

Wellfleet Planning Board
Minutes of Meeting on Wednesday, January 15, 2014
Wellfleet Senior Center, 7:00 p.m.

Present: Gerald Parent, Chair; Andrew Freeman, Janet Morrissey, R. Dennis O'Connell, Janet Reinhart; Planner Patrice Carson; Town Administrator Harry Terkanian

Regrets: Eric Larsen, Alfred Pickard,

Chair Gerald Parent called the meeting to order at 7:00 p.m.

Minutes of 12/18/13

Morrissey moved to approve the amended minutes of December 18, 2013. Freeman seconded, and the motion carried 5-0.

ANR #14-01, 70 East Wind Circle

Chester Lay of Slade Associates presented ANR #14-01,¹ a proposal for the Estate of Bernard F. Wills at 70 East Wind Circle. He explained how and why a portion of Lot 79 would be joined to Lot 77 on the ANR plan to meet continuous street frontage requirements.

Reinhart moved to endorse the plan as an ANR subject to submission of proof of single ownership of both lots. O'Connell seconded, and the motion carried 5-0.

Mail

Jan Morrissey distributed the mail log of January 15, 2015.² One item was an e-mail from the Open Space Committee stating that they were not interested in reserving Lot 19 of the Hahn subdivision.

Covenant for Definitive Subdivision #13-07, Hahn

Mr. Lay had drawn up a revised covenant for the Hahn subdivision at 1110 Old King's Highway.³ Planning Board had approved Definitive Subdivision #13-01 dependent upon the revisions to the covenant. He explained that Massachusetts Endangers Species Act (MESA) filing is a separate filing, and the MESA bounds would be depicted on that plan to be recorded at the Registry of Deeds. He will request a waiver for MESA bounds. He will also submit documentation for the termination of clause 10 in the Homeowners' Agreement. He reviewed the changes to the covenant that had been made. Jan Morrissey expressed regret that the Open Space Committee's decision had not come sooner. Mr. Lay requested that

the Planning Board revisit the wording in the Wellfleet *Subdivision Regulations* offering a three year reservation of 15 % of subdivision land for Open Space, but they declined.

O'Connell moved to further amend the covenant, prepare the covenant and have the plan ready for Planning Board to sign. Parent seconded, and the motion carried 5-0.

Floodplain

Town Administrator Harry Terkanian submitted revisions for 6.13 Floodplain District Zoning Regulations in the Wellfleet Zoning Bylaws,⁴ which were prepared by the state Department of Conservation and Recreation (DCR). This will require a public hearing, which Planning Board will prepare and advertise.

Clarification of Size Bylaws in National Seashore District

Based on suggestions from the last meeting, Jan Morrissey had prepared a revised draft of the wording for 5.4.3.1 Maximum National Seashore Park Gross Floor Area (NSPGFA) bylaw.⁵ Planning Board members further revised footnote #1 to clarify allowances. They also discussed revising language in the opening definition.

Medical Marijuana Draft Bylaw

The Board considered Town Counsel Elizabeth Lane's comments on the proposed Medical Marijuana bylaws. She had prepared two new versions, one with site plan review and one without. The Board discussed preparing an overlay map to match the bylaws' definition of the overlay. Jan Morrissey pointed out that Town Counsel had incorporated her own changes into Version 4 of the Medical Marijuana bylaws.

Janet Reinhart moved to use Version 4 of the Medical Marijuana bylaws⁶ for purposes of review and revision. Jan Morrissey seconded. The motion carried 5-0.

The Board will have a map of the overlay district created, but a-1 as defined in the Commercial District will be removed from the map. Planning Board proceeded to review the bylaw and Town Counsel's comments and made changes and corrections to sections as needed. There is still a question about off-premise growing that the chair will ask Town Counsel before finalizing the bylaw.

The public hearing for the Medical Marijuana bylaws will be scheduled for March 5, 2014.

NSPGFA (Cont.)

The Board returned to the discussion of the National Seashore Park Gross Floor

Area (NSPGA) bylaw 5.4.3.1. Footnote #1 wording needed to be improved for purposes of clarity. The intent of the bylaw is to remain the same. Gross Floor Area (GFA) in the NSP district needs a separate definition before the Gross Floor Area of a dwelling and other buildings are calculated. Former Planning Board member and chair Gooz Draz distributed a definition he had prepared for Footnote #1. ⁷

Agenda for Next Meeting

Agenda for the January 28, 2014 meeting will include: Medical Marijuana Draft Bylaw, NSPGFA, and Preparation for Public Hearings.

Adjournment

The meeting was adjourned by consensus at 10:05 p.m.

Mary Rogers, Committee Secretary

Gerald Parent, Chair

Planning Board approved these minutes at the meeting held 1/29/14.

Public Records Material of January 15, 2014

- 1.) ANR # 14-01 is filed in Planning Board's permanent records
- 2.) Mail log of January 15, 2015
- 3.) The covenant for DSD #13-07 is included in the permanent subdivision files
- 4.) Draft Floodplain District Zoning Regulations
- 5.) Draft National Seashore Park size bylaws
- 6.) Draft Medical Marijuana Dispensary bylaws
- 7.) Gooz Draz's submission on Footnote #1 for ZBL 5.4.3.1