

MINUTES - PLANNING BOARD
September 23, 2013
Dennis Senior Center – 6:30 p.m.

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

Item #1: ANR's, Basil Cronin, 23 Farrington Road, E. Dennis, (Assessor's Map 423, Parcel 5): Sign Mylar.

Discussion: The 20 day appeal period has passed without any appeals.

Vote: A motion was made by Mr. Eldredge and seconded by Ms. DiManno to Endorse the Definitive Plan. **VOTE: 6-0-0 APPROVED.**

Item #2: Dr. Elmir Sehic, Semina LLC, 489 Main Street, Dennis, MA is seeking Site Plan Approval for a professional office under section 4.1 of the Dennis Zoning Bylaw. The property is located in the Limited Business Zoning District at 489 Main Street, Dennis, MA (Assessor's Map 306, Parcel 44).

Discussion: Present were Dan Ojala and the applicant. Although Mr. Ojala had submitted drainage calculations, the project extends beyond the 20,000 sf threshold and additional calculations need to be submitted before a decision can be made. Therefore, Mr. Fortier recommended the matter be continued to the next Planning Board Meeting. Time was given, however, for the applicant to review the proposed design. The lot next door was purchased to provide more space for this growing medical practice, and the new structure will accommodate four physicians. Changes will improve traffic flow and two curve cuts will come off Route 6A; access from Signal Road will be closed. The applicant has worked with the recommendations of the Historic Department to maintain a design consistent with the area's character. Discussion arose regarding the placement of a sidewalk. Mr. Fortier recommended the sidewalk be placed externally as is customary; however, since it would connect up to nothing on either side of this site, the applicant is requesting that the sidewalk be constructed internally on the site to provide the patients easier access to the building. The Board was split on this matter. From the audience Peter Nyberg spoke, noting that an external sidewalk would create drainage/flooding problems in that area.

Vote: A Motion was made by Ms. DiManno and seconded by Ms. Nashawaty to continue this matter to October 7, 2013. **VOTE: 6-0-0 CONTINUED.**

Item #3: Joseph Buscone, Trustee of Northside Marina Trust, 377 Sesuit Neck Road, East Dennis, MA is seeking Site Plan Approval for a Commercial Marina with food service under section 4.1 of the Dennis Zoning Bylaw. The property is located in the R-60 Zoning District at 377 Sesuit Neck Road, East Dennis, MA (Assessor's 421, Parcel 1).

Discussion (Prelude): Mr. Mezzadri reviewed the procedure for this portion of the hearing as flows: Both sides would be given 20 minutes to speak, followed by questions from the Board and then the meeting would open to public comment, limited to one minute per person. 1) The purpose of this

meeting was to define the boundaries of the existing marina (which will require Zoning Board input before a decision is made) and to review the existing conditions; 2) to review the possibilities of adding additional seating to the café.

Discussion: Present were the applicant, several staff members, Attorney Gilmore and Attorney Murphy. Mr. Murphy noted the marina has been in operation and evolving over the last 65 years. This is a water-dependent use of waterfront property, and under Mass General Law public access to the waterfront must exist. Presently a number of facilities exist including a gas dock, 117 slips, 172 storage racks, food service with 144 outdoor seats, retail sales, indoor/outdoor storage, repair and rental facilities, a parasail and jet-ski business, and onsite parking: all of this has existed for some time. The parking is carefully regulated with color coated placards. As a note of interest, commercial activity has occurred at the harbor for over 200 years including a cold storage facility, commercial fishing and salt works. The police department provided the Planning Department with traffic reports on the area which detailed a low number of incidents as well as speed rates within 5 mph of posted limits. Last Monday the applicant met with the Town department heads regarding various issues that still need to be addressed on the site plan including septic, parking and wetlands. Additionally they would like to submit two plans, winter and summer, since the configurations are vastly different.

Attorney Henchy and Peter Newton of Bristol Engineering then addressed the Board. Mr. Henchy noted he agreed with most of Mr. Murphy's statements except that growth has led to overwhelming congestion and traffic issues. He then showed photographs taken after the Building Commissioner issued the enforcement to reduce the seats at the cafe, one of which he stated reflected a Sunday morning in July showing a line of traffic stretching along Sesuit Neck Road from the Marina past the entrance to the Town Marina, which he noted was a regular occurrence. He also showed an aerial photo of the area and talked about three access/egresses. He suggested much of the parking at the marina does not exist and that a number of boat racks conflict with parking spaces. Some spaces adjacent to the café have not been permitted by conservation. He mentioned the existence of an order of Conditions from Conservation, however, Mr. Murphy noted that this was issued in the 80's and was never completed. Mr. Henchy's clients oppose both the application for site plan and the Special Permit regarding the café, claiming it would trigger a state ground water discharge permit verses a local title V. Mr. Newton summarized a letter noting several issues they would like addressed on the site plan including designation of wetlands; clearer designation of parking areas for easier reference; designated loading areas; drainage calcs, etc.

Mr. Fortier reviewed the outstanding issues of the existing condition site plan and discussion followed regarding the difference between the terms "preexisting non-conforming" and lawful preexisting nonconforming," an issue that will be explored in detail at the Zoning Board meeting on September 30th. One building was permitted years ago but the site plan did not show the entire property; therefore, there is currently no plan which accurately shows existing conditions of the entire property. Additionally, Mr. Fortier noted that he is waiting to receive supplemental traffic information from Mass Highway. At one time the Yacht Club and Northside Marina had agreed to share use of their parking lots, but this agreement is coming to an end, per a letter from Northside. An Order of Conditions by Conservation was discussed briefly regarding the possibility that a coastal dune was paved, but this is questionable. Mr. Murphy noted such Order was issued in the 80's for a 49-seat indoor restaurant, but this never occurred.

The Board had few questions at this stage of the process other than inquiring about a breakdown on parking spaces by category, which is on the proposed conditions plan to come. The Board also noted that increased traffic is not limited to the harbor area but is occurring Cape-wide as we are a tourist area. Ultimately, the goal of the Boards and the Town is to create a situation where the residents and the harbor can coincide peacefully and safely.

The meeting was then opened to public comment. Approximately 20 individuals from the audience spoke, all in favor of Northside Marina. Several testified that they had lived in the area for many years and had not encountered the depth of traffic problems suggested. It was also noted that much traffic is generated from the Town Marina and the Yacht Club. A list of speakers is available for viewing in the Planning and Appeals Office.

Mr. Murphy requested that this matter be continued to November 4th instead of October 7th. Mr. Henchy noted he would agree if Mr. Murphy would agree to waive any related time constraints; Mr. Murphy agreed.

Vote: A Motion was made by Ms. Nashawaty and seconded by Ms. Farmer to continue this matter to November 4, 2013. VOTE: 6-0-0 CONTINUED.

Town Planner's Staff Report

2. Reports From

Fire ___

Natural Resources _X_

Police _X_

Engineering _X_

Health x__

Building _X_

Tax Collector _X_

Other:

3. Site Plan Titled: Topographic Site Plan showing Proposed Upland Site Conditions at Northside Marina, 377 Sesuit Neck Road, East Dennis by Cape Cod Engineering dated August 16, 2013.

4. Building Elevations Titled:

5. Abutter Letters Yes ___ No

Additional Business: Review of Minutes was postponed to the next Planning Board Meeting.

The meeting adjourned at 8:45 PM

The Board unanimously approved these minutes with on October 7, 2013.