

DENNIS PLANNING BOARD

Minutes of Meeting held

September 11, 2023

The Planning Board meeting, having been duly posted, was called to order at 6:36p.m. by Chairman Paul McCormick Jr. in the Nathan Stone Hearing Room at Dennis Town Hall.

Present: Paul McCormick Jr. (Chairman), Brad Bishop, Rick Hamlin, Jeffrey Eldredge, Chris Hedetniemi, John Terrio Jr., Elizabeth Patterson (via Zoom. stays briefly then leaves), Alternates: Adam Dunn (joined a bit later)

Absent: Jeffrey Eldredge

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. And after a moment of silence in remembrance of 9/11 the meeting proceeded as planned.

ADMINISTRATIVE BUSINESS:

1. Committee Reports

2. Board Minutes August 7, August 21, and August 28, 2023.

Motion: To approve of the August 7, 2023 minutes (Presented by Elizabeth Patterson)

Brad Bishop **2nds**

VOTE: Unanimous 6-0-0

Motion Verdict: Minutes approved

Motion: To approve of the August 21, 2023 minutes (Presented by Elizabeth Patterson)

Brad Bishop **2nds**

VOTE: Unanimous 6-0-0

Motion Verdict: Minutes approved

Motion: To approve of the August 28, 2023 minutes(Presented by Elizabeth Patterson)

Brad Bishop **2nds**

VOTE: Unanimous 6-0-0

Motion Verdict: Minutes approved

3. ANR's – None

Public Hearings:

1. Multi-Family Housing Overlay District Zoning Bylaw – Continued public hearing to review the language and district boundaries of a proposed Multi-Family Housing Overlay District Zoning Bylaw. The proposed District is generally south of Route 6, East of Route 134, west of South Gages Way and north of the bike path straddling Theophilus F. Smith Road.

Board Member Elizabeth Patterson, who had been present for the Public Meeting section via Zoom, announced that she would be stepping down for the rest of the evening.

Town Planner, Paul Foley, summarized what had already been covered in the previous meetings as well as showed the public where to find the information on the website. He gave some additional reminders

and clarification about the Overlay District Bylaw. That this was a Bylaw that would allow multiple projects over a long period of time, estimated to be about 10 plus years down the line. He explained that it would be a total of 88 acers. The desire was a range of bedroom of 1-3, but an average of 2 bedrooms per living space. Foley continued to give out some proposed numbers of the number of units per acer. He once again went over what Complete street and Smart growth meant as he had said before in previous meetings.

After the review, Board Member Rick Hamlin suggested a time limit of 3 to 5 mins. per speaker, to which Chairman Paul McCormick Jr. encouraged those who spoke at the previous meeting, to allow anyone new to come and say their piece.

Board member Brad Bishop also pointed out that Board Alternate Adam Dunn had joined the discussion via Zoom.

Julie Kenny from West Dennis asked for clarification, under the understanding that this Bylaw would allow multiple projects, she wondered if that would mean the allowance of different developers as well? P. Foley clarified that it would be multiple projects over time.

Cathy Tomensetti felt that this Bylaw would create a "Catch-22" for the town. Her concern was the speed of population growth within the town. She claimed that the town had allowed for 21 units to go up on a different location than the one the meeting was about, additionally claiming that 7 of those were affordable. While many of the others sold for over 700,000 dollars. She added that with the possibility of 20 to 55 condos going up, 5 as affordable units she claimed that out of a total of 48 units only 7 were affordable. She suggested the possibility of the town purchasing some of the land she brought up and to be able to "...develop as they go..." even the consideration of something like MelPet Farm. She then gave a personal example of when she was growing up in the 1950's when the Mass Pike was built through her town. She claimed that because of the rapid development the population in that town more than doubled over the span of roughly 10 years. She proceeded to explain what buildings went up and how many of them there ended up being in total, adding the stress that these put upon the town.

