



Truro Board of Selectmen Meeting
Tuesday, November 28, 2017
Regular Board of Selectmen Meeting - 5:00pm
Truro Town Hall - 24 Town Hall Road

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. Review and Approve Conservation Restriction for 3 Outwater Lane-Boyle
Presenter: Fred Gaechter, Truro Conservation Trust
- B. Discussion of Year-Round Condo By-law
Presenter: Rae Ann Palmer, Town Manager
- C. Discussion on Residential Tax Exemption
Presenter: Rae Ann Palmer, Town Manager
- D. Review Board of Selectmen Policies
Presenter: Rae Ann Palmer, Town Manager

6. CONSENT AGENDA

- A. Review/Approve and Authorize Signature:
 - 1. Crown Castle Consent Request Letter (344 Route 6 Cell Tower)
- B. Renewal of Annual Licenses-Salty Market Common Victualler
- C. Review and Approve Castle Hill Center for Arts at Edgewood Farm One Day Alcohol and One Day Entertainment Licenses for December 15th
- D. Review and Approve Board of Selectmen Minutes: November 14, 2017

7. SELECTMEN REPORTS AND TOWN MANAGER REPORT

8. SELECTMEN COMMENTS

9. NEXT MEETING AGENDA: Tuesday, December 5 and December 12



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Nicole Tudor, Executive Assistant on behalf of Fred Gaechter, President of the Truro Conservation Trust

REQUESTED MEETING DATE: November 28, 2017

ITEM: Approval of a Conservation Restriction with the Truro Conservation Trust for 3 Outwater Lane – Brian Boyle Property

EXPLANATION: The following property is seeking Conservation Restrictions through the Truro Conservation Trust: 3 Outwater Lane-Brian Boyle

Under MGL Ch. 184, §31-33, the Board of Selectmen's approval is needed in order for a Conservation Restriction to be recorded in perpetuity. The listed property has been donated to the Compact of Cape Cod Conservation Trusts, Inc. <http://thecompact.net/>. The property will later transfer title to the Truro Conservation Trust for permanent open space holding. This approval process is necessary for the State Conservation Land Tax Credit with a third party holding the Conservation Restriction.

Town Counsel has reviewed the restriction and has approved them as to form.

IMPACT IF NOT APPROVED: The property of 3 Outwater Lane, would not fall under the protection of the Truro Conservation Trust.

SUGGESTED ACTION: *MOTION TO approve the Conservation Restriction for 3 Outwater Lane and to authorize the members of the Board of Selectmen to sign the restriction.*

ATTACHMENTS:

1. 3 Outwater Lane Conservation Restriction



THE COMPACT
OF CAPE COD CONSERVATION TRUSTS, INC.

8 November 2017

Ms. Rae Ann Palmer
Administrator
Town of Truro
P.O. Box 2030
Truro MA 02666

RE: Selectmen review and approval
of proposed conservation restriction (CR)
on land at 3 Outwater Lane (Boyle)

Dear Ms. Palmer:

On behalf of the Compact and the Truro Conservation Trust (TCT), we request that the Truro Selectmen vote to approve the attached conservation restriction (CR) at your next available meeting. This final local approval is needed before we send the CR in to the State for final approval and signature.

The Conservation Commission met on Monday of this week and voted to recommend the CR for Selectmen approval.

Mr. Boyle runs Little Pamet Farm on his adjoining property. While no farming is currently conducted on this lot proposed for CR, there is an allowance in the CR to enable the farm to expand slightly. See Exhibit C.

Fred Gaechter of the Truro Conservation Trust or I will attend the session and present the proposal and answer questions. Thank you for your assistance.

Sincerely,

Mark H. Robinson
Executive Director

Enc.

cc: F. Gaechter, TCT; Boyle

RCVD 2017NOV13 AM1101
ADMINISTRATIVE OFFICE
TOWN OF TRURO

Grantor: Brian E. Boyle

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

Property Address: 3 Outwater Lane, Truro MA

Grantor's Title: Land Court Certificate # 156152 in Barnstable Land Registry District

Plan of Record: Land Court Plan 29915-N

CONSERVATION RESTRICTION

BRIAN E. BOYLE, a married person holding title as an individual, of 11 Toms Hill Road, Truro MA and a mailing address of P.O. Box 786, Truro MA 02666, his successors and assigns holding any interest in the Premises as hereinafter defined, ("Grantor"), acting pursuant to Sections 31-33 of Chapter 184 of the Massachusetts General Laws, as a gift, for nominal consideration, with QUITCLAIM COVENANTS, grants to **THE COMPACT OF CAPE COD CONSERVATION TRUSTS, INC.**, a Massachusetts charitable corporation with an office at 36 Red Top Road, Brewster, Massachusetts, and a mailing address at P.O. Box 443, Barnstable, Massachusetts, 02630, its successors and permitted assigns ("Grantee"), IN PERPETUITY and exclusively for conservation and agricultural purposes, the following described CONSERVATION RESTRICTION, on approximately 1.1 acres, more or less, encompassing a portion of one parcel of registered land, located at 3 Outwater Lane in the Town of Truro, County of Barnstable, Commonwealth of Massachusetts, said land being shown as part of Lot 23 on Land Court Plan 29915-N and shown on Exhibit B, which is attached hereto and hereinafter referred to as the "Premises." The Grantor and Grantee, his successors and assigns, are bound by and subject to the terms and conditions of this Conservation Restriction. See Certificate of Title #156152.

I. Purposes. This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation and agricultural purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would materially impair or interfere with its conservation and agricultural values ("conservation values").

The conservation of the Premises will yield a significant public benefit for the following reasons:

WHEREAS, The Massachusetts Endangered Species Act, M.G.L. c. 131A protects rare species and their habitats, and the Massachusetts Natural Heritage and Endangered Species Program ("MNHESP") has designated as Priority Habitats the known geographical extent of habitat for state-listed rare plant and animal species; and,

WHEREAS, in 2016 the Premises was determined to be eligible under the Massachusetts

Conservation Land Tax Credit program (301 CMR 14.00) as a parcel of critical natural resource significance; and,

WHEREAS, in 1981, the Massachusetts Department of Environmental Management designated an area along the Truro shore of Cape Cod Bay as a Noteworthy Landscape under its Scenic Landscape Inventory; and,

WHEREAS, in 1988 the Massachusetts Commissioner of Environmental Management designated the Pamet River as a Local Scenic River, based on local acceptance of the Pamet River Greenway Management Plan, as prepared by the Truro Conservation Trust in 1987; and,

WHEREAS, in 2010, the Massachusetts Department of Fish and Game and The Nature Conservancy's Massachusetts Program published a report entitled *BioMap2: Preserving the Diversity of Massachusetts in a Changing World*, which identified Core Habitat areas "critical for the long-term persistence of rare species and other Species of Conservation Concern, as well as a wide diversity of natural communities and intact ecosystems across the Commonwealth;" and,

WHEREAS, in 2003, the Statewide Land Conservation Plan was drafted, which identifies the most significant available, undeveloped and unprotected open space lands needed to protect, among other things, biodiversity habitats; and the Premises is identified a such land; and,

WHEREAS, in July 1991 the Barnstable Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan*, amended in 1996, 2002 and 2009, which provided, *inter alia* (references are to the 2009 Plan):

- a Wildlife and Plant Habitat Goal to "prevent loss or degradation of critical wildlife and plant habitat...and to maintain existing populations and species diversity" (WPH1), stating that "renewed commitment to protect the most ecologically sensitive undeveloped lands through land acquisition and other permanent conservation measures is also warranted;" and,
- an Open Space and Recreation Goal to "preserve and enhance the availability of open space that provides wildlife habitat...and protects the region's natural resources and character" (OS1) with a recommended Town Action of working with "local land conservation organizations to identify, acquire by fee simple or conservation restriction, and manage open space to meet projected community needs. Priority should be given to the protection of significant natural and fragile areas as identified on the Cape Cod Significant Natural Resource Areas map;"
- said Plan cites "traditional occupations, economic diversity, scenic resources, and greater food independence" as important opportunities associated with agriculture; and,

WHEREAS, the *Regional Policy Plan* includes a Significant Natural Resources Areas Map, which shows, among other things, rare species habitat, priority natural communities, wetlands, and critical upland areas; and, a Regional Land Use Vision Map illustrating areas targeted for, among other things, resource protection, which are areas designated as not appropriate for future growth due to the presence of one or more sensitive resources; and,

WHEREAS, in 2003, The Compact of Cape Cod Conservation Trusts, Inc. completed its *Cape Cod Wildlife Conservation Project* ("Wildlife Project"), a wildlife habitat analysis and parcel

ranking for all vacant or underdeveloped parcels on Cape Cod, Massachusetts; and,

WHEREAS, at its 2005 Annual Town Meeting, the Town of Truro adopted a *Local Comprehensive Plan*, which stated goals included, among other things:

- a Water Resources Goal to “maintain the overall quality and quantity of Cape Cod groundwater”;
- to preserve and enhance agricultural areas;
- a Wetland and Wildlife Goal to “take measures to prevent loss or degradation of critical wildlife and plant habitat..., and maintain, in so far as possible, existing populations and species diversity;”
- an Open Space and Recreation Goal to “preserve and enhance the availability of open space in order to provide wildlife habitat, recreation opportunities, and protect the natural resources, scenery, and character of Truro,” with a policy of protecting as much as possible significant natural and fragile areas including significant scenic views and land forms, and a strategy of working with other public and private organizations to purchase private property to provide protection for sensitive areas and historic and visual areas; and,

WHEREAS, in 2009 (updated 2015), the Town of Truro developed an *Open Space and Recreation Plan* establishing goals that “preserve environmental resources for human use while protecting fragile habitats and natural communities and allowing for passive human enjoyment of the environment,” and which identified, among others, the following specific goals:

- Preserve and enhance the availability of open space in order to provide wildlife habitat, recreation opportunities, and protect the natural resources, scenery, and character of Truro;
- Maintain the town’s historic and rural character, including by reducing density and protecting wildlife and endangered species;
- Prevent loss or degradation of critical wildlife and plant habitat, minimize the impact of development on wildlife and plant habitat, and maintain, in so far as possible, existing populations and species diversity; and,

WHEREAS, the 2015 *Open Space and Recreation Plan* also stated, “As farmers’ markets increase regionally and “rights-to-farm” bylaws are adopted by Cape Cod towns, agriculture/farming should remain an important character of the rural life style of the year- round population in Truro;” (p. 37); and, “It will serve the Town well to support environmentally compatible agricultural activities to the extent feasible;” (p. 52); and, Toms Hill is noted as a Unique Historic or Scenic Area; (Map 4); and,

WHEREAS, the 2015 *Open Space and Recreation Plan* also established as one of its objectives, placing conservation restrictions on public and private open space for added protection; and,

WHEREAS, in 1999 the Town of Truro adopted a *Conservation Restriction Program*, consisting of policies and guidelines approved by the Board of Selectmen in consultation with the Open Space Committee, Conservation Commission and the Board of Assessors, which encourages the use of conservation restrictions in perpetuity as a means of protecting the environment, and which further specifies that “Lands proposed for restriction may be presumed to be in the public interest if those lands contribute to the protection of the community’s natural resources as identified in the following list:” (*relevant excerpts below*)

TOMS HILL II (Boyle) CONSERVATION RESTRICTION

Truro MA

- 1.b.(1) agriculture
- 1.b.(2) woodlands
- 1.b.(5) rare species, other wildlife
- 5.h. scenic views
- 5.k. wildlife and habitat for both flora and fauna
- rare biological habitats; and,

WHEREAS, preservation of the Premises satisfies each of these objectives enumerated above because the Premises:

- wholly lies within an MNHESP Priority Habitat for Rare Species;
- wholly lies within an MNHESP BioMap2 Core Habitat area;
- is included as a State-designated Noteworthy Scenic Landscape on Cape Cod Bay;
- wholly lies within the Statewide Land Conservation Plan;
- is ranked “High” for both habitat protection priority and wildlife habitat value in the Wildlife Project;
- is part of Toms Hill, a prominent landscape feature visible from Pamet Harbor/River and from Cape Cod Bay;
- is wholly within a Significant Natural Resources Area of the 2009 Regional Policy Plan, and a Resource Protection Area of the Cape Cod Commission’s Land Use Vision Map for the Town of Truro;
- will enable a small family farm to be operated sustainably; and,
- is a substantial contributing element to the overall scenic and cultural character of the area by maintaining the land predominantly in its natural condition; and,

WHEREAS, accordingly, the Premises possess significant open, natural, scenic and historic values (collectively, “conservation values”) of great importance to the Grantee and the people of Truro and the Commonwealth of Massachusetts; and,

WHEREAS, accordingly, the Premises constitutes a significant natural area which qualifies as a “...relatively natural habitat of wildlife, or plants, or similar ecosystem,” and protection of the Premises will meet the requirements of Section 170(h)(4)(A)(ii) of the Code; and,

WHEREAS, accordingly, protection of the Premises will preserve open space pursuant to clearly delineated Federal, State and local government policies and will yield a significant public benefit, and will therefore meet the requirements of Section 170(h)(4)(A)(iii)(II) of the Code; and,

WHEREAS, accordingly, the Premises provides for the “scenic enjoyment of the general public” and protection of the Premises will therefore meet the requirements of Section 170(h)(4)(A)(iii)(I) of the Code; and,

WHEREAS, development of the Premises would lead to or contribute to the degradation of the scenic and natural character of the area; and,

WHEREAS, the Town of Truro has in recent years come under increasing pressure for development, and such development can destroy or otherwise severely impact the open character, natural resources, and scenic beauty of the area; and,

Truro MA

WHEREAS, the Grantee is a publicly-supported, tax-exempt non-profit organization whose purpose is to preserve and conserve natural areas for aesthetic, scientific and educational purposes; and,

WHEREAS, the Grantee has received a letter from the Internal Revenue Service, dated August 14, 2009, a copy of which is on file at the offices of the Grantee, to the effect that the Grantee is not a private foundation within the meaning of Section 509(a) of the Internal Revenue Code; and,

WHEREAS, the Grantor intends, as owner of the Premises, to convey to the Grantee the right to preserve and protect certain of the conservation values of the Premises in perpetuity; and,

WHEREAS, the Grantee agrees by accepting this grant to honor the intentions of the Grantor stated herein and to preserve and protect in perpetuity the conservation values of the Premises for the benefit of this generation and the generations to come.

