



## Truro Board of Selectmen Meeting

Tuesday, December 2, 2014 – 5:00PM

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

### 1. AGENDA

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

A. Continued Public Hearing\*:

NSTAR Electric for installation of Cable, Conduit and 5 Manholes (Standish Way & South Hollow Rd) and Authorize the BoS Clerk to sign

NSTAR Electric to install 3082 feet of conduit and cable with 9 new manholes including the necessary sustaining and protecting fixtures in, under, along and across the following public way on Shore Road and Authorize the BoS Clerk to sign

Presenter: Engineer John Gomber, Jessica Elder and Jerry McDermott NSTAR Representatives

*\*NSTAR Representatives will not be at the meeting of December 2<sup>nd</sup> for further review of the plans. All Abutters will be re-notified as to a date certain.*

B. Public Hearing: Application from Beach Point Health and Swim Club, LLC. (217 Shore Rd) Albert Silva, Manager and Owner, for change of the General on Premise All-Alcohol license from an Annual License to a Seasonal License. The Public Hearing will be held at the Truro Town Hall, 24 Town Hall Road, Truro, at which time the request will be discussed. Comments from the public will be heard, and all interested parties are invited to attend.

Presenter: Al Silva

### 3. BOARD OF SELECTMEN ACTION

A. Update from the Chamber of Commerce

Presenter: Jane Peters

B. Update from Comcast regarding the current contract with the Town of Truro

Presenter: Mary O'Keeffe-Comcast Senior Manager of Government and Regulatory Affairs

C. Update on End of Phase 1, Integrated Water Resource Planning

Presenters: Kevin Kuechler Water Resources Oversight Committee Chair & Blake Martin (Weston and Sampson)

D. Development Agreement Bylaw (DAB) proposal for ATM 2015

Presenter: Leo "Skip" Childs Planning Board Chair

E. Discussion on Open Meeting Law and Public Records

Presenter: Coburn

### 4. CONSENT AGENDA

A. Review & Approve and Authorize the Chair to sign:

1. Mosquito Control funding for FY16-Form SRB-3 Declaration of Support or No Support of Mosquito Control Funding

2. FY14 Green Communities Annual Report

3. Curb Cut Application- 4 Francis Road-Rose & Robert D'Rezzo-Daniel Silva Construction
  4. Application for Staging Permits-Safe Harbor-Fisher Beach and Cold Storage Beach-  
December 1-31
- B. Review and Approve One Day Entertainment and Alcohol License-Castle Hill Center for the Arts-  
December 13<sup>th</sup> (6-10PM)

**5. SELECTMEN REPORTS AND LIAISON REPORTS**

**6. NEXT MEETING AGENDA: December 16th, 2014**

**7. TOWN ADMINISTRATOR'S REPORT**

**8. EXECUTIVE SESSION:** (Lower Level Conference Room) "Move that the Board of Selectmen enter into Executive Session in accordance with the provisions of Massachusetts General Law, Chapter 30A, §21 (a) 3 to discuss strategy with respect to Contract Negotiations where discussion in an open meeting may have a detrimental effect on the bargaining or litigating position of the Town and to not reconvene in open session, the Chair so declares."



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

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

Email: [ntudor@truro-ma.gov](mailto:ntudor@truro-ma.gov) or [nscoullar@truro-ma.gov](mailto:nscoullar@truro-ma.gov)

TOWN OF TRURO  
PUBLIC HEARING  
**NSTAR CABLE, CONDUIT AND MANHOLE HEARING**

The Truro Board of Selectmen will conduct a public hearing on a petition from NSTAR Electric to install underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures in, under, along and across the following public ways: South Hollow Road between Route 6A and Route 6, and Standish Way. Said hearing will be held on **Tuesday, September 9<sup>th</sup>, 2014 at 5:00 p.m.** at the Truro Town Hall, 24 Town Hall Road, Truro.

Jay Coburn, Chairman  
Board of Selectmen  
Town of Truro

The NSTAR Public Hearing was continued from the date above to the meeting of December 2nd, 2014.

NSTAR Representatives will not be at the meeting of December 2nd for further review of the plans.

All Abutters will be re-notified as to a date certain.

Thank you.  
Board of Selectmen's Office



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

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

Email: [ntudor@truro-ma.gov](mailto:ntudor@truro-ma.gov) or [nscoullar@truro-ma.gov](mailto:nscoullar@truro-ma.gov)

TOWN OF TRURO  
PUBLIC HEARING  
**NSTAR CABLE, CONDUIT AND MANHOLE HEARING**

The Truro Board of Selectmen will conduct a public hearing on a petition from NSTAR Electric to install 3082 feet of conduit and cable with 9 new manholes including the necessary sustaining and protecting fixtures in, under, along and across the following public way on Shore Road. Said hearing will be held on **Wednesday, November 12, 2014 at 5:00 p.m.** at the Truro Town Hall, 24 Town Hall Road, Truro.

Jay Coburn, Chairman  
Board of Selectmen  
Town of Truro

The NSTAR Public Hearing was continued from the date above to the meeting of December 2nd, 2014.

NSTAR Representatives will not be at the meeting of December 2nd for further review of the plans.

All Abutters will be re-notified as to a date certain.

Thank you.  
The Board of Selectmen's office.



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

## Licensing Department

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

Email: [ntudor@truro-ma.gov](mailto:ntudor@truro-ma.gov) or [nscoullar@truro-ma.gov](mailto:nscoullar@truro-ma.gov)

To: Board of Selectmen- Local Licensing Authority  
From: Noelle Scoullar, Licensing Clerk  
Date: November 19, 2014  
Re: **Beach Point Health and Swim Club, LLC**  
**Request to change from an Annual All Alcohol License to a Seasonal All Alcohol License**

---

Al Silva, Owner and Manager of Beach Point Health and Swim Club (217 Shore Road, Truro) is requesting a change to his Annual All Alcohol, general on premises license held with the Town of Truro.

This license is an **Annual All Alcohol, general on premises for Beach Point Health and Swim Club, LLC. ABCC License number is 129200034.**

The proposed change is to go from Annual All Alcohol to Seasonal All Alcohol.

I have included the accompanying application that will be mailed to the Alcoholic Beverages Control Commission. Once this request is reviewed and approved at a duly held Board of Selectmen Meeting the ABCC application will be mailed to the State for final approval. In addition, Form 43 (ABCC) is in the signature file for your signature once an approval vote is made. The ABCC will return this document stamped APPROVED or I will be contacted with a request for additional information from the applicant. When the change from Annual to Seasonal is approved by the Alcoholic Beverages Control Commission a new Liquor License can be signed.

Thank you for your consideration and attention to this matter.

Noelle Scoullar  
Licensing Clerk



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

## Licensing Department

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

Email: [ntudor@truro-ma.gov](mailto:ntudor@truro-ma.gov) or [nscoullar@truro-ma.gov](mailto:nscoullar@truro-ma.gov)

**To:** Chief Kyle Takakjian, Truro Police Department  
**From:** Noelle Scoullar, Executive Assistant  
**Date:** November 19, 2014  
**Re:** Beach Point Health and Swim Club, Al Silva, Manager- Request to go from Annual All Alcohol License to Seasonal All Alcohol License

---

Al Silva, dba Beach Point Health and Swim Club, submitted a Retail Alcoholic Beverages License Application Monetary Transmittal Form, and the Vote of the Officers per the ABCC requirement.

Current Owner & Manager on record Al Silva, 217 Shore Road, North Truro, MA 02652 is requesting to change his Annual All Alcohol License to a Seasonal All Alcohol License.

I have included the accompanying ABCC applications as submitted by the applicant that will be provided to the Alcoholic Beverages Control Commission upon approval of the Board of Selectmen at a duly held meeting on December 2, 2014.

Please kindly review for purposes of approval with the Local Licensing Authority (BOS) this request for a change from an Annual All Alcohol License to a Seasonal All Alcohol License. Please provide any questions/comments or concerns below:

---

---

---

POLICE DEPARTMENT REVIEW:

Date: 11/20/14

Signature: Kyle Takakjian  
Kyle Takakjian, Chief of Police



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

Print Form

RECEIVED  
 SELECTMENS OFFICE  
 OCT 30 2014  
 TOWN OF TRURO  
 MASSACHUSETTS

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
 MONETARY TRANSMITTAL FORM**

**APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.**

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER 1620

IF USED EPAY, CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY) 129200034

LICENSEE NAME BEACH POINT HEALTH AND SWIM CLUB LLC

ADDRESS 217 SHORE ROAD

CITY/TOWN TRURO STATE MA ZIP CODE 02652

**TRANSACTION TYPE (Please check all relevant transactions):**

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Alteration of Licensed Premises   | <input type="checkbox"/> Cordials/Liqueurs Permit       | <input type="checkbox"/> New Officer/Director          | <input type="checkbox"/> Transfer of License        |
| <input type="checkbox"/> Change Corporate Name   | <input type="checkbox"/> Issuance of Stock              | <input type="checkbox"/> New Stockholder               | <input type="checkbox"/> Transfer of Stock          |
| <input type="checkbox"/> Change of License Type  | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Pledge of Stock               | <input type="checkbox"/> Wine & Malt to All Alcohol |
| <input type="checkbox"/> Change of Location  | <input type="checkbox"/> More than (3) §15              | <input type="checkbox"/> Pledge of License             | <input type="checkbox"/> 6-Day to 7-Day License     |
| <input type="checkbox"/> Change of Manager   | <input checked="" type="checkbox"/> New License         | <input checked="" type="checkbox"/> Seasonal to Annual |   |
| <input type="checkbox"/> Other <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span> |   | <del>ANNUAL TO SEASONAL</del>                          |   |

**THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION  
 P. O. BOX 3396  
 BOSTON, MA 02241-3396**



The Commonwealth of Massachusetts  
**Alcoholic Beverages Control Commission**  
 239 Causeway Street Boston, MA, 02114

Contact Us  
 617-727-3040

[Home](#)   [Licensing Division](#)   [Enforcement Division](#)   [Download Forms](#)   [FAQ's](#)

Forms and Applications

Forms & Applications   State Forms   **Retail Forms**   Multiple Transactions (Retail)

Special Licenses/Permits

---

**New License Transaction Forms**

For ease of reference, we have bundled the required forms by transaction type. For example if you are applying for a new license click on retail application and all the necessary forms that must be completed for a new license will be provided.

[Application for New Retail License](#)

[Additional Personal Information](#) or [Additional CORI Application](#)

[Additional Package Store Legislation Transmittal Form \(Special Legislation Only\)](#)

[Transport & Delivery Permit for Retail](#)

[No Fee Transmittal Form for Reconsideration](#)

---

**Existing Licensees**

For ease of reference, we have bundled the required forms by transaction type below. For example if you are applying for a Change of Location click on the "Change of Location Form" link and all the necessary forms that must be completed for the transaction will be provided.

<p><u>New Officers or Directors Forms</u></p> <ul style="list-style-type: none"> <li>• Transmittal Form</li> <li>• \$200 Fee</li> <li>• DOR Certificate of Good Standing</li> <li>• Petition for Transfer of Ownership</li> <li>• Application with:                             <ul style="list-style-type: none"> <li>◦ Personal Information Form</li> <li>◦ CORI Application</li> <li>◦ Statement of Change to Art. of Org.</li> <li>◦ Vote of Corporate Board</li> </ul> </li> </ul>	<p><u>Pledge of License Forms</u></p> <ul style="list-style-type: none"> <li>• Transmittal Form</li> <li>• \$200 Fee</li> <li>• DOR Certificate of Good Standing</li> <li>• Petition for a Change of License</li> <li>• Pledge Agreement</li> <li>• Promissory Note</li> <li>• Supporting Financial Records (if needed)</li> <li>• Vote of Corporate Board</li> </ul>	<p><u>Change of Manager Forms</u></p> <ul style="list-style-type: none"> <li>• Transmittal Form</li> <li>• \$200 Fee</li> <li>• Petition for a Change of License                             <ul style="list-style-type: none"> <li>◦ Manager's Form w/ Proof of Citizenship</li> <li>◦ Personal Information Form</li> <li>◦ CORI Application</li> <li>◦ Vote of Corporate Board</li> </ul> </li> </ul>
---	---	---

---

<p><u>Pledge of Stock Forms</u></p> <ul style="list-style-type: none"> <li>• Transmittal Form</li> <li>• \$200 Fee</li> <li>• DOR Certificate of Good Standing</li> <li>• Petition for a Change of License                             <ul style="list-style-type: none"> <li>◦ Pledge Agreement</li> <li>◦ Promissory Note</li> <li>◦ Supporting Financial Records (if needed)</li> <li>◦ Vote of Corporate Board</li> </ul> </li> </ul>	<p><u>Transfer or Issuance of Stock Forms</u></p> <ul style="list-style-type: none"> <li>• Transmittal Form</li> <li>• \$200 Fee</li> <li>• Newspaper Notice</li> <li>• Petition for Transfer of Ownership</li> <li>• Application with:                             <ul style="list-style-type: none"> <li>◦ Personal Information Form</li> <li>◦ CORI Application</li> <li>◦ Purchase &amp; Sale Agreement</li> <li>◦ Supporting Financial Records</li> <li>◦ Vote of Corporate Board</li> </ul> </li> </ul>	<p><u>New Stockholders Forms</u></p> <ul style="list-style-type: none"> <li>• Transmittal Form</li> <li>• \$200 Fee</li> <li>• DOR Certificate of Good Standing</li> <li>• Newspaper Notice</li> <li>• Petition for Transfer of Ownership</li> <li>• Application with:                             <ul style="list-style-type: none"> <li>◦ Personal Information Form</li> <li>◦ CORI Application</li> <li>◦ Supporting Financial Records</li> <li>◦ Vote of Corporate Board</li> </ul> </li> </ul>
---	---	---

---

<p><u>Transfer of License Forms</u></p> <ul style="list-style-type: none"> <li>• Transmittal Form</li> <li>• \$200 Fee</li> <li>• DOR Certificate of Good Standing</li> <li>• Newspaper Notice</li> <li>• Petition for Transfer of Ownership</li> <li>• Application with:                             <ul style="list-style-type: none"> <li>◦ Art. of Organization</li> <li>◦ Legal Right to Occupy</li> <li>◦ Manager's Form w/ Proof of Citizenship</li> <li>◦ Personal Information Form</li> <li>◦ CORI Application</li> <li>◦ Purchase &amp; Sale of Business</li> <li>◦ Supporting Financial Records</li> <li>◦ Vote of Corporate Board</li> </ul> </li> </ul>	<p><u>Alteration of Premises Forms</u></p> <ul style="list-style-type: none"> <li>• Transmittal Form</li> <li>• \$200 Fee</li> <li>• Newspaper Notice</li> <li>• Abutter Notification</li> <li>• Petition for a Change of License                             <ul style="list-style-type: none"> <li>◦ Floor Plans</li> <li>◦ Legal Right to Occupy (if needed)</li> <li>◦ Supporting Financial Records (if needed)</li> <li>◦ Vote of Corporate Board</li> </ul> </li> </ul>	<p><b><u>Seasonal to Annual Forms</u></b></p> <ul style="list-style-type: none"> <li>• Transmittal Form</li> <li>• \$200 Fee</li> <li>• DOR Certificate of Good Standing</li> <li>• Newspaper Notice</li> <li>• Abutter Notification</li> <li>• Application with:                             <ul style="list-style-type: none"> <li>◦ Art. of Organization</li> <li>◦ Floor Plans</li> <li>◦ Legal Right to Occupy</li> <li>◦ Manager's Form w/ Proof of Citizenship</li> <li>◦ Personal Information Form</li> <li>◦ CORI Application</li> <li>◦ Supporting Financial Records</li> <li>◦ Vote of Corporate Board</li> </ul> </li> </ul>
--	---	--

Search  
 Input Search Query

Select an Area to Search **ABCC** ▼

Submit

Email & Bookmark [More](#)

Public Record Request Form [PDF](#)

Licensing Division Contact Information  
 (617)-727-3040

Ryan Melville  
 Supervisor of Licensing  
 Ext 718 - [rmelville@tre.state.ma.us](mailto:rmelville@tre.state.ma.us)

Deron Egbuche  
 Ext 723 - [degbuche@tre.state.ma.us](mailto:degbuche@tre.state.ma.us)

Hurshel Langham  
 Ext 719 - [hlangham@tre.state.ma.us](mailto:hlangham@tre.state.ma.us)

Jeanily Cruz  
 Ext 720 - [jcruz@tre.state.ma.us](mailto:jcruz@tre.state.ma.us)

Darla Earl  
 Ext 721 - [dearl@tre.state.ma.us](mailto:dearl@tre.state.ma.us)



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

For Reconsideration

**FORM 43**  
**MUST BE SIGNED BY LOCAL LICENSING AUTHORITY**

129200034

ABCC License Number

Truro

City/Town

12/02/2014

Local Approval Date

**TRANSACTION TYPE (Please check all relevant transactions):**

- |   |  |   |  |
|---|--|---|--|
| <input checked="" type="checkbox"/> New License   | <input type="checkbox"/> New Officer/Director            | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name   |
| <input type="checkbox"/> Transfer of License      | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual  |
| <input type="checkbox"/> Change of Manager        | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type  |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input checked="" type="checkbox"/> Other <span style="border: 1px solid black; padding: 2px;">Annual to Seasonal</span> |
| <input type="checkbox"/> 6-Day to 7-Day License   | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |  |

Name of Licensee Beach Point Health and Swim Club, LLC EIN of Licensee Personal Information Redacted

D/B/A Beach Point Health and Swim Club, LLC Manager Albert R. Silva

ADDRESS: 217 Shore Road CITY/TOWN: North Truro STATE MA ZIP CODE 02652

Annual All Alcohol General On Premises

Annual or Seasonal

Category: (All Alcohol- Wine & Malt Wine, Malt & Cordials)

Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

**Complete Description of Licensed Premises:**

The building is a 5,000 square foot complex, housing a 50' pool, kiddie pool, hot tub, sauna, steam room, exercise room, three private showers, and two bathrooms. Exits are located on each end of the building and in the rear of the building. Located at 217 Shore Road, North Truro.

Application Filed: Oct 30, 2014 Date & Time      Advertised: 11/14/14 & 11/21/14 Date & Attach Publication      Abutters Notified: Yes  No

Licensee Contact Person for Transaction Noelle Scoullar Phone: 508/349-7004 ext 24

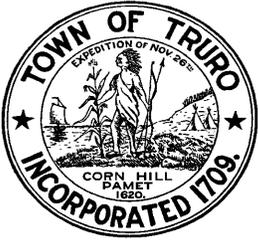
ADDRESS: PO Box 2030/24 Town Hall Road CITY/TOWN: Truro STATE MA ZIP CODE 02666

Remarks: Al Silva, owner and manager of Beach Point Health and Swim Club, LLC is applying to go from Annual All Alcohol to Seasonal All Alcohol

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
 Ralph Sacramone  
 Executive Director

ABCC Remarks:



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration on Behalf of the Board of Selectmen

**REQUESTOR:** Rae Ann Palmer, Town Administrator

**REQUESTED MEETING DATE:** December 2, 2014

**ITEM:** Update from the Chamber of Commerce

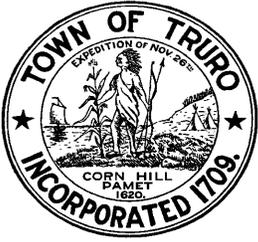
**EXPLANATION:** Chamber of Commerce representatives will do a presentation of their programs and initiatives. This is also an opportunity to have a discussion of a tourism program that expands on the current town guide.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** N/A

**SUGGESTED ACTION:** None required.

**ATTACHMENTS:** Chamber representative(s) will provide materials at the meeting.



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration on Behalf of the Board of Selectmen

**REQUESTOR:** Rae Ann Palmer, Town Administrator

**REQUESTED MEETING DATE:** December 2, 2014

**ITEM:** Update from Comcast on the expansion of service as called for in the Town's current contract.

**EXPLANATION:** Staff has requested an update from Comcast as to the timetable for expanding service to Town residents. See the attached email from Mary O'Keefe, Senior Manager of Government and Regulatory Affairs.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** N/A

**SUGGESTED ACTION:** None Required.

**ATTACHMENTS:**

1. Email from Mary O'Keefe dated July 28, 2014 (converted to a Word file)

**From:** O'Keeffe, Mary  
**Sent:** Monday, July 28, 2014 1:32 PM  
**To:** Greenhalgh, Charleen; Greenhalgh, Charleen  
**Subject:** Comcast Truro Update

Here is the latest update for the two areas Comcast will be extending cable plant.