Jean Crookensen from Dennis Port, asked about parking, thinking that it was unrealistic to just have the 1.3 parking spaces and thinks that it should at least be 2 cars per home

Arnie Lett, whom spoke at the previous meeting, reiterated some of the points he had made previously, claiming that while he wasn't opposed to the Bylaw its self he was opposed to the size of it. He claimed that at some point it could end up close to 2,000 units, as he discussed more about the traffic concerns that he addressed in previous meetings. He cited a decision from The Cape Cod Commission from 2014 in the same area in Harwich that he was using as an example to his point. He added his concern for how that population increase would affect the police or fire department. As well as the schools. He continued to talk about the issues of traffic concerns as well as repeating his concern from the previous meeting about parking not just year-round but also during the summer months and how not even locals can go to the beach. He went on about the way to properly notify the public indicating that there wasn't enough done on the towns part about the Bylaw, as well as stating that while the information is available online he claimed that there needed to be more for those who don't have access to a computer to receive the information on there. Once again, he reiterated the requested to have a study done in in the area in question to see what would work. He also asked who owned all the land to begin

with, claiming that he wasn't even told that. He went on to say that he thought the town should use their own money, to build the project even if the grant isn't available. That being said, he repeated again the need for this Bylaw to be done right and properly.

The Town Planner stated that he had applied for the grant in question but by this point still hadn't heard anything come from it as of yet. He claimed that there is a possibility that the Planning department might be able to pick up a 2500\$ grant from A.R.P.A. OR the Dennis Affordable Housing Trust, but just haven't heard back yet. However, he went on to say that if the Planning department does get the grant then there would be an RFP sent out, and assures that it will be done by the law and to be as open and transparent as possible for the public benefit.

Chairman McCormick Jr. chimed in by stating while he would have loved the town to be able to send out first class mail, to the entire town every time the was a large issue, it simply wasn't something that would have been feasible, going on to say that the electronic Boards were only allowed for emergency use, and while synesthetic to those who don't have access to a computer felt that there was a significant amount of outreach to the public in regards to keeping them up to date on new information and meeting times.

Board Member R. Hamlin also clarified that as far as to where the list of owners was listed, and claimed that it had been on the site for at least a few weeks by this point.

Chairman McCormick Jr. also addressed the question on if the town should have bought property stating that, at the time that the Overlay was being proposed, it wasn't for the town to manage the housing, but rather for individual projects to come before the Planning Board, to which each one would have come under special review by the Planning Department, for each individual home.

Wayne Bergeron, he asked why the Planning Board and Planning department applied for state money instead of going to the Cape Cod Commission (CCC)? Claiming that "...this type of thing..." is exactly what the CCC was set up to do. He then asked that should the Planning department not get the grant what was going to happen next? This was exactly why he was an advocate for getting the CCC involved, claiming that they were professional and through enough, and seemed to truly feel that they shouldn't be excluded in Overlay. He asked about the zoning for the Overlay, putting out a theoretical example on if a person wanted to tear down something like a shed, with the realization that they could make more money by, selling their property to a developer to put up homes. If that was the case and the zoning in the area was changed, he felt that land would be worth "...so much more in the future...once you include housing as opposed to just the commercial aspect of it all...". He also claimed that in terms of build out the questions don't change in terms of public safety, water, traffic etc. While he did feel that the Planning Board had done all they could to keep the public informed, he did not feel like the Town was doing enough to find out the answers to the questions about the information surrounding the Overlay. He stated that public wouldn't be really happy until they "...had something to hang their hat on." He claimed that there were other committees that raised some issues and similar questions, which he strongly felt needed to be addressed before this moved forward. While he claimed to understand that this was not one project and that this was a change of zoning he felt that the possible number of units that were being proposed was too high, and felt that there really needed to be more review done before the project moved forward.

Chairman McCormick Jr., who was also the liaison to the Dennis Economic & Community Committee, claimed that a few months prior to the current meeting brought up that the CCC showed other projects that they had assisted on in other towns, and the Chairman agreed that it would be great to get engagement from the CCC on the matter of the Overlay.

