



Truro Board of Selectmen Meeting

Tuesday, April 23, 2019

Executive Session-4:00pm

Regular Meeting-5:00pm

Truro Town Hall - 24 Town Hall Road

EXECUTIVE SESSION: *Move that the Board of Selectmen enter into Executive Session under MGL Chapter 30 Section 21 Paragraph 3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body, LIUNA, and the the Chair so declares, and reconvene in open session.*

1. PUBLIC COMMENT

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

2. PUBLIC HEARINGS NONE

3. BOARD/COMMITTEE/COMMISSION APPOINTMENTS

- A. Review and Approve Appointment of Darrell Shedd - Zoning Board of Appeals

4. TABLED ITEMS NONE

5. BOARD OF SELECTMEN ACTION

- A. Update on the Conservation Commission Bylaws and Board of Health Regulations
Presenter: Emily Beebe, Health and Conservation Agent
- B. Review and Approve the Year-Round Use Crow's Nest Condominiums
Presenter: Emily Beebe, Health and Conservation Agent
- C. Town Meeting Motion Assignments
Presenter: Rae Ann Palmer, Town Manager
- D. Discussion of Response to Planning Board Open Meeting Law Complaint
Presenter: Board of Selectmen

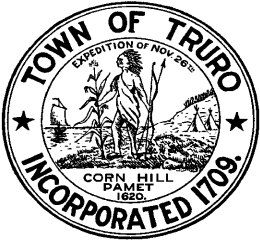
6. CONSENT AGENDA

- A. Review/Approve and Authorize Signature:
 - 1. *Truro Water Service Application for New Service Tap-2 Amanda Lane*
 - 2. *Letter for increased funding for the Community Preservation Act*
- B. Review and Approve 2019 Seasonal Licenses: North of Highland Camping Area (Transient Vendor and Pool Table) and Jules Besch Stationers (Transient Vendor) and Days Market and Deli (Transient Vendor), Captain's Choice (Common Victualer)
- C. Review and Approve Board of Selectmen Minutes: April 4, 2019 Special Meeting, April 9, 2019, and April 11, 2019 Budget Hearing

7. SELECTMEN REPORTS AND TOWN MANAGER REPORT

8. SELECTMEN COMMENTS

9. NEXT MEETING AGENDA: April 30th and May 15th



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Nicole Tudor, Executive Assistant

REQUESTED MEETING DATE: April 23, 2019

ITEM: Application to Serve, Darrell Shedd-Zoning Board of Appeals

EXPLANATION: Darrell Shedd submitted an application to serve for the Zoning Board of Appeals on April 2, 2019. The chairman's recommendation is attached. We anticipate an alternate vacancy in the near future.

SUGGESTED ACTION: *MOTION TO appoint Darrell Shedd as Alternate on the Zoning Board of Appeals for a one-year term starting May 15, 2019 and expiring June 30, 2020.*

ATTACHMENTS:

1. Application to Serve
2. Recommendation from Chair

TOWN OF TRURO



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

APPLICATION TO SERVE ON AN APPOINTED MULTI-MEMBER BODY

NAME: DARRELL SHELD HOME TELEPHONE: [REDACTED]

ADDRESS: 4 FRIENDSHIP WAY WORK PHONE: _____

MAILING ADDRESS: PO BOX 301 E-MAIL: [REDACTED]

FAX: _____ MULTI-MEMBER BODY ON WHICH I WISH TO SERVE: _____

ZONING BOARD OF APPEALS

SPECIAL QUALIFICATIONS OR INTEREST: _____

BOARD OF HEALTH TOWN OF WORTHINGTON, MA 18 YRS. CHAIRMAN 10 YRS.

PLUMBING INSPECTOR TOWN OF WORTHINGTON 26 YRS.

SALVATION ARMY ADVISORY BOARD PITTSFIELD, MA 15 YRS. CHAIRMAN 12 YRS

COMMENTS: WORTHINGTON HEALTH CENTER BOARD OF DIRECTORS 5 YRS. CHAIRMAN 3yrs

SIGNATURE: *Darrell Sheld* DATE: 4/2/2019

COMMENT/RECOMENDATION OF CHAIRPERSON OF MULTI-MEMBER BODY (OPTIONAL) _____

SIGNATURE: _____ DATE: _____

INTERVIEW DATE: _____ APPOINTMENT DATE (IF APPLICABLE): _____

From: [Bertram Perkel](#)
To: [Nicole Tudor](#)
Subject: Re: Applicants for ZBA
Date: Wednesday, April 10, 2019 11:59:17 AM

I have attempted to meet with both applicants for appointment to a position on the ZBA but could only meet with one of them, Darrell Shedd. Brenda Connors did not respond to my email or call me back after I reached her at home and spoke to someone there who, after checking with her, advised that she would return my call.

That said, both applicants have given a detailed summary of what they each see as qualities that show what they would bring to the ZBA if appointed to the Board. While each of them does not have direct experience with the issues that generally come before us, each resume' shows that either of them is more than capable of learning "on the job" which I believe is what many of the Board members have done over the years I have served, both as member and Chair. Indeed I am one of those that did exactly that sitting next to Norman Pope who helped me guide me thru this learning period.

The resume's however are distinguishable in a way that I believe suggests that the background experience of Mr. Shedd makes him the better choice. Mr. Shedd shows a long history of being involved with local government as both an employee and as a member and Chairman of an important Town Board. He also shows that he has a commitment to voluntary public service in his community at large by his long service to to the Salvation Army and his local health center.

Brenda Connors has a very strong resume'. While her professional qualifications are powerful, she has no history of involvement in local government nor in not for profits which are really local in character and I believe that that tips the balance between the candidates for me.

I would recommend the appointment of Mr. Shedd to the ZBA. He will have the same learning curve that all members have had. His application, which shows that he risen from member to chair in several of the community and civic volunteer organizations he serves with, suggests that he is a quick learner and evidences his commitment to his neighbors. I believe that his long term commitment to serving his community as a volunteer speaks well of his ability to serve on a quasi judicial town body.

I would also suggest that Ms. Connors be encouraged to continue to search for ways to contribute to the town as a volunteer. Her resume' is too strong to ignore. The weakest part of her background is her lack of experience in town governance and that is easily correctable by her.

Buddy



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Health and Conservation

REQUESTOR: Emily Beebe, Health and Conservation Agent

REQUESTED MEETING DATE: April 23, 2019

ITEM: Update on Local Regulation Revisions

EXPLANATION: Both the Board of Health and Conservation are considering draft amendments to their regulations. The Board of Health has been working to develop the “water resource protection district” regulation, under Section VII of Board of Health regulations. Under Article 3, the amendments will: define the district boundary; provide definitions; describe use prohibitions, and, create performance standards that will facilitate the use of “best management practices” for existing uses that may present threats to groundwater.

The Conservation Commission has a draft of regulations that will amend their existing rules and regulations under Chapter 8 of the general bylaws. Proposed amendments include definitions, creating and defining performance standards, revising filing procedures and requirements and reformatting.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED:

SUGGESTED ACTION: MOTION TO

ATTACHMENTS:

1. Draft BoH Amendments, Section VII, Article III
2. Draft revisions to “Town of Truro-Policies, procedures, and regulations promulgated pursuant to the wetlands protection act, MGL Ch. 40, s. 8C and the Truro Conservation bylaw.” To become the “Truro Conservation Regulations.”

SECTION VII - WATER RESOURCE PROTECTION REGULATIONS

Article 1-Pamet River Protection District

1. **The Pamet River Protection District.** The Truro Board of Health hereby recognizes and adopts the "Pamet River Protection District" as depicted on Map 11A as the Pamet River Greenway Management Plan and described on Page 57C of said Plan, a copy of which Plan is on file with the Board of Health.
2. **Regulations**
 - a. In the Pamet River Protection District, as defined above, all systems, including all new, replacement and upgraded systems, shall be located and installed at least one hundred and fifty (150') feet from all Wetlands as defined herein, using the setback measurement provisions set forth in 310 C.M.R. 15.211(3).
 - b. Systems located within the Pamet River Protection District which are pumped twice in one year shall be inspected by a licensed System Inspector (as defined in Title 5) and, if deemed a failed system shall be upgraded to meet current Title 5 and Truro Board of Health regulations.
3. **Variances.** Variances may be granted from the above regulations by the Truro Board of Health only when: 1) the variance provisions of Section I of the Truro Board of Health Regulations have been met; and 2) the applicant demonstrates to the satisfaction of the Board of Health that the proposed system will achieve an equal degree of protection to the public health and environment as would a system with the required setbacks.

Article 2 - Hydrogeological Studies

If the Truro Board of Health, in its sole discretion, determines that it is necessary in order to more fully protect the public's health, safety and welfare, and to protect the groundwater and surface waters located within the Town of Truro, the Board may require an applicant to submit a hydrogeological study, prepared by a qualified professional, showing the locations of the proposed system in relation to the groundwater and all surrounding surface waters and describing the estimated effects on the water quality of those resources.

ARTICLE 3: WATER RESOURCE PROTECTION DISTRICT

This regulation shall apply to all applicable properties within the Zone I, Zone II and interim wellhead protection areas (IWPA) located within the Town of Truro. These drinking water supply areas are delineated on a map entitled: "Water Resource Protection" and incorporated into the Truro Zoning Bylaws, and herein.

1. **Definitions:**

Best Management practices (BMP) are activities or practices that have been determined to be an effective and practicable means of preventing or limiting the amount of point and non-point sources of pollution by a specific industry.

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Discharge- to allow a substance to flow out from where it has been confined.

Groundwater protection district

Hazardous material- any agent or item which has the potential to cause harm to humans, animals or the environment either by itself or through interaction with other factors.

IWPA- interim wellhead protection area, pertaining to public supply wells or wellfields that lack a DEP approved Zone II; the IWPA shall be a one-half mile radius measured from the well or wellfield for sources with an approved pumping rate of 100,000 gpd or greater. For wells pumping less than 100,000 gpd the IWPA radius shall be proportional to the approved daily volume as referenced in DEP water supply policy 92-01.

Non-sanitary wastewater- wastewater discharges from industrial an commercial facilities containing wastes from any activity other than collection of sanitary sewage including but not limited to those activities specified in the standard industry classification (SIC) codes set forth in 310 CMR 15.004(6)

Potential public water supply area (?)

Zone I- The immediate radius of protection assigned to a water supply well, the distance being based on the approved daily use. The radius will extend to a distance from 100 feet and up to 400 feet from the well.

Zone II- the delineated recharge area to a public drinking water well as defined by Massachusetts drinking water regulations 310 CMR 22.00, or as mapped

2. Prohibited activities and land uses within the Groundwater Protection area:

- Landfills and open dumps;
- automobile graveyards/metal salvage and junkyards;
- underground storage tanks;
- disposal or stockpiling of treated snow and ice removed from highways/roadways outside the groundwater protection area;
- petroleum, fuel oil and heating bulk oil stations and terminals except for liquefied petroleum gas;
- treatment or disposal works for non- sanitary wastewater (except for: replacement of existing treatment works that will not represent an increase in flow; or publicly owned treatment works.)
- facilities that generate, treat, store or dispose of hazardous waste subject to MGL ch. 21C and 310 CMR 30.000 (except for VSQG's and treatment works for restoration of contaminated areas in compliance with MGL 21E and 310 CMR 40.00)
- existing floor drain systems that discharge to the ground without authorization;
- the use, generation, storage, treatment or disposal of toxic or hazardous qualities greater than those associated with normal household use.

3. The following land uses will require meeting performance standards:

- a. Storage of liquid hazardous materials and/or liquid petroleum products. Storage shall meet the DEP storage criteria pursuant to 310 CMR 22.21(2)(b)(5): storage of liquid hazardous materials, as defined in MGL c 21E and/or liquid petroleum products unless such storage is above ground level and on an impervious surface and in container(s) or above ground tank(s) within a building, or; outdoors in covered

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container(s) or above ground tank(s) designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater. However, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with State and local requirements.

- b. Wastes composed in part or consisting entirely of toxic or hazardous materials shall be retained in product tight containers for removal and disposal by a licensed scavenger service or as directed by the Board of Health.
- c. Rendering impervious any lot or parcel more than 15% or 2500 ft.² (whichever is smaller) unless artificial recharge that will not degrade water quality is provided using methods demonstrated to remove contaminants from stormwater and which are consistent with methods and best management practices described in mass DEP stormwater handbook volumes 1, 2 and 3 as amended. Property owners are required to contain stormwater on their own lot, and not allow it to migrate onto private or public ways or adjacent property.
- d. Storage of pesticides, herbicides, and fertilizers and soil conditioners except for normal household use, or for use in agriculture, horticulture, floriculture or viticulture on parcels of land no more than [redacted] acres provide that storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate and in accordance with the specific conditions of approval from the Board of Health.
- e. Storage of sodium chloride, calcium chloride, chemically treated abrasive or other chemicals for the purpose of snow or ice removal from roads, or the stock piling and disposal of snow or ice containing these substances.
- f. Car washes commercial laundries, dry cleaning facilities or other industry.
- g. Boat or motor vehicle service or repair establishments.
- h. Sewage disposal systems with a waste water flow (as determined by title 5 of the state environmental code) exceeding 110 gallons/day/10,000 ft.² of lot area or exceeding 15,000 gallons per day regardless of size of lot.
- i. Chemical and biological laboratories, or processes that require the use of chemical solvents.
- j. The stock-piling of animal manures, except in a structure with an impermeable cover and liner designed to prevent the generation and escape of contaminated run-off or leachate.
- k. Commercial or recreational uses that require the wholesale removal of natural vegetation with the application of fertilizer, herbicides or chemicals in excess of normal household use.

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4. Variance criteria

- a. Variances may be granted if consistent with this regulation and after consideration of comments received from other Town agencies. In granting a variance the Board of Health must determine that the benefits outweigh the adverse effects. This determination should be based on consideration of at least the following
 - i. the impact on the quality of groundwater;
 - ii. The impact of the recharge volume of groundwater;
 - iii. The reliability and feasibility of any control measures proposed.

iv. The impact on ground water quality and recharge volume if the proposed control measures fail.

b. Where applicable and requested the following information shall be provided to the Board of Health:

- i. Complete list of all chemicals pesticides fuels another toxic or hazardous materials including an estimate of quantities to be used or stored on the premises in amounts greater than those associated with normal household use, accompanied by description of measures proposed to protect such materials from vandalism, corrosion and leakage and to provide for control of spills.
- ii. For storage of toxic or hazardous materials evidence of qualified professional supervision of system design and installation and a plan for leak monitoring and containment during system use.
- iii. Description of toxic or hazardous waste to be generated indicating quantities in storage and disposal methods
- iv. Evidence of approval by the Massachusetts DEP of any industrial waste treatment or disposal system or waste water treatment system over 15,000 gallons per day
- v. Analysis by a professional sanitary civil engineer registered in the Commonwealth of Massachusetts certifying compliance with the applicable portions of this code.

DRAFT

TRURO CONSERVATION REGULATIONS TABLE OF CONTENTS

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Opening Statement
A Guide to Wetlands

SECTION II – SUBSTANTIVE AND PROCEDURAL REGULATIONS

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- 1.05 Activities subject to protection under the Bylaw
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- 1.08 Procedures

Chapter 2.00 Additional Regulations for Wetland Resource Areas

- 2.01 Buffer Zone
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- 2.03 Freshwater wetlands
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- 7.01 The Commission
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APPENDICES

Appendix A: Massachusetts General Law (MGL) Chapter 40; ~~section 8c: Conservation Commission Act~~ ~~Power and Duties of Cities and Towns~~; A

Appendix B: Massachusetts General Law (MGL) Chapter 131; ~~section 40~~; Wetlands Protection Act

Appendix C: Truro Conservation Bylaw

Appendix D: Model Order of Conditions for Erosion Control Projects

Appendix E: Model Escrow for Erosion Control Projects

SECTION I – OPENING STATEMENT

The Primary objective of the Conservation Commission is to protect the community's natural resources. In Massachusetts, Conservation Commissions' authority comes from several sources: the Conservation Commission Act (MGL Chapter 40 section 8C) for open space protection; the Wetlands Protection Act (MGL Chapter 131 section 40) for protecting wetlands and waterways; and the home rule provisions of the state constitution for adopting wetlands bylaws. The Conservation Commission reviews and acts on permit applications for projects within resource areas or 100 foot buffer zones to resource areas.

The Commission invites the public to attend our meetings, become involved, volunteer, request Commission presentations to aid in public awareness about wetlands, and to provide comments on any of the projects brought before us.



A GUIDE TO WETLANDS

WHAT WETLANDS ARE PROTECTED?

By law, wetlands are in part, defined by the kind of plants that grow in them (such as jewel weed, red maples, or skunk cabbage) and the kind of soils that exist there. The Conservation staff or a wetland specialist can help you determine whether you live near a wetland.

The Commission must review any work within a resource area such as a:

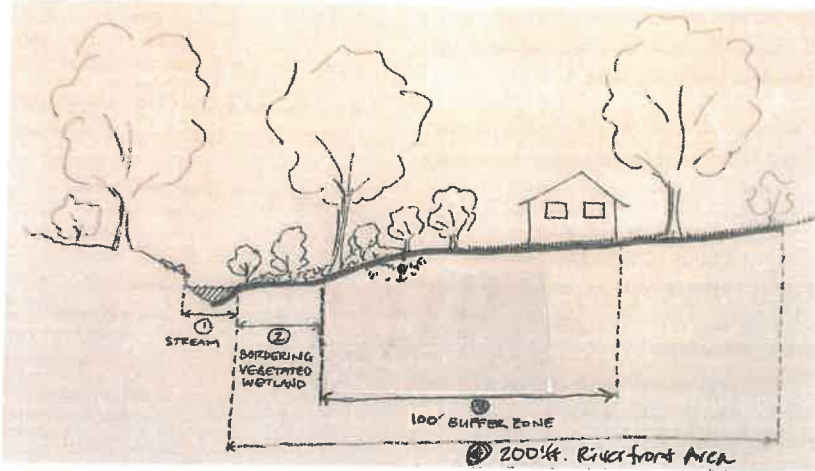
- Swamp, marsh, vernal pool, pond or bog
- Land Subject to tidal action, Coastal Bank, Coastal Beach, Barrier Beach and Coastal Dune
- Activities within 100 feet of any area listed above, known as the Buffer Zone
- Riverfront Area, extending 200 feet from mean annual high water from a stream or river
- Within the 100 year flood zone (Land Subject to Flooding)

Wetlands are valuable because they reduce flooding, provide wildlife habitat, help recharge aquifers, and filter polluted water.

WHAT SHOULD I DO IF I HAVE A PROJECT IN MIND?

1. Determine if your project will occur within a wetland or buffer zone – see the schematic below
2. Call the Conservation Department at 508-349-7004 with any questions you may have.
3. In general, you must fill out a **permit application** (we have the forms for you or you can visit the MassDEP's website), notify your abutters (we have those forms too), attend a **public hearing**. The Commission is responsible for issuing a permit for the work.

SCHEMATIC OF WETLAND AREAS



ALL OF THESE AREAS ARE WITHIN CONSERVATION COMMISSION JURISDICTION

WHAT ACTIVITIES ARE REGULATED?

The Conservation Commission must review all activities that will alter wetlands or their buffer zones.

Regulated activities include:

- Constructing docks, piers, stairways and other structures
- Cutting trees or shrubs
- Reconstructing lawns
- Building or constructing structures or a septic system
- Grading, excavating, or filling
- Changing storm water discharge

As property owner you are responsible for activity that occurs on your property. Before you hire a tree company, landscaper, or contractor call the Conservation Department to determine if you need a permit. cutting of Cutting of whole trees, vista pruning, clearing understory, construction, earth disturbing activities, or drainage altering activities require a permit.

SECTION II – SUBSTANTIVE AND PROCEDURAL REGULATIONS

Chapter 1.00

1.01 Introduction: The “Truro Conservation Regulations”, are promulgated by the Town of Truro Conservation Commission pursuant to the authority granted under Chapter 8 of the Truro Bylaws: “The Truro Conservation Bylaw” as approved by the Annual Town meeting on April 27, 2010. These regulations shall complement the Bylaw and shall have the force of law upon their effective date.

1.02 Purpose: The purpose of these regulations is to define and clarify the process by which the Conservation Commission may carry out its responsibility under the Bylaw.

1.03 Public Interests: These regulations set forth a public review and decision making process to regulate activities affecting the areas subject to protection under the Bylaw. These activities shall be regulated in order to ensure protection and support of the following environmental interest and values:

- **Protection of:** Public and private water supply; groundwater quality and supply; land containing shellfish; fisheries; wildlife habitat
- **Control of:** Flooding; erosion and sedimentation
- **Prevention of:** Pollution; storm damage

1.04 Jurisdictional Areas Subject to Protection under the Bylaw:

The following Wetland Resource Areas Subject to protection under the Bylaw and Regulations:

- a. Any inland bank, freshwater wetland, fresh swamp, fresh-meadow or vegetated wetland
- b. Coastal Dunes, Coastal Banks, Coastal Beach, Barrier Beach, Salt Marsh
- c. Land subject to tidal action;
- d. Vernal Pools and Isolated Land subject to flooding;
- e. Activities within 100 feet of any area listed above, known as the “Buffer Zone”;
- f. Land subject to coastal storm flowage.
- g. Riverfront area, extending 200 feet from the mean annual high water mark.

