

MINUTES
DENNIS PLANNING BOARD

Monday, March 7, 2016
6:30PM - Dennis Town Hall, Stone Hearing Room

Present: Mezzadri (Chair), DiManno (Vice-Chair), Farmer (Clerk), Eldredge, Malzone, Patterson, Fantozzi
Absent: None
Staff: Fortier, Gregory

ITEM #1:

ANR's, if any: None

ITEM #2:

Special Reviews:

(1) Comfort House at Sesuit Harbor: Greg Rounesville of the Public Works Department was present. Due to structural and septic issues, the bathrooms were closed last year and are ready to be reconstructed. The existing structure is impacted by the tides. The proposal is to relocate and install a precast concrete structure surrounded by a constructed bulkhead with an ADA compliant ramp (similar to the bathhouse at West Dennis Beach). It will be approximately five feet higher than the existing structure to eliminate tidal issues. Conservation has approved this project. The Board had no issues and no comments were received from the audience.

VOTE: Mr. Eldredge made a motion to endorse this project and Ms. Farmer seconded. **7-0-0 ENDORSED.**

(2) Seaview Park Tennis Courts: Tom Andrade of the Engineering Department was present. Two side-by-side tennis courts will be constructed adjacent to the Chase Avenue parking area and oriented north to south, similar to the courts at John Kelley Park. Pickle ball will be included. A black PDC coated fence will surround the courts. No lighting is proposed. The Board asked about security and Mr. Pineau of the Recreation Department noted that recent regulations were amended establishing the hours of the park from dawn to dusk. A couple gates will be added and a path to Seaview Park. Ms. DiManno noted for clarification that she was on Land Bank when Seaview was purchased, and while it has been stated that it was purchased to increase recreation opportunities in the area, she pointed out that it was originally purchased in order to conserve green space in a over-developed area. No comments were received from the audience.

VOTE: Mr. Malzone made a motion to endorse this project and Ms. Fantozzi seconded. **6-0-1 ENDORSED** (DiManno abstained).

ITEM #3:

Richard Bowen, (DW Solutions), 232 Upper County Road, Dennis Port, MA, is seeking a Special Permit to construct an 8 unit multi-family structure with two units deed-restricted affordable according to Section 8.5 and Section 4.9 of the Dennis Zoning By-law. The property is located in the DVCA-B Zoning District at 232 Upper County Road, Dennis Port, MA (Assessor's Map 90, Parcel 14). **(Continued from 11/2/15, 12/21/15 and 2/1/16.**

No representative was present for the applicant. Mr. Mezzadri noted that since the issue has already been continued several times, the Board will ask Mr. Fortier to send a letter asking that they withdraw without prejudice. If they do not respond, the Board will then have an option to deny the request without prejudice. Greg Kline of 52 Telegraph Road stated that the Board previously requested the applicant to meet with the neighbors to discuss a six-unit project verses eight, but that meeting did not take place.

VOTE: Ms. Dimanno made a motion to continue and Ms. Farmer seconded. **6-0-1 CONTINUED to 3/21/16** (Fantozzi abstained).

ITEM #4:

Kathy M. Munson, for the estate of Marie A. Brooke, 1170 Route 134, East Dennis, MA is seeking approval for a Definitive Plan to rescind a road. The property is in the R-40 District at 1170 Route 134, East Dennis, (Assessor's Map 315, Parcel 11). **(20-day appeal period is up: approve mylar).**

The mylar was prematurely signed by the Board so another Motion to Endorse was made with a revised date.

VOTE: Ms. Patterson made a Motion to endorse and Mr. Eldredge seconded. **6-0-1 ENDORSED** (Fantozzi abstained).

ITEM #5:

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

This matter was not heard as the asbuilt is incomplete and the applicant has not been in touch with the Planning Department.

ITEM #6:

As-Built: Route 134 Community, 812 Route 134, South Dennis, MA (Assessor's Map 203, Parcel 23).

Julie Creamer of Affordable Housing was present. The revised asbuilt was submitted with all previously noted issues resolved. Mr. Mezzadri asked that they confirm with Engineering that the size of the signage for the crosswalk is the appropriate size.

VOTE: Mr. Eldredge made a Motion to endorse and Ms. Patterson seconded. **6-0-1 ENDORSED** (Fantozzi abstained). Route 134 Community Housing Route 134 Dennis, MA, Final Construction Asbuilt by Daniel Mackenzie dated 2-18-16 referenced.

ITEM #7:

Tonka Girl, LLC, 0 Love Lane, S. Dennis, MA is seeking approval for a Definitive Subdivision Plan in accordance with the Dennis Subdivision Control Laws. The property is located in the Industrial Zoning District at 0 Love Lane, S. Dennis, MA (Assessor's Map 168, Parcel 13).