Susan Shack, a Dennis Port resident, opened her comments with, "If you don't have a plan or a plan it's hard to stay on Cape..." as well as stated that she had a place that she was renting out in order to make ends meet. At this time, she worked in Orleans, and claimed that the reason she came to the meeting was partially due to her having a history of working in affordable housing, and claimed that she would consistently hear "Not in My Back-Yard" (NIMBY) talk, and it was part of her motivation for speaking. However, she gave a personal story about her upbringing in a low-income family, she was able to buy a place she described as, "...grim...", and while she claimed that she loved the area that the Overlay was proposed in, her concern was the deed restrictions, as she claimed, could prevent the homeowners from truly making their living space feel like a home and have it look nice not just on the inside but the outside as well. She wished that the affordable housing did more to make the affordable homes more desirable as opposed to putting them in places like next to a dump, or within a stone throw away from the highway, and be gipped out of the equity growth, that's built with having a home. She asked of the Board if there was a way to have affordable housing not just for workers but for them to do for the public what housing is supposed to do.

P. Foley explained that if a person did own one of the proposed homes, and its deed restricted, the equity, while limited, would grow as time went on. Then if the owners decided to leave 10, 20, or more years after living there and wanted to sell, by that time they he claimed that they would have grown some equity. However, he expressed that wasn't really what this was about as point was to potentially allow something that at the time wasn't in order to meet a demand that also wasn't being met.

Shack gave a personal story as to what she was being offered for home was double than what she had initially paid for it, as she went on to claim that the equity growth of deed restricted areas was not an "...apples to apples..." comparison but rather "...apples to oranges...". Her additional concern was the developers coming in and making more money off of the homes that weren't affordable. She also suggested the possibility of a trust fund for the home owners. She closed by saying, "...I could be bought if I could somehow get public sewers..."

Sue Garry from South Dennis, who was a retired teacher, brought up the Cape Cod Contortion in regards to around the time of MCAS. The main point she was getting at was the collaboration of idea from other teachers from other districts. "...It didn't matter what school we were from, we were all fighting the same battle...", and she felt that this same method could be applied to the Overlay District. She wanted to know if there was a place where Planning Board Members can meet and share their ideas, emphasizing the benefit of outside viewpoints on what would and wouldn't work, as well as what worked for other towns in the past. She went on to provide a personal story of a connection she had to Turro and what the town had done as far as deed restrictions went. Overall though, she felt that what was proposed was possible.

Pricilla Manning- Marianne, from Dennisport, spoke via Zoom, and claimed that at the previous meeting the Planning Board had claimed that the homes that were going to be put up weren't going to be boxes and were going to look nice to fit the esthetic of the Town. She stated that she was skeptical, as she claimed that the Planning Board approved of a project next to her house that was going to be four "boxes", as she put it. She went on to say that while she understood that the main goal of this Bylaw was to have year-round homes, and owners, and proceeded to mention about the seasonal businesses and how the Cape and Dennis, rely on the seasonal income that comes with it. She claimed that the businesses that are as it was struggle to stay open, to limit where those businesses could acquire employees, wondered where the house for collage students who maybe work on the Cape part time but couldn't afford a home year-round, where were those people going to go?

Henry Kelly, a member of the Zoning Bylaw Study Committee(ZBSC), spoke at first a bit about what the purpose of the ZBSC was, as well as claimed that a 2 page report was written and given to the Board, then proceeded to ask the Board members what notice had they taken from said document.

To respond to the question presented, P. Foley stated that the Board members had received the report, and showed where online it was available to the both Board and Public alike.

Kelly then asked if the Board was going to address the concerns that were in the document.

Board Member Rick Hamlin spoke stating that he received the report and that the comment would be addressed later on during the meeting.

Kelly then proceeded to claim that there were many within the community of the town who were concerned with the "...finite amount of water..." that was available to the town of Dennis. He asked the Board if there were any meetings with Dennis Water District. And if so was that done as an open session?

Chairman McCormick Jr. responded by saying that there hadn't been a meeting with Dennis Water District about this particular proposal, and while they weren't planning to meet with them, Chairman McCormick did think that it was a good idea to set something up.

Kelly brought back that there was a traffic study done by at this point a few years prior, when there was supposedly a proposal to build a Lowes. Which, by Kelly's understanding, was turned down by the Cape Cod Commission due to traffic impediment implications. He asked the Board if they had reviewed that report.

While Chairman McCormick Jr. claimed that the Board at this point in time hadn't reviewed the document in question but agreed that it would be a good idea to do so and have the consultant come up with something newer.

