

**Approved 2.19.2026**

Zoning Bylaw Study Committee (ZBSC)  
Town of Dennis  
Meeting Minutes 1.8.2026

Present: *G. Barber; C. Bechard; B. Clark; D. DiManno; J. Frazier; K. Kane  
P. Foley (Town Planner); J. Plath (Select Board Liaison)*  
Zoom: Public  
Absent: *H. Kelley;*

Meeting called to order by Chair Pro Tem Kate Kane at 4:04 PM

*Welcome to new member, Jan Frazier.*

I. Citizens' concerns - none

**BILL:** Asked to discuss Water District's input on water usage numbers as they related to 4.9 bylaw

- Discussion of Water District re: 4.9, numbers from Paul's discussion with Dave Larkowski and Sheryl McMahon of the Water District, which Paul has incorporated into the proposed 4.9

- Dennis has come close to the limit of water usage. DEP permit may need to be revised (2025 came close to going over). If this continues, the rates may go up, or will have to institute water use restrictions. Probably both.

**JAN:** Recommended communication to Water District (WD) when developments are proposed for 10 or more units( or some number, TBD); WD has to be involved; there should be letters from them to Planning Board about water concerns.

**Note:** *WD may not want to get involved in that way.*

- Can there be requirements that developers estimate how much water the new units will draw?  
- All towns on our aquifer (Harwich, Brewster, Chatham, part of Yarmouth) are adding many new units  
- Put in as a performance standard

**JIM:** Agrees that water issue is significant, but hasn't heard people discuss water before – not on people's radar

- Should encourage water preservation measures, lawns that need less water, etc., for new housing

**JAN:** Has a second concern about changes in 4.9 – traffic impact.

**PAUL:** This latest 4.9 version requires that projects over XXX units need traffic analysis, trip generation, etc. Has created color-coded map -- there are 58 projects. 444 total units approved (not all built). 164

would be affordable – but another 200 units built for the SHI are still not on it. His version has 100% year-round requirement.

**Attached are the notes from TP’s discussion with the Water District (pp. 3-4 ) his description of changes from the last drafts - 12.3.25 and 1.6.26 - (pp. 5 ) and TP’s 1.8.2026 version of 4.9 attached (pp. 6-15 )**

II. Revisions to existing bylaw 4.9: continued discussion, decisions

- To be done – Design standards; Performance standards
- Recommend ranking conditions as to what will force a denial of permit by SPGA
- Need to make it clear that developer must conform to regulations/produce the required information before getting CO; need process for that to happen and to ensure that developers and individuals are aware ahead of time; onus should be on developers to get necessary studies done, not the Town.
- Still trying to develop this: Special Permit Contract: A recorded notice developed between the developer and the Town confirming the housing cost and tenure arrangements and Special Permit conditions.
- Height – possibly 3 stories in commercial district? Need to discuss
- Define “local preference list” and Ready Renter list
- Add in traffic analysis
- Need to determine: will a proposed project have environmental Impact (performance standards)?
- Take out section 4.9.3.9
- Existing neighborhood character must be taken into consideration for building on small lot

**PAUL:** Will do a new draft tonight (sent to ZBSC and attached) to send to PB for their meeting on Monday, Jan. 12.

III. Committee Reorganization (T) - postponed

IV. Next meeting date and agenda items

- Jan 22 at 4 PM

Meeting adjourned at 5:50 PM.

**Notes from Town Planner’s discussion with Mr. Larkowski & Ms. McMahon at Water District**

Dennis Water District Notes PF 2025-10-01 Page 1 of 1

**Meeting with Water District re Water Data – 2025-10-01** (Dave Larkowski & Sheryl McMahon of District w/ P. Foley)

- The DEP permits the Town of Dennis Water District to pump 1.189 billion gallons a year (BGY).
- This permit expired in 2010 and the Town Water District is working under the same permit at 1.189 BGY.
- Other communities in Massachusetts that have had their DEP Permit renewed have usually had their BGY amount decreased. The Water District sent the pumping numbers from the past 20 years (see chart below).
- However, it is important to note the amount pumped cannot be accurately predicted because there are other variables at play. For example, some years are hot and dry whereas some years are cooler and wet. Economic conditions can factor in as well since fewer folks will visit in an economic downturn. The Covid pandemic also caused disruption which is difficult to predict. In 2025, Dennis almost hit the pumping limit with less rainfall.
- That being said, the town came within: 39 million gallons of 1.189 BGY in 2024
- 50 million gallons of 1.189 BGY in 2023
- 31 million gallons of 1.189 BGY in 2022
- 1.32 million gallons of 1.189 BGY in 2025
- Exceeded the Limit by over by 60 million gallons of 1.189 BGY in 2020
- 
- There is a concern that new large housing projects may push the Town over the allowed limit. The old Improper Bostonian site has not used any water for years and will now have 24 units. The new Trotting Park housing development just opened with 24 units.  $110 \text{ gpd} \times 365 + 40,150 \text{ gpy} \times 24 = 963,600 \text{ gpy}$  or close to another 1 million gallons a year each.
- Note there are numerous other projects in the pipeline, and to come, and the State ADU by right law.
- 
- When the Town goes over the limit consistently, measures will have to be taken to stay within the limit.
- That means either cost increases; use restrictions; or both.

