

DENNIS TOWN CLERK
RCVD 2023MAR1PH1:53



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

DECISION

APPLICANT	Habitat for Humanity of Cape Cod Inc
CASE NUMBER	ZBA 263-16
ZONING DISTRICT	R-40

REGISTRY OF DEEDS REQUIRED INFORMATION (Must be filled out by applicant)			
Current Property Owners:		Friends of Dennis Senior Citizens Inc.	
Property Address:		401 Setucket Road, Dennis	
Registry of Deeds Title Reference		Book: 4331	Page 335
or Certificate of Title #		And Land Ct Lot	And Plan #
Town Map #	263	Parcel	16

HEARING DATE	February 27, 2023
REQUEST	seeking to permit the project under Massachusetts General Law, Chapter 40B, through a "friendly" 40B process. HHCC is proposing a subdivision of 401 Setucket Road into five parcels, with one home on each of the four parcels contained on the northerly most portion; and a fifth parcel comprised of the southerly most portion. All four homes to be permanently deed restricted affordable

PLANS	
PLOT PLAN	Site Plans by J. M. O'Reilly and Associates dated 4/26/2022 (Revised 11/16/22) including: Sheet 1 of 3 Site Plan for Zoning Board of Appeals 401 Setucket Road Sheet 2 of 3 Road Profile/Details Plan 401 Setucket Road, Sheet 3 of 3 Stormwater Management/Erosion Control Plan 401 Setucket Road, Definitive Subdivision Plan of Land of 401 Setucket Road by J. M. O'Reilly Stamped January 9, 2023
BUILDING PLANS	Building Plans entitled 3-BR Ranch for Habitat for Humanity Cape Cod by Brown, Lindquist, Fenuccio and Raber Architects dated 11.02.16 including: Cover Sheet A2.1 Front Elevation

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	<p>A2.2 Rear Elevation A2.3 Right Side Elevation A2.4 Left Side Elevation</p> <p>Building Plans entitled 2 BR Ranch for Habitat for Humanity Cape Cod by Brown, Lindquist, Fenuccio and Raber dated 4.20.2020 including</p> <p>Cover Sheet A2.1 Right Side Elevation A2.2 Left Side Elevation A2.3 Rear Elevation A2.4 Front Elevation</p> <p>Building Plans entitled Habitat for Humanity Cape Cod Tubman Neighborhood Habitat Road – Lot 4 Brewster MA by Brown, Lindquist, Fenuccio and Raber dated 5.2.2016 including</p> <p>Cover Sheet A2.1 Front Elevation A2.2 Rear Elevation A2.3 Left Side Elevation A2.4 Right Side Elevation</p>
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FINDINGS	<p>The Board of Appeals found:</p> <p>JURISDICTIONAL FINDINGS</p> <p>1. The Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:</p> <p>a. The Applicant has received a written determination of Project Eligibility from the Department of Housing and Community Development under its Local Initiative Program, dated November 9, 2022, a copy of which was provided to the Board with the original application.</p> <p>b. The Applicant has included a copy of a Purchase and Sale Agreement dated July 14, 2021, thus the Applicant has shown evidence of site control sufficient to qualify as an Applicant for a Comprehensive Permit.</p> <p>c. The Applicant has agreed to execute a Regulatory Agreement that</p>
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limits its Return on Total Cost in accordance with Chapter 40B and the regulations and guidelines adopted thereunder by DHCD.

2. The Town of Dennis does not meet the statutory minima set forth in G.L. c. 40B § 20 or 760 CMR 56.03(3) to 56.03(7):

a. At the time of the filing of the application, the number of low or moderate income housing units in the Town of Dennis constituted 5.57% of the total year-round units in the Town, based on the most recent publicly available copy of the DHCD Subsidized Housing Inventory. Thus, the Town does not meet the 10 percent statutory minimum.

b. The Town does not have information that there are existing affordable housing units that are on sites which comprise more than one and one half percent (1.5%) of the total land area of the Town which is zoned for residential, commercial or industrial use (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof).

c. The granting of this comprehensive permit will not result in the commencement of construction of low or moderate income housing units on a site comprising more than three tenths of one percent of land area in the Town of Dennis or ten acres, whichever is larger, zoned for residential, commercial or industrial uses (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.

d. The Town of Dennis currently has an approved and certified Housing Production Plan pursuant to 760 CMR 56.03(4).

e. The Dennis of Dennis has not achieved recent progress toward its housing unit minimum pursuant to 760 CMR 56.03(5).

f. The Project does not constitute a Large Project pursuant to 760 CMR 56.03(6).

g. The Applicant's comprehensive permit application does not constitute a Related Application pursuant to 760 CMR 56.03(7).

