



# United States Department of the Interior

NATIONAL PARK SERVICE  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

IN REPLY REFER TO:  
W 30

September 30, 2008

Dennis O'Connell, Chair  
Wellfleet Planning Board  
Town Hall  
300 Main Street  
Wellfleet, MA 02667

Dear Mr. O'Connell:

We are providing comments on the Planning Board's draft zoning articles for the October 1, 2008 public hearing concerning articles proposed for the fall town meeting warrant. We are aware that you had several more meetings than usual to try to address the current zoning challenges, and appreciate your tenacity. We were pleased that the Board of Selectmen (BOS) were so focused on addressing key National Seashore Park (NSP) District challenges in order to meet a short-term goal in time for fall town meeting.

Accordingly, we followed the multiple drafts of the BOS work and had a number of working sessions amongst various members of the Lower Cape Planning and Development Roundtable to review the implications and alternatives. We looked at some properties in detail to study the various coverage formulas that were being considered. We provided the Planning Board with our comments in a September 16, 2008 supporting the BOS articles with some minor modifications for simplification of the process and clarity. We also supported the work of community members who prepared a maximum site coverage formula based on careful analysis of the NSP District properties.

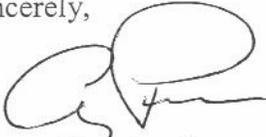
We agree with the sliding scale approach that is being taken by both the BOS and Planning Board. We believe that the NSP District portions of the BOS articles as proposed September 23, 2008 should simply replace the Planning Board's draft articles. The sliding scale Site Coverage the BOS proposes allow choices to be made about either building *up* in height or *out* on one-story based on the particular property and surroundings that the building or lot coverage does not now provide; the Town of Eastham has found Site Coverage to be useful in this way.

We also supported the proposed BOS Special Permit process as a direct response to community character concerns. We favor the simplicity of the BOS Special Permit process which builds on a current ZBA process to the Planning Board's Site Plan Review process given public comment that we have heard.

The evaluation criteria in the Planning Board's Site Plan Review would likely serve the R1 District well, and some of that has transferred to the proposed BOS Special Permit criteria language. Please do note that the Planning Board's building coverage formula includes a proposed footnote that conflicts with the seashore's legislation and regulation (previously provided). The footnote adds an increase in maximum building coverage in the NSP District if there is an addition of an Affordable Accessory Dwelling Unit. Please note that this change is inconsistent with the statutory definition for "improved property" as provided by 16 U.S.C. § 459h-3(d) which would mean that, if the property currently qualifies as an "improved property," the addition of an Accessory Dwelling Unit would result in the property losing the status of "improved property" and the suspension of the Secretary's authority to acquire by condemnation.

We continue to support town zoning by-law improvements inside and outside the national seashore that intend to help preserve the character of the Cape as we face in this decade a new type of larger-scale house proposals. Again, thank you for your continued work and hearings on these issues. We are hopeful about Wellfleet town meeting warrant articles that will make a difference this fall.

Sincerely,



George E. Price, Jr.  
Superintendent

cc:

Mark Forest, Chief of Staff, Congressman Delahunt  
Ronald Kaufman, Chairman, Cape Cod National Seashore Advisory Commission  
Dale Donovan, Board of Selectmen  
Rex Peterson, Assistant Town Administrator, Wellfleet