Kelly claimed to have a copy of the application by the Town of Dennis officials, to the State which asked for a 100,000\$ grant to have an independent consultant come in and advise 3 projects. One of which was the Overlay District. He went on to claim that the Board suggested that Town Meeting "...act in a way that settles that question before a consultant can even get here...". He went on to claim that the Town was financially able to hire its own consultant and could in November implement a backup

request for additional funds should they not have the initial grant available to them.

Chairman McCormick Jr. reminded Kelly that what he was suggesting would have been dependent on what the Select Board decided that was to if they decided to move the Bylaw forward that November.

To which Kelly points the finger back at the Planning Board, claiming that response still didn't explain the Board's position on the previously mentioned application. He gave some additional comments surrounding the morals of the application before the Town Planner spoke, as he was the primary author of the grant in question.

P. Foley claimed that while the grant wasn't guaranteed, he was optimistic that they would. And with the information presented by this point, was hopeful that it would be enough for the consultant however he reiterated that the grant wasn't a guarantee.

There were additional comments, as Kelly once again pointed the finger back to the Board claiming that his comments were more about the Board "...not doing something that is totally inconsistent with a big grant that we have applied for on behalf of the whole town...". Before stepping down he emphasizes the need to slow down and to really think this over as opposed to what he claimed the Board was doing which was, what he claimed was simply pushing head to get it done.

Julie Kenny from West Dennis first thanked the Board for holding the meetings, and claimed that she learned a lot from them. She went on to say that she observed a "...thirst for knowledge and participation..." in regards to the information that was coming out from. She mentioned back in either 2018 or 2019 the State came in and conducted a work shop called the MVP. She expressed that over the course of a few days of being there was a what she called a "...brain trust..." with the room. Additionally, she suggests a few. One of which was to do something similar to what the MVP did, and set up a workshop on a smaller scale. As well as potentially getting the Cape Cod Commission involved.

Gene Marcelli of South Dennis claimed that she was all for affordable housing thought that it should be more than 25% of the units proposed. She put forth the possibility on if the Town bought a few parcels then the town could put up their own housing and go by lottery for acceptance. Her concern was for those who were already living in the town as she claimed there were already those who were coming in from off Cape to buy homes when the town couldn't house those who were already there. She went on to complement the Board adding that she would be attending more of them as she liked how it was being run.

Julie Kline of Dennisport asked what the buildings were, really going to look like. She asked if these homes were really going to look nice and help preserve that "...Cape Cod look..." or were these just going to end up as boxes? She brought up the Rail Trail adding that she didn't think that 20 ft set backs were far enough to ignore a large structure and to have people say, "This is the face of Dennis." Adding that she just didn't think it was a good look, as she posed the question of what they wanted people to think when they drive into town. She wondered if the Town couldn't go 100% if they owned the land as opposed to the 75-25%. She added that if the town owned the land they should be able to go 100% affordable. She brought up the proposed meeting with the Cape Cod Commission and the water District, claiming that she really felt that those needed to happen prior to the warrant. She asked some

additional clarification questions in regard to what happens once the Planning Board votes and passes the proposal along to the Select Board. She asked if before that happens if they could then go back and tell the Select Board that it actually needed more time.

Chairman McCormick Jr. stated that it was in fact how it went as far as a vote from the Planning Board and then passed to the Select Board. Adding the Select Board had actually received a draft of the Bylaw. He went on to say that he agreed for the need for more parking and was open for more potential changes to come.

Janett Compagna asked for clarification on what the "warrant" meant.

Chairman McCormick Jr. explained that the 'warrant' meant the itinerary for the meeting of the Select Board, and went into a bit more detail surrounding the protocol for that, and what happens after the Board takes a vote on the Bylaw.

After some additional clarification about the Overlay, Compagna asked old minutes, as she claimed she was unable to find them.

Chairman McCormick Jr. explained that the Board approves of old minutes from past meetings. There was some additional input and clarification about meeting minutes, provided by P. Foley as well as showing the public how to access the past meeting agendas, videos, and minutes once they were posted.

Compagna additionally asked if there was a way to find out the number of affordable units that the State required of the town, how many did the town already have, how many they would like to have as well as what the end goal of the Overlay was, claiming that this was all a numbers game and at the rate that things were going at the time, claimed that the town was never going to catch up.