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, the Grantor and the Grantee voluntarily agree that the CONSERVATION RESTRICTION described herein is an appropriate means to achieve local and regional open space goals and objectives.

The terms of this Conservation Restriction are as follows:

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Uses and Activities. Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Construction or placing of any temporary or permanent building, structure, facility or improvement on, over or under the Premises, including but not limited to any dwelling unit or habitable living space, tennis court, landing strip or helipad, mobile home, boats, swimming pool, active recreational facility, outdoor decorative spotlighting, parking area, fence, shed or storage box, gazebo, utilities, fuel storage tank, wells, asphalt or concrete pavement, antenna, solar array, tower, windmill, sewage or septage disposal system, or other temporary or permanent structure or facility, or improvements of any kind on, under or above the Premises;
2. Construction of any roads, maintained trails or paths through or on the Premises, or the clearing of vegetation, or the addition, removal or movement of soil for such purpose;
3. Mining, excavating, or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit;
4. Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, boats, trailers, rubbish, debris, junk, wood chips, tree cuttings,

waste or other substance or material whatsoever or the installation of underground storage tanks;

5. Creation of a cultivated (i.e., seeded, fertilized, and maintained) lawn; application or use of fertilizers, fungicides, herbicides or pesticides in any quantity except in the Agricultural Area noted below;
6. Any commercial recreation, aquaculture or industrial use; any animal husbandry or horse paddocking or stables, paddocks, grazing areas or other enclosures, and the storage or dumping of manure or other animal wastes; any residential use;
7. Cutting, removing or otherwise destroying grasses or other vegetation;
8. Activities detrimental to drainage, water or soil conservation, erosion control or the quality of surface or ground water; any removal of soil off-site;
9. The use, parking or storage of motorized trail bikes, all-terrain vehicles, snowmobiles, or any motorized vehicle except as necessary for emergency police and fire vehicles in pursuit of official duties;
10. Conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted);
11. Any other use of the Premises or activity thereon which is inconsistent with the purposes of this Conservation Restriction or which would materially impair other significant conservation values unless necessary for the protection of the conservation values that are the subject of this Conservation Restriction;
12. Grantor, his successors and assigns, agree that all development rights are terminated and extinguished by this Conservation Restriction, the Premises may not be used for the purpose of calculating the amount of Grantor's or any other land available for additional subdivision or calculating the building requirements on this or any other land owned by the Grantor or any other person, and the Premises or any portion thereof may not be included as part of the gross area of any other property not subject to this Conservation Restriction for the purposes of determining density, lot coverage, or open space requirements under otherwise applicable laws, regulations, or ordinances controlling land use and building density. The development rights which are encumbered and extinguished by this Conservation Restriction shall not be transferred to any other property pursuant to a transferable development rights plan, cluster development arrangement, nitrogen loading mitigation credit or otherwise. The Premises may be used, however, to provide G.L. Ch. 61A acreage calculation for the family farm on adjoining parcels.

B. Reserved Rights and Exceptions. The Grantor is permitted to perform the following uses and activities on the Premises, provided such uses and activities do not materially impair the conservation values or purposes of this Conservation Restriction, subject to any limitations noted below:

1. Permits. The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.
2. Vegetation Management. In accordance with generally accepted forest management practices, selective minimal removing of brush, pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises;
3. Non-native or nuisance species. The removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
4. Composting. The stockpiling and composting of stumps, trees and brush limbs and similar biodegradable materials (but not manure) originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not have a deleterious impact on the purposes (including scenic values) of this Restriction. All exercise of this Reserved Right shall take into account sensitive areas and avoid harm to nesting species during nesting season;
5. Wildlife Habitat Improvement. With the prior written permission of Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species including selective planting of native trees, shrubs and plant species;
6. Archaeological Investigations. Activities detrimental to archeological and historic resources, including but not limited to earth moving and the alteration of historic features shall not be deemed to be detrimental to archeological and historic resources if a description of the proposed activity and its location is submitted in writing with a plan of land (or assessors map) and a USGS map with the Premises outlined thereon, to Massachusetts Historic Commission ("MHC") and MHC issues a letter stating that the proposed activity is not within a resource area or is determined to not have an adverse effect on said resources. Grantor and Grantee shall make every reasonable effort to prohibit any person from conducting archeological field investigations including metal detecting, digging or artifact collecting, without MHC approval;
7. The right to install temporary and permanent boundary monuments delineating the Premises; and the right to erect and maintain a reasonable number of small signs with respect to identity of owner, the Grantee's interest in the Premises, and the protected conservation and agricultural values, so long as such signage is consistent with the purposes of this Conservation Restriction;
8. Farming: The Premises is part of a family farm consisting of more than five (5) acres comprised of adjoining family-owned parcels and enrolled under G.L. Ch. 61A. Within the exclusive portion of the Premises noted as Agricultural Area, there is a right to undertake

new farming and agricultural uses and activities, including those allowed by right under Town of Truro zoning bylaws. Such uses and activities include, but are not limited to, the production of plant products for domestic or commercial purposes, including irrigation, garden fencing, silviculture, floriculture, horticulture, orchardry and the sale of related products, but specifically not to include the raising or penning of livestock or poultry or the composting of their manure, or their processing for sale, which said animal activities are prohibited throughout the Premises, although the spreading of manure on plants in the Agricultural Area is allowed.

9. The construction, repair and storage of farm vehicles, implements and equipment shall not be allowed on the Premises. Any formal farm plan or its occasional update that is prepared for public authorities by the Grantor shall be provided to the Grantee at the same time. No agricultural activities shall be allowed on the Conservation Area of the Premises; and,

10. In accordance with best silvicultural practices and in consultation with the Grantee, and provided surrounding vegetation is not substantially disturbed and water quality is not impaired, the right to remove invasive non-indigenous plant species, including the right to control poison ivy and other potentially hurtful plant life and other plant life that threatens indigenous species anywhere within the Premises; the right to plant native plant species throughout the Premises; and,

11. The right to convey the Premises in its entirety, and the right to divide or subdivide the Premises, with the prior written consent of Grantee, undertaken in connection with a transaction involving a conveyance of a part or portion of the Premises to the Grantee, and subject to the terms and conditions of this Conservation Restriction. Any portion of the Premises so divided and conveyed may not be further divided, and remains subject to the terms and conditions of this Conservation Restriction in all respects.

Permits. The exercise of any right or obligation reserved by the Grantor under this Section II.B. shall be in compliance with the then-current Zoning Bylaws of the Town of Truro, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations and permits. The inclusion of any reserved right in this Section II.B requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position on whether such permit should be issued, except Grantee will confirm, in writing, to such agency, if requested, the existence of such reserved right under this Conservation Restriction.

III. ADDITIONAL PROVISIONS

A. Notice and Approval.

Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's

request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction.

Failure of Grantee to respond in writing within 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein, and the activity will not materially impair the conservation values or purposes of this Conservation Restriction.

B. LEGAL REMEDIES OF THE GRANTEE

1. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

2. Non-Waiver.

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

3. Disclaimer of Liability

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

4. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

C. ACCESS

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

The Grantor does not grant any rights of access on or over the Premises to the general public, except at the discretion of the Grantor in the future.

D. EXTINGUISHMENT

1. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

2. Proceeds. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction determined at the time of the gift bears to the value of the unrestricted property, as used to support the Massachusetts Conservation Land Tax Credit claimed by the Grantor. Such proportionate value of the Grantee's property right shall remain constant.

3. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses

incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with paragraph D.2 above, after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

E. ASSIGNABILITY

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

2. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of herself and her successors and assigns, appoint the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on her behalf. Without limiting the foregoing, the Grantor and her successors and assigns agree themselves to execute any such instruments upon request.

3. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the Assignee is not an owner of the fee in the Property, and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

F. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee within 20 days of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

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

G. ESTOPPEL CERTIFICATES

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

H. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

J. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in a timely manner in the Barnstable Land Court Registry District.

K. NOTICES

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

To Grantor: Brian E. Boyle, P.O. Box 786, Truro MA 02666

To Grantee: The Compact of Cape Cod Conservation Trusts, Inc.

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

L. GENERAL PROVISIONS

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

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

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

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

M. MISCELLANEOUS

1. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

2. Homestead. The Grantor hereby releases, agrees to waive, subordinate, and release any and all Massachusetts General Law Chapter 188 Homestead rights it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release. In all other respects, the Grantor reserves and retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to M.G.L. c. 188 10 (e).

3. The Grantor agrees to subordinate all liens, mortgages, construction loans and home equity lines of credit to this Conservation Restriction.

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

Signature pages:

Grantor

Grantee Acceptance

Approval by Board of Selectmen of the Town of Truro

Approval of the Secretary of Energy and Environmental Affairs.

Exhibits:

Exhibit A: Legal description

Exhibit B: Sketch plan

Exhibit C: Sketch of the Agricultural Area, Habitat Area
and Exclusion Area within the Premises

Exhibit D: Topographic Sketch of the Agricultural Area,
Habitat Area and Exclusion Area within the Premises

Exhibit E: Baseline Inventory

No documentary stamps are required as this Conservation Restriction is a gift.

EXECUTED as a sealed instrument this ____ day of _____, 2017.

Brian E. Boyle

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. _____, 2017

Then personally appeared the above-named Brian E. Boyle and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the document, and acknowledged the foregoing instrument to be his free act and deed, before me.

Notary Public
My commission expires:

ACCEPTANCE OF GRANT

Grantee:

At a meeting duly held on 5 October 2017, The Compact of Cape Cod Conservation Trusts, Inc. voted to accept the foregoing Conservation Restriction from Brian E. Boyle.

**THE COMPACT OF CAPE COD
CONSERVATION TRUSTS, INC.**

By: _____
Leonard W. Johnson, President

By: _____
Henry Lind, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. _____, 2017

Then personally appeared the above-named Leonard W. Johnson, President , and Henry Lind, Treasurer, of The Compact of Cape Cod Conservation Trusts, Inc., the corporation named in the foregoing instrument, and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the document and acknowledged they are duly authorized to act on behalf of said corporation, the seal affixed to said instrument is the corporate seal of said corporation, and foregoing instrument to be the free act and deed of the corporation, before me.

Mark H. Robinson, Notary Public:
My commission expires: 24 July 2020

APPROVAL OF SELECTMEN

At a public meeting duly held on _____, 2017 the Selectmen of the Town of Truro, Massachusetts, voted to approve the foregoing Conservation Restriction from Brian E. Boyle to The Compact of Cape Cod Conservation Trusts, Inc., pursuant to Massachusetts General Law Chapter 184, Section 32.

BOARD OF SELECTMEN
TOWN OF TRURO

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. _____, 2017

Then personally appeared the above-named _____, _____ of the Truro Board of Selectmen and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the document, and acknowledged the foregoing instrument to be his free act and deed, on behalf of said Town of Truro Board of Selectmen, before me.

Notary Public
My commission expires:

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

The undersigned, Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Brian E. Boyle to The Compact of Cape Cod Conservation Trusts, Inc. has been approved in the public interest pursuant to M.G.L. Chapter 184, Section 32.

Date: _____, 2017.

Matthew A. Beaton, Secretary
Executive Office of Energy and
Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss. _____, 2017

Then personally appeared the above-named Matthew A. Beaton and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the document, and acknowledged to me that he signed it voluntarily as Secretary of Energy and Environmental Affairs for the Commonwealth of Massachusetts, for its stated purpose.

Notary Public
My commission expires:

CONSERVATION RESTRICTION

on Land owned by
Brian E. Boyle
in Truro, Massachusetts

EXHIBIT A

Description of the Premises

The Premises subject to this Conservation Restriction is located in the Town of Truro, County of Barnstable, Commonwealth of Massachusetts, and comprises approximately 1.1 acres of upland, more or less, and is further described as follows:

All of Lot 23 on Land Court Plan 22915-N

Except for a portion of the Lot to be excluded from the Conservation Restriction ("Exclusion Area") bounded and described as follows:

Beginning at a concrete bound at the southeast corner of the Premises, thence,
N 29° 36' 08" W a distance of one hundred and 68/100 (100.68) feet, more or less, to a concrete bound; thence,
N 00° 43' 18" W a distance of thirty-five and 29/100 (35.29) feet, more or less, to a Land Court Bound; thence,
N 53° 14' 54" W a distance of one hundred thirty-two and 13/100 (132.13) feet, more or less, to an iron pipe; thence,
SOUTHWESTERLY a distance of two hundred (200) feet, more or less, to the point of beginning.

Within this Exclusion Area, the Conservation Restriction does not apply.

(See Exhibit B, C and D for sketches of said plan.)

Within the Premises, there is an area denoted as "Agricultural Area" within which limited agriculture uses and activities are permitted, as more fully described in section II.B.2 hereinabove. See Exhibit C attached hereto for a sketch of the Agricultural Area and Exclusion Area.

For Grantor's title, see deed recorded as Document # 789,071 on Land Court Certificate No.156152.

Town of Truro's Assessors Map 45, Parcel 81.

