

Bylaw Committee Meeting Minutes
March 24, 2023

The Bylaw Committee convened on March 24, 2023 in the back parking lot of the Wellfleet Council on Aging at 2:20 pm. Present were members of the Committee: Chair Dawn Rickman, Sam Pickard, and Secretary Liz Stansell. No members of the public were present.

DR opened the meeting by verifying that all present had a copy of the articles numbered 37 through 41 which she had extracted from the 2023 Annual Town Meeting Warrant. DR noted that article 37 was not listed in the Warrant as requiring a recommendation from the Bylaw Committee in spite of being a General Bylaw Amendment but she had included it since it falls within the purview of this Committee. SP remarked that as usual the articles contained a number of typographic errors and that proof reading oversight was apparently still lacking. DR and LS concurred.

Article 37

General Bylaw Amendment - Council on Aging Advisory Board

DR pointed out that notations within the article revising the term “Board of Selectmen” to “Selectboard” should be unnecessary given the Town meeting vote to make this change throughout the Bylaws consistent with the Charter changes effective April 29, 2019. DR stated that the article proposed to reduce the number of members on the COA Advisory Board from 11 to 9 due to the difficulty of obtaining a quorum and that she did not see any problem with this. SP commented that it was straightforward. LS agreed. SP moved that the Committee recommend Article 37. LS seconded. The motion carried 3-0.

Article 38

General Bylaw Amendment - Specialized Energy Code

DR observed that two of the five Selectboard members voted against this article and recalled that the Bylaw Committee had voted against adoption of a similar code in the past. LS stated that there is no discussion or mention within the article of the increase in construction costs that such a stringent code necessarily entails and that it was an exercise in virtue signaling without disclosing the burdens to be borne by the taxpayers in renovations or replacement of town buildings. LS added that blathering about how stretch code changes are important because they are hard is not a substitute for reasoned argument as to why the taxpayers should approve this article. DR queried why Wellfleet should not adopt these codes as and when they are mandated by the state and not before? SP opined that he failed to see the necessity of a stricter code. LS motioned that the Committee not recommend Article 38. SP seconded. The motion carried 3-0.

Article 39

General Bylaw Amendment - Demolition Delay

DR questioned why there was no recommendation requested of the Historical Commission since they were the ones to be charged with overseeing the operation of this Bylaw. LS inquired

if they had drafted it? DR replied that it had been requested by the Selectboard so whether the Historical Commission had vetted it was unknown. LS noted that the summary appeared to have been written from their perspective. Discussion was held between the Committee members as to point by point changes between the existing bylaw and the proposed amendment. DR observed that the Demolition Delay did not apply to gutting the interior of a significant building. SP remarked that such an exception covered the majority of renovations to historic homes in Wellfleet made by new homeowners or developers. LS opined that the amendment did not impose any onerous or unreasonable restrictions on prospective purchasers or current owners of significant buildings as structurally sound properties could be rented out during the 18th month moratorium and dilapidated and uninhabitable buildings would be classified as such by a structural engineer and could be demolished without the delay. LS added that the fine for noncompliance had been reduced and the entire process clarified and made more intelligible by the amendment. LS motioned that the Committee recommend Article 39 subject to obtaining an affirmative recommendation from the Historical Commission. DR seconded. The motion carried 3-0.

Article 40

Zoning Bylaw Amendment - Floodplain District

SP observed that the Floodplain maps were subject to periodic change and were always going to be an unpredictable element in town planning. LS noted that the amendment was apparently a necessity for maintaining insurance coverage for federal mortgages. DR pointed out that 6.13.1 contained a potential typographical error where it states:

“These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District may be defined by the 1% chance base flood elevation shown on the Firm and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014.”

DR queried as to whether “1%-chance” was a error and should it read “1% chance” as it does in the next sentence? LS attempted to access the FEMA Flood Map for Wellfleet (25001C0233J) on her phone and ascertain whether this was a typo but the resolution was too poor to read the map key. **Note: once this map had been consulted on a clearer device after the meeting, it was confirmed that “1%-chance” is an error and should be changed to “1% chance” in order to comport with the map.** Discussion was held as to whether the recommendation should be subject to correction of the potential error but LS asserted that the essential goal of the amendment was to incorporate the Flood Map into the Bylaw and that the map key would control interpretation. Accordingly, DR motioned that the Committee recommend Article 40. SP seconded. The motion carried 3-0.

Article 41

Zoning Bylaw Amendment - Accessory Dwelling Unit

SP inquired as to why an Accessory Dwelling Unit article has appeared on every Warrant for the last two years? DR responded that it was a consequence of drafting done without the expertise of the Planning Board. DR reviewed the changes to the bylaw proposed by the amendment and questioned whether the intention was to delete the prefix “B” under 6.21 as indicated by the strikethrough or was this another typographical error? DR remarked that the removal of “B”

would have the sequence of the prefixes proceed from “A” to “C” which was not an optimum organizational structure. The Committee members agreed that apart from this aberration the article contained unremarkable housekeeping measures. Consequently, DR motioned that the Committee recommend Article 40 subject to clarification and potential correction as to the removal of prefix “B” from 6.21. SP seconded. The motion carried 3-0.

LS then read the record of the recommendations and votes made on Articles 37-41. SP motioned that the Committee approve the Memorandum dated March 24, 2023 containing its recommendations. DR seconded. The motion carried 3-0. Upon motion to adjourn the meeting made by LS, seconded by SP and voted 3-0 in the affirmative, the meeting adjourned at 2:48 pm.

Respectfully submitted,

Liz Stansell
Secretary