1.05 Activities Subject to Regulation Under the Bylaw:

- a. Any activity proposed or undertaken within an area specified above in section 1.02 that will, in the judgment of the Commission, remove fill, dredge or otherwise alter

Commented [EB1]: Highlighted text as to format, statement of authority, filing requirements, performance standards and definition of terms that follow in chapter 1.01 through 2.05 are revisions and amendments proposed May 6,2019

Commented [EB2]: Non-highlighted text in the following document was adopted following a public hearing on January 6, 2014, unless noted otherwise.

the protected area, is subject to jurisdiction under the Bylaw and Regulations. This activity shall require the filing of a Notice of Intent or a Request for Determination of Applicability and permission, in the form of an Order of Conditions or a Determination of Applicability or permit, from the Conservation Commission prior to the work proceeding.

b. Activities Outside an area Subject to Protection under the Bylaw.

Any activity proposed or undertaken outside an area specified at above shall not be subject to the jurisdiction of the Commission under the Bylaw and regulations **unless**, in the judgement of the Commission, said activity will or has resulted in the removing, filling, dredging or alteration of any area Subject to Protection Under the Bylaws as described above in section 1.04.

1.06 General Provisions:

a. Burden of Proof:

The applicant shall have the burden of proving by a preponderance of credible evidence that:

1. The activity proposed is **not significant to the protection** of the public interests or environmental values as identified above under section 1.03, or
2. The activity proposed **will contribute to the protection** of the public interests and environmental values as identified above under section 1.03 by complying with the performance standards established for that particular resource area.

If performance standards for a particular resource area are not defined in these Regulations, the Commission shall apply the performance standards for work in that particular resource area as established by the wetland protection act regulations, 310 CMR 10.00.

3. The activity proposed will not have an adverse impact of either an immediate or cumulative nature upon the public interests and environmental values as identified under section 1.03.

b. Burden of Going Forward:

The applicant shall have the burden of going forward with credible evidence from a competent source in support of all matters asserted by the applicant in accordance with their burden of proof pursuant to section 1.06 (a).

c. Continuing liability for compliance with M.G.L. Ch. 131 s. 40 and the Bylaw:

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Regulation or in violation of any Order issued under this Regulation shall forthwith comply with any such order to restore such real estate to its condition prior to such violation.

d. Amendments:

These regulations may be amended in accordance with Article 8, section 12.1 of the Truro Conservation Bylaw.

e. Variances:

1. The Commission may, in its discretion, grant variances from one or more of the Regulations pursuant to the provisions of this section. Variances shall be granted on a case-by-case basis and shall not set a precedent for future Variance requests.
2. The Commission may, in its discretion, grant a Variance for the following reasons and under the following conditions:
 - i. upon clear and convincing proof, provided by the applicant, that the proposed work, or its impacts and effects, will not adversely affect the public interests and environmental values protected by the Bylaw.
 - ii. In exercising its discretion, the Commission shall require a written analysis of reasonable alternatives for the proposed activity which might be undertaken with less adverse impacts on an Area Subject to Protection under the Bylaw as defined in section 1.02 and without deviating from the provisions of these Regulations.
 - iii. The applicant shall provide the Commission with a written alternatives analysis and any other information which the Commission requires to make a decision. Failure of the applicant to provide information within a time period specified by the Commission may result in the denial for a variance request.

f. Severability: The invalidity of any section or provision of this Regulation shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

1.07: Definitions:

a. Unless otherwise defined in the Bylaw or these regulations, the definitions set forth in the Massachusetts Wetlands Protection Act (Massachusetts General Laws, Chapter 131, section 40) and 310 CMR 10.00 shall apply to these Truro Conservation Regulations.

b. Additional Definitions:

Activity: any form of draining, dumping, dredging, damming, discharging, excavating, filling or grading; the construction, reconstruction or expansion of any buildings or structures; the driving of pilings; the construction or improvement of roads and other ways; the changing of run-off characteristics; the intercepting or diverging of ground or surface water; the installation of drainage, sewage and water systems; the discharging of pollutants; the destruction of plant life; and any other changing or alteration of the physical characteristics of land. the application of

fertilizer, pesticides or insecticides; and any other changing of the physical characteristics of land, or of the physical or chemical characteristics of water. Structures shall include, but not be limited to, dwellings, garages, patios, tennis courts, playgrounds, mobile homes, swimming pools, pavement, signs, fences, retaining walls, docks and piers, antennae, utilities, conduits, fuel storage tanks, air-conditioning units, subsurface sewage disposal systems, or other temporary or permanent construction or facility.

Administrative review – A review by the Commission or its agent pursuant to a written application of request to the Conservation Commission to determine whether or not additional filing will be necessary to perform work of a minor nature in an area subject to protection or, if not, whether to approve such work.

Adverse effect: -- A greater than negligible change in the resource area or one of its characteristics or factors that diminishes the value of the resource area to one or more of the interests of the Act or this Bylaw, as determined by the issuing authority. "Negligible" means small enough to be disregarded.

Alter: to change the condition of any *area subject to protection under the Bylaw* as defined above in section 1.04. Examples include, but are not limited to, the following:

- (a) the changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood retention areas; (b) the raising or lowering of the water level or water table; (c) the destruction of vegetation; (d) changes in grade; (e) removal of available habitat by displacement

Bordering Vegetated Wetland (BVW): a freshwater wetland that borders on rivers, streams or ponds, and includes bogs, swamps, marshes and wet meadows. In these areas groundwater is at or near the surface and a part of the vegetational community includes wetland plants, and may present hydric soils. The "bordering" characteristics of a wetland to its parent waterbody may have changed, yet still display hydrology shared with another wetland; the bordering aspect may have been interrupted by an event such as (but not limited to) construction of a roadway, a drainage system or a building or other structure. Thus these resource areas are subject to the Commission's jurisdiction and regulation whether or not they are "bordering".

Buffer Zone: that area of land extending 100 feet horizontally outward from the boundary of *any area subject to jurisdiction under the Bylaw* as defined above in section 1.04. Refer to the general performance standards for work within the buffer zone.

Bylaw: The Town of Truro Bylaws include the "Truro Conservation Bylaw". The Conservation bylaw is Chapter 8 of the general bylaws and was approved by the Annual Town meeting on April 27, 2010; this part of the bylaws is specifically referred to in these regulations as "the Bylaw".

Coastal engineering structure(CES): includes and not limited to any breakwater, bulkhead, groin, jetty, revetment, seawall, weir, riprap, gabions, marine mattress, sandbags, or other structure that is designed to alter wave, tidal or sediment transport processes in order to protect

inland or upland structures from the effects of such processes. Planting of vegetation and placement of biodegradable netting or fabric shall not be considered a CES.
(See 310 C.M.R 10.23).

Coastal Wetland: any coastal bank, coastal dune, barrier beach, saltmarsh, brackish swamp, saltmeadow, tidalflat, land under the ocean, land subject to tidal action, land containing shellfish and land subject to coastal storm flowage.

Coir tube: a rounded structure of coir material approximately 12 feet in circumference, filled with sand and installed along the length at the toe of the coastal bank. These may be constructed with no more than two layers of coir material, as approved by the commission, and may be lined with no more than one layer of jute material.

Commission: The Truro Conservation Commission is referred to in this document as “the Commission”

Competent Source : an expert in a particular field and may include a registered land surveyor, professional civil engineer, wetland scientist, soil scientist, geologist, coastal geologist, hydrologist, botanist, ecologist, oceanographer or forester.

Cumulative adverse effect: --The effect of activities regulated under this Bylaw which may be individually insignificant to the interests and values under this Bylaw, but when considered in relation to other past, or present activities in a given area may be significant to said interests and values in the aggregate.

Fill: to deposit any material so as to raise an elevation, either temporarily or permanently. Fill materials may include, but are not limited to, sand, gravel, loam, shells, stone, concrete and pavement. Untreated wood materials used for pilings shall not constitute fill.

Isolated Wetlands: freshwater wetlands and may include wet meadows, marshes, swamps, bogs and vernal pools which do not border on any creek, river, stream, pond or lake. Isolated wetlands are areas where the soils are saturated and/or inundated such that they support a preponderance of wetland indicator plants, hydric soils or other indicators of hydrology.

Jurisdictional area: Includes wetlands resource areas as defined herein and the 100 buffer as defined above by 1.04 (f)

LSCSF: the abbreviation for land subject to coastal storm flowage. Also described as “Land subject to flooding” and the “flood plain”. LSCSF is a resource area without a buffer zone, and correlates with the mapped flood plain defined by FEMA mapping: the most current maps were accepted by the Town of Truro in 2014 at the Annual Town Meeting.

Marsh (SALT) -- Coastal wetland areas that extend landward up to the highest tide line of the year, and where a significant portion of the vegetation community is adapted to saline conditions and is composed of, but not limited to nor necessarily including all of, the following plants or

groups of plants: salt marsh cord grass (*Spartina alterniflora*), salt meadow cord grass (*Spartina patens*), spike grass (*Distichlis spicata*), black grass (*Juncus gerardi*), groundsel tree (*Baccharis halimifolia*), sea lavender (*limonium carolinianum*), seaside goldenrod (*Solidago sempervirens*), sea blite (*Suaeda maritima*), samphire (*Salicornia europaea*), glasswort (*Salicornia bigelovii*), saltmarsh bulrush (*Scirpus robustus*), salt bush (*Atriplex patula*), seaside plantain (*Plantago juncooides*) and aster (*Aster tenuifolius*).

Migratory Areas -- Those areas used by wildlife moving from one habitat to another whether seasonally or otherwise.

Pond: any open body of fresh water. Ponds may be naturally occurring or man-made by impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended drought. Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds: a.) basins or lagoons which are part of a wastewater treatment plant; b.) swimming pools; c.) storm water retention basins;

Protection of Wildlife: The capacity of an jurisdictional area to provide necessary wildlife habitat (see "wildlife habitat"); and also the ability of any resource area to provide food, breeding habitat, or escape cover for any species falling within the definition of Wildlife set forth in these regulations.

Pruning: the act of removal of dead, dying, diseased or undesirable plant parts to: reduce a hazard; improve plant structure; provide a vista, or to improve plant health.

Resource area: is the specific wetland type or landform listed in section 1,04 of these regulations, and in the Truro Conservation Bylaw, and includes the following: Barrier Beach, Coastal Bank, Coastal Dune, Coastal Beach, Salt Marsh, Land subject to coastal storm flowage, Land under the Ocean, Land containing shellfish, Inland banks, bordering vegetated wetlands, isolated wetlands, vernal pools, isolated land subject to flooding and Riverfront. These are "jurisdictional areas" and may or may not have a buffer zone.

Serpentine fencing (also called "Drift" Fencing): Timber posts shall be dug five (5) to six (6) feet into the beach, connected by 6 to 10 foot spans of fencing comprised of 2"x4" spans and 2"x3" slats. Space between slats is a minimum of 3". Fence posts are usually piles, and are installed alternating 2' on either side of a center line so that a "zig zag" or "serpentine" structure results.

Significant: Plays a role. A resource area is significant to an interest identified in § 196A-1B when it plays a role in the provision or protection, as appropriate, of that interest.

TCR: The Truro Conservation Regulations are referred to in this document as "TCR" or "the regulations."

Vegetated buffer strip: " is the land that extends 50 feet horizontally landward from the boundary of any resource area subject to jurisdiction under the Bylaw as defined at TCR 1.04(1) Buffer Zone (including the 50-foot vegetated buffer strip)

Vernal Pool: any confined depression which, in most years, holds water for a period of time during the year. This body of water is free of adult fish populations and therefore is suitable habitat for breeding amphibians. *The presence of breeding amphibians defines these small ponds and depressions as vernal pools under these regulations.* Some of these pools may provide essential habitat for vernal pool indicator species. All vernal pools, whether certified by the Massachusetts Natural Heritage and Endangered Species Program or not, are protected under these Regulations as freshwater wetlands, and are presumed significant to the values and public interests set forth in these regulations.

Vernal Pool Indicator Species: include but are not limited to Blue-spotted salamander (*Ambystoma laterale*), Jefferson salamander (*Ambystoma jeffersonianum*), Marbled salamander (*Ambystoma opacum*), Four-toed salamander (*Hemidactylum scutatum*), Wood Frog (*Rana sylvatica*), Eastern Spadefoot toad (*Scaphiopus holbrookii*), Spring Peeper (*Pseudacris crucifer*) Spotted turtle (*Clemmys guttata*), Wood turtle (*Clemmys insculpta*), Blanding's turtle (*Emydoidea blandingii*), Fairy shrimp (*Eubranchipus* spp.), and Fingernail clams (*Psidiidae* spp.).

Wetland Resource Area : *any area subject to jurisdiction under the Bylaw and as defined in section 1.04 in these regulations and are "jurisdictional areas".*

Wildlife: -- Wildlife includes all nondomestic animals, including but not limited to, mammals, birds, reptiles, amphibians, fish and the habitat required by these animals for nesting, cover and food, with the exception of species of the Class Insecta which have been determined by the Commonwealth of Massachusetts to be a pest whose protection would be a risk to man. The definition encompasses but is not limited to all vertebrate and invertebrate species listed by state and federal agencies as endangered, threatened or of special concern.

Wildlife Habitat: -- Those resource areas subject to Conservation Commission jurisdiction which, due to their plant community composition and structure, hydrologic regime or other characteristics, provide important food, shelter, migratory or overwintering areas or breeding areas for wildlife.

1.08: Procedures

- a. The procedures, requirements and definitions set forth in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131 s. 40) and regulations (310 CMR 10.00) are hereby incorporated and made a part of these Regulations subject to the following:
 1. Where the procedures and requirements set forth in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131 s. 40) and its implementing regulations of 310 CMR 10.00 differ or depart from these regulations or the Bylaw, the Bylaw and Regulations shall prevail except when making an application for an Ecological Restoration Project. Ecological

Restoration Projects shall conform to the procedures set forth in 310 CMR 10.11 Actions Required Before Submitting a Notice of Intent for an Ecological Restoration Project and 10.12: Notice of Intent for an Ecological Restoration Project.

2. Where the language and definitions and the general performance standards of the Truro Bylaw or Truro Conservation Regulations are more definitive or protective than those set forth in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131 s. 40) and the regulations of 310 CMR 10.00, the language and definitions and general performance standards of the Truro Bylaw and the Truro Conservation Regulations shall prevail.

b. Filing Requirements: All applications (Request for Determination of Applicability, Notice of Intent, Abbreviated Notice of Intent, Abbreviated Notice of Resource Area Delineation) shall include, at a minimum, all of the following:

1. A written narrative that completely describes the proposed work, including without limitation: structural and foundation information; the methods, materials and equipment to be used; the proposed means of access to the site; the area(s) where materials are proposed to be stored/staged; proposed mitigating measures and means of erosion control;
2. Locus map showing the location of the property where work is proposed ;
3. Site Plan including but not limited to all of the following:
 - i. Delineation of all wetland resource areas subject to protection under the Bylaw as set forth at TCR 1.04 and the Massachusetts Wetlands Protection Act, including the location of the 50-ft. Filter Strip, and the 100-ft. Buffer Zone as defined herein;
 - ii. Calculations of disturbance within jurisdictional areas shall be provided on the site plan. These calculations shall describe what is existing and proposed, in square feet and per location. Disturbance within the jurisdictional area will include a description of the amount and types of alteration within the resource areas, and between 0-50', and 50' -100' of the buffer;
 - iii. property boundaries;
 - iv. The names of the abutting property owner(s) shall be noted on the plan;
 - v. Location of existing and proposed structure(s);
 - vi. Square footage of areas of existing and proposed disturbances;
 - vii. Elevations shown in NAVD 88 datum;
 - viii. All plans shall be on sheets no larger than 11" x 17"
 - ix. Plans shall be emailed to Conservation Office, or submitted no later than 30 minutes before the hearing on a thumb-drive.

4. Re-vegetation Plan including a species list and planting schedule (if applicable);
5. Proper filing fees;
6. Ten (10) copies of the packet described in 1-4 above and 3 copies of the application shall be submitted to the Truro Conservation Commission; One (1) copy of the complete packet and application shall be sent to the DEP's Southeast Regional Office via certified mail with return receipt.

c. Property Owner Signature Required: If there is more than one property owner, a list of additional property owners should be attached to the Notice of Intent. In the case of multiple property owners, all owners must indicate assent to the proposed project. Where properties are held in condominium or cooperative ownership, the assent of the Condominium or Cooperative Board of Trustees, as evidenced by a record of vote or other written approval by such Board must be obtained and submitted to the Commission. Where an agent presents the application on behalf of a property owner, the owner(s) of record must indicate their assent to the agent's application, including assents of multiple owners and condominium association board. Where an agent acts in a fiduciary capacity, such as guardian, trustee, administrator or executor, written evidence of appointment shall be included.

d. Notice to abutters. Where required by the MA wetland protection act regulations applicants shall provide notification to all abutters of the application and the date, time and place of hearing by certified mail, return receipt requested within 10 calendar days of the hearing date. Abutters include any property owner within 300 feet of the property lines of the land where the work is proposed. Applicants for projects located on *Beach Point* (as defined by the area on Shore Road from Knowles Heights Road to Provincetown) shall be required to notify abutters within 100' of the property. (Note: lists of abutters can be obtained from the Town of Truro Assessors Office. The Notification letter must describe the project in detail, and must state where copies of the Notice of Intent can be obtained or examined, as well as the date, time and place of hearing.

NOTE: CERTIFIED MAIL RECEIPTS (return "green cards") MUST BE PRESENTED TO THE COMMISSION OR ITS AGENT PRIOR TO THE START OF THE PUBLIC HEARING.

e. Applications that include changes in the topography, elevation or grade on a property shall include a site plan that shows the existing and proposed site conditions including topography/elevation; the location of all existing and proposed structures; and the boundaries of all Wetland Resource Areas.

f. Certificate of Compliance:

1. Upon Completion of the work described in the Order of Conditions, the applicant shall request in writing the issuance of a Certificate of Compliance stating that the work has been satisfactorily completed.

2. If the Commission determines, after review and inspection, that the work has not been done in compliance with the Order of Conditions, it may refuse to issue a Certificate of Compliance until an as-built plan and or an additional filing has been made.
3. If a project has been completed in accordance with plans stamped by a registered professional engineer, architect or land surveyor, a written statement by such a professional person certifying substantial compliance with the plans and setting forth what deviation, if any, exists from the plans approved in the Order shall accompany the request for a Certificate of Compliance.
4. If the Order of Conditions contains conditions which continue past the completion of the work, such as maintenance, nourishment or monitoring, the Certificate of Compliance shall specify which, if any, of such conditions shall continue. The Certificate shall also specify to what portions of the work it applies, if it does not apply to all the work regulated by the Order.
5. The Certificate of Compliance shall be recorded in the Land Court or Registry of Deeds, whichever is appropriate. Certification of recording shall be sent to the Commission on the form at the end of Form 8

g. Enforcement : Pursuant to the provisions of M.G.L. Ch. 40 § 21D and the Town of Truro General Bylaw Article 8 section 11-2, the Conservation Commission may issue fines of up to \$ 300 per violation per day for any violation of any provision of the Truro Conservation Bylaw and Regulations.

2.00: Additional Regulations for Wetland Resource Areas

2.01: Buffer Zone (including the 50-foot vegetated buffer strip):

a. Statements of significance:

1. The 100-foot Buffer Zone is likely to be significant to public and private water supply, ground water quality and supply, flood control, erosion and sedimentation control, storm damage prevention, prevention of pollution, the protection of land containing shellfish, the protection of fisheries and the protection of wildlife habitat.
2. The Buffer Zone is a transitional area that extends 100-feet horizontally into the uplands from the landward boundary of any freshwater wetland, inland bank, coastal wetland, coastal bank, beach, dune, flat, marsh, wet meadow, bog, swamp, estuary, creek, river, stream, pond, lake, the lands under these bodies of water and the land under the ocean.
3. The composition of the vegetation, topography, and soils within undisturbed buffer zones is widely variable, the diversity of which contributes to all of the public interests and environmental values protected under the Truro Conservation Bylaw.
4. Vegetated buffer zones reduce impacts to wetland resource areas by moderating the effects of storm water flow. Undisturbed vegetation stabilizes the soil which prevents

erosion; filters suspended solids, nutrients, and harmful or toxic substances; and moderates water level fluctuations.

