

June 12, 2025

Paul Foley  
Town Planner  
Town of Dennis  
685 Route 134  
Dennis, MA 02660

Mr. Foley,

We are the homeowners of Janet Road, West Dennis, writing as Dennis property owners with substantial structures being built at the end of and looming over our private road, about which we've received little to no information. Recently **some** of the homeowners on our street (there are only 8 of us), as well as on the adjacent Fisk Street, have received Town notices indicating that what were planned as condos at 209 Main Street, West Dennis, are requested to be apartment rentals instead. We were concerned over the lack of communication regarding the initial project as there is ample history with our road and the neighboring Main Street properties at 209 and 221 Main Street. And we are now more concerned about the potential transition from ownership of these units to a transient leasing instead.

Previously over several similar matters, our group worked with Dan Fortier and the Planning Office. Our primary goals are to fully understand the scope, extent, and potential impact to our road and neighborhood of planned or existing properties and projects immediately adjacent to our street. We are enclosing copies of documents that detail and support our previous group efforts, all of which are on file with the Dennis Planning Office.

As you will see within these attachments (all on file with your office), we were fully informed regarding the prior 209 condominium development and worked successfully with the Dennis Planning Office and the developer and their attorney to achieve our goals of protecting our road and residents. They understood our grave concerns regarding public access to our road. Historically when this was allowed for the adjacent motel at 221 Main Street, troubling incidents including a shooting in the middle of our street occurred (2009). This resulted during short term rentals at the motel. Following that frightening experience, we worked diligently with the Town and Dennis Police to restrict access from the motel, who were required to construct a fence (still in place). Our collective efforts then have allowed Janet Road homeowners to avoid such interferences since. We'd like to keep it that way going forward.

The recent Town notice to a limited number of Janet Road homeowners (not including me at #3, a resident taxpayer) is the first communication we've received about any aspect of this development. Included in the attachments herein are copies of documents stipulating our concerns and expectations for the previous 209 Main Street development; these have not changed, and we request they be applied for the current development. As you will see, these include:

A signed Deed Restriction document eliminating the Right of Access and Egress from the property at 209 Main Street – to and from Janet Road – in perpetuity (a copy of the one filed last time with your office is attached here).

The attachments also detail our previous concerns and questions regarding Septic/Leaching Field, Water Run Off/Drainage, the necessary approvals, trash maintenance, oversight of the property, as well as additional issues for fencing and/or landscaping where needed or appropriate at the adjacent property lines. The latter issues are even more important considering the very delayed request from the current developers to transition from condo ownership to apartment rentals. Currently there is a 50-60' gap on the property line adjacent to the fence installed by the family/owners at 19 Janet Road.

The enclosed photo of one of the structures at 209 was taken from the opposite end of Janet Road; these are prominent over our street. This is what I see from in front of my home at #3. Our neighbor at #31 Fisk did receive the recent notice regarding the proposed change from condominiums to apartments at 209 Main; they have no view of the 209 development from their front yard. As I already indicated, I've not received any communication regarding this project; the other Janet Road homeowners received **only** the recent notice. Given the background and ample historical effort by our group, we should all have been informed from the start of this project. That precedent has been set and should have superseded the standard "300 Foot" stipulation.

We will make every effort to attend the June 16<sup>th</sup> meeting whether in person or via Zoom but wanted to convey our valid concerns and urgent requests to you and all involved in this project prior to that time.

Diane Wall  
3 Janet Road



On behalf of:

Ken Smith @ 10 Janet Road  
Diane Marcelle/Anne (Enoka) Strait @ 15 Janet Road  
Craig Jennings @ 6 Janet Road  
Mike and Geri Grabowski @ 16 Janet Road  
Eileen Kelly/Debbie Everett @ 19 Janet Road

Attachments:

Deed Restriction document (6 pages)  
October 2019 Janet Road Outline of concerns re: 209 Main Street (1 page)  
Martin Reilly Esq./209 Main correspondence (on behalf of developers) (3 documents, 5 pages)  
Photo per above

Minutes from meeting of Neighbors from Janet Road 6. Oct. 2019 | 5pm

## Concerns and Questions of the Neighbors of Janet Road:

### Right of way

- Which has already been addressed by the owner/developer, and changes to the Deed Restriction are underway.

### Septic/leach field

- The septic system/capacity and the leach field location/size (under pavement?)
- Concerns for the impact it will have on our street.
- Has it meant all requirements with size capacity for the number of people in 8 units?
- Has it meant all environmental criteria?

### Water run off/drainage

- Concerns due to excessive (or regular water usage being too much for the land to handle) water usage in the 8 units as well as from rain and snow, flowing down the hill toward Janet Road. The type of soil on the property could even affect this as well as its condition.
- We are concerned about issues with underwater flow and surface water running down our street causing excessive runoff coming onto our street.
- Concern because Janet road is on downward slope
- Janet road has had a problem in the past with water pooling/backup (especially in front of 10 Janet Road). We had the problem repaired by the Town, which Janet Road property owners paid for as it is a private road and by law our responsibility.

### Approval

- Have the planning board, environmental board, and historical conservation board and conservation board all been consulted and signed off to all aspects of the project?

### Additional issues

- Fencing: request to specify traditional/classic wooden stockade fencing proposed to surround the project to maintain an historic feel of the Cape landscape. If this won't be considered then to at least not specify "white" plastic fencing but instead something less bold like weathered grey or green.

