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To: [Paul Foley](#)
Subject: [External] Zoning Matter
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Dear Planner Foley,

We live at 10 Knole Lane in Dennis Village and recently I attended (remotely) a Licensing Board (LB) meeting involving Baleine, 776 Main St, Dennis. The applicant submitted an entertainment license application for indoor and outdoor entertainment. The prior establishment had an indoor entertainment license for many years and was a good neighbor. Sometime associated with perhaps the pandemic and installation of patio for outdoor seating/dining, entertainment/music was played outdoors. My recollection, since the prior Harvest Wine Bar has essentially been closed for over a year, is that outdoor music was limited to during the day and on weekends. Candidly I was unaware and didn't follow any of the process that would have been required to expand to outdoor entertainment. That music could be heard in our neighborhood at times at volumes that were infringing on the peaceful use of our homes. In fact the prior owner/operator was asked by a neighbor on Knole Ln to come listen to the excessive sound from his rear deck; the owner refused. Those providing outdoor entertainment don't typically appreciate the extent to which sound travels, particularly the base register. At LB meeting the applicant was approved for indoor entertainment and it was announced that the applicant needed to first pursue the outdoor entertainment application through the Zoning Board of Appeals (ZBA) and would be taken up by the LB at its August meeting.

I would appreciate your feedback and information so that I and others who have concerns in our neighborhood, can participate in the process. I've listed a number of matters that come to mind. I would welcome a call to discuss as well. The context for these inquiries is the applicant is proposing outdoor entertainment till 10 PM seven days a week. The LB application was quite weak describing a record player and radio, no details on amplification, size and positioning of speakers, use of subwoofers, dB levels, etc. The indoor entertainment includes live music, a band up to 4; no mention of whether bands will play outdoors. The other pertinent question is do they intend to have live band indoors and then opens doors and windows to the patio area, thus being outdoor music.

- Why is the matter subject to ZBA? Does it involve outdoor entertainment not being directly permitted in limited business district, as defined and therefore requiring special permit? What other establishments in Dennis and more specifically Dennis Village, zoned limited business have been granted permission/special permit for outdoor entertainment. What is the extent of outdoor entertainment that has been allowed in Dennis by zoning bylaws or special permit.

- Does the Town have specific regulations defining the days/periods of time and other requirements for outdoor entertainment. To the extent not, has the ZBA essentially established such standards based on other permits granted.
- When is the applicant expected to appear before the ZBA, the June 23 or July 28 meeting? When will the applicants' materials be available. What is the abutter notification process? In regards to amplified outdoor sound it's not likely that typical distances of a defined abutter are sufficient.
- What is important/relevant to the ZBA in its evaluation of whether an applicant's proposal is appropriate for the community, particularly in the abutting area.
- In the normal course, as Town Planner, what evaluation do you make of matters before the ZBA and do you provide a recommendation as to approval, denial and perhaps modifications?

I likely will have additional questions. As you might surmise, I am not in favor of any outdoor entertainment at this or any establishment in Dennis Village. It is one of the most historically significant areas of our Town. It has been graced with businesses whose extent of operations are consistent with the aesthetic of the Village. There are clearly other areas of Dennis where outdoor entertainment may be appropriate.

Thanks,
Pierre

Pierre H. Guertin

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