FINDINGS OF FACT

1. The Dennis Board of Selectmen entered into a Community Compact Agreement with Lieutenant Governor Karyn Polito to work on solving

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	<p>our local affordable housing needs.</p> <p>2. The Dennis Board of Selectmen has endorsed the Dennis Affordable Housing Production Plan, which committed the town to work to close the affordability gap in Dennis.</p> <p>3. Dennis has only 5.57% of its housing deed-restricted affordable.</p> <p>4 This is an increase of over 1% over the past decade</p> <p>5. Dennis is far short of the Chapter 40B mandate.</p> <p>6. According to the Cape Cod Commission's Regional Housing Analysis Dennis has a shortfall of 1,695 ownership housing units for persons earning 80% of the region's median income.</p> <p>7. The Cape Cod Commission projects the shortfall of affordable ownership housing units to grow to 2,066 by 2025.</p> <p>8. The Cape Cod Commission report shows a shortage of 341 rental units for persons earning 80% of median income.</p> <p>9. The Cape Cod Commission report notes the affordable rental housing shortfall is expected to grow to 458 in 2025.</p> <p>10. The Cape Cod Commission projects the total shortage of affordable housing is 2,036 at present.</p> <p>11. The Cape Cod Commission projects the total shortage of affordable housing to grow to 2,524 by 2025.</p> <p>12. The Cape Cod Young Professionals 2018 survey identified affordable housing as the number 1 issue facing young people wanting to live and work on Cape Cod.</p> <p>13. The Cape Cod and Islands Association of Realtors reported March 2021 Median Sales were \$570,000 an increase of 19% in one year.</p> <p>14. According to Redfin, it takes an income of 189,000 to own such a home.</p> <p>15. HUD Median Family Income for a Family of Four in Barnstable County in 2020 is estimated to be \$83,537.</p> <p>16. In 2020 the Dennis Median income was \$67,803, at that time</p>
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	<p>Barnstable County had a median income of \$83,537.</p> <p>17. The median priced home on Cape Cod is out of reach of a family earning median income.</p> <p>18. Median-priced homes are even further out of reach for Dennis residents.</p> <p>19. The proposal will provide, if approved by DHCD, two three-bedroom units priced at \$185,125 targeted at a family earning no more than 60% of median income and two three-bedroom units priced at \$272,500 targeted at a family earning no more than 80% of median income. Regardless, all four units will be affordable to people earning no more than 80% of median income.</p> <p>20. At a Dennis Board of Selectmen Summit on Affordable Housing town leaders committed to working together for affordable housing solutions.</p> <p>21. The Summit confirmed a concern about the town's lack of action and progress on adding affordable units.</p> <p>22. The Summit confirmed a concern that many of the younger professionals were moving out of Dennis and about the effects of this on the Town's economic diversity.</p> <p>23. The Summit recommended spreading the development of affordable housing through all the villages.</p> <p>24. The Summit concluded with an agreement to work cooperatively with the Affordable Housing leaders to develop solutions to affordable housing needs in Dennis.</p> <p>25. The Dennis Municipal Affordable Housing Trust has reviewed this proposal and has endorsed it.</p> <p>26. The Comprehensive Permit Plan exceeds the limitations found in Section 4.9 in respects:</p> <ul style="list-style-type: none"> a. two lots do not meet the 20 foot setbacks to the exterior property boundary; and b. the four lots created would each be below 10,000 sf, however, this is partially mitigated with the 71,000 sf of protected open space that is part of the project.
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27. The Dennis Board of Health and Dennis Water District have reviewed the Nitrogen Aggregation Plan and proposed wastewater system and have determined it is adequate for the site.
28. The Dennis Town Engineer has reviewed the Stormwater Plan for the site and has determined it is adequate for the site.
29. The Dennis Town Engineer has recommended conditions related to the Stormwater Plan at the time of Board of Appeals approval.
30. The Dennis Town Planner has reviewed the Traffic Impact Assessment and have determined it is adequate for the site.
31. The Dennis Old King's Highway Historic District Committee has informally reviewed the project.
32. Chapter 40B authorizes the Dennis Board of Appeals to issue a Comprehensive Permit when it determines that a proposal will benefit attaining the goal of affordable housing under said Chapter.
33. Chapter 40B authorizes the Dennis Board of Appeals to issue the permits that would otherwise be under the jurisdiction of other town boards and committees.
34. Chapter 40B authorizes the Dennis Board of Appeals with the ability to impose reasonable conditions, as long as such conditions do not render the project infeasible.
35. The conditions listed below are determined by the Dennis Board of Appeals not to render the project uneconomic.
36. The conditions listed below are consistent with or exceed the requirements made by the Dennis Select Board as part of their support for the Chapter 40B application to the state.
37. The proposal will provide the Town of Dennis with four new for-sale affordable housing units.
38. The four affordable housing units will be 100% of the units within the development project.
39. 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

