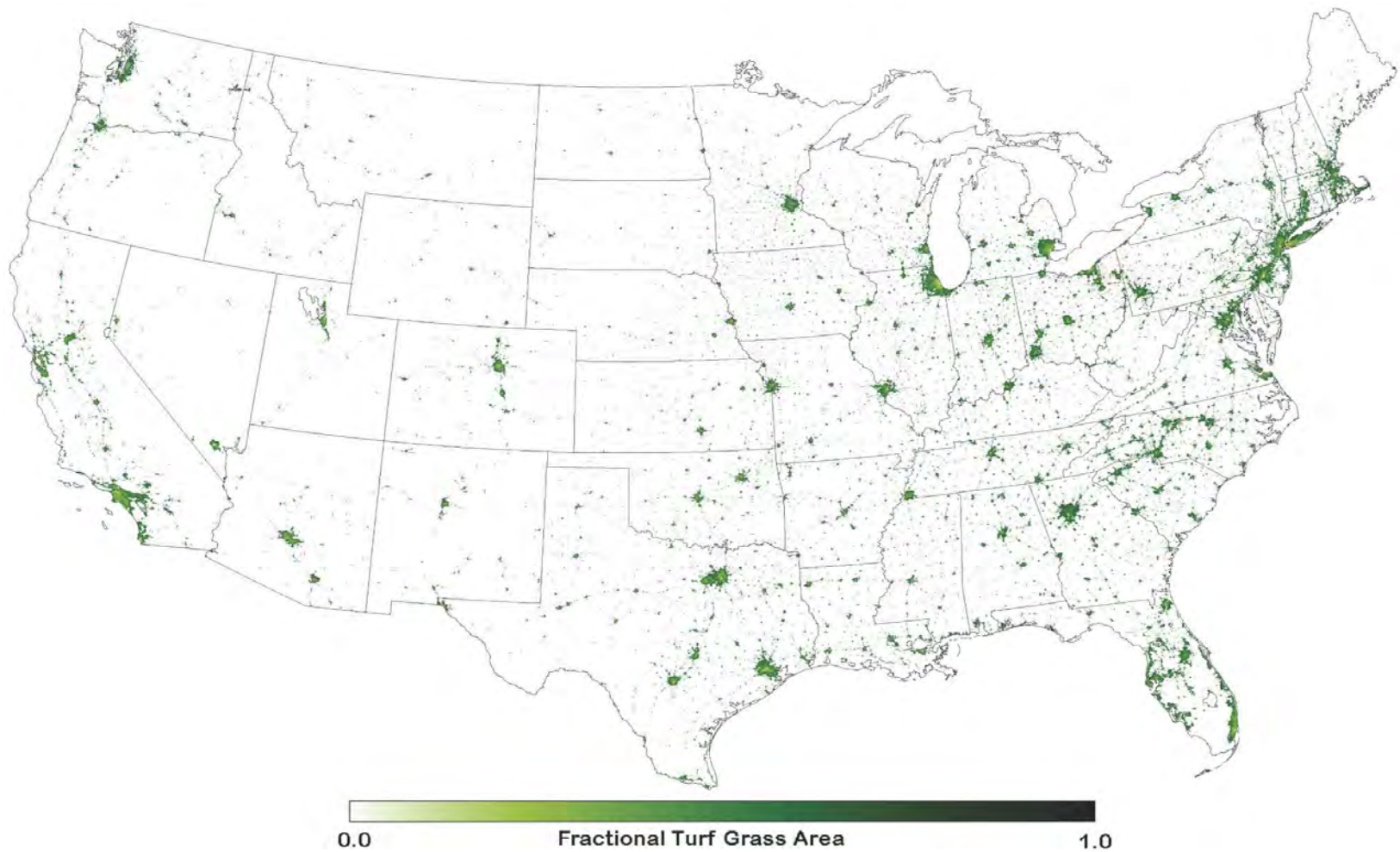


Figure 9. Satellite-derived estimates of the fractional turf grass (lawn) area in the United States (NASA Ames Research Center).

that contain short grasses, cattails, or ferns) experienced a negligible decrease (**0.1%** or **20 acres** less emergent herbaceous wetland areas in 2019 compared to 2001) over this time period. As of 2019, woody wetlands land cover accounts for **4%** of the land area of the Cape, and emergent herbaceous wetlands land cover accounts for **8%** of the land area of the Cape. The implementation of wetlands bylaws and ordinances that discourage development in these resources have likely played a factor in stemming the loss of wetlands on the Cape. Cultivated crop land cover experienced a small increase (**7%** or **80 acres** more cultivated crop areas in 2019 compared to 2001). As of 2019, cultivated crop land cover accounts for **0.5%** of the land area of the Cape.

In addition, development patterns from 2001 to 2019 seem to reflect an increase in concentrated development (see Map 1). “High intensity development” (e.g., apartment complexes, row houses, and commercial/industrial development) saw the greatest increase from 2001 to 2019, with approximately **16%** more high intensity developed areas in 2019 compared to 2001 (**700 acres**). As of 2019, high intensity development land cover accounts for **2%** of the land area of the Cape. While high intensity development can be

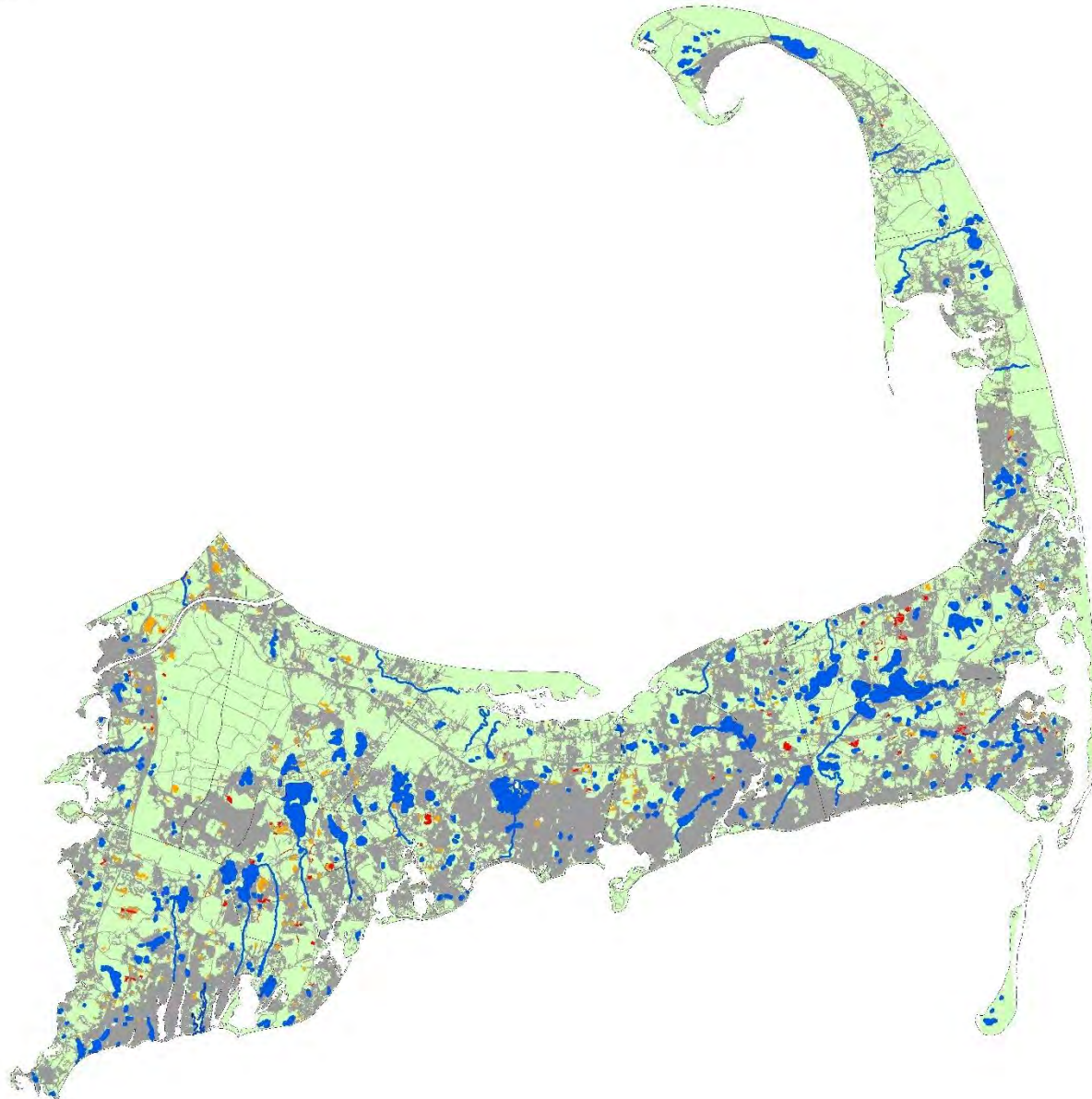
associated with an increase in impervious cover, which can lead to environmental degradation, this trend may indicate that the Cape is beginning to slow its historic pattern of increased sprawl. Less land available on the Cape to accommodate typical suburban development patterns may also be a factor. Higher intensity development can be environmentally beneficial when it is located properly in already disturbed areas with access to utilities and services, particularly wastewater infrastructure. Denser development in such areas can help relieve development pressure on more sensitive lands and leave more area for conservation. However, when located outside such areas, higher intensity development can be particularly harmful to the environment by converting previously undisturbed landscapes. This trend highlights the importance of strengthening zoning measures that encourage development and redevelopment in already developed areas with access to infrastructure, such as water and sewer, while also requiring or encouraging low impact development techniques (such as green roofs, rain gardens, porous pavers, rain barrels). At the same time, it is equally important to adopt protective zoning and other actions in natural resource areas to protect undeveloped areas that have significant natural resource value.




Date: 12/16/2022  
Data Sources: Bureau of Geographic Information (MassGIS), USGS National Wetlands Inventory, USGS National Land Cover Database  
This map is for informational purposes and may not be suitable for legal, engineering, or surveying purposes.

### Developed Land on Cape Cod (2001-2019)

-  Municipal Boundary
-  USGS Major Streams and Rivers
-  USGS Major Ponds and Lakes
-  2001 Developed Land
-  2011 New Developed Land
-  2019 New Developed Land
-  Undeveloped Land



 Cape Cod Open Space Analysis  
Barnstable County  
 Map 1.0  
Cape Cod developed land from 2001  
2019.

Map 1. Developed land on Cape Cod (2001-2019).



## SECTION II. PRIORITY NATURAL RESOURCE AREAS

The Cape's identity and the livelihood of its residents are inextricably tied to the health of its natural resources. Without clean water for drinking and recreation, and healthy ecosystems that support the flora and fauna that have come to define this region, the Cape as we know it will be gone. In addition to development pressures, Cape Cod's natural resources are challenged by the global impacts of climate change and sea level rise reshaping coastlines, shifting the location of marshlands, and slowly altering native plant and animal habitats, among other impacts. To prepare as a region for these challenges and protect our way of life, conservation of our natural resources is essential. There are multiple benefits to strategic conservation: protecting against flood damage, preserving good drinking water quality, reducing air pollution, providing habitat, creating recreation opportunities, and



Figure 10. Eastern box turtle (Association to Preserve Cape Cod).

otherwise ensuring that we can preserve the Cape Cod we know today for generations to come. Conservation and preservation are as much about today as they are about the future.

### Identifying Priority Natural Resource Areas

The Commonwealth of Massachusetts has identified many natural resource areas that are particularly important to protect.

For the purposes of this analysis, the following areas were considered "priority" for the Cape:

- BioMap2 (Core Habitat and Critical Natural Landscape)
- Zone II Wellhead Protection Areas
- Wetlands
- Certified and Potential Vernal Pools
- Priority and Estimated Habitat
- Protected Open Space (protected in perpetuity)

The following sections describe each of these resources and their locations on the Cape in detail, but it is important to also consider how these resources have been collectively impacted on the Cape by development. Today, priority natural resources on the Cape comprise approximately **190,000 acres**. However, development has occurred in, and consequently impacted, approximately **27%** or over **50,000 acres** of these remaining priority natural resource areas.

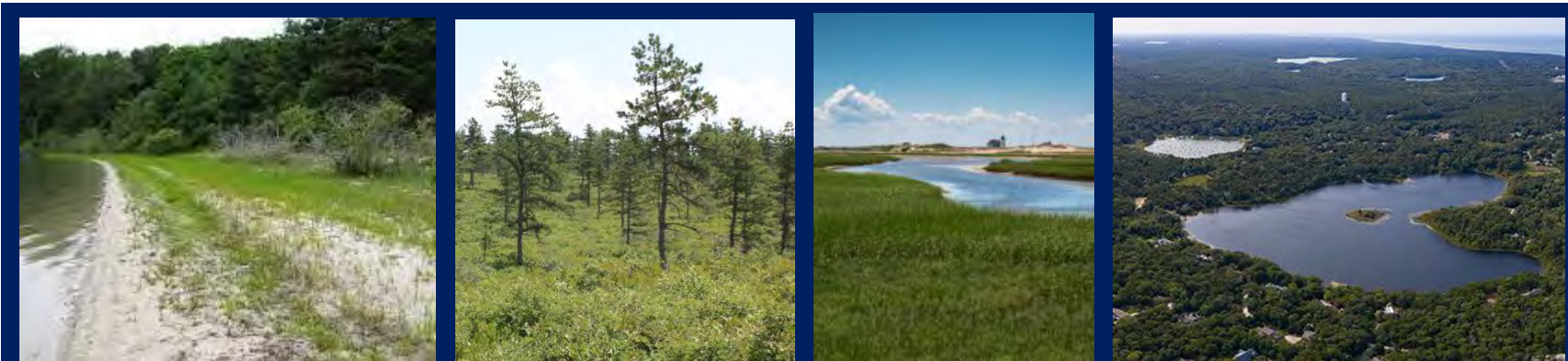
### Protected Open Space

A common misconception is that preserved land is "unproductive." In reality, protected open space provides value in many different ways. Protected open space can provide benefits to humans such as recreational opportunities, improved stormwater management



through the natural infiltration of water and reduction of pollutants to nearby waterbodies, improved drinking water quality through the protection of groundwater and surface water resources, carbon sequestration to mitigate climate change, and enhanced air quality from trees and understory vegetation. In addition, protected open

space adds value to existing properties and defines the rural aesthetics of the Cape, attracting non-resident visitors who inject new revenue into local economies. Every \$1 invested in land conservation in New England returns between \$4 and \$11 in economic value (Highstead, n.d.). Some may express concern that



*The Cape is home to several unique ecosystems which support a diversity of plant and wildlife species. Coastal plain ponds are bodies of freshwater found in lowland coastal areas of sand and gravel which were deposited as outwash when glaciers melted. Even though these ponds are naturally nutrient-poor, human activities have increased nitrogen and phosphorous loading in many areas. Due to periodic flooding and changes in water levels, coastal plain pondshores maintain a diverse community of shoreline vegetation, which is a high priority for conservation, as well as habitat for wildlife (UMass Amherst, 2017). Pine barrens are characterized by sandy soils that are poor in nutrients and prone to drought. Pine barrens support a variety of wildlife, many of which are rare and specifically adapted to this habitat. Rapid development and suppression of fire have caused pine barrens to decline dramatically across their range (The Nature Conservancy, 2009). Salt marshes form in areas subject to oceanic tides that are mostly sheltered from wave energy, typically in estuaries and behind barrier beaches. Many species of birds forage in salt marshes and they provide essential habitat for juvenile marine creatures. Threats to salt marshes include invasive species, coastal development, sea level rise, and coastal erosion (Massachusetts Division of Fisheries and Wildlife, n.d.). Cape Cod is home to hundreds of kettle ponds, formed from depressions in glacial outwash plains 18,000 years ago. Kettle ponds are at risk from agricultural activities, stormwater runoff, invasive species, effluent from septic systems, and climate change which is gradually warming waters and leading to toxic algal blooms (National Park Service, n.d.).*

*From left to right: Coastal plain pond (MA Natural Heritage and Endangered Species Program); pine barren woods (MA Natural Heritage and Endangered Species Program); salt marsh (National Park Service); kettle ponds (Cape Cod XPlore).*

open space purchases remove land from the tax base, but a 2014 analysis by the Brewster Assessor's Office found that even though Brewster town and non-profit open space accounted for approximately 15% of the town's land mass, protected open space amounted to a less than 1% impact on the town's tax base

("ratables") by value. When considering the substantial ecosystem services that protected open space provides to a community, the benefits clearly speak for themselves.



*One of the rare plant species supported on the Cape is the American sea-blite (*Suaeda calceoliformis*) which is a state listed species of Special Concern that is present along salt ponds, the sandy border of salt marshes and estuaries, sandy and gravelly beaches, and tidal flats. Off-road vehicles, trampling from beach users, and development are the primary threats to this species (Massachusetts Division of Fisheries and Wildlife, 2015a). Salt reedgrass (*Spartina cynosuroides*) is another state listed species that is identified as Threatened. Salt reedgrass is found at the upper margins of salt marshes and in brackish tidal marshes and estuaries. Competing invasive species and development, in particular increased runoff and siltation of wetlands, are major threats to this species (Massachusetts Division of Fisheries and Wildlife, 2015b). The slender marsh pink (*Sabatia campanulata*) is a state listed Endangered species that is found along shores of coastal plain ponds. Threats to this species include excessive water withdrawals, change in ground and surface water hydrology, and off-road vehicles (Massachusetts Division of Fisheries and Wildlife, 2015c). The Plymouth gentian is another state listed Special Concern species that is found near coastal plain ponds. Competing invasive plants, mowing of pond edge vegetation, pond eutrophication, beach raking, off-road vehicles, and changes in hydrology are the primary threats to this species (Massachusetts Division of Fisheries and Wildlife, 2022).*

*From left to right: American sea-blite (Native Plant Trust); salt reedgrass (Bruce Sorrie); slender marsh pink (Bruce Sorrie); Plymouth gentian (Association to Preserve Cape Cod).*

Protected open space also supports important environmental and ecological functions, such as providing habitat for plants and animals. The Cape supports [132 state-listed](#) rare plant and animal species and hundreds of additional species, including 75 threatened and endangered species

Some animal species come to the Cape for breeding or seasonal migration while others are year-round residents (Cape Cod

Commission, 2019b). Permanently protected open space is essential to ensure adequate habitat for these vulnerable species. Without protected open space to provide a variety of habitats to support so many species, the Cape as a region would lose its important ecological diversity.



*Twenty-five federally protected species are present in the Cape Cod National Seashore alone, most prominently the threatened piping plover (National Park Service, 2022). Many species of migratory birds winter on the Cape or come to the Cape in the summer to breed. For example, the least tern is a state listed species of Special Concern that nests on sandy or gravelly beaches and forages in shallow-water habitats. Threats to the least tern include coastal development along the species habitat, off-road vehicles, and human encroachment on beaches where the terns nest (Massachusetts Division of Fisheries & Wildlife, 2015d). The saltmarsh sparrow is a state listed species of Special Concern that inhabits coastal salt marshes dominated by saltmeadow cordgrass and saltwater cordgrass. Sea-level rise exacerbating high tide flooding and habitat degradation from development are the primary factors reducing the reproductive success of this species (Massachusetts Division of Fisheries and Wildlife, 2020). The common tern is a state listed species of Special Concern that nests on sandy or gravelly islands or barrier beaches and forages near the shore. Threats to the common tern include increased predation and predation by gulls, exacerbated by development near tern habitat (Massachusetts Division of Fisheries and Wildlife, 2015e).*

*From left to right: Piping plovers (Wildlife Preservation Canada); least tern (Massachusetts Division of Fisheries and Wildlife); saltmarsh sparrow (Wikimedia Commons); common tern (Wikimedia Commons).*



As of 2019, there are approximately **91,000 acres** of open space protected in perpetuity on the Cape. Cape Cod land trusts have been some of the strongest champions of open space acquisition on the Cape. A Compact of Cape Cod Conservation Trusts analysis of land protection by Cape Cod land trusts from 2000 to 2021 indicates that over this 22-year period, the land trusts have protected an average of **239 acres** per year (The Compact of Cape Cod Conservation Trusts, 2022).<sup>2</sup>

The pace of open space acquisition has been challenged by the pace of development on the Cape, however. For example, an analysis of vacant land conversion in Brewster from 2013 to 2020 indicated that over this period of time, roughly the same proportion of vacant land has been developed (**157.88 acres**) as has been conserved (**157.79 acres**) (Minis, 2022). There are nearly **50,000 acres** of remaining undeveloped land on the Cape that are not currently permanently protected. **Of those acres, roughly 40,000 acres overlap with priority natural resource areas. Our priority natural resource areas are finite and must be protected before they are gone forever.**<sup>3</sup>

## Priority and Estimated Habitats

Priority Habitats of Rare Species includes the geographic extent of habitat of state-listed rare species in Massachusetts based on observations documented within the last 25 years. Priority Habitat designations are a trigger for whether a proposed project or activity

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<sup>2</sup> It is important to note that in this analysis, between land trusts there may be some double counting of acreage for projects which include town partnerships.

<sup>3</sup> It is important to note that open space acquisitions change continually and the MassGIS data layers utilized for this analysis are therefore

### **Joint Base Cape Cod**

*Of its 22,000 acres, the northern 15,000 acres of Joint Base Cape Cod were designated by Massachusetts Governor Paul Cellucci in 1999 as the Upper Cape Water Supply Reserve, and legislation officially establishing it as such was signed into law by Acting Governor Jane Swift in 2002. The Reserve is recognized by the state as the largest contiguous undeveloped area on Cape Cod and identified by the state as “permanently protected.” However, it is important to note that in the legislation establishing it, the Upper Cape Water Supply Reserve is dedicated to “(a) the natural resource purposes of water supply and wildlife habitat protection and the development and construction of public water supply systems, and (b) the use and training of the military forces of the commonwealth; provided that, such military use and training is compatible with the natural resource purposes of water supply and wildlife habitat protection.” Consequently, some proposed projects on the northern 15,000 acres represent an expansion of military activities on the Reserve, which could present new threats to the natural resources found there.*

must be reviewed by the state’s Natural Heritage and Endangered Species Program (NHESP) for compliance with the Massachusetts Endangered Species Act (MESA). Areas delineated as Priority Habitat can include wetlands, uplands, and marine habitats. Although mapped areas are given a certain level of regulatory protection by

considered to be constantly under development. Additionally, due to the collaborative nature of this data collection effort, the accuracy and completeness of open space data varies across the state’s municipalities. Attributes, while comprehensive in scope, may be incomplete for many parcels.

the state, unlike permanently protected open space, these areas are not immune from development pressures. Estimated Habitats of Rare Wildlife are a subset of Priority Habitats of Rare Species. They are based on occurrences of rare wetland wildlife observed within the last 25 years and documented in the NHESP database. They do not include those areas delineated as Priority Habitat for rare plants or for rare wildlife with strictly upland habitat requirements.

Priority and estimated habitats are delineated by NHESP scientists based on documented observations of rare species and factors such as species movements and habitat requirements. Because NHESP scientists are partially reliant on third parties to recognize, identify, and report observations of rare species, these delineations are subject to change based on third party engagement. In addition, in 2012, the delineations of priority and estimated habitats were curtailed by state legislation, which restored appellate rights to priority habitat landowners whose property was subject to review and restrictions by NHESP. These changes enabled property owners to appeal in Superior Court and petition the state for compensation if land is taken or barred from future development. NHESP responded by limiting the extent of its priority and estimated habitat designations.

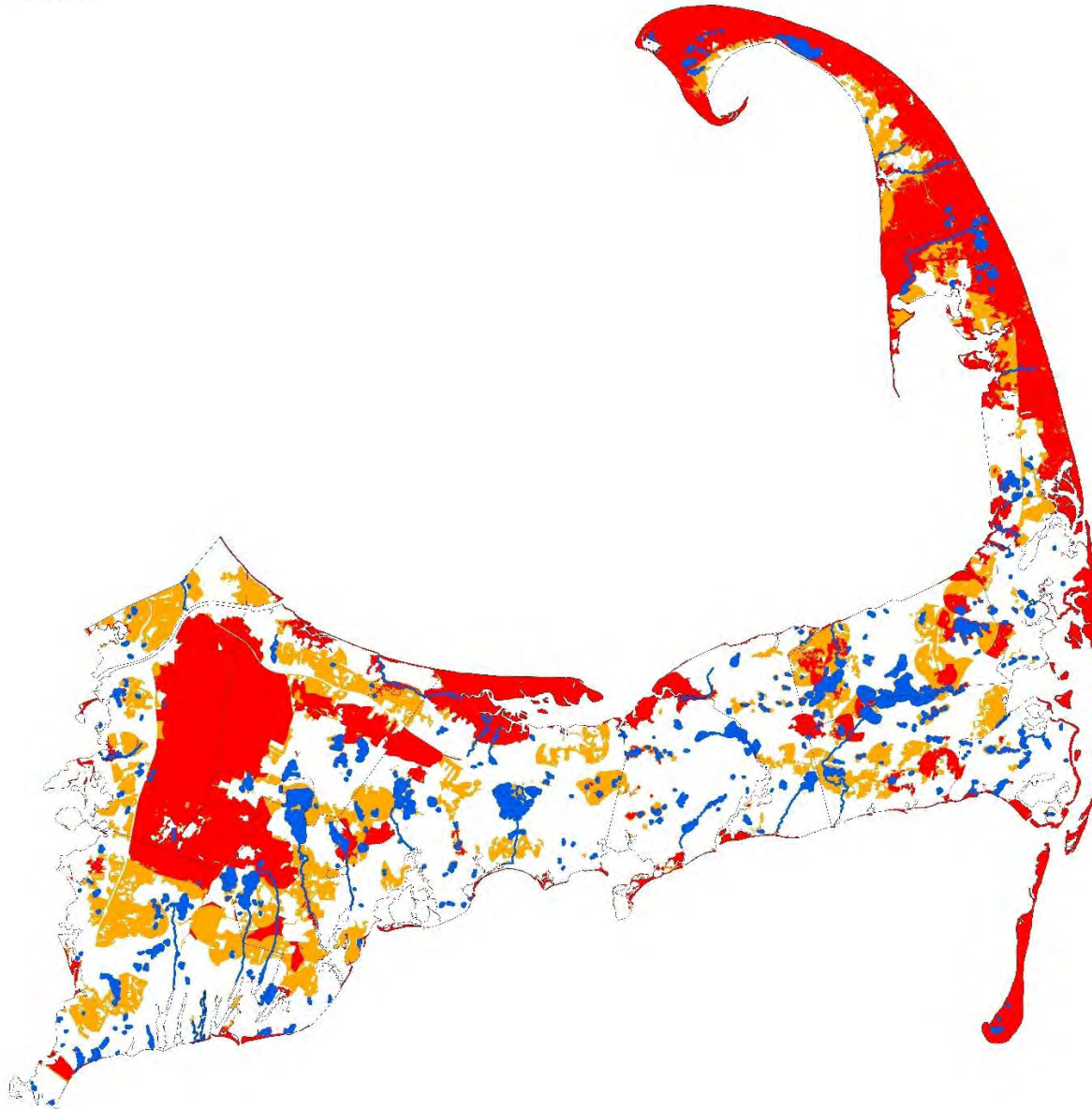
Using 2008 and 2021 NHESP delineated priority and estimated habitats, this report's spatial analysis revealed that there was a considerable loss in acres included in these state classifications between those two time periods due in part to NHESP's policy decision to curtail the extent of these habitat designations. Estimated habitat from 2008 to 2021 was reduced by **33%** or over

**38,000 acres** and priority habitat was reduced by **29%** from 2008 to 2021 or approximately **37,000 acres** on the Cape (see Map 2).

These reductions do not necessarily mean that habitat has been "lost." Rather, public policy decisions have changed regarding what areas are under NHESP jurisdiction. Areas no longer considered priority habitat are now more at risk than they would be otherwise. This trend underscores the importance of conservation advocacy. An important role of conservationists is volunteering time to [catalogue and report](#) on potential priority habitats as well as advocating for sound environmental policy at the state level. The protection of these now declassified lands is imperative.

Like other open space, habitat areas are particularly susceptible to the impacts of development and climate change. Development can lead to a loss of habitat that would otherwise support rare species, leading to habitat fragmentation and potential loss of wildlife as movement patterns are restricted. Often, priority and estimated habitats are home to unique ecosystems that support a variety of wildlife. As development leads to a loss in habitat, it also leads to a loss of biodiversity and other ecosystem services such as flood mitigation or water quality protection. As climate change brings changes to precipitation levels and average temperatures, native plant and animal habitats are forced to shift. In some cases, habitats may disappear altogether.

- ### MA NHESP Estimated and Priority Habitat
- Municipal  
Boundaries
  - USGS Major  
Streams and  
Rivers
  - USGS Major  
Ponds and  
Lakes
  - 2008 Estimated  
and Priority  
Habitat
  - 2021 Estimated  
and Priority  
Habitat



Cape Cod Open Space Analysis  
Barnstable County

Map 2.0  
MA NHESP priority and estimated habitats.

Map 2. MA NHESP Estimated and Priority Habitat 2008 and 2021.

## BioMap2

The [BioMap2](#) project, a joint initiative between the Massachusetts Department of Fish & Game's Natural Heritage & Endangered Species Program (NHESP) and The Nature Conservancy's Massachusetts Program, is a valuable mapping tool for the Commonwealth's most sensitive land and water resources.<sup>4</sup> BioMap2 integrates prior research and mapping of rare species and ecosystems and is a framework for strategic land protection and stewardship efforts. While Priority and Estimated Habitats are utilized to determine compliance with MESA, BioMap2 looks more broadly at guiding strategic biodiversity conservation efforts by focusing on areas most critical for ensuring the protection of exemplary communities, diverse ecosystems, and rare and native species. The BioMap2 resources include an [online map viewer](#) where visitors can identify areas with different types of biodiversity and conservation value. BioMap2 has no regulatory power but is a tool that every community in Massachusetts can use to identify the highest priorities for conservation.

The most significant threats to BioMap2 areas are development and climate change. Continued development within BioMap2 areas harms ecosystem functions, removing habitats that are critical to support the rare plant and animal species that call the Cape home. Loss of BioMap2 lands can also mean a loss of flood mitigation and recreational opportunities, in addition to the potential degradation of water quality. As climate change alters native plant and animal habitats with new temperatures and precipitation patterns, coupled

with sea level rise, some of these lands are in danger of being lost forever.

