

DENNIS PLANNING BOARD

Minutes of Meeting held

June 5, 2023

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

Present: Paul McCormick Jr. (Chair), Brad Bishop, Rick Hamlin, Jeffrey Eldredge, Elizabeth Patterson, (Chris Hedetniemi and John Terrio Jr. (via Zoom)

Absent: (Alternates: Adam Dunn, Sally Bickford)

Staff: Paul Foley (Town Planner), Anna Pannell

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

Public Meetings:

Chandler Drive and Courtney Lane Review of Roadway Update

Town Planner Paul Foley spoke about the nature of the project in question and briefly summarized what was mentioned at the previous meeting. Since then he and the Town Engineer and Assistant Town Engineer met with the engineer for the project, Dan Ojala, at the site to review the proposed repairs. Basically, they walked up and down the street over the course of a couple of hours to check what is being proposed and where they agreed that more milling has to be done. After providing some additional information of their findings he noted that the town engineer still thinks that it would not cost any more to do it all rather than piecemeal and recommends the applicant do a cost comparison. Nevertheless, they all agreed that the additional areas marked on the plan and on the street should be satisfactory to bring the road up to standard.

Dan Ojala added his comments and findings, mentioning about cost and that they weren't against going for a cheaper alternative for the completion of the road. Either way we'll have a very good product. Brad Bishop asked about how the cost change will lengthen the time for construction to begin? Dan Ojala expressed that it wouldn't delay them too much as he explained that pricing out the cutting would be more time-consuming adding that its basically a square yard price.

B. Bishop then asked what Ojala thought the expected completion date would be, to which Ojala responded that the Board had given them until Labor Day, but they're hoping to get it done in July. B. Bishop also asked in regards to the removal of the light posts. There was some further discussion about the light posts with concerns and clarification on if the majority of the residence actually do want them removed. The Board and the Town Planner came to a consensus that they would let the residents within the proximity of the project know about the potential removal of the lights and give them all a chance to respond if it's something that they actually want or not.

Tom Rennell of number 10 Chandler Drive stated that at least 60% of the residents had verbally told him they would like to see the lights removed, but also that he liked the idea of sending out a request by

mail informing everyone about what was being done. B. Bishop agreed that there needed to be a notice indicating that action will be taken to either remove the lampposts and infrastructure or not.

Mr. Rennell then expressed concern about the openness of the project schedule going on to say that while he was aware of the Labor Day deadline for the project, he was concerned about slippage and that once there is saw cutting, what other can of worms or issues would that may open up. B. Bishop expressed that If something comes up, then something comes up. There are no guarantees. He went on to say that since the Board was deeply involved from the beginning and if there were things we could have identified, they would have been identified.

Board member Rick Hamlin noted in regards to the completion date, he referenced the May minutes from the previous meeting, stating that the applicant had until September 30th 2023 for completion, but that the goal was sometime in July 2023. However, if there is no action (or progress) made during July and August then we're going to have a problem, indicating that the Board would step in should it come to that, in order to see this project completed.

There was more deliberation before Dan Ojala stepped back up and reiterated that a notice would go out to all the abutters around the project about the time frame to respond on if they do or do not want the light posts up or not. He also clarified that there shouldn't be any large excess of materials/debris left over from the project. There was further deliberation on the timeline of completion, to which Chair Paul McCormick Jr. said they've been given the window and we have to trust the process. Jeff Eldredge along with the other Board members agreed with the statement. Mr. Rennell continued that he just wants to make sure that September 30th is the drop-dead date as he recalls previous dates motioned by the Board, which had since changed. There was additional clarification about being updated should additional problems arise, however the general consensus seemed to be, no news is good news, and that the project would be believed to be running on track unless told otherwise. There was additional deliberation before a moving on. No official motion was made during this time.

Complete Release of Covenant of never built 1968 Subdivision as shown on Land Court Plan 16044B.

Paul Foley provided some history and background of the project. This particular project was brought to the Board previously for the complete covenant release, but only specifically mentioned two lots. Now a different lot is looking to be sold, but the insurance company for a potential buyer wont accept the lot release from the two previous lots. They want the lot that is looking to be sold, to be named in writing. Mr. Foley suggested the Board could release the lots and express that this was pending approval by Town Counsel. B. Bishop wondered why the Board needs the Town Council's approval on this matter, and stated that the Planning Board has the aouthority to release the covenant and we should do it cleanly and be done with it."

Motion: To release the covenant as requested (Motion presented by Brad Bishop)

Rick Hamlin **Seconded the Motion**

VOTE: 6-0-1

Motion Verdict: Passed and Carried

Public Hearings:

DS 270 Sesuit Neck Road Definitive Subdivision – Continued Public Hearing on an Open Space Subdivision Special Permit. Applicant Joel Crowell, PO Box 62 East Dennis MA is seeking: A special Permit under Section 4.4 of the Dennis Zoning By-law; and Approval of a Definitive Subdivision under Dennis Subdivision Control for the creation of a four-lot (1 open space and 2 new buildable lots) subdivision for a property located in the R60 zoning district at 254 and 270 Sesuit Neck East Dennis (Map 409 Parcel 47 and Map 394 Parcel 12). Continued from April 3, and May 15, 2023.