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	<p>population. Housing, especially affordable home ownership will improve the ability of the town to attract such populations.</p> <p>40. 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.</p> <p>41. 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.</p> <p>42. 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.</p> <p>43. That consistent with Chapter 40B the Board of Appeals has the discretion to reduce or suspend the minimum area requirements otherwise applicable under Section 2.3.2.</p> <p>44. The project is consistent with the General Objectives of Section 4.9 of Dennis Zoning By-law and its objectives for Affordable Housing Development and:</p> <ul style="list-style-type: none"> a. promotes in-fill residential development opportunities; b. is compatible with the adjacent neighborhood; c. encourages the development of economically priced housing and a variety of types of housing; and d. fosters flexibility and creativity in the creation of affordable housing. <p>45. The proposal is generally consistent with Section 4.9.2.2 of the Dennis Zoning By-law as noted below (Exceptions also noted):</p> <p>A. "4.9.2.2.1 The Planning Board shall have discretion to reduce or suspend the minimum requirements otherwise applicable under Section 2.3 , 3.1 and 4.2 for an Affordable Housing Development, provided that the Planning Board finds that the conditions present on the site are adequate to support the proposed use, protect the surrounding</p>
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	<p>neighborhood, and meet the intended goals of providing affordable housing; and provided however that there must be:</p> <ul style="list-style-type: none"> a. a maximum height of 35 feet and two stories (complies); b. a maximum building coverage of 15% (complies); c. a maximum total site coverage of 50% (complies); d. a minimum building separation of twenty feet (complies); and i. a determination that the parking will be adequate in number and size to serve the proposed use of the site (complies). <p>B. "4.9.2.2.2 The Planning Board shall have the discretion to permit a density of greater than one bedroom for every 10,000 square feet based upon the recommendation of the Dennis Board of Health that the wastewater system recommended for the site meets all state and local environmental standards for the protection of public health and water quality." The septic design for this property has been reviewed by the Peer Consultant and the Board of Health, and with reasonable conditions will exceed the requirements of Title 5. (nitrogen aggregation plan provides land area equivalent to 10,000 sf per bedroom)</p> <p>C. 4.9.2.3 Special Permit Requirements:</p> <ul style="list-style-type: none"> a. A minimum tract of two and one-half (2 1/2) acres shall be required. (Complies: The total tract of land is about 2.8 acres); b. A maximum of sixteen (16) dwelling units shall be allowed in any one building (Complies: the proposal calls for single family); c. The Planning Board shall have the discretion to reduce the off-street parking requirements otherwise applicable under Section 3.1.3.2 where (1) the number of units to be restricted under Section 4.9.4 exceeds 25%, and (2) the applicant demonstrates that the proposed parking is sufficient to address the parking needs of the Affordable Housing Development. (Complies: Each unit has a driveway wide enough for two cars); d. The tract of land to be developed shall provide for the front, rear and side setbacks of 20 feet, which shall constitute vegetated buffers, except for where crossed by site driveways; (Waiver needed: The plan illustrates the 20-foot vegetated buffer as required under zoning around most of the property. There are areas where the 20-foot buffer is not
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	<p>met;</p> <p>e. The areas where less than 20 foot buffers are provided are adjacent to the municipal parking lot and additional screening was provided.</p> <p>46. The construction of the four units of housing as conditioned would not create a nuisance, hazard or congestion, nor would it cause other significant harm to the neighborhood.</p> <p>47. The site, at 1.4 units/acre, will be of a comparable density to or less dense than the following Affordable Housing Projects approved by the Dennis Planning Board:</p> <p style="padding-left: 40px;">49 Baxter Street – 6.8 units/acre</p> <p style="padding-left: 40px;">Elkanah Howland Road – 11 units/acre</p> <p style="padding-left: 40px;">27 & 29 Mill Street – 17.2 units/acre</p> <p style="padding-left: 40px;">MelPet Housing – 6.1 units/acre</p> <p style="padding-left: 40px;">323 Main Street, West Dennis – 31.6 units/acre</p> <p style="padding-left: 40px;">Connic’s Cottages – 16.9 units/acre</p> <p style="padding-left: 40px;">47 Route 134 – 11.7 units/acre</p> <p style="padding-left: 40px;">16 Telegraph Road – 10.4 units/acre</p> <p style="padding-left: 40px;">163 Upper County Road – 8 units/acre</p> <p>48. The applicant has met with the Dennis Affordable Housing Trust, and the Trust has voted to endorse the project as consistent with the Dennis Planned Production Plan for Affordable Housing.</p> <p>49. Mortgage costs exceed 30% of income for 57.6% of the homeowners earning less than 80% of median income.</p> <p>50. The Board finds that granting a Comprehensive Permit, with the conditions and waivers contained below, is consistent with local needs.</p> <p>51. The Board finds that finds that the conditions imposed in Section IV of this Decision are necessary in order to address Local Concerns. The Board finds that such conditions will not render the project</p>
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	<p>uneconomic. To the extent that such conditions may render the project uneconomic (as defined in 760 CMR 56.02), the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.</p> <p>52. The Board finds that granting certain waivers from local by-laws and regulations is acceptable even though granting any waivers may have an adverse impact on Local Concerns.</p> <p>53. The Board acknowledges concerns raised by abutters and other interested parties, including concerns relating to increased traffic, parking demand, septic design and stormwater runoff. The Board has addressed these concerns by the imposition of appropriate conditions. The Board further finds that conditions detailed below appropriately address these matters of local concern in a manner that outweighs the regional need for affordable housing. The Board finds that the conditions imposed below addresses local and regional housing needs while properly protecting valid issues of local concern.</p> <p>54. The site is served by a subdivision street serving the site.</p> <p>55. MassDEP Priority Resource Map does not indicate the presence of wetland resource area within 200 feet of the parcel. The lot is not located within a FEMA mapped 100 year flood zone. NHESP maps indicate that the entire project parcel is located outside of estimated habitat of rare wildlife and priority habitat of rare species.</p> <p>56. New development area stormwater systems were designed (with the inclusion of the recommended conditions listed below) in accordance with the Massachusetts Stormwater Standards and Handbook, with the exceptions noted in the waivers.</p> <p>57. The project proposes to be served by public water from the existing water line in Setucket Road.</p> <p>58. New residential units are proposed to be served by a individual septic system designed in accordance with 310 CMR 15.000 (Title 5).</p> <p>59. The site includes a Nitrogen Aggregation Plan developed under the guidance, and approval of the Dennis Board of Health and Dennis Water District.</p> <p>60. The applicant provided nitrogen loading calculations in accordance to guidelines published in Technical Bulletin 91-001 (Final) Nitrogen Loading dated April 1992.</p>
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61. The Board finds that the construction of the Project, as conditioned, will be consistent with local needs.

