

**TOWN OF DENNIS  
SPECIAL TOWN MEETING  
NOVEMBER 16, 2010**

THE COMMONWEALTH OF MASSACHUSETTS  
BARNSTABLE, SS.

To any of the Constables or other persons of the Town of Dennis in the County of Barnstable:

GREETING:

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 elections and Town affairs, to meet at the **NATHANIEL H. WIXON MIDDLE SCHOOL AUDITORIUM, 901 ROUTE 134, SOUTH DENNIS**, in said Town of Dennis on the **16th DAY OF NOVEMBER next at 7:00 PM**, then and there to take action on the following articles:

**DENNIS WARRANT WITH BOARD OF SELECTMEN AND FINANCE COMMITTEE  
RECOMMENDATIONS**

**ARTICLE 1: D-Y Regional School District Assessment Amendment**

To see if the Town will vote to amend the Town's assessment of the Dennis-Yarmouth Regional School District as voted under Article 6 of the May 4, 2010 Annual Town Meeting by reducing the original appropriation of \$14,852,483 by \$211,005.00 so the new total raise and appropriate will be \$14,641,478 as the Town's share of the operating expenses, and further, approve a new total budget of \$48,387,037 for the fiscal year beginning July 1, 2010, or take any other action relative thereto.

**(By the Selectmen)**

**BOS: 5-0-0**

**FC: 5-0-0 to recommend the article as printed.**

**ARTICLE 2: Grant to D-Y Regional School District**

To see if the Town will vote to raise and appropriate or transfer from available funds, as a grant, a sum of money to support art, technology, youth sports and recreation programs in the Dennis-Yarmouth Regional School District for the fiscal year beginning July 1, 2010, or take any other action relative thereto.

**(By the Selectmen)**

**BOS: 5-0-0**

**FC: 5-0-0 Recommend to raise and appropriate \$41,752.00 for the article.**

**ARTICLE 3: Feasibility Study of Withdrawing Grades K-8 from D-Y District**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay for consulting services for a feasibility study of withdrawing grades K thru 8 from the Dennis-Yarmouth Regional School District, or take any other action relative thereto.

**(By the Selectmen)**

**BOS: 5-0-0**

**FC: 5-0-0 Recommend to transfer \$30,000 from free cash for the article.**

**ARTICLE 4: Community Preservation Committee – Manse Construction/  
Borrowing Costs**

To see if the Town will vote to appropriate and transfer \$50,000 from Reserves for Any CPA Purpose, \$50,000 from Historic Preservation Reserves, and \$80,000 from the Undesignated CPA Fund Balance (certified as of 6/30/2010) towards the restoration of the Josiah Dennis Manse Museum and associated costs; and further, to see if the Town will vote to reduce the debt authorized to pay costs of this project under Article 3 of the Warrant at the Special Town Meeting held on October 27, 2009 from \$1,800,000 to \$1,620,000, or take any other action relative thereto.

**(By the Community Preservation Committee)**

**BOS: 5-0-0**

**FC: 5-0-0 Recommend funding as printed in the article for a total of \$180,000.**

## **ARTICLE 5: CPC Purchase of Perpetual Conservation Restriction**

To see if the Town will vote to raise and appropriate, transfer or borrow available funds, including those received as a Local Acquisition for Natural Diversity (LAND) grant, or otherwise, a sum of money for the acquisition of a perpetual conservation restriction in accordance with G.L. Chapter 184 on a certain parcel of land containing 8.21 acres, more or less, located off New Boston Road, in Dennis, Massachusetts shown as Lot 1 on a plan entitled "Plan of Land in Dennis, MA Prepared for Ronald J. Hague and the Dennis Conservation Trust" dated November 6, 2009, prepared by Down Cape Engineering, Inc., recorded with Barnstable County Registry of Deeds in Plan Book 632, Page 82, such conservation restriction to be held by the Conservation Commission of the Town of Dennis in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes; and to authorize the Conservation Commission to acquire such conservation restriction by gift or purchase on such terms and conditions as they may determine; and to meet said appropriation with funds transferred and/or borrowed in accordance with G.L. Chapter 293 and G.L. Chapter 44B to authorize the Treasurer with the approval of the Board of Selectmen to issue any bonds or notes that may be necessary for that purpose as authorized by G.L. Chapter 44 or any other enabling authority; and to authorize the Conservation Commission or the Board of Selectmen to file on behalf of the Town any and all applications deemed necessary for grants and or reimbursements from the Commonwealth of Massachusetts under G.L. Chapter 132A, Section 11 or any other enabling authority , or any other applications for funds in any way connected with the scope of this acquisition; and to authorize the Board of Selectmen and the Conservation Commission as they deem appropriate, to enter into all agreements and execute any and all instruments as may be necessary or convenient on behalf of the Town to effect said acquisition, or take any other action relative thereto.

**(By the Community Preservation Committee)**

**BOS: 4-0-1**

**FC: 5-0-0 Recommend article as printed and borrowing \$385,000 contingent upon receipt of grants from the Commonwealth and the Dennis Conservation Trust.**

## **ARTICLE 6: CPC Fund Historic Preservation Services for Swan Lake Cemetery**

To see if the Town will vote to appropriate and transfer a sum of money from the Community Preservation Historic Preservation Reserves Fund to Swan Lake Cemetery Association, Inc. for historic preservation services at the Swan Lake Cemetery, or take any other action relative thereto.

**(By the Community Preservation Committee)**

**BOS: 5-0-0**

**FC: 5-0-0 Recommend to appropriate and transfer \$22,000 from the Historic Preservation Reserves Fund to Swan Lake Cemetery Assoc., Inc.**

**ARTICLE 7: CPC – Fund Historically Appropriate Shutters for Carleton Hall**

To see if the Town will vote to appropriate and transfer a sum of money from the Community Preservation Historic Preservation Reserves Fund to the Town of Dennis, to purchase and install historically appropriate shutters for Carleton Hall, or take any other action relative thereto.