Water District #'s	Permitted by State to Pump in Billion Gallons/Year	Actual Yearly Pumped in BGY	Rainfall Inches per year	Rainfall Expected Avg. Inches per year
Dennis, MA				
2006	1.189	0.973	53.19	4_9_.9_8”_
2007	1.189	1.13	51.65	4_9_.9_8”_
2008	1.189	0.973	60.34	4_9_.9_8”_
2009	1.189	0.886	52.99	4_9_.9_8”_
2010	1.189	1.091	54.91	4_9_.9_8”_
2011	1.189	0.956	50.79	4_9_.9_8”_
2012	1.189	1.009	43.8	4_9_.9_8”_
2013	1.189	0.993	54.15	4_9_.9_8”_
2014	1.189	1.036	52.41	4_9_.9_8”_
2015	1.189	1.169	51.92	4_9_.9_8”_
2016	1.189	1.179	51	4_9_.9_8”_
2017	1.189	1.022	56.43	4_9_.9_8”_
2018	1.189	1.113	69.87	4_9_.9_8”_
2019	1.189	1.1	63.55	4_9_.9_8”_

2020	1.189	1.241	40.34	4_9_.9_8"_ _
2021	1.189	1.119	52.56	4_9_.9_8"_ _
2022	1.189	1.158	45.86	4_9_.9_8"_ _
2023	1.189	1.125	56.21	4_9_.9_8"_ _
2024	1.189	1.159	52.64	4_9_.9_8"_ _
2025	1.189	1.1877	47.54	4_9_.9_8"_ _

**(From Town Planner)**

**Revisions for the January 6, 2026 Draft compared to the December 3, 2025 Draft include:**

- Some re-ordering of sub-sections;
- Added some definitions from CCC Model Bylaw and State.
- Standards and Criteria:
  - a. Design Standards: Still need to review DPVC (§7) and WDVZD (§8) Development Standards to cull relevant elements;
  - b. Performance Standards: To be determined but to include water conservation standards; energy efficiency; environmental considerations; accessibility, etc.
- Made Affordable Housing Apartments only rentals in or near commercial districts;
  - a. Must be at least 25% Affordable per SHI and 100% year-round; OR
  - b. Alternatively, 10% Affordable per SHI plus 50% locally affordable (not SHI) and 100% year-round;
  - c. Parking requirement can only be reduced for affordable units.
  - d. Projects over 10 units need a traffic analysis;
  - e. Folded Affordable Housing Apt.s Accessory to Commercial uses into this sub-section;
- Slight changes to Conversion of Hotels & Motel. Basically Expansions can go up but inserted lot coverage requirements for any increase to the footprint.
- New (possibly too radical at this time) section of conversion of seasonal cottage colonies to year-round affordable homes.
- Renamed Affordable Housing Developments to Affordable Housing Complex;
  - a. Added shall not be located in a Zone 1 or Zone 2 ( also added no Zone 1 or Zone 2 to Municipally Sponsored Projects).
- Changed Affordable Lots sub-section because the State just imposed a similar allowance for 10,000 sf lots through the Affordable Homes Act. Only the State does not require affordability, only a size and no Short-Term Rental restriction.
  - a. Lowered the threshold to a single 7,500 sf lot in an existing neighborhood of similarly sized developed lots that must be affordable per SHI and with size and lot coverage restrictions.
  - b. Small house on lone small lots similar to existing neighborhood.
  - c. Removed from using for multiple small lots.

## **DRAFT 1.08.2026 of 4.9 Bylaw**

### 4.9 PROVISIONS TO ENCOURAGE THE DEVELOPMENT OF AFFORDABLE HOUSING IN DENNIS

#### 4.9.1. **PURPOSE AND AUTHORITY.**

The purpose of Section 4.9 is to further the goal of encouraging various lot sizes and housing types for persons of various age and income levels in accordance with Massachusetts General Laws, Chapter 40A, Section 9 which allows municipalities to adopt "incentive" ordinances for the creation of affordable year-round housing, and furthermore for the purpose of:

- a.) helping people who, because of rising land, -material and housing prices, have been unable to obtain suitable housing at an affordable price and,
- b.) maintaining a stable economy by preventing out-migration of residents who provide essential services.

