



Town of Dennis

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209 MAIN STREET

PLANNING BOARD SPECIAL PERMIT STAFF REPORT – August 13, 2025

APPLICANT:	Sand Dollar AT 209 LLC C/O Rob Warren and Steve Bobola
PROJECT ADDRESS:	209 Main Street, WD, MA 02670
MAP AND LOT NUMBER:	63-36
APPLICANT ADDRESS:	259 Great Western Rd., Unit B, S. Dennis, MA 02660
CASE NUMBER:	PBSP-25-3
ZONING:	West Dennis Mixed Use Marine District
HEARING DATE:	June 16, 2025; Continued without taking testimony to August 18, 2025.

PROPOSAL	Modification to affordable housing special permit condition from ownership to rental.
PROJECT BRIEF	<ul style="list-style-type: none"> • Proposal is a modification to a Special Permit (PB 63-36) originally approved in 2018 to build eight (8) home ownership residential units in four (4) duplexes with two units being deed restricted affordable. Decision was Recorded (Book 35857, page 146 #25089) in 2023. • The project was extended several times and purchased by Sand Dollar LLC last year (2024) and is currently under construction. • Three of four duplexes were almost complete in June 2025, when it was discovered that an extra floor had been added to each building. Once the error was caught by the Town, the applicant removed the extra floor to be compliant with the approved plans. • The modification proposal was originally understood to be to modify the project from eight (8) individually owned units to eight (8) rental units with two being deed restricted affordable. • However, one of the Applicants, verbally changed the request to be that six of the eight units will be for sale, and the two affordable units will be retained by Sand Dollar and rented by them. • The Planning Department organized a zoom meeting with Sand Dollar and the Exec. Office of Housing and Livable Communities (EOHLC /DHCD). At that zoom EOHLC made it clear the project should either be all home-ownership or all rental. The applicant agreed at the time but has hedged since. • The project was advertised as applied for <i>"we are seeking to retain the units and rent them instead of selling them."</i>
2020 Approved Landscape Site Plan	209 Main Street, Site Plan with Landscaping, West Dennis, MA by AJM Site Design LLC. 4 Crestview Drive, East Sandwich, MA 02537. Prepared for Headley Grange Investments, LLC, 21G Fruean Way, South Yarmouth, MA. Consisting of Site Plan, Parking, Zoning Information Site Notes and Landscaping. Revised date 3/10/2020.
BUILDING PLAN	Proposed Multi-Family Residences at 209 Main Street, West Dennis, Massachusetts consisting of 8 Sheets with Title Sheet; Existing Conditions and Proposed Site Plan; Recharge Area Detail; Proposed Grading Plan; Floor Plans and Elevations. Prepared by AJM Site Design LLC. 4 Crestview Drive, East Sandwich, MA 02537 for Serpone Innovations

	LLC, 21G Fruean Way, South Yarmouth, MA. Dated June 17, 2019. Floor Plans and Elevations. Prepared by Cotuit Bay Design LLC, 43 Brewster Road, Mashpee, MA for Bass Point Condominium, 209 Main Street, West Dennis, MA Dated 7/29/2019.
OTHER PLANS	Septic Design Plan of 209 Main Street, West Dennis Massachusetts (Barnstable County), prepared for Sand Dollar Customs, 259 Great Western Road South Dennis, MA 02660 by BSC Group 349 Main Street-Route 28 West Yarmouth, MA 02673. Consists of 2 sheets Dated February 6, 2025 by Kieran Healy and Brian Yergatian.

1. **Project History and Summary**
2. **Town Department Comments**
3. **§ 1.4.2.1 - Special Permit Granting Authority – Criteria and Proposal**
4. **§ 4.1.2 - Site Plan Review process**
5. **§ 4.1.2.5 Design Objectives – Criteria and Proposal**

1. PROJECT SUMMARY:

a. Brief Project History

- i. The site was historically a one and a half story home built in 1890. At some point the building was converted to a commercial property. The building was demolished after April 2020.
- ii. As noted above, the project was reviewed in 2018, approved in 2019 and extended numerous times before the current owner (Sand Dollar LLC at 209 Main St.) purchased the property and Special Permit with conditions and plans.
- iii. In 2020 the project was modified as part of a settlement with an abutter who challenged the original approval. Conditions were modified related to a modification to the Landscape Plan, which ultimately, is the approved landscape/site plan dated March 10, 2020 in the settlement agreement.
- iv. The original approval had offered two units to be affordable home ownership units with restrictions. The two units were designated as units 7 and 8 to be located away from Route 28.