5. Vegetated buffer zones, and the woody debris, fallen leaves and organic matter associated with naturally vegetated areas, reduce the velocity and erosive force of storm water flow through the Buffer Zone, and allow suspended sediments to settle out and the storm water to infiltrate into the ground before reaching wetlands and surface waters. Nutrients and contaminants associated with storm water runoff are taken up and utilized by plants and microorganisms or are adsorbed into the soils. The removal of sediment and nutrients by the plants and soils within the buffer zone protects wetlands and waterways from potential algal blooms and other impacts to surface water quality. Trees and shrubs within the buffer zone provide soil stability and shade to adjacent wetlands and water bodies which helps to control water temperature, aquatic vegetation, dissolved oxygen concentration and nuisance algae growth within surface waters.
6. The diversity of trees, shrubs and woody debris provides important food, cover, thermal protection, nesting, roosting and breeding sites for large and small mammals, birds, reptiles and amphibians. Contiguously vegetated buffer strips also provide valuable wildlife corridors. The Town of Truro is host to a variety of rare plants and wildlife that depends on habitat requirements provided by the Buffer Zone.
7. Exotic and/or invasive vegetation within the buffer zone reduces the natural productivity and value of these areas.
8. The Buffer Zone is essential to the protection of wetland resource areas. The ability of the Buffer Zone to provide the benefits and environmental values that are protected under the Truro Conservation Bylaw is directly proportional to the width of the Buffer Zone provided. Therefore any activity proposed within the Buffer Zone shall avoid, minimize and/or mitigate any adverse impacts in order to provide the greatest level of protection to the public interests and environmental values protected under the Bylaw.

b. Definition, Critical Characteristics and Boundary

1. The Buffer Zone is that area of land extending 100-feet horizontally landward from the boundary of any resource area as defined above in section 1.04, a-e. The Buffer Zone shall be further sub-divided to include:
2. The "50-foot vegetated buffer strip" which extends 50 feet horizontally landward from the boundary of any resource area subject to jurisdiction under the Bylaw as defined above in section 1.04, a-e.

c. Presumption of Significance:

Where a proposed activity involves work within the 100-foot buffer zone the Commission shall presume that such area is significant to the interests and environmental values specified in the Bylaw. This presumption may be overcome only upon clear and

convincing proof, provided by the applicant that the buffer zone does not play a role in the protection of said interests and environmental values protected by the Bylaw.

d. General Performance Standard

1. Where the presumption set forth above is not overcome, any proposed work in the buffer zone shall not adversely impact or otherwise impair any portion of said area.
2. Where the buffer zone overlays other resource areas subject to protection under the Bylaw, the applicable performance standards for each resource area shall be independently and collectively applied and the project appropriately conditioned to protect all stated interests.
3. The Commission may issue an Order of Conditions permitting work in the Buffer Zone provided that the applicant has submitted a written alternatives analysis that examines all practicable alternatives to the project which would further minimize impacts to the buffer zone and demonstrates that all impacts can be properly mitigated.
4. Activities within the buffer zone shall avoid, minimize and mitigate adverse impacts. The purpose of evaluating project alternatives is to locate activities so that impacts to the buffer and resource areas are avoided to the extent practicable. As much of a project as feasible shall be sited outside the buffer zone. If locating a project entirely outside the Buffer Zone is not practicable, the alternatives shall be evaluated in order to locate the project as far as possible from the resource areas, Area Subject to and thereby minimize impacts to the buffer zone.
5. An alternative shall be considered practicable if it is available and capable of being done. Practicable alternatives may include realignment, reconfiguration or re-sizing of project components to minimize impacts to the Buffer Zone. Projects involving demolition of an existing structure and reconstruction of a new dwelling shall be subject to an alternatives analysis.
6. Where no practicable alternatives are available or capable of being done which would otherwise avoid or minimize adverse impacts to the buffer zone, the following standards shall apply:
 - a. **No Significant Adverse Impact:** Within the 100-foot buffer zone, the Commission may allow the total alteration of up to 3000 square feet subject to the following:
 - i. The total alteration of the land area within the buffer zone shall be calculated in square feet to describe what is currently altered or developed, and what is proposed. Total alteration shall include disturbed areas such as (but not limited to) building footprint, driveways, pathways, yard areas and lawns.

- ii. The alteration calculations shall describe the amount and types of alterations between 0-50, and 50-100' of the buffer. *Any area where vegetation is to be removed or where soils will be disturbed shall be included in this calculation.*
- iii. The area within the limit of work will reflect the limit of the altered area and shall be shown clearly and accurately on all plans submitted to the Conservation Commission at the time of filing.
- iv. At a minimum, a 50-foot-wide area of undisturbed vegetation (the vegetated buffer strip) shall be provided between the wetland resource area and the work.
- v. If there is not a 50-foot-wide area of undisturbed vegetation within the Buffer Zone, the existing vegetative cover shall be preserved and/or extended beyond 50-feet in some areas by re-vegetating with native plants to the maximum amount feasible in order to approximate a 50-foot-wide corridor of native vegetation.
- vi. On previously developed or disturbed sites, all work proposed within the buffer zone shall result in an improvement of the existing conditions and an enhanced capacity of the resource area(s) and buffer zone to protect the public interests and environmental values protected under the Bylaw.
- vii. The Conservation Commission may require, as mitigation for new alteration within the buffer zone: re-vegetation and restoration of areas previously altered or disturbed within the buffer zone; rerouting existing roof runoff through gutters and roof drains which direct roof drainage into drywells or leaching pits; and may require drainage improvements and/or other mitigating measures.
- viii. Expansion of existing structures within the buffer zone may be allowed provided that:
 - a. No new structure or addition to an existing structure shall be located closer to a wetland resource area than existing conditions.
 - b. The area of the proposed disturbance and all previously disturbed areas shall not, cumulatively, exceed the 5,000-square foot threshold for allowable disturbance within the buffer zone.
- ix. Projects which include substantial demolition (i.e. removal of more than one exterior wall) and subsequent reconstruction of a dwelling shall be considered a new building and shall site as much of the project as possible outside of the buffer zone. Projects for expansion of existing homes greater than 25% of the existing size, as measured in

square footage of the foundation or cubic footage of the structure, shall be considered a new building and shall site as much of the project as possible outside of the Buffer Zone.

- x. All new construction projects within the Buffer Zone shall address how stormwater drainage will be managed. The project must ensure that runoff from built and developed areas will drain directly into the soil on the subject site and will not runoff onto neighboring properties or streets. Methods to address drainage will include but not be limited to vegetated swales, rainwater gardens, catchbasins, use of gutters and roof drains, drip lines with crushed stone; and pervious and dry-laid stone.
- xi. Driveways within the buffer zone shall be constructed with pervious materials such as crushed stone. Permeable pavers with a void space of less than 30% are not considered compliant with this requirement.
- xii. Cutting, pruning, lifting the canopy, limbing or other destruction of above ground vegetation shall be limited. View clearing or vista pruning will not be permitted without a specific view corridor identified.
- xiii. When pruning is permitted, it shall be for the removal of dead, diseased, obstructing and weak branches as well as thinning of branches to lessen wind resistance. Shrubs must retain their natural shape and features such as fruits and flowers by selecting the optimum height and pruning different branches in alternate years.
- xiv. When vista cutting is the only viable option in a heavily vegetated lot, the Commission may allow the removal of no more than 20% of the tree canopy.
 - 1. All trees proposed for removal must be clearly flagged on site and shown on a site plan.
 - 2. When vista pruning, and cutting is proposed, specific windows of view (containing top, sides, and bottom and not devoid of one species) be identified and shown on a plan. Filtered vistas are encouraged and can be accomplished through pruning and lifting.
 - 3. Topping is not permitted.
 - 4. Clear cutting and cutting from property line to property line is prohibited. Violations may be assessed using a count of trees cut.
 - 5. When lifting is proposed, the health of the tree must be considered as well as the impact to wildlife. In no instance, shall more than 1/3 of the above ground trunk be pruned.

6. Dead and diseased trees may be removed if they endanger a structure or live vegetation.
7. The Commission shall require the replacement planting of native shrubs and trees in areas proposed for tree removal. A 3:1 replacement of shrubs for mature trees (6" dbh or greater) and a 2:1 replacement for sapling trees (less than 6" dbh) is desired.

b. For lots and subdivisions recorded after May 6, 2019 , the alternatives analysis shall include all alternatives available prior to subdivision of the lot(s) and all work shall be located outside the 100- foot Buffer Zone.

2. Within the 50-foot vegetated buffer strip, the Commission may issue an Order of Conditions allowing the following activities:

- a. Pruning to reduce a hazard, to improve tree or plant structure, to provide a reasonable vista, or to improve the health of trees and shrubs.
- b. Selective Cutting of vegetation
- c. Removal of invasive species
- d. Planting of native vegetation
- e. Habitat management activities designed to enhance the values protected by the Truro Conservation Bylaw;
- f. Construction and maintenance of unpaved pedestrian access paths not more than 4-feet in width;
- g. Maintenance of existing structures, utilities, storm water management structures;
- h. Construction and maintenance of water dependent structures and uses; Construction of new utility lines where the proposed route is the best environmental alternative;
- i. Septic system maintenance and, if a system has failed, repair/replacement meeting state/local standards where the disturbance to the buffer zone is avoided and/or minimized to the maximum extent practicable;
- j. Construction, maintenance, repair/replacement of drinking water wells;
- k. Maintenance, repair and drainage improvements on existing roadways and driveways.

3. The following activities are prohibited within the 50-foot vegetated buffer strip:

- a. New and/or expanded lawn and garden areas; underground irrigation
- b. New structures including but not limited to homes, buildings, swimming pools, sheds and decks;
- c. Expansion of existing structures including but not limited to homes, buildings, sheds and decks;

2.02 Additional requirements for Activities located in Resource Areas

1. The following activities are prohibited within Wetland Resource Areas:

- a. New and/or expanded lawn and garden areas; underground irrigation
- b. New structures including but not limited to homes, buildings, swimming pools, docks and piers, sheds and decks;
- c. Expansion of existing structures including but not limited to homes, buildings, sheds and decks;

2. Within resource areas, the Commission may issue an Order of Conditions allowing the following activities:
 - a. Pruning to reduce a hazard, to improve tree or plant structure, to provide a reasonable vista, or to improve the health of trees and shrubs.
 - b. Selective Cutting of vegetation
 - c. Elevated stairways over a Coastal Bank and Inland Bank
 - d. Removal of invasive species
 - e. Planting of native vegetation
 - f. Habitat management activities designed to enhance the values protected by the Truro Conservation Bylaw;
 - g. Septic system maintenance and, if a system has failed, repair/replacement meeting state/local standards where the disturbance to the resource area is avoided and/or minimized to the maximum extent practicable;
 - h. Construction, maintenance, repair/replacement of drinking water wells;

2.03: Freshwater Wetland:

a. Definition, Critical Characteristics and Boundary:

1. Freshwater wetlands include, but are not limited to, wet meadows, marshes, swamps and bogs, isolated wetlands, bordering vegetated wetlands and vernal pools. Freshwater wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants or, in the absence of vegetation and in areas where the vegetational community has been disturbed or altered, are areas that have characteristics of hydric soils or other indicators of wetland hydrology including, but not limited to the presence of oxidized rhizospheres and buttressed or water-stained tree trunks. Freshwater wetlands include Vernal Pools as defined at TCR 1.04.
2. Presumption of Significance : Where a proposed activity involves the removing, filling, dredging or altering of a freshwater wetland, the Conservation Commission shall presume that such area is significant to the interests and environmental values of the Truro Conservation Bylaw.
3. General Performance Standards:
 - a. Removing, filling, dredging or draining of freshwater wetlands, whether they are bordering or not, is prohibited.
 - b. The buffer to freshwater wetlands often provides critical habitat for wetland and upland species of wildlife. Permanent alteration of wildlife habitat in the buffer of a freshwater wetland is prohibited.

2.04: Coastal Bank

a. Definition, Critical Characteristics and Boundary:

1. Coastal Bank means the seaward face or side of any elevated landform, *other than a coastal dune*, which lies at the landward edge of a coastal beach, land subject to tidal action, or other coastal wetland. Coastal banks shall be delineated in accordance with the Massachusetts Department of Environmental Protection Wetlands and Waterways Policy: Coastal Banks: Definition and Delineation Criteria for Coastal Banks (DEP Policy 92-1). These regulations are enacted pursuant to the authority granted under the Truro Conservation By-Law and are expressly intended to provide greater protection than that provided under the state Wetlands Protection Act and regulations promulgated thereunder in order to protect Truro's beaches, a natural resource of great economic and environmental value to the Town.

1. Presumption of Significance:

- a. Where a proposed activity involves work on a Coastal Bank, the Commission shall presume that such area is significant to storm damage prevention, flood control, erosion control, prevention of pollution, protection of land containing shellfish, protection of fisheries, and protection of wildlife habitat. This presumption may be overcome only upon clear and convincing proof that the Coastal Bank does not play a role in the protection of said interests and environmental values protected by the Bylaw and if the Conservation Commission makes a written determination to that effect.
- b. Coastal Banks that have all or a portion of the bank within a FEMA V- zone of the mapped 100-year coastal floodplain are significant to storm damage prevention or flood control because they supply sediment to coastal beaches, coastal dunes, barrier beaches or tidal flats. The ability of the coastal bank to erode in response to wave action is critical to the protection of said interests and environmental values.
- c. When the Conservation Commission determines that a Coastal Bank is significant to storm damage or flood control because it acts as a vertical buffer to storm surges, the stability of the bank and the natural resistance of the bank to erosion caused by wind, rain, and storm water runoff is critical to the protection of said interests and environmental values.

b. Performance Standards:

1. Coastal banks along the bay side of Truro have experienced accelerated rates of erosion, at times from a single storm event. The Commission will allow an "erosion control" project only as an *interim* measure, and in all cases shall require the property owner to submit plans to move or remove threatened structures as a condition of allowing such projects.
2. The Truro Conservation Commission is of the opinion that coir tube installations, and similar structures, are "coastal engineering structures" within the meaning of the DEP Regulations 310 C.M.R 10.30 (3), and that, as such, installation of coir tubes and similar projects are prohibited for the protection of buildings

constructed after 1978. However, by letter dated February 18, 2011, and incorporated herein by this reference, the Truro Conservation Commission was informed by DEP that the Department views this type of structure as a “soft solution” to stabilize eroding banks, which is a permitted structure under the cited regulation. In the event that DEP reconsiders its interpretation of 310 C.M.R. 10.30 (3) the Truro Conservation Commission reserves the right to rescind these regulations and to prohibit installation and maintenance of coir tube projects and similar structures within the Town of Truro.

- a. When a Coastal Bank is determined to be significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes or barrier beaches the following performance standards shall apply:
 - i. A well vegetated bank provides significant resistance to storm damage, therefore the Commission requires extensive planting of the coastal bank as part of any erosion control project, including re-planting as on-going maintenance in all projects.
 - ii. In the case of an “erosion control” project permitted under these regulations, these standards must be met by a showing, by substantial evidence, that a sufficient quantity of beach nourishment and “sacrificial” sand will be provided as part of the project to ensure that the movement of sediment and sediment supply will not be adversely affected by the project.
 - iii. Projects shall fully comply with the “sample order of conditions for coir tube projects” in order to be permitted on the bay side of Truro as set forth.
 - iv. In no event shall an engineered structure or “coir tube” project be permitted as an erosion control project on the Ocean side of Truro.
 - v. In all “coir tube” projects, only one row of drift or serpentine fencing may be installed or utilized at the property. Layered Drift fencing shall only be permitted under special circumstances and in limited areas, and shall be sought by application for a waiver.
 - vi. Serpentine Fencing with Coir Tube Project: A single installation of Serpentine fencing may be incorporated in a coir tube project. No additional serpentine fencing shall be permitted except on clear and convincing proof of extraordinary circumstances.
 - vii. Hardened fencing, seawalls, revetments, bulkheads and other “coastal engineering structures” shall not be allowed, except as specifically provided in 310C.M.R. 10.30 (3) to protect structures

constructed prior to 1978. In addition to the requirements on such projects imposed by 310 C.M.R. 10.30(3), no such project shall be permitted on the Bay Side of Truro unless a “coir tube” project has been previously approved and installed and has failed, where such failure is not solely attributed to failure to maintain sand cover and vegetation.

- viii. Maintenance or repair of existing bulkheads and revetments shall only be by prior approval of the Truro Conservation Commission, and may include the requirement for sand nourishment to the beach as required.
- ix. A model order of conditions is attached to these regulations and incorporated herein. No waivers from these required orders shall be allowed except upon clear and convincing scientific proof that the proposed waiver will improve the ability of the coastal bank to provide storm damage protection, prevent flooding and contribute sediment to the littoral system.
- x. Escrow agreement: Every erosion control project shall include a requirement that the property owner establish an escrow account with the Town of Truro in accordance with the requirements of the Model Escrow Agreement attached to these regulations and incorporated herein. This agreement allows the Conservation Commission to remove any project as to which the owner fails to perform ongoing maintenance as required by the Commission.
- xi. No variance or waiver of this requirement shall be granted by the Commission. Remaining escrow funds, if any, may be returned to the property owner when the erosion control project is removed.

c. General requirements

1. Notice of Intent (NOI): A Notice of Intent is required for initial installation of any Erosion Control project, and for all serpentine fencing, including repairs and maintenance.

2. Ongoing Maintenance: The model order of conditions requires ongoing maintenance of coir tube erosion control projects, and sets forth conditions for performance of this ongoing maintenance. These conditions **may** be continuing conditions which shall survive the issuance of a certificate of compliance.

3. Amended Order of Conditions: A request for an Amended Order may be filed in the event that **unanticipated** changes occur in the configuration of the bank which causes substantial change in a project which has not received a Certificate of Compliance.

4. All projects shall specify dates for commencement and completion. All projects may only begin after Columbus Day and must be completed prior to April 15, provided however that the project area is clear of nesting shorebirds as confirmed by the conservation agent or designee. Planting of native material may continue after April 15, provided all materials and access to the site are over the owner's property and not by beach transport.

5. All construction equipment shall only access the site from the beach, and only travel along the beach below the mean high tide line. Absent a showing by clear and convincing evidence that access to the coastal bank across the applicant's property is impossible, no sand shall be trucked or transported to the site down the beach. All sand shall be brought to the site from the top of the bank at the applicant's property.

6. All access from Town Landings shall require proper permitting/authorization from the Truro Select Board.

7. Beach construction and restoration work shall not be performed on weekends or holidays, nor before 8:00 a.m. or after 6:00 p.m. on weekdays.

8. Properties between the public access point for the project and the project locus shall be considered abutters and shall be notified of any erosion control projects in the same manner and at the same time as other abutters.

9. A stairway or boardwalk may be permitted over a Coastal Bank provided that it has no adverse impact on the form and function of the Coastal Bank and the following criteria are met:

- a. With the exception of the pilings, all other parts of the stairway or boardwalk shall be elevated 18 inches above the surface of the ground.
- b. All stairways shall follow the contours of the land as closely as possible.
- c. Stairways shall incorporate open risers.
- d. Decking planks shall be spaced a minimum of ½ inch apart.
- e. The stairway structure shall be no more than 4 feet in overall width, including but not limited to the supporting posts and hand rails.
- f. The preservative treatment for any wood touching the surface of the ground shall be non-toxic. Use of CCA and creosote treated lumber is prohibited.
- g. The Commission may allow a resting landing on a stairway that shall seat no more than two individuals in some instances due to the height, steepness or other factors of the bank.
- h. All stairways shall be maintained in good condition. Stairways that fail or collapse shall be removed or repaired immediately.
- i. All stair designs shall design the stair sections in the flood plain as removable.
- j. all stair designs should use batten boards on the upslope side of the support posts to reduce erosion;

2.05: Land Subject to Coastal Storm Flowage

a. definition and characteristics

1. Land subject to coastal storm flowage (LSCSF) may include coastal beaches, salt marshes, banks, barrier beaches, salt ponds, dunes, land containing shellfish, land under the ocean, and banks of and land underlying fish runs as defined in the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00).
2. LSCSF is important for the protection of public and private water supply, groundwater and groundwater quality, flood control, erosion and sedimentation control, storm damage prevention, water pollution prevention, wildlife and wildlife habitat, fisheries, and shellfish.
3. The wetland values of specific resource areas, including those identified above, that lie within the area of LSCSF and are otherwise addressed in the Bylaw and these regulations are incorporated in this section.
4. A healthy and undisturbed LSCSF supports the resource area values discussed below. These values should not be adversely affected and should be enhanced when and where necessary.

a) Storm Damage Prevention:

1. LSCSF includes land that lies at the margin between upland and land subject to average (normal) coastal and wind-driven processes. When coastal conditions are not the norm - during extreme high tides and hurricanes, for example - the need for the land to absorb flood waters and buffer inland areas from flood and wave damage is significant.
2. Velocity zones (V-zones) and over wash zones (AO-zones) of LSCSF are areas which are subject to hazardous flooding, wave impact and in some cases significant rates of erosion as a result of wave impact and scour.
3. Alteration of land surfaces in A, V, and AO zones can change drainage characteristics resulting in increased flood damage on adjacent properties.
4. The topography, soil structure (e.g., composition, size, density & shape), vegetation, vulnerability to erosion and permeability of the land surface within V- and AO-zones are critical characteristics which determine how effective an area is in dissipating wave energy and in protecting areas within and landward of these zones from storm damage and flooding.
5. A gentle and permeable seaward-sloping land surface is more effective at reducing the height and velocity of incoming storm waves. Wave energy is expended in eroding and transporting materials comprising the land surface within the V- and AO-zones, as well as by percolation or the downward movement of storm water through more permeable land surfaces, thereby lessening the effects of backrush, scour and erosion.

6. Dredging or removal of materials within the V- and AO-zones can act to increase the landward velocity and height of storm waves thereby allowing them to break farther inland and to impact upland and wetland resource areas which might not otherwise be affected.

7. Filling and placement of solid fill structures within V- and AO-zones may cause the refraction, diffraction and/or reflection of waves, thereby forcing wave energy onto adjacent properties, natural resources, and public or private ways, potentially causing otherwise avoidable storm damage.

8. When struck with storm waves, solid structures within V- and AO-zones also may increase localized rates of erosion and scour (Shore Protection Manual, US Army Corps of Engineers, 1984 V. 1, pg. 5-3 & 5-5).

9. Placing man-made structures in floodplain areas may result in direct and collateral damage to such structures during storm and heavy rain events, by wave impact and flood water inundation, and by storm-driven debris.