P. Foley expressed that the State by this point already had rules in place that allowed the Town to acquire the housing that was proposed, going on to say that by that point the town was at 5.4% of the 10% affordable homes. He went into a little bit of detail as to what will be looked into, but also added that what was truly affordable was a very small percentage, as the State didn't count everything.

After P. Foley provided some additional information, Compagna asked if there were about 7,000 homes in Dennis, then there would need to be 10% of that 7,000?

P. Foley responded that yes it would and would have to be Deed restricted on the subsidized housing.

Compagna additionally claimed that this wouldn't solve the problem for the people who were already living in Dennis.

Chairman McCormick Jr. responded to this by saying that while it would be nice to have an area that was 100% affordable housing, but that would have meant that the town would have had to own the land, which they didn't; and the land wasn't even for sale for the town to purchase. He added that he personally also preferred the mix so that way it wouldn't have been something that people simply ignore or look the other way from.

Sue Garry of South Dennis stepped back up to clarify that it was her understanding that the dead line was for getting the item on the warrant for the town meeting, so if there was a vote then the public

would still have another chance to speak and voice additional concerns at the town meeting.

Steve Hall, was surprised that there had been no discussion with the Water district, and no study on traffic as of this time. He urged the Planning Board to reconsider the sheer size of the project and repeated previous speaks whom had suggested doing the Overlay on a much smaller scale. He wraps up by really urging the studies to be done first and really looked into.

Steve Boyson, a gentleman who spoke at the previous meetings, spoke via Zoom, and claimed that low income homes and affordable subdivisions were different and he claimed that he didn't see the Overlay being low income homes. He believed that the way the Planning Board was setting things up that they were going to "...do it right...". He additionally gave examples of some other areas and other towns that had mixed use housing. His main point was that it just needs to "...get done..."

Steve Dylan from South Dennis, expressed that there was already congestion on Route 134 and wondered how this would be any different, wondering were the traffic was going to go, adding that it looked, "...like a chaotic nightmare waiting to happen."

Ken Sergeant, of South Dennis, asked the Town Planner about 5.4 % mentioned previously. What was going to happen if they didn't meet the 10%? Would the town and residence have to pay more money? Would their taxes be raised? "What's the damage to the Town if we don't meet the 10%?"

P. Foley clarified that if that happened then developers would still be allowed to come in and do 40-Bs in town. One of the problems among Board members was weather or not to make all the Units as rentals or not. There was additional back and forth before the speaker stepped down.

Chairman McCormick Jr. repeated once again that this was an opportunity for the Board the chance steer those who were looking to build, out of more residential area this gave them the chance to do so.

Sharron Shue spoke about the 40-B. She claimed that the only thing the 10% gave them was, for one year would keep them from an "unfriendly 40-B" to come in and develop. She added that she lived near one of the proposed 40-Bs, and claimed that it wouldn't help the town by creating another housing district. While she claimed to understand many of the pros to the Bylaw, her concern was that once that area was open to 'potential' development, "...opens the door to say we are going to develop all of this...". She went on to express concerns about overdevelopment while "...chasing the 10% 40-B...". She emphasized that she was in support of the reuse and reclaiming of buildings that were being abandoned, bringing in "...sustainable, not new, construction...".

Bob Semmock who was on the Affordable Housing Trust, whom while was in support of the Bylaw, agreed that there were some issues that needed to be addressed. He went on to ask of the public, that the parcels that the Town most recently owned as of May of 2023, when those 2 come up and there ends up being opposition to those parcels, that everyone who spoke in favor of the Bylaw that evening show equal or greater support for the projects on those parcels. He went on to claim that he had been involved on other similar projects in town since 2016, and repeated what others had been saying for a long time in regards to the 40-Bs. "...put it where the Lowes was gonna go..." He went on to claim that now that they were ready do just that, that there was a significant amount of opposition about it. He closes by asking the public to "...put your money where your mouth is..."

Julie Kline stepped back up, and claimed that if the Overlay was going to go where the Lowes was, the size of the parcel was different enough that it would have been a very different discussion.