2. TOWN DEPARTMENTS COMMENTS:

- a. **NATURAL RESOURCES:** Not in Conservation jurisdiction.
- b. **HEALTH:** Pending final inspections/final documents on septic installation. Each unit will require a Rental Occupancy Permit.

Sewer Note: The property is in Phase 1 of the WRRF Collection and Conveyance system (sewer). Once the order to connect notice is sent from the Health Department, properties will have one year to connect to the sewer. A property owner can request an extension from the Board of Health, but not until a formal notice to connect from the Health Department is sent.

c. **ENGINEERING:**

- The sidewalk proposed within the State highway Layout (SHLO) will need to be constructed by the applicant as it is part of the approved Plan.
- The driveway access, sidewalk and any additional improvements including plantings within the SHLO will need to be reviewed and approved through a State Highway Access Permit by MassDOT.
- The applicant shall provide the Town with a copy of the approved MassDOT permit for the improvements shown on the approved Plan. All construction details for work within the SHLO will need to conform to MassDOT requirements.
- If MassDOT requires any revisions to the work shown on the approved plan, a revised plan shall be prepared and submitted to the Planning Board for review.
- As the work occurs within the SHLO, a local road permit is not required. Engineering recommended approval of Stormwater Permit with Conditions.
- Proposed sidewalk shall connect to the interior site sidewalk as shown on the approved plan.

d. **POLICE/ FIRE:** No Comment.

e. **Planning:**

- The location is good for the use of Section 4.9 to encourage affordable housing, as it is near services and transportation and will be on Phase 1 of the sewer.
- The modification proposal is to modify the project from eight (8) individually owned units to eight (8) rental units with two being deed restricted affordable.
- However, one of the Applicants, has gone back and forth on the request to be that six of the eight units will be for sale, and the two affordable units retained by Sand Dollar and rented.
- The Planning Department organized a zoom meeting with Sand Dollar and key people at the Executive Office of Housing and Livable Communities (EOHLC – formerly DHCD). At that zoom EOHLC made it clear that the project should either be all home-ownership or all rental.
- The applicant agreed at the time but wants a mix. It is the understanding of the Planning Dept. that EOHLC will only allow all rental or all ownership and that is how the project was advertised.
- Without Section §4.9, this property would not be able to be developed with this much density. Since the entire project and increased density was approved under §4.9, to encourage affordable housing, the PB should consider a condition that all units, including the market rate units, should be conditioned to be for year-round housing and no short-term rentals (per MGL Ch. 64G) allowed.
- Ideally, in the future, multi-unit residential or mixed-use projects allowed through 4.9 would be held to a higher standard in terms of design to fit in better with the historic character of the area.
- While these applicants purchased the property and Special Permit after the home had been demolished, the house appeared to be a nice, classic historic structure (at one time anyway) that might have been restored and added onto, in order to retain the character of old West Dennis. In this case, approved buildings do not face the road and tower over the neighboring property.

