

Wellfleet Zoning Board of Appeals Application for Hearing and Findings of Fact (07/2023)

When preparing to submit this application, please use the checklist found in “Wellfleet Zoning Board of Appeals Filing Procedures” found on the town website at www.wellfleet-ma.gov

DATE: _____

1. Location of Property:

Assessor’s Map Number _____ Parcel Number(s) _____

Street _____ N, S, E or W Side _____

Driving directions to property from Town Hall: _____

2. Nature of Action or Relief Requested: You may only select ONE

_____ Application for Special Permit (MGL Ch. 40-A, S. 9 / 6)

_____ Application for Variance (MGL Ch. 40-A, S.10)

_____ Application for Exemption, Flood Hazard District Regulations

_____ Appeal from Person Aggrieved (MGL Ch. 40-A, S.8)

3. Name and Mailing Address of Each Petitioner:

Name _____ Name _____

Address _____ Address _____

Bus. Phone: _____ Bus. Phone: _____

Home Phone: _____ Home Phone: _____

e-mail _____ e-mail _____

Name and Mailing Address of Property Owner(s), if different from above:

Name: _____ Address: _____

e-mail _____

4. Make a brief statement of what you are requesting from the Board, and under what section(s) of the Wellfleet Zoning Bylaw (ZBA) or of Mass. General Laws you are applying:

5. In What zoning district is property located? _____

Is Property in the Floodplain? _____

If so, in what Zone? _____

6. Registration of Property.

In whose name(s) is the Title of the property recorded?

Name: _____ County Registry: _____

Address: _____ Book: _____

_____ Page: _____

Certificate No.,

If registered land _____

7. State briefly what is on the premises: (buildings, sheds, pool, etc.)

8. Submit ONE copy of all prior petitions and decisions regarding this property with the ORIGINAL application including Conservation Commission, Board of Health and ZBA petitions & decisions. Also submit any e-mails or correspondence with the Building Commissioner.

Date: _____ Nature of request: _____

Remarks:

9. Give the name and mailing address of each attorney or agent of the petition:

Name: _____ Name: _____

Address: _____ Address: _____

Phone: _____ Phone: _____

e-mail: _____ e-mail _____

This form must be notarized prior to submitting application

The undersigned submits under oath the information and representations contained in all statements made herein for consideration by the Zoning Board of Appeals is correct and accurate.

Signed this _____ day of _____ 20_____

(Applicant's Signature)

(Applicant's Signature)

COMMONWEALTH OF MASSACHUSETTS

_____,ss. _____ 20_____

Then personally appeared the above-named

_____ before me

and made oath and said that the foregoing statements and representations contained in this appeal are true and accurate to the best of his / her knowledge, information and belief.

Notary Public _____

My Commission Expires: _____

These Findings **must** be filled out by the applicant.
Request for Findings of Fact regarding **Special Permit** Application.

Please see Section 235.8.4.B of the Wellfleet Zoning Bylaw for full text of items listed below, available at Town Hall or on the Town website at www.wellfleet-ma.org. **Special Permits** shall be granted only upon the Board's written determination that the proposal's benefits to the Town will outweigh any adverse effects for the Town or the vicinity, after consideration of the stated district objectives (WZB Section 235.3.2) and, where germane, the following matters:

235.8.4.B.1 Suitability of the Proposed Location for the proposal, taking the following into consideration:

(a) Nearby land uses, whether supported or damaged by proposed use:

(b) Uses of the site which would be displaced by or preempted by this use:

(c) Adequacy of roads, drainage and other public services:

(d) Sensitivity of site to possible environmental damage, for example, erosion, siltation possibility, groundwater or surface water contamination, habitat disturbance or loss of valuable natural vegetation:

235.8.4.B.2 Activity, type, mix and intensity, taking the following into consideration:

(a) Whether proposal contributes to diversity of services or housing opportunities available locally

(b) Seasonal consequences, including peak period congestion:

(c) Service to local, in preference to regional markets and to year round in preference to seasonal activities:

(d) For business developments, likelihood of year round employment for residents, number of employees; how many Seasonal, how many Year Round:

(e) For residential developments, any contribution to year round residents:

235.8.4.B.3 Building and site design, including consideration of the following:

(a) Whether scenic views from public ways and developed properties have been considerably treated:

(b) Whether reasonable efforts have been made to minimize visibility of parking and service areas

(c) Whether any traditional public access to or along the shoreline has been maintained.

