

MINUTES
PLANNING BOARD/ZONING BYLAW STUDY COMMITTEE MEETING
March 4, 2013
Large Hearing Room – 7:00 p.m.

Present: Mezzadri (Chair), DiManno (Vice Chair), Nashawaty, (Clerk), Eldredge, Farmer, Patterson, Slowe (Alternate)
Henry Kelley (Zoning By-Law Study Committee)

Absent: Malzone

Staff: Fortier, Gregory

Item #1: 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). **Continued from February 4, 2013.**

Discussion: Ms. Farmer recused herself from this matter. Attorney John Biega submitted a letter dated March 1, 2013 on behalf of the applicant to withdraw the application for a Special Permit. After further investigation, Mr. Tinti concluded that this project was not in his best financial interests. He has removed the equipment from the house that had established a second unit in this structure.

RESULT: A Motion was made by Ms. DiManno and seconded by Ms. Nashawaty to Approve the Withdrawal of this application. **VOTE: 6-0-0; application withdrawn without prejudice.**

Item #2: 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). Continued from February 4, 2013.

Discussion: Mr. Fortier read a letter submitted by Mr. Charles Spiegel, agent for the applicant, dated February 28, 2013 requesting this meeting be continued to April 1st to give him time to complete the necessary improvements suggested.

RESULT: A Motion was made by Mr. Eldredge and seconded by Ms. Nashawaty to Continue this matter to April 1, 2013. **VOTE: 7-0-0; application continued.**

Item #3: George Zografos, prospective tenant, 773 Main Street (Route 6A), Dennis, MA, is seeking modification to Special Permit No. 2008-34 MOD to further modify a portion of the interior space to allow the existing coffee service to be operated by Dunkin Donuts, which is an allowed retail use and not a prohibited "formula based business" as set forth in Section 5 Definitions because it will not maintain three or more features found in said definition under section 4.1.2 of the Dennis Zoning Bylaw. The property is located within the LB Zoning District at 773 Route 6A (Main Street), Dennis, MA (Assessor's Map 351-21).

Discussion: Mr. Fortier read a letter submitted by Attorney Andrew Singer, on behalf of the applicant, dated February 28, 2013 requesting this matter be continued to the Planning Board meeting on April 1, 2013, to allow the applicant time to address comments and suggestions made by the Planning Department. The time limits by which the Board is required to open a hearing were thereby waived.

RESULT: A Motion was made by Ms. Nashawaty and seconded by Ms. Farmer to Continue this matter to

<p>April 1, 2013. VOTE: 7-0-0; application continued.</p>
<p>Item #4: Irina MacPhee, 8 South Street, Dennisport, MA is seeking a modification to a Special Permit to enclose a front doorway under §8.5 Special Permit Uses of the Dennis Zoning By-law. The property is located within the DPVC-B Zoning District at 8 South Street Dennisport, MA (Assessor's Map 90, Parcel 76).</p>
<p>Discussion: Irina MacPhee was present and proposed to put a roof over an existing porch to enclose it. The Board confirmed that the applicant is still using the property for retail purposes in addition to a residence. No comments were received from the audience. All the Board Members were in favor of the proposed modification.</p>
<p>RESULT: A Motion was made by Ms. Farmer and seconded by Ms. Nashawaty to approve the modification to the Special Permit. VOTE: 7-0-0; application approved.</p>
<p>Additional Business:</p> <ol style="list-style-type: none"> 1. Planning Board Member Committee Reports: Ms. DiManno noted that the Community Preservation Committee will present its annual report to the Town at the Selectmen's Meeting on March 16th, and open the next round of CPC applications for the season. Anyone interested in applying will find the dates for new applications on the website. 2. The Minutes of February 4, 2013 were unanimously approved. 3. The Minutes of July 11, 2011 were unanimously approved.
<p>Combined Meeting Commenced 7:10 PM: Planning Board and Zoning By-Law Study Committee</p>
<p>Item #1: Medical Marijuana Law</p>
<p>Discussion: Ms. DiManno acted as chair. Mr. Kelly of the Zoning Bylaw Study Committee joined the meeting. The purpose of this meeting was to discuss the proposed medical marijuana law. Mr. Fortier explained that in November the State adopted a medical marijuana statute to allow the establishment of 35 dispensaries within the Commonwealth, at least one per county, up to five. Discussions with Town Hall led to the conclusion that the best approach is to come up with a zoning proposal to provide the needed controls. Establishing security for both customers and employees is of primary concern, as well as maintaining a separation between where marijuana will be prescribed and where it will be distributed. Chief of Police, Mike Whalen is involved with security issues at the state level.</p> <p>The Board then reviewed, line by line, a document crafted by off-Cape Attorney Dan Hill, which Mr. Fortier revised for local purposes. The main topics of discussion included Purposes, Applicability, Definitions, Locations, Requirements and Conditions for Facilities, and Special Permit Regulations. Issues of proximity to childcare facilities, schools and similar institutions were discussed. Several editorial changes were made to the document. The Board agreed to authorize Mr. Fortier to post this amendment for public hearing on April 1. The Board will revisit this discussion at a combined meeting on March 18, 2012.</p>
<p>RESULT: A Motion was made by Mr. Mezzadri and seconded by Ms. Farmer to authorize the posting of this amendment for April 1, 2013, with an agreement to make additional reviews/edits. VOTE: 8-0-0.</p>
<p>Item #2: Building Height</p>
<p>Discussion: Mr. Fortier explained that presently the definition for seasonal resort, hotel resort and</p>

Crowes Pasture are based on average natural grade. The rest of the town is measured by finished grade. The proposed amendment would make the definition of average natural grade standard throughout Dennis. Mr. Eldredge noted that he was not in agreement with this proposed amendment.

Result: A Motion was made by Ms. Farmer and seconded by Ms. Nashawaty to authorize the posting of this amendment for April 1, 2013, with an agreement to discuss the matter further on March 18, 2013.
VOTE: 8-0-0.

Combined meeting adjourned at 8:49 PM

Planning Board meeting adjourned at 8:50 PM

The Board unanimously approved these minutes on April 1, 2013.