- Trees along back fence by parking lot: more of them and taller ones to create a sound barrier as well as visually block the view of the new building from the point of view of Janet Road.
- To consider keeping a few of the mature trees already at the back of the property which will maintain some of the existing feeling of Cape Cod nature.
- To consider landscaping on our side of the fence to make it more attractive.
- Trash maintenance: Is there is going to be an outside receptacle? Where will it be located? Will there be a management company to maintain it? Is this included in the condo by-laws?
- What else is included in the condo by-laws?
- What will the exterior lighting be and what is the placement of the lighting especially in the parking lot area? We are concerned about more artificial light being too bright at night.
- Non-use of Janet Road during all phases of the project.
- What is the timeline of the project?

COPY

From: **Martin Reilly** <[mreillyassociates@gmail.com](mailto:mreillyassociates@gmail.com)>

Date: Tue, Oct 8, 2019 at 10:52 AM

Subject: Fwd: Deed Restriction Documents - Related To Eliminating Right Of Access / Egress From 209 Main St To/ From Janet Rd

To: Diane Marcelle <[enya.marcelle@gmail.com](mailto:enya.marcelle@gmail.com)>

Cc: <[brian@serponeinnovations.com](mailto:brian@serponeinnovations.com)>, <[ljmurphylaw@verizon.net](mailto:ljmurphylaw@verizon.net)>, <[dfortier@town.dennis.ma.us](mailto:dfortier@town.dennis.ma.us)>

Diane,

Per your request of me yesterday - I wanted to send you the Deed Restriction Language eliminating the Right Of Access and Egress From the Property At 209 Main Street - To and From Janet Road - in perpetuity- for the benefit of the Neighbors on Janet Road.

This Deed Restriction - releasing the Owners Of 209 Main Street future rights of Access and Egress to and from Janet Road - forever - will be recorded at the Barnstable County Registry Of Deeds - concurrent with the Recording Of the Approval Decision Of The Dennis Planning Board for the proposed 209 Main St project. Please forward / share this language with all your neighbors on Janet Road so they are aware of this fact - and of possible ask them to give you their names and addresses so we can send them a copy of the Recorded Deed Restriction in preparation for and upon our filing of the Deed Restriction with the Barnstable Registry Of Deeds.

Also included in the PDF below - is the present Deed to the 209 Main St property which gives the owners the right of Access and Egress From the 209 Main Street Property to and From Janet Rd - and a copy of the 1969 Approved Subdivision Plan Which granted said Access and Egress.

Per our conversation of last night - following the hearing - I look forward to meeting with you and your Sister later this week to visit the Rear of the 209 Main Street Property To identify and mark some existing trees 

 Located in the Rear Parking Area buffers of the property - and Rear Of The Property - closer to Janet Rd -that we will try to retain on the site.

As we discussed we will try to

Retain as many of the trees in the Rear portion of the property -as we can .. As long as they don't interfere with Parking Areas.

The trees on the sides of the property / lot to the rear of the location of the Four Residential Buildings - On The sides of the property will have to be removed for the Buildings and Rear patios.

We also look forward to working with you and your neighbors on Building an Attractive New England Field Stone Wall in the Rear Of Property that faces on to Janet Road ... and the final elements of our portions of our Final 209 Main Street Plan.

Hopefully we can set up a time to discuss this further and meet with the neighbors in the near future.

Sincerely,

Martin T. Reilly

For The Owners / Developers

209 Main Street, West Dennis

[Mreillyassociates@gmail.com](mailto:Mreillyassociates@gmail.com)

COPY

4:01 PM (47 minutes ago)

**Martin T. Reilly** <mreillyassociates@gmail.com>  
to me, dfortier

Diane,

Thank you for being so kind - in returning my call to you today - for purposes of discussing our proposed 8 Unit " Bass Point " Residential Condominium Project to be located at 209 Main Street in West Dennis.

As we discussed I was calling you at the suggestion of the Town of Dennis Town Planner - Dan Fortier - who indicated that you and your neighbors had a few concerns regarding the project and that you and your neighbors were going to be meeting over the weekend - and I was hopeful that you could provide me and Brian Serpone - as the Developers - with an opportunity to meet with you and your neighbors to explain the project.

One of the concerns that you and some of your neighbors have expressed to Dan Fortier - which he has brought to my attention - is the concern related to existing right of access that the property at 209 Main Street has to allow vehicles or people to travel thru the rear portion or backyard of of the 209 Main Street property onto and through Janet Road.

I wanted to let you know - so that you can inform your neighbors - prior to your scheduled meeting with your neighbors on this Sunday Night - that upon our being made aware of this concern - we as the owners and Developers of the Property / Project have made a decision to eliminate this concern for the neighbors - by placing a Deed Restriction on the property - which would prevent any vehicle or person in perpetuity- from ever having access to or the right of access to - Janet Road through the Rear of the Property in the future.

Brian Serpone and his Development Company of Serpone Innovations - and I - have worked very hard to design a Beautiful Residential Condominium Project for the 209 Main Street Property - which we believe will contribute to the continued gentrification of West Dennis - complimenting the Recent Work the Town has done creating the Nearby Waterfront Park on Bass River and other planned improvements to the Bass River Marina and general nearby area.

We look forward to the opportunity to meet with you and some of the neighbors on next Monday Morning - October 7, 2019 - at 10 or 10:30 am - at your home as you have suggested to explain and discuss the project in detail and answer any questions that you and your neighbors may have.

I thank you for giving me the opportunity to share some of this information with you and your neighbors prior to your meeting on Sunday night - and respectfully ask that you provide us with an opportunity to meet with you and your neighbors to further explain all the details that have gone into the careful design of this project - to make it nice - either on Monday morning or Sunday Night at your meeting with your neighbors - whichever is best for you...

Please call me anytime over the weekend to let me know at 617-872-9933

In Grateful Appreciation,

Marty Reilly  
Brian Serpone  
209 Main Street  
West Dennis