Landscaping and Lighting

- The approved landscaping site plan (March 10, 2020) was the result of an agreement to an appeal so the plan and notes should be adhered to closely.
- The plan shows the buildings 24'8" from the property line along Route 28 with a 3' tall white picket fence just inside the property in front, with a planting strip in front of it, that is clearly the obligation of the applicant to plant and maintain.
- Canopy trees are proposed along the street frontage and to the rear of the property. Low level shrubs are proposed near the homes. Several existing trees at rear of property are to be retained.
- Each building has foundational plantings in front with masses of trees and vegetation around and near buildings to reduce their perceived scale and set them into the landscape.
- As noted in the original decision, A clear view window into the property such that an adequate window between 2 feet and 8 feet above grade is left unobscured entering the property.
- Significant vegetative screening along the western property line as part of the agreement site plan.
- There is a 25' wide lawn area on either side of the rear parking area (also for snow stockpile).
- The parking is shown as shell/crushed stone with cobble edging separating it from 4' wide bluestone walkways within the property and a paved apron between the property and Route 28.
- The approved landscape/site plan shows a "proposed 5' paved sidewalk" in front. A note says "Proposed sidewalk on Right of Way to connect to proposed sidewalk on property". Per Town and Planning Board policy, it is the responsibility of the applicant to plant the strip on the right of way in front of the fence and construct the 5' paved sidewalk after approval of MassDOT.
- Drainage must be installed correctly so that neighboring property, many feet below, is not flooded.
- Proposed Conditions below include original and standard conditions, revised affordable conditions, plus a couple relevant to the proposed changes.

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; **The project was approved and is requesting a change to conditions.***
- b. *Suitability of the site for the proposed use in light of the applicable district intent, as provided in §2.1.5; **The site is located within a mixed-use area with a motel to the east, commercial condos to the west, residential uses to the south and commercial uses to the north.***
- 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 site had been commercial for many years and the what once had been a front yard had been converted to two curb cuts and parking. The approved landscaping/site plan (March 10, 2020) is not ideal and has no relation to adjoining streets, with stacked parking between the two front duplexes and the street.***
- 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 project was approved as home ownership units. Some neighbors from the abutting neighborhood behind, have expressed concern with the proposed change to rentals, as they believe the pride of ownership would have been a better fit with the neighborhood character***
- e. *Adequacy of provision of utilities and other necessary or desirable public services; **The site has adequate utilities and the septic system has been approved by the Board of Health. The project site is on Phase 1 of the sewer.***
- f. *Adequacy of control of artificial light, noise, litter, odor or other sources of nuisance or inconvenience to adjoining properties, public ways and neighborhoods; **Lighting to be conditioned so that any nuisance is limited and mitigated for adjoining properties/public ways.***
- 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 site has already been irredeemably degraded and altered. The approved landscape plan with the pervious crushed shell parking and bluestone walkways should help mitigate some of the degradation a bit.***

PROPOSED CONDITIONS	<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. Construction shall not commence before <u>8:30</u> am nor continue after <u>6:00</u> pm Monday through Friday and shall not commence before <u>10:00</u> am nor continue after <u>4:30 pm</u> on Saturdays. No construction shall occur on Sundays <u>per the notes on the site plan.</u> 3. 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. 4. All off-street parking shall be a pervious surface of shell/crushed stone with cobble edging separating it from 4’ wide bluestone walkways within the property and a paved apron between the property and Route 28 as shown on the approved site/landscape plan dated March 10, 2025
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5. The contractor shall be responsible for maintaining the road in a condition free of accumulated sediment during construction and all appropriate drainage and erosion control measures as required by town engineering shall be implemented.
6. Construction vehicles shall park on the property and shall not park in or block the road.
7. Failure to comply with all conditions in the Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit.
8. Any changes to the site plan shall require the applicant to return to the Planning Board for approval of the modifications prior to their implementation except as related to storm water system modifications directed by the Dennis Engineering Department.
9. The sidewalk proposed within the State highway Layout (SHLO) shall be constructed by the applicant as it is part of the approved Site Plan dated March 10, 2020.
10. The driveway access, sidewalk and any additional improvements including plantings within the SHLO shall be reviewed and approved through a State Highway Access Permit by MassDOT before a Certificate of Occupancy is issued.
11. Deeded access to Janet Road shall be surrendered before a Certificate of Occupancy is issued.
12. Drainage in the rear of the site will be pitched towards the interior parking lot so that snow melt will not impact the neighbors on Janet Road.
13. Because the project was approved under §4.9, to encourage affordable housing, the conversion from all ownership to all rental units (eight) shall be for year-round housing only and there shall be no Short-Term Rentals (per MGL Chapter 64G) in any unit.
14. The project site is in Phase 1 of the Water Resource Recovery Facility (WRRF) Collection and Conveyance system (sewer). All units (eight residential) must connect to the sewer when required per the Board of Health Policy.
15. The basements shall be for storage and/or mechanicals. There shall be no living in the basement per §4.9.3.3.3 of the Dennis Zoning Bylaw for affordable housing.
16. A Certificate of Occupancy shall not be issued until the conditions herein are completed including the affordability conditions below, the landscape plan has been implemented, the MassDOT Road Opening Permit is issued and the as-built plan approved by the Town.

