

**Wellfleet Planning Board**  
**Wednesday September 18, 2019 7:00 PM**  
**715 Old King's Hwy, Duck Pond Room**  
**Wellfleet, MA 02667**  
**Meeting Minutes**

**Members Present:** Gerald Parent, chair; Andrew Freeman, Beth Singer, Bonnie Shepard, Alfred Pickard (7:30pm)

**Members Absent:** David Mead-Fox

**Others Present:** Greg Hall, Elizabeth Hall, Tim Brady, East Cape Engineering; Donald Thimas, abutter for Josem Way; Mike Trovato, Assistant Town Administrator; Rebekah Eldridge, Committee Secretary

Chair Parent called the meeting to order 7:00pm

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

- Tim Brady presented to the Board new road and easement plans for drainage. The Board reviewed the maps and had no questions for Brady. Chair Parent reminded Brady, in the future copies of the maps needed to be handed in to the board prior to the meeting to be placed in their packets.
- **Freeman moved to accept the road profile for drainage as presented to the Board dated August 22, 2019, Singer seconded the motion; motion carried 4-0**
- Thimas asked the Board what the status of this property was. He was concerned with large trucks in and out of the property. He stated to the Board that this is a huge concern for him as he has a residential property across the street. Chair Parent explained the current status of Josem Way to him. Going into details about what will become of this property. Thimas asked what he can do moving forward with this property. The Board directed him to the Building Inspector with any future concerns.

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

- Tim Brady presented to the Board, the covenant and mylar have been signed and dated by the majority of the Board. Chair Parent asked Hall if he would like to wait and have Pickard sign it and pick it up in the morning at Town Hall. Hall agreed. Chair Parent asked Brady if the drainage will be installed and inspected by the Planning Board's next meeting October 2, 2019. Brady stated that those will be done and electric could be done by that time period as well. Hall asked the board if he would be able to ask for Lot releases at the next meeting. Chair Parent stated the road should be grubbed by the next meeting. Brady offered to write a letter stating the status of the road at the time they are requesting more release of lots. Chair Parent stated the Board would also need confirmation that the drainage was also inspected. Brady said he would also present an as-built. Chair Parent agreed, with the understanding that Billy Rogers was notified.

### **Subdivision Control Laws Section 2.06.f**

- Chair Parent explained that he would like the Board to revisit this particular control law and reword it so that there are no misunderstandings to applicants. He explained the state of Massachusetts gives the Planning Board the right to change these laws when they see fit. This Particular section refers to the covenant.
- The current control law states:

*(3) By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquired title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provided that no lot shall be built upon until such ways and services have been provided to serve each lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the Subdivision plan or of all lots not previously released by the Planning Board. A suggested, but not required, form of the covenant is given by Form C in the Appendix; which form may be changed from time to time by the Planning Board. If the Applicant elects to secure by covenant, the Applicant will file a status report with the Planning Board on every third anniversary of the approval. Failure to file that report may be cause for rescission of the approval. Any covenant given under the preceding paragraph shall be either inscribed on the plan or contained in a separate document, referred to on the plan.*

The board would like to change the wording so that it reads, “no lot shall be built upon or used in any way.”

Freeman stated that the Board should go through town counsel to have the new wording changed and then draft a new paragraph for this section. He also added that another issue created is the lack of a deadline for subdivision applications. Freeman stated that there needs to be a timeline to subdivide and if the land isn't; the Planning Board have the right to withdraw the subdivision application. Once it is rescinded the applicant can come back and reapply but must pay all the fees and the Board will have the ability to not accept the application. Pickard stated that the Planning Board's rules need to be so clear that they are not misinterpreted by any outside source. Chair Parent on behalf of the Board will contact town counsel to draft up new wording changing the wording in section 2.06f. Parent will also have town counsel look over the regulations to see if there is a specific time line in the subdivision control laws, if not create one.

Chair Parent presented to the Board a letter that was submitted to the Select Board Tuesday September 10, 2019 (Singer informed the board that this is new business and can be presented to the board because it came to the attention of the chair after the meeting was posted). The letter was from a member of Wellfleet (Jude Ahern) threatening the Planning Board if the Select Board voted for Parent regarding a position, Parent was applying for which was against what she wanted. Chair Parent explained to the Board he was bringing it to the Board because it was never mentioned at the Select Board meeting or made public. The Board discussed they felt the email should have been read aloud at the Select Board meeting but decided that the main point should be that making such a threat to a town committee is not acceptable under any circumstances, and this violation of community norms should be addressed by the Select Board. Members clarified that Ms. Ahern and all other Wellfleet residents have free speech rights, and that there would have been no problem if her communication expressed her opposition and gave reasons for it, without mentioning an “assault” on the Planning Board.

**Pickard motioned to have Freeman draft a letter to the Select Board expressing the Planning Board’s feelings that the letter written should have been made public and the Select Board should address this threat. Shepard seconded motion, motion carried 5-0.**

#### **Minutes:**

- **July 10, 2019 – Pickard moved to approve the minutes as amended by Freeman, Shepard seconded the motion, motion carried 5-0**
- **July 17, 2019 – Pickard moved to approve the minutes as amended by Freeman, Shepard seconded the motion, motion carried 5-0**

#### **Correspondence**

A packet from Coastal Engineering regarding Revetment Reconstruction 80 2<sup>nd</sup> Ave.  
Email from David Mead-Fox regarding his health status and having to miss some meetings. Chair Parent will go to the Select Board on his behalf to put his seat on hold.

The Board discussed upcoming meetings and schedules of Board members.

For the October 2<sup>nd</sup> meeting Shepard would like to add a general discussion of possible future goals for zoning, to bring Planning Board input to the local comprehensive planning committee.

Meeting adjourned at 8:45pm