

WELLFLEET ZONING BOARD OF APPEALS FILING PROCEDURES

Applications for a Special Permit, Variance, Affordable Accessory Dwelling Unit, Flood Hazard District Exemption, National Seashore Park District Special Permit, and Appeal as Person Aggrieved are **available from the Administration Office, the Building Department and Christine Bates, the ZBA Committee Secretary.**

The Zoning Bylaws and applications are also available on the Town of Wellfleet website, www.wellfleet-ma.gov.

ZBA APPLICATION DIRECTIONS

1. **The Building Inspector, (508-349-0309, fax: 508-349-0327, email: Richard.Stevens@wellfleet-ma.gov will advise applicants if they require a Special Permit. The ZBA Committee Secretary, Christine Bates (508-349-0323, email: Christine.Bates@wellfleet-ma.gov, is available to answer questions regarding the filling out and filing of the form.**

Once the Wellfleet Zoning Board of Appeals Application for Hearing and Findings of Fact has been completed by the applicant, the applicant should again contact the Committee Secretary to ensure completeness of the required information. The application must include the information outlined on the Application Check List contained on page 4 and 5 of these procedures and any other information necessary.

It is the sole responsibility of the Applicant to correctly complete the entire application and to file the required documents.

2. **The abutters to your property must be notified of your application and the hearing date. Upon your notifying the Assessors Office (508) 349-0304) of your intention to file for a Special Permit, a certified list of abutters will be provided to the Town Clerk.** Abutting lots are considered to be 1) contiguous lots; 2) lots directly opposite on any public or private way; and 3) lots which abut directly abutting lots and which are within 300 feet of the property line of the property in question. (MGL, Ch. 40-A, S.11). The ZBA Committee Secretary will notify abutters of the date, location and time of the hearing.
3. **Submit the original Wellfleet Zoning Board of Appeals Application for Hearing and Findings of Fact with all appropriate back up materials and an additional 12 copies of everything to the Town Clerk (see fee schedule).**

All paragraphs of the application form, including the appropriate Findings of Fact, must be filled out. Failure to do this will result in delay. Be sure to state under which section(s) of the Wellfleet Zoning Bylaw or Mass. General Laws you are making application.

It is essential that you identify the Book/Page or Certificate number assigned to your property available either from the Barnstable Registry of Deeds or from the ZBA Committee Secretary.

The application must be **typed or printed** legibly. The original **application must be signed by the applicant(s)** and witnessed before a **Notary Public**, before copies are made. Identify owner(s) of property if different than applicant(s). Applications and Findings of Fact must be stapled together. Plans must be folded as close to size of application (8'x10") as possible. Material must be arranged (application, Findings of Fact, plans, back-up materials) and packaged together into 13 sets for distribution to the Board and other officials.

Only one application per filing is allowed; for example a special permit and variance for the same property must be separately filed and may not be included in a single application

Date of receipt by the Town Clerk is the filing date. A public hearing will then be scheduled within 65 days. Meetings are normally the first and third Thursday of each month at 7:00 pm at the Wellfleet Senior Center. Scheduling also depends on the work load of the Board.

Notice of Petition and Public Hearing will be sent to applicant(s), agent(s), property owners(s) and abutters not later than three weeks before the hearing. In the case of continuations, Notice of Continuation of Public Hearings will be posted in the Town Hall and sent to principals only.

4. Site visits by members of the ZBA are conducted on Wednesday, the day before your hearing. **Please show with stakes in the ground, the location of any alterations to buildings or other site changes that are part of this application**

Fee Schedule for ZBA Applications

Fee Schedule:

Use only (no construction)

Amendment to active Special Permit	\$ 50.00 + \$35.00
Affordable Accessory Dwelling Unit	\$ 50.00 + \$35.00
Residential change in use	\$ 25.00 + \$35.00
Request for Extension to Special Permit	\$ 25.00 + \$35.00
Commercial/Business Change in Use	\$150.00 + \$35.00

Appeal as Person Aggrieved * \$ 50.00 + \$35.00

Construction of any sort:

\$ 0 -----	\$ 1,000	\$ 25.00 + \$35.00
\$ 1,001 -----	\$ 10,000	\$ 100.00 + \$35.00
\$ 10,001 -----	\$ 50,000	\$ 150.00 + \$35.00
\$ 50,001 -----	\$100,000	\$ 250.00 + \$35.00
\$100,001 -----	\$250,000	\$ 350.00 + \$35.00
\$250,001 -----	\$500,000	\$ 500.00 + \$35.00
\$500,001 and above		\$1,000.00 + \$35.00

Construction cost estimates based on Means Manual for Cape Cod Region.