Street Address: 3 Outwater Lane, Truro, MA

EXHIBIT B

Sketch of the Premises

SUBDIVISION PLAN OF LAND IN TRURO

Slade Associates, Inc., Surveyors

May 12, 1997

29915^N

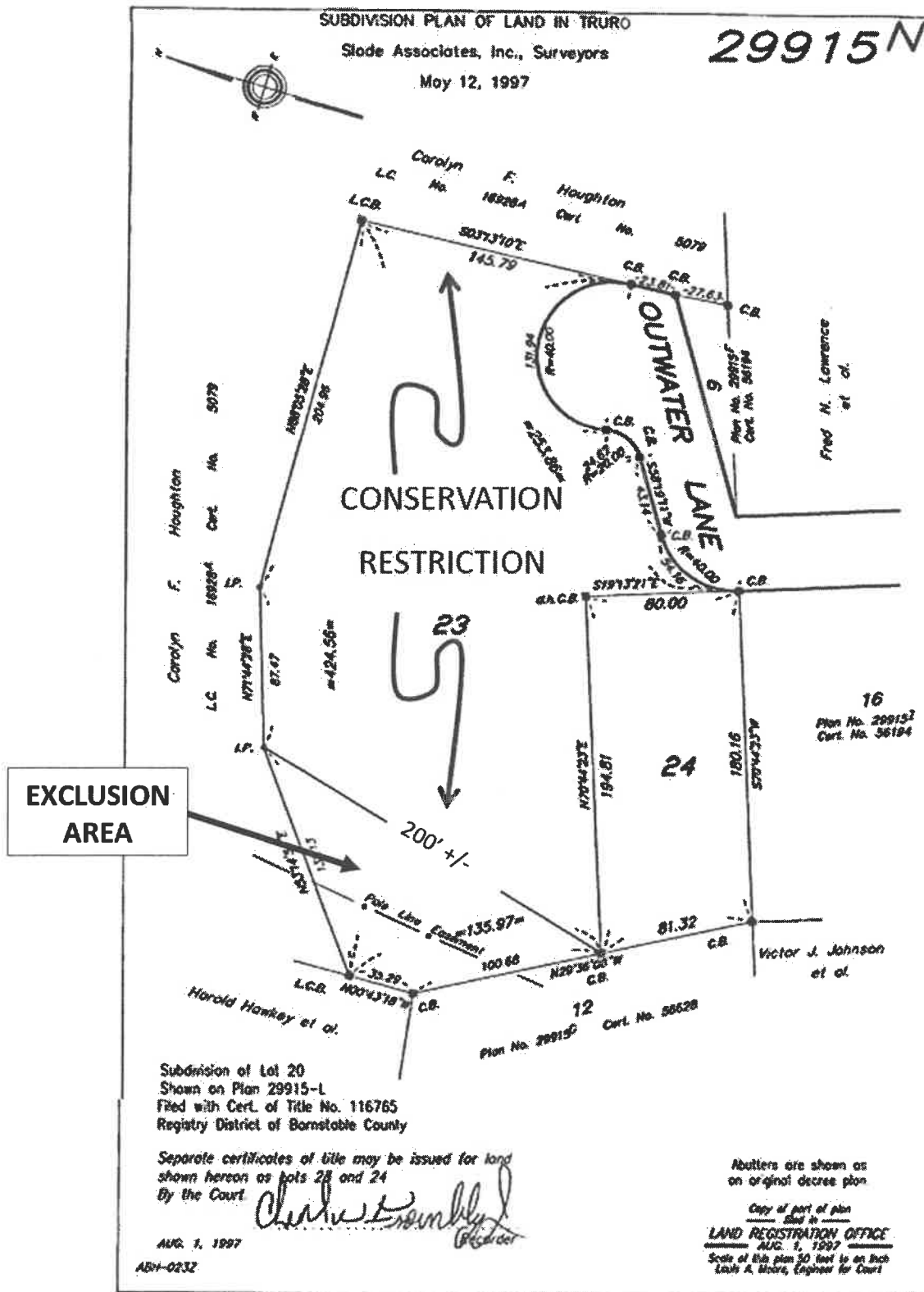


EXHIBIT C
Sketch of the Agricultural Area,
Habitat Area and Exclusion Area
within the Premises

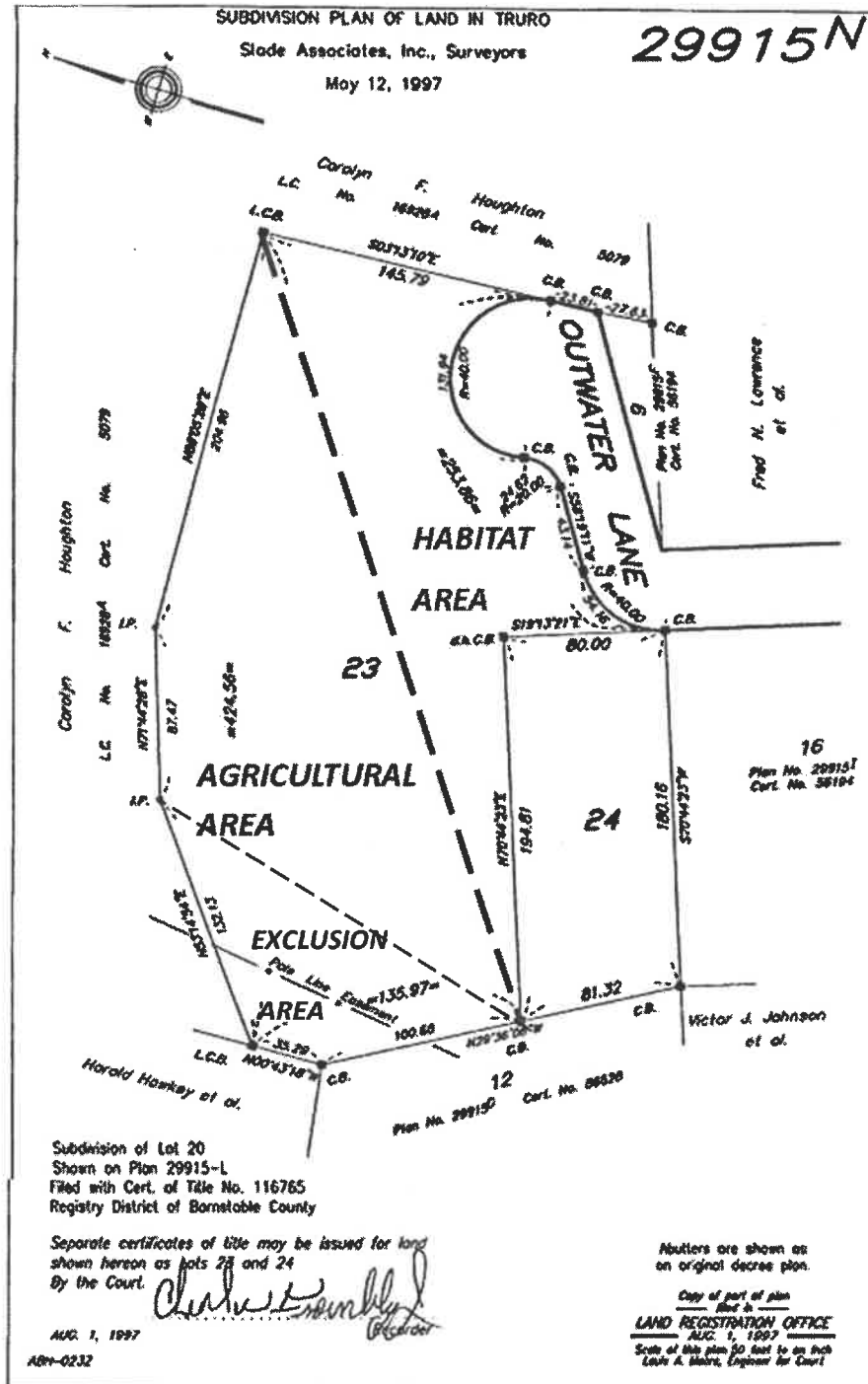


EXHIBIT D
Topographic Sketch of the
Agricultural Area, Habitat Area and
Exclusion Area within the Premises

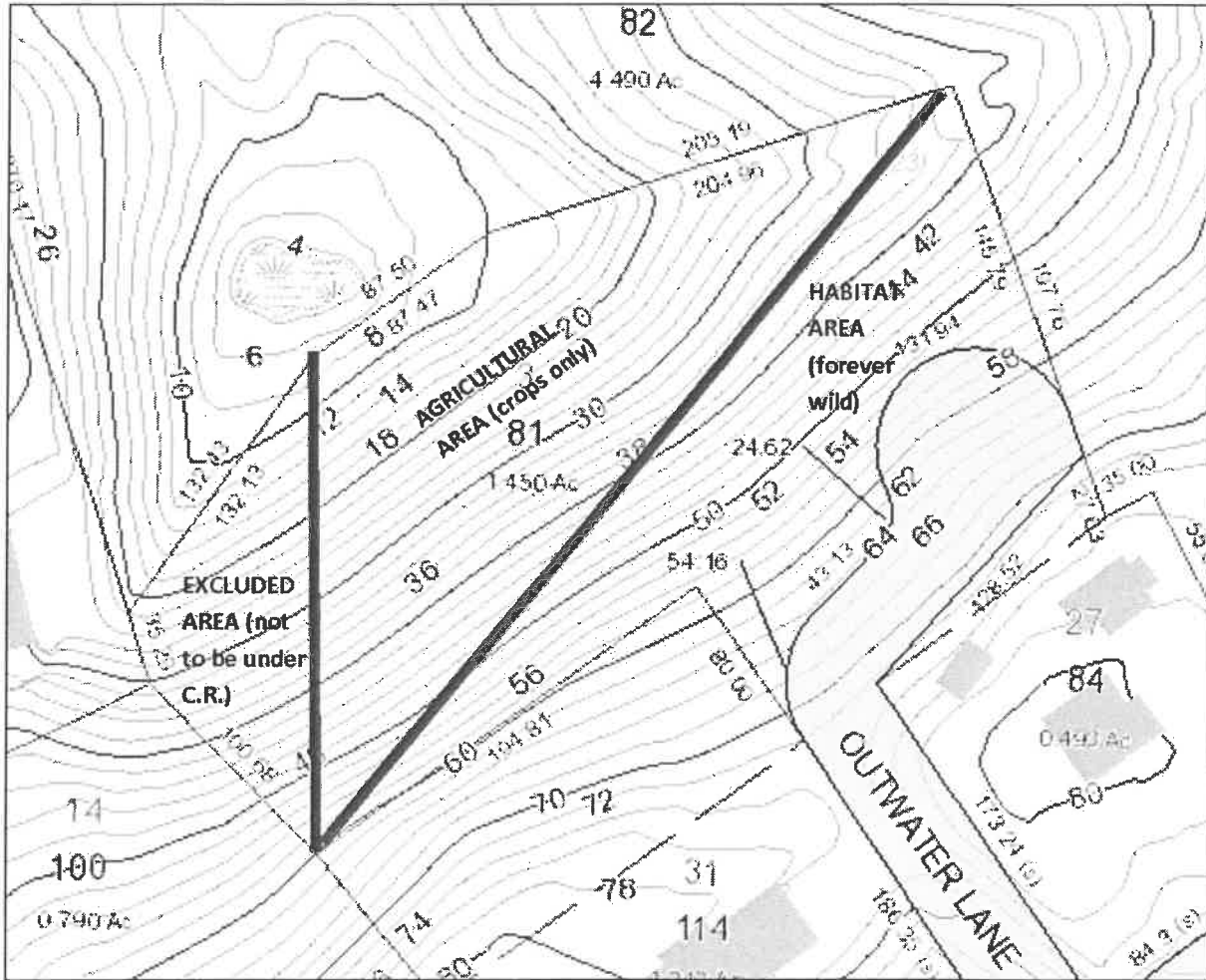


EXHIBIT E

**BASELINE DATA AND NATURAL RESOURCE INVENTORY
for a
CONSERVATION RESTRICTION
granted by**

Brian E. Boyle

to

The Compact of Cape Cod Conservation Trusts, Inc.

**3 Outwater Lane, Truro,
Barnstable County
Massachusetts**

**Prepared by
The Compact of Cape Cod Conservation Trusts, Inc.
Brewster, MA**

May 2017

EXHIBIT E

The undersigned acknowledges this natural resources inventory (herein referred to as Exhibit E and its Appendices) to be an accurate depiction of the Premises under Conservation Restriction at the time of the granting of this Conservation Restriction:

Grantor:

BRIAN E. BOYLE

Grantee:

**THE COMPACT OF CAPE COD
CONSERVATION TRUSTS, INC.**

By: _____
Leonard W. Johnson, President

By: _____
Henry Lind, Treasurer

EXHIBIT E

CONSERVATION RESTRICTION DOCUMENTATION
REPORT SUMMARY SHEET

Date: May 25, 2017

A. Restriction Name: TOM'S HILL II (Boyle) CONSERVATION RESTRICTION

State: Commonwealth of Massachusetts
County: Barnstable
Town: Truro

Title to Land: Land Court Certificate 156,152

Plan of Record: Land Court Plan 29915-N; Lot 23

Present Owners: Brian E. Boyle
P.O. Box 786
Truro MA 02666

A. Description of Premises

Location: 3 Outwater Lane, Truro (Assessors Map 45, Parcel 81)

Acreage: 1.1 acres, more or less,

USGS Topographic Quadrangle:
North Truro, Mass, 7.5 Minute Series, 1972 (Photoinspected 1977)

Longitude: W 70° 04' 30" Latitude: N 41° 59' 56"

Abutting Properties:

North: single-family residential home

East: single-family residential home

South: single-family residential home

West: small family farm owned by
Grantor

Man-made structures/Improvements: none; old carpath

Major Habitats: coastal heathland; pine-oak forest

Potential Threats to Premises: residential development

B. Intended Frequency of Monitoring

Annually, or as needed, to be performed by Grantee

Prepared By:

Mark H. Robinson

Executive Director

THE COMPACT OF CAPE COD CONSERVATION TRUSTS, INC.

P.O. Box 443

Barnstable MA 02630

I certify that, as of the recording date of this Conservation Restriction, the Premises is still in the condition described herein.

Mark H. Robinson

A. BACKGROUND INFORMATION

Mr. Boyle has owned this property since 1999. He operates Little Pamet Farm on adjoining land, which includes crops such as hops, fruit orchard, flowers and vegetables. He sells honey from the bee hives kept on the farm.

The intent of this CR is to protect half of the upland forest habitat located on the Premises in its natural condition, while allowing for limited expansion of the family farm in the future; to ensure that the Premises will be preserved in perpetuity, substantially in a natural, scenic and open condition; and, to prevent any use that would materially impair or interfere with the conservation and agricultural values of the Premises.

