

Planning Board Agenda – March 2, 2026

1. **ADMINISTRATIVE BUSINESS:** Town Planner update

2. PUBLIC HEARINGS:

- To see if the Town of Dennis will amend the Dennis Zoning By-laws by Amending the following Sections: § 4.9 Provisions to Encourage the Development of Affordable Housing in Dennis.

The purpose of the proposed amendments is twofold:

- First, to clarify and re-order the sub-sections, add headers, descriptions and definitions, remove obsolete words, correct changed names and clarify the different methods to create affordable units.
- Second, some substantive changes are being considered to provide new incentives to increase the creation of affordable housing in appropriate locations in town near services, transportation and sewer.
- The public hearing is to review draft proposed amendments to § 4.9 and see if the Planning Board will recommend the proposed changes to the Annual Town Meeting in May 2026.

1. CURRENT & LONG-RANGE PLANNING:

1. Town Planner update.

2. **OTHER BUSINESS:** Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting.

3. **NEXT MEETING:** Scheduled for Monday March 16, 2026

Received at the Town Clerk's office
on 2/26/2026 at 12:30 pm.



TTB

Town of Dennis
Public Meeting Notice
Planning Board Agenda – March 2, 2026

This is to formally advise that, as required by G.L. Chapter 30A §§18-25, and pursuant to Chapter 2 of the Acts of 2023, amended on March 28, 2025, the Planning Board will hold a Public Meeting on March 2, 2026 at 6:30 in the Dennis Town Hall, STONE HEARING ROOM, 685 Route 134 Dennis MA. The public is welcome to attend.

ZOOM Meeting information
Zoom Link: <https://www.zoom.us/join>
Meeting ID: 878 003 6813
OR
By Phone Dial: 646-558-8656
When prompted enter Meeting ID: 878 003 6813

AGENDA

1. **ADMINISTRATIVE BUSINESS:**

a. Town Planner update

2. **PUBLIC HEARINGS:**

To see if the Town of Dennis will amend the Dennis Zoning By-Laws by Amending the following Sections: 4.9. Provisions to encourage the Development of Affordable Housing in Dennis. The purpose of the proposed amendments is twofold:

First, to clarify and re-order the sub-sections, add headers, descriptions and definitions, remove obsolete words, correct changed names and clarify the different methods to create affordable unit.

Second, some substantive changes are being considered to provide new incentives to increase the creation of affordable housing in appropriate locations in town near services, transportation and sewer. The public hearing is to review draft proposed amendments to 4.9 and see if the Planning Board will recommend the proposed changes to the Annual Town Meeting in May 20206.

3. **CURRENT & LONG-RANGE PLANNING:** Town Planner update.

4. **OTHER BUSINESS:** Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting.

5. **NEXT MEETING:** Scheduled for Monday March 16, 2026

The items listed are those reasonably anticipated by the Chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

ATM ARTICLE TO REVISE §4.9 OF THE DENNIS ZONING BYLAW

- For the past five months the Zoning Bylaw Study Committee (ZBSC), the Planning Board (PB) and I have been meeting regularly and reviewing potential modifications to Dennis Zoning Bylaw §4.9 to Encourage Affordable Housing.
- Earlier draft language was presented to the Dennis Affordable Housing Trust (DAHT) in January.
- The purpose is twofold.
 1. Re-organization & Clarifications: Many of the proposed changes are simply re-ordering the sub-sections, adding headers, removing obsolete words, correcting changed names and clarifying the different methods to create affordable units.
 2. Substantive Changes: Several substantive changes are being considered.

HISTORY - ZONING BYLAW §4.9 TO ENCOURAGE AFFORDABLE HOUSING

- **2001 ATM** (9/18/2001 Article 18)
 - Town Created § 4.9 with A.H. Developments (2.5 acres +); A.H. APARTMENT plus A.H. apt. ACCESSORY to commercial and residential ; CONVERSION OF HOTELS & MOTELS.
- **2003 ATM** (5/6/2003 Article 37)
 - Added MUNICIPALLY SPONSORED projects.
- **2003 STM** (6/17/2003 Article 6)
 - Added AFFORDABLE LOTS Sub-section.
- **2005 STM** (10/18/2005 Article 8)
 - Amended AFFORDABLE LOTS Sub-section.
- **2010 ATM** (5/10/2010 Article 36)
 - Amended AFFORDABLE APARTMENTS Sub-section.
- **2022 STM** (10/25/2022 Article 33)
 - Deleted AFFORDABLE APARTMENTS ACCESSORY TO RESIDENTIAL Sub-section because Town created an ADU Bylaw.

4.9 projects in DP and WD



4.9 projects in DP and WD with Zoning

- Industrial
- Resort Areas
- Dennis Port Village Center Areas
- West Dennis Village Center District
- West Dennis Village Center Support Dist
- West Dennis Marine Open Space District
- West Dennis Mixed Use Marine District
- West Dennis Residential-Commercial
- Quivet Neck-Crowes Pasture Resource Protection District

- MassGIS Census Data
- MassGIS Coastal Features
- MassGIS Conservation
- MassGIS Inland Water
- MassGIS Regulated Areas
- Places of Interest
- Assessing Maps
- Hiking/Walking Trailways
- Condo and Cottage Colonies
- Land Use

- Affordable Housing Status
 - Approved and Built (on SHI)
 - Approved and Built (NOT on SHI)
 - Approved and In Process
 - Approved Recently
 - Approved but NOT Built

Base Maps

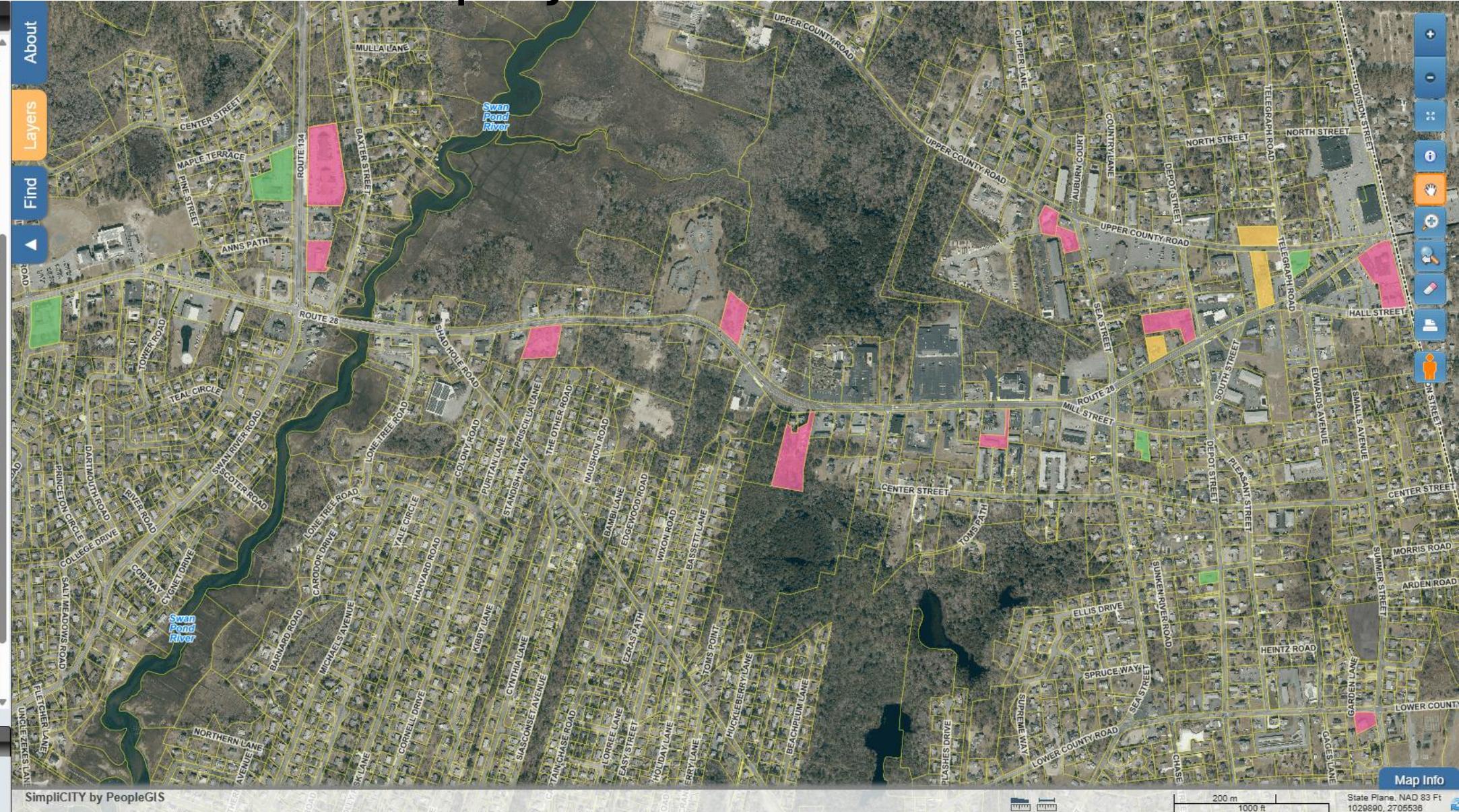
2023 MassGIS Orthos



4.9 projects in DP

Layers

- Large Wind Facility Overlay District
- Med. & Large Wind Facility Overlay Dist
- Scenic Corridor
- Zoning**
 - Residential 40
 - Residential 60
 - General Commercial I, II, or III
 - Limited or Extensive Business
 - Industrial
 - Resort Areas
 - Dennis Port Village Center Areas
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Simplicity by PeopleGIS

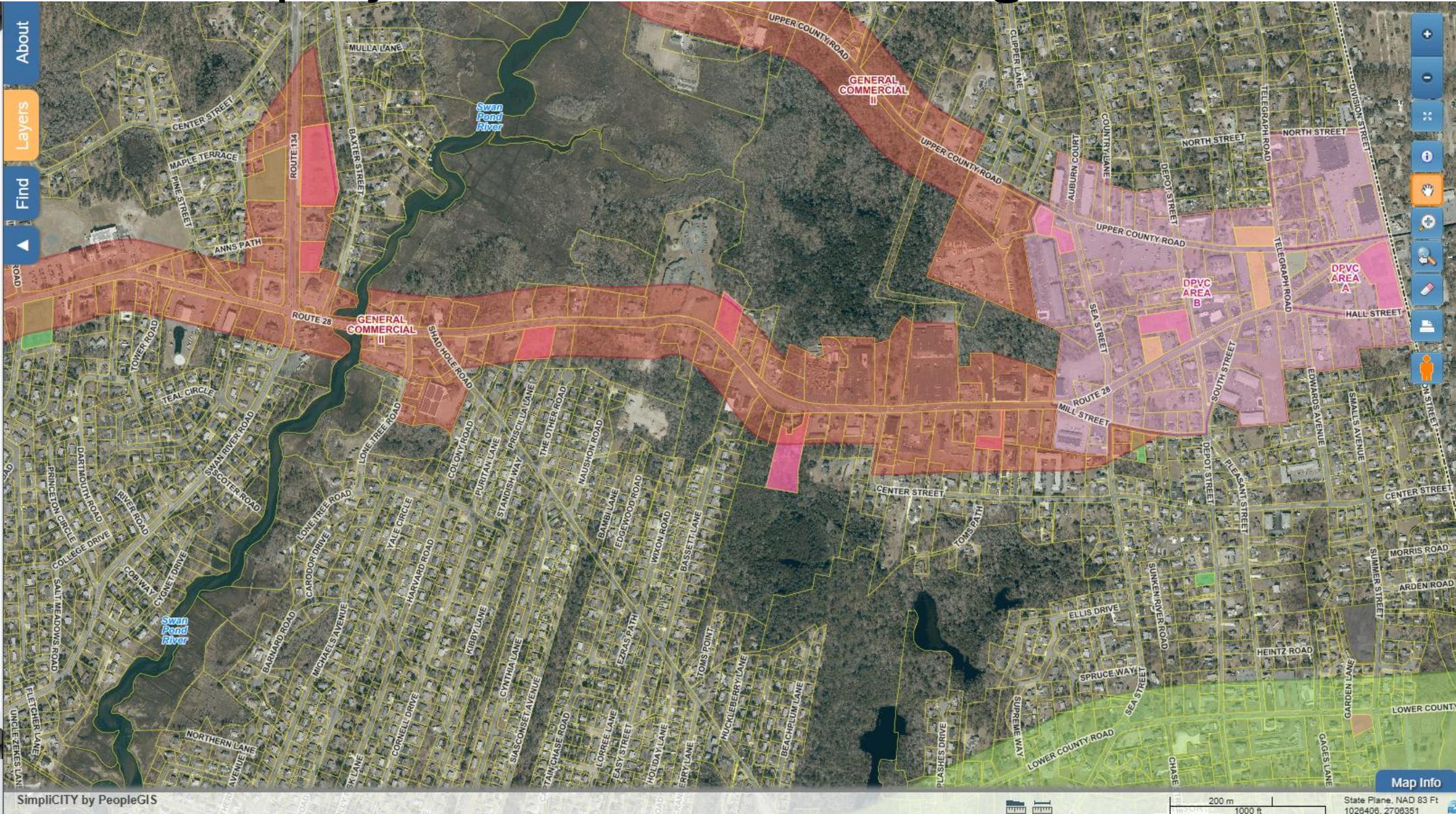
4.9 projects in DP with Zoning

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Simplicity by PeopleGIS

Map Info
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State Plane, NAD 83 Ft
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4.9 projects in WD