For the purposes of creating Affordable Housing under this bylaw (4.9) there are several methods and Sub-Sections with different requirements for creating new units. These include:

1. Affordable Housing Rental Apartment(s) (Note: Apt.s Accessory to Commercial Uses folded in);
2. Conversion of Hotel and Motels to Year-Round Affordable Housing (4.9.#);
3. Conversion of Cottage Colonies to Year-Round Affordable Housing (4.9.#);
4. Affordable Housing Complex (4.9.#);
5. Municipally Sponsored Affordable Housing Projects (4.9.#).
6. Affordable Lots (4.9.#);

Other methods to create affordable residential units include the following:

- A. § 4.11 Accessory Dwelling Units.
- B. Security Apartment (§ 2.2.2 – Use Regulation Schedule and § 5 – Definitions)

The Planning Board is hereby designated the special permit granting authority (SPGA) for all Affordable Housing Development and Affordable Housing Apartment applications under this by-law (§ 4.9), and shall have the power to hear and decide applications for special permits as provided by this section. The Planning Board may adopt regulations for carrying out its duties under this By-law. Unless otherwise specified, aAt least 25% of all housing units created under Section 4.9 shall be year-round, deed-restricted Affordable Housing units as provided for under 4.9.4 (Affordable Housing Restriction and Regulatory Agreement) and placed on the Subsidized Housing Inventory (SHI) by the applicant and go through the required Massachusetts Executive Office of Housing and Livable Communities (EOHLC) processes to select eligible tenants. All housing units created under Section 4.9 shall be year-round housing units.- At least 25% of the total number of bedrooms within any Affordable Housing Development shall be within said restricted housing units.

4.9.1.1 **PROJECT APPROVAL REQUIREMENTS.** The Planning Board shall consider the following factors in determining whether to approve or deny a special permit under this By-law:

- a) whether the applicant has conformed to the design standards of this By-law and will deliver the needed affordable units; (To be refined from DPVC (§7) and WDVZD (§8) Development Standards)
- b) whether the development, density increase or relaxation of zoning standards has a material, detrimental effect on the character of the neighborhood or Town and is consistent with the performance standards of the Dennis Zoning By-law. (To include: water conservation standards; energy efficiency; environmental considerations; accessibility, etc. AND
- c) whether the proposed development site plan is designed in its site allocation, proportions, orientation, materials, landscaping and other features as to provide a stable and desirable character complementary and integral with the site's natural features;(-The PB shall make a specific finding in its decision for each item above);

#### 4.9.4 **AFFORDABLE HOUSING RESTRICTIONS**

4.9.4.1 As a condition to any special permit issued under Section 4.9, the applicant shall be required to execute an affordable housing restriction (“Restriction”) in a form acceptable to the Planning Board. The special permit shall not be exercised until the applicant records the Restriction in the Registry of Deeds and an attested copy of the recording is delivered to the Planning Board.

4.9.4.2 At least 25% of the housing units created under Section 4.9.2, Affordable Housing Development), or more if required, shall be subject to a Restriction and a Regulatory Agreement between the developer and the Town and approved by the Executive Office of Housing and Livable Communities (EOHLC – formerly DHCD).

4.9.4.2.1 The Restriction shall provide that units made available for ownership shall be made available at a cost including mortgage interest, principal, taxes, insurance and common charges not exceeding 30% of annual income for a household at or below 80% of Barnstable County median income, and shall be sold to households earning at or below 80% of the Barnstable County median income. The Restriction shall limit the re-sale price of any ownership units, and shall bind all subsequent purchasers in perpetuity, consistent with Executive Office of Housing and Livable Communities (EOHLC – formerly DHCD) Massachusetts Department of Housing and Community Development’s (“DHCD”) regulations and guidelines under Chapter 40B of the Massachusetts General Laws. For qualification of housing units towards a-the Town’s subsidized housing inventory (SHI).

4.9.4.1-14.9.4.2.2 The restriction shall provide that the Affordable units made available for rental shall be rented at a cost (including heat, but not other utilities) not to exceed 30% of the annual income of a household earning 80% of the Barnstable County median income, and shall be rented to households earning at or below 80% of the Barnstable County median income.

4.9.4.24.9.4.3 An Affordable Housing Apartment created under subsection 4.9.3 shall be subject to a Restriction, which shall provide that units made available for rental shall be rented at a cost (including heat, but not other utilities) not to exceed 30% of the annual income of a household earning 80% of the Barnstable County median income, and shall be rented to households earning at or below 80% of the Barnstable County median income.

4.9.4.34.9.4.4 Notwithstanding subsection 4.9.4.2 and 4.9.4.3, maximum rents and sale price shall be governed by the Executive Office of Housing and Livable Communities (EOHLC – formerly DHCD)DHCD’s regulations under Chapter 40B of the Massachusetts General Laws, and shall be set at levels that will enable the Town to qualify the housing units created under this By-law towards the Town’s subsidized housing inventory. A Certificate of Occupancy shall not be issued to any unit in a complex until the Affordable Restriction is approved and recorded at the Registry of Deeds by the applicant and the Regulatory Agreement has been approved by EOHLC and the Town and signed by the applicant and recorded at the Registry of Deeds.