## **Truro**

### **Node 23:**

- July 2014: NSTAR expected to complete Make-ready work.
- February 2014: Design Center completed system map designs
- December 2013: Make-ready results forwarded to Design Center to finalize the construction design of the fiber and coax plant.
- November 2013: Make-ready payments sent to Verizon and NSTAR
- November 2013: Make-ready estimate received from NSTAR
- November 2013: Walk-out completed
- September 2013: Pole License applications submitted to Verizon and NSTAR

### **Node 24:**

- July 2014: NSTAR expected to complete Make-ready work.
- February 2014: Design Center completed system map designs
- January 2014: Make-ready payments sent to Verizon
- December 2013: Verizon Pole License received
- December 2013: Make-ready estimate received from Verizon
- November 2013: Walk-out completed
- September 2013: Pole License applications submitted to Verizon and NSTAR

## **Truro:**

**Node: 23:** Aunt Sal's Lane, Bad Axe Way, Collins Road, Dead Pine Hill, Head of Pamet Way, Long Dune Lane, Misty Hollow, South Pamet Road

**Node 24:** Dyers Hollow Road and North Pamet Road.

*Mary O'Keeffe*

**Senior Manager of Government & Regulatory Affairs**  
Greater Boston Region - NorthEast Division

## **Comcast**

10 Old Townhouse Road East ❖❖ South Yarmouth, MA 02664  
phone: 508.760.3400 x33007 ❖ fax: 508.760.1125  
cell: 617.279.6017

**From:** O'Keefe, Mary <Mary\_OKeefe@cable.comcast.com>  
**To:** ntudor@truro-ma.gov <ntudor@truro-ma.gov>  
**Date:** 11/26/2014 01:17 PM  
**Subject:** RE: Comcast discussion with Truro Board of Selectmen-Dec. 2nd

Nicole

Here is the most up-to-date information:

**Node 23:**

- December 2014: NSTAR license expected to be sent to Comcast..
- November 2014: Verizon Make-ready work complete
- November 2014: NSTAR Make-ready work complete
- July 2014: NSTAR expected to complete Make-ready work.
- May 2014: Verizon Pole License received
- February 2014: Design Center completed system map designs
- December 2013: Make-ready results forwarded to Design Center to finalize the construction design of the fiber and coax plant.
- November 2013: Make-ready payments sent to Verizon and NSTAR
- November 2013: Make-ready estimate received from NSTAR
- November 2013: Walk-out completed
- September 2013: Pole License applications submitted to Verizon and NSTAR

**Node 24:**

- December 2014: NSTAR license expected to be sent to Comcast.
- November 2014: NSTAR Make-ready work complete
- July 2014: Verizon Make-ready complete
- July 2014: NSTAR expected to complete Make-ready work.
- February 2014: Design Center completed system map designs
- January 2014: Make-ready payments sent to Verizon
- December 2013: Verizon Pole License received
- December 2013: Make-ready estimate received from Verizon
- November 2013: Walk-out completed
- September 2013: Pole License applications submitted to Verizon and NSTAR

**Node: 23:** Aunt Sal's Lane, Bad Axe Way, Collins Road, Dead Pine Hill, Head of Pamet Way, Long Dune Lane, Misty Hollow, South Pamet Road

**Node 24:** Dyers Hollow Road and North Pamet Road.

*Mary O'Keefe*

**Senior Manager of Government & Regulatory Affairs**  
Greater Boston Region - NorthEast Division



# TOWN OF TRURO

## REQUEST FOR PLACEMENT OF AN ACTION ITEM ON A BOARD OF SELECTMEN'S MEETING AGENDA

**DEPARTMENT:** Water Resources Oversight Committee

**REQUESTOR:** Kevin Kuechler

**REQUESTED MEETING DATE:** 12/2/2014

**TOPIC:** End of Phase 1, Integrated Water Resource Planning

**SUGGESTED ACTION:** Discussion Item Only. The Committee will present the findings of Phase 1, and review the scope of Phase 2 (previously approved and already funded).

**FINANCIAL SOURCE (if applicable):** Funding approved for both phases at Town Meeting.

**IMPACT IF NOT APPROVED:** N/A



# TOWN OF TRURO

## REQUEST FOR PLACEMENT OF AN ACTION ITEM ON A BOARD OF SELECTMEN'S MEETING AGENDA

**DEPARTMENT:** Planning Board

**REQUESTOR:** Leo "Skip" Childs, c/o Charleen Greenhalgh

**REQUESTED MEETING DATE:** December 2, 2014

**TOPIC:** Review and support of a Development Agreement Bylaw (DAB) proposal for ATM 2015.

**EXPLANATION:** A development agreement is a voluntary, binding contract. It is a tool that may be used by the Cape Cod Commission (CCC), municipalities, state agencies and developers to define the scope and substance of proposed developments. As empowered by the CCC Act, the CCC has the opportunity to enter into development agreements with the private sector. In addition, and provided that their Local Comprehensive Plans have been certified by the CCC, the Cape's fifteen towns are authorized to execute development agreements directly with a land owner or with a land owner, the CCC and other governmental agencies, including abutting Cape towns.

The CCC Act currently has a number of threshold triggers which require projects to go through a mandatory DRI process consistent with the CCC Regional Policy Plan (RPP). On the following pages please find the complete list. The DAB provides the opportunity for a developer to work with the Town to come up with an agreement that would be advantageous to the Town. This allows for developments that may differ from the CCC regulations. It would allow for a series of public hearings and ultimately would require a vote of the town meeting. At any time either party can back out of the agreement and would then need to go through the Development of Regional Impact (DRI) process.

Attached please also find a memo dated November 6, 2014 from the Planning Board Chairman. Per the memo, the Town adopted such a general bylaw in 2002; however the bylaw was inadvertently omitted when the General Bylaws were re-codified in 2005. The Planning Board wishes to bring it back to the Town with the Selectmen's support.

**SUGGESTED ACTION:** The desired action is for the Board of Selectmen to approve the incorporation of this proposed general bylaw in the next Annual Town Meeting warrant and to further for the Board of Selectmen to be a sponsor, or co-sponsor, of the proposed bylaw.

**FINANCIAL SOURCE (if applicable):** N/A

**IMPACT IF NOT APPROVED:** If the Board of Selectmen does not vote to include it on the warrant, then there would be no further action (unless this was to come in as a petitioned article, which has not been discussed by the Planning Board at this time.) If the Board of Selectmen supports the place on the ATM warrant, but not to sponsor or co-sponsor the article, then it would fall completely on the Planning Board to discuss this at the Town Meeting.

### **SECTION 3: DEVELOPMENTS PRESUMED TO BE DEVELOPMENTS OF REGIONAL IMPACT (DRI REVIEW THRESHOLDS)**

Upon the effective date of this ordinance, the following standards and criteria (“thresholds”) shall set forth the types and classes of development presumed to be Developments of Regional Impact (DRIs) or as amended in accordance with Chapter H of the Cape Cod Commission Regulations of General Application, *Municipal Application for Revision of DRI Thresholds*, and as provided in Section 3(n), below. Standards and criteria contained in Section 12(c) of the Act are superseded by the thresholds contained in these regulations upon the effective date of the ordinance, or as amended in accordance with Chapter H of the Cape Cod Commission Regulations of General Application, *Municipal Application for Revision of DRI Thresholds*, and as provided in Section 3(n), below. Any proposed development that meets or exceeds the thresholds adopted below shall be referred to the Commission as a DRI:

- (a) Any proposed Demolition or Substantial Alteration of a building, structure or site listed on the National Register of Historic Places or the State Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District.
- (b) The construction or expansion of any bridge, ramp, road or vehicular way that crosses or provides direct access to an inland pond, barrier beach, coastal bank, dune, beach or tidal wetland or waterbody (as defined by MGL Ch. 131, Section 40) except a bridge, ramp or driveway serving no more than three single-family dwelling(s).
- (c) Any development that proposes to divide parcel(s) of land totaling 30 acres or more in common ownership or control on or after September 30, 1994, including assembly and recombination of lots. This threshold shall include any development activity in conjunction with any land division of 30 acres or more not otherwise exempted from review under Section 22(e) of the Act.
- (d) Any development that proposes to divide land into 30 or more residential lots. Any development that proposes to divide land into 10 or more business, office or industrial lots.
- (e) Any of the following proposed developments: commercial, service, retail, wholesale business, industrial, private office, private health, private recreational or private educational which exceeds these criteria:
  - (i) New construction of any building or buildings (including accessory and auxiliary structures) with a Gross Floor Area greater than 10,000 square feet;
  - (ii) Additions to existing buildings that result in an increase greater than 10,000 square feet of Gross Floor Area;
  - (iii) For Outdoor Uses, new construction or development that has a Total Project Area greater than 40,000 square feet;
  - (iv) Any Demolition and replacement not resulting in a Change of Use that results in a net increase in Gross Floor Area greater than 10,000 square feet. Net increase is calculated as the difference between the existing Gross Floor Area and the proposed Gross Floor Area.

(f) Any proposed Change of Use, or Demolition and replacement resulting in a Change of Use, involving commercial, service, retail, wholesale, industrial, private office, private health, private recreational or private educational uses in excess of the following thresholds:

(i) Where the Gross Floor Area of the building(s), or that portion of a building, subject to the Change of Use, is greater than 10,000 square feet. In cases where there is a Change of Use within a portion of a building only, all areas associated with that use shall be included in the 10,000 square foot calculation, including storage areas and ancillary areas;

(ii) Any Demolition and replacement that results in a Change of Use where the Gross Floor Area is greater than 10,000 square feet.

(iii) For Outdoor Uses, where the Total Project Area is greater than 40,000 square feet.

(g) Any proposed development, including the expansion of existing developments, that is planned to create or add 30 or more Residential Dwelling Units.

(h) Any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or auxiliary uses and accessory parking or storage facilities, so long as such auxiliary and/or accessory uses are greater than 10,000 square feet of Gross Floor Area or 40,000 square feet of outdoor area. For the purposes of this threshold the amount of outdoor area shall be calculated as set forth in the definition of Total Project Area.

(i) (1) Construction of any Wireless Communication Tower exceeding 35 feet in overall height, including appurtenances, from the natural grade of the site on which it is located, except for a new Concealed Antenna Monopole less than or equal to 80 feet in overall height from the natural grade of the site on which it is located that is designed to accommodate at least two carriers and with an Occupied Area limited to no more than 1300 square feet.

(2) Reconstruction of, attachment to or replacement of any existing Wireless Communications Tower, power transmission structure or utility pole for the purpose of supporting antenna(s) for transmitting and/or receiving radio frequency communications that increases its overall height above existing grade by more than 20 feet.

(j) Site alterations or site disturbance greater than two acres including but not limited to clear cutting, grading, and clearing land, unless such alteration or disturbance is conducted in conjunction with a building permit for a structure or a DRI approval or in conjunction with a municipal project.

(k) Mixed-use residential and non-residential developments with a Gross Floor Area greater than 20,000 square feet, or greater than 10,000 square feet of commercial space. For the purposes of this threshold the Gross Floor Area of Residential Dwelling Unit(s) shall be included in the Gross Floor Area calculation of the total development.



# TOWN OF TRURO

## Planning Board

P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004 Fax: (508) 349-5505

November 6, 2014

To: Board of Selectmen  
From: Leo "Skip" Childs, Chairman, Planning Board  
Re: Proposed Article for 2015ATM  
Development Agreement Bylaw

On October 7, 2014 the Planning Board held a public meeting to welcome the public's comments and questions on a proposed general bylaw - Development Agreement Bylaw (DAB). The DAB is authorized under the Cape Cod Commission, Chapter D, Development Agreement Regulations Governing the Provisions for Development Agreements, Barnstable County Ordinance 92-1 (Revised May 2009.) The Town of Truro adopted such a bylaw in 2002; however the bylaw was inadvertently omitted when the General Bylaws were re-codified in 2005.

At the October 7, 2014 meeting, one audience member spoke in favor of this bylaw. The discussion was continued to November 5, 2014 for additional discussion. Please know that at this meeting, the Planning Board voted unanimously to forward this proposed general bylaw to the Board of Selectmen for consideration as a 2015 warrant article.

The attached proposed bylaw was modeled after a model bylaw prepared by the Cape Cod Commission to assist Cape Cod Towns that wish to incorporate development agreement authority into their local regulations. This model, and therefore the attached proposed bylaw, was prepared in conformance with the Cape Cod Commission Act and the Code of Cape Cod Commission Regulations of General Application, as revised.

What is a development agreement? A development agreement is a voluntary, binding contract. It is a tool that may be used by the Cape Cod Commission, municipalities, state agencies and developers to define the scope and substance of proposed developments. As empowered by the Cape Cod Commission Act, the Cape Cod Commission has the opportunity to enter into development agreements with the private sector. In addition, and provided that their Local Comprehensive Plans have been certified by the Cape Cod Commission, the Cape's fifteen towns are authorized to execute development agreements directly with a land owner or with a land owner, the Cape Cod Commission and other governmental agencies, including abutting Cape towns.

In addition to having their Local Comprehensive Plans certified by the Cape Cod Commission, towns wishing to execute development agreements must adopt this bylaw, or a reasonably related substitute, as a general or zoning bylaw or ordinance. Once adopted, Towns are free to execute development agreements in accordance with the regulations noted below.

The Planning Board would be happy to meet with the Board of Selectmen, should the Selectmen wish.

## **CHAPTER IX MODEL DEVELOPMENT AGREEMENT BYLAW**

### **Section 1 PURPOSE AND INTENT**

9-1-1 This bylaw/ordinance enables the Town of Truro to enter into development agreements consistent with the provisions of the Cape Cod Commission Act and Chapter D - Code of Cape Cod Commission Regulations of General Application.

### **Section 2 DEFINITIONS**

In this bylaw, the following terms shall have the following meanings:

9-2-1 Act: An Act Establishing the Cape Cod Commission, Chapter 716 of the Acts of 1989, as amended.

9-2-2 Local Building Official: The local building inspector or building commissioner for the municipality(ies) in which the proposed development is located.

9-2-3 Commission: The Cape Cod Commission.

9-2-4 Executive Director: The Executive Director of the Cape Cod Commission.

9-2-5 Lead Community: When the Commission is not a party and a proposed development agreement involves more than one municipality, the Lead Community shall be the municipality that the involved municipalities agree shall be the Lead Community. Where all involved municipalities cannot agree upon a Lead Community, the Lead Community shall be the municipality having the largest area encompassed by the proposed development.

9-2-6 Qualified Applicant: A person who has a majority legal or equitable interest in the real property which is the subject of the development agreement. A Qualified Applicant may be represented by an authorized agent.

9-2-7 Participating Parties: Those entities who have been selected by a Qualified Applicant to consider a particular Development Agreement, including the Qualified Applicant, and a municipality(ies), and/or a state agency(ies). Unless otherwise provided in a Town's bylaws, a municipality through its Board of Selectmen may appoint a negotiating board composed of members of its municipal boards and commissions as the Selectmen believe may best represent their town's interests.

### **Section 3 AUTHORITY**

Notwithstanding provisions to the contrary, the Town of Truro is hereby authorized to enter into a development agreement with a Qualified Applicant provided the following conditions are met:

9-3-1 The Town's Local Comprehensive Plan has been certified by the Cape Cod Commission as consistent with the Regional Policy Plan and said certification has not been revoked;

9-3-2 The Town has adopted, either through an amendment to its zoning bylaw/ordinance or as a general Town bylaw, the enabling regulation contained in Sections 01.0 through Section 10.0, herein.

### **Section 4 WHO MAY PARTICIPATE IN A DEVELOPMENT AGREEMENT**

9-4-1 The Commission, municipality(ies), state agency(ies), and Qualified Applicants may enter into a development agreement.

9-4-2 A Qualified Applicant may choose to participate with:

- (a) the Commission; or
- (b) the Commission and a municipality or municipalities within which the development is proposed; or
- (c) the Commission and a municipality or municipalities within which the development is proposed and with a state agency or agencies; or a municipality or municipalities within which the development is proposed; or
- (d) a municipality or municipalities within which the development is proposed and a state agency or agencies.

9-4-3 Those parties selected to participate are referred to within this bylaw as “Participating Parties”.

## **Section 5 NEGOTIATION AND EXECUTION OF DEVELOPMENT AGREEMENTS**

9-5-1 Negotiation of the elements of a development agreement between Participating Parties (Section 04.0) and a Qualified Applicant shall follow all pertinent rules of due process currently required for public meetings, public hearings, and ratification of board/council decisions.

9-5-2 Negotiation of the elements of a development agreement between Participating Parties (Section 04.0) and a Qualified Applicant shall be led by the Planning Board or its designee, and may include representatives from other municipal boards, departments and commissions where said joint participation will assist the negotiation process.

9-5-3 No development agreement may be executed by the Board of Selectmen prior to an affirmative, majority vote by the Planning Board recommending the execution of the development agreement.

9-5-4 The Board of Selectmen may make minor amendments to the development agreement recommended by the Planning Board and execute said development agreement as amended, provided that such amendments do not alter the use, intensity or mitigation stipulations of the development agreement. However, in no instance may the Board of Selectmen make substantial amendments to the development agreement recommended by the Planning Board without first receiving written concurrence from the Planning Board and Qualified Applicant that said substantial amendments are agreed to.

9-5-5 The Board of Selectmen or their designee shall be authorized to execute, on behalf of the town, a development agreement. Prior to executing said development agreement, the Board of Selectmen shall, at a public meeting, vote to authorize said execution. The Board of Selectmen shall, within seven (7) days of the vote authorizing the execution of the development agreement, cause said development agreement to be so executed and forward the same to the Qualified Applicant by certified, return receipt mail. Within twenty-one (21) days of the date said development agreement has been mailed by the Board of Selectmen, the Qualified Applicant shall execute the agreement and return either by certified mail or hand delivery, the fully executed development agreement.

## **Section 6 ELEMENTS OF DEVELOPMENT AGREEMENTS**

9-6-1 Proffers by a Qualified Applicant: A development agreement may include, but is not limited to, the provisions whereby a Qualified Applicant agrees to provide certain benefits which contribute to one or more of the following:

- (a) infrastructure;
- (b) public capital facilities;
- (c) land dedication or preservation;
- (d) fair, affordable housing, either on-site or off-site;
- (e) employment opportunities;
- (f) community facilities;
- (g) recreational uses;
- (h) other benefits intended to serve the proposed development, municipality, and county, including site design standards to ensure preservation of community character and natural resources.

9-6-2 Proffers by a Lead Community: A development agreement may include the provisions whereby a Lead Community and other municipality agree to provide certain protection from future changes in applicable local regulations and assistance in streamlining the local regulatory approval process. Streamlining may include, where not in conflict with existing local, state or federal law, holding of joint hearings, coordination of permit applications and, where possible, accelerated review of permit approvals. A development agreement may also provide for extensions of time within which development approvals under state, regional and local laws may be extended to coincide with the expiration of the development agreement established in Section 09.0, below. When the Cape Cod Commission is not a party to the development agreement, no land use development rights shall vest with respect to Cape Cod Commission regulations and decisions and the property shall be subject to current as well as subsequent changes in the Commission's regulations and decisions.

#### **Section 7 PROCEDURAL REQUIREMENTS FOR DEVELOPMENT AGREEMENTS WHERE THE CAPE COD COMMISSION IS A PARTY TO THE AGREEMENT**

9-7-1 Where the Cape Cod Commission is to be a party to a development agreement, the procedural requirements established in Section 5 of Chapter D of the Code of Cape Cod Commission Regulations of General Application, as revised, shall be followed and no such development agreement shall be valid unless and until the requirements of said Section 5 of Chapter D have been complied with in full.

#### **Section 8 PROCEDURAL REQUIREMENTS FOR DEVELOPMENT AGREEMENTS WHERE THE CAPE COD COMMISSION IS NOT A PARTY TO THE AGREEMENT**

9-8-1 Where the Cape Cod Commission is not to be a party to a development agreement a Qualified Applicant shall complete a Development Agreement Application Form. The Development Agreement Application Form shall include:

- (a) A fully completed Development Agreement Application Form or a substantially equivalent form, including a certified list of abutters prepared by the Assessors in the town or towns where the abutters are located;
- (b) A legal description and a survey of the land subject to the agreement and the names of its legal and equitable owners;
- (c) The proposed duration of the agreement;

- (d) The development uses currently permitted on the land, and development uses proposed on the land including residential/population densities, and building densities and height;
- (e) A description of public facilities that will service the development, including who shall provide such facilities, the date any new facilities will be constructed, and a schedule to assure public facilities adequate to serve the development are available concurrent with the impacts of the development;
- (f) A description of any reservation or dedication of land for public recreation, conservation, agricultural, aquacultural, or historic purposes;
- (g) A description of all local development permits needed for the development of the land;
- (h) A statement acknowledging that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the Qualified Applicant or Participating Parties of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions;
- (i) A Final Environmental Impact Report, certified as adequate by the Secretary of Environmental Affairs, if required under sections 61-62h of Chapter 30 of the General Laws;
- (j) Additional data and analysis necessary to assess the impact of the proposed development, as determined by the Municipality or Lead Community.

9-8-2 All Qualified Applicants seeking to enter into a development agreement without the Commission as a party shall submit the proposed development to the Local Building Official for a determination of whether the proposed development qualifies as a Development of Regional Impact. If the Local Building Official determines that the proposed development is not a Development of Regional Impact, the Local Building Official shall forward his or her determination, together with the reasons for such determination and a copy of the development agreement application, to the Commission Clerk within five (5) business days. If the Chief Regulatory Officer or his/her designee determines that the proposed development exceeds a DRI review threshold pursuant to the Act and the Enabling Regulations, then the project shall be subject to DRI review or the Qualified Applicant should follow the Procedure for adopting Development Agreements as outlined in Section 7 of this bylaw. The Chief Regulatory Officer or his/her designee shall notify in writing the Qualified Applicant, the Local Building Official, and the Town Clerk(s) of the municipality(ies) in which the development is located of his/her decision within ten (10) days of receipt of the Local Building Official's determination. If the proposed development is not a Development of Regional Impact, then the Qualified Applicant may pursue a development agreement without the Commission as a party pursuant to Section 8 of this bylaw.

9-8-3 The municipality which is a party, or when more than one municipality is a party, then the Lead Community shall oversee the development agreement process. The Municipality or Lead Community shall hold a public hearing after receipt of a fully completed application from a Qualified Applicant for consideration of a proposed development agreement. At least one public hearing shall be held in at least one of the municipality(ies) in which the proposed development is located. The public hearing regarding review of a development agreement shall not exceed ninety (90) days, unless extended by mutual agreement of the parties. Failure to close the public hearing within ninety (90) days shall not result in a constructive grant of the proposed development.