**(By the Community Preservation Committee)**

**BOS: 5-0-0**

**FC: 5-0-0 Recommend to appropriate and transfer \$9,972 from Historic Preservation Reserves for the article.**

**ARTICLE 8: Dennis Police Unions Settlement**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the following Fiscal Year 2011 collective bargaining agreements between the Town and: 1) the Dennis Patrol Officers, IBPO Local 417 Union; 2) the Dennis Police Sergeants IBPO Local 579 Union; and 3) the Dennis Police Superior Officers, or take any other action relative thereto.

**(By the Selectmen)**

**BOS: 5-0-0**

**FC: 5-0-0 Recommend to raise and appropriate \$45,000 for the article.**

**ARTICLE 9: Old Dennis Police Station Renovations**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money to fund the construction, reconstruction, renovations and other related costs for the Old Police Station building, making it suitable for Town Office Space, or take any other action relative thereto.

**(By the Selectmen)**

**BOS: 5-0-0**

**FC: 5-0-0 Recommend borrowing \$1,725,000 for the purpose of the article.**

**ARTICLE 10**

**(HOTEL ZONING DISTRICT BY-LAW)**

**To See if the Town of Dennis will Vote to Amend Section 2.1 Zoning District Subsection 2.1.1 Establishment by adding "Hotel Resort District"; and Subsection 2.1.2 Zoning Map to add two proposed locations for Hotel Resort Districts; Section 2.2.2 Use Regulation Schedule; and create a new Section 10 Hotel Resort Districts.**

**2.1.1 Establishment**

The Town of Dennis is hereby divided into the following zoning districts:

<b>TITLE</b>	<b>SHORT NAME</b>
Rural Residential	R-60
Low Density Residential	R-40
Resort and Residential	RR
Limited Business	LB
Extensive Business	EB
General Commercial I	GC-I
General Commercial II	GC-II
General Commercial III	GC-III
Industrial	I
Quivet Neck/Crowe's Pasture Resource Protection District	QNCP RP
Dennisport Village Center	DPVC
Residential/Commercial	R/C
Mixed Use Marine	MUM
Marine Open Space	MOS
Village Center Support	VCS
West Dennis Village Center	WDVC
Medium Wind Facility Overlay District	MWFOD
Large Wind Facility Overlay District	LWFOD
<b>Hotel Resort District</b>	<b>HR</b>

**2.1.2 Zoning Map**

The boundaries of the districts are defined and bounded on the map entitled "Town of Dennis Zoning Map", dated ~~January 11, 2010~~ **September 5, 2010** on file with the Town Clerk. That map and all explanatory matter thereon are hereby made a part of this By-law, together with any amendments adopted by vote of the Town Meeting.

## Section 2.2.2 Use Regulation Schedule

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										
f. Hotel	N	N	¥ S	N	N	S	S	N	S	S
g. Motel/Motor Court	N	N	¥ S	N	N	S	S	N	S	S

### Section 10 Hotel Resort Districts (HR)

#### Sec. 10-1 Purpose

#### Sec. 10-2 Establishment of Districts

#### Sec. 10-3 Dimensional Requirements

#### Sec. 10-4 Generally Permitted Hotel Resort Uses And Structures

#### Sec. 10-5 Uses And Structures In Hotel Resort Districts That Require A Special Permit

#### Sec. 10-6 Special Provisions for Accessory Uses And Structures In Hotel Resort Districts That Require A Special Permit.

#### Sec. 10-7 Development Standards

#### Sec. 10-8 Hotel and Motel Projects in the General Commercial II Zoning District

#### Sec. 10-9 Permits Required

#### Sec. 10-10 Application To Resort Development In Other Districts

#### Sec. 10-11 Limitations on Hotel/Condo Projects

#### **Sec. 10-1 Purpose.**

1. To create and protect attractive areas in pleasing and harmonious surroundings to accommodate the needs and desires primarily of visitors, tourists and transient guests.
2. To control density, to assure that undue congestion of streets and facilities will not occur and to ensure that public safety is not compromised.
3. To control the organization and design of use and structures to assure that the development will not detract from the natural features and attributes of the surrounding area.
4. To insure that physical and visual public access to recreational, historic and scenic areas is maintained and improved.

#### **Sec. 10-2 Establishment of Districts**

Areas created under Section 10 Hotel Resort Districts shall be as set forth in the map on file with the Town Clerk and available in the Dennis Planning Office dated September 5,

2010 incorporated by reference herein. These areas shall be referred to as the Hotel Resort Districts in this by-law, provided that the area designated as the Chase Avenue Hotel Resort Area will have a separate set of density standards from the other Hotel Resort Areas.

**Sec. 10-3 Dimensional requirements.**

1. Minimum lot size:

(a) For Hotel and Motel Properties: shall have a minimum lot area of 25,000 square feet and shall be constructed at a density of not more than one (1) unit per one thousand (1,000) square feet of lot area.

(b) For all other development: shall be 40,000 sf or that present on September 5, 2010 whichever is less. Except that when two or more lots are combined the minimum lot size requirement shall be the lesser of 40,000 sf or that present due to the combination of the lots.

2. Minimum lot width:

(a) For Hotel and Motel Properties: shall have a minimum width of 70 feet or that present on September 5, 2010 whichever is less. Except that when two or more lots are combined the minimum lot width requirement shall be the lesser of 70 feet or that present due to the combination of the lots.

(b) For all other development: shall meet the lot width requirements of Section 2.3.2 Intensity of Use Schedule.

3. Minimum setback requirements:

(a) For Hotel and Motel Properties:

(1) In the Chase Avenue Hotel Resort Area,

(i) North of Chase Avenue and Old Wharf Road, twenty-five (25) foot front and rear setbacks and fifteen (15) feet side setbacks. Except that for the purposes of protecting views along designated scenic corridors (as illustrated on Inset Map 10-1), Chase Avenue and Old Wharf Road shall be subject to the bulk plane setback standards identified below.

