

**MINUTES**  
**DENNIS PLANNING BOARD**  
Monday, November 21, 2016  
6:30PM - Dennis Town Hall, Stone Hearing Room

Present: Mezzadri (Chair), DiManno (Vice-Chair), Farmer (Clerk), Patterson, Fantozzi, Bishop, Clancy (Alternate)  
Absent: Eldredge, Gregory  
Staff: Fortier

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**ITEM#1:**

**ANR: 131 Great Western Road, S. Dennis, (Assessor's Map 131, Parcel 5).**

Mike Ford and Dan Ojala were present on behalf of the applicant, Ray Catarino. This is a division of a tract into two parcels, one is a lot and the other an unbuildable parcel. The buildable lot has frontage along great Western Road. The applicant received a determination from the Cape Cod Commission that it is no longer subject to them.

**VOTE:** Ms. Farmer made a Motion to endorse the ANR and Ms. DiManno seconded. **6-0-0 ENDORSED.**

Plan of Land of #131 Great Western Road in South Dennis, MA prepared for Sherin and Lodgen LP by Daniel Ojala dated 11/3/16.

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**ITEM#2:**

**As built:** Paul Welch, 321 Hokum Rock Road, Dennis, MA (Assessor's Map 313, Parcel 6).

Mr. Fortier noted the engineer went on vacation and the plan was not stamped, therefore, it was requested to be placed on the December 5, 2016 agenda. No vote was necessary.

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**ITEM#3:**

**Mark O'Brien, Applicant, (George F. O'Brien and Bernadette O'Brien, Trustees of the 271 Great Western Road RT- Owners), 271 Great Western Road, South Dennis, MA seeks Site Plan Approval to operate a contractor's yard and bulk storage facility in a previously vacant lot located in the Industrial District, 271 Great Western Road, S. Dennis, MA (Assessor's Map 146 Parcel 29). Cont. from July 18, 2016 and Sept. 19, 2016.**

Attorney James Veara requested that this matter be continued to 1/9/2017.

**VOTE:** Ms. Fantozzi made a Motion and Ms. Farmer seconded to continue this matter. **6-0-0 CONTINUED.**

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**ITEM#4:**

**Applicant, Cuffy Co, Inc., 721 Main Street (Route 28), West Dennis, MA,** is seeking Extensions to Special Permit Case Nos. 2008-5 and 2008-5MOD to continue and expand an existing retail business. The property is located in the GC II & R-40 Districts at 715, 721 & 723 Main Street (Route 28), West Dennis, MA (Assessor's Map 67, Parcels 6-1R through 6-6R, Map 68, Parcel 2, and Map 68, Parcel 129).

Ms. Fantozzi recused herself and Mr. Clancy sat in her place. Attorney Andrew Singer was present along with the applicant who was previously granted an extension by the Planning Board until December 31, 2016. Due to financing issues they have been unable to proceed. Progress in this area has been made and they are requesting a two-year extension to allow for seasonal timetables.

Ms. Farmer referred to a notation in Mr. Fortier's review about problems with neighbors. Mr. Fortier explained that past complaints had come from Whipperwhil Cottages. Mr. Singer noted some neighbors in the back questioned lighting and parking issues, however, the applicant has worked with them since then to bring about a resolution. Mr. Mezzadri noted that all the conditions in the packet are the same. Mr. Bishop asked whether a change in ownership within a two-year extension would warrant some kind of a condition. Mr. Fortier stated that such a condition could not be added since the extension regards use of property regardless of ownership.

**VOTE:** Ms. Patterson made a Motion and Mr. Bishop seconded to extend the Special Permit two years, to 12/31/2018. **6-0-0 APPROVED.**

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**ITEM#5:**

**Corsair Resort Motel, 26, 33, 36 and 41 Chase Ave, Dennis Port, MA** (Assessor's Map 41, Parcels 18, 19, 20, 31 and 33): **Review of Special Permit and Site Plan Approval.**

