

DENNIS PLANNING BOARD

Minutes of Meeting held

August 7th, 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: Paul McCormick Jr., Brad Bishop, John Terrio Jr., Rick Hamlin, Jeffrey Eldredge, Elizabeth Patterson, Chris Hedetniemi (via Zoom)

Absent: NA

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. Minutes: July 17, 2023

Elizabeth Patterson mentioned a word correction to change "stuck" to "struck". Board member Rick Hamlin then presents the following motion

Motion: To accept the minutes with the correction

E. Patterson 2nds

VOTE: Unanimous 6-0-0

Motion Verdict: Passed and approved of Minutes with corrections

3. ANR's: None

Public Meetings:

1. Chandler Drive and Courtney Lane - Review of Roadway Update

Town Planner Paul Foley reminded the Board of what was agreed upon at the last meeting they had about the project and mentioned that Dan Ojala of Down Cape Engineering would not be attending, but that he did receive word from him that they thought they were on track to completion. He reiterated that the goal of completion was still Labor Day in September, with a drop-dead date of September 30th 2023.

Tom Rennell, one of the abutters to the project and unofficial spokesperson for the neighbors wanted to be sure that the Board would keep to them about the drop-dead date of September 30th, on or before, for the project. He went on to say that he hadn't seen any activity going on that would ensure him that the project was in fact progressing forward. He expressed his surprise and disappointment that the applicant and engineer have yet to, "...down select..." a finalist and come up with a contract, and agreed upon price for a fix. He addressed other frustrations, mainly to do with the lack of communication, or

transparency from the applicant or the engineer, that he had and other members of the neighborhood had relayed to him. He added that he understood that there would be a process for selecting a contractor, "...it doesn't happen overnight." and that the project itself would take several weeks to complete. He wondered if the Board was going to hold the applicant and Dan Ojala to the September 30th date.

Chairman Paul McCormick Jr. remarked that the Planning Board had been very transparent in regards to updates on the project however he did agree that the applicant and their engineer could have been more up front in regards to timing. P. McCormick did also agree that if they found that the work was never completed or even started by the drop-dead date that it would be inexcusable. He went on to say that the applicant and the consultants had been made aware of the deadline and that at this point all they could do was wait and see. Should they go beyond the deadline then there would be repercussions.

Mr. Rennell also mentioned about a previous comment in past meeting about micro management. While he claimed that he understood why the Board wanted to be a bit hands off, he reiterated that he simply wanted the job done. He voiced that at this point the drop-dead date was fast approaching and was concerned and frustrated, and wanted to know from the Board how to get the applicant and consultants to be more transparent about what was going on.

Chairman P. McCormick reminded Mr. Rennell that there was only so much that the Board could micromanage an applicant, and that they had agreed to the timeline that was put forth, adding that the applicant and engineer had presented everything that was asked of them to move forward with the project.

Mr. Rennell asked the Board at what point does the Board check in with the applicant and engineer and tell them that there was still no clear sight as to what the plan is to get the job completed.

P. McCormick reminded Mr. Rennell that once again the Board was waiting to see if the applicant held to their end of the agreement and stuck to the deadline. He agreed that the Board had given them ample time to ensure that this project is completed. There were additional comments from Mr. Rennell about what the Board could do should the project go over the deadline.

Board member Rick Hamlin shared Mr. Rennell's frustration about the project and assured him that the first meeting in October he would make a motion to take the applicant and engineer's bond if the work is not complete, and presented the following motion.

Motion: To close the discussion in the matter of the project of Chandler Drive and Courtney Lane for the evening

Jeffrey Eldredge 2nds

VOTE: Unanimous 6-0-0

Motion Verdict: Passed and carried.

2. DS 254 & 270 Sesuit Neck Definitive Subdivision – Sign Mylar

P Foley Thought it best if the Mylar was signed at the end of the meeting.

No official Motion was made at this time.

Public Hearings:

1. 23 Greenwood Road ADU Special Permit: Timothy and Theresa T. Bunce, 23 Greenwood Road, P O BOX 479 South Dennis, MA, 02660, are 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 23 Greenwood Road, Dennis (Assessor's Map 290, Parcel 20).

Bob Perry of Cape Cod Engineering who also represented the applicants, proceeded to explain what they were looking to do with their Cape house, and that the project proposed is a little bit more than an ADU, with family space on the first floor and the ADU on the second. Adding that there would be an expansion to the driveway. There were some additional visuals and plans as he added that they were just expanding the building to the North, that the septic is in good working condition and can accommodate the home with the new additional bedroom. There would be no traffic pattern changes, and the engineer speculated that the neighborhood wouldn't notice too much as the property was at the end of the road. He added that there was about 500 ft of woods off to the North and about 75 to 80 ft of woods as a screening to the West, and that they met the square footage requirement.