10. In some cases, the placement of fill in hydraulically restricted portions of the coastal floodplain may increase flood levels in heavy rainfall events. The placement of fill in AH-zones, where ponding occurs generally as a result of over wash in coastal floodplains, may increase flood levels on the subject and adjacent properties above pre-fill flood levels.

b. Prevention of Pollution

Natural or relatively undisturbed coastal floodplains (LSCSF) can reduce erosion and sedimentation, and in a vegetated state can prevent pollutants contained in surface runoff from directly entering waterways and other wetland areas during flood events. Since the floodplain contains areas in which the water table is close to the surface, during a coastal storm, pollutants in the flood plain, including the contents of septic systems and fuel tanks, are likely to affect public and private water supply, groundwater quality, wildlife and wildlife habitat, fisheries and shellfish. However, undisturbed LSCSF can help abate the potential adverse impacts of pollutants through vegetation absorption.

c. Wildlife Habitat

LSCSF areas are low-lying areas that are ecologically transitional between marine/estuarine ecosystems and upland areas. Resource areas within the 100-year floodplain are critical habitats for a large variety of wildlife species. For example, salt marshes provide habitat for many crustaceans and mollusks and serve as critical nursery areas for numerous fin fish species which in turn provide food for species higher up in the food chain, e.g., herons, osprey, mink and raccoon. These resource areas also provide important over-wintering and stopover areas for many species of waterfowl. Coastal floodplains (LSCSF) adjacent to other wetland resource areas provide important wildlife functions, such as nesting and roosting habitat, and serve as wildlife corridors connecting coastal zone resources with freshwater wetland

resources. Adjacent areas within the coastal floodplain also serve as transitional zones needed to protect the coastal wetland resources' ability to provide essential habitats (Guidance Specifying Management Measures for Sources of Non-point Pollution in Coastal Waters, EPA, 1993; Castelle, et al., 1992, pgs 5 & 6).

d. Sea Level Rise

Areas of coastal floodplains (LSCSF) which are immediately landward of salt marshes, coastal beaches, barrier beaches, coastal dunes or coastal banks require special protection. These areas are likely to be in a state of transition as the entire complex of coastal wetland resources gradually moves landward as sea levels rise. For thousands of years, relative sea level has been rising in Massachusetts, and it is still rising, resulting in gradual inundation of landward area. Historic sea level measurements indicate that relative sea level in Massachusetts is rising at approximately 1 foot per 100 years.

As sea level rises, the shoreline may retreat, and areas of the coastal floodplain will successively be inundated more frequently by storm and tidal activity. Activities carried out within these special transitional areas of coastal floodplains may interfere with the natural landward migration of the adjacent coastal resource areas. Maintaining these special transitional areas in their natural state are critical to the protection of the interests of other wetland resources found within LSCSF.

b. Presumption of Significance:

Where a proposed activity involves work within LSCSF the Conservation Commission shall presume that such area is significant to the interests and environmental values of the Truro Conservation Bylaw. This presumption may be overcome only upon clear and convincing proof, provided by the applicant that the area in discussion does not play a role in the protection of said interests and environmental values protected by the bylaw and if the Conservation Commission makes a written determination to that effect.

c. Performance Standards

1. In addition to the performance standards set forth in paragraphs 2.05 a and b, the following standards shall also be applied to work within Land subject to coastal storm flowage:

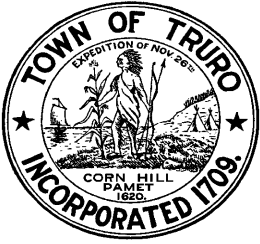
Any activity proposed on LSCSF shall not:

- a. Reduce the ability of the resource to absorb and contain flood waters;
- b. Reduce the ability of the resource to buffer more inland areas from flooding and wave damage;
- c. Displace or divert flood waters to other areas;
- d. Cause or create the likelihood of damage by debris to other structures on land within the flood plain (collateral damage);
- e. Cause ground or surface pollution triggered by coastal storm flowage;
- f. Reduce the ability of the resource to serve as a wildlife habitat and migration corridor through activities such as, but not limited to the removal of vegetative cover and/or installation of fencing and other similar structures.

3.00 Consultants

3.01 Purpose. As provided by G.L. Ch. 44 §53G, the Truro Conservation Commission may impose reasonable fees, payable by an applicant before the Commission, for the employment of outside consultants, engaged by the Conservation Commission, for specific expert services. Such services shall be deemed necessary by vote of the Commission to come to a final decision on an application submitted to the Conservation Commission pursuant to the requirements of: the Wetlands Protection Act (G.L. Ch. 131 §40), the Truro Local Conservation By-Law, Conservation Commission Act (G.L. Ch. 40 §8C), or any other state or municipal statute, bylaw or regulation, as they may be amended or enacted from time to time. The Conservation Commission may also impose fees, payable by an applicant before the Commission, for other consultant services, related to application review, or permit conditioning or monitoring, under any of the above-referenced laws or regulations. Fees imposed by the Commission shall be commercially reasonable.

1. Special Account. Funds received pursuant to these rules shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Conservation Commission without further appropriation as provided in G.L. Ch. 44 §53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a consultant fee has been collected from the applicant. Expenditures of accrued interest may also be made for these purposes.
2. Consultant Services. Specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, hydrogeologic and drainage analysis, impacts on municipal conservation lands, and environmental or land use law. Services may also include on-site monitoring during construction, or other services related to the project deemed necessary by the Commission. The consultant shall be chosen by, and report only to, the Commission and/or its administrator. The consultant chosen should have qualifications relevant to the tasks to be undertaken.
3. Notice. The Conservation Commission shall give written notice to the applicant of the selection of an outside consultant. Such notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.
4. Payment of Fee. The fee must be received prior to the initiation of consulting services. The Commission may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the request for payment, or refusal of payment, shall be cause for the Commission to deny the application based on lack of sufficient information to evaluate whether the project meets applicable performance standards in 310 CMR 10.00 and the Truro Conservation By-law or its regulations. An appeal stops the clock on the above deadline; the countdown resumes on the first business day after the appeal is either denied or upheld. A denial for lack of information may be based solely on the lack of the third party consultant review identified as necessary by the Commission. The Commission shall specify



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Health Department

REQUESTOR: Emily Beebe, Health and Conservation Agent

REQUESTED MEETING DATE: April 23, 2019

ITEM: Crow's Nest Condominium Year-Round Conversion, step 1 and step 2

EXPLANATION: Crow's Nest Condominiums located at 496 Shore Road, with 21 units, is requesting conversion from Seasonal to Year-Round use, per [§ 40.3 Conversion of Cottage or Cabin Colony, Motor Court, Motel, or Hotel](#). This recently amended Zoning bylaw allows existing condominiums to convert to year-round use if the condominiums meet building, health and safety codes.

Crow's Nest Condominium Association approved the conversion and amended their documents accordingly. The process then requires the vote of the Board of Selectmen to approve removing the seasonal covenant. The vote should be held prior to required code improvements and signed upon completion of the work.

FINANCIAL SOURCE (IF APPLICABLE):

IMPACT IF NOT APPROVED: Crow's Nest Condominium Association will not have year-round use of their 21 condominium units.

SUGGESTED ACTION: MOTION TO *approve the year-round use and removal of the seasonal covenant for Stones Throw Condominiums located at 496 Shore Road.*

ATTACHMENTS:

1. Step 1 and 2 Year-Round Application
2. Amendment to the Master Deed and Association Vote

\$ PAID
~~#2742~~

Step 1- Pre Application

OCT 22 2018

RECEIVED BY:



TOWN OF TRURO

Condominium Conversion Application

Date: 10/18/18
Establishment Name: Crow's Nest Condominiums
Property Address: 496 Shore Rd.
Mailing Address: 804 Broadway, Raynham, MA. 02767
Designated representatives: James McCusker/Jeff Wade
Telephone: 508-454-5006
Email: mail@jamesmccusker.com

24 Town Hall Road
PO Box 2030
Truro, MA 02666
508-349-7004
Tel (508)-349-7004
Fax (508)-349-5508

Att: James McCusker

Map 7 parcel D

Property Compliance Checklist- preliminary file research

Health

- Current Title V inspection report
- 105 CMR 410 – Minimum Standards for Human Habitation – general compliance

Conservation

- If any required site work is in a resource area or buffer zone make proper filings with Truro Conservation Commission
- If any dwelling units are in a flood hazard zone provide elevation certificates

Site and Utilities

- Water - If on town water provide sign-off from Provincetown Water Department regarding suitability of on-site distribution system for year-round use.
- Gas – individually metered units if source is common tank
- Electric – units are individually metered

Building (based on 780 CMR – 9th edition)

- Egress, light and ventilation – compliant with R102.6.4
- Bedroom and basement emergency escape and rescue openings – compliant with R310
- Energy – compliant with Ch. 11 and 2015 IECC 505 w/ appendix AA (stretch code)
- Fire protection – compliant with R313 and R314. For multifamily units (3 or more per building) compliance with 2015 IBC, Ch. 9, with MA amendments.

Notes

1987 System (2 Systems)
Septic (inspection done in 2010).
? on SF for Studio's per Boff Regs and Min Standards for habitation
31 Bedrooms / 21 units

letter from Ptown Water Supply?

- Fire separation assemblies – for single and two unit dwellings compliant with R302 and for multiunit buildings compliant with Ch. 7
- Laundry connection per 248 CMR 10.10(o), properly connected to septic system
- Install 1.6 gallons/flush toilets
- For all gas-fired appliances install code-compliant vents
- Upgrade wall and above-counter electric outlets
- For new circuits install arc-fault circuit breakers
- All kitchen appliances on individual circuits

YES ✓
 Verify @ inspection 1.4 ✓

Step 2 site visit notes:

Property Constructed in 2003

Sprinklers tested every year
 Steve Nardelli 781-589-5052

all vents below roof line are galvanized

Managers Unit = Studio Unit 21 +
 2 Bed unit adjacent +
 identified as Unit 1

2BR
 UNITS: 1, 12, 13, 14, 15, 16, 17, 18 = 16
 STUDIOS: 4, 7, 10, 11 = 4
 1 BR: 2, 3, 5, 6, 8, 9, 20, 19 = 8

"Managers": 3 Bedrooms = 3
 [Unit 1 + Unit 21] = 3 Bedrooms

Connected Each has full kitchen

- gas fireplace *
- Basement under Unit 1
- Elec metered
- Single meter on Proprietor's side
- Oil/Water " "
- + Paid @ by Association as "Common Expense"
- + is included in the Master Deed.
- Balcony system inspected by PE in 2017

42 Parking spots
 2 per unit

Applicant acknowledges and understands content of checklist. The checklist hereby becomes part of the Conversion Application

James T. McAusker
 Signature

James T. McAusker
 print name

10/18/18
 date


PAID
#2756

1/17/19

Step 2:

Condominium Conversion Application

TOWN OF TRURO



24 Town Hall Rd.
PO Box 2030
Truro, MA 02666
Tel (508) 349-7004
Fax (508) 349-5508

Date: 1/10/19

Establishment Name: Crows Nest Condominium

Property Address: 496 Shore Rd

Mailing Address: 804 Broadway • Raynham MA 02761

Designated representatives: James McCusker

Telephone: [REDACTED]

Email: [REDACTED]

HEALTH DEPARTMENT
TOWN OF TRURO

JAN 10 2019

RECEIVED BY:

Scheduled for 1/17/19

Please identify the type of conversion being sought:

- Existing Cottage Colony/Motel to seasonally restricted use (year-round manager's unit allowed)
- Existing Cottage Colony/Motel to year-round use (full property or individual units)
- Existing Condominium to year-round use (full property or individual units)

Current number of:	Units	<u>21</u>	Bedrooms	<u>31</u>
Proposed number of:	Units	<u>21</u>	Bedrooms	<u>31</u>

Submit the following documents in support of this application:

Completed Declaration of Covenant (for newly created condominiums --seasonal or year-round use)

Completed Modification/Removal of Covenant (existing condominiums)

Parking plan (newly created condominiums) ON FILE
approved: _____
Building Commissioner date

Septic Plan (if required by Health Dept.) ON FILE
approved: EB 4/1/19
Health Agent date

Current Septic System Inspection Report ON FILE 1987, Wm Rogers Plan
date year of installation

Property Compliance Checklist from Step 1 - Pre Application

Comments of the Health Agent

Inspected all units, which meet min Standards for habitability. ✓
Resolved issues w/ # of units. ✓
1987 Septic Designed by Wm. Rogers : 2 systems inspected 2018 ✓
0.89 acre 3850 GPD Wastewater ✓ last pumped in 2015 ✓
Water Use ave = 1376 GPD (2013/2016/2017) ✓

S Beebe April 1, 2019
Health Agent date

Comments of the Building Commissioner

Owner To "RE-ESTABLISH" Opening Between
Unit #1 and Office Area. Permit Applied
For AND All work Complete AS OF 4-1-19

[Signature] 4-2-19
Building Commissioner date

The Town of Truro, as represented by its Select Board shall execute the attached Covenant subject to the successful completion of the required actions outline in the Condominium Conversion Process.

This application has been approved by the undersigned:

Select Board

_____ date

JAN 10 2019

RECEIVED BY

AMENDMENT TO THE MASTER DEED

CROW'S NEST CONDOMINIUM

We the undersigned, being the owners of Units within Crow's Nest Condominium (the "Condominium"), a condominium in Truro, Massachusetts created pursuant to Master Deed dated April 26, 2004 and recorded with the Barnstable County Registry of Deeds in Book 18588, Page 72 (the "Master Deed"), entitled to seventy-five (75%) percent or more of the undivided interest in the common areas and facilities, pursuant to Section 8 of the Condominium, amend Section 6 the Master Deed to read as follows:

6. Use of the Units.

The Building is intended to be used only for residential purposes, and no use may be made of any Unit except for seasonal residential purposes; provided, however, that until all the Units have been sold by the Declarant, the Declarant may use one or more Units for sales offices and model showrooms and in furtherance thereof may place signs and placards as Declarant determines, in the Common Areas and have the use of the parking spaces therefor. Units may be rented provided they comply with the foregoing (and all other) provisions hereof.

Anything to the contrary notwithstanding, the owner or owners of Unit 1 shall be entitled to use Unit 1 for the purposes of: (a) the business of the rental of other Units in the Condominium; (b) the business of the rental of other properties; and (c) the business of listing,

buying and/or selling other real estate whether pursuant to a real estate broker's license, a real estate salesperson's license, or otherwise.

Anything to the contrary notwithstanding, should the Town of Truro allow year-round use, rental or occupancy of Units within the Condominium, any Units within the Condominium may be used, rented or occupied so long as such Units properly comply with requirements under Town of Truro By-Laws for such year-round use,

WITNESS our execution hereof under seal this 9th day of ~~December~~ ^{January, 2019}, 2018.

I/we, owners of Units 1, 16, 18, 20 and 21 of Crow's Nest Condominium, entitled to (in the aggregate) 27.25% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.

COASTAL CAPE DEVELOPMENT, INC.

By: 

James T. McCusker, President and Treasurer

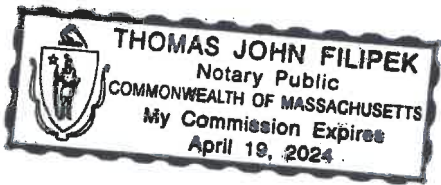
I/we, owners of Units 12, 13 and 14 of Crow's Nest Condominium, entitled to (in the aggregate) 15.75% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.


James T. McCusker

COMMONWEALTH OF MASSACHUSETTS


Bristol, ss.

On this 9th day of ~~December, 2018~~ ^{January, 2019}, before me, the undersigned notary public, personally appeared James T. McCusker, President and Treasurer as aforesaid, proved to me through satisfactory evidence of identification, which was his driver's license, to be the person whose name was signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Coastal Cape Development, Inc.



Thomas John Filipek
- Notary Public
My commission expires: April 19, 2024

I/we, owners of Unit 2 of Crow's Nest Condominium, entitled to 4.50% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.



Jeffrey S. Wade



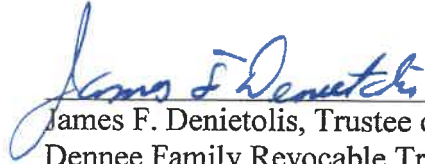
Pamela J. Wade

I/we, owners of Units 3, 8 and 10 of Crow's Nest Condominium, entitled to (in the aggregate) 12.75% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.

 12/15/18

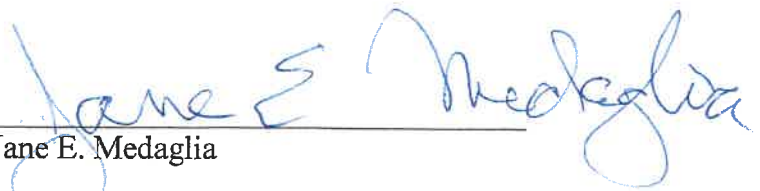
Stephen McHugh

I/we, owners of Unit 4 of Crow's Nest Condominium, entitled to 3.75% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.


James F. Denietolis, Trustee of
Dennee Family Revocable Trust



William J. Needell, Trustee of
Dennee Family Revocable Trust

I/we, owners of Unit 5 of Crow's Nest Condominium, entitled to 4.50% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.




Jane E. Medaglia

I/we, owners of Unit 6 of Crow's Nest Condominium, entitled to 4.50% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.



Susan Shepherd




Marcia Hams

I/we, owners of Unit 7 of Crow's Nest Condominium, entitled to 3.75% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.

MDD TRUST, LLC

By:


Mark Dowdall, Manager

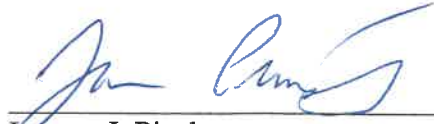
12/22/2018

I/we, owners of Unit 9 of Crow's Nest Condominium, entitled to 4.50% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.

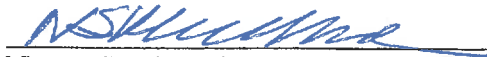
DUNCAN BAILEY PROPERTIES, LLC

By: Thomas Pflepsen
Thomas Pflepsen, Manager

I/we, owners of Unit 11 of Crow's Nest Condominium, entitled to 3.75% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.



Lauren J. Pinsley



Nancy S. Klepsch


12/15/18

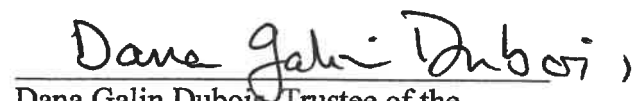
I/we, owners of Unit 15 of Crow's Nest Condominium, entitled to 5.25% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.

Joan F. Thompson


Joan F. Thompson, Trustee of the
Joan Thompson Living Trust

I/we, owners of Unit 17 of Crow's Nest Condominium, entitled to 5.25% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.

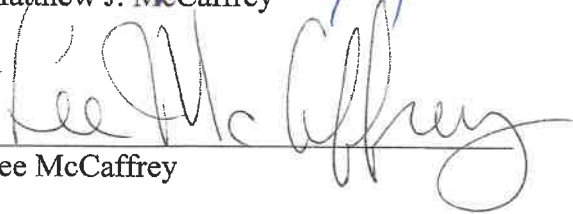

Leonard A. Dubois, Trustee of the
Dubois Realty Trust


Dana Galin Dubois, Trustee of the
Dubois Realty Trust

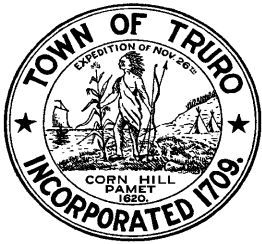
I/we, owners of Unit 19 of Crow's Nest Condominium, entitled to 4.50% of the undivided interest in the common areas and facilities therein, hereby assent to and join in amending the Master Deed of Crow's Nest Condominium.



Matthew J. McCaffrey



Lee McCaffrey



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: April 23, 2019

ITEM: Assignment of Town Meeting Article Motions

EXPLANATION: Historically, the Board determines which select person will move each article. Attached for your review and determination of movers are the motions for the 2019 Annual Town Meeting articles. Please note that the motion for the Walsh Property Acquisition was amended to reflect community input.

SUGGESTED ACTION: Discussion of motions and determination of movers.

ATTACHMENTS:

1. Motions for Town Meeting Articles

Article 1: Authorization to Hear the Report of Multi-member Bodies

Move to hear reports of any multi-member body, whose annual report was not published in the 2018 Annual Town Report.

Mover:

Article 2: Authorization to Set the Salary of the Board of Selectmen

Move to set salary for the Board of Selectmen, as printed in the warrant.

Mover:

Article 3: Authorization to set the Salary of the Moderator

Move to set the salary for the Town Moderator as printed in the warrant.

Mover:

Article 4: Amendments to the FY2019 Operating Budget

Move to appropriate from Free Cash the amounts listed in the warrant to supplement the operating budgets of the various Town departments for the current fiscal year.

Mover:

Article 5: FY2020 Omnibus Budget Appropriation

Move to appropriate the sum of twenty million, eighty-nine thousand, six hundred fifteen dollars (\$20,089,615) to defray the expenses and charges of the Town of Truro in Fiscal Year 2020 (the period from July 1, 2019 through June 30, 2020), including the costs of public education, debt service and interest payments, and to meet said appropriation as printed in the warrant.

Mover:

Article 6: Transfer of Funds from Free Cash

SECTION 1: TO REDUCE OR STABILIZE THE FY 2020 TAX RATE

Move to transfer One Million dollars (\$1,000,000.00) from Free Cash to reduce or stabilize the 2020 Tax Rate.

SECTION 2: TO THE OPEB TRUST FUND

Move to transfer the sum of three hundred twenty-eight thousand twelve dollars and forty-two cents (\$328,012.42) from free cash to the Other Post-Employment Benefits (OPEB) Trust Fund.

Mover:

Article 7: Transfer of Retiree Drug Subsidy Receipts to OPEB Trust

Move to transfer from the general fund to the OPEB Trust the sum of seventy-one thousand nine hundred eighty-seven dollars and fifty-eight cents (\$71,987.58), the Retiree Drug Subsidy (RDS) money that the Cape Cod Municipal Health Group received for prescription drug claims incurred by Medicare recipients from July 2010 through December 2014.

Mover:

Article 8: Transfer of Funds from Capital Stabilization Fund (Two-thirds vote.)

SECTION 1: FOR REPLACEMENT OF HEATING AND COOLING MINI-SPLITS

Move to transfer the sum of twenty-one thousand dollars (\$21,000) from the Capital Stabilization Fund to replace the heating and cooling mini-splits.