WAIVERS

**Town of Dennis Zoning Bylaw
Section 2.3 Intensity of Use Schedule/4.9 Affordable Housing**
The following waivers are granted regarding lot size, setbacks and coverage.

Dimensional Requirement	Section 4.9 Requirements	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Proposed Lot 4
Minimum Lot Size ⁽¹⁾	10,000 ft ²	8,301 ft ²	8,439 ft ²	8,417 ft ²	7,974 ft ²
Minimum Setbacks - Interior	10 ft	12.0 ft	11.0 ft	12.0 ft	11.0 ft
Minimum Setbacks Exterior	20 ft	20.5 ft	N/A	14.3 ft	13.8 ft
Maximum Building Height	35 ft	<35 ft	<35 ft	<35 ft	<35 ft
Minimum Building Separation	20 ft	27.4 ft	27.4 ft	39.1 ft	39.1 ft
Maximum Building Coverage ⁽¹⁾	15%	9.8%	9.6%	16.1%	17.0%

(2) for the purposes of Section 4.9 the Maximum Building Coverage is for the entire parcel not the individual lots. Total Building Coverage for this proposal is 3.6%.

Exterior setbacks on Lots 3 and 4 are facing the Town property parking lot, not another residential use.

Section 2.3.3.7 Minimum Lot Shape Number

To the extent necessary the Board waives the requirements of this section. All four of the proposed lots do not meet the minimum lot size requirement, and therefore all four lots have a shape number of less than 22.

