

WARRANT OF THE SELECT BOARD

October 25, 2022
TOWN OF DENNIS
SPECIAL TOWN MEETING

THE COMMONWEALTH OF MASSACHUSETTS
BARNSTABLE, ss.

GREETINGS

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the Inhabitants of said Town, qualified to vote in Town affairs, to meet at the Nathaniel H. Wixon School, 901 Route 134, South Dennis, in said Town, on Tuesday, the 25th of October, 2022, at 7:00 in the evening, then and there to act on the following articles:

DENNIS WARRANT WITH SELECT BOARD
and FINANCE COMMITTEE RECOMMENDATIONS

ARTICLE 1: Short Term Interest

To see if the Town of Dennis will vote to raise and appropriate or transfer from available funds \$445,070.14 for interest on Bond Anticipation Notes issued for the Fire Station 2, West Dennis Schoolhouse Restoration and Captain Baker House Restoration projects.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 2: Revolving Accounts

To see if the Town will vote, pursuant to Chapter 44, §53E ½, of the Massachusetts General Laws and §33-1 of the Town By-Laws to increase the spending limits for the three existing revolving funds for Fiscal Year 2023; or to take any other action relative thereto.

Program or Purpose	Authorized Representative or Board to Spend	FY2023 amended Authorization
COA Revolving Fund - 565	Council on Aging Director	\$200,000
Recreation Dept Revolving Fund - 590	Recreation Director	\$350,000
Golf Revolving Fund - 585	Golf Director	\$475,000

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 3: Transfer to Finance Committee Reserve Fund

To see if the Town of Dennis will vote to transfer \$17,406 from free cash to the Finance Committee Reserve Fund for the purchase of (2) ATV’s for the Dennis Police Department; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 4: By-Law Amendment – Cable Revolving Fund

To see if the Town of Dennis will vote to amend §33-1 of the Town By-Laws to strike the cable revolving fund section as follows:

<u>Program or Purpose</u>	<u>Authorized Representative or Board to Spend</u>	<u>Department Receipts</u>
Cable Revolving Fund	MIS Director	Monies received from cable receipts may, after receipt, be expended, and without further appropriation to fund cable related expenses.

Or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 5: Cable Related Expenditures

To see if the Town of Dennis will vote to transfer \$50,000 from the Public Educational and Governmental (PEG) Access and Cable Related Fund to the General Fund for cable related expenditures; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 6: Cape Media Center PEG Access Funding

To see if the Town of Dennis will vote to appropriate \$79,591.56 from the PEG Access and Cable Related Fund for PEG Access Television per the Agreement with Cape Media Center; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 4-1-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 7: Cable Capital Stabilization Fund

To see if the Town of Dennis will vote to create a Cable Capital Stabilization Fund for capital costs for public, educational or government (PEG) access facilities to include studio and production costs, such as equipment, cameras, lighting, editing machines, studio rent or property costs and other expenditures related thereto into which all annual \$52,500 “PEG access facilities” payments are to be deposited, and to be held there solely for expenditures for “PEG access facilities” capital costs; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 8: Transfer to Capital Improvement Stabilization Fund

To see if the Town of Dennis will vote to transfer from available funds a sum of money to the Capital Improvement Stabilization Fund; or to take any other action relative thereto.

(By the Select Board)

Select Board Voted 5-0-0 to place and support the article.

Finance Committee: reserves recommendation for Town Meeting floor.

ARTICLE 9: Golf Capital Improvement

To see if the Town will vote to appropriate and transfer from available funds \$155,000 to redevelop and/or replace the existing irrigation wells at the Dennis Pines and Dennis Highlands Golf Courses and any other costs related thereto; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 10: By-Law Amendment – Golf Revolving Fund

To see if the Town of Dennis will vote to amend §33-1 of the Town By-Laws to amend the Golf Revolving Fund as follows:

<u>Program or Purpose</u>	<u>Authorized Representative or Board to Spend</u>	<u>Department Receipts</u>
Golf Revolving Fund	Golf Director	25-30% of golf cart rental fees

received are to pay for the Town's lease of golf carts, revenue from the golf course pro-shops fees or charges are to support the operations of the golf proshops and a portion or all of the Head Golf Professional's salary along with benefits may be paid from the golf revolving fund, revenue from the Golf Handicap and Information Network are to pay the Massachusetts Golf Association dues for members' handicaps.