(ii) South of Chase Avenue and Old Wharf Road:

- Twenty-five foot (25) foot setbacks from Chase Avenue and Old Wharf Road, subject to the bulk plane setback standards identified below;
- Fifteen foot front setbacks from any other streets;
- Fifty feet from the top of a coastal bank per the requirements of Section 2.3.3.5 of this Zoning By-law
- Fifteen (15) foot setbacks from any property identified on Inset Map 10-1, subject to the bulk plane setback standards identified below; and
- Zero (0) foot setbacks from other property lines (To the extent that the setback requirements set out in this subsection conflict with the requirement for a continuous vegetated buffer set out in Section 2.3.4.1.b of the Dennis Zoning Bylaw, these setback requirements shall control).

(iii) Bulk plane setbacks, for the purposes of protecting views along designated scenic corridors and avoid crowding along Chase Avenue and Old Wharf Road, a bulk plane setback shall be applied to all projects such that a clear zone shall be maintained measured as an area starting 12 feet above grade at the property line adjacent to the properties identified on Inset Map 10-1, Chase Avenue and Old Wharf Road, and running at a 45 degree angle away from the property line to the maximum structural height. (i.e. to achieve a 50 foot tall structure, a building's peak height could not be accomplished until it was 38 feet off of the property line);

(2) In other Hotel Resort Areas twenty-five (25) foot front and rear yard setbacks and fifteen (15) foot side yard setbacks.

(b) For all other development: shall meet the side, front and rear yard setback requirements of Section 2.3.2 Intensity of Use Schedule.

#### 4. Maximum height:

(a) For Hotel and Motel Properties:

(1) In the Chase Avenue Hotel Resort Area Four and one-half (4 1/2) stories or fifty (50) feet. Except that a maximum height of fifty-eight (58) feet shall be allowed for structures with a roof pitch, visible from the street (face to full allowable height) between 6:12 and 12:12, starting at or below the ceiling height of the fourth story. Provided that up to one-half (1/2) of the at-grade level may be used for parking with the remainder of the first story being used for guest services. The half story shall be equal to no more than fifty (50%) percent of the floor area immediately below.

(2) In other Hotel Resort Areas two and two-thirds (2 2/3) stories or thirty-five (35) feet. The upper story shall be a portion of the building, having a floor area, with a vertical dimension of at least seven feet (7'), measured from the finished floor to the finished ceiling. This upper story area shall not exceed 65% of the floor area immediately below. Except that a maximum height of forty-two (42) feet shall be allowed for structures with a roof pitch between 6:12 and 12:12 starting at or below the ceiling height of the second story.

(3) For the purposes of this subsection only building heights shall be measured from Base Flood Elevation or Natural Grade whichever is higher.

(b) For all other development: shall meet the height restrictions of Section 2.3.2 Intensity of Use Schedule.

#### 5. Frontage

For Hotel, Motel, Condo/Hotel and Restaurant and Entertainment Facilities with food services seventy (70) feet. For all other uses, fifty (50) feet.

**Sec. 10-4 Generally Permitted Hotel Resort Uses And Structures.**

The following types of uses and structures are permitted in all of the Hotel Resort Districts:

- (1) Accessory structures and uses
- (2) Home business
- (3) Public parks and monuments
- (4) Single family detached dwellings
- (5) Agriculture, horticulture, floriculture, or viticulture uses over 5 acres as defined within the first paragraph of Chapter 40A Section 3.
- (6) Churches, temples, monasteries and other religious uses as provided for in Chapter 40A Section 3.
- (7) Educational uses as defined by Chapter 40A Section 3.
- (8) Nonprofit educational uses; as defined by Chapter 40A Section 3.
- (9) Public service corporations as provided for in Chapter 40A Section 3.
- (10) Child care facility; as defined in section nine of chapter twenty-eight A and as provided for in Chapter 40A Section 3.
- (11) Family day care home and large family day care home, as those terms are defined in section nine of chapter twenty-eight A, shall be an allowable use.
- (12) Community Residential homes, as provided for in Chapter 40A Section 3.

**Sec. 10-5 Uses And Structures In Hotel Resort Districts That Require A Special Permit.**

The following uses and structures in resort districts shall require a special permit:

- (1) Hotels and Motels
- (2) Restaurants and entertainment facilities with food service
- (3) Hotel/Condos as regulated in Section 10-11 below
- (4) Marinas
- (5) Commercial recreation
- (6) Public utilities and facilities

**Sec. 10-6 Special Provisions for Accessory Uses And Structures In Hotel Resort Districts That Require A Special Permit.**

The following uses and structures may be permitted as accessory uses or structures associated with Hotels and Motels, Restaurants and Hotel/Condos within the Hotel Resort District by special permit from the Planning Board, except as provided for in Section 10-9.

- (1) Gift shops
- (2) Temporary Child Care for customer/employee of the facility
- (3) Day camps
- (4) Employee temporary housing
- (5) Theaters and auditoriums
- (6) Barber shop and beauty shop
- (7) Laundry facilities
- (8) Amusement Arcade
- (9) Spa's
- (10) Athletic Clubs

(11) Exhibition Area

**Sec. 10-7 Development Standards.**

1. Residential. Residential development shall be restricted to the following development standards

(a) Subject to the dimensional limitations in Sec. 2.3.2 Intensity of Use Schedule for a Single Dwelling Unit and Section 10-3.

2. Hotels and Motels. Buildings containing hotel or motel rooms shall be restricted to the following development standards:

- (a) New or remodeled rooms shall be no smaller than 350 sf.
- (b) Kitchenettes shall only be allowed in rooms of at least 350 sf.
- (c) There is no maximum distance requirement from buildings containing hotel or motel rooms to off-site parking areas.
- (d) Only one (1) parking space must be provided for each two (2) hotel or motel rooms. If accessory commercial space is provided in a hotel or motel, the parking for the accessory commercial space requirements shall be equal to  $\frac{1}{2}$  the equivalent parking requirements found in Section 3.
- (e) The maximum allowable site coverage shall be seventy percent (70%)
- (f) Accessory commercial uses in Hotel and Motel Buildings are permitted in connection with a hotel/motel complex subject to the provisions found in Section 10-9.2 below.
- (g) Buildings or portions of a building mass over 75 feet wide are required to divide their elevations into smaller parts. A pronounced change in massing, pronounced changes in wall planes and introducing significant variations in the cornice/roofline are all possible methods to accomplish the desired divisions of elevations into smaller parts as illustrated below.