Attorney Jay Murphy was present and distributed photos of street views of the area; the Planning Board reviewed these photos and saw no parking issues. Mr. Murphy noted the Board had approved a Site Plan/Special Permit earlier this year to allow wedding functions during the spring and fall, which included 25 conditions (available for viewing at the Planning Office). They were also required to return to the Board with a progress update. Mr. Murphy affirmed that once again all abutters previously notified were notified of this meeting as well. He stated that all 25 conditions had been met, and briefly reviewed them. Mr. Mezzadri mentioned two letters in the file from 1) Dave Hedner in support of the application, and 2) Attorney David Reid on behalf of residents claiming the noise was intolerable. A picture attached to Mr. Reid's letter showed the close proximity of the event tent to the abutter in cottage #10; however, it was still beyond the ten feet the Board had recommended. Mr. Mezzadri confirmed with the applicant that arborvitaes had been planted, but they had not yet grown enough to buffer noise. It was suggested a drop be put on the tent to suppress noise. Discussion followed about location of the speakers, which were on the left and right corners facing Chase Ave and away from #10. Ms. DiManno affirmed the conditions of the Special Permit were complied with, but she was concerned about the noise level for the residence at cottage #10. She wished that Mr. Reid had been present at the hearing and noted his letter inferred that more than one resident had complained. It was noted that no complaints had been registered with the police department, nor any other Boards in Town. Mr.

Murphy pointed out that only about 8 events occur per year so this was not a constant state, as with a restaurant. Ms. DiManno asked if the applicant had talked with either the complaining abutter or Mr. Reid. Mr. Downy noted he had tried but the abutter had put him off. Mr. Murphy added that the applicant had suggested Dennis Seashores rent to wedding guests to avoid noise complaints, but the idea was rejected. Mr. Downey affirmed he would continue to seek resolution, however, the nature of the hospitality business is conducive to noise problems. Mr. Fortier noted that the police had made more frequent drives through this area last fall despite receiving no complaints. Ms. Patterson commended the applicant for complying with all the conditions and noted that her business had delivered and picked up product for an event and she was impressed at how quickly the property had been cleaned up. Mr. Mezzadri then requested a five minute recess.

Ms. Patterson, in order to avoid the appearance of a conflict of interest in this matter, recused herself. Mr. Bishop noted noise issues are difficult to address and that the planning board should avoid adjudicating noise complaints, stating the police department is a more appropriate venue for such matters. He agreed that the applicant needed some certainty regarding booking for future years, but he was not sure if a permanent permit should be granted. Mr. Mezzadri pointed out that the licensing Board reviewed permits annually and was the appropriate authority to address noise problems.

Mr. Fortier agreed that governance of noise issues belonged to licensing. He pointed out that although the speakers are aimed at the dance floor, noise still pours out from the back so it might be worthwhile for the applicant to invest in "room dividers" to baffle the sound. He also stated that the noise levels seemed the loudest on the third of the three videos (with the MC) and perhaps lowering the mic during MC announcements would reduce noise. Mr. Bishop liked the "dividers" idea but was opposed making this a condition because the base, as well as voices, are often part of a noise problem. The Board talked about granting a five-year permit with a three-year review, but Mr. Fortier suggested they make the special permit permanent since the only unresolved issue was the noise, which would be reviewed annually by licensing. Mr. Mezzadri asked that they require the applicant agree to replace any trees that die out.

**VOTE:** Ms. Fantozzi made a Motion and Ms. Farmer seconded to Approve a permanent extension to the Special Permit. **5-0-0 APPROVED.**

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**ITEM#6:**

**Release of Funds: Peter Nyberg**

Mr. Nyberg submitted a letter requesting the release of funds of a passbook posted by Scargo Knolls RT, #0012676, at Cooperative Bank of Cape Cod in the amount of \$2,000.00. Mr. Fortier explained the money was for bank stabilization work which involved seeding the shoulders of Dr. Stanton Road. The work has long since been completed but Mr. Nyberg never requested the release.

**VOTE:** Ms. DiManno made a Motion and Ms. Fantozzi seconded to release the funds with interest accrued. **6-0-0 APPROVED.**

**ADDITIONAL BUSINESS:**

1. Planning Board Member Committee reports, if any. Mr. Bishop asked that an overview discussion be scheduled to review the Members' involvement in various committees. Ms. DiManno asked for an update on the Old Bass River Road project and Mr. Fortier noted he has received no further information from Mr. Florence.
2. Review Minutes of October 17, 2016. Approved with edits.

**ADJOURNED: 8PM**

**The Board unanimously approved these minutes on December 5, 2016.**