

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

Members Present: Gerald Parent, Chair; Andrew Freeman, Vice Chair; Alfred Pickard, David Mead-Fox

Members Absent: Beth Singer, Bonnie Shepard

Others Present: Joseph Powers, Assistant Town Administrator/ Town Planner; Rebekah Eldridge, Committee Secretary; Max Lamson, TRC Representative; Ben Zehnder, Attorney for Madelyn Atwood; Shaun Provencher, DCR representative; John McElwee, Engineer from Coastal Engineering; Kenneth Kipp, owner 154 Kendrick Ave.

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.

Powers thanked the board for working with him over the past five years. The board thanked him for his time.

2520 State Highway Route 6, Wellfleet, MA (Map #23, Parcel #34)

- Shaun Provencher, Mass Department of Conservation and Recreation
- Provencher presented a draft plan to the board, and said he was at this point looking for feedback of the board for when they submit the formal application. He went over the map about subdividing the land to keep the residence on the property until 2020. He explained that this property will be a terminus for the bike trail. The chair explained that the board needs to decide if this is an Approval Not Required plan. The board had concerns that the town's counsel should be contacted. Provencher stated to the board that they are looking to move this project along quickly, by the end of this fiscal year. **Freeman moved to send plans to town counsel for review, Mead-Fox seconded the motion. Motion carried 4-0-0.**

Max Lamson – TRC Engineer

- Discussion and findings on the state application submitted by Ameresco
- Set a possible date for Public Hearing
- Lamson presented to the board his report of findings of the solar project. He went over some issues that he found within the application. The board had concerns about plume. Lamson stated there were no calculations done by him or the applicant. Pickard expressed his concern for run off. He is concerned whether the run off will load differently in the cap and he would really like more information about the weight on the landfill, and what will be the potential danger of plume. The chair talked about monitoring wells. Lamson said there is typically a 30-year post closure monitoring program but that is independent from the application. The chair talked about asking the DPW for Wellfleet if there are

monitoring wells. Pickard stated he believed they were only in the town's perimeter.

- Lamson moved on to slope stability, he stated he didn't feel there was a lot of risk. The chair stated his concern for the access point due to the 20% grade to get up to the top. Parent wanted to know if there was clarification needed to be made to Ameresco. Lamson stated it was up to the board with how they wanted it stated in the letter. Chair turned to the board for discussion on the road for access to the top. Mead-Fox asked about "permit ready plans" he asked Lamson where those permits come in to play. Freeman stated he wanted them addressed on or before the public hearing, so that Ameresco would be prepared to answer all these questions. Pickard asked if the slope needed to be laid out further, and if it needs to be 5-feet or 50 feet. He asked Lamson for his opinion as to whether drainage affects the cap. Mead-Fox suggested that Lamson add a to-do list to Ameresco in his report, so they know what the board is expecting. The board asked about lighting. Lamson stated that typically these types of projects don't have lighting. Lamson talked to the board about noise that can be emitted from the solar panels, but stated the noise occurs during the day and is usually a low impact. Pickard stated that instead of using and building on to the existing fence that a new fence be installed as the old fence is at least 20 years old. Pickard asked if the fence needed to be a certain material, Lamson was unsure. Pickard asked Lamson in his note to Ameresco to list a few options for a fence. **The Board agreed to, based on the notes given from Lamson that he reformats and add to the report that he sent to the board and then send it to Ameresco.**

The chair asked Lamson how long it would take him to get the letter re-written. Lamson stated it would take a week as most of the information was already in the report. Chair Parent stated he wants to schedule the public hearing for Ameresco for the second meeting in June (June 19, 2019)

Lamson asked if the board wanted Ameresco to provide materials in advance of the public hearing, Chair Parent stated if Lamson wanted to convey to Ameresco's engineers that the sooner the board has the information to review, the easier the public hearing would go. Pickard explained that the board will not accept anything the night of the meeting and that the information needs to be in the board's packets.

