

Wellfleet Seasonal Residents Association

Promoting community involvement and communication



**Fall Newsletter
2024**

Marta Reese Flanagan

Town Meeting Warrant

The fall town meeting will be held at the elementary school gym, 100 Lawrence Road, on Monday, October 21 at 6 pm. There is no Zoom for this meeting, but a video will be available afterwards (usually a day or two) on the town's website under Town Media. The full warrant for this meeting (20 pages) is also on the town [website](#). We can attend (and sit separately) and speak with permission of the moderator. We cannot vote.

The fall meeting does not occur every year (although it has of late) and the fall warrant is usually shorter than that in the spring. Some of the items are minor invoices and financial transfers since the Spring meeting. The largest item is to supplement the Marina/Harbor and pier budget (\$143,250) through transfers from other funds. The pier needs serious upgrading and additional staffing for the marina is required. In addition, since the town voted to buy the Gestalt Center for office and meeting space, there are items that involve both operational and administrative costs. The warrant asks the town to approve funds from transfers or "free cash" to cover \$36,500.00 for utilities, IT, and maintenance. In addition, they want approximately \$40,000 for an administrator to support the departments moving to this new space.

A part of the warrant takes up changes in the charter. The request calls for formalizing the holding of both a fall and spring meeting, as we have over the last few years, separating funding/budgets (spring) from zoning and general bylaw concerns (fall). Some of the other concerns are minor changes about when notices of the warrant have to go out.

Another change requested is in the bylaws. It asks that once it has been determined that a quorum (6% of registered voters) is present, there will be no later quorum checks to see if the quorum is still present. At a recent town meeting there was a request for a quorum check. The numbers had dropped, and everyone had to call friends/family to get more bodies to the meeting to continue. This change in the bylaws will not require this kind of scrambling. Another bylaw change is to move the town's election day to the third Tuesday in May.

Other requests involve the town roads and the Herring River restoration. In order to fix the flooding on Bound Brook Island and parts of Old County Road, these areas need to be designated as "public ways." Evidently, a search of

town records did not show this designation and it is required so that work can go forward. Similarly, the town needs to gain widening easements from the National Seashore for the Herring River restoration.

The last items are both minor and major. One involves agreeing to obtain legislative changes to allow the Wellfleet Food Pantry to make use of space on some land at the Adult Community Center. The last item involves the funding for the wastewater plant for the Lawrence Hill housing, the police and fire stations and some surrounding homes. In order to get funds from other grants, the town has to agree to a \$3,000,000 bonding or use of different grants.

We will let you know what happens to all of this after the meeting.



Pre-town meeting October 8th, 7 pm

If you want to ask questions and find out more information, the Wellfleet Community Forum will be holding a hybrid pre-town meeting at the Adult Community Center at 7 pm on Tuesday, October 8th to go over the warrant with town moderator Danny Silverman. The zoom link is [here](#).

Septic/Watershed plans and our concerns

The Health/Conservation department is working with the Selectboard to finalize the town's watershed plans this fall, see [BOH Watershed Management](#). The health department is having further meetings. Links to the Zoom are on the page in the town website for this department. The rest of the notices/meetings are as follows:

October 3rd: legal notice of the October 23rd Public Hearing published in the Independent.

October 3rd: Post Public Comment Draft Regulations will be available.

October 9th: Regularly scheduled BOH Public Hearings and Meeting where more public comment will be welcomed during the business meeting.

October 23rd: Vote on adopting the revised Regulations.

WSRA has held two meetings (this summer and last) on these issues. We were a bit surprised to see further details had not been discussed in these meetings about what will *trigger* the need for a septic upgrade, see the BOH draft [here](#).

We sent the following letter to the Health/Conservation Department, the town

administrator, and the Selectboard. We will continue to monitor this issue closely.