SECTION 2: FOR REPLACEMENT OF TRURO CENTRAL SCHOOL BOILER SYSTEM

Move to transfer the sum of one hundred seventy thousand dollars (\$170,000) from the Capital Stabilization Fund to replace the existing Truro Central School boiler system with a high-efficiency boiler system.

Mover:

Article 9: Council on Aging Revolving Fund

Move to set the spending limit for the COA Revolving Fund for Fiscal Year 2020 at forty thousand dollars (\$40,000.00).

Mover:

Article 10: Authorization to Expend Funds in Anticipation of Reimbursement for State Highway Assistance Aid

Move to appropriate all sums provided to the Town pursuant to the Chapter 90 Highway Assistance Program of the Massachusetts Department of Transportation for purposes consistent with said program.

Mover:

Article 11: Acquisition of Property- Parcels 43-8, 43-7, 43-134, 43-133, 43-135, 43-9, 43-10, 43-226, 43-13, 43-2 (Two-thirds vote.)

Move that the Board of Selectmen is authorized to acquire by purchase, gift, eminent domain, or otherwise, the following parcels of land:

3 Walsh Way (Assessor's Parcel 43-8)

A parcel of land, with all buildings and improvements thereon, located at 3 Walsh Way, Truro, Massachusetts, containing .502 acres, more or less, being Assessor's Parcel ID No. 43-8, and being the premises described in a deed recorded with the Barnstable County Registry of Deeds in Book 27849, Page 58; and

Walsh Way (unnumbered), (Assessor's Parcel 43-7)

A parcel of land, with all buildings and improvements thereon, located at Walsh Way, Truro, Massachusetts, containing .32 acres, more or less, being Assessor's Parcel ID No. 43-7, and being the premises described in a deed recorded with the Barnstable County Registry of Deeds in Book 2263, Page 116; and

5 Walsh Way (Assessor's Parcel 43-134)

A parcel of land, with all buildings and improvements thereon, located at 5 Walsh Way, Truro, Massachusetts, containing .781 acres, more or less, being Assessor's Parcel ID No. 43-134, and being the premises described in a deed recorded with the Barnstable County Registry of Deeds in Book 2263, Page 116; and

6 Walsh Way (Assessor's Parcel 43-133)

A parcel of land, with all buildings and improvements thereon, located at 6 Walsh Way, Truro, Massachusetts, containing .45 acres, more or less, being Assessor's Parcel ID No. 43-133, and being the premises described in a deed recorded with the Barnstable County Registry of Deeds in Book 2263, Page 116; and

7 Walsh Way (Assessor's Parcel 43-135)

A parcel of land, with all buildings and improvements thereon, located at 7 Walsh Way, Truro, Massachusetts, containing 2.793 acres, more or less, being Assessor's Parcel ID No. 43-135, and being the premises described in a deed recorded with the Barnstable County Registry of Deeds in Book 2263, Page 116; and

8 Walsh Way (Assessor's Parcel 43-9)

A parcel of land, with all buildings and improvements thereon, located at 8 Walsh Way, Truro, Massachusetts, containing 3.688 acres, more or less, being

Assessor's Parcel ID No. 43-9, and being the premises described in a deed recorded with the Barnstable County Registry of Deeds in Book 2263, Page 116; and

10 Walsh Way (Assessor's Parcel 43-10)

A parcel of land, with all buildings and improvements thereon, located at 10 Walsh Way, Truro, Massachusetts, containing .974 acres, more or less, being Assessor's Parcel ID No. 43-10, and being the premises described in a deed recorded with the Barnstable County Registry of Deeds in Book 17034, Page 46; and

12 Walsh Way (Assessor's Parcel 43-226)

A parcel of land, with all buildings and improvements thereon, located at 12 Walsh Way, Truro, Massachusetts, containing .974 acres, more or less, being Assessor's Parcel ID No. 43-226, and being the premises described in a deed recorded with the Barnstable County Registry of Deeds in Book 17034, Page 46; and

13 Walsh Way (Assessor's Parcel 43-13)

A parcel of land, with all buildings and improvements thereon, located at 13 Walsh Way, Truro, Massachusetts, containing 2.24 acres, more or less, being Assessor's Parcel ID No. 43-13, and being the premises described in a deed recorded with the Barnstable County Registry of Deeds in Book 15998, Page 329; and

10A Walsh Way (Assessor's Parcel 43-2)

A parcel of land, with all buildings and improvements thereon, located at 10A Walsh Way, Truro, Massachusetts, containing 57.173 acres, more or less, being Assessor's Parcel ID No. 43-2, and being the premises described in a deed recorded with the Barnstable County Registry of Deeds in Book 25648, Page 111;

Said parcels to be under the care, custody, control, and management of the Board of Selectmen to be held for general municipal purposes; that the sum of five million, one hundred dollars (\$5,100,000) is appropriated to pay the purchase price of the foregoing properties, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. No sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts needed to repay any bonds or notes issued pursuant to this vote from the limitations imposed by M.G.L. c. 59, §21C (Proposition 2 ½). The Board of Selectmen is hereby authorized and directed to **create a committee, which shall**

*include citizen representatives from diverse sectors of the community. The committee will lead a community wide process, beginning in **June** 2019, to engage a wide range of Truro residents in developing plans for the use of the property to be presented at a future town meeting for approval.*

Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and further to authorize the Board of Selectmen to execute all documents and instruments, including without limitation, land development, land disposition, purchase and sale, or other agreements, deeds, easements, upon such terms and conditions as the Board of Selectmen deems appropriate.

Mover:

**Article 12: Borrowing Authorization for Eagle Neck Creek Repair/ Improvement
(Two-thirds vote)**

Move That the Town appropriates One Million Dollars (\$1,000,000), to pay costs associated with engineering services, construction, and remediation related to tidal restoration and drainage improvements at Eagle Neck Creek, including, but not limited to, the removal and replacement of two failed twenty-four inch culverts on Old County Road, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to p M.G.L. c. 44, §7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor. No sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts needed to repay any bonds or notes issued pursuant to this vote from the limitations imposed by M.G.L. c. 59, §21C (Proposition 2 1/2). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Mover:

Article 13: Community Preservation Act

SECTION 1: CONTRIBUTION TO THE AFFORDABLE HOUSING TRUST FUND

Move to appropriate the sum of fifty-six thousand, four hundred thirty-four dollars and no cents (\$56,434) from Projected Community Preservation Act Surcharge Revenue, to the Truro Affordable Housing Trust Fund.

SECTION 2: PREDEVELOPMENT MONEY FOR THE CLOVERLEAF PROPERTY

Move to appropriate the sum of forty thousand dollars and no cents (\$40,000) from Projected Community Preservation Act Surcharge Revenue to commence predevelopment for the community housing complex planned for 22 Highland Road and Route 6 (Assessor's Map 36, Parcel 238).

SECTION 3: EDGEWOOD FARM HISTORIC PRESERVATION PROJECT PHASE 4

Move to appropriate the sum one hundred twenty-five thousand dollars and no cents (\$125,000) from Projected Community Preservation Act Surcharge Revenue for the restoration and preservation of three historic buildings at Edgewood Farm, subject to a grant agreement and a deed restriction.

SECTION 4: PHASE 4 PRESERVATION AND RESTORATION OF HIGHLAND HOUSE MUSEUM

Move to appropriate the sum of two hundred and four thousand dollars and no cents (\$204,000) including one hundred, thirty-two thousand, five Hundred, forty-eight dollars (\$132,548) from Projected Community Preservation Act Surcharge Revenue, and seventy-one thousand, four hundred fifty-two dollars and no cents (\$71,452) from Community Preservation Act Undesignated Fund Balance for the fourth phase of the preservation and restoration of The Highland House Museum, subject to a grant agreement.

SECTION 5: ADMINISTRATIVE SUPPORT

Move to appropriate the sum of twenty-eight thousand, one hundred and forty-eight dollars (\$28,148) from Projected Community Preservation Act Surcharge Revenue for the administrative expenses of the Community Preservation Committee.

Mover:

Article 14: Expanding Residential Property Exemption: Home Rule Petition

Move to authorize the Board of Selectmen to petition the General Court to enact special legislation expanding the residential property tax exemption, as set forth in the warrant.

Mover:

Article 15: 0.5% Real Estate Transfer Fee: Home Rule Petition

Move to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a 0.5% real estate transfer fee as set forth in the warrant. .

Mover:

**Article 16: Use Secret Voting at Town Meetings and Special Town Meetings-
Petitioned Article**

Move to

Mover: Petitioner

Article 17: Establish a Truro Climate Action Committee- Petitioned Article

Move to

Mover: Petitioner



TOWN OF TRURO

Board of Selectmen Agenda Item

BOARD/COMMITTEE/COMMISSION: Board of Selectmen

REQUESTOR: Board of Selectmen

REQUESTED MEETING DATE: April 23, 2019

ITEM: Open Meeting Law violation -Planning Board

EXPLANATION: For your review and discussion please view the Open Meeting Law violation filed by Kristen Reed on April 9, 2019 regarding the Planning Board, and the Response of the Truro Planning Board.

FINANCIAL SOURCE (IF APPLICABLE):

IMPACT IF NOT APPROVED: n/a

SUGGESTED ACTION: Discussion only.

ATTACHMENTS:

1. Open Meeting Law Complaint-Planning Board-Filed by Kristen Reed
2. Response of the Truro Planning Board on the Open Meeting Law Complaint Filed April 9, 2019.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Office of Town Clerk
Treasurer – Tax Collector

APR - 9 2019

Received TOWN OF TRURO
By *[Signature]*

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Kristen Last Name: Reed

Address: P.O. Box 1307

City: Truro State: MA Zip Code: 02666

Phone Number: [Redacted] Ext. _____

Email: kreed@truro-ma.gov

Organization or Media Affiliation (if any): Truro Select Board Member

Are you filing the complaint in your capacity as an Individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Truro Planning Board

Specific person(s), if any, you allege committed the violation: Peter Herridge & Karen Tosh

Date of alleged violation: 3/20/2019



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- To file the complaint:
 - For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- The chair must disseminate the complaint to the members of the public body.
- The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On March 20th, 2019 I attended a meeting of the Town of Truro Planning Board in my dual capacities as citizen and Select Board member, in order to hear public comments. I was disturbed to see members of this Planning Board both passing notes to each other and texting, during an open meeting while citizens were speaking. Besides being inappropriate and unprofessional, passing private notes in such a session is, to the best of my understanding, in flagrant violation of open meeting law, as it can be considered a private deliberation. Open-meetings laws—or 'sunshine laws'—are designed to ensure that the public may participate in political policy-making by mandating that the deliberations of government officials be done in public view and with public input.

I have taken the time to document each of the instances in question, and provide the relevant timestamps below as they appear in the official broadcast. In particular, I would like to draw attention to the following occasions: At timestamp 50:31 of the broadcast (hyperlink provided below), Planning Board member Karen Tosh reaches over to Planning Board member Peter Herridge and removes a single piece of paper from his stack of papers in front of him and proceeds to write on it. At 51:45 Tosh passes it back to him to read. At 51:50, after Herridge has read her comments, Tosh retrieves the same paper and continues writing on it. At minute 51:54 she returns the paper back to Herridge so he may see her additional writing. At 1:34:35 Herridge begins writing a note and then at 1:34:44 passes said note to Tosh so she may view its contents. At 1:34:48 Herridge turns his note over to conceal and suppress his communication from the public process. At 1:34:58 Herridge leans over to whisper privatively in Tosh's ear.

Both of these members are elected officials who have a duty of accountability and transparency regarding public business. As members of a public body they have special ethical obligations to the citizens of Truro and are expected to conduct themselves in a manner that guarantees that our public has the ability to be fully aware of the entire deliberative process. To this end, as stewards of the public trust, public fiduciaries have a duty to avoid any appearance of impropriety. Texting during an open session, while it does not constitute a violation of law, nevertheless detracts from the public trust in the openness of deliberation and the commitment of our elected representatives to act on our behalf. Without public trust, government doesn't work.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

I request that your entire board re-familiarize itself with the Massachusetts Open Meeting Law (hyperlink provided below) and that Karen Tosh and Peter Herridge publicly acknowledge and apologize in a future meeting for their inappropriate and transgressive behavior during the March 20th, 2019 Town of Truro Planning Board meeting.

<https://www.mass.gov/files/documents/2017/09/25/2017%20Guide%20only.pdf>

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 4/9/19

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:



Truro

PLANNING BOARD

Search

Planning Board 3-20-2019



[Show Details](#)

Show details

Show ID: **2897**

Event date: **3/21/2019**

Upcoming air times

There are currently no upcoming air times.

TTV

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RESPONSE OF THE TRURO PLANNING BOARD
OPEN MEETING LAW COMPLAINT FILED APRIL 9, 2019

At the Truro Planning Board meeting held on April 17, 2019, at the hour of 5:00 p.m., the Chair presented the Open Meeting Complaint filed by the Truro Select Board, by and through its representative, Kristen Reed, a member.

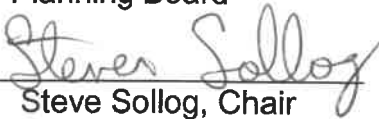
The Board deliberated and voted 5-0-2 to adopt the response prepared by Karen Tosh and Peter Herridge, along with their affidavits and Exhibit A to the affidavit of Karen Tosh, as the full Board's response to the Complaint.

Those documents are attached hereto and incorporated herein by reference as collective Exhibit 1.

This the 19th day of April, 2019.

Truro Planning Board

By:


Steve Sollog, Chair

Steve Parker
Truro Planning Board
Truro Town Hall
24 Town Hall Road
Truro, MA 02666

April 16, 2019

Dear Steve,

Attached is our response to the Open Meeting Law complaint filed with the Truro Town Clerk on April 9, 2019. In addition, affidavits by both Karen Tosh and Peter Herridge and other material are included. This material is in support of our response to the OML complaint. We respectfully request that all this material be made available to the entire Planning Board and made part of the permanent record. We are hopeful that the Planning Board will adopt our response as the response of the entire Board.

Thank you,

Peter Herridge

A handwritten signature in blue ink that reads "Peter Herridge".

Karen Tosh

A handwritten signature in blue ink that reads "Karen Tosh".

RESPONSE TO OPEN MEETING LAW COMPLAINT

Complainant: The Town of Truro Select Board, by and through
Its representative, Kristen Reed, a member

Date filed: April 9, 2019 in the Truro Town Clerk's Office

Subject: Communication between Karen Tosh and Peter Herridge

Occurrence: Planning Board Meeting on March 20, 2019

INTRODUCTION

On April 9, 2019, Kristen Reed, a member of the Truro Select Board, filed an Open Meeting Law ("OML") Complaint with the Truro Town Clerk, purporting to represent the entire Select Board, as stated on page one of her Complaint.

The Complaint alleges a "flagrant violation," of the OML because of a note passed from Karen Tosh to Peter Herridge, and his response. Also, though Reed concedes that using a mobile phone for texting is not in violation of the OML, she nonetheless complains about it.

The Complaint demands that the entire Planning Board "re-familiarize" itself with OML, and that Ms. Tosh and Mr. Herridge publicly apologize for their "transgressive" behavior.

FACTS

The law is well-settled that communication, written or oral, between board members, when a quorum is present, that is unrelated to the business of the board, is not a violation of OML, contrary to the Select Board's assertion of a "flagrant violation."

Ms. Tosh and Mr. Herridge, both of whom are lawyers and knew at the time that their communications did not violate the OML have provided affidavits explaining their brief communication.

Ms. Tosh has provided information about the text messages she sent during the meeting, none of which were related to the business before the Planning Board.

Kristen Reed, the representative of the Select Board attending the meeting, did not ask for a contemporaneous explanation of the communication, nor did she comment about the text messaging. If she had, everyone at the meeting would have been informed as to the nature of the communications. Instead, Ms. Reed preferred to remain silent.

Although Ms. Reed filed the Complaint on behalf of the Select Board, neither the minutes of Select Board meetings following March 20, 2019, nor videotape of those meetings reveals a vote to authorize Ms. Reed to represent the entire Board in the matter.

THE COMPLAINT IS MERITLESS AND SHOULD BE WITHDRAWN

The Select Board's Complaint, by and through Ms. Reed, is unfounded. The Select Board should publicly disavow the Complaint and Ms. Reed should withdraw it immediately. She has wrongly maligned two Planning Board members with no investigation of the facts surrounding their communication. She had the opportunity, during the meeting, or during the recess of the Board, to ask Ms. Tosh and Mr. Herridge about the communication, and to ask Ms. Tosh about texting. Had she done so, she might have realized that no OML violation had occurred.

The opinion of the Attorney General's office of the Commonwealth is attached to the Affidavit of Karen Tosh confirms that under these facts, no violation occurred.

Rather than submit the entire Planning Board to retraining on OML, as demanded by Ms. Reed, she herself should obtain retraining in light of her obviously superficial understanding of OML. Moreover, she should apologize to Karen Tosh, Peter Herridge, and the entire Planning Board for filing a spurious complaint that puts the Planning Board in a bad light.

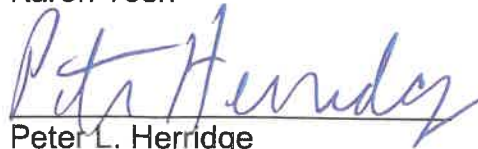
CONCLUSION

In this instance, rather than (a) inquire contemporaneously about the communications and texting at the meeting when Ms. Tosh and Mr. Herridge could have responded and put the issue to rest; or, (b) discuss the matter with Ms. Tosh and Mr. Herridge afterward to determine whether she had a valid basis for a complaint; or, (c) obtain authorization from the Select Board that she was indeed authorized to make the Complaint on the Board's behalf, Ms. Reed chose to file a malicious, unfounded, accusatory document that amounts to an embarrassment to herself and the Select Board.

Respectfully submitted,



Karen Tosh



Peter L. Herridge

April 16, 2019

AFFIDAVIT

The undersigned makes the following statements in support of my response to the Open Meeting Law Complaint filed with the Truro Town Clerk on April 9, 2019.

1. I am over the age of eighteen years and make these statements from personal knowledge.
2. I am a member of the Truro Planning Board.
3. At a Planning Board meeting on March 20, 2019, while seated beside me, Karen Tosh passed a note to me inquiring about my health. I have struggled with severe back pain for several months. I briefly replied and later leaned toward her and expressed my hope that the meeting would not be extraordinarily lengthy.
4. At no time did my communication with Karen Tosh that took place during the March 20, 2019 meeting involve any matter before the Planning Board or within the jurisdiction of the Planning Board.
5. As a lawyer, I am well acquainted with the provisions of the Open Meeting law of the Commonwealth of Massachusetts, so I was comfortable at the time of the communication that I had not violated Open Meeting Law as a result of our exchange.

SIGNED UNDER PAINS AND PENALTIES OF PERJURY, this the ___ day of April, 2019.


Peter L. Herridge

April 16, 2019

AFFIDAVIT

The undersigned makes the following statements in support of my response to the Open Meeting Law Complaint filed with the Truro Town Clerk on April 9, 2019.

1. I am over the age of eighteen years and make these statements from personal knowledge.
2. I am Vice Chair of the Truro Planning Board.
3. During a Planning Board meeting on March 20, 2019, I passed a note to Peter Herridge inquiring about his health, because I knew a back injury had caused him to miss a number of board meetings of various boards on which he serves.
4. At no time did my communication with Peter Herridge that took place during the March 20, 2019, meeting involve any matter before the Planning Board or within the jurisdiction of the Planning Board.
5. During the March 20, 2019, meeting I sent one or more text messages to a high school student at my home that I hired to watch over my dog who has cancer. I texted her in part to be sure she was able to stay, given that our meeting was almost five hours in length.
6. Upon receipt of the Complaint, I consulted with the office of the Attorney General of the Commonwealth and confirmed my knowledge and understanding of the Open Meeting Law, to-wit, that no violation occurs if a note is passed during a meeting that is unrelated to the business of the board. I attach the opinion as Exhibit "A" and incorporate it by reference into this Affidavit.

SIGNED UNDER PAINS AND PENALTIES OF PERJURY, this the ¹⁶16 day of April, 2019.



Karen Tosh

EXHIBIT "A"

From: Karen Tosh [REDACTED]
Subject: Fwd: Question
Date: April 12, 2019 at 3:18 PM
To: Karen Tosh ktosh.law@gmail.com



Begin forwarded message:

From: "OpenMeeting (AGO)" <openmeeting@state.ma.us>
Subject: RE: Question
Date: April 12, 2019 at 1:21:47 PM EDT
To: Karen Tosh <[REDACTED]>

Good Afternoon,

Thank you for contacting the Division. Discussion about public body business between a quorum of members is considered deliberation and should only occur during a properly posted meeting. If the town board of which you speak is a 3 member public body, then 2 members constitutes a quorum and any discussion of public body business must only occur during a meeting. If the town board, in your question, is a 5 member public body, then any discussion that 2 members would have (even if it related to public body business) would not be considered deliberation. Regardless of the size of this public body, I gather that the discussion was a personal question about the health of a member and did not relate at all to the business of the public body. Although it might have the appearance of impropriety, it was not a violation of the Open Meeting Law for one member to discuss this personal topic with another member by note.

Sincerely,
Kerry Kilcoyne
Assistant Attorney General
Division of Open Government
Office of the Massachusetts Attorney General
One Ashburton Place, 20th Floor
Boston, MA 02108

Ph: (617) 963-2540
openmeeting@state.ma.us

-----Original Message-----

From: Karen Tosh <[REDACTED]>
Sent: Friday, April 12, 2019 12:43 PM
To: OpenMeeting (AGO) <OpenMeeting@MassMail.State.MA.US>
Subject: Question

Kindly answer a question for me.