Allen Fisk of South Dennis, claimed that as he had been following the work of the ZBSC, agreed with the conclusion that they had come up with at the time. As stated in previous meetings he attended and from others who spoke that night, he agreed that this wasn't, "...ready for prime time..." He went on to add that he felt it should not go on the Town Warrant until an Independent consultant was brought in and completed their work.

Once the public had finished comments were brought back to the Board.

Chairman McCormick Jr. mentioned that he felt an extension to the following Monday would have been beneficial for additional discussion on the matter.

Board Member Rick Hamlin, claimed he felt the area for the Overlay wasn't big enough, a contrast to what many in the public had expressed. He went on to express that also contrary to what some of the speakers had claimed the owners are identified. He added that every one of the proposed parcels, "...should have the opportunity to produce workforce housing, for their employees...". He went on to give a personal story for a connection to the project going on to claim, "...I saw the writing on the wall back in 2001." He made very clear that his points were never about the 25% Affordable housing. His point was about Housing. He reminded the Board and the public that there was one apartment available to rent in the town at that time. He felt that the Overlay should have included the entire Industrial Zone, including Great Western Rd.

He reminded the public that as of this point in time the lots in question could be developed as 40-Bs or light Industrial buildings if some said they wanted to do so. He clarified that the Overlay District still won't change that. He also reminds the public that the Board loses control over 40-Bs.

He expressed that his concerns from the last meeting were around, wondering if these would be condos or as long-term rentals only. He then reads off the rule in the new Bylaw about this issue as he summaries that if someone wanted to put up a condo then the Bylaw required that it be owner occupied, or if the owner wanted to lease it, the minimum lease period would be 12 months.

He agreed that Dennis residents should be given the opportunity to have first grab of the Overlay district. The time limit range he wasn't sure about as for how long to have it open, but either way felt Dennis residents should be able to have first pick of the area.

Additionally, he mentioned the issue brought up about waste and water. He claimed that the waste, water and traffic were going to occur anyway, as each of the individual "projects" in the proposed Overlay would have to go before the Planning Board regardless. He proceeded to give a personal connection and reason for his support of the Overlay, adding, "...You can't stop population growth...", as he emphasized that the issue was housing. Not necessarily affordable or not, but reminded the Board and the public that there was one apartment available in Dennis that a person could move into.

He claimed that that the housing shortage was not going to be addressed by privet development. Adding that the Town had to take the lead on this issue, and develop projects of its own. He claimed that this Bylaw would protect Residential housing with the exception of 40-Bs, which the Town loses some control over. He continued to discuss the urgent need for homes and what the Bylaw would provide. He then went on to discuss some edits he had in regard to the Bylaw proposal. One of which was need for a clear definition as to what 'area median and income' was, and to add at the end of the definition an abbreviation as, AMI, in parentheses. In relation to the section about packing spaces, Hamlin suggested that the number of spaces be changed to 1.5. He then went on to the Route 1-34 setback, which at this time was 50 ft. He felt that wasn't enough and thought that it should have been at least 75ft, and the setback on Theophilus F. Smith Road, which at this time was 25ft, felt that should also have been more,

going up to about 50ft. He went on to make some other suggestions of changes in regards to language and word choice.

Hamlin then asked the Town Planner that if a Bylaw was approved with edited language that night, and had it been voted on in one of the meetings to follow, could that Bylaw be refined at any time in the future by consultants coming in and reviewing everything?

P. Foley claimed that if this Bylaw were voted on and approved to pass to Town Meeting and become law 90 days afterwards, and a consultant theoretically comes in a year later and suggests edits to what was being proposed, then while they would have to go through a similar process as what was happening at this time, then yes they could go back and revised after the Bylaw had been approved of, though the process would be similar to what was happening at this time.

Board member Brad Bishop claimed that he felt fellow Board Member R. Hamlin had "...put the right light on this." Going on to claim that the Town of Dennis at this time did not want to put up housing of any kind, Affordable or otherwise, on its own. He claimed that what was to come of this Bylaw was more what he called "Work-force Housing", clarifying that it meant Housing which would have been affordable to those in the Town's workforce, adding that he believed, "...That the people who work here should be able to live here." He claimed that as he was sitting listening to the public, his fear was that there were too many constraints that the developers may not do what the Board or the Public want them to do. Or even build housing at all. He claimed that the urgent need for housing is "...balanced by our, (the people and Boards of Dennis), desire to control what is developed."

