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 16, 2008

Dale Donovan
Wellfleet Board of Selectmen
Town Hall
300 Main Street
Wellfleet, MA 02667

Dear Mr. Donovan:

Wellfleet town historians should look back on this period as a point in time when town residents and town boards invested a tremendous amount of energy trying to do the best for their town and provide for its protection in the future. We applaud the concerted effort of many individuals who have worked on the proposals for zoning law upgrades since last spring.

We do have concern about the conflicting versions of text proposed by the Board of Selectmen (BOS), possible citizen petition, and the Planning Board (PB) and hope the differences can be reconciled prior to the publication of the town meeting warrant. We are trying to keep our comments simple at this point. We agree that some items of greatest concern, which the BOS articles address, can and should be tackled now.

Proposed Article A Definition

The present Objectives language in the town by-law cites the objective to be consistent with the regulations governing the national seashore. It is important to continue to reflect that connection of the town bylaws and the federal zoning standards regulation. We believe that existing by-law language should be the basis for the minor edits in your Board's proposed language modifications of August 29. We have provided the suggested language as an attachment.

Article B and C

The Site Coverage approach seems to be the best for the Town of Wellfleet at this time. In going for simplicity and a sliding scale formula, we recommend replacing the table in

the BOS article with the Maximum Site Coverage figures included in the draft citizen petition article initiated September 9, 2008. The Site Coverage definition they propose could also be substituted for the BOS's Article B if there were a small change modifying the exterior space exception to 400 square feet. Petition leaders have done extensive research that is quite specific to the National Seashore Park (NSP) District properties. Their formula takes into consideration Wellfleet's community character, flexibility for landowners, and current discussions about appropriate scale and mass of development. The proposed range is an improvement of the static site coverage number in the BOS version, which is likely to seem unfair to property owners in the higher ends of the range.

The petition proposal allows more properties to potentially expand by right. We believe this is a reasonable allowance because fewer individuals may need to go through a complicated review process. Coupled with that allowance, it is important for the by-laws to give good guidance for cases requiring further board review, which proposed Article D provides.

Article D

The Special Permit process in the BOS proposal is advantageous because it provides guidance for reviewers, and gets at the scale and mass, intensity of use, and neighbor and resource issues of present day concern. We think it could work well with some small modifications (which we provide in the attachment as well).

We suggest reconsidering the 50% Use Guideline formula as a threshold for review. The NPS staff gives the 50% formula great consideration when reviewing applications for variances and special permits, and expresses this to the Zoning Board of Appeals (ZBA) regularly. We think it might be best utilized as a criterion to address scale and mass for all non-conforming seashore properties (that is, all properties in Section 6.1.5. of the bylaw and not just those covered by 6.1.5.2). The result would be that the Applicability would be: a) proposals over the Maximum Site Coverage; or b) proposals increasing the non-conforming nature under Section 6.1.5.

<u>Planning Board's Coverage Changes</u>

We are also aware of the Planning Board's proposals submitted for an October 1 hearing regarding Building Coverage changes and a new Site Plan Review process. These now present a bit of a troubling conflict with the BOS proposals. The BOS work, with the inclusion of sliding scale Site Coverage alterations and slight modifications to the proposed Special Permit process, respond more directly to community character concerns. We favor the simplicity of the BOS Special Permit process, which builds on a current ZBA process.

The Planning Board's coverage formula also includes a proposed footnote that conflicts with the seashore's legislation and regulation, which we have previously provided and cited over the past months. The footnote adds an increase in maximum building coverage in the NSP District if there is an addition of an Affordable Accessory Dwelling Unit. This is inconsistent with this single-family residential district. Only pre-existing non-

conforming multi-family properties in the NSP District could have such a unit, because adding new dwelling units on single-family properties in the NSP would not conform.

Conclusion

We look forward to the public hearing processes to clarify community input and concerns, and a discussion with members of the Board to discuss our comments and hone the solution, so that we may all have successful town meeting warrant articles.

Sincerely,

George E. Price, Jr.
Superintendent

Attachment

cc:
Julie Ryder, Office of Senator Kennedy
Mark Forest, Chief of Staff, Congressman Delahunt
Ronald Kaufman, Chairman, Cape Cod National Seashore Advisory Commission
Peter Watts, Wellfleet Rep., Cape Cod National Seashore Advisory Commission
Martha Hevenor, Planner, Cape Cod Commission
Dennis O'Connell, Wellfleet Planning Board
Paul Sieloff, Town Administrator, Wellfleet
Rex Peterson, Assistant Town Administrator, Wellfleet