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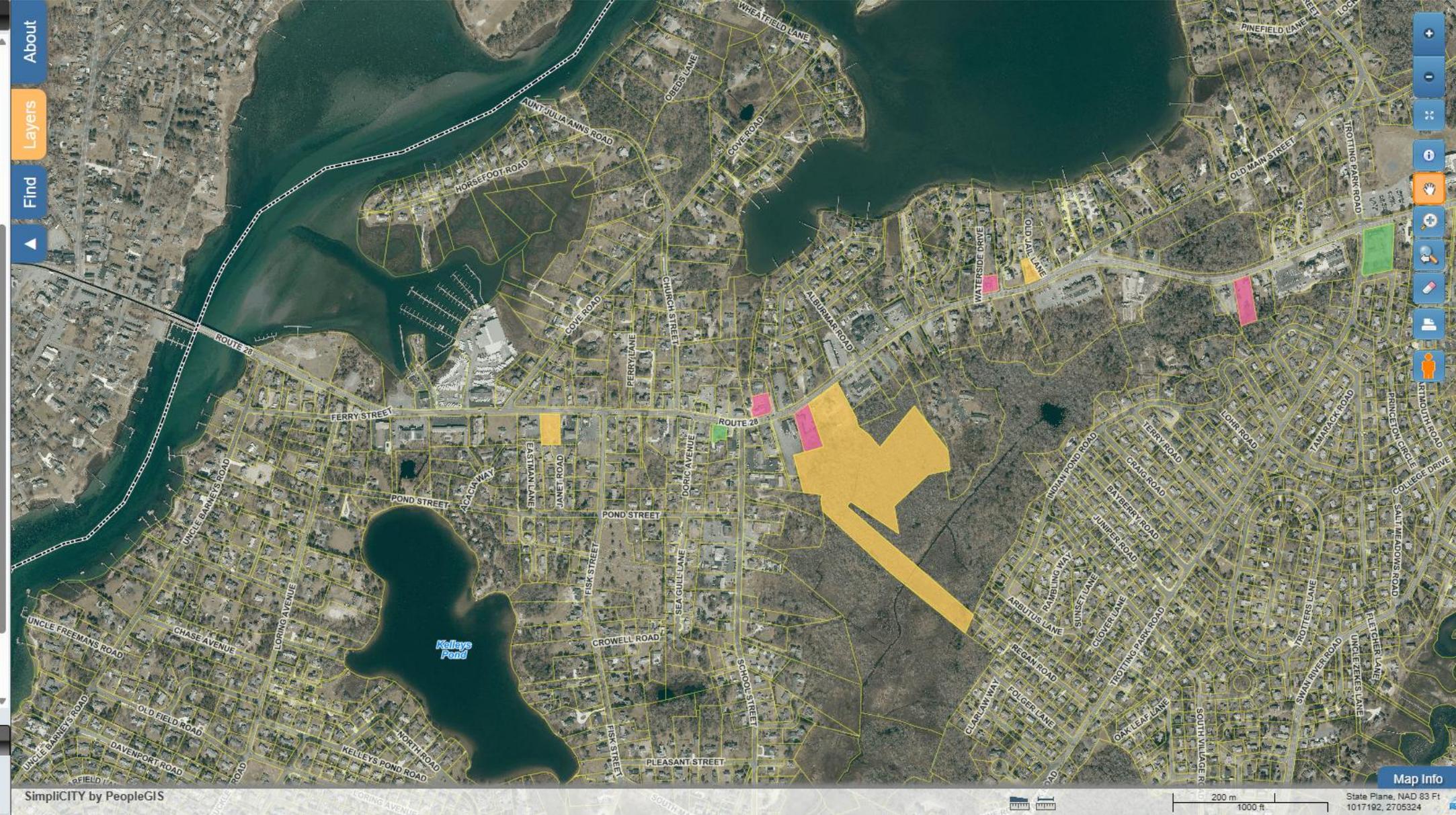
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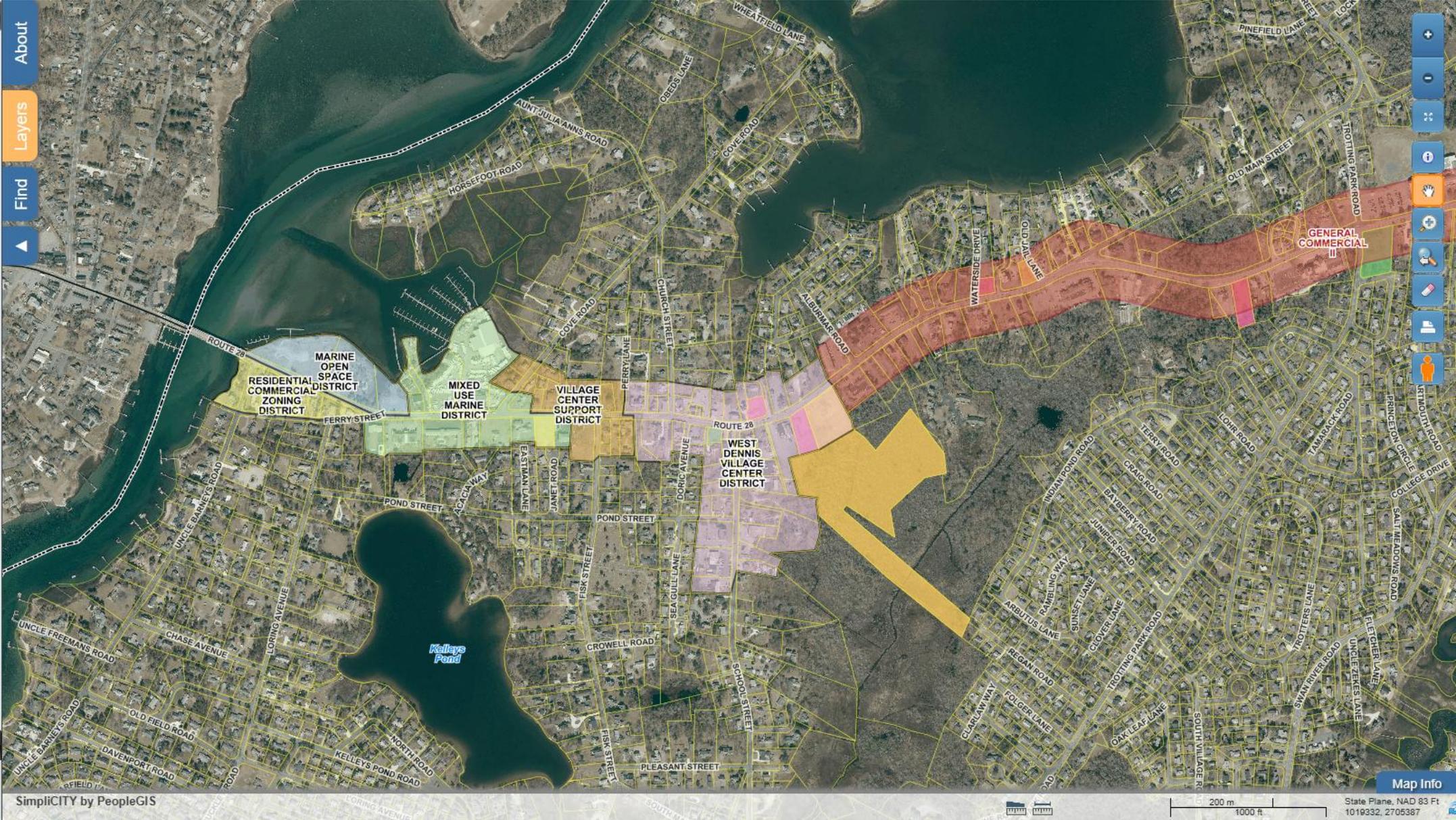
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Map Info
State Plane, NAD 83 Ft
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4.9 projects in SD