## Core Habitat

Core Habitat is one of the main components of BioMap2. Core Habitat areas are habitat that is necessary for the long-term survival of rare and other native plants and wildlife. There are approximately **110,000 acres** of Core Habitat on the Cape (see Map 3). A local example of Core Habitat that is protected is the [Cape Cod National Seashore](#), which is known for its diverse upland, wetland, and coastal ecosystems that are home to over 450 wildlife and 800 plant species. As referenced in the Brewster Case Study in Section III, the Punkhorn Parklands have been protected to preserve drinking water in Brewster and neighboring communities. Significant portions of the Punkhorn Parklands include Core Habitat, again demonstrating the multiple benefits of open space acquisition. Unfortunately, not all Core Habitat identified areas are protected. For example, many of the Cape ponds and associated shorefront and uplands are identified as Core Habitat. These areas are especially important around coastal plain ponds which have very sensitive and globally significant plant communities. However, not all of these areas are protected, making these pondshore locations and their supporting habitats vulnerable. Protecting Core Habitat areas helps conserve wildlife habitat and also provides numerous benefits to humans, including flood mitigation, protection of drinking water quality, and recreational opportunities.

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<sup>4</sup> MassWildlife and The Nature Conservancy released a third, newly-updated BioMap tool in November 2022. The Core Habitat and Critical

Natural Landscapes layers for Cape Cod are largely the same as the previous BioMap2 version, which is used in this report.



### Critical Natural Landscape

Critical Natural Landscape (CNL) is the other main component of BioMap2. CNL are large, minimally fragmented areas critical for ecological resilience, as they support a range of ecological processes and high biodiversity, maintain connectivity across different habitat areas, and include buffer areas upland of Core Habitat. Conserving CNL areas enhances Core Habitat and protects their associated benefits to plants, wildlife, and humans. There are approximately **94,000 acres** of Critical Natural Landscape on the Cape (see Map 3). Similarly to Core Habitat, Critical Natural Landscapes include both protected and unprotected areas. For example, one of the largest corridors of Critical Natural Landscape on the Cape extends from the Upper Cape Water Supply Reserve at Joint Base Cape Cod through Mashpee to Nantucket Sound. This corridor includes several significant habitats, but is a mixture of protected and unprotected areas.

Today, BioMap2 includes considerably more land area as compared to BioMap (also known as BioMap1). It is important to note that there is some overlap of mapped CNL and Core Habitat areas in BioMap2. BioMap1 includes core habitats and supporting natural landscapes but includes considerably fewer factors than BioMap2. For example, coastal adaptation was not considered in BioMap1. In total, BioMap2 includes approximately **92,000 acres** more of land than BioMap1 (see Map 3). The following map illustrates locations of BioMap1 and BioMap2 on the Cape.



Figure 11. The saltmarsh sparrow is listed as a state species of "Greatest conservation need" (Gerald Beetham).



Date: 12/12/2022  
Data Sources: Bureau of Geographic Information (MassGIS), ESRI, United States Geological Survey, National Heritage and Endangered Species Program  
This map is for informational purposes and may

**BioMap1 and BioMap2**

-  Municipal Boundary
-  USGS Major Streams and Rivers
-  USGS Major Ponds and Lakes
-  BioMap2 (2011)
-  BioMap1 (2000)



  
Cape Cod Open Space Analysis  
Barnstable County

1 Inch = 1.75 Miles  


**Map 3.0**  
MA BioMap1 and BioMap2.

Map 3. MA BioMap1 and BioMap2.

## Zone II Wellhead Protection Areas

Another important area for conservation is Zone II Wellhead Protection Areas. These areas are established by the Massachusetts Department of Environmental Protection's Drinking Water Program to protect the recharge area around public drinking water groundwater supplies. A recharge area is the area where precipitation infiltrates into the ground and replenishes the groundwater that flows into a pumping well. [All Cape Cod communities rely on the aquifer](#) for their drinking water, as even Falmouth's Long Pond reservoir is predominantly fed by groundwater. Zone II Wellhead Protection Areas are integral to maintaining high-quality and safe drinking water for the region, and communities use them to regulate land uses and activities that may



Figure 12. Drinking water protection sign in Hyannis (Association to Preserve Cape Cod).

impact drinking water quality and pose human health hazards. For example, communities can prohibit high risk uses and activities like landfills and automobile junkyards within protection areas, as contaminants may leach into underground sources of drinking water if allowed.

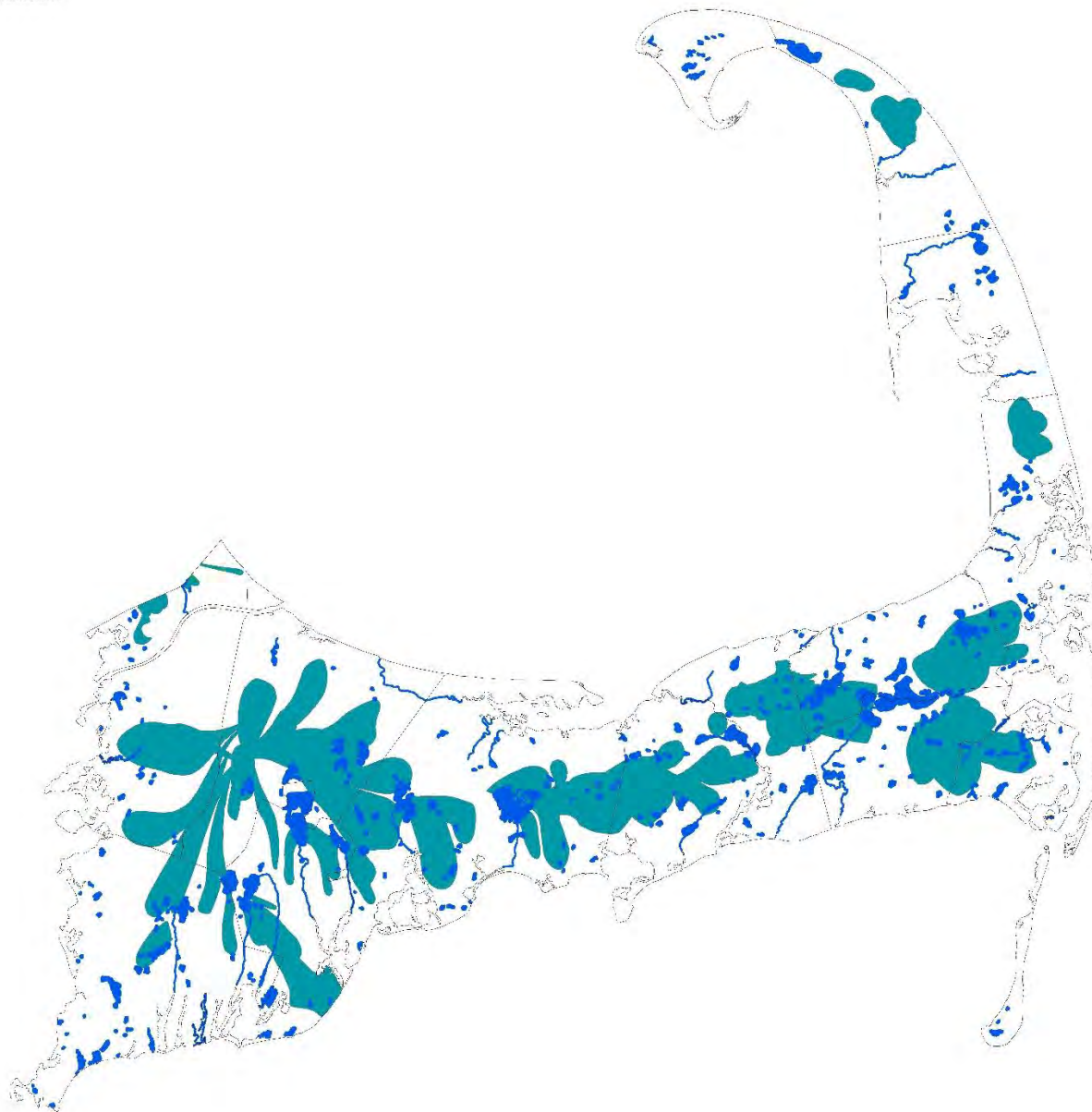
Among the most significant threats to Zone IIs is nutrient pollution from septic systems, which, counter

to intuition, are not prohibited in Zone IIs. Conventional septic systems are not designed to remove nitrogen, a nutrient which when present in drinking water supplies as nitrate can cause human health concerns. In addition to septic systems, other watershed activities taking place on top of the water supply can have direct impacts on the water supply. Emerging contaminants, such as PFAS (perfluoroalkyl and polyfluoroalkyl substances), pharmaceuticals, and other contaminants, can also seep into groundwater, polluting drinking water supplies.

The following map captures the current Zone II Wellhead Protection Areas on the Cape. Currently, Zone IIs comprise **27%** or approximately **70,000 acres** of the Cape (see Map 4). Overall, approximately 36% of the Zone II areas are protected open space. This is primarily a result of the land acquisitions in the 1980s and 1990s that focused on protecting drinking water supplies. As shown in the case study regarding Brewster, 41% of its Zone II area is protected open space. Brewster and Dennis have won quality awards for their drinking water in New England competitions, owing to the large, protected wellfields surrounding their wells.

### MassDEP 2022 Zone II Wellhead Protection Areas

-  Municipal Boundaries
-  USGS Major Streams and Rivers
-  USGS Major Ponds and Lakes
-  Zone II Wellhead Protection Areas



Cape Cod Open Space Analysis  
Barnstable County

Map 4.0  
MassDEP Designated Zone II Wellhead  
Protection Areas.

Map 4. MassDEP designated Zone II Wellhead Protection Areas.



## Wetlands, Ponds, and Coastal Estuaries

Wetlands, areas where water covers or saturates the land permanently or seasonally, encompass a range of diverse and valuable habitat types that provide high biodiversity. Cape Cod is home to an extensive network of coastal and tidal wetlands, estuaries, inland and non-tidal wetlands, and freshwater ponds. Along with the Cape's ponds, freshwater wetlands include bogs, marshes, wet meadows, red maple swamps, and Atlantic white cedar swamps. Freshwater ponds and the associated wetlands that border them are particularly valuable natural resources on the Cape. They provide a diversity of habitat for the Cape's flora and fauna, including ecologically unique species, in addition to recreational value (Cape Cod Commission, 2022d). Ponds on the Cape are impacted by nutrients, including phosphorus and nitrogen, from sources such as septic systems, road runoff and lawn fertilizers. These nutrients cause eutrophication and raise the risk of harmful cyanobacteria blooms.

Coastal wetlands on the Cape include salt marshes, dunes, and intertidal areas as well as coastal estuaries and salt ponds (Cape Cod Commission, 2019c). Coastal estuaries are found along many parts of the Cape Cod shoreline and are partially enclosed coastal areas that have some level of tidal restriction. Nearly **80%** of Cape Cod's land area drains to coastal estuaries. Estuaries are a combination of fresh and salt water, providing important spawning habitat for fish, shellfish, migratory birds, and other plant and wildlife populations (Cape Cod Commission, 2022e).

With respect to protecting water quality, freshwater wetlands protect marine and freshwater bodies by removing nutrients and other pollution associated with development. Additional ecosystem benefits of wetlands for humans include drinking water quality



Figure 13. Hinkley Pond, Harwich (Gerald Beetham).

protection, flood storage and mitigation, and recreation opportunities. Separate from ponds and estuaries, the Cape's wetlands comprise approximately **30%** or roughly **70,000 acres** of land area on the Cape (see Map 5). Of those 70,000 acres, approximately **37,200 acres** of wetlands fall within permanently protected resource areas. Fresh water ponds on their own comprise approximately **5%** or roughly **5,500 acres** separately from the wetland acreage provided above. The following map illustrates the locations of wetland resources and ponds.

Historically, the Cape has a long history of wetland loss and degradation due to dredging and filling for development, roads and dikes altering freshwater or tidal flow patterns and increasing stormwater, excessive groundwater withdrawals for water supplies, and drainage ditches and salt marsh channels built for mosquito



Figure 14. Olivers Pond (Gerald Beetham).

control that altered wetland hydrology.<sup>5</sup> For example, a 1987 study of the Pamet River in Truro found 16 separate compartments of the estuary—diked off in the 1800s for swamp gardens and cranberry bogs (Truro Conservation Trust, 1987).

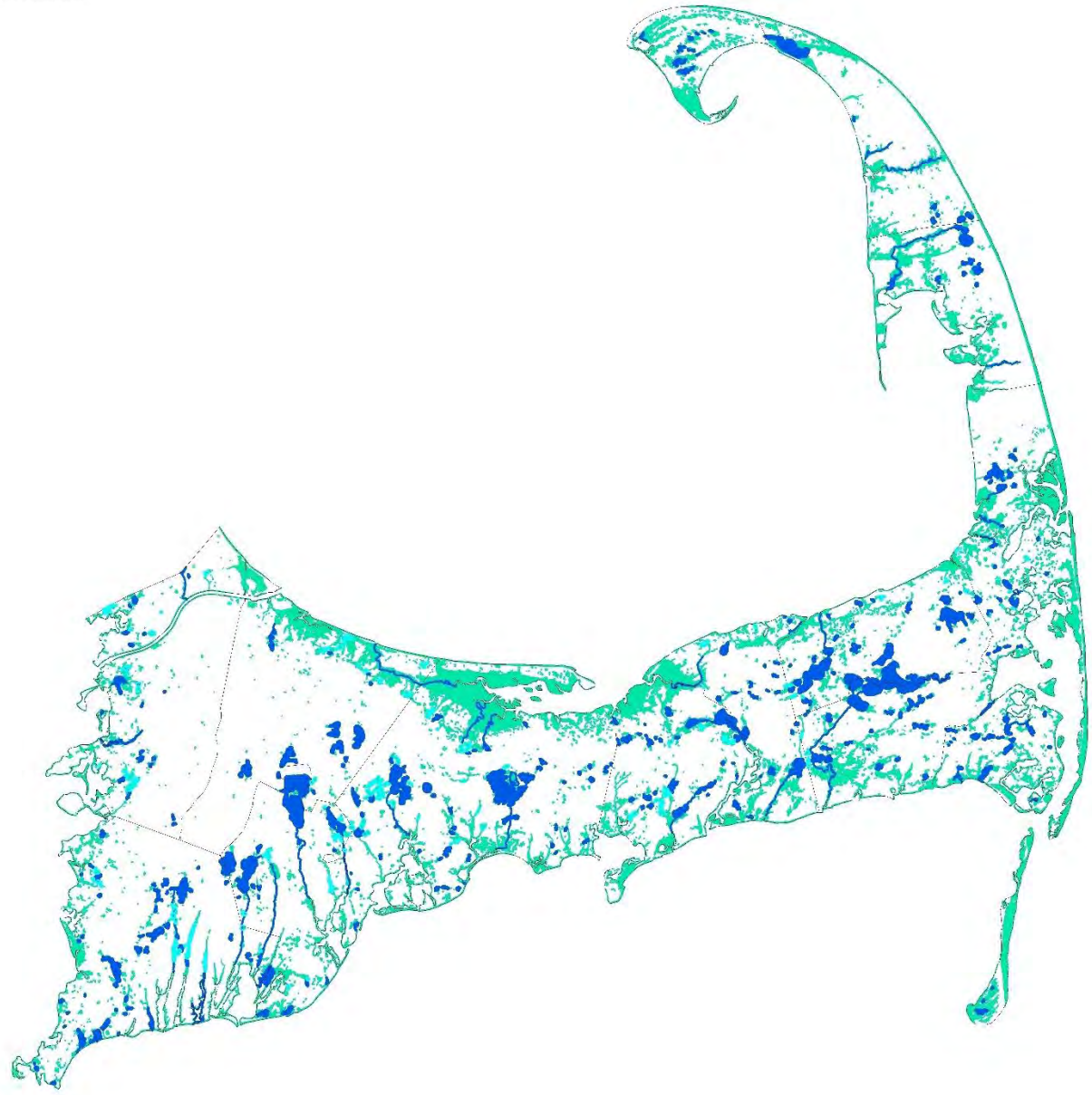
State and local wetlands protection regulations have been in place since the 1970s and have slowed the impacts on these resources. However, their health is still threatened by development pressure near the wetland border and in the upland watershed areas. The introduction of invasive species, whether intentional or by accident, has had a significant impact on the health of wetland ecosystems by putting pressure on native species and eventually pushing them out of their habitat. The water quality of wetlands has also been degraded by nutrient pollution from stormwater runoff, including from excessive fertilizer application, and septic systems. In addition, wetlands, and in particular salt marshes, are threatened by rising sea levels and increasingly intense storms, which threaten these

areas with erosion and inundation. The hardening of shorelines also inhibits salt marsh migration, and combined with sea level rise, creates a phenomenon known as “coastal squeeze” where the inland retreat pattern for marshes is entirely blocked (NOAA, 2019).

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<sup>5</sup> Mass Audubon reports that of the 3,000 miles of mosquito ditches in Massachusetts, most dug in the 1930s, there are 1,000 miles on Cape Cod.

Date: 12/12/2022  
Data Sources: Bureau of Geographic Information, Massachusetts Geological Survey, National Wetlands Inventory  
This map is for informational purposes and may not be suitable for legal, engineering, or



- National Wetlands Inventory Areas**
-  Municipal Boundaries
  -  USGS Major Streams and Rivers
  -  USGS Major Ponds and Lakes
  -  Wetlands

 Cape Cod Open Space Analysis  
Barnstable County

 **Map 5.0**  
National Wetlands Inventory 2020  
Wetlands Areas.

Map 5. National Wetlands Inventory identified wetlands.



## Certified and Potential Vernal Pools

Vernal pools are temporary and often small, shallow freshwater ponds, characterized by a lack of permanent fish populations. On the Cape, due to the prevalence of kettle holes that are not connected to streams, low-lying isolated wetlands are likely to serve as vernal pool habitats. These unique wetlands support important functions for plant and wildlife species, such as breeding and feeding. Some amphibian and invertebrate species have even developed breeding strategies that are successful because of the lack of fish that would otherwise eat eggs and larvae. It is important to note that vernal pools are reliant on suitable upland habitat to sustain breeding vernal pool populations during the non-breeding times of the year, with some vernal pool-dependent amphibian species inhabiting areas 700 or more feet from the pool. For this reason, the Cape Cod Commission and APCC recommend a minimum 350-foot upland buffer around vernal pools.

[Certified vernal pools](#) are those that have been officially certified by the Massachusetts Department of Fish & Game's Natural Heritage & Endangered Species Program (NHESP) according to state guidelines. Certified vernal pools are protected under the Massachusetts Wetlands Protection Act if they meet the law's definition of "wetlands." Local regulations may provide additional protection for pools that do not meet state criteria for protection. [Potential vernal pools](#) are not protected—as they have not been officially certified by NHESP staff—and are thus more vulnerable to human impacts.

Aside from their habitat and ecosystem function value, vernal pools provide flood mitigation by capturing water and water purification by intercepting and filtering pollutants. Vernal pools and their associated plant and wildlife also enrich many passive recreational areas across Cape Cod with their beauty.



Figure 15. Vernal pool (Association to Preserve Cape Cod).

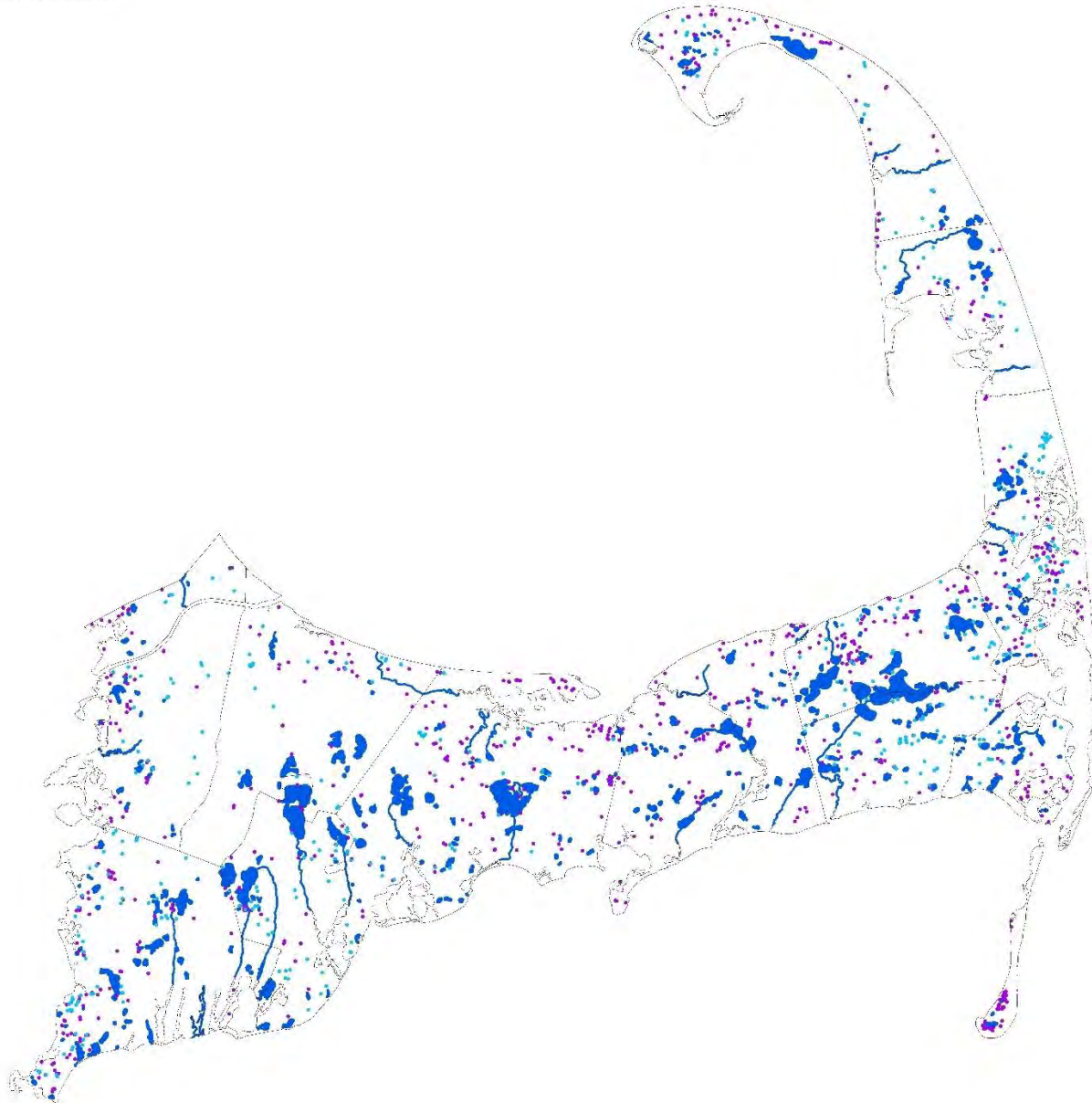
Vernal pools are particularly sensitive to the impacts of development. Development can lead to the direct loss of unregulated existing breeding pools, the clearing and conversion of adjacent habitat that supports the adult species, and a loss in landscape connectivity that restricts the movements of wildlife that rely on vernal pools. In addition, development can lead to an increase in nonpermeable surfaces (e.g., parking lots, rooftops, driveways) which exacerbate erosion and sedimentation, stormwater runoff pollution, degrading water quality for vernal pools by causing changes in water chemistry and temperature. The use of herbicides or pesticides around vernal pools can also harm vernal pool water quality and wildlife. Vernal pools may also be impacted by public well drawdown. Finally, climate change poses yet another threat to vernal pools as changes in temperatures and rainfall can disrupt the delicate environmental cues that drive the life cycle of aquatic wildlife that rely on the pools.


The following map captures the location of NHESP mapped certified and potential vernal pools on the Cape. It is important to note that many other potential vernal pools do exist beyond what is mapped by the NHESP. [Reporting of vernal pool observations](#) by the public is critical to ensure that the NHESP list is as accurate as possible. As of April 2022, there are **395** certified vernal pools and **890** potential vernal pools on the Cape (see Map 6).

Date: 12/12/2022  
Data Sources: Jurisou of Geographic Information (MassGIS), ERI, United States Geological Survey, Natural Heritage and Endangered Species Program  
This map is for informational purposes and may

### NHESP Certified and Potential Vernal Pools

-  Municipal Boundaries
-  USGS Major Streams and Rivers
-  USGS Major Ponds and Lakes
-  NHESP 2022 Certified Vernal Pools
-  NHESP 2013 Potential Vernal Pools



 Cape Cod Open Space Analysis  
Barnstable County

Scale: 1 inch = 1.26 miles  
0 1 2 Miles

Map 6.0  
NHESP Certified and Potential Vernal Pools

Map 6. MA NHESP Certified and Potential vernal pools.

## SECTION III. NATURAL RESOURCE PROTECTION CASE STUDIES

The following case studies document land acquisition projects and important resource protection strategies on the Cape. Each of these stories illustrates how in protecting their natural resources, these communities have helped protect drinking water quality, supported salt marsh migration to facilitate adaptation to sea level rise, and reduced nutrient pollution to ponds and coastal estuaries. Each of these case studies exemplify how the protection of natural resources coupled with thoughtful planning and policy decisions can steer the Cape towards resiliency and sustainability as a region. It is important to note that the strategies employed in these case studies can be used strategically to prevent environmental degradation, restore environmental quality from previous contamination, and reduce future impacts on already challenged resources. In order to address the present and future sustainability concerns for the Cape, these tools will need to be utilized collectively by communities to ensure the resiliency of the region.

### Case Study: Land Use Planning for Drinking Water Quality Protection in Brewster

**Tools Utilized:** Open space acquisition, Integrated Water Resource Management planning, regulatory strategies to protect water resources

**When to Employ:** Before environmental degradation has occurred

**Intended Outcome:** Protection of drinking water supplies, protection of coastal estuaries and ponds.

Brewster's decades-long commitment to the protection of its water supplies has been implemented primarily through the acquisition of open space. The community has successfully preserved

approximately 41% of the land area that contributes water to its public supply wells. The town works often and cooperatively with the local nonprofit Brewster Conservation Trust, which has expertise to arrange land purchases, married with the town's access to capital to pay for it.

One of Brewster's most significant preservation efforts was the acquisition of land that comprises the [Punkhorn Parklands](#), a major conservation area (900+ acres) in the southwestern portion of town. The town purchased most of the land, composed of many privately-owned woodlots, in the 1980s after a development moratorium. This investment was particularly notable because this event preceded the establishment of the Cape Cod Land Bank or the [Community Preservation Act](#), property tax surcharge funds that paved the way for communities to purchase conservation land. Since the 1980s acquisitions, the town has worked with the Brewster Conservation Trust to continue to purchase land adjacent to the Punkhorn to increase the amount of land protected within the Zone II wellhead protection areas in this part of town. These

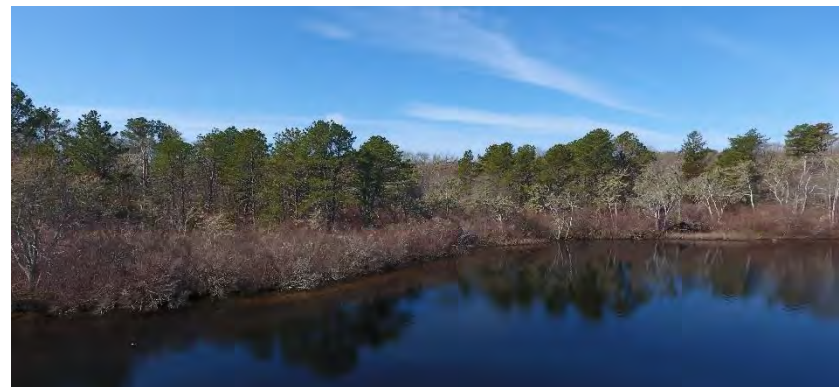


Figure 16. Slough Pond, Punkhorn Parkland (Chris Simmons).



purchases, in combination with additional acquisitions on the eastern Zone II as well as the location of [Nickerson State Park](#) over the Zone II, help to ensure that Brewster is able to maintain the high quality of its drinking water for years to come. The quality of the water provided by the town is excellent, with nitrogen concentrations below 1 mg/L. In addition to protecting drinking water, the Punkhorn property includes three kettle ponds, and prime forest ecosystems. These forests are home to red maple, black cherry, pitch pine, and black oak trees (Brewster Conservation Trust, 2022).

Brewster has also adopted a series of regulations to minimize impacts from developed areas in town as part of its [Integrated Water Resource Management Planning](#) work which

began in 2009. A District of Critical Planning Concern (DCPC) was designated in Brewster to protect the Zone II wellhead protection areas for the town wells and for wells serving the towns of Dennis, Harwich, and Orleans, on 6,538 acres in two areas of Brewster. A DCPC, adopted pursuant to authority created in the Cape Cod Commission enabling statute, is a planning tool that allows a town or group of towns to impose a temporary moratorium in a specified area on certain types of development, grandfathering, or other activities that would adversely impact the area or resource in need

of protection. The DCPC pause allows the town to plan for and adopt special rules and regulations that will protect particular resources or values of regional, statewide, or national significance (Cape Cod Commission, 2022a). The DCPC in Brewster also includes Brewster’s portion of the Pleasant Bay watershed that is impacted by nitrogen from septic system effluent, stormwater and fertilizers.

