



The Homeowner's Guide to 16B Variances

Why do I need a Variance?

The Town of Dennis Health Department has a regulation requiring that a variance be requested to allow for the alteration or addition of habitable space for dwellings located in environmentally sensitive areas (ESA's). This regulation protects the areas within the town such as land used to acquire our drinking water and natural resources like wetlands and bathing beaches by limiting the amount of nitrogen in the effluent of the septic system. By closely reviewing all additions and alterations within the ESA's of the Town, the Board of Health helps ensure the best possible protection of these important resources.

We realize that many alterations or additions are minor in nature and seem to not impact the septic system or the environment. The reason behind the review of these small renovations is multifaceted. During a 16B variance review, we look at the existing septic system and if it is functioning properly. A review of the type of existing septic system and if it conforms to today's standards is done. We look at the type of addition or alteration and if it will impact the existing septic system and/or the environment by increasing the use of the lot. We not only look at the septic system, but the environmental impact of an increase in use of the lot. Even if the addition is not a bedroom, this variance is still required in ESA's.

Is your lot considered Environmentally Sensitive by the Board of Health?

The Town of Dennis Health Department considers the following lots to be ESA's:

- **Land area (whether developed or not) that borders on and is within one hundred feet (100') of marshland, tidal flats, coastal dunes, barrier beaches, coastal banks, coastal beaches, surface water;**
- **land area containing subsurface water, which is six feet (6') or less below natural ground surface elevation;**
- **existing or known future water supplies;**
- **terrestrial and/or aquatic plant/animal habitats or threatened or endangered species when certified by an agency that specializes in such taxonomy and/or environmental science. Credibility of the certifying agency shall be determined by the Board of Health;**
- **Zone II's Water Recharge Maps, as approved by DEP, as amended;**
- **the areas of Critical Planning Concern, pursuant to designated applicable law.**

Don't be delayed with an unexpected variance requirement! Find out from the Health Department before you start your project if you will need a 16B Variance to allow new construction or alteration/addition of habitable space in an Environmentally Sensitive Area.

Types of Variances

Before you apply for the variance, it is important to determine which type of variance you will need.

There are two types of 16B variances: In-House Variances and Public Hearing Variances. In-House Variances do not require a public hearing and are reviewed by the Health Director or a Health Agent. Public Hearing Variances require action by the Board of Health during a public meeting.

The following types of conditions require a Public Hearing Variance:

- Any change in the floor plan that will increase the septic flow (i.e. increase bedrooms), or
- When the addition or alteration exceeds an overall change in the floor plan by 25% (the renovation will increase the square footage by more than 25%), or
- More than 25% of the floor plan will be undergoing renovations
- The Health Director/Agent reserves the right to send any application to a Board of Health hearing for approval at his/her discretion.

The following types of conditions can be reviewed as an In-House Variance:

- Any change in the floor plan that does not increase the septic flow (increase in flow), and
- When the addition or alteration does not exceed a total of 25% of the existing square footage.
- When less than 25% of the floor plan will be undergoing renovations.

The application packet

Once the type of variance has been determined, you will need to fill out the variance application packet. This packet is available in our office as well as on our website. Both types of variances require abutter notification and Conservation Commission sign off (and subsequent paperwork). Once a completed application is received, In-house variances are reviewed by our staff after 10 business days. This allows abutters time to receive the notification and contact our office with any questions or concerns. We try to review these applications in a timely manner, but they may take an additional week after the 10 business days during exceptionally busy times of the year.

Public Hearing Variance requests must be submitted according to the posted filing deadlines in order to be reviewed at a public hearing. The Board of Health meets only once per month, on the second Thursday of each month and completed applications must be received a minimum of 15 days prior to that meeting. If Conservation Commission approval is required, this approval, and subsequent documentation, must be submitted to the Health Department at time of application.

In either case, nitrogen loading calculations must be submitted as part of application. Our staff will be glad to calculate the nitrogen loading for you if you provide the information requested in the application packet. We ask that engineers and sanitarians perform these calculation themselves, if such a professional is involved with the application.

The existing and proposed floor plans required as part of the application can be hand-drawn. Please use a ruler and show all rooms, hallways, doors, staircases, and windows. Please submit all floors and areas of the dwelling, even if they are not to be altered as part of the application.

Will my application be approved?

There is no guarantee that 16B variances will or will not be approved; each application is unique in the size of the lot, size of the dwelling, type of septic system, type of use, etc. In most cases, In-House Variances are minor renovations and impact the lot and surrounding resources minimally. Approvals for In-House variances are commonly granted with few conditions.

Approval of 16B Variances by the Board of Health depend on a variety of information and you should speak with staff regarding your application. These approvals are often contingent on the nitrogen loading calculation, type of existing septic system and overall scope of work.

What happens after I have been approved?

After your application has been approved, our administrative staff will type an approval letter and Variance forms. This paperwork is generated typically within 5-7 business days of the Board of Health meeting, or within two business days of an In-House approval. The Variance forms must be signed by the homeowner and recorded at the Registry of Deeds. Our staff can only sign your building permit application **after** a copy of the recorded variance paperwork has been returned to the office. If your application involves the installation/upgrade/repair of your septic system, we cannot sign your building permit until **after** we have issued the septic permit.

How long will this process take?

In-House variances generally take approximately 3 weeks from start to finish (receipt of complete application to issuance of Variance paperwork). Once we issue the approval letter & Variance forms, it is in the hands of the homeowner to record and return a recorded copy. Building applications are generally signed by staff within 1-2 business days upon the receipt of the recorded copy of the Variance forms.

Public Hearings occur once per month; the timeline will change depending on when you apply. Typically Board Variances will take 4-6 weeks from the time an application is submitted to the time the approval letter & Variance forms are generated.

Please keep this information in mind when moving forward with your project. These requirements require time for processing. Our staff will work diligently to approve and generate your documents in a timely manner so you can keep your project moving forward.

If you need assistance filling out the application, please contact our office, we will be happy to help. Our email is healthdepartment@town.dennis.ma.us and our phone number is 508-760-6158.