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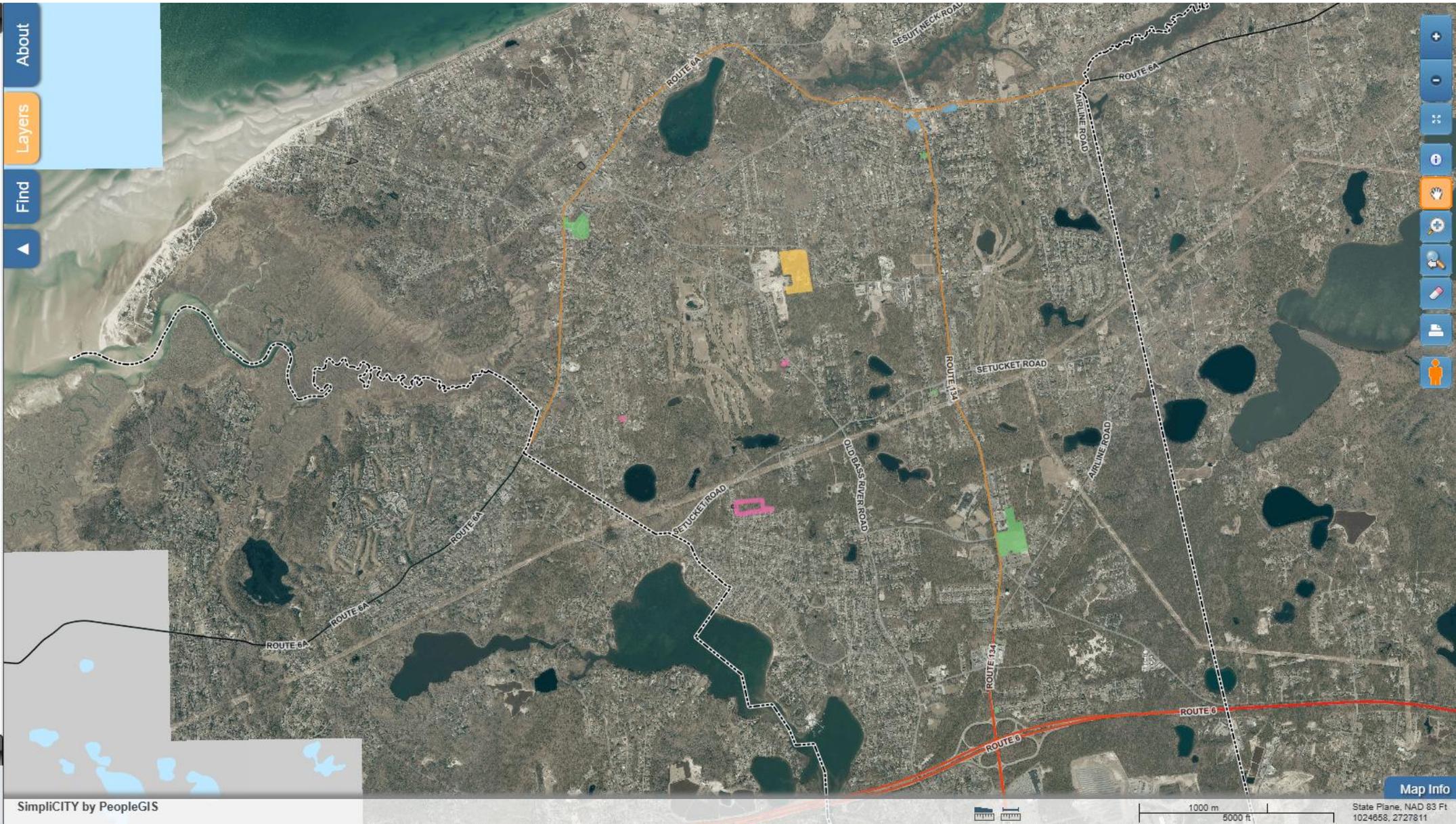
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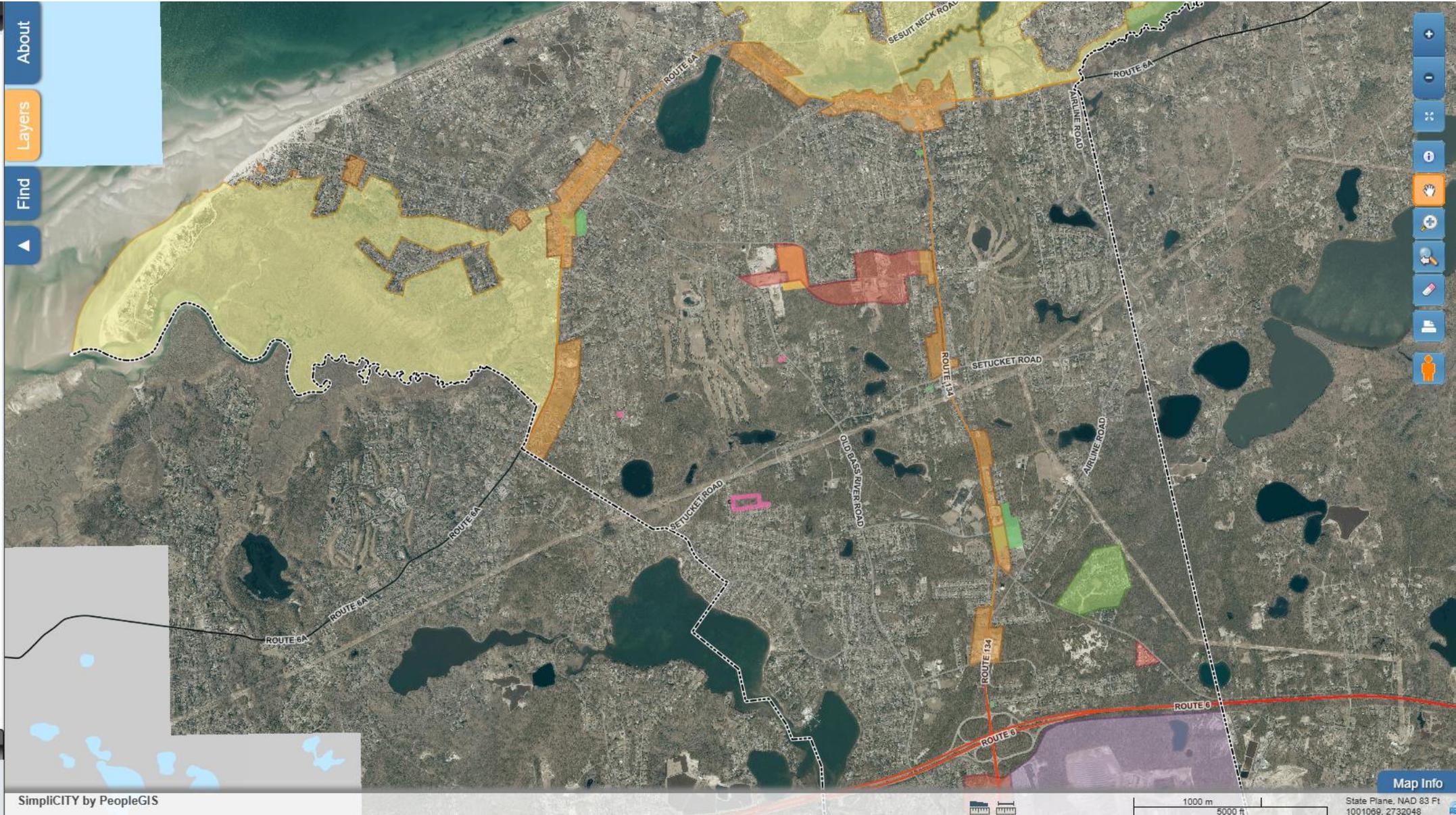
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§4.9 Re-Organization & Clarifications

- The re-organization moves (& re-numbers) some sub-sections to make more sense.
- Bylaw still begins with PURPOSE and PROJECT APPROVAL REQUIREMENTS.
- AFFORDABLE HOUSING RESTRICTIONS has been moved up, followed by DEFINITIONS which have been added to.
- The PURPOSE includes an introduction to the various types of Affordable Housing enabled through Section 4.9:
 - Affordable Housing Apartment(s) (4.9.4) *Note: Combined with A.H. Apartment Accessory to Commercial;*
 - Conversion of Hotel and Motels (4.9.5) to Year-Round Affordable Housing;
 - Affordable Housing Developments/ Complex (4.9.6); *Changed to Affordable Housing Complex;*
 - Municipally Sponsored Affordable Housing Projects (4.9.7); and
 - Affordable Lots (4.9.8). Revised in response to “Affordable Homes Act”
- Names of sections where currently only the number is cited (E.g. §3.1, we add (Off-Street Parking Req.).
- The proposal eliminates obsolete words,
- Name change of DHCD to EOHLC.
- Bylaw has always cited PERFORMANCE STANDARDS and DESIGN GUIDELINES in PROJECT APPROVAL REQUIREMENTS but has never created them. One goal of this Amendment is to create them but has not been yet.
 - DESIGN GUIDELINES: to be refined from DPVC (§7) and WDVZD (§8) Development Standards;
 - PERFORMANCE STANDARDS: To include water conservation standards; energy efficiency; environmental; accessibility, etc.

§4.9 PURPOSE AND AUTHORITY – PAGE 1

4.9.1. PURPOSE AND AUTHORITY.

The purpose of Section 4.9 is 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, and furthermore for the purpose of:

- a.) helping people who, because of rising land, -material and housing prices, have been unable to obtain suitable housing at an affordable price and,
- b.) maintaining a stable economy by preventing out-migration of residents who provide essential services.
- c.) to provide an alternative option to the Commonwealth controlled process commonly known as 40B that is faster, less-expensive and allows for more local control.

For the purposes of creating Affordable Housing under this bylaw (4.9) there are several methods and Sub-Sections with different requirements for creating new units. These include:

1. Affordable Housing Apartment(s) §4.9.4
2. Conversion of Hotel and Motels to Year-Round Affordable Housing (§4.9.5);
3. Affordable Housing Complex (§4.9.6);
4. Municipally Sponsored Affordable Housing Projects (§4.9.7).
5. Affordable Lots (§4.9.8);

Other methods to create affordable residential units include the following:

- A. § 4.11 Accessory Dwelling Units.
- B. Security Apartment (§ 2.2.2 – Use Regulation Schedule and § 5 – Definitions)

The Planning Board is hereby designated the special permit granting authority (SPGA) for all Affordable Housing Development and Affordable Housing Apartment applications under this by-law (§ 4.9), and shall have the power to hear and decide applications for special permits as provided by this section. The Planning Board may adopt regulations for carrying out its duties under this By-law. At least 25% of all housing units created under Section 4.9 shall be year-round, deed-restricted Affordable Housing units as provided for under 4.9.4 (Affordable Housing Restriction and Regulatory Agreement) and placed on the Subsidized Housing Inventory (SHI) by the applicant and go through the required Massachusetts Executive Office of Housing and Livable Communities (EOHLC) processes to select eligible tenants. All housing units, Affordable and market rate, created under Section 4.9 shall be year-round housing units. At least 25% of the total number of bedrooms within any Affordable Housing Development shall be within said restricted housing units.

§4.9 PROJECT APPROVAL REQUIREMENTS – PAGE 1

- Bylaw has always cited PERFORMANCE STANDARDS and DESIGN GUIDELINES in PROJECT APPROVAL REQUIREMENTS but has never created them. One goal of this Amendment is to create them but has not been yet.
- DESIGN GUIDELINES: to be refined from DPVC (§7) and WDVZD (§8) Development Standards;
- PERFORMANCE STANDARDS: To include water conservation standards; energy efficiency; environmental; accessibility, etc.

38

39 4.9.1.1 **PROJECT APPROVAL REQUIREMENTS.** The Planning Board shall consider the following
40 factors in determining whether to approve or deny a special permit under this By-law:

- 41 a) whether the applicant has conformed to the design standards of this By-law and will deliver the
42 needed affordable units; (To be refined from DPVC (§7) and WDVZD (§8) Dev. Standards)
- 43 b) whether the development, density increase or relaxation of zoning standards has a material,
44 detrimental effect on the character of the neighborhood or Town and is consistent with the
45 performance standards of the Dennis Zoning By-law. (To be refined and include: water
46 conservation standards; energy efficiency; environmental considerations; accessibility, etc. AND
- 47 c) whether the proposed development site plan is designed in its site allocation, proportions,
48 orientation, materials, landscaping and other features as to provide a stable and desirable character
49 complementary and integral with the site's natural features; (The PB shall make a specific finding);

50

§4.9 AFFORDABLE HOUSING RESTRICTIONS – PAGE 2

Clarifications and adding conditions only.

4.9.2 AFFORDABLE HOUSING RESTRICTIONS

4.9.2.1 As a condition to any special permit issued under Section 4.9, the applicant shall be required to execute an affordable housing restriction (“Restriction”) in a form acceptable to the Planning Board. The special permit shall not be exercised until the applicant records the Restriction in the Registry of Deeds and an attested copy of the recording is delivered to the Planning Board.

4.9.2.2 At least 25% of the housing units created under Section 4.9.2, ~~Affordable Housing Development~~ shall be subject to a Restriction and a Regulatory Agreement between the developer and the Town and approved by the Executive Office of Housing and Livable Communities (EOHLC – formerly DHCD).

4.9.2.3 The Restriction shall provide that units made available for ownership shall be made available at a cost including mortgage interest, principal, taxes, insurance and common charges not exceeding 30% of annual income for a household at or below 80% of ~~Barnstable County~~the Area Median Income (AMI), and shall be sold to households earning at or below 80% of the Barnstable County median income. The Restriction shall limit the re-sale price of any ownership units, and shall bind all subsequent purchasers in perpetuity, consistent with Executive Office of Housing and Livable Communities (EOHLC – formerly DHCD)~~Massachusetts Department of Housing and Community Development’s (“DHCD”)~~ regulations and guidelines under Chapter 40B of the Massachusetts General Laws. For qualification of housing units towards ~~a~~the Town’s subsidized housing inventory (SHI).

4.9.2.4 The restriction shall provide that the Affordable units made available for rental shall be rented 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.

4.9.2.5 An Affordable Housing Apartment created under subsection 4.9.3 shall be subject to a Restriction, which shall provide that units made available for rental shall be rented 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.