9-8-4 When more than one municipality is a party to the agreement, the Lead Community shall oversee the development agreement process as specified in this bylaw. Conflicts between the Lead Community and other municipality(ies) which are a party to the agreement shall be resolved through negotiation by the relevant parties. Because a development agreement is a voluntary process,

unresolved disputes may result in one or more parties making a determination not to remain a party to the proposed negotiation of the development agreement.

9-8-5 The municipality or Lead Community shall provide notice of the public hearing to consider a development agreement by publication as required by Sections 5(d)(1-3) of the Cape Cod Commission Act. The municipality or Lead Community shall also provide notice to the Commission at least fourteen (14) days prior to such hearing.

9-8-6 The qualified applicant shall pay the cost of providing notice of the public hearing to consider the proposed development agreement.

9-8-7 The municipality or Lead Community shall review proposed development agreements for their consistency with local zoning and Local Comprehensive Plans. A development agreement that is inconsistent with local zoning shall require either a zoning amendment or shall be subject to the grant of such zoning relief as may be needed under the zoning bylaws of the Town as may be needed to resolve the inconsistency, unless the development agreement is approved by the same entity and the same quantum of votes as would be required to amend the zoning bylaws/ordinances of the Town. Thereupon, any departure from zoning expressly and specifically authorized by the development agreement shall be deemed effective.

9-8-8 The municipality or Lead Community shall file its development agreement with the Clerk of the Cape Cod Commission and with the town clerk(s) of the municipality(ies) in which the development is located. Notices of development agreements shall be published in a newspaper of general circulation in the municipality(ies) in which the development is located, including a brief summary of the contents of the development agreement and a statement that copies of the development agreement are available for public inspection at the town clerk's office during normal business hours of any municipality which is a party to the agreement. In addition, the Lead Community shall provide the Cape Cod Commission with a summary of the development agreement, which the Cape Cod Commission shall publish in its official publication pursuant to section 5(i) of the Cape Cod Commission Act.

9-8-9 The town clerks of the contracting town or towns shall issue a certificate, which certifies the effective date of the development agreement. The certificate shall be issued in a form suitable for recording in the Barnstable County Registry of Deeds. The municipality or Lead Community shall record the certificate, to which the development agreement shall be attached as an exhibit in the Barnstable County Registry of Deeds and shall submit proof of such recording to the Commission Clerk within 14 days of such recording. The Qualified Applicant shall bear the expense of recording.

9-8-10 The municipality or Lead Community may, by separate resolution, establish the fees and charges imposed for the filing and processing of each application and document provided for or required under these regulations. Any other municipality or state agency which is also a party to the development agreement may, by separate resolution, establish additional fees and charges to be imposed for the filing and processing of each application and document provided for under these regulations.

## **Section 9 DURATION OF THE DEVELOPMENT AGREEMENT**

9-9-1 Nothing in this bylaw/ordinance may be construed to permit a municipality to require a Qualified Applicant to enter into a development agreement.

9-9-2. A development agreement will commence and terminate as agreed by the parties, in writing, except as otherwise provided in this section and section 5(q) of Chapter D, of the Code of the Cape Cod Commission Regulations of General Application, as revised. When the Commission is not a party, a development agreement shall not exceed ten (10) years, however, provisions in the development agreement pertaining to the preservation of open space and park areas, and agreement to pay for maintenance of utilities and other infrastructure may exceed such ten-year limitation. When the Commission is a party, a development agreement may be adopted for a longer period of time, in accordance with Section 7 of Chapter D of the Code of Cape Cod Commission Regulations of General Application, as revised.

9-9-3 A development agreement may not be used to prevent a Lead Community or other governmental agency from requiring a Qualified Applicant or Participating Party to comply with the laws, rules and regulations and policies enacted after the date of the development agreement, if the Lead Community or governmental agency determines that the imposition and compliance with the newly effective laws and regulations is essential to ensure the public health, safety or welfare of the residents of all or part of the jurisdiction.

## **Section 10 AMENDMENT AND RESCISSION**

9-10-1 A development agreement may be amended or rescinded as provided below. Requirements for hearings, notice, costs and filing and recording of the amendments and rescissions of development agreements shall be followed as provided in sections 7 and 8 above.

9-10-2 Modification categories

(a) Minor Modification:

Amendments that are de minimus changes or technical corrections, as determined by both the Commission and/or the Lead Community, may be made without following the notice and public hearing requirements provided in Sections 7 and 8 above. Such changes may be authorized by the Regulatory Committee of the Commission, a majority vote of the Board of Selectmen and endorsement of the Head of a State Agency.

(b) Major Modification:

When the Commission is a party to the development agreement, any party to the development agreement may petition to amend the development agreement. The Participating Parties may petition to rescind the development agreement; the Commission may petition to rescind the development agreement only in the event of failure of consideration. Such petition shall be made in writing and shall state, in specific detail, the petitioner's reasons for amendment or rescission. The petitioning party shall provide notice to all parties to the development agreement

(c) When the Commission is not a party to the development agreement, any other party to the development agreement may petition the municipality or Lead Community to amend or rescind the development agreement. The petitioning party shall provide notice to all parties to the development agreement and to the Commission of its intention to amend or rescind the agreement by providing such parties and the Commission with a copy of the petition seeking such amendment or rescission. When the municipality or Lead Community initiates an amendment or rescission, it shall provide notice, in writing, to all other parties to the agreement and to the Commission.

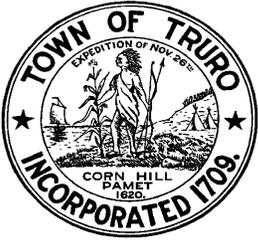
9-10-3 Amendments and rescissions must be ratified by all parties to the original development agreement. Any development agreement may contain provisions further regulating the amendment and/or rescission of a development agreement.

**Section 11 ENFORCEMENT**

9-11-1 A development agreement is a binding contract, which is enforceable in law or equity by the contracting parties only and their successors and assigns in the appropriate Massachusetts courts.

**Section 12 SEVERABILITY**

9-12-1 If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the town's zoning bylaw.



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration on Behalf of the Board of Selectmen

**REQUESTOR:** Jay Coburn, Chair, Board of Selectmen

**REQUESTED MEETING DATE:** December 2, 2014

**ITEM:** Discussion of Open Meeting Law and Public Records

**EXPLANATION:** To discuss open meeting and public records law training for members of boards and commissions.

**FINANCIAL SOURCE (IF APPLICABLE):** Labor Counsel will provide training as part of the retainage.

**IMPACT IF NOT APPROVED:** N/A

**SUGGESTED ACTION:** MOTION TO

**ATTACHMENTS:**

**THE COMMONWEALTH OF MASSACHUSETTS**

**OPEN MEETING LAW, G.L. c. 30A, §§ 18-25<sup>1</sup>**

\* \* \*

*Chapter 28 of the Acts of 2009, sections 17–20, repealed the existing state Open Meeting Law, G.L. c. 30A, §§ 11A, 11A-1/2, county Open Meeting Law, G.L. c. 34, §9F, 9G, and municipal Open Meeting Law, G.L. c. 39, §§ 23A, 23B, and 23C, and replaced them with a single Open Meeting Law covering all public bodies, G.L. c. 30A, §§ 18-25, enforced by the Attorney General.*

\* \* \*

**Section 18: [DEFINITIONS]**

As used in this section and sections 19 to 25, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Deliberation”, an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that “deliberation” shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

“Emergency”, a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

“Executive session”, any part of a meeting of a public body closed to the public for deliberation of certain matters.

“Intentional violation”, an act or omission by a public body or a member thereof, in knowing violation of the open meeting law.

“Meeting”, a deliberation by a public body with respect to any matter within the body’s jurisdiction; provided, however, “meeting” shall not include:

- (a) an on-site inspection of a project or program, so long as the members do not deliberate;
- (b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members do not deliberate;
- (c) attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate;
- (d) a meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or

---

<sup>1</sup> NOTICE: This is NOT the official version of the Massachusetts General Law (MGL). While reasonable efforts have been made to ensure the accuracy and currency of the data provided, do not rely on this information without first checking an official edition of the MGL.

(e) a session of a town meeting convened under section 9 of chapter 39 which would include the attendance by a quorum of a public body at any such session.

“Minutes”, the written report of a meeting created by a public body required by subsection (a) of section 22 and section 5A of chapter 66.

“Open meeting law”, sections 18 to 25, inclusive.

“Post notice”, to display conspicuously the written announcement of a meeting either in hard copy or electronic format.

“Preliminary screening”, the initial stage of screening applicants conducted by a committee or subcommittee of a public body solely for the purpose of providing to the public body a list of those applicants qualified for further consideration or interview.

“Public body”, a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose; provided, however, that the governing board of a local housing, redevelopment or other similar authority shall be deemed a local public body; provided, further, that the governing board or body of any other authority established by the general court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body; provided, further, that “public body” shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer and shall not include the board of bank incorporation or the policyholders protective board; and provided further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

“Quorum”, a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.

### **Section 19. Division of Open Government; Open Meeting Law Training; Open Meeting Law Advisory Commission; Annual Report**

(a) There shall be in the department of the attorney general a division of open government under the direction of a director of open government. The attorney general shall designate an assistant attorney general as the director of the open government division. The director may appoint and remove, subject to the approval of the attorney general, such expert, clerical and other assistants as the work of the division may require. The division shall perform the duties imposed upon the attorney general by the open meeting law, which may include participating, appearing and intervening in any administrative and judicial proceedings pertaining to the enforcement of the open meeting law. For the purpose of such participation, appearance, intervention and training authorized by this chapter the attorney general may expend such funds as may be appropriated therefor.

(b) The attorney general shall create and distribute educational materials and provide training to public bodies in order to foster awareness and compliance with the open meeting law. Open meeting law training may include, but shall not be limited to, instruction in:

- (1) the general background of the legal requirements for the open meeting law;
- (2) applicability of sections 18 to 25, inclusive, to governmental bodies;

- (3) the role of the attorney general in enforcing the open meeting law; and
- (4) penalties and other consequences for failure to comply with this chapter.

(c) There shall be an open meeting law advisory commission. The commission shall consist of 5 members, 2 of whom shall be the chairmen of the joint committee on state administration and regulatory oversight; 1 of whom shall be the president of the Massachusetts Municipal Association or his designee; 1 of whom shall be the president of the Massachusetts Newspaper Publishers Association or his designee; and 1 of whom shall be the attorney general or his designee.

The commission shall review issues relative to the open meeting law and shall submit to the attorney general recommendations for changes to the regulations, trainings, and educational initiatives relative to the open meeting law as it deems necessary and appropriate.

(d) The attorney general shall, not later than January 31, file annually with the commission a report providing information on the enforcement of the open meeting law during the preceding calendar year. The report shall include, but not be limited to:

- (1) the number of open meeting law complaints received by the attorney general;
- (2) the number of hearings convened as the result of open meeting law complaints by the attorney general;
- (3) a summary of the determinations of violations made by the attorney general;
- (4) a summary of the orders issued as the result of the determination of an open meeting law violation by the attorney general;
- (5) an accounting of the fines obtained by the attorney general as the result of open meeting law enforcement actions;
- (6) the number of actions filed in superior court seeking relief from an order of the attorney general; and
- (7) any additional information relevant to the administration and enforcement of the open meeting law that the attorney general deems appropriate.

**Section 20. Meetings of a Public Body to be Open to the Public; Notice of Meeting; Remote Participation; Recording and Transmission of Meeting; Removal of Persons for Disruption of Proceedings**

(a) Except as provided in section 21, all meetings of a public body shall be open to the public.

(b) Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.

(c) For meetings of a local public body, notice shall be filed with the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.

For meetings of a regional or district public body, notice shall be filed and posted in each city or town within the region or district in the manner prescribed for local public bodies. For meetings of a

regional school district, the secretary of the regional school district committee shall be considered to be its clerk and shall file notice with the clerk of each city or town within such district and shall post the notice in the manner prescribed for local public bodies. For meetings of a county public body, notice shall be filed in the office of the county commissioners and a copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for the purpose.

For meetings of a state public body, notice shall be filed with the attorney general by posting on a website in accordance with procedures established for this purpose and a duplicate copy of the notice shall be filed with the regulations division of the state secretary's office.

The attorney general shall have the authority to prescribe or approve alternative methods of notice where the attorney general determines such alternative will afford more effective notice to the public.

(d) The attorney general may by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided, further, that a quorum of the body, including the chair, are present at the meeting location. Such authorized members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39.

(e) After notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting the chair shall inform other attendees of any such recordings.

(f) No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

(g) Within 2 weeks of qualification for office, all persons serving on a public body shall certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations promulgated pursuant to section 25 and a copy of the educational materials prepared by the attorney general explaining the open meeting law and its application pursuant to section 19. Unless otherwise directed or approved by the attorney general, the appointing authority, city or town clerk or the executive director or other appropriate administrator of a state or regional body, or their designees, shall obtain such certification from each person upon entering service and shall retain it subject to the applicable records retention schedule where the body maintains its official records. The certification shall be evidence that the member of a public body has read and understands the requirements of the open meeting law and the consequences of violating it.

## **Section 21. Executive Sessions**

(a) A public body may meet in executive session only for the following purposes:

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;

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 and the chair so declares;

4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;

5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;

7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;

8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

(i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and

(ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or

10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a

license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

(b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that:

1. the body has first convened in an open session pursuant to section 21;
2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
3. before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
4. the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
5. accurate records of the executive session shall be maintained pursuant to section 23.

## **Section 22. Meeting Minutes; Records**

(a) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.

(b) No vote taken at an open session shall be by secret ballot. Any vote taken at an executive session shall be recorded by roll call and entered into the minutes.

(c) Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.

(d) Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session.

(e) The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure pursuant to any of the exemptions under clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following materials shall be exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt.

(f) The minutes of any executive session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from

disclosure to the public in their entirety under subclause (a) of clause Twenty-sixth of section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive session, but no longer; provided, however, that the executive session was held in compliance with section 21.

When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

For purposes of this subsection, if an executive session is held pursuant to clause (2) or (3) of subsections (a) of section 21, then the minutes, preparatory materials and documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, unless and until such time as a litigating, negotiating or bargaining position is no longer jeopardized by such disclosure, at which time they shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

(g)(1) The public body, or its chair or designee, shall, at reasonable intervals, review the minutes of executive sessions to determine if the provisions of this subsection warrant continued non-disclosure. Such determination shall be announced at the body's next meeting and such announcement shall be included in the minutes of that meeting.

(2) Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such minutes not covered by an exemption under subsection (f); provided, however, that if the body has not performed a review pursuant to paragraph (1), the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs. A public body shall not assess a fee for the time spent in its review.

### **Section 23. Enforcement of Open Meeting Law; Complaints; Hearings; Civil Actions**

(a) Subject to appropriation, the attorney general shall interpret and enforce the open meeting law.

(b) At least 30 days prior to the filing of a complaint with the attorney general, the complainant shall file a written complaint with the public body, setting forth the circumstances which constitute the alleged violation and giving the body an opportunity to remedy the alleged violation; provided, however, that such complaint shall be filed within 30 days of the date of the alleged violation. The public body shall, within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney general of any remedial action taken. Any remedial action taken by the public body in response to a complaint under this subsection shall not be admissible as evidence against the public body that a violation occurred in any later administrative or judicial proceeding relating to such alleged violation. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request of the public body and a showing of good cause to grant the extension.

(c) Upon the receipt of a complaint by any person, the attorney general shall determine, in a timely manner, whether there has been a violation of the open meeting law. The attorney general may, and before imposing any civil penalty on a public body shall, hold a hearing on any such complaint. Following

a determination that a violation has occurred, the attorney general shall determine whether the public body, 1 or more of the members, or both, are responsible and whether the violation was intentional or unintentional. Upon the finding of a violation, the attorney general may issue an order to:

- (1) compel immediate and future compliance with the open meeting law;
- (2) compel attendance at a training session authorized by the attorney general;
- (3) nullify in whole or in part any action taken at the meeting;
- (4) impose a civil penalty upon the public body of not more than \$1,000 for each intentional violation;

violation;

- (5) reinstate an employee without loss of compensation, seniority, tenure or other benefits;
- (6) compel that minutes, records or other materials be made public; or
- (7) prescribe other appropriate action.

(d) A public body or any member of a body aggrieved by any order issued pursuant to this section may, notwithstanding any general or special law to the contrary, obtain judicial review of the order only through an action in superior court seeking relief in the nature of certiorari; provided, however, that notwithstanding section 4 of chapter 249, any such action shall be commenced in superior court within 21 days of receipt of the order. Any order issued under this section shall be stayed pending judicial review; provided, however, that if the order nullifies an action of the public body, the body shall not implement such action pending judicial review.

(e) If any public body or member thereof shall fail to comply with the requirements set forth in any order issued by the attorney general, or shall fail to pay any civil penalty imposed within 21 days of the date of issuance of such order or within 30 days following the decision of the superior court if judicial review of such order has been timely sought, the attorney general may file an action to compel compliance. Such action shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets. If such body or member has not timely sought judicial review of the order, such order shall not be open to review in an action to compel compliance.

(f) As an alternative to the procedure in subsection (b), the attorney general or 3 or more registered voters may initiate a civil action to enforce the open meeting law.

Any action under this subsection shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets.

In any action filed pursuant to this subsection, in addition to all other remedies available to the superior court, in law or in equity, the court shall have all of the remedies set forth in subsection (c).

In any action filed under this subsection, the order of notice on the complaint shall be returnable not later than 10 days after the filing and the complaint shall be heard and determined on the return day or on such day as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of the open meeting law. In the hearing of any action under this subsection, the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the open meeting law; provided, however, that no

civil penalty may be imposed on an individual absent proof that the action complained of violated the open meeting law.

(g) It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel.

(h) Payment of civil penalties under this section paid to or received by the attorney general shall be paid into the general fund of the commonwealth.

#### **Section 24. Investigation by Attorney General of Violations of Open Meeting Law**

(a) Whenever the attorney general has reasonable cause to believe that a person, including any public body and any other state, regional, county, municipal or other governmental official or entity, has violated the open meeting law, the attorney general may conduct an investigation to ascertain whether in fact such person has violated the open meeting law. Upon notification of an investigation, any person, public body or any other state, regional, county, municipal or other governmental official or entity who is the subject of an investigation, shall make all information necessary to conduct such investigation available to the attorney general. In the event that the person, public body or any other state, regional, county, municipal or other governmental official or entity being investigated does not voluntarily provide relevant information to the attorney general within 30 days of receiving notice of the investigation, the attorney general may: (1) take testimony under oath concerning such alleged violation of the open meeting law; (2) examine or cause to be examined any documentary material of whatever nature relevant to such alleged violation of the open meeting law; and (3) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material. Such testimony and examination shall take place in the county where such person resides or has a place of business or, if the parties consent or such person is a nonresident or has no place of business within the commonwealth, in Suffolk county.

(b) Notice of the time, place and cause of such taking of testimony, examination or attendance shall be given by the attorney general at least 10 days prior to the date of such taking of testimony or examination.

(c) Service of any such notice may be made by: (1) delivering a duly-executed copy to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (2) delivering a duly-executed copy to the principal place of business in the commonwealth of the person to be served; or (3) mailing by registered or certified mail a duly-executed copy addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business.

(d) Each such notice shall: (1) state the time and place for the taking of testimony or the examination and the name and address of each person to be examined, if known and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs; (2) state the statute and section thereof, the alleged violation of which is under investigation and the general subject matter of the investigation; (3) describe the class or classes of documentary material to be produced thereunder with reasonable specificity, so as fairly to indicate the material

demanded; (4) prescribe a return date within which the documentary material is to be produced; and (5) identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying.

(e) No such notice shall contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of the commonwealth or require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of the commonwealth.

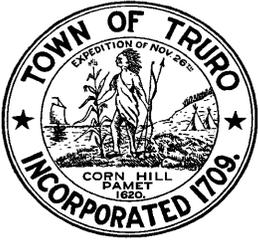
(f) Any documentary material or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of the commonwealth for good cause shown, be disclosed to any person other than the authorized agent or representative of the attorney general, unless with the consent of the person producing the same; provided, however, that such material or information may be disclosed by the attorney general in court pleadings or other papers filed in court.

(g) At any time prior to the date specified in the notice, or within 21 days after the notice has been served, whichever period is shorter, the court may, upon motion for good cause shown, extend such reporting date or modify or set aside such demand or grant a protective order in accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil Procedure. The motion may be filed in the superior court of the county in which the person served resides or has his usual place of business or in Suffolk county. This section shall not be applicable to any criminal proceeding nor shall information obtained under the authority of this section be admissible in evidence in any criminal prosecution for substantially identical transactions.

#### **Section 25. Regulations; Letter Rulings; Advisory Opinions**

(a) The attorney general shall have the authority to promulgate rules and regulations to carry out enforcement of the open meeting law.

(b) The attorney general shall have the authority to interpret the open meeting law and to issue written letter rulings or advisory opinions according to rules established under this section.



# TOWN OF TRURO

## REQUEST FOR PLACEMENT OF AN ACTION ITEM ON A BOARD OF SELECTMEN'S MEETING AGENDA

**DEPARTMENT:** Public Works

**REQUESTOR:** Jay Norton, Director

**REQUESTED MEETING DATE:** 12/2/14

**TOPIC:** Mosquito Control Funding for FY 2016

**SUGGESTED ACTION:** Approval and execution of State Reclamation and Mosquito Control Board FY 2016 assessment

**FINANCIAL SOURCE (if applicable):** The FY 2016 assessment is \$56,197.28. FY 2015 was \$54,449.00

**IMPACT IF NOT APPROVED:** This is a mandatory state assessment by the Massachusetts Department of Revenue Division of Local Services (administered by the State Reclamation Board) and obligation for the Town. Funds are automatically deducted from monthly state charges. Please see attached excerpt from the Massachusetts Department of Revenue's Cherry Sheet Manual that outlines the laws pertaining to this program.