In the DCPC process, Brewster adopted a [Water Quality Protection Bylaw](#) with the goal of protecting groundwater and surface water resources from phosphorus and nitrogen contamination, and

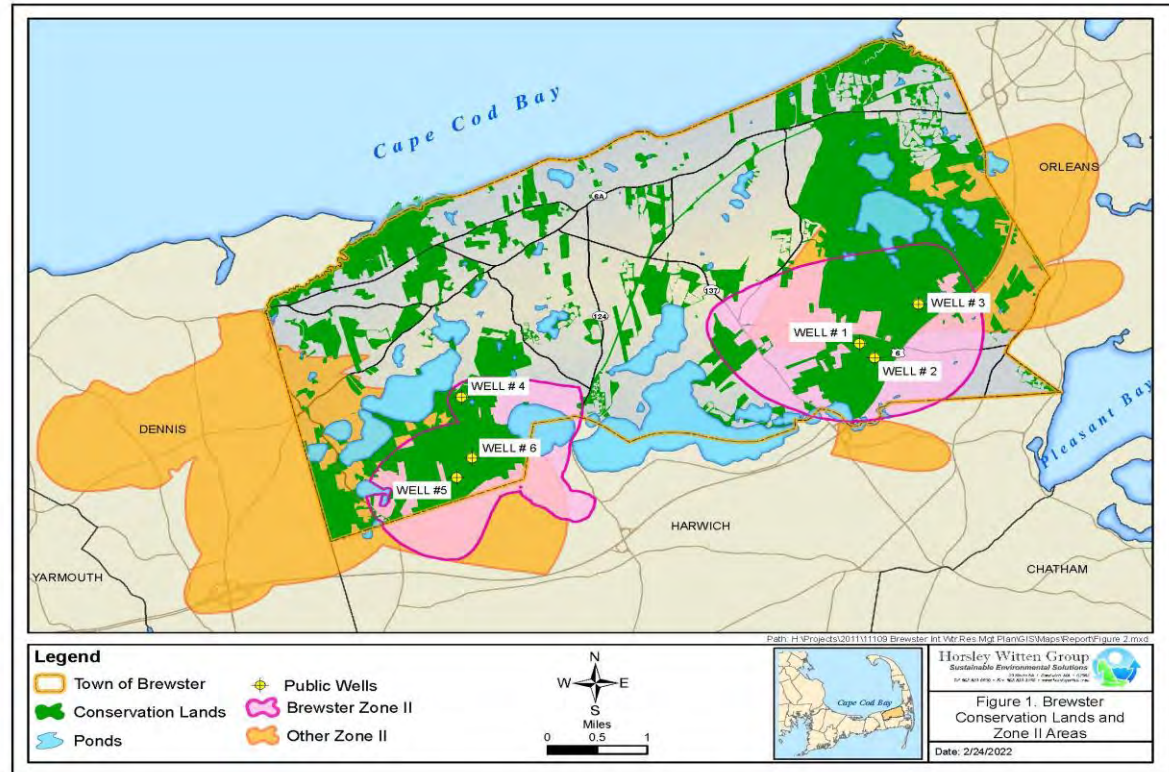


Figure 17. Brewster conservation lands and Zone II areas (Horsley Witten Group).

pollution from stormwater runoff. Specifically, the regulation limits the type of development in the regulated area to minimize threats to water quality and requires proposed projects to comply with a 5 mg/L nitrogen concentration in groundwater underneath their property. This performance standard is evaluated by the Water Quality Review Committee which works with other town boards to ensure the performance standards in the Water Quality Protection Bylaw are met. Therefore, this overlay district enables Brewster to limit phosphorous and nitrogen contamination to groundwater that impacts drinking water and coastal estuaries.

Brewster also adopted a form of natural resource protection zoning, [natural resource protection design](#) (NRPD), in the DCPC area to protect water resources and preserve open space in Brewster. This zoning tool significantly reduces development potential within the designated natural resource district, encourages compact development patterns by using flexible regulations for density and lot dimensions to promote clustered development, and requires large areas of permanently preserved open space to protect identified natural resources. NRPD reduces development impacts on surface water and groundwater by reducing impervious surface areas and also by minimizing septic loads through the reduction in development potential, particularly when compared to traditional grid subdivisions (Town of Brewster, 2022b).

### Case Study: Open Space Preservation in Dennis

**Tools Utilized:** Open space preservation.

**When to Employ:** Before environmental degradation has occurred

**Intended Outcome:** Salt marsh migration

In 2020, the [Dennis Conservation Land Trust](#) (DCLT) preserved 14 acres of land in Dennis Village known as the “Tobey Woodlands”

that borders the north side of Route 6A. Part of Tobey Farm, the property includes seven acres of salt marsh at the head of the Chase Garden Creek estuary and nearly seven acres of pine-oak forest, maritime thicket upland habitat, and meadows (Early, 2020). The town and DLCT are in the process of acquiring the western portion of Tobey Farm (eight acres) known as “Tobey West” with support from state and local funding sources. In 2009, the Cape Cod Commission identified Tobey Farm as one of seven Priority Heritage Landscapes in Dennis. Tobey Farm includes a large BioMap2 Core Habitat and Critical Natural Landscape area and a Priority Habitat area, which includes prime tern foraging areas. The Chase Garden Creek estuary, which borders Tobey Farm, was recognized in the [UMASS CAPS Index of Ecological Integrity](#) as an important intact wildlife habitat. According to the [TNC Resilient Land Mapping Tool](#), this site is significant for terrestrial and tidal migration. Because of



Figure 18. Drone aerial photo of Tobey Woodlands (Cape Cod Times).

the shallow grade between the salt marsh and the bordering freshwater wetlands and upland forest on the site, there is strong potential for the salt marsh to migrate inland as sea level rises (Town of Dennis, 2022).

The preservation of Tobey Woodlands is a prime example of the multiple benefits that open space preservation can provide. Of particular importance, the preservation of Tobey Woodlands protected the Chase Garden Creek estuary, the largest salt marsh system in Dennis, which surrounds the property. Preserving the land surrounding the marsh is particularly valuable for climate change, as it will enable the inland migration of the salt marsh as sea level rises, allowing the marsh to maintain its natural flood mitigation capabilities during large storm events. Had the land been developed, future development at that site would have been vulnerable to flooding as sea level rise pushes the wetlands further inland.

In addition to flood mitigation and shoreline protection, salt marshes also remove carbon dioxide from the atmosphere and convert it to vegetation. Decaying matter is stored under salt marsh peat, creating what is known as “blue carbon.” Dennis has recognized the benefits of protecting parcels with salt marsh habitat for some time. For example, in Dennis’ Municipal Vulnerability Preparedness Report, the town identified the conservation of land, and in particular land which allows for salt marsh migration, as one of its top recommendations to improve climate resilience in the community (Town of Dennis, n.d.). In addition to climate adaptation and mitigation benefits, salt marshes also provide valuable habitat for plants and wildlife, as well as filtration of pollutants and sediment before they reach coastal waters and drinking water supplies. By preventing development at this parcel, Dennis will preserve these resources for years to come, even with the

challenges presented by climate change. Ultimately, by preserving the resources which surround the Chase Garden Creek estuary, the town of Dennis contributes to protecting the health of Cape Cod Bay (Young, 2019).

## Case Study: Cranberry Bog, River, and Wetland Restoration in Falmouth

**Tools Utilized:** Open space acquisitions, dam removals, culvert removals, dredging and restoration of natural river flow, wetland restoration

**When to Employ:** After environmental degradation has occurred or to prevent additional stress on remaining natural resources

**Intended Outcome:** River restoration

The preservation of the Coonamessett River corridor in Falmouth has been a priority for Falmouth for more than 50 years. One of the longest rivers on the Cape, the Coonamessett River is a groundwater-fed river that runs through a narrow valley from



Figure 19. Coonamessett River, Falmouth (Tighe & Bond).





Figure 20. Coonamessett River post-restoration (Gerald Beetham).

Coonamessett Pond to the Great Pond estuary, which discharges into Vineyard Sound. Once home to the Lower and Middle Bog cranberry bogs, mills and cranberry operations blocked fish passage on the Coonamessett with dams and berms for decades. The river and floodplain habitats were further degraded by the removal of native vegetation and the straightening of the stream channel for cranberry operations. Floodplains and wetlands were buried by water and sand for nearly 150 years while cranberry operations were active, causing ecological damage to the river and wetland ecosystem (Tighe & Bond, 2021). This river corridor supported one of Cape Cod's most abundant river herring runs with annual populations numbering in the millions in the 1900s. In 2015, however, fewer than 75,000 river herring made the annual spring migration run (Division of Ecological Restoration, 2021).

Efforts to protect and restore the Coonamessett River and its bordering wetlands began in earnest in the early 2000s. The [300 Committee Land Trust of Falmouth](#), working with the town of Falmouth, strategically targeted land along the river for acquisition,

seeking to permanently protect the vegetated buffer alongside the riverbanks. A key component of the open space protection strategy for the area was the acquisition of Andrews Farm and Andrews Grove, which totaled 46 acres, in addition to the Romano Bog (1.68 acres) and Mars parcel (0.5 acres). Today, more than 500 acres within the river corridor are now permanently protected (The 300 Committee and Trust, 2017). Supporting these efforts was the [Coonamessett River Trust](#), which monitored the biological, chemical, and physical characteristics of the river for decades and advocated for the restoration of the river (Coonamessett River Trust, 2020).

The active restoration of the Coonamessett River took place in two phases over the course of 2018-2020. Two dams were replaced by boardwalks crossing the river; a new bridge was built to replace deteriorating culverts that restricted fish passage and water flow; lower segments of the river were dredged and re-routed to improve flow and enhance habitat for native fish; and wetlands and riverine habitat were restored. The results of the restoration were 33 acres of restored wetland, 23 acres of upland riparian habitat, a new 33% longer stream channel with enhanced biodiversity, an increase in free-flowing streams, and improved access to fish spawning areas. In addition, Falmouth also constructed the Coonamessett Greenway Heritage Trail as part of the restoration. Today, the trail network connects the conservation lands that border the river and includes 12 interpretative stations, which provide information about the cultural and natural history of the valley as well (Gladfelter, 2021).

The benefits provided by the restoration of the Coonamessett River are substantial. Falmouth discovered that since the restoration, seeds from wetland plants that had been buried for 300 years under mill ponds and cranberry bogs have sprung to life once original wetland soils were uncovered, increasing biodiversity in the area. In

addition, the removal of sand layers from the old cranberry bogs promotes better ground and surface water exchange, which helps remove nitrogen and other pollutants (Gladfelter, 2021). Insects and other wetland species populations have shown dramatic increases as well. In particular, the removal of dams and culverts on the river allowed for fish, including blueback herring, trout, and alewives to swim upriver again to their original spawning areas. This additional habitat area will help to improve the health of fisheries in the region by increasing their spawning territory and consequently their populations.

By ensuring the protection of river habitat and the mitigation of heat stress on fisheries by connecting the main river stem to strong cold-water springs, the resiliency of the Coonamessett River corridor to warming from climate change was significantly improved (Tomlinson, 2021). The removal of culverts and dams on the river improved natural flows, increasing the climate resiliency of Falmouth's coasts by reestablishing floodplain connectivity and restoring the natural flood mitigation capabilities of the existing wetlands. The restoration of the floodplain also provided space for the migration of salt marshes inland as sea level rise accelerates. With healthy, intact wetland systems, natural pollutant removal capabilities for nutrients such as nitrogen were enhanced as well.

In addition to habitat improvements and climate resilience, the restoration of the Coonamessett River and its wetlands created substantial opportunities for passive recreation for residents and visitors. Today, the restored river is enjoyed by residents and visitors from across the region. School groups participate in field trips to the river corridor and support the "Adopt-A-Herring" program organized by the Coonamessett River Trust. Walking tours of the river are organized by local and regional community organizations so visitors can explore the ecological, historical, and

cultural history of this unique river corridor (Division of Ecological Restoration, 2021).

## Case Study: Nutrient Pollution Reduction Efforts in Orleans

**Tools Utilized:** Comprehensive Wastewater Management Plan, traditional sewerage and central wastewater treatment, permeable reactive barriers, open space acquisitions

**When to Employ:** In advance of degradation in nutrient sensitive areas and as a remedial tool after environmental degradation has occurred

**Intended Outcome:** Nutrient pollution reduction and water quality restoration

Orleans, like most of the towns on Cape Cod, continues work to implement its Comprehensive Wastewater Management Plan (CWMP). The CWMP is designed to establish the steps needed to control excess nitrogen and phosphorous pollution, which has contributed to the decline of marine and freshwater resources. Using a combination of investments in sewerage, non-traditional and adaptive management nutrient reduction strategies, along with open space preservation along the Pleasant Bay sub-embayments, ponds, and rivers to prevent additional nutrient loads, Orleans continues to make progress in improving the water quality and limiting new nutrient loads to both its marine and freshwater resources.

To address water pollution concerns and comply with the Clean Water Act, the town worked with the public and prepared an [amended CWMP](#) in 2015. This plan was developed to be consistent with the regional Cape Cod 208 Water Quality Plan, which has been approved by both the United States Environmental Protection

Agency and the Massachusetts Department of Environmental Protection. Starting in 2015, Orleans began to implement the amended CWMP with the construction of new sewerage and central wastewater treatment capacity to service its downtown area (approximately 280 parcels, 100,000 gallons per day [gpd]) and the Meetinghouse Pond Subwatershed Area (approximately 360 parcels, 50,000 gpd) (Biohabitats, 2022). These investments are anticipated to lead to a substantial reduction in nutrient pollution to Meetinghouse Pond and Pleasant Bay, protecting these resources and the aquatic ecosystems they support.

As a component of the amended CWMP, and to supplement the load reductions anticipated from collection and treatment of priority areas, the town of Orleans is also implementing non-traditional technologies, including permeable reactive barriers (PRBs). PRBs are a passive treatment technology designed to intercept and treat nitrates in groundwater before they reach downgradient surface waters. The town has already implemented PRB pilot projects in Eldredge Park and the town landfill and is planning to incorporate larger scale PRBs into wastewater implementation less suited to sewerage for other areas in the near future (Town of Orleans, 2022).

Orleans has worked effectively through enhanced coordination with neighboring communities to protect Pleasant Bay. In 1987, Orleans, Chatham, Harwich, and Brewster requested that Pleasant Bay be designated an Area of Critical Environmental Concern (ACEC) by the Commonwealth of Massachusetts. Designation of an ACEC increases environmental oversight by modifying state permitting requirements to elevate performance standards and lower thresholds for review. This ACEC designation led the four towns to develop a resource management plan for Pleasant Bay and form the Pleasant Bay Alliance to coordinate management activities.

For decades, the town of Orleans has worked strategically to acquire open space along its freshwater and marine resources to limit the introduction of new nutrient loads in the watershed. From the beginning, the focus of the Orleans Open Space Committee was the preservation of land to prevent further decline in local water quality, with a particular emphasis on the protection of Pleasant Bay. The town has acquired hundreds of acres of open space over the past several decades, ensuring the protection of local drinking water resources and surface waters as well.

In some instances, the town has worked with neighboring communities to secure land preservation opportunities across town boundaries. Brewster and Orleans have had a long history of partnering to acquire open space. For example, in 1987 Orleans and Brewster jointly protected 35.65 acres of land in the vicinity of Baker's Pond to prevent nitrogen loading of groundwater and the degradation of marine waters in Town Cove (Town of Orleans, 2013). The 2010 acquisition of the Matthews Property was also a joint venture between Brewster and Orleans. This 22.5-acre parcel



*Figure 21. Henson's Cove Conservation Area (Orleans Conservation Trust).*

lies within Brewster’s District of Critical Planning Concern, the Zone II wellhead protection area for Orleans, and the Pleasant Bay watershed. The property primarily contains forested uplands, which serve to protect water quality by improving the natural infiltration of water and reduction of nutrient pollution from stormwater runoff. Protection of the land within the Pleasant Bay watershed most importantly for this case study prevents additional development and associated septic systems within the watershed which would lead to increased nitrogen loading. The town of Brewster owns the land, but the town of Orleans holds a watershed preservation and conservation restriction on the land (Community Preservation Coalition, 2010).

The town of Orleans has also benefited from its partnership with the Orleans Conservation Trust (OCT), jointly acquiring over 300 acres of land across Orleans, many of which fall within the Pleasant Bay watershed. Many of these acquisitions have directly benefited protection of the water quality of surrounding marine and freshwater resources. For example, in 2021, OCT acquired the last parcel needed to complete the creation of the 23-acre Henson’s Cove Conservation Area (HCCA), a preserve that borders a small cove on Pleasant Bay, preventing the addition of 11 septic systems directly adjacent to the water. The HCCA encompasses an ecologically important area comprised of sandplain grassland, fringing marsh, freshwater wetlands, and pine-oak woodlands. The preserve provides habitat for a variety of wildlife, including nesting and feeding for the northern diamondback terrapin, a state-listed threatened species. Preservation of these parcels will ensure that the fragile ecosystems that this area supports are protected from development, all while reducing nutrient pollution into Pleasant Bay (Orleans Conservation Trust, 2022).

Through its [pollinator pathway program](#) adopted by the town, Orleans made a commitment to, among other actions, eliminate municipal use of fertilizers, and encouraged residents to do the same. This will complement other efforts to reduce nutrient impact to town water bodies. Orleans passed a ban on all fertilizer use in town and is awaiting the Legislature’s approval for the measure to take effect.



*Figure 22. Diamondback terrapin found in Henson’s Cove Conservation Area (Orleans Conservation Trust).*



## SECTION IV. RECOMMENDATIONS

The following sections highlight actions that local officials and residents can take to protect and enhance natural resources on the Cape. While each of these individual actions focuses on a particular resource or strategy, collectively these measures can help ensure that the Cape as we know it today is protected for future generations.

### Actions Local Governments Can Take to Protect, Preserve, Restore, and Enhance Natural Resources

Towns play a central role in determining which lands are protected and which are not, which habitats are restored, and which are allowed to continue to decline, and whether environmental quality is the town's priority or a secondary consideration. Towns can support or adopt measures that will improve the ability of natural resources to thrive on the Cape. Town staff and boards wield power of approval or denial of specific projects, working within the discretion allowed by law to approve or disapprove projects and to establish priorities for expenditure of public resources.

#### Continue to Advance Open Space Acquisitions on the Cape

**Summary:** Continue to acquire open space parcels, especially in priority natural resource areas.

**Funding Required:** Yes; potential sources include Community Preservation Act, state grants, federal grants, local taxes and funding from local land trusts.

**Opportunities:** Partnership among towns, land trusts, and private landowners; "undevelopment" and restoration of properties (e.g., Yarmouth, Chatham).

**Benefits:** Protect unique habitats and rare and endangered species; preserve public water recharge areas, maximize ecosystem benefits for resiliency to climate change; preserve community character; preserve biodiversity.

Open space protected in perpetuity comprises approximately 40% of the Cape land area. This has been done through local investments and through actions taken by the state and federal government, resulting in the preservation of large tracts such as the Cape Cod National Seashore, Nickerson State Park (Brewster), Crane Wildlife Management Area (Falmouth), and Hawksnest State Park (Harwich), among other properties.

While the extent of land preservation to date is impressive, it is not enough. The vital work to protect the Cape's unique natural resources is not done. Continuing to fund open space acquisitions is one of the best investments a town can make to ensure its quality



Figure 23. Barnstable Great Marsh (CJ Gregory/Mass Audubon).



Figure 24. Beech woods (Association to Preserve Cape Cod).

of life is protected. As discussed in the case studies, preserving open space is critical to protect drinking water, sensitive watersheds for freshwater ponds and coastal embayments, rare species' habitat, and wetlands and buffers. Preservation of open spaces is economically advantageous to the Cape. The tax revenue from development of the type historically seen on the Cape not only fails to cover the direct costs of municipal services for that development, it also fails to compensate communities for the incremental declines in

water quality, increased traffic and other stresses on the environment. In addition to economic benefits, acquisition of open space can be a critical tool to protect fragile ecosystems and ensure the longstanding protection of resources that will be critical for the mitigation of and adaptation to climate change impacts.

The Cape as we know it today would not exist without preserved open space, and it is essential that communities on the Cape continue to protect these areas and preserve the rural character of this region. Communities should particularly prioritize the acquisition of open space that contains priority natural resource areas and, ideally, parcels that connect and fill in existing open

space to establish wildlife corridors. The maps in this report, along with online mapping tools (many of which were referenced to develop this report's mapping), such as [Mass Audubon's Mapping and Prioritizing Parcels for Resilience](#), [The Nature Conservancy's Resilient Landscapes data layer](#), and the [Massachusetts Natural Heritage and Endangered Species Program BioMap2](#), all provide excellent community scale assessments that can inform local decision making for open space acquisition. For the maps in this report, communities are encouraged to identify priority natural resources that have not been permanently protected and could be acquired to connect existing open space.

Towns that don't have open space committees should establish one in order to better explore potential open space opportunities and to negotiate property acquisitions. Towns should also have up-to-date open space and recreation plans and should establish productive partnerships with the local land trust to marry the land trust's creativity and flexibility with the town's funding ability in open space acquisitions.

Communities may also think creatively about acquiring parcels that can be "undeveloped" to restore land to its original resource state. In some instances, this may be the best opportunity to create continuous open space tracts in areas where other resources may benefit. The town of Yarmouth used this strategy when acquiring the Yankee Village Motel in 2019 to preserve the land where the motel was located. The property was situated between two existing waterfront parks—also prior undevelopment projects—creating a unique opportunity for the town to create a single continuous waterfront park that would protect local coastal habitat, provide a flood buffer for a nearby road, and provide recreation opportunities for the community (Town of Yarmouth, 2022). Similarly, in 2013 the town of Chatham purchased a 1.36-acre parcel containing a recently

closed restaurant, the Pit Stop, as part of the Cockle Cove Creek Headwaters Restoration Project. The purchase enabled the town to create a continuous green corridor along Route 28, while restoring wildlife habitat and protecting water quality (Shaw, 2020).

### Expand the Use of Innovative Planning Strategies to Protect Natural Resources

The following strategies offer different regulatory techniques to protect natural resource areas. It is important to note that these strategies are complementary and ideally should be utilized in combination, rather than only relying solely on one strategy.

#### *Districts of Critical Planning Concern*

**Summary:** Designate Districts of Critical Planning Concern to impose temporary moratoriums on certain types of development or activities in a specified area to plan for and adopt special rules and regulations that will protect resources or values of regional, statewide, or national significance.

**Funding Required:** No

**Opportunities:** Explore existing regulations in other Cape Cod communities for consideration (e.g., Brewster).

**Benefits:** Minimize impacts of development; protect natural resource areas; ensure sustainable growth practices.

As discussed previously in the Brewster Case Study, Districts of Critical Planning Concern (DCPC) allow for a town or group of towns to impose a temporary moratorium on certain types of development or activities in a specified area to plan for and adopt special rules and regulations that will protect resources or values of regional, statewide, or national significance. Cape Cod is unique in that the Cape Cod Commission Act enables the creation of DCPCs

within Barnstable County. To date, Barnstable County has designated 12 Districts of Critical Planning Concern. Communities that have not utilized DCPCs to date may consider adopting this planning tool to ensure they have the time needed to protect resources of particular concern, such as lands surrounding drinking water wells or fragile forest ecosystems (Cape Cod Commission, 2022a).

#### *Natural Resource Protection Zoning*

**Summary:** Designate Natural Resource Protection Districts to require that natural resource protection be a priority in these areas and encourage clustered development in the least impactful location.

**Funding Required:** No

**Opportunities:** Explore existing regulations in other Cape Cod communities for consideration (e.g., Brewster).

**Benefits:** Protect natural resources and open space; enhance watershed ecology; protect aquifers; protect wildlife corridors.



Figure 25. Mashpee River Reservation (Trustees of Reservations).



Natural Resource Protection Zoning (NRPZ) is a planning tool that can be used to support the protection of natural resources and open space. As mentioned previously in the Brewster Case Study, this tool combines low underlying densities with compact patterns of development to significantly reduce buildout in a designated district. NRPZ requires that natural resource protection be a priority for the district and that development be clustered together in the least impactful location. NRPZ can have significant regional impacts to watershed hydrology, wildlife habitat corridors, and aquifer protection when used effectively, particularly when a large open space requirement is included. In parts of Brewster, for example, the open space requirement is 80% (UMass Amherst, 2022). Cape communities which have not utilized NRPZ to date would benefit from adopting this planning tool to strategically concentrate development and ensure the protection of high value open space and natural resources.

#### *Stormwater Management Regulations*

**Summary:** Develop protective stormwater management regulations that encourage enhanced infiltration.

**Funding Required:** No

**Opportunities:** Explore existing regulations in other Cape Cod communities for consideration.

**Benefits:** Improve water quality; protect public water recharge areas; protect habitat for flora and fauna.

When it rains, water travels over impervious surfaces (driveways, roofs, roads, etc.) and picks up litter, sediment, and pollutants which can be harmful to freshwater and marine resources. While there is a significant focus on controlling water pollution via wastewater on the Cape, stormwater runoff contributes

approximately 8% of the total nitrogen load across the Cape (Cape Cod Commission, 2022b). As climate change brings more extreme storms and increases in average rainfall, the impacts of stormwater runoff pollution will become a greater challenge on the Cape.

The Clean Water Act regulates stormwater pollution through [Municipal Separate Storm Sewer System](#)

(MS4) permitting for areas designated as “urbanized.” Twelve communities on the Cape

fit that classification and are therefore required to meet the MS4 permitting requirements, including adopting local stormwater ordinances or bylaws for their areas subject to the MS4 permit. To protect water quality for both freshwater and marine resources, Cape communities can adopt protective stormwater management regulations which improve infiltration. Regulations may incorporate requirements for green infrastructure or Low Impact Development (LID) which mimic hydrologic processes by removing pollutant loads and increasing aquifer recharge, increase the infiltration requirements above MS4 standards, or apply stormwater



*Figure 26. Stormwater runoff carries debris down to the storm drain (Association to Preserve Cape Cod).*





Figure 27. Hatches Harbor (James Heffernan).

regulations to areas less than one acre. The town of Brewster adopted a stormwater bylaw in 2021 that requires stormwater management for all projects that create more than 500 square feet of impervious surface or disturb more than 10,000 square feet of land.

#### *Wetland Protection Regulations*

**Summary:** Strengthen wetland protection regulations to ensure wetland resources can be fully utilized for their flood control benefits.

**Funding Required:** Sufficient funding for town staff to educate citizens and enforce the regulations is critical to ensure effective implementation.

**Opportunities:** Explore existing regulations in other Cape Cod communities for consideration (e.g., Wellfleet).

**Benefits:** Improve water quality; protect habitat for flora and fauna; maximize ecosystem services to ensure resiliency to climate change.

Massachusetts already regulates wetlands through the [Wetlands Protection Act](#) (WPA), but municipalities can adopt, and most Cape towns have adopted, more protective local regulations to build on the WPA. Many Cape communities are currently using local wetland regulations creatively to ensure the protection of these resources. But can they do more? Yes. The town of Wellfleet's recently updated regulations include language specifying the protection of wetland resources for their flood control benefits. The regulations also include performance standards for Land Subject to Coastal Storm Flowage (LSCSF) and within the Wellfleet Harbor Area of Critical Environmental Concern (ACEC) relative to sea level rise and the inland migration of wetland resources (Town of Wellfleet, 2021). The town continues to explore other ways to incorporate resilience against sea level rise and other aspects of climate change in its bylaw and regulations. By improving on existing regulatory frameworks, communities on the Cape can strengthen protections for their wetlands and ensure that these resources can be utilized to their full potential in adapting to the impacts of climate change. It is important to note that having sufficient funding at the municipal level to have staff who are responsible for education and the enforcement of these regulations is essential to ensure effective implementation.

#### **Increase Restoration of Natural Resource Areas**

##### *Cranberry Bogs*

**Summary:** Support the restoration of cranberry bogs to wetlands to enhance carbon sequestration and flood storage.

**Funding Required:** Yes; potential funding sources include state grants, federal grants.



Figure 28. Cranberry bog restoration comparison (MA Division of Ecological Restoration).

**Opportunities:** Explore partnerships with state agencies (e.g., [Division of Ecological Restoration](#)), neighboring communities, and local conservation organizations.

**Benefits:** Improve water quality; maximize ecosystem services to ensure resiliency to climate change; protect and restore habitat for flora and fauna.

Approximately 13,250 acres of cranberry farms exist in Massachusetts today, and many of these farms are located on Cape Cod. Falling cranberry prices and other factors are leading some farmers in Massachusetts to consider alternatives for their land. As discussed in the Falmouth Case Study, the restoration of retired cranberry bogs to natural wetland systems on the Cape has the potential to significantly improve ecological conditions and increase the resiliency of the region to climate change. As wetlands absorb water, they can prevent flooding, which, due to climate change, is occurring more frequently with extreme storms and rising sea

levels. Wetlands also store carbon and provide habitat for fish and wildlife, supporting biodiversity on the Cape. In addition, wetlands can absorb pollutants, a key ecosystem services benefit that will help to improve water quality for marine and freshwater resources in the region (Massachusetts Division of Ecological Restoration, 2022). The continued conversion of cranberry farms to wetlands on the Cape through programs like the Massachusetts Division of Ecological Restoration’s “Green Exit Strategy”

Cranberry Program should be supported by communities to ensure that the Cape can harness the benefits of existing natural resources.

#### *Freshwater Wetlands*

**Summary:** Support the restoration of freshwater wetlands by removing dams or culverts to restore flows, installing stormwater treatment practices, or utilizing other water quality improvement strategies

**Funding Required:** Yes; potential funding sources include state grants, federal grants.

**Opportunities:** Explore partnerships with state agencies (e.g., [Division of Ecological Restoration](#)), neighboring communities, and local conservation organizations.

**Benefits:** Improve water quality; maximize ecosystem services to ensure resiliency to climate change; protect and restore habitat for flora and fauna.

In addition to restoring cranberry bogs, the ecological restoration of other wetland resources such as freshwater wetlands is also a valuable investment for Cape communities. Investments in the health of wetland resources are investments in the resiliency of the Cape. Restoration efforts may entail removing dams or culverts to restore hydrologic flows, managing invasive species to ensure biodiversity is maintained for existing habitats, installing stormwater treatment practices to reduce pollutant loading, or employing other water quality improvement strategies to restore the health of wetlands. Wetlands also capture sediment and can fortify riverbanks against erosion and flooding. Wetlands filter out impurities from upland sources and bind heavy metals in their sediments, improving downstream water quality. Healthy wetlands also sequester carbon, supporting the mitigation of climate change impacts.

#### *Salt Marshes*

**Summary:** Support the restoration of salt marshes by protecting adjacent floodplains and strengthening regulatory protections.

**Funding Required:** Yes; potential funding sources include state grants, federal grants.

**Opportunities:** Explore partnerships with state agencies (e.g., [Division of Ecological Restoration](#)), neighboring communities, and local conservation organizations.



*Figure 29. Strong Island salt marshes (Cape Cod Chronicle).*

**Benefits:** Improve water quality; maximize ecosystem services to ensure resiliency to climate change; protect and restore habitat for flora and fauna.

In conjunction with restoration, protecting upland areas and floodplains adjacent to salt marshes is critical to allow for these resources to migrate inland as sea level rise threatens these resources. High-functioning salt marshes support the early life stages of many marine organisms. Ensuring their longevity is essential for protecting the fishing industry on the Cape. Salt marshes also capture sediment and fortify coastal shorelines against erosion and flooding. Wetlands filter out impurities from upland sources and bind heavy metals in their sediments, improving downstream water quality. Similarly to freshwater wetlands, healthy saltmarshes also sequester carbon, supporting the



mitigation of climate change impacts. To ensure the Cape is prepared for the current and future impacts of climate change, the continued restoration of salt marsh resources will be vital.