John O'Reilly was present for the applicant along with Attorney Peter Farber who represented the owners of Tonka Girl. They noted that Keith Fernandes formerly handled the preliminary application but is leaving their employment. They are creating a subdivision that straddles the town line of Harwich and Dennis. Four lots will be created in Harwich which meet the size, shape, frontage and area requirements per Dennis's regulations. A 50' right of way is being created on the west side and there are two 11' travel lanes with 12" berms. Drainage will satisfy the requirements of both towns. The applicant requested four waivers regarding (1) radius turnouts; (2) using Harwich's berm standards of 12"; (3) a drainage facility in the right of way; and (4) pavement along center line of the right of way. Mr. Andrade made additional comments to the waivers.

Mr. O'Reilly then addressed a list of conditions prepared by Mr. Fortier. He asked that the wording be changed in condition #1 which stated that no access to any land outside the four lots illustrated on the Plan would be allowed without further approval of the Dennis Planning Board. He noted that the Connors, who own land behind the nursing home, could come forward in the future with an ANR which would not require Planning Board approval. He asked that if lots to the south became available and the cul-de-sac was extended in Harwich, whether an applicant would still require Planning Board approval. He suggested rewording condition #1 to the following: "There be no access from Dennis road to any adjoining land in Dennis without further action by the Dennis Planning Board." Mr. O'Reilly also asked that condition #2 be stricken regarding sidewalk requirements as Dennis does not require them and they are all on the Harwich; they have a fund which applicants can pay into to help finance them. Mr. Mezzadri noted that Dennis does have a sidewalk master plan requiring at least an easement for future sidewalks. He reminded the applicant that they had originally agreed to follow whichever town's guidelines was more stringent, and he was not in favor of removing condition #2. As for condition #1, Mr. Mezzadri said that even if the Harwich side is developed in the future, people will still access the road which is partly in Dennis, so he was opposed to rewording it as requested. He then asked about the split rail fence and mentioned concern about decay and responsibility for maintaining it. Mr. O'Reilly was unaware of the fence issue and said it was an old notation that should have been deleted from the plan. Mr. Mezzadri then reviewed various items that needed to be placed on the mylar per Tom Andrade's comments, which included Map/Parcel notations, lot frontage in Dennis, property lines with bearing distances, and missing bounds at the end of the road layout.

Attorney Peter Farber then discussed the Connors property on the west which has more than 300 feet of frontage and is landlocked. Looking to the future, the owner will likely seek access someday from Tonka Girl. Mr. Mezzadri asked if they would be granting rights to that road and registering it in the deed. Mr. Farber said not at this time because there had been no contact from the Connors thus far; however, in the future they would need an ANR which requires no approval, as worded in condition #1. Mr. Farber also noted that the area was industrial and it was unlikely that sidewalks would be used, so he felt the requirement should be waived. The Board agreed then to change the wording of condition #1 from approval to "review." They also agreed to change the wording in

condition #2 by adding “if” before “sidewalks”. Condition #6 will be removed regarding the split rail fence.

Virginia Essau of 17 Love Lane, a member of the Dennis Water Quality Committee, spoke from the audience. She was concerned about drainage and how far properties would extend toward Eagle Pond. She also inquired about a building that was previously approved for trucks. Mike Asher from the audience said a slightly different building would eventually be constructed for industrial use and would go before the Harwich Planning Board. Dennis Conservation had no comments regarding this matter.

VOTE: Ms. DiManno made a motion to approve the Definitive Subdivision Plan pending receipt of a revised mylar. Mr. O’Reilly noted that they are going before Harwich Planning on March 22 and he requested a continuance instead, in case Harwich asked for changes. Ms. DiManno made a revised Motion to Continue this matter to April 4, 2016, and Ms. Patterson seconded. **7-0-0 CONTINUED.** Definitive Subdivision Plan of Land in Harwich & Dennis, MA prepared for Tonka Girl LLC by John O’Reilly dated 2/3/16 referenced.

ADDITIONAL BUSINESS:

1. NOTE: A Public Forum on Hazard Mitigation will be conducted at the next Planning Board Meeting on March 21st.
2. Review Minutes of 2/1/16. Approved with edits.
3. Planning Board Member Committee reports, if any. Ms. Farmer noted the Economic Development Committee is currently reviewing a proposed bylaw for an Economic Center/Smart Growth District at Exit 9. Mr. Mezzadri noted a Wasterwater Management Meeting will be held on 3/8/16 at 4:30 PM.

ADJOURNED: 7:30 PM

The Board approved these minutes as written on March 21, 2016.