Example of variation in building design to manage project massing

3. Restaurants and entertainment facilities. Buildings containing these uses shall be restricted to the following development standards:

- (a) There is no maximum distance requirement from buildings containing hotel/motel rooms to parking areas.
- (b) At least one (1) parking space shall be provided for every eight (8) seats and one (1) for every three employees.

(c) Parking spaces must be within three hundred (300) feet of the facility served for restaurants and entertainment facilities with food service that are not part of a hotel/motel.

(d) The maximum allowable site coverage shall be seventy percent (70%)

4. Employee temporary housing. Buildings containing these uses shall be restricted to the following development standards.

(a) Parking spaces must be on the same site as the housing units.

(b) At least one parking space shall be provided for every two bedrooms.

(c) May be allowed on the same site as the hotel, motel, hotel/condo, restaurant or entertainment facility with food service;

5. Other Permitted Uses. Parking, open space and other requirements applicable to each use other than dwelling units, hotels, motels, restaurants and entertainment facilities with food service, and employee temporary housing shall be the same as the regulations established in Sections 2.3.2 Intensity of Use Schedule and 3.1.3.2.

6. Other Requirements. Other requirements for development standards in hotel resort districts are as follows:

(a) The Planning Board may change the parking requirements under special permit review if it finds that specific nature of the overall development reasonably warrants the change.

(b) No mechanical equipment, other than public utility facilities, or refuse receptacles are visible from grade level on the public right-of-way.

(c) Parking structures shall be permitted in conjunction with hotels and motels.

(d) Parking shall be permitted to be located underneath hotel and motel structures and if located at grade, shall count as the first floor of such a unit.

(e) Bicycle rental establishments, as an accessory use, hotels and motels are permitted.

(f) All commercial facilities including but not limited to hotels, motels, restaurants and entertainment facilities, etc., shall provide an area to park bicycles.

(g) Drive-through facilities shall not be permitted.

### **Sec. 10-8 Hotel and Motel Projects in the General Commercial II Zoning District**

1. Minimum lot size shall have a minimum lot area of 25,000 square feet and shall be constructed at a density of not more than one (1) unit per one thousand (1,000) square feet of lot area.

2. Minimum lot width shall have a minimum width of 70 feet or that present on September 5, 2010 whichever is less. Except that when two or more lots are combined the minimum lot width requirement shall be the lesser of 70 feet or that present due to the combination of the lots.

3. Minimum setback requirements twenty-five (25) foot front, side and rear yard setbacks.

4. Maximum height two and one-half (2 1/2) stories or thirty-five (35) feet. Except that a maximum height of forty-two (42) feet shall be allowed for structures with a roof pitch

between 6:12 and 12:12. The half story shall be equal to no more than fifty (50%) percent of the floor area immediately below.

5. Hotel and motels shall be restricted to the following development standards:

- (a) New or remodeled rooms shall be no smaller than 350 sf.
- (b) Kitchenettes shall only be allowed in rooms of at least 350 sf.
- (c) Maximum distance requirement from buildings containing hotel and motel rooms to parking areas shall be 300 feet.
- (d) Only one (1) parking space must be provided for each two (2) hotel or motel rooms. If accessory commercial space is provided in a hotel or motel, the parking for the accessory commercial space requirements shall be equal to ½ the equivalent parking requirements found in Section 3.
- (e) The maximum allowable site coverage shall be seventy percent (70%)
- (f) Accessory commercial uses in Hotel and Motel Buildings are permitted in connection with a hotel/motel complex subject to the provisions found in Section 10-9.2 below.

6. Accessory commercial uses in Hotel and Motel Buildings are permitted in connection with a hotel/motel complex

7. Other Requirements. Other requirements for hotel/motel development standards in the GC-II district are as follows:

- (a) The Planning Board may change the parking requirements under special permit review if it finds that the specific nature of the overall development reasonably warrants the change.
- (b) No mechanical equipment, other than public utility facilities, or refuse receptacles are visible from grade level on the public right-of-way.
- (c) Parking structures shall be permitted in conjunction with hotels and motels.
- (d) Parking shall be permitted to be located underneath hotel and motel structures and if located at grade, shall count as the first floor of such a unit.
- (e) Bicycle rental establishments in conjunction with hotels and motels are permitted.
- (f) All hotels and motels shall provide an area to park bicycles.

#### **Sec. 10-9 Permits Required.**

- 1. No construction or other development shall be undertaken within any Hotel Resort District except in accordance with a valid building or special permit.
- 2. Conversion of existing floor area within the Hotel Resort District may be approved by the Building Commissioner for any of the following accessory uses provided that the Building Commissioner finds that the change of use does not require any exterior site modifications or trigger Site Plan Review as provided for in Section 4.1.2 of the Dennis Zoning By-law:
  - (a) Gift shops
  - (b) Temporary Child Care for customer/employee of the facility
  - (c) Day camps
  - (d) Employee temporary housing
  - (e) Theaters and auditoriums
  - (f) Barber shop and beauty shop
  - (g) Laundry facilities
  - (h) Amusement Arcade

- (i) Spa's
  - (j) Athletic Clubs
  - (k) Exhibition Area
3. The Dennis Planning Board shall be the Special Permit Granting Authority for this section.
  4. The issuance of any special permit referred to in this section is subject to the standards set out in Section 1.4.2.1 and 4.1 of the Dennis Zoning Bylaw.
  5. The requirement for proposed development to receive a special permit for use under this section does not relieve the requirement that an applicant receive site plan approval as set out in Section 4.1 of the Dennis Zoning Bylaw.
  6. The Planning Board may permit more than one principal structure on a property to accommodate the most beneficial site design.

