

Bylaw Committee Meeting Minutes August 18, 2022

The Bylaw Committee convened on August 22, 2022 in the back parking lot of the Wellfleet Council on Aging at 10:10 am. Present were members of the Committee: Chair Dawn Rickman, Sam Pickard, and Secretary Liz Stansell. No members of the public were present.

LS distributed hard copies of the April 21, 2022 minutes which had previously been disseminated for review and revision via email. Having ascertained that there were no additional corrections to be made under motion made by SP and seconded by DR the minutes were approved 3-0. DR verified that all present had a copy of the final version of the 2022 Special Town Meeting Warrant which was delivered via email attachment from Rebekah Eldridge on April 15th and confirmed which articles were on the agenda for discussion.

Article 9

Town Code Adoption of Renumbering of General Bylaws

Due to their interrelatedness the Committee members discussed Articles 9 and 10 together. DR questioned why the proposed codification was restricted to the Zoning and General Bylaws and did not include the Charter or Personnel Bylaws? LS inquired as to what system was to be used to number the Bylaws? Would they correspond to Chapters and Sections of Massachusetts General Laws or else why would replacing one in-house system with another be an improvement? DR related that some years before when Town Clerk she had been approached with a proposal to codify the Town's Bylaws by an outside agency which was potentially the General Code LLC named in the article. SP remarked that once again the article was silent as to the amount or source of funding for this project. DR concurred and opined that the article was defective not solely due to that omission. DR motioned that the Committee not recommend Article 9. SP seconded. The motion carried 3-0.

Article 10

Town Code Adoption of Renumbering of Zoning Bylaws

DR motioned that the Committee not recommend Article 10. SP seconded. The motion carried 3-0.

Article 13 - General Bylaw Amendment - Plastic Water Bottle Ban

LS noted this article overstates the success of the plastic water bottle ban in that Wellfleet has failed to provide water bottle filling stations and that alternatives to single serve plastic water bottles are not readily available as asserted and the ban continues to be a major inconvenience to the tourists and visitors that will now be worsened by prohibiting them from purchasing juice for their children or a soda or ice tea with their sandwiches. LS complained that Wellfleet could have addressed these issues with increasing the number of trash and recycling bins throughout Town. SP concurred and queried as to why Wellfleet is using a New York City municipal law as a model? DR questioned that practicality of the Town Administrator acting as enforcing officer for this bylaw. Would the TA assume a regular patrol of all the commercial establishments in

Town as part of his duties? SP noted that the article is also inconsistent in that it purports to ban only non-alcoholic *carbonated* beverages under Section 187-16 and then declares in the summary that the ban will cover all non-alcoholic beverages. SP motioned that the Committee not recommend Article 13. DR seconded. The motion carried 3-0

Article 15 - General Bylaw Amendment - Wildlife Protection - Feeding

DR noted that this new version of the proposed Bylaw seemed to have avoided the anti-hunting provisions of the last draft but was ridiculous in that it seeks to regulate bird feeders. DR added that the general public should be trusted to use common sense when it comes to the maintenance of their private property. SP agreed. LS remarked that there is no stated rationale for the need for this law, nor any corresponding provision in Massachusetts General Law. Is it intended to address a rat problem? Or is someone feeding coyotes? If so, why can these issues not be taken up by the Animal Control Officer or Health Department with the individuals concerned instead of imposing an overbearing and ludicrous law against any interaction with any wildlife on all the citizens of Wellfleet? LS motioned that the Committee not recommend Article 15. SP seconded. The motion carried 3-0

Article 16 - Zoning Bylaw Amendment - Cottage Colony

SP remarked that the same objections raised in the Committee's discussion of this article on April 21st still held true. DR and LS concurred. Accordingly, SP motioned that the Committee not recommend Article 16. DR seconded. The motion carried 3-0

Article 17 - Zoning Bylaw Amendment - Affordable Dwelling Development

DR questioned why this article originated with the Selectboard rather than the Planning Board? LS noted that requiring that only 25% of units in a development be affordable would not do much to redress an affordable housing shortage, particularly when that affordable unit could be just a single person studio while the other 75% of the development could be larger multi-bedroom units sold for a premium price. LS asked why could attention not be directed to developing a site where all units would be affordable? SP stated that this article allowed a developer to reduce frontage and put bigger buildings on smaller lots with setbacks of less than 10 feet, reduce parking while increasing the number of units on a property and reduce road width and overall ignore all the zoning guidelines and restrictions provided there was a quarter of the building allocated to affordable housing. DR motioned that the Committee not recommend Article 17. LS seconded. The motion carried 3-0.

Article 18 - Zoning Bylaw Amendment - Affordable Housing Lots

LS stated that the definitions were confusing and duplicative and that the lot definition should be restricted to Undersized with the qualifier Affordable defined separately. DR noted that the definition for Contiguous Upland was insufficiently vague with no explanation for what constituted a feature. SP remarked that this article imposed minimum yard requirements for Affordable Housing Lots which were stricter than those imposed on Affordable Housing Developments. DR motioned that the Committee not recommend Article 17. SP seconded. The motion carried 3-0.

LS completed the Memorandum for the Town Moderator with copies to the Town Administrator, Assistant Town Administrator, Town Clerk and Executive Assistant, outlining the recommendations made by the Committee on each article. The Committee members reviewed the completed Memorandum and upon a motion made by SP and seconded by DR, voted unanimously to approve it. LS agreed to distribute it to the relevant parties via email. Upon motion made by LS, seconded by SP and unanimously approved the meeting adjourned at 11:05 am.