Or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 11: By-Law Amendment – Membership Fees Allocation to Golf Improvement Fund

To see if the Town of Dennis will vote to amend §19-11 of the Town By-Laws as follows:

The Select Board is hereby authorized to amend the fees to be deposited into the Golf Capital Improvement Fund as follows: 5% of the green fees, and 2835% of all membership Fees; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 12: Amend Bylaw – Waterways Commission, 5-5(b)

To see if the Town will vote to amend *Article IV, Section 5-5* of the Waterways Bylaw by deleting the text shown in strikethroughs:

Article IV, Section 5-5.

The powers and duties of the Waterways Commission is set forth in 5-5 (b) and provides as follows:

The Commission shall advise the Select Board, Harbormaster and Town Administrator on the use, maintenance, regulations, administration, and development of all navigable Town waterways and lakes over 10 acres in area, including related shore facilities. Commission members will be expected to attend occasional meetings beyond their regularly scheduled meeting in support of the Commission's charge.

The Commission's work shall include, but not be limited to, the following:

- (1) Assist the Harbormaster in providing input to the Department's annual operating budget and capital budget requests. Including the five-year capital plan;
- (2) Assist the Harbormaster in the development of short and long term goals and objectives for the Department;
- (3) Assist the Harbormaster in developing a long range maintenance plan for all waterways and facilities;
- (4) Receive and review monthly and annual financial reports of waterways revenue;
- (5) Seek information, advice, and assistance from various Town departments that are affected by or affect waterways operation;
- (6) Encourage community support of the Town waterways;
- (7) Review and become acquainted with all waterways and their assets;
- (8) Provide annual updates to the Select Board and the Town Administrator as to the Commission's deliberations and recommendations during the annual fee hearing, review of the Harbormaster's goals and objectives as well as capital and operating budget reviews;
- (9) Advise, consult and confer with the ~~Town Administrator~~ Select Board Liaison regarding any operational issue affecting the Town's waterways.

The Commission shall meet at least on a monthly basis or as needed, and a majority of members must be present for the Commission to meet and conduct any business scheduled before it. All meetings of the Commission or any sub-Commission established by the Commission are to be held in a public location, properly posted and open to the public, in accordance with the Massachusetts Open Meeting Law. Minutes of each meeting shall be prepared and approved by the Commission within a reasonable time after said meeting and distributed to the Select Board. ~~Commission members shall be mindful of their attendance obligations at Commission meetings as identified in Section 5-10 of the Town of Dennis By Laws.~~

Or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 13: Elderly Exemption, Accept MGL Chapter 59, Section 5, Clause 41C

2002, which amends MGL Chapter 59, Section 5, Clause 41C, and authorizes the Town to increase the real estate tax exemption amount under this section from \$500 to \$1,000; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 14: Budget Transfer – Fire Department

To see if the Town of Dennis will vote to transfer \$23,375 from line #59 to line #60 of Article 4 of the May 3, 2022 ATM for the increased costs of the Pumper 111 frame replacement; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 15: Budget Transfer – Non Union and Seasonal Salaries

To see if the Town of Dennis will vote to transfer \$325,327 from the May 3, 2022 Annual Town Meeting under Article 4, line item #3A Town Administrator Settlements to fund Non Union COLAs in the amount of \$26,618 and seasonal salary increases in the amount of \$298,709; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 4-0-0 to place and support the article.

Finance Committee: Voted 5-0-2 to recommend the article.

ARTICLE 16: Ambulance Purchase

To see if the Town of Dennis will vote to raise and appropriate or transfer from available funds \$600,000 for the purchase of an ambulance; or take any other action related thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 17: Budget Increase for Mowing Services

To see if the Town will vote to raise and appropriate or transfer \$18,244 to the Public Property/Buildings FY2023 budget for the cost of outsourcing the mowing of Town properties and any other costs related thereto; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 18: Budget Increase for Building Maintenance

To see if the Town of Dennis will vote to raise and appropriate or transfer from available funds a sum of money for maintenance of Town buildings; or to take any other action relative thereto.