Attorney Mike Ford, represented the applicants, and proceeded to discuss the last time they met with the Board back in April and referenced a staff report made the previous Town Planner, commenting that all the boxes had been checked off and were ready for approval of a Special Permit. Stating that it was however, pending due to some Stormwater concerns that the Town engineer needed to finish. To which he turned the podium over to Dan Ojala to clarify.

Dan Ojala from Down Cape Engineering described this as a small division of a family estate. He provided a refresher of the location of the property and the characteristics of the site, as well as the discussions about the project that were had with the previous Town Planner during the preliminary hearing about a year prior. In addition, he gave some updates as to what problems they had run into since that initial preliminary hearing, stating that its technically a variance, but we have that listed. D. Ojala talked about the street drainage as well as a brief explanation as to why they had requested the previous hearing be continued to this one, as well as what will happen to the stone wall. He explained that the stone wall would be altered so that it fits the curvature of the project entry but as it was on private property, it would remain there. We won't lose any stone wall in town. It'll look just as it does now with the stone wall leading into the site. There were some other updates and features on the property that would remain unchanged.

Mr. Foley asked some questions in regards to the wetlands that were within the proximity of the project, to which Ojala did mention that there was a bog further North of the project in question, and pointed out where the streams went as far as drainage, indicating that it wasn't going to be any issue or any disruption of wetland wild life. Once that was cleared up P. Foley continued with his findings and comments, indicating that he would have liked a final plan for the decision and records. D. Ojala responded that he would be happy to add the street numbers onto the final mylar plan. P. Foley brought up some visuals of the site and gave a small summary and reiteration of what the project would entail, adding that instead of a large cul-de-sac there would just be a small turnaround for emergency access. After some further comments, discussion was brought back to the Board.

Board Member Rick Hamlin asked what was going to be done with the existing stone that would be taken from the stone wall to make the driveway? Ojala claimed that they would be relocated, saying that the Old Kings Highway would take jurisdiction over that indicating that the stones would be used as a wrap around on either side of the proposed driveway. Attorney Mike Ford confirmed the Old Kings Highway jurisdiction on the wall, adding that the reason it would go to them instead of the Planning Board is that its outside the layout, so it's on private property. R. Hamlin asked if the Board and Town Planner were leaving the findings and conditions up to the applicant stating he was not completely fine with that.

P. Foley clarified that the proposal seemed okay but that the plan presented to the Board seemed to be a work in progress, indicating that there were still a number of items missing from the plan which was still being reviewed by Conservation and the Board of Health. R. Hamlin concurred that the plan seemed incomplete but would still like to have a list of conditions come from the Planning Department, before the final vote.

Jeff Eldredge commented regarding Old King's Highway, and claimed that the applicant had been at this for ages reiterating that they were creating home sites for their family and they've taken a lot of time doing this. R. Hamlin agreed with what his fellow Board member mentioned, emphasizing that he wasn't opposed to the plan but that he would like to see those conditions and the final plan. Mr. Ford stepped back up and noted that this project had to be started over again to accommodate for the Open Space Subdivision, to which the Planning office, supposedly a year prior to this particular meeting, had indicated would be more beneficial, so the applicants had Dan Ojala start over to accommodate for that insight. There was some deliberation about setting up another meeting, which was then shut down due to Holiday dates getting in the way. There was additional discussion before a motion was presented by Rick Hamlin

Motion: Approve the application for a Definitive Subdivision and Open Space Special Permit Subject to, Administrative approval with conditions and adding the revised plan with street names and numbers as well as the interment streams to the Mylar plan, as well as a revised date of Revised as of the June 5th 2023 Planning Board Meeting, as well as all comments from Building and Engineering Departments. Revised Plan to reference plan dated May 8th 2023.

Brad Bishop seconded the initial motion but then challenged said motion, stating that he did not receive a plan with that date, to which Board Member Elizabeth Patterson confirmed that she did not either. Dan Ojala asked the Board if having him state the changes that were made to the plan, would help, to which the Board allowed, and Ojala proceeded. He clarified locations, as well as that he relocated the culvert to the overflow of the rain garden with a few other small changes made from the February plan to the May plan. Once questions were cleared up and made sure that the plan referenced was in fact the May 8th plan the Board was ready to put it to a vote.

E. Patterson **Seconded the Motion**

VOTE: 6-0-0

Motion Verdict: Passed and approved

ADDITIONAL BUSINESS:

1) **Committee Reports**

There was some discussion about planning projects and upcoming reviews and Mr. Foley informed the Board that he had applied for a grant to hire a consultant to help with the public participation aspect of a Mixed-Use Multi-Family Housing Overlay as well as develop Design Standards.

2) **Planning Board Minutes May 15, 2023 and January 9, 2023**

Motion: To approve January 9th Minutes (E. Patterson)

R. Hamlin Seconded the Motion

VOTE: 5-0-0

Motion Verdict: Passed and approved

Motion: To approve May 15th minuets (E. Patterson)

R. Hamlin Seconded the Motion

VOTE: 5-0-0

Motion Verdict: Passed and Approved

3) ANR's – None

Meeting adjourned at 7:43pm

Minutes Approved July 17, 2023