**John W. Doane**  
Superintendent

**Gabrielle Sakolsky-Hoopes**  
Assistant Superintendent

*The Commonwealth of Massachusetts*  
*State Reclamation Board*

**Cape Cod Mosquito Control Project**

259 Willow Street, 2nd Floor, Suite 3

Yarmouthport, Massachusetts 02675

Tel: (508) 775-1510 • Tel: (508) 362-9757

Fax: (508) 362-7917



**COMMISSIONERS:**

**J. Gregory Milne, Chairman**  
**Charles Sumner, Vice Chairman**  
**Arthur Neill, Secretary**  
**James H. Quirk**  
**Jere Downing**

November 3, 2014

Town of Truro  
Attn: Charleen Greenhalgh  
PO Box 2030  
Truro, MA 02666

RE: State Reclamation Board Budget Notification

Dear Charleen,

Enclosed please find a budget certification form developed by the State Reclamation Board (SRB). The board requests that the Chief Executive Officer or designee sign form SRB-3 and return to our office. This form was created to act as acknowledgement of your towns' membership with the Cape Cod Mosquito Control Project and its' associated costs. Costs can be found on form SRB-1 page 3.

Please feel free to contact me with any questions you may have.

Sincerely,

John W. Doane  
Superintendent

Enc.  
JWD/cms

CC: Finance Committee; Town Selectmen



State Reclamation and Mosquito Control Board  
Budget Notification & Compliance Certification Policy

**DECLARATION OF SUPPORT OR NO SUPPORT OF MOSQUITO CONTROL FUNDING FOR FY 2016**

**Declaration**

I, \_\_\_\_\_ the chief executive officer of Town/City of \_\_\_\_\_  
(Print Name/ and Sign Name) (Please Print)

hereby designate \_\_\_\_\_ to sign this declaration.  
(Print Name)

(Please check applicable box below)

- Support
- Do Not Support

the preliminary mosquito control budget proposed and this municipality's estimated proportionate share thereof, expressed both as a percentage and as a dollar amount as provided to this municipality in compliance with the State Reclamation and Mosquito Control Board Budget Notification and Compliance Certification Policy .

Name: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

Both a copy and the original declaration should be submitted to the district **who will forward all member communities' declarations to the State Reclamation and Mosquito Control Board no later than April 15<sup>th</sup>**



*The Commonwealth of Massachusetts*  
*State Reclamation Board*



Telephone: (508) 775-1510  
(508)362-9757  
Fax No. (508)362-7917

CAPE COD MOSQUITO CONTROL PROJECT  
259 WILLOW STREET 2<sup>ND</sup> FLOOR SUITE 3  
YARMOUTH PORT  
MASSACHUSETTS 02675

John W. Doane  
Superintendent

Gabrielle Sakolsky-Hoopas,  
Assistant Superintendent

**COMMISSIONERS:**

J. Gregory Milne, Chairman  
Charles Sumner, Vice  
Chairman  
Arthur Neill, Secretary  
James H. Quirk  
Jere Downing

FY16 Budget Request for Cape Cod Mosquito Control Project

FY16 operating budget is a 2.6% increase from FY15 budget

- AA Account includes a wage adjustment increase for employees. The budget request will also include funds for hiring 2 full-time employees partway through FY15 with anticipation that these positions will be fully funded in FY16. The additional full time employees are being hired to address increasing arbovirus concerns in Barnstable County. Our workforce number has not increased in the past 50 years. We have also decided to pay our seasonal employee out of the Mosquito Control budget as well.
- DD Account includes an increase to cover fringe benefits in conjunction with the AA Account increase.
- GG Account was increased to cover increase in rent.
- UU Account was increased to cover costs for our new data collection system implemented by ESRI using ArcGIS.
- The operational budget also has increased to cover the service provided by ESRI, and includes funds to pay for a new two-way radio system.

We have also included a 'capital budget' to begin making capital improvements in an effort to reduce costs for maintenance and repairs etc., representing about 1.4% of the FY15 budget, plus roll-over money. This has been increased as a result of the increased base cost of trucks as well as the loss from no longer being able to trade-in our existing trucks.

**Cape Cod Mosquito Control Project**

**District Name:** \_\_\_\_\_

**NOTICE OF PUBLIC MEETING TO PRESENT AND DISCUSS  
ITS PRELIMINARY PROPOSED BUDGET FOR FY2016**

Notice is hereby given that the Cape Cod Mosquito Control Project (the "District") will hold an informational public meeting at the time and place indicated below in order to present and discuss the District's preliminary proposed budget for **FY2016**, and to receive comments and answer questions from the public and local public officials in connection therewith.

1. Date: Monday, November 17, 2014 [not later than March 1<sup>st</sup>]

2. Time: 10:00AM-12:00PM

3. Location: 259 Willow Street Yarmouth Port, MA 02675

4. A copy of the District's preliminary proposed budget is available for inspection during regular business hours at the following location(s):

Cape Cod Mosquito Control Project  
259 Willow Street Second Floor Suite 3 Yarmouth Port, MA 02675

5. **The total preliminary dollar amount that the District is proposing for FY2016 is \$1,961,963.91. The chart found below highlights the preliminary budget request by the district for the coming year with pertinent budget information that fully describes the "total trust fund account" budget amount available for the District to expend in FY2016.**

A.	B.	C.	D.	E.	F.	G.	H.	I.
District Name	Number of Employees	FY2016 Preliminary Proposed Budget Amount	FY2016 % Increase towards Operating Budget	FY2016 % Increase towards Capital Budget	FY2016 Total % Increase Over Certified FY2015 Budget (Add D + E)	FY2015 Estimated Balance Forward /Rollover Amount	FY2015 Actual Budget Revenues	FY2016 Total Funding Available in Trust Account (Add C + G)
Cape Cod Mosquito Control Project	22 (25 as of 1/1/2015)	\$1,961,963.91	2.6%	1.4%	4.1%	\$66,950.00	\$1884537.99	\$2,028,913.91

6. The member municipalities within the District together with each municipality's estimated proportionate share thereof expressed both as a percentage and as a dollar amount, are as set forth on Form SRB-1, Page 2. **As of the date of this notice, the District is comprised of 15 municipalities as listed on Form SRB-1, Page 2.**

If the composition of the District changes because one or more municipalities join or withdraw from the District, the total preliminary budget will be adjusted pro rata.

7. Copies of the preliminary proposed budget will be available for inspection at the meeting, at which reasonable time will be accorded to those in attendance to ask questions and to offer comments. *Comments may also be sent directly to the Board via the Executive Director by April 15<sup>th</sup>.*

8. A copy of this Notice, together with a copy of the preliminary budget proposed, has been delivered or mailed to the Chief Administrative Officer, Chief Executive Officer, to the Finance Committee of each member municipality having a finance committee, and to the State Reclamation and Mosquito Control Board.

---

***Mosquito Control Projects B3***

---

Law(s) Creating/Modifying Program:	Ch. 252, §5A, Ch. 2, §41, Acts of 1986
Agency:	State Reclamation Board

**PURPOSE:** To assess municipalities for the costs of mosquito control services.

**ASSESSMENT FORMULA:** There are eight mosquito control districts whose costs are apportioned to member municipalities on the Cherry Sheet. Each district is also allocated a proportional share of expenses for the State Reclamation Board that administers these programs. Each district relies on a separate formula to apportion its assessment to its member municipalities. All formulas are based on Equalized Valuation; five of the districts' formulas also use land area as a component.

**ADMINISTRATION:** The State Reclamation Board determines total project assessments and the share of assessments to be paid by member municipalities. Assessments also include each member municipality's share of the Reclamation Board's administrative costs for the program.

**ASSESSMENT SCHEDULE:** Quarterly.



# TOWN OF TRURO

## REQUEST FOR PLACEMENT OF AN ACTION ITEM ON A BOARD OF SELECTMEN'S MEETING AGENDA

**DEPARTMENT:** Administration

**REQUESTOR:** Charleen Greenhalgh, as the Energy Manager

**REQUESTED MEETING DATE:** December 2, 2014

**TOPIC:** Review, Approve and Authorize the Chair to sign the FY2014 Green Communities Annual Report, which is due back to the Massachusetts Department of Energy Resources, Green Communities Division by Friday, December 5<sup>th</sup>.

**SUGGESTED ACTION:** Motion to approve the FY2014 Green Communities Annual Report and authorize the Chairman to sign.

**FINANCIAL SOURCE (if applicable):** N/A; however, please see the note below.

**IMPACT IF NOT APPROVED:** If the Annual Report is not signed and electronically filed by December 5<sup>th</sup>, the Town of Truro will not be eligible for future Green Communities Grant funding.

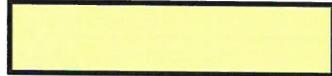
## GREEN COMMUNITY ANNUAL REPORT

- 1) In order for a municipality to maintain its Green Community Designation and be eligible for the next available Green Communities funding opportunity, annual reports must be submitted **no later than December 5, 2014 for the reporting period July 1, 2013 – June 30, 2014**. Late reports will deem a community ineligible.
- 2) Please be certain to address all areas in full. If certain requested information does not apply, then please note it as "N/A."
- 3) Please follow the instruction for reporting on each Criteria on the individual Criterion Excel Sheets.
- 4) If you have any questions on these reporting requirements, please contact your DOER Green Communities Regional Coordinator (RC). The objective is to have a dialogue with Green Communities staff **BEFORE** the report is due so that minimal follow-up with the municipality is required after the due date.
- 5) Print, fill out completely, and submit a signed copy of this page of the completed annual report as a PDF via the online system.
- 6) Submit your community's full Excel file electronically as Excel via the online system with any other supporting files. **This page must be signed, made into a PDF, and submitted as a separate file.** Please submit only **one Excel file** for the annual report. DOER will not accept multiple spreadsheets
- 7) NOTE: In the case of any criteria violations( e.g. a vehicle purchased that does not meet the fuel efficient vehicle policy), the municipality will be asked to provide a corrective action plan. A first-time violation will be factored into consideration when DOER awards funds under the next available Green Communities funding opportunity. A second violation will prohibit the municipality from being eligible for any funds in the next available Green Communities funding opportunity.
- 8) For Green Communities that have filed previous Annual Reports, new or changed information is highlighted in blue
- 9) Fields highlighted in yellow should be completed by Green Communities.
- 10) Fields highlighted in green should be pre-populated by the Regional Coordinators

<b>Date Designated:</b>	July-11	<b>PLEASE NOTE:</b> For a municipality designated December 2012, the reporting period is 18 months, Jan 1 2013 - June 30 2014
<b>Date of Annual Report Submission</b>	4-Dec-14	
<b>Name of Preparer of Annual Report</b>	Charleen Greenhalgh	
<b>Title</b>	Asst. Town Administrator/Planner	
<b>Municipality Name</b>	Truro	

I confirm that I have reviewed this report and verify all information is true.

**Signature of Chief  
Executive Officer**



The Chief Executive Officer is defined as the manager in any city having a manager and in any town having a city form of government, the mayor in any other city, and the board of selectmen in any other town unless some other officer or body is designated to perform the functions of a chief executive officer under the provisions of a local charter or laws having the force of a charter. Any signatures of designees will be considered an attestation that the signatory has been designated the designee by the municipality.

**Criteria 1 and 2**

Type of as-of-right siting approval received:

Type of expedited permitting approval received:

**REGULATIONS (zoning & permitting):**

1) Have any significant changes been made to the zoning district(s) for which the community received Green Communities designation? Significant changes, such as changes to the geographic extent of the district, allowed uses, and dimensional requirements, would impact the ability to construct a qualifying clean energy use in the district. Overlay districts, such as water protection districts that impose special permitting requirements, count as significant changes.

If yes, attach a letter from municipal counsel that describes the changes, outlines any potential impact on the siting of clean energy projects, and affirms continued compliance with the Green Communities As-of-Right Zoning and Expedited Permitting criteria, as well as a revised zoning map. Please select YES or NO in the dropdown on the right. If YES, attach letter from municipal counsel.

NO

2) Have any significant changes been made to site plan, design, or other development review criteria or any permit review procedures that would impact the ability to permit qualifying clean energy uses as-of-right and in a timely manner? Significant changes would be anything that pertains to the "by-right" nature of the zoning or to the amount of time necessary to review required permits.

If yes, attach a letter from municipal counsel that describes the changes, illustrates any potential impact on the siting of clean energy projects, and affirms continued compliance with the Green Communities As-of-Right Zoning and Expedited Permitting criteria. Please select YES or NO in the dropdown on the right. If YES, attach letter from municipal counsel.

NO

3) Has the space designated for "as-of right" development for which the community received Green Communities designation been reduced?

Please select YES or NO in the dropdown on the right. If YES, explain what has happened since the community applied for, and received, Green Communities designation and describe any plans the community may have to make such development feasible again

NO

**NARRATIVE:**

**PERMITTING:**

Have any clean energy projects applied for approval **under the zoning for which the community received Green Community Designation?**

NO

Please select YES or NO in the dropdown on the right. If YES, fill out Table 1 below:

**Table 1**  
**Expedited Permitting Projects (Please add rows as required)**

[Click here to view a sample version of this table.](#)

<b>PROJECT NAME</b>	<b>Type</b> (Generation (Capacity), R&D, and/or Manufacturing)	<b>As-of-right designated location</b>	<b>Applicant</b>	<b>Project Description</b>	<b>Permit(s)</b> (use as many rows as required)	<b>Status</b>	<b>Date Submitted</b>	<b>Decision Date</b>	<b>Other Pertinent Information</b>
<b>N/A - No projects.</b>									
To insert additional rows, select this row, right-click, and select "Insert."									

**Criterion 3 Instructions: Complete Steps 1-7 Below**

**1. Read and complete all questions below.**

**2. Complete Table 2: Progress**

Please complete Table 2 below. ALL categories are required, with the exception of open space.

**Fuel use from all vehicles, including those characterized as exempt AND non-exempt under Criterion 4, must be included.**

**Renewable Energy is a fuel source and the amount of renewable energy consumed by the Green Community must be included.**

**For MassEnergyInsight Users:** the easiest way to populate this table is to look at the ERP Guidance Table 3b (MMBTU) for each year. Enter the category totals and the grand total. Any null energy use should be assigned to the proper category or at least be consistent across the years. Please note if baseline numbers have changed due to any adjustments made in MEI, and, if so, what those adjustments were. **Please verify that Table 2 matches the information in Table 3 (or MassEnergyInsight if using it to report).**

To include a percentage of the energy use of a Regional School district, please include 3 versions of Table 2: one for the combined and final totals, one for the municipality alone, and one for the RSD (in its entirety, noting the applicable percentage).

**3. Complete Table 3: Energy Use**

REMEMBER to load all diesel, gasoline, heating oil and propane energy usage, as well as renewable energy usage that is NOT net-metered, into MEI prior to providing a date that your data is complete. Also, confirm that Table 3 in MEI matches the data provided in Table 2.

If your community uses MassEnergyInsight (MEI) to provide data for Table 3, provide the date the information in MassEnergyInsight was last verified. By including a date below, you are **confirming that the information in MEI is accurate and complete (including all fuels and renewable energy)** and that you wish to report your Green Community annual energy usage directly through MEI. If your community does not use MEI, please complete "Crit 3 - Tbl 3 Non-MEI User Only."

DATE:  
June 30, 2014

**4. Complete Table 4: Energy Conservation Measures (ECMs)**

Update your ECMs in Table 4 by: 1) changing the status and status date for any ECMs already included, 2) adding any new ECMs, 3) and providing an ECM type in Column F.

If your community uses an Energy Management Services (EMS) Agreement, your EMS annual report may be used to fulfill your Green Communities Annual Report Table 4 requirement. Please provide the date it was filed with DOER, or the date it will be filed if filing is anticipated in the next six months. Other efficiency measures undertaken independently of the performance contract should be reported using Table 4. All other portions of the Green Communities Annual Report must be completed.

DATE:  
\_\_\_\_\_

**5. Complete Table 5: Renewable Energy Projects**

Update your RE projects in Table 5 by: 1) changing any status dates, 2) adding, in bold, any new RE projects, and 3) drawing a line through any RE projects that have been abandoned.

Does your Green Community use any energy produced by renewable energy produced within your community? For example, solar PV systems installed on school or municipal buildings, RE PPAs in which the town buys the electricity, or renewable thermal. Please Reply NO or YES. (Delete the appropriate word in the box to the right) If YES, complete Table 5.

YES

**6. Provide a Narrative**

Provide a brief narrative explaining changes seen and what is anticipated for the next year. Any notes on successes or challenges are welcome.

*Sample Narrative: Our buildings have a 12 percent decrease in energy use and the vehicles have a 4 percent reduction. We have implemented projects in the Town Hall and would have expected larger savings. We are investigating this. We are also intending to implement a large retrofit at the drinking water treatment plant this year that should yield a significant level of savings.*

NARRATIVE:

**7. Building Stock Changes**

Please describe any building stock changes that have occurred since your GC baseline year. Include the year any whether any changes are a replacement, addition, removal or renovation. Include any changes in square footage for additions. [Link to Appendix A in the ERP Guidance.](#)

There have been no changes in building stock; except that the Town is no longer the Concessioner for the Highland Links Golf Course and therefore no longer has responsibility for the structures, property, etc. There will no longer be any energy related costs (Electricity, Heating Oil, Propane, Gas/Diesel). The contract ended on May 25, 2014.

**Criterion 3 Step 2: Complete Table 2 - Progress**

**Table 2: Timeline of Annual Municipal Energy Use**

	Baseline MMBtu	Year 1 MMBtu	Year 2 MMBtu	Year 3 MMBtu	Year 4 MMBtu	Year 5 MMBtu	For Most Recent Year: Change vs. Baseline (%)
Note Fiscal or Calendar Year	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	
<b>Buildings</b>	7,580	7,355	5,797	6,436	6,435		85%
<b>Water/Sewer &amp; Pumping</b>	0	0	0	0	0		#DIV/0!
<b>Open Space (optional)</b>	0	0	0	0	0		#DIV/0!
<b>Vehicles</b>	2,834	3,392	2,980	4,018	3,569		126%
<b>Street and Traffic Lights</b>	53	50	49	49	49		
<b>Null</b>	848	1078	1019	1080	820		92%
<b>TOTAL ENERGY CONSUMPTION</b>	11,315	11,875	9,845	11,583	10,873	0	4%

Criterion 3 Step 4: Complete Table 4 - ECMs

[Click here to view a sample version of this table](#)

Table 4 Energy Conservation Measures Data																	
ECMs			Status	Energy Data						Financial Data				Reference Data			
Building/Site Name	Energy Conservation Measure Name	ECM Type (select one from drop-down)	Status Date (Completed with month/year or planned Qtr/year)	Projected Annual Electricity Savings (kWh)	Projected Annual Natural Gas Savings (therms)	Projected Annual Oil Savings (gallons)	Projected Annual Propane Savings (gallons)	Projected Annual Gasoline Savings (gallons)	Projected Annual Diesel Savings (gallons)	Projected Annual Cost Savings (\$)	Total Installed Cost (\$)	Green Community Grant (\$)	Utility Incentives (\$)	Net Cost (\$)	Funding Source(s) for Net Costs	Source for Projected Savings	
Community Center	Thermostatically Controlled Valves - complete with above	Building Control	May-12			282				\$1,028	\$0	\$0	\$0	\$0	N/A	CLC Audit	
Public Safety Facility	Hot Water Recirculation	Hot Water	Jun-12			75				\$300	\$2,623	\$2,623	\$0	\$0	N/A	Self-Audit	
Community Center	Tankless Hot Water System	Hot Water	May-12			271				\$1,084	\$28,200	\$16,375	\$11,825	\$0	N/A	CLC Audit	
Public Safety Facility (conversion from Oil to Propane)	Upgrade Boilers	HVAC	Dec-13			4,921	-6,251			\$3,600	\$45,470	\$36,000	\$19,493	\$0	N/A	CLC Audit	
Truro Central School	Attic Insulation and Air Sealing	Weatherization	May-12	283		301				\$1,150	\$10,154	\$0	\$10,154	\$0	N/A	CLC Audit	
Public Safety Facility	Insulation	Weatherization	Jun-12			500				\$2,000	\$9,833	\$8,833	\$0	\$0	N/A	Self-Audit	
Police Cruiser	IdelRight	Vehicles	May-12					442		\$1,750	\$350	\$350	\$0	\$0	N/A	Experience w/existing vehicles	
Police Cruiser	IdelRight	Vehicles	Sep-13					442		\$1,750	\$380	\$380	\$0	\$0	N/A	Experience w/existing vehicles	
Public Safety Facility	LED Conversion of 3 offices	Interior Lighting	13-Aug	2,577						\$387	\$2,356	\$0	\$2,356	\$0	N/A	CLC Audit	
Community Center & Library	LED Conversion of Parking Lot Lights	Exterior Lighting	1-Oct	16,009						\$2,401	\$16,930	\$0	\$16,930	\$0	N/A	CLC Audit	
Public Safety Facility	LED Conversion of Parking Lot Lights	Exterior Lighting	13-Oct	4,368						\$655	\$4,619	\$0	\$4,619	\$0	N/A	CLC Audit	
To insert additional rows, select this row, right-click, and select "insert."																	
TOTAL Projected Savings					23,237	0	5,797	-5,898	884	0	16,105	120,915	65,561	65,377	0		
TOTAL MMBtu SAVINGS					79.284644	0	805.783	-518.518	109.616	0							

Criterion 3 Step 5: Complete Table 5 - Renewable Energy

Measure		Status				Energy Data					Financial Data				Reference Data		
Location	Site Type	Renewable Energy Project Name	Renewable Energy Project Type	Status (select one from drop-down)	Status Timeline (Completed with month/year or planned Qtr/year)	Size of System (KW or MMBtu)	Projected Annual Electricity Generation (kWh)	Thermal Fuel(s) Displaced	Projected Annual Thermal Fuel Savings	Projected Annual Gasoline Thermal Fuel Units	Projected Annual Cost Savings (\$)	Total Installed Cost (\$)	Green Community Grant (\$)	Other Grant (\$)	Net Cost (\$)	Funding Source(s) for Net Costs	Source for Projected Savings
Truro Central School - 317 Rte 6	School - Grades Pre-K - 8th	School PVs	Photovoltaics	Active	10-Dec	24.8 kW	31,600				\$4,750	\$113,148	\$0	\$94,139	\$19,009	Annual Town Meeting	<a href="http://www.pctrcolorado.com">Actual Date: http://www.pctrcolorado.com</a> <a href="http://www.pctrcolorado.com/Assets/2013/03/2013%20Annual%20Report%20-%2003.pdf">http://www.pctrcolorado.com/Assets/2013/03/2013%20Annual%20Report%20-%2003.pdf</a>
To insert additional rows, select this row, right-click, and select "Insert."																	
TOTAL Projected Savings							31,600	0	0	0	4,750	113,148	0	94,139	19,009		Actual Annual Electricity Generation (kWh)
TOTAL RENEWABLE ENERGY PRODUCTION (MMBtu)					107.8192		107.8192										
															Actual FY 12 (Oct-Jun)	23102	79
															Actual FY13	32,456	111
															Actual FY14	32,710	112

**Criterion 4 - Purchase Fuel Efficient Vehicles**

1) Municipalities must have a fuel efficient vehicle policy that reflects the most recent guidance provided by the Green Communities Division (see <http://www.mass.gov/eea/energy-utilities-clean-tech/green-communities/gc-grant-program/criterion-4.html> for most recent guidance).

