

DENNIS PLANNING BOARD

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Minutes of Meeting held

October 16, 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: Chairman Paul McCormick Jr., Brad Bishop, Jeffrey Eldredge, Rick Hamlin, Chris Hedetniemi & John Terrio Jr. (via Zoom)

Absent: Elizabeth Patterson (recused for MFHO discussion)

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 BUSINESS:

a. Committee Reports: There were some updates about what happened with the Economic Development Committee meeting. The other meeting was the Zoning Bylaw Study committee (ZBSC). There was also some talk about where and when the Town Meeting was going to be held. As well as a heads up about the new updated website that would be coming out soon.

b. Board Minutes – October 2, 2023.

Motion: To accept the October Minutes (presented by Rick Hamlin)

Chairman Paul McCormick Jr. 2nd

VOTE:6-0-1

Motion verdict: Minutes approved

c. ANR's – None

d. Chandler Drive Road Completion Update: The Town Planner had spoken with the engineer Dan Ojala, not present at the meeting, before he left for a week, and he said there was movement toward getting the work done. There was not a signed contract yet as had been promised the previous meeting. There was some additional discussion about the making sure we hold off on the Building Commissioner holding off on issuing a C.O. until the work is resolved. The frustration from both the Board and abutter Tom Rennell was that it seemed nobody was making any forward progress.

The Town Planner noted he had received an email from Mrs. Catterino, expressing that she was willing to put a \$100,000 in escrow. The Town Planner mentioned that what was not in the email however is doing a line of credit on another property to make up for the shortfall. The final consensus was that for this specific project the bylaw was to be followed until this job was done, no C.O. was to be issued. The Board also stated that the Town Planner was to be directed to inform the Building Commissioner that no C.O. was to be issued until the road was complete. Mr. Foley noted that he and the Building Commissioner had spoken and agreed. The following motion presented by Chairman Paul McCormick Jr.

Motion: The Planning Board instructs the Town Planner to formally request, as a courtesy, that the Building Office and Building Commissioner take note of the bylaw violation. And we (The Planning Board) encourage him to withhold any future full C.O.s in this development until the road has been completed.

Board Member Rick Hamlin 2^{nds}

Vote: 7-0-0

Motion Verdict: Passed and Approved

Public Meeting:

- 1. Multi-Family Housing Overlay District Zoning Bylaw – Continued discussion 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 Liz Patterson recused herself from the discussion and signed off for the evening.

Board member Brad Bishop points out a section of the Overlay Bylaw that had not been voted on yet regarding density parameters and the proposal for mixed use units. Bishop mentioned that while he wasn't against mixed use residential, he did feel that they were diverging away from the proposed Bylaw's intended purpose, which was to create housing.

The Town Planner clarified he chose 20 units and acre for the mixed use as an incentive because it cost more and some felt there was not as much demand for commercial. He was thinking we should create something like the space at Mashpee Commons with a few stories of residential above where there are the shops on the ground floor then living space in the rooms above. The Town Planner said he feels the key is to make the area and developments nice so that they attract businesses rather than just another strip mall. He thought of 15 units as the baseline for density purposes for residential only but, as he felt doing mixed use housing was more difficult, we create an incentive of up to 20 units an acre if done with housing above commercial with a walkable neighborhood with street trees and furniture close to services and transportation.

There was some more discussion based around the number of units per acre that should be allowed. The Board discussed the fact that this had started as allowing 40 units an acre, which had by this point dropped to 15. Many of them thought that number was too much of a drastic drop in units and a few suggested bring the number up a bit to 20 units. To which the Town Planner suggested, based on a conference he was at a week prior, implementing number of bedrooms per acre rather than number of units. The Board didn't seem to go for that and instead approved of the increase of 20 units per acre for both mixed-use and residential only.

The next item discussed was if there should be a cap on the number of units that could be built. Board member Brad Bishop presented a few pros and cons to the idea. Pros being that the Board would have some control of the rapidness of the growth in the area and the second being that it would put the public more at ease. Whereas one of the cons proposed was that, people have a right to develop their property, and to set a cap would be problematic and we don't have really a right to tell people they can't develop their property if we get halfway through a year and the all the cap has been met, it's very untenable to say to the next guy who wants to start building, in that same year that he can't.