#### *Rivers*

**Summary:** Support the restoration of rivers by removing dams and culverts, installing stormwater treatment practices, or utilizing other water quality improvement strategies

**Funding Required:** Yes; potential funding sources may include state grants, federal grants.

**Opportunities:** Explore partnerships with state agencies (e.g., [Division of Ecological Restoration](#)), neighboring communities, and local conservation organizations.

**Benefits:** Improve water quality; maximize ecosystem services to ensure resiliency to climate change; protect and restore habitat for flora and fauna.

Though perhaps known best for its marine resources, the Cape is home to several rivers that have benefitted substantially from restoration efforts, though more work remains. As discussed in the Falmouth Case Study, restored rivers support healthy aquatic ecosystems with enhanced biodiversity, ensuring that wildlife communities are resilient to the challenges posed by climate change. Rivers with healthy flows also have improved water quality and increased sediment deposition, ensuring that their flows into tidal waters contribute less pollution. Restored rivers are more likely to absorb floodwaters, reducing destructive flooding events for built infrastructure. Restored rivers also offer recreational opportunities and support healthy ecosystems for wildlife that may be harvested, such as fish. In particular, restored rivers reestablish fish passages which allows for the migration of fish like river herring.

Communities on the Cape will continue to benefit from these restoration efforts if they are expanded, helping to ensure the resiliency of the region to climate change.

#### **Continue Investments in Nutrient Reduction Techniques**

**Summary:** Expand investments in nutrient reduction techniques such as traditional sewerage, approved innovative/alternative (IA) septic systems, and shellfish denitrification.

**Funding Required:** Yes; potential funding sources may include state grants, federal grants, local taxes.

**Opportunities:** Explore regional strategies to share resources and minimize costs.



Figure 30. Sewer manhole cover (Pixabay).



**Benefits:** Improve water quality; restore degraded habitats for flora and fauna; ensure protection of resources that influence tourism and fishing revenue; protect community character; minimize public health impacts; minimize degradation of public drinking water resources.

Like the rest of Massachusetts and the nation as a whole, Cape Cod has struggled with water quality impairments. In particular, Cape Cod's reliance on individual septic systems for wastewater treatment has contributed significantly to the degradation of many freshwater ponds and almost all marine estuaries on the Cape. Septic systems, despite being designed to meet state standards (Title V, 310 CMR 15.00) are the cause of the Cape's nutrient problem. Conventional septic systems are unable to remove nitrogen, a nutrient which, in excess, leaches into the groundwater, contaminating freshwater and marine resources. Advanced septic systems designed to reduce nitrogen do a better job lowering loading, but do not reduce nitrogen to the levels needed to restore estuarine quality. The resultant nutrient loading causes water



*Figure 31. Oysters and other shellfish can be utilized to improve water clarity and reduce nitrogen in marine waters (Randy Harris).*

quality degradation, which can lead to environmental collapse, fish kills, and shellfish bed closures, among other impacts. Wastewater pollution is the primary source of nitrogen in the Cape coastal embayments, with septic systems identified as contributing roughly 85% of the controllable nitrogen load on Cape Cod (Cape Cod Commission, 2022c). Septic systems also contribute phosphorus to the groundwater, and by doing so, contribute to the degradation of freshwater resources. Many Cape communities have already begun the process of planning and investing in solutions to reduce nutrient pollution, but substantial additional investments will continue to be needed as the Cape addresses this widespread pollution concern.

There are a multitude of techniques that communities can utilize to reduce nutrient pollution. A mixture of approaches will be necessary to effectively manage nutrient pollution on the Cape to protect the region's water resources. Some of the options for communities include:

- **Traditional sewerage.** Conventional wastewater collection systems transport sewage from buildings by gravity flow through sewer pipes to central treatment facilities. Collection and treatment are the most effective measures to curtail nutrient pollution and contaminants of emerging concern for a specific receiving water.
- **Approved innovative/alternative (IA) septic systems.** Where sewerage is not feasible, IA septic systems can be installed to treat the effluent to reduce, but not eliminate from the watershed, nitrogen and phosphorus loading to ponds and coastal estuaries.
- **Shellfish denitrification.** Oysters and other shellfish consume phytoplankton from coastal waters, a natural measure to help improve water clarity and reduce nitrogen in marine waters. While in the water, shellfish also provide

surfaces in their guts and shells for denitrifying bacteria. The nondigested material that shellfish release also helps to remove nitrogen through denitrification. Supporting shellfish farmers and these restoration efforts supports the local economy and local water quality improvement efforts.

## Actions You Can Take to Protect, Preserve, Restore, and Enhance Natural Resources

While the prior recommendations focus on tools that are utilized by municipalities, the following recommendations are catered towards actions individuals can take to advance the protection and enhancement of natural resources on the Cape.

### Support Zoning Changes that Direct Growth to the Appropriate Locations

**Summary:** Encourage local decision makers to adopt zoning changes which ensure development occurs in areas with the appropriate infrastructure, limiting sprawl and minimizing impacts to natural resources.

**Funding Required:** No

**Opportunities:** Connect with local community organizations to identify critical moments for advocacy.

**Benefits:** Establish sustainable growth patterns for the long term; protect natural resource areas that might otherwise be developed.

Zoning has an immense impact on the health of our natural resources. As discussed previously, zoning tools which proactively concentrate growth around already built out areas with supporting infrastructure, especially wastewater infrastructure, will have a smaller impact on our natural resources than sprawl. Residents can support these sustainable zoning practices by advocating for their

adoption with local decision makers such as the planning board and select board. Decision makers may receive pushback on the use of these tools by stakeholders who are accustomed to the Cape's historical patterns of sprawl. It is important for residents to make evident their support for these measures in appropriate spaces, such as town meetings, to ensure the likelihood of the adoption of these measures.

### Support Continued Funding for Open Space

**Summary:** Encourage local decision makers to continue to support funding for the acquisition of open space in your community, vote in favor of open space purchases at town meeting, and support local land conservation trusts.

**Funding Required:** No

**Opportunities:** Connect with local community organizations to identify critical moments for advocacy.



Figure 32. Provincetown Conservation Trust property (Vladimir Shuster).

**Benefits:** Maintain the Cape’s rural character; build climate resiliency; protect drinking water supplies; maintain diverse habitats for flora and fauna.

As discussed earlier in this chapter, the continued acquisition of open space is one of the most significant actions Cape communities can take to preserve their quality of life. However, local decision makers can receive push back from stakeholders who may question the need to spend money on acquiring additional properties. The mentality of “Haven’t we preserved enough?” can be a challenging obstacle to confront. As made evident in this report, it is critical that communities preserve open space—and in particular priority natural resource areas—to maintain the Cape’s rural character, build climate resiliency, protect drinking water supplies, and maintain diverse habitats for flora and fauna. For these reasons, it is essential that residents advocate for open space acquisitions when the opportunities are available, and publicly support decision makers and local land conservation trusts when they do pursue these acquisitions.

### Champion Stronger Regulations

**Summary:** Encourage the adoption of regulations in your community which protect natural resources.

**Funding Required:** No

**Opportunities:** Explore existing regulations in other Cape Cod communities for consideration (e.g., Brewster).

**Benefits:** Improve the health of natural resources.

With nearly 1,000 freshwater or “kettle” ponds, the Cape’s freshwater ponds provide habitat for fish, invertebrates, plants, and wildlife, as well as providing recreation opportunities for residents

and visitors. However, effluent from poorly sited septic systems can seep into the groundwater that feeds these ponds, degrading water quality and harming aquatic ecosystems and wildlife. One of the most important factors for protecting pond health is limiting nutrient pollution, and residents can support the protection of these natural resources by advocating and supporting local efforts to improve wastewater and stormwater management near freshwater ponds. For example, Brewster has a regulation that prohibits septic system leaching facilities within 300 feet of



*Figure 33. West Reservoir cyanobacteria bloom in Harwich (Association to Preserve Cape Cod).*

a pond. The town is working to update this regulation to better manage the existing systems within the 300-foot setback. Homeowners adjacent to ponds can also create or enhance vegetated buffers along the pond shore to minimize the impacts of runoff into the pond that can transport nutrients from lawn fertilizers and stormwater runoff from paved areas. In general, the wider the buffer the better, but even a buffer as small as 20 feet can make a difference.



### Demand Local Investments in Wastewater Infrastructure

**Summary:** Encourage local decision makers to make investments in wastewater infrastructure to reduce water pollution in your community and in the region.

**Funding Required:** No

**Opportunities:** Connect with community organizations to identify critical moments for funding advocacy.

**Benefits:** Improve the health of water resources.

Because the Cape's marine and freshwater resources, including drinking water supplies, are particularly susceptible to the impacts of wastewater pollution, it is paramount that communities invest in solutions that will reduce the likelihood of nutrient pollution. As discussed earlier, these solutions may involve a range of options from traditional sewerage to alternative methods like shellfish propagation. Every solution will involve some level of investment at the local level to make these options a reality in our communities. Decision makers often receive pushback from stakeholders who may be wary of spending for shared water quality investments. It is imperative that residents advocate for and support local decision makers' proposed investments in wastewater infrastructure to ensure their adoption. These measures are often expensive and take some time to implement, but they are also solutions that can have the longest-lasting impact on the health of our water resources.

### Support State and Federal Funding for Wastewater Management

**Summary:** Advocate for state and federal wastewater management investments for your community and the region by contacting your [state legislators](#) or federal [members of Congress](#).

**Funding Required:** No

**Opportunities:** Connect with local conservation organizations to identify critical moments for funding advocacy.

**Benefits:** Improve health of water resources; decrease financial strain on local resources to support large-scale wastewater investments; ensure sustainable revenue sources for long-term updates.

In addition to local investments in wastewater infrastructure, state and federal funding will be a critical piece of the puzzle to solve the Cape's wastewater management issues. Cape communities are in the process of implementing several projects in the region using state and federal funds, but more funding will be needed to fully transition the region to a more sustainable wastewater management system. Residents can support efforts to acquire this funding by advocating for these investments through [state legislators](#) or through our federal [members of Congress](#). Local conservation organizations are a good resource for residents to engage with when determining opportune moments for advocacy.

### Invasive Species Management

**Summary:** Take steps to reduce the number of invasive species in your home and community through actions such as volunteering with local land trusts to help with invasive species removal projects, removing and controlling invasive species in your yard, and ensuring your boating equipment has been cleaned and dried before and after use in a freshwater pond.

**Funding Required:** Potentially





Figure 34. *Phragmites*, an invasive plant species in Massachusetts (Pixabay).

**Opportunities:** Volunteer with your local land trust to help with invasive species removal projects; connect with local conservation organizations to identify critical moments for advocacy.

**Benefits:** Restore local habitats for native flora and fauna.

Invasive species can disrupt local ecosystems by squeezing out native species. They are non-native species that have been introduced deliberately or unintentionally and proliferate here because there is no natural biological control to keep them in check. Invasive species can be plant or animal. Unfortunately, invasive species can be found in nearly every habitat, from ponds to coastal estuaries, or even in your own backyard. Invasive plants, by definition, aggressively spread by seed or roots and will dominate a landscape if not controlled. To protect natural resources, the following are steps residents can take:

- Avoid planting non-native species, especially those identified on the [Massachusetts Prohibited List](#).

- Volunteer with your local land trust to help with invasive species removal projects.
- Encourage local decision makers to invest in the removal of invasive plant species from town-owned properties to prevent their spread, as well as supporting broader invasive species education in the community.
- Remove and control invasive plants in your yard using best ecological practices for that particular species.
- Avoid accepting unidentified “free plants” from someone’s garden (you may regret it).
- Learn more about invasive species at [Invasive.org](https://www.invasive.org).
- Don’t dump aquariums or live fish bait.
- Ensure your boating equipment has been cleaned and dried before and after use in a freshwater pond. Don’t transport firewood to or from another area.

### Native Species Planting

**Summary:** Take steps to support the cultivation of native species in your home and in your community through actions such as learning about native plantings for your yard and encouraging local decision makers to plant native plants on town-owned properties.

**Funding Required:** Yes

**Opportunities:** Connect with local conservation organizations to identify best practices for your area; explore online resources for identifying drought tolerant native plantings (e.g., [Grow Native Massachusetts](#)).

**Benefits:** Enhance biodiversity; provide habitat for pollinators; restore fragmented habitats; improve aesthetics.

Concurrently with invasive species management, we can support biodiversity and habitat value by planting native species in our

landscapes and in the community. Native plants are accustomed to the Cape's poor soils and many are drought tolerant, and do not require fertilizers or pesticides. Native plants are vital to sustaining local food webs by supporting insect and bird populations. Managed landscapes planted with predominantly native plants can help create pathways for pollinating insects and be steppingstones to mend wildlife corridors as a way to mitigate fragmented habitats. In addition, native plantings can replace portions of lawn areas, reducing the need for fertilizer application and watering.

- See [Cape Cod Native Plants](#); [APCC Native Plant Initiative](#); [National Wildlife Federation Native Plant Finder](#) for more information about appropriate native plants for Cape Cod.
- Learn more about [Pollinator Pathway Cape Cod](#) and [Homegrown National Park](#)
- Residents should encourage their local decision makers to utilize native plant species when planting on town-owned properties and invest in education efforts to alert residents



Figure 35. Rose milkweed, a native plant species in Massachusetts (Association to Preserve Cape Cod).

about the benefits of planting natives and protecting the Cape's native wildlife on the Cape. One example is the [Orleans Pollinator Pathway Resolution](#) signed by the town of Orleans select board.

### Plant Rain Gardens to Filter Polluted Runoff

**Summary:** Support the planting of rain gardens at your home or in your community to encourage infiltration and treatment of stormwater runoff.

**Funding Required:** Yes

**Opportunities:** Connect with local conservation organizations to identify best practices for your area.

**Benefits:** Minimize stormwater pollution into local waterways; improve water quality; reduce erosion; increase groundwater habitat; improve aesthetics; increase cooling.

A rain garden is a vegetated depression with native plants that collects stormwater runoff. Runoff from roof, sidewalk or driveway is directed towards the rain garden rather than to a storm drain or water resource. By directing the runoff to landscaped areas, the rainwater infiltrates through the soil. This allows for a simple treatment of stormwater runoff, which can help to remove sediment and bacteria, and reduce nitrogen and phosphorous pollution. Rain gardens help reduce erosion, improve water quality in watersheds, increase groundwater recharge, provide habitat, increase cooling, and improve aesthetics. For more information, see [APCC.org](#).

## Minimize Pavement and Maximize Native, Drought-Tolerant Plantings on Your Property

**Summary:** Support the use of permeable pavement and the planting of native drought-tolerant plants at your home or in your community.

**Funding Required:** Potentially

**Opportunities:** Connect with local conservation organizations to identify best practices for your area; explore online resources for identifying drought tolerant native plantings (e.g., [Grow Native Massachusetts](#)).



Figure 36. Spotted bee balm (*Monarda punctata*) (Gerald Beetham).

**Benefits:** Prevent flooding; recharge groundwater supplies; dilute contaminants; reduce stormwater pollution; enhance water quality; improve aesthetics.

The more pavement and other impervious (i.e., non-absorbent) landcover, the more stormwater runoff is created when there is a precipitation event, picking up pollutants on the way, and causing flooding. Allowing water to soak into the ground

can prevent flooding, recharge groundwater supplies, and dilute contaminants.

- [Planting drought tolerant native plants](#) and trees can help conserve our precious water supply and keep our groundwater clean.
- Where hard surfaces are needed, use properly installed permeable surfaces such as porous pavers, permeable concrete, and porous pave®.

## Cut Pesticide Use

**Summary:** Support the reduction of pesticides used in your home and your community through actions such as employing mechanical means of weed control, avoiding the use of chemical soaps and cleaning products that contain pesticides, and encouraging local decision makers to reduce or remove pesticide usage from town-owned properties.

**Funding Required:** No

**Opportunities:** Connect with local conservation organizations to identify critical moments for advocacy in your community.

**Benefits:** Reduce pollution and protect water quality.

Pesticides, that include herbicides, insecticides, fungicides, rodenticides, and algaecides, are used to kill living organisms. However, they also kill non-target species. As an example, proactively spraying for a pest caterpillar kills all caterpillars, and caterpillars are a critical food source for nesting birds. Valuable pollinators can also be negatively impacted. Even so-called “safe” pesticides still kill. When pesticides are applied to fields, lawns, and other areas, they can make their way to our water resources through stormwater runoff or through groundwater by leaching into



the soil. Pesticides can be toxic to aquatic ecosystems and contaminate drinking water supplies. Once introduced into the water, pesticides are very difficult to remove. In order to protect the health of our drinking water supplies and natural resource areas, it is critical to reduce or eliminate pesticide usage in our communities on the Cape.

- Advocate for the reduction or removal of pesticide usage from town-owned properties and support education materials to inform residents about the impacts of using pesticides.
- Avoid use of pesticides at home. For example, alternatives to chemical pesticides include companion planting (planting certain types of plants to keep certain pests away) or diluted baking soda and water solutions.
- Employ mechanical means of weed control, such as sheet mulching, or repeated cutting.



Figure 37. Pollinators, such as bees, are some of the most vulnerable species to the impacts of pesticides (Association to Preserve Cape Cod).

- Inside the home, avoid the use of antibacterial soaps and cleaning products that often contain [triclosan and triclocarban](#), registered pesticides in antibacterial cleaners that have been found to harm aquatic life.

### Eliminate the Fertilization of Turf and Reduce Other Fertilizer Applications

**Summary:** Support the reduction of fertilizers on turf at home and in your community through actions such as encouraging local decision makers to curtail the use of fertilizer application on town-owned properties.

**Funding Required:** No

**Opportunities:** Connect with local conservation organizations to identify critical moments for advocacy in your community.

**Benefits:** Reduce nutrient pollution and protect water quality.

Fertilizers are one of the contributing sources of pollution to our fresh and saltwater resources on the Cape. Fertilizers are typically added to soil to promote plant growth by providing supplemental nutrients to plants. The primary pollutants of concern in fertilizer are nitrogen and phosphorus. Nitrogen can pose a threat to public health when introduced into drinking water supplies, and both nitrogen and phosphorous can promote the excess growth of nuisance plants and algae. Fertilizers enter surface waters through stormwater runoff and through groundwater by leaching through the soil.

- Encourage local decision makers to curtail the use of fertilizer application to town-owned properties and invest in educational materials for residents to learn about the impacts of pollution from fertilizer application.



- Cut back or eliminate the use of fertilizers. Build soil health with compost, mulch, and leave the leaves.

### Proper Septic System Care

**Summary:** Ensure your septic system is up to date on maintenance and utilized appropriately through actions such as pumping your septic system at least every three years, not flushing medications, and not disposing of cleaning chemicals or paint down the drain.

**Funding Required:** Potentially

**Opportunities:** Connect with local conservation organizations to identify best practices for your area.

**Benefits:** Extends the life of septic systems and prevents bacteria.

Septic systems are not capable of filtering out and removing nutrients or residual pharmaceuticals and these eventually show up in groundwater, our ponds, and coastal embayments.

- Pump your septic system at least every three years.
- Don't use a food grinder, or dump grease down the drain.
- Don't use harsh cleaning chemicals or dispose of paint down the drain.



Figure 38. Septic system (US Environmental Protection Agency).

- Don't flush medications. Find a [waste medication collection kiosk](#) near you where you can safely dispose of expired or unwanted prescription drugs. If you cannot make it to a kiosk, remove all labels and wrap the products before disposing of them in the garbage.

### Take Care of Your Gas-Powered Vehicles and Yard Equipment

**Summary:** Ensure proper maintenance of your gas-powered vehicles and yard equipment through actions such as fixing leaks and washing your car at a carwash with water recycling rather than washing it in your driveway.

**Funding Required:** Potentially

**Opportunities:** Connect with local conservation organizations to identify best practices for your area.

**Benefits:** Reduce nutrient pollution and protect water quality.

Leaks and drips from gas-powered vehicles or yard equipment contribute to stormwater pollution, which can harm aquatic ecosystems.

- Fix leaks; put down a liner in your driveway to collect oil and other materials.
- Wash your car at a carwash with water recycling, rather than washing it on your driveway.

### Manage Domestic Animal Waste

**Summary:** Appropriately manage domestic animal waste through actions such as picking up after your pet and ensuring their waste



Figure 39. Orleans "Mutt Mitt" dispenser (Orleans Pond Coalition).

ends up in the trash or supporting the proper management of manure in farm settings.

**Funding Required:** Potentially

**Opportunities:** Connect with local conservation organizations to identify best practices for your area.

**Benefits:** Reduce nutrient pollution and protect water quality.

Like other contaminants, animal waste can be picked up during precipitation events and flow into our drainage systems,

which are then carried into nearby water resources. Animal waste that gets washed into waterways carries pathogens that affect aquatic organisms and can make people sick. Nutrients released from animal waste can also stimulate the growth of algae and other plant life, making the water unsuitable for recreation.

- Pick up after your pets and dispose of waste in the trash.
- Implement a "Mutt Mitt" program in your neighborhood and the wider community.
- Properly manage manure in farm settings.

### Best Practices to Protect Ponds

**Summary:** Support pond health through actions such as creating and maintaining a vegetated buffer of native plants between your

lawn and the water, avoiding fertilizer and pesticide use in these areas, or controlling erosion to avoid sediment entering the pond.

**Funding Required:** Potentially

**Opportunities:** Connect with local conservation organizations to identify best practices for your area.

**Benefits:** Protect water quality and habitat for wildlife.

Do you have a pond adjacent to your property? You can help protect water quality and habitat by decisions you make in your landscape design and land care.

- Create and maintain a naturalized [vegetated buffer](#) of native plants between your lawn and the water. In general, the wider the buffer the better, but even a buffer as small as 20 feet can make a difference.
- Avoid creating a straight path to the water that might convey stormwater to the pond.
- Control erosion to avoid sediment from entering the pond.
- Avoid fertilizer and pesticide use in these areas.
- Avoid altering the shoreline where unique coastal pond shore plants may exist.
- Upgrade swim floats with exposed Styrofoam flotation to encapsulated flotation to prevent microplastic pollution.

### Safely Manage Hazardous Household Products and Choose Non-Toxic Products

**Summary:** Limit the use of hazardous household products by choosing non-toxic products and ensuring that toxic products are disposed of properly.

**Funding Required:** No

**Opportunities:** Explore online resources for identifying non-toxic products to use in your home (e.g., [Environmental Working Group](#)).

**Benefits:** Minimize the impacts of hazardous and toxic products on our natural resources.

Many chemicals, materials, and products commonly found in the home are toxic and can be harmful to your health and our environment, including the local watershed, because they never break down or take an extremely long time to do so. The state provides [guidance](#) on how to handle these items with care and recycle or dispose of them responsibly. There is a particular growing concern over [perfluoroalkyl and polyfluoroalkyl substances](#) (commonly referred to as PFAS). Products containing PFAS such as Teflon, Gore-Tex and ScotchGuard should be avoided altogether. The best way to keep from polluting is to use [products that are not dangerous to the environment](#) in the first place.

### Support Restoration Projects and Efforts to Restore Migratory Fish Passage

**Summary:** Support community efforts to restore natural resources.

**Funding Required:** Potentially

**Opportunities:** Meet with local decision makers to encourage investments in restoration projects; volunteer with conservation-focused organizations who are orchestrating restoration projects; make donations to bolster projects that need public financing support.

**Benefits:** Improve the health of local and regional natural resources.

As exemplified by the Coonamessett River restoration project in Falmouth, restoration projects can significantly improve the health of local and regional natural resources. From river and bog



Figure 40. Childs River restoration in Falmouth and Mashpee (Association to Preserve Cape Cod).

restoration projects to salt marsh and fish run restorations, removing human-created barriers, and restoring resources to their natural state has immense benefits. For the Cape, there are ample opportunities to remove human-created barriers such as dams and undersized culverts, to reestablish natural water flow and restore habitat for migratory fish. Residents can support these restoration projects by advocating for their local decision makers to make investments in these projects, volunteering their time or resources with conservation-focused organizations that are orchestrating these projects, or making donations to bolster projects that need public financing support.

### Assist Verification Efforts for Vernal Pools

**Summary:** Support efforts to verify the locations of vernal pools by volunteering with local conservation organizations or [reporting vernal pool observations](#) online to MassWildlife's Natural Heritage and Endangered Species program.



**Funding Required:** No

**Opportunities:** Connect with local conservation organizations or research institutes to assist in identification.

**Benefits:** Improve state and local records of vernal pools which are protected under the Massachusetts Wetlands Protection Act.

In Massachusetts, vernal pools are certified by the state based on documentation by citizens. To ensure that state agencies are using the most up to date information about our natural resources, it is critical for residents to support ongoing efforts to verify the locations of vernal pools. Residents can [report their vernal pool observations](#) online to MassWildlife’s Natural Heritage and Endangered Species program. Observations submitted are used to inform endangered species regulations, species recovery and identification of restoration areas for key habitats, and land protection, among other objectives. Residents seeking additional guidance about how to identify a vernal pool and proceed with the certification reporting process can utilize [guidance from the Vernal Pool Association](#).

#### Support Documentation for Priority and Estimated Habitats

**Summary:** Support efforts to maintain accurate records for rare species by [reporting rare species](#) to the state or [requesting a voluntary assessment](#) of your property to determine whether there are any Endangered, Threatened, or Species of Special Concern present on a portion of the property.

**Funding Required:** No

**Opportunities:** Connect with local conservation organizations or research institutes to assist with identification.



Figure 41. Piping plovers, one of the bird species listed as threatened on both the Massachusetts and Federal Endangered Species Lists (Merri Lee Metzger/Mass Audubon).

**Benefits:** Improve state records for Priority and Estimated Habitats which can inform whether a proposed project or activity must be reviewed by the state’s Natural Heritage and Endangered Species Program (NHESP) for compliance with the Massachusetts Endangered Species Act (MESA).

As discussed previously, state recognized Priority and Estimated Habitats are in part constrained by whether Threatened or Species of Special Concern have been identified on a property recently. A Priority Habitat is removed from the state listing if it was delineated based on observation records that are more than 25 years old, making it critical that records are updated regularly. Residents can help state officials to maintain the most accurate records possible by [reporting rare species](#) to the state or [requesting a voluntary assessment](#) of their property to determine whether there are any Endangered, Threatened, or Species of Special Concern present on a portion of the property.



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## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

V

### COMMUNITY UPDATES

~ C ~

<b>REQUESTED BY:</b>	<b>Brewster Selectboard</b>
<b>DESIRED ACTION:</b>	<b>To approve the request of the Brewster Selectboard to amend the Nauset Regional School Agreement.</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the amendments listed in the letter dated May 9, 2023, from the Brewster Selectboard and the Nauset Regional School Committee and have it placed in the next scheduled town meeting.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## **Town of Brewster**

2198 Main Street  
Brewster, MA 02631-1898  
Phone: (508) 896-3701  
townmanager@brewster-ma.gov

Office of:  
Select Board  
Town Manager

May 9, 2023

Chris Easley  
Chair, Nauset Regional School Committee  
78 Eldredge Park Way  
Orleans, MA 02653

Dear Chair Easley,

Please accept this correspondence as an official request on behalf of the Brewster Select Board to initiate amendments to the Nauset regional school agreement. The agreement has served our district very well, but it has not been revised in more than 20 years and much has changed in that time. We recognize that, ultimately, any such proposed amendments require Town Meeting approvals.

Specifically, the Brewster Select Board is seeking changes to the methodology for calculating each member towns' capital and operating annual assessments. Per Sections IV D & E of the regional agreement, those amounts are currently based on each town's respective enrollment in the regional district schools on October 1 of the preceding fiscal year. Instead of basing annual assessments on a single year of student enrollment data, we propose calculating them based on a three-year rolling average of student enrollment. The Town Administrators in the Eastham, Wellfleet, and Orleans are all supportive of making this change. Superintendent Clenchy also initially indicated she would be supportive. Many other regional school districts in the Commonwealth have adopted this approach. By reducing the impacts of year-to-year shifts in student enrollment, it improves the ability of member towns to plan for and build their budgets. Its moderating effects also help avoid zero-sum scenarios between member towns.

In addition to this requested change to the regional school agreement, the Brewster Select Board is also interested in the following:

- Better understanding how transportation costs are apportioned to the member towns, particularly as it pertains to the transportation expenses of charter and school choice students.
- The extent to which the current proportional representation of the Nauset Regional School Committee remains reflective of the student population in each of the member towns. The committee's current composition is based on student enrollment by town as of 2002.



- Setting a mutually agreed upon schedule for reassessing and potential amending the regional school agreement – eg. every 5 or 10 years. This is a standard practice in Town charters.

Finally, and most importantly, the Brewster Select Board strongly encourages the Nauset Regional School Committee to make all reasonable efforts to either seek amendments to the regional school agreement to include Provincetown and Truro in the district in FY25 or to update their tuition agreements, set to expire in June 2024, such that those towns would pay their proportional share of the region's debt effective FY25.

On behalf of the Brewster Select Board, we appreciate your consideration of these requests, and we welcome the opportunity to speak further with you about them in the near future.

Sincerely,



Peter Lombardi  
Town Manager

cc: Richard Draper, Nauset Regional School Committee (Brewster)  
Tom Fitzgibbons, Nauset Regional School Committee (Brewster)  
Cathryn Lonsdale, Nauset Regional School Committee (Brewster)  
Richard Stewart, Nauset Regional School Committee (Brewster)  
Brooke Clenchy, Nauset Public Schools Superintendent  
Eastham Select Board  
Jacqui Beebe, Eastham Town Administrator  
Orleans Select Board  
Charlie Sumner, Orleans Interim Town Administrator  
Wellfleet Select Board  
Rich Waldo, Wellfleet Town Administrator



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023



## COMMUNITY UPDATES

~ D ~

<b>REQUESTED BY:</b>	<b>Julie Simpson ~ Maurice's Campground</b>
<b>DESIRED ACTION:</b>	<b>To review, discuss and possibly approve the ability for a resident beach/transfer station sticker for Maurice's Campground residents.</b>
<b>PROPOSED MOTION:</b>	<b>If a decision is made at the meeting, there will be a motion to either approve or deny the residents at Maurice's Campground to purchase a resident beach/transfer station sticker.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition (s):
<b>VOTED:</b>	

Maurice's Campground  
80 Route 6  
Wellfleet, MA 02667  
508-349-2029

I, Julie Simpson as the lease holder of Maurice's Campground, would like the Selectboard to review the lease agreement with the town. The dates of operations, meaning the utilities are on, from April 28 to Nov. 5.