2) Did you update your vehicle policy this year?

3) Did you install electric vehicle charging stations?

4) Did you implement anti-idling technology and/or campaigns?

5) Did you implement a driving monitoring system that records miles driven and/or fuel consumption?

6) Did you implement a fuel use reporting system for operators on fuel efficiency?

7) Any other policies and/or technologies not listed above? Please estimate annual fuel savings from each new technology or policy in the yellow box below. Also please attach any new vehicle policies and technologies adopted by the municipality to this annual report.

**NARRATIVE: N/A**

8) For communities that met Criterion 4 through alternative compliance, provide a narrative in the space below of the policies and programs that have been adopted to reduce fuel consumption.

**NARRATIVE: Truro did not request Criterion 4 Alternative Compliance.**

8b) For communities that met Criterion 4 through alternative compliance, provide as a status regarding the success of these programs and policies.

**NARRATIVE: Truro has an existing vehicle policy. One new vehicles were purchased during FY14 and one vehicle was traded in.**

4) Have there been any changes to your vehicle inventory since the last annual report?

5) Please provide the most current vehicle inventory that includes ALL vehicles (Both exempt and non-exempt) for ALL departments, including schools. Please do not report any exempt off-road vehicles, trailers, etc. The inventory submitted with either your most recent Annual Report filing or, if filing for the first time, submitted with your designation application, is either contained in the next worksheet, "Crit 4 - Table 6 Vehicle Inv.," or provided as separate file. In the inventory, 1) note in column L if a vehicle has been acquired since the last annual report, 2) if yes, note what the newly acquired vehicle replaced in the inventory in column M, and 3) note in column N if the vehicle has been retired. NOTE: For the purposes of the program, municipalities must use the EPA combined fuel economy estimate listed at [FuelEconomy.gov](http://FuelEconomy.gov) and ensure that the rating greater than or equal to the requirement for the relevant vehicle type.

Table 8: Vehicle Inventory

[Click here to view a sample version of this table](#)

Model	Make	Model Year	Month/Year Purchased	Drive System: 2WD, 4 WD, or AWD	> 8500 pounds? (Y or N or NA)	Exempt or Non- Exempt? E or NE	COMBINED MPG Rating	Vehicle Function	Is this a new acquisition?	If new acquisition, what vehicle did it replace?	Removed from inventory?
To insert additional rows, select this row, right-click, and select "insert."											
Ford	Explorer XLT #K8D	2014	Nov-13	4WD	NA	E	19	Fire Chief and 1st Responder Vehicle	YES	2003 Ford Crown Vic. Line 52 Below	
Ford 250 T-2		2001		2WD		E	14	DPW	NO		
International-Wrecker		1956				E		DPW	NO		
Kaiser Dump Truck		1967				E		DPW	NO		
AM General Dump		1975				E		DPW	NO		
John-Deere-Loader		1983				E		DPW	NO		
John-Deere-Loader		1987				E		DPW	NO		
Ford Convent Tractor		1987				E		DPW	NO		
WHGM Tractor Dump		1988				E		DPW	NO		
International 40S470 T-6		1994				E		DPW	NO		
Ford 350-M-4		1994				E		DPW	NO		
Ford Van 350 T-11		1998				E		DPW	NO		
John Deere 490E Exc		1994				E		DPW	NO		
Ford 350 Pickup Tr T-3		1997				E		DPW	NO		
Sterling Dump Truck T-7		2000				E		DPW	NO		
Ford-SRWSUP-Pickup-Tr		2004				E		DPW	NO		
John Deere Loader		2001		4WD		E		DPW	NO		
Sterling Sweeper T-18		2004				E		DPW	NO		
John Deere Tractor		2006				E		DPW	NO		
Ford E 250 Van T-15		2006				E		DPW	NO		
Peterbilt CON Tractor		2006				E		DPW	NO		
International 700 Dump T-5		2007				E		DPW	NO		
Ford 250 Pickup Truck T-4		2008				E		DPW	NO		
International 7400 Tr T-16		2009				E		DPW	NO		
Ford F 450 T-22		2011				E		DPW	NO		
Ford E-150 Van T-10		2011		2WD		E	14	DPW	NO		
International T-23 (TRACT)		1988				E		DPW	NO		
FORD Eldorado E 350 Bus		2011				E		CGA	NO		
Chavy Fire Truck		1975				E		FIRE/RESCUE	NO		
GM/C Tank Truck		1988				E		FIRE/RESCUE	NO		

Ford 350 Pickup Truck		2004			E		FIRE/RESCUE	NO		
Ford 450 Ambulance 466		2004			E		FIRE/RESCUE	NO		
HME Fire Truck 466		2007			E		FIRE/RESCUE	NO		
Freightliner Fire Truck		2009			E		FIRE/RESCUE	NO		
Chevy C4800 Ambulance		2003			E		FIRE/RESCUE	NO		
International 7500 SFA 4x4		2012			E		FIRE/RESCUE	NO		
Ford 350 DWR UP		2005			E		Golf Course	NO		
John Deere 4700 Tractor		2001			E		Golf Course	NO		
Ford 150 (S-1)		2004		4WD	NE	12	DPW	NO		
Ford 150		2004		4WD	NE	12	DPW/BEACH	NO		
Ford 150		2007		4WD	NE	15	Animal Control	NO		
Ford Explorer		2009		4WD	NE	16	Building Inspector/Assessors	NO		
Ford-Crown-Victoria		2003		2WD	NE	46	Fire-Chief-Vehicle	NO		YES
FORD FLEX		2012		AWD	NE	18	COA - Transportation	NO		
F FREE ST 2WD		2004		2WD	NE	18	COA - Traded In	NO		
Ford TAURUS		2007		2WD	NE	20	POLICE (717) - Sgt & Court Veh	NO		
Ford FUSION WD		2010		2WD	NE	29	Shared Vehicle	NO		
Ford FOCUS WD		2010		2WD	NE	29	Recreation Dept.	NO		
Ford Crown Victoria		2005		2WD	E	16	POLICE	NO		
Ford Expedition		2008		4W	E	14	POLICE	NO		
Ford-Crown-Victoria		2008		2WD	E	18	POLICE	NO		
Ford Crown Victoria		2009		2WD	E	19	POLICE	NO		
Ford Crown Victoria		2010		2WD	E	19	POLICE	NO		
Ford-Crown-Victoria		2010		2WD	E	40	POLICE	NO		
DODGE Charger		2012		2WD	E	19	POLICE	NO		
DODGE Charger		2012		2WD	E	19	POLICE	NO		
Harley Davidson Road King		2011		N/A	E	44	POLICE	NO		

**Criterion 5 - Stretch Code Adoption**

Date Stretch Code Concurrency Period Began:

1/1/2012

Date Stretch Code Became Sole Effective Code:

7/1/2012

Have there been any new building permits since the Stretch Code became sole effective code?

<Select YES or NO>

If filing for the first time, please fill out the table below and add rows as needed. Please list in Table below all residential and commercial projects that were affected by the Stretch Code and for which building permits have been issued since the Stretch Code became the sole effective code, along with accompanying information noted below. If a previous Annual Report was filed, your table from the previous report is provided below for updating. For notes on Certificate of Occupancy: if New Residential (NR), provide final HERS Rating; if Residential Retrofit (RR) provide HERS rating OR "P" for Prescriptive; if Commercial and > 100K sq ft, note percent energy savings relative to ASHRAE 90.1-2007.

Table 7 Stretch Code Projects July 1, 2013 - June 30, 2014 (Add more rows as necessary)				
Address of Building	New Residential (NR), Residential Retrofit (RR) or Commercial (C)	Date Building Permit Issued	Dated Certificate of Occupancy Issued (if not issued, please note NA)	Notes on Cert of Occupancy
7 Schardt Way	RR (Alt)	7/12/2013	11/4/2014	P
60 South Pamet Rd	RR (Alt)	7/23/2013	4/10/2014	P
12 Whale Watch Dr	NR	7/24/2013	4/11/2014	5+, #60
4 Quail Run	(RR (Alt)	7/25/2013	8/29/2013	P
19 Old Bridge Rd	NR	7/31/2013		HERS
16 Fishermans Rd	RR (Alt)	8/15/2013	12/6/2013	P
2 Pond Rd	RR (Alt)	8/27/2013		P
12 Priest Rd	RR (Alt)	8/29/2013		P
2 Tumbuckle Rd	Garage w/ Studio Above	9/5/2013	5/27/2014	5+, #56
53 Depot Rd	RR (Add/Alt)	9/10/2013	5/20/2014	P
17 Avery Way	NR	9/12/2013	8/13/2014	5+, #50
5 Grouse Run	RR (Add/Alt)	9/18/2013		P
8 Sage Ridge Rd	RR (Add)	9/19/2013		P
572 Shore Rd	RR (Add)	9/19/2013	4/29/2014	P
107 Shore Rd	RR (Alt)	9/25/2013		P
36 Castle Rd	RR (Add)	9/25/2013	6/12/2014	P
10 Arrowhead Rd	RR (Alt)	10/1/2013		P
1 Grouse Run	RR (Add)	10/11/2013	1/27/2014	P
5 Corn Hill Landing	RR (Add/Alt)	10/23/2013	3/20/2014	P
231 Shore Rd U:A	NR	11/1/2013		HERS
231 Shore Rd U:B	NR	11/1/2013		HERS
231 Shore Rd U:C	NR	11/1/2013		HERS
30 Bayberry Rd	RR (Add)	11/6/2013	10/17/2014	P

590 Shore Rd	RR (Alt)	11/13/2013	5/8/2014	P
4 Marsh Ln	NR	11/15/2013	4/29/2014	5+, #66
8 Alden Ln	RR (Add)	11/15/2013		P
16 Hughes Rd	RR (Alt)	11/18/2013	7/22/2014	P
15 Town Hall Rd	RR (Alt)	11/20/2013	3/27/2014	P
39 Route 6	NR	11/20/2013		HERS
32 Fishermans Rd	RR (Alt)	11/21/2013	7/1/2014	P
21 Old Bridge Rd	RR (Alt)	11/27/2013		P
8 Leeward Passage	RR (Alt)	11/27/2013	6/10/2014	P
23 Old Bridge Rd	NR	11/27/2013		HERS
9 Overlook Dr	RR (Add/Alt)	11/27/2013	3/25/2014	P
20 Sturdy Way	RR (Add)	12/4/2013	7/21/2014	P
4 Fourth of July Rd	RR (Add)	12/6/2013	5/15/2014	P
26 Bayberry Rd	RR (Alt)	12/9/2013		P
8 Short Lots	RR (Alt)	12/11/2013	6/13/2014	P
6 Sage Ridge Rd	NR	12/11/2013		HERS
4 North Union Field Rd	RR (Alt)	12/13/2013	5/13/2014	P
38 Fishermans Rd	RR (Alt)	12/23/2013		P
29 Shore Rd	RR (Add)	12/30/2013		P
7 Union Field Rd	NR	1/13/2014		HERS
5 Alden Circle	RR (Add)	1/13/2014		P
42 Twine Field Rd	RR (Add/Alt)	1/21/2014		P
15 Shore Rd	RR (Add)	2/14/2014		P
3 Union Field Rd	NR	2/24/2014		HERS
13 Glacier Dr	RR (Alt)	2/26/2014		P
14 Hatch Rd	RR (Alt)	2/26/2014	9/3/2014	P
4 Pond Rd	RR (Alt)	3/3/2014	10/16/2014	P
7 Deer Path	RR (Alt)	3/20/2014	5/6/2014	P
32 Knowles Heights Rd	NR	3/25/2014		HERS
11 Coast Guard Terrace	RR (Alt)	3/25/2014	10/31/2014	P
148 Shore Rd U:5	RR (Alt)	4/1/2014	8/21/2014	P
26 Great Hills Rd	RR (Add)	4/8/2014	10/23/2014	P
15 Erlinda Rd	NR	4/8/2014		HERS

596 Shore Rd U:i	RR (Alt)	4/15/2014	P
15 Toms Hill Rd	RR (Alt)	4/15/2014	P
5 Knowles Heights Rd	Garage w/ Studio Above	4/22/2014	HERS
7 Kestrel Ln	RR (Alt)	4/30/2014	P
1 Sandy Ln	RR (Alt)	4/30/2014	10/1/2014 P
7 Sylvias Way	RR (Alt)	5/7/2014	P
20 Holsbery Rd	RR (Alt)	5/15/2014	P
19 South Highland Rd	RR (Alt)	5/15/2014	P
642 Shore Rd U:8	RR (Alt)	5/23/2014	P
566 Shore Rd U:7	RR (Alt)	5/29/2014	P
14 Yellow Brick Rd	NR	6/4/2014	HERS
503 Shore Rd U:20	NR	6/10/2014	HERS
522 Shore Rd U:7	NR (Duplex)	6/10/2014	HERS
522 Shore Rd U:8	NR (Duplex)	6/10/2014	HERS
6 Twine Field Rd	RR (Add)	6/19/2014	P

**Table 7  
Stretch Code Projects July 1, 2012 - Jun 30, 2013**

Address of Building	New Residential (NR), Residential Retrofit (RR) or Commercial (C)	Date Building Permit Issued	Dated Certificate of Occupancy Issued (if not issued, please note)	Notes on Cert of Occupancy
8 Arrowhead Rd	Alt	7/10/2012	8/6/2012	P
6 Heather Ln	Alt	7/13/2012		
11 Twine Field Rd	Add/Alt	7/19/2012	10/17/2012	P
643 Shore Rd	Add	7/20/2012	1/2/2012	P
2 Yellow Brick Rd	NR	8/1/2012	9/25/2013	5+ Stars, #58
1 Yellow Brick Rd	NR	8/1/2012	7/30/2013	5+ Stars, #66
63 Highland Rd	Alt	8/1/2012		
4 Bay View Way	Alt	8/9/2012	1/4/2013	P
37 Shore Rd	Add	8/10/2012	10/11/2012	P
13 Priest Rd	Add	8/15/2012		
16 Fishermans Rd	Add/Alt	8/22/2012	1/11/2013	P
522 Shore Rd U:11	Alt	8/31/2012	11/30/2012	P
630 Shore Rd U:1	Alt	9/6/2012	1/17/2013	P
4 Pearsall Dr	Alt	9/7/2012	11/15/2012	P

17 Avocet Rd	Alt	9/20/2012	5/29/2013	P
2 Highland Ave	Add/Alt	9/20/2012		
8 Snows Field Rd	Add/Alt	9/28/2012	7/15/2013	P
3 Drunlin Ln	Add	10/11/2012	7/11/2013	P
23 Pilgrims Path	Alt	10/17/2012		
27 South Pamet Rd	Alt	10/17/2012		
596 Shore Rd U:J	Alt/Add	10/19/2012	6/25/2013	P
3 Depot Rd	Garage/Studo	10/30/2012	6/18/2013	5+ Stars, #62
10 Pilgrims Path	NR	10/30/2012	7/9/2013	5+ Stars, #63
3 Stephens Way	Add/Alt	11/6/2012	7/2/2013	P
28 Sylvan Ln	Alt	11/7/2012	3/28/2013	P
3 Depot Rd (Main House)	Add	11/7/2012	6/18/2013	P
95 Shore Rd U:8	Alt	11/7/2012	2/4/2013	P
3 Whitmanville Rd	Alt	11/7/2012		
2 Turnbuckle Way	Add/Alt	11/7/2012	6/6/2013	P
8 Arrowhead Rd	Alt	11/7/2012	4/24/2013	P
6 Pond Village Heights	Alt	11/19/2012		
5 Old County Ln	Alt	11/20/2012	3/15/2013	P
38 Parker Dr	Garage/Studio	11/21/2012	9/17/2013	P
1 Sallys Way	NR/Duplex U:1/3	11/21/2012	9/23/2013	5+ Stars, #61
3 Sallys Way	NR/Duplex U:1/3	11/21/2012	9/23/2013	5+ Stars, #61
5 Sallys Way	NR/Duplex U:5/7	11/21/2012	9/23/2013	5+ Stars, #61
7 Sallys Way	NR/Duplex U:5/7	11/21/2012	9/23/2013	5+ Stars, #61
9 Sallys Way	NR/Duplex U:9/11	11/21/2012	9/23/2013	5+ Stars, #61
11 Sallys Way	NR/Duplex U:9/11	11/21/2012	9/23/2013	5+ Stars, #61
12 Sallys Way	NR/Duplex U:12/14	11/21/2012	9/23/2013	5+ Stars, #61
14 Sallys Way	NR/Duplex U:12/14	11/21/2012	9/23/2013	5+ Stars, #61
15 Sallys Way	NR/Duplex U:15/17	11/21/2012	9/23/2013	5+ Stars, #61
16 Sallys Way	NR/Duplex U:16/18	11/21/2012	9/23/2013	5+ Stars, #61

17 Sallys Way	NR/Duplex U:15/17	11/21/2012	9/23/2013	5+ Stars, #61
18 Sallys Way	NR/Duplex U:16/18	11/21/2012	9/23/2013	5+ Stars, #61
19 Sallys Way	NR/Duplex U:19/21	11/21/2012	9/23/2013	5+ Stars, #61
20 Sallys Way	NR/Duplex U:20/22	11/21/2012	9/23/2013	5+ Stars, #61
21 Sallys Way	NR/Duplex U:19/21	11/21/2012	9/23/2013	5+ Stars, #61
22 Sallys Way	NR/Duplex U:20/22	11/21/2012	9/23/2013	5+ Stars, #61
3 Gospel Path	Add/Alt	11/27/2012	6/27/2013	P
378 Shore Rd	Alt	12/3/2012	10/15/2013	P
5 Atwood Ln	Alt/Add	12/3/2012		
12 Avocet Rd	Add/Alt	12/4/2012	8/15/2013	P
17 Bay View Dr	Alt	12/10/2012	5/30/2013	P
263 Shore Rd U:3	Add	12/11/2012	4/16/2013	P
503 Shore Rd U:19	Alt	12/11/2012	7/2/2013	P
12 Yellow Brick Rd	NR	12/12/2012		
28 Fishermans Rd	Alt	12/19/2012	5/1/2013	P
648 Shore Rd U:5	Alt/Add	12/19/2012		
1 Captain Williams Way	NR	12/19/2012		
15 Long Dune Ln	NR	12/21/2012		
1 Merryfield Path	NR	1/3/2013		
1 Merryfield Path	Alteration	1/3/2013		
1 Merryfield Path	Studio	1/3/2013		
4 Drunlin Ln	Alt	1/3/2013		
263 Shore Rd U:2	Alt	1/4/2013	5/30/2013	P
522 Shore Rd U:9	Alt	1/7/2013	6/27/2013	P
9 Priest Rd	Add/Alt	1/8/2013		
271 Route 6	Alt	1/8/2013		
1 Carrs Ln	Add/Alt	1/11/2013	10/16/2013	P
22 Crestview Circle	Alt	1/24/2013		
12 Whitmanville Rd	NR	2/14/2013	10/18/2013	5+ Stars, #62
23 Pilgrims Path (Studio)	Alt	2/26/2013	7/1/2013	P
334 Shore Rd U:11	Alt	3/4/2013		
26 Toms Hill Rd	Alt	3/6/2013	6/4/2013	P
36 North Pamet Rd	Alt	3/7/2013		
74 Depot Rd	Alt	3/14/2013		
7 Deer Path	Alt	3/14/2013	6/7/2013	P
17 Bayberry Rd	Add/Alt	3/22/2013	7/29/2013	P
7 Lily Ln	NR	3/22/2013		
23 Shore Rd	Add/Alt	3/22/2013	10/11/2013	P
2 Swale Way	Add/Alt	3/22/2013		
522 Shore Rd U:3	Alt	4/8/2013	5/23/2013	P
3 Martins Way	Add/Alt	4/11/2013		
51 Fisher Rd	Alt	4/18/2013	7/1/2013	P
45 Route 6	Accessory Bldg	4/18/2013		
41 Bay View Rd	Alt	4/18/2013		
4 Warren Place	NR	4/18/2013		
590 Shore Rd "Low Tide Cottage"	Alt	4/18/2013	6/19/2013	P
8 Heather Ln	Alt	4/23/2013	5/3/2013	P
65 Depot Rd	Alt	4/25/2013		
7 Fisher Rd	Add	4/25/2013		
5 Knowles Heights Rd	NR	6/4/2013		
84 South Highland Rd	Alt	6/21/2013		
13 Peters Pond Rd	Add/Alt	6/21/2013		

**Other Notes**

**Please provide in the space below any anecdotal information about your community's experience with the Stretch Code** (e.g. local banks loaning more to people purchasing stretch code homes, satisfied homeowners, frustrated builders, etc.).