He went on to talk about the purpose of the Board as well as the reason for why he was for the Overlay District. Adding that he did not believe that there will be a traffic problem as a result of the Overlay District. He repeated once more that he saw this as a balance between control and an urgent need for housing, as he emphasizes that this is what the Planning Board was designed for. As himself and many of the other Board members had during the previous meetings he reminds the public, "This is not one project." He gave some additional reasoning for his support, and adds that they could even require that the developers of the individual units provide a traffic study that would be brought to the Board as part of their application. He went on to discuss water as well as the contractor and grant which by this point they had not received, and what they were going to do should they consult said contractor and should they receive said grant, using the application sent by the Town Planner as a source. He went on to give further information about what was being proposed and to hopefully clear up any further miscommunication on the matter, ending on the point that, "...you've got to get it started and give it the chance to see what happens..."

After a general consensus of an agreement as to what had been said by both Hamlin and Bishop, R. Hamlin spoke about his previous comments to the draft of the Bylaw. He asked the other members of the Board how they felt about his proposed changes to the Bylaw draft, and if they had anything additional to add to said changes.

P. Foley mentioned that the draft before the Board was the July 17th copy, and mentioned that the copy R. Hamlin had been making changes to at the previous meeting, was from the August 18th copy which he had redlined.

R. Hamlin asked his fellow Board members if they ok with what was presented to them so that way, at least according to Hamlin, they would be "...95% sure on what they were voting on..."

Board member Chris Hedetniemi asked for some clarification in regard to the proposed change in setback. To which Hamlin responded that at least to him the initial proposed number seemed too close.

There was some further discussion about the setbacks, but, C. Hedetniemi's main point was that he felt that it should go as a case by case in terms of what the setbacks per project brought to the Board was going to look like.

Chairman McCormick Jr. agreed with R. Hamlin about the setbacks being increased as he felt it would allow for a larger buffer. As far as to how quickly he thought that these would be coming to the Board, he went on to say that at first, he didn't think that very many would to them right off the bat, adding that the extra setbacks would allow for the placement of more vegetation as a potential buffer to be set as well.

R. Hamlin first thanked the public for their comments and time over the past few meetings, as well as thanked the previous Town Planner, Dan Fortier, as well as the current Town Planner Paul Foley, for their work on the Bylaw, as well as his fellow Board members. He did emphasize that, "Not everyone is going to get everything they want..."

C. Hedetniemi also reminded R. Hamlin about some language changes that Hamlin had suggested to the Bylaw and Hedetniemi agreed that those should be put into place.

Those changes being the following:

- 1) Define A.M.I.
- 2) Raise 1.34 parking spots to 1.5
- 3) Increase setback along 1-34 to 75 ft, and 50ft along Theophilus F. Smith Road
- 4) Change 'should' to 'required' in section D, and change 'could' to 'should' in section E.

Chairman McCormick Jr. added that the more he listened to what was said during the meeting, the more he agreed that the parking needed to be increased. He thought it should have even gone up to 2 spaces per unit, as he claimed that every 2 Units would have created an extra parking spot. What he didn't want to see happen was large asphalt parking lots, on the area in question either. He then asked the Board if they wanted to put in place, "...some kind of annual cap for how much can be developed?"

R. Hamlin, after stating that he had no issue with the raise to 2 parking spots, asked the Planner if there was any reason why it shouldn't be?

P. Foley went on to say that he didn't want there to be too much parking and was still figuring out language surrounding just that. He seemed to potentially ok with the 2 parking, so long as there was some language in place for overflow parking. He went on to say that it came down to numbers and what was needed versus what was wanted.

After Chairman McCormick Jr. provided comments that agreed with the Town Planner, P. Foley commented by saying that depending on what the individual projects required in terms of parking, the Board could actually say less spots depending on what's needed, but agreed that there should be some language around that.

Chairman McCormick Jr. did ask for clarification and potential clear language around the proposed cap of Units, but ultimately like the idea of having one.

C. Hedetniemi claimed that it would have been hard to determine, as it would have been dependent on the project being brought to the Board, adding that there could be a lot of variables brought in. There was some additional discussion about a potential Cap on the number of Units.

