

# DENNIS PLANNING BOARD

## Minutes of Meeting held

**May 1, 2023**

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

Present: John Terrio Jr., Brad Bishop, Rick Hamlin, Elizabeth Patterson, Paul McCormick Jr.

Absent: Chris Hedetniemi, Jeffrey Eldredge (Alternates: Adam Dunn, Sally Bickford)

Staff: Dan Fortier (Via Zoom), Paul Foley (Town Planner), Anna Pannell (Office Assistant)

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

Started with ADMINISTRATIVE BUSINESS number 5

**Lot Release 31 Karl Lane Lot 4 on Plan recorded at Barnstable County Registry of Deeds Book 355 Page 42**

Attorney stands up and discusses a covenant that was released back in 1981 ensuring that the lots would be serviced by a street which would become Karl Lane and ensuring that the developer would provide access and frontage to the lots. Karl Lane was developed shortly after. Lot was not released after covenant so they were seeking a release of said lot. Dan Fortier explains that there is a house on one of the lots so there is a "cloud on the title". He proceeds to explain that all the lots have been built up and was probably never recorded in the Registry of deeds.

**Motion:** Paul McCormick Jr. moves to vote to release the lot and to sign the covenant release.

Elizabeth Patterson 2nds motion

**VOTE: Unanimous 5-0-0**

**Motion Verdict:** Approved, and signs documents

Public Meetings:

### **1) Chandler Drive and Courtney Lane Review of Roadway Improvement Recommendations**

The Applicant asks for an extension to the May 15<sup>th</sup> hearing. Elizabeth Patterson provides the motion.

**Motion:** To continue to May 15<sup>th</sup> hearing

Brad Bishop 2nds motion

**VOTE: Unanimous, 5-0-0**

**Motion Verdict:** Approved, continued to May 15<sup>th</sup> hearing

### **2) Dr. Stanton Road discussion with Town Counsel**

The Chairman discusses that while its not typical to allow public comments at the meeting, Paul McCormick Jr. agrees of the importance to hear from the Town Council. Alex Wayside from K.P. Law speaks and gives a brief summary of the previous meeting. Explains that he had sent a letter to the developer, "...demanding that he agreed to release the remaining surety funds that are being held in a pass book in the name of the town, in the amount of \$56,130 and 87 cents..." Any response has yet to be received. There has not been any assurance that that the roadway improvements will be addressed.

Alex Wayside also states that at this point the best course would be to have the abutters follow the procedures under chapter 156 of the town's general bylaws, which will "...allow them to petition the Select Board to put funding towards the town, doing the roadway improvements..." One of the residents of the area indicate that the contractor could have proceeded with the second phase of the road construction, provided that phase one was complete, however it wasn't and indicated that the contractor just proceeded with phase two regardless. **The Planning Board deliberates a bit more as they ask some questions to clarify, and decide that the best course of action would be to include the Select Board and then proceed from there.**

No official vote/Motion was made during this time.

### **Public Hearings:**

**1. Tom Lundquist 12 Stratford Ln Yarmouthport MA is seeking a Site Plan Review Special Permit under Section 4.1 of the Dennis Zoning By-law for the construction of a new contractors building including space for automotive repair and sales, for a property located in the Industrial zoning district at 16 Bertram Ave, South Dennis (Assessors Map 142 Parcel 59). CONTINUED FROM APRIL 3, 2023**

Elizabeth Patterson chooses to abstain from the vote however, due to the other missing board members, no vote could take place at this time, as it would fail even if the four remaining members voted in favor of the permit. Chairman Paul McCormick Jr. issues the motion.

**Motion:** Continue hearing to the May 15<sup>th</sup> hearing

Brad Bishop 2nds Motion

**VOTE: 4-0-1**

**Motion Verdict: Continued to May 15<sup>th</sup> hearing**

**2. Dennis Aceto, MCG Realty Trust, c/o Christopher Alphen, Blatman, Bobrowski, Haverty and Silverstein LLC 9 Damonmill Square Suite 4A4 Somerville MA 02144 is seeking a reissuance of a Special Permit originally granted on October 7, 2019 and amended on March 16, 2020 in accordance with Dennis Zoning Bylaws Sections 9.3.3 and 9.6.5 to create eight two-bedroom residential units in four duplex buildings with two units deed restricted affordable, for a property located in the Mixed Use Marine zoning district at 209 Main Street, West Dennis (Assessors Map 63 Parcel 36)**

Attorney Christopher Alphen, Blatman, Bobrowski, Haverty and Silverstein spoke up via Zoom, to represent the applicant and proceeds to provide some history of the area. He claimed that a letter was submitted to the board in 2020, then approved that same year. The attorney also claims that the reason that the work has not been completed is because "... the prior owner was foreclosed on, and my client was the foreclosing entity..." The attorney continues said that the applicant is "...willing to mix that concession and provide those neighbors with some sort of restriction that says that they (the construction workers) will not use Janet Row..."

Dan Fortier clarifies the site plans before the board turns podium over to the public to speak.

Christopher Senny, an attorney in Brewster steps up and speaks on behalf of Tom O'hearn who is the trustee of the West Dennis professional Realty Trust. The attorney goes on to say that their client didn't feel that the landscape was not as "robust" as the applicant wanted things done with the fencing that he

felt "...could have been done better." They are in full support of improving the property and reissuing the permit, however they just ask that the Planning Board, "...make sure as it's stated in the application that the plan that's being approved is the plan, that was attached to the modified special permit in 2020." The Board thanks the attorneys then proceeds to discuss that there are 13 conditions to the construction stating the very last one and checking that applicants/attorneys agree to said conditions. Once there is confirmation they deliberate a bit more and before long are ready to issue a motion, one that Elizabeth Patterson presents.

**Motion:** reissue the special permit for 209 main Street, West Dennis. Site Plan Revised March 10, 2020 by AJM site design, LLC. with reference to the findings of fact in 13 conditions from the original special permit.

**Conditions:** 13 of them. Not verbally stated during hearing

Paul McCormick Jr. 2nds Motion

**VOTE: Unanimous, 5-0-0**

**Motion Verdict: Passed, and Approved reissue of Special Permit**

ADDITIONAL BUINESS:

The Board thanks Dan Fortier for his years of service. D. Fortier thanks Board members as well as past and present staff members of the Town, before signing off for the very last time.

**The meeting adjourned at 7:11p.m.**

Minutes approved by unanimous vote on May 15<sup>th</sup> 2023