*To: Heith Martinez, Tom Guerino, and Wellfleet Selectboard
From Board of Directors of the Wellfleet Seasonal Residents Association
Subject: Watershed plan concerns
Date: September 20, 2024*

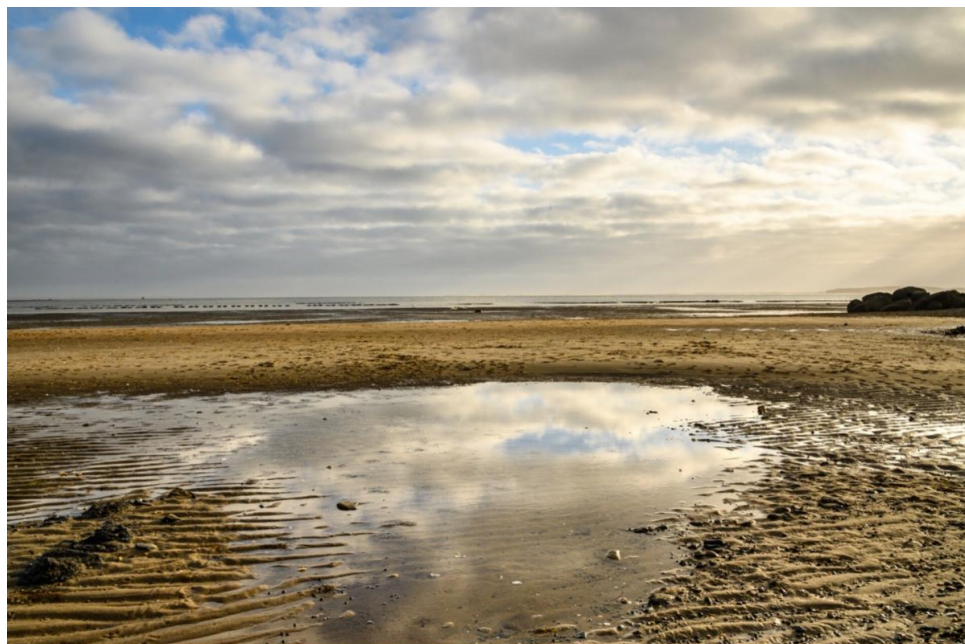
The Board of Directors of the Wellfleet Seasonal Residents Association is grateful for all the work that Heith Martinez, the Health/ Conservation Department, the town's consultants, the Selectboard, and the Town Administrator have done on our watershed plans. As with everyone who cares about Wellfleet, we understand the need to make sure our water stays as healthy and pure as possible for all our futures. We are glad that these changes are finally happening.

We want to raise two concerns as public comments. First, we were surprised to see that having a property go in or out of a trust, or is transferred to family members, might trigger the need for an upgrade. We know this is how the town of Tisbury has done it. However, these two triggers were not discussed at any of the open meetings on these issues we attended. We agree that sale of the property or upgrades makes sense. Since the use of a trust or the leaving of a property to family members usually doesn't involve any extra money, we would like to suggest that these triggers be removed. We are attaching here the language from the state's Title V triggers that relate to inter-family transfers. We would like to see the town use these.

Second, none of the possible sources for funding such upgrade appear to be available to second home owners. We will be glad to work with the Health/Conservation Department and town officials on this problem. At least 66% of the town's property is owned by seasonal residents and for many of us an expenditure of \$30,000-50,000 would be difficult. It behooves the town to work with all of us to make funding available to everyone who owns property.

Please let us know how we can best help to make these changes possible.

*Sincerely,
WSRA Board of Directors.*



State Title V language: Guidance on Exemptions from Title 5 System Inspections for Certain Inter-family Transfers of Residential Property

Background

Beginning with the 1995 revisions to 310 CMR 15.000 ("Title 5"), septic systems must be inspected at the time of transfer of title to the facility served by the system. The requirements for such system inspection are set forth in 310 CMR 15.301. This section of Title 5 includes an identification of transactions or other circumstances that do not require a system inspection at the time of property transfer [see 310 CMR 15.301(2) and (4)] and the applicability of the system inspection requirement to a range of specific transfers of title [see 310 CMR 15.301(3)(a) through (i)].

