

**MINUTES
PLANNING BOARD MEETING
February 4, 2013
Large Hearing Room – 7:00 p.m.**

Present: Mezzadri (Chair), DiManno (Vice Chair), Nashawaty, (Clerk), Malzone, Farmer, Patterson
 Absent: Eldredge
 Staff: Fortier

<p>Item #1: ANR – Donald Quinn, Trustee, Hiram Pond Road, Dennis, MA</p> <p>Discussion: Robin Wilcox spoke on behalf of the applicant who is partial owner of the fee and some of the ways in LC 647. He recently recorded an 81X plan of this parcel of land. They would like to convey the fee to different entities. This action will not create any buildable lots but will divide the road. There are two plans: one for the Registry and one for Land Court. Mr. Fortier noted he has never seen parcels carved out of roadways, so at Town Counsel's advice a note was added to the plan to indicate that the Planning Board's endorsement is not a determination of zoning conformance.</p> <p>VOTE: A Motion was made by Ms. Nashawaty and seconded by Ms. Patterson to Endorse the ANR Plan. VOTE 6-0-0.</p>
<p>Item #2: ANR – Russell Wilkins, Trustee, 90 & 92 Miramar Ave, Dennisport, MA</p> <p>Discussion: Dan Ojala of Down Cape Engineering spoke on behalf of the applicant. He explained that this is just an administrative matter concerning two unbuildable lots called Parcels 87 and 88. Beach land is being split up and this application is for conveyance purposes only. However, at Land Court some older computations were noted to be slightly different. The plan submitted tonight shows one lot of the same size, and the other down by .01 s.f. Additionally, three monuments will be set and boundaries will be tweaked.</p> <p>VOTE: A Motion was made by Ms. Nashawaty and seconded by Ms. Patterson to Endorse the ANR Plan. VOTE: 6-0-0.</p>
<p>Item #3: ANR – Davenport RT, 73 Setucket Rd, S Dennis, MA</p> <p>Discussion: Robin Wilcox spoke on behalf of Davenport. This is a three-acre property off of Setucket Road and to the west of Alexander Drive that is being divided into three parcels. All have the requisite frontage and area required. The Board had no questions or concerns with the proposal.</p> <p>VOTE: A Motion was made by Ms. DiManno and seconded by Ms. Nashawaty to Endorse the ANR Plan. VOTE: 6-0-0.</p>
<p>Item #4: ANR – Martin Family RT, 481 & 485 Depot Street, Dennisport, MA</p> <p>Discussion: Robin Wilcox spoke on behalf of the applicant. This project is simply a land swap. At one time the property was all one parcel that was conveyed to two realty trusts with a common dock between them. Now the applicants want to sell off one parcel. This ANR plan divides the square feet up equally between both parcels, leaving a vacant parcel with no dock, and the other parcel with a house and the dock. No change in frontage will occur.</p>

<p>VOTE: A Motion was made by Ms. Nashawaty and seconded by Ms. Farmer to Endorse the ANR Plan. VOTE 6-0-0.</p>
<p>Item #5: Acceptance of a private way, Sea Oaks Drive and Old Woods Road - to determine whether the Town should accept the roads and any necessary road betterments, and to make recommendations to the Board of Selectmen. Sea Oaks Drive and Old Woods Road are private ways located in the Windward East Subdivision off Setucket Road in East Dennis, MA (Assessor's Maps 266 and 267).</p>
<p>Discussion: Tom Andrade, Town Engineer, addressed the Board. He received a Petition by Robert McPhee to accept two roads in Windward East Subdivision. Mr. McPhee was also present at the meeting. The Subdivision was approved by the Planning Board in 2009, constructed in 2010, and meets all rules and regulations. Mr. Andrade noted that the length of the road from Bakers Pond to the cul-de-sac is approx. 450 feet and although it is wider at one end, the total road has adequate width of 22 feet, berm to berm, for emergency vehicles. There are four drainage easements that will need to be conveyed to the Town. The question arose regarding how to stop private property owners from filling in drainage easements, and Mr. Andrade explained that if the owners fill in the easements the road will not be accepted by the Town when it goes to Town meeting. No comments were received from the audience.</p>
<p>VOTE: Ms. DiManno made a recommendation to approve the acceptance of the private ways provided all easements are conveyed to the Town. Ms. Patterson seconded the recommendation. VOTE 6-0-0.</p>
<p>Item #6: Mark Considine, 138, 140-160 Main Street, West Dennis, MA is proposing to establish a boat rental facility under §9.3.3 of the of the Dennis Zoning By-law. The property is located within the Mixed Use Marine District at 138, 140-160 Main Street, West Dennis, MA (Assessor's Map 63 Parcel 2).</p>
<p>Discussion: Mr. Considine was present and addressed the Board with his proposal to rent five small motor boats at Bass River Marina. He currently has an agreement with the marina and rents an existing office and five slips. No modifications will be done to the site. The Board asked about adequate parking and the applicant confirmed that it is sufficient. The Board also questioned the hours of operation. Mr. Considine proposes to open from 10AM to 6PM, even though the marina, itself, stays open later. The Board approved the hours of operation as long as they do not exceed that of the marina. No comments were received from the audience.</p>
<p>Vote: A Motion was made by Ms. DiManno and seconded by Ms. Patterson to approve the Special Permit. VOTE: 6-0-0.</p>
<p>Item #7: Mathew Tinti, 272 Main Street, West Dennis, MA is proposing to construct a second dwelling in an existing single family dwelling for the providing an affordable housing unit under section 4.9.2 and 9.6.4 of the Dennis Zoning By-law. The property is located within the WDVC Zoning District at 272 Main Street, West Dennis, MA (Assessor's Map 64-12).</p>
<p>Discussion: Ms. Farmer recused herself from this matter. Neither the applicant nor a representative was present. The Board recommended that the issue be continued to March 4th so that the applicant has time to discuss this project with the Affordable Housing Trust.</p>
<p>Vote: A Motion was made by Ms. DiManno and seconded by Mr. Malzone to continue this matter to March 4, 2013. VOTE 5-0-0.</p>
<p>Item #8: Joan Nickerson, 21 Old Bass River Rd, South Dennis, MA is proposing to modify an existing</p>