B. ENVIRONMENTAL FEATURES

1. Geology:

About 15,000 years ago, the Laurentian Ice Sheet retreated as the South Channel glacial lobe melted away. The Premises is located in the Truro Outwash Plain. The outwash plains were formed by meltwater draining west from the South Channel lobe. Toms Hill, on which the Premises is located, is a large sand dome situated between the two major outwash channels now serving the Pamet River (south) and Little Pamet River (north). The Premises ranges from less than ten feet above sea level at its western end to more than 65 feet high on the southern side. There are no boulders and none would be expected in this outwash.

2. Soil:

Based on the MassGIS soils data layer, derived from published soils surveys of the USDA Natural Resources Conservation Service, the Premises is comprised primarily of Carver coarse sands. These soils, common on the Cape, are characterized as excessively drained soils, low in nutrients with a very rapid permeability, and are found on outwash plains.

3. Water Resources:

None found; the northern side of the Premises is less than ten feet above sea level but not low enough to intersect the ground water table to create a wetland. There is a small wetland just off-

4. Major Habitats:

The vegetation is fairly characteristic of coastal heathland succeeding to forest cover. Heath plants prefer the acidic soils low in nutrients, but the protective topography enables trees to start growing up and dominating the previous “meadow” aspect of the heathland. The western (lower) end of the Premises is impaired by some invasive plant species (honeysuckle, virginia creeper, Russian olive, privet, and bittersweet), but the remaining majority is not affected.

The pitch pine-tree oak (white and black) forest canopy is prominent. Scrub oak is also found. Other trees include shad bush, red cedar, black cherry. There are no landmark trees, but several 14” diameter black oaks are found along the northern sideline.

The understory (shrub layer) consists of lowbush and highbush blueberry, bayberry, beach plum, huckleberry, bull briar, honeysuckle and bittersweet at the far western end, and viburnum.

The groundcover is primarily bunch grasses (fescue, little blue stem), dewberry, thistle, yarrow, bearberry, starflower, and poison ivy.

No faunal inventory was conducted.

Overall, the Premises is in good native habitat. Its previous aspect of coastal heathland has probably succeeded too far into woodland to restore and would cause more habitat disturbance than it is worth to intervene.

C. MANMADE FEATURES/DISTURBANCES

There are no structures or foundations on the Premises, nor evidence of prior building.

The 1997 Land Court Plan shows an overhead “pole line easement” across the western end of the Premises, but in the Exclusion Area. The overhead line is no longer in place.

Outwater Lane is a paper road only (i.e., not built) beyond #17 and #31 Outwater Lane, and the extension is unlikely to be needed to be built after this Conservation Restriction is recorded because no house will be built on the Premises.

Access to the Agricultural Area of the Premises will be through remaining land of the Grantor, not through the Habitat Area of the Premises.

D. SIGNIFICANCE OF THE PROPERTY

1. Protection of Scenic Landscape:

This area was included as part of the Cape Cod Bay “Noteworthy” Landscape, as designated by the Massachusetts Department of Environmental Management (now, Dept. of Conservation and Recreation, 2009) in its 1981 statewide inventory (see Appendix E). Only five percent of the state’s land mass was selected for this second most important classification. The Premises are part of Toms Hill as seen by the boating public from Cape Cod Bay and Pamet Harbor.

As stated in Truro’s LCP, the town’s

most important and valuable natural resource is the beauty of its land and waters. Narrowly positioned between the Atlantic Ocean and Cape Cod Bay, our hills and shorelines provide unusually remarkable visual opportunities. Long and broad vistas, sights of harmonious and distinctive architecture, and views of historic and culturally important sites are part of the heritage of Truro. These resources need to be cared for and preserved for the future.

(LCP, p. 137).

Further,

To keep a sense of open space and rural character, Truro could encourage incentives such as conservation restrictions allowing for real estate tax relief... in

sensitive areas such as dunes and coastal banks. Some of the criteria for defining parcels as being important to rural character are: scenic views; wetland areas (including ponds, kettle holes, coastal dune and banks); historic sites; historic views;" (p. 82). "Although most of the waterfront properties have been built on, Truro should look at redevelopment issues along the ridges". (p. 83)

In 1988 the Massachusetts Commissioner of Environmental Management designated the Pamet River as a Local Scenic River, based on local acceptance of the Pamet River Greenway Management Plan, as prepared by the Truro Conservation Trust in 1987. Toms Hill was included within the boundaries of the Local Scenic River designation. (See Appendix E.)

By preserving the Premises in its current natural condition, this Conservation Restriction will address the LCP's goal of maintaining the "integrity of natural landforms and broad, open views," (LCP, p. 139), prevent residential development on a ridgetop, and preserve part of a State Noteworthy Landscape and Local Scenic River viewshed and watershed.

2. Wildlife Habitat:

The Premises lies within a Priority Habitat for Rare Species (see Appendix E) identified by the Massachusetts Natural Heritage and Endangered Species Program (MNHESP). All of the Premises is within an MNHESP BioMap2 Core Habitat area critical for the long-term persistence of rare species and other species of conservation concern (see Appendix E). In addition, the Premises is included in the Statewide Land Conservation Plan (see Appendix E), which identifies the most significant available, undeveloped and unprotected open space lands needed to protect, among other things, biodiversity habitats. The Premises also is included in the Regional Policy Plan as a Significant Natural Resources Area.

In 2003, The Compact of Cape Cod Conservation Trusts, Inc. completed its Cape Cod Wildlife Conservation Project, a wildlife habitat analysis and parcel ranking for all vacant or underdeveloped parcels on Cape Cod. Along with other properties to the north and east, the Premises ranks "High" among all parcels on the Cape in terms of habitat protection priority and wildlife habitat value.

The Premises' combination of heathland and forest habitats create edges attractive to wildlife habitat and aesthetically pleasing to the human eye. An "edge effect," created in the area where distinct habitats converge contributes to and enhances biodiversity. A greater variety of wildlife species, including mammals and birds, feed, breed or seek shelter along habitat edges than exist in a uniform, single, isolated habitat.

By protecting the Premises' habitats and by minimizing human disturbance on the Premises, this Conservation Restriction will help bolster wildlife survival by providing a mini-refuge in a naturalized setting.

E. SURROUNDING LAND USE

Toms Hill is used almost exclusively for single-family residential use, primarily for seasonal homes, on parcels typically larger than in most of Truro. The Truro Conservation Trust owns 4.5 acres of land on the north of the Premises.

F. REPOSITORY

This Conservation Restriction, including Exhibits A, B, C and D, but not E and Appendices, is to be recorded in the Barnstable Land Court Registry District. Full copies of the recorded document and all Appendices will be provided to the Grantor and Grantee.

APPENDICES

- A. Location Maps
 - 1. Regional Locus Map
 - 2. Town Road Locus Map
- B. 1999 Deed
- C. Land Court Plan 29915 –N
- D. Photographs
 - 1. Photo Stations Map
 - 2. Site Photographs
- E. Resource Maps & Designations
 - 3. Town of Truro Assessors Locus Map
 - 4. Aerial Photograph, 2016
 - 5. USGS Topographic Locus Map, 1972
 - 6. DEM Scenic Landscapes Map, 1981
 - 7. Protected Open Space – Adjacency
 - 8. Protected Open Space – Neighborhood
 - 9. MNHESP BioMap2
 - 10. Statewide Land Conservation Plan Map
- F. DEM Local Scenic River Designation and Recharge Area Map, 1987
- G. Bounding Sketch



Agenda Item: 5B

TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: November 28, 2017

ITEM: Discussion of Year Round Condo By-law

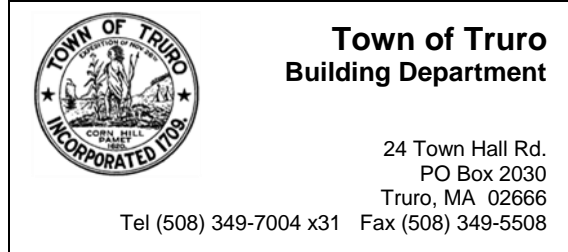
EXPLANATION: At your direction, staff is working on a Year – Round Condo Use Bylaw for the 2018 Annual Town Meeting. An initial list of recommendations, attached, was prepared and has been forwarded to Attorney Silverstein for his review and preparation of the Bylaw. Town Planner Cally Harper, Building Commissioner Russ Braun and Health/Conservation Agent Emily Beebe will be at your meeting to review their research and to hear your comments. In addition, Ms. Harper has prepared a survey soliciting input from condo owners. A post card with the link will be mailed to all condo owners requesting that they complete the survey. Town Counsel is not available to attend, staff will forward your comments to him.

SUGGESTED ACTION: *No motion-discussion only*

ATTACHMENTS:

1. Staff Memorandum
2. Copy of 2015 Proposed Bylaw

To: Staff
From: Russell Braun
Building Commissioner
Date: November 6, 2017
Subject: Year round condo use



This is a summary of discussions between Cally, Emily and Russ as of Nov. 3, 2017. Also included are suggested building code requirements.

General and Process

- Cally has produced a draft questionnaire for review.
- General consensus that, if property opts to go year-round, entire property needs to be readied regardless if individual units opt not to rent year-round. Not to benefit of town to have properties that are checkerboards of compliance. Not interested in creating substandard housing.
- Approval process (please throw darts)
 - Applicant submit property compliance checklist (see criteria below) that will be reviewed and signed off by staff (Building, Health, Conserv., DPW/Water, Fire, PD).
 - In conjunction with this applicant seeks regulatory approvals and relief only as necessary.
 - Applicant must provide recorded proof that the change of use has been approved as required by its governing documents.
 - Removal of seasonal covenant by vote of Board of Selectmen.

Property

- Entire property must commit to required improvements, not just individual units.
- Septic – current Title 5
- Water- water lines deep enough (36, 42, 48 inches?) and system conforms to Town of Provincetown Water and Sewer Board spec's. Individually metered.
- Gas, if common tank provided - individually metered.
- Electric – individually metered services
- Parking – two spaces per unit minimum
- Flood elevation certificates?
- General compliance with 105 CMR 410 – Min. standards for human habitation.
- Do we need property management plan? Approved by whom?

Building

- Egress – Code compliant. In addition, required bedroom and basement emergency escape.
- Building envelope – Energy code, R505.1 states, “Spaces undergoing change in occupancy that would result in an increase in demand for fossil fuel or electricity shall comply with this code.”
 - All roof, wall and floor cavities filled with insulation (this conforms with current energy code for alterations of existing buildings)
 - Windows with insulated glass and weatherstripped (conformance with current technical requirements for windows not required). Do we want to allow older windows with storm panels?
 - Exterior doors sound and fully weatherstripped. Storm doors?
- Fire protection – Hardwired smoke and CO detectors. Sprinklers as required.
- Improve fire separation in multiunit buildings
- Code minimum light and ventilation in habitable spaces
- Mechanical kitchen and bath ventilation per code.
- Plumbing
 - Laundry connection, per 248 CMR 10.10(o), either individual or common, properly connected to septic system.
 - Replace older toilets with 1.6 gal/flush units
- Mechanical - Upgrade heating systems
- Electrical
 - Upgrade wall and above-counter outlets
 - Arc-fault breakers at new circuits.
 - Kitchen appliances on individual circuits.

Family Bylaw – 2-2-15 Draft – For Conversion of Existing Cottage or Cabin Colony, Motor Court, Motel or Hotel Only

Article ____: To see if the Town will vote to amend the Truro Zoning Bylaw by adding a new Definition of “Dwelling, Multi-Family” in Section 10.4 as follows:

“Dwelling, Multi-family. Three or more dwelling units, attached, detached, or a combination thereof on a single lot.”

And further, to amend the Truro Zoning Bylaw Section 30.2 by adding “Multi-family Dwelling” in the Use Table under Residential Uses and by adding a new NOTES 13, as following:

RESIDENTIAL							
	R	BP	NT6A	TC	NTC	Rt6	S
Multi-family Dwelling (13)	N	SP	SP	N	SP	SP	N

NOTES

13. This use is further subject to the special regulations set forth in §40.3A, Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel for Year Round Use and the Zoning Board of Appeals shall serve as the Special Permit granting authority.

And further, to amend the Truro Zoning Bylaw by adding a new Section 40.3A, as follows:

§ 40.3A. Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel ~~and/or~~ for Year Round Use

A. Purpose. The Board of Appeals may grant a special permit for the conversion of a cottage colony, cabin colony, motor court, motel, or hotel to a multi-family dwelling use under any type of ownership, provided that the provisions of this section are met. For those properties which have received a Special Permit pursuant to §40.3 above, a new Special Permit will be required to allow for the year-round use of said property.

B. Requirements.

1. The converted premises shall comply with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health and applicable provisions of the Provincetown Water regulations so as to provide for appropriate and adequate year round living.
2. Each converted unit shall comply with the parking requirements for single family dwellings as established in § 30.9, Parking, except that, where pre-existing structures under this section are unable to meet the current parking standards on their existing lots, the parking requirement may be met on a contiguous lot or on a lot directly across the street provided the following conditions are met:
 - a. The two lots must be in and remain in common ownership and not be

Year-Round Multi-Family Bylaw – 2-2-15 Draft – For Conversion of Existing Cottage or Cabin Colony, Motor Court, Motel or Hotel Only

- further divided.
 - b. The two lots shall not be used for the purpose of increasing the size or the use of the pre-existing structure or property.
 - c. Other than parking, pre-existing structures, and septic systems allowed by the Truro Board of Health, the adjacent lot shall remain open space.
 - d. All conditions must be recorded at the Barnstable Registry of Deeds.
3. The density of units permitted on a lot shall be as follows:
- a. Route 6A, North Truro Limited Business District; North Truro Center General Business District and Rout 6 General Business District: one unit per 3,000 sq ft.
 - b. Beach Point Limited Business District one unit per 2,100 sq ft.
 - c. Notwithstanding the restrictions of this section, no cottage colony, cabin colony, motor court, motel, or hotel which existed on January 1, 1987 shall be required to reduce its then existing number of units if or when it converts to multi-unit dwelling or non-dwelling use so long as it complies with all other requirements of this bylaw.
4. The granting of a Special Permit hereunder shall be consistent with the provisions of Section 30.8.".