These findings **must** be filled out by the applicant.

Request for Findings of Fact regarding application for exemption from **Special Flood Hazard District Regulations**. Please see Sections 235.6.13 and 235.6.14 of the Wellfleet Zoning Bylaw for the full text of the Bylaw, available at Town Hall or on the Town website at www.wellfleet-ma.org.

235.6.14.C To appeal the restrictions in this section, application may be made to the Wellfleet Zoning Board of Appeals for a floodplain exemption from this floodplain bylaw in accordance with the following conditions:

235.6.14.C.1 A determination that the granting of an exemption will not result in increased flood heights, decreased flood storage capacity, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing local laws.

235.6.14.C.2 A showing of good and sufficient cause:

235.6.14.C.3 A determination that failure to grant the variance would result in exceptional hardship for the applicant:

235.6.14.C.4 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief:

235.6.14.C.5 Compliance in all respects with sections of the State Building Code, Section (780 CMR) which address floodplain and coastal high hazard areas.

235.6.14.C.6 Approval of the Wellfleet Conservation Commission in accordance with MGL c. 131, S. 40, the Wetlands Protection Act, and with the Town of Wellfleet's Environmental Protection Bylaw.

These findings **must** be filled out by the applicant
Request for Findings of Fact regarding a **Variance** application.

Please see Section 235.8.4.C of the Wellfleet Zoning Bylaw available at Town Hall or on the Town website at www.wellfleet-ma.org.

Variations from the terms of this Bylaw may be granted where the Board of appeals specifically finds that owing to the circumstances listed below, relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of purpose of the Bylaw.

All four criteria must be met:

(a) The following circumstances relating to the soil conditions, shape or topography specifically affect the land and/or structure(s) in question but do not generally affect the zoning district in which it is located.

(b) A literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the petitioner for the following reasons:

(c) Desirable relief may be granted without substantial detriment to the public good:

(d) Desirable relief may be granted without nullifying or substantially derogating from the intent and purpose of this Bylaw:

These Findings **must** be filled out by the applicant.

Request for Findings of Fact regarding **National Seashore Park District Special Permit** Application

(These Findings are in addition to the Findings to be completed under WZBL 235.8.4.B)

Please see Section 235.6.24.C of the Wellfleet Zoning Bylaw for full text of items listed below, available at Town Hall or on the Town website at www.wellfleet-ma.org.

235.6.24.C In addition to the standards and criteria listed in Section 235.8.4.B of this Bylaw, the following criteria shall apply to properties within the National Seashore Park District that are subject to a Special Permit:

1. The landscape shall be preserved in its natural state insofar as practical. The Board shall encourage the applicant to avoid grade changes and the removal of native vegetation and soil. Any grading or earth-moving shall be planned and executed in such a manner, and retain to the extent practicable final contours consistent with existing terrain both on and adjacent to the site.

2. Proposed buildings and foundations shall, to the extent practicable, minimize alteration on steep slopes, floodplains, hilltops, dunes, coastal banks, scenic views and wetlands to preserve the integrity and scenic qualities of natural features whenever possible. Proposed developments shall take into account and, to the extent practicable, minimize obstruction of water views and other scenic views from publicly accessible locations.

3. Proposed developments shall preserve and protect unusual or rare natural and/or historical features. Development and redevelopment shall not interfere with legal access. Proposed developments should minimize obstruction of water views and other scenic views from publicly accessible locations. Electric, telephone, cable and other utility lines shall be installed underground unless the Board determines that the benefits to be achieved are outweighed by costs or other factors.

4. The protection of unusual or significant environmental resources including protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies is critical and shall be evaluated. All runoff shall be recharged on site based on a calculated twenty-five-year storm. Stormwater infiltration systems shall be designed so that run-off shall not be

increased, groundwater recharge is maximized, pollution impacts are minimized and neighboring properties will not be adversely affected.