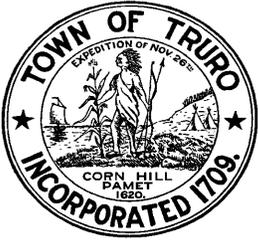
**This was a bit of a learning curve for builders, homeowners, etc.; however it now appears to be second nature.**

**Please provide in the space below any information about additional measures taken by the community that are consistent with its status as a designated Green Community**(e.g. additional as-of-right siting put in place since designation for renewable or alternative energy generation, R&D, or Manufacturing facilities).

**N/A**

**Please provide in the space below what percentage of your municipality's electricity consumption is supported by renewable energy generation?** Of this percentage, how much of this is onsite generation? How much of this is net metering? How much of this is through the purchase of Renewable Energy Certificates (RECs)?

**Less than 5% of the town's overall energy use is offset by electricity produced by photovoltaics on the Truro Central School.**



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Rae Ann Palmer

**REQUESTED MEETING DATE:** December 2, 2014

**ITEM:** Approval of a curb cut application.

**EXPLANATION:** Rose and Robert D'Rezzo of 4 Francis Road are requesting authorization for a curb cut for the new dwelling that is being constructed by Daniel J. Silva construction. The plan has been reviewed and approved by the Director of Public Works and the Chief of Police. The Board of Selectmen must now approve the cut. The Building Commissioner will include the curb cut as part of the permit process, therefore requiring inspections and sign off when completed.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** The applicant will not be able to install a driveway.

**SUGGESTED ACTION:** *MOTION TO* approve the application for a curb cut at 4 Francis Way.

**ATTACHMENTS:**

1. Application
2. Site Plan

**EXHIBIT 1**

TOWN OF TRURO  
APPLICATION FOR A CURB CUT PERMIT

**Note:** This permit application must be accompanied by a plan. If this permit is being applied for by someone other than the Owner of the property, the owner's signature must appear at the bottom of the application.

Date: Nov 3, 2014

To the Board of Selectmen  
24 Town Hall Road  
P. O. Box 2030  
Truro, MA 02666

Re: **APPLICATION FOR A CURB CUT**

Dear Board Members:

The applicant(s) hereby make application for a curb cut as follows:

Name(s): Rose and Robert D'Rezzo

Address: 4 Francis Rd

Curb Cut Street Location: 4 Francis Rd

Affected Town or State road: Francis Rd

Truro Assessor's Map Number: 39 Parcel Number: 321

Name of contractor: Daniel J Silva Construction, Inc.

Reason/explanation: New dwelling

I/we hereby agree to the terms and conditions as outlined in this policy and attached Exhibits:

Applicant's Signature: 

Owner's Signature (if different): see attached ~~Building Permit~~ Date: \_\_\_\_\_

Owner's Address (if different): 151 North Weeden Rd Wakefield RI 02879

**Director, Department of Public Works Preliminary Approval:**

Approved     Disapproved     Not Applicable

Jamie R. Nitty  
Director, Department of Public Works

11/13/14  
Date

**Chief of Police Approval:**

Approved     Disapproved     Not applicable

Kyle Tabakjian  
Chief of Police

11/20/14  
Date

**Board of Selectmen Approval:**

Approved     Disapproved

\_\_\_\_\_  
Chairman, Board of Selectmen

\_\_\_\_\_  
Date

**Planning Board Approval (if required):**

Approved     Disapproved     Not Applicable

\_\_\_\_\_  
Chairman, Planning Board

\_\_\_\_\_  
Date

**Building Commissioner Approval:**

Approved     Disapproved    Building Permit Number \_\_\_\_\_

\_\_\_\_\_  
Building Commissioner

\_\_\_\_\_  
Date

**Mass Highway Referral (if required):**

Date Forwarded \_\_\_\_\_  
Signature \_\_\_\_\_

**Director, Department of Public Works Declaration of Compliance:**

I have inspected the property located at \_\_\_\_\_ and found the work requested on the Application for a Curb Cut dated \_\_\_\_\_ to be in compliance with the Board of Selectmen Policy #28 - Curb Cut Policy.

\_\_\_\_\_  
Director, Department of Public Works

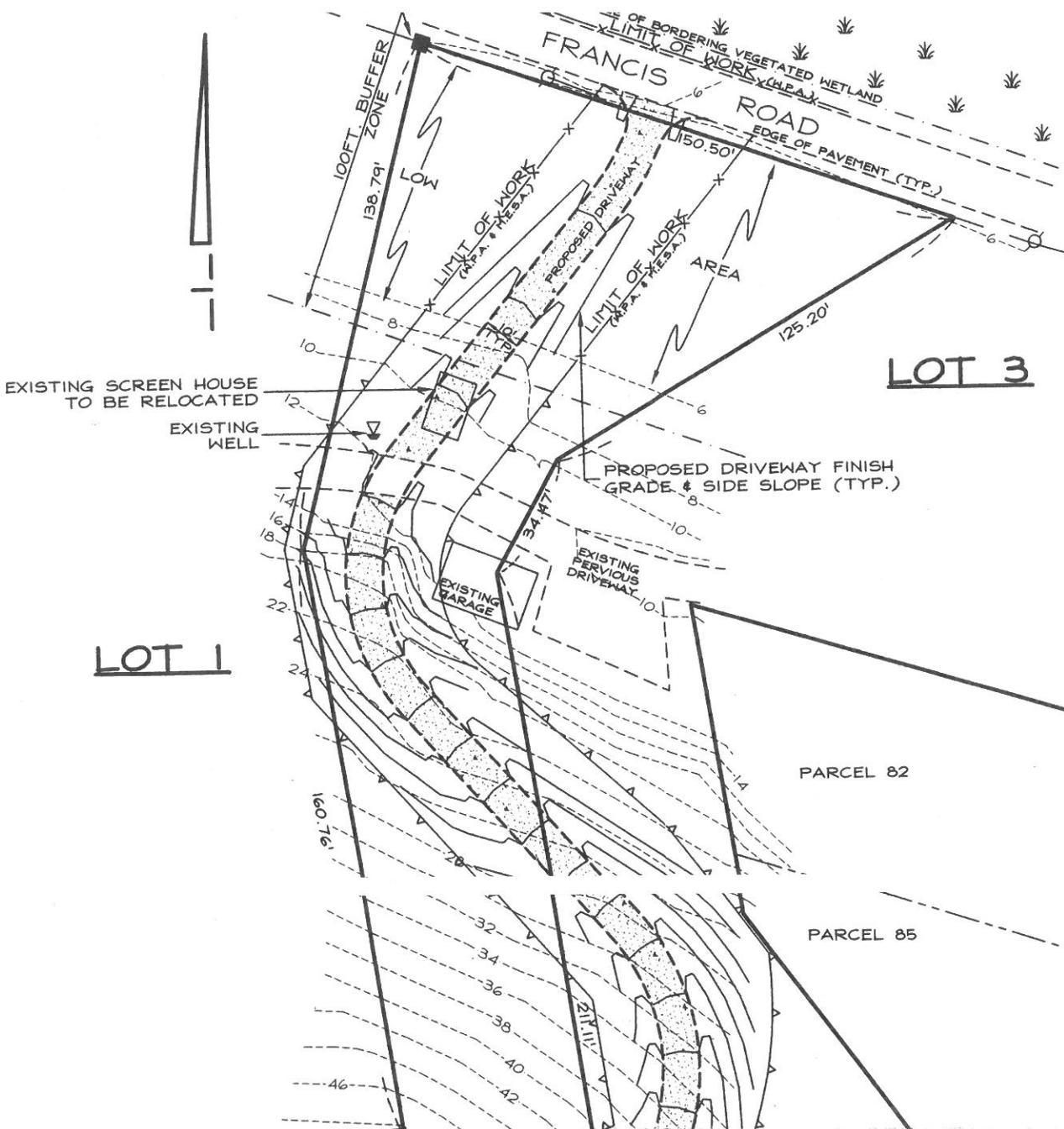
\_\_\_\_\_  
Date

**Building Commissioner Final Approval:**

Approved     Disapproved    Certificate of Occupancy \_\_\_\_\_

\_\_\_\_\_  
Building Commissioner

\_\_\_\_\_  
Date



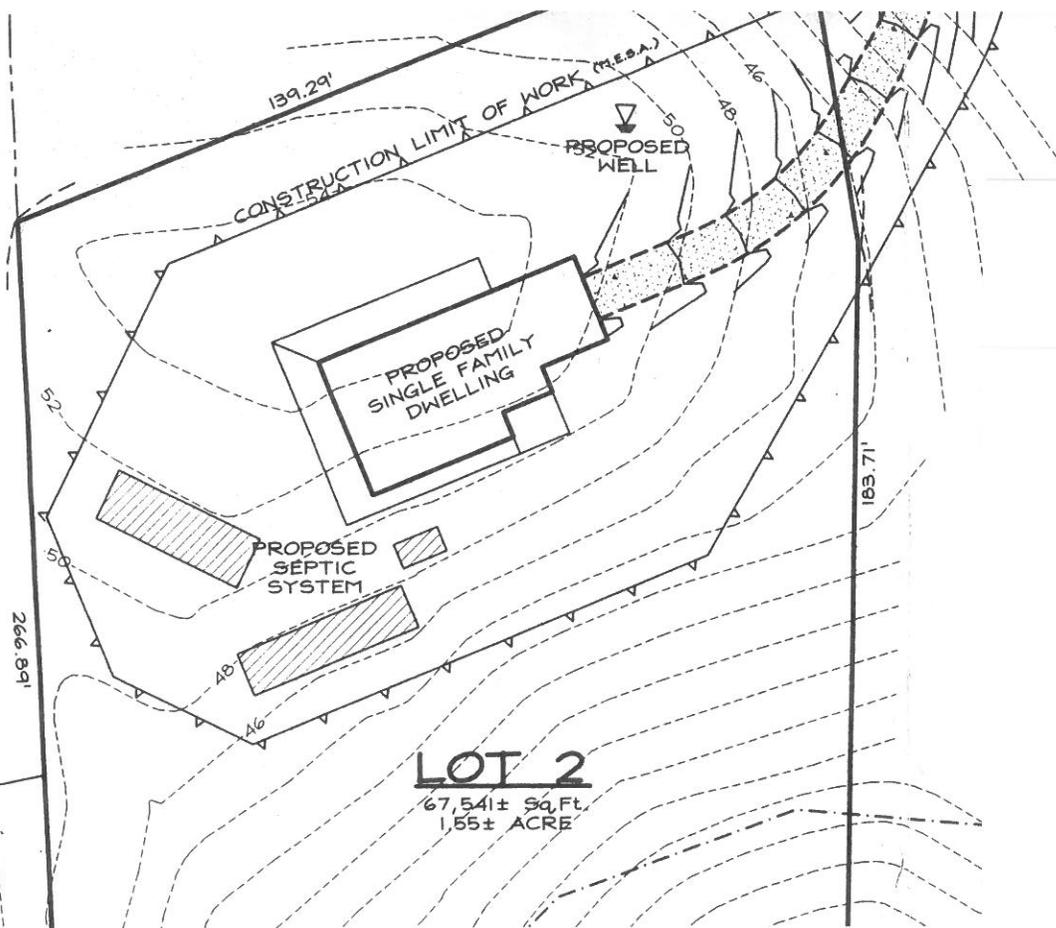
EXISTING SCREEN HOUSE TO BE RELOCATED  
EXISTING WELL

**LOT 1**

**LOT 3**

PARCEL 82

PARCEL 85



**LOT 2**  
67,541± Sq.Ft.  
1.55± ACRE

**SITE PLAN**

SHOWING PROPOSED RESIDENTIAL DRIVEWAY  
**4 FRANCIS ROAD - LOT 2**  
**TRURO, MA**

PREPARED FOR:  
**ROSE L. D'AREZZO**  
151 NORTH WEEDEN ROAD  
WAKEFIELD, RI 02879  
ROSE L. D'AREZZO et. al. - OWNERS

SCALE: 1" = 30' JUNE 16, 2014  
REFERENCE: ASSESSORS MAP 39, PARCEL 321  
D.B. 27535, PG. 67  
P.B. 619, PG. 15

**GENERAL NOTES:**

1. REMOVE VEGETATION IN PROPOSED DRIVEWAY AREA.
2. REMOVE SOILS UNSUITABLE FOR DRIVEWAY CONSTRUCTION.
3. PROVIDE COMPACTED SAND FILL TO SUBGRADE ELEVATION.
4. PROVIDE 8" NATIVE HARDENING OR OTHER SUITABLE BASE MATERIAL.
5. PROVIDE 2" GRAVEL/SHELL SURFACE.
6. STABILIZE SIDE SLOPES WITH 4" LOAM AND CONSERVATION GRASS MIX.
7. EXISTING SCREEN HOUSE TO BE RELOCATED OUTSIDE BUFFER ZONE.
8. SILT FENCE TO BE INSTALLED & MAINTAINED ALONG LIMIT OF WORK (P.E.S.A.) LINES.
9. STAKES & FLAGGING VISUAL BARRIERS TO BE INSTALLED ALONG CONSTRUCTION LIMIT OF WORK (P.E.S.A.) LINES.

BUILDING DEPARTMENT  
TOWN

# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004 Fax: (508) 349-5505



## APPLICATION FOR CONSTRUCTION/STAGING PERMIT FOR USE OF TOWN-OWNED PROPERTY AND/OR BEACH ACCESS

Date: 11/3/14

Location of Staging Area/Access: Fisher Beach

Contractor: Ken Rose Septic Service

Legal Mailing Address: P.O. Box 1443 Wellfleet, MA 02667

Telephone: 508-349-6804 Cell: Personal Information Redacted

Working for: Safe Harbor Environmental DEP # n/a

Work Location: 33 Cooper Road, Truro

Property Owners Legal Mailing Address: Eileen McDonagh + Robert E. Davoli

Telephone: Personal Information Redacted

6 Winchelsea Lane  
Lincoln, MA 01773

Project Description:

Placement of approx. 5 truckloads  
of locally sourced sand nourishment.

Equipment and Materials to be Used: Dump truck and loader,  
to haul and place sand.

Estimated Work Start & Finish Dates: Dec 1-31

Contractor's Signature: Kevin A. Rose

Date Certification of Liability Insurance and/or Security Received: NOV. 4, 2014

DPW Director Comments: Jac R. Nott 11/17/14  
Please contact me prior to accessing beach.

Beach Supervisor Comments: Kelly Chen 11/5/14

Conservation Agent Comments: P. Pappas 11/6/14  
Conservation Commission approved the project on 9/8/14

Board of Selectmen Signature of Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Restrictions/Conditions: \_\_\_\_\_

**Project Completion Sign-Off**

We, the undersigned, have inspected the Town property as identified on this application and found it to be in good condition.

**DPW Director Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**Beach Supervisor Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**For Beach Access, Conservation Agent Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**Board of Selectmen Approval of Release of Certification of Liability Insurance and/or Security:**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004 Fax: (508) 349-5505

## APPLICATION FOR CONSTRUCTION/STAGING PERMIT FOR USE OF TOWN-OWNED PROPERTY AND/OR BEACH ACCESS

Date: 11/3/14

Location of Staging Area/Access: Fisher Beach

Contractor: Ken Rose Septic Service

Legal Mailing Address: P.O. Box 1443 Wellfleet, MA 02667

Telephone: 508-349-6804 Cell: Personal Information Redacted

Working for: Safe Harbor Environmental DEP # n/a

Work Location: 32 Cooper Road, Truro

Property Owners Legal Mailing Address: Sarah L. Lutz + John Adrian Van Rens

Telephone: Personal Information Redacted  
211 W. 11th Street  
New York, NY 10014

Project Description: \_\_\_\_\_

Placement of approx. 4 truckloads  
of locally sourced sand nourishment.

Equipment and Materials to be Used: Pump truck and loader,  
to haul and place sand.

Estimated Work Start & Finish Dates: Dec 1 - 31

Contractor's Signature: Kevin A. Rose

Date Certification of Liability Insurance and/or Security Received: Nov. 4, 2014

DPW Director Comments: Juan R. Natta 11/17/14  
Please contact me prior to starting work.

Beach Supervisor Comments: Kelley Chan 11/5/14

Conservation Agent Comments: Pat Papow 11/6/14  
Conservation Commission approved the project on 9/8/14

Board of Selectmen Signature of Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Restrictions/Conditions: \_\_\_\_\_

**Project Completion Sign-Off**

We, the undersigned, have inspected the Town property as identified on this application and found it to be in good condition.

**DPW Director Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**Beach Supervisor Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**For Beach Access, Conservation Agent Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

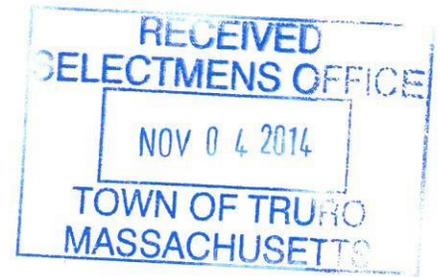
**Board of Selectmen Approval of Release of Certification of Liability Insurance and/or Security:**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004 Fax: (508) 349-5505



## APPLICATION FOR CONSTRUCTION/STAGING PERMIT FOR USE OF TOWN-OWNED PROPERTY AND/OR BEACH ACCESS

Date: 11/3/14

Location of Staging Area/Access: Cold Storage Beach

Contractor: Ken Rose Septic Services

Legal Mailing Address: P.O. Box 1443, Wellfleet MA 02667

Telephone: 508-349-6804 Cell: Personal Information Redacted

Working for: Safe Harbor Environmental DEP # \_\_\_\_\_

Work Location: 2 Hevon Lane, Truro

Property Owners Legal Mailing Address: Rajeev Singh-Molares

Telephone: Personal Information Redacted  
2926 131<sup>st</sup> Place NE  
Bellevue, WA 98005

Project Description: \_\_\_\_\_

Placement of approx. 4 truckloads  
of locally sourced sand nourishment.

Equipment and Materials to be Used: Dump truck and loader  
to haul and place sand

Estimated Work Start & Finish Dates: Dec 1 - 31

Contractor's Signature: Kevin A. Roe

Date Certification of Liability Insurance and/or Security Received: Nov. 4, 2014

DPW Director Comments: Joan P. Natta 11/17/14  
Please contact me prior to starting work.

Beach Supervisor Comments: Kelley Cen 11/5/14

Conservation Agent Comments: P. Pappas 11/6/14  
Conservation Commissioner approved the project 11/8/14

Board of Selectmen Signature of Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Restrictions/Conditions: \_\_\_\_\_

**Project Completion Sign-Off**

We, the undersigned, have inspected the Town property as identified on this application and found it to be in good condition.

**DPW Director Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**Beach Supervisor Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**For Beach Access, Conservation Agent Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**Board of Selectmen Approval of Release of Certification of Liability Insurance and/or Security:**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004 Fax: (508) 349-5505



## APPLICATION FOR CONSTRUCTION/STAGING PERMIT FOR USE OF TOWN-OWNED PROPERTY AND/OR BEACH ACCESS

Date: 11/3/14

Location of Staging Area/Access: Cold Storage Beach

Contractor: Ken Rose Septic Services

Legal Mailing Address: P.O. Box 1443, Wellfleet MA 02667

Telephone: 508 349-6804 Cell: Personal Information Redacted

Working for: Safe Harbor Environmental DEP # n/a

Work Location: 4 Hewn Lane, Truro

Property Owners Legal Mailing Address: Atlantic Bay Realty Trust

Telephone Personal Information Redacted 391 Highland Street  
W. Newton, MA 02465

Project Description: \_\_\_\_\_

Placement of approx. 5 truckloads  
of locally sourced sand nourishment.

Equipment and Materials to be Used: Dump truck and loader to  
haul and place sand.

Estimated Work Start & Finish Dates: Dec 1-31

Contractor's Signature: Kevin A. Rose

Date Certification of Liability Insurance and/or Security Received: Nov. 4, 2014

DPW Director Comments: Jan R. N/A 11/17/14

Please contact me prior to starting work.

Beach Supervisor Comments: Kelly Con 11/5/14

Conservation Agent Comments: P. Payson 11/6/14

Conservation Commission approach the project on 9/8/14

Board of Selectmen Signature of Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Restrictions/Conditions: \_\_\_\_\_

**Project Completion Sign-Off**

We, the undersigned, have inspected the Town property as identified on this application and found it to be in good condition.

