

MINUTES
DENNIS PLANNING BOARD

Monday, June 6, 2016

6:30PM - Dennis Town Hall, Stone Hearing Room

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

ITEM #1:

ANR: Christine and Ronald Giard, 9 South Village Circle, W. Dennis, MA (Assessor's Map 50, Parcel 146).

Dan Ojala was present for the applicant. This is a perimeter plan to recombine two portions of Plan Book 122 Page 155, lot 95. No new lines for division of existing ownership or for new ways are noted.

VOTE: Mr. Eldredge made a motion and Ms. DiManno seconded to Endorse the ANR. **7-0-0 APPROVED.**

Plan: Plan of Land at 9 South Village Circle, W. Dennis, MA prepared for Ronald and Christine Giard by Dan Ojala dated 5-31-16.

ITEM #2:

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). **Continued from 3/7/16.**

Ms. Fantozzi and Mr. Bishop recused themselves from this issue. Attorney Farber and John O'Reilly were present. A covenant was prepared and submitted to the Board. Ms. Farmer asked about the three conditions noted on the plan by the Town of Harwich which stated, "(1) Harwich will not consider any variances from Title 5 or Harwich Board of Health Regulations for any lots; (2) Town water will serve the subdivision; and (3) a sewer line will exit the building on the street side."

VOTE: Mr. Eldredge made a motion and Ms. DiManno seconded to Endorse the mylar. **5-0-0 APPROVED.**

Plan: Definitive Subdivision Plan of Land in Harwich & Denis, Mass for TONKA GIRL LLC by John M. O'Reilly revised date May 31, 2016.

ITEM #3:

Town of Dennis - scenic road hearing to remove two locust trees adjacent to 184 Whig Street in Dennis (Assessor's Map 370-6); one maple tree adjacent to 5 North Street in E. Dennis (Assessor's

Map 412-21); and one maple tree adjacent to 10 Pleasant Street in E. Dennis (Assessor's Map 413-32). All trees have been deemed hazardous and have been temporarily marked with pink/yellow flagging.

David Johansen, Director of Public Works and Tree Warden, was present. He explained that due to increased insect infestation, more trees on the Cape are defoliating and not recovering, thus the need for removal. In addition, a few years ago in Yarmouthport a hazardous tree fell and caused a death. As a result he is taking a more aggressive approach for safety. A tree on Whig street was struck by a box truck and is leaning; at 5 North Street the Maple is decaying and leaning into the utility lines, which came to the attention of the Town by an abutter; and on Pleasant Street the trunk is rotting. All trees have been deemed hazardous and tagged for removal. Mr. Mezzadri asked if there were plans for replanting and Mr. Johansen noted there is no budget for replanting at this time; however, he acknowledge this needs to be considered in the future.

VOTE: Ms. Patterson moved to approve the tree removals and Ms. DiManno seconded. **7-0-0 APPROVED.**

ITEM #4:

Wayne Hicks, Applicant (William Flynn, Owner), 26 Route 134, #6, South Dennis, MA is seeking a Special Permit under §4.9 of the Dennis Zoning By-law to convert a barber shop to a single-residential unit and swap the designated affordable unit on this site from the second story unit to this ground floor accessible unit while maintaining the 25% affordability requirements of Section 4.9. The property is located within the General Commercial II District at 26 Route 134, #6, South Dennis, MA (Assessor's Map 85, Parcel 30).

Mr. Hicks was present. In 2004 seven out of eight units were converted to condos; the last unit remained a barber shop. In 2008 the Planning Board approved a Special Permit to convert the upstairs into three residential rental units, and one ground floor commercial unit was converted to residential. This left the barber shop and most of the ground floor for Mr. Hick's Pain Center. Later Mr. Hicks applied to further modify the Special Permit to convert the ground floor residential unit into expanded office space. This meant that there were/are three residential units on the second floor and a ground floor that is entirely commercial. The owner of the barber shop is now retiring. Mr. Hicks is applying to convert the barber shop into a single affordable rental unit. The previous affordable unit upstairs will now run at market value; however, it is currently occupied and Mr. Hicks will maintain the current rent for those tenants.

