



Town of Dennis

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**1 Love Lane - H.A.C. Family Transition Center**

**PLANNING BOARD SPECIAL REVIEW STAFF REVIEW – March 28, 2024**

<b>APPLICANT:</b>	HAC Love Lane LLC, Housing Assistance Corporation, C/O Peter Freeman of Freeman Law Group LLC
<b>PROJECT ADDRESS:</b>	1 Love Lane, South Dennis, MA
<b>MAP AND LOT NUMBER:</b>	Map 168, Parcel 9 (5.47 acres)
<b>APPLICANT ADDRESS:</b>	Housing Assistance Corporation, 460 West Main Street, Hyannis MA (02601) C/O Peter Freeman of Freeman Law Group LLC, 86 Willow Street, Yarmouthport, MA (02675)
<b>CASE NUMBER:</b>	SP- 025788-2024
<b>ZONING:</b>	Industrial Zoning District
<b>MEETING DATE:</b>	April 1, 2024

<b>PROPOSAL</b>	Conversion of a nursing home to a Family Transition Shelter with approximately 79 units.
<b>PROJECT SUMMARY</b>	<p><b><u>History</u></b></p> <ul style="list-style-type: none"> <li>The South Dennis Health Care Facility with a maximum of 128 beds was owned and operated by Next Step Health Care LLC since 2018. The facility was closed in December 2023. The Town was disappointed, to say the least, with the process by which the Department of Public Health allowed the closure of this essential service.</li> <li>Apparently Next Step began shifting to short-term rehab only in June of 2023 which enabled them to reduce from 92 residents in late September to 13 residents by the time of the DPH facility closure “public hearing” in November.</li> <li>The Housing Assistance Corporation (H.A.C.) was founded in 1974 as a rental voucher agency and is now a 501(C)3 Non-Profit Organization with about 120 employees providing a wide variety of housing assistance on the Cape and Islands.</li> <li>In 2020 the H.A.C. mission was two-fold: <i>“to deliver housing and services that meet the needs of our local community and limit our impact on natural resources; and to engage in responsible economic development that generates jobs, stabilizes housing and strengthens the community”</i>.</li> <li>In 2021 the H.A.C. mission was revised: <i>“to strengthen the Cape Cod and Islands region by empowering individuals, fostering community connections, and increasing affordable housing opportunities”</i>.</li> <li>Dennis has referred the proposal to the Cape Cod Commission as a Mandatory DRI Referral and a Discretionary DRI. The Commission has yet to accept the referral.</li> </ul> <p><b><u>Dover Amendment:</u></b> MGL Chapter 40A (The Zoning Act), Section 3, Paragraph 2.</p> <ul style="list-style-type: none"> <li>Exempts agricultural, religious, and educational uses from certain zoning restrictions by limiting what zoning requirements apply to these uses.</li> </ul>

- MGL 40A, §3, ¶12 states: “No zoning ordinance or by-law shall... prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking & building coverage requirements...”
- Two-part test: 1) Whether use is educational 2) Whether is primarily educational.
- The Planning Board will review the project as a Special Review using the guidelines it uses for Site Plan Approval and Special Permit and condition as appropriate and reasonable.

**H.A.C. Proposal**

- The HAC Love Lane LLC proposal is to consolidate their Family Transition Program from 3 locations with about 40 families to 1 location with 79 units/rooms and a capacity of a maximum of 177 persons.
- The intent is for residents to acquire life and job skills to become independent. H.A.C. estimates the average stay at their three existing homes is about 9 months. There is no maximum stay but they say it is rare to be over 3 years.
- The State generally places the residents within 20 miles of their community/schools.
- Most residents are generally single mothers with 1-2 kids. H.A.C. states rooms will have a maximum of 3 people unless one is a toddler. Otherwise families with four or more people will have two rooms/units. The rooms are 16’ by 17’ (272 sf) which is allowed by 105 CMR 420 as an exemption from the required square footage.
- Most rooms will have a half-bathroom. There will be no televisions or chairs in rooms.
- There will be communal commercial kitchens and families will have a refrigerator and microwave in their rooms.
- There will be case managers on site. No staff will live on site.
- No drinking alcohol or drugs will be allowed on premises. Visitors will have to check in.
- H.A.C. will not be responsible for parents or kids. If someone goes missing they will call the police or the Department of Children and Families (DCF).
- H.A.C. says this is not supportive services but rather all about teaching independence.
- They have discussed creating a small playground for children and possibly a ball court and picnic area. They hope to eventually have a garden and more outdoor activities.
- Units will not be eligible to be on the Town SHI list.

