



Truro Board of Selectmen Meeting

Tuesday, September 27, 2016

Executive Session - 4:00pm

Regular Board of Selectmen Meeting - 5:00pm

Selectmen's Chambers Town Hall 24 Town Hall Road, Truro

EXECUTIVE SESSION: *Move that the Board of Selectmen enter into Executive Session in accordance with the provisions of Massachusetts General Law, Chapter 30A, section 21 (a) number 3, to discuss strategy relative to pending litigation involving 25-27 Stephens Way, whereas discussion of these matters in open session would have a detrimental effect on the litigating position of the Town (and the Chair so declares it) and to reconvene in open session.*

1. PUBLIC COMMENT

- A. Open the Regular Meeting
- B. Public Comment Period - *The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda*

2. PUBLIC HEARINGS NONE

3. BOARD/COMMITTEE/COMMISSION APPOINTMENTS NONE

4. TABLED ITEMS NONE

5. BOARD OF SELECTMEN ACTION

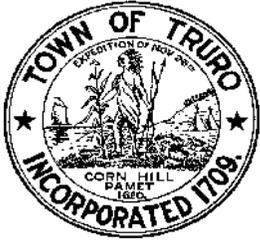
- A. Board of Selectmen and Finance Committee preliminary discussion on Fiscal Year 2018 budget and financial planning parameters
Presenter: Paul Wisotzky, Chair, Rae Ann Palmer, Town Manager and Trudi Brazil, Town Accountant
- B. Review of Committee/Commission Charges
Presenter: Paul Wisotzky, Chair
- C. Discussion on Early Voting for Presidential Election
Presenter: Jay Coburn, Clerk
- D. Decision on Naming Walking Trail Located on Town Conservation Land at Edgewood Farm
Presenter: Rae Ann Palmer, Town Manager
- E. Final Approval for a new Shellfish Aquaculture Grant for Dan Smith located off Beach Point Landing
Presenter: Tony Jackett, Shellfish Constable and Dan Smith
- F. Recommend Changes to Historical Properties Bylaw
Presenter: Chuck Steinman, Chair Historical Commission

6. CONSENT AGENDA

- A. Review/Approve and Authorize Signature:
 1. Water Service Application for 642 Shore Rd – Little Skipper Condominiums
 2. One Day Entertainment (Sunday) License -Vinegrass Music Festival October 2, 2016 at Truro Vineyards 11 Shore Rd
 3. Letter regarding Pilgrim Nuclear Power Plant
- B. Amend Board of Selectmen Minutes of August 8, 2016
- C. Review and Approve Regular Board of Selectmen Minutes – September 13, 2016

7. SELECTMEN AND LIAISON AND TOWN MANAGER REPORTS

8. NEXT MEETING AGENDA: Tuesday, October 11



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

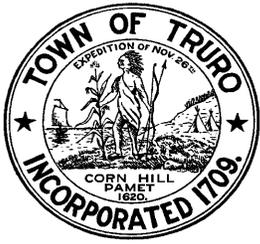
REQUESTED MEETING DATE: September 27, 2016

ITEM: Discussion with the Finance Committee regarding the FY 2018 budget process.

EXPLANATION: This is the annual discussion with the Finance Committee regarding financial parameters for development of the FY 2018 budget.

SUGGESTED ACTION: *None Required.*

ATTACHMENTS: None



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: September 27, 2016

ITEM: Discussion of Process/Timeline for Review of Charges to Multi-Member Boards, Commissions and Committees

EXPLANATION: Chairman Wisotzky requested that this item be added to the Agenda to have a discussion about the process and timeline for review and updating of the charges to appointed multi-member Boards, Committees and Commissions. Included in the 2017 Board of Selectmen Goals, Objective CEG4 addresses the review and updating of the charges for the multi-member bodies appointed by the Board of Selectmen. The charge outlines the mission and responsibilities of the multi-member Boards/Committees and Commissions and in accordance with the Charter, § 6-4-4, they are approved and authorized by the Board of Selectmen. During our last discussion of this item, the Board requested a list of the regulatory boards. They are:

Planning Board (elected)

Zoning Board of Appeals (appointed by BOS)

Health Board (appointed by BOS)

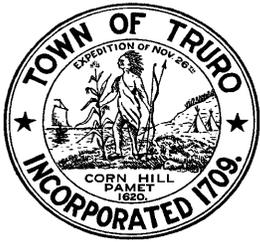
Conservation Commission (appointed by BOS)

In addition, the Historic Commission and Historic Review Board have somewhat of a regulatory function. They are appointed by the Board of Selectmen.

I would also recommend that we solicit staff input into this process as many of the Department Heads are required to staff various Boards, Committees or Commissions.

SUGGESTED ACTION: *MOTION to*

ATTACHMENTS: None



TOWN OF TRURO

Board of Selectmen Agenda Item

BOARD/COMMITTEE/COMMISSION: Board of Selectmen

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: September 27, 2016

ITEM: Discussion on Early Voting for Presidential Election

EXPLANATION: As this is the initial offering of early voting in the State of Massachusetts the Clerk's office has been receiving informational letters from the Secretary of State's Office. With that information, they are preparing a timeline schedule. Preliminary notes:

- a. The Town Clerk is preparing to hold early voting.
- b. Early voting needs to take place starting October 24th and ending on November 4th.
- c. Advertising is required.
- d. The Clerk's Office will determine a location for a few voting booths to be set up, at Town Hall, for citizens to vote during that time frame. Saturday voting will be authorized.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: Registered town of Truro voters will not have an opportunity to vote earlier than November 8th, 2016.

SUGGESTED ACTION: *MOTION TO approve early voting in the Town of Truro starting on October 24th and ending on November 4th in accordance with 950 CMR 47.00.*

ATTACHMENTS:

1. 950 CMR 47.00: Early Voting Procedures (Office of the Secretary of the Commonwealth)

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

950 CMR 47.00: EARLY VOTING PROCEDURES

Section

- 47.01: General Provisions
- 47.02: Methods of Early Voting
- 47.03: Timing of Early Voting
- 47.04: Designation of Early Voting Locations
- 47.05: Staffing of Early Voting Locations
- 47.06: Preparation of Early Voting Materials
- 47.07: Applications for Early Voting Ballots by Mail; Deadlines for Submission
- 47.08: Filing and Certification of Applications; Notation on Voting List
- 47.09: Early Voting in Person
- 47.10: Early Voting by Mail
- 47.11: Duties of Election Officials
- 47.12 : Processing Early Voting Ballots
- 47.13 : Designation of Central Tabulation Facility
- 47.14: Processing Early Voting Ballots at Polls
- 47.15: Processing Early Voting Ballots at Central Tabulation Facility
- 47.16: Challenges
- 47.17: Immaterial Irregularities Not to Cause Rejection
- 47.18: Disposition of Ballots Received Late
- 47.19 : Voting in Person on Election Day After Submitting Early Voter Ballot Prohibited; Death of Early Voter; Rejection of Certain Ballots
- 47.20 : Information and Instructions
- 47.21 : Retention of Early Voting

Materials 47.01: General Provisions

(1) The terms in 950 CMR 47.00 shall have the meanings provided in M.G.L. c. 50, § 1. In addition:

Application. 950 CMR 47.00 applies to all state elections, except to the extent provided otherwise.

Centralized Tabulation Facility. A location designated by the local election official at least 21 days before Election Day for the tabulation of early voting ballots received before Election Day.

Local Election Official. A city or town clerk, members of the boards of registrars or election commissioners.

Secretary. Secretary of the Commonwealth.

(2) Any interested person may petition the Secretary requesting the adoption, amendment, or repeal of any regulation, under M.G.L. c. 30A, § 4. This petition shall be considered by the Secretary within 30 days after filing.

47.2 : Methods of Early Voting

Qualified voters may vote early in person at a designated early voting location or by mail. A voter may only vote early by mail or at an early voting location for the city or town in which he or she is registered to vote.

47.3 : Timing of Early Voting

(1) The voting period for early voting shall run from the 11th business day preceding the general election until the close of business on the business day preceding the business day before the election; provided, however, that if the 11th business day before the election falls on a legal holiday the early voting period shall begin on the first business day prior to the legal holiday.

(2) Early voting shall be conducted during the usual business hours of each local election official. A city or town may, in its discretion, provide for additional early voting hours beyond the hours required by 950 CMR 47.03, including weekend hours.

47.4 : Designation of Early Voting Locations

- (1) Each city and town shall establish one or more early voting sites that shall include the election office for the city or town or other suitable location within the building in which the election office is located; provided however, that if the city or town determines that the office is unavailable within the building or unsuitable for early voting, the local election officials of each city or town shall identify and provide for an alternative, centrally-located, suitable and convenient public building within each city or town as an early voting site.
- (2) The designation of an early voting site shall be made not less than 14 days prior to the beginning of the early voting period.
 - (a) Not less than seven days prior to the beginning of the early voting period and at least once during the early voting period, the local election officials shall publish the location of the early voting sites as well as the applicable dates and hours.
 - (b) Notice shall be published in every newspaper listed for the city or town in the New England Newspaper & Press Association and shall be conspicuously posted in the office of the local election official or on the principal bulletin board of each city or town, on any other public building considered necessary, on the city or town's website, if any, and on the website of the Secretary.
 - (c) Local election officials must provide the Secretary with the designated early voting locations, including addresses and hours, within two business days of designation.
- (3) If city or town hall is not designated as an early voting site, the notice provided to the Secretary must contain a statement certifying that the city or town hall is unsuitable or unavailable. A city or town may also provide for additional early voting sites at the discretion of the local election officials for that city or town.
 - (a) Any proposed additional early voting site must be determined at least 14 days before the start of the early voting period and notice of such determination must be sent within two business days to the Secretary.
 - (b) The notice shall contain the name of the approved additional early voting site, the address, a statement certifying that the location complies with the accessibility regulations set forth in 950 CMR 51.00: *Polling Place Accessibility for Elderly and Handicapped Voters* and the dates and hours at which early voting will be conducted at this location.
- (4) Each early voting site shall be accessible to persons with disabilities in accordance with the provisions of 950 CMR 51.00: *Polling Place Accessibility for Elderly and Handicapped Voters* and must be equipped with an accessible marking unit.
- (5) Each early voting location must be suitably equipped to provide an early voter with sufficient privacy to mark their ballot.

47.5 : Staffing of Early Voting Locations

Local election officials shall designate sufficient staffing for the orderly administration of early voting for each early voting site. The requirements of M.G.L. c. 54, §§ 11 and 12 shall not apply to early voting locations.

47.6 : Preparation of Early Voting Materials

- (1) At least 21 days prior to each biennial state election, the Secretary shall deliver to each city or town, in quantities as the Secretary determines necessary, the following papers:
 - (a) official early voting ballots, similar to the official ballot to be used at the election; and
 - (b) envelopes of sufficient size to contain the early voting ballots bearing on their reverse the voter's affidavit in compliance with the requirements of M.G.L. c. 54, § 25B(j), hereinafter referred to as the "affidavit envelope."
- (2) The Secretary shall provide electronic files of early voting applications to local election officials for use in the early voting process. Local election officials may develop their own applications and/or accept any written request submitted from a registered voter for early voting purposes.

47.7 : Applications for Early Voting Ballots by Mail; Deadlines for Submission

- (1) Any qualified voter wanting to vote early by mail may file with his or her local election official an application for an early voting ballot.
- (2) Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the Secretary.
- (3) No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on the last day of the early voting period as prescribed in M.G.L. c. 54, § 25B(c).

47.8 : Filing and Certification of Applications; Notation on Voting List

- (1) If an application for an official early voting ballot is received by the local election official from a qualified voter containing an original signature of said voter, the local election official shall cause to be placed on the voting lists prepared as required by M.G.L. c. 51, § 60, opposite the name of each voter on whose application such certificate has been so executed, the letters EV.
- (2) If the local election official finds the person signing the application not to be a duly registered voter, the local election official shall send him or her written notice to that effect and shall preserve the application during the time fixed by law for the preservation of ballots cast in the coming election, after which time said application shall be destroyed.
- (3) If the name and address of a voter applying to vote early appears on the voting list as an inactive voter, the local election official shall allow such inactive voter to vote upon written affirmation by the inactive voter of his or her current and continuous residence in the municipality or residence in the municipality within the previous six months, signed under the penalties of perjury. Such written affirmation shall be preserved with the voting records, and such inactive voter shall be restored to the active voting list at his or her current residence, without requiring further action by the person.
- (4) If the inactive voter has moved within the city or town, the voter will write the address at which he or she last registered to vote, as well as his or her current address. The inactive voter will vote from the address which corresponds to his or her address as it appears on the inactive voting list. After the election, if the voter has moved within the city or town, the voter shall be restored to the active voting list at his or her current address, without requiring further action by the person.
- (5) All inactive voters shall be asked to provide suitable identification showing his or her name and current address. Suitable identification shall be defined in 950 CMR 52.03(5)(b): *Standard* and 54.04(6B): *Identification*. Inactive voters who fail to show suitable identification must be allowed to vote. However, an election officer shall, and any other person may, challenge their right to vote under M.G.L. c. 54, § 85; 950 CMR 52.03(23): *Challenges* and 54.04(23): *Challenges*.
- (6) The local election officials shall prepare lists arranged by voting precincts, of the names and addresses of all voters who have submitted applications for early voting ballot, as provided in 950 CMR 47.08(1), and shall have such lists available for public inspection upon request.
- (7) An applicant for an early voting ballot who has been furnished a certificate of supplementary registration, as authorized by M.G.L. c. 51, § 51, shall submit such certificate with his or her application, and the local election official shall cause to be placed on such certificate opposite the name of the applicant the letters EV. Every such certificate shall be kept with and considered part of the voting lists used for early voting.

47.9 : Early Voting in Person

(1) Delivery. Upon entering an early voting location in his or her city or town, a voter shall state his or her name and address to the local election official. Upon verification of the registration of a voter at an early voting location for the city or town, the local election official shall provide the voter with the appropriate early voting ballot and accompanying papers and indicate on the early voting list that the voter has been provided an early voting ballot.

If an early voter is listed as inactive, the local election official shall require the early voter to complete an affirmation of current and continuous residence and show identification, as set forth in 950 CMR 53.03(5): *Name Dropped or Listed Incorrectly* and 54.04(6): *Name Dropped or Listed Incorrectly*.

(2) Method of Voting. Each early voting location shall have space available for early voters to mark their ballots privately. After marking his or her ballot, each early voter shall enclose it in the envelope provided, execute the affidavit contained thereon and seal the envelope.

(3) Instruction and Assistance to Early Voters.

(a) Instruct Voters. A local election official may answer questions and instruct the voter on the proper method of marking the ballot.

(b) Instruction is Different from Assistance. Instruction shall consist of informing the voter on the proper method of marking a ballot; assistance shall consist of marking the ballot at the request of the voter. Except as the law permits, a voter must mark his or her ballot in secret.

(c) Assistance to Voter. If a voter asks for assistance in marking his or her ballot or executing the affidavit on the envelope due to blindness, physical disability or inability to read or to read English, he or she may be assisted by a person of his or her own choice or by a local election official. Such designated person shall add his or her name in the appropriate space on the affidavit envelope. Local election officials shall notify early voters requesting assistance that an accessible marking unit is available.

(d) Do Not Influence Voter. Local election officials shall not in any manner request or seek to persuade or influence any voter to vote for or against any person or political party or ballot question.

(4) Spoiled Ballots. If an early voter makes a mistake in marking his or her ballot at an early voting location, the voter shall return the ballot to the local election official and request a new ballot. Voters shall be allowed up to a total of three ballots. Upon receipt of a spoiled ballot, the local election official shall mark it "spoiled" and shall enclose it in a spoiled ballot envelope.

(5) Return of Early Voting Ballot. Each early voter shall return the sealed affidavit envelope containing his or her early voting ballot to the local election official.

(a) Upon receipt of a sealed envelope containing a completed early voting ballot, the local election official shall examine the affidavit for completeness before accepting the ballot.

(b) If the local election official finds that such affidavit has been improperly executed, or is incomplete, the local election official shall notify the early voter that the ballot cannot be processed without completion of the affidavit and provide the early voter with the opportunity to complete the affidavit.

(c) If the affidavit is not executed, the local election official shall notify the early voter that the ballot cannot be processed.

(d) If the early voter declines to remedy any deficiencies in the affidavit when notified by the local election official, the local election official shall mark across the face thereof "Rejected as defective", and shall place on the early voting disposition list required by 950 CMR 47.08, as the case may be, opposite the name of the voter the capital letter R.

(e) If the affidavit appears to be complete, the local election official shall accept the early voting ballot. The local election official shall update the voting list used on election day to indicate voters whose early voting ballots have been received and accepted.

(6) Voters shall not remove an early voting ballot from the early voting location.

(7) Upon acceptance of an affidavit envelope containing an early voting ballot, the ballot shall be considered cast and such voter shall not be eligible to vote by mail, in person at an early voting location, or at the polls on Election Day.

47.10: Early Voting by Mail

(1) Delivery. Upon receipt of an application for an early voting ballot by mail by a registered voter, the local election official shall mail the ballot and accompanying papers to the address provided by the voter.

(a) The local election official shall provide the early voter with an early voting ballot, instructions for marking the ballot and returning it, an affidavit envelope, and an outer envelope for returning the ballot to the local election official.

(b) If the voter was listed as inactive, the local election official shall include an affirmation of current and continuous residence with the early voting materials, unless the voter has affirmed that the address at which he or she is listed as inactive is his or her address for voting purposes.

(2) Method of Voting. A voter who has received an official early voting ballot by mail shall mark it in the presence of no other person, except as provided in 950 CMR 47.10(3). The voter shall then enclose and seal the ballot in the affidavit envelope provided, and execute the affidavit on such envelope. The voter shall return the ballot, sealed in such envelope, as hereinafter provided.

(3) Assistance to Early Voters. If an early voter is unable to mark his or her ballot or execute the affidavit on the envelope due to blindness, physical disability or inability to read or to read English, he or she may be assisted by a person he or she designates. Such designated person shall add his or her name in the appropriate space on the affidavit envelope.

(4) Spoiled or Replacement Ballots.

(a) If an early voter who received his or her ballot by mail makes a mistake in marking his or her ballot, the voter shall return the ballot to the local election official and request a new ballot. Voters shall be allowed up to a total of three ballots.