**Sec. 10-10 Application To Hotel/Motel Development In Other Districts.**

All hotel or motel construction, development or use permitted by or in accordance with the Dennis Zoning By-law in any other Zoning District shall be carried out in accordance with the Standards established in this Sections 2, 3 and 5 of the Dennis Zoning By-law.

**Sec. 10-11 Limitations on Hotel/Condo Projects**

Purpose. The purpose of this section is to promote the public health, safety and general welfare of the people of the town by controlling the location of, and establishing requirements and standards for Hotel/Condo projects.

1. Hotel/Condo projects shall be allowed within the Hotel Resort Districts and General Commercial II Zoning District subject to the following:

(a) Hotel/Condo projects shall be defined as any hotel or motel property containing a mixture of uses subject to Chapter 140 and Chapter 183B of the Massachusetts General Laws.

(b) Time-share estate projects, as defined in MGL Chapter 183B Section 2, are distinctly different uses from Hotel and Motel uses, as defined in MGL Chapter 140 Section 12A.

Time-share estate	Hotel
Units available by ownership for specific portions of the year.	Rooms available to for-pay guests for transient occupancy.
Generally not available to stranger or traveler except in participation of a time-share exchange program,	Cannot refuse to receive and make suitable provision for a stranger or traveler. (MGL C. 140 S. 7)
Not subject to innholder licensing requirements.	Subject to innholder licensing requirements.

(c) Hotel/Condo developments shall require that at least 50% of the units within the structure remain available for transient use as defined under Chapter 140 Section 12A at all times.

(d) Interval ownership units subject to Chapter 183B shall not include intervals of less than one week.

(e) Hotel/Condo developments shall be required to provide proof of hotel occupancy compliance set forth in this section, and shall be certified by the permit holder at the time of issuance and renewal of the applicable hotel occupancy permit by providing proof of appropriate room tax receipts.

(f) Typical hotel services must be offered including linen and maid service, and receipt and disbursement of keys and mail by the attendant at the desk in the lobby or office, for the occupants of all units of the hotel/condo.

### **Amend Section 5 Definitions by Adding the Following Definitions in Their Appropriate Alphabetical Order**

**Athletic Clubs** - Fitness centers, gymnasiums, health and athletic clubs including any of the following: indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities.

**Auditoriums** - Indoor facilities for public assembly and group entertainment, other than sporting events, including: civic theaters, and facilities for "live" theater and concerts, exhibition and convention halls, and similar public assembly uses

**Barber shop** - a shop where people can get their hair cut.

**Beauty Shop** - an establishment or department where hairdressing, facials, and manicures are done —called also beauty parlor, beauty salon.

**Commercial Recreation** - Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets may be sold or fees are collected for the activity. Commercial recreation establishments include but are not limited to: skating rinks, water slides, miniature golf courses, arcades, bowling alleys, billiard halls, etc. but excludes gambling casinos, off-track betting facilities and similar facilities offering games of chance.

**Day Camp** - The use of a site for provision of indoor or outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service. If incidental to the camp use, camp facilities may be used to provide meeting, recreation, or social facilities for a private association or group.

**Employee temporary housing** - means a building providing sleeping quarters for a employees of a hotel, motel, restaurant or entertainment facility with food service including the property manager. Each unit shall be readily accessible to adequate kitchen facilities and/or regularly scheduled meals shall be provided in a common dining facility.

**Entertainment facility with food service** – means facility providing various forms of entertainment (music or other performance arts), other than adult entertainment, which provides food service to accompany the entertainment.

Exhibition Area - An area or space either outside or within a building for the display of topic-specific goods or information

Gift Shop – Retail sales uses including antique shops, handcrafted items that are produced on the site, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books.

Hotel/Condo – A hotel or motel property containing a mixture of uses subject to Chapter 140 and Chapter 183B of the Massachusetts General Laws.

Hotel/Motel Room – A single room in a hotel or motel forming a single living unit.

Hotel/Motel Suite – A number of connected rooms in a hotel or motel forming one living unit.

Laundry facilities – Areas for washing clothing/linens intended to serve the needs of the guests of a Hotel, Motel or Hotel/Condo property.

Spa's - Centers including any of the following: indoor sauna, spa or hot tub facilities; masseuse etc.

Temporary Child Care – On-site child care facilities serving the needs of a customer or employee of a business.

Theaters - building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances

**(By the Economic Development Committee)**

**BOS: 5-0-0**

**FC: 4-0-1 Recommend the article as printed.**

## **ARTICLE 11**

### **(SEASONAL RESORT BY-LAW)**

**To see if the Town of Dennis will Vote to Amend Section 2.1 Zoning District Subsection 2.1.1 Establishment by adding “Seasonal Resort Community ”; and Subsection 2.1.2 Zoning Map to add three proposed locations for Seasonal Resort Community Districts; and create a new Section 12 Seasonal Resort Community Districts.**

#### **2.1 ZONING DISTRICTS**

##### **2.1.1 Establishment**

The Town of Dennis is hereby divided into the following zoning districts:

TITLE	SHORT NAME
Rural Residential	R-60
Low Density Residential	R-40
Resort and Residential	RR
Limited Business	LB
Extensive Business	EB
General Commercial I	GC-I
General Commercial II	GC-II
General Commercial III	GC-III
Industrial	I
Quivet Neck/Crowe's Pasture	
Resource Protection District	QNCPRP
Dennisport Village Center	DPVC
Residential/Commercial	R/C
Mixed Use Marine	MUM
Marine Open Space	MOS
Village Center Support	VCS
West Dennis Village Center	WDVC
Medium Wind Facility Overlay District	MWFOD
Large Wind Facility Overlay District	LWFOD
<b>Seasonal Resort Community</b>	<b>SRC</b>

### 2.1.2 Zoning Map

The boundaries of the districts are defined and bounded on the map entitled "Town of Dennis Zoning Map", dated ~~January 11, 2010~~ **September 5, 2010** on file with the Town Clerk. That map and all explanatory matter thereon are hereby made a part of this By-law, together with any amendments adopted by vote of the Town Meeting

## 12.0 SEASONAL RESORT COMMUNITY (SRC)

### 12.1 PURPOSES AND INTENT.

To provide sites for seasonal cottage and recreational vehicle oriented resorts with special attention to preserving and enhancing the existing land uses, vegetation, visual landscape, and amenities for future generations, thereby retaining the historic "way of life" and character of the area while considering the needs of neighboring properties.