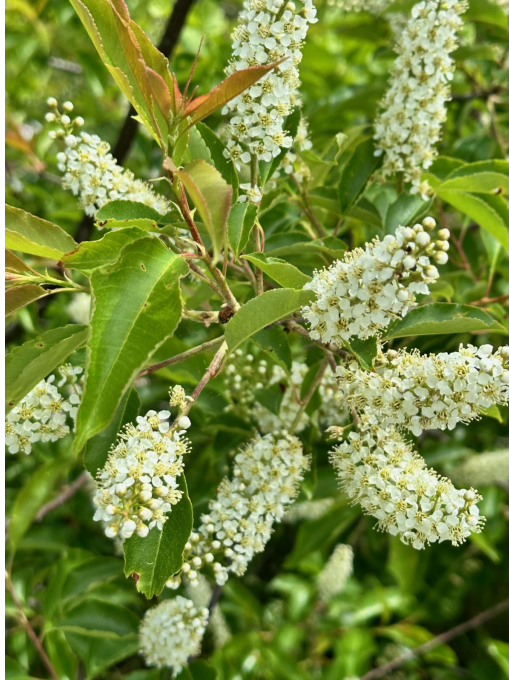
Effective July 1, 2004, the Massachusetts Legislature amended the statute authorizing MassDEP to promulgate Title 5, Massachusetts General Laws Chapter (M.G.L. c.) 21A, s.13, to exempt additional inter-family transfers of residential property from the requirement that the systems serving such properties be inspected at the time of transfer of ownership. Thus, these statutory exemptions have been in place since July 1, 2004. MassDEP has also incorporated these new exemptions into its most recent set of revisions to Title 5, effective April 21, 2006, at 310 CMR 15.301(4)(d). These four (4) new statutory exemptions are set forth below, together with MassDEP's guidance on the meaning and scope of the exemptions and their applicability to specific circumstances.

The Statutory Exemptions

Effective July 1, 2004, M.G.L.c. 21A, s.13 provides in pertinent part:

"[MassDEP] shall not require an inspection of a system for the treatment and the disposal of sanitary sewage below the ground surface if the transfer is of residential property, and is between the following relationships:

- (1) between current spouses;
- (2) between parents and their children;
- (3) between full siblings; and
- (4) where the grantor transfers the real property to be held in a revocable or irrevocable trust, where at least one of the designated beneficiaries is of the first degree of relationship to the grantor."



Herring River Restoration Project Update – September 2024

Submitted by Friends of Herring River www.herringriver.org

Construction at Chequessett Neck Road, Wellfleet: The temporary bridge is complete and being used effectively with one lane of directed traffic. The removal of the existing dike and construction of the new bridge/water control structure is in process for completion in 2025. Timing of the initial tide gate opening per the approved three-year Tide Gate Management plan will be determined accordingly. There has been NO change made to the Herring River hydrology as a result of the HRRP yet. The next stage of water control plans is being submitted for regulatory review.

Low-lying Roads & Low-lying Properties: The final design work for the low-lying roads (LLR) is nearly completion and will inform the forthcoming bids packages for contractors to begin construction in 2025. A layout plan for a portion of the LLR has just been developed – taxpayers are encouraged to attend the Town of Wellfleet Selectboard October 1st meeting to learn more – and the road work will require Town Meeting actions in fall 2024 and spring 2025.

Chequessett Club: The technical specifications, costs, and timeline for the bidding of the earth moving and golf course design work is being actively discussed and moving towards next steps.

Marsh & Vegetation Management: This work is within the jurisdiction of the Cape Cod National Seashore. Different strategies are being explored and permits for pilot berm removal and material redistribution are being submitted this upcoming winter. There is no more vegetation clearing, including phragmites, planned for the near future as the timeline will connect with tidal flow changes. Mill Creek Water Control Structure work has begun and will continue for months.

Time of Year Restrictions to protect key species which live within or actively use the Herring River Estuary continue to inform the construction and work timelines of everything above.