Is it a violation of the OML for one member of a town board to pass a short note to another member asking about that member's recent health crisis, during a meeting of the board where a quorum is present?

Thank you.

Sent from my iPad



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

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

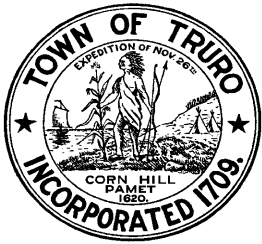
6. CONSENT AGENDA

A. Review/Approve and Authorize Signature:

1. *Truro Water Service Application for New Service Tap-2 Amanda Lane*
2. *Letter for increased funding for the Community Preservation Act*

B. Review and Approve 2019 Seasonal Licenses: North of Highland Camping Area (Transient Vendor and Pool Table) and Jules Besch Stationers (Transient Vendor) and Days Market and Deli (Transient Vendor), Captain's Choice (Common Victualer)

C. Review and Approve Board of Selectmen Minutes: April 4, 2019 Special Meeting, April 9, 2019, and April 11, 2019 Budget Hearing



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Nicole Tudor, Executive Assistant

REQUESTED MEETING DATE: April 23, 2019

ITEM: Approval of Water Service for Condominium Conversion at 2 Amanda Lane (Bengal Tiger Inn)

EXPLANATION: Fred Sateriale has submitted an application for new water service. The type of service requested is for *water service for a condominium conversion (separate meters, tap etc)* for six units at Bengal Tiger. Bengal Tiger currently operates with a Board of Health Motel License (2019-044). The Condominium Conversion is pending.

FINANCIAL SOURCE (IF APPLICABLE): n/a

IMPACT IF NOT APPROVED: The establishment will not be able to separate their water service to each individual unit.

SUGGESTED ACTION: *Motion to approve the water service for a condominium conversion to six units and authorize the Chair to sign.*

ATTACHMENTS:

1. Truro Water Service Application for New or Expansion of Existing Water Service



HEALTH DEPARTMENT
TOWN OF TRURO

APR 09 2019

RECEIVED BY:

TOWN OF TRURO BOARD OF HEALTH

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

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

APPLICANT INFORMATION

Date: 4-8-19 Name: FRED SATERIALE
Water Service Address: 2 AMANDA LANE Map/Parcel/Lot 36 - 23
Mailing Address: PO BOX 1016 City/State/Zipcode N TRURO MA 02652
Phone Number: [REDACTED] Email Address: _____

EMERGENCY TELEPHONE NUMBERS

Plumber Name: _____ Phone Number: _____
Property Manager: _____ Phone Number: _____
Other Name & Phone Number: VERNON BROWN [REDACTED]

TYPE OF SERVICE REQUESTED:

- New Water Service: Proposed Title 5 Design Flow: 1210
- Expansion of Water Service:
Existing Title 5 Design Flow: _____ Proposed Title 5 Design Flow: _____
- Water Service for Condominium Conversion (separate meters, tap etc.) # of Units 6

Type of Facility:

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

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

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

Applicant Signature: [Handwritten Signature]

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

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

TRURO BOARD OF HEALTH

DATE OF APPROVAL

TRURO BOARD OF SELECTMEN

DATE OF APPROVAL

**PROVINCETOWN WATER &
SEWER BOARD**

DATE OF APPROVAL



TOWN OF TRURO
BOARD OF HEALTH
24 Town Hall Road
P.O. Box 2030, Truro MA 02666
Tel: 508-349-7004, Ext. 32 Fax: 508-349-5508

TRURO WATER SERVICE APPLICATION PROCESS

Instructions for new water service, expansion of current water service or separate water service, meters etc. for condominium conversions.

1. Complete the following applications; Provincetown DPW Request for Plan Review, Provincetown DPW Water Service Application and the Truro Water Service Application.
2. Contact the Provincetown Water Superintendent to discuss the project prior to submitting the application to the Truro Board of Health and Truro Board of Selectmen. **The Provincetown Water Department is located in the Veteran's Memorial Community Center, 2 Mayflower Street, Provincetown, phone number 508-487-7060.**
3. Submit completed application package to the Truro Health Department. The completed application package should also include:
 - a plot plan that includes an approved septic plan, location of proposed or existing water service line, location of any underground utilities, location of any existing water wells and
 - copies of any water analysis for existing wells indicating non- potable water

The Health Agent will schedule the matter at the next scheduled meeting of the Truro Board of Health. Applicants are required to attend the Truro Board of Health meeting.

3. After the Truro Board of Health, the original Truro Water Service application signed by the Truro Board of Health and plan(s) are submitted to the Administration Office located on the first floor of Truro Town Hall where it will be scheduled at a Truro Board of Selectmen meeting. Applicants are required to attend the Truro Board of Selectmen meeting.
4. After the application is approved and signed by Truro, submit the original completed application package and plan(s) to the Provincetown Water Department. You will be notified by the Provincetown Water Superintendent of the next regularly scheduled meeting of the Provincetown Water and Sewer Board.
5. Please refer to the Provincetown Water and Sewer Board Regulations for Hook-Ups In Truro to the Provincetown Water System, adopted 4/29/99.

PROVINCETOWN WATER AND SEWER BOARD
REGULATIONS FOR HOOK-UPS IN TRURO
TO THE PROVINCETOWN WATER SYSTEM
ADOPTED ON APRIL 29, 1999

Water hook up regulations

1. 1. 1. Legal Authority/Statement of Purpose

The Provincetown Water and Sewer Board, pursuant to its authority under Chapter 483 of the Acts of 1907 and Chapter 439 of the Acts of 1952, and in consultation with the Boards of Selectmen of Town of Provincetown and Truro, Hereby establishes the following regulations for new and expanded water service from the Provincetown Water System, in order to better manage the water resources of that System within the level permitted by the Massachusetts Department of Environmental Protection, and to help achieve a reduction in unaccounted for water to the industry standard of 15%.

2. 2. 2. Definitions

“New Service” shall refer to a property which is not hooked into the Provincetown Water system for water services as of the effective date of these regulations.

“Expanded Service” shall refer to a property hooked into the Provincetown Water system as of the effective date of these regulations which is subdivided and/or is proposed to increase in its use as measured by Title V of the State Sanitary Code.

“The Towns” shall refer to the Towns of Provincetown and Truro.

“The Provincetown Water System” shall include all pipes within Provincetown serviced by the Provincetown Water Department and the Truro water main running southerly from the Provincetown – Truro border along Route 6A (Shore Road) to the Route 6-6A junction and from the southerly along Route 6 ending at the hydrant in front of the Truro Central School.

3. 3. 3. Policy and Procedure

1. 3.1 3.1 Applicability of Regulations. All new and expanded services from the Provincetown Water System shall be subject to the prior approval of the Provincetown Water and Sewer Board pursuant to these regulations.

3.3 Restrictions of Hook-ups

3.3.1 Statement of Purpose. Whereas, the supply of water to the Provincetown Water System is limited, it is a public necessity to permit connections only where there are no alternative sources of potable water supply. The Truro Board of Selectmen has previously recognized this in its adoption of Policy Memorandum #24 on September 23, 1997, which it established “in order to control an increasing reliance upon the Provincetown Water Line, reduce the potential impact of increased density and increased nitrogen loading along the water line corridor, and to reduce these impacts upon abutters.” Accordingly, the Provincetown Water and Sewer Board hereby establishes the following criteria.

3.3.2 Criteria for Hook-ups. Any property owner desiring to obtain new water service or to expand existing service, must be able to meet one to the below requirements before an application will be accepted and approved by the Provincetown Water and Sewer Board.

- (1) (1) (1) Exiting Dwelling With a Well: In the event the existing well fails, the property owner(s) must be unable to obtain potable water via a private well, in compliance with existing Title V regulations. Notwithstanding, a flushing well may also be required, if feasible, for non-potable uses such as flushing toilets, washing cars, and/or irrigation.
- (2) (2) (2) New Construction: The property owner(s) must be unable to obtain potable water via a private well, in compliance with existing Title V Regulations.

- (3) (3) (3) Non-Conforming Building Lots: The property owner(s) cannot establish a wellhead in compliance with existing Title V regulations because of non-conforming lot size. In no case in which the building lot has been configured to preclude the installation of a well on the property shall the Water and Sewer Board be required to provide water to said lot.
- (4) (4) (4) Configuration of Land: When topographical characteristics do not lend themselves to establishing a wellhead in compliance with existing Title V regulations. Notwithstanding, in no case where the building lot has been intentionally configured to preclude the installation of a well on the property, shall the Water and Sewer Board be required to provide water to said lot.
- (5) (5) (5) Contamination: When tests substantiate the presence of contaminants not meeting public health standards for portable water, and the property owner(s) is unable to obtain potable water via a private well, in compliance with existing Title V regulations.

3.3.3 Application Procedures. Any property owner(s) seeking either to obtain new water service or to expand existing service must follow procedures established by the Provincetown Water and Sewer Board.

3.3.3.1 In accordance with Policy Memorandum #24 adopted by the Truro Board of Selectmen on September 23, 1997, applications for new or expanded service for properties in Truro shall be subject to prior approval of the Town of Truro Board of Selectmen, before being forwarded to the Provincetown Water and Sewer Board for its consideration.

3.3.4 Applicability of Water Use Restrictions. Where water restrictions are imposed upon users residing in Provincetown, those same restrictions shall apply, on the same basis, to water users in the Town of Truro. The Provincetown Water System shall assess and bill all users for all surcharges, fines, or other fees attributable to violations of such restrictions. The Provincetown Water Department shall bill such water users at a rate established from time to time by the Provincetown Water and Sewer Board.

3.4 Responsibility and Ownership

3.4.1 The Town of Provincetown shall be responsible for the repairs, maintenance, construction, and reconstruction of the existing capital facilities. For the purposes of this regulation, "capital facilities" shall mean water storage tanks, pump stations and appurtenances, water mains, gates, hydrants and appurtenances in public ways.

3.4.2 The water service lines from the public street water main to the individual buildings and the individual water meters are the responsibility of the property owners for installation, repairs and maintenance. Meter installations, repairs and maintenance must be approved by the Provincetown Water Department to ensure meter accuracy.

3.4.3 All water mains that are in private streets are the responsibility of the owners of those private streets. The Town of Truro will assist the Town of Provincetown Water Department in providing access to public/private ways and properties as part of their leak detection surveys and efforts.

4. 4. 4. Expansion of the System

1. 4.1 4.1 The Provincetown Water System as defined above may not be expanded in Truro from its present configuration (also defined above) without the express consent of the Boards of Selectmen of the Towns of Provincetown and Truro.

Posted: Town Hall, <http://www.provincetowngov.org> 05/06/99

Published: Advocate/Provincetown Banner: 5/6/99 and 5/18/99



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

www.provincetown-ma.gov

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

SERVICE APPLICATION & PERMIT FORM

Date: 4-8-19
 Street Address: 2 AMANDA LANE
 Owner Name: FRED SATERIALE
 Billing Address: PO Box 1016
 City/State/Zip: N TRURO, MA 02652

Map/Parcel/Lot: 36-23
 Phone: [REDACTED]
 Mobile: _____
 Email: _____

WATER SERVICE

NEW SERVICE TAP \$1,800.00

FEES TO BE PAID BY:
 OWNER
 CONTRACTOR _____
Name of Contractor/Installer and Phone

RENEWAL of Existing Service

FEES TO BE PAID BY:
 OWNER
 CONTRACTOR _____
Name of Contractor/Installer and Phone

FIRE SERVICE – TAP FEE ONLY

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

_____ *Name of Contractor/Installer and Phone*

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

_____ *Name of Contractor/Installer and Phone*

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

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

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

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

Owner Signature: [Signature] Contractor Address: _____
 Contractor: _____ Contractor Phone: _____

APPLICATION MUST BE COMPLETED IN FULL PRIOR TO APPROVAL

Departmental Approval: _____ Date: _____

SEE BACK OF FORM FOR FURTHER INFORMATION AND INSTRUCTION



TOWN OF PROVINCETOWN
DEPARTMENT OF PUBLIC WORKS

WATER DEPARTMENT – REQUEST FOR PLAN REVIEW

APPLICANT INFORMATION

Name: FRED SATERIALE

Address: 2 AMANDA LANE TRURO

Telephone Number: [REDACTED]

Property Location: 2 AMANDA LANE, TRURO

Project Description:

6 CONDOMINIUM UNITS

FOR DPW USE ONLY

Date/Time Received:

Review Deadline (7 days):

Approval Requirements:

Approved By: _____

Approval Date: _____ Date Mailed Back to Owner _____

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

WATER SERVICE AVAILABILITY:

PWD Rules and Regulations: Section 2.5 - Availability of Municipal Water. Application will be accepted for review subject to there being an existing municipal water main in a Town-owned street or right-of-way abutting the premises to be served, but approval of an application shall in no way obligate the Department to extend its mains to provide water to a premises.

APPLICATION SUBMITTAL REQUIREMENTS:

1. File a Request for Plan Review with this application. Your application must:
 - ⇒ Clearly indicate location of septic system components, buildings and structures;
 - ⇒ Clearly indicate proposed location of water line from street to building with appropriate setbacks from septic system components;
 - ⇒ Be approved by the Water Superintendent, and Board of Health (if septic).
2. No water service work is authorized until you receive a plan approved by the Water Department.
3. All water service work must be inspected by the Water Department before backfilling. Call the Water Department twenty-four (24) hours in advance to schedule an appointment.
4. Meter installations fifty (50) feet or greater from the curb stop must be in a meter pit adjacent to the curb stop. Concrete meter pits are required in roads or driveways.
5. You may be required, at your expense, to hire a police detail officer to supervise road safety at the installation site. **THIS CHARGE WILL BE INVOICED AFTER THE TAP IS PERFORMED.**
6. The service tap installation site must be clear, unobstructed and free of debris.
7. Installations or expansions in Truro require approval of the Truro Board of Selectmen and the Provincetown Water and Sewer Board. Such approvals are considered only for sites that have no other means of supplying potable water on site (e.g., private well).
8. New service lines require metal tracer wire on non-metallic service lines.
9. All applicable fees must be paid in advance.

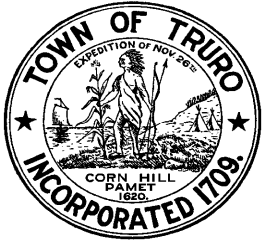
I hereby agree to the Submittal Requirements:

Signed: _____



Print Name: _____

FRED SATERIALE



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: April 23, 2019

ITEM: Support Request from Community Preservation Coalition

EXPLANATION: Attached for your review and approval for signature is a request from the Community Preservation Coalition to sign onto their request to support H.2463 and S.1618, *“An Act to preserve community preservation revenue* that would provide additional base match to the CPA program. I recommend approval for this support letter. Truro relies on CPA funding for many projects and this would provide additional funds.

SUGGESTED ACTION: *Motion to approve joining communities across the Commonwealth in support of H.2463 and S.1618, “An Act to preserve community preservation revenue; and to authorize the Chair to sign the letter of support.*

ATTACHMENTS:

1. Email from the Coalition
2. Letter of Support



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

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

April 23, 2019

The Honorable Robert DeLeo Speaker of the House
The State House, Room 356 Boston, MA 02133

Dear Speaker DeLeo,

As Chief Executives of X municipalities that have adopted the Community Preservation Act (CPA), we are writing to support the modernization of the statewide CPA Trust Fund. The Community Preservation Act is an invaluable program that helps our communities create jobs, generate tourism, and provide investments in our local economies through affordable housing development, construction and rehabilitation of parks and recreational facilities, and preserving open space and historic assets.

However, the viability of CPA is threatened. As you know, locally raised funds are matched by the statewide CPA Trust Fund, which derives its revenue from recording fees at the Registries of Deeds. Yet this funding mechanism has never been updated since CPA was signed into law in 2000, severely diluting the state's CPA Trust Fund distribution. An ever-growing gap has developed between the approximately \$160 million invested annually by the 175 CPA cities and towns and the \$24 million contributed by the state. As a result, the CPA Trust Fund distribution that previously matched 100% of locally raised CPA funding has plummeted to an estimated 11% match today. The program is no longer the state-local partnership it was designed to be.

The Legislature must act now to prevent the situation from becoming dire. The solution is H.2463 and S.1618, "*An Act to preserve community preservation revenue*," filed by Rep. Ann- Margaret Ferrante and Senator Cynthia Stone Creem. This proposal would make a one-time increase to the CPA recording fees from the current \$20 to \$75, generating approximately \$67 million in additional funding for the CPA Trust Fund. When combined with the \$10 million in state budget surplus funds that has been provided in the past, each CPA community would finally reach an estimated 50% base match in FY2020 – the original goal of the Community Preservation Act.

We add our names in support of this bill, along with 132 legislators, and urge the Legislature to act quickly to ensure the viability of this highly successful program.

Signed,

Robert Weinstein
Chair, Truro Board of Selectmen

From: [Adelaine Reynolds](#)
To: [Rae Ann Palmer](#)
Subject: RE: CPA Letter
Date: Thursday, April 18, 2019 2:35:02 PM
Attachments: [Chief Executive Letter.docx](#)

Hello Town Manager Palmer,

Just wanted to circle back about the letter to the legislature asking for increased CPA funding. We currently have 46 Mayors and Town Administrators across Massachusetts signed on and would really appreciate your support as well. If you are willing to sign, can you send your signature over, either as an electronic signature or a scanned PDF image? Your signature will be pulled and put on the final consolidated letter alongside the other gathered signatures.

I have attached our current version of the draft to this email.

Thank you!
Adelaine

From: Adelaine Reynolds
Sent: Tuesday, April 9, 2019 3:48 PM
To: 'rpalmer@truro-ma.gov' <rpalmer@truro-ma.gov>
Subject: CPA Letter

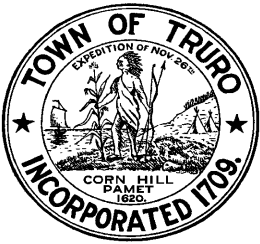
Dear Town Manager Palmer,

My name is Adelaine and I'm working with the Community Preservation Coalition. I left a message with your office earlier today and wanted to follow-up via email. Attached is a draft letter we are hoping you will sign asking for increased funding for the Community Preservation Act (CPA). Last year, **45 Mayors and Chief Executives added their signature in support.**

Here are some quick Community Preservation Act (CPA) facts:

- **175 cities and towns** have adopted CPA, **including Truro**, and over **60%** of the population live in a CPA community.
- Over **\$2.1 billion** has been raised for community preservation statewide.
- More than **10,900 projects** have been approved in communities across the state, including:
 - **14,850 affordable housing units**
 - **29,289 acres of open space**
 - **2,200 outdoor recreation** projects
 - **5,100 historic preservation** projects

Would you be able to let us know by **Friday 4/12 at 5pm?**



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Noelle Scoullar, Executive Assistant

REQUESTED MEETING DATE: April 23, 2019

ITEM: Approval of 2019 Seasonal License Renewals: Captain’s Choice Restaurant, Jules Besch Stationers and North of Highland Camping Area, Days Market and Deli

EXPLANATION: There are six 2019 seasonal license renewals and supporting documentation for review and approval by the Board of Selectmen as the Local Licensing Authority. There were no reported issues with any of the establishments in 2018.

The Health Department licenses for Captains Choice were issued April 8, 2019. Jules Besch Stationers requires no Health Licenses. The Health Department licenses for North of Highland Camping Area were issued April 18, 2019. The Health Department licenses for retail food only for Days Market and Deli was issued on April 16, 2019. Days Market and Deli was not opened in 2018 but is reopening this year with new management. If you approve these licenses for renewal, the licenses will be issued only upon compliance with all regulations and upon receipt of the necessary documents and fees.

Mass General Law	Licenses & Permits Issued by Board of Selectmen	Names of Businesses
Chapter 140 §2	Common Victualer-Cook, Prepare & Serve Food	Captain’s Choice
Chapter 101 §2	Transient Vendor	Jules Besch Stationers North of Highland Camping Area Days Market and Deli
Chapter 140 §177	Pool Tables	North of Highland Camping Area

IMPACT IF NOT APPROVED: The licenses will not be issued.

SUGGESTED ACTION: MOTION TO approve 2019 Seasonal Common Victualer (food) for Captain’s Choice Restaurant and the Transient Vendor Licenses for Jules Besch Stationers, North of Highland Camping Area, and Days Market and Deli and the Pool Table License for North of Highland Camping Area, upon compliance with all regulations and receipt of the necessary documents and fees and to Authorize the Chair to sign.

ATTACHMENTS:

1. Renewal Application for 2019: Captain's Choice Restaurant
2. Renewal Application for 2019: Jules Besch Stationers
3. Renewal Application for 2019: North of Highland Camping Area
4. Renewal Application for 2019: Days Market and Deli

Number: 2019-086

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:

Robert & Kristi Wageman, mgrs., d/b/a Captain's Choice

Whose place of business is **4 Highland Rd**

Type of business and any restrictions **Restaurant**

To operate a food establishment in **Truro**

Permit Expires: **December 31, 2019**

Date Issued: **4-8-19**

Seating: **16 inside/24 outside**



Truro Board of Health Agent

FS
#2019-086

HEALTH DEPARTMENT
TOWN OF TRURO

MAR 25 2019

RECEIVED BY:



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: ebeebe@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: Captain's Choice

Owner Name: Kristi Wageman Email Address: [REDACTED]

Mailing Address: 4 Highland Rd N. Truro Ma 02652

Phone No: [REDACTED]

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

Name: Kristi Wageman Email Address: [REDACTED]

Mailing Address: 29 Auberry Dr Palm Coast FL 32137

Phone No: [REDACTED] 24 Hour Emergency: [REDACTED]

Section 3 – Business Operation Details

Number of Seats: Inside: 16 Outside: 24 Number of Employees: 12

Length of Permit: Annual Seasonal Operation

Hours of Operation: 11:00am To 10:00pm

Days Closed Excluding Holidays: _____

If Seasonal: Approximate Dates of Operation: 04 / 27 / 19 To 10 / 15 / 19

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

Robert Wageman

Allergen Awareness Certification (attach copy):

Robert Wageman

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: *R. Wageman*

Date: 03/20/19

Application Checklist:

Food Service Permit Application

KRIST → **Smoke Detector/Fire Protection Certification**

Workers Compensation Affidavit/Certificate of Insurance

KRIST → **Copy of Inspection of Kitchen Equipment: Commercial Hood and Ventilation System Report**

KRIST → **Copy of Service report of mechanical washing equipment (Dishwasher)**

Copy of ServSafe Certification and Allergy Awareness

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

FOR HEALTH DEPARTMENT USE ONLY

Comments: _____

Review by _____ 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: Captain's Choice, Inc.

