

**Wellfleet Planning Board
Wednesday July 17, 7:00 PM
715 Old King's Hwy, Duck Pond Room
Wellfleet, MA 02667
Meeting Minutes**

Members Present: Gerald Parent, Chair; Andrew Freeman, Bonnie Shepard, David Mead-Fox

Members Absent: Alfred Pickard, Beth Singer

Others Present: Rob Bukowski, Richard Elkin, Chair of the energy committee; Don Horton, owner Josem Way; Ben Zehnder, Lawyer for Horton; Tim Brady, East Cape Engineering; Skip Annett, Wilton's Way; Mary Q, Wilton's Way; Rebekah Eldridge, Committee Secretary.

Meeting Called to order 7:02 PM

Photovoltaic Array – Wellfleet Landfill, 370 Coles Neck Rd, Wellfleet, MA –

- **PUBLIC HEARING CONTINUED-**
- Bukowski presented the six update changes that the Board had discussed at the July 10th meeting. The Board reviewed the updated maps with the changes. Chair Parent asked how Ameresco planned to incorporate the letter before them into the application so it will be on record. Bukowski stated to the Board that he will bring the letter to the building inspector to have the changes recorded with them. Chair Parent stated he would like a new application submitted to the Planning Board with all revisions to have on file in case there are any questions as to what discussions have taken place.
- **Freeman Moved to approve the application as amended including plans and letters between Max Lamson, TRC and Ameresco, so that all communication is on file for future reference. Mead-Fox seconded the motion. Motion carried 4-0.**
- Mead-Fox informed the board that the energy committee will have a meeting July 18, 2019 and he would like to energy committee to watch over the work being done on the landfill.

Hall Subdivision, Sam Hollow Road (Map #23, Parcel #73) – PUBLIC HEARING CONTINUED – closed to the public

- Brady and Zehnder presented to the Board regarding this property. Chair Parent updated the Board that they were looking for a new home owners covenant, a new covenant, and a letter from the abutter acknowledging the use of their property. Zehnder handed out a new home owners association document to the Board with amendments. He went through the new home owner's association with the Board. He made sure all the lots were on the plan, he explained that lot 3 will not be on the home owner's agreement it is not on the new road. Zehnder will add sight line to the document so the owners are also responsible for sight lines.

- Zehnder explained to the Board that he didn't feel there needed to be a new covenant because all the changes that the Board wanted are now in HOA (home owners association agreement). Lot 1 will be released now and is not part of the covenant.
- An email from Ann Coburn was read regarding the use of her property stating she understood and was okay with the explanation. Chair Parent expressed that the email wasn't sufficient for him, Brady and Zehnder expressed they believed this was a private matter between the two property owners. Zehnder believed that this shouldn't be a condition to hold up an approval. They continued to discuss this matter. Chair Parent expressed that if the applicant and the Planning Board understood that there are still seven lots under covenant, Coburn's property is an issue with the planning Board that needs to be addressed in the future before any lot is released from the covenant.
- **Freeman moved to approve the amended subdivision plan dated May 31, 2019, road profiles, the first amendment to the Sam Hollow Road home owner's association trust dated July 17, 2019, having eight updated items on it and being further amended as represented at tonight's hearing by counsel; the form C Covenant that has been signed and dated June 3, 2019 by the trustees. Shepard seconded the motion. Motion carried 4-0.**
- The Board agreed if the inspections are done in accordance with the subdivision by-laws, work could begin on the subdivision.

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

- Brady and Zehnder represented for this property. Zehnder asked for a release on lot 2. Brady gave a status update on the underground electrical inspections with Billy Rogers the Board's hired engineer. Brady told the Board he went through the file with Rogers and haven't gotten much further until they figure out the electrical situation. Chair Parent expressed the Board still doesn't know where the conduit is and made mention of the subdivision control laws that an as-built is required. It was discussed that Rogers will dig holes with Brady to find where the conduit is and draw an as-built.
- Zehnder discussed with the board the lot release. Ambrose is in negotiations to purchase the property (Lot 2). There are issues with the second tenant. Horton explained that the lots are leased, lot 3 is leased by another party and is encroaching on lot 2 as well. He told the board that there are some issues with this tenant.
- Chair Parent explained he has a problem with releasing the lot due to the fact the property is a mess and the lot lines are not visible and the road is being used even though the road hasn't been released. Until the tenants on the property are on the correct lots they belong on and the property is cleaned up and the lot lines are staked. The lot should not be released.
- Zehnder asked to continue the request until the August meeting. The board agreed.
- **No motions or votes were taken.**

Wilton's Way, Skip Annett (Map #42, Parcel #25.1)

- Skip and his daughter Mary presented to the board, both residents of Wellfleet on Wilton's Way. They had questions on how many R-2 residential houses can be built on the lot of 25.1 .8 acre. Chair Parent told him that this was a question for the building inspector.
- He asked whether Parcel 28 1.28 acres with no frontage, could it be built on. Chair parent said because the lot had no frontage probably couldn't be built on. He said that this also would have to brought to the building inspector.
- Mary asked if a road or driveway could be built on the lots 25.1 and 28 (which are owned by the same person). Chair Parent explained that the lots could be joined together, and the land could be built upon, but the owner would have to come before the board to have the lot lines erased. He stated a driveway is a driveway, but a road had to be laid out a certain way and it would have to come before the Planning Board. Parent expressed that if there is no subdividing of the land and a road brought in then the owner is fine to build a driveway. Nothing can be built until the building inspector has given permits.

Correspondence

- Letter from town counsel regarding audio taping, Chair parent updated the Board that the meetings are audio taped by the secretary and once the minutes have been approved the audio recordings are deleted. Town counsel has looked into this and has sided with this decision.

Minutes

- June 19, 2019 – Shepard moved to approve the minutes with amendments made by Freeman, Mead-Fox seconded the motion, motion carried 4-0.
- July 10, 2019 – Continued until the August 14, 2019 meeting

Next meeting is August 14, 2019

Meeting adjourned 8:45 PM