

Wellfleet Planning Board
Tuesday April 2, 2019, 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, Bonnie Shepard

Members Absent: Beth Singer

Others Present: Joseph Powers, Assistant Town Administrator; Rebekah Eldridge, Committee Secretary; Max Lamson, TRC Engineer; Madelyn Atwood, owner 2155 Old King's Highway; Stephen Douglas, Abutter 2155 Old King's Highway; Arthur Bosworth, marijuana cultivator (High Dune) from Truro; David Dewitt, marijuana cultivator (High Dune) from Truro; Patrick Kemple & Erin McDonald, marijuana cultivator (High Dune) from Wellfleet; Tim Brady, Engineer East Cape Engineering.

Chair Parent called the meeting to order at 7:06PM

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.

- The Board welcomed Bonnie Shepard, new member of the Planning Board
- Mead-Fox announced to the board that a board member was invited by the non-residents of Wellfleet to speak at an upcoming meeting in July. The board asked Eldridge to reach out and get more information.

Discussion on application submitted by Ameresco Photovoltaic Array – Wellfleet Landfill, 370 Coles Neck Road

- Meeting with TRC engineer Max Lamson
- Powers gave the board an update on the site visit that staff had with Lamson. Max introduced himself and gave a little bit of his background. The Chair asked Lamson if he felt the board needed to receive anything from Ameresco before a public hearing was held on this matter. The chair asked Lamson if he felt the application was complete as it. Lamson discussed that there was a parallel application that the applicant had to submit to the state. (DEP). Lamson explained that the DEP application had many more details in it like drainage, grade, height etc. Powers informed the board that staff doesn't have the application in office and would get a copy for the board. Chair asked Lamson if having that application would be helpful, Lamson said yes and explained he would be able to give better feedback to the board if he had this application. Lamson discussed with the board options for drainage. Freeman asked Lamson if he was sure that the DEP application would have all the information that Lamson was discussing with the board. Lamson assured Freeman and the board that the DEP application would have all the information he would need to review the application further. Chair Parent expressed the need to move this forward. He

asked Lamson to discuss some issues with Ameresco and then meet face to face with Ameresco with the board to discuss any issues at that point.

- **Freeman motioned to have Powers to obtain any and all documents for review by Max Lamson including the DEP Application, Pickard seconded the motion.**

Carried 5-0-0

Discussion about vegetation and landscaping took place. Chair asked Lamson for a time line as to when he would be ready to come in front of the board again.

Lamson stated that he would need to see the DEP application. The May 7th meeting would be set at the tentative date for Lamson to come in front of the board again.

Mead-Fox asked if Ameresco should be invited to that meeting. Chair Parent suggested that be up in the air to see how the meeting between Ameresco and Lamson goes.

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)

- Including and limited to:
 - Section 2.06a (11) Drainage Calculations
 - Section 2.06b (1) Subdivision Name
 - Section 2.06b (10) Topography
 - Section 2.06b (13) Curb Locations
 - Section 2.06b (14) Road Cross Sections
 - Section 2.06b (15) Storm Drainage
 - Section 2.06 (16) Road Profiles
 - Section 2.06f Performance Guarantee
 - Section 2.06k Inspection Escrow
 - Section 2.06l Profiles and Cross-Sections
 - Section 2.06m Homeowners Association
 - Section 4.03a 20ft wide pavement with berms
 - Section 4.04b Turnaround and island construction
 - Section 4.05a-d Storm drainage construction
 - Section 4.09 Street Signs
 - Section 4.11 Landscaping
- Powers updated the board on this property, Discussion about the covenant, the board needs a copy of the covenant. Pickard asked if there was a time line on subdivisions. The Chair explained that there is not. Chair Parent explained to the board that they are being asked to review the application tonight. Chair let the board know that he explained to the attorney for this property that the mylar may not be signed until the next meeting when the lawyer can be present. Chair continued to fill the board in on the current situation of the property. The subdivision was approved in 2008. The owner is looking for waivers for this

property and a new covenant be signed along with a modification to the application.

