

# DENNIS PLANNING BOARD

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## Minutes of Meeting held

**January 8, 2024**

The Planning Board meeting, having been duly posted, was called to order at 6:30p.m. by Board member and Chairman Paul McCormick Jr., in the Nathan Stone Hearing Room at Dennis Town Hall.

Present: Chairman Paul McCormick Jr., Brad Bishop, John Terrio Jr. (Via ZOOM), Rick Hamlin, Jeffrey Eldredge, Elizabeth Patterson, Sally Bickford (Alt. via ZOOM), Adam Dunn (Alt. Via Zoom)

Absent: Chris Hedetniemi

Staff: Paul Foley (Town Planner), Anna Pannell

Chairman Paul McCormick Jr., opened the meeting, introduced the members and outlined the procedures and process of the meeting.

### **ADMINISTRATIVE MATTERS:**

#### **1. Committee Reports**

#### **2. Board Minutes – December 11, 2023**

**Motion: To continue Minutes review to February 5<sup>th</sup> meeting.** (Liz Patterson)

**Jeff Eldredge 2nds**

**VOTE: Unanimous 6-0-0**

**Motion Verdict: Passed and continued**

### **Public Hearings:**

- 1) 607 Main Street/ Love Farm Restaurant Continued Special Permit Public Hearing: AHIP Holdings, LLC (Dennis R. Leary, Managing Partner), 360 Central Avenue, Suite 800, St. Petersburg, Florida, 33701, is seeking a Special Permit to develop an approximately 9,400 sf restaurant at 607 Main Street in the GC-II Zoning District in West Dennis (Assessor's Map 66, Parcel 8).**

Dennis Leary gave some updates on the changes that were made at the previous meeting such as revised plans indicating traffic flow, and how they'll set up valet parking. He said that due to signage and revising the entry as requested they lost 6 parking spaces. In regards to the landscaping, Leary mentioned that this would be a project spanning over 2-3 years, as not everything would be built during the first year. In addition, they increased the tree size and any trees in the parking lot to a 3-inch caliper as is required. They dropped the planting count a bit, but nothing too significant. Going from 5,800 different plants, scaling it back by 30% in phase one to 4,100 plants. They were able to slide that forward the kids play area/ growing area, so it would be in better line of sight so parents would be able to see their kids better from where they were seating.

In response to the concern of traffic build up on Route 28, Leary explained that they set up a S.H.A.P.S. account in order to move forward with MASSDOT and were in communication with them through their engineer BSC. However, the process is slow, taking about 6 months. He thought that they had a good start on that process and was hopeful that it would go smoothly.

Town Planner Paul Foley added that they originally had 98 parking spaces and had by this point cut down to 87 but liked the angled parking. That includes 20 spots under the building which would be used for staff and valet parking due to the spots being only 18 feet long, which meant that they would also need a waiver for those. They are going to Board of Health on Thursday following the meeting with the Planning Board. He additionally reminded the Board about the concern of safety on that street corner and that the applicants would need MASSDOT approval before a building permit was issued. He summarized that the applicants were looking for "...the 4 different waivers, 21 parking spaces that are within 20 feet of the street line." As the parking for the restaurant would be for night time use, the Town Planner suggested coordination with the neighbors in terms of using the parking for the public during the day time. There was some additional clarification on the number of plants that were taken away.

The Board then discussed how many trees were required per parking space and what type was allowed. One of the main concerns for the Board was that they needed to see a planting schedule. There was discussion on the number of trees and the number of plants. The Board wanted some clarity on the Retaining wall and to see those changes on the plans and there was additional discussion surrounding parking. The Board deliberated a bit longer, but due to them receiving the plans too late many of them agreed that a continuance would be beneficial. Leary, agreed to the continuance as he felt that not only did he overall have the Board's support but additionally claimed that they wanted to do this right.

The Board and the Town Planner also agreed that the applicant needed to have everything sent to the Planning Office by no later than January 30<sup>th</sup>. Anything brought in after said time would not be accepted. The following motion was presented by Board member Rick Hamlin.

**Motion: To continue to the February 5<sup>th</sup> meeting**

Liz Patterson 2nds

**VOTE: Unanimous 8-0-0**

**Motion Verdict: Passed and Continued to the February Hearing**

- 2) **81 Edgemere Road-ADU Special Permit Public Hearing: Jeffrey Eldredge, 81 Edgemere Road, South Dennis, MA 02660 is seeking a Special Permit to create an Accessory Dwelling Unit per Section 4.11 of the Dennis Zoning Bylaws on a property located in the R-40 Zoning District at 81 Edgemere Road South Dennis (Assessor's Map 170, Parcel 85).**

Jeff Eldredge stepped down and recused himself for the hearing. The Town Planner then gave a brief summary of the project and history of the lot in question, adding that this would be the town's second ADU. He went on to say that there weren't really any major changes that were being made as far as the plans went. The only difference was that they were going to alter an already existing room to accommodate for someone who was already living in the home to allow the person more freedom within the home. The Town Planner gave a description of the layout and the setbacks on the property as

well as the square footage. He added that they would need a title 5 inspection through the Health Department. With no additional comments from the Board a motion was ready to be presented, done by Board member Liz Patterson.

