

Wellfleet Planning Board
Minutes of Meeting on Wednesday, March 19, 2014
Wellfleet Senior Center, 7:00 p.m.

Present: Gerald Parent, Chair; Andrew Freeman, Janet Morrissey, Alfred Pickard, R. Dennis O'Connell

Regrets: Janet Reinhart, Eric Larsen; Planner Patrice Carson

Also Attending: Town Administrator Harry Terkanian

Chair Gerald Parent called the meeting to order and reopened the public hearing at 7:02 p.m.

Public Hearing (Cont. from 3/5/14)

Town Administrator Harry Terkanian explained the discrepancies in the proposed Zoning Bylaw for the Floodplain District and what is specified in CFR Chapter 1, § 60.6.¹ There were five criteria that needed to be matched with the zoning bylaw. He had also corrected formatting in the bylaw. The General Bylaw for the Floodplain District could be eliminated after the CFR changes were incorporated into the zoning bylaw, he said. Planning Board discussed making the changes to include all the provisions in one zoning bylaw. Alfred Pickard suggested making further changes to the Floodplain District Bylaw after this revision is in place.

Morrissey moved to amend Article EC with provisions from CFR Chapter 1, § 60.6. O'Connell seconded, and the motion carried 5-0.

O'Connell questioned the term "mean high tide" in section e-1 of 6.13.2, but Harry Terkanian explained that was the language from the state.

Morrissey moved to recommend the amended Article EC for the Floodplain District Zoning Bylaw. O'Connell seconded, and the motion carried 5-0.

An additional Warrant Article EC1/2 had been added to repeal the General Bylaws for the Floodplain District.

O'Connell moved to recommend Article EC ½ for the removal of the General Bylaws on the Floodplain District. Pickard seconded and the motion carried 5-0.

Parent closed the public hearing.

ANR #14-02 – Sherratt, 110 Cliff Rd.

Chester Lay of Slade Associates came forward to explain the request for ANR #14-02² request on behalf of J. Dale and Beatrice A. Sherratt for 110 Cliff Rd. (Map 24, Parcel 120). Based on the Derelict Fee Statute of Massachusetts General Law, C. 183, § 58, the Sherratt's received a judgment that they owned to the middle of Cliff Road. The ANR is a consolidation of their lot with the easterly half of Cliff Road.

Morrissey moved to endorse ANR #14-02. Freeman seconded, and the motion carried 5-0.

DSD #14-01 Russell

Alfred Pickard recused himself from the Russell Subdivision proceedings.

Mr. Lay asked the Planning Board to sign the final plans for DSD #14-01² for Jeffrey S. Russell, et als. for 185 and 190 Newcomb Hill Rd. (Map 12, Parcels 88 & 89) since the 21 day appeal period was over. The waivers that Planning Board had requested were printed on the final plan. Planning Board signed the Definitive Subdivision plan.

Tree Cutting on Scenic Roads

DPW Assistant Director Paul Lindberg was present to request permission for tree cutting on a number of Scenic Roads. He described the work as maintenance. The trees under consideration were damaged or in the way of plowing. He listed eight locations that needed work.³ Lindberg included the Selectmen's Paved Private Road Maintenance Policy and asked if the Scenic Road regulations could be modified to accommodate DPW routine maintenance with trees three feet off the road and 14 feet up. The trees listed have been identified with white spots. The Board may visit the locations on the current list.

Pickard moved to give DPW permission to cut the trees at 8 locations listed on March 19, 2014. Freeman seconded, and the motion carried 5-0.

Stretch Code

Marcus Springer of the Energy Committee had submitted a packet of information on Stretch Code⁴ for Planning Board to review in order to make a recommendation for Warrant Article CA. He explained how the Stretch Code is needed to become a "Green Community" and recounted criteria that Wellfleet had already met. He answered questions from Planning Board members on the proposal. Mr. Springer said the Energy Committee would be holding a public hearing on Stretch Code on Saturday, April 12, 2014. The Board and Steve Curley, from the floor, discussed the three Cape towns that have adopted the Stretch Code and have been designated as Green Communities. Steve Curley discussed the nature of the Stretch Code, his reservations about it and whether or not Planning Board should

be included in making recommendations for it.

Lilli Green of the Energy Committee had also submitted a Question and Answer Sheet on Stretch Code.⁵ She reported on votes by the Energy Committee and her problems with procedure for placing the Article. She said that she did not consider the Stretch Code ready yet for Annual Town Meeting in April.

Planning Board discussed whether or not they should even be asked to make a recommendation on this Article. Board members agreed that making a recommendation on Article CA was outside their purview.

O'Connell moved to declare that Article CA is outside of Planning Board's area of concern and that the Board did not wish to make a recommendation on it. Morrissey seconded, and the motion carried 5-0.

Other Warrant Recommendations

Planning Board had two other recommendations of Warrant Articles to consider.

Article BY Parking Study for Whitecrest Beach and WES

Morrissey moved to recommend Article BY for parking plan. O'Connell seconded, and the motion carried 5-0.

Article BZ- Main St.-Rte. 6 Intersection

Chair Gerald Parent reported on the meeting he had attended regarding the intersection at Route 6 and Main Street. He said that funding looked favorable for the project.

O'Connell moved to recommend Article BZ. Freeman seconded, and the motion carried 5-0.

Medical Marijuana Dispensaries

The Overlay Map of C and C2 districts where Medical Marijuana Dispensaries will be allowed will be included in the Warrant. Jan Morrissey suggested offering a handout for Town Meeting on the Medical Marijuana Bylaws. She had prepared a draft which Planning Board members revised slightly. Morrissey made a few changes also.

O'Connell moved to make use of the amended handout of March 19, 2014 from the Planning Board as an educational tool for the Medical Marijuana Dispensary Article. Freeman seconded, and the motion carried 5-0.

Minutes

Morrissey moved to approve the amended minutes of March 5, 2014. O'Connell seconded, and the motion carried 4-0.

Mail

Jan Morrissey distributed the mail log of March 5, 2014.⁶

Agenda for the Next Meeting

Agenda for the April 2, 2014 meeting will include: Future Concerns, Town Meeting, and Home Occupation Businesses.

Adjournment

O'Connell moved to adjourn. Morrissey seconded, and the motion carried 5-0. The meeting was adjourned at 9:30 p.m.

Mary Rogers, Committee Secretary

Gerald Parent, Chair

Planning Board approved these minutes at the meeting held 4/2/14.

Public Records Material of March 19, 2014

- 1.) ANR #14-02 is on file in the permanent Planning Board records
- 2.) DSD #14-01 is in the PB permanent file
- 3.) List of trees in need of removal on Scenic Roads
- 4.) Stretch Code Information Sheet
- 5.) Question and Answer Sheet on Stretch Code
- 6.) Mail log of 3/19/14