4.9.2.6 Notwithstanding subsection 4.9.4.2 and 4.9.4.3, maximum rents and sale price shall be governed by the Executive Office of Housing and Livable Communities (EOHLC – formerly DHCD)~~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 units created under this By-law towards the Town’s subsidized housing inventory (SHI). A Building Permit shall not be issued until the Regulatory Agreement has been approved by EOHLC and the Town and signed by the applicant and recorded at the Registry of Deeds. A Certificate of Occupancy shall not be issued to any unit in a complex until the Affordable Restriction is approved and recorded at the Registry of Deeds by the applicant.

4.9.2.7 In addition to requirements of Section 4.9.4, it shall be a condition upon every special permit issued under this By-law that the applicant shall comply with any Massachusetts EOHLC regulations and guidelines for qualification of the restricted Affordable 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.

4.9.2.8 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 Dennis Planning Department, Dennis Housing Authority and Dennis Affordable Housing Trust.

§4.9 DEFINITIONS – PAGE 3-4

4.9.3 DEFINITIONS

AFFORDABLE HOUSING APARTMENT: A housing unit created under the provisions of Sections 4.9.3, 4.9.4 or 4.9.5, available at a cost not exceeding 30% of annual income for a household at or below 80% of Barnstable County median income, and shall be rented to households earning at or below 80% of the Barnstable County median income and which is subject to an affordable housing restriction and Regulatory Agreement pursuant to Section 4.9.4 and EOHLIC requirements.

AFFORDABLE HOUSING DEVELOPMENT COMPLEX: A tract of land of more than 2 1/2 acres containing units of residential housing, of which at least 25% are encumbered by affordable housing deed restrictions.

APARTMENT: – An apartment is a self-contained housing unit that occupies only part of a building. Apartments may be owner occupied or rented.

COTTAGE COLONY: A group of three (3) or more buildings on a lot, which are devoted to residential use on a seasonal basis.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation as required by state sanitary code. A housing unit that contains kitchen facilities including a stove or oven, refrigerator, and sink, and a bathroom including a bath or shower.

EOHLC: Executive Office of Housing and Livable Communities (Formerly the Department of housing and Community Development – DHCD) is the Massachusetts state agency focused on promoting affordable housing through regulations, funding and overseeing programs such as Chapter 40B, affordable housing initiatives, emergency shelter systems and public housing.

ENVIROMENTALLY SENSITIVE AREA:

LOCALLY AFFORDABLE DWELLING UNIT (PER 4.9.3.4 BELOW): An alternative to create year-round affordable housing units that are affordable but which need not go through the State mandated tenant selection and Regulatory Agreement process. In this case, rents for locally affordable units may not be higher than the current HUD Barnstable County rent limits for households at 60% AMI. 75% of the tenants in these units shall be chosen from either the Ready Renter list or the Town of Dennis Local Preference list. In order to ensure compliance with the Special Permit conditions, the owner/landlord shall record a permanent deed restriction on the units and a Special Permit Contract between the developer and the Town encapsulating the agreement and conditions on the property to recorded at the Registry of Deeds (similar to the State Regulatory Agreement) to be recorded at the Registry of Deeds before a Building Permit is issued.

LOCAL PREFERENCE LIST: A list of affordable housing eligible Employees of Local Businesses and Municipal Employees such as teachers, health workers, bus drivers, janitors, firefighters, police officers, librarians, town hall employees, etc., current or past residents, and households with children attending the local schools.

- Revised AH Apt, Made Dwelling Unit consistent w/ Ch. 5, Added EOHLIC, Locally Affordable, Local Preference Unit, Ready Renter List, Regulatory Agreement, STR per MGL Ch 64G, SP Contract.

PRINCIPAL RESIDENTIAL STRUCTURE: The structure on any given lot in which the primary activity is residential use, which use is the principal use of the lot.

READY RENTER LIST: A waiting list of individuals and families who have been pre-screened and pre-qualified for specific affordable or income-restricted rental housing programs on Cape Cod by Barnstable County or other entity approved by EOHLIC to do so. This list is used by property owners or administrators to fill vacancies in affordable housing units when they become available.

REGULATORY AGREEMENT: The purpose of the Regulatory Agreement (Per MGL Chapter 40B Comprehensive Permit Projects Guidelines) is to memorialize the rights and responsibilities of the

Dennis ZONING BY-LAW_4.9 Affordable Housing_Rev 2026-02-27 Draft

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parties, including the provisions that qualify a Developer as a limited dividend entity under c.40B, if applicable. The Regulatory Agreement also provides for monitoring of the project throughout the term of affordability.

SECURITY APARTMENT: A dwelling unit, of six hundred (600) square feet or less, including separate kitchen facilities and separate bath, located within a commercial structure.

SHORT TERM RENTAL: "Short-term rental", an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. (Per MGL Chapter 64G).

SPECIAL PERMIT CONTRACT: A recorded notice developed between the developer and the Town confirming the housing cost and tenure arrangements and Special Permit conditions.

YEAR-ROUND:

§4.9.4 AFFORDABLE HOUSING APARTMENT(S) - PAGE 4

- In G-C I, II, III, Limited Business, DP Village Area A & B, and WD Village, Marine and M-U Districts.
- Additionally, properties on Route 6A, Route 134, Setucket Road, Great Western Road, Upper County Road or Lower County Road (Urban Minor Arterial Roads) AND have been previously developed, can handle the proposed septic without variance from the health regulations, are not in Enviro Sensitive Area (ESA).
- Added converting Commercial space to A.H. Apts.

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4.9.4 AFFORDABLE HOUSING APARTMENT(S)

- 4.9.4.1 The Planning Board may by special permit allow the creation of Affordable Housing Apartments in residential and commercial zoning districts, General Commercial I, II, III, Limited Business, Dennis Port Village Area A and B, and West Dennis Village, Marine and Mixed-Use Districts. Additionally, those properties on Route 6A, Route 134, Setucket Road, Great Western Road, Upper County Road or Lower County Road (Urban Minor Arterial Roads) AND have been previously developed, can handle the proposed septic without variance from the health regulations, are not in an Environmentally Sensitive Area (ESA) and clearly meet the Project Approval Requirements of § 4.9, may apply under this section (4.9.3).
- 4.9.4.2 Affordable Housing Apartments may also be created by converting an existing accessory structure, or space within a Principal Commercial Structure, to a dwelling unit. Affordable Housing Apartments created under this bylaw shall be accessory to either an existing residential use or commercial use.
- 4.9.4.3 At least 25% of all housing units created under Section 4.9 shall be deed-restricted Affordable Housing year-round units as provided for under 4.9.4 (Affordable Housing Restriction) and placed on the Subsidized Housing Inventory (SHI) by the applicant and go through the required Massachusetts Executive Office of Housing and Livable Communities (EOHLC) processes to house eligible tenants as required by EOHLC. All housing units created under this Sub-Section of 4.9 shall be deed-restricted year-round housing units. There shall be no Short-Term Rentals in any of the housing units created under § 4.9.4.3.
- 4.9.4.4 ALTERNATIVELY, if at least 25% of all housing units created under this Sub-Section (§ 4.9.4.4) are year-round, deed-restricted, SHI listed Affordable Housing units as provided for above AND an additional 50% of all housing units created are year-round housing units that are “locally affordable” but which need not go through the State mandated tenant selection and Regulatory Agreement process THEN the remaining 25% of the units may be unrestricted market rate units. Seasonal or Short-Term Rentals per Chapter 64G would be permissible in the up to 25% unrestricted market rate units. In this case, rents for the 50% locally affordable units may not be higher than the current HUD Barnstable County rent limits for households at 60% AMI. 75% of the tenants in these “locally affordable” units shall be chosen from either the Ready Renter list or the Town of Dennis Local Preference list. In order to ensure compliance with the Special Permit conditions in § 4.9.3.4, the owner/landlord shall record a permanent deed restriction on the units and a Special Permit Contract between the developer and the Town encapsulating the agreement and conditions on the property to recorded at the Registry of Deeds (similar to the State Regulatory Agreement) to be recorded at the Registry of Deeds before a Building Permit is issued.
- 4.9.4.5 There shall be no Short-Term Rentals in the year-round SHI or locally affordable housing rental units.

§4.9.4 AFFORDABLE HOUSING APARTMENT(S) - PAGE 4

- 4.9.4.3 - At least 25% of all housing units created under Section 4.9.4 shall be deed-restricted Affordable Housing year-round units as provided for under 4.9.4 (Affordable Housing Restriction) and placed on the Subsidized Housing Inventory (SHI) by the applicant and go through the required Massachusetts Executive Office of Housing and Livable Communities (EOHLC) processes to house eligible tenants as required by EOHLC. All housing units created under this Sub-Section of 4.9 shall be deed-restricted year-round housing units. There shall be no Short-Term Rentals in any of the housing units created under § 4.9.4.3.
(Note: Existing requirement from Purpose & Authority with added specifics)
- 4.9.4.4 - ALTERNATIVELY, if at least 25% of all housing units created under this Sub-Section (§ 4.9.4.4) are year-round, deed-restricted, SHI listed Affordable Housing units as provided for above AND an additional 50% of all housing units created are year-round housing units that are “locally affordable” but which need not go through the State mandated tenant selection and Regulatory Agreement process THEN the remaining 25% of the units may be unrestricted market rate units. Seasonal or Short-Term Rentals per Chapter 64G would be permissible in the up to 25% unrestricted market rate units. In this case, rents for the 50% locally affordable units may not be higher than the current HUD Barnstable County rent limits for households at 60% AMI. 75% of the tenants in these “locally affordable” units shall be chosen from either the Ready Renter list or the Town of Dennis Local Preference list. In order to ensure compliance with the Special Permit conditions in § 4.9.3.4, the owner/landlord shall record a permanent deed restriction on the units and a Special Permit Contract between the developer and the Town encapsulating the agreement and conditions on the property to be recorded at the Registry of Deeds (similar to the State Regulatory Agreement) to be recorded at the Registry of Deeds before a Building Permit is issued.
- 4.9.4.5 - There shall be no Short-Term Rentals in the year-round SHI or locally affordable housing rental units.

§4.9.4 AFFORDABLE HOUSING APARTMENT(S) - PAGE 4

4.9.4.3 - They can either do what we have now; 25% SHI at 80% AMI and 100% Year-round.

OR

4.9.4.4 - They can do 25% SHI
PLUS 50% “locally affordable”
AND 25% unrestricted market rate including potentially some STR.

Total: 25% SHI, 50% “locally affordable” (75% Year-round), 25% unrestricted.

- The “locally affordable” rents are restricted to 60% AMI but they do not have to go through the EOHLC AFHMP tenant selection process for those units. But, the landlord does have to choose 75% of the tenants in the “locally affordable” units from either the Ready Renter List or an enhanced Local Preference List.
- The 25% SHI units still have to go through EOHLC.
- The 25% unrestricted units give the developer a chance to make money while the 50% locally affordable give us a chance to create more actually affordable units.

§4.9.4.6 - 4.9.4.7.2 A. H. APARTMENT(S) - PAGE 5

- Allows smaller sized apartments with waiver from EOHLC.
- Only allows discretion to reduce parking on the deed-restricted affordable units.
- Requires traffic analysis for projects of 12 - 24 units.
- Requires traffic study for projects with more than 24 units.

200 **4.9.4.6** An Affordable Housing Apartment must have the following minimum areas :(Per 40B Guidelines
201 VI.B.4.(3) unless the applicant has been approved for a waiver from such size requirements by the
202 Executive Office of Housing and Livable Communities (EOHLC).
203 studio 250 square feet
204 one-bedroom units 700 square feet
205 two-bedroom units 900 square feet
206 three- bedroom units 1,200 square feet
207 four-bedroom units 1,400 square feet

208 **4.9.4.7** Special Permit Requirements for Affordable Housing Apartments.

209 **4.9.4.7.1** The Planning Board shall have the discretion to reduce the off-street parking requirements
210 otherwise applicable under Section 3.1 = for the affordable units, ~~3-2~~ -where (1) the number of
211 units to be restricted under Section 4.9.4 exceeds 25%, and (2) the applicant demonstrates that
212 the proposed parking is sufficient to address the parking needs of the proposed uses on the site,
213 and (3) the applicant demonstrates with a plan that the proposed reduction in required parking
214 does not impact the neighborhood in which it is located.