Therefore, we qualify as residents.

We are being denied through the beach sticker office.

The residents here at the campground are welcome to come and stay in their campers on a year-round basis if they choose to do so. They pay year-round taxes and have an annual lease.

We are being denied residency while others in this community are not.

We also pay the same amount of taxes that these other communities do.

I know that there was a "new" sticker that has gone into effect, but it does not pertain to us here in the campground.

I have attached the annual resident list that I have sent over twice to the office and we are still being denied.

Thank you for your time and consideration in this matter.

Julie Simpson  
Maurice's Campground

**JLS Adventures D/B/A Maurice's Campground  
Annual Resident List for Jan.1- Dec. 31 2023  
Beach Stickers, Transfer Stickers, Shellfish Permits and Kayak Lottery**

<b>Adams, Leonard &amp; Elaine</b>	85 Maple St., Ware, MA 01082
<b>Allard, Thomas &amp; Jane</b>	112 Church St., Ware, MA 01082
<b>Allard, Ryan, Karye</b>	9 Winthrop St., Palmer, MA 01069
<b>Almeida, Tony</b>	6 Marvel St., Taunton, MA 02780
<b>Anderson, Velma</b>	40 Roy St., Fall River, MA 02721
<b>Arsenault, Sean</b>	80 Rt 6 Wellfleet, MA 02667
<b>Baker, Neil &amp; Mary Ellen</b>	408 Outlook Ave, Cheshire, MA 01225
<b>Bamford, Scott</b>	26 Colleen Mary Way, Easton MA 02375
<b>Bamford, Donald</b>	18 reed Pl, Whitman, MA 02382
<b>Barnes, Darren &amp; Martha</b>	358 Allen St., Hampden, MA
<b>Beckwith, John &amp; Dee Dee</b>	27 Clover lane, Marston Mills 02648
<b>Bellnier, John &amp; Nancy</b>	57F Stafford st, Plymouth,MA 02360
<b>Benoit, Dave and Cynthia</b>	10783Cosby Manor, Deerfield, NY13502
<b>Berg, Andrew</b>	PO Box 501, N. Eastham MA 02651
<b>Bernier, Robin</b>	P.O. Box 711 Oxford, MA 01540
<b>Boothroyd, Laura &amp; Steve</b>	4 West St., Norwood, MA 02062
<b>Brown, Radcliff</b>	Standish st, Provincetown. Ma
<b>Buendo, Daniel and Deb</b>	287 Millbrook Dr.E.Longmeadow, MA 01028
<b>Cadillac, Gary &amp; DaGostino, Beth</b>	50 Burdette Ave, Framingham, MA 01701
<b>Christopher, Frank</b>	12 Sky View Dr, Truro, MA
<b>Clark, Tim and Carol</b>	28 Red Oak St. Paxton, MA
<b>Cloud, Garrison</b>	35 Epanow Rd. Eastham, MA 02642
<b>Cocivera, Anthony</b>	65 Wildwood Drive, Westwood,MA 02090
<b>Coffin, Whitney &amp; Jennifer</b>	25 Albeon St., Methuen MA 01844
<b>Condon, Timm</b>	210 West Rd, Unit 1-16 Wellfleet MA 02667
<b>Cormier, Michael &amp; Susan</b>	35 Mallard Cir., Somers, CT 06071
<b>Cornell, John</b>	80 Route 6 Wellfleet, MA 02667
<b>Crehan, Mark &amp; Colleen</b>	73 Courtney Way Raynham MA 02767
<b>Craig, James and Susan</b>	20 Florence St. Rockland, MA 02370
<b>Cross, Nicole</b>	9 Upton St. Dunstable, MA 01827
<b>Curley, Colin</b>	295 Pilgrim Sp.Road,Wellfleet,MA 02667
<b>Cusanello, Lyn &amp; Jim</b>	15 Woodfield Rd, Washingtonville NY 10992
<b>Deltano, Jeffrey</b>	135 Rockland St., Brockton, MA 02301
<b>Devaney, Denise &amp; Donna</b>	77 Hawthorn, Needham, MA 02492 15 Cape Cod Lane, Canton,MA
<b>Dulak, Brian &amp; Carol</b>	16 Belmont St., Ware, MA 01082
<b>Dulak, Raymond Jr.</b>	28 Chestnut St., Ware, MA 01082
<b>Dunn, Harry</b>	P.O. Box 1519 Provincetown,MA
<b>Eckhart, Scott &amp; Bernadette</b>	2098 E. Scenic Dr., Bath, PA 18014
<b>Enos, Leonard</b>	32 Conant St. Provincetown, MA
<b>Fetig, Don &amp; Diane</b>	78 Byfield Rd., Ashburnham, MA 01430
<b>Flanders, Steve</b>	30 Maple St., Buzzards Bay, MA 02532



<b>Foley, Kevin</b>	Box 2043, Key West, FL
<b>Garganigo, Paul</b>	110 S.Sunken N. Eastham, MA
<b>Gaskin, Lori</b>	15 Barrows St. Dedham, MA
<b>Gens, Tracy Ann &amp; Tom</b>	15 Brighton Way, Avon, CT 06001
<b>Golas, Peter</b>	P.O.Box 287 Forestdale, MA 02644
<b>Golinski, Patrick and Michelle</b>	2633 SE Gowin Drive Port St.Lucie, FL
<b>Grant, Brian &amp; Cerf, Charlotte</b>	58 Prescott St. Newtonville, MA 02460
<b>Halloran, Carly</b>	35 Elm St. Hopkington, MA 01748
<b>Harvey, John</b>	P.O. Box 573 Worthington, MA 01098
<b>Hudson, Douglas &amp;</b>	3 Heidi Circle Hopkington, MA 01748
<b>Jansma, Gary and Julie</b>	7721 Pebble Creek Dr.,Georgetown, TX
<b>Jerrykitz, Jason</b>	212 North St., Goshen, CT 06756
<b>Johnson, Noreen</b>	26 William Gavin Way, Wrentham, MA
<b>Kelleher, Lorin</b>	177 Yarmouth St. Longmeadow, MA
<b>King-Folkes, Paula</b>	P.O. Box 481 Wellfleet, MA02667
<b>Kolb, Cheryl &amp; Kevin</b>	89 Alderbrook Ln., West Spfld MA 01089
<b>Krsmanovic, Nemanja</b>	80 Route 6 Wellfleet, MA 02667
<b>LaBrie, Robert</b>	10 Fruitwood Dr., Norwich, CT 06360
<b>White, Cindy</b>	28 Bliss Pl, Norwich CT 06360
<b>Lane, Darren</b>	80 Route ,Wellfleet, Ma 02667
<b>Amick, Tamara</b>	
<b>Larson, Carl</b>	455 Parker Ave. Meridan, CT 06450
<b>Lisnoff, Lawrence</b>	68 Washington St. Medford, MA 02155
<b>Lotti, Joseph</b>	26 Eastman Rd. Somerville, MA
<b>Lough, Maria &amp; Wysocki, Jack &amp;</b>	766 Sumner Ave., Spfld. MA 01108
<b>Rhodes, Malaina</b>	69 Rocky Hill Rd., Hadley, MA 01035
<b>Maietta, Michael &amp; Joanne</b>	59 W. River St. Upton, MA 01568
<b>Manzi, Donna</b>	27 Robertson St. Quincy, MA 02169
<b>Markham, Erwin &amp; Brenda</b>	16 Blanchard Rd. Monson, MA 01057
<b>McNally, Stephen &amp; Tresca, Susan</b>	198 Mt. Vernon St W Roxbury, MA 02132
<b>McNally, Joe &amp;</b>	379 Washington St. Westwood Ma02090
<b>McNally, Nadia</b>	198 MT.Vernon St W Rox, Ma 02182
<b>Miranda, Osvaldo &amp; Santos Michael</b>	35 Oxford, St. Chicopee MA 01020
<b>Murphy, Thomas</b>	66 Wall St. Fitchburg, MA
<b>Nelson, Robert</b>	PO Box 206, S. Wellfleet, MA
<b>Niemiec, David &amp; Karen</b>	5 Gloria Dr., Southwick, MA 01077
<b>O'Brien, Maeve &amp; Durepo, Richard</b>	11 Fisherdick Rd., Ware, MA 01082
<b>Panzetti, Joe</b>	150 Allen St., E Longmeadow, MA 01028
<b>Paquette, Richard &amp; Sheila</b>	65 Brentwood Dr., Westfield, MA 01085
<b>Parziale, Gary</b>	124 Grove St. Kingston, MA 02364
<b>Peluso, Janet</b>	24 Turtle Cove Rd. Sandwich, MA
<b>Pena, Kyle &amp; St.Laurent, Jessica</b>	5 Shore Rd. Eastham, MA
<b>Peterson, Jay</b>	39 Uncas Drive Amston, CT. 06231
<b>Petrick, Michael &amp; Chelsea</b>	12 Old Carriage Dr.Wilbraham, MA 01095

<b>Pfister, James</b>	169 S. Main St., Middleton, MA 01949
<b>Porzio, David &amp; Bethany</b>	27 Carolina St., Medford, MA 02155
<b>Pullen, Edie</b>	35 Tecumseh Dr., Wellfleet, MA 02667
<b>Raiche, Jeff &amp; Chris &amp; Steven</b>	20 Meadow Rd, PO Box 881, Ware MA 01082
<b>Ramian, George</b>	115 Commonwealth Ave, Worcester, MA 01604
<b>Reno, Robert &amp; Susan</b>	2 Ellis Ave. Dudley, MA 01571
<b>Reno, Michael and Krystal</b>	
<b>Richards, Christine</b>	PO Box 332 Brookfield MA 01506
<b>Rohan, Richard &amp; Martha</b>	299 Belchertown Rd., Ware, MA 01082
<b>Rohan, Sean &amp; Chabot, Audrey</b>	13 Fisherdick Rd., Ware, MA 01082
<b>Rooke, Eugene &amp; Wendy</b>	68 Sunrise Ter., Spfld., MA 01119
<b>Russo, Domenico &amp; Donna</b>	839 Main St. Unit 38 Torrington,CT 06790
<b>Sargent, David &amp; Rosemarie</b>	126 North West Rd., Spencer, MA 01562
<b>Savin, Patrick</b>	P.O. Box 1770 Orleans, MA 02653
<b>Scalcione, Tia</b>	140 Pineneedle Rd. Wellfleet, MA
<b>Scanlon, Anthony</b>	P.O. Box 1013 Eastham, MA
<b>Scibelli, Joe</b>	102 Parker St., E. Long., MA 01028
<b>Servant, Marc &amp; Lynne</b>	4965 E. Slough Ct., Hernando, FL 34442
<b>Simons, Kimberly &amp; Tim</b>	66 Fisherdick Rd. Ware, MA 01082
<b>Simons, Paul</b>	10 Bullard Rd., North Brookfield, MA 01535
<b>Simpson Julie &amp; Smith, Brian</b>	P.O. Box 1714 Wellfleet, MA 02667
<b>Smith, Caryn &amp; Timmins, Donald</b>	9 Juniper Hills Rd. Ware, MA 01082
<b>St. Pierre, Paul &amp; Theresa</b>	26 Sorel Rd., Ware, MA 01082
<b>Stewart, Guy &amp; Souza, Laurie</b>	Box 477 N. Eastham, MA 02652
<b>Sullivan, Bill &amp; Lio, Marlene</b>	60 George St., Mendon, MA 01756
<b>Surprenant, Glenn &amp; Diane</b>	9 Juniper Wood Dr., Haverhill MA 01832
<b>Swanson, Greg, &amp; Eldon</b>	60 Hill Terrace, Ludlow, MA 01056
<b>Szymczyk, Eric &amp; Shannon</b>	North Ave. Mendon, MA 01756
<b>Tamburri, Kathleen, Nicholas &amp; Diana</b>	5 Milikian Dr. Wilbraham, MA 01095
<b>Taylor, Drew</b>	22 Fox Run Dr. Clinton, MA 01510
<b>Terrell, Ralph</b>	4 Oak St. Lynnfield, MA 01940
<b>Thomas, Peter and Sydney</b>	Box 237, Provincetown, MA
<b>Thompson, Timothy &amp; DeMatteis, Sharon</b>	15 Evergreen Dr. Middleboro, MA 02346
<b>Tibbetts, James &amp; Jean</b>	154 Baltic Rd, Norwich CT
<b>Tower, James</b>	9 Upton St., Dunstable, MA 01827
<b>Turcotte, Stephen</b>	159 Silver Creek Dr., Suffield, CT, 06078
	701 Bay Dr. Northborough,,MA 01532
<b>Vogt, Arthur and Susan</b>	14 Deer Run Road Halifax, MA 02338
<b>Weeks, Rick</b>	353 Fernandia, Ft. Pierce,Fl. 34949
<b>Welch, Carol &amp; Stephen</b>	30 Oak St., Dedham, MA 02026

**Wilkins, Stephen**  
**Williams, Andrew**

51 Bushnell St. Dorchester, MA  
210 West Rd. Eastham, MA

**Zotto, Anthony & Christine**

65-92 58<sup>th</sup> Ave., Maspeth, NY 11378



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

IV

### PUBLIC HEARINGS

~ A ~

**Continued from May 16, 2023**

<b>REQUESTED BY:</b>	<b>Suzanne Grout-Thomas, Community Service Director, &amp; Becky Rosenberg, Recreation Director</b>
<b>DESIRED ACTION:</b>	<b>To review and approve the amended fees and guidelines for the use Baker's Field Pavilion for both commercial and private events.</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the amended fees and guidelines for the use of Baker's Field Pavilion as printed in the Selectboard Packet.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## **Use of Bakers Field Pavilion for Commercial/private events**

Because of the increased popularity of the permanent pavilion at Bakers Field for private events that do not include the general public, the following process will apply: The Pavilion is not available for private events during the months of July and August.

1. The attached application must be submitted to the Recreation Director ninety days prior to the proposed event. There is a \$50 non-refundable application fee that must be included with the application for it to be considered.
2. Once the Recreation Director has approved the event, it will be transmitted to the Chief of Police, the Fire Chief, the DPW Director and the Director of Community Services for approval.
3. At that point, the application will be heard by the Selectboard and final approval will be granted by the Selectboard who will also assign the fee for this event based on the Use of Town Property Fee Schedule (9/28/2021).
4. Once permission is used, the Recreation Director and staff will be the contact points for the organizers of any event.

### **Wellfleet Recreation Department Special Event Conditions**

1. The Bakers Field Recreation park cannot be shut down for the duration of the event; use of the playground, tennis/pickleball courts and skateboard park is not included in the Use of Town Property for the pavilion. However, people attending the event are welcome to use the facilities along with the general public.
2. The Recreation Department has limited equipment available for loan. If chairs, tables, and lights that are used for Rec programs are requested, it is with the understanding that they are not in pristine condition. The event sponsors/organizers are responsible for setting up and breaking down all borrowed equipment on the day of the event.
3. If the event organizers plan to use a tent, the permit to use the tent must be obtained from the Wellfleet Building Inspector in a timely manner prior to the erection of the tent. 508-349-0308
4. If the event organizers plan to serve food and or engage a food truck, any permits must be obtained from the Wellfleet Health and Conservation Agent in a timely fashion. 508-349-0309
5. If the event organizers plan to serve alcohol, they must
  - a. Obtain a one day liquor license from the Selectboard

- b. Obtain liability insurance for the day of the event from their insurance carrier naming the Town of Wellfleet as also insured for \$1,000,000
6. If the Wellfleet Police Department requires a detail officer(s) arrangements for a detail officer can be made by contacting Deputy Chief Kevin LaRocco at the Wellfleet Police Department at 508-349-3702, [kevin.larocco@wellfleet-ma.gov](mailto:kevin.larocco@wellfleet-ma.gov)

**Fee Schedule for Bakers Field Pavilion**

- **Use of the Pavilion per diem** **\$300**
- **Use of sound equipment per diem** **\$200**
- **Use of Town equipment(chairs, tables, lights)** **\$200**
- **Food Truck per diem** **\$150**
- **Liquor service** **\$150**

## Comparative Cost Rentals

	Site Fee	Numbers	Hours
<b>CYCC</b>	\$ 12,000.00	50-165	5
	\$ 9,800.00	up to 100	5
	\$ 5,100.00	up to 50	4
	\$ 3,500.00	up to 50	3
<b>Copper Swan</b>	\$ 3,500.00	250	n/a
	\$ 1,500.00	50	n/a
	\$ 1,000.00	25-100	n/a
<b>Prez Hall</b>			
in season	\$ 5,000.00		5
off season	\$ 2,850.00		5

	Site Fee	Numbers	Hours
<b>Yarmouth</b>			
Bass Hole	\$110/\$85	up to 75	over by dusk
Flax Pond	\$110/\$85	up to 75	over by dusk
<b>Barnstable</b>			
Osterville	\$ 75.00		
Lombard Field	\$ 75.00		
McKeon/lights	\$ 100.00		3
Lowell Park	\$ 100.00		3
<b>Harwich</b>	\$ 150.00		per day
electricity	25/day		
<b>Wellfleet (proposed)</b>			
Pavilion	\$ 300.00	up to 100	6 hours
Pavilion	\$ 500.00	101 to 200	6 hours
Additional hours over six or any portion of an hour	\$ 100.00		per hour or part of an hour
Sound equipment	\$ 200.00		
Chairs, tables	\$ 100.00		
Lights	\$ 200.00		
Licensed Food Truck	\$ 150.00		
Licensed and Permitted Liquor Service	\$ 150.00		

# The Commonwealth of Massachusetts



## CERTIFICATE OF OCCUPANCY

In accordance with the Massachusetts State Building Code, Ninth Edition,  
I Certify that I have inspected the:

**CONSTRUCTION OF NEW  
RECREATION DEPARTMENT  
30' X 40' SHADE PAVILION**

Located at: **70 Kendrick Avenue  
Wellfleet Massachusetts**

Map: 20 Parcel: 6

A Certificate of Use and Occupancy

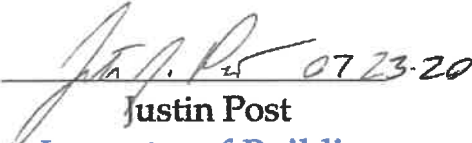
Is issued to: Town of Wellfleet

And is hereby certified to be in compliance with the Code for the purposes stated:

Use Group: A - 3

Permit #: 20-012

Date Issued: 07 - 23 - 20

  
Justin Post  
Inspector of Buildings





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

IV

### PUBLIC HEARINGS

~ B ~

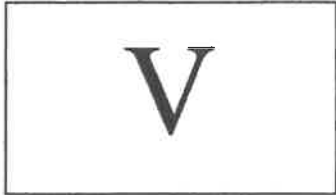
Continued from 5/23/2023.

<b>REQUESTED BY:</b>	Shellfish Constable ~ Nancy Civetta
<b>DESIRED ACTION:</b>	To continue grant extension request for grant #99-1 on Mayo Beach for Angela Osowski and Robert and Mary Mallory due to compromise in the works
<b>PROPOSED MOTION:</b>	I move to continue Angela Osowski's and Robert and Mary Mallory's request for grant extension #99-1 Ext on Mayo Beach until June 20, 2023.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023



## USE OF TOWN PROPERTY

~ A ~

<b>REQUESTED BY:</b>	<b>Peter McMahon ~ Cape Cod Modern House Trust</b>
<b>DESIRED ACTION:</b>	<b>To approve the use of Baker's Field Pavilion for an after-hours workshop. July 3, 2023, 7:00pm – 9:00pm</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the use of Baker's Field Pavilion on July 3, 2023; from 7pm to 9pm to Peter McMahon for an after-hours workshop with a fee of \$110.</b>
<b>SUMMARY:</b>	
<b>Project</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant Peter McMahon Affiliation or Group Cape Cod Modern House Trust
Telephone Number 774-722-4944 Mailing Address PO Box 1191 South Wellfleet
Email address capemoderntrust@gmail.com
Town Property to be used (include specific area) Gazebo/Pavilion on Baker's Field
Date(s) and hours of use: Monday, July 3, 7-9PM

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 is for a workshop. CCMHT has hired a Samba band to participate in this year's Fourth of July parade, and the evening before, we will gather with participants and learn how to play different musical instruments. Samba music has roots in Afro-Brazilian traditions, characterized by percussion and rhythm. This band will bring 45 instruments for participants to play, and people can also bring their own instruments, but we don't think there will be that many participants at all. We are guessing at most 20 people will attend the workshop. We don't think there will be need to address parking as they can probably park at Mayo Beach.

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

We think we won't need any assistance.

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 chk 2107
Fee:
(over)

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

<b>Health/Conservation Agent:</b>  Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b>  Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b>  Comments/Conditions:	<b>Fire Department:</b>  Comments/Conditions:
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<b>DPW:</b> <i>ok Jay Norton</i> Comments/Conditions	<b>Community Services Director:</b> <i>NO - Suzanne</i> Comments/Conditions:
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<b>Harbormaster:</b>  Comments/Conditions	<b>Shellfish:</b>  Comments/Conditions
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<b>Recreation:</b>  Comments/Conditions	<b>Town Administrator:</b>  Comments/Conditions
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## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

V

### USE OF TOWN PROPERTY

~ B ~

<b>REQUESTED BY:</b>	<b>Kayla Sibia; ALTAER Sauna</b>
<b>DESIRED ACTION:</b>	<b>To approve the use of Newcomb Hollow Beach to conduct a photo shoot of a sauna trailer</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the use of a Newcomb Hollow Beach on June 18, 2023, after 4pm, for a photo shoot of a sauna trailer for a fee of \$110.00</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant Kayla Sibiliala

Affiliation or Group ALTAER Sauna

Telephone Number 413-575-8099

Mailing Address: 91 State Street New Bedford, MA

Email address thankyoualtaer@gmail.com

Town Property to be used (including specific area): Newcomb Hollow Beach, or another local beach the board feels would be better suited for my needs.

Date(s) and hours of use: June 18 2023; 4pm - 6pm

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 the applicant.

This is a wood burning mobile sauna that is 7x10ft attached to a trailer and truck. It only takes 6 pieces of wood to get the sauna to a healthy temperature. The Sauna can fit in a parking space. The intention of the property use permit is to take photos of the unit and invite friends and family to utilize the sauna after/before a surf and swim session. This is for community use and exposure. We are equipped with a fire extinguisher, First Aid kit, Leave No Trace Certifications and CPR Certifications.

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

No Services required for the photo Shoot.

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

Fee:

(over)

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

<b>Health/Conservation Agent:</b>  N/A Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b>  N/A Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b>  ok - Dalasco Comments/Conditions:	<b>Fire Department:</b>  ok - Rich Pauley Comments/Conditions:
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<b>DPW:</b>  ok - Jay Norton Comments/Conditions	<b>Community Services Director:</b>  ok - Suzanne Comments/Conditions:
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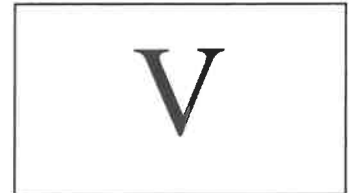
<b>Harbormaster:</b>  N/A Comments/Conditions	<b>Shellfish:</b>  N/A Comments/Conditions
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<b>Recreation:</b>  N/A Comments/Conditions	<b>Town Administrator:</b>  Comments/Conditions
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# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023



## USE OF TOWN PROPERTY

~ C ~

<b>REQUESTED BY:</b>	<b>Murrow VanMeter ~ Leaside Café, LLC</b>
<b>DESIRED ACTION:</b>	<b>To approve the use of Newcomb Hollow Beach for a food truck</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the use of Newcomb Hollow Beach Concession Parking Space for a food truck from June 15, 2023, through September 15, 2023; for a fee of \$600.00.</b>
<b>Summary:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667

Applicant Murro Van Meter Affiliation or Group Leaside Cafe LLC  
Telephone Number 508 240 4999 Mailing Address P.O. Box 715  
Email address Murro@vanmeterable.com Wellfleet MA 02667  
Town Property to be used (include specific area) Newcomb Hollow Beach  
concession parking space  
Date(s) and hours of use: June 15 - September 15

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.

Food truck, 8th year

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

None.

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

Action by the Board of Selectmen:

Approved as submitted.  
 Approved with the following condition(s): \_\_\_\_\_  
\_\_\_\_\_  
 Disapproved for following reason(s): \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Processing Fee: \$50.00  
Fee: \_\_\_\_\_

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

<b>Health/Conservation Agent:</b> <i>Monette Ballins</i>  Comments/Conditions: <i>OK 😊</i>  Permits/Inspections needed: <i>copy of allergen awareness + menu</i>	<b>Inspector of Buildings:</b>  Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b>  Comments/Conditions:	<b>Fire Department:</b>  Comments/Conditions:
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<b>DPW:</b> <i>at Jay Norton</i> Comments/Conditions	<b>Community Services Director:</b>  Comments/Conditions:
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<b>Harbormaster:</b> <i>N/A</i> Comments/Conditions	<b>Shellfish:</b> <i>N/A</i> Comments/Conditions
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<b>Recreation:</b>  Comments/Conditions	<b>Town Administrator:</b>  Comments/Conditions
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## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

VI

### BUSINESS

~ A ~

<b>REQUESTED BY:</b>	<b>Town of Wellfleet</b>
<b>DESIRED ACTION:</b>	<b>To approve the taking of Route 6A Main Street Intersection Project</b>
<b>PROPOSED MOTION:</b>  <b>Summary:</b>	<b>I move to approve the taking of Route 6A/Main Street Intersection Project as previously voted on June 11, 2022, known as Article 40 in the Annual Town Meeting Warrant. To be signed by all the Selectboard Members.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Secoded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET, MASSACHUSETTS 02667

Office of the Town Clerk

Townclerk@wellfleet-ma.gov

Tel (508) 349-0301 Fax (508) 349-0317

Wellfleet-ma.gov

At a legal meeting of the qualified voters of the Town of Wellfleet held on June 11, 2022 ,  
the following Article # 40 was printed in the Warrant:

## **ARTICLE NO. 40 - ROUTE 6A/MAIN STREET INTERSECTION PROJECT:**

To see if the Town will vote to:

- (a) authorize the Selectboard to acquire by gift, purchase, and/or by eminent domain, parcels of real property, permanent and temporary easements, for public way purposes, including without limitation, for the construction, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, drainage, utilities, driveways, slopes, grading, road realignment, sidewalks and landscaping, and other related purposes, as may be necessary to undertake the Mass DOT Route 6/Main Street Transportation Improvement Project, and for any and all purposes incidental or related thereto, in, on and under certain parcels and easement areas being generally shown on a plan entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Route 6/Main Street Intersection and Corridor Improvements" dated February 14, 2022 on file in the Town Clerk's Office as said plans may be amended from time to time and/or incorporated into an easement plan;
- (b) Transfer the care, custody, management and control of a portion or portions of the Town-owned property or properties shown on the aforesaid plans from the board or officer having custody of the same for the purposes for which such properties are currently held to the Selectboard for public way and utility purposes, and further to dedicate said portions of the Town-owned properties to the foregoing purposes;
- (c) raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money, to fund the foregoing project and any and all expenses incidental or related thereto, including without limitation, the costs of any land/easement acquisitions, appraisals, surveys, engineering, design, and other associated services; and
- (d) authorize the Selectboard to enter into all agreements and take any and all actions as may be necessary or appropriate to carry out the foregoing purposes,
- (e) or to do or act on anything thereon.

(Requested by the Selectboard)

### **Two-thirds Vote Required**

#### **Recommendations:**

**Selectboard: Yes - 4, No - 1, Abstain - 0.**

It was moved and seconded, that Article No. 40, Route 6A/Main Street Intersection Project, be adopted as printed in the warrant, except that subparagraph (c) be deleted.

The Moderator declared the motion carried on a 2/3 vote.

The Moderator declared the motion carried on a majority vote.

A TRUE RECORD ATTEST:

Jennifer M. Congel, Town Clerk  
May 31, 2023



COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

TOWN OF WELLFLEET

ORDER OF TAKING

At a regularly convened meeting of the Selectboard of the Town of Wellfleet (the “Town”) held on this 6<sup>th</sup> day of June, 2023, it was voted and ordered as follows:

The Selectboard of the Town of Wellfleet, duly elected, qualified, and acting as such, on behalf of the Town and by virtue of and in accordance with the authority of the vote taken under Article 40 of the June 11, 2022 Annual Town Meeting, a certified copy of which is attached hereto and incorporated herein, the provisions of Chapter 79 and Chapter 82, Sections 21-24 of the General Laws, and any and every other power and authority hereunto enabling it in any way, hereby takes, for all purposes for which public ways are used, including, without limitation, for the purpose of undertaking the Route 6/Main Street Intersection and Corridor Improvements Project (the “Project”), the following interests in, on and under certain parcels of land abutting or near Route 6 and Main Street, Wellfleet, Massachusetts, and shown more particularly on a plan entitled “Easement Plan for the Town of Wellfleet Route 6 & Main Street,” dated August 29, 2022, prepared by Dawood, recorded with the Barnstable Registry of Deeds herewith in Plan Book \_\_\_\_\_, Plan \_\_\_\_\_ (the “Plan”), as set forth more particularly below:

1. Permanent Roadway and Utility Easements. Permanent roadway and utility easements in, on, and under the parcels of land shown on the Plan as Parcel E-3, Parcel D-GR-PUE-8, Parcel GR-PUE-3, Parcel GR-PUE-9, Parcel HS-1, Parcel WM-2, Parcel WM-3, Parcel SW-1, Parcel SW-2, Parcel SW-3, Parcel SW-4, Parcel PUE-5, Parcel PUE-6, Parcel PUE-7 and Parcel PUE-11 (collectively, the “Permanent Easement Premises”) for any and all purposes for which public ways are used, together with attendant customary uses, including, without limitation, for the purposes of constructing, inspecting, operating, maintaining, repairing, removing, replacing, relocating, and abandoning in place rights of way, sidewalks, shared used paths, walkways, guardrails, support or retaining walls, slopes, berms, signs, drains, utilities and all appurtenances related thereto, including water, sewer, hydrants, drainage, guy wires, anchors, bolts, poles, conduits, lines and wires, and any and all other structures, appurtenances and/or facilities related or incidental thereto.