### 12.2 Allowed Uses. The following uses are allowed by right in the SRC Zone:

- Seasonal Resort Community to the extent present on September 5, 2010 provided that existing Seasonal Residential Units and accessory structures may be modified, replaced, relocated or reconstructed as provided in this section. A Seasonal Resort Community may not be expanded to increase the number of Seasonal Residential Units after September 5, 2010.
- Seasonal Cottage Site located in a Seasonal Resort Community
- Recreational Vehicle Site located in a Seasonal Resort Community
- Single Family Residential
- Municipal Use

- Temporary Use
- Family Day Care Facility
- Agricultural Use over 5 Acres
- Non-profit Educational Use
- Child Care Facility
- Religious Uses
- Accessory structures and uses to any of the above noted uses

### 12.3 DEFINITIONS

The following definitions are specific to Section 12 of the Dennis Zoning By-law.

**SEASONAL COTTAGE:** A building containing a single unit made up of a room or group of rooms containing facilities for eating, sleeping, bathing and cooking and is designed for seasonal use and not as a year-round dwelling unit.

**SEASONAL RESORT COMMUNITY:** A site generally consisting of three or more Seasonal Cottages and/or Recreational Vehicle Sites which may also contain subject to the other provisions hereof other accessory structures, neighborhood convenience store, temporary seasonal retail facilities, recreational facilities, common facilities and an owner's/manager's unit.

**OWNER'S/MANAGER'S UNIT:** A residential unit located on a property used for a seasonal resort community used by the owner or manager of the facility. The Owner's/Manager's Unit may be a year-round dwelling, including covered parking and a garage.

**RECREATIONAL VEHICLE:** A vehicle that:

- A. Is built on a single chassis;
- B. Contains 400 square feet or less of floor area;
- C. Is self-propelled or towed by a passenger car or truck;
- D. Is designed as temporary living quarters for recreational, camping, travel or seasonal use, not as a dwelling unit; and
- E. Is built to ANSI Standards.

**RECREATIONAL VEHICLE ACCESSORY ENCLOSURE:** A factory-manufactured rigid metal or plastic/composite enclosure, with the dimensions not exceeding twelve feet in width nor the length of the Recreational Vehicle, and designed for use with Recreational Vehicles. The term shall include decks, patios, awnings, awning tents, screen panels and unenclosed roof projections.

**RECREATIONAL VEHICLE, PARK MODEL:** A recreational vehicle containing between 320 and 400 square feet of floor area, not counting Recreational Vehicle accessory enclosures. Recreational Vehicle, Park Models are built to ANSI Standards.

**RECREATIONAL VEHICLE SITE:** A site within a Seasonal Resort Community provided for occupancy by Recreational Vehicle or Recreational Vehicle Park Model

**SEASONAL COTTAGE SITE:** A site within a Seasonal Resort Community provided for occupancy by Seasonal Cottage

**RECREATIONAL FACILITIES:** Facilities provided for the amusement and enjoyment of the residents of the Seasonal Resort Community and not hired or rented out for use by individuals not associated with the Seasonal Resort Community.

**RESORT CONVENIENCE STORE:** A Resort Convenience Store is intended primarily to serve the day-to-day needs of a seasonal resort community primarily with the sale of merchandise, including but not limited to items such as foodstuffs, prepared foods, nonprescription medical supplies, sanitary supplies, newspapers, emergency home repair articles, household cleaners, toiletries, and other household items. A Resort Convenience Store may include the provision of a coffee shop, deli or ice cream shop.

**SEASONAL RESIDENTIAL UNIT:** As used in this section, a Seasonal Residential Unit shall refer to any Recreational Vehicle Site, Seasonal Cottage; or Owner/Manager's Unit.

**COMMON FACILITIES:** Seasonal resort communities generally include common facilities such as laundry facilities, picnic areas, clubhouse, meeting areas and other recreational facilities for the use of the residents.

**MAINTENANCE GARAGE:** An accessory structure intended to serve the operation and/or maintenance needs of a seasonal resort community including for the storage of maintenance vehicles, equipment and supplies, the housing of infrastructure systems and/or office or workshop space related to the same.

## **12.4 Development Standards**

### **12.4.1 Lot Area**

The minimum lot area for a Seasonal Resort Community shall consist of a lot or lots, when combined, that (a) comprise a minimum of five (5) acres of land, or (b) comprise, at a minimum, at least one parcel of land that lawfully existed as a defined parcel of land as of [the effective date of the new zoning.

The minimum lot area for all other uses shall be 40,000 sf.

### **12.4.2 Setbacks**

Where the lot line of a lot in a Seasonal Resort District abuts a residentially zoned district (R-40, R-60 or RR), the yard setback shall be ten feet provided that:

- Recreational Vehicles and seasonal cottages located within this ten foot setback area may remain in their current footprint. No expansion to these Recreational Vehicles or seasonal cottages may occur without approval of a modification to a pre-existing non-conforming structure or use by the Dennis Board of Appeals.

The Dennis Board of Appeals may approve such expansions based upon a finding of the change not being substantially more detrimental to the surrounding neighborhood based upon the proposal meeting screening requirements and other considerations established in this section. However, the ZBA shall consider the potential cumulative effects of any such permits.