Section 2.3.3.8 Minimum Panhandle Width

To the extent necessary the Board waives the requirements of this section. Lots 2 and 3 have less than 50 feet of frontage, and the entrance portion of Lot 3 is less than 35 feet in width.

Waivers | 3

Section 2.3.4.1.b 10 Foot Lot Perimeter

To the extent necessary the Board waives the requirements of this section. Driveways are located within 10 feet of side property lines on all four residential lots.

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	<p>Section 3.1.5.2 Parking Location Requirements To the extent necessary the Board waives the requirements of this section. All four of the proposed lots have parking areas within 20' of the street line and within 10' of interior property lines, due to the small lot sizes. All parking occurs in the front yard between the dwelling and street line, as is typical for single family homes.</p> <p>Section 3.1.6 Parking Design Requirements To the extent necessary the Board waives the requirements of the portion of this section which requires eliminating the need for vehicles to back out onto a private street and designing the driveway so no surface water is allowed to flow onto streets. All four of the proposed driveways may require backing out into cul-de-sac, due to the small lot sizes. In order to conserve usable space, stormwater from Lots 3 & 4 is pitched to flow into the street stormwater system, instead of being retained on the lots.</p> <p>Town of Dennis Subdivision Rules and Regulations Section 3 Procedure for Submission of Plans To the extent necessary the Board waives all provisions of this section which describes the approval process for a Definitive Subdivision layout with the Planning Board. For Chapter 40B filings, Zoning Board of Appeals sits in place of all other Town Boards and Commissions.</p> <p>Section 4(B) Design Standards - Streets</p> <ul style="list-style-type: none"> • To the extent necessary the Board waives Section 4(B)(1)(k) which requires drainage low point no closer than 30 feet from centerline Intersection point at the development entrance and +/- 2% road grade for a minimum of 50 feet from centerline Intersection point. Due to the existing grade change that transects the right-of-way layout, there is not sufficient space to fully meet this provision without significantly steepening the proposed roadway. Project proposes approximately 25 feet from drainage low point to centerline intersection point, and 35 feet of +/- 2% road grade from centerline intersection point. • To the extent necessary the Board waives the portion of Section 4(B)(1)(l) which requires minimum 18" cape cod berms. The Project proposes 12" berms. • To the extent necessary the Board waives Section 4(B)(2)(b) which requires for cul-de-sac radii to be at minimum 25 ft inside pavement edge, 45 ft inside pavement edge, and 55 ft right-of-way edge. The
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	<p>Project proposes 17 ft, 35 ft and 45 ft, respectively.</p> <p>Section 4(C) Design Standards - Drainage</p> <ul style="list-style-type: none"> • To the extent necessary the Board waives Section 4(C)(1) requiring use of Rational Method for drainage calculations. The Project will use HydroCAD methodology. • To the extent necessary the Board waives Section 4(C)(1)(e) which requires all subsurface leaching structures to be placed outside the road layout. Due to spacing constraints and the availability of a large central area in the cul-de-sac, the Project proposes siting subsurface leaching structures within the road layout. • To the extent necessary the Board waives the portion of Section 4(C)(2)(a) which requires all catch basins to be located in pairs on each side of the roadway. The Project proposes for the cul-de-sac portion of the driveway to be super-elevated, pitching stormwater to the outside of the circle, thereby precluding the need for catch basin pairs in that area. The Project does propose a catch basin pair at the development entrance area, where the pavement surface is to be crowned. • To the extent necessary the Board waives the portion of Section 4(C)(2)(c) requiring all stormwater pipes to be either corrugated aluminum or reinforced concrete. The Project proposes to use High-Density Polyethylene 12" ADS piping, which meets H-25 highway traffic loading with 12" minimum cover. • To the extent necessary the Board waives the portion of Section 4(C)(2)(g) requiring leaching basin connection pipes to be either corrugated aluminum or reinforced concrete. The Project proposes to use High-Density Polyethylene 12" ADS piping, which meets H-25 highway traffic loading with 12" minimum cover. Also waive the portion requiring drainage easements with 100% reserve leaching capacity. Project does not propose drainage easement areas, and the residential area's density prevents sufficient usable space. • To the extent necessary the Board waives Section 4(C)(2)(h) which requires drainage easement areas outside the street right-of-way at all roadway low points. Project does not propose drainage easement areas, and the residential area's density prevents sufficient usable space. • To the extent necessary the Board waives Section 4(C)(2)(i) which requires the center of catch basin grates to be located 1 ft outside the gutter line. The Project proposes catch basin rim centerline ends to be parallel and flush with gutter line, as shown on plans.
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	<p>Section 5 Required Improvements</p> <ul style="list-style-type: none"> • To the extent necessary the Board waives Section 5(A) which outlines Planning Board administration and inspection requirements. For Chapter 40B filings, Zoning Board of Appeals sits in place of all other Town Boards and Commissions and substitutes the Zoning Board to administer the inspection requirements. • To the extent necessary the Board waives Section 5(B)(1) which requires concrete bounds at all lot corners. <p>Section 6 Specifications for Construction</p> <ul style="list-style-type: none"> • To the extent necessary the Board waives Section 6(A)(7) which requires 3:1 roadway side slopes unless 2:1 slopes are approved by the Board. The Project proposes 2:1 slopes along the higher elevation side of the right-of-way in order to lessen the fill required on the lower elevation side of the right-of-way.
VOTE	The Board of Appeals voted unanimously to approve the Comprehensive Permit application for Habitat for Humanity including granting of the requested waivers itemized above and the conditions noted below (Checkoway [Chair], Carrick, Kyrimis and Barber)