4.9.4.44.9.4.5 In addition to requirements of Section 4.9.4, it shall be a condition upon every special permit issued under this By-law that the applicant shall comply with any Massachusetts Executive Office of

Housing and Livable Communities (EOHLC – formerly DHCD) Department of Housing and Community Development (“DHCD”) regulations and guidelines for qualification of the Affordable housing units created under this By-law towards the Town’s subsidized housing inventory, including but not limited to the form of the affordable housing restriction and regulations concerning tenant selection and marketing, unit design standards, and income eligibility standards. The Restriction shall further provide that the applicant shall cooperate with the Town in good faith to qualify any restricted housing unit towards the Town’s subsidized housing inventory.

4.9.4.54.9.4.6 In the event that a housing unit subject to a restriction created under this By-law becomes vacant, the owner shall give written notice to the Dennis Planning Department, Dennis Housing Authority and Dennis Affordable Housing Trust.

4.9.4.7 Current employees of the town of Dennis and residents of the town of Dennis shall have preference over non-residents in the selection of tenants and buyers of housing units subject to a restriction to the extent permitted by Executive Office of Housing and Livable Communities (EOHLC – formerly DHCD)DHCD regulations and state or federal laws.

#### 4.9.1.2 **DEFINITIONS**

Affordable Housing Apartment: A housing unit created under the provisions of Sections 4.9.3, 4.9.4 or 4.9.5, available at a cost not exceeding 30% of annual income for a household at or below 80% of Barnstable County median income, and shall be rented to households earning at or below 80% of the Barnstable County median income and which is subject to an affordable housing restriction and Regulatory Agreement pursuant to Section 4.9.4 and EOHLC requirements.

Affordable Housing Development: A tract of land of more than 2 1/2 acres containing units of residential housing, of which at least 25% are encumbered by affordable housing deed restrictions.

Apartment – An apartment is a self-contained housing unit that occupies only part of a building. Apartments may be owner occupied or rented.

Cottage Colony: A group of three (3) or more buildings on a lot, which are devoted to residential use on a seasonal basis.

Dwelling Unit: A housing unit that contains kitchen facilities including a stove or oven, refrigerator, and sink, and a bathroom including a bath or shower.

Locally affordable dwelling unit:

Principal Residential Structure: The structure on any given lot in which the primary activity is residential use, which use is the principal use of the lot.

Regulatory Agreement: The purpose of the Regulatory Agreement (Per MGL Chapter 40B Comprehensive Permit Projects Guidelines) is to memorialize the rights and responsibilities of the parties, including the provisions that qualify a Developer as a limited dividend entity under c.40B, if applicable. The Regulatory Agreement also provides for monitoring of the project throughout the term of affordability.

Security Apartment: A dwelling unit, of six hundred (600) square feet or less, including separate kitchen facilities and separate bath, located within a commercial structure.

Short Term Rental: "Short-term rental", an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. (Per MGL Chapter 64G)

Special Permit Contract: A recorded notice developed between the developer and the Town confirming the housing cost and tenure arrangements and Special Permit conditions.

Year-round ownership units: "Year-round ownership units" shall mean housing units that are owner-occupied and qualify as the owner's principal residence, as defined in the Code of Massachusetts Regulations (830 CMR 62.3.1), and which are occupied by qualified households. A year-round ownership unit may not be used as a short-term rental subject to Rooms Excise Tax, as defined in the Code of Massachusetts Regulations (830 CMR 64G.1.1). Year-round ownership units may be used as short-term rentals meeting the requirements of the 14day exemption provided under 830 CMR 64G.1.1.(3)(b). (From CCC Model Year-round Bylaw)

Year-round rental units: "Year-round rental units" shall mean housing units that are rented by the property owner to a tenant using a lease or contract for a term of no less than 12 months, and which are occupied by qualified households. A year-round rental unit may not be used as a short-term rental subject to Rooms Excise Tax, as defined in the Code of Massachusetts Regulations (830 CMR 64G.1.1), whether or not its use as a short-term rental would qualify for the 14-day exemption provided under 830 CMR 64G.1.1.(3)(b). (From CCC Model Year-round Bylaw)

Unrestricted housing units: "Unrestricted housing units" shall mean the housing units within a year-round project that are not set aside as year-round occupancy units under the provisions of this section, which may or may not be occupied by qualified households, and which are not monitored for compliance by the monitoring agency. (From CCC Model Year-round Bylaw)

#### **4.9.3 AFFORDABLE HOUSING RENTAL APARTMENT(S)**

4.9.3.1 The Planning Board may by special permit allow the creation of Affordable Housing Rental Apartments in residential and commercial zoning districts or properties within a quarter mile of a commercial district that have been previously developed, are near transit and are either on sewer or are schedule to be within 10 years or can handle the proposed septic without variance from the health regulations; Affordable Housing Rental Apartments may also be created by converting an existing accessory structure, or space within a Principal Commercial Structure, to a dwelling unit. Affordable Housing Apartments created under this bylaw shall be accessory to either an existing residential use or commercial use.