215 **4.9.4.7.2** For projects with more than twelve (12) residential units, a traffic analysis with existing and
216 proposed trip generation, impact on nearby intersections, adequacy of sightlines and parking,
217 proximity to transit, and accident statistics for the previous three years, shall be provided by the
218 Applicant as part of the Special Permit application. For projects with more than twenty-four
219 (24) residential units or within 1,000 feet of a major intersection or an intersection the Planning
220 Board deems problematic, a traffic study prepared by an approved engineering firm (chosen by
221 and reporting to the Planning Board, from a list of at least three firms, and paid for by the
222 applicant) shall be shall be provided by the Applicant as part of the Special Permit process.

§4.9.4.7.3 - 4.9.4.7.9 A. H. APARTMENT(S) - PAGE 5

- 4.9.4.7.4 - Clarify only basements with natural walk-out.
- 4.9.4.7.7 - Note Alternative
- 4.9.4.7.8 – Note Security Apt.s allowed in Ind. Dist
- Incorporated Accessory Apt.s into section.

223 4.9.4.7.3 A properly screened area must be provided for storage of trash and recyclable materials.
224 Outside storage areas or enclosures shall be kept clean and shall be large enough to
225 accommodate the storage of all garbage and refuse containers. Garbage and refuse containers,
226 dumpsters, and compactor systems shall be stored on or above a smooth surface of
227 nonabsorbent material such as concrete or asphalt.

228 4.9.4.7.4 Only those basements with natural at-grade walk-out capabilities may be created or converted
229 into living space and gwhich meet all Building, Health and Safety Codes.

230 4.9.4.7.5 Garage parking stalls may be converted into living space only if the applicant can demonstrate
231 an efficient and cost-effective method for providing heat and other utilities to the unit to be
232 created and which meet all Building, Health and Safety Codes.-

233 4.9.4.7.6 For multiple unit projects, tThe second unit created, and every fourth unit created there-after
234 shall be deed restricted as permanently affordable units per the applicable standards in Section
235 4.9 and as required by EOHLC.4 below. In no case shall less than twenty-five percent of the
236 units be affordable.

237 4.9.4.7.7 All units created shall be for year-round housing unless as otherwise specified in the locally
238 affordable alternative (§4.9.4.4).

239 4.9.4.7.8 No accessory residential uses shall be allowed within the Industrial District with the exception
240 of a Security Apartment per § 2.2.2 – Use Regulation Schedule and § 5 – Definitions.

241 **AFFORDABLE HOUSING APARTMENTS ACCESSORY TO COMMERCIAL USES**
242 An Affordable Housing Apartment may be created by converting an existing accessory structure, or space
243 within a Principal Commercial Structure, to a dwelling unit. The following additional standards and
244 conditions shall govern special permits issued under this sub-section:

245 4.9.4.7.9 Commercial structures may be expanded by increasing the footprint or the addition of a
246 second story, where none exists, for the purposes of creating affordable housing apartments. A
247 structure proposed to include an affordable housing apartment may be expanded by the granting
248 of a Special Permit which is based upon a finding by the Planning Board that the conditions

§ 4.9.4.5.4 CONVERSION – EXPANSION OF HOTELS & COMM.- PAGE 6

- In 4.9.4.7.9 and in 4.9.5.4 both Commercial Structures and Conversions of Hotels/Motels may be expanded upwards with finding by PB.
- However, in 4.9.4.7.10 and in 4.9.5.3 Commercial Structures & Conversions of Hotels/Motels can only expand the Footprint outwards if less than 50% Impervious Surface and a finding by PB re: parking, traffic, septic, access, protect the neighborhood, and are not in an ESA.

249	present on the site are adequate to support the proposed use, protect the surrounding
250	neighborhood and meet the intended goals of providing affordable housing.
251	4.9.4.7.10 <u>Commercial structures may be expanded by increasing the footprint for the purposes of</u>
252	<u>creating affordable housing apartments where the total site coverage of buildings and</u>
253	<u>impervious surfaces are and will remain less than 50% and based upon a finding by the</u>
254	<u>Planning Board that the conditions present on the site are adequate to support the proposed use,</u>
255	<u>parking, traffic, septic, access, protect the surrounding neighborhood, are not in an</u>
256	<u>Environmentally Sensitive Area, and meet the intended goals of providing affordable housing.</u>
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258	4.9.5 <u>CONVERSION OF HOTELS AND MOTELS TO AFFORDABLE HOUSING</u>
259	<u>APARTMENTS</u>
260	4.9.5.1 Affordable Housing Apartments may be created by converting an existing accessory structure, or
261	space within a hotel or motel, into dwelling units. The following additional standards and
262	conditions shall govern special permits issued under this section:
263	4.9.5.2 Units created through conversions shall not be less than 250 225 square feet not including areas not
264	intended for human habitation such as areas of the basement, attic or garage. In order to promote
265	the mixture of housing units, the following standards shall apply:
266	* No less than 25% of the units created must meet the requirement found in Section 4.9.3.2 for a
267	one bedroom unit with a minimum floor area of 700 sf.
268	* No more than 25% of the units created may have a minimum floor area of less than 400 sf.
269	
270	Planning Board may require up to 10% of the units in a Hotel/Motel conversion be two-bedroom
271	units, i.e. units with a minimum floor area of 900 sf <u>or less with a waiver from EOHLC.</u>
272	4.9.5.3 Hotel or motel structures may be expanded by increasing the footprint or the addition of a second
273	story, where none exists, for the purposes of creating affordable housing apartments. A hotel or
274	motel structure proposed to include an Affordable Housing Apartment may be expanded by the
275	granting of a Special Permit which is based upon a finding by the Planning Board that the conditions
276	present on the site are adequate to support the proposed use, <u>parking, traffic, septic, access,</u> protect
277	the surrounding neighborhood and meet the intended goals of providing affordable housing
278	4.9.5.4 <u>Hotel or motel structures may be expanded by increasing the footprint for the purposes of creating</u>
279	<u>affordable housing apartments where the total site coverage of buildings and impervious surfaces</u>
280	<u>are and will remain less than 50%. A hotel or motel structure proposed to include an Affordable</u>
281	<u>Housing Apartment may be expanded by the granting of a Special Permit which is based upon a</u>
282	<u>finding by the Planning Board that the conditions present on the site are adequate to support the</u>
283	<u>proposed use, parking, traffic, septic, access, protect the surrounding neighborhood, are not in an</u>
284	<u>Environmentally Sensitive Area, and meet the intended goals of providing affordable housing</u>

§4.9.6. A. H. DEVELOPMENT/COMPLEX - PAGE 6-7

- Moved A.H. Development from beginning of Section 4.9
- Renamed A.H. Complex
- Clarified minimum tract of 2.5 acres not including wetlands.
- Clarified maximum site coverage includes both buildings and impervious surfaces.
- Shall not be located in Zone 2.

286	4.9.6	<u>AFFORDABLE HOUSING DEVELOPMENTS COMPLEX:</u>
287	4.9.6.1	Density increases shall be allowed by special permit for Affordable Housing Developments as governed by Section 4.9.2, and any density increases shall be addressed in compliance with Sections 4.9.1 and 4.9.2 of the <u>by-law</u> .
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290	4.9.6.2	<u>Intensity of Use</u>
291	4.9.6.2.1	A minimum tract of two and one-half (2 1/2) acres <u>of upland (not including wetlands as defined by the Wetland Protection Act, M.G.L. c. 131, § 40)</u> shall be required, subject to the provisions of Section 2.3.3.7 regarding minimum upland areas.
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294	4.9.6.2.2	The Planning Board shall have discretion to reduce or suspend the minimum requirements otherwise applicable under Section 2.3 (<u>Intensity Regulations</u>) , 3.1 (<u>Off-Street Parking and Loading Requirements</u>) <u>for the affordable units within and 4.2 (Multiple Dwellings) for an</u>
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		Dennis ZONING BY-LAW_4.9 Affordable Housing_Rev 2026-02-27 Draft Page 6 of 9
297		Affordable Housing <u>Complex</u> Development, provided that the Planning Board finds that the conditions present on the site are adequate to support the proposed use, protect the surrounding neighborhood, and meet the intended goals of providing affordable housing; and provided however that there must be:
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301	4.9.6.2.3	at least 10,000 square feet for each bedroom created in an Affordable Housing Development;
302	4.9.6.2.4	a maximum height of 35 feet and or two stories ;
303	4.9.6.2.5	a maximum building coverage of 15%;
304	4.9.6.2.6	a maximum total site coverage of 50% <u>including buildings and impervious surfaces</u> ; and
305	4.9.6.2.7	A maximum of sixteen (16) dwelling units shall be allowed in any one building with a minimum building separation of twenty feet.
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307	4.9.6.2.8	<u>An Affordable Housing Development shall not be located in a Zone 1 or Zone 2 Department of Environmental Protection (DEP) Wellhead Protection Area.</u>
308		

§4.9.6. A. H. DEVELOPMENT/COMPLEX - PAGE 7

- 4.9.6.2.9 - PB shall have the discretion to permit a density of greater than one bedroom for every 10,000 square feet **if the project is connected to the Water Resource Recovery Facility (hereafter “sewer”) or can handle the proposed septic without variance from the health regulations and** based upon the recommendation of the Dennis Board of Health that the waste water system recommended for the site meets all state and local environmental standards...
- 4.9.6.3.1 – PB hall may have the discretion to reduce the off-street parking requirements otherwise applicable under Section 3.1 **for the affordable units,**

309	4.9.6.2.9	The Planning Board shall have the discretion to permit a density of greater than one bedroom for every 10,000 square feet if the project is connected to the Water Resource Recovery Facility (hereafter “sewer”) or can handle the proposed septic without variance from the health regulations and based upon the recommendation of the Dennis Board of Health that the waste water system recommended for the site meets all state and local environmental standards for the protection of public health and water quality.
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315	4.9.6.3	<u>Special Permit Requirements for Affordable Housing Complex Developments (4.9.6):</u>
316	4.9.6.3.1	The Planning Board shall may have the discretion to reduce the off-street parking requirements otherwise applicable under Section 3.1 for the affordable units, 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 and does not impact the neighborhood in which it is located.
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321	4.9.6.3.2	The tract of land to be developed shall provide for front, rear and side setbacks of 20 feet, which shall constitute vegetated buffers, except for <u>where</u> crossed by site driveways;
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323	4.9.6.3.3	Where an applicant proposed to divide the tract of land that is the locus of a proposed Affordable Housing Development, the minimum lot size shall be ten-thousand (10,000) square feet. The Planning Board may, in its sole discretion, reduce the internal front and rear yard setback requirements of Section 2.3.2, provided however, that said setbacks shall be no less than ten (10) feet. The Affordable Housing Development must still comply with the setback requirements of Section 4.9.2.3.4 as if the tract of land was not subdivided.
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329	4.9.6.3.4	The Affordable Housing Development must conform to all other requirements of the Zoning By-law. In the event that a provision of Section 4.9.2 conflicts with another provision of the By-law, the provisions of Section 4.9.2 shall control.
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332	4.9.6.3.5	For multi-family buildings a properly screened area must be provided for storage of trash and recyclable materials. Outside storage areas or enclosures shall be kept clean and shall be large enough to accommodate the storage of all garbage and refuse containers. Garbage and refuse containers, dumpsters, and compactor systems shall be stored on or above a smooth surface of nonabsorbent material such as concrete or asphalt.
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337	4.9.6.3.6	The second unit created, and every fourth unit created there-after shall be deed restricted as permanently affordable units, per the applicable standards in Section 4.9.4-2 below . In no case shall less than twenty-five percent of the units be affordable. All units created in an Affordable Housing Complex shall be for deed-restricted year-round housing.
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§4.9.7. MUNICIPALLY SPONSORED A.H. PROJECTS- PAGE 8

- Other than clarifications, adding name of sections to section number, removing obsolete words, other existing specifics the only changes are:
- Requires specific vote by Select Board that it is Municipally Sponsored before PB reviews; &
- Not allowed in DEP Zone 2 Wellhead Protection area.