Monitoring: Data collection for water quality (pH, salinity, dissolved oxygen, temperature) and water level as well as the movement of sediment within the Herring River Estuary continues regularly through a network of stations. There is biweekly monitoring of eastern box turtle locations and movement. A note on Duck Harbor: there have been several assessments of the naturally occurring wash-over situations within Duck Harbor and the change of conditions that has presented for the Herring River Restoration Project. What is happening with water entering in through Duck Harbor and into the estuary is not due to any of the HRRP work, and the recent analytical assessments are consistent with the HRRP being carefully managed through scientific, data-driven decisions.

Everyone is welcome to attend this update and discussion about the Herring River Restoration Project:

Herring River Executive Council Meeting
Thursday, October 31 @ 3:00pm
Join Zoom Meeting
[https://us06web.zoom.us/j/87830930305?](https://us06web.zoom.us/j/87830930305?pwd=1gfkherGayDgBaaoaQpk5333BWRqQY.1)
[pwd=1gfkherGayDgBaaoaQpk5333BWRqQY.1](https://us06web.zoom.us/j/87830930305?pwd=1gfkherGayDgBaaoaQpk5333BWRqQY.1)
Meeting ID: 878 3093 0305
Passcode: 930985



State of Wellfleet Harbor Conference, Saturday, November 2, 2024

This year's conference will take place at the Wellfleet Harbor Actors Theater, from 9am-12pm on November 2nd. Topics include eelgrass restoration, avian influenza, and climate effects on saltmarsh habitat. The purpose of the State of Wellfleet Harbor Conference is to inform the residents of Wellfleet & surrounding towns about the research and monitoring projects that are taking place in Wellfleet Harbor, and to identify residents' concerns and questions about the health of the Harbor that can be used to guide future research.

Attendance is free; pre-registration is encouraged but not required. Registration can be found on the Mass Audubon [website](#).

Pond News from the Wellfleet Natural Resources Advisory Board and GUPACA

The Wellfleet Natural Resources Advisory Board submitted a draft Ponds

Management Plan to the Selectboard at its August 6 meeting. The Plan calls for the Town to begin actively managing Wellfleet's ponds by creating a new position of Ponds Coordinator. The Coordinator would develop and maintain a database of each pond's condition by pulling together the data separately collected and maintained by the Cape Cod National Seashore, Association to Preserve Cape Cod, Cape Cod Commission and the Town of Wellfleet: monitor and coordinate the activities to minimize groundwater flow of nitrates and phosphorus into the ponds; monitor pond usage and control of invasive plant species; and maintain contact with various county, state and federal agencies with interest in the ponds. The creation of a new Town position would need approval at the Spring, 2025 Town Meeting. We urge Seasonal Residents to advocate with their Wellfleet friends to support the proposed position.

In addition, the Gull Pond Area Conservation Association (GUPACA) is starting the process of transitioning GUPACA into the Wellfleet Ponds Coalition (WPC), a Wellfleet-wide organization open to all in Wellfleet who value and love the ponds. The WPC will be a 501c3 non-profit organization with a mandate to Monitor, Advocate for, and Educate about the Wellfleet ponds. Anyone interested in helping with the founding effort now or joining the established WPC in Spring of 2025, should contact Herb Gstalder, at herb@gstalder.com or Laura Hewitt at hewittriley@verizon.net.

Ground Breaking: Lawrence Hill

On October 30th at 10:30 a.m., the town will break ground for the housing at Lawrence Hill, across from the elementary school. Everyone is welcome.



Website and Membership Tracking

Wellfleetsra.org is up and running! Come [visit](#).

Upcoming:

- We want to update our membership and mailing lists. Be on the lookout for an email asking you to update your contact info.
- Annual dues will be due on January 1, 2025 for calendar year 2025. We are trying to simplify notices and dues handling by establishing one date for dues payment.

Wellfleet Seasonal Residents Association (WSRA) | PO Box 1323 | Wellfleet, MA 02667 US

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