Address: 4 Highland Road North Truro, MA 02652

City/State/Zip: _____ Phone #: _____

Are you an employer? Check the appropriate box:

- 1. I am an employer with 12 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: NORFOLK AND DEDHAM MUTUAL FIRE INSURANCE COMPANY

Insurer's Address: 222 ARMS ST. DEDHAM, MA 02026

City/State/Zip: DEDHAM, MA 02026

Policy # or Self-ins. Lic. # _____ Expiration Date: 5-21-19

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: _____ Date: 3-21-19

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 #: _____

WORKERS COMPENSATION AND EMPLOYERS' LIABILITY
INSURANCE POLICY ---- INFORMATION PAGE

INSURER:

NORFOLK & DEDHAM MUTUAL FIRE INSURANCE COMPANY
222 AMES STREET
DEDHAM, MA 02026

POLICY NO: [REDACTED]

RENEWAL

NCCI Company No: 21059

Account No:

FEIN: [REDACTED]

ITEM 1. NAMED INSURED AND MAILING ADDRESS:

CAPTAIN'S CHOICE INC
18 OLD COLONY WAY
ORLEANS, MA 02653

AGENT NAME AND ADDRESS:

BENSON, YOUNG & DOWNS INS
AGCY
56 HOWLAND STREET
P.O. BOX 559
PROVINCETOWN, MA 02657

AGENT NO.: 20654

LEGAL ENTITY: CORPORATION

OTHER WORKPLACES NOT SHOWN ABOVE: (See Workers Compensation Classification Schedule)

ITEM 2. POLICY PERIOD: From: 05/21/2018 To: 05/21/2019

Effective 12:01 A.M. Standard Time at the Insured's mailing address.

ITEM 3. COVERAGE:

A. Workers Compensation Insurance: Part One of the policy applies to the Workers Compensation Law of the states listed here:
MA

B. Employers' Liability Insurance: Part Two of the policy applies to work in each state listed in Item 3.A. The limits of liability under Part Two are:

Bodily Injury by Accident:	\$	100,000	each accident
Bodily Injury by Disease:	\$	500,000	policy limit
Bodily Injury by Disease:	\$	100,000	each employee

C. Other States Insurance: Part Three of the policy applies to the states, if any, listed here:
SEE ENDORSEMENT WC 20 03 06 B

D. This Policy includes these Endorsements and Schedules:
See Schedule of Forms and Endorsements.

ITEM 4. PREMIUM: The premium for this Policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All information required on the Workers Compensation Classification Schedule is subject to verification and change by audit.

Minimum Premium: \$ 217
Audit Period: ANNUAL

Total Estimated
Annual Premium: \$ 793
Additional / Return Premium:
Comments :

Issued At:
Date: 04/11/2018

Countersigned by 

Frank A Vitale

5 Lynch Ln Harwich, MA 02645

508-430-2959 LIC# 000365

10/11/18

Captain's Choice

4 Highland Rd

N Truro, MA 02652

508-487-5800

HEALTH DEPARTMENT
TOWN OF TRURO

APR 17 2019

RECEIVED BY:

Services conducted:

Cleaned + Inspected

HOOD CLEANING STICKER IS AFFIXED

YES NO

DATE OF LAST HOOD CLEANING

DATE

10/11/18

GREASE ACCUMULATION

HEAVY MODERATE LIGHT

FILTERS ARE INTACT

YES NO

FAN IS IN OPERATING ORDER

YES NO UNK

LIGHTING IN HOOD IS PROPERLY PROTECTED FROM DAMAGE

YES NO N/A UNK

Check here if Notice of Non-Compliance was issued to local Fire Department.

Date sent to Fire Department _____

Attach copy of Notice of Non-Compliance

Note: A copy of this report shall be kept by both the Service Company and the customer for a period of 3 years. Such records shall be open for the inspection of the Local Fire Department during regular business hours of operation.

ServSafe

ServSafe[®] CERTIFICATION

of
ROBERT WAGEMAN

for successfully completing the standards set forth for the ServSafe[®] Food Protection Manager Certification Examination,
which is accredited by the American National Standards Institute (ANSI) - Consensus for Food Protection (CFP).

12873

10462

EXAM FORM NUMBER

10/21/2020

10/21/2020

DATE OF EXPIRATION

DATE OF EXPIRATION

Local laws apply. Check your local regulations for notification requirements.



Robert Wageman
Signature

ANSI

ANSI Accredited

ANSI Accredited

ANSI Accredited

ANSI Accredited

ANSI Accredited

ANSI Accredited

ANSI Accredited

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CERTIFICATE OF ALLERGEN AWARENESS TRAINING

Name of Recipient: Kristi Wageman

Date of Completion: March 23, 2019

Date of Expiration: March 23, 2024

*The above-named person is hereby issued this certificate
for completing an allergen awareness training program
recognized by the Massachusetts Department of Public Health
in accordance with 105 CMR 590.009(G)(3)(a).*

This certificate will be valid for five (5) years from date of completion.

Issued By:



**Berkshire
AHEC**

Area Health Education Center
Pittsfield, Massachusetts

www.mafoodallergytraining.org



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666
Tel: 508-349-7004, Extension: 10 or 24 Fax: 508-349-5505

TAX STATUS REQUEST FOR LICENSING

Date 03/26/2019

Request is coming from the Selectmen's Office _____ Health Office X

Owner's Name

Business Name Captain's Choice

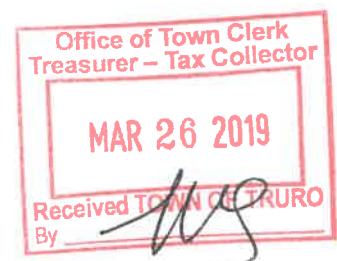
Residential Address 4 Highland Road U: D

Map and Parcel 36 - 93 .D

Please verify whether the Real Estate and Personal Property taxes to this property are up to date for the current fiscal year. *All set through FY18.*

Molly Stevens
Tax Collector's Signature

3/27/19
Date



RCVD 2019APR5 PM2:14
ADMINISTRATIVE OFFICE
TOWN OF TRURO



TOWN OF TRURO

PO Box 2030, Truro MA 02666

Tel: 508-349-7004, Extension: 131 or 124 Fax: 508-349-5508

LICENSE APPLICATION: Condominiums, Cottage Colonies, Motels, Campgrounds, Lodging, Gas Station/Retail Service, Transient Vendor

Section 1 – License Type & Hours of Operation

Please check the appropriate box the best describes the license type(s).

New Renewal

FACILITY: # UNITS

HOURS OF OPERATION:

Motel _____

Annual Seasonal

Cottage Colony _____

Opening Date: APR 12

Condominium _____

Closing Date: DEC 1

Campground _____

Days of the Week Open: Thurs - Sun (offseason)
Daily (Season)

Lodging _____

Transient Vendor

Gas Station (Please submit your Service Station Compliance Form & Third Part Underground Storage Tank Inspection Report (FP 289))

Section 2 – Business Information

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

MICHAEL TUCK JULES BESCH STATIONERS
Print Name of Applicant Business Name

MICHAEL TUCK
Owner Name

3 GREAT HOLLOW RD PO BOX 1169 TRURO 02666
Street Address of Business Mailing Address of Business

508 487 0395
Business Phone Number Business E-Mail Address

Section 3 –MANAGER INFORMATION

Check if New Manager (if checked, MUST submit Application to Name a Manager)

Name of Onsite Manager:

Name: MICHAEL TUCK Unit Number: _____

Mailing Address: Box 1169 TRURO 02666

Phone: (24 Hour Contact): [REDACTED] Email Address: _____

Manager's Signature (REQUIRED)

Name of Offsite Manager:

Name: ABOVE Business Name: _____

Business Address: _____

Phone: (24 Hour Contact): _____ Email Address: _____

Manager's Signature (REQUIRED)

Name of Co- Manager:

Name: NONE Business Name: _____

Business Address: _____

Phone: (24 Hour Contact): _____ Email Address: _____

Co-Manager's Signature (REQUIRED)

Section 4 – ATTESTATION

Pursuant to M.G. L. Ch. 62C, sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all local state taxes required under law and the information I have provided is true and accurate. Any misstatement in this application, or violation of state or applicable town bylaws or regulations, shall be considered sufficient cause for refusal, suspension or revocation of the license.

MICHAEL TUCK ↔ [Signature] 3-30-19
Signature of Applicant Print Name Date

Additional Applications & Documentation

REQUIRED FOR ALL MOTELS, COTTAGE COLONIES, CONDOMINIUMS & CAMPGROUNDS

- Smoke detector/fire protection certification
- IF YOU HAVE EMPLOYEES- Workers Compensation Affidavit & Certificate of Insurance
- IF YOU DO NOT HAVE EMPLOYEES- Workers Compensation Affidavit
- Business certificate with the clerk's office

ADDITIONAL (SEPARATE) APPLICATIONS THAT MAY PERTAIN TO YOUR OPERATION

- Application for Pool or Hot Tub Permit
 - Application to Name a Manager
 - Entertainment License
 - Application to sell Tobacco
 - Application for Food Service Permit
- (rev 9/2017)



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: JULES BESCH STATIONERS, INC.

Address: 3 GREAT HOLLOW RD PO BOX 1169 TRURO MA 02666

City/State/Zip: TRURO, MA 02666 Phone #: 508 487-0395

Are you an employer? Check the appropriate box:

- 1. I am an employer with _____ 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: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____ Expiration Date: _____

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: 3-30-19

Phone #: 508 487-1759

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 #: _____



JULEBES-01

LHOLLANDER

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 07/12/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: Kaplansky Insurance, 154 Shore Rd PO Box 267 North Truro, MA 02862. CONTACT: (508) 487-6060, info@kaplansky.com. INSURER(S): Norfolk & Dedham Group. NAIC #: [REDACTED]

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADD'L SUBR INSD, POLICY NUMBER, POLICY EFF, POLICY EXP, LIMITS. Rows include Commercial General Liability, Automobile Liability, Umbrella Liability, and Workers Compensation and Employers' Liability.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) Certificate issued as proof of insurance

CERTIFICATE HOLDER: Town of Truro, 24 Town Hall Road PO Box 2030 Truro, MA 02666. CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

ACORD 25 (2016/03)

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TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666
Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

TAX STATUS REQUEST FOR LICENSING

Date 4/29/2019

Request is coming from the Selectmen's Office

Owner's Name Michael Tuck

Business Name Jules Besch Stationers Inc.

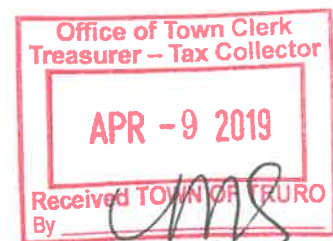
Business Address 3 Great Hollow Rd.

Map and Parcel 42-237.2

Please verify whether the Real Estate and Personal Property taxes to this property are up to date for the current fiscal year. *All set through 2018.*

Molly Stevens
Tax Collector's Signature

4/9/2019
Date





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

**FIRE PROTECTION SYSTEMS
ANNUAL TEST REPORT**

BUSINESS NAME: JULES BESCH STATIONERS

OWNER/MANAGER: MICHAEL TUCK

ADDRESS: 3 GREAT HOLLOW RD

PHONE #: 508 NUMBER OF UNITS: 2 FLOORS

CONTACT PERSON: MICHAEL TUCK / BUILDING OWNER = ROBERT RICE

ADDRESS: Box 1169 TRURO 02666 / WHITMAN HOUSE
5 GREAT HOLLOW RD
BOX 1086 TRURO 02666

TESTING COMPANY: DEDICATED ALARM LINE ESTABLISHED
508 487-0171

TESTING ELECTRICIAN/TECHNICIAN: SEASIDE ALARMS, W. DENNIS, MA

COMPANY PHONE #: HOME PHONE #: 508 394-0599

LICENSE #: _____

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.**

Number: 2019-05TV TEMP

Fee: \$75.00

Town of Truro Board of Selectmen
24 Town Hall Road, Truro, MA 02666

Transient Vendor License
TEMPORARY LICENSE

This is to Certify that **Michael Tuck, Mgr., dba Jules Besch Stationers**
Address **3 Great Hollow Road, Unit 2**

IS HEREBY GRANTED A LICENSE

From April 12, 2019-April 24, 2019

For a **transient vendor license**

This license is granted in conformity with the Statutes and ordinances relating thereto, and expires
April 24, 2019 unless sooner suspended or revoked.

Date Issued:



Rae Ann Palmer-Town Manager

MO# 2019-091A
only
\$ PAID \$150 =
\$3184 \$200

HEALTH DEPARTMENT
TOWN OF TRURO



APR 05 2019

RECEIVED BY:

TOWN OF TRURO

PO Box 2030, Truro MA 02666

Tel: 508-349-7004, Extension: 131 or 124 Fax: 508-349-5508

LICENSE APPLICATION: Condominiums, Cottage Colonies, Motels, Campgrounds, Lodging, Gas Station/Retail Service, Transient Vendor

Section 1 - License Type & Hours of Operation

Please check the appropriate box the best describes the license type(s).

New Renewal

FACILITY: # UNITS

HOURS OF OPERATION:

Motel _____

Annual Seasonal

Cottage Colony _____

Opening Date: 05/24/2019

Condominium _____

Closing Date: 09/09/2019

Campground 237

Days of the Week Open: _____

Lodging _____

Transient Vendor

Gas Station (Please submit your Service Station Compliance Form & Third Part Underground Storage Tank Inspection Report (FP 289))

Section 2 - Business Information

Federal Employers Identification Number (FEIN/SS) _____

STEPHEN M. CURRIER NORTH OF HIGHLAND CAMPING AREA LLC
Print Name of Applicant Business Name

STEPHEN M. CURRIER
Owner Name

52 HEAD OF MEADOW ROAD PO BOX 297 NORTH TRURO MA
Street Address of Business Mailing Address of Business 02652

Business Phone Number Business E-Mail Address

Section 3 - MANAGER INFORMATION

Check if New Manager (if checked, MUST submit Application to Name a Manager)

Name of Onsite Manager:

Name: BRANDON T. CURRIER Unit Number: _____

Mailing Address: P.O. BOX 297 NORTH TRURO, MA 02652

Phone: (24 Hour Contact): [REDACTED] Email Address: [REDACTED]

Brandon Currier
Manager's Signature (REQUIRED)

Name of Offsite Manager:

Name: _____ Business Name: _____

Business Address: _____

Phone: (24 Hour Contact): _____ Email Address: _____

Manager's Signature (REQUIRED)

Name of Co- Manager:

Name: GREG S. CURRIER Business Name: NORTH OF HIGHLAND CAMPING AREA LLC

Business Address: PO BOX 297 NORTH TRURO, MA 02652

Phone: (24 Hour Contact): [REDACTED] Email Address: [REDACTED]

Greg S. Currier
Co-Manager's Signature (REQUIRED)

Section 4 - ATTESTATION

Pursuant to M.G. L. Ch. 62C, sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all local state taxes required under law and the information I have provided is true and accurate. Any misstatement in this application, or violation of state or applicable town bylaws or regulations, shall be considered sufficient cause for refusal, suspension or revocation of the license.

Stephen M. Currier STEPHEN M. CURRIER 04/03/2019
Signature of Applicant Print Name Date

Additional Applications & Documentation

REQUIRED FOR ALL MOTELS, COTTAGE COLONIES, CONDOMINIUMS & CAMPGROUNDS

- Smoke detector/fire protection certification
- IF YOU HAVE EMPLOYEES- Workers Compensation Affidavit & Certificate of Insurance
- IF YOU DO NOT HAVE EMPLOYEES- Workers Compensation Affidavit
- Business certificate with the clerk's office

ADDITIONAL (SEPARATE) APPLICATIONS THAT MAY PERTAIN TO YOUR OPERATION

- Application for Pool or Hot Tub Permit
 - Application to Name a Manager
 - Entertainment License
 - Application to sell Tobacco
 - Application for Food Service Permit
- (rev 9/2017)



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 Office of Investigations
 1 Congress Street, Suite 100
 Boston, MA 02114-2017
 www.mass.gov/dia

Print Form

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: NORTH OF HIGHLAND CAMPING AREA, LLC

Address: 52 HEAD OF MEADOW RD, PO BOX 297

City/State/Zip: NORTH TRURO, MA 02652 Phone #: [REDACTED]

Are you an employer? Check the appropriate box:

- 1. I am an employer with 12 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 CAMPGROUND

*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: MARKEL INSURANCE COMPANY

Insurer's Address: PO BOX 3009 OMAHA, NE 68103-0009 888-500-3344

City/State/Zip: OMAHA, NE 68103-0009

Policy # or Self-ins. Lic. #: MWC [REDACTED] Expiration Date: 01-01-2020

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: 4-5-19

Phone #: [REDACTED]

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 #: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/4/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Leavitt Recreation & Hospitality Insurance, Inc. 942 14th Street Sturgis SD 57785	CONTACT NAME: Terri Wedderburn PHONE (A/C, No., Ex): (800) 525-2060 FAX (A/C, No.): (866) 465-2797 E-MAIL ADDRESS: terri-wedderburn@leavitt.com	
	INSURER(S) AFFORDING COVERAGE	
INSURED North of Highland Camping Area, LLC P.O. Box 297 North Truro MA 02652	INSURER A: Markel Insurance Company NAIC # 38970	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES **CERTIFICATE NUMBER:** [REDACTED] **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L SUBR: 'INSR' 'WXP'	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COM/POP AGG \$ \$
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS HIRED AUTOS SCHEDULED AUTOS NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	[REDACTED]	1/1/2019	1/1/2020	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof Of Insurance

Location: 52 Head of Meadow Road, North Truro, MA, 02652

CERTIFICATE HOLDER **CANCELLATION**

Proof Of Insurance	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Jimmy Tumblin/ANSTAR

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

RCUD 2019APR0 0410:10
ADMINISTRATIVE OFFICE
TOWN OF TRURO

**FIRE PROTECTION SYSTEMS
ANNUAL TEST REPORT**

BUSINESS NAME: NORTH OF HIGHLAND CAMPING AREA, LLC

OWNER/MANAGER: STEPHEN M. CURRIER, OWNER

ADDRESS: 52 HEAD OF MEADOW RD, PO BOX 297 N. TRURO, MA 02652

PHONE #: [REDACTED] NUMBER OF UNITS: 237

CONTACT PERSON: GREG CURRIER / BRANDON CURRIER

ADDRESS: 52 HEAD OF MEADOW ROAD NORTH TRURO, MA 02652

TESTING COMPANY: GARY M. FORBES

TESTING ELECTRICIAN/TECHNICIAN: GARY M. FORBES

COMPANY PHONE #: [REDACTED] HOME PHONE #: [REDACTED]

LICENSE #: 14601A 28065E

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: 4-5-19 BY: [Signature]
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.

CERTIFICATE OF ALLERGEN AWARENESS TRAINING

Name of Recipient: GREGORY CURRIER

Certificate Number: 3289365

Date of Completion: 3/5/2018

Date of Expiration: 3/5/2023



*The above-named person is hereby issued this certificate
for completing an allergen awareness training program
recognized by the Massachusetts Department of Public Health
in accordance with 105 CMR 590.009(G)(3)(a).*

This certificate will be valid for five (5) years from date of completion.

Issued By:



Massachusetts Restaurant Association
333 Turnpike Road, Suite 102
Southborough, MA 01772
508-303-9905
www.marestaurantassoc.org

NATIONAL
RESTAURANT
ASSOCIATION®
800.765.2122
www.restaurant.org

ServSafe
National Restaurant Association

ServSafe® CERTIFICATION

GREGORY CURRIER

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)-Conference for Food Protection (CFP).



16109971
CERTIFICATE NUMBER

10591
EXAM FORM NUMBER

2/26/2018
DATE OF EXAMINATION

2/26/2023
DATE OF EXPIRATION

Local laws apply. Check with your local regulatory agency for recertification requirements.

A handwritten signature in cursive script that reads "Sherman Brown".

Sherman Brown
Executive Vice President, National Restaurant Association Solutions



In accordance with Maritime Labor Convention 2006, Resolution ADM N 068-2013 (Regulation 3.2, Standard A3.2)

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This document cannot be reproduced or altered.
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Contact us with questions at 233 S. Wacker Drive, Suite 3600, Chicago, IL 60606-6383 or ServSafe@restaurant.org.