- Chair expressed to the property owner, the board would like to see instead of a dirt road a 6-inch hardened T-base or stone, 12 feet wide. The grade isn't a problem. Underground utilities, a 14-foot cube width and height. The garage be removed. This was on the original plan. The chair reached out to counsel, for a new covenant. This is a legal, approved subdivision, a covenant needs to be formulated by the planning board to move this project along. The board would like to see maps of the property. This will be continued to the next meeting, in the packets will be maps and copies of the covenant.
- The board went over the mylar, Pickard suggested to the owner that she go to her attorney and have added to the covenant to waive all bounds except those that are on the plan.
- Douglas added a few comments in support of waivers being sought.

Craft Cooperative Marijuana Cultivator

- Discussion and possible vote on mitigations
- Powers brought the board up to date on this matter, while the representatives as the craft cultivators came forward to the table. He advised the board that this enterprise came before the select board in February of 2019 to seek a host community agreement. This is the only co-op of this enterprise in Wellfleet the other two are from Truro. Powers explained that this is essentially a different class under the marijuana control law. The board has this opportunity to discuss with the cultivators what mitigation elements the board would want to have added to a draft host community agreement from the town to the cultivators.
- The property is located on Paine Hollow Road. The board asked if this was one person's existing property, Kemple explained that it was McDonald's property. Kemple went on to explain that they are proposing to have a small 26x30 foot greenhouse within in a 45x60 foot fence. He explained they are required by CPC to have strict security, a 24-hour surveillance, and everything will be locked and hidden not to be seen by the public. He explained to the board in detail where his grow area would be. The board had questions about the lighting at night, they explained that the CPC has many rules and regulations regarding lighting. The board asked for maps or sight plans. Dewitt explained to the board that the CPC must approve every step during the process before they are able to move on to the next step. Chair Parent asked for copies of site plans and abutter information, so the board has a better idea as to what they are looking at. This will be put on the agenda for April 16th.

Discussion and possible votes on disposition of land – Moved until the April 16, 2019 meeting

- 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

ARTICLE 44: Petitioned Article; Bike Trail Extension.

- To see if the Town will vote to request that the Board of Selectmen, the Conservation Commission, and the Planning Board consider alternate routes for the Bike Trail Extension and to ask the appropriate agencies of the Commonwealth to halt any planning or construction beyond Old County Road until those deliberations have occurred.
- **The board took no action and decided to reserve this discussion until town meeting on April 22, 2019**

Discussion and possible vote - Horton Subdivision, Josem Way (Map #42, Parcel #43)

- Email from Don Horton dated February 21, 2019 re: underground power
- Report on current status
- Powers reported to the board about the industrial accident that occurred at this property on March 14, 2019. He explained that this property was being used as a contractor's yard and a man was hurt on the site. Powers stated that the site was inspected by fire, building and police officials as well as OSHA. He reported that he was allowed by the town administrator to seek opinion of town counsel to write a cease and desist letter to the owner. Powers hopes to have a draft letter written to the owner soon. The extension of time given to the owner is now null and void.
- **Freeman moved to instruct the owner Donald Horton to immediately cease and desist from any use or activity of this property until it is released from the covenant. All previous communication will be rescinded. Powers asked if he could continue with counsel to draft this letter. The board approved. Mead-Fox seconded the motion. Passed 5-0-0**

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

- Report from Town engineer Billy Rogers (Billy Rogers was asked by the chair to not come to this meeting due to the long agenda). The letter from Bill was given to the board. Chair Parent told the board that the plans before the board were not formally submitted, they are copies of what was sent to the town engineer.
- Brady came forward and expressed he has had no communication with Rogers. Brady said he hasn't received the letter from Rogers that was dated March 12, 2019. A copy was given to by the chair. Chair Parent instructed Brady to contact Rogers and have a meeting to move this project forward.

Approval of Minutes

- January 9, 2019
- January 23, 2019
- February 19, 2019
- **Freeman motioned to approve all minutes, Mead-Fox seconded the motion; motion carried 5-0-0**

Town Planner's Report

- **Moved to next meeting**

Liaison Reports**Correspondence**

Town of Eastham Planning Board Decision

Letter from Cape Cod Commission

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

Meeting adjourned 10:00PM