

Wellfleet Planning Board
Tuesday April 16, 2019, 7:00 PM
715 Old King's Hwy, Duck Pond Room
Wellfleet, MA 02667
Meeting Minutes

Members Present: Gerald Parent, Chair; Alfred Pickard, Beth Singer, David Mead-Fox, Bonnie Shepard

Members Absent: Andrew Freeman

Others Present: Joseph Powers, Assistant Town Administrator; David Dewitt, Truro Marijuana cultivator; Patrick Kemple and Erin McDonald, Wellfleet Marijuana cultivators;

Announcements, Open Session & Public Comment: Note: Public comments must be brief. The board will not deliberate or vote on any matter raised solely during announcements & public comment.

Craft Cooperation Marijuana Cultivator

- Discussion and possible vote on mitigations continued, Board went over pictures provided by Patrick Kemple. Kemple explained to the board what the pictures were showing in the fenced in yard. Chair Parent asked the board if they were wanted to go through the packet or if they wanted to continue with questions. It was decided to begin asking questions.
- Mead-Fox asked about the distance in the photo from the road. Kemple explained there will be more fencing once the plants are in the ground. Chair asked if it was going to be a 6-foot stockade fence. Dewitt explained that once they receive their license the state will decide on the size fence that is needed. Shepard asked about the greenhouse on the property, would it be directly behind the house. Kemple explained that the greenhouse would be within the existing garden. Pickard expressed concern with the fence. The height of the fence could be an issue, he suggested they go through the zoning bylaws so there aren't any issues with a higher fence than 6 feet. Pickard also expressed concern with lighting especially at night.
- The question to the board is: Does the board want to consider putting anything on the list of specifications for the cultivators or does the board want to leave this to the state. Powers explained that the board may want to articulate their wants and needs to present to counsel so counsel can put the wording into the host agreement. Example: lighting, height of the fence, etc. Discussion continued with the plans for this property.
- Four parking spaces be shown on the property nine feet wide, twenty feet long, due to security and potential visitors. Light deprivation be addressed, outside lighting be used for security. An eight-foot stockade fence be used to bounce the light back.
- **Pickard motioned to have a minimum of an eight-foot stockade fence around the perimeter, a parking plan showing a minimum of four parking spaces, and light deprivation to the best of the cultivators' abilities. Singer seconded the motion, motion carried 5-0-0.**

Discussion and possible vote on Waiver of Compliance under Rules and Regulations Governing the Subdivision of Land Wellfleet, Ma Section 1.05 relative to 2155 Old King's Highway (Map #16, Parcel #138)

- Maps, mylar and covenants to be reviewed and possibly signed
- Chair Parent asked the board if they had any questions regarding the covenant. Mead-Fox asked why the board was waiving all the requests. Chair Parent explained why these are

being considered for waiving. Discussion on the waivers took place. Pickard stated he believed the map needed to be brought up to current rules and regulations if there have been any changes. Chair Parent stated the board needs to receive a signed covenant from the owner and at that point the board will sign the mylar and then the covenant. The covenant will not be released until all the work is done with the one lot. A letter will be sent to the building department to make sure what the planning board has stated doesn't become misunderstood by the owner. The covenant will be signed first and then mylar. The plan has already been approved. The issue is the covenant, the owners of record need to sign the covenant and then returned to the planning board to be signed and recorded. Typos were found in the covenant. "members and Wellfleet" are both spelled incorrectly. The lot needs to be finished before the lot will be released.

- **Shepard motioned to accept the covenant as corrected on page five and the mylar not be signed until the covenant is signed by the owners and the planning board. Mead-Fox seconded the motion. Motion carried 5-0-0**

T-Mobile

- Extension of cell tower; Powers updated the board on the extension of the cell tower. He explained that because the applicant went in front of the Cape Cod Commission, as required by federal, county and local conditions the planning board is expected to agree to this extension. The building inspector needs to weigh in on this extension, Pickard expressed he feels the building inspector should deny this because the fact that the area of fall is being increased and the tower didn't meet it in the beginning. He asked if the planning board could instruct the building inspector to look at the tower the way it should have been in the beginning. Powers read a statement from counsel, asking why administration isn't handling this administratively. The building instructor needs to make this decision. The planning board would like to weigh in with the building instructor. Powers said the planning board can make any recommendation they desire but the building inspector has the authority to do what he sees fit.

Discussion and possible votes on disposition of land

- Map 46, parcel 19 to the Conservation Commission
- Map 40, parcels 81, 170, 171, 176, 184 to the Conservation Commission
- Map 14, parcel 112 to the Housing Authority (note: parcel 119 was not included in the Select Board recommendation)
- Revisit 95 Lawrence Road clarification for Chair on previous vote taken 2/19/2019
- Discussion of the Parcels 46, 40 & 14 took place. Powers explained the planning boards role in this disposition. Singer expressed that they did discuss this.
- **Pickard motioned to recommend Map 46, 40 and 14 parcels, Singer seconded the motion; motion carried 5-0-0**
- Chair Parent asked for more clarification on what the board discussed in his absence regarding 95 Lawrence Rd on February 19, 2019. Powers explained it was supposed to be just a discussion at the last meeting and it ended up being a motion. He told the board that the area will flow with the Coles Neck Water supply and it will need to be updated for the housing authority to use this land. It currently is insufficient to meet the needs that will be demanded of it. The board discussed this property and the best interest of the town of Wellfleet. Powers told the board they can make any statements or recommendations to the moderator at the meeting regarding this property. There are too many questions about how this land will be

used, who will be responsible for paying for all the updates and improvements that need to be done.

- **Singer motioned that the board withdraw the recommendation for 95 Lawrence Rd based on not having enough information at the time of the vote in February, Pickard seconded the motion. Motion carried: 3-2-0.**
- **Pickard motioned to send the planning board's recommendation through Chair Parent to town meeting, Singer seconded the motion; motion carried 5-0-0**

Hall Subdivision, Sam Hollow Road (Map #23, Parcel #73)

- Update on meeting between Rogers and Brady that took place on April 11, 2019
- Powers read the email from Billy Rogers, confirming that he and Tim Brady are now on the same page with the updated plans for this property. He will see the final plans before they are submitted to the planning board.

Horton Subdivision, Josem Way (Map #42, Parcel #43)

- Update on letter being sent from town counsel on cease and desist
- Powers updated the board on the letters being sent on cease and desist. The approach that has been recommended by counsel is sending two letters. One from the building inspector regarding zoning bylaw violations, and another letter through the town planner on behalf of the planning board. The trustees will be advised that the planning board will be taking up the matter of all inspections related to the subdivision. The letter should be going out this week. The contractors will be given copies of the letters.

Modification Application

- Board to review and possibly approve a new modification application to be added to the website. Chair went over the new application with the board, the board discussed the updated application.
- **Pickard motioned to approve the application with date added to bottom of application; Mead-Fox seconded the motion; motion carried 5-0-0.**

Approval of Minutes

- April 2, 2019 – moved to next meeting

Town Planner's Report

Retail marijuana that is proposed at 10 Main St will be filing zoning and conservation applications. It will trigger applications with the Planning Board. Powers wanted to make the board aware that this will be coming before them in the near future.

Correspondence

Topics for future concern - *Please note that all meetings are recorded, and a vote may be taken on any item of business

Singer moved to adjourn, Shepard seconded motion carried 5-0-0 Meeting adjourned at 10:21PM