Mr. Fortier's report noted several conditions with which the applicant agreed. Discussion arose on whether to condition the ground floor unit as ADA compliant; however, Mr. Hicks pointed out that this would use up a lot of space in the bathroom, making the unit smaller, and preferred he this to be optional. The Board discussed whether it was beneficial to give up a two bedroom unit in exchange for a one bedroom below which is not handicap accessible. Ms. Witte, Housing Coordinator for the Planning Board, noted that there is a great need for affordable one-bedroom units by people who are not disabled. Mr. Eldredge noted if handicap access was necessary in the future, a ramp could be placed over the two outdoor steps to make that possible. The Board

decided not to make this a condition for approval. Mr. Mezzadri noted that a the trash bin needs to be enclosed. The audience made no comments.

VOTE: Ms. Farmer made a motion to approve the Special Permit with the condition to enclose the trash area, and Mr. Bishop seconded. **7-0-0 APPROVED.**

ITEM #5:

Tomas Hoy Tr., 9 Pleasant Street Nominee Trust/Marshside Holdings LLC, 12 Bridge Street, E. Dennis, MA is seeking Site Plan Approval and a Special Permit in accordance with Section 2.2.2 Use Regulations to allow for a 16-seat restaurant replacing an existing office use of this portion of the structure. The property is located in the Limited Business Zoning District at 12 Bridge Street, E. Dennis, MA (Assessor's Map 378, Parcel 4).

Present were Attorney Mike Ford, Dan Ojala and Mr. Hoy, the property owner. Marshside Holdings LLC have the property under a purchase and sale agreement subject to obtaining permits to operate a restaurant. The property is located in the Limite3d Business District and a restaurant is allowed. Currently a real estate office exists on the first floor and three bedrooms are on the second floor. The only change in design will be a handicap ramp in back and the removal of about 5-6 feet of the deck to accommodate parking. Currently 10 parking spaces exist which includes one handicap space. One additional handicap space will be created; spaces will be designated with wheel stops. The 16-seat restaurant will operate from 6AM to about 9PM and will include bakery foods for breakfast, and pizza for lunch/dinner. There will be only one cash register, no drive-thru and no takeout window; the applicant will be applying for a beer and wine license. The Zoning Board approved this plan on the condition that the Planning Board review the traffic flow/take out issue.

Mr. Ojala reviewed the plan details and explained the traffic pattern changes for a counterclockwise movement. A one way in/out circular drive is proposed with exit only/enter only signs on each end. A grease trap was added and a ramp at the right rear. Conservation has no issues with this matter. The Board raised a number of issues for discussion including drainage, the dumpster, lighting, and adequate parking spaces. There is an area well and a natural buffer on the South side that absorbs some runoff. There have not been problems and Mr. Ojala felt it needed no upgrades. There is a trash shed on the site. The lighting is low level mounted lighting on the building and a small light for the sign out front. Evergreens surround the property which helps. Of concern was the lack of width of passage between the parking space near the proposed grease trap and the curb. Currently it is 11-12'. Mr. Ojala noted they could possibly realign the curb to provide 14' of width. There was also discussion as to whether they had an easement with the SW property to have the driveway on their property. Mr. Ford noted there was not, but the property owners have never had a problem with allowing access. Mr. Eldredge noted the plan could not be approved if the access was not on the owner's land, and as a condition of approval the Board requested either a letter be obtained from the abutter affirming access over their property, or the driveway be reconfigured to make the entrance entirely on the applicant's property. No comments were received from the audience.

VOTE: Ms. DiManno made a Motion to approve the Site Plan/Special permit with conditions to (1) widen the area near the grease trap to 14'; (2) obtain a letter regarding access across abutter's property; (3) obtain a letter from Marshside regarding drainage impact on the applicant's property; Ms. Fantozzi seconded. **7-0-0 APPROVED.**

Plan: Site Plan of 12 Bridge Street, East Denis MA prepared for Marshside Holdings LLC by Dan Ojala dated 4-26-16.

ITEM #6:

Steven & Karen Cappallucci, 28 Janall Drive, E. Dennis, MA (Assessor's Map 263, Map 69): Minor Modification.

A letter was submitted requesting this matter be withdrawn as the sale fell through.

VOTE: N/A

ADDITIONAL BUSINESS:

1. Planning Board Member Committee reports, if any.
 - The Community Preservation Committee received nine applications for funding (housing, historic, preservation/open space) and are beginning the interview process.
 - On Tuesday, June 14th at 6PM the Comprehensive Wastewater Committee will hold a meeting regarding the "208 Plan" at the Senior Center.
2. Review Minutes of 5/16/16. Approved as written.

ADJOURNED: 7:35 PM

The Board unanimously approved these minutes as written on July 18, 2016.