



Town of Dennis

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452 ROUTE 6A

PLANNING BOARD SPECIAL REVIEW STAFF REVIEW – July 17, 2025

APPLICANT:	Cape Abilities Inc. C/O Paul R Tardif of Law Offices of Paul R. Tardif
PROJECT ADDRESS:	452 Route 6A, Dennis MA 02638
MAP AND LOT NUMBER:	305-8
APPLICANT ADDRESS:	490 Main Street, Yarmouth Port, MA 02675
CASE NUMBER:	2700
ZONING:	R-60; AE Flood zone; saltmarsh and wetlands in rear; OK Historic
MEETING DATE:	July 21, 2025

PROPOSAL	Special Review expansion of an Agricultural/Educational non-profit under Dover Amend.
PROJECT BRIEF	<ul style="list-style-type: none"> The proposal is to construct a new permanent 36’ by 22’ (792 sf) barn at Cape Abilities Inc. Farm located at 452 Route 6A. The two-story barn would include a flexible space for classes, events and employee lunch in an accessible space on the ground floor and storage on the second floor. The proposal includes removing a temporary hoop house of a similar size that has been in place since at least 2018 that is within the setback area. The mission of the Applicant, Cape Abilities Inc., is to support individuals with disabilities through education, counseling, and provision of residential, therapeutic, social and employment support that empowers individuals and thus the expansion of the non-profit Agricultural use is claimed to be protected by the Dover Amendment. The Applicant and project appear to clearly be protected by the Dover Amendment due to its nonprofit educational mission and agricultural use. Dover Amendment protected projects are not subject to some Special Permit Review elements other than reasonable regulations. <p><u>Dover Amendment:</u> MGL Chapter 40A (The Zoning Act), Section 3, Paragraph 2.</p> <ul style="list-style-type: none"> Exempts agricultural, religious, and educational uses from certain zoning restrictions by limiting what zoning requirements apply to these uses. MGL 40A, §3, ¶2 states: <u>“No zoning ordinance or by-law shall... prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes ... 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.”</u> 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 general guidelines it uses for Site Plan Approval and Special Permit and reasonably regulate.

PLOT PLAN	Site Plan of 452 Route 6A for Cape Abilities- Farm, 86 Willow Street, Yarmouthport MA 02675 by J.M O'Reilly & Associates Inc. 1573 Main Street- Rote 6A P.O. Box 1773 Brewster MA, 02631. Plan dated 06-10-2025 and stamped by John M. O'Reilly.
BUILDING PLANS	Plan of 458 Main Street Rte 6A Dennis, MA 02638 for Cape Abilities Farm by Troy Walls of Davenport Building Company, 20 North Main Street South Yarmouth, MA 02664. Plans consisting of 6 sheets with, Project Overview, Foundation & First Floor Plan, Front & Rear Elevations, Left & Right Elevations, 2 nd Floor & Roof Framing Plans, and Cross Section. Plans dated 6-3-2025.

1. PROJECT SUMMARY:

- i. Proposal is to construct a two-story 36' by 22' (792 sf) barn at Cape Abilities Inc. Farm located at 452 Route 6A for classes, events and employee lunch in an accessible space and storage.
- ii. Proposal includes removal of a hoop tent, which encroaches on the northerly abutter's property.
- iii. Cape Abilities Inc., uses the property for their farm operation, store and education.
- iv. This structure will be within 30' of other non-residential structures on the property.
- v. The Dennis Building Commissioner referred this project to the Planning Board for Special Review pursuant to Dennis Zoning Bylaw Section 2.3.4.2(b), for the expansion of a non-profit Agricultural use in the R-60 Zoning District where *"2 or more non-residential structures may be erected on the same lot provided that the minimum distance between said structures shall be thirty (30) feet, all the requirements of §2.3.2, (Intensity Schedule), are met, and site plan review is obtained pursuant to Section 4.1.1."*
- vi. The property contains 361,112 square feet of area, and is improved with 14 structures, including one main building and 13 accessory structures.
 - a) **Traffic:** Trip generation has not been calculated for new structure. The operations at this location and are very popular. This barn could increase trip generation overall with classes and events. Any classes or events should be carefully scheduled to ensure that they do not occur at the same time as general retail hours during the summer which could lead to a lack of parking.
 - b) **Parking:** No change. The popular location is tight with respect to parking.
 - c) **Landscaping & Lighting:** None proposed.
 - d) **Built Environment/Design:** Barn will probably look better in real life than rendering.
 - e) **Zoning District Intent** (§2.1.5.1 – Rural Residential): *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.*

2. TOWN DEPARTMENTS COMMENTS:

- a. **NATURAL RESOURCES:** Plans indicate the project is outside Conservation jurisdiction.
- b. **HEALTH:** Signed-off, no comment.
- c. **ENGINEERING:**
 - i. Will alter greater than 500 sf, thus required to meet the intent of Stormwater By-Law.
 - ii. Construction period linear erosion and sedimentation controls should be provided.
 - iii. All disturbed areas of the site should be stabilized and re-vegetated as soon as practical,
 - iv. Roof runoff should be contained and directed to subsurface areas for infiltration.
 - v. Additional vegetation or appropriate screening should be provided along the property line following removal of the hoop house to establish a minimum 10ft. vegetated per § 2.3.4.1.b.
 - vi. A top of slab elevation should be provided to confirm compliance with maximum building height and access and that the building will be located outside the flood zone.

