

**Wellfleet Planning Board  
Virtual Zoom Meeting  
Tuesday January 19, 2021; 7PM  
Meeting Minutes**

**Members Present:** Gerry Parent, Chair; David Rowell, Vice Chair; Alfred Pickard, Bonnie Shepard, Olga Kahn, Beth Singer, David Mead-Fox

**Others Present:** Rebekah Eldridge, Committee Secretary; Sharon Rule-Agger, Housing Committee; Elaine McIlroy, Housing Committee; Helen Wilson, Selectboard Member; Ryan Curley, Selectboard Member

Chair Parent called the meeting to order at 7:03pm

**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.

- Chair Parent announced that the property off route 6 and Old Wharf road would not be discussed at this meeting. He stated it was a mistake that he made, it was intended to be a discussion he wanted to have with the planning board members regarding lot clearing regulations. He stated the Zoning Board of Appeals does not have anything in front of them regarding that property. He went on to state the building inspector has jurisdiction to make decisions on that property.

**Approval Not Required – 215 Herring River Road, Wellfleet, MA- Map #8, Parcel #201**

- Board to review application and maps- Robert Freeman, Schofield Brothers of Cape Cod
- Chair Parent asked for the representative to present to the board. There was no one at the meeting to give an update or any information about this approval not required plan. Pickard stated he didn't believe that the plan was clean and had questions for the engineer. Rowell asked that the engineer be contacted and be asked to be present at the February 3, 2021 meeting. They had some further discussion on this plan and agreed it needed to be continued.
- **Pickard moved to continue this to the next meeting February 3, 2021, Singer seconded the motion; motion carried 7-0.**

**Partial Lot Release**

- Sam Hollow Road & Laddie's Way Wellfleet Lots 2 and 5 to be released
- Tim Brady the engineer for the property wasn't present at the meeting to request the lots be released.
- **Pickard moved to continue this lot release to their next meeting on February 3, 2021, Mead-Fox seconded; motion carried 7-0.**

## ADU/AADU

- Chair Parent asked the board members their thoughts on this. Rowell has continuously expressed his concern with the title 5 septic regulations when discussing ADU's. Chair Parent stated to the board that he has reached out to town counsel to get legal advice regarding septic systems.
- There was a definition that any new construction after 1995 as far as dwelling units are concerned, they must meet title 5 septic and well regulations before any changes are made to the lots. The board continued to discuss lot requirements and preexisting lots and units with noncomplying septic systems and property owners wanting to add an ADU or and AADU. The board continued to discuss this at great length.
- Kahn asked if a new dwelling unit must meet all rules and regulations before it can be approved as an ADU. Chair Parent gave an example about before 1995 the state wouldn't change the number of bedrooms and would grant a variance. After 1995 there wouldn't be a variance it would need a full title 5 septic upgrade. Kahn asked if the homeowner could make it more compliant with a new advanced IA septic system. Chair Parent and Rowell explained that there needs to be 10,000 square feet per bedroom; the lot isn't that big. Chair Parent explained that they will always have to go back to the Title 5 Regulations.
- **Mead-Fox moved that the board continue to discuss ADU's and AADU's after Chair Parent has spoken with town counsel and gotten information regarding septic rules and regulations; Rowell seconded the motion; there was discussion before the vote.**
- The date of town meeting was discussed, the deadline to have this written to go to town meeting. Chair Parent asked for some information from Wilson or Curley regarding town meeting. Wilson explained that this is a topic that will be on their upcoming meeting (January 26, 2021). Once the date has been set, (before the end of the fiscal year) she stated that she believes this bylaw can be written by town meeting's date. The board continued to discuss the motion Mead-Fox made and getting all the information they need. Kahn asked if the information Chair Parent is seeking what would involve the specific number of lots affected. Chair Parent stated no, numbers would not be in the communication with town counsel. Chair Parent also went on to explain to Kahn that town counsel will explain spot zoning. Singer stated she didn't have enough information to decide about the ADU's or AADU's and would like to hear what town counsel recommends of the board.
- Wilson addresses Rowell and stated that when the bylaw was first drafted it was very clear that it wouldn't work in every situation because of spot zoning. She went on to say that this bylaw will work in places that it can. Wilson went on to discuss ADU's and AADU's. She stated she feels the Planning Board has the time to get this new written bylaw on town meeting floor.
- Curley stated that the Bylaw may not apply to all of the town but some ADU's are better than none. He went on to state that having housing for people in Wellfleet is important. He would like to see a presentable article at town meeting. He stated between the years