**DPW Director Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**Beach Supervisor Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**For Beach Access, Conservation Agent Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

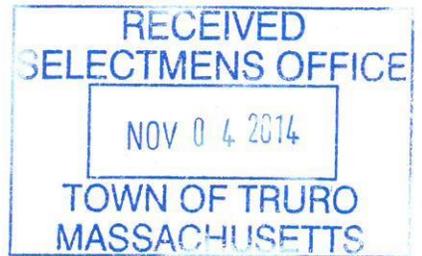
**Board of Selectmen Approval of Release of Certification of Liability Insurance and/or Security:**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004 Fax: (508) 349-5505



## APPLICATION FOR CONSTRUCTION/STAGING PERMIT FOR USE OF TOWN-OWNED PROPERTY AND/OR BEACH ACCESS

Date: 11/3/14

Location of Staging Area/Access: Cold Storage Beach

Contractor: Ken Rose Septic Services

Legal Mailing Address: P.O. Box 1443, Wellfleet MA 02667

Telephone: 508-349-6804 Cell: Personal Information Redacted

Working for: Safe Harbor Environmental DEP # n/a

Work Location: 39 Bay View Road, Truro

Property Owners Legal Mailing Address: T.D. Bank NA, Trustee of Ellen S.

Telephone: Personal Information Redacted

307 Main Street Brown Trust  
Hyannis, MA 02601

Project Description: \_\_\_\_\_

Placement of approx. 4 truckloads  
of locally sourced sand nourishment.

Equipment and Materials to be Used: Dump truck and loader,  
to haul and place sand.

Estimated Work Start & Finish Dates: Dec 1 - 31

Contractor's Signature: Kevin A. Rose

Date Certification of Liability Insurance and/or Security Received: Nov. 4, 2014

DPW Director Comments: James R. Werts 11/17/14  
Please contact me prior to starting work.

Beach Supervisor Comments: Kelly Clem 11/5/14

Conservation Agent Comments: P. Papron 11/16/14  
Conservation Commission approves the project on 11/18/14

Board of Selectmen Signature of Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Restrictions/Conditions: \_\_\_\_\_

**Project Completion Sign-Off**

We, the undersigned, have inspected the Town property as identified on this application and found it to be in good condition.

**DPW Director Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**Beach Supervisor Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**For Beach Access, Conservation Agent Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

**Board of Selectmen Approval of Release of Certification of Liability Insurance and/or Security:**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**



# TOWN OF TRURO Conservation Commission

24 Town Hall Road  
P.O. Box 2030, Truro MA 02666  
Tel: 508-349-7004, Ext. 31 Fax: 508-349-5508

Conservation Commission  
TOWN OF TRURO  
AUG 25 2014

## APPLICATION FOR ADMINISTRATIVE REVIEW PERMIT

Applicant Name: SAFE HARBOR ENVIRONMENTAL Telephone 508-237-3724  
SARAH L. WIZ + JOHN ADRIAN VAN RENS

Owner Name: \_\_\_\_\_ Telephone 917-432-7220

(If the applicant is not the owner of the property, written consent to the work MUST be attached to this Application.)

Address of subject property: 32 COOPER ROAD, TRURO  
Map: 58 Parcel: 10

Description of Proposed Work:

RENOVATE PROPOSED TIE OF BANK  
PLANT BEACH GRASS  
USE BIOMIMICRY (APPROX. 100 YRDS.)  
COASTAL BANK (CLEAN SAND)

Proximity to Resource Areas:

Does the project meet ALL of the criteria set forth in 5-3 A and 5-3 B? \_\_\_\_\_

SEE AUTHORIZATION LETTER

(Signature of Applicant)

(Date)

**NOTE: USE OF TOWN OWNED PROPERTY FOR BEACH ACCESS OR STAGING OF CONSTRUCTION MATERIALS REQUIRES A PERMIT ISSUED BY THE BOARD OF SELECTMEN**

FOR OFFICE USE ONLY:

Agent's Comments \_\_\_\_\_

Site Inspection Date: 8/29/14 Application Approved: 9/8/14

Recommend approval. Scope + location appropriate. Insp. by E. Runkle

Conditions: Staging area - Fisher Pond  
Beach returned to pre-existing contour

Signature of Commission Chair or Designee: Petra Papp Date: 9/8/14

If issued, a copy of this Permit must be available at the project site while performing any work pursuant to this Permit. Permit is valid for 30 days of issuance. Rev 12/12

# CERTIFICATE OF LIABILITY INSURANCE

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 <b>MCSHEA INSURANCE AGENCY INC</b> 1550 Falmouth Rd Ste #2 Centerville, MA 02632	CONTACT NAME:
	PHONE (A/C No, Ext): <b>(508) 420-9011</b> FAX (A/C No): <b>(508) 420-9010</b> E-MAIL ADDRESS:
INSURER(S) AFFORDING COVERAGE	
INSURER A:	<b>National Grange Mutual Ins Co.</b>
INSURER B:	<b>COMMERCE INSURANCE CO.</b>
INSURER C:	<b>LLOYDS OF LONDON</b>
INSURER D:	
INSURER E:	
INSURER F:	

INSURED: **Sand Dollar Enterprise LLC**  
**DBA Ken Rose Septic Service**  
**PO Box 1443**  
**Wellfleet, MA 02667**  
**508-349-6804**

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.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			<b>MPT3396P</b> <b>105073827</b>	<b>7/15/14</b> <b>9/15/14</b>	<b>9/15/14</b> <b>9/15/15</b>	EACH OCCURRENCE \$ <b>1,000,000</b>
	<input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>500,000</b> MED EXP (Any one person) \$ <b>10,000</b> PERSONAL & ADV INJURY \$ <b>1,000,000</b> GENERAL AGGREGATE \$ <b>2,000,000</b> PRODUCTS - COM/OP AGG \$ <b>2,000,000</b>
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS	Y	Y	<b>BGJDTS</b>	<b>7/21/14</b>	<b>7/21/15</b>	COMBINED SINGLE LIMIT (Ea accident) \$ <b>1,000,000</b>
							BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB      OCCUR EXCESS LIAB      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	<b>WCT3374P</b>	<b>7/15/14</b>	<b>7/15/15</b>	<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
							E.L. EACH ACCIDENT \$ <b>500,000</b> E.L. DISEASE - EA EMPLOYEE \$ <b>500,000</b> E.L. DISEASE - POLICY LIMIT \$ <b>500,000</b>
C	<b>General Liability</b>			<b>LGL1022633</b>	<b>11/1/14</b>	<b>11/1/15</b>	plowing: 1,000,000 occur 2,000,000 aggr

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

RECEIVED

SELECTMENS OFFICE

NOV 04 2014

TOWN OF TRURO

MASSACHUSETTS

CERTIFICATE HOLDER <b>TRURO TOWN HALL</b>	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.  AUTHORIZED REPRESENTATIVE 
--	---



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004 Fax: (508) 349-5505

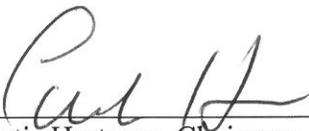
## POLICY MEMORANDUM #48

**Date:** Adopted September 6, 2011

**Subject:** CONSTRUCTION/STAGING PERMIT FOR USE OF TOWN-OWNED PROPERTY AND/OR BEACH ACCESS

1. Said permit shall be issued by the Truro Board of Selectmen.
2. Said permit issued by the Truro Board of Selectmen must be current and valid.
3. The Board of Selectmen shall forward the application to the Director of the Department of Public Works, the Beach Supervisor and/or the Conservation Agent for review and comment.
4. The Contractor shall submit proof of Certificate of Liability Insurance in the amount of \$1,000,000 and/or a bond or other form of security to be determined by the Board of Selectmen upon approval of application and the release of permit.
5. The parking area and beach access, if applicable, shall be inspected by the Director of the Department of Public Works and the Beach Supervisor prior to any equipment or materials being off-loaded on any town-owned property. Upon completion of the project, an inspection shall be conducted by the Director of the Department of Public Works and the Beach Supervisor. If damage to town-owned property from the scope of the project is observed by the Director of the Department of Public Works and the Beach Supervisor, the Contractor shall promptly make all necessary repairs.
6. A layer of sand or other suitable material(s) shall be deposited on areas designated by the Director of the Department of Public Works, or his designee, prior to the offloading and reloading of equipment and materials. In no case shall the equipment or materials block any access or driveways and shall be so located, as much as possible, away from any dwelling(s). Sweeping of the area, at the contractor's expense, shall be required.
7. The entrance of the beach parking and beach area, if applicable, shall be maintained daily.
8. If and where deemed necessary by the Director of the Department of Public Works poles and posts marking the edge of pavement shall be removed prior to use of the beach slope and returned to their original position upon completion of the project by the contractor. Pavement markers are to be replaced at the end of each workday.
9. Any damage to the facility shall be the responsibility of the contractor to repair to the original state, including, but not limited to, cracking or destruction of pavement, scraping, holes, destruction of concrete posts, telephone poles, or replacement of sand.

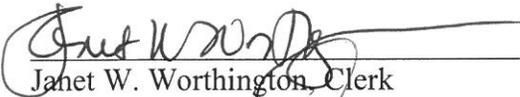
10. The contractor shall be required to pay to the Town of Truro an application fee in the amount of \$25.00.
11. A project using the town facility may be conducted during the period of October 15<sup>th</sup> through April 15<sup>th</sup> (the "season".) The permit is good for the time specified on the application.
12. The Board of Selectmen shall set conditions, including but not limited to, the times of days work may commence, the days of the week, etc.
13. Every contractor and property owner applying for a staging permit to use Town property shall be provided with a copy of these regulations and shall be asked to execute the acknowledgment and application which appear on the following page.
14. This permit does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights or approve or imply the approval of access over privately owned properties, including but not limited to the Cape Cod National Seashore.
15. In all cases, the Board of Selectmen may waive any of these provisions.
16. Emergency permission to use Town property may be approved by the Director of the Department of Public Works , Beach Supervisor, Chief of Police, Conservation Agent and/or Health Agent; however, an application must still be made to the Board of Selectmen.
17. Failure to comply with any or all these regulations may result in the suspension and/or revocation of Staging Permit privileges.



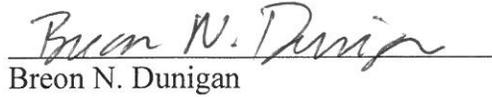
Curtis Hartman, Chairman



Gary Palmer, Vice-Chairman



Janet W. Worthington, Clerk



Breon N. Dunigan



William F. Golden

Board of Selectmen  
Town of Truro

[www.SafeHarborEnv.com](http://www.SafeHarborEnv.com)



HABITAT RESTORATION  
ENVIRONMENTAL MANAGEMENT

## **Making Land From Air: Biomimicry Strategy and Techniques**

By Gordon Peabody, Safe Harbor, [gordonpeabody@gmail.com](mailto:gordonpeabody@gmail.com) 508 237-3724

Edited by Nadia Bricault, *Revised January, 2014* [www.SafeHarborEnv.com](http://www.SafeHarborEnv.com)



**Biomimicry is an innovative, random matrix, coastal restoration system** that harvests sand from storm winds. Safe Harbor Environmental developed this minimal profile system during a Barrier Dune restoration in Truro, Cape Cod, following 5 failures at the toe of the dune. The broken Dune had over washed into a fresh water marsh for 19 yrs. Safe Harbor's restoration systems collected 22-24 vertical feet of new sand In 26 months. The cross section profile of the restored Barrier Dune was 600 square feet.

**“Biomimicry”** refers to our minimal profile, random matrix, coastal restoration system. Biomimicry mimics the ‘performance’ of native coastal vegetation to stabilize and collect wind blown sand. Biomimicry uses 14 inch long, narrow Cedar shims which are randomly, inserted several inches into the sand, spaced from 10-14 inches apart, in a 4-6 foot wide random matrix along the upper beach. This matrix stabilizes existing sand while collecting new sand from ocean storms. As sand levels rise, the shims are pulled up higher, to continue collecting. Additional shims can be added to widen the profile. How the shims are adjusted controls the profile of the sand collection platform. As elevations increase, Beach grass can be planted side by side with Biomimicry. This is a “counterintuitive system”, that performs inversely proportional to it’s minimal profile, see pgs 9-14. We recommend seeking minimal (AR or RDA) permitting. Biomimicry is not considered a fence and is not a structure.

**Barrier Dunes** over wash as part of the coastal process. Biomimicry was developed in an anthropogenically impacted, high frequency over wash area. Biomimicry may improve closure timelines for other Dune breaches.

**Dunes:** One pack of Cedar shims covers approximately 10’x10’. Five packages of shims and one hour of time will create a 100’ X 5’ matrix to begin dune creation. On ocean beaches with good sand supply, dunes are created when the matrix (or grass) minimally interacts with storm energy in the coastal resource system. The shims require adjustment after storms.



Four Rivers Charter School students from Greenfield, MA, adjust Biomimicry shims on Barrier Dune restoration. Spring 2012, Truro, MA.

Images: Storm energy mobilizes sand, native vegetation collects the sand.



Anthropogenic Impacts on Cape Cod Dune: 1978 healthy Barrier Dune; Anthropogenic liability from perpendicular access paths; 1991 storm waves over wash into fresh water marsh at headwaters of Truro's Pamet River; Frequent over wash events continued over 19 years as all efforts to reverse erosion failed.





Images this page: Sand collection worked on the dune but failed at the toe.



Images below: we kept minimizing our system at the toe; everything seemed to fail.



Images below: Sand collection at the toe kept failing until all we had left were the slats. So we tried just putting in the thin slats. Within a week, we realized we were on to something unusual. Sand kept collecting with no losses. We had stumbled on that inversely proportional balance point between cross section profile and performance.

These toe of dune images are sequenced over approximately two ocean storms





Image above: Biomimicry shims will continue collecting when they are pulled up higher



Image above: during 2<sup>nd</sup> year of restoration. One day before Hurricane Sandy.



Image above: During 2<sup>nd</sup> year of restoration, following Hurricane Sandy. We are setting up a broad biomimicry matrix in preparation for upcoming Nor'easter.

Images below: This 3 + month series, was a mystery. Why was Biomimicry over-performing? Because the restored dune was now performing as a landform!



Image below: Ocean beach restoration, renourishment moved into place.



Image below: Ocean beach Biomimicry shims being installed in parallel matrices.



Image below: One week after installation. The following week they were adjusted



Image below: 1 week after shim adjustment. Dunes will link to adjacent dunes.



Image below: Bayside Coastal bank, toe of bank restoration. Bank was also nourished.



Image below: Biomimicry Matrix with collected sand at toe of bank 2 weeks later.



2 Images below: Biomimicry is recommended for restoration of eroded summer pathways. We also recommend diagonal configuration of all beach access paths.

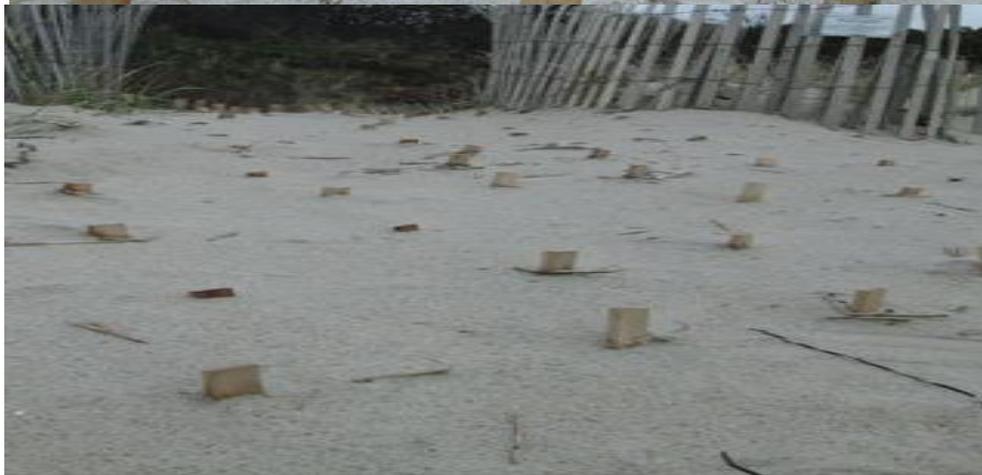


Image below: **Why does Biomimicry work?** Because larger cross section profiles create both erosion and deposition. Minimal cross section profile Biomimicry mimics similar cross sectional profiles of vegetation, performs by only creating deposition.



Image below shows *High Risk Biomimicry Configuration*: Ocean beach over wash area-A significant portion of shims have been installed in “alternate collection plane” with 90 degree offset. This further reduces the interactive cross section.



*Image below: Biomimicry does not create movement of sand but has demonstrated performance in contributing to deposition by collecting sand and reducing erosion by stabilizing existing and collected sand, even in wave over wash areas.*



We are still studying the potential of Biomimicry to perform in limited, high risk areas. The system has demonstrated the potential to interact with the fluid characteristics of both wind and water. The interactions of Biomimicry and wave over wash need to incorporate uncertainty.

## **Review of Biomimicry: Information and Installation Instructions**

- Safe Harbor's biomimicry system is an innovative "Green Technology".
- Biomimicry is an adjustable, low profile sand restoration system.
- No heavy equipment or excavation is necessary with this system.
- This system is designed for use on coastal beaches during winter storms.
- This system mimics the performance of native beach vegetation to collect and stabilize sand being transported by ocean storm energy.
- Storm wind energy is part of the coastal-ocean resource system.
- This system has also collected sand from limited surf line wash over.
- Storm winds transporting sand are partially interrupted by biomimicry.
- Collected sand is completely compatible for dune restoration projects.
- Thin wooden shims, 14 inches long, are available at building supply places.
- The shims should be inserted 3-4 inches into the sand, spaced randomly 10-14 inches on center (facing the water), leaving 10 inches exposed.
- The overall matrix pattern of random shims is between 4-6 feet wide.
- Matrix lines should always be installed parallel to the shoreline.
- Multiple matrices can be spaced 15 feet apart to restore beach elevations.
- When sand collects around the biomimicry system, the shims can be adjusted easily (pulled up by hand) to continue sand collection.
- We recommend making certain the shims are dry before installation.
- It takes about one hour to create a 100-foot long matrix.
- This pattern can be installed where a dune is being restored or created.
- This system may be considered for restoring the toe of a coastal bank.
- This pattern can also be installed to restore the eroded toe of a dune.
- This system can perform as a stand-alone or in parallel with newly planted beach grass, contributing to performance, pending plant maturity.
- Some sites on Cape Cod have collected 10 vertical feet of sand in one year.

- The overall performance of this restoration system is linked to available sand supply within the coastal system.
- Collection rates vary due to uncertainties in wind direction, speed, climate change factors, sand moisture content, storm track and tidal cycles.
- Anthropogenic structures and activities may compromise sand availability.
- Removable biomimicry is compatible with multiple use or MESA beaches.
- The system may be partially removed to facilitate seasonal beach access.
- Beach access should always be redirected from perpendicular to diagonal.
- Diagonal or zig-zag pedestrian access prevents development of perpendicular shotgun blowouts, a leading contributor to overwash.
- Pedestrian access should be strictly controlled in high use areas.



Image above: Biomimicry performs similar to native beach grass. Beach grass collects and stabilizes sand as a non linear matrix system. We modeled our 4-6 foot wide Biomimicry systems on high performing stands of beach grass.

***Our Biomimicry systems are still in development. Contact us for updates.***



*A few final words...* Biomimicry was developed and tested under some of the most intense conditions imaginable. Your challenge is in accepting the completely counter-intuitive nature and often-extraordinary performance of such a humble system. I am hopeful that individuals or groups, or both would find this intriguing enough to invest in a 100 foot long dune or join up to begin a mile long dune. We have contacted your coastal community intentionally, because we believe coastal resources are best protected by the people who live there. Natural resources and coastal communities need each other to survive.

Gordon Peabody, September 1, 2013



**Image above:** Modified, alternating 90 degree matrix for areas with surf wash risk or strong side shore wind sand

**Image above:** Biomimicry system and beach grass create a sustainable Dune system.

**You are free to Share** — to copy, distribute and transmit this Safe Harbor publication **under the following conditions:** **Attribution** — You must attribute the work but not in any way that suggests that Safe Harbor endorses you or your use of the work. **Noncommercial** — You may not use this work for commercial purposes. **No Derivative Works** — You may not alter, transform, or build upon this work.

**Proprietary interest:** Safe Harbor is relinquishing proprietary interest in "Biomimicry sand collection systems" as of January 14, 2013. "Biomimicry" is now Public Domain. [gordonpeabody@gmail.com](mailto:gordonpeabody@gmail.com) 9/1/13

# SAFE HARBOR

ENVIRONMENTAL MANAGEMENT  
HABITAT RESTORATION



## **Bayside Coastal Bank Erosion Alternatives**

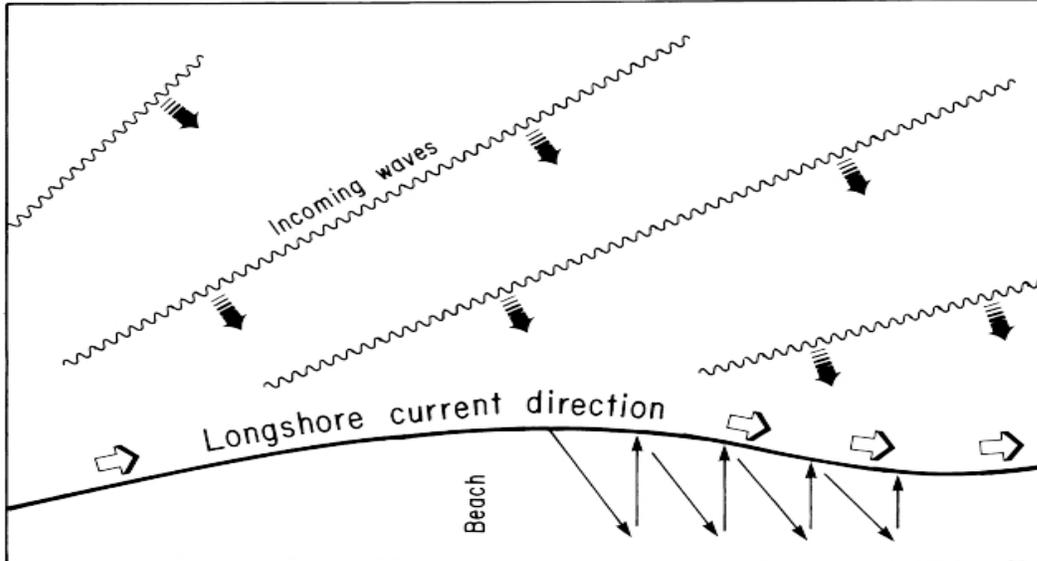
*This publication provides educational background material for understanding alternative responses to coastal erosion on the Outer Cape. Models, observations and processes described are locally representative and not intended to be completely comprehensive. Thank you, Gordon Peabody, 2014*



*Image above by G. Peabody: Drift fencing may not change overall erosion rates.*

**I. Background:** Bayside coastal banks can be from 6 to over 60 feet high. Banks are mixed, glacially compacted sediments. We study adjacent resource areas such as bluff area on top of bank; sloped face (or scarp) of bank itself; toe of bank (possibly with dune) at the bottom of bank; beaches; and near shore sandbars, as ***Linked Resource Systems***, because they respond to storm energy as systems. Each site has unique ***Coastal Profile***. Interactions of storm energy with coastal profiles creates the ***Coastal Process***. This publication focuses on ***Bayside Resource Systems***.