B. Bishop claimed that he was concerned about an over control of what they, "...force the developers into..." as at some point, claimed that they would lose the ability to get anything if they do so. He then gave an estimated cap of 200 units per year, but added that he also didn't think that they were going to get anywhere near that.

C. Hedetniemi asked that if they were potentially adding around 2000 units how many would that end up as? To which the response seemed to be around 10, assuming that they maxed out every year, which the general consensus seemed to think that wouldn't happen.

After some additional discussion around the cap of units, as far as the changes went The Town Planner wanted to know which document those would be going into the July 17th document or the August 18th document.

B. Bishop pointed out that there were many items in the August document that had not been discussed at that point by the Board. He went on to say that if the Board was going to give the public, "...something to hang their hat on..." for the next meeting, he suggested that the Board vote just on the ones that were discussed, and the changes proposed that evening, and place them in the July 17th document. He then added that for the following meeting that the ones which were not discussed, be allowed some time to go into further detail and allow the Board to discuss them then.

R. Hamlin proposed that, while he didn't think that everyone on the Board was ready to do so, he claimed that he would be ready to make a motion to accept the July 17th draft with the August 18th changes and edits made during the September 11th, 2023 meeting. One doc was 2 pages whereas the other was 3, adding that he agreed that there was enough additional information and changes that could be made. He went on to add that he would have liked to hear from B. Bishop and his changes to the document in question.

Bishop made some edits in regard to keeping a green open space portion, claiming that he felt that would further limit any developers that wanted come through. He claimed that would be something that should go into the Special Permit process instead of the Bylaw. He then mentioned the density parameters section, adding that he didn't like that the mixed-use density percentage was greater than the residential use percentage, that they should have both been 20% instead. He repeated that while he was ready to vote on all the concepts discussed he felt that there were still other sections that weren't touched upon by the Board, that needed to be discussed in order to be voted on.

Chairman McCormick Jr. wanted some clarification if a vote was needed to approve of the changes proposed that night.

Bishop explained that the vote for the items presented, not the full Bylaw just the sections discussed, was more about holding the Board to showing the public that this was how they felt about the change, as opposed to taking a vote and rescinding said vote at a following meeting.

There was some additional discussion about where to put the proposed changes, but the clarification seemed to be the July 17th document, with the Planner changes in red and the "Hamlin Changes" added to said documents.

Board member Alternate Adam Dunn commented via Zoom that he agreed with what his fellow Board members already said.

B. Bishop then presented the following Motion

Motion: To make the changes to the July 17th Document proposed by Board Member Rick Hamlin during the meeting, and that they include:

- 1) Define A.M.I.
- 2) Raise 1.34 parking spots to 1.5 per unit
- 3) Increase setback along 1-34 to 75 ft, and 50ft along Theophilus F. Smith Road
- 4) Change 'should' to 'required' in section D, and change 'could' to 'should' in section E.

Adding that more things could be added at the next meeting

R. Hamlin **2nds**

VOTE: Unanimous 6-0-0

Motion Verdict: Passed and carried.

Other:

By this point in the night J. Terrio Jr. excused himself

The Town Planner Gave the Planning Board A heads up about upcoming projects, such as 1 Love Farms which will be for a Special Permit, as well as a project involving a nursing home on 1 Love Lane which will apply under the Dover Amendment. He suggested that the 1 Love lane be presented as a Special Review. P. Foley added that he requested from the applicant a letter of permission from the tenant as the nursing home in question was still in use and had almost 95% of the in use. The company who was looking to buy, had at first 45 nursing home and by this point were down to 21. After an application submittal from them they would be coming before the Board for a special review.

He also mentioned an ANR that was going to be coming in.

He also gave a brief up date to Chandler lane mentioning about the fast approaching deadline. Adding that an estimate was submitted, and were then asked to revise.

R. Hamlin reminds the Board as well as the Town Planner that come the deadline, at the First meeting in October, if no work has begun on Chandler that he will be making a motion to take the bond of said project.

There was some additional updates and information on upcoming projects before R. Hamlin makes a motion to end the meeting.

Meeting Adjourns at 9:35 pm

Minutes Approved October 2, 2023