

## **Bylaw Committee Meeting Minutes**

### **June 18, 2021**

The Bylaw Committee convened on June 18, 2021 in the back parking lot of the Wellfleet Council on Aging at 10:06 am. Present were members of the Committee: Chair Dawn Rickman, Sam Pickard, and Secretary Liz Stansell. No members of the public were present.

DR opened the meeting by verifying that all present had a copy of the final Warrant Articles for the 2021 Annual Town Meeting before them. DR then confirmed that the articles the Committee proposed to review were numbers 40 and 44-47. DR remarked that the Warrant had not been well edited and she had noticed many typos and errors. SP and LS concurred. DR stated that she had reached out via a memo to the Town Administration and Select Board pointing out errors in the Warrant and expressing the Bylaw Committee's concerns over the poor editing of the Warrant and the Town Administration's failure to seek required recommendations from the Bylaw Committee prior to the Warrant's issuance.

#### **Article 40**

This article would establish a Right to Farm Bylaw to emphasize the protections afforded to persons practicing farming under the Massachusetts General Law and the Constitution. DR noted the quantity of typos and the distracting, inexplicable bolded font throughout. SP and LS agreed. DR queried why aquaculture was included in an article dealing with agriculture. SP explained that aquaculture is a type of farming. DR noted that the term homesteading pertains specifically to a person's residence and its immediate environs and questioned how the flats could be included within that domain. SP pointed out that oyster cultivation and processing can be conducted at one's home. LS offered that while the intent behind the proposed Bylaw was clearly to cover any possible contingency of objection from abutters to locals pursuing their livelihood, it could have been drafted with much greater clarity. After further discussion as to how to correct these deficits, LS moved that the Committee recommend Article 40 subject to an amendment to add the words "and aquaculture" immediately following both appearances of the word agriculture in Section 1 Paragraph B. DR seconded. The motion carried 3-0.

#### **Article 44**

This article applies the provisions of MGL c. 44 s. 55C to the Wellfleet Affordable Housing Trust in order that it may exercise its authority to the optimum extent. DR queried why the word "Fund" appears after the phrase "Affordable Housing Trust" in the first sentence of Chapter 1. SP agreed and noted that changes the purpose of the entire article. LS added that the Trust is an entity that may or may not be funded but that the entity should not be confused with its assets. All concluded that for clarity's sake that the word "Fund" should be deleted and the article amended accordingly. DR observed that while the article specifies that a Trustee's resignation will be recorded with the Registry of Deeds there is no stipulation that an initial appointment be recorded only those of successor Trustees. SP inquired as to why the Trust should be allowed to abandon property which may have been donated and presumably not be held responsible for

its maintenance. LS suggested that perhaps abandonment was the mechanism by which the Trust planned to surrender property which could then be taken in tax title by the Town. DR and SP replied that the Trust could deed such property to the Town without resorting to abandonment. After thorough review of this article's provisions the Bylaw Committee recommends that prior to voting Article 44 be amended on the floor of Town Meeting as follows:

Chapter 1: Purposes; in the first sentence, after "Affordable Housing Trust" delete the word "Fund."

Chapter 3: Meetings of the Trust; in the first sentence, after the word "meetings" replace "if" with "of" ; in the second sentence, replace the phrase "posted at Town Hall" with the phrase "with the Town Clerk."

Chapter 4: Powers of the Trustees; in the first sentence, after the word "carried" replace "on" with "out."

Chapter 7: Custodian of the Funds; after the first sentence, insert the following sentence "Said funds shall be held in a separate interest bearing account."

Chapter 8: Funds Paid to the Trust; in the first sentence, insert the word "Fund" after the first two appearances of the word "Trust"; after the word "approved" replace "into" with "by."

Chapter 12: Annual Report; in the second sentence, replace the words "Wellfleet Selectboard" with the words "Town Administration" and replace the date "January 31" with the date "December 31."

DR moved to recommend Article 44 subject to the proposed amendments detailed above. SP seconded. The motion carried 3-0.

## **Article 45**

This article and Article 46 deal with deleting the Affordable Accessory Dwelling Unit section of the Zoning Bylaw and replacing it with an Accessory Dwelling Unit section. Due to the substantial similarity of these two articles the Committee members decided to discuss them together. LS noted that a line by line comparison of the two articles revealed only superficial differences albeit Article 46 is a petitioned article and queried why the need for two articles. SP stated that both of the articles were inherently problematic because they fail to address the critical issue of housing for Wellfleet locals which is affordability. SP observed that constructing additional housing units that will be available at market rates means they will be effectively priced beyond the means of the local workforce. LS remarked that the articles essentially allowed someone to turn their garden shed into a rental property and questioned how the Town proposed to enforce the year round rental conditions. DR added that there was nothing in these articles to prevent a homeowner from moving into the accessory dwelling and renting their home seasonally or for short term rentals. All the Committee members agreed that in all probability either of these proposed Bylaws will result in an increase in the quantity and density of short term rentals without necessarily alleviating the local housing shortage

DR moved that the Committee not recommend Article 45. LS seconded. The motion carried 3-0.

#### **Article 46**

See discussion under Article 45 above. SP moved that the Committee not recommend Article 46. DR seconded. The motion carried 3-0.

#### **Article 47**

This article would move the Dog Leash Bylaw from the General Bylaws into the Animal Control Bylaw and would alter the existing Animal Control Bylaw by permitting dogs in cemeteries, prohibiting animals from being left unattended in a parked vehicle at any time of the year and imposing fines for barking dogs. LS remarked that she saw multiple problems with this article, notably that many contractors in Town have their dogs accompany them to the job site and allow them to rest in the vehicle during the day while they are working which would be a violation under the proposed Bylaw. Leaving their dogs at home while they are working would then put local workers at risk of violating another provision of this Bylaw, the prohibition against barking dogs. DR asked whether dog owners would now be expected to leave their motor vehicles running while they went into Cumberland Farms or be unable to complete any errands while accompanied by their pets. LS queried why a temperature specification could not be imposing a blanket prohibition. SP offered that it was not uncommon for coyotes to set all the dogs in the neighborhood barking at night, one after the other because the coyotes run up the road in a pack. LS concurred. DR noted that penalties are not consistently applied for the lease law and the dog waste removal sections, written warning should be issued for all or none and further added that the term domesticated animal should be used throughout the bylaw. LS related her experience exploring a rural cemetery in New York State in which historic graves were covered with excrement from a neighboring farm's dogs and questioned whether it would be better to err on the side of caution and preserve the current restriction on dogs in the cemeteries. LS moved that the Committee not recommend Article 46. DR seconded. The motion carried 3-0.

LS completed the Memorandum for the Town Moderator with copies to the Town Administrator, Administrative Assistant, and Clerk, outlining the recommendations made by the Committee on each article and DR agreed to distribute them to the relevant parties. Upon motion made by LS, seconded by DR and unanimously approved the meeting adjourned at 11:31 am.