1. Upon receipt of a spoiled ballot, the local election official shall mark it "spoiled" on both the ballot and affidavit envelope and shall enclose it in the spoiled ballot envelope.

2. No request for a substitute ballot from a voter who has received his or her ballot by mail shall be valid unless it is accompanied by the spoiled ballot and a request for a new ballot.

(b) If an early voter having requested an early voting ballot by mail fails to receive an early voting ballot the voter may notify the local election official in writing and request a replacement ballot.

Upon receipt of written notice from an early voter that he or she did not receive the request early voting ballot, the local election official shall send a replacement ballot an accompanying paperwork to the voter.

(5) Return of Early Voting Ballot. A voter who receives the ballot by mail, as provided in this section, may return it by mail to the local election official in the envelope provided, or such voter may deliver it in person to the office of the local election official or to an early voting location during the prescribed early voting hours.

(a) The local election official, or a person designated by the local election official, shall open each outer envelope purporting to contain an official early voting ballot as soon as possible after receiving it, in the view of any persons who may be present. The local election official shall remove therefrom the outer mailing envelope provided in 950 CMR 47.06(1)(b), without opening such affidavit envelope, and examine the affidavit on each such envelope. If the local election official finds that such affidavit has been improperly executed, or is incomplete, the local election official shall mark across the face thereof "Rejected as defective", and shall place on the early voting disposition list required by 950 CMR 47.08, as the case may be, opposite the name of the voter the capital letter R.

(b) The local election official shall notify, as soon as possible, each voter whose early voting ballot was rejected that such ballot has been rejected. Said notice shall be on a form prescribed by the Secretary and provided by the local election official. Unless the local election official determines that there is clearly insufficient time for the voter to return another ballot, the local election official shall then proceed as if the voter had requested a substitute ballot. If the local election official received the original ballot by mail, the local election official shall enclose the substitute ballot and other papers described in 950 CMR 47.06 with the mailed notice of rejection. If the local election official timely receives an affidavit envelope purporting to contain such a substitute ballot, and does not mark it "Rejected as Defective" under 950 CMR 47.10(5)(b), the local election official shall strike the letter R from any list on which it has been placed under 950 CMR 47.10(5)(a).

47.10: continued

(c) If the affidavit on the affidavit envelope appears to be complete, the local election official shall mark the early voting list that the early voting ballot has been received and accepted.

(6) Deadline for Return. Early voting ballots returned by mail must be received by the local election official before the hour fixed for closing the polls.

(7) Return of Early Voting Ballot; Ineligibility to Vote Again by Mail or in Person. Upon acceptance of an envelope containing an early voting ballot, the ballot shall be considered cast and such voter shall not be eligible to vote by mail, in person at an early voting location, or at the polls on Election Day.

47.11: Duties of Election Officials

The local election official, on the day of the election, but no later than one hour after the close of polls, shall transmit all envelopes purporting to contain official early voting ballots received on or before the applicable deadline before the election and which have not been marked "Rejected as Defective," as provided in 950 CMR 47.09(5)(d) and 47.10(5)(a), or "spoiled," as provided in 950 CMR 47.09(4) and 47.10(4), to the election officers in the several precincts where the voters whose names appear on such envelopes assert the right to vote or the central tabulation facility, if one is designated in accordance with 950 CMR 47.13.

47.12: Processing Early Voting Ballots

Early voting ballots may be processed at the polls or at centralized tabulation facilities as set forth in 950 CMR 47.13.

47.13: Designation of Central Tabulation Facility

(1) A city or town may determine to tally early voting ballots at a central tabulation facility.
(a) Determination to Use a Central Tabulation Facility. The local election official shall designate any central tabulation facility at least 21 days before Election Day and notice of such determination must be sent within two business days to the Secretary. The central tabulation facility must be in compliance with accessibility regulations found at 950 CMR 51.00: *Polling Place Accessibility for Elderly and Handicapped Voters*.

1. The notice shall contain the name and address of the approved early central tabulation facility and the time that the facility will open.

2. If the city or town uses electronic voting equipment, the notice shall also contain a certification from the local election official that he or she understands that if the tabulator or tabulators used at the central tabulation facility fail or become unusable, all early voting ballots must be counted by hand.

(b) There shall be at least one tabulator or counting unit at each such tabulation center, which must be tested in accordance with the provisions of 950 CMR 54.02: *Testing*.

(c) The local election official shall designate sufficient staffing of election officers at the central tabulation facility for the orderly processing of early voting ballots.

(d) The hours of operation of the central tabulation facility shall be set by the local election official. Central tabulation facilities may open as early as the polling places, but once open must remain open until the closing of the polls.

(e) After the hour fixed for the closing of the polls, the central tabulation facility shall remain open for public viewing of the final tabulation of the early voting ballots.

(f) Only early voting ballots received prior to Election Day can be processed at a central tabulation facility.

(g) Any early voting ballots received on the day of the election shall be processed at the polls.

(2) Each central tabulation facility must be open to the public for viewing the proceedings from behind a guard rail.

47.14: Processing Early Voting Ballots at Polls

(1) Deliver Early Voting Ballots. The early voting ballots shall be delivered to the polls during the day, not later than one hour after the polls close.

(2) Warden Shall Process Early Voting Ballots. The warden, or an election officer designated by the warden, may process early voting ballots whenever there is free time, from the time the polls open in the morning and throughout the day.

(3) Early Voting Ballots to be Processed. Only the local election official shall determine whether to reject an early voting ballot as defective. The election officers at the polls may only reject early voting ballots as defective if, when opening the ballot envelope, more than one ballot is contained therein as set forth in 950 CMR 47.15(6). If the ballot is transmitted to the polls, election officers shall process it unless the person's name has been marked on the voting list as having voted in person, or the name is not on the voting list. Election officers shall verify that the name of the person who signed the affidavit on the early voting ballot envelope is on the voting list. Election officers must inform the local election official if the name does not appear on the voting list.

(4) Mark the Voting List. The letters EV shall have already been written in front of the early voter's name and in the area used for marking a check on the voting list. A mark shall be made beside or through the name of the voter to indicate that the early voting ballot vote has been cast. An election officer shall announce the name and address of each early voter. This same process shall occur at the check-out table.

If early voting ballots are processed at the polls but after the close of polls, it is not required to announce the name and address of each early voter at the check-out table.

(5) Open Ballot Envelope. Election officers shall open the ballot envelope carefully so as not to deface, mark or tear the ballot or the ballot envelope. Election officers shall place the ballot envelopes in the proper container.

(6) One Ballot Per Envelope. The ballot envelope must not contain more than one ballot. If more than one ballot is in the envelope, neither ballot shall be counted and those ballots shall be placed in the ballot envelope which shall be marked "Rejected as Defective" and placed in the proper container.

(7) Challenging of Early Voting Ballots. In the polling place, if an early voting ballot is challenged when opened at the polls, the name and address of the early voter shall be written on the ballot by the warden in accordance with the provisions set forth in 950 CMR 47.16. The challenger's name and address shall be recorded and the event shall be noted in the local election official's Election Record, and the letters CV shall be placed on the voting list next to the name of the challenged voter. After this, the ballot shall be deposited in the ballot box.

(8) Remove Ballot and Place in Ballot Box. The early voting ballot shall be removed from its envelope without examining it and in a manner that will ensure the privacy of the ballot and shall be fed through the vote tabulator, where voting systems are used, or wound into the ballot box where ballots are hand-counted. The envelope shall be kept separate.

(9) Retention. Early voting ballot envelopes shall be retained and returned to the local election official.

47.15: Processing Early Voting Ballots at Central Tabulation Facility

(1) Deliver Early Voting Ballots and Voting List. Before the opening of the central tabulation facility, a list containing the names of all voters whose early voting ballots have been cast shall be delivered to the central tabulation facility. The early voting ballots shall be delivered during the day, not later than the close of polls. The election officers assigned to the central tabulation facility, shall, as soon as early voting ballots are delivered, record the total number of ballots received, by precinct.

47.15: continued

(2) Election Officers Shall Process Early Voting Ballots. The election officers at the central tabulation facility shall process early voting ballots from the time the central tabulation facility opens and throughout the day.

(a) Early voting ballots shall be processed one precinct at a time. All early voting ballots from one precinct shall be processed before another precinct can be processed.

(b) Once the tabulation of a precinct is complete, the tabulated ballots for the precinct may be removed from the ballot box and stored securely, but must remain in public view.

(3) Early Voting Ballots to be Processed. Only the local election official shall determine whether to reject an early voting ballot as defective. The election officers at the central tabulation facility may only reject early voting ballots as defective if, when opening the ballot envelope, more than one ballot is contained therein as set forth in 950 CMR 47.15(6). If the early voting ballot is transmitted to the central tabulation facility, the election officers at the central tabulation facility shall process it unless the voter's name is not on the voting list. Election officers shall verify that the name of the person who signed the affidavit on the early voting ballot envelope is on the voting list. Election officers must inform the local election official if the name does not appear on the voting list.

(4) Mark the Voting List. Reading the name and address of the voter from the affidavit envelope, the election officers shall find the voter's name on the voting list delivered to the central tabulation facility, which will have the letters EV already printed next to it. The election officer shall mark beside the name of the voter to indicate that the early voting ballot vote has been deposited into the tabulator.

(5) Open Ballot Envelope. Election officers shall open the ballot envelope carefully so as not to deface, mark or tear the ballot or the ballot envelope. Election officers shall place the ballot envelopes in the proper container.

(6) One Ballot Per Envelope. The ballot envelope must not contain more than one ballot. If more than one ballot is in the envelope, neither ballot shall be counted and those ballots shall be placed in the ballot envelope which shall be marked "Rejected as Defective" and placed in the proper container.

(7) Challenging of Early Voting Ballots. If an early voting ballot is challenged when opened at the central tabulation facility, the name and address of the early voter shall be written on the ballot by the warden. The challenger's name and address shall be recorded and the event shall be noted in the local election official's Election Record, and the letters CV shall be placed on the voting list next to the name of the challenged voter. After this, the ballot shall be deposited in the ballot box.

(8) Remove Ballot and Place in Ballot Box. The early voting ballot shall be removed from its envelope without examining it and in a manner that will ensure privacy of the ballot and shall be fed through the vote tabulator, where voting systems are used, or wound into the ballot box where ballots are hand-counted. The envelope shall be kept separate.

(9) Print Results. After the hour fixed for closing of the polls, the election officer shall cause the voter tabulator to print the results of the election and shall remove the results paper tape from the vote tabulator.

(10) Inspection of Ballots. After all ballots have been tabulated, the early voting ballots shall be removed from the box and shall be inspected by teams of two election officers. Such inspection shall include an examination for write-in or sticker votes. If any such write-in or sticker votes are found, the ballot shall at once be examined, and shall be hand-counted and the precinct totals adjusted accordingly.

(11) Seal the Counted Ballots. The counted ballots shall be sealed in an envelope or container and shall be transmitted, in accordance with the provisions of M.G.L. c. 54, § 107, to the office of the local election official forthwith. The early voting lists shall also be sealed in separate envelopes and transmitted to the office of the local election official.

47.15: continued

(12) Retention. Early voting ballot envelopes shall be retained and returned to the local election official.

47.16: Challenges

All ballots transmitted under any provision of 950 CMR 47.00 shall be subject to challenge. Any challenge must be made when the affidavit envelope containing the early voting ballot is opened and the ballot is deposited into the ballot box for non-compliance with any provision of 950 CMR 47.08, 47.09(5), 47.10(5) or for any other reason allowed by law. If an early voting ballot is challenged, it shall be processed in accordance with 950 CMR 52.03(23): *Challenges* and 54.04(23): *Challenges*, except that so much of said section as involves the administering of an oath shall not apply thereto, and the writing of the name and address of the voter on the ballot shall be performed by the officer charged with depositing the ballot in the ballot box.

47.17: Immaterial Irregularities Not to Cause Rejection

No ballot transmitted under any provision of 950 CMR 47.09 and 47.10, to the extent applicable, shall be rejected for any immaterial addition, omission or irregularity in the preparation or execution of any writing or affidavit required by said sections as determined by the election official.

47.18: Disposition of Ballots Received Late

All envelopes received by the local election officials after the close of polls shall be marked "Rejected: Received Too Late" and shall be retained by them unopened until the time set by law for the destruction of ballots cast, at which time the envelopes shall likewise be destroyed, unopened and unexamined.

47.19: Voting in Person on Election Day After Submitting Early Voter Ballot Prohibited; Death of Early Voter; Rejection of Certain Ballots

(1) Except as provided in 950 CMR 47.19, no voter to whom an early voting ballot has been mailed or delivered and whose early voting envelope has been received and accepted by the local election official shall be permitted to vote in person.

(2) No ballot mailed or delivered under the provisions of 950 CMR 47.00, shall be counted if the officers charged with the duty of counting the same are cognizant of the fact that the voter has died prior to the opening of the polls on the day of the election.

(3) Notwithstanding the foregoing, the local election official shall, on the day of the election, at his or her request, give to any person whose name has not been checked as provided in 950 CMR 47.08(1), a certificate of his or her name and residence, as stated on the voter list, signed by such local election official, and such local election official shall then forthwith place on the list of early voters, opposite the name of the person to whom such certificate is furnished, the capital letter C.

(a) On presentation of such certificate to the presiding election officer of the ward, voting precinct or town in which such voter is registered he shall, after his or her name has been checked on the voting list or on his or her certificate of supplementary registration, as the case may be, be allowed to vote.

(b) Such presiding officer shall preserve each certificate issued under 950 CMR 47.19 and return it to the local election official in the manner in which the voting lists are required by M.G.L. c. 54, § 107 to be enclosed.

(c) The local election official shall by telephone authorize the presiding officer to issue such certificate if said local election official determines that a voter at the polling place is entitled to it, and said presiding officer shall then similarly sign and issue such certificate.

47.19: continued

(d) If, after a certificate is furnished under 950 CMR 47.19, an envelope purporting to contain an early voting ballot is received from a voter to whom such a certificate has been issued, and opposite whose name on the list of early voters the capital letter C has been placed as herein required, said local election official shall mark across the face of such envelope "Rejected as Voted in Person", and such envelope shall be preserved and destroyed in the manner provided by law for the retention, preservation and destruction of official ballots.

47.20: Information and Instructions

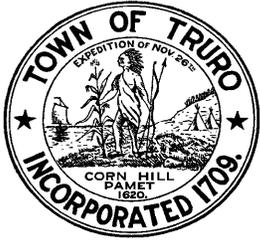
The Secretary shall prepare for the use of election officers, local election officials and registrars of voters such printed information and instructions as he may deem proper to facilitate the operation of 950 CMR 47.00. Such printed matter shall be transmitted to said officials prior to each state election. The Secretary may prepare and distribute such general information relative to said sections as he may deem expedient.

47.21: Retention of Early Voting Materials

Each envelope, so marked, all applications for early voter ballots and all lists referred to in 950 CMR 47.21 shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

REGULATORY AUTHORITY

950 CMR 47.00: M.G.L. c. 54, § 25B.



Agenda Item: 5D

TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: September 27, 2016

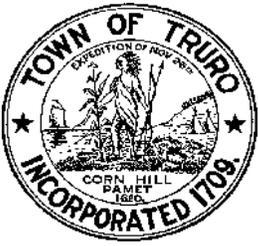
ITEM: Discussion on Naming Walking Trail Located on Town Conservation Land at Edgewood Farm

EXPLANATION: As discussed at your September 13, 2016 meeting, the trail on the Town Conservation Land is now ready for naming. This item is on the agenda to see if the Board is prepared to name the trail.

SUGGESTED ACTION: *MOTION TO name the Edgewood Farm Trail _____.*

ATTACHMENTS:

None



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Nicole Tudor, Executive Assistant

REQUESTED MEETING DATE: September 27, 2016

ITEM: Final Review and approval of a Shellfish Aquaculture Grant off Beach Point for Dan Smith.

EXPLANATION: Dan Smith, of 32 Tom's Hill Road, Truro, filed an application for a new Shellfish Aquaculture Grant, pursuant to the Regulations for Aquaculture Licenses and a hearing was held January 12, 2016. The proposed grant is for 2 acres, located off of Beach Point Landing (as shown on attached plans). The US Army Corp of Engineers permit has been issued on September 8, 2016. Conservation Commission has issued an Order of Conditions. The Aquaculture Grant License needs local approval before sending to the Department of Marine Fisheries for Dan Smith's Propagation Permit.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The applicant will not receive a tidal shellfish grant as requested.

SUGGESTED ACTION: *MOTION TO approve/disapprove the two-acre grant to Dan Smith, located off of Beach Point Landing.*

ATTACHMENTS:

1. Aquaculture Grant Application and support Letter from Chair of the Shellfish A. Committee (8/25/2015)
2. US Army Corp of Engineers Permit (9/8/2016)
3. Division of Marine Fisheries Town Water Survey (3/16/2016)
4. Conservation Commission Orders (DEP File # 75-0966)
5. Conservation Commission Minutes (7/19/2016)



RECEIVED
Agenda Item: 5E1 DE
AUG 25 2015
TOWN OF TRURO
MASSACHUSETTS

TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

AQUACULTURE LICENSE APPLICATION

NAME OF APPLICANT: Daniel Smith

MAILING ADDRESS: PO Box 907 Truro, MA 02666

TELEPHONE: [REDACTED] E-MAIL ADDRESS: [REDACTED]

PROPOSED LOCATION OF THE LICENSE SITE: Describe below the specific measurements in feet of the desired area using land boundaries, when possible. Attach a sketch of a locus map indicating said boundaries and total square feet.

Description: Two (2) Acre grant located off of Beach Point

Landing in North Truro NW 42° 02.664 N 70° 06.673 W

NE 42° 02.665 N 70° 06.618 W

PREVIOUS AQUACULTURE EXPERIENCE: SE 42° 02.592 N 70° 06.674 W

- ADA Experience just starting SW 42° 02.621 N 70° 06.737 W

- Working/Learning from a local shellfisherman

PROPOSED DEVELOPMENT PLAN: Describe in detail, your plans for development of Aquaculture and/or licensed site over a one, two and three-year term. Include the number of rafts/racks/floats, size, construction material, and square feet working area needed in the aquaculture area. Plans shall include shellfish by species, amount and sizes intended to be introduced to the waters and/or substratum. This plan is to be submitted as part of your application.