2000 and 2019 there have been 534 new construction from a lot that wasn't previously built. He continued with more statistics that he researched.

- After much discussion **Mead-Fox's motion was voted and carried 6-0-1. (Kahn abstained)**
- This subject will be on the February agenda, the board will comment on the drafted bylaw.

### **Zoning Bylaw Definition Discussion**

- Rowell asked to have this be moved to the February meeting. Chair Parent agreed to move it.

### **Lot Clearing Discussion**

- 1065 Rt. 6, board to discuss future of lot
- Chair Parent explained to the board that he spoke with the building inspector about lot clearings and in the bylaws a property owner has the right to due some clearing on their property without any permits needing to be pulled. After his discussion with the building inspector he felt that the Planning Board may need to revise those bylaws and asked the members their thoughts and feelings on how to continue with this.
- **Pickard moved to indefinitely postpone the lot clearing at 1065 Rt 6. discussion until zoning bylaws changes are discussed and either changed or not. He doesn't want the discussion to interfere with that property. Rowell seconded; motion carried 7-0**

### **Zoning Bylaw regarding Lot Clearing**

- The board discussed lot clearing in the town of Wellfleet and the bylaws that are in place. They discussed the difference between lot clearing and clear cutting. Chair Parent stated that he believes there are solutions for this. Chair Parent stated he had a few discussions with the building inspector and got his interpretation of what he believed the bylaw meant. He questioned the board on their thoughts regarding these current bylaws. The board continued to discuss their thoughts. This conversation will continue with the board. There was discussion on who the tree warden was in Wellfleet, it was stated that Mark Vincent is the tree warden for the town.

### **Assistant Town Administrator/ Town Planner Vacancy**

- Chair Parent updated the board that there are applications being sent in to fill the Assistant Town Administrator's position. Eldridge explained to the board that there are quite a few applicants that have town planning on their resumes and that the interviews will begin in the next couple weeks. The board went into discussion on how important it will be to have a town planner for the town. Chair Parent would like to send a letter to the town administrator and the selectboard urging them to make sure that the person that is hired have planning experience so that person can help the planning board with zoning bylaws especially lot clearing bylaws.

- Mead-Fox expressed his concern having the town planner as part of the Assistant Town Administrator's job and would like to see another position created for just a town planner.
- The board agreed that a new position couldn't be created but agreed it needed to be a quality of the new person hired.

### **Liaison Reports**

- Olga Kahn to give update on 95 Lawrence Road/Wastewater committee discussion
- Olga updated the board that the next meeting will be the upcoming Friday and they hadn't met in a while. She explained that she went to a wastewater meeting and heard from Scott Hoarsely the person working with the committee who stated they needed a treatment facility. She continued with her update and stated she will come back with information from the 95 Lawrence Road meeting at the next Planning Board meeting.

### **Minutes**

- January 6, 2021 ~ **Singer Moved to accept the minutes as written, Pickard seconded; motion carried 7-0.**

### **New Business**

- There was no new business discussed.
- Rowell's definition was asked to be kept on the agenda for the next meeting.

**Singer moved to adjourn; Rowell seconded; motion carried 7-0**

**Meeting adjourned 9:15pm.**

### ***Public Records:***

*Maps and application for approval not required 259 Herring River Rd, Wellfleet*

*Application for lot release Sam Hollow Road, Wellfleet*

*ADU draft Bylaw*

*Meeting Minutes*