*Appeal will be value of construction and the minimum will be \$50.00 plus costs.

The \$35.00 fee covers abutters list and Legal Advertising.

All applications that include construction MUST be reviewed with the Inspector of Buildings to determine fee and a fee form signed by the Inspector of Buildings (attached).

(effective 12/23/09)

5. At the hearing, the applicant and/or the applicant's agent will be asked to describe the proposal and will be expected to respond to questions from the Board. The Board will then read any written material submitted by the public and ask if any members of the audience wish to speak about the application. The Board will then discuss the application and make a decision as appropriate.

**Massachusetts Law Prohibits a Discussion of Your Application with
Any Member of the Zoning Board of Appeals**

Application Check List

It is the sole responsibility of the Applicant to correctly complete the entire application and to file the required documents in accordance with the Wellfleet Zoning By-Laws (WZBL).

The following check list is intended to assist the applicant in the preparation of the application. It will also be used by the Zoning Board of Appeals at the beginning of each hearing to review the completeness of the information. **If the Board determines that essential information for consideration of the application has not been submitted, it may, at its discretion, deny the application or suggest continuation to a later date once the required information has been submitted.**

Documentation Required	Description	Submitted (Y/N)
Wellfleet Zoning Board of Appeals Application for Hearing and Findings of Fact	<p>Completed application. (See ZBA Committee Secretary for assistance).</p> <p>Specific items on the application which may require the applicant to contact other offices include the following:</p> <p>Town Assessor's Office: Assessor's Map and Parcel Number, or obtain the information from the ZBA Committee Secretary</p> <p>Barnstable Registry of Deeds: Registration of Property information to include the Book/Page or Certificate number assigned to your property. The applicant may also obtain this information from the ZBA Committee Secretary.</p> <p>For site inspection purposes, detailed driving instructions from Town Hall to the property must be clearly described on the application (If the property is in a remote area, state name of nearest major or intersecting street and describe useful landmarks)</p>	
Copy of Assessor's Map	Showing lot location of the property in relation to access roads and surrounding area. The map can be obtained from the Assessor's office.	
Copy of Assessor's Property Record Card	The card can be obtained from the Assessor's office or the Town web site at www.wellfleetma.org	
Prior Petitions and Decisions Regarding the Property	Submit two copies of all prior petitions and decisions regarding this property with the Original application (including Conservation Commission, Board of Health and ZBA petitions and decisions)	

Documentation Required (cont.)	Description	Submitted (Y/N)
Site plan	<p>Prepared by a Registered Professional Land Surveyor or Registered Civil Engineer showing:</p> <ul style="list-style-type: none"> a. the existing structure(s) and any proposed addition(s), alteration(s) or new structure(s); b. dimensions of the subject lot and lot size; front, rear and side setbacks to existing structure(s) and to any proposed addition(s), alteration(s) or new structure(s) c. lot coverage existing and proposed associated with the upland only as well as the total site (square footage and percent). 	
Building Plans	<p>Plans must show the existing and proposed structures including:</p> <ul style="list-style-type: none"> a. the dimensions and all elevations of each; b. the design intent of any alterations, additions or new structures; c. the existing floor plans and proposed floor plans. <p>Elevations must show the dimension from the mean elevation of the existing grade around the footprint to the highest point of the proposed or altered final structure.</p>	
If a Special Permit is sought under WZBL 6.1	<p>The Applicant(s) must provide documentary or other proof that the property or use was lawfully in existence at the time the zoning by-law was enacted or that the existing structure is within WZBL 8.2.2</p>	
If a National Seashore Park District Special Permit is sought under WZBL 6.24	<p>The Applicant must provide site coverage calculations as defined in WZBL 5.4.3.1 and calculations with respect to the Cape Cod National Seashore's 50% Use Guideline (WZBL 6.24.3.6)</p> <p>All calculations must be prepared by a Registered Professional Land Surveyor, Registered Civil Engineer or Registered Architect and shown clearly either on the plans or on a separate document.</p> <p>Please note that the Board may require additional documentation and calculations with respect to the standards and criteria contained in WZBL 6.24.3.</p>	