4.9.3.2 At least 25% of all housing units created under Section 4.9 shall be year-round, deed-restricted Affordable Housing units as provided for under 4.9.4 (Affordable Housing Restriction) and placed on the Subsidized Housing Inventory (SHI) by the applicant and go through the required Massachusetts Executive Office of Housing and Livable Communities (EOHLC) processes to house eligible tenants as required by EOHLC. At least 75% of all housing units created under Section 4.9 shall be year-round deed-restricted housing units. There shall be no Short-Term Rentals in the year-round housing units

4.9.3.3 Alternatively, at least 10% of all housing units created under this Sub-Section shall be year-round, deed-restricted Affordable Housing units as provided for under 4.9.4 (Affordable Housing Restriction) if another 50% of all housing units created under Section 4.9 are year-round affordable housing units that are affordable but which need not go through the State mandated tenant selection and Regulatory Agreement process. In this case, rents for these locally affordable units may not be higher than the current HUD Barnstable County rent limits for households at 60% AMI. 75% of the tenants in these units shall be chosen from either the Ready Renter list or the Town of Dennis Local Preference list. All units shall be year-round. In order to ensure compliance with the Special Permit conditions, the owner/landlord shall record at the Registry of Deeds a Special Permit Contract between the developer and the Town encapsulating the agreement and conditions on the property similar to the State Regulatory Agreement.

4.9.3.4 There shall be no Short-Term Rentals in the year-round affordably housing rental units.

4.9.3.24.9.3.5 An Affordable Housing Apartment must have the following minimum areas: (Per 40B Guidelines VI.B.4.(3) unless the applicant has been approved for a waiver from such size requirements by the Executive Office of Housing and Livable Communities (EOHLC – formerly DHCD).

studio	250 square feet
one-bedroom units	700 square feet
two-bedroom units	900 square feet
three-bedroom units	1,200 square feet
four-bedroom units	1,400 square feet

4.9.3.34.9.3.6 Special Permit Requirements for Affordable Housing Apartments.

4.9.3.3.1 The Planning Board shall have the discretion to reduce the off-street parking requirements otherwise applicable under Section 3.1 ~~for the affordable units, 3-2~~ where (1) the number of units to be restricted under Section 4.9.4 exceeds 25%, and (2) the applicant demonstrates that the proposed parking is sufficient to address the parking needs of the proposed uses on the site, and (3) the applicant demonstrates with a plan that the proposed reduction in required parking does not impact the neighborhood in which it is located.

4.9.3.3.14.9.3.3.2 For projects with more than ten (10) residential units, a traffic analysis with existing and proposed trip generation, impact on nearby intersections, adequacy of sightlines and parking, proximity to transit, and accident statistics for the previous three years, shall be supplied as part of the Special Permit application.

4.9.3.3.24.9.3.3.3 A properly screened area must be provided for storage of trash and recyclable materials. Outside storage areas or enclosures shall be kept clean and shall be large enough to accommodate the storage of all garbage and refuse containers. Garbage and refuse containers, dumpsters, and compactor systems shall be stored on or above a smooth surface of nonabsorbent material such as concrete or asphalt.

4.9.3.3.4 Only those basements with natural at-grade walk-out capabilities may be created or converted into living space and which meet all Building, Health and Safety Codes.

4.9.3.3.34.9.3.3.5 Garage parking stalls may be converted into living space only if the applicant can demonstrate an efficient and cost-effective method for providing heat and other utilities to the unit to be created and which meet all Building, Health and Safety Codes.

4.9.3.3.6 For multiple unit projects, ~~t~~The second unit created, and every fourth unit created there-after shall be deed restricted as permanently affordable units per the applicable standards in Section 4.9 and as required by EOHLC-4 below. In no case shall less than twenty-five percent of the units be affordable.

4.9.3.3.44.9.3.3.7 All units created shall be for year-round housing.

~~4.9.3.4 DELETED~~

~~4.9.3.5~~4.9.3.7 AFFORDABLE HOUSING APARTMENTS ACCESSORY TO COMMERCIAL USES

An Affordable Housing Apartment may be created by converting an existing accessory structure, or space within a Principal Commercial Structure, to a dwelling unit. The following additional standards and conditions shall govern special permits issued under this sub-section:

~~4.9.3.5~~4.9.3.7.1 No accessory residential uses shall be allowed within the Industrial District with the exception of a Security Apartment per § 2.2.2 – Use Regulation Schedule and § 5 – Definitions.