2155 Old King's Highway (Map #16 Parcel #138) – Madelyn Atwood

- Complete signatures of mylar and covenant
- Request for release of covenant – Lot 1
- Zehnder presented to the board his application for a release of Lot 1 on the property. He explained that lot 1 has a house on it and they need the release of the covenant to they can sell Lot 1. The garage will be moved by the owners of Lot 1. **Pickard moved to release Lot 1 from the covenant on the Atwood property, Freeman seconded the motion. Motion Carried 4-0-0**

Pickard moved to do both ANR applications (140 & 154 Kendrick Ave.) together, Mead-Fox seconded the motion motioned carried 4-0-0

Approval Not Required 140 Kendrick Ave, Wellfleet MA (Map #20, Parcel #18) Added by Chair 5/3/2019

Virginia Picardy - Application and Mylar to possibly be signed by board

Approval Not Required 154 Kendrick Ave, Wellfleet MA (Map #20, Parcel #17) Added by chair 5/3/2019

Kenneth Kipp – Application. Picard stated that Kipp is a boating customer of his and if the board would like him to recuse himself for this part he would not participate. The board agreed Pickard didn't need to recuse himself.

- Pickard asked if the plans were on a master sheet or was each plan considered a sheet. McElwee stated that each plan is considered a sheet and each plan will be recorded separately with the registry of deeds.
- McElwee explained that this was a case that went through the court system. He started with the Kipp Property (154 Kendrick Ave). He stated that part of the court decision there were two parcels that were part of the paper road one was part of Bluff Rd. and the other Warren St. As a result of the court proceeding, it was agreed that it would be given to Mr. Kipp. He was to retain an easement for Virginia Picardy which is shown on the maps. McElwee explained that there is adequate frontage on 154 Kendrick Ave. He moved on to 140 Kendrick Ave. Part of the agreement was for Picardy to convey a small portion of her property (parcel 4) that will become part of the harborside village co-op. Picardy is getting parcel 3. (Mead St.) and with that she has adequate frontage. McElwee explained that no new road ways are being created and asked the board to consider approving for an approval not required. **Pickard moved to approve 154 Kendrick Ave. for an approval not required, Freeman seconded the motion. Motion carried 4-0-0**

Pickard moved to approve 140 Kendrick Ave. for an approval not required. Freeman seconded. Motion carried 4-0-0.

Both mylars were signed by the board members and sent away with the engineer.

Notice from the Wellfleet Zoning Board of Appeals

- re: Comprehensive Application and Notice of Public Hearing, Habitat for Humanity – discussion and recommendation for the Zoning Board.
- Powers stated that the zoning board is looking for thoughts and or recommendations. The board discussed the property. **Freeman moved that the Planning Board respond to Zoning Board, the Planning Board recommends approval of Application as presented. Pickard seconded, the motion carried 4-0-0.**

Public Meeting May 21, 2019

- Discussion – chair asked Eldridge to email Tim Brady to make sure the new center line and outside access off Old King's Hwy were staked for inspections. The board agreed that Eldridge ask for Billy Rogers to be invited to the Public Hearing

Approval of Minutes

- April 2, 2019 – **Pickard moved to approve the minutes, Mead-Fox seconded, Motion carried 4-0-0**
- April 16, 2019 – **Pickard moved to approve the minutes, Mead-Fox seconded, Motion carried 4-0-0**

Town Planner's Report

Powers stated that the cease and desist letters for Josem Way. They have been sent certified mail from the building inspector from the Town of Wellfleet town planner. Letters were sent to the two known trustees of the property as well as the two known contractors using the property.

Liaison Reports

No reports

Correspondence

1440 Chequessett Neck Rd – Proposed Shorefront Protection Notice; Full Packet to be reviewed in the Planning Secretary's office

Chair explained to the board that this full package could be viewed in Eldridge's office. Mead-Fox asked if the board needed to do anything regarding this. The chair explained no.

Meeting Adjourned 10:37PM