2. Temporary Construction Easements. Temporary construction easements in, on, over, under and along the parcels of land shown on the Plan as Parcel TE-4, Parcel TE-6, Parcel TE-7, Parcel TE-8, Parcel TE-9, Parcel TE-10 and Parcel TE-12 (collectively, the “Temporary Easement Premises”), for the purpose of undertaking the Project, including, without limitation, grading land, constructing, operating, improving, maintaining, repairing, replacing, relocating, realigning and/or reconstructing slopes of excavation and/or embankment and/or driveways, sidewalks, parking areas, retaining walls, stone walls, posts, fences, flagpoles, landscaping, loaming, planting trees, seeding, paving, and/or erosion control, which temporary easements shall terminate automatically six (6) years from the date on which this Order of Taking is recorded with the Middlesex South District Registry of Deeds without the necessity of recording

any instrument with said Registry of Deeds. Nothing in this paragraph shall affect the permanent easements acquired by the Town hereunder.

The Town shall have the right to enter upon and pass over the Permanent Easement Premises and the Temporary Easement Premises (collectively, the "Easement Premises") from time to time, by foot, vehicle, or heavy equipment, for any and all purposes stated herein and uses necessary or incidental thereto, including, without limitation, using and temporarily storing, as needed, construction equipment, materials or other incidental items within the Easement Premises for the purposes set forth herein. No temporary or permanent buildings, structures or other objects shall be constructed, installed or placed upon the Permanent Easement Premises and, for the duration of the temporary easements, within the Temporary Easement Premises. The Town may assign such easements to or authorize use of such easement areas by any utility company.

The taking includes the right of the Town to remove any buildings, structures, objects, utilities and/or vegetation (including trees and shrubs) now or hereafter located within the Easement Premises whenever their removal shall be necessary or convenient to exercise the rights taken hereunder and/or for the purposes set forth herein. Utilities and related facilities located within the Easement Premises that are owned by private utility companies and easements held by private utility companies are not taken.

The parcels of land subject to said easements are owned or supposed to be owned and/or formerly owned by the parties listed in Schedule A, which parties are hereinafter collectively referred to as Owners. If in any instance the name of any Owner is not correctly stated, the names of the supposed Owners being given as of this Order of Taking, it is understood that in such instance the land referred to is owned by an Owner or Owners unknown to us.

The amount awarded as damages to the Owners of the parcels in accordance with the provisions of G.L. c. 79, §6, as amended, and to any other person or corporation having an interest therein, is set forth on Schedule B attached hereto and incorporated herein, but which shall not be recorded with the Registry of Deeds.

Betterments are not to be assessed under this taking.

IN WITNESS WHEREOF, We, the duly elected Selectboard of the Town of Wellfleet, have hereunto set our hands and seals on this \_\_\_\_ day of June, 2023.

TOWN OF WELLFLEET,  
By Its Selectboard

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

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

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

\_\_\_\_\_  
Kathleen Bacon, Member

\_\_\_\_\_  
John A. Wolf, Member

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_ day of June, 2023, before me, the undersigned notary public, personally appeared \_\_\_\_\_, member of the Town of Wellfleet Selectboard, as aforesaid, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Wellfleet.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## SCHEDULE A

### LIST OF OWNERS

Property Owner: Rodolfo Machado and Jorge Silvetti, Trustees of the Rodolfo Machado 2011 Trust and Jorge Silvetti and Rodolfo Machado, Trustees of the Jorge Silvetti 2011 Trust  
Interest Taken: Permanent Easement E-3 (199± S.F.); Permanent Easement GR-PUE-3 (2,355± S.F.); Permanent Easement D-GR-PUE-8 (365± S.F.); Permanent Easement GR-PUE-9 (108± S.F.); Permanent Easement HS-1 (28± S.F.); Temporary Easement TE-4 (135± S.F.) and Temporary Easement TE-6 (2,683± S.F.)  
Property Address: 35 Main Street, Wellfleet, Massachusetts  
Property Owner Address: 137 Marlborough Street, Apt. 7, Boston, MA 02116  
Deed Reference: Barnstable Registry of Deeds Book 25923, Page 119

Property Owner: Nancy E. Cook  
Interest Taken: Permanent Easement SW-1 (72± S.F.) and Temporary Easement TE-7 (1,754± S.F.)  
Property Address: 30 Main Street, Wellfleet, Massachusetts  
Property Owner Address: P.O. Box 105, Wellfleet, MA 02667  
Deed Reference: Barnstable Registry of Deeds Book 4993, Page 97

Property Owner: Wicked on Main, LLC  
Interest Taken: Permanent Easement SW-2 (56± S.F.); Permanent Easement WM-2 (25± S.F.) and Temporary Easement TE-8 (1,265± S.F.)  
Property Address: 40 Main Street, Wellfleet, Massachusetts  
Property Owner Address: 50 Main Street, Wellfleet, MA 02667  
Deed Reference: Barnstable Registry of Deeds Book 28894, Page 153

Property Owner: Wicked on Main, LLC  
Interest Taken: Permanent Easement SW-3 (227± S.F.); Permanent Easement WM-3 (5± S.F.); Permanent Easement PUE-11 (50± S.F.) and Temporary Easement TE-9 (1,771± S.F.)  
Property Address: 50 Main Street, Wellfleet, Massachusetts  
Property Owner Address: 50 Main Street, Wellfleet, MA 02667  
Deed Reference: Barnstable Registry of Deeds Book 28894, Page 97

Property Owner: Anthony Buttignol  
Interest Taken: Permanent Easement PUE-5 (585± S.F.) and Temporary Easement TE-10 (537± S.F.)  
Property Address: 45 Main Street, Wellfleet, Massachusetts  
Property Owner Address: 274 Holmes Road, Holmes, NY 12531  
Deed Reference: Barnstable Registry of Deeds Book 32303, Page 291

Property Owner: Fitzgerald Hill LLC  
Interest Taken: Permanent Easement SW-4 (34± S.F.); Permanent Easement PUE-6 (44± S.F.)  
and Temporary Easement TE-12 (254± S.F.)  
Property Address: 70 Main Street, Wellfleet, Massachusetts  
Property Owner Address: 240½ Bradford Street, Provincetown, MA 02657  
Deed Reference: Barnstable Registry of Deeds Book 35032, Page 183

Property Owner: Michael A. Shannon and Bradley S. Reichard  
Interest Taken: Permanent Easement PUE-7 (629± S.F.)  
Property Address: 55 Main Street, Wellfleet, Massachusetts  
Property Owner Address: 55 Main Street, Wellfleet, MA 02667  
Deed Reference: Barnstable Registry of Deeds Book 14860, Page 209



**SCHEDULE B**

**DAMAGES AWARDS**

**NOT RECORDED WITH REGISTRY OF DEEDS**

Property Owner: Rodolfo Machado and Jorge Silveti, Trustees of the Rodolfo Machado 2011 Trust and Jorge Silveti and Rodolfo Machado, Trustees of the Jorge Silveti 2011 Trust  
Interest Taken: Permanent Easement E-3 (199± S.F.); Permanent Easement GR-PUE-3 (2,355± S.F.); Permanent Easement D-GR-PUE-8 (365± S.F.); Permanent Easement GR-PUE-9 (108± S.F.); Permanent Easement HS-1 (28± S.F.); Temporary Easement TE-4 (135± S.F.) and Temporary Easement TE-6 (2,683± S.F.)  
Property Address: 35 Main Street, Wellfleet, Massachusetts  
Property Owner Address: 137 Marlborough Street, Apt. 7, Boston, MA 02116  
Deed Reference: Barnstable Registry of Deeds Book 25923, Page 119  
Damages Award: \$36,500

Property Owner: Nancy E. Cook  
Interest Taken: Permanent Easement SW-1 (72± S.F.) and Temporary Easement TE-7 (1,754± S.F.)  
Property Address: 30 Main Street, Wellfleet, Massachusetts  
Property Owner Address: P.O. Box 105, Wellfleet, MA 02667  
Deed Reference: Barnstable Registry of Deeds Book 4993, Page 97  
Damages Award: \$5,400

Property Owner: Wicked on Main, LLC  
Interest Taken: Permanent Easement SW-2 (56± S.F.); Permanent Easement WM-2 (25± S.F.) and Temporary Easement TE-8 (1,265± S.F.)  
Property Address: 40 Main Street, Wellfleet, Massachusetts  
Property Owner Address: 50 Main Street, Wellfleet, MA 02667  
Deed Reference: Barnstable Registry of Deeds Book 28894, Page 153  
Damages Award: \$3,700

Property Owner: Wicked on Main, LLC  
Interest Taken: Permanent Easement SW-3 (227± S.F.); Permanent Easement WM-3 (5± S.F.); Permanent Easement PUE-11 (50± S.F.) and Temporary Easement TE-9 (1,771± S.F.)  
Property Address: 50 Main Street, Wellfleet, Massachusetts  
Property Owner Address: 50 Main Street, Wellfleet, MA 02667  
Deed Reference: Barnstable Registry of Deeds Book 28894, Page 97  
Damages Award: \$6,600

Property Owner: Anthony Buttignol  
Interest Taken: Permanent Easement PUE-5 (585± S.F.) and Temporary Easement TE-10 (537± S.F.)  
Property Address: 45 Main Street, Wellfleet, Massachusetts  
Property Owner Address: 274 Holmes Road, Holmes, NY 12531  
Deed Reference: Barnstable Registry of Deeds Book 32303, Page 291  
Damages Award: \$5,800

Property Owner: Fitzgerald Hill LLC

Interest Taken: Permanent Easement SW-4 (34± S.F.); Permanent Easement PUE-6 (44± S.F.)  
and Temporary Easement TE-12 (254± S.F.)

Property Address: 70 Main Street, Wellfleet, Massachusetts

Property Owner Address: 240½ Bradford Street, Provincetown, MA 02657

Deed Reference: Barnstable Registry of Deeds Book 35032, Page 183

Damages Award: \$1,100

Property Owner: Michael A. Shannon and Bradley S. Reichard

Interest Taken: Permanent Easement PUE-7 (629± S.F.)

Property Address: 55 Main Street, Wellfleet, Massachusetts

Property Owner Address: 55 Main Street, Wellfleet, MA 02667

Deed Reference: Barnstable Registry of Deeds Book 14860, Page 209

Damages Award: \$6,000



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

VI

### BUSINESS

~ B ~

<b>REQUESTED BY:</b>	Town of Wellfleet
<b>DESIRED ACTION:</b>	To approve the agreement for Professional Engineering Services
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the agreement for professional engineering services between the Town of Wellfleet and Fuss &amp; O'Neil for Chequessett Neck Bridge and Water Access Facility Project, and to direct the Town Administrator to sign on behalf of the town.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**AGREEMENT FOR PROFESSIONAL  
ENGINEERING SERVICES  
BETWEEN  
THE TOWN OF WELLFLEET, MASSACHUSETTS  
AND  
FUSSE & O'NEILL, INC.  
FOR CHEQUESSETT NECK BRIDGE AND  
WATER ACCESS FACILITY PROJECT  
CONSTRUCTION ADMINISTRATION ASSISTANCE**

THIS AGREEMENT made this \_\_\_<sup>th</sup> day of May, 2023 between Fuss & O'Neill, Inc., a Massachusetts corporation with a usual place of business at 317 Iron Horse Way, Suite 204, Providence, RI 02908, hereinafter called the "ENGINEER," and the Town of Wellfleet, MA, acting by its Board of Selectmen, with a usual place of business at Wellfleet Town Hall, 300 Main St, Wellfleet, MA 02667, hereinafter called the "TOWN".

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

1. Scope of Work

The ENGINEER shall perform the work set forth in the Scope of Services attached hereto as **Exhibit A**.

2. Contract Price

The TOWN shall pay the ENGINEER for services rendered in the performance of this Agreement a sum not to exceed \$783,220, which services shall be provided on a time and materials basis in accordance with the task budgets, billing rates and direct charges set forth in **Exhibit B**. The amount to be paid to the ENGINEER shall not exceed the amount stated above without the prior written consent of the TOWN. The rates shall remain in effect for the period of service for this Agreement.

3. Commencement and Completion of Work

- A. The period of service for this Agreement shall commence on May \_\_, 2023 and shall expire on May \_\_, 2024, unless terminated sooner in accordance with this Agreement.
- B. Progress and Completion: ENGINEER shall commence work promptly upon execution of this Agreement and shall prosecute and complete the work diligently and at such a rate of progress as will not unreasonably impede construction contractor's completion.



4. Performance of the Work

The ENGINEER shall perform its own work and supervise and direct the work of its agents, representatives, sub-contractors, sub-engineers and those for whom ENGINEER is legally liable (together, the "Engineer Parties"), in a manner consistent with the degree of skill and attention generally rendered by the engineering/design professionals for projects similar to the Project in scope, difficulty and location (the "Standard of Care"). To the extent permitted by law, the ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with any services performed or furnished by the ENGINEER.

A. Responsibility for the Work:

- (1) The ENGINEER shall be responsible to the TOWN for the acts and omissions of the ENGINEER 's employees, subcontractors and their agents and employees, and other persons performing any of the Work under a contract with the ENGINEER. Consistent with the standard of care referenced above, the ENGINEER shall be responsible for the professional and technical accuracy for all work or services furnished by the ENGINEER and its consultants and subcontractors.
  - i. ENGINEER shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the General Contractor (the "Contractor" or "General Contractor" shall include General Contractor or Contractor and their Sub-Contractors, Suppliers of any tier, and any of its or their agents, employees or any other persons at the Site or otherwise furnishing or performing any Work for this Project for which General Contractor or Contractor is legally liable) or the safety precautions and programs incident to the Work of Contractor. If the ENGINEER observes, in accordance with the Standard of Care, an unsafe condition, ENGINEER shall promptly notify the Contractor of the unsafe condition. After notifying the Contractor, the Engineer shall promptly notify the TOWN of the observed unsafe condition.
  - ii. ENGINEER shall not be responsible for the acts or omissions of the Contractor, their Sub-Contractor(s) or Supplier(s), or of any of their agents or employees or of any other persons (except ENGINEER or the Engineer Parties) at the Site or otherwise furnishing or performing any Work; or for any decision made regarding the Contract Documents, or any application, interpretation, or clarification, of the Contract Documents, other than those made by Engineer.





- iii. ENGINEER shall not provide or have any responsibility for surety bonding or insurance-related advice, recommendations, counseling, or research, or enforcement of construction insurance or surety bonding requirements.
  - iv. ENGINEER neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.
- (2) The ENGINEER shall not employ additional consultants, nor sublet, assign or transfer any part of his services or obligations under this Agreement without the prior approval and written consent of the TOWN, which consent shall not be unreasonably withheld. Such written consent shall not in any way relieve the ENGINEER from its responsibility for the professional and technical accuracy for the work or services furnished under this Agreement.
- (3) All consultants must be registered and licensed in their respective disciplines if registration and licensure are required under the applicable provisions of Massachusetts law.
- (4) The ENGINEER and its consultants and subcontractors shall conform their work and services to any guidelines, standards and regulations of any governmental authority applicable to the Scope of Services covered by this Agreement.
- (5) The ENGINEER shall not be relieved from its obligations to perform the work in accordance with the requirements of this Agreement either by the activities or duties of the TOWN in its administration of the Agreement, or by inspections, tests or approvals required or performed by persons other than the ENGINEER. For the avoidance of any doubt, ENGINEER shall not be liable for any acts or inaction of any persons or entities that are not Engineer Parties including, but not limited to, for any work, services, approvals or reviews performed by any persons or entities over whom ENGINEER has no control and for whom ENGINEER is not legally liable to the extent not caused by the acts of the ENGINEER or Engineering Parties.
- (6) Neither the TOWN's review, approval or acceptance of, nor payment for any of the work or services performed shall be construed to operate as a waiver of any rights under the Agreement or any cause of action arising out of the performance of the Agreement.



- B. Deliverables, Ownership of Documents: Six (6) paper copies of drawings, plans, specifications and other documents prepared by the ENGINEER and issued for construction by the TOWN's contractor shall become the property of the TOWN upon payment in full therefor to the ENGINEER. Any re-use of such documents without the ENGINEER's written verification of suitability for the specific purpose intended shall be without liability or legal exposure to the ENGINEER or to the ENGINEER's independent professional associates, subcontractors or consultants. Distribution or submission to meet official regulatory requirements or for other purposes in connection with the Project is not to be construed as an act in derogation of the ENGINEER's rights under this Agreement.
- C. Compliance With Laws: In the performance of the Work, the ENGINEER shall comply with all applicable federal, state and local laws and regulations, including those relating to workplace and employee safety.

5. Site Information Not Guaranteed; Contractor's Investigation

The TOWN shall furnish to the ENGINEER available surveys, data and documents relating to the area which is the subject of the Scope of Services. All such information, including that relating to subsurface and other conditions, natural phenomena, existing pipes, and other structures is from the best sources at present available to the TOWN. All such information is furnished only for the information and convenience of the ENGINEER and is not guaranteed. It is agreed and understood that the TOWN does not warrant or guarantee that the subsurface or other conditions, natural phenomena, existing pipes, or other structures will be the same as those indicated in the information furnished, and the ENGINEER must satisfy itself as to the correctness of such information within the limitations of its Scope of Services, as amended, and in accordance with the Standard of Care. If, in the opinion of the ENGINEER, such information is inadequate, the ENGINEER may request the TOWN's approval to verify such information through the use of consultants or additional exploration. In no case shall the ENGINEER commence such work without the TOWN's prior written consent. Such work shall be compensated as agreed upon by TOWN and ENGINEER.

6. Payments to the ENGINEER

- A. Cost incurred on this project shall be billed monthly on an hourly basis as outlined in the attached Scope of Services. Payment shall be due 60 days after receipt of a complete and reasonably satisfactory written invoice by the TOWN.
- B. If there is a material change in the Scope of Services, the TOWN and the ENGINEER shall mutually agree to an adjustment in the Contract Price.
- C. If the TOWN authorizes the ENGINEER to perform additional services, the ENGINEER shall be compensated in an amount mutually agreed upon, in advance, in writing. Except in the case of an emergency, the ENGINEER



shall not perform any additional services until such compensation has been so established. In the case of an emergency, as soon as is reasonably practicable and consistent with the Standard of Care, the ENGINEER shall perform the services requested to the extent within the ENGINEER's Scope of Services, provide the TOWN with an estimate of the fees for additional services provided in response to the emergency as soon as practicable. The TOWN shall provide payment for the actual fees incurred for services in response to an emergency in accordance with this Section 6.

7. Reimbursement

Except as otherwise included in the Contract Price or otherwise provided for under this Agreement, the ENGINEER shall be reimbursed by the TOWN: (a) at 1.15 times the actual cost to the ENGINEER of consultants retained to obtain information pursuant to Article 5 hereof or otherwise. No such reimbursement shall be made unless the rates of compensation have been approved, in advance, by the TOWN; (b) at 1.0 times the actual cost of additional or specially authorized expense items, as approved by the TOWN.

8. Final Payment, Effect

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

9. Terms Required By Law

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

10. Indemnification

- A. The ENGINEER shall indemnify and hold the TOWN, and their respective officers, employees, agents and representatives, harmless from and against liability for damages, including reasonable attorney's fees, to the extent such damages are caused by the negligent acts, errors, or omissions of, or breach of the terms of this Agreement, by ENGINEER or Engineer Parties.

The provisions of section 10(A) above shall survive the expiration or termination of this Agreement. Neither party shall have liability for loss of product, loss of profit, loss of use, or any other indirect, incidental, or consequential damages incurred by the other party, whether brought as an action for breach of contract, breach of warranty, tort, or strict liability, and irrespective of whether caused or allegedly caused by either party's negligence; and both parties agree to indemnify and hold the other harmless with respect to such claims.



11. Insurance

- C. The ENGINEER shall at its own expense obtain and maintain a Professional Liability Insurance policy for errors, omissions or negligent acts arising out of the performance of this Agreement in a minimum amount of \$1,000,000.00.
- D. The coverage shall be in force from the time of the Agreement to the date when all construction work for the Project is completed and accepted by the TOWN, or upon termination of this Agreement.
- E. The ENGINEER shall, before commencing performance of this Agreement, provide by insurance for the payment of compensation and the furnishing of other benefits in accordance with M.G.L. c.152, as amended, to all its employees and shall continue such insurance in full force and effect during the term of the Agreement.
- F. The ENGINEER shall carry insurance in a sufficient amount to assure the restoration of any plans, drawings, computations, field notes or other similar data relating to the work covered by this Agreement in the event of loss or destruction until the final fee payment is made or all data are turned over to the TOWN.
- G. The ENGINEER shall also maintain public liability insurance, including property damage, bodily injury or death, and personal injury and motor vehicle liability insurance against claims for damages because of bodily injury or death of any person or damage to property.
- H. Evidence of insurance coverage and any and all renewals substantiating that required insurance coverage is in effect shall be filed with the Agreement. Any cancellation of insurance, whether by the insurers or by the insured, shall not be valid unless written notice thereof is given by the party proposing cancellation to the other party and to the TOWN at least fifteen days prior to the intended effective date thereof, which date shall be expressed in said notice.
- I. Upon request of the ENGINEER, the TOWN reserves the right to modify any conditions of this Article, with associated cost changes of such insurance modifications to be compensated by the Owner at the direct cost.
- J. The TOWN shall be named an additional insured on all policies required hereby (except for Worker's Compensation and Professional Liability).



12. Notice

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

13. Termination

- A. Each party shall have the right to terminate this Agreement in the event of a failure of the other party to comply with the terms of the Agreement. Such termination shall be effective upon seven (7) days' notice to the party in default and the failure within that time of said party to cure its default.
- B. The TOWN shall have the right to terminate the Agreement without cause, upon ten (10) days' written notice to the ENGINEER. In the event that the Agreement is terminated pursuant to this subparagraph, the ENGINEER shall be reimbursed in accordance with the Agreement for all work performed up to the termination date including reimbursable and termination expenses.

Termination shall not prejudice or waive any rights or action which either party may have against the other up to the date of such termination.

14. Miscellaneous

- A. Assignment: The ENGINEER shall not assign or transfer any of its rights, duties or obligations under this Agreement without the written approval of the TOWN.
- B. Governing Law: This Agreement shall be governed by and construed in accordance with the law of The Commonwealth of Massachusetts.
- C. Mediation: Prior to the initiation of litigation in a court of competent jurisdiction located in The Commonwealth of Massachusetts, the parties to this Agreement may agree to submit all claims, disputes, or controversies arising out of or in relation to the interpretation, application or enforcement of this Agreement to non-binding mediation. Such mediation shall be conducted under the auspices of the American Arbitration Association or such other mediation service or mediator upon which the parties agree in writing. The party seeking to initiate such non-binding mediation shall do so by submitting a formal, written request to the other party to this Agreement. Notwithstanding the foregoing, either party hereto may immediately proceed to submit any unresolved dispute arising hereunder to a court of competent jurisdiction located in The Commonwealth of Massachusetts, which action



shall be stayed until the parties' have concluded mediation. This section shall survive the completion or termination of this Agreement, but under no circumstances shall either party call for non-binding mediation of any claim or dispute arising out of this Agreement after such period of time as would normally bar the initiation of legal proceedings to litigate such claim or dispute under the laws of The Commonwealth of Massachusetts. To eliminate any ambiguity, the parties acknowledge and agree that any unresolved dispute arising hereunder shall be submitted only in a court of competent jurisdiction located in The Commonwealth of Massachusetts.

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

FUSS & O'NEILL, INC.:

TOWN OF WELLFLEET, MA:

By: 

By:

Name: Shawn M. Martin, PE  
Type or Print

Title: Senior Vice President

## EXHIBIT A

### SCOPE OF SERVICES FOR CHEQUESSETT NECK BRIDGE AND WATER ACCESS FACILITY PROJECT CONSTRUCTION ADMINISTRATION ASSISTANCE

#### Task 1 – Construction Administration Assistance

##### 1.1 Construction Progress Meetings

Attend an on-site pre-construction meeting and attend 24 bi-weekly meetings with the Contractor and the Town within the 12-month period of this Agreement. Twelve (12) bi-weekly meetings will be attended on-site (with hybrid options for others), and twelve (12) bi-weekly meetings will be conducted by remote web conference (hybrid for persons at the site).

The purpose of these meetings will be to review the current progress and schedule of construction, status of submittals and testing, coordination and public safety items, permit compliance and conformance of work to the contract requirements. Prepare and distribute agendas and handouts (PDF format) for each meeting and review meeting notes prepared by the Town's Owner's Project Representative (OPR).

Labor budget: 262 hours

Deliverables: Agendas/handouts, written comments to meeting notes

##### 1.2 Issue Interpretations and Clarifications

Consult with the Town/OPR and act as the Town's representative as provided in the Standard General Conditions of the Construction Contract included in the Project Manual within the 12-month period of this Agreement. Engineer shall have authority to act on behalf of the Town in dealings with Contractor to the extent provided in this Agreement and said General Conditions except as otherwise provided in writing.

Provide necessary interpretations and clarifications of the Contract Documents and provide technical assistance in situations where there are design conflicts in the field. Review and render formal written decisions on claims of the Town and Contractor relating to the acceptability of the Contractor's Work or the interpretation of the requirements of the Contract Documents pertaining to the execution and progress of Contractor's Work. In rendering such decisions, Engineer shall be fair and shall not be liable in connection with any decision rendered in good faith in such capacity. Respond to Requests for Information transmitted by the Contractor. Prepare and distribute Field Orders, Change Orders and Work Change Directives, as appropriate, on standard EJCDC documents. Consult with the Town/OPR in development of the above documents relative to potential schedule/cost implications, and in review/negotiation of agreed-upon cost/schedule adjustments between the Contractor and Town/OPR. The



Engineer's responsibility is limited to a reasonable effort and does not include additional effort to resolve disputes with a problem Contractor or unforeseen conditions.

Labor budget: 360 hours

Deliverables: Issued responses to Requests for Information, issued Field Orders, Change Orders and Work Change Directives, as appropriate, on standard EJCDC documents (PDF format)

### **1.3 Design Engineer Inspections**

Conduct up to twelve (12) inspections by Engineer's professional engineers responsible for respective technical design disciplines to observe progress of the Work, testing, and the Contractor's general compliance or noncompliance with relevant construction contract requirements, reviewed submittals and field directives within the 12-month period of this Agreement.

Labor budget: 148 hours

Deliverables: Field site report documenting observations, summary of discussions and verbal clarifications/directives (PDF format)

### **1.4 Submittal Reviews**

Within the 12-month period of this Agreement, review and accept (or take other appropriate action in respect of) Shop Drawings and samples, the results of tests and inspections and other data which the Contractor is required to submit, but only for conformance with the design of the Project and compliance with the information given in the Contract Documents (but such review and approval of other action shall not extend to means, methods, sequences, techniques or procedures of construction or to safety precautions and programs incident thereto). Such review and acceptance shall not knowingly allow any unsafe practice related to these items; determine the acceptability of substitute materials and equipment proposed by Contractor. Consult with the Town/OPR in review and development of responses to Contractor's submittals relative to potential schedule/cost implications or potential performance issues in the cost of proposed substitutions.

Review (for general content as required by the Specifications) maintenance and operating instructions, schedules, guarantees, bonds and certificates of inspection which are to be assembled by Contractor in accordance with the Contract Documents.

Labor budget: 576 hours

Deliverables: Issued submittal responses (PDF format)

### **1.5 Payment Requisition Reviews**

Within the 12-month period of this Agreement, review payment quantities on the Contractor's twelve monthly payment requisitions based on Engineer's observations of the Work and substantiating documentation prepared and provided by the Contractor where/as required by the Contract Documents. Consult with the Town/OPR in review of submitted payment requisitions prior to return to Contractor.

Sign and transmit recommended payment requisitions to the Town/OPR for review, processing and payment by the Town.

Labor budget: 84 hours

Deliverables: Review comments on submitted payment requisitions and signed copies of recommended payment requisitions (PDF format)

### **1.6 Project Management and Permitting/Compliance, MassDOT and Utility Owner Coordination Assistance**

Provide project management of services entailed in this agreement and provide coordination assistance to the Town/OPR, Herring River Technical Team and Friends of Herring River as requested through the period of construction within the 12-month period of this Agreement. This assistance is anticipated to be in support of coordination needed with permitting/compliance requirements of the Contractor and Town, MassDOT, utility owners and to plan/implement public outreach, coordination and communication with the Town/OPR/external stakeholders (e.g., coordination with adjacent/affected property owners, associated HRRP project elements such as the Mill Creek Water Control Structure or Low-Lying Roads projects, etc.).

Provide six (6) paper copies of the project manual (including drawings) to the Contractor and the Town/OPR.

This task includes life-cycle costs assessment assistance related to bridge exterior contract alternates (i.e., flat concrete, formlined/stained concrete, stone cladding) through development of a brief memorandum with supporting cost calculations and attendance at a Wellfleet Select Board hearing to address questions in support of the Town's decision of the preferred alternative.

MassDOT coordination includes addressing MassDOT review comments on 100% design permanent bridge submittal and issuing final documents to the Contractor, addressing MassDOT and NRCS review comments on the temporary bridge substructure submittal, reviewing and resolving Contractor's construction cost changes resulting from design revisions to address MassDOT's and NRCS's review comments, and coordinating MassDOT's and NRCS's review of the Contractor's temporary bridge superstructure submittal.



Utility owner coordination includes resolving current layout issues on the temporary bridge structure, coordinating final construction requirements and utility operations with the Contractor's construction activities, and assisting the Town/OPR in coordinating utility owner's rights hearing with the Wellfleet Select Board.

Labor budget: 440 hours

Deliverables: Six hard copies of the project manual and drawings issued for construction; All other documents developed through services under this task provided in PDF format

## **Task 2 – Resident Project Representation**

### **2.1 Resident Project Representative Assistance**

Provide Resident Project Representative services to provide reports on progress of the Work and on the Contractor's compliance or non-compliance with the contract terms through continuous on-site observation of the Work within the 12-month period of this Agreement. Resident Project Representative services within this 12-month period shall consist of on-site presence three (3) days per week for three (3) months (12 weeks), and five (5) days per week for nine (9) months (38 weeks).

The furnishing of such resident representation or the performance of any other construction service shall not make the Engineer responsible for the Contractor's failure to perform the construction Work in accordance with the Contract Documents or for the Contractor's construction methods of procedures or the safety precautions incident thereto. However the Engineer and the Resident Project Representative shall take reasonable steps to insure that Contractor, Sub-Contractor(s) and their agents shall fully comply with issued Contract Documents and directives from the Engineer, and shall not knowingly allow through review and acceptance responsibilities unsafe practices.

Resident Project Representative shall not at any time supervise, direct, control, or have authority over any of the Contractor's Work, nor shall Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any Contractor, or the safety precautions and programs incident thereto, for security or safety at the Site, nor for any failure of a Contractor to comply with permits, laws and regulations applicable to the Contractor's furnishing and performing of its Work.

