

Background: The Dennis Planning Board proposed a new Zoning Overlay District for Multi-family Housing in the Theophilus Smith Road area. The Dennis Zoning Bylaw Study Committee has stipulated consistently that 1) Dennis is lacking in affordable housing and 2) the proposed location is suitable for that purpose.

Inadequate Study Time: The ZBSC found lacking the original Multi-family Housing Overlay Proposal brought forth by the prior Town Planner. Shortfalls included an overly ambitious scope of up to 5,000 units, and a lack of clarity. A series of meetings from Nov 29, 2022 through Jan 13, 2023 resulted in the ZBSC's unfavorable recommendation, and prompted a list of further questions. The Town Planner then submitted his answers to the list exclusively to the Planning Board for direct reply-transmittal to the Select Board, thereby eliminating the ZBSC from a critical information loop. This clearly was a flawed communication process. The ZBSC was not informed of the Planning Board's response until weeks after the fact, resulting in the loss of otherwise productive time. This Zoning article was not brought to the May 2023 Town Meeting.

The same proposal has now been given to the new Town Planner, again on a fast track, apparently leaving the sole option to adapt the flawed proposal, without waiting for the recommendations that would result from the Town Planner and the ZBSC's joint effort to work with consultants, and further include community input. This would bring broader and more comprehensive perspectives, and bring broad inclusiveness as well as greater public acceptance to the proposal.

The ZBSC's early request to begin work with the Town Planner (several weeks after his arrival) was initially denied by the Town Administration, thus delaying our work. Unrealistic deadlines were then established for us by others, without any consultation with the ZBSC. The time frame set for us to analyze and intelligibly report on so important a subject has been totally inadequate.

ZBSC's Evaluation Process: The committee has met frequently, with excellent attendance, and has allowed an extraordinary number of comments from residents and others in attendance, including a Planning Board member. As we have earnestly tried to evaluate the draft bylaw, our work has been slowed because the Planner has frequently attempted to refine the models to produce more tangible options. He readily characterizes this as "a work in progress." As a result, the goal posts keep moving on our study efforts, as the specifications and parameters of the project have changed.

Inefficient Process and the Recent Spread Sheet: At our most recent meeting, the Planner presented a spread sheet containing much information. The committee had no time to study this in advance, so no productive discussion could occur.

Spreadsheet Remaining Questions: There are many issues that remain unsettled. These include:

1. In the overlay zone, no areas are specifically designated for either housing **or** mixed use. Therefore, no buildout totals can be calculated (i.e., the green areas to be limited to housing only, or mixed use?). If not specified, which use is allowed in each portion of the zone? Is it up to the developer to pick one or the other?
2. Buildout projections are expressed in terms of units and not people, thereby distorting and underestimating the impact on our limited fresh water supply, traffic and other standards.
3. As public wastewater infrastructure is years away, what is the compelling necessity of rushing to rezone now? Is it likely or realistic that private developers would want to invest in the installation of a localized wastewater system in the interim?
4. The Town's application for \$100,000 in state funds to engage a consulting firm specifically cites this overlay district as one of the purposes of the grant. What is the explanation of the apparent

discrepancy between an immediate need for implementing the Overlay versus the more measured approach resulting from engaging an independent consultant?

5. Numerous provisions in the text of the bylaw express desirable goals but lack appropriate language to make them mandatory. There is too much reliance on a developer's discretion in building better than what our Town actually requires – which is a weak standard for a bylaw. As an example, rather than inserting wording indicating “required,” the text uses the term “should” rather than the higher legal standard of “must,” “required” or “mandatory.”

The Route 134 Multifamily Zoning Overlay Project should be indefinitely postponed until a planning consultant completely reviews the project and the following topics/ questions have been answered:

- What effect will at least 1,451 units (possibly 2,900 people) have on Dennis schools, police, fire, DPW and engineering?
- Is the current infrastructure adequate for the increased traffic, and if not, who will pay for the needed improvements?
- Are the proposed setbacks desirable? Potentially there will be three and a half story buildings 20 feet from a busy road. Is this what we want Dennis to look like?
- Is the proposed density necessary? Is using MBTA urban planning standards (as referenced by the Town Planner) compatible with Cape Cod (Dennis) character?
- Most importantly, is there enough drinking water to accommodate the likely huge increase in the Dennis population?

Additional considerations:

- Since most units will probably have at least two drivers, 1.34 parking spaces is not enough. As demonstrated by the Upper County Road apartments and Maritime Landing development, many residents are parking on nearby private (church) property or on the roadways. Parking should be 2 per unit.
- Setbacks on Theophilus Smith Road should be 40' to 50'.
- Limit density to less than proposed to date.
- Begin with a small overlay district; why include Patriot Square at this time?
- Who will build these units? Will they be rented or sold? Will they be market rate or affordable? Will they be year-round or seasonal rentals? How will enforcement be handled?
- The voters must be apprised about the proposal in order to make informed decisions.
- The geographic boundaries eventually proposed should specify that Residential units be remote from industrial zones.

In conclusion: With the exception of the planned Dennis Wastewater project, the proposed multifamily overlay district is the largest project in the history of the Town. These are long-reaching, lasting effects on the quality of life in our Town. Careful and thorough planning and discussion should be a top priority. The project should not be rushed to Town Meeting, especially in light of our potentially benefiting from an outside consultant's expertise.

The central task of our committee set forth in the Select Board's charge to us is, “to foster community consensus on complex zoning matters.” The committee would like to support a well-reasoned proposal on this important subject. However, the Planning Board's present proposal and hasty process are so inadequate that we cannot lend our endorsement. We hope the Select Board will direct that the work be continued to ensure a more widely supported Proposal.