(By the Select Board)

Select Board Voted 4-0-0 to place and support the article.

Finance Committee: Voted 6-1-0 to recommend the article.

ARTICLE 19: Classification & Compensation Study - AFSCME, MLDC & CM

To see if the Town of Dennis will vote to raise and appropriate or transfer from available funds \$30,000 for the cost of classification and/or compensation studies for positions in Units A and B, Local 2977 of Council 93 of the American Federation of State, County and Municipal Employees (AFSCME), Massachusetts Laborers' District Council of the Laborers' International Union of the North America, AFL-CIO Public Employees Local Union 1249 (MLDC) and Craft Maintenance; or take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 20: Labor Union Agreement – Police Patrol Officers

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund a collective bargaining agreement between the Town and the Dennis Patrol Officers MassCOP, Local 504 Union, for Fiscal Year 2023; or take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and 4-0-1 to support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 21: Labor Union Agreement – Police Sergeants

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund a collective bargaining agreement between the Town and the Dennis Police Sergeants MassCOP, Local 505 Union, for Fiscal Year 2023; or take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and 4-0-1 support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 22: Wastewater Superintendent

To see if the Town of Dennis will vote to raise and appropriate or transfer from available funds a sum of money to create a new permanent, full time position of Wastewater Superintendent and any other costs related thereto; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 4-2-0 to recommend the article.

ARTICLE 23: Media and Communications Specialist

To see if the Town of Dennis will vote to reclassify the Media Specialist as a new permanent, full time position of Media and Communications Specialist, and any other costs related thereto; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 24: CPC Bond Anticipation Note (BAN) Paydown – Jericho/Captain Baker House

To see if the Town of Dennis will vote pursuant to the Community Preservation Act (MGL Chapter 44B) to appropriate \$258,000 from the Community Preservation Historic Preservation Reserves to retire a Bond Anticipation Note issued to include ADA accessible parking and walkways at 90 Old Main Street; or take any other action related thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 25: CPC Bond Anticipation Note (BAN) Paydown – West Schoolhouse

To see if the Town of Dennis will vote pursuant to the Community Preservation Act (MGL Chapter 44B) to appropriate \$120,000 from the Community Preservation Historic Preservation Reserves to retire \$120,000 of a \$343,000 Bond Anticipation Note issued to stabilize and extensively repair the timber frame of the West Schoolhouse located at 61 Whig Street; or take any other action related thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 26: CPC Grant#1 Natural Resources/Conservation

To see if the Town of Dennis will vote pursuant to the Community Preservation Act (MGL Chapter 44B) to appropriate and transfer \$14,000 from the Community Preservation Open Space & Recreation Reserves for the purchase and installation of conservation area kiosks, signs and fencing and any other costs related thereto; or take any other action related thereto.

(By the Community Preservation Committee)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 27: CPC Grant #2 Johnny Kelly Park Restoration

To see if the Town of Dennis will vote pursuant to the Community Preservation Act (MGL Chapter 44B) to appropriate and transfer \$104,800 from the Community Preservation Open Space & Recreation Reserves and \$200,000 from the Community Preservation Undesignated Fund Balance for the restoration of Johnny Kelly Park and any costs related thereto; or take any other action related thereto.

(By the Community Preservation Committee)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 28: CPC Grant #3 Playground Upgrades – West Dennis Graded School and Johnny Kelly Park

To see if the Town of Dennis will vote pursuant to the Community Preservation Act (MGL Chapter 44B) to appropriate and transfer \$308,800 from the Community Preservation Undesignated Fund Balance for playground upgrades at the West Dennis Graded School and Johnny Kelly Park and any costs related thereto; or take any other action related thereto.

(By the Community Preservation Committee)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 29: CPC Grant #4 Jericho Historical Center Barn Exterior Restoration

To see if the Town of Dennis will vote pursuant to the Community Preservation Act (MGL Chapter 44B) to appropriate \$149,106 from the Community Preservation Historic Preservation Reserves as a grant to the Jericho Historical Center Committee pursuant to a grant agreement between the Select Board and the Jericho Historical Center Committee for the exterior restoration of the Jericho Historical Center Barn, and further to authorize the Dennis Select Board to enter into said agreement upon such terms and

conditions as it deems appropriate, which shall include a historic preservation restriction to be acquired by the Town; or take any other action related thereto.