The Board was a bit split on the idea of a cap. Some thought that setting a cap put too many limitations on the developers, whereas others thought, while still also opposed to cap, that implementing one would be beneficial in order to see the Bylaw approved as they saw it as a way to appease those of the public and ease some of the concerns of overpopulation in the area. The Chairman posed the question on if there was a cap in place and should they ever reach that cap, though he seemed to think that would have been very unlikely, would an applicant still be able to come to the Board to apply for a Special Permit and allow for the Board to overrule the unit cap? Or would it be a denial of a permit until the cap could be reset?

The Town Planner clarified that he was thinking more along the lines of a total cap of about 500 units. This way it creates a little pressure on developers to utilize the overlay but also gives the Town the ability to review and see how it has worked. If they get to 500 and the area looks nice and the world keeps spinning then we can consider raising the number of units and expanding the area. He added that he thought that certain things could be in the bylaw that might not otherwise be allowed because this is an overlay where they would be adding rights to the property owners and not taking away any existing rights away.

Board Member Jeff Eldredge, who had expressed opposition to a cap on units, also mentioned a concern about putting too many restrictions on the contractors and developers and feared that nothing would get done, and saw it as part of the reason why the ADUs have not been used as much as they hoped.

Bishop pointed out that the “failure” of the ADUs seemed to be more about them not being popular with the public and less about the cap on the units that they for the projects. The Board went on to discuss additional pros and cons about a cap for the units, as well as questioning how much control was too much.

The Board continued discussion on the idea of a cap, as some were against because they were afraid nothing would get done, however on the flip of that, some saw the benefit of a cap, as they feared without one, no work would get done and the Bylaw might not be passable without. The Board went on to discuss the process and Bishop brought up that once the Board passed it to the ZBSC (Zoning Bylaw Study Committee) and got comments back, the Planning Board could then still revise if needed before passing over to the Select Board for approval.

There was additional discussion if a certain number of units could be done as overflow for that year until the cap reset as needed, or would simply be the ones at the top of the list for the following year. There was some additional deliberation, but ultimately the Board agreed on a cap of 250 building permits per year.

Additionally, there was some discussion about making a portion of those units as rentals. A pro being that it would address the housing crisis faster and more thoroughly than ownership properties and could also deter seasonal visitors in this zone. A con being that it would be a restriction. The Board went on to discuss that if they required rentals only it would be for year-round occupation. However, there were some concerns brought up that could potentially prevent a buyer from taking a long vacation. To which it was clarified that they would not be preventing a person from going away on vacation, but it would deter a person from doing a 6-month lease and rent out their property as a short-term rental. They went into more detail about the renters having these as their primary residence and to not allow any second home owners. There was a consensus that this Bylaw was to produce year-round housing including for the workforce. The Board discussed some additional language before providing a summary of the changes that they wanted such as 20 units an acre for mixed use or residential only housing and the 250 annual cap on building permits issued, not including the commercial space. With some fine tuning made, B. Bishop presented the following Motion, **Motion:** To accept the amended but wonderfully satisfactory zoning bylaw, that covers the multifamily housing overlay district.

R. Hamlin 2nds

VOTE: Unanimous 6-0-0

Motion Verdict: Passed and approved

CURRENT & LONG-RANGE PLANNING: Town Planner update

Updates about the South Dennis Health Care nursing home on Love Lane and if the proposed use would be covered under the Dover amendment or not. The Town Planner noted that the letter from Town Counsel said

it “likely” was covered by the Dover Amendment which is intended to protect religious and educational uses but has been to court so many times of over the years the definition of educational has been stretched. He went on to say that the applicants had purchased the retirement home but the big issue for him was that there is an active nursing home serving a vital community interest with 92 patients at last check last month that were still living there and being care for. He could not understand that a housing organization is part of displacing the citizens most in need of housing and care. The Town Planner’s concern was that there was a retirement home still serving a purpose to the community, and was concerned about those residents having to be relocated. Foley brought up again the concern about the “Silver Tsunami” as he put it and that the need for retirement homes and care facilities is not going away. He gave a few more updates on what was to come in the future before the Board ended the meeting for the night.

NEXT MEETING: Scheduled for Monday November 6, 2023

Meeting Ends at 8:20pm

Minutes approved 11/20/2023