TYPES OF SHELLFISH TO BE RAISED: Oysters & Possibly Little Neck

METHOD OF PROPAGATION: Seed / Floating & Bottom Cages

MEANS OF ACCESS: Beach and/or Boat

Town of Truro
Aquaculture license application
Page 2

EQUIPMENT TO BE USED: Oystergiza Floating Cages
and/or Bottom Cages


Signature of Applicant

07/18/15
Date


Signature of Shellfish Warden

August 25, 2015
Date

The following information must be included in this application in accordance with the Aquaculture Regulations:

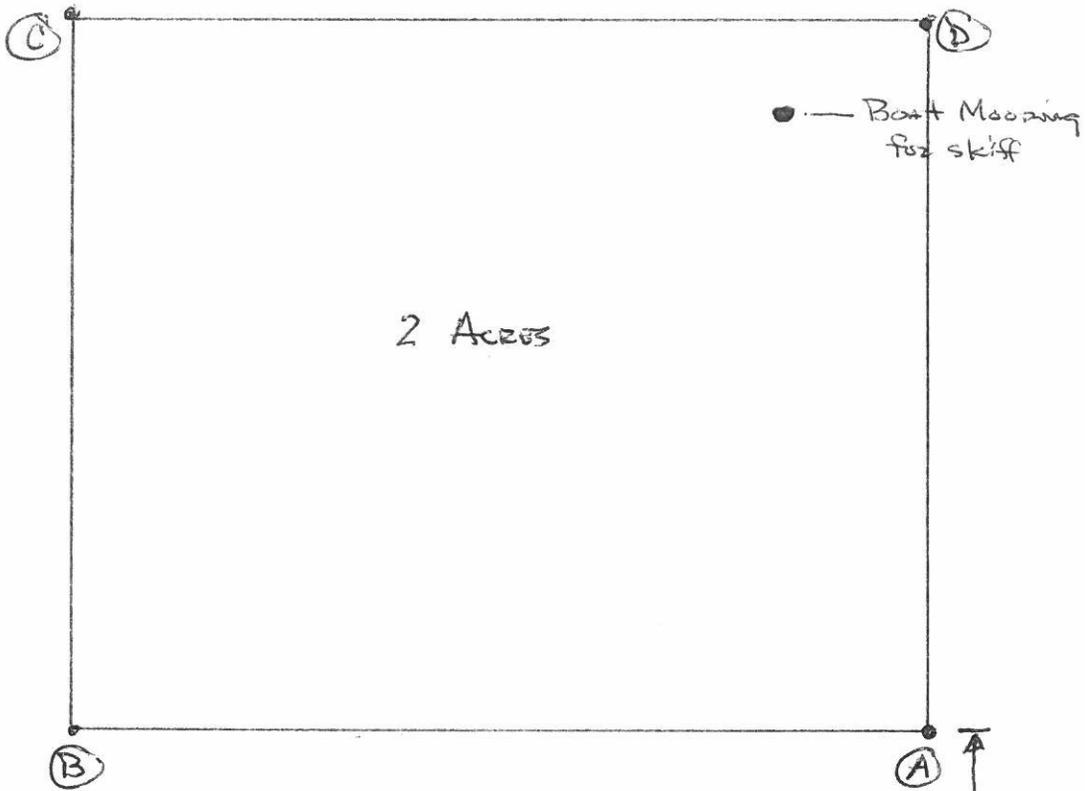
1. Detailed site plan including latitude and longitude of corners (metes and bounds)
2. Geophysical characteristics
3. Benthic habitat conditions
4. Proposed species, quantities and densities
5. Proposed physical structures
6. Proposed method and details of access to the site

The following documents must be submitted with this application in accordance with the Aquaculture Regulations:

1. Copy of Notice of Intent submitted to the Conservation Commission, or Municipal Wetlands Permit or determination of non-applicability
2. Copy of application to the Corps of Engineers, Section 404 permit or Programmatic General Permit

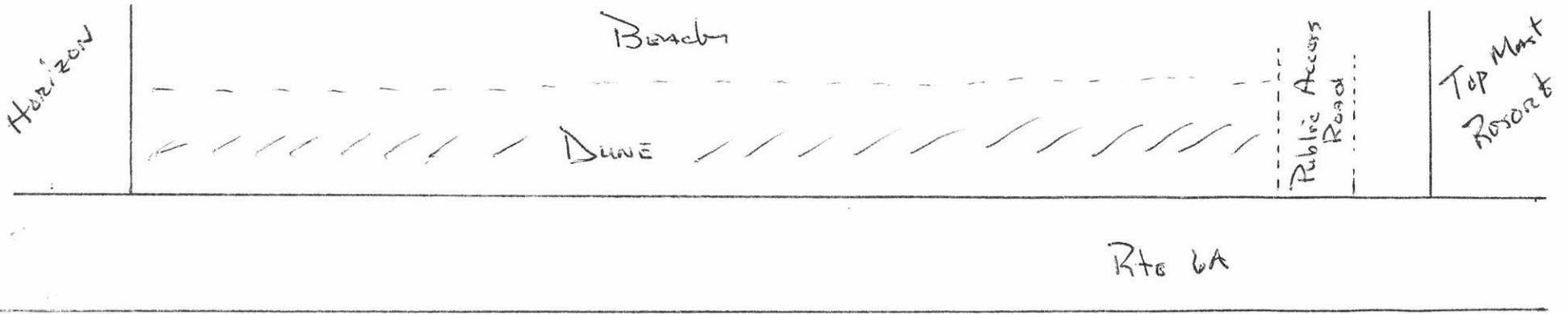
* To be obtained & submitted pending initial review & approval

- (A) 42° 02.664N / 70° 06.64N
- (B) 42° 02.625N / 70° 06.618W
- (C) 42° 02.592N / 70° 06.674W
- (D) 42° 02.621N / 70° 06.737W

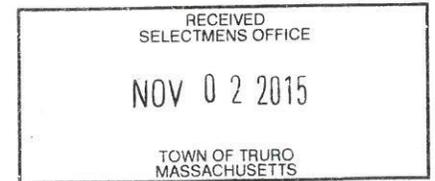


(Proposed Smith Giant Site)

Not to scale



Conservation Commission
Truro Town Hall
Truro, MA 02666



October 29, 2015

Re: Shellfish grant application – Dan Smith

To whom it may concern,

The purpose of this letter is to express my support regarding the application for a 2-acre shellfish grant from Dan Smith. I have had a long association with aquaculture both as a businessman, and now as a researcher at the Marine Biological Laboratory, and have served as the Chair of the Truro Shellfish Advisory Committee for the last 3 years. I believe that issuing a grant is warranted for several reasons.

One important reason is that shellfish aquaculture can provide ecosystem services in the form of nitrogen removal and habitat over and in addition to what barren sand and a natural shellfishery provides. The low profile cages used by oyster growers have been shown to provide valuable nursery habitat for a variety of fish and shellfish important to the health of the bay. See reference and summary:

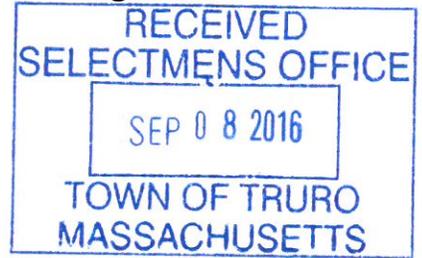
DeAlteris, J.T., B.D. Kilpatrick, R.B. Rheault. 2004. A comparative evaluation of the habitat value of shellfish aquaculture gear, submerged aquatic vegetation, and a non-vegetated seabed. *Journal of Shellfish Research*, Vol. 23, no. 3, 867-874.

Rhode Island; conclude that modified rack and bag gear for grow out of American oyster *Crassostrea virginica* has greater habitat value than shallow nonvegetated seabed in a tidal estuary, and has equal or better value to submerged aquatic vegetation (eelgrass *Zostera marina*). Habitat value as assessed from abundances of marine organisms and species diversity indices. Species richness and abundance was significantly higher throughout the year in the seabed plots with SAG than in the seabed habitat with seagrass, or the bare seabed. Found increased surface area (shell, wire, and plastic mesh) and physical structure of rack and bag gear provided habitat for many organisms throughout the year, particularly early life history stages of native species of fish and invertebrates. There are many good references to ecological importance of oyster and artificial reefs.

I see no down-side to the natural environment of a shellfish grant in this location, and I hope that you will approve it.

Sincerely,

Scott Lindell



DEPARTMENT OF THE ARMY
 US ARMY CORPS OF ENGINEERS
 NEW ENGLAND DISTRICT
 696 VIRGINIA ROAD
 CONCORD MA 01742-2751

September 8, 2016

Regulatory Division
 File Number: NAE-2016-1803

Daniel W. Smith
 P.O. Box 907
 32 Tom's Hill Road
 Truro, Massachusetts 02666

Dear Mr. Smith:

We have reviewed your application to perform culturing and harvesting of bivalve mollusks in the intertidal habitat of a 2-acre area. A combination of floating gear and bottom cages will be used. The floating gear will be anchored to the seafloor using helix anchors. Each end of a mainline will be attached to the anchors. The floating cages will be attached to the mainline every 15 feet. The bottom cages will have feet to hold them above the seafloor and will be various sizes. This project is located in Cape Cod Bay at 214 & 216 Shore Road, North Truro, Massachusetts. The following geographic coordinates describe the corner boundaries of the project:

NORTH LATITUDE			WEST LONGITUDE		
<i>Deg.</i>	<i>Min.</i>	<i>Sec.</i>	<i>Deg.</i>	<i>Min.</i>	<i>Sec.</i>
42	02	39.31	70	06	40.34
42	02	37.42	70	06	37.53
42	02	35.22	70	06	40.10
42	02	37.09	70	06	43.02

Authorized activities include the deployment and maintenance of marking buoys, trays, netting, lines and other equipment associated with the activity; discharge of minor quantities of mineral growth medium; and work, including seed placement, transplanting, and harvesting. The work is shown on the attached plans entitled, "Daniel Smith – Beach Point Aquaculture Grant," on two sheets.

Based on the information you have provided, we have determined that the proposed activity, which includes work and/or a discharge of dredged or fill material into waters of the United States, including wetlands, will have only minimal individual or cumulative environmental impacts. Therefore, this work is authorized under the enclosed February 2015 General Permits for Massachusetts (GPs for MA), specifically GP 21, under the pre-construction notification process. This work must be performed in accordance with the terms and conditions of the GPs and also in compliance with the following special conditions:

1. Floating gear shall not cover more than 10% of the grant area at any time.
2. From February 1 to April 30, all floating gear shall be sunk or removed. Remaining vertical lines attached to bottom gear shall be reduced in number to the greatest extent practicable, be kept under tension, and shall be attached with a 600 pound breakaway link or ropes of appropriate breaking strength.
3. Lines deployed from May 1 to January 31 shall be kept under tension or sheathed to avoid turtle entanglement.
4. If any listed species of whale, turtle, or sturgeon is observed to be entangled or otherwise interacting with the facility structure, the permittee shall immediately contact the NOAA Stranding Hotline at 866-755-NOAA (6622) and the Provincetown Center for Coastal Studies at (800) 900-3622. The permittee should then contact NOAA Protected Resources Division, Gloucester, MA at (978) 281-9328 and notify the Corps of Engineers of the entanglement at kevin.r.kotelly@usace.army.mil or 978-318-8703.

Resuscitation may be attempted on sea turtles that are comatose or inactive after entanglement (but not dead) by:

- a. Placing the animal on its back (carapace) and pumping its breastplate (plastron) with hand or foot, or:
- b. Placing the animal on its breastplate (plastron) and elevating its hindquarters several inches for a period from 1 to 24 hours. The amount of the elevation depends on the size of the animal; greater elevations being needed for larger turtles. Sea turtles being resuscitated shall be shaded and kept wet or moist. Those that revive and become active shall be immediately released in areas where they are unlikely to be recaptured or injured by aquaculture structures.

You are responsible for complying with all of the GP requirements. Please review the enclosed GPs for MA document carefully, in particular the general conditions beginning on Page 23, to familiarize yourself with its contents. You should ensure that whoever does the work fully understands the requirements and that a copy of the permit document and this authorization letter are at the project site throughout the time the work is underway.

This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law, as listed on Page 57 of the GP document. Performing work not specifically authorized by this determination or failing to comply with all the terms and conditions of the GP may subject you to the enforcement provisions of our regulations.

Your project is located within, or may affect resources within the coastal zone. The Massachusetts Office of Coastal Zone Management (CZM) has already determined that no further Federal Consistency Review is required.

This authorization presumes that the work as described above and as shown on your plans noted above is in waters of the U.S. You may submit a request for an approved jurisdictional determination to this office in writing if you desire.

This authorization expires on February 4, 2020. You must commence or have under contract to commence the work authorized herein by February 4, 2020 and complete the work by February 4, 2021. If you do not, you must contact this office to determine the need for further authorization before beginning or continuing the activity. We recommend you contact us *before* this permit expires to discuss a time extension or permit reissuance.

You must contact us immediately to discuss modification of this authorization if you change the plans or construction methods for work within our jurisdiction. This office must approve any changes before you undertake them.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Please contact Kevin Kotelly of my staff at (978) 318-8703 if you have any questions.

Sincerely,



Barbara Newman
Chief, Permits & Enforcement Branch
Regulatory Division

Enclosures

Copy Furnished

Ed Reiner, U.S. EPA, Region 1, Boston, Massachusetts, reiner.ed@epa.gov

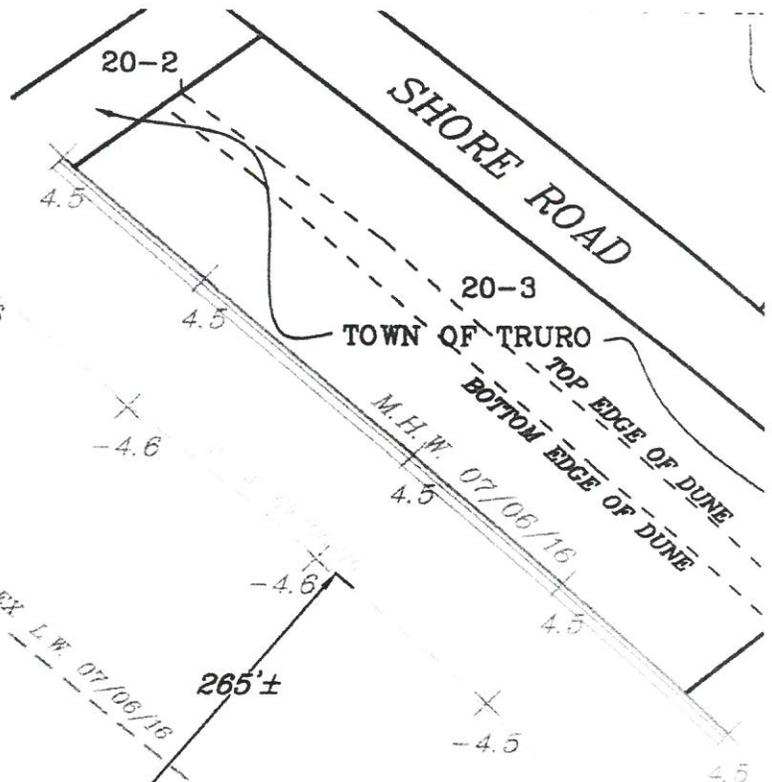
Mike Johnson, NOAA; mike.r.johnson@noaa.gov

Zach Jylkka, NOAA; zachary.jylkka@noaa.gov

Christopher Schillaci, Massachusetts Division of Marine Fisheries, 1213 Purchase Street, 3rd Floor, New Bedford, Massachusetts 02740, christopher.schillaci@state.ma.us

Robert Boeri, Coastal Zone Management, Boston, Massachusetts, Robert.Boeri@state.ma.us

Patricia Pajaron, Conservation Agent, 24 Town Hall Road, P.O. Box 2030, Truro, MA 02666



(Grant highlighted in green)

LAT: 42°02'39.311"
LONG: -70°06'40.434"

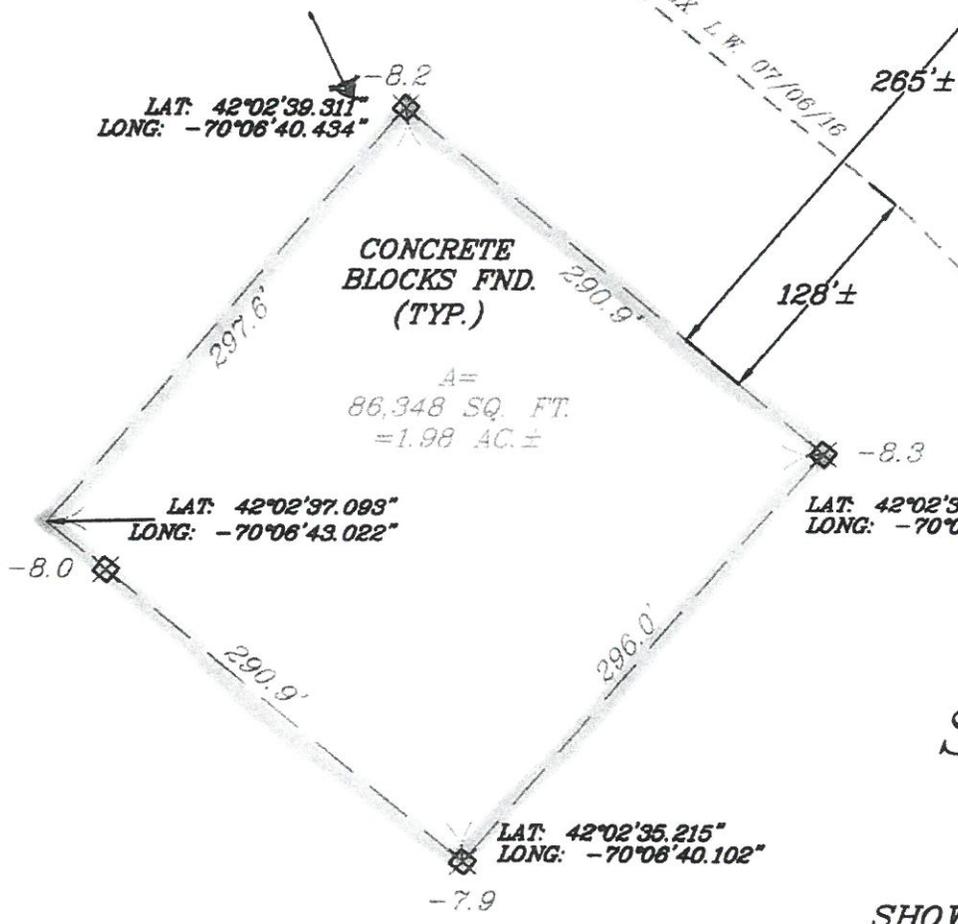
CONCRETE
BLOCKS FND.
(TYP.)