(By the Community Preservation Committee)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 5-0-1 to recommend the article.

ARTICLE 30: CPC Grant #5 Setucket Road Community Housing

To see if the Town of Dennis will vote pursuant to the Community Preservation Act (MGL Chapter 44B) to appropriate and transfer \$341,250 from the Community Preservation Community Housing Reserves as a grant to Habitat for Humanity pursuant to a grant contract between the Select Board and Habitat for Humanity of Cape Cod for the Setucket Road Community Housing Project, and further to authorize the Dennis Select Board to enter into said contract upon such terms and conditions as it deems appropriate, which shall include an affordable housing restriction on the buildings to be acquired by the Town; or take any other action related thereto.

(By the Community Preservation Committee)

Select Board: Voted 5-0-0 to place the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 31: CPC Grant #6 FORWARD at the Rock, Phase II

To see if the Town of Dennis will vote pursuant to the Community Preservation Act (MGL Chapter 44B) to appropriate and transfer \$235,000 from the Community Preservation Community Housing Reserves and \$450,000 from the Community Preservation Undesignated Fund Balance as a grant to FORWARD (Friends or Relatives with Autism & Related Disabilities, Inc.) pursuant to a grant contract between the Select Board and FORWARD for the FORWARD at the Rock, Phase II project, and further to authorize the Dennis Select Board to enter into said agreement upon such terms and conditions as it deems appropriate, which shall include an affordable housing restriction on the buildings to be acquired by the Town; or take any other action related thereto.

(By the Community Preservation Committee)

Select Board: Voted 4-0-1 to place and 4-0-1 to support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 32: CPC Grant #7 Dennis Rental Assistance Program

To see if the Town of Dennis will vote pursuant to the Community Preservation Act (MGL Chapter 44B) to appropriate \$388,800 from the Community Preservation Community Undesignated Fund Balance as a grant to the Dennis Housing Authority for the Dennis Rental Assistance Program pursuant to a grant agreement between the Select Board and Dennis Housing Authority, and further to authorize the Dennis

Select Board to enter into said agreement upon such terms and conditions as it deems appropriate; or take any other action related thereto.

(By the Community Preservation Committee)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 7-0-0 to recommend the article.

ARTICLE 33: Accessory Dwelling Unit Bylaw

To see if the Town of Dennis will vote to amend the Dennis Zoning By-law to:

- Section 2.2.2 item k, by deleting existing k Dwelling, One Unit with Accessory Apartment and replacing it with k. Accessory Dwelling Unit;
- add new provisions for Accessory Dwelling Unit by amending Sections 9.2.3, 9.3.3, 9.5.3, and 9.6.3 relative to Permitted Uses in the West Dennis Village Center Zoning Districts
- amend Section 3.1.3.2 to add parking requirements for ACCESSORY DWELLING UNIT; and
- Amend Section 5 Definitions by deleting DWELLING, ONE UNIT WITH ACCESSORY APARTMENT and adding ACCESSORY DWELLING UNIT
- Add New Section 4.11 Regulations Specific to Accessory Dwelling Units
- Delete Section 4.9.3.4 **Affordable Housing Apartment Accessory to Residential Use**

Additions shown in **BOLD**, deletions shown in *ITALICS*.

Amend Section 2.2.2 item k, by deleting existing k Dwelling, One Unit with Accessory Apartment and replacing it with k. Accessory Dwelling Unit

PRINCIPAL USES	DISTRICT									
	R-40 R-60	Quivet Neck/Crowe's Pasture Resource Protection District	RR	LB	EB	GC -I	GC-II GC-III	I	DPVC Area A	DPVC Area B
2. RESIDENTIAL USES										
<i>k. Dwelling, One Unit with Accessory Apartment</i>	<i>Y</i>	<i>N</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>N</i>	<i>Y</i>	<i>N</i>	<i>Y</i>	<i>Y</i>
k. Accessory Dwelling Unit	S	N	S	S	N	N	S	N	S	S

amend Sections 9.2.3, 9.3.3, 9.5.3(B), and 9.6.3(B) relative to Permitted Uses in the West Dennis Village Center Zoning Districts:

ADD TO PERMITTED USES

- **ACCESSORY DWELLING UNIT**

Amend Section 3.1.3.2 to add

USE	PARKING SPACES
RESIDENTIAL USES	
ACCESSORY DWELLING UNIT	2 for primary residence + 1 per bedroom in accessory dwelling unit

Amend Section 5, Definitions, by deleting-DWELLING, ONE UNIT WITH ACCESSORY APARTMENT and adding ACCESSORY DWELLING UNIT

DWELLING, ONE UNIT WITH ACCESSORY APARTMENT An owner(s)-occupied building containing two (2) living areas, one (1) of which shall be an accessory apartment with a net floor living area not to exceed six hundred (600) square feet, which includes not more than one bedroom, a kitchen, living room and bath. The apartment created by this definition shall be restricted to the use by the property owner's immediate family, including in-laws (mother, father, brother, sister, son, or daughter), or a health care professional providing a service to the above owner(s).

ACCESSORY DWELLING UNIT An owner-occupied building containing two (2) living areas, one (1) of which shall be an accessory apartment with a net floor living area not to exceed the lesser of eight hundred (800) square feet or 40% of the total living space in the existing dwelling, inclusive of sleeping, cooking, and sanitary facilities, and which includes not more than two (2) bedrooms. Accessory Dwelling Units shall not be separated by ownership from the principle dwelling on the property.

4.11 Regulations Specific to Accessory Dwelling Units (ADU)

4.11.1 Any special permit issued for an ADU shall be subject to all state and local laws, rules and regulations promulgated, enforced, or otherwise within the jurisdiction of the Board of Health of the Town of Dennis. An applicant must follow all statutes, by-laws and regulations.

4.11.2 An Accessory Dwelling Unit (ADU) may be created by converting space within an existing dwelling. An ADU may also be created by building or by creating new space attached by new or existing Conditioned Space (as defined in the Massachusetts Building Code 780 CMR 202) to a Principal Residential Structure. The following additional standards and conditions shall govern special permits issued under this subsection:

4.11.3 An ADU may only be created on lots on which there already exists a Principal Residential Structure, and may only be created within an existing dwelling or by creating new space attached by new or existing Conditioned Space to such Principal Residential Structure.

4.11.4 An ADU shall be subject to the following additional restrictions.

4.11.4.1 Lot must be a minimum of 15,000 sf.

4.11.4.2 There shall not be more than one ADU on a lot.

4.11.4.3 Lots that exceed maximum lot coverage, i.e. pre-existing non-conforming lots shall not be permitted an ADU.

4.11.4.4 Lots that are below 15% maximum lot coverage may be permitted to construct an addition up to the maximum lot coverage to accommodate an Accessory Dwelling Unit.

4.11.4.5 Parking:

4.11.4.5.1 Shall be on-site.

4.11.4.5.2 Shall be incorporated to blend in with the existing residential parking on-site (i.e. garage and/or within the driveway or expanded driveway area)

4.11.4.5.3 Shall not encroach on the 10 foot side line green area required under Section 2.3.4.1.b.

4.11.4.6 An ADU shall not be located in a designated AE or V flood zone as regulated by the Dennis Flood Maps adopted on May 6, 2014.

4.11.5 An 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.

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.

4.11.7 A dwelling proposed to include an ADU:

4.11.7.1 Shall be subject to the granting of a Special Permit by the Dennis Planning Board;

4.11.7.2 May be expanded by the granting of a Special Permit which is based upon a finding by the Planning Board that the conditions present on the site are adequate to support the proposed use, protect the surrounding neighborhood and be consistent with all other restrictions found in this by-law.

4.11.8 For the purposes of 4.11, 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.

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.

4.11.10 Contextual Design

4.11.10.1 If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.

4.11.10.2 An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property and the privacy of abutting properties is maintained, considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window location, and building materials.

4.11.11 Maximum Permits for ADUs,

(a) shall not exceed 9 in any calendar year.

(b) Any unused permits in any one calendar year shall not roll over to any subsequent calendar year.