~~4.9.3.5~~4.9.3.7.2 Commercial structures may be expanded by increasing the footprint or the addition of a second story, where none exists, for the purposes of creating affordable housing apartments. A structure proposed to include an affordable housing apartment may be expanded by the granting of a Special Permit which is based upon a finding by the Planning Board that the conditions present on the site are adequate to support the proposed use, protect the surrounding neighborhood and meet the intended goals of providing affordable housing.

~~4.9.3.6~~4.9.3.8 CONVERSION OF HOTELS AND MOTELS TO AFFORDABLE HOUSING APARTMENTS

~~4.9.3.6~~4.9.3.8.1 Affordable Housing Apartments may be created by converting an existing accessory structure, or space within a hotel or motel, into dwelling units. The following additional standards and conditions shall govern special permits issued under this section:

4.9.3.8.1.1 Units created through conversions shall not be less than ~~250~~225 square feet not including areas not intended for human habitation such as areas of the basement, attic or garage. In order to promote the mixture of housing units, the following standards shall apply:

~~4.9.3.6.1~~4.9.3.8.1.2 Year-round Affordable Units created through conversions shall not be smaller than the unit as it existed as a hotel or motel room.

\* ~~No less than 25% of the units created must meet the requirement found in Section 4.9.3.2 for a one bedroom unit with a minimum floor area of 700 sf.~~

\* ~~No more than 25% of the units created may have a minimum floor area of less than 400 sf.~~

Planning Board may require up to 10% of the units in a Hotel/Motel conversion be two-bedroom units, i.e. units with a minimum floor area of 900 sf or less with a waiver from EOHL.

4.9.3.8.2 Hotel or motel structures may be expanded by ~~increasing the footprint or~~ the addition of a second story, where none exists, for the purposes of creating affordable housing apartments. A hotel or motel structure proposed to include an Affordable Housing Apartment may be expanded by the granting of a Special Permit which is based upon a finding by the Planning Board that the conditions present on the site are adequate to support the proposed use, parking, traffic, septic, access, protect the surrounding neighborhood and meet the intended goals of providing affordable housing

4.9.3.8.3 Hotel or motel structures may be expanded by increasing the footprint for the purposes of creating affordable housing apartments where the total site coverage of buildings and impervious surfaces are and will remain less than 50%. A hotel or motel structure proposed to include an Affordable Housing Apartment may be expanded by the granting of a Special Permit which is based upon a finding by the Planning Board that the conditions present on the site are adequate to support the proposed use, parking, traffic, septic, access, protect the surrounding neighborhood and meet the intended goals of providing affordable housing

4.9.3.9 CONVERSION OF SEASONAL COTTAGE COLONIES TO YEAR-ROUND AFFORDABLE HOUSING

4.9.3.9.1 Affordable Housing Apartments may be created by converting existing seasonal cottage colonies of less than 10 units into year-round deed-restricted affordable dwelling units. The following additional standards and conditions shall govern special permits issued under this section:

4.9.3.9.2 Half (50%) of all Units created through conversions of seasonal cottage colonies to year-round housing shall be year-round, deed-restricted Affordable Housing units and shall be made available at a cost including mortgage interest, principal, taxes, insurance and common charges not exceeding 30% of annual income for a household at or below 80% of Barnstable County median income as provided for under 4.9.4 (Affordable Housing Restriction) and placed on the Subsidized Housing Inventory (SHI) by the applicant and go through the required process to house eligible tenants as required by the State EOHL.

4.9.3.9.3 All Units created through conversions of seasonal cottage colonies to year-round housing shall be year-round, deed-restricted housing units available at a cost including mortgage interest, principal, taxes, insurance and common charges not exceeding 30% of annual income for a household at or below 150% of Barnstable County median income

4.9.3.9.4 Units created through conversions of cottage colonies shall not expand the footprint of the existing structures.

4.9.3.9.5 All units created through this sub-section shall be for year-round housing.

~~4.9.2~~

#### 4.9.2.2.2 AFFORDABLE HOUSING DEVELOPMENTS COMPLEX:

4.9.2.1 Density increases shall be allowed by special permit for Affordable Housing Developments as governed by Section 4.9.2, and any density increases shall be addressed in compliance with Sections 4.9.2.2.1 - 4.9.2.2.2 of the by-law.

#### 4.9.2.2 Intensity of Use

4.9.2.2.1 A minimum tract of two and one-half (2 1/2) acres shall be required, subject to the provisions of Section 2.3.3.7 regarding minimum upland areas.