A=
86,348 SQ. FT.
=1.98 AC.±

LAT: 42°02'37.093"
LONG: -70°06'43.022"

LAT: 42°02'37.422"
LONG: -70°06'37.527"

LAT: 42°02'35.215"
LONG: -70°06'40.102"



CAPE
COD
BAY

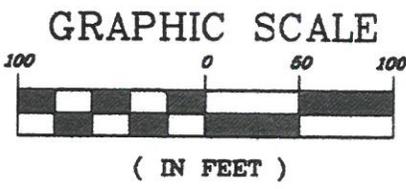
SKETCH OF 1 IN TRURO

SHOWING A PROPOSED AQUACU

MADE FOR

DANIEL SMIL

■ DENOTES DRILL HOLE IN RECORD CONCRETE MONUMENT UNLESS OTHERWISE INDICATED.



SCALE: 1"=100'
SLADE ASSOCIATES, INC., REGISTERED
10 PINE POINT RD., WELLS
508-349-3110

Daniel Smith – Beach Point Aquaculture Grant

Description of Equipment & Techniques:

I am proposing to use a combination of floating gear (OysterGro) and Bottom Cages.

The floating gear will be anchored to the seafloor using helix anchors. Each end of a mainline will be attached to the anchors. The OysterGro cages will be attached to the mainline approximately every 15 feet. At no time will the floating cages cover more than 10% of the water surface area.

The bottom cages will be typical bottom cages which have “feet” to hold them above the seafloor. They will be of various sizes depending upon the specific use and time of year. Examples may include but not be limited to a single bay tray, 2x3 and/or 3x3 cages.

The grant will be managed using Best Management Practices. Access to the grant will be either by foot or boat.



David E. Pierce
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

1213 Purchase St. 3rd Floor

New Bedford, MA 02740

(508)990-2860

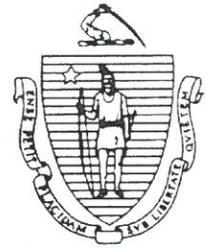
fax (508)990-0449

RECEIVED
SELECTMENS OFFICE

APR 29 2016

TOWN OF TRURO
MASSACHUSETTS

March 16, 2016



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

George N. Peterson, Jr.
Commissioner

Mary-Lee King
Deputy Commissioner

Board of Selectmen
24 Town Hall Rd.
P.O. Box 2030
Truro, MA 02666

Ladies and Gentlemen:

Under authority of Chapter 130, § 57 of the Massachusetts General Laws (MGL), an on-site inspection of an approximately two acre shellfish aquaculture license site proposed by Daniel Smith of the Town of Truro, MA was conducted by personnel from the Division of Marine Fisheries (DMF) and the Truro Shellfish Constable on Monday, March 14, 2016.

The proposed license site is located in the Town of Truro within the waters of Beach Point Landing, (DMF designated growing area CCB:4). Water quality at and adjacent to this site is classified as "Approved" for shellfish harvesting in accordance with provisions of the National Shellfish Sanitation Program. The proposed area is situated in the intertidal zone. Substrate throughout the site consists of loosely packed sand. The applicant is proposing the deployment of both floating cages and bottom cages for oyster (*C. virginica*) culture as well as attached bottom netting for Quahog (*M. mercenaria*) culture.

A total of ninety nine (99) square yard quadrates were sampled each at approximately ten (10) yard intervals along nine (9) transects across the site. No commercially important bivalve molluscan shellfish were observed. No eelgrass (*Z. marina*) or other aquatic vegetation was observed and no eelgrass is shown to exist on the 2013 Department of Environmental Protection eel grass maps. No other significant marine resources or existing wild fisheries were noted at or immediately adjacent to the site at the time of the survey. However, the area is considered habitat for the North Atlantic Right Whale (*Eubalaena glacialis*).

As a result of this inspection and review of the application materials, it is our opinion that issuing an aquaculture license under provisions of MGL Chapter 130, § 57 and operation thereunder at this site would have no substantial adverse impact on shellfish or other natural resources of Provincetown Harbor in the Town of Truro except that the placement of floating gear and vertical lines may pose an entanglement risk to marine mammals and turtles. Consequently, the Board of Selectmen may issue the license with the following conditions. A copy of the license must be sent to this office at the time of issue by the selectmen.

- 1) From February 1–April 30 all floating gear must be sunk or removed. Remaining vertical lines attached to bottom gear shall, be reduced in number to the extent possible, be kept under tension, and shall be attached with a 600 pound breakaway link or ropes of same breaking strength.

- 2) Lines deployed during the period May 1 – January 31 shall be kept under tension or sheathed to avoid turtle entanglement.
- 3) Any entanglement of protected species, including whales and turtles, must be immediately reported to the Provincetown Center for Coastal Studies at 800-900-3622.

All activities in connection with this license must be conducted in accordance with all applicable state statutes and regulations governing shellfish and in accordance with provisions of Title 322, Code of Massachusetts Regulations (CMR) 7:00 Permits, 15:00 Management of Marine Aquaculture, 16:00 Shellfish Harvesting and Handling; and Department of Public Health, Food Protection Program regulations at 105 CMR 533.007: (I). Marine Fisheries reserves the right to further condition this private aquaculture license at any time, under provisions of MGL Chapter 130, § 57 if deemed necessary to protect shellfish and other natural resources.

All holders of a local private shellfish aquaculture license from a municipality allowing exclusive use of an area to grow shellfish are also **required to obtain an aquaculture permit and a state commercial shellfish permit** under authority of Chapter 130, Section 69 and 80 MGL and 322 CMR: 7:00 and 15:00 from the Division of Marine Fisheries. The aquaculture permit authorizes the possession and growing of seed shellfish from an approved source and is required annually regardless of whether seed is purchased from a hatchery or is acquired from a natural set. The commercial permit allows harvesting, possession and landing of shellfish for sale to wholesale dealers authorized to purchase shellfish.

The licensee should be aware that this license is subject to further regulation by the U.S. Army Corps of Engineers and may be subject to regulation by the Massachusetts Dept. of Environmental Protection under the provisions of Chapter 91 (Waterways Acts) and/or Chapter 131, section 40 (Wetlands Act) and their regulations. It is mandatory the licensee contact the local Conservation Commission to determine the applicability of the Wetlands Act and the U.S. Army Corps of Engineers, Regulatory Branch at 696 Virginia Rd., Concord, MA. 01742 (TEL: 978-318-8696) concerning a Programmatic General Permit for Small Scale Shellfish Aquaculture. Operation of this license prior to such determination by the Conservation Commission or before obtaining other required permits and licenses from the Dept. of Environmental Protection or the U.S. Army Corps of Engineers may result in legal or regulatory action against the licensee by one or more of these agencies. Permits issued by this Division to obtain and possess seed shellfish for aquaculture do not absolve the licensee from the above mentioned obligations.

Any questions or comments should be directed to Christopher Schillaci, Aquaculture Specialist at the above address and by phone at extension 135.

Sincerely,



J. Michael Hickey
Assistant Director
Shellfish Program Manager

cc: D. McKiernan, T. Shields, C. Schillaci DMF
J. Hobill, DEP/SERO
T. Jackett Truro Shellfish Constable
Daniel Smith, Applicant
K. Kotelly, U.S. Army Corp of Engineers

A. DOCUMENTS

1. Notice of Intent application; locus maps; aquaculture license application; wetland fee transmittal form; abutters list
2. Sketch Plan of proposed grant site, dated 9-25-15; revised sketch plan date stamped June 12, 2016; sketch by Dan Smith
3. DEP notice of file number
4. Letters from Kopelman and Paige, P.C. dated 9-10-15; and June 14, 2016
5. "Agreement to waive participation requirements" signed by Daniel Smith, 4-19-16
6. Conservation Commission minutes from November 2, 2015; February 1, 2015; April 19, 2016; May 2, 2016; June 22, 2016; July 11, 2016; July 22, 2016
7. Helix anchor info-sheet from DMF
8. Email from Jim Rodericks Horizons beach resort dated 11-2-15
9. letter from Scott Lindell dated 10-29-15
10. MASS DEP mapped eelgrass; Map of priority habitat.
11. Letter from Division of Marine Fisheries dated 3-16-16, date stamped received 4-28-16.
12. Copy of MGL ch 40, s 8C
13. Copy of Pazolt versus Division of Marine Fisheries, 417 Mass.565 (1994 OPINION by Abrams,J.)
14. Letter from Dunes Realty Property management Horizons Beach Resort dated April 27, 2016
15. Letter to Rae Ann Palmer dated May 4, 2016 from the Truro Conservation Commission
16. Note from Deborah McCutcheon to file dated 6-3-16
17. Email requests for meeting continuance
18. Site plan titled "**Sketch of Land**", dated 7-6-16, prepared by Slade Associates, Inc.

B. PROJECT DESCRIPTION

1. The proposal includes establishing a 2 acre aquaculture grant on State tidelands. The street address associated with the grant site is 214-216 Shore Road. Both parcels of land were purchased by the town and placed in the custody of the Conservation Commission, under MGL ch 40, s 8C. The proposed grant site is located off of Beach Point, approximately 225' seaward of mean low water (MLW); typical water depths at low tide in this area have been stated to be 12-18" deep.
2. The grant would be located within the Nearshore Area of Land under the Ocean as defined in 310 CMR 10.25(2); other Resource Areas proximate to this property include Barrier Beach; Coastal Beach; Coastal Dune; Land Subject to Coastal Storm Flowage.
3. In August 2015 the applicant submitted an aquaculture license application to the Board of Selectmen; the license was granted with the condition that the applicant receive all other necessary approvals from regulatory bodies and State agencies.
4. The applicant filed the Notice of Intent for the project in October 2015 and made an initial presentation at the November 2, 2015 Conservation meeting. The matter was continued generally to allow for completion of the public process with the Board of Selectmen for the aquaculture license, and for information on the habitat from MA Division of Marine Fisheries (DMF). Hearing by the Commission resumed on April 19, 2016.
5. On March 14, 2016 biologists from DMF and the Truro Shellfish Constable conducted a biological survey; no shellfish or subaquatic vegetation (eelgrass) was found within the area proposed for this 2 acre grant.

6. In May the Commission received a letter from an abutter that questioned the proposed use of Conservation land for private commercial enterprise. The Commission sought an opinion by Town Counsel.
7. The opinion by Town Counsel relied upon the applicants sketch showing that the project will not be sited on the Towns Conservation land, and would be sited on State tidelands, below the MLW. The sketch plan for the project demonstrates that the grant would be 225' seaward of the MLW mark.
8. The project scope of work includes utilizing "helix anchors" to anchor 10-12(mainlines) mooring lines for "Oystergro" floating cages and bottom cages; these mooring lines are intended to ensure that the gear does not migrate to other locations. Shellfish seed stock would be introduced in the "Oystergro" cages and rotated between floating and bottom arrangements based on the age and growing needs of the animals. Other tasks include maintaining the cages, and culling and grading the shellfish until they are ready to be harvested.
9. Maintenance of the gear (major anti-fouling; repairs of cages) will be undertaken off site. Minor maintenance and minor cleaning of gear will be "within the boundaries of the grant".
10. Access to the grant area will be by boat, or by foot.

C. FINDINGS

1. Results of the habitat survey revealed no shellfish or eel grass, therefore the Commission finds that the bottom area where this grant appears to be proposed is not presently land containing shellfish; however, the bottom area is significant to protection of marine fisheries.
2. The Commission finds that the Coastal beach at this location is of major significance to storm damage prevention and flood control, and for the protection of marine fisheries and wildlife habitat as well as to the other interests of the Act and the Truro Conservation Bylaw.
3. The Commission finds that the Nearshore areas of Land Under the Ocean at this site are also significant to storm damage prevention, flood control and protection of wildlife habitat.
4. The use of Helix anchors for this project is intended to ensure that the bottom topography will not be altered, and that the gear will not cause adverse effects which could increase storm damage or erosion of the Coastal beach or Coastal dunes.
5. Experience with this type of project in this general area is expanding but still limited; cumulative effects of gear, animals and anthropomorphic intervention are unknown. Therefore the Commission finds that requiring proactive monitoring is necessary to ensure that significant direct or cumulative adverse effects upon resource area values as noted above do not occur or go undetected.
6. The Commission finds that both map 20 parcel 2 and map 20 parcel 3 are implicated in the interests of Storm Damage prevention and protection of habitat for marine animals including various species of turtles and whales.
7. The Commission finds that both map 20 parcel 2 and map 20 parcel 3 are affected by the project and find that the impacts on map 20 parcel 3 are of such significance that the parcel cannot be removed from the project scope and that the Order and findings must reflect this.

Insofar as the "sketch of Land in Truro" dated July 6, 2016 or any other document conflicts with the special order of conditions this order shall control.

SPECIAL CONDITIONS

1. There shall be no material substitutions or modifications for materials or activities described and conditioned by this order. Questions or interpretations of this Order shall be presented directly to the Conservation Commission in writing.
2. Mooring line anchors shall be “helix” anchors, without substitutions unless otherwise approved in writing prior to installation.
3. The conditions outlined in the March 16, 2016 letter from Michael Hickey, Assistant Director of the Division of Marine Fisheries are incorporated into this Order, specifically:
 - From February 1- April 30 all floating gear must be sunk or removed. Remaining vertical lines attached to bottom gear shall, be reduced in number to the extent possible, be kept under tension, and shall be attached with a 600 pound breakaway link or ropes of same breaking strength;
 - Lines deployed during the period May 1- January 31 shall be kept under tension or sheathed to avoid turtle entanglement
 - Any entanglement of protected species including whales and turtles must be immediately reported to Provincetown Center for Coastal Studies at 800-900-3622. Any entanglements shall be documented in a log, reported to the Commission, and included in the annual report.
4. Access to the grant shall be by foot or by boat. Access made by vehicle shall be limited to map 20 parcel 2 and must be full compliance with Truro ORV regulations.
5. No foreign material associated with the aquaculture activities shall be deposited, dumped, stored or abandoned within the grant area.
6. Any gear, Oyster/clam cages, anchors, lines, buoys, boats and associated equipment shall be tagged, branded or otherwise permanently identified by the DEP file number (75-0966) ; All such gear adrift or washed up shall be removed from the beach by the applicant as soon as practicable but in no event later than 24 hours.
7. No maintenance of equipment or gear shall be done on the public beach or parking areas
8. There shall be no storage of gear or equipment on the public beach, parking areas, public lands or waters
9. Proponent shall submit an annual report to the commission by **May 1st of each year**, including all observations of anthropogenic impacts of the project or effects from the project, a copy of the annual shellfish activity report (required by DMF, et al) and specific complaints, if any, of deleterious individual or cumulative effects. A hearing to review and, if necessary, ameliorate such effects may be scheduled by the Commission on at least ten (10) day’s notice to the proponent, abutters and to any other interested persons who have requested such notice from

the Commission. Notice of said hearing shall be placed in newspaper of general circulation no less than five days prior to such hearing.

10. "Best management practices" for aquaculture shall be employed in all situations where not contrary to this Order; in such situations the Order shall control.

General Conditions

1. After the expiration of the 10-day appeal period , if no request for appeal has been filed with the Department of Environmental Protection, and prior to the commencement of work the form provided at the end of this Order (part G. "Recording Information") shall be completed and stamped at the Registry of Deeds
2. This document shall be included in all contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. It is the responsibility of the Applicant, and/or successor(s) to ensure that all Conditions of this Order of Conditions are complied with. A copy of this Order shall be available at the work site, during normal work hours, or posted, until the work is complete.
3. Work shall be halted on the site if the Commission, Conservation Agent or DEP determines that any of the work is not in compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.
4. **Any changes** in the work described in the Notice of Intent or in the plans and specifications shall be submitted to the Commission in writing for a determination of whether the change is significant enough to the interests of the Act to require a new Notice of Intent. **No changes shall be made or implemented in the field** prior to the Commission's determination. Should issuance of additional permits result in a change in the project, the applicant shall promptly submit such changes to the Commission for evaluation under this provision.
5. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of portions of the property.
6. Upon completion of this project the applicant may submit a request to the Conservation Commission to receive a Certificate of Compliance. The Applicant or Owner shall certify in writing that the work was completed as shown on the plans and documents referenced above. It is anticipated that this project shall continue operations beyond the usual permit term. Any certificate of compliance shall therefore contain continuing conditions to protect the interests of the Act and the Truro Conservation Bylaw. Verification of proposed activities may be requested by the Commission, and may include review of compliance, an as-built survey of the grant; and the Commission's agent may conduct a site visit to verify conditions.
7. This Order of Conditions is valid for 3 years from the date of issuance, and shall be reviewed annually by the Commission.



TOWN OF TRURO
Conservation Commission
24 Town Hall Road
P.O. Box 2030, Truro MA 02666

Conservation Commission Meeting Minutes

July 19, 2016

2:00 P.M. in the Selectman's Meeting Room

Members Present: Deborah McCutcheon (Chair), Jim Bisceglia, Diane Messinger, Henry Lum and Linda Noons-Rose

Others Present: Emily Beebe-Assistant Conservation Agent

At 2:05 PM the meeting was called to order and the hearing was opened for **214/216 Shore Rd (off Town Beach at Beach Point Landing), Notice of Intent, Daniel Smith, proposed aquaculture grant, SE# 75-0966**: This matter was continued from July 11 2016. The Notice of Intent for this project included installation and operation of a shellfish growing business on State tidelands adjacent to the Town-owned beach (Map 20, parcel 3) and access point (map 20, parcel 2) known as "Pilgrims Landing" or "Beach point landing" and located directly east of the Top Mast Motel.

Applicant Daniel Smith and his attorney Bill Henchy were present, as were abutters and interested parties. A draft Order of Conditions had been prepared and sent to all parties in addition to the Conservation Commission.