<p>subdivision under the Dennis Subdivision Control By-law. The property is located within the R-40 Zoning District at 21 Old Bass River Road, South Dennis, MA (Assessor's Map 149-51).</p>
<p>Discussion: Ms. DiManno recused herself from this matter. Dick O'Hearn spoke on behalf of the applicant. The current subdivision plan is still legal and they are trying to eliminate this. There is a road servicing two lots: one will be conveyed to the Dennis Conservation Trust; the other will remain in the name of Mrs. Nickerson's son. Mr. Fortier further explained that the Conservation Trust approached him about acquiring additional lots. In 1987, a mistake was made regarding the re-division of the property, and when an inquiry was made about modifying lot lines, the number of lots in the subdivision was increased making every lot more nonconforming. The Conservation Trust acquired half and left the Nickerson's the remainder. Ultimately, the goal now is to leave the Nickerson's with a complying lot with a homestead as well as a lot for future use, and the remainder of the property will be transferred to the Conservation Trust. This new division is a first step in a process, to be followed by releasing of the old covenant and eventually an abandonment of the road altogether. Ms. Nashawaty asked about the cul-de-sac in the back which goes nowhere. Mr. Fortier said this will be transferred to the Conservation Trust and Mr. O'Hearn noted that it will be rescinded.</p>
<p>Vote: A Motion was made by Ms. Farmer and seconded by Ms. Patterson to approve the modification of the existing subdivision. VOTE 5-0-0.</p>
<p>Item #9: Lea Howelett Trustee, Grand Cove Realty Trust, 645 Route 28, Dennisport, MA is seeking a Site Plan Review/Special Permit to modify an existing building for a gallery and restaurant and to add 36 10x10 outdoor retail canopies under sections 2.3.4.1.b, 3.1.3.2, and 3.1.6.6 and 8.5 under the Dennis Zoning Bylaw. The property is located within the DPVCB Zoning District at 635 Route 28, Dennisport, MA (Assessor's Map 90-69).</p>
<p>Discussion: Charles Spiegel was present on behalf of the applicant and requested a continuance of this matter. He met with the Town Engineer and the Police Department, and both suggested that the project needs to be redesigned.</p>
<p>Vote: A Motion was made by Ms. Nashawaty and seconded by Ms. Farmer to continue this matter to March 4, 2013. VOTE: 6-0-0.</p>
<p>Additional Business:</p> <ol style="list-style-type: none"> 1. Planning Board Member Committee Reports, if any. None 2. Review minutes of 10/15/12 and 12/3/12: The Board approved both sets with edits 3. Discussion on the upcoming Selectmen's meeting regarding Heritage Sands: A group of residents had approached the Selectmen claiming they had not been given a chance to voice questions and comments on this project, and they were asking that it be sent to the Cape Cod Commission. Mr. Mezzadri drafted a letter to present to the Selectmen on February 7th, 2013, and he requested the rest of the Planning Board to review it and contribute their input. The letter noted that at a November 5, 2012 Planning Board meeting, public comment was, in fact, received and responded to regarding Heritage Sands. Additionally, the Planning Department reviewed the cassette tape of that prior meeting and Mr. Fortier presented a document listing the various questions and comments discussed. The Board felt they had nothing more to add to Mr. Mezzadri's letter.
<p>The meeting adjourned at 8:00 PM.</p>
<p>The Board unanimously approved these minutes on March 4, 2013.</p>