**II. Coastal Process:** Understanding the *Coastal Process* is critical to understanding coastal erosion. The energy linking *Coastal Resource Systems* physically reshapes these systems by removing sand from one area (up drift erosion) and placing it elsewhere (down drift deposition).



*Image above: Wind and tide energy move sand from beach to near shore bars.*

The near shore *Transit Corridor* (path) of this moving sand creates benthic (underwater) profiles (sand bars). Sand bars contribute to storm wave protection by creating benthic friction, reducing wave height.



*Image above: Satellite view of Bayside beach, showing near shore sand bars.*

Long term patterns of erosion and deposition may be categorized as: *balanced* (“dynamic equilibrium”); *overall net loss*; or *overall net gain*. Except for Provincetown, the Bayside coast of the Outer Cape is characterized by annual, variable net loss. This may be expressed as decadal, zero net loss, followed by single year of cumulative, net loss. The ***Coastal Process is driven by uncertainty***: coastal profile; synergy of storm waves and tide cycles; weather anomalies; climate change; seasonal wind and wave patterns; lunar variations in diurnal, bidirectional tidal currents.

In coastal systems, ***sloping beaches absorb and diminish storm wave energy***. Excess energy removes sand, transforming the beach to a more horizontal profile. Horizontal beach profiles allow undiminished storm waves direct access the toe of the coastal bank. When the toe absorbs wave energy, erosion moves toe materials seaward, replacing eroded beach material, transitioning the toe profile to horizontal. The lower bank is now exposed to wave energy. When the lower bank absorbs wave energy, erosion moves bank materials to the upper beach and a section of unsupported upper bank will collapse, creating a new toe, restoring the coastal profile. Sand removed from beaches usually creates near shore bars reducing wave energy & providing protection for beaches.



***Image by G. Peabody: sectional collapse of bank creates new toe of bank.***

Only a sloped beach and toe can protect a coastal bank from erosion. Deposition activity within the coastal system requires **available sand**. On the Bayside, sand availability for deposition is in short supply. This is due to several controlling factors: seasonal, net loss erosion patterns; perpendicular coastal erosion control structures (groins, jetties) to the south (**up drift**), interrupting the north (**down drift**) flow of sand; pre-existing, up drift coastal bank structures (sea walls, revetments) lacking nourishment requirements. The resulting lack of available sand in transit corridors may contribute to lower profile sand bars, reducing storm wave protection. These cumulative, synergistic factors create a chronic, net loss along the western Bayside banks of Outer Cape Cod. Activities, structures and policies diminishing available sand, up drift supply or changes to transit corridors, could contribute to higher rates of Bayside bank collapse.

**III. Review** Let's review some of the relevant principles of the **Bayside Coastal Process: Coastal Profiles** respond to storm energy as **Linked Resource Systems**, integrating process with profile; Coastal profiles erode at **differential rates over time**, based on synergy of variables and constants; Single storm events may create linear, *uniform erosion rates*; Over time all **sand on this section of coast will move north** "down drift"; new sand will enter and transit the system from erosion and the partial collapse of "up drift" sections of coastal banks; Coastal Systems exhibit "**Linkage to Scale**", with connections to each other, a critical factor in evaluating effective erosion control strategies.



**Image by G. Peabody: Any increases in storm energy will advance erosion.**

## **VI. Alternatives Analysis for Erosion Responses:**

### **Alternative 1: No action** (see image above)

a). Costs: (None)

b). Consequences: Continuing pattern of coastal erosion along adjacent coastline will determine timeline for home loss.

### **Alternative 2: Stone Revetments**



*Image by Google Earth: Stone revetments create “end scour” on adjacent property.*



*Image by G. Peabody: stone revetments interrupt natural sediment flow to beaches*

### **Alternative 2: Stone Revetment** (continued)

- a). Costs: Exponentially highest cost per foot of any alternative; permitting usually unavailable. Renourishment annually in addition to initial costs. Heavy construction equipment in resource area.
- b). Consequences: ongoing nourishment; liabilities when neighboring properties begin showing classical signs of scouring erosion from waves offset from your structure. Potential interruption of sand flow.

### **Alternative 3: Coir Rolls**



*Image by G. Peabody: Coconut husk "Coir Rolls" come in a variety of sizes.*

- a). Costs: (Significant) Permitting; Coir materials; Helical anchors; Renourishment sand; Native vegetation; Conservation Commission bylaw escrow may be required in some coastal communities to assure continued renourishment: \$5000).

b). Consequences: Coir is not suitable for velocity zones (waves) or recommended for coastal use without nourishment. Ongoing renourishment, possible replacement and maintenance may be necessary (dependent on continuing pattern of coastal erosion along several miles of adjacent coastline that will determine specific rate of erosion on this site).

#### **Alternative 4: Drift Fence**



*Image above: Drift fencing over wash, restrictive slats accelerate out washing.*



*Image above: Drift fences are also required to have sand nourishment.*

a). Costs: (Intermediate) Permitting changing, based on lack of performance; Fence materials; Renourishment sand; vegetation.  
b). Consequences: Fencing resistance to water flow may result in accelerated erosion during over wash; Replacement of fences When waves overwash these fences, the slats restrict outflow. This creates acceleration of out flowing water, increasing sand transport.

## **Alternative 5: Renourishment**



***Image by G. Peabody: Over bank renourishment using excavation materials.***



***Image by G. Peabody: Sand renourishment of bank toe using beach access.***

- a). Costs: Permitting usually minimal; Renourishment sand; vegetation; Sand obtained from adjacent foundation excavations will meet compatibility requirements and reduce costs of trucking. Over bank nourishment may be less expensive but may also destroy bank vegetation. Nourishment protocol requires site specific evaluation.
- b). Consequences: Renourishment and replanting may be necessary

## **Alternative 6: Relocation (Retreat)**



*Image above by G. Peabody: Relocating a residence away from a coastal bank. Costs: Significantly less than rebuilding; Permitting often facilitated by Municipalities; Stabilize removal site. Consequences: 100' = 30-40 tears.*

### **IV. Cost Benefit Analysis with Recommendations**

***Conclusively, when we look 30 years into the future, moving the structure provides the greatest security for the investment.*** However, emotions tend to screen the unwelcome certainty of land actually disappearing. In fairness to disbelieving coastal homeowners, they likely are familiar with disasters that destroy a home but none that destroy land.

**Installing any type of coastal bank erosion control system also *requires nourishment.*** This working definition of erosion control “*protects*” the coastal bank by *not allowing it to erode*, because regulatory authorities require placement of nourishment, available for use by the Coastal System during erosion events. All coastal bank erosion control systems (hard or semi-soft solution) are now required to provide sand nourishment for use by the coastal system during erosion conditions.

In considering the costs and consequences of alternatives (2: Revetment, 3: Coir Rolls and 4: Zig-Zag Fence): renourishment would still be necessary and required following any erosion event; The overall effectiveness of alternative 2, 3 or 4 would ultimately be determined by actions on abutting properties on this section of coastline; Without “*Linkage to Scale*” participation from abutting properties using similar structures, your property could create an anomalous coastal profile; Anomalous profiles tend to attract more wave energy, creating ongoing maintenance issues and subsequent erosion (scour) on abutting properties. ***At this time, if relocation is not practical, we feel that Alternative 5: Renourishment would be in the best medium-term interest.*** Linked renourishment on adjacent properties would be better.

**V. Future Outlook:**

*In the future, coastal towns may establish coastal management plans that would provide opportunities for regional (linked) erosion control policies with uniform standards. Safe Harbor provides support materials to Outer Cape Communities developing Coastal Management (Resiliency) Plans. Successful efforts understand the balance of significant factors shown below.*



Experience weighted, Safe Harbor 2013

***Gordon Peabody, Safe Harbor Environmental, January 2014***

**You are free to Share** — to copy, distribute and transmit the work. **Under the following conditions:**

- **Attribution** — You must attribute the work but not in any way that suggests that Safe Harbor endorses you or your use of the work.
- **Noncommercial** — You may not use this work for commercial purposes.
- **No Derivative Works** — You may not alter, transform, or build upon this work.



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

## Licensing Department

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

Email: [ntudor@truro-ma.gov](mailto:ntudor@truro-ma.gov) or [nscoullar@truro-ma.gov](mailto:nscoullar@truro-ma.gov)

To: Board of Selectmen- Local Licensing Authority  
From: Nicole Tudor, Licensing Department  
Date: November 26, 2014  
Re: **Submitted Applications for One Day Alcohol License and One Day Entertainment License – Truro Center for the Arts at Castle Hill**

---

- Truro Center for the Arts at Castle Hill - 10 Meeting House Road submitted a One Day Alcohol License Application and One Day Entertainment Application.
- Event Date of **December 13<sup>th</sup>, 2014**
- Time of Event **6-10PM**
- Fundraiser Winter Soup Party and Art Sale with admission fee
- Alcohol being served Wine and Malt License
- Cosmos Catering
- Tip Certified Servers : Brian Taylor & Erin Woodbrey
- Chief of Police approval with Police Detail required
- Entertainment –DJ
- 50-75 people attending (estimate)

Please kindly review for purposes of approval as the Local Licensing Authority (BOS) this request for a One Day Entertainment License and One Day Alcohol License for December 13<sup>th</sup>, 2014.

Thank you for your time regarding these applications.



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

## Licensing Department

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

Email: [ntudor@truro-ma.gov](mailto:ntudor@truro-ma.gov) or [nscoullar@truro-ma.gov](mailto:nscoullar@truro-ma.gov)



## Application for a One Day Pouring License

MGL Chapter 138, Section 14 Special Licenses

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

### BUSINESS/ORGANIZATION INFORMATION

Name of Applicant: Cherie Mithenthal, EDirector Business/Organization Name: TRURO CENTER FOR THE ARTS

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

Non-profit or For-profit Entity:  Yes  No  
If yes, proof of 501c3 **must** accompany this application

Contact Person: Kathleen Jacobs Phone Number: 508-349-7511 Email: Kathy@castlehill.org

### INDIVIDUAL APPLICANT INFORMATION

Individual's Name: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

### EVENT INFORMATION

Date of Event for License to be issued: December 13<sup>th</sup> 2014 Purpose of Event (example: wedding, fundraiser): FUNDRAISER + ART SALE WINTER SOUP PARTY

Hours of Alcoholic Beverages sales, service and/or Consumption (from - to): 6-9 or 10 pm

Event Location (Must provide facility name, if any, street number and name): TRURO CENTER FOR THE ARTS 10 MEETINGHOUSE RD, TRURO, MA

Property Owner Name and Address: TRURO CENTER FOR THE ARTS Phone number: 508-349-7511

Name of Caterer (if applicable): COSMOS CATERING Approximate number of people attending: 50-75

Is the event open to the general public  Yes  No

Will there be Entertainment  Yes  No If Yes, Type of Entertainment DJ

Will there be Police Detail  Yes  No

**Purchase & Service**

License is for the Sale of:

- All Alcohol Beverages (\$50.00)
- Wines & Malt beverages Only (\$25.00)
- Wines Only (\$25.00)
- Malt Beverages Only (\$25.00)

What is the source of the alcohol for the event (where is it being purchased?) \_\_\_\_\_

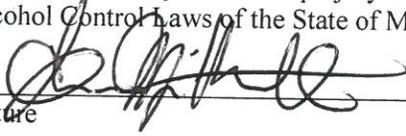
Who will be serving the Alcohol? BRIAN TAYLOR, ERIN WOODBREY

*Massachusetts Alcohol Beverage Control Commission (ABCC) has a 3-page list of "authorized sources" for the purchase of Alcohol used in conjunction with a temporary pouring license. The list includes alcohol wholesalers, farm brewers, manufacturers and direct shippers only. At this time, package stores and liquor stores are not considered "authorized sources" for use with a temporary pouring license.*

**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 Alcohol Control Laws of the State of Massachusetts and policies and regulations of the Town of Truro.

Signature



Date

11/6/14

- Licenses are issued to persons who are at least 21 years of age.
- All Massachusetts Municipalities are required to send copies of temporary pouring licenses issued by the town to the ABCC in Boston.
- Liquor Liability Insurance Certificate may be required and must list the Town of Truro as the "certificate holder" in the lower left corner of the certificate form.
- A copy of the required Fire Safety Inspection Certificate of the facility must be provided, if applicable.
- The Local Licensing Authority may impose restrictions and/or conditions.

**Office Use Only**

**APPROVAL**

Board of Selectmen \_\_\_\_\_ Meeting Date \_\_\_\_\_

Police Department Kyle Takatjian Date 11/20/14

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

# Certificate of Completion

This is to certify that

Erin Woodbrey

has completed

Learn2Serve On-Premises Alcohol Seller-Server

Completion Date 06/27/2014

Course Duration 0.0

  
 **360training.com™**

360training.com ♦ 13801 Burnet Rd., Suite 100 ♦ Austin, TX 78727 ♦ 800-442-1149 ♦ www.360trainingsupport.com



# Certificate of Completion

This is to certify that

Brian Taylor

has completed

Learn2Serve On-Premises Alcohol Seller/Server

Completion Date 12/05/2013

Course Duration 3.00

*Alyce Seepersud*



360training.com

360training.com ♦ 13801 Burnet Rd., Suite 100 ♦ Austin, TX 78727 ♦ 800-442-1149 ♦ www.360trainingsupport.com





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/10/2013

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 HART INSURANCE AGENCY, INC. 243 MAIN STREET PO BOX 700 BUZZARDS BAY, MA 025320700	CONTACT NAME: Laura J Murphy
	PHONE (A/C No. Ext): (508) 759-7326 FAX (A/C No.): (508) 759-7366
	E-MAIL ADDRESS: lmurphy@hartinsuranceagency.com
INSURER(S) AFFORDING COVERAGE	
INSURED Truro Center for the Arts at Castle Hills, Inc. PO Box 766 Truro, MA 02666	INSURER A: Und of Loyds
	INSURER B: Hospitality Mutual Insurance Company
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

### 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.

INSR. LTR	TYPE OF INSURANCE	ADDITIONAL INSUR. WORD	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC		XS227395	05/16/2013	05/16/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS  <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB OCCUR CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	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 <input type="checkbox"/> N/A				WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Liquor Liability		Binder	12/13/2013	12/13/2014	Liability: \$250,000 per occurrence \$500,000 aggregate

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

CERTIFICATE HOLDER  Town of Truro 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.
	AUTHORIZED REPRESENTATIVE  

Address any reply to: Bos.-EO-73-683

Department of the Treasury

District Director  
Internal Revenue Service

Date:

MAY 30 1973

In reply refer to:

AU:EO:RM



▷ Truro Center For the Arts at Castle Hill,  
Inc.  
Castle Road  
Truro, Mass. 02666

Gentlemen:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 509(a)(1) and 170(b)(1)(A)(ii).

You are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. You are not liable for the taxes imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes under sections 2055, 2106, and 2522 of the Code.

If your purposes, character, or method of operation is changed, you must let us know so we can consider the effect of the change on your exempt status. Also, you must inform us of all changes in your name or address.

If your gross receipts each year are normally more than \$5,000, you are required to file Form 990, Return of Organization Exempt From Income Tax, by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, for failure to file a return on time.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Please keep this determination letter in your permanent records.

Sincerely yours,

WILLIAM E. WILLIAMS  
District Director

cc: Attorney



# TOWN OF TRURO

## Licensing Department

PO Box 2030, Truro, MA 02666

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

Email: [ntudor@truro-ma.gov](mailto:ntudor@truro-ma.gov) or [nscoullar@truro-ma.gov](mailto:nscoullar@truro-ma.gov)

Official Use Only

Permit No. \_\_\_\_\_

RECEIVED  
SELECTMENS OFFICE

NOV 12 2014

TOWN OF TRURO  
MASSACHUSETTS

### Application for an Entertainment License

Weekday

Sunday

The undersigned hereby applies for a license in accordance with the provisions of Mass. General Laws, c.140 §181

#### BUSINESS/ORGANIZATION INFORMATION

Cherie Mittenhal, Exec. Dir. Truro Center for the Arts  
Name of Applicant Business/Organization Name

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

Is this a Non-profit or For-profit Entity (Check the appropriate box)  Yes  No

If yes, proof of 501c3 **must** accompany this application

Kathleen Jacobs 508-349-7511 Kathy@castlehill.org  
Contact Person Phone Number Email

#### INDIVIDUAL APPLICANT INFORMATION

Individual's Name Mailing Address

Phone Number Email Address

#### EVENT INFORMATION

DECEMBER 13<sup>TH</sup> 2014 WINTER SOUP PARTY FUNDRAISER + ART SALE  
Day (s)/Date (s) of Event for License to be issued Purpose of Event (example: fundraiser)

Hours of Event (from - to) 6 - 10

TRURO CENTER FOR THE ARTS  
10 MEETING HOUSE ROAD Event is:  Indoor  Outdoor Event  
Location (Must provide facility name, if any, street number and name) (Please check applicable box)

TRURO CENTER FOR THE ARTS 508 349 7511  
Property Owner Name and Address Phone number

Seating Capacity: 50-75 Occupancy Number: 100-175

COSMOS CATERING Approximate number of people attending 50-75  
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 \_\_\_\_\_

Amplified System:  Yes  No

Shows:  Theater  Movies  Floor Show  Light Show  
 No Show

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

**Applicant's Signature**

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

Signature

Date



11/6/14

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

**Office Use Only**

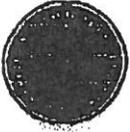
**APPROVAL**

Permit No. \_\_\_\_\_

Board of Selectmen \_\_\_\_\_ Meeting Date \_\_\_\_\_

Police Department Kyle Takalajian Date 11/14/14

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



# Form ST-5 Sales Tax Exempt Purchaser Certificate

Rev. 8/98  
Massachusetts  
Department of  
Revenue

**To be Completed by Exempt Organization**

Name TRURO CENTER FOR THE ARTS AT CASTLE HILL, INC.  
 Address 10 MEETING HOUSE LANE, BOX 756  
 City TRURO State MA Zip 02666  
 Exemption number 237-187-427  
 Issue date 01/02/00 Certificate expires on 01/02/05

Certification is hereby made that the organization named above is an exempt purchaser under Massachusetts General Laws, Chapter 64H, sections 6(d) or 6(e). All purchases of tangible personal property or services by this organization are exempt from taxation under said chapter to the extent that such property or services are used in the conduct of the business of the purchaser. Any abuse or misuse of this certificate by any tax-exempt organization or any unauthorized use of this certificate by any individual constitutes a serious violation and will lead to revocation.

Signed under the penalties of perjury.

Signature: *[Signature]* Title: Director Date: 7/30/03

Warning: Willful misuse of this certificate may result in criminal tax evasion sanctions of up to one year in prison and \$10,000 (\$50,000 for corporations) in fines.

**To be Completed by Vendor**

Vendor's name \_\_\_\_\_

Check applicable box:  Single Purchase Certificate  Blanket Certificate

Attach detailed receipts/invoices or describe property on the back of this form.

**General Information**

The organization or agency must have obtained a Certificate of Exemption (Form ST-2) from the Commissioner of Revenue, certifying that it is entitled to exemption and must attach a photocopy of Form ST-2 to this certificate. The vendor must retain a completed Form ST-5 accompanied by a copy of Form ST-2 in the same manner as other sales tax records. For further information regarding the requirements for retaining records, see Massachusetts Regulation 830 CMR 62C.25.1.

**Notice to Vendors**

Vendors must obtain a copy of the Certificate of Exemption (Form ST-2) at the time of any sale to an exempt organization. Vendors should verify the validity of the certificate presented to them by checking the expiration date on the certificate. Vendors must not honor a Certificate of Exemption that has expired. Staple a copy of Form ST-2 to this form.

NOTE: Governmental agencies maintain ST-2 Certificates of Exemption that have an expiration date of "None."

Vendors should call the Bureau of Desk Audit at (617) 867-6970 if they have any questions regarding a Certificate of Exemption which is presented to them.

If you have any questions about completing this certificate, please contact  
 Massachusetts Department of Revenue  
 Bureau of Desk Audit  
 Exempt Organization Unit  
 200 Arlington Street  
 Chelsea, MA 02150  
 (617) 867-6970