

**Approved**  
**Wellfleet Zoning Board of Appeals**  
**COA, 7:00 pm**  
**Meeting Minutes of October 10, 2019**

**Attendees:** Sharon Inger, Bruce Drucker, Manny Heyliger, Reatha Ciotti, Trevor Pontbriand, Jan Morrissey, and Mary Rogers, Committee Secretary

**Regrets:** Mick Lynch, Wil Sullivan

Chair Sharon Inger called the meeting to order at 7:00 p.m.

**Public Hearing**

19-24 Westminster Apartments, LLC, 1878 State Highway, Rte. 6, Map 29, Parcel 28:  
Application for a Special Permit under Section 6.1.5 to raze and replace existing four (4) bedroom two (2) family residential structure and replace with a new two (2) family residential structure.

The Board consisted of Manny Heyliger, Bruce Drucker, Sharon Inger, Trevor Pontbriand and Reatha Ciotti.

Ralph Wilkins, principal owner of Westminster Apartments, LLC, engineer Alan Cabral and Attorney Jay Murphy were present to explain the application. The present building is approximately 70-years old. Two of the other structures on the property have been rebuilt. There will be no change of use. The old building is to be replaced by a modular two-unit dwelling with a small expansion in size. The new building will be brought up to code. It will provide two seasonal units. No bedrooms are being added. There is no increase in units. There will be no increase in septic flow. The building will be no closer to Rte. 6. It will remain a seasonal residential property in a residential zone. The building will be more attractive. Parking will remain away from Rte. 6 at the rear of the building.

Mary Wright, an abutter, spoke on behalf of the new building, which will contribute to the neighborhood. Inger asked for existing floor plans for the current building. Attorney Murphy provided plans of the existing duplex. No one had objections to the proposal. In fact, Board members expressed regret that the units could not provide year-round housing. Board members noted faulty information on the assessor's card which listed only one bathroom for the duplex.

Drucker moved for Findings of Fact. Pontbriand seconded. Passed 5-0.  
The public hearing closed at 7:16 p.m.

Findings of Fact

1. This is an application under Wellfleet Zoning Bylaw 6.1.1 for a special permit to raze and replace an existing four-bedroom two family residential structure and replace it with a two-family residential structure.
2. The lot is in the R1 District. The lot is 42,792 ft.<sup>2</sup> on which are presently situated four dwellings.
3. The dwelling is entitled to treatment as a lawfully pre-existing nonconforming structure (two-family dwelling) having been in existence for least 10 years as provided for in Wellfleet Zoning Bylaw 8.2.2 The dwelling which is in a lawfully pre-existing cottage colony may be demolished and rebuilt pursuant to WZBL 6.1.1.
4. The ZBA has made a site inspection of the subject lot and has reviewed all documents submitted in support of the application.
5. The new structure will contain two dwelling units of 743 square feet each for a total of 1,486 square feet. This represents an increase of 250 square feet from the existing building. Each unit will be below the maximum allowed square footage for a cottage of 768 square feet. There will be a 1.2% in lot coverage increase from 6.4% to 7.6% over the existing unit.
6. There will be no change in use.
7. There will be no increase in use.
8. The use conforms with the objectives of the R1 District as stated in WZBL 3.2
9. There was one appearance in support of the application.
10. There were no appearances or correspondence in opposition to the application.
11. The roads, drainage, and other public services are adequate for the project.
12. The alteration will not be more substantially detrimental to the neighborhood than the existing non-conforming use.
13. The Board has found that pursuant to WZBL 8.4.2.3:
  - a. Scenic views from public ways and developed properties have been considerably treated
  - b. Reasonable efforts have been made to minimize visibility of parking and service areas from public streets.
  - c. Traditional public access to or along the shoreline is not applicable to this proposal.
14. After considering the District Objectives for the zoning district as provided for in WZBL 3.2 and the relevant criteria set forth in WZBL 8.4.2, the Board finds that the benefits of the proposal will outweigh any adverse effects on the Town and the vicinity.

Drucker moved to accept the Findings of Fact. Pontbriand seconded. Passed 5-0.

Drucker moved to approve the Special Permit based on the findings of fact. Pontbriand seconded. Passed 5-0.

### **Meeting Minutes**

Drucker moved to approve all previously amended minutes that had been submitted to the Board and not previously approved.

Heyliger seconded. Passed 6-0.

### **Adjournment**

Drucker moved to adjourn. Morrissey seconded. Passed 6-0.

The meeting was adjourned at 7:23 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Christine Bates for".

Mary Rogers,  
Secretary