

MINUTES - PLANNING BOARD & ZONING BYLAW STUDY COMMITTEE MEETING
July 15, 2013
Large Hearing Room – 6:30 p.m.

Present: Mezzadri, (Chair), DiManno (Vice-Chair), Nashawaty, (Clerk), Eldredge, Farmer, Patterson, Clancey (Alternate)
 Absent: Malzone, Kelley, MacPhee
 Staff: Fortier, Gregory
 ByLaw Study: Mike Hunter

6:30 PM: JOINT MEETING
Item #1: Kennel Discussion
Discussion: Currently the Dennis Zoning ByLaw with regard to kennel provisions creates enforcement problems for the Building Commissioner. Dennis defines a residential kennel to include up to eight animals and a commercial kennel of nine or more. The laws are further complicated in that the State’s set of definitions differ and cover commercial boarding and training, breeding, non-profit etc. The purpose of this discussion was to begin the process of bringing clarity to the definition of a kennel and to determine what types of kennels are appropriate for various neighborhoods. Mr. Hunter drafted a proposed definition, noting that “use” is a separate aspect from “definition” (a structure or facility). The Members reviewed and discussed four out of seven of the State definitions for kennels and made proposed revisions. These included “Kennel,” “Commercial Boarding or Training Kennel,” (which Mr. Fortier will split out) “Commercial Breeder Kennel,” and “Domestic Charitable Corporation Kennel.” Mr. Fortier noted that the Supreme Judicial Court ruled that Animal Kennels are considered agricultural uses and gain the benefit of two and five acre protections in Chapter 40A sec. 3. Alan Stevens of 4 Gretchen’s Way spoke in favor of amending this bylaw. This discussion will resume at the next Planning Board hearing on August 5, 2013.
Vote: N/A
JOINT MEETING ADJOURNED 7:05 PM
PLANNING BOARD MEETING CONVENED AT 7:05 PM
Item #1: ANR's , John Demarest, 16 Upper County Road, South Dennis, MA (Assessor’s Map 128, Parcel 18).
Discussion: Ms. DiManno recused herself. John Demarest was present to represent the Eastman family regarding this two-lot ANR. Both lots have the required frontage, area and shape factor and are on an approved way. Mr. Fortier noted the plan meets all requirements.
Vote: A Motion was made by Mr. Eldredge and seconded by Ms. Farmer to Endorse the ANR. VOTE: APPROVED: 5-0-0.
Item #2: Release of Covenant: Janall Drive, East Dennis, MA ((Assessor's Map 263-64).
Discussion: Ms. Farmer recused herself from this issue. Mr. Fortier explained that the house on Janall Drive is about to be sold and the subdivision that created the extension never had a release recorded at the Registry of Deeds. There are no bonds and the Town owns the road. The purpose of the release is to prevent any hold ups with future house sales.
Vote: A motion was made by Ms. DiManno and seconded by Mr. Eldred to release the

covenant imposed at the time of approval of the subdivision of North Ridge Estates, Inc. Janall Drive, East Dennis Book 3457, Page 26 on Lots #1 through 17 inclusive. **VOTE: APPROVED: 5-5-0.**

Item #3: Special Review: Tennis court expansion at John Kelly Park.

Discussion: Mr. Fortier explained that two new tennis courts area being added to Johnny Kelley Park as part of a master plan to increase recreation in the area. No additional parking will be necessary. This proposal was rushed as the Wixon School closed their courts for repair. No action is required by the Board; rather this presentation was a courtesy.

Item #4: Basil Cronin Jr., et al, 23 Farrington Road, Dennis, MA, is seeking a subdivision and a Special Permit to create an eight-lot cluster development for eight single family residences under section 4.8 of the Dennis Zoning Bylaw. The property is located within the QNCPRPD Zoning District at 23 Farrington Road, Dennis, MA (Assessor's Map 423-5 and 429-11).

