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To: [Paul Foley](#)
Subject: [External] Dennis Multifamily Overlay District
Date: Monday, September 11, 2023 10:35:42 AM

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Dear Mr. Paul McCormick, Jr., and Mr. Paul Foley,

Welcome Mr. Foley to the Town of Dennis and appreciate your efforts and those of the Planning Board on behalf of the community. I am writing in regards to the Planning Board and Department's consideration of the multifamily overlay district and providing feedback and inquiries as part of the adjourned public hearing. I spoke at the August 28th meeting and this note expands on comments made. Most importantly I ask that you transmit my communication to Mr. McCormick and the Planning Board.

There is a need for additional housing, including units considered affordable and for workforce. The proposed location for more housing density makes sense, however, the scope and size of the overlay district at its onset is too large, unproven and its size is likely to be overwhelming to the community to secure approval at Town meeting. As I suggested, one portion of the land, perhaps the land South of T F Smith Rd should be designated as the overlay district and then potentially add the other land if, when appropriate. In no case should the developed parcels including the two plazas making up the Patriot Sq. be included at this time. It is not appropriate to take premature measures that transfer significant benefits to property owners that have not been requested nor is there any plan or intent to redevelop such parcels that would require the benefits of the overlay district.

The Town's citizens have legitimate interests, concerns and questions that I'm not sure the Planning Dept and Board have answered. How much housing is really needed for the Town of Dennis? The Town of Dennis is not interested in being the bedroom community for all other Towns on the Cape. What employment opportunities will provide the level of income necessary to support the rents associated with these likely developments?

Additional comments and inquiries are as follows:

- I asked at the 8/28 public hearing for the Planning Board to put into the record which members were part of the hearing and which members would take-up the resolution when being voted on. Nothing was done. The community has a right to know which Board members are in attendance and which will be responsible. There were four individuals in the hearing room; it's unclear whether the other three permanent members, including the Chair were on Zoom.
- I have not followed the entire process leading to this overlay district proposal. Town citizens expect the Board and all involved to be objective. There are a number of parties potentially involved/affected/benefitted by this overlay proposal. The Town's ethics and conflict of

interest policy guides when individuals should recuse themselves from certain matters. Perhaps it has already occurred but those involved in this matter, particularly Board members (and likely Select Board as well) expected to vote on the matter should publicly and on the record affirm that they have no actual or an appearance of a conflict of interest as a result of personal, professional or commercial relationships with those expected to benefit/be affected.

- Town regulations describe the Planning Board as appointed by the Select Board comprising 7 members, including 2 alternate members. The alternate members are appointed to act in the absence or conflict of other members, vacancy on the Board and when considering special permits. According to the Town's website there appear to be only 5 members on the Board; apparently the website is not up-to-date. I understand that at least one member has recused from participation. The intent is to have 7 individuals involved at all times and 9 individuals in the case of a special permit. The introduction and consideration of an overlay district that offers alternate zoning to existing zoning is candidly consistent with a matter rising to the level of a special permit. To the best of my knowledge the alternate Board member(s) do not appear to be engaged in this matter as one of them was in the audience. If my observations are valid, the Town should consider whether its efforts to date (and planned) on the overlay district need to be restructured to meet Town regulations.
- It was disappointing for the public to be told there was a 1 hour limit to the meeting/hearing due to another meeting scheduled in the same space. Never have seen before nor did the notice of the meeting indicate such. The Board may have been led to believe that there were not others wishing to speak, however, folks in person and on-line are not going to raise their hand when the 7:30 deadline is approaching. The Town has to do a better job on these matters particularly involving a public hearing.
- There was some confusion as to what the basis of the proposed article was that the public should comment on. The Town Planner had made insightful comments and proposed edits to draft language approved at a July meeting, yet the Board did not come out of its August 21 meeting with an amended draft. The 8/21 meeting included extensive discussion and commentary by many members of the Board, indicating to me and others that there did not appear to be consensus on certain of the specific language associated with the overlay district. Notwithstanding all of the efforts to improve the overlay district concept and language over the past several months, it appears that it is premature to plan inclusion as a warrant at fall special Town meeting.
- The future projects expected to be proposed for the overlay district likely will meet the requirements for consideration as developments of regional impact by the Cape Cod Commission. Has the Board and Department consulted with the Commission in developing the concept of the overlay district and the proposed requirements and expectations that are included in the draft proposed language? The recently approved Twin Brooks housing project involved 312 units, 510 bedrooms and 1.5 parking spaces per unit on **84 acres**. Lack of alignment at this critical point would likely lead to more difficulties for the Town and developers to secure approval by the Commission.

- The 2020 US Census identified Dennis as having a population of 14,674 and a density of 677 per sq. mile. Only three towns have a higher density; Yarmouth 966, Barnstable 741 and Falmouth 707. The overlay district (excluding the existing developed commercial property) at 20 units per acre provides for 1,220 units. Using the proposed language expecting average number of bedrooms of approximately 2, over 2,400 bedrooms would be added. Assuming an average of 2.5 individuals per unit, 3,050 would be added to Dennis' year round population. That estimate appears reasonable given the nature of this more dense housing and the Town's census density of 2.1. Adding 3,000+ would increase Dennis' population by 21% and raise its density to 860 per sq. mile, ranking Dennis as having the highest density other than Yarmouth. Undoubtedly other towns' densities are likely to increase, but the prospect of increasing our year round population by over 20% raises serious questions about the Town's capacity to absorb on many fronts. Most importantly the fragile ecosystem of Cape Cod. Think about it another way 17% of our year round residents would be living on 1/10th of a square mile. Dennis is approximately 20.6 sq. miles.
- Board member(s) at the 8/28 meeting indicated that the Overlay district would not be MA 40B projects. Can the Town really control this? How? Don't see any language in the overlay district draft language. If the 40B applies until a town meets the 10% affordable, seems inconceivable that the Town can avoid developer's determination to move forward with 40B if Town doesn't expect to have met 10% prior to these developments.
- The premise for the overlay district notes needs of seniors (age in place) and young families. Both cohorts have legitimate housing needs, yet they appear to perhaps conflict in their expectations. Seniors likely to prefer 55+ environment which is much different than young families looking for playgrounds, open space and other family oriented amenities.

My comments and inquiries are intended to be constructive and to ensure the matter has been handled consistent with Town regulations. It appears a majority of those who have spoken on this applaud the efforts for more housing and candidly have not questioned the location. However, they are concerned about the size and scope. To date I have not seen substantive answers to those concerns rather a retort "Well these units won't all be built up front, over time this will work out." I don't believe that is sound planning. I have found planning decisions, particularly when zoning overrode, to cause significant issues latter on. Who deals with it – the board in place at the time not the small group who made the decision years earlier. Let's move forward with a bold plan, but do it in a phased approach as I described above.

Thanks,
Pierre

Pierre H. Guertin

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