- No accessory uses or structures (including sheds, propane tanks, outdoor showers and similar facilities) may be placed within this ten foot setback after September 5, 2010 and the Board of Appeals shall consider whether it is feasible to relocate existing accessory structures and uses from this setback when considering permitting modifications to non-conforming cottages and RV's located within the setback areas.
- Where the property is abutted by a public Town of Dennis Beach located in the RR Zoning District, the setback area may be used for boardwalks, walkways and temporary seasonal retail facilities complementary to the adjacent beach and the Seasonal Resort Community.

The purpose of this setback area is to provide for a fenced, and vegetated buffer between the Seasonal Resort Community and adjacent residential neighborhoods.

The minimum setbacks for all other uses shall be as established in Table 2.3.2 of the Dennis Zoning By-law.

### **12.4.3 Parking**

There shall be a minimum of one parking space per seasonal residential unit located within the Seasonal Resort Community Zoning District. All other uses shall provide parking as required in Section 3.0 of the Dennis Zoning By-law.

### **12.5 Landscaping and Buffering Requirements**

Landscaping and buffering shall be provided along lot lines which abut a residential district. This landscaping and buffering shall provide a visual screen between adjacent residential uses and the Seasonal Resort Community. Parking lots, outdoor business storage areas and outdoor business uses shall be visually screened from adjacent residential lots. Said visual screening shall consist of a continuous landscaped border of vegetation, except where encroached upon by pre-existing cottages, ~~or~~ recreational vehicles, or accessory structures and uses, four feet wide at least six feet in height and/or solid fencing six feet in height. A landscaped strip four feet wide shall be provided between any outdoor business, storage area or parking lot and a street right-of-way. The Board of Appeals may approve other buffer configurations for this area when considering requests to modify pre-existing seasonal residential units located within the ten foot setback area.

## **12.6 Provisions Affecting All Seasonal Resort Communities**

- A. Seasonal Resort Communities may be open between April 1<sup>st</sup> and October 31<sup>st</sup>, inclusive. Seasonal Resort Communities may provide for short term use, up to four days in any thirty day period, during the remainder of the year, provided that there is an occupancy permit which ensure sanitary facilities are provided.
- B. Seasonal Resort Community facility office. All seasonal resort communities shall maintain an office on the premises. The office shall be occupied at all times the Seasonal Resort Community is open for occupation by residents.
- C. Except as accessory to a designated Seasonal Resort Communities Owner's/Manager's Unit, parking garages and covered parking structures accessory to seasonal cottages are prohibited.
- D. No addition to a Seasonal Residential Unit may be located in a location that was used for "common facilities" (picnic, laundry, meeting space etc) on September 5, 2010 unless equivalent off-set or replacement common facilities are provided elsewhere within the site.
- E. The maximum lot coverage for all other uses except recreational vehicles and seasonal cottages shall be as established in Table 2.3.2 of the Dennis Zoning By-law.
- F. The maximum building height for all other uses except recreational vehicles and seasonal cottages shall be 1 ½ stories or 25 feet.
- G. Resort Convenience Stores may be located in Seasonal Resort Communities within one or two structures. Resort Convenience Stores shall contain no more than a combined total of 750 square feet of gross floor area (active retail, storage, and food preparation area) regardless of the number of structures. There shall be no Resort Convenience Store located within any single Seasonal Resort Community with a total lot area of less than five (5) acres. Resort Convenience Stores may be located within structures containing the Resort Office, Mail Room, Common Facilities or the Owner's/Manager's Resort, the floor space of these other uses shall not count against the size of the Resort Convenience Store. A Resort Convenience Store shall only be open for business when the Seasonal Resort Community in which it is located is also open between April 1<sup>st</sup> and October 31<sup>st</sup>.

## **12.7 Provisions Specific to Recreational Vehicle Sites**

Recreational Vehicle sites shall conform to the minimum requirements imposed under state licensing procedures and the following standards:

- A. No rigid enclosed addition shall be affixed to a recreational vehicle other than a recreational vehicle accessory enclosure as herein defined.
- B. An open deck not exceeding twelve (12) feet deep, and 240 square feet total, may be attached to each Recreational Vehicle.
- C. There shall be at least ten (10) feet between any Recreational Vehicle including pop-out portions of such vehicles, Recreational Vehicle Accessory Enclosure, or open deck, and the adjoining Recreational Vehicle(s), Recreational Vehicle Accessory Enclosure(s) or open decks.
- D. There shall be at least eight (8) feet between any Recreational Vehicle including pop-



(iii) Attached roofed unenclosed (screens allowed) porches up to a maximum of 240 sf and twelve (12) feet deep.

(iv) Half-story floor area that does not comply with the minimum ceiling height requirements of the Building Code.

D. The maximum height of Seasonal Cottages shall be:

(i) The first floor elevation must be no greater than the minimum clearance required under the Building Code, or other applicable flood plain regulations, above the highest point where the structure meets the existing grade, or above base flood elevation, which-ever is greater.

(ii) The top of the ridge of the roof may not be greater than Eighteen (18) feet above the top of finished first floor elevation, except that a maximum height of twenty five (25) feet shall be allowed for a structure with a roof pitch between 6:12 and 12:12.

E. An open deck may be attached to each seasonal cottage and shall not be included in the floor area of the cottage. Open decks shall not be more than 12 feet deep when measured from the face of the cottage.

F. Seasonal Cottages must provide a minimum of 10 feet of clearance between any Seasonal Cottage, porch or deck and the adjacent Seasonal Cottage, porch or deck even if not located on the same property. Provided that for Seasonal Cottages, porches and decks separated by less than 10 feet, they shall not be allowed to become any closer together than the pre-existing separation.

### **12.9 Project Approval**

Development meeting all the criteria for as-of-right development in the Seasonal Resort Community Zoning District will be approved by the Building Commissioner.

Development which does not meet the criteria for as-of-right development for the Seasonal Resort Community Zoning District can be approved through the issuance of a Special Permit by the Dennis Zoning Board of Appeals.