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: November 28, 2017

ITEM: Report on Residential Tax Exemption

EXPLANATION: At your last meeting, Selectwoman Worthington requested an update on the implementation of the Residential Tax Exemption. Attached for review and discussion is a report from Principal Assessor, Cathy Fryxell.

SUGGESTED ACTION: None required, for discussion only.

ATTACHMENTS:

1. FY18 Residential Exemption Status Report
2. Tax Bill Primer Detail

FISCAL YEAR 2018 RESIDENTIAL EXEMPTION STATUS REPORT

November 21, 2017

On June 9, 2017, 823 pre-qualifying cover letters & applications were mailed out to residents listed on the Town Clerks Street List as of January 2017 with no 2nd home personal property account.

On August 23, 2017, after the Classification Hearing was held, 827 postcards updating taxpayers that the residential exemption was officially adopted for FY18 were mailed out.

As of November 21, 2017, exemption applications received

- | | |
|---|-----|
| - Approved prior to & received on bill: | 330 |
| - Approved & Abated after bill: | 116 |
| - Denied by BOA: | 6 |
| - Prepared for BOA approval: | 14 |
| - Pending requested clarification: | 3 |
| - Incomplete: | 20 |

Town of Truro

Office of Collector of Taxes
Cynthia A. Slade, Collector of Taxes
PO BOX 2012
Truro, MA 02666-2012

JOE TAXPAYER
PO BOX
TRURO MA 02666

Based on assessments as of January 1, 2017, your Real Estate Tax for the fiscal year beginning July 1, 2017 and ending June 30, 2018 on the parcel of real estate described below is as follows:

PROPERTY DESCRIPTION				
1 DREAM LN				
State Class		1010		
Area		0.70 AC		
Parcel ID		00-002.0		
Tax Rate Per \$1,000				
1. Res	2. Open Sp.	3. Comm	4. Indust	
\$7.37	\$7.22	\$7.22	\$7.22	

Assessed owner as of January 1, 2017:

JOE TAXPAYER
PO BOX
TRURO MA 02666

Town of Truro Fiscal Year 2018 Real Estate Tax Bill

Land Value	\$230,800.00
Building Value	\$130,900.00
Residential Exemption	\$122,494.00
Total Taxable Value	\$249,206.00
TAX SUMMARY	
CPA Surtax	\$55.10
Real Estate Tax- Residential	\$1,836.65
Septic Principal	\$0.00
Septic Interest	\$0.00
Water Lien	\$0.00
Total Tax, CPA, Spec. Assess.	\$1,891.75
COLLECTOR OF TAXES PO BOX 2012 TRURO, MA 02666-2012	

PAYMENT DUE NOVEMBER 17, 2017

Statement applications must be addressed to and filed with the Assessors by close of business November 17, 2017

ALL FY 2018 REAL ESTATE TAXES ARE ASSESSED TO THE OWNER OF RECORD JANUARY 1, 2017. THE NEW OWNER'S NAME FOR PROPERTIES THAT TRANSFERRED AFTER 01/01/2017 MAY APPEAR AS C/O ON THE BILL.

PAYMENTS ARE DUE IN THE COLLECTOR'S OFFICE ON OR BEFORE THE DUE DATE - POSTMARKS ARE NOT ACCEPTED

MAKE CHECKS PAYABLE TO THE: TOWN OF TRURO

MAIL TO: COLLECTOR OF TAXES

PO BOX 2012, TRURO, MA 02666-2012

ONLINE BILL PAY INFORMATION: SEE TOWN WEBSITE

www.truro-ma.gov

PHONE - 508-349-7004

COLLECTOR - EXT 113,114,126 ASSESSOR - EXT. 117,115,116

OFFICE HOURS: MONDAY - FRIDAY 8:00 AM-4:00 PM

***ELDERLY/SENIOR DISABLED FUND: ACCEPTED MGL 60, 3D WHICH ALLOWS THE TOWN TO ESTABLISH A FUND TO DEFRAY THE REAL ESTATE TAXES OF LOW INCOME ELDERLY AND DISABLED PERSONS. IT ALLOWS TAXPAYERS TO CONTRIBUTE TO THE FUND THROUGH A VOLUNTARY CHECKOFF ON THEIR BILL.

Keep this portion for your receipt

Bill Date	10/18/2017	Bill No.	000000
TOTAL TAX/SPEC. ASSESS.			\$1,891.75
Payments/Credits			\$0.00
1st Payment Due 11/17/2017			\$945.88
2nd Payment Due 05/02/2018			\$945.87
(1)AMOUNT DUE			
11/17/2017			\$945.88
Voluntary Contributions to local funds (indicate amount):			
(2)Elderly(Senior)/Disabled Fund** _____			
(3)Total Payment			_____
(add lines 1 and 2)			
Interest at a rate of 14% per annum will accrue on payments from the bill issue date until payment is made.			

This is the **ASSESSED VALUE** on the Land & buildings according to the FY2018 analysis = \$371,700.

This is the **RESIDENTIAL EXEMPTION** based on the 20% voted by the Board of Selectmen for FY2018.

This is the **TAXABLE VALUE** that the FY2018 Real Estate Taxes are based on.

(This net amount is the Assessed Value minus the Residential Exemption amount, equaling the Taxable Value.)

Real Estate Tax – Residential - Taxes are calculated by taking the Taxable Value, dividing by 1,000 & multiplying by the tax rate of **\$7.37**.

$$\$249,206.00 / 1,000 = \$249.206$$

$$\$249.206 * \$7.37 = \$1,836.65$$



Agenda Item: 5D

TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: November 28, 2017

ITEM: Review of Board of Selectmen Policies

EXPLANATION: In accordance with the 2018 Goals and Objectives, the Board of Selectmen will review all Selectmen's policies for updating, rescinding or affirming. The following policies are proposed for your review:

1. Policy # 35 *Town Administrator's Powers of Appointment*
2. Policy # 52 *Beach Use*
3. Policy # 55 *Replacement of Police Vehicles*

Staff has reviewed the policies in advance of your meeting and make the following recommendations:

Policy # 35 – Policy 35 was modified to reflect the title change of Town Administrator to Town Manager and to reflect the new hiring process I implemented. It now includes the specific steps in the hiring process, references Policy 57: Residential Hiring Preference, and allows the Town Manager to maintain a certified list of applicants and their scores to be considered for future vacancies which helps to streamline future hiring processes.

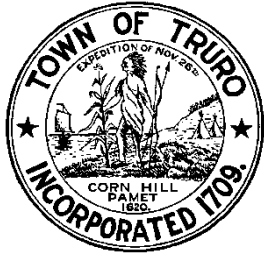
Policy # 52 – References to Town Administrator were changed to Town Manager, Item #7 was changed to reflect the Town Manager's review of the applications and Item #8 was added to address conditions that are specific to events due to the event type, season, etc. For example, the Recreation & Beach Director may include written conditions regarding the use of sections of beach where there is shorebird nesting. This policy was also reviewed by Recreation & Beach Director Clements.

Policy # 55 – Typos were edited and the Town Manager was included in the budget review process.

SUGGESTED ACTION: *MOTION TO accept proposed revisions for policies 35, 52, and 55.*

ATTACHMENTS:

1. Board of Selectmen Policies – Current and With Recommended Changes



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

POLICY MEMORANDUM #35

Date: Adopted December 15, 2004

Subject: **POLICY ON TOWN ADMINISTRATOR'S POWERS OF APPOINTMENT**

I. Introduction

This policy is created by the Board of Selectmen in accordance with Section 5-4-2 of the Truro Charter and establishes the process by which the Town Administrator may exercise his or her powers of appointment in accordance with Chapter 5, Sections 4 and 5 of the Truro Charter, the General Laws of Massachusetts, the Truro Personnel Bylaws, and all collective bargaining agreements in effect at the time of the appointment.

II. Procedures

Effective as of the date this Policy is adopted by the Truro Board of Selectmen, the Town Administrator shall follow the following procedures when appointing personnel within the Town of Truro:

A. Recruitment of Candidates

- 1) When a position becomes vacant or will be vacant shortly, or a new position is created, the Town Administrator shall review the existing job description for the position and determine whether it needs to be modified or updated.
- 2) If the Town Administrator determines the job description needs to be modified or updated, or, in the case of a new position, created, the Town Administrator shall prepare the revisions or new description and present them to the Selectmen for approval. If the existing job description has been updated in accordance with the Charter within the last year, and the Town Administrator determines no additional revisions are necessary, the existing job description shall be utilized to fill the job vacancy. If necessary, the Town Administrator shall negotiate revisions to job descriptions with the appropriate labor group before posting the vacancy.
- 3) The Town Administrator shall then prepare a Notice of Permanent Vacancy. Said Notice shall include the job title, qualifications, salary and/or wages, hours of work, and applicant instructions, including a closing date for application.

- 4) The Notice of Permanent Vacancy shall be posted on all appropriate Town Hall bulletin boards and in at least two (2) local newspapers of general circulation, one of which must be the Cape Cod Times or the Boston Globe, for a period of not less than fourteen (14) calendar days, or as may be required by collective bargaining agreement. Such postings will occur simultaneously or successively in compliance with all collective bargaining agreements.
- 5) The Town Administrator may also post the Notice of Permanent Vacancy in relevant trade and professional journals, on relevant web-sites, with employment agencies, and other employment related sites if the Town Administrator determines such postings to be appropriate and/or necessary in the recruitment of candidates.
- 6) Unless constrained by collective bargaining agreements, a permanent vacancy for a department head or salaried position shall be open for a minimum of three (3) weeks. All other positions shall remain open for as long as the Town Administrator deems it prudent.
- 7) A candidate shall be required to submit the requested application materials to the office of the Town Administrator on or before the closing date for such submission.
- 8) Notwithstanding the provisions outlined above, in the event of an emergency and after consultation with the Board of Selectmen, the Town Administrator may fill a permanent vacancy on a temporary basis without advertising.

B. Appointment of Employees

- 1) The Town Administrator may designate a search/interview team to assist him or her with the appointment process.
- 2) The Town Administrator shall review all application materials submitted in response to the Notice of Permanent Vacancy and shall determine the candidates who qualify for further consideration based on merit and fitness. The Town Administrator shall then interview those candidates to assist him or her in the final selection decision.
- 3) The Town Administrator shall make the final determination of the candidates merit and fitness for the position and shall choose an individual for appointment from the qualified candidates.

- 4) Prior to making the final appointment, the Town Administrator shall present his or her selection to the Board of Selectmen and the Selectmen shall determine whether they wish to disapprove of the appointment pursuant to the provisions of Section 5-4-5 of the Truro Charter.

III. Waiver of Provisions

The Board of Selectmen may waive any of the foregoing requirements on a case-by-case basis.

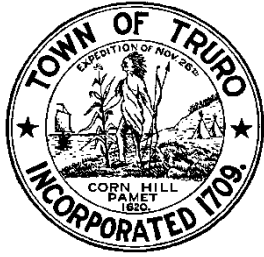
Alfred Gaechter, Chairman

Christopher R. Lucy, Vice-Chairman

Gary Palmers, Clerk

Lloyd F. Rose

Paul Asher-Best
Board of Selectmen
Town of Truro



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

POLICY MEMORANDUM #35

Date: Adopted December 15, 2004; Revised November 28, 2017

Subject: **POLICY ON TOWN MANAGER'S POWERS OF APPOINTMENT**

I. Introduction

This policy is created by the Board of Selectmen in accordance with Chapter 5, Section 4 of the Truro Charter and establishes the process by which the Town Manager may exercise his or her powers of appointment in accordance with Chapter 5, Sections 4 and 5 of the Truro Charter, the General Laws of Massachusetts, the Truro Personnel Bylaws, and collective bargaining agreements in effect at the time of the appointment.

II. Procedures

Effective as of the date this Policy is adopted by the Truro Board of Selectmen, the Town Manager shall adhere to the following procedures when appointing personnel for permanent positions within the Town of Truro:

A. Recruitment of Candidates

- 1) When a position becomes vacant or will be vacant shortly, or a new position is created, the Town Manager shall review the existing job description for the position and determine whether it needs to be modified or updated.
- 2) If the Town Manager determines the job description needs to be modified or updated, or, in the case of a new position, created, the Town Manager shall prepare the revisions or new description. If necessary, the Town Manager shall negotiate revisions to job descriptions with the appropriate labor group before posting the vacancy.
- 3) The Town Manager shall then prepare a Notice of Permanent Vacancy. Said Notice shall include the job title, qualifications, salary and/or wages, hours of work, and applicant instructions, including a closing date for application.
- 4) The Notice of Permanent Vacancy shall be posted on the Town website, on appropriate Town bulletin boards and in at least the newspaper designated by the Board of Selectmen to post hearings and notices or as may be required by collective bargaining agreement. Such postings will

occur simultaneously or successively in compliance with all collective bargaining agreements.

- 5) The Town Manager may also post the Notice of Permanent Vacancy in relevant trade and professional journals, on relevant web-sites, with employment agencies, and other employment related sites if the Town Manager determines such postings to be appropriate and/or necessary in the recruitment of candidates.
- 6) Unless constrained by collective bargaining agreements, a permanent vacancy for a department head or salaried position shall be open for a minimum of three (3) weeks. All other positions shall remain open for as long as the Town Manager deems it prudent.
- 7) A candidate shall be required to submit the requested application materials to the office of the Town Manager on or before the closing date for such submission.
- 8) Notwithstanding the provisions outlined above, in the event of an emergency and after consultation with the Board of Selectmen, the Town Manager may fill a permanent vacancy on a temporary basis without advertising.