Town Planner P. Foley provided a description of the property and surrounding area, as he reiterated that the ADU would be on the top floor of the home and explains some of the ADU Bylaw as well as a list of things that were required to qualify. He reads off some of the regulations specific to an Accessory Dwelling Unit (ADU) as well as a list of Conditions 1 through 5, and condition 6 A through H.

To summarize Chairman P. McCormick asked if the applicants were aware of the changes proposed as well as the conditions.

B. Perry seemed to think that they were but appreciated the Board going over it in person.

Board member Brad Bishop stated that he was in full support of the plan to move forward, and thought that this is exactly what the ADU Bylaw was created to do. And while he had no questions about the application specifically, he asked the Town Planner if this was the first application for an ADU that the Board had received thus far? To which the Town Planner responded that yes, under this Bylaw this was the first ADU application.

B. Bishop wondered how many more people had "...inquired about this but have not yet gone forward with an ADU application." He wondered what the general response to the Bylaw was and if people were coming in to ask in person about it or if there were others like the applicants who know about and have just jumped right in to implementing an ADU on their own property.

At this time P. Foley mentioned that he only had one other inquiry about it, who didn't actually qualify for one due to not having enough land on their lot, but thought maybe once people had looked at the present meeting that perhaps more will be at least curious about if not looking to implement one themselves.

B. Bishop also thought that because this was still new that it might be a good idea to find a way to keep track of who comes in, if they qualified for one, if not why not, etc....

R. Hamlin was in support of the project presented, and reminded the applicants of the lengthy conditions that were proposed, that they would have to follow in order to ensure that the project

moved forward.

Once there were no additional comments from the Board, Jeff Eldredge presented the following motion.

Motion: To Approve the ADU Special Permit with the conditions 1 through 6, 6 'a' through 'h', h 'i' through 'iii'. Plan prepared by Cape Cod Engineering Inc. dated June 29th, 2023

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)** Construction shall not commence before 7:00 am nor continue after 7:00 pm Monday through Friday and shall not commence before 7:00 am nor continue after 5:00 pm on Saturdays. No construction shall occur on Sundays. Temporary construction-period stormwater and erosion controls as recommended by the Town Engineer shall be followed.
- 3)** The addition shall not generate new light, noise, litter, odor or other sources of nuisance. Any new lighting shall be restricted to downward-shielded motion sensitive security lighting that is "Dark-Sky" compliant.
- 4)** A Preconstruction meeting is required with the Department of Public Works, Engineering, Conservation, Water, Building, Health, Planning and the Fire Department before work begins. This shall include clearing, cutting, removal of stone walls, digging, foundations, etc...
- 5)** The Property is in an Environmentally Sensitive Area (ESA) and will need a 16B variance from the Board of Health to be built upon.
- 6)** Per Dennis Bylaw § 4.11 - Regulations Specific to Accessory Dwelling Units
 - 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.

E. Patterson 2nds

VOTE: Unanimous 6-0-0

Motion Verdict: Passed and Approved

ADDITIONAL BUSINESS:

1. Multi-Family Housing Overlay Draft Bylaw Discussion

E. Patterson stepped down from this hearing.

P. Foley displayed some of the Select Board goals and went on to say that he spoke with the ZBSC and that they thought that Multi Family housing was appropriate for the area in question. He mentioned about the growing Senior population and provides some age percentages, adding that while the senior population was increasing, the younger population is rapidly decreasing. "...Fewer workers to fill the full-time jobs..." Adding that people like Teachers and C.N.A.s can't find housing within a reasonable proximity to their source of income. He emphasized how expensive housing had become and that within even the last two to three years it tripled and was only getting worse. In addition, he discussed the short-term rental, that not only were driving long term rentals away but also contributed to the raise in housing prices. "...We definitely have an affordability issue here..." He showed some statistics of 2019 versus 2022 which very nearly doubled the housing prices within that time, adding that Dennis in particular had over half of the seasonal renters, "...Which is more than most of the Cape..." He mentioned some of the other Bylaws, he added with the hope to improve some of these to make them more user friendly.

B. Bishop asked if the Town Planner or the Board knew if any of the Bylaws mentioned, had resulted in additions to the S.H.Y. list.

P. Foley brought up the conversion of motels and Hotels, but would have to look more into it. He added that in two weeks from the current hearing that there was going to be another one specifically for the MFHO District Bylaw, and while emphasized that if anyone wanted to speak about it at the present meeting they could, but that the August 21st meeting was really the time and place that most of the discussion was going to be held. He then provided a rough schedule of the MFHO project which started on July 11th 2023 with the Select Board Vote, and ending with September 19th 2023, as the deadline for articles for the November 7th Town Meeting warrant. He provided additional dates and timelines of meetings and mentioned that there was an Intent section added to the Bylaw which just helps clarify what "we're" looking for. He read off a few more additions and changes made to the Bylaw, including but not limited to more open space, "We want it to look nice and be nice..." He provided additional changes that were made and reads off the Intent section and provides a few more visuals of maps from 2022 to 2023. He also defined the term "Complete Street" which as he explained, is a State program where any new streets have to file a Complete Streets plan and would be eligible for \$500,000 a year. The idea was that it's not just the roads for vehicles that they would be making safer, its about the pedestrians, bikers, and transit riders as well. He was asked if the Select Board can be the Special Permit granting authority, and while he said that for the most part that would fall

under the Planning Board or the Zoning Board of Appeals (ZBA) but that State law does allow it to also be the Select Board. Once the Town Planner presented a few more changes and findings the Board then opens up discussion to the public.