The Chair asked the applicant and abutter to review the waiver of participation form provided by the Commission. Mr. Henchy asked Linda Noons Rose if she was familiar with the file, and Linda stated that she was. Mr. Henchy signed the waiver. Mr. Murphy, attorney for the abutter also signed the waiver.

The Commission reviewed the draft Order of Conditions findings and discussed the access proposed. Chair McCutcheon recommended creation of a new finding to address the public interests and the applicant's proposal to remove parcel 3 from the application.

Motion: To find that both parcels 2 and 3 are implicated in the interests of Storm Damage prevention and protection of habitat for marine animals including various species of turtles and whales. Motion by McCutcheon; second by Bisceglia. Approved 4-0-1.

Motion: To find that both parcels 2 and 3 are affected by the project and the impacts on parcel 3 are of such significance that the parcel cannot be removed from the project scope and that the Order of Conditions and findings must reflect this. Motion by McCutcheon; second by Bisceglia. Approved 4-0-1.

There was a question by the applicant about finding #4, which referred to the use of helix anchors. The applicant expressed concerned that there was no provision for an alternative means of anchoring. The Chair responded that the applicant could return to the

Commission with an alternative proposal should there be a need.

The Commission discussed the opening paragraph to the conditions; new language was added to address conflicts so that the Special Order of Conditions shall control.

Motion: to change text of opening paragraph to Special Conditions. Motion by McCutcheon; second by Bisceglia. Approved 4-0-1.

The discussion moved to condition 2 and concerns about the grant holder excluding the public and wildlife from the area. There was a suggestion that at least 20 feet of access corridor should be provided down the middle of the proposed grant area. The applicant responded that the lines of the corridors will never be straight, as the cages are constantly moving and heavy, and they may be dangerous to the public.

Commissioner Biscelia thought the corridor was not a good idea, and possibly not in the Commission's purview as the Division of Marine Fisheries (DMF) had already reviewed the application. Commissioner Noons-Rose commented that DMF did not address the public's access.

Jason Silva, an abutter and member of the Truro Board of Health expressed concerns about the cages being covered with bird droppings, and what that meant to water quality at this location.

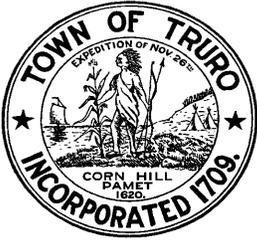
The letter from the Division of Marine Fisheries was discussed, and a motion was made to adopt their language.

Motion: to include condition #3 from the DMF letter in lieu of condition #2 from the Commission's draft Order of Conditions. Motion by McCutcheon; second by Bisceglia. Approved 4-0-1.

There was continued discussion about the proposed special conditions. The language of several conditions was adjusted and there was discussion about the requirement of annual reporting, and the Certificate of Compliance process.

Motion: To approve the Order of Conditions for SE# 75-0966. Motion by Lum; second by Noons-Rose; Approved 4-0-1.

The meeting was adjourned at 3:15 PM.



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Maureen Thomas, Assistant Town Manager

REQUESTED MEETING DATE: September 27, 2016

ITEM: Request from the Historical Commission and the Historical Review Board for support of a letter to property owners and to begin the process of legal and Selectmen review of proposed amendments to Truro General Bylaws, Chapter VI, Preserving Historic Properties.

EXPLANATION: The Historical Review Board is proposing to send letters to owners of historic properties to ensure they are aware of Truro’s Preserving Historic Properties By-Law and to inform them of the opportunity to publicly acknowledge the historic status of their properties through the purchase of historic house plaques. The Historical Commission is also proposing amendments to the General Bylaws Chapter VI, Preserving Historic Properties By-Law which they are requesting be sent to Town Counsel for review and inclusion on the 2017 Town Meeting Warrant.

FINANCIAL SOURCE (IF APPLICABLE): Mailing expenses for approximately 500 letters to owners of historic properties would need to be identified in the current fiscal year budget.

IMPACT IF NOT APPROVED: The letters to owners of historic properties will not be sent and the proposed amendments to the General Bylaws, Chapter VI, Preserving Historic Properties, will not move forward to the 2017 Annual Town Meeting Warrant.

SUGGESTED ACTION: MOTION TO support/not support the mailing of the Historical Review Board letter to historic property owners and to authorize the Town Manager to submit the proposed amendments to the Truro General Bylaws Chapter VI, Preserving Historic Properties

ATTACHMENTS:

1. Draft Historical Review Board Letter to historic property owners with historic house plaque options.
2. Proposed amendments to Truro General Bylaws, Chapter VI, Preserving Historic Properties.



Truro Historical Review Board
Truro Town Hall
PO Box 2030
Truro, Massachusetts 02666
Phone (508) 349-7004, Fax (508) 349-5505

August 14, 2016 REVISED DRAFT

[MAILING NAME
ADDRESS – INSERT
FROM DATABASE]

RE: [INSERT HISTORIC NAME (S), DATE BUILT,
AND STREET LOCATION FROM DATABASE]

Dear Property Owner,

We are writing to you as the owner of a property that the Town of Truro has identified as important to its heritage and unique outer Cape rural and historic character. The purpose of this letter is to ensure that you are aware of Truro's *Preserving Historic Properties* Bylaw and also to inform you of an opportunity to publicly acknowledge the historic status of your property.

The Truro Historical Commission, with the assistance of the Massachusetts Historical Commission and experienced outside consultants, has surveyed and documented more than 500 historically significant properties in Truro. Congratulations are in order for all those who share the responsibility to preserve this heritage. Historic information about your building is on file at the Truro Public Library and is available on line at <http://mhc-macris.net> and with links on the Truro Historical Commission's webpage: <http://www.truro-ma.gov/historical-commission>

When owners want to demolish a historically important building, it becomes a town concern. In recognition of this, voters enacted the *Preserving Historic Properties* Bylaw in 1997 to help protect significant buildings from unnecessary demolition.

We want to be sure that you are aware of the Bylaw should you ever plan to demolish your building. The Bylaw establishes a Historical Review Board to work with owners who apply for a demolition permit for a historic building or a substantial portion of the building. (Ordinary maintenance, painting and repair are not subject to historical review.) If, after holding a public hearing, the Board determines that the proposed demolition would be detrimental to the Town's heritage, it can vote to adopt a review period of up to a one-year to explore alternatives to demolition.

A guide to the procedures of the Historic Review Board is enclosed. The entire *Preserving Historic Properties* section of the Truro's *General Bylaws* is available at Town Hall or can be found on online:

<http://www.truro-ma.gov/sites/truroma/files/file/file/genbylaws2010.pdf>

Information about the Historical Review Board is available on the Truro webpage: <http://www.truro-ma.gov/historic-review-board>

There are two helpful sets of guidelines for preserving historic properties:

The U. S. Secretary of Interior's ***Standards for the Treatment of Historic Properties*** can be found at: https://www.nps.gov/tps/standards/four-treatments/standguide/overview/using_standguide.htm

Technical Bulletin 96-001 Designing the Future to Honor the Past: Design Guidelines for Cape Cod can be found on the Cape Cod Commission's website: <http://www.capecodcommission.org/resources/regulatory/DesignManual.pdf>

We would also like to let you know that, because your building is considered historically significant, you may purchase a plaque identifying your house as historic, with the date of construction. The plaque is made of aluminum with a blue painted background, and with a protective polyurethane coating.

There are two size options, the smaller costing \$86.97 without the house name, and the larger costing \$106.87 with the house name. They are pre-drilled for easy installation. (Please see attached specifications and photos of the two sample options.) If you are interested, we will be happy to arrange for your purchase of a plaque. Please also let us know if you would support your building being listed as part of a historic district.

If you believe your building is listed in error, please let us know and we will contact you to discuss your concerns or hold a public hearing to review the determination.

Please reply by letter to me at the [Truro Town Hall](#) or by email to: HistComm@truro-ma.gov

We look forward to working with you to protect Truro's heritage.

Sincerely yours,

Matt Kiefer, Chair, on behalf of the Truro Historical Review Board
Chuck Steinman, Vice Chair
Fred Todd, Clerk
David Kirchner
David Perry

Attachments: *Preserving Historic Properties* – Bylaw Guide
Truro Historic House Plaque Options



Truro Historical Review Board

PRESERVING HISTORIC PROPERTIES – BYLAW GUIDE

PURPOSE:

To preserve and protect *Historically Significant Buildings*, the Town's Historical Review Board and the owner of a historic property must explore alternatives to demolition prior to the issuance of a demolition permit by the Town's Building Commissioner.

SIGNIFICANT BUILDING DEFINITION:

Significance includes age (over 75 years old); listed on or part of a pending application for listing on the National or State Register of Historic Places; historically or architecturally significant; or associated with one or more historic persons or events or with the architectural, cultural, political, economic or social history of the Town.

The Truro Historical Commission, with the assistance of the Massachusetts Historical Commission and experienced outside consultants, has documented Truro's historically significant buildings; this information is available at the Truro Public Library and on line on the Massachusetts Historical Commission's website at <http://mhc-macris.net>

STEPS TO FOLLOW FOR DEMOLITION PERMIT APPLICATIONS:

1. The owner/applicant applies for a demolition permit at Town Hall.
2. The Building Commissioner notes that the requested demolition may be subject to the *Preserving Historic Properties* (demolition delay) bylaw and forwards the application including a description of the building and the replacement plans to the Truro Historical Review Board. (Ordinary maintenance, painting, and repair are not subject to historical review.)
3. Within 15 working days, the Historical Review Board, in consultation with the Historical Commission, determines whether the building or portion proposed for demolition is significant and subject to review under the bylaw, and so notifies the Building Commissioner.
4. If the proposed demolition is determined historically significant, within 30 working days, the Historical Review Board holds a public hearing, requesting the owner/applicant to bring plans for the historic building's replacement and to provide reasons why its preservation is not feasible. If, after reviewing the application and discussing the project with the owner/applicant, the Review Board determines that the building is preferably preserved, the Review Board may vote to delay demolition of the building for up to 12 months in order to explore alternatives to demolition.
5. At any time during the review period, the owner/applicant is invited to meet with the Historical Review Board to discuss alternatives considered, the feasibility of preserving the historic building, and revised plans as requested during the initial public hearing. The Historical Review Board may vote to lift the delay of demolition based on this information.
6. After the delay has expired or been lifted, the Building Commissioner can issue a demolition permit so long as all other permits needed are obtained.

The entire *Preserving Historic Properties* section of the Truro's *General Bylaws*, is available at Town Hall or can be found on online: <http://www.truro-ma.gov/sites/truro/files/file/file/genbylaws2010.pdf>

TRURO HISTORIC HOUSE PLAQUE OPTIONS

OPTION 1



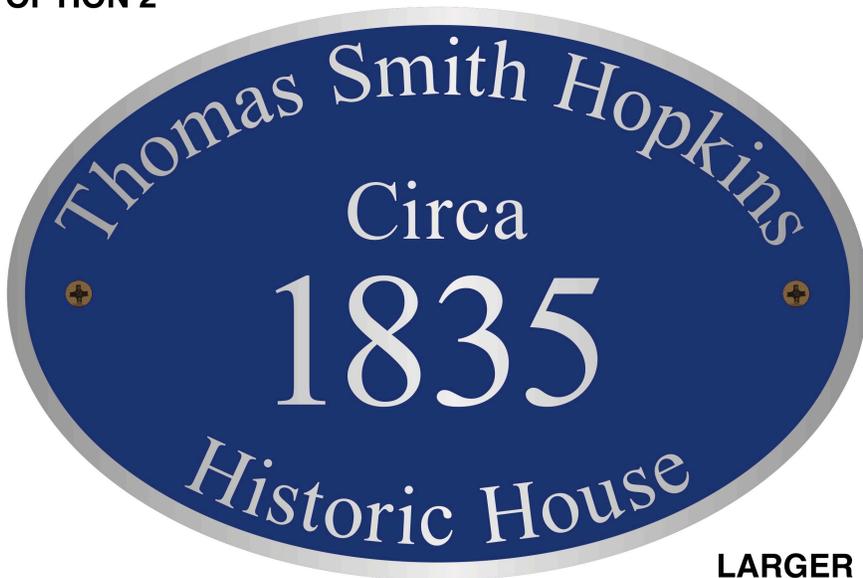
PRECISION TOOLED PLAQUE

MATERIAL - Aluminum
 SIZE - 8.5"W x 5"H
 QTY - 1
 DEPTH - 1/8"
 SHAPE - Oval
 COPY - Raised Copy-Horizontal Stroke
 FINISH - Leatherette-w/Brushed Surface
 BORDER - Single Line Border
 COLOR - 2860 Medium Blue
 STYLE - Times NEW Roman
 CLEAR CO - Matte
 MOUNT - #6 Wood Screws Countersunk

PLAQUE COST: \$ 73.10
SHIPPING & HANDLING \$ 13.87
TOTAL COST: \$ 86.97

RAISED RECESSED
 Aluminum  2050 Dark Blue

OPTION 2



PRECISION TOOLED PLAQUE

MATERIAL - Aluminum
 SIZE - 9"W x 6"H
 QTY - 1
 DEPTH - 1/8"
 SHAPE - Oval
 COPY - Raised Copy-Horizontal Stroke
 FINISH - Leatherette-w/Brushed Surface
 BORDER - Single Line Border
 COLOR - 2860 Medium Blue Painted
 STYLE - Times NEW Roman
 CLEAR CO - Matte
 MOUNT - #6 Wood Screws Countersunk

PLAQUE COST: \$ 93.00
SHIPPING & HANDLING \$ 13.87
TOTAL COST: \$106.87

LARGER SIZE WITH HOUSE NAME RAISED RECESSED
 Aluminum  2860 Medium Blue

Please note that the actual sign color may differ from that shown.

CHAPTER VI PRESERVING HISTORIC PROPERTIES

Proposed Amendment Draft August 17, 2016:

New text shown in **blue bold** - Deleted text shown in ~~blue-strikethrough~~

Section 1 PURPOSE

6-1-1 This Bylaw is enacted for the purpose of preserving and protecting significant buildings, structures and sites within the Town of Truro. The intent is to promote the public welfare and to safeguard the Town's heritage. This Bylaw aims to encourage owners of historic properties to seek alternatives to demolition.

6-1-2 To this end, procedures are established herein for the Town, together with the owner of a historically significant property, to explore alternatives to demolition prior to, and as a condition of, the issuance of a demolition permit.

Section 2 DEFINITIONS

6-2-1 Significant Building.

- . 6-2-1-1 Any building or structure listed on the National or State Register of Historic Places, or ~~the subject of a pending application~~ **which has been found eligible** for such a listing.
- . 6-2-1-2 Any building constructed in whole or in part 75 years or more prior to the date of application for a demolition permit; or ~~(4/07)~~
- . 6-2-1-3 Any building determined **jointly** by the ~~Historical Review Board and the~~ Truro Historical Commission to be a significant building either because: ~~(4/07)~~ (a) It is historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect; or (b) It is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth.

6-2-2 Demolition.

- . 6-2-2-1 The act of pulling down, destroying, removing, **dismantling**, or razing a building ~~or a significant~~ **substantial** portion thereof **or commencing the work of total or substantial destruction with the intent of completing the same, all** as determined by the Building Commissioner. The term "demolition" shall not include ordinary maintenance or repair of any building. **In addition, the term "Demolition" shall include the act of enclosing or encapsulating an existing**

building within new exterior walls or roofed areas. (4/07)

6-2-3 Preferably Preserved.

6-2-3-1 Any significant building which the Truro Historical Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to demolition delay period under this bylaw.

Section 3 TRURO HISTORICAL ~~REVIEW BOARD~~ COMMISSION

COMPOSITION AND APPOINTMENTS

6-3-1 The **Truro Historical ~~Review Board~~ Commission** is charged with implementing the ~~procedure for~~ Preserving Historic Properties Bylaw and empowered to advise the Truro Building Commissioner with respect to the issuance of demolition permits for historically significant buildings and structures. The **Truro Historical ~~Review Board~~ Commission** shall be appointed by the Board of Selectmen ~~in consultation with the Truro Historical Commission~~. It shall consist of ~~five (5)~~ **seven (7)** people ~~and two (2) people chosen from the Truro Historical Commission and three (3) people~~ chosen at large for their interest in and knowledge of historic buildings and structures. The term of office shall initially be for one, two, and three years respectively, and for three years thereafter. (4/07)

6-3-2 A quorum of four (4) members shall be required for voting on any matter pertaining to this bylaw.

Section 4 TRURO HISTORICAL ~~REVIEW BOARD~~ COMMISSION POWERS AND

DUTIES

6-4-1 The **Truro Historical ~~Review Board~~ Commission** shall:

6-4-1-1 ~~Develop policies, guidelines and criteria before compiling~~ **Utilizing the *Truro Community-wide Historic Survey (2011)*, as updated from time to time, maintain** a list or register of historically, culturally, or architecturally significant buildings and structures located within the Town of Truro.

6-4-1-2 ~~Notify current owners of such buildings and structures in writing and provide them with an official plaque to display if they so wish. At this time, the Historical Review Board shall hold a hearing for any current owners objecting to the Board's determination that their property is of historical, cultural, or architectural significance.~~

Make the above referenced list available to the Town Clerk, Building Commissioner, the Truro Public Library, and the Truro Historical Society, and post a list on the town website.

6-4-1-3 ~~Prepare~~ **Inform applicants of** guidelines for alternatives to demolition such as preservation, renovation, rehabilitation, restoration, or relocation **such as the U. S. Secretary of Interior's *Standards for the Treatment of Historic Properties* and the Cape Cod Commission's *Technical Bulletin 96-001 Designing the Future to Honor the Past: Design Guidelines for Cape Cod.***

6-4-1-4 Provide ~~copies of the list and~~ **links to the above referenced guidelines on the town website.**

6-4-1-5 Review applications for demolition permits forwarded to it by the Building Commissioner in order to determine if the building or structure involved is subject to the hearing process.

6-4-1-6 Hold public hearings on demolition permit applications to determine if the intended demolition would be detrimental to the historical, cultural or architectural heritage of the Town; whether the work proposed will materially diminish the building or structure's significance to the Town's heritage; and to explore alternatives to demolition.

