



**Town of Wellfleet - Board of Selectmen
Wellfleet Council of Aging
August 19, 2008
Regular Meeting - Minutes**

Chair Jacqui Beebe called the meeting to order at 7:00 p.m. Selectmen present included Dale Donovan, Michael May and Ira Wood. Town Administrator Paul Sieloff and Town Counsel Elizabeth Lane also attended.

Regrets: Jerry Houk

Dale Donovan announced that there was a letter from Sheila Lyons asking Wellfleet to join other Cape towns requesting a greater window for the dredging of Cape harbors.

MOTION 08-250: *To move that the Board of Selectmen prepare a letter of support for the dredging of Cape harbors.*

Motion by: Donovan Seconded by: Wood Yea 4 Nay 0

The Board of Selectmen had called this special meeting to discuss their proposed Zoning Bylaw Revisions dated August 12, 2008. There were questions on the process as well. It was noted that legal notice that had been circulated was a draft that had not been approved by the Planning Board.

Selectmen read for the record letters on the bylaw changes. Jacqui Beebe read a letter from Martha Hevenor and Sarah Korjeff of the Cape Cod Commission. Dale Donovan read a portion of a letter from the National Seashore.

From the floor, Ben Zehnder questioned if Dale Donovan should be participating because he works for an agency that operates through the National Seashore. Town Counsel Elizabeth Lane said that the disclosure had been made prior to the meeting and that the appearance of conflict of interest matter had been settled.

Elizabeth Lane outlined the options for placing Articles on the Town Meeting Warrant and the public hearings needed for zoning bylaw changes. Planning Board Chairman Dennis O'Connell asked about authority of the Planning Board to change anything in Articles prepared by the Selectmen. Lane discussed the concept of "scope of the Article." Lane said that Planning Board can use or reject what the Selectmen propose or it can send in its own proposal. Planning Board could also come up with a variation of the Selectmen's Article, she said. She discussed the concept of "freeze" and how a zoning amendment freeze goes into effect on the day of the first notification of the public

hearing. A new bylaw does not go into effect until the Attorney General approves it, but it relates back to the date of Town Meeting, according to Lane.

Barbara Gray, speaking as an individual member of the Planning Board, gave background on the law before notification of public hearings provisions went into effect. Gray said that she did not think that the Selectmen's and by the Planning Board's proposals were that far apart and expressed the hope that the two could be combined into one proposal.

A discussion of the pro's and con's of making the advertisement for the public hearing very general or very specific was initiated and continued throughout the meeting.

From the floor, realtor James Downey and home owner David Rush spoke about specific cases in the event of a freeze between the advertisement and Town Meeting.

Chair Beebe reviewed and made changes to the proposed draft Articles. She said she wanted to make more amendments to the proposed Articles.

MOTION 08-251: To move to keep Article A as is, delete Article B, keep Article C as written, add a level to Article D for lots over 120,000 s.f. to provide a maximum site coverage of 3,700 s.f., delete Section E entirely, and amend Article G to apply to the Seashore District only.

Motion by: Beebe Seconded by: Donovan Yea 4 Nay 0

Elizabeth Lane discussed special permits and the Bjorkland case on nonconforming nature of structures. There was further discussion of Article D site coverage. There was a discussion of Article F, which had not been considered. Beebe said there was no mention of night sky in it.

Bob Weinstein, a member of the Truro Planning Board and also a Wellfleet home owner, had comments on the Special Permit process, Certificate of Non-Condensation issued by the National Seashore, bylaw coverage of the entire town, and National Seashore Guidelines.

Other members of the audience discussed Suspension of Condemnation Certificates by the Seashore; definitions in Article C; size of houses; and site coverage provisions. Ben Zehnder discussed Article F and Special Permits and variances in the Seashore. The Certificates of Non-Condensation would be endangered, Zehnder said. He asked that the Town keep mechanisms in place to maintain home owners' rights.

Town Counsel Lane addressed the 50% expansion limit. Gooz Draz of the Wellfleet Planning Board discussed Article D and choices home owners could make on site coverage.

Helen Miranda Wilson said there was no definition for site coverage or lot coverage in the Wellfleet Zoning Bylaws. This would be a good time to add them, she said.

Gerald Parent of the Wellfleet Planning Board asked if the Selectmen were sending the proposal for advertising or for further discussion. Parent said he would like the advertisement to be as clear as possible. He asked that the coverage definition be specified as a provision for the Seashore District only.

Lane said Notice of Application was another provision to consider in the Seashore District.

O'Connell asked what was being referred to the Planning Board. Donovan said the amended proposal was intended for referral. O'Connell asked Town Counsel if Planning Board had to advertise something that they did not agree with.

Lane said the hearing is usually advertised by the Planning Board.

MOTION 08-252: *To move to amend Article C to make it clear that it applied to Seashore District and to approve Article F as it is.*

Motion by: Beebe Seconded by: Wood Yea 4 Nay 0

MOTION 08-253: *To move to send the proposed revisions to the Planning Board for a public hearing.*

Motion by: Wood Seconded by: May Yea 4 Nay 0

There was discussion of whether or not Planning Board was obliged to hold the public hearing. Barbara Gray asked that Planning Board receive BOS votes, the draft notice and comments from the Cape Cod Commission and the Seashore as soon as possible.

O'Connell said that it was an error to push for placing the hearing advertisement next week. Rex Peterson there would only be about nine more days to finalize the language for the Town Meeting Warrant if the advertisement did not go in by August 29, 2008.

MOTION 08-254: *To move to go into Executive Session for the purposes of a litigation matter and not return to open meeting.*

Motion by: Beebe Seconded by: Wood Yea 4 Nay 0

Roll call (May, Beebe, Wood, Donovan – yea)

The regular meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Mary Rogers, Committee Secretary

Jacqueline Beebe, Chair

Michael May

Ira Wood

Dale Donovan

Town of Wellfleet
Board of Selectmen

Approved Minutes
August 19, 2008