**Traffic**

- The applicant submitted a The Traffic Impact Assessment (TIA) on March 18 that Town Engineering has not had time to thoroughly review.
- There are 122 parking spots on the site. The Traffic Impact Assessment (TIA) estimates that the use (ITE Affordable Housing Special Needs) requires only 35 parking spaces.
- TIA estimates 10-13 peak hour trips. Traffic will be more dispersed than nursing home.
- H.A.C. estimates 40-50% of tenants have a car.
- Cape Cod Regional Transit Authority (CCRTA) will provide an on-call service. It is unclear if there is a dedicated bus stop.
- H.A.C. estimates most trips will be generated by parents attending interviews or going to work and kids going to school. Estimate that half go out to work & half to training.

- The nursing home had over 100 employees in three shifts. H.A.C. estimates 13 employees.
- Engineering and Police noted that the residents at the nursing home did not drive. They have a concern with the four way stop at Depot and Main Streets and lack of pedestrian accommodations. There do not appear to be any bicycle accommodations.

**Security** There will be two (2) Security officers at night (7 pm – 7 am).

**Septic**

- The property is located in an Environmentally Sensitive Area (ESA) due to its abutting land with wetlands. The property also is very close to Zone 2 Mass DEP Wellhead Protection Area.
- Project will require a Board of Health hearing and variance approval for any additions or alterations of habitable space.
- The Health Department has received a Title 5 System Inspection report that has been submitted as “needs further evaluation”. A Health Agent will be reviewing it next week.
- Title 5 design flows – 110 gallons per day (pd) per bedroom. Title 5 assumes 2 people per bedroom regardless of age.
  - 79 bedrooms x 110 gpd = 8,690 gpd (with average 2 people per room)
  - 13 employees x 20 gpd = 260 gpd
  - Total = 8,950 gpd – leaving only 1,050 gpd before triggering a Ground Water Discharge Permit (GWDP) from MADEP.
- A restriction of 177 individuals – or 25% of total number of rooms to allow 3 individuals and 75% to allow 2 individuals - would be required for local authority approval. Otherwise jurisdiction would be under DEP.
- Site currently has Bio-Clere followed by Amphidrome de-nitrification.

**Schools**

- The impact on local schools is unknown at this time. The Superintendent is scheduled to meet next week to discuss more about how many and ages of potential students.
- H.A.C. has said most students will likely bus to the schools they are attending now.

**Questions and Concerns:**

- The site is secluded surrounded by woods, highway and a sand pit. Where will people go when they want to go outside and get away? There are no pedestrian connections to the site. Can H.A.C. provide more walking, biking and recreational amenities on site?
- The consolidation and expansion of services may be good for the agency, but may have unintended consequences for the residents in a remote location further from their community and schools with almost twice as many residents than in 3 current homes.
- If most residents are single mothers with small children and toddlers there appear to be little accommodation for strollers or walking or biking or playing. Secluded location in woods by highway and sand pit and no sidewalks could be a safety and access issue.
- It does not appear H.A.C. has communicated with Harwich, where all traffic must go.

1. **§ 4.1.2.5 Site Plan Design Objectives:** The following design objectives (*italics*) in addition to any standards elsewhere in the Zoning By-Law, shall be used by Planning Board in considering all site plans.

a. **Landscaping:**

- i. *Every effort shall be made to minimize removal of existing vegetation and to integrate existing mature trees and vegetation into the landscape plan. **No major changes to***

*landscape have been presented. Staff has suggested some of the excess parking should be used for pedestrian and recreational uses.*

- ii. *Natural buffers ... shall be maintained whenever possible. **Appear to be maintained.***
- iii. *Landscaping shall include masses of trees and vegetation around/near buildings to reduce perceived scale and set them into the landscape. **No new landscaping has been proposed.***