Discussion: Attorney David Reid spoke on behalf of the applicants. He noted a technical correction on the application. He gave a history on this property (15.5 acres), which has been in the Cronin family for almost three-quarters of a century. The children, who have received the land as their inheritance, are now seeking to create an eight-lot cluster subdivision using a common access drive under QNCP RPD zoning standards. The proposal will make use of the private drive aspects of the by-law and will eliminate the Farrington Road layout. The private driveway will access the property from Coles Pond Road to reduce impact along the adjacent dirt roads (Captain Sears Road, etc.) to the north of the property. Emergency vehicles will be able to access the site from either end of the property. A gate will be situated to prevent additional access to the area. Three names were proposed for the street: Farrington Drive, Daley Drive or Cronin Drive.

Seven issues of concern were raised when the preliminary plan was approved. Mr. Fortier addressed these issues and their resolutions in his review. Dan Ojala of Down Cape Engineering then addressed the Board and presented a plan, on behalf of Mr. Shaeffer, for a grid subdivision showing five houses instead of eight. Discussion followed regarding the pros and cons of a cluster verses a grid design. Mr. Fortier explained that when the bylaw was crafted the Selectmen specially wanted a provision for private entities to create clusters in this area, which would be less intrusive environmentally and historically. Norman Sears of 80 Coles Pond Road spoke from the audience in favor of the Cronin's cluster plan. Mr. Fortier then reviewed all of the responses in his report with regard to the superiority of the cluster subdivision. Additional conditions were also discussed and are available for viewing at the Planning and Appeals Office.

Vote: A Motion was made by Mr. Eldredge and seconded by Ms. Nashawaty to continue this matter to the next Planning Board meeting on August 5, 2013. **VOTE: 7-0-0.**

Town Planner's Staff Report

2. Reports From

Fire

Natural Resources

Police

Engineering

Health ___ Building ___ Tax Collector <u>X</u> Other: 3. Site Plan Titled: Plan of Land in Dennis, MA, Farrington Drive Cluster Subdivision by Paul Sweetser revised April 16, 2013. 4. Building Elevations Titled: 5. Abutter Letters Yes <u>X</u> No
Item #5: 645 Main Street, Dennisport, (Assessor's Map 90-69): Refer Demolition Request to Cape Cod Commission.
Discussion: The Applicant submitted a request for demolition to the Historic Commission. Mr. Fortier explained that because of the historic architecture, as this is one of just two remaining structures of this period style in the village, this matter should be referred to the Cape Cod Commission. The structure was built in 1880's (called the Thomas Small House) and is still structurally sound. If the building was torn down without a plan for redevelopment, the applicant would lose the benefit of this being a developed parcel; additionally an empty lot would potentially create a detrimental economic impact on the village. At last Monday's Historical Commission meeting, the architect noted that the applicant intended to withdraw the request to demolish, but this was never done. The Board discussed the ramifications of allowing a demolition to proceed and was unanimous in its view that the property owner had thus far disregarded all former recommendations by the Board on handling this property, had demonstrated poor neighbor relations in the area, and had committed prior violations. Mr. Mezzadri read a letter into the record from Mike Wordell requesting the building be preserved. Mention was made of the fear of arson or unauthorized demolition and the Board discussed the need for police/fire protection of the property. Mr. Fortier agreed to talk with these departments to make arrangements. Three abutters spoke from the audience, all in favor of denying the demolition. Don Robitaille, Chair of the Dennisport Revitalization Committee, noted that the house is listed with the Mass Historical Society and should be preserved.
Vote: A Motion was made by Ms. Farmer and seconded by Ms. DiManno to make a discretionary referral of this matter to the Cape Cod Commission. VOTE: 6-0-0.
Additional Business: 1) Planning Board Member Committee Reports: Ms. DiManno gave a reminder of the Cape Cod Commission's meeting on Lowes at the Wixon School on Tuesday, July 16 th at 6:PM; Mr. Fortier noted that the Economic Development Committee met last month, and will again this week, regarding the future zoning of Sesuit Harbor. 2) Review the Minutes of 6/17/2013. Approved with edits.
The meeting adjourned at 9:30 PM.
These minutes were unanimously approved with edits on August 5, 2013.