Duties and responsibilities of the Resident Project Representative shall be limited to the following:

- Visually observe and accept or reject materials, equipment and supplies delivered to the site of the Work and the Contractor's Work with respect to quality, suitability and conformance with the contract requirements.





As a result of those observations, report Work that is believed to be unsatisfactory, faulty or defective or does not conform to the Contract Documents, or has been damaged, or does not meet the requirements of any inspection, test or approval required to be made.

- Prepare, maintain and electronically distribute daily records recording Contractor hours on the job site, weather conditions, data relative to questions of Work Directive Changes, Change Orders or changed conditions, list of job site visitors, daily activities, material; and equipment deliveries, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures.
- Prepare and maintain a set of marked Contract Drawings for use in review of final record drawings prepared and submitted by the Contractor at the completion of the Work.
- Observe and review surveys and measurements conducted by the Contractor in support of monthly payment requisitions.
- Assist the Town/OPR in preparing for inspection and progress reviews by regulatory agencies.
- Review reports of the Contractor's field testing agencies.

Labor budget: 2,282 hours

Deliverables: Field site report documenting observations, summary of discussions and verbal clarifications/directives (PDF format)

### **Task 3 – Bridge Structure Fabrication Facilities Special Inspections**

#### **3.1 Bridge Structure Fabrication Facilities Special Inspector Services**

Complete conformance reviews of quality control procedures and documentation associated with respective fabrication facilities engaged by the Contractor to fabricate respective elements of the permanent bridge structure in accordance with requirements of Section 34 80 00 – Bridge Structure of the Contract Documents. These conformance reviews will include site visits to respective fabrication facilities during the periods of time when structures associated with the Project are being fabricated and prepared for shipment from each facility.

Nonconformance by the facilities with requirements of the Contract Documents, if observed during inspections or otherwise determined from review of the respective fabrication facilities' quality control documentation, will be reported promptly to the Contractor and the facility's quality control personnel officer for corrective action(s) and subsequent documentation of appropriate corrective action(s).



The budget for this task assumes no major issues requiring repeated inspections and/or investigation/assessment of incomplete or inaccurate quality control documentation with respective facilities.

Third party field and laboratory testing of compacted soils and cast-in-place concrete is excluded as the Contractor's submitted construction schedule reflects these activities associated with the permanent bridge occurring in Year 2 of construction (after May 2024).

Labor budget: 86 hours (not including subconsultant fee)

Deliverables: Memoranda documenting observations during site visits and determinations of compliance/noncompliance from observations and review of facility quality control documentation (PDF format)

## DEFINITIONS

Wherever used in this **Exhibit A** terms (including the singular and plural forms) printed with initial capital letters have the meanings indicated in the text above, in the exhibits, or in the following provisions:

**Agreement** – This written contract for professional services between Town and Engineer, and any duly executed amendments.

**Construction Contract** – The entire and integrated written Agreement between Town and Contractor concerning the Work.

**Contract Documents** – Those items so designated in the Construction Contract, including the Contract Drawings, Specifications, construction agreement, and general and supplementary conditions contained in the December 2022 Conformed Project Manual issued by the Engineer to the Contractor. Only items listed in the Construction Contract are Contract Documents. Approved Shop Drawings, other Contractor submittals, and the reports and drawings of subsurface and physical conditions are not Contract Documents.

**Contractor** – MIG Corporation, Inc.

**Documents** – Data, reports, Drawings, Specifications, Record Drawings, and other deliverables, whether in printed or electronic media format, provided or furnished in appropriate phases by Engineer to Town pursuant to this Agreement.

**Contract Drawings** – That part of the Contract Documents prepared or approved by Engineer which graphically shows the scope, extent, and character of the Work to be performed by Contractor. Shop Drawings are not Contract Drawings as so defined.

**Engineer** – Fuss & O'Neill, Inc.



Laws and Regulations; Laws or Regulations – Any and all applicable laws, rules, regulations, ordinances, codes, and orders of any and all governmental bodies, agencies, authorities, and courts having jurisdiction.

Owner's Project Representative – Environmental Partners, LLC

Project – The total construction of which the Work to be performed under the Contract Documents may be the whole, or a part.

Record Drawings – Drawings depicting the completed Project, compiled by Engineer as an Additional Construction Service and based solely on Contractor's record copy of all Drawings, Specifications, addenda, change orders, Work change directives, field orders, and written interpretations and clarifications, as delivered to Engineer and annotated by Contractor to show changes made during construction.

Resident Project Representative – The authorized representative of Engineer assigned to assist Engineer at the Site during the Construction Phase. As used herein, the term Resident Project Representative or "RPR" includes any Resident Inspector, assistants or field staff of Resident Project Representative agreed to by Town. The duties and responsibilities of the Resident Project Representative, if any, shall be limited to those specifically stated herein in this **Exhibit A**.

Samples – Physical examples of materials, equipment, or workmanship that are representative of some portion of the Work and which establish the standards by which such portion of the Work will be judged.

Shop Drawings – All drawings, diagrams, illustrations, schedules, and other data or information which are specifically prepared or assembled by or for Contractor and submitted by Contractor to illustrate some portion of the Work.

Site – Lands or areas to be indicated in the Contract Documents as being furnished by Town upon which the Work is to be performed, including rights-of-way and easements for access thereto, and such other lands furnished by Town which are designated for the use of Contractor.

Specifications – That part of the Contract Documents consisting of written technical descriptions of materials, equipment, systems, standards, and workmanship as applied to the Work and certain administrative details applicable thereto.

Sub-Contractor – An individual or entity having a direct contract with Contractor or with any other Sub-Contractor for the performance of a part of the Work at the Site.

Substantial Completion – The time at which the Work (or a specified part thereof) has progressed to the point where, in the opinion of Engineer, the Work (or a specified part thereof) is sufficiently complete, in accordance with the Contract Documents, so that the Work (or a specified part thereof) can be utilized for the purposes for which it is intended. The terms



“substantially complete” and “substantially completed” as applied to all or part of the Work refer to Substantial Completion thereof.

Supplier – A manufacturer, fabricator, supplier, distributor, material manufacturer, or vendor having a direct contract with Contractor or with any Sub-Contractor to furnish materials or equipment to be incorporated in the Work by Contractor or Sub-Contractor.

Town – Town of Wellfleet, MA

Work – The entire construction or the various separately identifiable parts thereof required to be provided under the Contract Documents. Work includes and is the result of performing or providing all labor, services, and documentation necessary to produce such construction, and furnishing, installing, and incorporating all materials and equipment into such construction, all as required by the Contract Documents.

## EXHIBIT B

### CONTRACT TASK BUDGET AND BILLING/DIRECT CHARGE RATES FOR CHEQUESSETT NECK BRIDGE AND WATER ACCESS FACILITY PROJECT CONSTRUCTION ADMINISTRATION ASSISTANCE

The following table outlines current and revised contract budgets for the tasks described above between May 2023 and May 2024, which will be provided on a time and materials basis. Invoices will be submitted monthly with payment due within 60 days from the invoice date.

Task	Contract Budget
1.1 Construction Progress Meetings	\$53,720
1.2 Issue Interpretations and Clarifications	\$62,550
1.3 Design Engineer Inspections	\$29,450
1.4 Submittal Reviews	\$92,400
1.5 Payment Requisition Reviews	\$15,900
1.6 Project Management and Permitting/Compliance, MassDOT and Utility Owner Coordination Assistance	\$52,200
<b>TOTAL TASK 1 BUDGET</b>	<b>\$306,220</b>
2.1 Resident Project Representative Assistance	\$431,000
3.1 Bridge Structure Fabrication Facilities Special Inspector Services	\$46,000
<b>TOTAL CONTRACT BUDGET</b>	<b>\$783,220</b>





**2023 BILLING RATE SCHEDULE**

<b>LABOR CATEGORY</b>	<b>HOURLY RATE</b>
Researcher, Clerical	\$ 90
Project Accountant	\$ 100
CAD, Survey, Technician I	\$ 115
CAD, Survey, Technician II	\$ 120
CAD, Survey, Technician III	\$ 120
Engineer, Scientist, Analyst I	\$ 130
Engineer, Scientist, Analyst II	\$ 145
Engineer, Scientist, Analyst III	\$ 160
Senior Engineer, Scientist, Analyst I	\$ 180
Senior Engineer, Scientist, Analyst II	\$ 190
Senior Engineer, Scientist, Analyst III	\$ 205
Associate	\$ 210
Officer	\$ 225
Senior Officer	\$ 245

**DIRECT CHARGE SCHEDULE**

Subcontractors/Subconsultants	Cost plus 15%
F&O Staff Mileage	At Prevailing IRS Rate
F&O Field Vehicles	\$100/day plus \$0.35/mile
F&O Hybrid Vehicles	At Prevailing IRS Rate
Printing/Reprographics	
Black & White Copy/Print	\$0.065/page
Color Copy/Print	\$0.40/page
Electrostatic Copy/Print	\$0.25/Sq.Ft.
Inkjet Plotter Monochrome	\$0.25/Sq.Ft.
Color Plotting	\$1.00/Sq.Ft.
Inkjet Mylar	\$2.50/Sq.Ft.
Binding Materials	At Cost
Payment Processing (e.g. debit or credit card)	3% fee

<b>FIELD EQUIPMENT</b>	<b>DAILY RATE</b> (unless otherwise noted)
Air Sampling Pumps	\$ 15
All Terrain Vehicle	\$ 100
Bladder Pumps	\$ 25



**2023 FIELD EQUIPMENT RATE SCHEDULE**

<b>FIELD EQUIPMENT</b>	<b>DAILY RATE (unless otherwise noted)</b>
Boat	\$ 50
Combustible Gas Indicator (CGI)	\$ 110
Concrete Coring Machine	\$ 250
Cone Penetrometer	\$ 25
Dissolved Oxygen/Temp/pH Meter (YSI-30)	\$ 15
Generators	\$ 50
Hammer Drill	\$ 50
Hand Auger	\$ 25
Hydrogen Sulfide Sensor & Data Logger	\$ 206 per week
IAQ Meter	\$ 80
Interface Probe	\$ 25
Infiltrometer	\$ 25
Low Flow Controller	\$ 50
Metal Detector	\$ 25
Moisture Meter	\$ 80
Mold Air Pump	\$ 15
Multimeters (YSI-600)	\$ 85
Confined Space Meter (Multi-Gas Meter)	\$ 50
Particulate Monitor	\$ 155
Peristaltic Pumps	\$ 20
Petro Flag Sample	\$ 25
Photoionization Detector (OVM/PID)	\$ 75
Soil Gas Sampling Equipment	\$ 100
Soil/Sediment VOC Supplies (Terra Core)	\$ 2 per sample
Soil/Sediment SPLP/TCLP Supplies (Encore)	\$ 10 per sample
Soil Vapor Extraction (SVE) Pilot Test Equipment	\$ 260
Survey Levels	\$ 30
Survey GPS Submeter Receiver	\$ 50
Survey GPS VRS Subcentimeter	\$ 100
Survey Robotic Total Station	\$ 100
Total Organic Vapor Analyzer	\$ 65
Tracer Dye Flow Dilution Equipment	\$ 1,600
Transit Time Flowmeter	\$ 130 per day \$ 520 per week \$ 1,706 per month
Turbidity Meters	\$ 15
Water Level Indicator	\$ 15
XRF	\$ 250

4864-9498-9662, v. 1



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

# VI

### Business

~C~

<b>REQUESTED BY:</b>	Selectboard Chair, Ryan Curley
<b>DESIRED ACTION:</b>	To discuss and possibly vote town staffing issues
<b>PROPOSED MOTION:</b>	Discussion and possible vote to authorize the Collins Center to review and make recommendations with regard to employee recruitment and retention under existing contract between Town and Collins Center
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

VII

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## SELECTBOARD REPORTS:

Reported by:	Topic:



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: June 6, 2023

VIII

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## 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 June 6, 2023 Select Board Meeting  
Date: May 30, 2023

## Administration

- We continue to lose critical staffing positions with little applications coming in for employment, The following positions are either vacant, occupied by an interim role, or will soon be vacant:
  - Assistant Town Administrator
  - Town Accountant / Finance Director
  - Health Director
  - Building Commissioner
  - Assistant Treasurer / Collector
  - Assistant Recreation Director
  - Committee Secretary
  - CPC Administrative Assistant
- The Selectboard continues to support the dredge mitigation efforts with the Army Corp of Engineers to dredge the mooring field within Wellfleet Harbor.
- We say goodbye to Lisa Souve who has served Wellfleet with admiration over the last few years. Her extensive accounting background will be missed around Town Hall, we wish her well as she returns to retirement.
- The Town Administration and Financial Team is shifting into year-end procedure as we wrap up the current and enter into the new fiscal.
- The Town is juggling many large projects such as the Herring River Restoration Project, Route 6/Main St. Intersection improvements, Route 6 resurfacing project, Maurice campground development, 95 Lawrence Road Development, Dredging, Online Permitting applications, and many smaller scale projects. Please have patience with staff, contractors, and volunteers during this critical time for Wellfleet.

## Building

- No Update

## Community Services

### **Council on Aging**

- The Friends of the COA advanced funds to Wayne Clough, recipient of a CPC grant to enhance the plantings surrounding the ACC. The initial work was done, weeding, cutting

back of existing plantings, pruning of existing trees and it looks much better. Sadly, the neglect because of lack of funds for the past three years had left the garden sadly depleted.

- Our exercise classes grow and change with the demands of the participants.
  - Aqua Aerobics begins in June and lasts through the end of August at Great Pond. Enrollment is already at capacity.
  - Tai Chi remains popular and averages 18 to 20 people each session\
  - Yoga is growing in popularity and the number of participants may dictate a second class each week
  - Chair yoga is a new offering for those who don't feel comfortable exercising on the mats on the floor.
- The Town of Orleans is willing to permit Wellfleet residents to attend their Adult Day program at the Orleans COA, room permitting starting on July 1. A generous bequest will fund Wellfleet's share of the cost for the first year. The IMA goes before the SB on June 6th for approval and signature by the Chair of the SB.

### **SOCIAL AND HUMAN SERVICES**

- Vouchers: with the approval of Town Meeting and a positive vote at the polls, the Voucher program is now available to Wellfleet children from the age of one month up to five years and is also available to the children of Town employees. Each child is eligible for up to \$7,000 per year in tuition assistance and the assistance is paid directly to the schools upon receipt of verification of attendance by the child. Notices were sent out by mail to all the children in the age group listed on the Town Street Census the week after Town Meeting, a notice of the program was posted on the Town website and the notice was posted on Facebook.
- Social and Human Services Grants: All the agencies that were funded in FY23 were notified of the new round for FY24. This year, all notices and responses will be done electronically to save time and effort for all concerned. The due date for applications is June 10th at 4pm and the Social and Human Services committee will meet by ZOOM on Tuesday, June 13th to allocate the available funds voted by Town Meeting among the applying agencies. Any new agencies will be asked to attend the meeting so that the members can ask any questions about their services.

### **RECREATION**

- Angel Robinson, who has been Wellfleet's Assistant Recreation Director since 1998, has submitted his resignation as of July 31, 2023. Becky Rosenberg, Rec Director, is working with HR to update the position description and the position should be advertised in July.
- Summer personnel are being hired and the Morning Rec and Extended Day Rec will begin in July.

### **BEACHES**

- The Beach Office opened on April 11 to permit in person access to purchase Beach stickers, Transfer Station permits and Shellfish permits. To date, the combined revenue for the three departments is \$111,365.00, of which \$98,785 is Beach revenue.
- Throughout April and May, the office was open from 8am to 3pm and closed on Saturdays and Sundays. Beginning June 1, we will be open seven days a week from 9am to

4pm. People will be able to order online as well as walk up to one of the two windows and purchase their stickers in person.

- The CCNS amended its Compendium to prohibit open containers of alcohol and consumption of alcohol on Cahoon Hollow beach so that their regs are in line with long existing regs in the Wellfleet General Bylaws. The first big weekend, Memorial Day, went well and the combined efforts of the WPD and the CCNS will continue to enforce the regs all during the summer season. I'm grateful that nothing tragic has happened YET at Cahoon Hollow with the enormous crowds and the alcohol, but this enforcement will greatly reduce the chances of a tragedy occurring.

## **COMMISSION ON DISABILITIES**

- As Community Services Director, I am now the Interim ADA Coordinator for the Town of Wellfleet. This will permit the Town to apply for ADA grants from the Massachusetts Commission on Disabilities. We will also be working on updating our plan because the last time it was submitted was 1994. The 1994 plan cites deficiencies in many of the Town buildings but at least four have been replaced or renovated since the report was issued; Town Hall, Fire Station, Police Station and Adult Community Center and they were all constructed to be ADA accessible. Becky Rosenberg, Rec Director, has asked that the first project be making the bandstand at the pier ADA accessible to allow all the children at the Square Dances to come up onto the stage and participate with the Square Dance callers.
- This year's round of grants opens on August 1 and close on August 31st and Wellfleet will be submitting a grant.

### Harbormaster

- No Update

### Health/Conservation

- No Update

### Fire

- EMT Brendan Cutting will be graduating from the Massachusetts Fire Academy, Bridgewater campus, on Friday, June 16th. This will be the culmination of his ten (10) week on campus program to earn his Firefighter I/II training and certifications. We look forward to Brendan returning home and being here full-time.
- Congratulations to Firefighter/EMT Ryan Hickey who has completed the very last steps of his Paramedic training/requirements. On May 26th, Ryan was authorized to perform as a fully credentialed, permanent Paramedic. We are very proud of Ryan and are appreciative of his hard work in this regard.
- We have been in regular contact with Greenwood Emergency Vehicles in North Attleborough, MA with respect to the refurbishment and placement in service of our 2005 Seagrave, 75' aerial/pumper quint truck. Progress continues to move forward and we are striving for delivery of this truck back to Town by the last part of June.
- We continue to monitor and keep up to date on the prospective changes with respect to the Lower Cape Ambulance Association's (LCAA) longevity as a 911 EMS service provider,

and, the extension of a contract or agreements between the LCAA and the Town's of Truro and Provincetown. This is a very fluid situation and most likely will continue to be so.

- On Friday, June 2nd, we will be conducting interviews for the two (2) new full-time Firefighter/Paramedic-EMT positions that were approved at the Annual Town Meeting this Spring. This is the first round of interviews of six (6) candidates.
- We are finishing up the specifications on the purchase of our new Ambulance which was approved at the Annual Town Meeting this Spring. With supply chain and related issues, it is not anticipated that this ambulance, once ordered, will be in service for at least eighteen (18) months.

### Library

- We are gearing up for a \*full\* summer of programming for adults and children. We are excited about how the summer has shaped up, and have our schedule fully nailed down already. There are authors, speakers, poets, artists, actors, musicians, and demonstrations by a wide array of folks. It's going to be wildly successful.
- We have submitted our goals to the administration, with an eye towards what the public has already raised in our strategic planning. We are excited to shape the library's future, based on the needs and desires of the public. Look for a survey soon.
- The migration to our new system went well. The new catalog at [clamsnet.org](http://clamsnet.org) is very malleable and allows us to highlight our displays, right on the catalog front page. This boosts circulation and it's an exciting way for people who don't frequent the library to "see" our displays.
- We have just had an amazing month of classical music by Carl Banner and his musician associates. We cannot believe that our meeting room has been filled with these amazing free concerts. There will be one more in June - on Monday the 12th at 7:00 PM.
- To celebrate Juneteenth, the NAACP of Cape Cod and the Zion Union Heritage Museum is holding a film screening and discussion. The film is entitled, Journeys in the Light: Democracy, Diversity and Myth in the Wake of the Mayflower. This is Tuesday, June 13th, at 7:00 PM.

### Police

- The department would like to recognize Officer Matthew McGue on a successful Scavenger Hunt for local kids and the second annual Touch a Truck event that was held at the Wellfleet Drive-In. Both events were a huge success along with raising money for Massachusetts Make-a-Wish with the dunk tank. I know that Officer McGue will be looking for a bigger Touch a Truck in 2024 so stay tuned!! In addition, he is also looking at putting together an adult Scavenger Hunt so stay tuned for that also!!
- The department continues to meet with its partners on the logistics for the 2023 Oyster Festival to be held in October. The team consists of Public Safety, SPAT organizers and MA Frazier to start locking down the footprint and security for the event. I feel we are well on our way to a safe, fun and successful festival this October.

- The department is currently working through applications and background checks to fill a vacant position, in hopes to have a candidate registered for an August MPTC Plymouth Police Academy this August 2023 with a graduation of February 2024.
- Memorial Day weekend was a huge success at Cahoon Hollow Beach with new regulations in place, over the weekend we had 20 buses, and 100% compliance with open container on Cahoon Hollow Beach. Officers and Rangers patrolled the beach and area throughout the weekend.
- As of Today May 30, 2023, All Officer have completed their annual 40 hours in-service to be in compliance with MPTC and POST commission.

## Public Works

1. DPW Administration
  - a. Submitted the USDA/NRCS grant 1st quarter reports for Powers Landing, Kendrick Ave, and Lt Island road stormwater projects
  - b. Solicited quotes for seasonal waste management collection and selected Frazier as qualified low bidder for a one year contract with a 2 year option to renew
  - c. Ongoing project management (meetings, grant reporting, accounting, contract review) for Herring River CNR Bridge and Low lying roads, Rt 6 Main Street and Pavement preservation, FD HVAC upgrades, Keller's Corner, Briar Lane, Powers Landing and Lt. Island Road
  - d. Sent 30-day offer letters to owners along main street for the appraisal process of the Rt 6/Main Street intersection project. SB hearing is scheduled for June 6th.
  - e. Administrative staff attended virtual procurement training (3 out of 3 trainings completed).
  - f. Director Norton attended the monthly MPO meeting as an ex-officio member from the CCJTC
  - g. Director Norton and Asst. Director Morris attended continuing education classes for water licenses
  - h. We currently have 2 open seasonal positions available (4/6 have been filled so far)
2. Facilities/Grounds
  - a. Baker's field is re-opened after a successful restoration effort. We continue to prepare facilities for summer season, including repair and deployment of beach shacks. Long Pond has been refurbished with new stairs, walkway and addition of beach sand that was eroded/washed away.
  - b. Mowing/brushing has commenced throughout Town, including cemeteries
  - c. Various staff schedules have shifted for the upcoming summer season so we have coverage on the weekends
3. Highway Department
  - a. Line striped roadways including cross-walks using WRAP funding (Winter Recovery Assistance Program).
  - b. Street sweeping and flail mowing has commenced to prepare for summer season.
  - c. Asst. Director Morris and Foreman Russell completed the inspection of private paved roads for the 2023-2024 plowing season. Results of the inspection will be posted on the website in early to mid June.
  - d. Ongoing grading of public dirt roads across Town
  - e. In the next week or so we will be mobilizing to Pond Ave in Pleasant Point to implement some drainage improvements

- f. Lawrence Lynch has been hired to fix the rutting and pavement deterioration across from Eldridge Books at the intersection of Main and East Commercial. We expect them to mobilize in the next week or so
4. Transfer Station
    - a. Rate increases to be discussed at the 6/6 SB meeting and voted at the 6/14 BOH meeting.
    - b. Received a new Mack Roll off truck that will be used for hauling solid waste/recycling to various material recycling/processing facilities
    - c. Amnesty Day was very successful this year. We had a full staff and operations went smoothly.

### Recreation

- Spring has been an eventful time for the Recreation Department. In addition to two spirited T-ball teams, the Department sponsored classes in hiking and foraging with naturalist Elspeth Hay, Crafts with Carrie, taught by local artist Carrie Rushby and Running and Track led by accomplished runner Mollie Baird. These programs were all part of the Community Center without walls initiative.
- The Easter Egg hunt at Uncle Tim's bridge was another big success with 300 hunters participating.
- A scavenger hunt for middle and high school students took place on Saturday April 29 in partnership with the Wellfleet Police Department. Four Teams led by police officers from four towns escorted participants to different clue points around the Outer Cape. It was a wonderful experience for all involved, as the officers reported having as much fun as the kids! Many thanks to WPD, especially officer Matt McCue for organizing the event.
- The Friday teen activity nights continued through May with planning for a bonfire at the beach in June underway.
- Pickleball round robins are held at the outdoor Mayo Beach Courts four days per week.
- Registration has begun for the Morning and afternoon recreation and Gull Pond Swim programs as both programs are almost full.
- A full list of summer activities as well as the Music at Mayo Concert Schedule can be found on the Town of Wellfleet website.

### Shellfish Department

- The Shellfish Department began and completed the annual contaminated quahog relay. We distributed almost 315,000 quahogs to Chipman's Cove and almost 110,000 to Burton Baker Beach in the recreational only shellfishing area. The cost was about \$0.07 per clam – an incredible value that municipalities only can take advantage of through this state-run program that permits moving quahogs that are lightly contaminated to our waters for natural purification. The state makes us close the area so the quahogs can spawn during the summer, increasing the potential for baby quahogs to settle and grow there in the future. The quahogs are stringently tested before they can be harvested and eaten by the public. Chipman's Cove will open the last Sunday in October, and Burton Baker Beach will open June 1, 2024, or earlier as Assistant Shellfish Constable Johnny Clam deems appropriate. More details here.



- We assisted Cape Cod Cooperative Extension and Roger Williams University in planting clams spawned by ARC as part of an ongoing neoplasia disease study we are collaborating on to determine if a disease-resistant trait can be found.
- We confirmed our orders for seed oysters with Cape Cod Oyster, including 100,000 field plant from our budget and 80,000 field plant from the dredging budget for the mitigation area.
- We continue to contribute to the dredging mitigation working group with the Army Corps of Engineers and to participate in many public meetings, including the Wellfleet Community Forum, to address the public's questions and concerns about the proposal. We created maps to help all understand the areas in consideration better.
- We conducted a baseline biological survey of the proposed Herring River mitigation area with GEI.
- We met with the Conservation Department and our consultants, Coastal Engineering, about an addendum to our Chapter 91 and Water Quality Certification permits with the state for the dredging mitigation as well as the department's traditional cultching activities. We responded to an inquiry from Mass. Department of Environmental Protection about a complaint from Ms. Jude Ahern about our cultching activities in 2019, before our permits were issued.

We worked with the Conservation Department on adding requirements to all Orders of Condition for beach renourishment moving forward to occur when tides are not extreme, and therefore, that sand placement not happen when tides are negative lows and plus highs in order to help avoid large amounts of sand moving immediately after placement due to high tides carrying it away. This should help prevent sand accumulation on shellfish beds and make the best use of the homeowner's financial investment.

- We completed a survey from the Mass. Division of Marine Fisheries (MADMF) regarding Town regulations on grant transfers for the Shellfish Advisory Panel to review.
- We conducted water testing with the state for the entire harbor.
- We spent a significant amount of time attending to grant issues and paperwork, including minimum productivity conversations, an extension compromise, renewals, transfers, buoys, commercial permit hardship exemptions, licenses for the lottery winners, and corresponding with MADMF. We are running behind in our grant oversight responsibilities but are doing our best. The absence of a Principal Clerk for more than a year has had ripple effects on our department, increasing our work load and taxing our resources. We look forward to working with the new Principal Clerk once she has settled in exclusively to her new role.
- Shellfish Constable Nancy Civetta prepared memos, created maps and presentations, worked with Town Counsel and participated in many meetings, included Selectboard public hearings on regulation changes for the description of where grants may be located on Egg Island, the Marina Advisory Committee on two Egg Island grant extension proposals, and Conservation Commission on approval for a new grant, among others.

- We submitted an application for an Individual Placement AmeriCorps member for 2023-2024.
- We worked on getting a replacement truck for our out-of-commission 2018 Ford F-150.
- We developed job descriptions for our full-time to part-time Deputy Shellfish Constable and our part-time, seasonal Deputy Shellfish Constable positions and are working with Human Resources to get them posted and circulated.
- The state's Vibrio Control Management Plan took effect on May 19. We are closely monitoring commercial shellfishermen and grant holders for exposure time, proper ice and correct tags. We participated in the state's 2023 vibrio update meeting.

#### **Enforcement:**

- We had to check boats dragging near the No Drag Line and inform them of the trajectory to respect. We had had complaints from intertidal pickers that there were drag marks and shack piles north of the No Drag Line on Great Island.
- We talked with a commercial shellfisherman about a complaint that he was driving too fast on the beach.
- We confiscated the catches of three recreational shellfisherman due to seed and marked their permits with an "S."
- We interfaced with two commercial shellfishermen and the police about a fight that happened at Herring River.
- We were called by the police twice to educate the same upland owner about the right of shellfishermen to harvest from the wild on their intertidal property.
- We asked a grant holder to remove his gear from a public parking lot.
- We sent out one commercial and two recreational Shellfish Criers, the Department's eNewsletter. We also sent text messages to commercial shellfishermen about shellfish public hearings and Vibro log books and meetings. You can access the current Commercial Crier [here](#) and archives [here](#) and the Recreational Criers [here](#), archives are at the bottom of the page.

#### Town Clerk

- Working on completing the final meeting minutes for ATM
- Working on completing all the reporting to different State agencies after ATM
  - By-laws to the AG's office
  - Loan authorizations & recap info to the DLS
- Kings Information Systems will be here for two days this week updating our Archival system, at Town hall, DPW and FD buildings.
- Marriage license season has started.
- June will be very busy with a Clerk's conference the 7th, 8 and 9th , as well as

a Clerk's mentoring session in Dennis on the 13th , and a Cape Clerk's meeting on the 16<sup>th</sup>.

- Public Records requests.