343 4.9.7 MUNICIPALLY SPONSORED HOUSING PROJECTS

344 4.9.7.1 GENERAL OBJECTIVES: This section is intended to allow the Dennis Board of Selectmen to act
345 as a sponsor for public or public/private joint venture affordable housing projects which:

346 a. encourages practical residential development in the reuse of existing structures;
347 b. promotes in-fill (development of vacant lots in an otherwise built-up area) residential development;
348 c. is compatible with the adjacent neighborhood;
349 d. encourages development of economically priced housing and a variety of types of housing; and
350 e. fosters flexibility and creativity in the creation of affordable housing.
351

352 Based upon these provisions, a project for Special Permit submittal to the Dennis Planning Board may be
353 made upon a positive vote of the Dennis Board of ~~Selectmen~~ 4.9.2.4.2 MODIFIED PROCEDURES.
354 A municipally sponsored housing project may be allowed upon issuance of a special permit provided that
355 the Planning Board finds that the conditions present on the site are adequate to support the proposed use,
356 protect the surrounding neighborhood, and meet the intended goals of providing affordable housing, and
357 further meets the following requirements:
358

359 a. the minimum requirements of Sections 2.3 (Intensity Regulations), 3.1 (Off-Street Parking and
360 Loading Requirements) for the affordable units, and 4.2 (Multiple Dwellings), 3.1 and 4.2 shall
361 not apply provided however that there must be:
362 a. a maximum height of 35 feet and two stories;
363 b. a maximum building coverage of 15%;
364 c. a maximum total site coverage of 50%;
365 d. a minimum building separation of twenty feet; and
366 e. a determination that parking will be adequate in number and size to serve the proposed use.
367 b. For Municipally Sponsored Affordable Housing projects, the Minimum Area of the Tract to be
368 Developed under Section 4.9.2.3.1 may be less than 2 ½ acres;
369 c. the maximum density of the Tract to be Developed may be greater than one bedroom per 10,000 sf
370 of land area based upon a recommendation of the Dennis Board of Health that the waste water
371 system recommended for the site meets all state and local environmental standards for the
372 protection of public health and water quality;
373 d. The tract of land to be developed shall provide for front, rear and side setbacks of 20 feet, which
374 shall constitute vegetated buffers, except for where crossed by site driveways; and
375 e. A Municipally Sponsored Project shall not be located in a Zone 2 DEP Wellhead Protection Area.
376 f. the minimum parking requirement may be less than 2 parking spaces per affordable residential unit.
377 The Planning Board shall have the discretion to reduce all other off-street parking requirements as
378 otherwise applicable under Section 3.1 based upon a finding that the parking is sufficient to meet
379 the needs of the proposed use of the property.
380

381 4.9.7.2 Special Permit Granting Authority (SPGA) The Planning Board shall be the SPGA for Municipally
382 Sponsored Affordable Housing Projects with a formal vote of support from the Select Board.
383

384 4.9.7.3 All units created shall be deed restricted as permanently affordable units per the applicable
385 standards in Section 4.9.2 of this by-law unless otherwise noted in conformity with the following
386 requirements. In no case shall less than (50) fifty percent of the units be affordable to households
387 earning less than 80% of the median income. An additional Twenty-five percent of the units shall
388 be affordable for people earning no more than 120% of the area's median income. All units created
389 in a Municipally Sponsored Housing Project under Section 4.9 shall be for year-round housing.

§4.9.8. AFFORDABLE LOTS - PAGE 9

- Note: The State “Affordable Homes Act” now allows development of 10,000 sf lots that were not “grandfathered”. Only restricts size of house and no STR.
- This Amendment allows a single lone undeveloped parcel in an existing developed neighborhood surrounded by similarly sized parcels to be built upon for a year-round, deed-restricted Affordable Housing residence.
- Existing bylaw allows for multiple contiguous undersized lots. This is just for a single undeveloped lot surrounded by a developed neighborhood for a small, affordable home.
- Clarifies that the lot must have safe and adequate access to an existing public way or a constructed and paved private way (not a paper road).
- Reduces area required per bedroom from 5,000 sf to 2,500 sf **IF** connected to the WRRF (sewer) or can handle the proposed septic without variance from the health regulations and based upon the recommendation of BoH site meets all state and local environmental standards.
- House size limited to 12% Lot Coverage, 20% FAR, 25% Impervious Coverage and deed-restricted affordable.

394 4.9.8 “**AFFORDABLE**” LOTS” (Note: The State “Affordable Homes Act” now allows development of
395 10,000 sf lots that were not “grandfathered” but only restricts the size of the house and no STR)

396 4.9.8.1 A single Lot/Parcel of record as of the June 17, 2003 which does not satisfy minimum lot size
397 requirements and which are-is not protected as a nonconforming lot by law because they-are it is or has been
398 in common ownership with adjoining lots, AND is a lone undeveloped parcel in an existing developed
399 neighborhood (more than 25 developed contiguous parcels with houses) surrounded by similarly sized
400 parcels (within 20% of the area of the lot to be developed), may nevertheless be built upon for a year-round,
401 deed-restricted Affordable Housing unit and shall be made available at a cost including mortgage interest,
402 principal, taxes, insurance and common charges not exceeding 30% of annual income for a household at or
403 below 80% of the Area Median Income as provided for under 4.9.2 (Affordable Housing Restriction) and
404 placed on the Subsidized Housing Inventory (SHI) by the applicant, by Special Permit from the Planning
405 Board under the following conditions:

406 4.9.8.1.1 Each-The lot contains at least 40,0007,500 square feet of land area with 50 feet of frontage and
407 satisfies other applicable Board of Health requirements. Except that no lot located
408 within a Zone II Water Recharge Area shall be built upon.

409 4.9.8.1.2 Each-The lot has safe and adequate access to an existing public way or a constructed and paved
410 private way (not a paper road).

411 4.9.8.1.3 Each-The lot is similar in nature, i.e. size and shape to the lots immediately adjacent to and across
412 the street from the lot to be separated.

413 4.9.8.1.4 Each-The lot may not be used for a structure larger than three bedrooms, and there must be a
414 minimum of 5,0002,500 square feet of land area for each bedroom: if the project is connected
415 to the Water Resource Recovery Facility (hereafter “sewer”) or can handle the proposed
416 septic without variance from the health regulations and based upon the recommendation of
417 the Dennis Board of Health that the waste water system recommended for the site meets all
418 state and local environmental standards for the protection of public health and water quality.

419 4.9.8.1.5 The applicable front, side and rear setbacks shall be determined by establishing an average setback
420 based upon the principal structures on the lots immediately adjacent to and across the street
421 from the lot to be built upon as a separate lot.

422 4.9.8.1.6 For Affordable Houses built under this section of the bylaw, Lot Coverage of the Building shall not
423 exceed 12%; Floor Area Ratio shall not exceed 20%; and total site coverage (impervious
424 surfaces) shall not exceed 25%.

425 4.9.8.1.7 Where two or more existing undersized lots are held in common ownership this bylaw shall not
426 apply, one of the two. The lots shall be deed restricted as permanently affordable, per the
427 applicable standards in Section 4.9.4-2 of the Dennis Zoning Bylaw.

428 4.9.8.1.7 Lots developed by this bylaw must first produce an existing condition plan identifying topography,
429 drainage, utilities, vegetation and any specimen trees that may have grown in the intervening
430 years. Setbacks and lot coverage may be adjusted to save specimen trees. Where more than
431 two lots are held in common ownership, the second, third and fifty percent of the remaining
432 lots to be built upon under the special permit shall be deed restricted as permanently
433 affordable (i.e. the fourth lot may be market rate, fifth shall be affordable, sixth market rate
434 etc), per the applicable standards in Section 4.9.4 of the Dennis Zoning By Law.

435 4.9.8.1.8 This section shall not prevent a lot owner of such an existing undersized lot from building a house
436 on such lot and from transferring the lot to an income eligible immediate family member
437 (sibling, parent or child) by gift or inheritance, provided that the Affordable Housing
438 Restriction and Regulatory Agreement approved by EOHLIC required by this subsection is
439 properly recorded at the Registry of Deeds prior to issuance of a building permit, provided
440 that the lot owner (or immediate family member) owned the lot as of October 18, 2005.

4.9.5 “AFFORDABLE LOTS”

- The State “Affordable Homes Act” now allows development of 10,000 sf lots that were not “grandfathered” but only restricts the size of the house and no STR).
- This makes Dennis “Affordable Lots” section which already allowed development on 10,000 sf lots, if they were affordable, obsolete.
- Therefore, consider making single lot surrounded by existing neighborhood of similarly sized lots developable for one small Affordable home.

- MassGIS Conservation
- MassGIS Inland Water
- MassGIS Regulated Areas
- Places of Interest
- Assessing Maps
- Hiking/Walking Trailways
- Condo and Cottage Colonies
- Land Use
- Affordable Housing Status
 - Approved and Built (on SHI)
 - Approved and Built (NOT on SHI)
 - Approved and In Process
 - Approved Recently
 - Approved but NOT Built
- CCC 2020 Planimetrics
- Elevation

Basemap - 2023 MassGIS Orthos

Base Maps

2023 MassGIS Orthos



Map Info

Find

- Industrial
- Resort Areas
- Dennis Port Village Center Areas
- West Dennis Village Center District
- West Dennis Village Center Support Dist
- West Dennis Marine Open Space District
- West Dennis Mixed Use Marine District
- West Dennis Residential-Commercial
- Quivet Neck-Crowes Pasture Resource Protection District

- MassGIS Census Data
- MassGIS Coastal Features
- MassGIS Conservation
- MassGIS Inland Water
- MassGIS Regulated Areas
- Places of Interest
- Assessing Maps
- Hiking/Walking Trailways
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Affordable Housing Status

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- Approved and In Process
- Approved Recently
- Approved but NOT Built