6-4-1-7 Impose demolition delays of up to twelve (12) months on demolition permit applications ~~that it has determined would substantially diminish the building or structure's significance to the Town's heritage~~ **as described in Section 6-5-5 below.**
(4/07)

Section 5 PROCEDURES FOR REVIEW OF APPLICATIONS

6-5-1 Application for Demolition

6-5-1-1 An applicant proposing to demolish a building subject to this bylaw shall file with the Building Commissioner an application containing the following information:

- The address of the building to be demolished.**
- The owner's name, address and telephone number.**
- A description of the building or portions proposed to be demolished including the age of existing materials to be removed.**
- A photograph or photograph(s) of the building.**
- The reason for requesting a demolition permit.**
- A brief description of the proposed reuse and plans for the reconstruction**

or replacement.

- 6-5-1-2** The Building Commissioner shall, within ten (10) working days of receipt of proposed building plans an application for a demolition permit, forward a copy of the proposed building plans and demolition permit application to the **Truro Historical Review Board Commission**. (4/07)
- 6-5-2 **The Chair or Vice Chair of the Truro Historical Review Board Commission** shall within fifteen (15) working days inform the Building Commissioner if the building or structure in question is subject to the hearing process. (4/07)
- 6-5-3 If the building or structure in question is deemed subject to the hearing process, then within thirty (30) working days of such determination, the **Truro Historical Review Board Commission** shall hold a public hearing to review plans submitted by the applicant to determine if the intended demolition or any alternative construction would be detrimental to the historical, cultural, or architectural heritage of the Town; if less than a complete demolition is proposed, whether the work will materially diminish the building or structure's significance to the Town's heritage; and to explore the alternatives to demolition. The Owner's failure to maintain or repair a building or structure so as to compromise its structural integrity or usability shall not constitute grounds for a finding of no feasible alternative to demolition. (4/07)
- 6-5-4 Notice of the time, place, and subject matter of the ~~Historic Review Board~~ **Truro Historical Commission** hearings shall be provided by publication in a newspaper of general circulation in the Town once a week for two (2) consecutive weeks, the first notice to appear at least fourteen (14) days before the day of the hearing (including the day of publication and excluding the day of the hearing); and the applicant is responsible for obtaining the list of certified abutters (which includes direct abutters and abutters to abutters within 300 feet), mailing public hearing notice by certified mail, return receipt to the owner or applicant, to all abutters to the subject property, and to the Truro Historical Commission; **the Building Commissioner**, the Board of Selectmen, the Planning Board, and such other persons as the **Truro Historical Review Board Commission** may determine and demonstrate that they have done so. (4/16)
- 6-5-5 Within fifteen (15) working days of the close of the public hearing, **the Chair or Vice Chair of the Truro Historical Review Board Commission** shall notify the owner or applicant and the Building Commissioner of ~~it's~~ **the Commission's** decision. If **Truro Historical Review Board Commission** has determined that **the building is "preferably preserved" and that** the proposed demolition would destroy or

substantially diminish the building or structure's significance to the Town's heritage, it is empowered to impose a demolition delay of up to twelve (12) months from the close of the public hearing to afford the applicant and the **Truro Historical Review Board Commission** time to develop alternatives to demolition. (4/07)

6-5-6 To expedite the review process, the **Truro Historical Review Board Commission** encourages applicants to submit revised plans and to request a review meeting with the **Truro Historical Review Board Commission** at any time during the mandated review delay period. The Building Commissioner may issue a demolition permit prior to the end of the mandated delay only upon receipt of written notice from **the Chair or Vice Chair of the Truro Historical Review Board Commission** that it is satisfied that the applicant has made a serious but unsuccessful effort to develop an alternative to demolition and that there is no reasonable likelihood that the applicant or potential purchasers will be willing or able to rehabilitate, restore, relocate, or otherwise preserve the building or structure. (4/07)

6-5-7 If, at the end of the mandated delay, the owner or applicant has failed to develop an alternative to demolition, **the Chair or Vice Chair of the Truro Historical Review Board Commission** shall within ten (10) working days notify the Building Commissioner who may then issue the demolition permit. (4/07)

Section 6 EMERGENCY DEMOLITION

6-6-1 Nothing in this Bylaw shall restrict or prevent the Building Commissioner from ordering the immediate demolition of any building or structure determined by the Building Commissioner to present a clear and present danger to the safety of the public which only demolition can remedy. The Building Commissioner shall provide the **Truro Historical Review Board Commission** written notice of the circumstances of the permit issuance.

Section 7 ENFORCEMENT

6-7-1 The Building Commissioner shall be authorized to enforce the provisions of this Bylaw and to institute any and all actions and proceedings as may be necessary and appropriate to obtain compliance, including injunctive relief to enjoin and restrain any violations or threatened Special violations thereof.

Section 8 NON-COMPLIANCE

6.8.1 Anyone who undertakes demolition of any historically significant building or structure, in whole or in part, without complying with the provisions of this Bylaw, shall be

subject to a fine established in Appendix A. Each day such demolition continues shall constitute a separate offense.

6.8.2 No building permit shall be issued or be valid for a period of two (2) years from the date of notification of the offense for any parcel or premises upon which a historically significant building or structure has been demolished in violation of the Bylaw.

Section 9. SEVERABILITY

6-9-1 If any provision of this Bylaw is determined to be invalid or unconstitutional by any court of competent jurisdiction, said determination shall not affect the validity of any other section hereof.

Source: Chapter VI Truro General Bylaws – April 2010 as amended April 2016



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004, Extension: 10 or 24 Fax: 508-349-5505

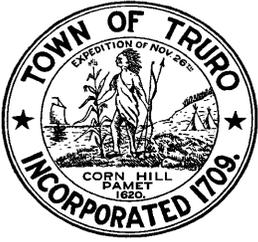
6. CONSENT AGENDA

A. Review/Approve and Authorize Signature:

1. Water Service Application for 642 Shore Rd – Little Skipper Condominiums
2. One Day Entertainment (Sunday) License -Vinegrass Music Festival October 2, 2016 at Truro Vineyards 11 Shore Rd
3. Letter regarding Pilgrim Nuclear Power Plant

B. Amend Board of Selectmen Minutes of August 8, 2016

C. Review and Approve Regular Board of Selectmen Minutes – September 13, 2016



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Pat Pajaron, Health Agent on behalf of Donna Petsch, Property Manager Little Skipper Condos

REQUESTED MEETING DATE: September 27, 2016

ITEM: Truro Water Service Application for - 642 Shore Rd

EXPLANATION: The application is before the Board of Selectmen per the *Board of Selectmen Policy #24- Provincetown Water Line Application Process*. According to Pat Pajaron, the Health Agent to the Board of Health, on September 20, 2016: "This is an existing 11 unit condominium facility currently served by town water. The plan submitted with the application shows the proposed water service with 2 new water meter pits and separate water lines from each of the units to the water pit. Per the Provincetown Water Department, this is an upgrade to an existing condominium to separate the water service as required by regulation. There is no expansion of water service proposed."

The Board of Health reviewed and approved this application at their meeting held on September 20, 2016.

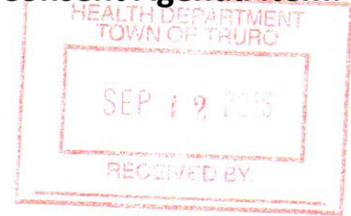
FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: If not approved, an alternative would have to be sought through other options.

SUGGESTED ACTION: *MOTION TO approve & authorize the Chair to sign the new water service application for 642 Shore R., Truro MA, prior to submission to the Provincetown Water and Sewer Board.*

ATTACHMENTS:

1. Town of Provincetown - Water Department - Truro Water Service Application for New or Expansion of Existing Water Service
2. Site Plan for 642 Shore Rd



TOWN OF TRURO BOARD OF HEALTH

P.O. Box 2030, Truro MA 02666
Tel: 508-349-7004 Fax: 508-349-5508

TRURO WATER SERVICE APPLICATION FOR NEW OR EXPANSION OF EXISTING WATER SERVICE

APPLICANT INFORMATION

Date: 9/12/16 Name: GFM Enterprises
Water Service Address: 642 Shore Road Map/Parcel/Lot 2-1D
Mailing Address: 2 George Holbrook Way City/State/Zipcode Harwich, MA 02645
Phone Number: 508-349-7300 Email Address: gfm.enterprises@icloud.com

EMERGENCY TELEPHONE NUMBERS

Plumber Name: Mike Monohan Phone Number: [REDACTED]
Property Manager: Donna Petsch Phone Number: [REDACTED]
Other Name & Phone Number: _____

TYPE OF SERVICE REQUESTED:

- New Water Service: Proposed Title 5 Design Flow: _____
- Expansion of Water Service:
Existing Title 5 Design Flow: _____ Proposed Title 5 Design Flow: _____
- Water Service for Condominium Conversion (separate meters, tap etc.) # of Units 11

Type of Facility:

- | | | |
|--|---|---|
| <input type="checkbox"/> Single Family | <input checked="" type="checkbox"/> Condo | <input type="checkbox"/> Multifamily Dwelling |
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Motel | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Retail | <input type="checkbox"/> Office Building | <input type="checkbox"/> Industrial: _____ |

Meter installations fifty (50) feet or greater from the curb stop must be in a meter pit adjacent to the curb top. Concrete meter pits are required in roads or driveways.

I hereby agree to abide by all the rules and regulations of the Provincetown Water Department now in force or to be established by the Water and Sewer Board and declare that there is no other means of supplying potable water on-site (e.g. private well).

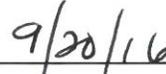
Applicant Signature: Todd Pouch - GFM Enterprises

ONCE TRURO & PROVINCETOWN OFFICIALS HAVE APPROVED THE APPLICATION, PLEASE SUBMIT A COPY TO THE TRURO HEALTH DEPARTMENT

SIGNATURES OF APPROVAL ***OFFICIAL USE ONLY*******



TRURO BOARD OF HEALTH



DATE OF APPROVAL

TRURO BOARD OF SELECTMEN

DATE OF APPROVAL

PROVINCETOWN WATER &
SEWER BOARD

DATE OF APPROVAL



Town of Provincetown
Water Department
 260 Commercial Street
 Provincetown, MA 02657
 Ph: 508-487-7060
 Fax: 508-487-4675

www.provincetown-ma.gov

OFFICE USE ONLY:		Approved:	<input type="checkbox"/>
Date Rec'd:		Meter Size:	
Amt Rec'd:		Extra Fee Amt.:	\$
Check No:		Tie Drawing:	<input type="checkbox"/>
Acct. No:		Tie Scanned:	<input type="checkbox"/>
Plans Rec'd:	<input type="checkbox"/> N/A <input type="checkbox"/>		
Trench Permit:	<input type="checkbox"/> N/A <input type="checkbox"/>		

SERVICE APPLICATION & PERMIT FORM

Date: 9/12/16
 Street Address: 642 Shore Road
 Owner Name: Donna Petsch / Land Rep.
 Billing Address: 2 Marsh St
 City/State/Zip: E. Providence RI 02914

Map/Parcel/Lot: _____
 Phone: _____
 Mobile: _____
 Email: _____

WATER SERVICE

FIRE SERVICE - TAP FEE ONLY

NEW SERVICE TAP **\$1,800.00**
 FEES TO BE PAID BY:
 OWNER
 CONTRACTOR

Name of Contractor/Installer and Phone

2" SPRINKLER TAP **\$1,800.00**
Backflow device installer must notify our Department within 72 hours of installation.

Name of Contractor/Installer and Phone

RENEWAL of Existing Service
 FEES TO BE PAID BY:
 OWNER
 CONTRACTOR

Name of Contractor/Installer and Phone

> 2" SPRINKLER TAP = PRIVATE CONTRACTOR
Backflow device installer must submit Design Data Sheet to this Department.

Name of Contractor/Installer and Phone

Please note **PWD Rules & Regulations: Section 5.10 - One Service to Each Premises.** Only one (1) service connection shall be made to each dwelling unit located in a building or to each commercial or industrial building.

Check all that apply - **ACCOUNT TYPE:**

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Condo | <input type="checkbox"/> Medical Facility | <input type="checkbox"/> Town Account |
| <input checked="" type="checkbox"/> Seasonal | <input type="checkbox"/> Fire Sprinkler | <input type="checkbox"/> Motel | <input type="checkbox"/> School |
| <input type="checkbox"/> Year-Round | <input type="checkbox"/> Restaurant | <input type="checkbox"/> Nursing Home | <input type="checkbox"/> Private Well on Premises |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Industrial | <input type="checkbox"/> Recreational | _____ |
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Institution | <input type="checkbox"/> Retail | |

AGREEMENT: I hereby apply for a water service connection at the above-noted location. As soon as I connect to the water system and become a taker, I agree that I will pay for same and abide by all the rules and regulations now in force or to be established by the Water and Sewer Board. Please note that if you are a Contractor you are signing as representative of the home owner.

Owner Signature: _____ Contractor Address: _____
 Contractor: Todd Proctor - 6FM Contractor Phone: 508-349-7300

APPLICATION MUST BE COMPLETED IN FULL PRIOR TO APPROVAL

Departmental Approval: _____ Date: _____

SEE BACK OF FORM FOR FURTHER INFORMATION AND INSTRUCTION



TOWN OF PROVINCETOWN
DEPARTMENT OF PUBLIC WORKS

WATER DEPARTMENT - REQUEST FOR PLAN REVIEW

APPLICANT INFORMATION

Name: GFM Enterprises
Address: 2 George Holbrook Way - Harwich MA
Telephone Number: 508-349-7300
Property Location: 642 Shore Road
Project Description: New individual water services at existing condo.

FOR DPW USE ONLY

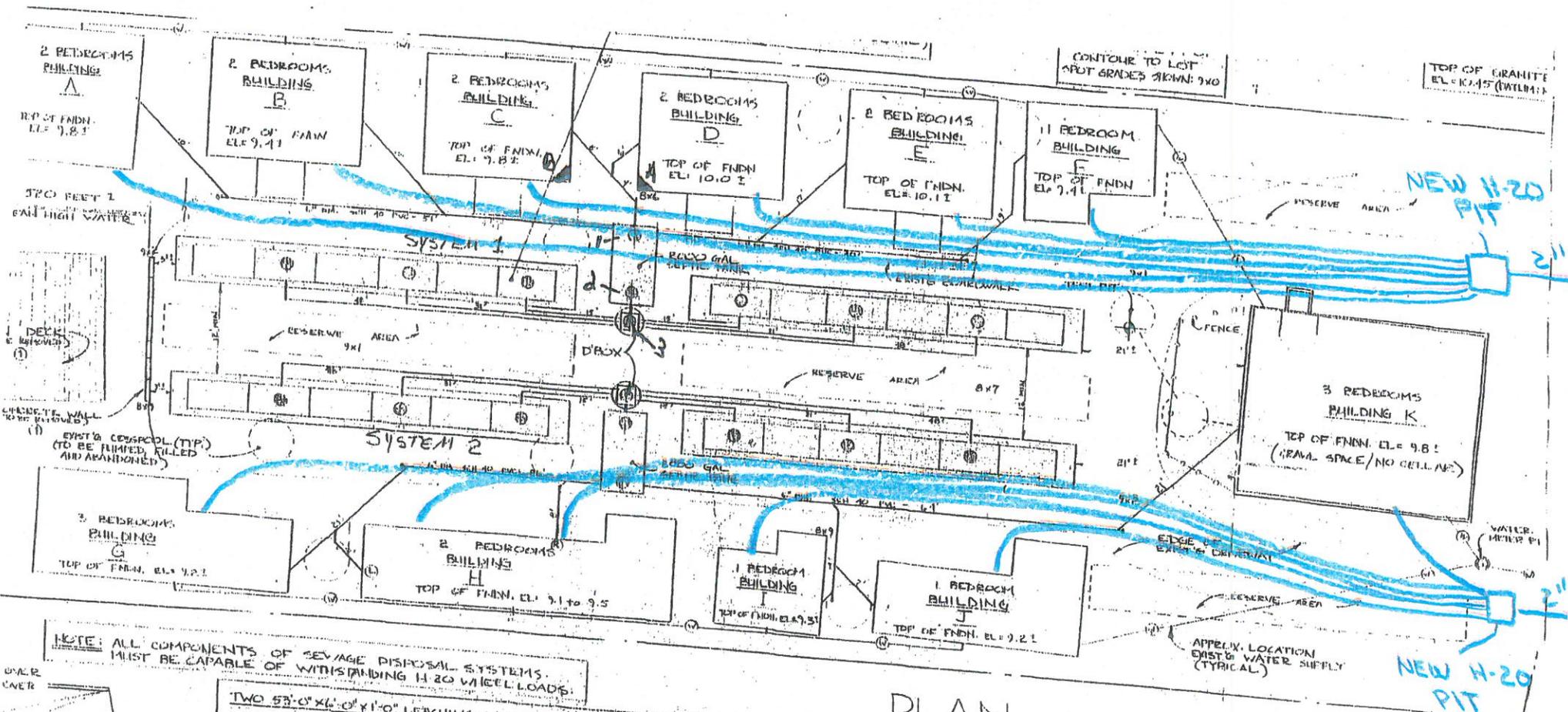
Date/Time Received: _____
Review Deadline (7 days): _____
Approval Requirements: _____

Approved By: _____
Approval Date: _____ Date Mailed Back to Owner _____

All installations require an inspection. At least a 24 Hour Notice for Inspection is required.

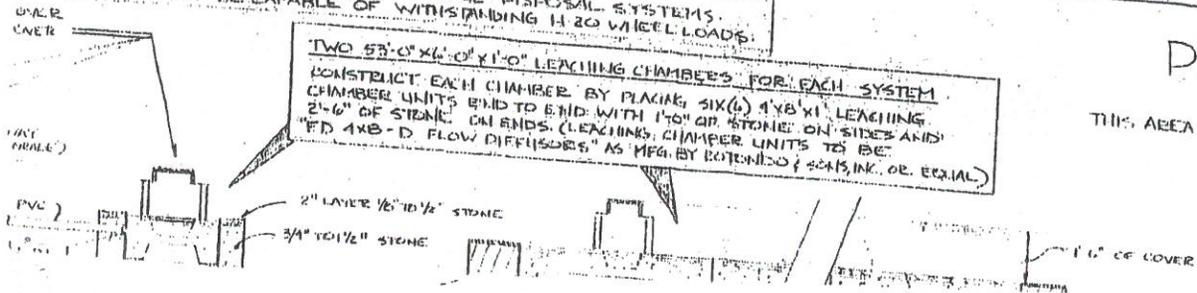
PROPOSED WATER SERVICE

A-1=7' B-1=9'
 A-2=16' B-2=17'
 A-3=20' B-3=20'



NOTE: ALL COMPONENTS OF SEWAGE DISPOSAL SYSTEMS MUST BE CAPABLE OF WITHSTANDING H-20 WHEEL LOADS.