- b. **Circulation:** *With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives, parking and loading areas, special attention shall be given to*
  - i. *Location and number of access points to the public streets: **No change proposed. This could be an issue as there will be a more mobile population with different needs.***
  - ii. *General interior circulation: **H.A.C. should improve their plans for pedestrian and bicycling accommodations and internal circulation.***
  - iii. *Separation of pedestrian and vehicular traffic: **Parking lot in rear is a sea of asphalt with no separation between cars and pedestrians.***
  - iv. *Delineation of parking stalls and loading zones: **N/A***
  - v. *Surface material: **Existing asphalt.***
  - vi. *Access to community facilities: **Facility will have communal kitchens and some classrooms. The site is secluded from the bigger community.***
  - vii. *Accommodations for the handicapped: **Building will have to be accessible per A.D.A. The rooms will be smaller than generally required for habitation.***
- c. **Surface Water Drainage:**
  - i. *The removal of surface water shall not affect adjoining properties, streets or storm drainage systems nor obstruct circulation of vehicles and pedestrians. **Will not change from existing.***
  - ii. *For parking areas serving new buildings or expansions to existing parking areas, the performance of surface drainage shall be based on standards set forth in the Dennis Subdivision Rules and Regulations for a 25-year storm frequency. **N/A***
- d. **Building Location:** *Proposed building and structures to be integrated as much as possible. **N/A***
- e. **Building Design:** *The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roofline, arrangement of openings, color, exterior materials, proportions and scale of existing buildings in the vicinity. **N/A***
- f. **Special Features:** *Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from adjoining properties and streets. **N/A screened.***
- g. **Safety** - *All open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. **Emergency access and communication should be discussed with police and fire.***

- 2. **§ 1.4.2.1 Special Permit Granting Authority:** *Special permits may be granted only upon a finding by the Board that the proposed use will not create a nuisance, hazard or congestion, or other significant harm to the neighborhood, nor cause derogation from the general purpose and intent of the By-Law, the stated district intent or applicable use criteria. The following criteria must be met:*
  - a. *The use is allowed by special permit in the district in which proposed, pursuant to §2.2.2 - Use Regulations Schedule; **The use is allowed by right by through the Dover Amendment and may not be prohibited, regulated or restricted but “land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking & building coverage”.***
  - b. *Suitability of the site for the proposed use in light of the applicable district intent, as provided in §2.1.5; **The use is in the Industrial District which is intended “To provide for development,***

*which creates employment opportunities, principally in non-seasonal enterprises, which are compatible with and respect the environment of the town". The use is allowed by right by through the Dover Amendment.*

- c. *Adequacy of management of traffic flow within the site as well as in relation to adjoining streets and properties, so as to minimize unsafe or harmful impacts of the use; **As noted, the internal and nearby pedestrian circulation does not appear to be adequate at this time. There is a concern with access to and from the secluded location for folks not used to the area and the semi-rural four-way stop at Depot and Main.***
- d. *Compatibility of the proposed use with surrounding land uses, so as to minimize harmful impact or conflict with existing desirable neighborhood character, including views, vistas and other aesthetic values; **The site is already built-out with a change of use from educational that is no more or less compatible to the character of the area than the previous institutional use.***
- e. *Adequacy of provision of utilities and other necessary or desirable public services; **CCRTA on call service needs to be detailed more.***
- f. *Adequacy of control of artificial light, noise, litter, odor or other sources of nuisance or inconvenience to adjoining properties, public ways and neighborhoods; **The proposal should be conditioned to ensure it will not generate light, noise, litter, odor or other sources of nuisance.***
- g. *Adequacy of protection from degradation and alteration of the natural environment, including but not limited to slopes and other topographical features, vegetation, wetlands, groundwater and water bodies and wildlife habitat. **The wastewater treatment system needs to be reviewed and approved by the Board of Health to ensure it will not degrade the natural environment. The existing system has both Bio-Clere and Amphidrome but needs to be reviewed per volume and may require a Ground Water Discharge Permit (GWDP) from Massachusetts DEP.***

**3. PROPOSED CONDITIONS:**

<b>PROPOSED CONDITIONS For Consideration</b>	<ol style="list-style-type: none"> <li>1. The lot owners shall apply for all required permits and will comply with the intent of the Dennis Stormwater By-law, all requirements of the Dennis Conservation Commission and Board of Health and any other permits that are required.</li> <li>2. A campus plan to improve the internal pedestrian circulation, recreational accommodations and landscaping shall be submitted for review and approval of the Planning Board before residents occupy the building.</li> <li>3. An emergency access and response plan shall be reviewed and approved by the Police and Fire Chiefs of Dennis and Harwich before residents occupy the building.</li> <li>4. The Family Shelter shall not generate new light, noise, litter, odor or other sources of nuisance. Any new lighting shall be restricted to downward-shielded motion sensitive security lighting that is "Dark-Sky" compliant.</li> <li>5. The maximum number of residents shall be 177, regardless of age, or the Applicant must file and receive a Ground Water Discharge Permit (GWDP) from the Massachusetts Department of Environmental Protection (DEP).</li> <li>6. A joint meeting, before residents occupy the building, is required with the applicant and the Departments of Public Works, Engineering, Conservation, Water, Building, Health, School Department, Police and the Fire Department, to be coordinated through the Planning Department.</li> </ol>
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