5. Lighting must be consistent with General Bylaws of the town of Wellfleet. There shall be protection of adjacent properties and the night sky from intrusive lighting. Consideration should be given to the placement of decks and patios and their potential for noise pollution and its adverse impact on adjacent properties.

6. In addition to S 235.5.4D NSPGFA (National Seashore Park gross floor area), the Board shall consider the Cape Cod National Seashore's 50% Use Guideline. Proposed development shall not exceed the 50% formula unless the Board finds that the development shall not have a significant adverse impact on the scenic views and on the prevailing scale, mass and character of the neighborhood and zoning district.

The Cape Cod National Seashore's 50% expansion guideline is based on "the livable area of the single-family residence that existed as of Sept 1, 1959" and allows for 50% expansion to the single-family dwelling; and of this expansion total sum another 50% is allowed for use on an accessory structure(s). For example, 1,000 sq. ft. of single-family dwelling living space as of September 1, 1959 is expandable to 1,500 sq. ft. and of this total sum another 750 sq. ft. is allowable for an accessory building

**Notice to Applicants for a Special Permit or Variance for Property within the National
Seashore Park District**

Please see Section 235.8.4.C.2 of the Wellfleet Zoning Bylaw for full text of the section referenced below, available at Town Hall or on the Town website at www.wellfleet-ma.org

Pursuant to WZBL 235.8.4.C.2 applicants for a variance or special permit within the National Seashore Park District are notified that the Secretary of the Interior is authorized to withdraw the suspension of his authority to acquire, by condemnation, property which is made the subject of a variance or exception that, in his opinion, fails to conform or is in any manner opposed to or inconsistent with the purposes of the Cape Cod National Seashore. In addition, you are advised that the Secretary shall be given notice by the Board of any variance, or exception, or, building permit granted or denied within the Seashore District.

CAPE COD NATIONAL SEASHORE
BUILDING AREA COMPUTATIONS

Date: _____ Owner(s): _____
 Map/Parcel _____ Street Address: _____
 Lot Size: _____ Town: _____

Livable Floor Area (excluding open frame porches and decks)

	<u>No.</u>
Existing Residence – First Floor	_____ sq. ft. (1)
Second Floor (other)	_____ sq. ft. (2)
Total Residential:	_____ sq. ft. (3)
Additions after 9/1/59 List: _____	_____ sq. ft. (4)
1959 Base Floor Area – Livable (3) minus (4) =	_____ sq. ft. (5)
50% Expansion Livable Area Limitation 0.5 x (5) = (Based on 1959 sq. footage)	_____ sq. ft. (6)
*Total Potential Livable Floor Area (5) + (6) =	_____ sq. ft. (7)
*Remaining Livable Area (7) minus (3) =	_____ sq. ft. (8)
Expansion Potential – Zero if (3) is greater than (7)	

Accessory Structures – Floor Area

Garage	_____ sq. ft. (9)
Studio	_____ sq. ft. (10)
Shed	_____ sq. ft. (11)
Cottage (Secondary)/Guesthouse	_____ sq. ft. (12)
Other (Screen porch, etc.)	_____ sq. ft. (13)
Total Accessory Floor Area	_____ sq. ft. (14)

*Total Potential Accessory Space
 (50% of total livable floor area) 0.5 x (7) = _____ sq. ft. (15)

*Remaining Accessory Space Potential (16) minus (15) = _____ sq. ft. (16)

Zero if (15) is greater than (16)

*Subject to Town Zoning Bylaw Restrictions

Prepared by: _____

CAPE COD NATIONAL SEASHORE
BUILDING AREA COMPUTATIONS

Date: _____ Owner(s): _____
Map/Parcel: _____ Street Address: _____
Lot Size: _____ Town: _____

Livable

First Floor _____ sq. ft. (1)
Second Floor _____ sq. ft. (2)
Total Livable Floor Area _____ sq. ft. (3)

_____ Demolition Proposed
_____ Addition Only
_____ Relocation Proposed

Accessory

Garage _____ sq. ft. (4)
Studio _____ sq. ft. (5)
Shed _____ sq. ft. (6)
Cottage (Secondary)/Guesthouse _____ sq. ft. (7)
Other (Screen porch, etc.) _____ sq. ft. (8)
Total Accessory Floor Area _____ sq. ft. (9)

Prepared by: _____