

Bylaw Committee Meeting Minutes August 7, 2023

The Bylaw Committee convened on August 7, 2023 in the back parking lot of the Wellfleet Adult Community Center at 10:15 am. Present were members of the Committee: Chair Dawn Rickman, Sam Pickard, and Secretary Liz Stansell. Sam Pollak from the Provincetown Independent was also present as an observer.

DR verified that all Committee members had a copy of the 3rd and presumably final version of the 2023 Special Town Meeting Warrant which was delivered via email attachment from Richard Waldo on August 4th and confirmed which articles were on the agenda for discussion. A brief discussion was held on how best to address any typographical corrections to the Warrant Articles and LS agreed to draft and email a separate memo to the Town Administrator containing these.

Article 7: Zoning Bylaw Amendment - Inclusionary Zoning

DR remarked that this was an entirely new proposal requiring an affordability component in projects involving three or more dwelling units and queried what town parcels of land were suitable for the development imagined here. LS responded that it might potentially apply to a conversion of a house into multiple condo units. SP noted that this article looked like another example of a bylaw which has been copied from another town and applied to Wellfleet without consideration of its appropriateness for this community. DR stated that there was no input available from the Planning Board and no indication that they had reviewed the article. Mr. Pollak offered that it had appeared as an agenda item for the Planning Board's July 26 meeting. LS replied that absent viewing of a recording of the Planning Board's meeting there was no way to determine what had transpired at that meeting since the Minutes were not available yet. DR added that lately reports of Boards had not been made available to the townspeople until Town Meeting. LS questioned the utility of imposing a fee in lieu of requiring a minimum number of affordable unit reasoning that if the goal is increasing affordable housing, issuance of the building permit for the project should be made contingent on the designation of a minimum number of affordable units without exception. SP questioned how the Town proposes to enforce the designation of affordable units via building and occupancy permits when it lacks the manpower to enforce current violations. DR noted that recommendations were needed from the Planning Board and ZBA and there was no indication that these had been sought or were forthcoming and that this article should be indefinitely postponed until the appropriate Boards had opportunity to review it and make their findings known. LS motioned that the Committee not recommend Article 7. SP seconded. The motion carried 3-0.

Article 8: Zoning Bylaw Amendent - Cottage Colonies

DR observed that this article seeks to reduce the minimum square footage required for a cottage to be considered as conforming to Zoning Bylaws. SP stated that the reason cottage colonies have been historically defined as pre-existing non-conforming in the Bylaws is to prevent the building of more of them in Wellfleet, yet the summary suggests that this article would allow the construction of additional cottage colonies. The Committee members discussed which cottage colonies in Wellfleet were likely to be impacted by the proposed amendment. LS inquired why the urgency to suddenly categorize undersized cottages as conforming and thus remove the necessity to go before the ZBA with any modifications? If this accommodation is being given to cottage colonies, why not extend it to trailers as well and reclassify Harborside Village and Massasoit Hills as conforming? DR queried whether this article was written to accommodate the proposed development of Maurice's and stated that this was another article that required a report and a recommendation from the Planning Board. LS motioned that the Committee not recommend Article 8. SP seconded. The motion carried 3-0.

Article 9: Zoning Bylaw Amendment - Intensity of Use of Multi-Family Dwellings

DR opined that this article would do little to increase affordable housing stock. SP concurred. DR added that this was another article that required a recommendation from the Planning Board. DR motioned that the Committee recommend Article 8. LS seconded. The motion carried 3-0.

Article 10: Zoning Bylaw Amendment - Definition of Trees

LS stated that this article seeks to establish definitions to be used in future bylaws and is a needed update particularly with the increase in invasive plants. DR inquired if a Community Wildfire Protection Plan currently existed or was in the works? SP replied it was unlikely but with the recent wildfires in Canada there was probably some motivation to develop one soon. DR noted that this article also required a recommendation from the Planning Board. SP motioned that the Committee recommend Article 8. LS seconded. The motion carried 3-0.

Article 11: Zoning Bylaw Amendment - Cutting of Timber

DR surmised that the cutting of trees on Lecount Hollow Road for parking gave some impetus to this article. SP remarked that the bylaw retains an unfortunate ambiguity due to the fact that what is considered reasonable may differ in the viewpoint of the owner and the Town. DR stated that the article should be reworked to specify the deciding authority and eliminate potential conflict in enforcement. LS concurred. DR proposed that the article be sent to the Planning Board, the ZBA and the Conservation Commission for consideration and input as well as recommendations. SP motioned that the Committee not recommend Article 11. DR seconded. The motion carried 3-0.

Article 12: Zoning Bylaw Amendment - Locally Notable Trees

DR stated that this article was related to the preceding Article 11 as it pertained to the interplay of enforcement between Board of Appeals and the Conservation Commission concerning tree removal and as such should be considered in tandem with any potential refinements to Article 11. LS remarked that she had no objection to the article in theory but that there should be

consistency in the enforcing agencies. DR suggested that the article be sent to the Planning Board, the ZBA and the Conservation Commission for consideration and input as well as recommendations. DR motioned that the Committee not recommend Article 11. SP seconded. The motion carried 3-0.

Article 13: Zoning Bylaw Amendment - Zoning Enforcement Penalty

LS stated that this article simply increases the maximum zoning violation fine to \$300 from \$50 which is a hefty increase but in keeping with other towns. DR remarked that this article also requires a recommendation from the Planning Board. DR motioned that the Committee recommend Article 13. LS seconded. The motion carried 3-0.

Article 14: General Bylaw Amendment - Miniature “Nips” Bottle Ban

LS noted that this article was consistent with the plastic bans already passed by the Town but wondered why nips bottles were not recyclable when plastic bottle caps are. SP stated that Wellfleet is not Chelsea and such a ban penalized consumers who may not have the means or demand for large containers of alcohol. SP added that he had not observed that nips comprised any even noticeable portion of roadside trash in Wellfleet. LS motioned that the Committee recommend Article 14. DR seconded. The motion carried 2-1.

Article 15: General Bylaw Amendment - Animal Control Regulations

LS remarked that some of the changes reflected in this amendment were due to the AG disallowing some language and that this amendment had corrected the blanket prohibition against leaving animals in vehicles unattended which had been unnecessarily restrictive. DR queried why a rabies tag was not also required to be affixed to a dog's collar with the license. LS responded that a lost license tag could be replaced by request to the Town but rabies tags were distributed on a one time basis from a vet upon vaccination and if lost, can't be replaced. LS added that as the rabies vaccination certificate is on file with the Town upon issuance of a license, a rabies tag should not be required. DR noted a number of corrections that needed to be made in relettering paragraphs of the article due to deletions. LS motioned that the Committee recommend Article 15. DR seconded. The motion carried 3-0.

LS completed the Memorandum for the Town Moderator with copies to the Town Administrator, Interim Assistant Town Administrator, Executive Assistant, Town Clerk and Assistant Town Clerk, outlining the recommendations made by the Committee on each article. The Committee members reviewed the completed Memorandum and upon a motion made by SP and seconded by DR, voted unanimously to approve it. LS agreed to distribute it to the relevant parties via email. Upon motion made by LS, seconded by SP and unanimously approved the meeting adjourned at 11:11 am.

Respectfully submitted,
Liz Stansell
Committee Secretary