MEMORANDUM

TO:	PLANNING BOARD
FROM:	PAUL H. FOLEY, DENNIS TOWN PLANNER
DATE:	MARCH 12, 2026
SUBJECT:	ATM ARTICLE TO REVISE §4.9 OF THE DENNIS ZONING BYLAW.

For the past 5 months the ZBSC and PB have been meeting regularly and reviewing potential modifications to §4.9 (To Encourage Affordable Housing). Also discussed with DAHT. The purpose is twofold. First, 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. Second, some substantive changes are being considered. Public Hearing opened March 2, continued to March 16, 2026. ATM Warrant closes soon.

Re-organization & Clarifications: The re-organization moves some sub-sections to make more sense. The clarifications include an introduction to the various types of Affordable Housing enabled through Section 4.9: Affordable Housing Apartment(s); Conversion of Hotel/Motels to Year-Round Affordable Housing; Affordable Housing Complex Developments; Municipally Sponsored Affordable Housing Projects; and Affordable Lots. Names of sections where currently only the number is cited. For example: §3.1 (Off-Street Parking Requirements). The proposal eliminates obsolete words, adds name change of DHCD to EOHLC and includes additional Definitions.

Substantive Changes: In the Project Approval Requirements section, we are adding substance to "Performance Standards" and "Design Standards" that are already required but which have no explanation. Since the State allowed ADU's by right in all parts of Town we are confining Affordable Housing Apartments to be in commercial districts close to transportation and services and away from sensitive environmental areas. Affordable Lots are also being revised to adjust to the Act. Large Development should not be in ESA areas per Sustainable Principles.

Changes Since first Public Hearing on March 2, 2026:

1. Design and Performance Standards have been added. MGL Ch. 40B Guidelines for Comprehensive Permits and for Local Initiative Plan (LIP) Local Actions Units (LAU), which is what enables § 4.9, specifically requires this for all projects (see VI.A.1). Therefore, the Sustainable requirements are not new, but have not been enforced.
    a. Design Standards are taken from Dennis Port Village District Zoning §8.10 – §8.13 and from West Dennis Village District in §9.7.12 - §9.10 for Apartments in Commercial Districts. All applications under §4.9 shall detail how the project is consistent with MA Sustainable Development Principles.
    b. Performance Standards also based on MA Sustainable Development Principles as required by MGL Ch. 40B Guidelines VI.A.1 and whether proposal incorporates sustainable practices such as water conservation measures, energy efficiency, environmental considerations, accessibility, etc.
2. Locally Affordable: A substantive change, which was still a work in progress, to allow for more locally affordable units that do not have to go through the State tenant selection process has been dropped (for this ATM).
3. Parking: PB Discretion to reduce parking remains at up to 50% but the applicant must demonstrate in writing how the proposed parking is sufficient to address the parking needs and a plan showing how the proposed reduction in required parking does not impact the neighborhood in which it is located.
4. Added Definitions: For Area Median Income (from 40B guidelines); Environmentally Sensitive Area (from Board of Health Variance Guidance); and Year-Round occupancy from MGL Chapter 23B §32.

Planning Board Recommendation: The revised bylaw is not perfect but it is an improvement. It should be easier for potential affordable project developers to understand, clarifies aspects that were unclear, and makes the process more responsive to the Sustainable Development Principles which these projects are required by 40B to be reviewed under. The Public Hearing could be continued to April 6, 2026, if necessary, but a positive recommendation based on the findings of March 16 would be good.