B. Appointment of Employees

- 1) The Town Manager shall review all application materials submitted in response to the Notice of Permanent Vacancy and shall determine the candidates who qualify for further consideration based on merit and fitness. Residential preference points will be awarded to qualifying individuals as specified in Policy 57: Residential Preference Hiring Policy.
- 2) Qualified candidates' initial applications will complete a written exam, if an exam is deemed appropriate by the Town Manager. Candidates with the highest scores of the written exam will proceed to an oral interview by panel. If a written exam is not deemed appropriate, the qualified candidates will participate in an oral interview by panel.
- 3) The oral interview panel and Town Manager (or his/her designee) will develop a list of questions that are asked to each candidate. Candidates will be scored using a Town Manager approved metric appropriate for the vacant position that will allow the panel to assign a score based on specific criteria to each applicant. The oral interview will be completed by a panel of three individuals; one or more of whom may not be a Town employee.
- 4) The Town Manager and/or his or her designee(s) shall then interview those candidates with the highest scores as determined by the panel interview, using the same procedures as outlined in Section B (3) of this

policy. Department heads will participate on this interview panel for non-department head staff vacancies in their respective departments.

- 5) The Town Manager shall make the final determination of the candidates' merit and fitness for the position based on the scores and shall choose an individual for appointment from the qualified candidates.
- 6) In accordance with the Town Charter, the Town Manager shall present his or her selection for applicable department head positions to the Board of Selectmen by consulting individually with each member of the Board prior to making an employment offer to the selected candidate.
- 7) Employment offers will be conditional in nature and will require satisfactory physical exams, drug/ alcohol screens, background record checks or reference verification.
- 8) In certain cases, the Town Manager may choose to maintain a certified copy of applicants and their scores from the hiring process to allow qualified applicants who perform well in the hiring process to be considered for future vacant positions.

III. Waiver of Provisions

The Town Manager in consultation with the Board of Selectmen may waive any of the foregoing requirements on a case-by-case basis.

Paul Wisotzky, Chair

Maureen Burgess, Vice-Chair

Robert Weinstein, Clerk

Janet Worthington

Jay Coburn
Board of Selectmen
Town of Truro



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

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

POLICY MEMORANDUM #52

Date: May 22, 2013

Subject: **BEACH USE POLICY**

1. Purpose. The Board of Selectmen may permit the use of Truro beaches for private events or public events for civic, educations, recreational, celebratory, or other lawful purposes. Permitted events shall always be subordinate to the primary use of public beaches which are swimming, sunbathing, and other usual and customary shore and water related activities.
2. Reservation Procedures. Reservations for events shall be made on such application form as the Licensing Agent shall provide and shall be submitted, together with all requested supporting documentation, and materials at least 30 days before the requested use date. The Board of Selectmen will make reasonable effort to act upon an application within 21 days of receiving the application.
3. Rules for Reservation. Beach Commission activities and other events sponsored by a town department shall have priority and a permit may be denied or withheld if the event or requested use date would interfere with one of these activities or events. Applications shall be accepted and acted upon in the order in which they are received. All applications and fees must be filed in the office of the Licensing Agent during regular business hours. The failure to exercise a granted permit, except for good cause, may result in the denial of a future application by the same applicant.
4. Rules for Use. Events shall not be for entrepreneurial or commercial purposes or for the solicitations of business or the sale of goods and services. All posted rules and regulations of the Beach Commission remain in full force and effect unless specifically waived in the permit. All events shall be conducted free of charge and open to the public. Athletic events may charge an entrance fee. Performers who are not compensated for appearing at an event may accept, but not solicit, donations. No activity shall be conducted which uses amplification for voice or music unless the Board of Selectmen determine that such use will not unreasonably disturb other beach users or nearby residential neighborhoods. Refreshments and food items may be brought onto the public beaches by event participants to the same privilege other beach users enjoy, but no refreshments or food may be prepared on the beach or in the adjoining parking lot unless the permit specifically allows. No alcoholic beverages are allowed on the beach or beach parking areas. No event can block access to the beach by the general public at any time.
5. Hours. Permitted events occurring during 9:00 am and 4:00 pm between the third Saturday in June and Labor Day may require that permittee, associated staff, and attendees purchase parking decals or daily parking passes if parking is required for the event. Set up and break down of said event during 9:00 am and 4:00 pm may also require that permittee, associated staff, and attendees purchase parking decals or

daily parking passes if parking is required for the event. Parking is not guaranteed for any permittee, associated staff, or attendee at any time.

6. Fees. The Board of Selectmen will establish appropriate fees and they should be paid upon the Board of Selectmen's approval of the application. The reservation will not be held until appropriate fees are paid in full. Fees are nonrefundable after the seventh day before the requested use date, except for weather cancellations. Insurance and indemnification agreements may be required on the same terms and conditions as non-beach events on other Town property.
7. Miscellaneous Provisions. In its discretion, the Board of Selectmen may ask the Chief of Police to determine if police detail presence is required, and the Chief's decision shall be final. The Board may reject any application if the requested event is too large for the available beach area or is likely to be disruptive or disorderly or unreasonably interfere with the rights of the public to use the beach for usual and customary purposes. In determining whether such likelihood exists, the Board may take into consideration information from the application, the applicant's history of beach use or use of similar facilities elsewhere, the recommendations of Town officials and department heads and other information it deems appropriate.

Jay Coburn, Chair

Breon N. Dunigan, Vice-Chair

Jan Worthington, Clerk

Paul Wisotzky

Robert Weinstein
Board of Selectmen
Town of Truro



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

POLICY MEMORANDUM #52

Date: Adopted May 22, 2013; Revised November 28, 2017

Subject: **BEACH USE POLICY**

1. Purpose. The Board of Selectmen may permit the use of Truro beaches for private events or public events for civic, educations, recreational, celebratory, or other lawful purposes. Permitted events shall always be subordinate to the primary use of public beaches which are swimming, sunbathing, and other usual and customary shore and water related activities.
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7. Miscellaneous Provisions. In his/her discretion, the Town Manager may ask the Chief of Police to determine if police detail presence is required, and the Chief's decision shall be final. If a police detail is deemed necessary, the applicant shall be charged the accompanying fee. The Town Manager may reject any application if the requested event is too large for the available beach area or is likely to be disruptive or disorderly or unreasonably interfere with the rights of the public to use the beach for usual and customary purposes. In determining whether such likelihood exists, the Town Manager may take into consideration information from the application, the applicant's history of beach use or use of similar facilities elsewhere, the recommendations of Town officials and department heads and other information he/she deems appropriate.
8. Approval may be contingent on defined written conditions. All conditions must be adhered to and users will be subject to relevant local, state, or federal enforcement penalties.

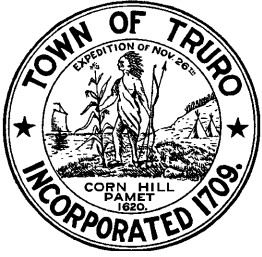
Paul Wisotzky, Chair

Maureen Burgess, Vice-Chair

Robert Weinstein, Clerk

Janet W. Worthington

Jay Coburn
Board of Selectmen
Town of Truro



Agenda Item: 5D1

TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

POLICY MEMORANDUM #55

Date: February 10, 2015

Subject: **Replacement of Police Vehicles**

Public Safety is one of the most important services provided by the Town of Truro. The Board of Selectmen recognizes that the Truro Police Department must be provided the resources to maintain a fleet of vehicles that is of the appropriate number and condition to meet the public safety needs of the Town. The Police Department's vehicles must be safe to drive, available when needed and maintained at a reasonable cost.

Based on past experience, the typical police vehicle should be replaced every four years. Accordingly, the Truro Board of Selectmen supports the Police Departments recommendation to maintain a fleet of seven vehicles and barring unusual circumstances, the Department should replace up to two vehicles per year, as part of the Town's Capital Outlay Business Practices.

Vehicles identified for replacement will be based upon condition and the joint recommendation of the Town's Mechanic and the Chief of Police. Vehicle replacement needs and fleet size beyond the above criteria would require justification by the Chief of Police and recommendation by the Board of Selectmen for approval by Town Meeting.

Jay Coburn, Chairman,

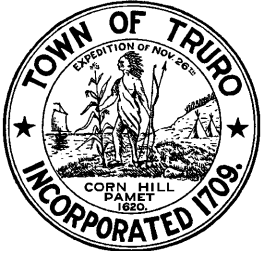
Paul Wisotzky, Vice-Chairman

Janet W. Worthington, Clerk,

Robert Weinstein

Maureen Burgess

Board of Selectmen
Town of Truro



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

POLICY MEMORANDUM #55

Date: February 10, 2015; Revised November 28, 2017

Subject: **Replacement of Police Vehicles**

Public Safety is one of the most important services provided by the Town of Truro. The Board of Selectmen recognizes that the Truro Police Department must be provided the resources to maintain a fleet of vehicles that is of the appropriate number and condition to meet the public safety needs of the Town. The Police Department's vehicles must be safe to drive, available when needed and maintained at a reasonable cost.

Based on past experience, the typical police vehicle should be replaced every four years. Accordingly, the Truro Board of Selectmen supports the Police Department's recommendation to maintain a fleet of seven vehicles and barring unusual circumstances, the Department should replace up to two vehicles per year, as part of the Town's capital outlay business practices.

Vehicles identified for replacement will be based upon condition and the joint recommendation of the Town's Mechanic and the Chief of Police. Vehicle replacement needs and fleet size beyond the above criteria would require justification by the Chief of Police and recommendation by the Town Manager to the Board of Selectmen for approval by Town Meeting.

Paul Wisotzky, Chair

Maureen Burgess, Vice-Chair

Robert Weinstein, Clerk

Janet W. Worthington

Jay Coburn

Board of Selectmen
Town of Truro



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

6. CONSENT AGENDA

- A. Review/Approve and Authorize Signature:
 - 1. Crown Castle Consent Request Letter (344 Route 6 Cell Tower)
- B. Renewal of Annual Licenses-Salty Market Common Victualler
- C. Review and Approve Castle Hill Center for Arts at Edgewood Farm One Day Alcohol and One Day Entertainment Licenses for December 15th
- D. Review and Approve Board of Selectmen Minutes: November 14, 2017



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Nicole Tudor, Executive Assistant

REQUESTED MEETING DATE: November 28, 2017

ITEM: Consent for Modifications (AT&T) on Cell Tower at 344 Route 6

EXPLANATION: CCATT LLC (CCATT) subleases and operates the tower site that is subject to the Lease on behalf of AT&T. CCATT, a Crown Castle company, owns, manages and operates the shared wireless communication facilities. AT&T plans to modify its equipment at the wireless communication facility.

Pursuant to the Lease CCATT is required to obtain the Town's consent for any modifications. No construction will commence until all required permits and approvals are obtained. Signing this consent letter does not eliminate the need for the customer to go through any jurisdictional and/or zoning/permitting procedures that may be required.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The work will not move forward; the Town is legally required to authorize the work once all local regulations are met.

SUGGESTED ACTION: *MOTION TO approve the consent for modification on the cell tower at 344 Route 6 (AT&T) and to authorize the Chair to sign.*

ATTACHMENTS:

1. Consent for Modification (Sprint) and construction drawings



3530 Toringdon Way Suite 300
Charlotte, NC 28277

Phone: (980) 430-8574
Fax: (724) 416-4476
www.crowncastle.com

November 7, 2017

VIA email: rpalmer@truro-ma.gov

TOWN OF TRURO
PO BOX 2012
COLLECTOR OF TAXES
TRURO, MA 02666

Re: BU 841273 / TRURO / 344 ROUTE 6 NORTH TRURO, MA 02652 ("Site")
Wireless Communications Facilities Lease Agreement, dated, as amended ("Lease")
Consent for Modifications – AT&T

Dear Landlord,

Pursuant to an agreement between NCWPCS MPL 24 - Year Sites Tower Holdings LLC ("AT&T") and CCATT LLC ("CCATT"), CCATT manages and operates the tower site that is subject to the Lease on behalf of AT&T. CCATT is a Crown Castle company. CCATT and its affiliates and subsidiaries own, manage and operate shared wireless communication facilities.

In order to better serve the public and minimize the amount of towers in an area where the Site is located, AT&T plans to modify its equipment at the wireless communication facility by replacing three (3) antennas, adding six (6) remote radio units, swapping (6) six diplexers for (6) six combiners, and adding associated cabling.

Pursuant to Paragraph 1 of the Lease, AT&T is required to obtain your consent. Under the Lease, consent cannot be unreasonably withheld, conditioned or delayed. Signing this consent letter does not eliminate the need for the customer to go through any jurisdictional and/or zoning/permitting procedures that may be required.

Please indicate your consent by executing this letter where indicated below. Thank you for your continued cooperation with AT&T and CCATT. If you have any questions concerning this request, please contact Sharon Cripe at (980) 430-8574 or Sharon.Cripe@crowncastle.com.

Sincerely,

A handwritten signature in dark ink that reads 'Sharon Cripe'.

Sharon Cripe
Real Estate Specialist

Agreed and accepted on _____
(Date)

(Lessor's signature)

(Print name)



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Licensing Department

REQUESTOR: Nicole Tudor, Executive Assistant on behalf of Salty Market business owner, Ellery Althaus

REQUESTED MEETING DATE: November 28, 2017

ITEM: Approval of renewal of annual licenses for 2018:
Common Victualler License-Salty Market-2 Highland Rd

EXPLANATION: The Salty Market Common Victualler License is under the authority of the Board of Selectmen as Local Licensing Authorities. If you approve this license for renewal, the license will be issued only upon compliance with all regulations, receipt of the necessary fees, proof of taxes paid in full for the fiscal year and prior approval of the Food Service License by the Health Agent. The Food Service Licenses for Salty Market were issued 11/13/2017 by the Health Agent. There were no reported issues with this establishment in 2017.

Mass General Law	Licenses & Permits Issued by Board of Selectmen	Names of Businesses
Chapter 140 § 2	Common Victualler (Cooking, Preparing and Serving food)	Salty Market

IMPACT IF NOT APPROVED: The applicants will not be issued their License to operate Salty Market located at 2 Highland Road.