Base Maps

- 2023 MassGIS Orthos



Layers

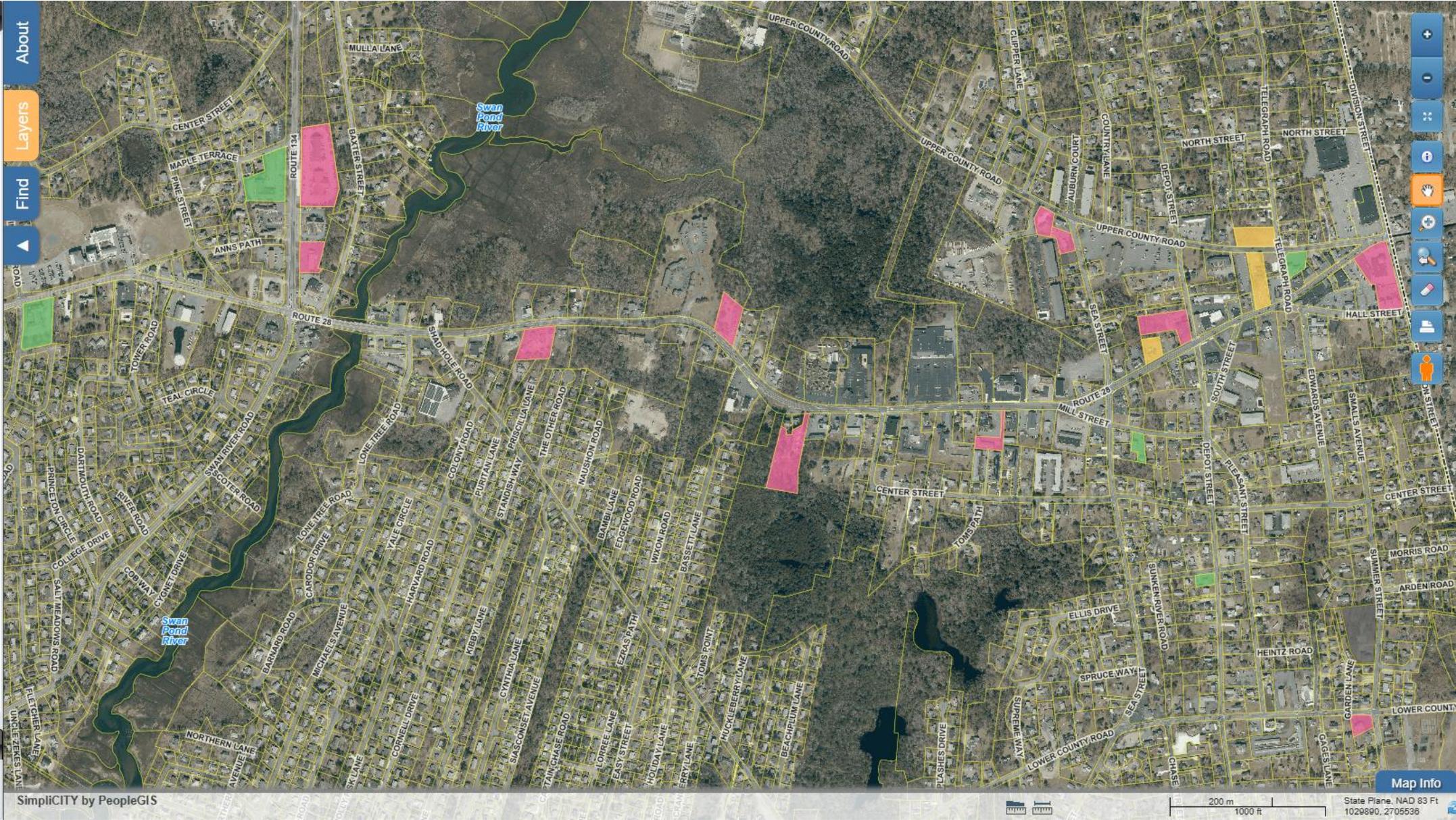
- Large Wind Facility Overlay District
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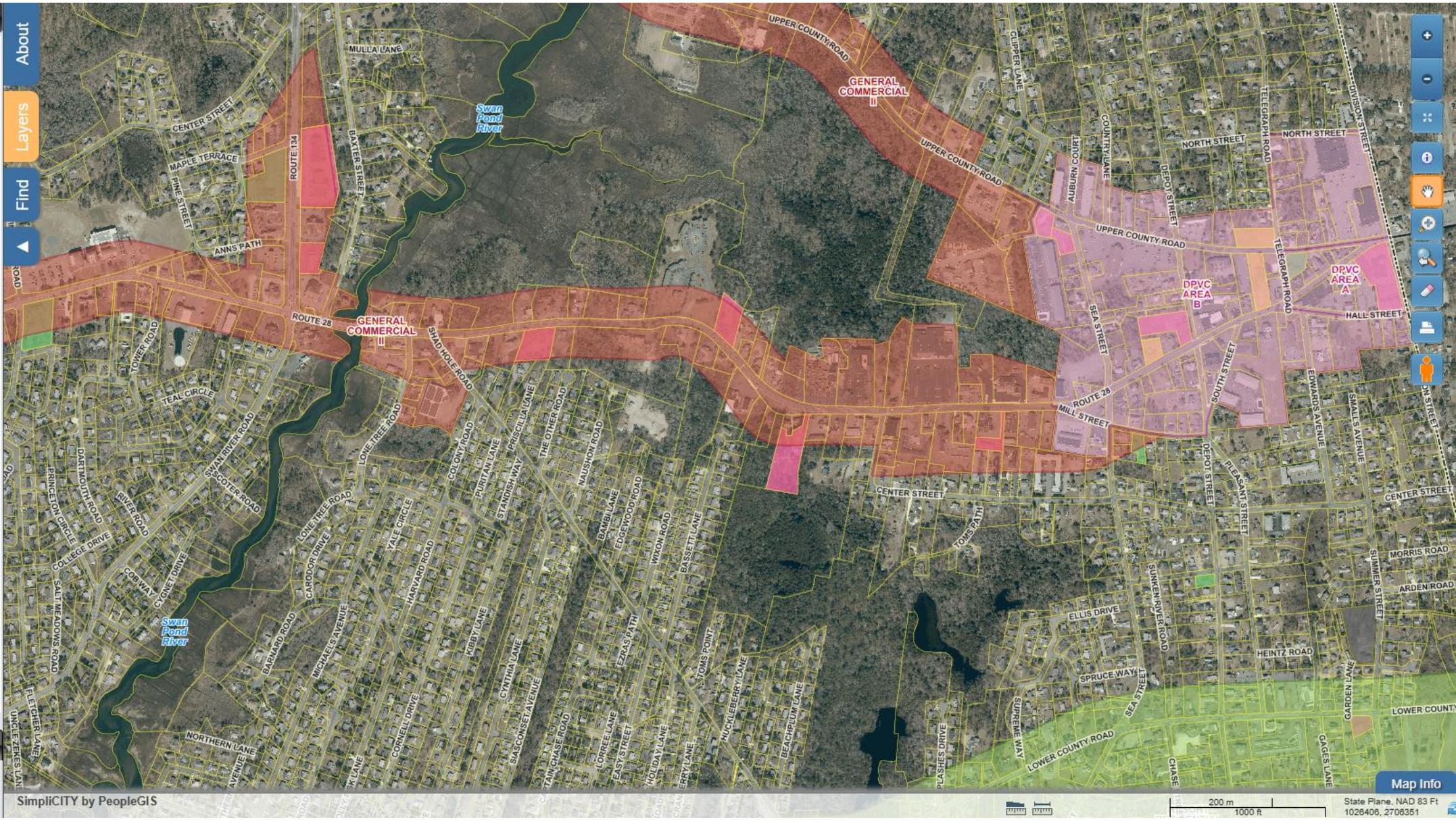
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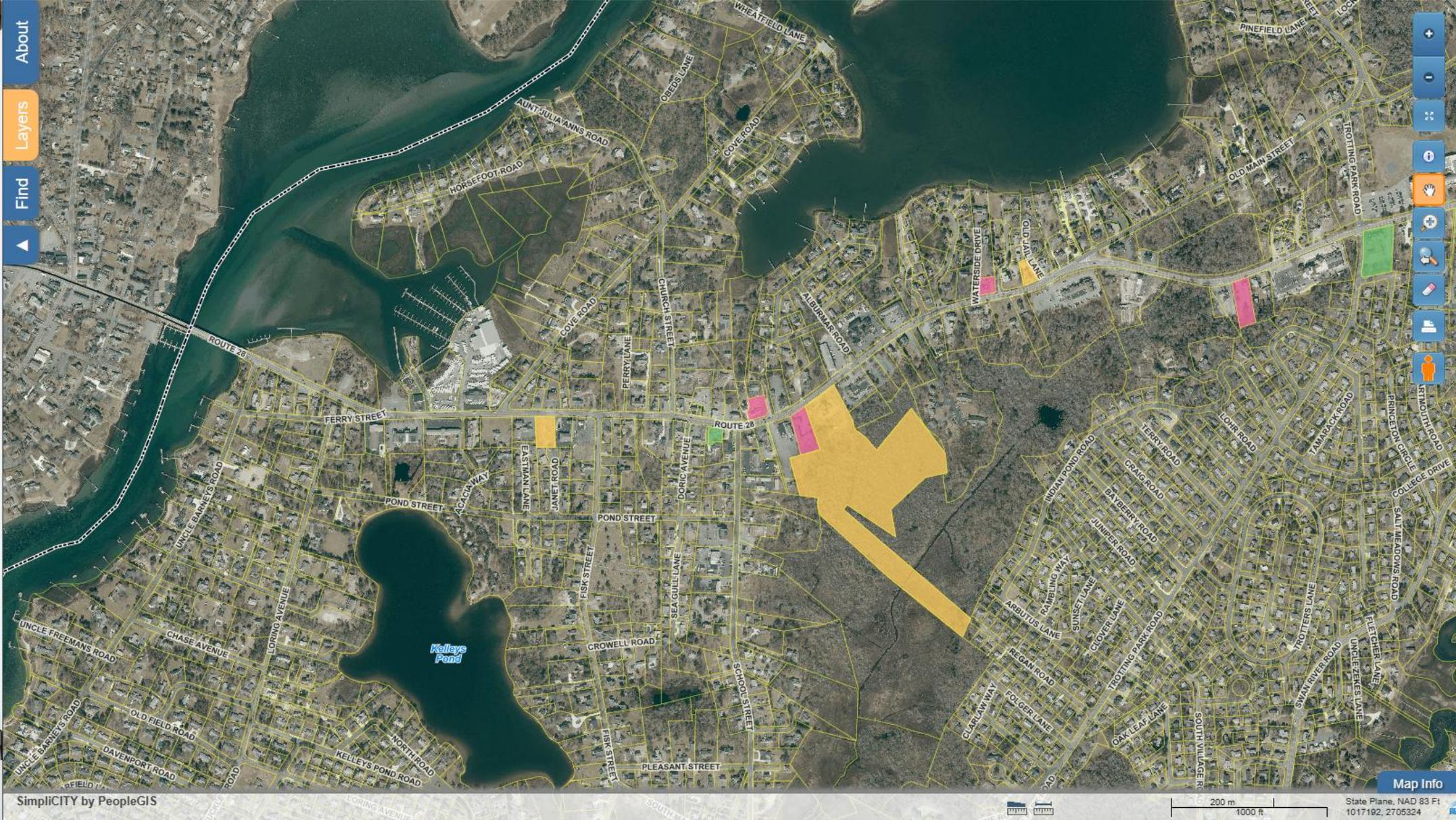
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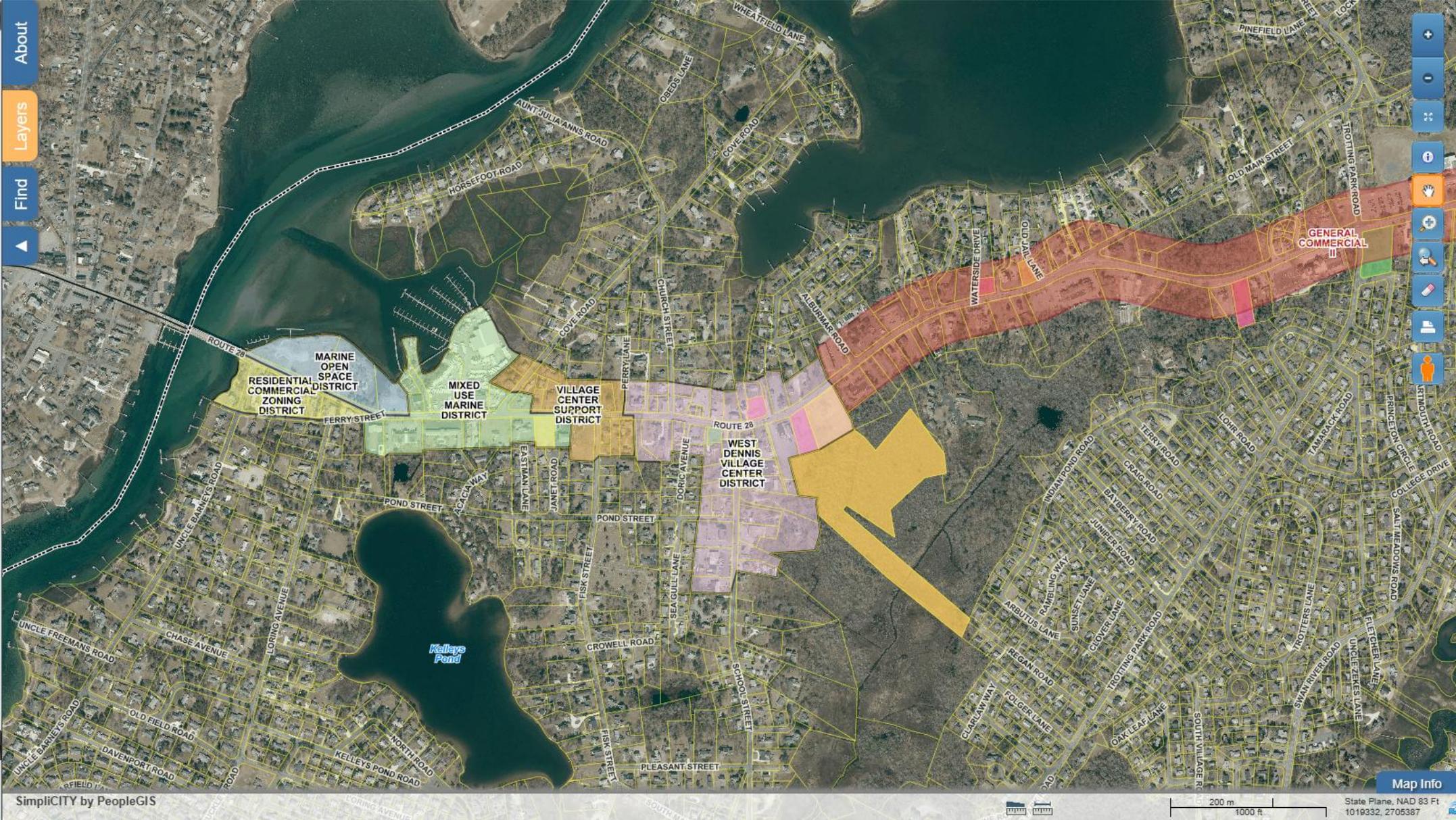
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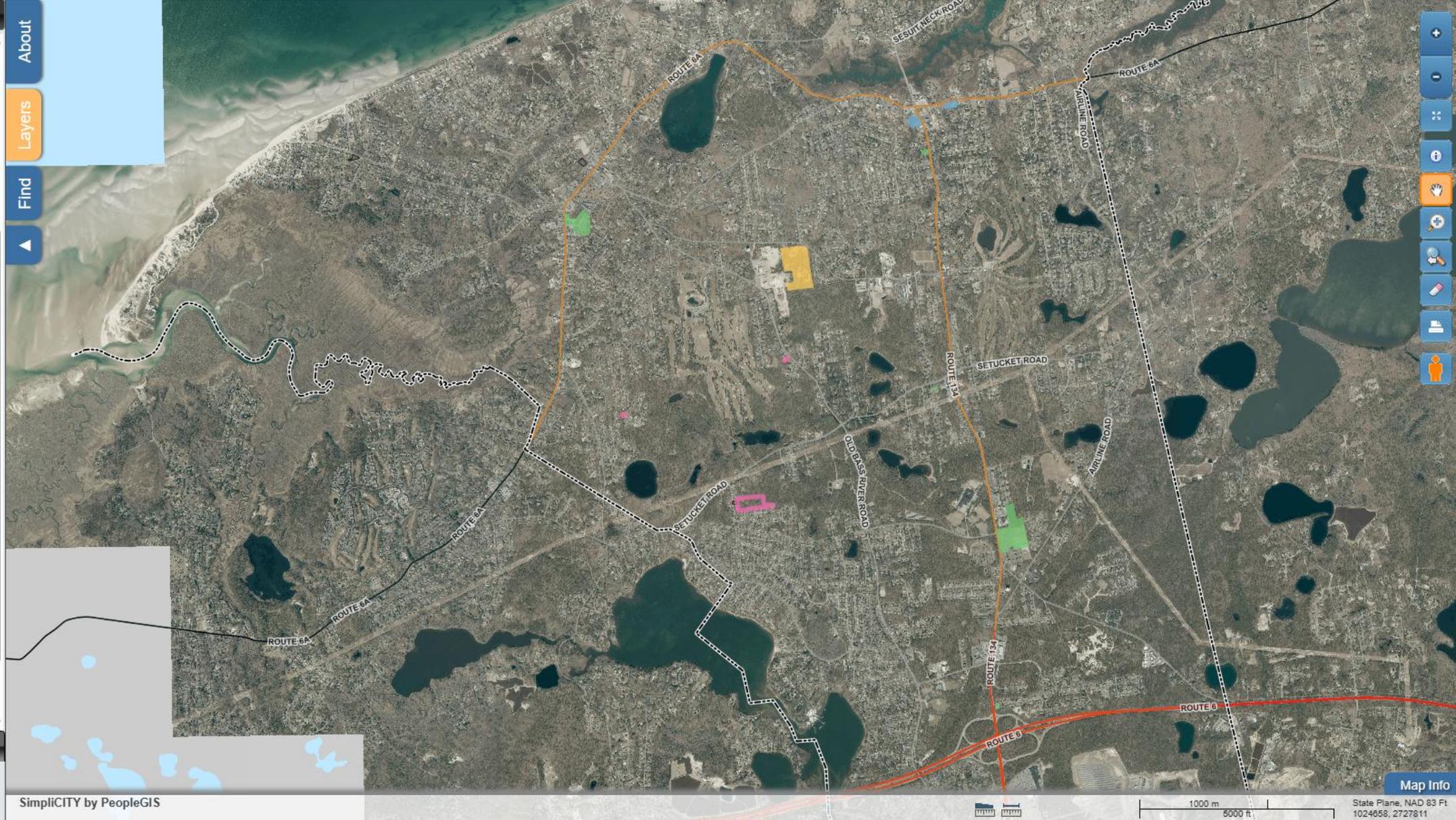
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Seasonal Communities – Designation requires ATM Vote