4.9.2.2.2 The Planning Board shall have discretion to reduce or suspend the minimum requirements otherwise applicable under Section 2.3 (Intensity Regulations), 3.1 (Off-Street Parking and Loading Requirements) and 4.2 (Multiple Dwellings) for an Affordable Housing Complex Development, provided that the Planning Board finds that the conditions present on the site are adequate to support the proposed use, protect the surrounding neighborhood, and meet the intended goals of providing affordable housing; and provided however that there must be:

4.9.2.2.1.1 at least 10,000 square feet for each bedroom created in an Affordable Housing Development;

4.9.2.2.1.2 a maximum height of 35 feet ~~and or two stories;~~

4.9.2.2.1.3 a maximum building coverage of 15%;

4.9.2.2.1.4 a maximum total site coverage of 50% including buildings and impervious surfaces; and

4.9.2.2.2 A maximum of sixteen (16) dwelling units shall be allowed in any one building with a minimum building separation of twenty feet.

~~4.9.2.2.2~~ 4.9.2.2.3 An Affordable Housing Development shall not be located in a Zone 1 or Zone 2 Department of Environmental Protection (DEP) Wellhead Protection Area.

~~4.9.2.2.3~~ 4.9.2.2.4 The Planning Board shall have the discretion to permit a density of greater than one bedroom for every 10,000 square feet ~~based upon the recommendation of the Dennis Board of Health that the waste water system recommended for the site meets all state and local~~

environmental standards for the protection of public health and water quality if the project is connected to the Water Resource Recovery Facility (hereafter "sewer") or can handle the proposed septic without variance from the health regulations.

#### 4.9.2.3 Special Permit Requirements for Affordable Housing Developments (4.9.#):

- 4.9.2.3.1 The Planning Board ~~shall~~may have the discretion to reduce the off-street parking requirements otherwise applicable under Section 3.1 for the affordable units, where (1) the number of units to be restricted under Section 4.9.4 exceeds 25%, and (2) the applicant demonstrates that the proposed parking is sufficient to address the parking needs of the Affordable Housing Development and does not impact the neighborhood in which it is located.
- 4.9.2.3.2 The tract of land to be developed shall provide for front, rear and side setbacks of 20 feet, which shall constitute vegetated buffers, except for where crossed by site driveways;
- 4.9.2.3.3 Where an applicant proposed to divide the tract of land that is the locus of a proposed Affordable Housing Development, the minimum lot size shall be ten-thousand (10,000) square feet. The Planning Board may, in its sole discretion, reduce the internal front and rear yard setback requirements of Section 2.3.2, provided however, that said setbacks shall be no less than ten (10) feet. The Affordable Housing Development must still comply with the setback requirements of Section 4.9.2.3.4 as if the tract of land was not subdivided.
- 4.9.2.3.4 The Affordable Housing Development must conform to all other requirements of the Zoning By-law. In the event that a provision of Section 4.9.2 conflicts with another provision of the By-law, the provisions of Section 4.9.2 shall control.
- 4.9.2.3.5 For multi-family buildings a properly screened area must be provided for storage of trash and recyclable materials. Outside storage areas or enclosures shall be kept clean and shall be large enough to accommodate the storage of all garbage and refuse containers. Garbage and refuse containers, dumpsters, and compactor systems shall be stored on or above a smooth surface of nonabsorbent material such as concrete or asphalt.
- 4.9.2.3.6 The second unit created, and every fourth unit created there-after shall be deed restricted as permanently affordable units, per the applicable standards in Section 4.9.4 below. In no case shall less than twenty-five percent of the units be affordable. All units created shall be for year-round housing.

#### 4.9.2.4 MUNICIPALLY SPONSORED HOUSING PROJECTS

##### 4.9.2.4.1 GENERAL OBJECTIVES

This section is intended to allow the Dennis Board of Selectmen to act as a sponsor for public or public/private joint venture affordable housing projects which:

- a. encourages practical residential development in the reuse of existing structures;
- b. promotes in-fill (development of vacant lots in an otherwise built-up area) residential development opportunities;
- c. is compatible with the adjacent neighborhood;
- d. encourages development of economically priced housing and a variety of types of housing; and
- e. fosters flexibility and creativity in the creation of affordable housing.

Based upon these provisions, a project for Special Permit submittal to the Dennis Planning Board may be made upon a positive vote of the Dennis Board of Selectmen.