SUGGESTED ACTION: *MOTION TO approve the 2018 annual Common Victualer License for Salty Market upon compliance with all regulations and receipt of the necessary fees.*

ATTACHMENTS:

1. Renewal Application for 2018: Salty Market

Consent Agenda Item: 6B1

TOWN OF TRURO



Town of Truro

Board of Health

24 Town Hall Road, P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004, Extension: 131 Fax: 508-349-5508

Email: ebecbe@truro-ma.gov or adavis@truro-ma.gov**APPLICATION FOR FOOD SERVICE – COMMON VICTUALER**☐ New ☒ Renewal**Section 1 – License Type**Type of License: ☒ Food Service ☒ Common Victualer**Type of Food Service Establishment:**

- ☒ Food Service (restaurant or take out)
☒ Retail Food (commercially prepared foods)
☐ Residential Kitchen
☐ Bed & Breakfast w/Continental Breakfast

- ☒ Catering
☒ Manufacturer of Ice Cream/Frozen Dessert
☒ Bakery

Section 2 – Business/Owner/Manger Information

Federal Employers Identification Number (FEIN/SS) [REDACTED]

Business Name: Salty Market LLCOwner Name: Elley Adams / Claire Adams Email Address: [REDACTED]Mailing Address: P.O. Box 992, N. Truro, MA 02652

Phone No: [REDACTED]

Person Directly Responsible for Daily Operations: (Owner, Person In Charge, Supervisor, Manager)

Name: Elley Adams Email Address: [REDACTED]Mailing Address: P.O. Box 992 North Truro, MA 02652Phone No: [REDACTED] 24 Hour Emergency: Same**Section 3 – Business Operation Details**Number of Seats: Inside: 0 Outside: 0 Number of Employees: 7Length of Permit: ☒ Annual ☐ Seasonal OperationHours of Operation: 8am To 6pm - more in summerDays Closed Excluding Holidays: Thanksgiving, Xmas, New years, Easter

If Seasonal: Approximate Dates of Operation: ___/___/___ To ___/___/___

Certified Food Manager(s) (attach copy): (at least 1 full-time equivalent PER SHIFT required)

Ellery Adams

Allergen Awareness Certification (attach copy):

Ellery Adams Clare Adams

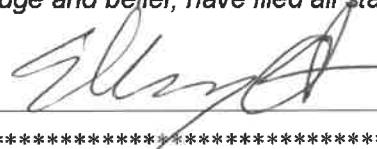
Has your menu changed from last year? ☐ Yes ☒ No

If yes please attach copy of menu or provide description of food to be prepared and sold:

Section 4 - Attestation

Attestation

I, the undersigned, attest to the accuracy of the information provided in this application and further agree to allow the regulatory authority access to the food service establishment as specified under § 8-402.11. I affirm that the food establishment operation will comply with 105 CMR 590.000, Truro Board of Health Regulation Section X, Food Service Regulations and all other applicable laws. Pursuant to MGL Ch. 62C § 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid state and local taxes required by law.

Signature of Applicant: 

Date: 10/13/17

Application Checklist:

☒ Food Service Permit Application

☒ Smoke Detector/Fire Protection Certification

☒ Workers Compensation Affidavit/Certificate of Insurance

☒ Copy of Inspection of Kitchen Equipment: Commercial Hood and Ventilation System Report

☐ Copy of Service report of mechanical washing equipment (Dishwasher)

☒ Copy of ServSafe Certification and Allergy Awareness

☐ Copy of Choke Saver (for food service establishment w/seating capacity of 25 or more)

FOR HEALTH DEPARTMENT USE ONLY

Comments: _____

Review by _____

Date _____



TRURO FIRE RESCUE
Truro Public Safety Facility
344 Route 6 Truro, MA 02666

**FIRE PROTECTION SYSTEMS
ANNUAL TEST REPORT**

BUSINESS NAME: Salty Market LLC
OWNER/MANAGER: Ellery Atkins
ADDRESS: Same
PHONE #: [REDACTED] NUMBER OF UNITS: _____
CONTACT PERSON: Ellery Atkins
ADDRESS: 1 North Unionfield Rd. N. Truro
TESTING COMPANY: MASS FIRE PROTECTION SYSTEMS INC.
TESTING ELECTRICIAN/TECHNICIAN: [Signature]
COMPANY PHONE #: 508 790 4696 HOME PHONE #: _____
LICENSE #: SC #004421

The fire protection system (s) including, but not limited to, (Sprinkler Systems) (Range Hood Systems) (Fire Extinguishers) (Type I II III Fire Alarm Systems) (C.O. Detectors) at the above mentioned business address, were tested, (CERTIFIED) the add parts of the systems, were found to be, or corrected to be, fully operational.

COMMENTS: _____

DATE OF CERTIFICATION: _____ BY: _____

Signature of Licensed Electrician

**THIS REPORT MUST BE FILLED OUT AND SUBMITTED, PRIOR TO THE ISSUANCE OF,
OR RENEWAL OF A LICENSE TO OPERATE WITHIN THE TOWN OF TRURO.**



East Coast Fire & Ventilation, Inc.

21 Patterson Brook Road, Suite G
West Wareham, MA 02576
888-436-5383
fax# 508-291-4593
accounting@eastcoastfire.net

Invoice

Invoice Date Invoice #
10/25/2017 2671102517
Terms

Due on receipt

Salty's Market
PO Box 992
N. Truro, MA 02652

Job location:

Salty's Market
2 Highland Road
North Truro, MA 02652

Customer Phone		Customer Contact	P.O. No.	Next Tentative Inspection Date	Technician
508-681-5969		Ellery Altha - Owner		4/25/2018	CN
Date	Qty	Item	Description		Amount
10/25/2017	1	A Inspection (Semi-annual)	Buckeye BFR-10		105.00
10/25/2017	5	A 360 Fusible Link	360 Fusible Link 13.50/ea		67.50T
10/25/2017	2	A Blow Off Cap - Rubber	7.75/ea		15.50T
10/25/2017	1	A Fuel Service Charge			15.00

www.eastcoastfire.net

A finance charge of 18% will be charged on all balances over 30 days. All accounts over 45 days past due will result in C.O.D. terms only. There will be an additional \$50.00 finance charge on all returned checks.

*** We now accept Mastercard/Visa and AMEX!***

Subtotal	\$203.00
Sales Tax (6.25%)	\$5.19
Total	\$208.19
Payments/Credits	\$0.00
Balance Due	\$208.19



97
CP **INFORMATION PAGE**
WEC **WORKERS COMPENSATION AND EMPLOYERS LIABILITY POLICY**

INSURER: HARTFORD INSURANCE COMPANY OF THE MIDWEST
ONE HARTFORD PLAZA, HARTFORD, CONNECTICUT 06155

NCCI Company Number: 20605
Company Code: G



POLICY NUMBER: [REDACTED]
Previous Policy Number: [REDACTED]

Suffix
LARS RENEWAL
03

HOUSING CODE: SB

1. **Named Insured and Mailing Address:** SALTY MARKET LLC
(No., Street, Town, State, Zip Code)

FEIN Number: [REDACTED] PO BOX 992
NORTH TRURO, MA 02652

State Identification Number(s):
UIN:

The Named Insured is: LIMITED LIABILITY COMPANY
Business of Named Insured: GOURMET & SPECIALTY FOOD SHOP
Other workplaces not shown above: 2 HIGHLAND AVE
N TRURO MA 02652

2. **Policy Period:** From 03/25/17 To 03/25/18
12:01 a.m., Standard time at the insured's mailing address.

Producer's Name: KAPLANSKY INSURANCE AGENCY INC

Producer's Code: PO BOX 267
NORTH TRURO, MA 02652
088753

Issuing Office: THE HARTFORD
301 WOODS PARK DRIVE
CLINTON NY 13323
(800) 962-6170

Total Estimated Annual Premium: [REDACTED]

Deposit Premium:

Policy Minimum Premium: [REDACTED]

Audit Period: ANNUAL

Installment Term:

The policy is not binding unless countersigned by our authorized representative.

Countersigned by *Susan L. Castaneda*
Authorized Representative

02/04/17
Date



The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017

www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.
TO BE FILED WITH THE PERMITTING AUTHORITY.

Applicant Information

Please Print Legibly

Business/Organization Name: Sally Market LLC

Address: P.O. Box 992, 2 Highland Ad, N. Truro, MA 02652

City/State/Zip: N. Truro, MA 02652 Phone #: [REDACTED]

Are you an employer? Check the appropriate box:

1. ☒ I am an employer with 2 employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☒ Retail
6. ☒ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: The Hartford

Insurer's Address: One Hartford Plaza, Hartford, CT 06155

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____

Expiration Date: 03/24/18

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature]

Date: 11/6/17

Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____ Phone #: _____

Number: 2018-017A

Fee \$75.00

Town of Truro Board of Health
24 Town Hall Road, Truro, MA 02666
Permit To Operate A Food Establishment

In accordance with Regulations promulgated under authority of Chapter 111, Section 127A of the General Laws a Permit is hereby granted to:

Ellery Althaus & Claire Adams, mgrs., Salty Market LLC

Whose place of business is **2 Highland Rd**

Type of business and any restrictions **Retail Food/Convenience Store**

To operate a food establishment in **Truro**

Permit Expires: **December 31, 2018**

Date Issued:

Nov. 13, 2017



Truro Board of Health Agent

Number: 2018-017B

Fee \$10.00

**Town of Truro Board of Health
24 Town Hall Road, Truro, MA 02666**

Bakery License

This is to Certify that **Ellery Althaus & Claire Adams, mgrs., d/b/a Salty Market LLC
2 Highland Rd**

IS HEREBY GRANTED A LICENSE

For **a bakery**

This license is granted in conformity with the Statutes and ordinances relating thereto, and expires
December 31, 2018 unless sooner suspended or revoked.

Date

Nov. 13, 2017



Truro Board of Health Agent

Number: 2018-017C

Fee \$50.00

**Town of Truro Board of Health
24 Town Hall Road, Truro, MA 02666**

Permit To Operate As A Food Caterer

In accordance with provisions of Chapter 111, Section 127A of the Massachusetts General Laws, Regulations established by the Massachusetts Department of Public Health (105 CMR 590.00) and the provisions of Chapter 111, Section 31 of the Massachusetts General Laws, Regulations established by the Truro Board of Health (Section X) a permit is hereby issued to:

Ellery Althaus & Claire Adams, mgrs., d/b/a Salty Market LLC

Whose place of business is : **2 Highland Rd**

Type of business and any restrictions **Food Caterer**

To operate a food establishment in **Truro**

Permit Expires: **December 31, 2018**

Date Issued:

Nov. 13, 2017



Truro Board of Health Agent



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Nicole Tudor, Executive Assistant

REQUESTED MEETING DATE: November 28, 2017

ITEM: Review and Approve One Day Alcohol License and One Day Entertainment License for Truro Center for the Arts at Edgewood Farm, 3 Edgewood Way

EXPLANATION: MGL Chapter 138 § 14 provides local authority to license pouring licenses and MGL Chapter 140 § 181 provides local authority to license performance events.

Truro Center for the Arts at Edgewood Farm, 3 Edgewood Way, has applied for a One Day Pouring License (All Alcohol) and a One Day Entertainment License (recorded music) for Friday, December 15, 2017 from 6:00pm-9:00pm.

They have provided their Liquor Liability Insurance, TIPS certification, and the Certificate of Inspection which is current for 3 Edgewood Way.

The Chief of Police has reviewed and signed the applications.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: Truro Center for the Arts at Castle Hill will not be able to serve alcohol or have entertainment at their event.

SUGGESTED ACTION: *MOTION TO approve a Special One Day Alcohol license and One Day Entertainment License for Truro Center for the Arts at Edgewood farm, 3 Edgewood Way for December 15, 2017 from 6pm-9pm and to authorize the Chair to sign the applications.*

ATTACHMENTS:

1. One Day Alcohol Application and One Day Entertainment Application from Truro Center for the Arts at Castle Hill



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Licensing Department

PH: 508-349-7004, Ext. 110 or 124 Fax: 508-349-5505

Email: ntudor@truro-ma.gov or nscoullar@truro-ma.gov

Application for a One Day Pouring License

MGL Chapter 138, Section 14 Special Licenses

The Local Licensing Authorities of TRURO pursuant to the provisions of Chapter 138 § 14 issuance of a **special one-day pouring license** as described herein.

BUSINESS/ORGANIZATION INFORMATION

Alicia Moretti Souza Truro Center for the Arts at Castle Hill
Name of Applicant Business/Organization Name

P.O. Box 756 Truro, MA 02666
Mailing Address of Business/Organization

Non-profit or For-profit Entity ☒ Yes ☐ No
If yes, proof of Non-Profit Status must accompany this application

Alicia Moretti Souza [REDACTED] alicia@castlehill.org
Contact Person Phone Number Email

INDIVIDUAL APPLICANT INFORMATION

Individual's Name Mailing Address

Phone Number Email Address

EVENT INFORMATION

December 15, 2017 Fundraiser
Date(s) of Event for License to be issued Purpose of Event (example: fundraiser, etc.)

Hours of Alcoholic Beverages sales, service and/or Consumption (from - to) 6-9pm

3 Edgewood Way Truro, MA 02666, Edgewood Farm
Event Location (Must provide facility name, if any, street number and name)

Truro Center For the Arts at Castle Hill 508-349-7511
Property Owner Name and Address Phone number

Cosmos Catering 75
Name of Caterer (if applicable) Approximate number of people attending

Is the event open to the general public ☒ Yes ☐ No



TOWN OF TRURO

Licensing Department

PO Box 2030, Truro, MA 02666

PH: 508-349-7004, Ext. 10 or 24 Fax: 508-349-5505

Email: ntudor@truro-ma.gov or nscoullar@truro-ma.gov

Application for an Entertainment License

☒ Weekday

☐ Saturday

☐ Sunday

*Please complete the Commonwealth's Public Entertainment on Sunday Application

The undersigned hereby applies for a license in accordance with the provisions of
Mass. General Laws, c.140 §183A amended, Ch. 140§181 & Ch.136§4

BUSINESS/ORGANIZATION INFORMATION

Alicia Moretti Souza
Name of Applicant

Truro Center for The Arts at Castle Hill
Business/Organization Name

P.O. Box Truro, MA 02666
Mailing Address of Business/Organization

Is this a Non-profit or For-profit Entity (Check the appropriate box)

☒ Yes

☐ No

If yes, proof of Non-profit status must accompany this application

Alicia Moretti Souza
Contact Person

[REDACTED]
Phone Number

alicia@castlehill.org
Email

INDIVIDUAL APPLICANT INFORMATION

Individual's Name

Mailing Address

Phone Number

Email Address

EVENT INFORMATION

Friday December 15, 2017
Day (s)/Date (s) of Event for License to be issued

fundraiser
Purpose of Event (example: fundraiser)

Hours of Event (from - to) 6-9pm

3 Edgewood Way, Truro, MA 02666
Location (Must provide facility name, if any, street number and name)

Event is: ☒ Indoor ☐ Outdoor Event
(Please check applicable box)

Truro Center for the Arts at Castle Hill
Property Owner Name and Address

[REDACTED]
Phone number

Seating Capacity: _____

Occupancy Number: _____

Cosmos Catering
Name of Caterer (if applicable)

Approximate number of people attending 75

If the event is catered please return Caterer Food Service Form to Health Agent at Fax # 508.349.5508

Will an admission fee be collected? ☒ Yes ☐ No

Will there be a One Day Alcohol License ☒ Yes ☐ No If yes; you must also apply for a One Day Alcohol License

Will there be Police Traffic Control? ☒ Yes ☐ No

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) _____

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.