- vii. Applicant should confirm the need to comply with ADA/AAB guidelines for accessibility at the proposed structure, as well as in any areas open to the public which may be modified.
- d. **FIRE:** Signed-off, no comment.
- e. **BUILDING:** Special Review pursuant to §2.3.4.2(b), for the expansion of a non-profit Agricultural use in the R-60 District where “2 or more non-residential structures may be erected on the same lot provided the minimum distance between said structures shall be 30’, all requirements of §2.3.2, Intensity Schedule, are met, and site plan review is obtained pursuant to Section 4.1.1.”
- f. **PLANNING:**
 - i. The proposal is to construct a new permanent 36’ by 22’ (792 sf) two-story barn at Cape Abilities Inc. Farm for classes, events and employee lunch in an accessible space on the ground floor and storage on the second floor.
 - ii. The mission of the Applicant, Cape Abilities Inc., is to support individuals with disabilities through education, counseling, and provision of residential, therapeutic, social and employment support and is clearly protected by the Dover Amendment.
 - iii. The Site Plan shows the 14’ contour which generally indicates the AE Flood Zone. Dennis online GIS flood map seems to indicate the northeast corner of the proposed barn location could be partially in the AE Flood Zone.
 - iv. The current planned location of the new barn would require the removal of five trees including one mature oak. A site visit on a hot day illustrated the temperature change between the areas in the shade. Applicant would like to save the trees but also need outdoor retail space for plants.
 - v. If the barn were shifted west 10’-20’ to the west they would be clearly out of the AE flood zone and would be able to save 5 trees including a mature oak.
 - vi. Any classes or events should be carefully scheduled to ensure that they do not occur at the same time as general retail hours during the summer which could lead to a lack of parking.

3. **§ 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; Use is allowed and educational & agricultural protected by Dover.*
- b. *Suitability of the site for the proposed use in light of the applicable district intent, as provided in §2.1.5; The existing farm and farm stand is an appropriate site for the new barn.*
- 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; The popular farm stand is pinched in terms of parking. The circulation will not change.*
- 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 proposed barn is compatible with surrounding land uses and minimizes harmful impact with existing desirable neighborhood character, including views, vistas and other aesthetic values with the exception of the removal of mature trees that provide.*
- e. *Adequacy of provision of utilities and other necessary or desirable public services; Adequate.*
- f. *Adequacy of control of artificial light, noise, litter, odor or other sources of nuisance or inconvenience ...; The proposal should not increase 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 location of the proposed barn results in the removal of mature trees that provide needed shade and appears to be partially in the AE flood zone.

4. **§ 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. **The location of the proposed barn results in the removal of mature.**

ii. Natural buffers ... shall be maintained whenever possible. **Removing of a hoop house of a similar size that has been in place since at least 2018 that is within the setback area should improve the buffers, no landscaping plan has been proposed for the hoop house location.**

iii. Landscaping shall include masses of trees and vegetation around/near buildings to reduce perceived scale and set into landscape. **No new landscaping has been proposed though the site is the source of plants for many gardens. Applicant should consider shifting the barn west a bit to get out of flood zone and protect mature trees.**

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.**

ii. General interior circulation: **No change proposed.**

iii. Separation of pedestrian and vehicular traffic: **No change proposed.**

iv. Surface material: **No change proposed.**

v. Access to community facilities: **No change proposed.**

vi. Accommodations for the handicapped: **Building is intended to improve accessibility.**

c. **Surface Water Drainage:** The removal of surface water shall not affect adjoining properties, streets or storm drainage systems nor obstruct circulation... **See Engineering suggestions.**

d. **Building Location:** Proposed building and structures to be integrated as much as possible. **As noted already, shift the barn west a bit to get out of flood zone and protect mature trees.**

e. **Building Design:** Renderings look more like a house than a barn.

f. **Safety** - All... spaces shall... maximize accessibility by fire, police, and other emergency... **Building is intended to create meeting and storage space and in particular be accessible.**

5. **CORRESPONDENCE:** None Received

<p>6. PROPOSED CONDITIONS</p>	<ol style="list-style-type: none"> 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. 2. The addition 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. 3. Construction shall not commence before 7:00 am nor continue after 7:00 pm Monday through Friday and shall not commence before 7:00 am nor continue after 5:00 pm on Saturdays. No construction shall occur on Sundays. 4. Grading should be limited to what is absolutely necessary and as many existing trees as possible should be maintained. 5. The barn shall be flood compliant. Applicant should consider shifting the new barn west to ensure it is out of the AE flood zone and save as many existing trees as possible. 6. Classes or events should be scheduled so that they do not occur at the same time as general retail hours during the summer which could lead to a lack of parking.
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