(c) This provision will allow the Planning Board and other committees to study the impact of ADUs on the Town of Dennis and recommend future actions if needed. This provision 4.11.11 shall expire automatically on December 31, 2027 without further Town Meeting Action.

4.11.12 Enforcement

4.11.12.1 Real property containing an ADU, as described in this Section, for which a validly-issued Variance, Special Permit, Building Permit, or Occupancy Permit does not exist, may apply to the Building Department for an Occupancy Permit to continue use as an accessory dwelling unit provided the provisions of Section 4.11 and 3.1.2 are complied with.

4.11.12.2 To qualify under this Section, the unpermitted ADU must be a single accessory dwelling unit that is accessory to a single-family dwelling and must have been in existence prior to the date of adoption of this bylaw. It shall be the burden of the applicant to prove to the Building Department that the unlawful apartment was in existence before that date.

4.11.13 Monitoring and Other Provisions

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.

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.

4.11.13.3 The unit to be leased shall maintain a rental permit with the Dennis Board of Health.

4.11.13.4 The property owner shall be required to annually file, on or before January 31st, with the Building Commissioner:

4.11.13.4.1 A copy of the Dennis Board of Health Rental Permit;

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

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.

Delete Section 4.9.3.4 Affordable Housing Apartment Accessory to Residential Use

4.9.3.4 Affordable Housing Apartment Accessory to Residential Use

4.9.3.4.1 An Affordable Housing Apartment may be created by converting an existing accessory structure, or space within a Principal Residential Structure, to a dwelling unit. The following additional standards and conditions shall govern special permits issued under this subsection:

4.9.3.4.2 An Affordable Housing Apartment accessory to an existing residential use may only be created on lots on which there already exists a Principal Residential Structure, and may only be created within such Principal Residential Structure, or within an existing accessory structure, as that term is defined under Section 5 of the Zoning By-law. The accessory structure in which an Affordable Housing Apartment is proposed must have been in existence for at least five years prior to the filing of the special permit application.

4.9.3.4.3 An Affordable Housing Apartment accessory to a residential use shall not be allowed on lots of less than 20,000 sf.

4.9.3.4.4 Affordable Housing Apartments accessory to residential uses shall be considered an “accessory use” to the principal use on the lot and shall be restricted so that Affordable Housing Apartments are never divided by ownership from the principal structure. A structure proposed to include an Affordable Housing Apartment may be expanded by the granting of a Special Permit which is based upon a finding by the Planning Board that the conditions present on the site are adequate to support the proposed use, protect the surrounding neighborhood and meet the intended goals of providing affordable housing.

4.9.3.4.5 Any lot containing an Affordable Housing Apartment shall be subject to a recorded restriction that shall restrict the lot owner’s ability to convey interest in the Affordable Housing Apartment except leasehold estates for the term of the restrictions.

4.9.3.4.6 *For the purposes of 4.9.3.4, one unit shall be owner occupied on a year-round basis, except for bona fide temporary absences during which the unit is not rented.*

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

Planning Board: Voted 6-0-0 to recommend the article.

Board of Health: Voted 5-0-0 to support the article.

TWO-THIRDS

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And you are directed to serve this WARRANT by posting up attested copies thereof at EACH OF THE POST OFFICES in said TOWN OF DENNIS at least FOURTEEN (14) days before the time of holding the said meeting.

HEREOF FAIL NOT, and make a due return of this WARRANT with your doings thereon to the TOWN CLERK, at the time and place of the meeting aforesaid.

Given unto our hands this 7th day of October in the year Two Thousand Twenty-two.

DENNIS SELECT BOARD

Christopher Lambton, Chair

John Terrio, Vice Chair

Christopher Flanagan

Paul McCormick

James Plath

A True Copy, Attest

Theresa T. Bunce, Town Clerk

BARNSTABLE, ss.

PERSUANT TO THE WITHIN WARRANT, I have notified and warned the Inhabitants of the Town of Dennis by posting up attested copies of the same at EACH OF THE POST OFFICES AND ON THE PRINCIPAL BULLETIN BOARD IN THE TOWN HALL OFFICES, SOUTH DENNIS FOURTEEN (14) days before the date of the meeting, as within directed.

Constable of Dennis

Date