Ducia Moretti
Signature

11/9/17
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 2017-20

Board of Selectmen _____ Meeting Date _____

Police Department C.D. Date 11/16/17

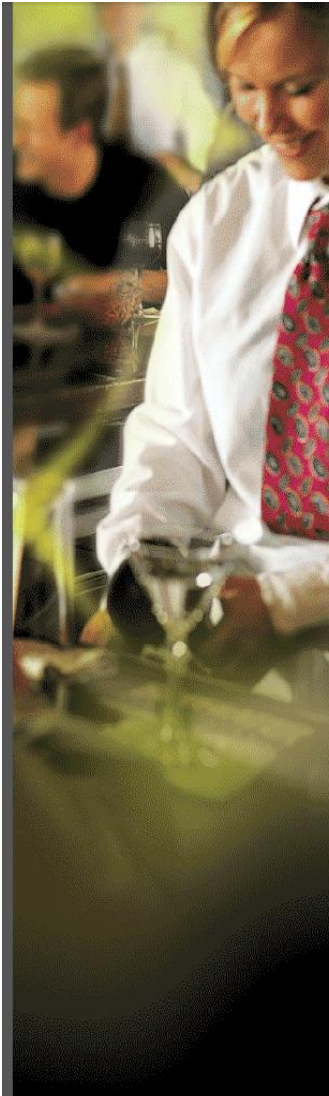
Restrictions/Conditions attached to the license by the Board of Selectmen or its Delegate: _____



University	SSN:	XXX-XX-XXXX
Issued: 9/28/2016	Expires:	9/18/2019
ID#: 4364075	D.O.B.:	XX/XX/XXXX

EMMA K METSKER
26 E Main St
Norton, MA 02766-2322

For service visit us online at www.gettips.com
Michael Marcantonio, 64



Sincerely,

Sherman Brown

Sherman Brown

Senior Vice President, National Restaurant Association Solutions



ID # 14454342

CARD # 15268378

ServSafe Alcohol® CERTIFICATE



BRIAN TAYLOR

NAME

6/26/2017

DATE OF EXAMINATION

Card expires three years from the date of examination. Local laws apply.

© 2015 National Restaurant Association Educational Foundation (NRAEF). All rights reserved. ServSafe® and the ServSafe logo are trademarks of the NRAEF. National Restaurant Association® and the arc design are trademarks of the National Restaurant Association. 141027901 4.1422

Sherman Brown
Senior Vice President, National Restaurant Association Solutions

This certificate confirms completion of the ServSafe Alcohol® responsible alcohol service program.

In Alaska you must laminate your card for it to be valid.

NOTE: You can access your score and certification information anytime at ServSafe.com with the class number provided on this form.

If you have any questions regarding your certification please contact the National Restaurant Association Service Center at ServiceCenter@restaurant.org or 800.765.2122, ext. 6703.

NATIONAL
RESTAURANT
ASSOCIATION

175 West Jackson Boulevard,
Suite 1500
Chicago, IL 60604-2814
1-800-551-7555

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DRAFT

**Truro Board of Selectmen Meeting
Selectmen's Room, Town Hall
Tuesday, November 14, 2017**

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

Present: Town Manager Rae Ann Palmer; Assistant Town Manager Kelly Sullivan-Clark

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

PUBLIC COMMENT

Roberta Lema called two items to the Selectmen's attention. At the last Selectmen's meeting, she had not been recognized and hoped that would not happen to her or anyone else again. Chair Paul Wisotzky apologized for his oversight. Secondly, she was concerned about the reduction of days and the removal of clothing at the Swap Shop at the Transfer Station. Town Manager Rae Ann Palmer addressed the health and safety concerns that had necessitated the changes.

APPOINTMENT TO A COMMITTEE

Both Maureen Burgess and Robert Weinstein had applied to be the representative to the Cape Cod National Seashore Advisory Committee. Maureen Burgess, who has been the serving representative, reviewed the charge of the Seashore Advisory Committee. She explained her contributions to two subcommittees. She said she would like to continue as representative.

Robert Weinstein gave his background and his familiarity with the formation and history of the Cape Cod National Seashore. He stressed the importance of putting the Town's interest in the forefront. Mr. Weinstein said he is qualified to be representative, especially at a time of change in the National Seashore's management.

Jay Coburn, who has been serving as the alternate representative, said he would be willing to step aside, so that both of his colleagues could be appointed.

Jay Coburn moved to appoint Robert Weinstein as the representative and Maureen Burgess as the alternate representative to the Cape Cod Seashore Advisory Council. Janet Worthington seconded. Ms. Burgess indicated that she was not interested in becoming an alternate.

Jay Coburn withdrew his motion. Janet Worthington withdrew the second.

Jay Coburn moved to appoint Robert Weinstein as the representative to the Cape Cod National Seashore Advisory Committee. Janet Worthington seconded. Discussion followed. The motion to appoint Robert Weinstein carried 4-1.

Jay Coburn moved to appoint Janet Worthington as the alternate representative to the Cape Cod National Seashore Advisory Committee. The motion carried 5-0.

BOARD OF SELECTMEN ACTION***Review of Policies Revised by Town Counsel***

Assistant Town Manager Kelly Sullivan Clark discussed the revisions Town Counsel had recommended for the following policies.

Policy #32 - Gift Acceptance Policy: Changes dealt with interest, acceptance of gifts, evaluation methods and references to Massachusetts General Law.

Policy #41 - Special Needs /Recreation Department Procedure: This reflects the title of “Town Manager” and directs appeals to the Town Manager.

Policy #49 - Pre-Employment Physical Examination Policy: This will be a requirement for all prospective employees. A line was added regarding appropriate storage of medical files.

Policy #51 - Security Cameras Policy: The line, “Cameras shall only be installed in areas as authorized by law,” was added.

Robert Weinstein made a further recommendation for Policy #32 if donors give valuable paintings or other items that might be sold at a future time. Rae Ann Palmer also had suggestions for provisions with consideration of selling or not selling. Policy #32 will be sent to Town Counsel for further review.

Jay Coburn moved to approve the revised Selectmen Policy #'s 41, 49 and 51. Maureen Burgess seconded, and the motion carried 5-0.

Review of Selectmen's Policies

Kelly Sullivan Clark explained the proposed revisions for the next set of Selectmen's Policies.

Policy #31 - Written Complaints and Communications: The Board will not respond to anonymous complaints. The Town Manager will be able to withhold a complainant's name from the public record in specific instances. A numbering error was corrected in the policy.

Policy #43 - Vehicle Maintenance and Replacement: The mechanic's reporting options were updated, and a line specified that the vehicle replacement schedule be included in the Capital Improvement Plan, a practice that is already being observed.

Policy #45 - Information Technology Resources Acceptable Use Policy: This reflects the terms “Town Manager” and “Information Technology.” It generalized cell phone reimbursement rate and added a line to the list of Prohibited Conduct, “To access or post to any personal social media accounts.”

Policy #46 – Fuel-efficient Vehicle Policy: Small typos were edited.

Policy #47 – Truro Government Access Cable Television Use Policy: This now references “Town Manager.”

Policy #48 - Construction/Staging Permit for Use of town-owned Property and/or Beach Access: Titles were updated to “Recreation/Beach Director” and “Health/Conservation Director.” Item #10 was added, item #11 was modified to include due dates for application fees and to generalize the fee amounts, and items #13 and #17 were modified to meet current practice.

Maureen Burgess moved to approve revisions to Selectmen Policy #'s 31, 43, 45, 46, 47 and 48. Robert Weinstein seconded, and the motion carried 5-0.

Board of Selectmen Support for CPA Funds Discussion

Jay Coburn had further thoughts on the request by the Truro Conservation Trust to partner with the Town to apply for a CPA grant. He was concerned about taking a position on an application ahead of the CPC process and before making recommendations for CPA Warrant Articles for Town Meeting. Paul Wisotzky was also concerned and reminded the Board that they had planned to meet with CPC. He recommended getting that on a future agenda. Janet Worthington said she liked having a TCT partnership. Robert Weinstein agreed but said the Board should wait for all CPA applications were before them. Maureen Burgess concurred.

Non-resident of Truro Town Employees Participation in Programs

Rae Ann Palmer said Policy Memorandum #61 would allow non-resident Town employee to send their children to after school programs and purchase one shellfish license.

Maureen Burgess move to approve Draft Policy Memorandum #61 - *Non-resident of Truro Town Employees Participation in Programs*. Jay Coburn seconded, and the motion carried 5-0.

CONSENT AGENDA

- A. Review/Approve and Authorize Signature: *None*
- B. Review and Approve Reappointment of Ann Courtney – Truro Concert Committee
- C. Renewal of Annual Licenses – Gingerbread House Lodging Licenses, Montano's Restaurant Common Victualer License
- D. Review and Approve the 2018 Annual Alcohol Licenses and ABCC Applications – Montano's Restaurant, Truro Vineyards of Cape Cod (Wine and Distillery), Salty Market, and Pamet Valley Package
- E. Review and Hold Executive Session Minutes
- F. Review and Approve Board of Selectmen minutes: October 17, 2017 and October 24, 2017

Maureen Burgess had questions about the Truro Vineyards' pouring and distillery-pouring permit, and Paul Wisotzky made a correction to the minutes of October 24, 2017.

Jay Coburn moved to approve the Consent Agenda. Robert Weinstein. seconded, and the motion carried 5-0.

SELECTMEN'S REPORTS AND TOWN MANAGER'S REPORT

Jay Coburn thanked the CDP Housing Institute's Truro team leader Kevin Grunwald and the Town's team, the largest one participating. Paul Wisotzky and Maureen Burgess commended Truro's representation and praised the sessions they had attended. Maureen Burgess said she had attended a Nickerson Conservation Fellowship awards ceremony and the last Planning Board meeting. Planning Board is requesting that the house size survey put on the Town website and a mail-out. Town Manager Rae Ann Palmer said that money had not been budgeted for a mailing, but there would be a Survey Monkey link on the website and paper surveys available at Town Hall.

Ms. Palmer announced that the East Harbor project begins next week. Modelling will show what would happen if tidal flow were increased. The Engineering/Feasibility study for the Cloverleaf

property is underway, she said. Senator Julian Cyr will be at the December 5, 2017 meeting of the Select Board. The Emergency Management Team is already planning for snow and storm events, considering use of reverse 911 calls, and ways to involve the community.

SELECTMEN'S COMMENTS

Janet Worthington said she had received many calls and comments from people who wanted to know what was going on with the Swap Shop. She suggested using Senior tax-write off people help at the Swap Shop. Rae Ann Palmer said that had potential. She distributed photos of the Swap Shop and explained what had been happening with the clothing. Ms. Palmer promised a come-back for the Swap Shop. She said a work session would be a good place to talk this through. Maureen Burgess agreed that there should be more communications to the public.

Paul Wisotzky and Robert Weinstein gave kudos to the Shellfish Constable and Deputy Constable for viable shellfishing and good conditions at the Harbor. Truro has had the foresight to authorize projects maintaining a healthy Harbor, Mr. Weinstein said, thanking all involved.

NEXT MEETING AGENDA

Town Manager Rae Ann Palmer and the Board planned a work session on November 21, 2017 for possible discussion of Budget topics, Communications and Policy/Operations. The November 28, 2017 meeting had a number of planned agenda items: Year-round Condominium Bylaws, a Conservation Restriction for 3 Outwater Lane, Policies, the Crown Castle consent letter on Communication Tower, and licenses. Board members planned for meetings in December and January. These included meetings with the Community Preservation Committee, a joint meeting with the Planning Board, and a joint meeting with the Provincetown Board of Selectmen. Jay Coburn said would like the Charter Review Commission to consider proposing official use of the gender-neutral term "Select Board" as a Charter change to be presented at Annual Town Meeting. Budget Task Force meetings will begin in December. Jay Coburn also requested a staff report on the implementation of the Resident Tax Exemption and other increases in tax bills.

ADJOURNMENT

Robert Weinstein moved to adjourn. Maureen Burgess seconded, and the motion carried 5-0.

The meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Mary Rogers,
Secretary

Paul Wisotzky, Chair

Maureen Burgess Vice-chair

Jay Coburn

Janet Worthington

Robert Weinstein, Clerk

Public Records Material of 11/14/17

1. Appointment papers for Maureen Burgess and Robert Weinstein
2. Reviewed Policies 32, 41, 49 and 51
3. Suggested revisions for Policy #'s 31, 43, 45, 46, 47 and 48
4. Policy Memorandum #61
5. Reappointment papers of Ann Courtney – Truro Concert Committee
6. Requests for Annual Licenses – Gingerbread House Lodging Licenses, Montano's Restaurant Common Victualer License
7. Requests for 2018 Annual Alcohol Licenses and ABCC Applications – Montano's Restaurant, Truro Vineyards of Cape Cod (Wine and Distillery), Salty Market, and Pamet Valley Package