**(By the Economic Development Committee)**

**BOS: 5-0-0**

**FC: 5-0-0 Recommend the article as printed.**

### **ARTICLE 12 (By Petition – Cottage Colonies of Old Wharf Road)**

#### Summary

The purpose of this petition is to protect the Cottage Colonies of Old Wharf Rd from redevelopment into a Destination Hotel and/or redevelopment into "new and improved cottages" which may be twice as large as the current cottages:

If this petition is enacted by Town Meeting, the current cottages of Old Wharf Rd would be grandfathered "as is" in size and height but internal renovations would be allowed. The cottages would be protected from future development, unless a cottage colony was subdivided into one and half acre residential lots. Please help the cottage owners of Old Wharf Rd preserve the historic, cultural and architectural flavor of the "Old Wharf" area of Dennisport. Once eliminated these historic cottages colonies with their unique community culture will be gone forever.

**Petition**

The Town of Dennis Zoning By-Law and Zoning Map be amended by (1) deleting the following parcels from the Resort and Residential District (Short Name: "RR") and (2) adding them to the Rural Residential District (Short Name: R-60).

{ Note: Rural Residential is currently defined in the Dennis Zoning By-Law as "To provide for residential sites while at the same time encouraging open space, preserving or enhancing scenic views, protecting the character of the historic environs, encouraging continuation of or re-establishment of agricultural activities while recognizing site and area limitations for on-site waste water disposal systems in terms of drainage, soil suitability, proximity to surface and sub-surface water resources and slope."}

<u>Assessor's Map Number</u>	<u>Assessor's Lot Number</u>	<u>Assessor' Map Number</u>	<u>Assessor's Lot Number</u>
20	2	20	43
20	3	20	45
20	4	20	46
20	5	20	47
20	33	37	37
20	37	37	39
20	38	37	52
20	39	38	2

Further, I authorize The Board of Directors of the Ocean Grove Homeowners Preservation Association to amend this petition in working with the Town of Dennis but the resulting article must maintain the purpose of protecting and preserving the historic

Cottage Colonies of Old Wharf Rd in an "as is" condition, consistent with the principles outlined above.

**(By Petition)**

**BOS: 5-0-0 Not to Support the article.**

**FC: 5-0-0 Not to Support the article.**

**ARTICLE 13: Golf Capital Improvement Fund Transfer**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be deposited in the Golf Capital Improvement Fund, or take any other action relative thereto.

**(By the Selectmen)**

**BOS: 5-0-0**

**FC: 5-0-0 Recommend a transfer of \$85,312 from free cash for the article.**

**ARTICLE 14: Fiscal Year 2011 Budget Supplements**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to supplement the Fiscal Year 2011 Line Item appropriations voted under Article 4 of the May 4, 2010 Annual Town Meeting, or take any other action relative thereto.

a. Property/Liability Insurance, Line Item #61 .....	\$ 3,500
b. Fringe Benefits, Workers Comp., Line Item #169 .....	\$15,789
c. Fringe Benefits, Unemployment Insurance, Line Item #170	<u>\$50,000</u>
	Total \$69,289

**(By the Selectmen)**

**BOS: 5-0-0**

**FC: 5-0-0 Recommend to raise and appropriate \$69,289 for the article.**

**ARTICLE 15: Return balances to Capital Improvement Fund**

To see if the Town will vote to return to the Capital Improvement Fund the remaining balances in the following special articles:

1. \$794.00 – voted under Article 12 of the 5/08 ATM for an 8 yd packer – DPW
2. \$55,500 – voted under Article 15 of the 5/09 ATM for (2) 6W D. Trucks – DPW

or take any other action relative thereto.

**(By the Selectmen)**

**BOS: 5-0-0**

**FC: 5-0-0 Recommend a transfer of \$56,294 to the Capital Improvement Fund**

**ARTICLE 16: Stabilization Fund**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be deposited into the Stabilization Fund, or take any other action relative thereto.

**(By the Finance Committee)**

**BOS: 4-1-0**

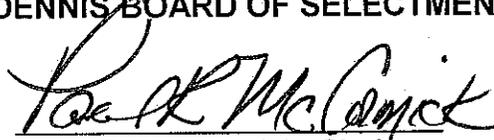
**FC: 5-0-0 Recommend a transfer of \$200,000 from free cash for the article.**

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 said meeting.

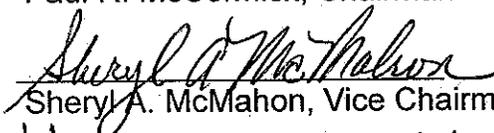
HEREOF FAIL NOT, and make a due return of this **WARRANT** with your doings thereon to the TOWN CLERK, at the time and place of the meeting aforesaid.

Given unto our hands this 29<sup>th</sup> day of October in the year of our Lord, Two Thousand Ten.

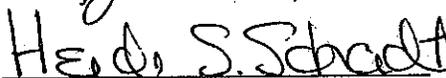
**DENNIS BOARD OF SELECTMEN**



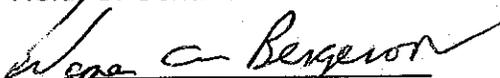
Paul R. McCormick, Chairman



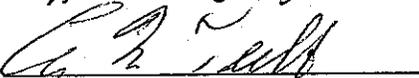
Sheryl A. McMahon, Vice Chairman



Heidi S. Schadt

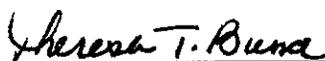


Wayne A. Bergeron



Alan M. Tuttle

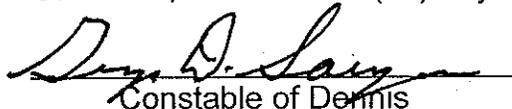
A True Copy, Attest



Theresa T. Bunce, Town Clerk

BARNSTABLE, ss.

PURSUANT 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, FOURTEEN (14) days before the date of the meeting, as within directed.

  
Constable of Dennis



Date