**SELECTBOARD**  
**AGENDA ACTION REQUEST**  
Meeting Date: June 6, 2023



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**TOPICS FOR FUTURE DISCUSSION**

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



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

X

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## VACANCY REPORTS

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

Date: June 6, 2023  
To: Board of Selectmen  
From: Rebekah Eldridge  
Re: Vacancies on Town Boards

**Board of Assessors (3 members, 1 alternate)**

<b>Vacant Positions 0</b>	Appointing Authority	Length of Term
<b>1 Alt Position</b>	Selectboard	3 years

Requesting Appointment: No applications on file

**Board of Health (5 members, 2 alternates)**

<b>Vacant Positions 0</b>	Appointing Authority	Length of Term
<b>0 Alt Positions</b>	Selectboard	3 years

Requesting Appointment: No applications on file

**Board of Water Commissioners (5 Members, 2 Alternates)**

<b>Vacant Positions 0</b>	Appointing Authority	Length of Term
<b>1 Alt Positions</b>	Selectboard	3 years

Requesting Appointment: **no** application on file

**Cable, Internet, and Cellular Service Advisory Committee (7 Members)**

<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>0 Voting Positions</b>	Selectboard	1 year

**Commission on Disabilities (up to 5 Members)**

<b>Vacant Positions 1</b>	Appointing Authority	Length of Ter
	Selectboard	3 years

Requesting Appointment: No applications on file

**Conservation Commission (7 Members + 2 alternates)**

<b>Vacant Positions 0</b>	Appointing Authority	Length of Term
	Selectboard	3 years

**2 Alt Positions**

Requesting Appointment: No applications on file

**Council on Aging (9 Members)**

<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>1 Voting Positions</b>	Selectboard	3 years

Requesting Appointment: **ONE** application on file

**Cultural Council (no more than 15 Members)**

<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>3 voting Positions</b>	Selectboard	3 years

Requesting Appointment: no applications on file

**Dredging Task Force (5 Members)**

<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>3 Voting Positions</b>	Selectboard	3 years

Requesting Appointment: No applications on file



<b>Energy and Climate Action Committee</b>		Length of Term
<b>Vacant Position</b>	Appointing Authority	
<b>2 Voting Positions</b>	Selectboard	
<b>2 Alternate Positions</b>		
<b>Finance Committee (9 members, 2 alternate)</b>		
<b>1 Vacant Positions</b>	Appointing Authority	Length of Term
<b>1 Alternate Position</b>	Town Moderator	3 years
Requesting Appointment: <b>one</b> application on file ~ Timothy Sayer		
<b>Historical Commission (7 members)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>0 Vacancies</b>	Selectboard	3 years
Requesting Appointment: <b>no</b> application on file		
<b>Local Housing Partnership (at least 10 members)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>0 Vacancy</b>	Selectboard	1 year
Requesting Appointment: No application on file		
<b>Marina Advisory Committee (7 Members, 2 Alternates)</b>		
<b>1 Vacant Positions</b>	Appointing Authority	Length of Term
<b>0 Alternate Position</b>	Selectboard	2 years
Requesting Appointment: No applications on file		
<b>Natural Resources Advisory Committee (7 Members)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>3 Voting Positions</b>	Selectboard	3 years
Requesting Appointment: No application on file		
<b>Open Space Committee (7 Members)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>0 Positions</b>	Selectboard	1 year
Requesting Appointment: <b>No</b> application on file		
<b>Planning Board (7 members + 2 alternates)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>1 voting position</b>	Selectboard	5 years
<b>2 Alternate Position</b>		
Requesting Appointment: No applications on file		
<b>Recreation Committee (7 Members)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>2 Positions</b>	Selectboard	3 years
Requesting Appointment: No applications on file		
<b>Recycling Committee (7 Members + 2 Alternates)</b>		
<b>1 Voting Positions</b>	Appointing Authority	Length of Term
<b>1 Alternate Positions</b>	Selectboard	3 years
Requesting Appointment: No application on file		
<b>Rights of Public Access (5 Members)</b>		
<b>Vacant Positions</b>	Appointing Authority	Length of Term
<b>4 Positions</b>	Selectboard	1-2 years
Requesting Appointment: <b>No</b> application on file		

**Shellfish Advisory Board (7 members + 2 Alternates)**

**1 Vacant Positions**

Appointing Authority

Length of Term

**1 Alternate Position**

Selectboard

3 years

Requesting Appointment: No application on file

**Zoning Board of Appeals (5 Members, 4 Alternates)**

**Vacant Positions**

Appointing Authority

Length of Term

**1 Position**

Selectboard

3 years

Requesting Appointment: No applications on file

**BOARD AND COMMITTEE MEMBERS**  
**May 23, 2023**

**Affordable Housing Trust: 1 year term**

Harry Terkanian	Trustee	6/30/2023
Elaine McIlroy	Trustee	6/30/2023
Gary Sorkin	Trustee	6/30/2023
Sharon Rule-Agger	Trustee	6/30/2023
James Hood	Trustee	6/30/2023
Kathleen Nagle	Trustee	6/30/2023
Michael DeVasto	Trustee	6/30/2023

**Bike and Walkways Committee: \*\*\* No Longer Meet \*\*\***

Peter Cook	Chair	6/30/2022
Rebecca Broadwick Noble	Vice-Chair	6/30/2022
Christie O’Campbell	Clerk	6/30/2022
Ned Oliver	Member	6/30/2022
Vacant Position		

**Board of Assessors:**

Diane Galvin	Chair	6/30/2024
Gail Stewart	Member	6/30/2024
Nancy Vail	Member	6/30/2025

**Board of Health:**

Nicholas Picariello	Chair	
Janet Drohan	Member	
Gary Locke	Member	
Deborah Freeman	Member	
Kenneth Granlund	Member	

**Board of Water Commissioners:**

James Hood	Chair	
Curt Felix	Member	
Neil Gadwa	Member	
Thomas Flynn	Member	
VACANT (Catharie to step done 06/23)		

**Building and Needs Assessment:**

Sean Donoghue	Member	6/30/2022
Jason Horowitz	Member	6/30/2022
Vacant Position		

**Bylaw Committee:**

Dawn Rickman	Member	ATM 2025
Lizanne Stansell	Member	ATM 2023
Sam Pickard	Member	ATM 2024

**Cable Internet and Cellular Service Advisory Committee:**

Josh Yeston	Chair	06/30/2025
Steve Kopits	Vice Chair	06/30/2023
Larry Marschal	Member	06/30/
Heather Doyle	Member	06/30/2023
Thomas Cole	Member	06/30/2024

**Cemetery Commission:**

Nancy Vail	Chair	ATE 2022
Bonnie Robicheau	Member	ATE 2023
David Agger	Member	ATE 2024

**Commission on Disabilities:**

Suzanne Grout Thomas	ADA Coordinator	
Frederick Gentner	Member	6/30/2023
Kate Clemens	Member	6/30/2023
George Harris	Member	6/30/2024
James McAuliffe	Member	6/30/2024

**Community Preservation Committee:**

Gary Sorkin	Chair, LHP Representative
Janis Plaue	Vice-Chair Member at Large
Elaine McIlroy	Member, Wellfleet Housing Authority Rep.
Fred Streams	Member, Open Space Rep.
James McAuliffe	Member, Historical Commission Rep.
David Mead-Fox	Member, Planning Board Rep.
Rhonda Fowler	Member, Recreation Committee Rep.
Michael Fischer	Member, Conservation Commission Rep.
Geraldine Ramer	Member at Large

**Clean Water Advisory Committee:**

Curt Felix	Chair	6/30/2023
Fred Vanderschmidt	Vice-Chair	6/30/2024
John Cumbler	Member	6/30/2023
Richard Wulsin	Member	6/30/2024
Vacant Position		
Vacant Position		

**Conservation Commission:**

John Cumbler	Member	6/30/2022
Barbara Brennessel	Member	6/30/2022
Michael Fischer	Member	6/30/2024
Leon Shreves	Member	6/30/2023
Benjamin Fairbank	Member	6/30/2023
Martin Murphy	Member	6/30/2024
Robert Stewart	Member	6/30/2026

**Council on Aging Advisory Board:**

C. Wilson Sullivan	Chair	6/30/2024
Laura Gazzano	Member	6/30/2024
Sarah Multer	Member	6/30/2023
Brian Quigley	Member	6/30/2023
Dian K. Reynolds	Member	6/30/2023
Judith Cumbler	Member	6/30/2024
Denya LeVine	Member	6/30/2024
VACANT		

**Cultural Council:**

Carolyn Rogers	Chair	6/30/2025
Francis Corbin	Treasurer	6/30/2025
Susan Blake	Secretary	6/30/2023
Yvonne Barocas	Member	6/30/2023
Merrill Mead-Fox	Member	6/30/2024
Kevin McMahan	Member	6/30/2024
Moira Meehan	Member	6/30/2024
David Blackman	Member	6/30/2024
Vicki Solomon	Member	6/30/2024
Kathleen Grzewinski	Member	6/30/2025

**Dredging Task Force:**

Christopher Allgeier	Co-Chair	6/30/2025
Joseph Aberdale	Co-Chair	6/30/2023
Skip Annette	Member	6/30/2025
Curt Felix	Member	
VACANT POSITION	Member	
VACANT POSITION	Member	

**Energy and Climate Action Committee:**

Suzanne Ryan	Chair	6/30/2025
Lilli-Ann Green	Vice Chair	6/30/2023
(Mary) Carol Magenau	Secretary	6/30/2025
Robert Shapiro	Member	6/30/2025
David Mead-Fox	Member	6/30/2024
Gorham Brigham	member	6/30/2025.
Jeff Tash	FinCom Rep	
Jay Norton	DPW Rep	
VACANCY		
VACANCY		

**Finance Committee:**

Kathleen Granlund	Chair	ATM 2023
Fred Magee	Vice-Chair	ATM 2023
Stephen Polowczyk	Member	ATM 2023
Robert Wallace	Member	ATM 2023
Ira Wood	Member	ATM 2023
Jeff Tash	Member	ATM 2023
Moe Barocas	Member	ATM 2023
Jennifer Rhodes	Member	ATM 2023
VACANCY		

**Historical Commission:**

Merrill Mead-Fox	Co-Chair	6/30/2024
Susan Baker	Co-Chair	6/30/2024
Timothy Curley-Eagan	Member	6/30/2024
Gordon Kahn	Member	6/30/2024
James McAuliffe	Member	6/30/2024
David Kornetsky	Member	6/30/2025
Milton Gatch	Member	6/30/2024



**Housing Authority:**

Elaine McIlroy	Chair	ATE 2026
Sarah Pechukas Silvka	Member	ATE 2026
Gary Sorkin	Member	ATE 2025
Richard Ciotti	Member	ATE 2024
Michele Olem	Member	ATE 2027

**Library Trustees:**

Robin Robinson	Chair	ATE 2023
Andrew Freeman	Member	ATE 2023
Yvonne Barocas	Member	ATE 2024
Adam James Miller	Member	ATE 2024
Kathleen Shorr	Member	ATE 2024
Kathleen Hickey	Member	ATE 2025

**Local Comprehensive Planning Committee:**

Haven't had a meeting since March 2020

Suzanne Grout-Thomas                      Community Service Rep.

**Local Housing Partnership:**

Sharon Rule Agger	Member	6/30/2025
Anne Suggs	Member	6/30/2023
Judy Taylor	Member	6/30/2025
Karen Kaminski	Member	6/30/2025
Susan Spear	Member	6/30/2023
Gary Sorkin	Housing Authority	
Alfred Pickard Jr.	Planning Board	
John Cumbler	Open Space	
Sharon Inger	Zoning Board of Appeals	

**Marina Advisory Committee:**

Joseph Aberdale	Chair	6/30/2024
David Stamatis	Vice-Chair	6/30/2024
Edward Kane	Member	6/30/2024
William Barrio	Member	6/30/2024
Fredrick Felix	Member	6/30/2024
Martha Wilson	Member	6/30/2023
Doug Straus	Alternate	6/30/2024
James Gray	Alternate	6/30/2024

**Natural Resources Advisory Board:**

John Duane	Chair	6/30/2024
Laura Hewitt	Member	6/30/2025
Thomas Slack	Member	6/30/2022
Herbert Gstalder	Member	6/30/2024

**Open Space Committee:**

Bruce Hurter	Chair	6/30/2024
Thomas Slack	Vice-Chair	6/30/2024
Lynn Southey	Member	6/30/2024
Margaret Sagan	Secretary	6/30/2024
Fred Streams	Member	6/30/2024
John Grieb	Member	6/30/2024
Elizabeth McDonald	Member	6/30/2024

**Personnel Board: \*\*\* HASN'T MET \*\*\***

Steven Gazzano	Member	6/30/2021
James McAuliffe	Member	6/30/2024
Berta Bruinooge	Member	6/30/2021
Lori Rutter	Member	6/30/2024
Stephen Polowczyk	Finance Committee Rep.	

**Planning Board:**

Gerald E. Parent	Chair	6/30/2025
Beth Singer	Member	6/30/2026
Alfred Pickard Jr.	Member	6/30/2026
David Mead-Fox	Member	6/30/2023
Bonnie Shepard	Member	6/30/2024
Olga Kahn	Member	6/30/2023
Vacant Position	Alternate	
Vacant Position	Alternate	

**Recreation Committee:**

Christine Bezio	Member	6/30/2023
Kerry Cox	Member	6/30/2022
Kevin Scalley	Member	6/30/2023
Kathleen Granlund	FinCom Rep	
Rhonda Fowler	CPC Liaison	

### **Recycling Committee**

Christine Shreeves	Co-Chair	6/30/2025
Lydia Vivante	Co-Chair	6/30/2025
Jaya Karlson	Member	6/30/2024
Nancy Najmi	Member	6/30/2024
Christine Wisniewski	Member	6/30/2024
Olivia Kraus	Member	6/30/2024
(Mary) Carol Magenau	Member	6/30/2026
VACANT POSITION	Alternate	
VACANT POSITION	Alternate	

### **Rights of Public Access Committee \*\*\* CAN'T MEET \*\*\***

Melissa Yow	Member	6/30/2021
VACANT POSITION	Member	
VACANT POSITION	Member	
VACANT POSITION	Member	
VACANT POSITION	Member	

### **Selectboard:**

Ryan Curley	Chair	ATE 2026
Barbara Carboni	Vice-Chair	ATE 2025
Michael DeVasto	Member	ATE 2024
Kathleen Bacon	Member	ATE 2024
John Wolf	Member	ATE 2024

### **Shellfish Advisory Board:**

Rebecca Taylor	Chair	6/30/2024
Thomas Siggia	Vice-Chair	6/30/2023
John Duane	Member	6/30/2024
Nick Sirucek	Member	6/30/2025
Ethan Etsey	Member	6/30/2024
Karen Johnson	Member	6/30/2025
Stephen Pickard	Member	6/30/2025
Damian Parkington	Alternate	6/30/2025
Adrien Kmiec	Alternate	6/30/2026

### **Social Human Services:**

Francis Corbin	Chair	ATM 2023
Nancy Winslow	Member	ATM 2024
Madeline Entel	Member	ATM 2024
Sara Blanford	Member	ATM 2023
Suzanne Grout-Thomas	Ex-Officio	

**Taxation Aid Committee:**

Dawn Rickman	Chair	6/30/2023
Nancy Bierhans	Vice-Chair	6/30/2023
Susan Messina	Secretary	6/30/2024
Dian Galvin	BOA	
Cameron Scott	Ex-Officio	

**Wellfleet Elementary School Committee:**

Martha Gordon	Chair	ATE 2026
Liberty Schlipp	Member	ATE 2024
Laura Baghetti	Member	ATE 2026
Joan Zukas	Member	ATE 2025

**Zoning Board of Appeals:**

Sharon Inger	Chair	6/30/2023
Michael Lynch	Vice-Chair	6/30/2023
Theodore Heyliger	Clerk	6/30/2025
C. Wilson Sullivan	Member	6/30/2023
Trevor Pontbriand	Member	6/30/2024
Reatha Ciotti	Alternate	6/30/2023
Janet Morrissey	Alternate	6/30/2024
Andrew Freeman	Alternate	6/30/2023
Al Mueller	Alternate	6/30/2024



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

XI

### MINUTES

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of the Meeting Minutes of May 23, 2023; May 30, 2023</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the minutes of May 16, 2023, and May 30, 2023, as printed in draft.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**Wellfleet Selectboard**  
**Hybrid Meeting ~ Zoom/715 Old King's Highway**  
**Tuesday May 30, 2023; 7:00PM**  
**Meeting Minutes**

**Members Present:** Ryan Curley, Chair; Barbara Carboni, Vice Chair; Michael DeVasto (7:27pm virtually), Kathleen Bacon, Barbara Carboni, John Wolf

**Others Present:** Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Nancy Civetta, Shellfish Constable; Will Sullivan, Harbormaster; Chris Allgeier, Curt Felix, Skip Annette, Jude Ahern, Diane Brunt, Helen Miranda Wilson, Tim Sayre, Greg Morse, Alyssa Richard, GEI Engineering; Ralph Bassett

Chair Curley called the meeting to order at 7:01pm

**I. *Announcements, Open Session and Public Comments***

**Note:** *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.*

Board Member Bacon spoke about the observance event that didn't take place on Memorial Day in Wellfleet. She explained to the board why it wasn't organized in Wellfleet and stated that the Town of Eastham had a beautiful service that recognized both towns and a ceremony that unveiled a statue. She explained that there were Wellfleet residents that were in attendance. She stated there is a monument in town hall on the first floor.

**II. *Dredging of area II and Mitigation***

**A.** Dredging Task Force members will provide more information and answer questions about the town's proposed mitigation plan required by the Army Corps of Engineers to secure the permit to dredge the harbor mooring field, thus allowing dredging of the first half of the mooring field to begin. Allgeier came to the table and spoke to the board regarding dredging and the mitigation. He stated bids were received for the dredging Thursday May 25, 2023, and stated there were two very competitive bids. He explained that the group edited some documents to address concerns that were identified at the Tuesday meeting with the Selectboard and then had a meeting with the Army Corp of Engineers. He continued in great detail about the changes that were made and submitted to the corp. He explained the revised language was accepted by the Army Corp. Chair Curley had questions concerning the updated report which were discussed. The performance standards were discussed. Other board members had questions for Allgeier who answered them to the best of his knowledge. Carboni questioned if town counsel has had a chance to look into this plan, Waldo explained that once a final draft was completed town counsel would be asked to review the document. Wolf spoke to a working meeting and discussed shellfishing and the area of mitigation. Bacon spoke asking the shellfish constable to share her



screen with the updated maps she had sent to the board prior to the meeting. Civetta shared her screen of maps consisting of the dredging mitigation area of Phase 1, also showing where the cultch drifts are and the permits that they have. She showed the cultch strips. Civetta continued to explain the area of mitigation. Members of the public spoke against dredging with concern. The cultch strips were discussed and why there are so many oysters being laid. Ice at Blackfish Creek was discussed and the ability for it to kill oysters. Roberts spoke to the board answering some questions about a permit and modifications cannot be made once the permit is written. Robins also commented on the mitigation efforts, he stated the goal is to enhance the resources. There was a lot of back and forth discussing dredging and mitigation. Explaining financial management and how the dredging would be financed.

Chair Curley questioned what Allgeier was asking of the board this evening, Allgeier stated they were looking for a motion to approve the changes to the mitigation plan so they can move forward with the dredging. The board discussed this. Robbins explained the hydro filling. Carboni questioned Waldo about the timeline of the execution of the contract. Waldo stated this needed to be moved forward and town counsel would be quick to review this agreement.

A few more comments from the public were made in disapproval of the dredging. There was a lot of back and forth.

It was stated that we can't dredge the harbor without the army corps.

Sullivan spoke to the board and public regarding the dredging. Stating that there is a lot of mistrust and stating it is time to do this, with a quote from Blackbeard.

**Board Member Carboni moved; Board Member Wolf seconded; and it was voted to support the mitigation plan as amended subject to clarification of penalties for noncompliance with the plan and subject to review and approval by town counsel, and subject to the permit issuing prior to June 30, 2023.**

**Roll Call Vote: 4-0**

Before the roll call vote Civetta explained there were options for them to make some changes and bring it to the town meeting at a later point. She stated they can do this as a town. She explained this area was chosen because the shellfishing community's lively hood wouldn't be affected as this wasn't a main area for shellfishing.

### **III. *Adjournment***

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to adjourn.**

**Roll Call Vote: 4-0**

**Meeting Adjourned: 9:15pm**

**Wellfleet Selectboard  
Hybrid Meeting  
Zoom ~ 715 Old King's Highway  
Tuesday May 23, 2023; 7:30pm  
Meeting Minutes**

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

**Members Not Present:** Michael DeVasto

**Others Present:** Rebecca Roughley, Assistant Town Administrator; Rebekah Eldridge, Executive Assistant; Nancy Civetta, Shellfish Constable; Chris Allgeier, Dredging Task Force; Helen Miranda Wilson, Chopper Young, Shellfisherman; Alfred Pickard, shellfisherman; Deb Maddingly, Chair of the Seashells trustees; Gregg Corbo, KP Law; Ben Pickard, Shellfisherman; Denny O'Connell, Will Sullivan, Harbormaster; Skip Annette, Dan Robbins, GEI Engineering, Tim Hues, shellfisherman; Diane Brunt, shell fisherwoman.

Chair Curley called the meeting to order at 7:34pm

**I. *Announcements, Open Session and Public Comments***

**Note:** *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments*

There were no announcements.

**II. *Consent Agenda***

**A.** Appointment of Mary Goodhouse to the Council on Aging Advisory Board

**B.** Appointment of Catherine Andrews to the Wellfleet Historical Commission

**Chair Curley Moved, Board Member Carboni Seconded; and it was voted to adopt the consent agenda as drafted.**

**Roll Call Vote: 4-0-1**

**III. *Use of Town Property***

**A.** Ben Zehnder ~ Town Pier at the bandstand, for a memorial service for Simeon Watson ~ Saturday June 17, 2023, 2:30pm – 4:30pm. See packet for full application.

Zehnder explained this was a service for all who wanted to attend for a town native who passed away last October.

**Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the use of the bandstand at the town pier for a memorial service.**

**Roll Call Vote: 4-0-1**

**IV. *Shellfish Hardship Exemption***

**A.** Commercial Shellfishing Permit for grant holder ~ Hardship exemption for Matt Parent.

Parent came forward and Board Member Bacon questioned if he knew about the new law passed about needing a commercial shellfish license, and stated if he

was fishing in the town of Wellfleet he was doing so illegally. Parent stated that he didn't know about this because he hadn't been fishing in the town.

**Chair Curley Moved; Board Member Seconded and it was voted to direct the Shellfish Constable to issue a commercial shellfishing permit to Matt Parent per section 6.1.5 Hardship Exemption.**

**Roll Call Vote: 4-0-1**

**v. Public Hearings**

**Chair Curley opened the public hearing:**

- A.** Application received on 4/14/2023 from Margaret Conor (Wellfleet, MA) and Jeffrey Pickard (Wellfleet, MA) for the renewal of shellfish grant license #s 95-9/10 consisting of approximately two acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.

**Chair Curley Moved, Board Member Carboni Seconded, and it was voted to approve the renewal for Margaret Conor (Wellfleet, MA) and Jeffrey Pickard (Wellfleet, MA) of shellfish grant license #'s 95-9/10 consisting of approximately two acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.**

**Roll Call Vote: 4-0-1**

**Chair Curley Opened Public Hearing:**

- B.** Application received on 4/14/2023 from Paul Conor (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the renewal of shellfish grant license #s 95-5/6 consisting of approximately two acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.

**Chair Curley Moved; Board Member Wolf Seconded, and it was voted to approve the renewal for Paul Conor (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) of shellfish grant license #'s 95-5/6 consisting of approximately two acres on Egg Island for ten years, one month, and 29 days beginning March 1, 2023, and expiring on April 30, 2033.**

**Roll Call Vote: 4-0-1**

**Chair Curley Opened the Public Hearing:**

- C.** Application received on 4/14/2023 from Matt Parent (Wellfleet, MA) for the renewal of shellfish grant license # 04-03 consisting of approximately one acre on Egg Island for 10 years and 3 days beginning April 27, 2023, and expiring April 30, 2033.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the renewal for Matt Parent of shellfish grant license #04-03 consisting of approximately one acre on Egg Island for 10 years and 3 days beginning April 27, 2023, and expiring April 30, 2033.**

**Roll Call Vote: 4-0-1**

**Chair Curley Opened the Public Hearing:**

**D.** Application received on 4/14/2023 from Matt Parent (Wellfleet, MA) for the renewal of shellfish grant license # 733 consisting of 0.94 acres on Old Wharf Point for 10 years and 12 days beginning April 18, 2023, and expiring April 30, 2033.

**Chair Curley Moved; Board Member Bacon Seconded, and it was voted to approve the renewal for Matt Parent of shellfish grant license #733 consisting of 0.94 acres on Old Wharf Point for 10 years and 12 days beginning April 18, 2023, and expiring April 30, 2033.**

**Roll Call Vote: 4-0-1**

**Chair Curley Reopened the public hearing:**

**E. CONTINUED FROM 4/4/2023** ~ Change to Section 7.4. Location of Areas Licensed for Aquaculture (Grants) in the Town of Wellfleet Shellfishing Policy and Regulations to reference new grants and redefine the Egg Island area where grants may be located. Also, to add a map outlining the Egg Island area as Appendix E to the regulations.

The board discussed this section and regulations. Civetta explained the three maps that were in the Selectboard Packet and stated the decision was up to the board. Bacon stated she wished to leave Egg Island the way it is and have no more expenditures to the island. She stated she had conversations with the upland owners. Wolf spoke to the board and stated he looked at the Marina Advisory committee's recommendations and explained how he understood it. Pickard stood up and spoke to the board regarding the extensions on Egg Island and the confusion that goes with these changes. Maddingly spoke to the board regarding her concern for the extension, she spoke about the issues with Power's Landing and the boats and trucks that go with that. She spoke about the legal issues that go along with this regulation change. Maddingly also spoke about the changes that could happen within the environment. She asked the board to not extend the area for shellfish grants. Ben Pickard stood up and asked Corbo some questions about the mean low line. O'Connell came to the microphone and asked about driving on upland owners' property and crossing the flats. Corbo explained the court's decision on this topic. There was some back-and-forth conversation on the boundaries and driving on the shellfish flats. The discussion about this change continued with many different points of view pointed out.

**Chair Curley Moved; Board Member Wolf Seconded, and it was voted that the Selectboard is to adopt the Egg Island Aquaculture area the area previously defined as the boundary points of the licenses previously included and the Egg Island aquaculture area with the additional area to be defined as he area between the points; 151, 60, 59, 58, 152, 153 and a line extending north from 153 to point 151.**

**Roll Call Vote: 4-0-1**

**Chair Curley reopened the hearing:**

- F. CONTINUED FROM 1/31/2023** ~ Application received 1/3/2023 for a grant extension (to be numbered #2000-2 ext.) to shellfish grant license #2000-2 consisting of approximately 1.08 acres on Egg Island from Stephen Pickard (Wellfleet, MA), Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA).

Stephen Pickard spoke to the board after the board asked him to withdraw the application without prejudice. After some discussion Pickard agreed to withdraw his application. He explained he will be amending his application.

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to accept the withdrawal of Stephen Pickard, Iris Pickard, and Benjamin Pickard's application for a grant extension on Egg Island.**

**Roll call Vote: 4-0-1**

**Chair Curley reopened the public hearing:**

- G. CONTINUED FROM 3/21/2023** ~ Application received 1/10/2023 for a grant extension (to be numbered #99-1 Ext) to shellfish grant license #99-1 consisting of approximately .43 acres on Mayo Beach from Angela Osowski (Wellfleet, MA) Robert Mallory (Wellfleet, MA) and Mary Mallory (Wellfleet, MA).

Civetta spoke to the board and asked for it to be continued to June 6, 2023

**Chair Curley Moved; Board Member Carboni Seconded and it was voted to continue this hearing to June 6, 2023.**

**Roll Call Vote: 3-1-1**

**VI. Business**

- A.** Dredging Task Force members will provide information and answer questions about the town's proposed mitigation plan required by the Army Corps of Engineers to secure the permit to dredge the harbor mooring field, thus allowing dredging of the first half of the mooring field to begin.

Allgeier, Felix, Annette, and Sullivan came to the table and spoke to the board regarding the dredging. He explained what each document in the packet was and offered to answer any questions. He continued to read some information to the public to better explain the dredging and what will and won't happen if the dredging takes place.

Chair Curley asked some questions regarding the mitigation. He stated that if quahogs are going to be used for mitigation it should be listed on the plan along with oysters and mussels.

The board discussed the dredging, Board Member Carboni had many legal questions for the panel, they answered what they could. The major discussion circled around the Memorandum of agreement regarding the dredging. Robbins spoke to the dredging and the ultimate goal of working with the town to identify any modifications that are needed. Robbins also addressed the 408 plans; it was stated that this should be negotiated.



Wolf had questions for the engineer and the panel regarding the issue of compliance. Hues spoke to the board and stated that the board was mitigating people's livelihoods.

Sayer spoke to the board regarding the 1995 report of the dredging. The dredging conversation went a great length of time. There were both sides of the arguing for or against the dredging, there was much conversation about the distrust the people have with the Army Corp of Engineers. Chair Curley questioned the timeline for the dredging. Robbins explained the timeline and the bids are due back Thursday May 25, 2023. Robbins explained the aspects of the contract and what the town needed to have for the project.

The board discussed the permit and what would happen if the town didn't come to an agreement. Allgeier explained that the town would lose the 2.5-million-dollar grant. Brunt suggested that the town use the 2.5 million to maintenance dredge the federal channel. She explained her stand on being against dredging. Chair Curley questioned the panel about what they were asking the board to vote on tonight. Board Member Bacon spoke to the over 40 letters written to the board in support of the dredging to the harbor. The board decided that there may be a meeting scheduled for May 30, 2023, at 7pm if the dredging update with the Army Corp earlier that day.

**VII. *Selectboard Reports***

**VIII. *Topics for Future Discussion***

- A. Wolf stated he would like to have regularly scheduled grant inspections to not have one person going out and doing it alone.
- B. Bacon asked the selectboard to have a Mary Beth Rodman Day to celebrate her outstanding work as the principal to the Wellfleet Elementary School.
- C. Bacon also stated that she would like Jay Coburn to come before the board to give the board a debrief on the board on the application that didn't get funded to improve the application.
- D. Carboni stated she would like to implement a Capital Improvement Committee.

**IX. *Minutes***

- A. May 16, 2023, ~ Carboni Corrected 2<sup>nd</sup> page May 16<sup>th</sup> the 3<sup>rd</sup> line should say Court.

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the meeting minutes of May 16, 2023, as amended.**

**Roll Call Vote: 4-0-1**

**X. *Adjournment***

**Chair Curley Moved; Board Member Bacon Seconded, and it was voted to adjourn.**

**Roll Call Vote: 4-0-1**

**Meeting Adjourned: 10:45pm**

***Public Documents***

***Application from Mary Goodhouse to be appointed to Council on Aging Advisory Board***

***Application from Catherine Andrews to be appointed to Wellfleet Historical Commission***

***Application from Ben Zehnder for use of town property***



***DRAFT*** \*\*\* A full recording of this meeting can be found on the town's website \*\*\*

*Commercial Shellfish Hardship documents*  
*All Shellfish hearing documents.*  
*Meeting Minutes May 16, 2023*



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 6, 2023

XII

## ADJOURNMENT

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