

Final

Wellfleet Zoning Board of Appeals

March 21, 2024, 7:00 pm

In person and Zoom meeting held at the Adult Community Center

Board Attendees: Chair Sharon Inger, Trevor Pontbriand, Al Mueller, Jan Morrissey, Manny Heyliger, Wil Sullivan, Andy Freeman (Zoom)

Regrets: Mick Lynch

Also in Attendance: Town Counsel Jonathan Murray (Zoom), and Jen Elsensohn, Committee Secretary

Sharon Inger called the Public Hearing to order at 7:00 pm.

7:00 pm

Thaler Lt. Island LLC v. Wellfleet Zoning Board of Appeals, Land Court Docket No. 23 MISC 000148 (Related Docket No. 21 MISC 000074) -- 41-43 9th Street, Map 40, Parcel 155: Review and discussion of Land Court's February 16, 2024 Order on Joint Motion for Remand.

Town Counsel, Jonathan Murray, provided the Board with a recap of the history and the progress of the case. A dwelling at 41-43 9th Street was destroyed by fire. The homeowners did not rebuild within the allowable time. The Wellfleet Zoning Board of Appeals (ZBA) denied the Special Permit when approached with an application to rebuild. The decision was appealed in Court and remanded back to the ZBA. The ZBA granted the Special Permit. The direct abutter appealed the decision, erroneously claiming that the ZBA had voted to alter the shared easement, which would restrict driving access to the abutter. The case was remanded back to the Board so that the Board could receive a new application from the property owners. Before a new application can be filed, the owner must submit a new Notice of Intent (NOI) to the Conservation Commission with the new construction plan which changes the footprint of the proposed dwelling, addresses the issue with the easement, and is satisfactory to both the property owner and the abutter. The owner's lawyer expects that the NOI will be filed within the next thirty to forty days. When the Conservation Commission issues an Order of Conditions, the owner will be able to file an application for a Special Permit with the ZBA to build the dwelling. This will likely occur in the Fall. The ZBA needs to take no action until the new application is submitted.

Business:

Chair Inger asked Murray whether he would be able to advise the Board on a few topics that require clarity. Murray, in the interest in Open Meeting Law, asked that Chair Inger submit the questions via email and Murray will respond accordingly.

Minutes from March 14, 2024

Al Mueller made a motion to approve the minutes for March 14, 2024, seconded by Manny Heyliger. VOTE: Al Mueller, aye; Jan Morrissey, aye; Wil Sullivan, aye; Trevor Pontbriand, aye; Sharon Inger, aye; Manny Heyliger, aye; Andy Freeman, aye. 7-0-0.

Al Mueller moved to adjourn at 7:11 pm; seconded by Jan Morrissey. VOTE: Al Mueller, aye; Jan Morrissey, aye; Wil Sullivan, aye; Trevor Pontbriand, aye; Sharon Inger, aye; Manny Heyliger, aye; Andy Freeman, aye. 7-0.

Respectfully submitted by,



Jennifer Elsensohn, Committee Secretary

Documents:

Thaler Lt. Island LLC v. Wellfleet Zoning Board of Appeals: Remand
Minutes for March 14, 2024