



Town of Dennis

685 Route 134, South Dennis, MA 02660 / Telephone: 508-394-8300 Fax: 508-394-8309

DECISION

APPLICANT	Dennis Aceto, MGG Realty Trust
CASE NUMBER	PB 63-36
ZONING DISTRICT	WD MUM

REGISTRY OF DEEDS REQUIRED INFORMATION (Must be filled out by applicant)			
Current Property Owners:		Dennis Aceto, Trustee MGG Realty Trust	
Property Address:		209 Main Street, West Dennis	
Registry of Deeds Title Reference		Book: 35303	Page 341
or Certificate of Title #		And Land Ct Lot	And Plan #
Town Map # 63		Parcel 36	

HEARING DATE	May 1, 2023
REQUEST	seeking a reissuance of a Special Permit originally granted on October 7, 2019 and amended on March 16, 2020 in accordance with Dennis Zoning By-laws Sections 9.3.3 and 9.6.5 to create eight two-bedroom residential units in four duplex buildings with two units deed restricted affordable,

PLANS	
PLOT PLAN	209 Main Street SP 5.5 Full Landscaping dated July 29, 2019, with modifications through March 10, 2020 Bass Point Condominiums at 209 Main Street, West Dennis, Massachusetts by Asa Mintz dated July 29, 2019 (as may be needed to be adjusted related to the March 10, 2020 Landscape/Site Plan): Sheet 1: Title Page Sheet 2: Existing Conditions Sheet 4: Proposed Grading Plan Sheet 5: Proposed Utility Plan Sheet 6: Drainage Details Sheet 7: Proposed Septic System Profiles Sheet 8: Drainage Area Plan
BUILDING PLANS	Building/Elevation Plans by Cotuit Bay Design dated 7/29/19: A1: Basement, First and Second Floor A2: West, North South Elevations

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FINDINGS	<p>The Planning Board made the following Findings of Fact:</p> <ul style="list-style-type: none"> • The proposal is consistent with the purpose of Section 4.9 and Section 9 of the Dennis Zoning By-law to further the goal of encouraging various lot sizes and housing types for persons of various age and income levels in accordance with Massachusetts General Laws, Chapter 40A, Section 9 which allows municipalities to adopt "incentive" ordinances for the creation of affordable year-round housing. • The proposal will help people who, because of rising land prices, have been unable to obtain suitable housing at an affordable price within the Town of Dennis. The 2010 Census shows that Dennis lost nearly 1,800 people in the past decade. Much of this population loss has been in the younger age groups including significant losses in the under 30 population. Housing, especially affordable home ownership will improve the ability of the town to attract such populations. • The proposal will help to maintain a stable economy by preventing out-migration of residents who provide essential services. IRS income tax data illustrates significant out-migration from Barnstable County. These losses include older population migrating to southerly states and others, most likely younger people, migrating to counties surrounding the City of Boston. • The applicant has conformed to the design standards of this By-law and will deliver the needed affordable units with two units being deed restricted affordable with at least 25% of the units created (2) deed restricted affordable to persons earning under 80% of the area's median income. • The proposed development site plan is designed in its site allocation, proportions, orientation, materials, landscaping and other features as to provide a stable and desirable character complementary and integral with the site's natural features. • The development, density increase and relaxation of zoning standards has no material, detrimental effect on the character of the neighborhood or Town and is consistent with the performance standards of the Dennis Zoning By-law. The proposal, for eight housing units is consistent with the goals of the West Dennis Village Center Zoning which seeks to promote infill housing opportunities that are within walking distance of the Village Center businesses and other amenities. • That consistent with Section 9.6.4 the Planning Board has discretion to issue a Special Permit for the creation of mixed income housing opportunities if a minimum of 25% of the total number of dwellings are affordable restricted per the requirements of Section 4.9.4 of this Zoning By-law. • The project is consistent with the General Objectives of the Affordable Housing Development and: <ul style="list-style-type: none"> o promotes in-fill residential development opportunities;
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	<ul style="list-style-type: none"> o is compatible with the adjacent neighborhood; o encourages development of economically priced housing and a variety of types of housing; and o fosters flexibility and creativity in the creation of affordable housing. • The proposal is consistent with Section 9.6.4 as noted below: • The Base Residential density of the West Dennis Village Center shall be 1 unit per 40,000 sf of land area or pre-existing lot of record unless an increase of density is granted by a Special Permit for the creation of mixed income housing opportunities if a minimum of 25% of the total number of dwellings are affordable restricted per the requirements of Section 4.9.4 of this Zoning By-law. <p>The proposal provides for eight housing units, two of which will be deed restricted affordable.</p> <ul style="list-style-type: none"> • The site size existed on the property at the time the West Dennis Zoning By-law was adopted on September 24, 2007. • The construction of the eight units of housing as conditioned would not create a nuisance, hazard or congestion, nor would it cause other significant harm to the neighborhood. • The site will be a density consistent with the goals of the West Dennis Village Center Zoning District to promote jobs: housing balance in order to promote a walkable, self-sustaining village center living area. • The proposed use is allowed within the by-law by special permit. • The site is located in the Mixed-Use Marine portion of the West Dennis Village Center Zone but is not a water dependent site. • The project is consistent with the Dennis Planned Production Plan for Affordable Housing. • Housing costs exceed 30% of income for 23.4% of homeowners living in West Dennis (2017 US Census) • West Dennis was considered an Environmental Justice Area due to the concentration of low-income people in this part of town prior to the 2020 Census. • Approximately 5.72% of the housing units in Dennis are deed restricted affordable. • Traffic generated by the residential use of the property will be less than the traffic generated by the continued use of the property for commercial use. • Parking on the site exceeds the required parking for the West Dennis Village Center zoning district. • The site is located on a fixed route bus route operated by the Cape Cod Regional Transit Authority • The plan revision dated 3/10/2020 is substantially compliant with the originally approved site plan;
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	<ul style="list-style-type: none"> • The reduced size of the patios on the plan revision dated 3/10/2020 are less intensive use of property than what was originally approved; • The addition of landscaping on the plan revision dated 3/10/2020 is not detrimental to the approved plan; and • The resituated parking on the plan revision dated 3/10/2020 provides the same number of parking spaces, while increasing green space over the approved plan. • The reduction in width of the driveway on the plan revision dated 3/10/2020 was compliant with town and fire department requirements and was not detrimental to the safety of the future occupants of neighborhood.
VOTE	The Planning Board voted unanimously to approve the Special Permit with conditions (McCormick [Chair], Hamlin, Bishop, Terrio and Patterson)