AFFORDABILITY CONDITIONS

17. Pending approval of EOHLC (formerly DHCD) Units 7 and 8 shall be deed restricted affordable, unless directed otherwise during the development of the EOHLC (DHCD) Local Initiative Program Approval.
18. The applicant shall be required to execute an affordable housing restriction (“Restriction”) in a form acceptable to the Planning Board and the Massachusetts Executive Office of Housing and Livable Communities (EOHLC - Formerly DHCD). The Certificate of Occupancy shall not be issued until the Restriction is recorded in the Registry of Deeds. The Restriction shall establish that two apartments, or in any case at least 25% of the unit’s, be deed restricted affordable for persons earning no more than 80% of median income.
19. The applicant shall comply with any Massachusetts Executive Office of Housing and Livable Communities (EOHLC - Formerly DHCD) regulations and guidelines for qualification of the housing units created under this By-law towards the Town’s subsidized housing inventory (SHI), including but not limited to the form of the affordable housing restriction and regulations concerning tenant selection and marketing, unit design standards and income eligibility standards. The Restriction shall

- further provide that the applicant shall cooperate with the Town in good faith to qualify any restricted housing unit towards the Town's subsidized housing inventory.
20. The applicant shall be required to execute appropriate EOHLC Deed Riders such as the "Local Initiative Program Affordable Housing Deed Rider for Projects which Affordability Restrictions Survive Foreclosure" as directed by EOHLC.
 21. The restriction shall provide that the two (2) deed-restricted Affordable residential units, or in any case at least 25% of the unit's, be made available for sale or rent at a cost (including heat, but not other utilities) not to exceed 30% of the annual income of a household earning 80% of the Barnstable County median income, and shall be rented to households earning at or below 80% of the Barnstable County median income.
 22. Maximum rental prices shall be governed by EOHLC regulations under Chapter 40B of the Massachusetts General Laws, and shall be set at levels that will enable the Town to qualify the housing units created under this By-law towards the Town's SHI.
 23. The applicant shall enter into a marketing and monitoring agreement with EOHLC and the Dennis Housing Authority, or other entity designated by the Town of Dennis to ensure all EOHLC requirements are met.
 24. The applicant is encouraged to make use of the Regional Ready Renter list created by a partnership between the Town of Dennis, neighboring towns and the Cape Cod Commission for finding tenants.
 25. Current employees of the Town of Dennis and residents of Dennis shall have preference over non-residents in the selection of tenants of housing units subject to a restriction to the extent permitted by EOHLC regulations, state or federal laws.
 26. In the event that a housing unit subject to a restriction created under this By-law becomes vacant, the owner shall give written notice to the EOHLC, the Dennis Housing Authority, Town of Dennis Affordable Housing Trust and Planning Department.
 27. If, after initial occupancy, the income of a tenant of a Low- and Moderate-Income Unit increases and, as a result of such increase, exceeds the maximum income permitted hereunder for such a tenant, the Developer shall not be in default hereunder so long as either (i) the tenant income does not exceed one hundred forty percent (140%) of the maximum income permitted or (ii) the Developer rents the next available unit at the Development as a Low- and Moderate-Income Unit in conformance with Section 2(a) of the Local Initiative Program (LIP) Local Actions Unit (LAU) Regulatory Agreement with EOHLC, or otherwise demonstrates compliance with Section 2(a).
 28. Prior to the issuance of occupancy permits, the applicant shall enter into a marketing and monitoring agreement with the Dennis Housing Authority, The Housing Assistance Corporation, or other entity designated by the Town of Dennis, such as the existing Ready Renter Program, to ensure all EOHLC requirements are met.