TOWN OF TRURO

Licensing Department

PO Box 2030, Truro, MA 02666

PH: 508-349-7004, Ext. 110 or 124 Fax: 508-349-5505
Email: ntudor@truro-ma.gov or nscoullar@truro-ma.gov

ROUND 2019AP05 AM10:33
ADMINISTRATIVE OFFICE
TOWN OF TRURO

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

STEPHEN M. CURRIER NORTH OF HIGHLAND CAMPING AREA, LLC
Name of Applicant Business/Organization Name

PO BOX 297 NORTH TRURO, MA 02652
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

STEPHEN M. CURRIER [Redacted] [Redacted]
Contact Person Phone Number Email

INDIVIDUAL APPLICANT INFORMATION

Individual's Name Mailing Address

Phone Number Email Address

EVENT INFORMATION

SEASONAL 05/04/2019 -> 09/09/2019 FOR USE BY CAMPERS
Day (s)/Date (s) of Event for License to be issued Purpose of Event (example: fundraiser)

Hours of Event (from - to) 8:00AM - 10:00 PM

REC HALL 52 HEAD OF MEADOW RD Event is: Indoor Outdoor Event
Location (Must provide facility name, if any, street number and name) (Please check applicable box)

STEPHEN M. CURRIER [Redacted]
Property Owner Name and Address Phone number

Seating Capacity: _____ Occupancy Number: _____

Approximate number of people attending _____
Name of Caterer (if applicable) _____

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) 2

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.

Stephen M. Currier
Signature

4-5-19
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, under MGL 136.
- 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

Fee \$50.00

APPROVAL

License No _____

Board of Selectmen _____ Meeting Date _____

Police Department _____ Date _____

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



RCUB 2019APRS 0419
ADMINISTRATIVE OFFICE
TOWN OF TRURO

TOWN OF TRURO

PO Box 2030, Truro MA 02666

Tel: 508-349-7004, Extension: 131 or 124 Fax: 508-349-5508

LICENSE APPLICATION: Condominiums, Cottage Colonies, Motels, Campgrounds, Lodging, Gas Station/Retail Service, Transient Vendor

Section 1 – License Type & Hours of Operation

Please check the appropriate box the best describes the license type(s).

New Renewal

FACILITY: # UNITS

HOURS OF OPERATION:

Motel _____

Annual Seasonal

Cottage Colony _____

Opening Date: _____

Condominium _____

Closing Date: _____

Campground _____

Days of the Week Open: _____

Lodging _____

Transient Vendor

Gas Station (*Please submit your Service Station Compliance Form & Third Part Underground Storage Tank Inspection Report (FP 289)*)

Section 2 – Business Information

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

Joseph M. Days Days Market

Print Name of Applicant Business Name

Joseph M. Days

Owner Name

271 Shore Rd, N. Truro MA 02652 PO Box 362, Provincetown MA

Street Address of Business Mailing Address of Business

DaysMarketAndDeli@gmail.co

Business Phone Number Business E-Mail Address

Section 3 - MANAGER INFORMATION

Check if New Manager (if checked, MUST submit Application to Name a Manager)

Name of Onsite Manager:

Name: Mylan C. Janoplis Unit Number: _____

Mailing Address: PO Box 362, Provincetown MA 02567

Phone: (24 Hour Contact): [REDACTED] Email Address: [REDACTED]

[Signature]
Manager's Signature (REQUIRED)

Name of Offsite Manager:

Name: Joseph M Days Business Name: _____

Business Address: 271 Shore Road N. Truro, MA 02652

Phone: (24 Hour Contact): [REDACTED] Email Address: [REDACTED]

Manager's Signature (REQUIRED)

Name of Co- Manager:

Name: Pamela Stahl Business Name: _____

Business Address: 271 Shore Road N. Truro, MA 02652

Phone: (24 Hour Contact): [REDACTED] Email Address: [REDACTED]

[Signature]
Co-Manager's Signature (REQUIRED)

Section 4 - ATTESTATION

Pursuant to M.G. L. Ch. 62C, sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all local state taxes required under law and the information I have provided is true and accurate. Any misstatement in this application, or violation of state or applicable town bylaws or regulations, shall be considered sufficient cause for refusal, suspension or revocation of the license.

Joseph M. Days Signature of Applicant JOSEPH M. DAYS Print Name 4/6/19 Date

Additional Applications & Documentation

REQUIRED FOR ALL MOTELS, COTTAGE COLONIES, CONDOMINIUMS & CAMPGROUNDS

- Smoke detector/fire protection certification
- IF YOU HAVE EMPLOYEES- Workers Compensation Affidavit & Certificate of Insurance
- IF YOU DO NOT HAVE EMPLOYEES- Workers Compensation Affidavit
- Business certificate with the clerk's office

ADDITIONAL (SEPARATE) APPLICATIONS THAT MAY PERTAIN TO YOUR OPERATION

- Application for Pool or Hot Tub Permit
 - Application to Name a Manager
 - Entertainment License
 - Application to sell Tobacco
 - Application for Food Service Permit
- (rev 9/2017)



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: MGLI Inc. DBA Days Market & Deli

Address: 271 Shore Rd

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

Are you an employer? Check the appropriate box:

- 1. I am an employer with 5-6 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: Seehire Hathaway GUARD

Insurer's Address: 16 S. River Street

City/State/Zip: Wilkes-Barre, PA 18703 - 0020

Policy # or Self-ins. Lic. # Attached Expiration Date: 4/22/2020

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: 4/9/2019

Phone #: [REDACTED]

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 #: _____



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

**FIRE PROTECTION SYSTEMS
ANNUAL TEST REPORT**

BUSINESS NAME: DAYS MARKET & DELI

OWNER/MANAGER: Mylan JANOPOLIS

ADDRESS: 271 SHORE ROAD N. TRURO, MA 02653

PHONE #: [REDACTED] NUMBER OF UNITS: _____

CONTACT PERSON: MYLAN JANOPOLIS

ADDRESS: 34 COMMODORE AVE. PROVINCETOWN, MA 02657

TESTING COMPANY: WHITE ELECTRIC

TESTING ELECTRICIAN/TECHNICIAN: DAVID WHITE

COMPANY PHONE #: _____ HOME PHONE #: _____

LICENSE #: 32286E

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: Emergency light exit signs Flt Star
retest

DATE OF CERTIFICATION: 4/8/19 BY: [Signature]
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.**

**Truro Select Board Meeting
Tuesday, April 4, 2019
Truro Town Hall Selectmen's Chambers**

Select Board Members Present: Chair Robert Weinstein; Maureen, Kristen Reed, Janet Worthington

Regrets: Paul Wisotzky

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

Chair Robert Weinstein called meeting to order at 11:00 a.m.

FINAL REVIEW OF TOWN MEETING WARRANT

Town Manager Rae Ann Palmer reviewed some changes in the Warrant and said there were three Articles remaining for the Selectmen's recommendations for Town Meeting.

Article 11 Acquisition of the Walsh Property

Ms. Palmer said the Town has a signed purchase agreement with the Walsh family for their nearly 70-acre property. The Article authorizes the purchase and creates a committee to determine how the property will be best used. The Selectmen expressed their enthusiasm for the wide-ranging opportunities the property would afford. They and the Town Manager thanked those who have been helping with the negotiations, which have been discussed only in Executive Sessions until now. The Conservation Trust, Carl Brotman and the Truro Affordable Housing Authority, and Selectmen Paul Wisotzky and Janet Worthington were all acknowledged for their roles in making the purchase possible.

Kristen Reed moved to recommend Article 11 as printed in the Warrant. Maureen Burgess seconded, and the motion carried 4-0-0.

**Article 13, Section 3 – Community Preservation Act
Edgewood Farm Historic Preservation Project Phase 4**

At the last meeting, Selectmen asked to hear more about the project. Truro Center for the Arts at Castle Hill Executive Artistic Director Cherie Mittenthal, Managing Director Kathy Collins, and Treasurer Karen Tosh came forward. They reviewed the history of their preservation of the three historic buildings at Edgewood Farm, the historical preservation restriction that had been executed, and the cost of historical authenticity for the restoration. They enumerated Castle Hill's offerings to the community and discussed the need for an elevator in the barn to provide handicap access to the second floor. They responded to Selectmen's questions on improving a negative perception of Castle Hill as elitist, their ability to fundraise as a private, non-profit 501(3)(c) organization, public access to the property at Edgewood Farm, and the phases of the project. Cherie Mittenthal said they do not plan to ask for CPA money for another phase. The

historical restoration is near completion, she said. She reported on more renovations that will be funded through other sources.

Susan Areson from the Finance Committee came forward to explain the thought process of the Finance Committee when they voted against recommending the Article. She said they had considered the exclusivity perception, the unknown number of phases for the project, other Town projects, and not spending all CPA money for the fiscal year. Kathy Collins asked for specific recommendations for ideas of how to better reach out to the community. Kristen Reed suggested contacting department heads for ideas. Ms. Palmer suggested Castle Hill do a mail-out to Truro residents to make them aware of their programs and activities. She reminded everyone that while the Selectmen make recommendations, it is the voters at Town Meeting who make the decision.

Maureen Burgess moved to recommend Article 13, Section 3 as printed in the Warrant. Kristen Reed seconded, and the motion carried 4-0-0.

Article 17 – Petitioned Article Establish a Truro Climate Action Committee

Town Counsel has advised that this is a non-binding, advisory Article. The Selectmen would set up the committee if it is approved at Town Meeting. It might be done as an additive piece to the existing Energy Committee.

Kristen Reed moved to recommend Article 17 as printed in the Warrant. Maureen Burgess seconded, and the motion carried 4-0-0.

Withdrawn Petitioned Article

Chair Weinstein said he had a letter to read for one of the petitioned articles, but Ms. Palmer said it would not be necessary to read the letter into record now that it the Article is withdrawn from the Warrant.

TOWN MANAGER'S COMMENTS

Ms. Palmer discussed emergency responses at Truro beaches. She had gone to a meeting at the state house with other Cape officials. The state has offered \$383,000 of funding for satellite call boxes, stretchers and repeaters. Truro has made its request for \$144,000 of the money. Chair Weinstein gave thanks to Governor Baker for the funds.

The Town Manager announced that there are two upcoming Stop the Bleed presentations this week.

ADJOURNMENT

Maureen moved to adjourn, and the meeting was adjourned at 12:23 p.m.

Respectfully submitted,

Mary Rogers, Secretary

Robert Weinstein, Chair

Maureen Burgess, Vice-chair

Kristen Reed

Paul Wisotzky

Janet Worthington, Clerk

Public Records Material of 4/4/19

April 4, 2019 Annual Town Meeting Warrant

DRAFT

Truro Select Board Meeting
Tuesday, April 9, 2019
Truro Town Hall Selectmen's Chambers

Select Board Members Present: Chair Robert Weinstein; Maureen, Kristen Reed, Paul Wisotzky, Janet Worthington

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

Chair Robert Weinstein called meeting to order at 5:16 p.m.

PUBLIC HEARINGS

Avenue D

Paul Wisotzky moved to open the hearing for Avenue D. Maureen Burgess seconded, and the motion carried 5-0. The public hearing opened at 5:20 p.m.

Ave Rosenthal explained her request for two licenses for Avenue D at 14 Truro Center Rd., Unit C. She is asking for the liquor license in order to offer a wine bar bistro inside the premises. The back deck will not be used. The Board of Health has approved the venture. She answered questions from the Selectmen on seating capacity, staff arrival time, and conditions for possible future use of the deck. Ms. Rosenthal said she has cleaned up the area behind the building. There were 13 letters of support and 6 in opposition, Chair Weinstein reported. Many of the concerns stated in the letters had been addressed, he said.

From the public, Bruce Decker asked for further clarification on use of the back door to the deck. He also had concerns about good neighbor policy with a future owner of the complex.

Chair Weinstein closed the public hearing.

Janet Worthington moved to approve the ABCC Licensing Authority Certification form for a New Seasonal On-premises Pouring Wine and Malt License excluding the deck area and Common Victualer License for Ave D. Rosenthal, Manager and Owner of Avenue D. Inc. dba Avenue D, 14 Truro Center Rd. Unit C. Kristen Reed seconded.

Robert Weinstein moved to amend the motion to state that the back doors were to be kept closed. Paul Wisotzky seconded. The motion carried 5-0.

The motion as amended - to approve the ABCC Licensing Authority Certification form for a New Seasonal On-premises Pouring Wine and Malt License, excluding the deck area and with back doors kept closed; and Common Victualer License for Ave D. Rosenthal, Manager and Owner of Avenue D. Inc. dba Avenue D, 14 Truro Center Rd. Unit C - carried 5-0.

Maureen Burgess moved to approve a change in the hours of operation to 3 p.m. to 10 p.m. Paul Wisotzky seconded, and the motion carried 5-0.

Captain's Choice

Chair Weinstein opened the hearing at 5:55 p.m.

Christopher King, owner of Captain's Choice Restaurant at 4 Highland Road Unit D. and his attorney presented the request to remove two tables in the outdoor patio and construct a free-standing sit-down bar for six persons in the outdoor patio space. Mr. King had submitted all the required documents for alteration of the premises.

Janet Wells, an abutter, confirmed that there has been no problems with their existing outside space.

Chair Robert Weinstein closed the public hearing.

Paul Wisotzky moved to approve the amendment of Christopher King's alcohol license for Captain's Choice Restaurant to remove two tables and construct a free-standing sit-down bar for six persons. Maureen Burgess seconded, and the motion carried 5-0.

BOARD OF SELECTMEN ACTION***Annual Report of Cape Cod Commission***

Truro Representative to the Cape Cod Commission (CCC) Kevin Grunwald presented highlights from the Annual Report on new leadership of CCC and the Regional Policy Plan goals, meant to serve as a template for Truro's Local Comprehensive Plan. Chair Weinstein thanked Mr. Grunwald for his service on the Cape Cod Commission. Kevin Grunwald said the Regional Transportation Plan, which is being updated, will have a big impact on Truro.

Proposed Beach Parking Fee Increase

Recreation and Beach Director Damion Clements proposed a list of increased beach operation fees, meant to off-set the increased operational costs. Janet Worthington had reservations about increasing fees for residents. Paul Wisotzky commented on the increased costs at beaches and noted that the Beach Commission is not in agreement with the proposed increases. Eliza Harned, Chair of the Beach Commission, explained that they had not favored the resident fee jump in ten dollars and questioned the fire permit fees. Mr. Clement said the resident fee had not been adjusted since 2011, and he was trying to get it aligned with other Cape towns. The Beach Director had made comparisons with beach fees from other communities. Ms. Palmer said she could support increasing resident fees over a period of two years, rather than doing it all at once.

Paul Wisotzky moved to approve the increases for 2019 with a change to the Resident Beach Sticker fee to \$20. Maureen Burgess seconded and the motion carried 5-0.

CONSENT AGENDA

- A. Review/Approve and Authorize Signature: Consent for Modifications – Crown Castle-Wireless Communications Facilities Lease Agreement
- B. Review and Approve Kevin Grunwald, reappointment as Truro's Representative to the Cape Cod Commission for a three-year term

C. Review and Approve Board of Selectmen Minutes: March 19, 2019 and March 26, 2019.

Paul Wisotzky moved to approve the Consent Agenda with one amendment. Maureen Burgess seconded, and the motion carried 5-0.

SELECTMEN REPORTS AND TOWN MANAGER'S REPORT

Pet Emergency, Tip a Cop and Stop the Bleed were three programs that drew high praise from participating Selectmen. Kristen Reed said it was a pleasure to be a part of the Tip a Cop event at Montano's in support of the Special Olympics. She had also attended a training session of Stop the Bleed and urged the public to attend a training at any town's Public Safety Department. Janet Worthington had attended Tip a Cop, the Pet Emergency program, two great events. Maureen Burgess had gone to Pet Emergency, Tip a Cop and Stop the Bleed, a training she found so valuable, she has ordered a kit for her home.

Town Manager Rae Ann Palmer noted the dates for the Budget Hearing on April 11, 2019 and Candidates' Night at Pre-Town Meeting on Wednesday, April 17, 2019. She said there are monthly Stop the Bleed training sessions being offered in Truro. A decision is coming soon on phones for the ocean beaches, and stretchers are on order. Ms. Palmer had met with other Outer Cape towns and Seashore to hear about the Woods Hole study and to plan allocations of state money for emergency equipment for the beaches.

SELECTMEN COMMENTS

Janet Worthington said she has received positive feedback on the Walsh property; one person had suggested holding a forum for more information about the land and for organizing the working group.

Kristen Reed asked about next steps she could relay to a citizen interested in bringing to a future Town Meeting an Article on snow removal on private roads.

Robert Weinstein commented on heavy delivery trucks which block and damage unpaved roads like Old King's Highway when they get stuck.

Chair Weinstein gave thanks to the Police Chief and Department who participated in the Tip a Cop event and special thanks to Bob Montano for his positive community engagement with year-round operation of restaurant and making the venue available for Town events. Janet Worthington suggested issuing a proclamation to formally thank him.

AGENDA FOR NEXT MEETINGS

The Town Manager Rae Ann Palmer reviewed agenda items for the next meetings:

April 16 - Work Session: Executive Session and discussion of Walsh property.

April 23 - Regular Meeting: Conservation Commission bylaws, Town Meeting Motion assignments, Herring River MOU amendment, and seasonal licenses.

Chair Weinstein announced the Cape Cod Selectmen's meeting at PB Boulangerie in Wellfleet, April 12, 2019 at 7:30 a.m. School funding is the featured topic.

ADJOURNMENT

Paul Wisotzky moved to adjourn. Maureen Burgess seconded, and the meeting was adjourned at 6:49 p.m.

Respectfully submitted,

Mary Rogers, Secretary

Robert Weinstein, Chair

Maureen Burgess, Vice-chair

Kristen Reed

Paul Wisotzky

Janet Worthington, Clerk

Public Records Material of 4/9/19

1. Application materials for Avenue D
2. License application for Captain's Choice Restaurant
3. Cape Cod Commission's Annual Report
4. Beach Fee proposals and fee comparisons with other towns
5. Crown Castle-Wireless Communications Facilities Lease Agreement
6. Kevin Grunwald's reappointment papers for Cape Cod Commission

DRAFT

**Finance Committee Budget Hearing
Board of Selectmen Meeting
Truro Community Center
April 11, 2019**

Finance Committee Present: Robert Panessiti, Chair; Susan Areson, Jay Coburn, Richard Wood

Regrets: Lori Meads

Board of Selectmen Present: Robert Weinstein, Chair; Maureen Burgess, Kristen Reed, Paul Wisotzky, Janet Worthington

Present: Town Manager Rae Ann Palmer; Town Accountant Trudi Brazil

Finance Committee Chair Robert Panessiti called the meeting to order and opened the public hearing for the Fiscal Year 2020 Budget at 6:04 p.m. Robert Weinstein called the Board of Selectmen meeting to order.

Mr. Panessiti explained the budget process that the Budget Task Force had conducted to plan for Fiscal Year 2020. He stated that the total FY20 Budget is \$20,089,615. The Finance Committee's Budget Message addresses the ability to offer needed services for Truro. He commented on the influences of the aging population, housing, salaries, seasonal population influx, and job creation. The main source of income for the Town is derived from property taxes, he said. Other Post Employment Benefits (OPEB) is a state requirement, but it is expected to drop next year. He discussed debt exclusion requests in the Warrant. These vary each year. Mr. Panessiti reviewed the Operating Budget Summary. He commented on the pie chart that depicted personnel expenses, a significant part of the Budget. He explained the 2.5% goal and the 5-year plan for budgeting.

Selectman Kristen Reed thanked the Budget Task Force for helping her understand the budget process. Chair Robert Weinstein thanked the many people responsible for budget preparation. He noted that the process is a collaborative effort. He commented on the state mandates for School and Public Safety. He underlined Chair Panessiti's observation that municipal budgets are very different from personal budgets and are planned over half a year in advance.

Chair Panessiti invited questions from the public. Christopher Clark asked about trends that Board members have noticed. Selectmen Chair Robert Weinstein said he has studied budget rises for several years and has noticed the ever-increasing bottom line. He said other towns try to keep a reasonable total and still provide services to their communities. Janet Worthington said there has been a decrease in school age population, yet the cost of Schools stays high. Finance Committee member Jay Coburn said budget increases will continue as long as towns preserve their own separate infrastructure without merging with other municipalities. Town Manager Rae Ann Palmer said that Truro will be using new software to study data for trends. Jay Coburn said a little town like Truro would be paying the same amount as a larger town for the software or

other items. Kristen Reed said Truro has been working on shared services with neighboring towns. She said the ClearGov app already has Truro information included in its database.

Christopher Clark asked what was the most difficult Budget piece that the Task Force faces. Chair Panessiti said Public Safety, Education, and staffing are all challenges. Robert Weinstein added that resiliency in the face of Climate Change is another challenge. He also discussed how the Education budget can add large increases when costly Special Needs provisions are necessary. Chair Weinstein said that the state had provided some additional money for beach safety. He discussed the importance of the Fire and Rescue. Mr. Clark said this was all about risk situations. Ms. Palmer said there is around one million dollars in the rainy day fund. She said, from her perspective, the biggest budget challenge is meeting the needs of the community while balancing it with keeping costs under control. When the Town can't cover expenses, the Town will need to make decisions on the services that can be provided.

Monica Kraft asked why the Public Works Budget line had such a big decrease. Trudi Brazil explained that all electricity has been moved to another line and that DPW has been the biggest user of electricity. Rae Ann Palmer said the Town is now receiving energy credits.

In closing, Mr. Panessiti commented on the visioning the Town will need as it moves forward. He recommended that residents volunteer on Town boards and attend meetings to stay informed. He gave thanks to staff and the Board of Selectmen for preparation of the FY20 Budget.

Chair Panessiti closed the public hearing and adjourned the Finance Committee meeting. Paul Wisotzky moved to adjourn the Board of Selectmen meeting. Maureen Burgess seconded, and the meeting was adjourned at 6:56 p.m.

Respectfully submitted,

Mary Rogers, Secretary

Robert Weinstein, Chair

Maureen Burgess, Vice-chair

Kristen Reed

Paul Wisotzky

Janet Worthington, Clerk