CONDITIONS	<ol style="list-style-type: none"> 1) The applicant shall be required to execute an affordable housing restriction ("Restriction") in a form acceptable to the Planning Board and Department of Housing and Community Development. The special permit shall not be exercised until the applicant records the Restriction in the Registry of Deeds. The Restriction shall establish that at least 25% of the unit's be deed restricted affordable persons earning no more than 80% of median income. 2) The applicant shall be required to execute appropriate DHCD Deed Riders "Local Initiative Program Affordable Housing Deed Rider, for Projects in which Affordability Restrictions Survive Foreclosure". 3) The Restriction shall provide that at least 25% of the units be made available for sale shall be sold 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 sold to households earning at or below 80% of the Barnstable County median income. 4) Maximum sale prices shall be governed by DHCD's regulations under Chapter 40B of the Massachusetts General Laws, and shall be set at levels that will enable the Town to qualify the housing unit created under this By-law towards the Town's subsidized housing inventory. 5) The applicant shall comply with any Massachusetts Department of Housing and Community Development ("DHCD") regulations and guidelines for qualification of the housing units created under this By-law towards the Town's subsidized housing inventory, including but not limited to the form of the affordable housing restriction and regulations concerning owner 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
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inventory. The unit's deed restricted to 80% of median income shall be required to execute appropriate DHCD Deed Riders.

6) 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 Department of Housing and Community Development, Dennis Housing Authority and Housing Assistance Corporation.

7) Current employees of the Town of Dennis and residents of the Town of Dennis shall have preference over non-residents in the selection of buyers of housing units subject to a restriction to the extent permitted by DHCD regulations and state or federal laws.

8) Floodlighting – Floodlights shall not be used to light all or any portion of any primary or accessory structure façade, and all outdoor light sources mounted on poles or buildings or trees to illuminate streets, sidewalks, walkways, parking areas, or other outdoor areas shall use full cutoff light fixtures. For the purpose of this section, a “full cutoff light fixture” is one in which no more than 2.5% of the total output is emitted at 90 degrees from the vertical pole or building wall on which it is mounted. All such fixtures shall be installed or shielded so that no part of the light bulb or light source is visible beyond the property bounds.

9) Prior to the issuance of a Building Permit, 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 to ensure all DHCD requirements are met.

10) Any changes to the site/landscape plan dated March 10, 2020 shall require the applicant to return to the Planning Board for approval of the modifications prior to their implementation. Changes to Grading, Utility, Drainage and Septic Plans may be made to bring them into consistency with the March 10, 2020 Landscape Plan and other conditions (Condition 13 for instance) cited in this decision.

11) Pending approval of DHCD Units 7 and 8 shall be deed restricted affordable, unless directed otherwise during the development of the DHCD Local Initiative Program Approval.

(12) Deeded access to Janet Road will be surrendered;

(13) Drainage in the rear of the site will be pitched back to parking lot so that snow melt will not impact the neighbors on Janet Road.

Details of the hearing and decision are on file in the Planning and Appeals Office at the Dennis Town Offices as File PB 63-36.

Appeal from this decision may be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days of filing with the Town Clerk. This Special Permit shall lapse if substantial use or construction has not commenced without good cause within one year from the date issued.

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I certify that a copy of the original decision has been filed with the Town Clerk.

Paul McCormick Jr. (LAP)

Paul McCormick Jr., Chair

DATE: *May 24, 2023*

I certify that this decision was filed on *May 4, 2023* and no appeal was filed within 20 days after date of filing.

[Signature]
Dennis Town Clerk

June 9, 2023

A True Copy Attest:
[Signature]
Dennis Town Clerk