TWO 53'-0" X 46'-0" X 1'-0" LEACHING CHAMBERS FOR EACH SYSTEM. CONSTRUCT EACH CHAMBER BY PLACING SIX (6) 4' X 4' LEACHING CHAMBER UNITS END TO END WITH 1'-0" OF STONE ON SIDES AND 2'-6" OF STONE ON ENDS. (LEACHING CHAMBER UNITS TO BE "FD 4' X 4" D FLOW DIFFUSERS" AS MFG. BY BOTENISO & SCALINK, OR EQUAL)



PLAN

THIS AREA SERVED BY TOWN WATER.



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Licensing Department

REQUESTOR: Nicole Tudor, Executive Assistant

REQUESTED MEETING DATE: September 27, 2016

ITEM: Approval of the One Day Entertainment License for Peter Fasano, Executive Director of Vinegrass at Truro Vineyards of Cape Cod, 11 Shore Road, for Sunday, October 2nd, 2016

EXPLANATION: MGL Chapter 140 § 181 provides local authority to license performance events. The One Day Entertainment Application for review and approval is from Vinegrass, which is a non-profit organization whose mission is to *“enhance the cultural quality of life through the production of American Roots concerts and festivals. We will preserve and foster this traditional American genre of music through scholarships, workshops, and instruments, ensuring its place for generations to come.”* <http://www.vinegrass.org>

This will be their 3rd Annual Vinegrass Music Festival held at Truro Vineyards. There will be 6 bands total playing on Sunday, October 2, 2016 from 11am-6:00pm at Truro Vineyards located at 11 Shore Rd. The Entertainment application has been reviewed by the Chief of Police with the condition of 6 Police Officers being required for the event. A completed License for Public Entertainment on Sunday has been provided and will be mailed to the State with the required fee upon local approval.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: Vinegrass will not be able to have a fundraiser event at Truro Vineyards, 11 Shore Road on Sunday October 2nd.

SUGGESTED ACTION: *MOTION TO approve a One Day Entertainment License for Peter Fasano of Vinegrass for Sunday, October 2nd, 2016 for the hours of 11:00am-6:00pm at 11 Shore Road in Truro and to authorize the Chair to sign the applications.*

ATTACHMENTS:

1. One Day Entertainment Application approved by Chief of Police
2. The Commonwealth of Massachusetts License for Public Entertainment on a Sunday
3. Vinegrass, Non-profit Status Certificate with IRS
4. Special Events Checklist

Will an admission fee be collected? Yes No

Will there be a One Day Alcohol License Yes No

Will there be Police Traffic Control? Yes No

If yes, you **must** also apply for a One Day Alcohol License

ENTERTAINMENT INFORMATION

Type of Entertainment: Please check the appropriate boxes.

Dancing: By Patron By Entertainers No Dancing

Music: Recorded Juke Box Live No Music

Number of Musicians & Instruments (Type) 6 Bands, Guitar, Fiddle, Bass, Banjo, Dobro, mandolin

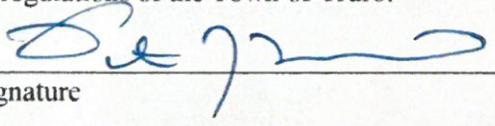
Amplified System: Yes No

Shows: Theater Movies Floor Show Light Show
 No Show

Other: Video Games Pool/Billiard Tables (Please indicate quantity) _____

Applicant's Signature

I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable regulations of the Town of Truro.



9.9.16

Signature

Date

- A valid entertainment license must be on the premises before the entertainment is commenced.
- No entertainment shall be offered, conducted, or otherwise provided by any establishment licensed under MGL Chapter 140 without first obtaining an entertainment license from the Board of Selectmen.
- Sunday entertainment must be specifically requested and addressed in the permitting process.
- These regulations are intended to allow the Board of Selectmen to determine the appropriate parameters to limit impacts to the neighbors of the establishment and to the community by the establishment and the entertainment provided therein.
- A copy of the required Fire Safety Inspection Certificate of the facility must be provided, if applicable.
- The Local Licensing Authority may impose restrictions and/or conditions.

Office Use Only

APPROVAL

License No _____

Board of Selectmen _____ Meeting Date _____

Police Department Kyle Takaljian Date 9/14/16

Restrictions/Conditions attached to the license by the Board of Selectmen or its Delegate: 6 officers (8 hr. details) required for the event

State Fee, \$ 5.00
Municipal Fee, \$ 25.00

THE COMMONWEALTH OF MASSACHUSETTS
Town OF Truro



LICENSE

For
PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is TRURO VINEYARDS in or on the property at No. _____
11 SHORE DRIVE NORTH TRURO MA 02652 (address)

The Licensee or Authorized representative, PETER FASANO in _____
accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
<u>10.2.16</u>	<u>11-6</u>	<u>ENTERTAINMENT - MUSIC FESTIVAL</u>

Hon. _____ Mayor/ Chairman of Board of Selectman, _____ (City or Town)

Fees per occurrence (Individual Sunday(s): Regular Hours (Sunday 1:00pm – Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm – Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JAN 05 2015

VINEGRASS CORPORATION
352 WEIR ROAD
YARMOUTH PORT, MA 02675-0000

Employer Identification Number:

[REDACTED]

DIN:

[REDACTED]

Contact Person:

CUSTOMER SERVICE

ID# 31954

Contact Telephone Number:

(877) 829-5500

Accounting Period Ending:

December 31

Public Charity Status:

509(a)(2)

Form 990/990-EZ/990-N Required:

Yes

Effective Date of Exemption:

October 16, 2013

Contribution Deductibility:

Yes

Addendum Applies:

No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

SPECIAL EVENTS CHECKLIST

Vinegrass OCTOBER 2nd 11-5:30pm @ Vineyard
NAME OF ORGANIZATION AND EVENT DATES

COMPLETED ONE DAY ALCOHOL APPLICATION

- LIQUOR LIABILITY INCLUDED
- SERVER TRAINING CERTIFICATE (PROOF OF)
- CERTIFICATE OF INSPECTION
- CHIEF OF POLICE REVIEW
- See *Other* below

COMPLETED ONE DAY ENTERTAINMENT APPLICATION

- SUNDAY ENTERTAINMENT – SEE STATE SUNDAY APPLICATION
- FEE TO BE INCLUDED TO COMMONWEALTH OF MASS

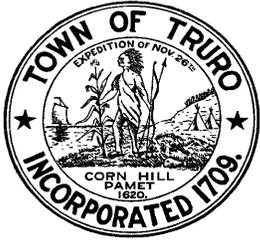
COMPLETED USE OF TOWN PROPERTY

- GENERAL LIABILITY

OTHER:

TEMPORARY SIGN PERMIT APPLICATION SUBMITTED WITH PLANNING BOARD 9/20
 50% FEE REDUCTION (FOR NON-PROFITS) "PROOF OF" WITHIN BARNSTABLE COUNTY
 Check Tax Status with the Treasurer's Office Paid Delinquent
 Parking Permit with Police and Fire

-
- ❖ Payment Received
 - ❖ SCHEDULED BOS MEETING DATE APPROVAL 9/27/2016
 - ❖ Crowd Manager Required over 100 people N/A - OUTDOORS
 - ❖ COPY OF ONE DAY LICENSE SEND TO ABCC Ryan Melville ryan.melville@state.ma.us
Cc: Elizabeth Marshall emarshall@tre.state.ma.us
 - ❖ ORIGINAL SUNDAY ENTERTAINMENT APPLICATION WITH FEE TO COMMONWEALTH SEND TO (DPS) Jen Cobis jen.cobis@state.ma.us
DEPARTMENT OF PUBLIC SAFETY
Special Licensing / Massachusetts State Athletic Commission
 50 Maple Street – Suite One
 Milford, MA 01757
 Direct. 508-422-1957 Mobile. 857-327-1807



TOWN OF TRURO

Board of Selectmen Agenda Item

BOARD/COMMITTEE/COMMISSION: Board of Selectmen

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: September 27, 2016

ITEM: Review and Approve Letter regarding Pilgrim Nuclear Power Plant

EXPLANATION: Selectwoman Burgess requested that this item be added to the agenda. The purpose is to see if the Board will send a letter to Governor Baker expressing our concern about the failing Pilgrim Nuclear Power Plant.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: There will not be a letter mailed to Governor Baker regarding this issue.

SUGGESTED ACTION: *MOTION TO approve the sending and signing of a letter to Governor Baker regarding the Pilgrim Nuclear Power Plant.*

ATTACHMENTS:

1. Letter to Massachusetts Governor Baker



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Office of the Board of Selectmen

Tel: 508-349-7004, Extension: 10 or 24 Fax: 508-349-5505

September 27, 2016

Governor Charles Baker
Massachusetts State House
Office of the Governor
Room 280
Boston, MA 02133

Dear Governor Baker,

As elected officials, representing the interests of the citizens of Truro, we endeavor to insure that their health and safety are protected to the best of our ability. However, some potential disasters are beyond our control. So we write to you to express our grave concerns about the degraded Pilgrim Nuclear Power Plant in Plymouth. We ask that in your role as Chief Safety Officer of the Commonwealth you demand that the Nuclear Regulatory Commission closes Pilgrim now to protect the citizens of Truro and indeed the entirety of Cape Cod.

In 2015, the Nuclear Regulatory Commission (NRC) downgraded Pilgrim's performance to one of the three worst nuclear power plants in the country, declaring it one step away from a shutdown. We are aware that Entergy will be decommissioning Pilgrim in 2019, but despite a lengthy list of violations and unplanned scrams it continues to operate. Over the past several months our concern about a potential radiological disaster at the plant has risen as we learn of myriad malfunctions almost daily.

For example, in April, we learned that two years of fire watches had been falsified by a Pilgrim plant employee. In May, Pilgrim failed its second NRC inspection due to lack of required maintenance. In June, we learned that the plant had no working generators which would be needed during a prolonged power outage to prevent a fuel pool fire. We also learned that Entergy was delaying the required cybersecurity plan. In July, it was reported that the neutron absorbing boron panels which separate the overcrowded racked fuel assemblies in the pool are degrading. On September 8th there was again a valve malfunction causing a second shut down in two weeks. Of particular concern was a hydrogen gas leak from the plant's turbine room on September 9th which was never reported to the Plymouth Fire Chief. It was further disturbing to learn that Energy officials have filed a false report stating that they had notified the chief. Still the NRC allows the plant to operate with no regard for the safety of the citizens of the Commonwealth. We need you to act on our behalf to protect the citizens of Massachusetts

In addition to public safety there is the looming economic disaster to consider. Tourism is the economic engine of the outer Cape. Almost 70% of Truro is within the Cape Cod National Seashore. This has allowed us to maintain our pristine environment and scenic beauty. The Cape Cod National Seashore draws over 4 million

visitors each year, providing jobs for many in the hospitality industry, and supporting local businesses. Tourism is vulnerable to changes in the perception of safety. A radiological release at Pilgrim would have dire consequences for both our Town and the entire State. An economic impact study done for the Cape Cod National Seashore Advisory Commission in 2014 indicated that “ a small scale release of radioactive material at the Plymouth plant could result in a loss of \$741 million to \$1.6 billion in state tax revenue over five years. A large scale disaster would likely increase the damage to \$ 2.2 to \$12.1 billion in tourist expenditure losses and cut overall regional economic output by \$45 to \$71 billion over ten years.” Property values in Truro would plummet if we are impacted by a radioactive plume from Pilgrim, and likely make our Town uninhabitable.

Today we learn that the Massachusetts Congressional Delegation sent a letter to the Nuclear Regulatory Commission (NRC) asking it to deny Entergy’s request for an extension for critical safety upgrades to the Pilgrim Nuclear Power Station. These safety upgrades were recommended by a panel of Entergy’s own engineers after the disaster at Fukushima Daiichi in March of 2011. Pilgrim is the same design as the reactors in Fukushima and subject to the same vulnerabilities. Signing the letter are Senators Edward J. Markey and Elizabeth Warren, and Reps. Michael E. Capuano, William R. Keating, Joseph P. Kennedy, III, Stephen F. Lynch, James P. McGovern, Seth Moulton, Richard Neal, Niki Tsongas. To quote from their letter to NRC chairman Stephen Burns:

“Notwithstanding its intention to shut down the plant, Entergy has a paramount responsibility to minimize the risk of catastrophic accidents similar to the one that occurred at Fukushima, exempting Pilgrim from the NRC’s safety requirements would allow Entergy to abdicate that responsibility, unjustifiably exposing Massachusetts communities to danger.”

The facts show that neither Entergy nor the Nuclear regulatory Commission have demonstrated any concern for our citizens. We need you to take leadership in demanding that the NRC closes Pilgrim now.

We the Board of Selectmen of the Town of Truro are very concerned about the safety of our citizens and request that you take action to help us protect our Town and its residents and visitors. Thank you for your consideration.

Sincerely,
The Truro Board of Selectmen

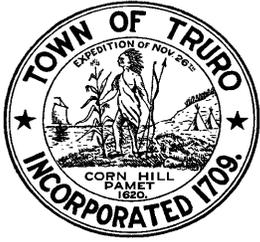
Paul Wisotzky, Chairman

Jan Worthington, Vice-Chairman

Jay Coburn, Clerk

Maureen Burgess, Selectman

Robert Weinstein, Selectman



TOWN OF TRURO

Board of Selectmen Agenda Item

BOARD/COMMITTEE/COMMISSION: Board of Selectmen

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: September 27, 2016

ITEM: Amend Board of Selectmen Minutes of August 8, 2016

EXPLANATION: The Board of Selectmen received a request to amend the Minutes of August 8th, 2016 regarding the Seashore District Discussion from Mr. John Marksbury. In addition, staff noticed that the attorney listed in the attendees was inaccurate. The sections needing amendment are highlighted in yellow. The minutes should reflect the attorney in attendance, Katherine Laughman, not Gregg Corbo. Mr. Marksbury requested that the section of the minutes that summarize his comments be replaced with his verbatim comments as follows:

“It has taken this town a long time to get here tonight. Our town leaders [not the “people”] have ignored this issue for over 12 years, despite pleadings by two successive Park Superintendents and our own 2005 Town Comprehensive Plan that urged immediate action. Yet there are those who wish to delay further and there are those who have tried to kill this baby in its crib by behind-the-scenes maneuvering. So it is time for voices to be heard not just by voters but all those who visit our parklands and love the Cape Cod National Seashore, an American Treasure.”

IMPACT IF NOT APPROVED: The Approved set of August 8th Minutes will not accurately reflect the attendees or comments from a citizen.

SUGGESTED ACTION: MOTION TO *amend the Minutes of August 8, 2016 as stated in the record.*

ATTACHMENTS:

1. Board of Selectmen Minutes of August 8, 2016

DRAFT

**Joint Meeting of the
Truro Board of Selectmen and the Truro Planning Board
Selectmen's Chambers Town Hall
Monday, August 8, 2016**

Members Present: Chair Paul Wisotzky; Maureen Burgess, Jay Coburn, Robert Weinstein, Janet Worthington

Planning Board Members Present: Chair Lisa Maria Tobia; Bruce Boleyn, Peter Herridge, John Riemer, Steve Sollog

Excused: John Hopkins, Mike Roderick

Also Present: Town Manager Rae Ann Palmer; Town Planner Carole Ridley; Assistant Town Administrator Maureen Thomas; Town Counsel **Greg Corbo**

Board of Selectmen Paul Wisotzky called the meeting to order at 5:00 p.m. and introduced members of the Board of Selectmen, and Planning Board Chair Lisa Tobia called the Planning Board meeting to order at 5:03 p.m. and introduced members of her Board. Members of both Boards were seated in the audience. The Chairs, the Town Manager and the Town Planner were at the head table.

Paul Wisotzky stated that the purpose of the joint meeting was to obtain ideas concerning protection of the National Seashore District in Truro. He gave background on the efforts of the Board of Selectmen and Planning Board to bring forward past proposals. One of the current goals of the Board of Selectmen is to encourage a bylaw for limitation of building size that could be supported at Annual Town meeting 2017. The forum was structured to ask the audience five main questions. Chair Wisotzky set some basic ground rules for the discussion.

Planning Board Chair Lisa Tobia gave a general background of the Cape Cod National Seashore in the Town of Truro. She noted that the Seashore Guidelines are not the same as Town Bylaws that regulate the approximately 211 privately owned parcels located within the boundaries of the National Seashore. The Planning Board goal is to be respectful of the property in the Seashore District. She reviewed size of lots, setback requirements and site plan review by the Planning Board for these properties. She said that the two-thirds vote that is needed at Town Meeting to adopt zoning bylaws had not been attained in any of the Planning Board's previous attempts to amend zoning bylaws for the National Seashore District. The Planning Board is interested in trying to go forward again if there is consensus among the citizens. Planning Board would like to protect character of the Town without imposing hardships upon owners within the Seashore, Chair Tobia said.

Lauren McKean, Planner for the Cape Cod National Seashore, came forward and gave information on the creation of the National Seashore. One of the requirements for the six towns involved was that each town create zoning bylaws. She explained the 50% formula that was a Park Service guideline that had been established in 1961. Ms. McKean says the Park Service is notified of changes to existing homes located inside the National Seashore. She said that the Cape Cod National Seashore is supportive of development of zoning bylaws and noted that a Park Service review is a part of the process.

The first discussion question for public comment was: *What does the National Seashore Park District mean to Truro?* Tom Bow of 34 Great Hollow Rd. said he considered the Seashore the Town's biggest asset. Reading a prepared statement, Dick Seed of 37 Old Outermost Rd. gave the history of his property which is surrounded by the National Seashore. He does not support further restrictions on property inside the Park. Steve Sollog of the Planning Board gave his opinion that controlling house size is a good idea. Jon Winder of 2 Turnbuckle Way considers the NPS District invaluable and wants to ensure that it be preserved. Priscilla Silva of 53 North Pamet Rd. said 100 acres of her family's property went to the National Seashore. She has seen more and more restrictions be put in place by the Park Service. Brenda Boleyn, former member of the Advisory Board to the National Seashore, said the best thing that had happened to the Cape since its glacial formation was the creation of the Seashore. She encouraged the Town to look to the future, and she read some 1960 quotes from Ozzie Ball in support of the Seashore.