**Motion: To allow the ADU Special Permit.**

**Conditions:**

1. The lot owners shall apply for all required permits and will comply with the intent of the Dennis Stormwater By-law, all requirements of the Dennis Conservation Commission and Board of Health and any other permits that are required.
2. The project shall not generate new light, noise, litter, odor or other sources of nuisance.
3. Per Dennis Bylaw § 4.11 - Regulations Specific to Accessory Dwelling Units (ADU), the Applicant must ensure the items below are followed and/or filed as required:
  - a. Per § 4.11.5; The ADU shall be considered an “accessory use” to the principal use on the lot and shall be restricted so that the ADU is never divided by ownership from the principal structure.
  - b. Per § 4.11.6; Any lot containing an ADU shall be subject to a recorded restriction that shall restrict the lot owner’s ability to convey interest in the ADU separate from the owner of the Principal Residential Structure.
  - c. Per § 4.11.8; One unit shall be owner occupied on a year-round basis, except for bona fide temporary absences during which the owner-occupied unit is not rented.
  - d. Per § 4.11.9; The principal dwelling or the ADU will be used as the principal residence of the owner and the remaining dwelling will be leased for a minimum of twelve (12) consecutive months, with no subletting or assigning to occur and is prohibited from any use as rental units on a monthly, weekly or daily basis including, but not limited to, seasonal rental and rental through vacation rental services and websites. An ADU shall not be used for boarding, transient lodging, or other commercial use.
  - e. Per § 4.11.13.1; Prior to the issuance of a building permit or Special Permit, a copy of the deed shall be provided illustrating the continued ownership and an affidavit verifying continued occupancy of the property by the applicant for a minimum of the most recent six months.
  - f. Per § 4.11.13.2 Prior to the issuance of a building permit or a Special Permit, a certificate in the form of a notarized affidavit to verify that the owner is and shall be in residence in one of the units shall be submitted to the Building Commissioner and to the Special Permit Granting Authority.
  - g. Per § 4.11.13.3; The unit to be leased shall maintain a rental permit with the Dennis Board of Health.
  - h. Per § 4.11.13.4; The property owner shall be required to annually file, on or before January 31, with the Building Commissioner:
    - i. § 4.11.13.4.1 A copy of the Dennis Board of Health Rental Permit;
    - ii. § 4.11.13.4.2 An affidavit stating that either the principal dwelling or the accessory dwelling unit will be used as the principal residence of the owner; and
    - iii. § 4.11.13.4.3 A lease stating that the leased premises will be leased for a minimum of twelve (12) consecutive months, with no subletting or assigning to occur.

Chairman McCormick Jr. **2nds**

**VOTE: Unanimous 7-0-1**

**J. Eldredge excused himself from hearing**  
**Motion Verdict: Passed and approved of ADU**

**ADDITIONAL BUSINESS:**

Upcoming Reviews: 141 Great Western Road Site Plan Review February 5, 2024

**Large Properties/Big Projects**

- a. 187 Upper County road
  - Town is going to be purchasing the Catholic Church
  - looking to the CPC to fund about half of that purchase price.
- b. Bob Crowell Road
  - applied for MS Housing Partnership Grant
  - a feasibility study because it's been used by various departments
- c. 187 Depot Street (VIC)
  - Town issued RFP for up to 18 residential units – Due February
- d. Wixon School
  - Town considering committee for next steps
- e. Hope Lane
  - Meeting with Applicants and Opponents re: alternatives

**Multi-Family Housing Overlay District Bylaw**

- Possible Growth Incentive Zone modelled after Downton Hyannis Incentive Zone
- Form-Based Code; Relaxation from DRI Requirements; Mixed-Use
- ZBSC Meeting, Thursday 1-17

**Chandler Road**

- Developer has a contract with Lawrence Lynch to perform the work. Commitment of funds still being worked out with developers' lawyer.
- Temporary C.O. may be issued when sufficient funds are secured and dedicated.

**Diamond's Path**

- Industrial Subdivision Road: C.O. is being held until PB approves Diamond Path Road revised roadway and report from Engineering that "As-Built" complies with standards.
- Received Corrective Active Plan, Paving Plan, Existing Conditions from project engineer;
- Town Engineering has issued memo (12/8) approving proposed procedures to finish road but want it done in Spring when weather is better. Would be okay with temporary building C.O. until as-built.
- Final As-built will be submitted for Planning Board approval.

**Next meeting February 5<sup>th</sup> 2024**

**Meeting Adjourns at 7:37pm**

**Approved February 5 2024**

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