- Per Section 32 of Chapter 150 of the Acts of 2024, the “Affordable Homes Act”, the State created a special designation for Towns subject to seasonal variations called Seasonal Communities.
- This is now law at MGL Chapter 23B Section 32: Year-round and attainable housing; seasonal community; advisory council; tiny houses; exemptions; waivers; promulgation of regulations
- The Town of Dennis is eligible to accept designation due to it being in Barnstable County and more than 35% of our housing stock is seasonal.
- To become a designated a Seasonal Community,
 - The Town needs to officially accept the designation through a legislative vote, aka Town Meeting.
 - Once designated as a Seasonal Community the Town has 18-24 months to do two additional things:
 - 1) allow affordable housing on undersized lots, which the town already does through §4.9; and
 - 2) allow “Tiny Houses” (<400 sf).
 - This has made several towns hesitate because the language in the Acts of 2024 is so vague.
 - My reading of MGL Chapter 23B Section 32 (e), (ii) is that if we create a reasonable district where affordable “tiny houses” could realistically be allowed, that would that satisfy the Seasonal Community requirement. The statute does not state that tiny houses have to be by-right.
 - However, the Annual Report of the Seasonal Communities Advisory Committee (12/25) says they must be by-right.
 - No further guidance on what exactly “tiny houses” by-right means has not been forthcoming.
 - It appears the Town can further regulate mobile homes.
 - I have reached out to the State for clarification & Information Session next Monday Feb. 2 at 3 pm.

Seasonal Communities “Benefits”

- **Year-Round Occupancy Restrictions**
 - Communities may acquire deed restrictions that require certain homes to be used as year-round primary residences (10 months).
- **Year-Round Housing Trust Funds**
 - Towns may create a local or regional housing trust fund dedicated to producing and preserving year-round affordable or attainable housing. Trusts can receive money or property from a variety of sources & use it flexibly for housing purposes. Regional trusts.
- **Housing Preference for Essential Workers & Housing for Artists**
 - Communities may adopt fair-housing-compliant preferences for local essential public employees, such as teachers, first responders, and public works staff. They may also support housing for artists... (No details on how this is different)
- **Property Tax Exemption Adjustments**
 - Towns that use the state’s residential property tax exemption may increase it to as much as 50% (current max 35%) of the average assessed home value. Incentive to remain primary residences and cut rise in property values driven by 2nd home demand.
- **Zoning Flexibility for Undersized Lots and Tiny Homes**
 - Seasonal communities must amend zoning to allow the development of undersized lots if they are used for year-round, attainable housing purposes. They also must allow by-right development of tiny houses, provided they are restricted for year-round occupancy and meet health and safety standards.
- **Seasonal Communities Grant Program**

MGL Chapter 23B Section 32 (e)

- (e) For the purposes of this section, "tiny house" shall mean a detached structure containing a dwelling unit containing 400 square feet or less in floor area, excluding lofts. A seasonal community shall: (i) adopt by-laws or zoning ordinances to permit undersized lots to be used for the creation of attainable year-round housing; provided, however, that the lot, at the time of recording or endorsement, shall be located in a zoning district that allows for single-family residential use; provided further, that any single-family residential structure constructed on said lot shall adhere to the municipality's floor area ratio by-laws and shall comply with all laws governing wastewater and sewer systems; and provided further, that any residential housing built upon undersized lots shall not be used as a seasonal home or short-term rental of less than 6 months and shall be used as year-round housing; and (ii) adopt by-laws to permit the construction of tiny houses provided that such tiny houses are designated for use as year-round housing units and meet all requirements of the state building code and local building code. A movable tiny house shall be registered with the registry of motor vehicles, as applicable.

Seasonal Communities Grant Program

- Towns that accepted the designation prior to December 10, 2025 are eligible to access the \$2,000,000 the Governor allocated for a seasonal communities grant program in FY2026.
 - The money is to be disbursed to those communities that have accepted their designation using a formula approach (population) to support related efforts around planning, housing, or infrastructure development.
- A further \$2,000,000 has been allocated for FY2027, which, if the Town were to accept the designation, it would presumably be eligible for.
- Also, the designation will be looked upon positively when applying for other State grants.

Seasonal Communities Grant Program – FY2026 NOFA

will be disbursed on a cost-incurred reimbursement basis. The project must be able to fully spend the grant funds in FY26 (by June 30, 2026) and the grant may be used to fully fund a project or towards completion of efforts related to a component, stage, or phase of a larger project.

All payments will be subject to the applicable Commonwealth Terms and Conditions, the Commonwealth's Bill Paying policy, and the availability of sufficient funding.

3. Formula Criteria:

- It is anticipated that all eligible communities will receive a **minimum grant** of approximately \$50,000.
- Remaining funds will be equally allocated to eligible communities based on the number of people in each community per the 2020 U.S. Census numbers.
- It is anticipated that all eligible communities will receive a **maximum grant** of approximately \$175,000.
- Any unallocated funds will be reapportioned as many times as needed to other communities receiving less than approximately \$175,000, based on 2020 Census numbers, until the available funds are fully allocated to all eligible communities.

Table 1 – Formula-based distribution to eligible Communities at posting of NOFA

	Seasonal Community	Designation Status	2020 Census Population	Eligible Award
	Aquinnah	Accepted	439	\$60,147.00
Brewster	Chatham	Accepted	6,594	\$175,000.00
Harwich	Chilmark	Accepted	1,212	\$78,015.00
Dennis	Eastham	Accepted	5,752	\$175,000.00
Bourne	Edgartown	Accepted	5,168	\$169,456.00
Falmouth	Gosnold	Accepted	70	\$51,618.00
Sandwich	Nantucket	Accepted	14,255	\$175,000.00
Mashpee	Oak Bluffs	Accepted	5,341	\$173,455.00
Barnstable	Orleans	Accepted	6,307	\$175,000.00
Yarmouth	Provincetown	Accepted	3,664	\$134,692.00
	Tisbury	Accepted	4,815	\$161,296.00
	Truro	Accepted	2,454	\$106,723.00
	Wellfleet	Accepted	3,566	\$132,426.00
	West Tisbury	Accepted	3,555	\$132,172.00
				\$1,900,000.00

Upcoming Information Session - Monday Feb 2 @ 3

Seasonal Communities Cape Cod Info Session with Cape Cod Commission

Monday, February 2, 3-4PM via Zoom

- To provide municipal officials in municipalities which have been offered the Seasonal Communities designation, but have not yet accepted it, an overview of the designation, including its goals, how the requirements designations were made, the benefits the designation offers, and that come with it.

Draft Warrant Article

- "To see if the Town of Dennis will vote to accept the Seasonal Community Designation as provided for in General Laws Chapter 23B, Section 32(b); or to take any other action relative thereto"