Lisa Tobia asked the next question: *What are our shared concerns about protecting the National Seashore District?* Tom Bow returned to say he did not have concerns but reiterated the importance of preserving its character. Monica Kraft of Dyer's Hollow Rd. had concerns about maintenance of trails, bike paths and roads within the National Seashore. Bill Worthington, former member of the Planning Board, also expressed concerns about maintenance of walking trails and fire roads within the Seashore. The danger of a fire was foremost in his mind. He knows that the lack of maintenance is based on the Seashore's lack of funds for upkeep.

The third question was: *Are you concerned about larger houses being built in place of smaller houses in the National Seashore District?* Carlotta Zilliax, who lives within the National Seashore, said that she believes those who have remained in their homes in that district are committed to the spirit in which the National Seashore was founded. Susan Howe of 12 Houser Way lives near the Seashore. She is concerned about large house size not only in the Seashore District but in the entire town, and she supports legislation for both. Ann Irwin of 97 North Pamet Rd. said her family considered the original guidelines by the National Seashore fair. She said the large houses are not what she wants to see within the Seashore District. Gail Marks of 104 South Pamet Rd. said that they had believed the guidelines were unalterable. She thinks size should be restricted. Rob Lowe of 4 Hughes Rd. did not want to see the character of the town changed with big houses. Priscilla Silva returned to express her opinion that following the 50% guideline would be unfair to some homeowners. John Marksbury of 21 Shore Rd. said he supports, and has been involved in, bringing size bylaws forward as a Town priority. He noted that there were still people who are opposed to the effort. He considered two moral issues: private property rights vs. the common good and secondly fairness. He offered statistics on the number of visitors to the National Seashore.

The fourth question asked: *Are there other concerns about protecting the National Seashore District that you would like to raise?* Chuck Steinman of 21 Shore Rd. talked about the role of the Town in enforcing its regulations, pointing to the campgrounds. Valerie Falk of 41 South Pamet Rd. lives in the Seashore had questions about protecting nature and preventing water pollution. John Winder returned to ask about the old military base's status and plan within in the National Seashore. Chuck Steinman, speaking as Chair of the Historical Commission and member of the Historical Review Board, said those boards support a change for regulations in

the Seashore District. He noted the number of historic buildings that the historical boards would not like to see torn down.

The final question was: *Do any of the concerns you have about protecting the National Seashore District apply town wide?* Jack Peake of 168 Shore Rd. said *yes*. The restrictions of size in the park should apply to the rest of the town, especially since properties outside of the Park are more visible. Rob Lowe returned to commend the boards for moving forward and to discuss the changes that have been detrimental to other towns. Chris Wells of Sylvan Lane said she was worried about liability and the lack of maintenance in the Seashore District. Steve Sollog said he hoped it was evident that many citizens were eager to participate in future proceedings. Stan Sigel of Union Field End said he was concerned about making all of Truro stronger and better. He said that the Town should get the Park Service to do something about their abandoned buildings within the National Seashore. Dave Spanks of 16 Shore Rd. said that he had worked for the Park Service as a naturalist in its early years. He said people are welcome to join the Friends of the National Seashore to help maintain trails. Most of the trails are not official Park trails. He said many changes have already altered the character of the Park. He noted that it is the only Park in the country that has individual property owners within its bounds.

In response to a call for a straw vote of those for or against changes to the bylaw, member of the Board of Selectmen, Jay Coburn of 58 Slough Pond Rd., underscored the importance of citizen support for any zoning bylaw changes. Ann Irwin asked about the mailing list providing notification for this meeting. Walter Morrison of Dyer Rd. asked that any zoning restrictions be simple and objective. Ann Greenbaum of 22 Gospel Path talked about creation of a Chilmark bylaw that adhered to simplicity so that people there understood in advance what the bylaw was meant to do. She also requested that the opportunities for community comment be varied, ongoing and constant. John Marksbury also recommended simplicity like Wellfleet, Eastham and Chilmark bylaws. Buddy Perkel questioned the representation of citizens at the meeting since only the part-time residents were invited. Janet Worthington said there are other voices that the Town still needs to hear. Gary Cooper of 2 Andrew Way asked that we be stewards of the environment and not make decisions blindly without considering environmental impact. Regan McCarthy pointed out size expansions which followed the Seashore Guidelines and other properties that have not been changed since the creation of the Seashore. Tom Shofer, who lives within the Seashore District, discussed property rights and his concerns about commercialization within the National Seashore. Helen McNeil Ashton of 27 Great Hollow Rd. commented on existing houses within the National Seashore, particularly the nature of traditional cottages before its creation, which she would like to see preserved even as a part of a rebuild. Jack Riemer of the Planning Board asked that a straw poll be taken as a member of the audience had requested.

Paul Wisotzky took a straw poll of those in favor and those opposed to a size bylaw within the Seashore and a second straw poll of those in favor and those against a size bylaw for the whole town. Hands indicated majority support for bylaws for both the Seashore District and the rest of the town.

Paul Wisotzky encouraged the audience to complete and submit the survey that had been distributed. He said that there will be a follow-up fall meeting. People can also subscribe to the Planning Board online to follow Planning Board activity, he said.

ADJOURNMENT

The joint meeting was adjourned at 6:37 p.m.

Respectfully submitted,

Mary Rogers, Secretary

Paul Wisotzky, Chair

Maureen Burgess

Jay Coburn, Clerk

Janet Worthington, Vice-chair

Robert Weinstein

Public Records Material for 8/8/16

Five Questions Survey

DRAFT

**Truro Board of Selectmen Meeting
Selectmen's Chambers Town Hall
Tuesday, September 13, 2016**

Members Present: Chair Paul Wisotzky; Maureen Burgess, Jay Coburn, Robert Weinstein, Janet Worthington

Present: Town Manager Rae Ann Palmer

Paul Wisotzky called the meeting to order at 5:00 p.m.

PUBLIC COMMENT

Judy and Mike Powers came forward with their concerns about the White Sands Motel. Town Manager Rae Ann Palmer assured them that staff and Town Counsel are aware of the issues and a Planning Board meeting scheduled on October, 4, 2016 will be presenting a status report on White Sands.

Paul Wisotzky opened the public hearing at 5:08.

PUBLIC HEARING

Fiscal Year 2017 Tax Classification

Cathy Fryxell, Principal Assessor, and Bruce Boleyn, Chair of the Board of Assessors, presented information on assessed values of all property in Truro. Cathy Fryxell said the first step was to determine classifications. Residential is the largest classification. Historically the Town has always had one rate, and the Board of Assessors had voted to maintain this. Ms. Fryxell explained the codes for various types of residential property. She gave updated information on residential tax exemptions. Truro does not have an Open Space discount as defined by the Department of Revenue. The Truro Board of Assessors had voted to not grant an Open Space discount, Ms. Fryxell said. A residential exemption would shift taxes from the year-round residents to the non-resident tax payers. The Board of Assessors voted unanimously not to grant a residential exemption. The Board of Assessors voted not to grant a small commercial & industrial exemption. As part of the FY17 recap, the Assessor informed the Board of Selectmen of the current year excess levy capacity, which is \$246,816.86, even though the figure had not yet been certified. She asked for authorization to sign the LA-5 form on behalf of the Board of Selectmen.

Maureen Burgess moved to approve a Residential factor of one (1) on the matter of setting a tax rate. Robert Weinstein seconded, and the motion carried 4-0.

On the matter of an Open Space discount, Robert Weinstein moved to not grant an Open Space discount. Maureen Burgess seconded, and the motion carried 4-0.

On the matter of a Residential exemption, Maureen Burgess moved to not grant a Residential exemption. Robert Weinstein seconded, and the motion carried 4-0.

On the matter of small commercial & industrial exemptions, Robert Weinstein moved to not grant a small business exemption. Maureen Burgess seconded, and the motion carried 4-0.

Maureen Burgess moved to approve the signatory authority to the Principal Assessor for the LA-5 Form. Janet Worthington seconded and the motion carried 4-0.

Town Manager Rae Ann Palmer and Chair Wisotzky commended Kathy Fryxell, the Town Accountant Trudi Brazil and the Town Treasurer Cynthia Slade as well as the Board of Assessors for their work preparing the FY17 Assessment and tax classification materials.

Chair Paul Wisotzky closed the public hearing, and the meeting continued.

BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Angela Gaimari had applied for appointment to two Town boards, the Cable & Internet Advisory Committee and the Truro Cultural Council. She came forward to explain her interest in both.

Janet Worthington moved to approve the appointments of Angela Gaimari to the Cable & Internet Advisory Committee and the Truro Cultural Council. Maureen Burgess seconded, and the motion carried 4-0.

TABLED ITEM

American Lung Association Annual Autumn Escape Bike Trek

Town Manager Rae Ann Palmer discussed the American Lung Association Annual Autumn Escape Bike Trek to be held on September 23-25, 2016. The event organizers of this long time event had explained that they have kept to the Old County Rd. route because they have safety concerns about crossing Route 6.

Maureen Burgess moved to approve the American Lung Association's 2016 Annual Autumn Bicycle Trek and to authorize the Chair to sign the letter. Robert Weinstein seconded, and the motion carried 4-0.

BOARD OF SELECTMEN ACTION

Joint Meeting with Charter Review Committee

Phil Smith, Chair Charter Review Committee, and members Gary Palmer and Meg Royka were present to discuss potential Charter change recommendations for the Annual Town Meeting. The Charter Review Committee and the Selectmen continued to grapple with Chapter 4 2-7, the Charter's allowances for the Town Manager's contract negotiations, which now has a cap for contracts up to \$100,000. The Selectmen discussed having exemptions for certain positions. The Board did not want to undercut the Town Manager's ability to negotiate contracts. On the other hand, they did not want to relinquish their oversight. Gary Palmer suggested establishing a range that the Town Manager could work within. Mr. Smith read the section of the Charter that defined the Board of Selectmen's executive role. Paul Wisotzky said that the matter of contract negotiation caps might be solved by a means outside of the Charter. Rae Ann Palmer said it was about being able to have the ability to negotiate in good faith, not about authority.

Other Charter Review Commission suggestions were intended to make the Charter more general, so it doesn't have to be constantly revised. The Review Board looked at eliminating a big list of multi-member boards. Another potential change was eliminating Appendix B. These positions

are listed in 3.1.1. Mr. Smith said it's really an organization chart that doesn't belong in the Charter.

Section 2.3.3 about petitioned articles for Town Meeting was of interest to Paul Wisotzky. The Charter Review Board had looked at this too. Mr. Smith had an explanation of why the number of petitioners was so much higher for a Special Town Meeting. Rae Ann Palmer offered to gather information from other Cape towns on the number of signatures required for Petitioned Articles.

Selectman Jay Coburn joined the meeting.

The Charter Review Board will return with Warrant Article suggestions in a few months.

Herring River Restoration Presentation

Tim Smith, Restoration Ecologist for the Cape Cod National Seashore, and National Seashore Superintendent George Price gave a PowerPoint presentation on Herring River Restoration plans. Tim Smith reviewed the members and towns involved in the project. He displayed an overview map; photos of the dike on Chequessett Neck Rd., Wellfleet; a chart depicting the tide range in the Herring River; and a listing of the effects of tidal restriction. He explained the restoration proposal and gave the major components of the plan. The impact on low-lying roads and the project benefits; impacts on habitat; and anticipated changes were listed. The fastest timeline under consideration is five years, Mr. Smith said. The big benefit of the project is expected to be better water quality for the estuary. Discussions are being held with individual home owners who will be affected by the project. He outlined the next steps for moving forward, much of them about permitting and fund raising.

Tim Smith and Superintendent George Price answered the Selectmen's questions on funding, the road elevation process, outreach to homeowners, and sea level rise.

Jay Coburn moved to approve the Chair to authorize and sign the Herring River Restoration Memo of Understanding, MOU-3. Robert Weinstein seconded, and the motion carried 5-0.

Conservation Restrictions

Fred Gaechter, Chair of the Truro Conservation Trust, explained the Conservation Restriction requests for One Skyview Drive - Friedman, 15 Cabral Farm Road – Johnson/Truro Center for the Arts and 15 North Pamet Road - McArdle and asked for approval of the CR's on those properties.

Maureen Burgess moved to approve the Conservation Restrictions for One Skyview Drive, 15 Cabral Farm Road and 15 North Pamet Road and to authorize the members of the Board of Selectmen to sign the Restrictions. Robert Weinstein seconded, and the motion carried 5-0.

Discussion on Naming Walking Trail at Edgewood Farm

Fred Gaechter remained to discuss naming the new walking trail on Town Conservation land located at Edgewood Farm. The Conservation Trust has named one section which it owns but suggested that another portion of the trail owned by the Town also be given a name. Mr. Gaechter said they would like to make the signs for the trails during the winter. Mr. Gaechter

suggested that some or all of the trail might be named for Ansel Chaplin for all his work on conservation in Truro.

Board of Selectmen Policy for Residential Hiring Preference

Rae Ann Palmer recommended a new Board of Selectmen policy for residential hiring preference by giving an initial ten-point bonus on applications of residents for Town positions.

Robert Weinstein moved to approve a Board of Selectmen Policy #57 for Residential Hiring Preference. Jay Coburn seconded, and the motion carried 5-0.

Discussion of Solar Contract and Possible Alternatives

Town Manager Rae Ann Palmer discussed the solar contract with the Selectmen. She said the item should not be tabled or acted on at this meeting. Brian Boyle from the Energy Committee came forward and discussed the Green Community effort to develop solar energy sources. Energy credits spurred a growth in solar installations, he said, and money became available to do projects during this period. Subsequently, the subsidies decreased. The percentages for energy discounts have dropped for new installations, he said. The Truro site could be leased, but it is not ready yet. He said that the site will be valuable when it is capped. In the meantime, Truro could buy discounted energy from another source. No decision by the Board of Selectmen was needed yet.

CONSENT AGENDA

A. Review/Approve and Authorize Signature:

1. Contract for GFM Enterprises for Transfer Station Remediation Project Bid;
2. Wireless Communications Facilities Lease Agreement with Crown Castle (Consent for Generator Replacement-AT&T) for Cell Tower located at 344 Route 6;
3. Truro Police Department Lieutenant Contract;

B. Declaration of Suicide Prevention Week;

C. Reappointment of Board/Committee/Commission Member;

D. Review and Approve Declaration of Surplus Items Department of Public Works Vehicles;

E. Review and Approve Declaration of Surplus Items Police Department-Police Cruiser for Trade-in;

F. Permission for Town Manager to Declare Surplus Items;

G. Review and Approve One Day Entertainment-Captain's Choice 4 Highland Rd., September 17th, 2016; and

H. Review and Approve Regular Board of Selectmen Minutes – August 8, 2016, August 9, 2016.

Robert Weinstein requested further information on A-2. Rae Ann Palmer said the Consent item was simply to get the permitting underway.

Jay Coburn moved to approve the Consent Agenda as printed. Janet Worthington seconded, and the motion carried 5-0.

Paul Wisotzky read the Suicide Prevention Week Proclamation that had been included in the Consent Agenda, and Maureen Burgess thanked Dr. Parker Small for his service on a number of Town bodies.

SELECTMEN AND LIAISON AND TOWN MANAGER REPORTS

The Selectmen and Town Manager gave their reports. Robert Weinstein had sat in on the Shellfish Advisory Committee and commended them on their propagation efforts at Corn Hill and for other aquaculture grants. Maureen Burgess had attended the Science Symposium sponsored by the Cape Cod National Seashore. Paul Wisotzky held his Selectmen's Hours at the Transfer Station and heard positive feedback about the Transfer Station and a question on recycling profits going to the COA. Janet Worthington also thanked the Shellfish Advisory Committee. She acknowledged and thanked those who work at the Harbor. During her Selectmen's Hours, she had heard suggestions for Transfer Station stickers and use of paper ballots at Town Meeting. She expressed her interest preparing a proclamation for Lucy Perry, who is turning 100 years old. Jay Coburn commented on the recent elections and congratulated Truro native Julian Cyr for a job well done. He noted with appreciation that the Police Chief has given advance notice of his retirement.

Town Manager Rae Ann Palmer reported on preparations for the End of the Season Beach Party, gave a reminder for the Emergency Management Training Session, noted the numbers of applicants for the Firefighter positions, and reported on the transition of the DPW Director. She said the interviews for the last vacancy in the Assessor's office had been completed, and the position of Town Planner is ready to be advertised. Ms. Palmer said there is a need to hold an Executive Session regarding White Sands Motel at the September 20, 2016 meeting. She had also met with Mark Borelli to prepare a Notice of Intent with the Conservation Commission for the Ballston Beach parking lot.

NEXT MEETING AGENDA

The next meeting on September 20th is a work session to discuss Town Counsel and the noise bylaw. The Executive Session will be held before the 6 p.m. joint meeting with Provincetown, which will be taped. The work session will not be taped. The regular meeting on Tuesday, September 27, 2016 so far includes agenda items on Budget proceedings and a process for looking at committee charges.

ADJOURNMENT

Maureen Burgess moved to adjourn. Janet Worthington seconded, and the motion carried 5-0. The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Mary Rogers, Secretary

Paul Wisotzky, Chair

Maureen Burgess

Jay Coburn, Clerk

Janet Worthington, Vice-chair

Robert Weinstein

Public Records Material of 9/13/16

1. Classification Tax Allocation (LA-5)
2. Cable & Internet Advisory Committee and the Truro Cultural Council member applications
3. American Lung Association Bike Trek application and letter
4. Herring River Restoration Project Report and MOU
5. Conservation Restrictions
6. Naming of Walking Trail materials in Conservation Trust newsletter
7. Board of Selectmen Policy #57 for Residential Hiring
8. Contract for GFM Enterprises for Transfer Station Remediation Project Bid
9. Wireless Communications Facilities Lease Agreement with Crown Castle
10. Truro Police Department Lieutenant Contract
11. Declaration of Suicide Prevention Week
12. Reappointment of Truro Cultural Council application
13. Declaration of Surplus Items Department of Public Works Vehicles
14. Declaration of Surplus Items Police Department-Police Cruiser for Trade In
15. Permission for Town Manager to Declare Surplus Items
16. One Day Entertainment – Captain’s Choice, 4 Highland Rd. for September 17th, 2016