CONDITIONS	<ol style="list-style-type: none"> 1. A Road Opening Permit is required for changes along the Setucket Road frontage. 2. The applicant shall be required to execute an affordable housing restriction (Restriction) in a form acceptable to the Planning Board and Massachusetts Department of Housing and Community Development ("DHCD"). The project shall not be occupied until the applicant records the Restriction in the Registry of Deeds. The Restriction shall establish that all four units shall be deed restricted affordable for persons earning no more than 80% of median income 3. If also required by DHCD in addition to the Restriction described above, the applicant shall be required to execute appropriate DHCD Deed Riders "Local Initiative Program Affordable Housing Deed Rider for Projects which Affordability Restrictions Survive Foreclosure." 4. The Restriction, shall provide that all 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 no more than 80% of the Barnstable County median income, and shall be sold to households earning at or below 80% of the Barnstable County median income. 5. The applicant shall comply with (DHCD) regulations and
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guidelines for qualification of the housing units created under this By-law towards the Town's subsidized inventory, including but not limited to the form of the affordable housing restriction and regulations concerning renter and/or ownership 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 units towards the Town's subsidized housing inventory. The unit's deed restricted shall be required to execute appropriate DHCD affordable housing restrictions and/or 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 DHCD, Dennis Housing Authority and Housing Assistance Corporation.

7. For up to 70% of the affordable units, current employees of the Town of Dennis and residents of the Town of Dennis shall have preference over non-residents in the selection of renters or purchasers of housing units subject to a restriction to the extent permitted by DHCD regulations and state or federal laws.

8. 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 condition, "full cutoff light fixture" is one in which no more than 2.5% of the total light 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 occupancy permits, the applicant shall ensure all DHCD requirements are met for Affirmative Fair Housing Marketing.

10. Any changes to the site plan, except those to the stormwater system necessitated by the Dennis Engineering Department, shall require the applicant to return to the Zoning Board for approval of the modifications prior to their implementation.

11. Construction shall not commence before 7 am nor continue after 7 pm Monday through Friday and shall not commence before 7 am nor continue after 5 pm on Saturdays. No construction shall occur on Sundays.

12. Contractors shall be required to park on the property.

13. The Home Owners Association shall be required to maintain the road, including snow removal as a requirement of the road construction waivers granted by this approval.

14. The applicant shall record, with the plan an affidavit confirming that the road shall remain private due to the waivers granted from

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standard Town of Dennis Road Construction requirements.

15. The applicant shall, under MGL C53G provide the town of Dennis with a deposit to cover costs for the required inspections of the road during and at the conclusion of site construction. These inspections shall review the required reporting from the site engineer as required under the Dennis Subdivision Control By-law.

16. Lot 5 should be transferred to the Town of Dennis, Dennis Water District or Dennis Conservation Trust.

17. Steel Pins shall be used to mark the corners of all lots.

18. Lot 5 shall have existing debris removed during the construction phase prior to deed transfer to the town.

Details of the hearing and decision are on file in the Planning and Appeals Office at the Dennis Town Offices as File ZBA 263-16.

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.

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

Peter Checkoway ^{KAR}
3/1/23
 Peter Checkoway, Chair

DATE: MARCH 23, 2023
 I certify that this decision was filed on
 March 1, 2023, and no appeal was filed
 within 20 days after date of filing.

Sharon T. Bunn
 Dennis Town Clerk