Cynthia Stead, a Dennis resident and elected Housing Commissioner for the Housing Authority, worked with people who have disabilities and helped them find housing. She reiterated some of what the Town Planner said about the age demographic of Dennis, "...We are an older town, and are getting even older very quickly." She wanted there to be a Universal design in regards to how the buildings would look and what their accommodations would be. To explain what that was, she held up Option 1, a standard 14pt type paragraph on a white piece of paper. She held up Option 2, another piece of paper with the same paragraph only in bold and double spaced. The last one looks the same as Option 2 only was on high contrast yellow paper. She claimed that the majority of people with 'normal' vision would have a hard time reading Option 3, and those with Glechoma wouldn't be able to read Option 1. She claimed that no matter what, the homes should have grab bars, and wider doorways within the units. Adding that the average person wasn't going to notice it very much, but for those who use a wheel chair, they would, and appreciated. She added that the majority of people who lived in the town want to stay in the community that they have cultivated for years or even decades, but that it's getting harder and harder to stay for many of them. She added that many of the nursing homes that she had seen, had gone bankrupt and reopened as Senior living communities for \$3500 a month. While at the same time witnessing Senior residents have their rentals sold, only to find that the wait list for the Affordable Housing is 3-5 years long, hitting on the point that many may not make it that long. One of the first questions she would ask to those who would come to her looking for help to find housing, is if they were willing to leave the Cape. She made a few other additional comments and provided a few more recourses before closing on the point of, "...preserving what Dennis has always been which is a genuine community..."

Kayla, of the Dennis Affordable Housing trust stated many of the same things that Cynthia and the Town Planner mentioned but added not just the need for Affordable Housing, but just housing in general.

Paul Cronin of 5 Patriots Lane, told a short story of a friend who bought another friend's house, not to turn it into something that would, "...ruin our little neighborhood..." and asked who the friend could rent it to, to Mr. Cronin. To which Mr. Cronin told him to call the fire Captain, School Principal, and Head of Police. Which he went on to say is exactly what happened. One of the members of the Fire Department got the home is now living there with his family. He added not to listen to the NIMBYs (Not In My Back Yard) as there are a lot more YIMBYs (Yes In My Back Yard). And that, "...I want someone to fix my car who lives here. I want someone to prep my home who lives here. And I want someone to be able to live here when I need someone to take care of me..."

Christina Greer, via Zoom, on behalf of the teachers of the community. She stated that while she had found a yearly rental it was extremely expensive and didn't know how much longer she would be able to stay in it. And while she would love to retire in what she had hoped would be her permanent home, she realized that she may have to move off Cape. Even though her and her

husband work on the Cape they were priced out of buying a home to remain on Cape.

Shannon Goshen of Dennis Port, mentioned the year-round housing change to the Bylaw. She wondered how that was determined and how would that be assured? She also mentioned the parking minimum, on the new Bylaw, saying that she didn't think it was very realistic. She then discussed the landscaping of the homes. She claimed that what most people considered to be "nice landscaping" are some lined ground plants, be it flowers or shrubs, and grass lawns. Adding that those would require huge inputs of water and fertilizer, which isn't sustainable. She strongly suggested that if this went through that the landscaping be done through a sustainable standpoint, rather than a financial which could end up requiring more resources in the future if chosen over the sustainable option. She added that it bothered her to think that others take the wildlife for granted.

Tom Huntner of Dennis Port spoke of the net growth of the population of Dennis. He primarily wanted the town to invest more into the properties that have been Zoned for but not built yet.

Once the public had a chance to speak B. Bishop asked the Town Planner if there could be given an estimate of the number of zoned versus unzoned properties, which B. Bishop thinks is at least well over 20 or could be as many as 50 in the overlay district.

To which P. Foley, while not a hundred percent sure, gave an estimate of under 50 and around maybe 40.

B. Bishop thought there was misinformation amongst the public, and clarified that this was not a single project. The homes will be owned by individual land owners who would have the right to go and do a project and thought that it would take another 10-20 years to be developed. He emphasized again that this was not a single project. This was not a single builder. Its individual land owners.

There were some additional comments from the Town Planner and afterward R. Hamlin wanted to make clear to the public that the issue was a shortage of housing. Not just Affordable housing. And added that the MFHO allowed for more housing to be a possibility. There was additional discussion before a motion to end the meeting was presented.

Meeting adjourns at 7:44 pm and Board signs the Mylar

Minutes Approved September 11th, 2023