#### 4.9.2.4.2 MODIFIED PROCEDURES

A municipally sponsored housing project may be allowed upon issuance of a special permit provided that the Planning Board finds that the conditions present on the site are adequate to support the proposed use, protect the surrounding neighborhood, and meet the intended goals of providing affordable housing, and further meets the following requirements:

- a. the minimum requirements of Sections 2.3 (Intensity Regulations), 3.1 (Off-Street Parking and Loading Requirements) and 4.2 (Multiple Dwellings), ~~3.1 and 4.2~~ shall not apply provided however that there must be:
  - a. a maximum height of 35 feet and two stories;
  - b. a maximum building coverage of 15%;
  - c. a maximum total site coverage of 50%;
  - d. a minimum building separation of twenty feet; and
  - e. a determination that the parking will be adequate in number and size to serve the proposed use of the site.
- b. For Municipally Sponsored Affordable Housing projects, the Minimum Area of the Tract to be Developed ~~under Section 4.9.2.3.1~~ may be less than 2 ½ acres;
- c. the maximum density of the Tract to be Developed may be greater than one bedroom per 10,000 sf of land area based upon a recommendation of the Dennis Board of Health that the waste water system recommended for the site meets all state and local environmental standards for the protection of public health and water quality;
- d. The tract of land to be developed shall provide for front, rear and side setbacks of 20 feet, which shall constitute vegetated buffers, except for where crossed by site driveways; and
- e. A Municipally Sponsored Housing Project shall not be located in a Zone 1 or Zone 2 Department of Environmental Protection (DEP) Wellhead Protection Area.
- e.f. the minimum parking requirement may be less than 2 parking spaces per residential unit. The Planning Board, with the approval of the Select Board, shall have the discretion to reduce all other off-street parking requirements as otherwise applicable under Section 3.1 based upon a finding that the parking is sufficient to meet the needs of the proposed use of the property.

#### 4.9.2.4.3 Special Permit Granting Authority (SPGA)

The Planning Board shall be the Special Permit Granting Authority for Municipally Sponsored Affordable Housing Projects with a formal vote of support from the Select Board.

4.9.2.4.4 All units created shall be deed restricted as permanently affordable units per the applicable standards in Section 4.9.4 of this by-law unless otherwise noted in conformity with the following requirements. In no case shall less than (50) fifty percent of the units be affordable to households earning less than 80% of the median income. An additional Twenty-five percent of the units shall be affordable for people earning no more than 120% of the area's median income. All units created shall be for year-round housing.

4.9.5 **"AFFORDABLE" LOTS** (Note: The State "Affordable Homes Act" now allows development of 10,000 sf lots that were not "grandfathered" but only restricts the size of the house and no STR))

4.9.5.1 A single Lots/Parcel of record as of the June 17, 2003 which do not satisfy minimum lot size requirements and which ~~are is~~ not protected as a nonconforming lots by law because ~~they are it is or has been~~ in common ownership with adjoining lots may nevertheless be built upon for a year-round, deed-restricted Affordable Housing unit and shall be made available at a cost including mortgage interest, principal, taxes, insurance and common charges not exceeding 30% of annual income for a household at or below 80% of Barnstable County median income as provided for under 4.9.4 (Affordable Housing Restriction) and placed on the Subsidized Housing Inventory (SHI) by the applicant, by Special Permit from the Planning Board under the following conditions:

4.9.5.1.1 ~~Each-The~~ lot contains at least ~~10,000~~7,500 square feet of land area with 50 feet of frontage and satisfies other applicable Board of Health requirements. Except that no lot located within a Zone II Water Recharge Area shall be built upon.

4.9.5.1.2 ~~Each-The~~ lot has safe and adequate access to an existing public or private way (not a paper road).

4.9.5.1.3 ~~Each-The~~ lot is similar in nature, i.e. size and shape to the lots immediately adjacent to and across the street from the lot to be separated.

4.9.5.1.4 ~~Each-The~~ lot may not be used for a structure larger than three bedrooms, and there must be a minimum of 5,000 square feet of land area for each bedroom.

4.9.5.1.5 The applicable front, side and rear setbacks shall be determined by establishing an average setback based upon the principal structures on the lots immediately adjacent to and across the street from the lot to be built upon as a separate lot.

4.9.5.1.6 For Affordable Houses built under this section of the bylaw, Lot Coverage of the Building shall not exceed 12%; Floor Area Ratio shall not exceed 20%; and total site coverage (impervious surfaces) shall not exceed 25%.

4.9.5.1.7 Where two or more existing undersized lots are held in common ownership this bylaw shall not apply. ~~one of the two lots shall be deed restricted as permanently affordable, per the applicable standards in Section 4.9.4 of the Dennis Zoning Bylaw.~~

~~4.9.5.1.7 Where more than two lots are held in common ownership, the second, third and fifty percent of the remaining lots to be built upon under the special permit shall be deed restricted as permanently affordable (i.e. the fourth lot may be market rate, fifth shall be affordable, sixth market rate etc), per the applicable standards in Section 4.9.4 of the Dennis Zoning By Law.~~

4.9.5.1.8 This section shall not prevent a lot owner of such an existing undersized lot from building a house on such lot and from transferring the lot to an income eligible immediate family member (sibling, parent or child) by gift or inheritance, provided that the Affordable Housing Restriction and Regulatory Agreement approved by EOHLIC required by this subsection is properly recorded at the Registry of Deeds prior to issuance of a building permit provided that the lot owner (or immediate family member) owned the lot as of October 18, 2005.

