

**SPECIAL TOWN MEETING
Town of Dennis
October 25, 2022**

Robert C. Chamberlain, Moderator, called the Special Town Meeting held at the Nathaniel H. Wixon School to order at 7:00 p.m. He declared a quorum present and noted that the Warrant had been posted by Gerald DeSalvatore, Constable. Tellers were Katie Clancy, Tracey Monroe, Helene McGrath, Robert Duffy, John Terrio, Jr., Maggie McCormick and Paul McCormick, Jr, Head Teller.

Moderator Chamberlain asked the assembly to kindly rise and salute the flag.

On motion of Finance Committee Chairman Robert Prall, duly seconded, it was unanimously voted to waive the formal reading of the Warrant.

ARTICLE 1. On motion of Jim Plath, Select Board Member, it was unanimously voted to raise and appropriate \$354,109.06, transfer \$85,001.16 from Fire Station 2 Capital Project Fund and transfer \$5,959.92 from the CPA Fund Undesignated Fund Balance for a total of \$445,070.14 to Article 4 of the May 3, 2022 ATM Short Term Interest, Line #148.

ARTICLE 2. On motion of Jim Plath, Select Board Member, it was unanimously voted, pursuant to Chapter 44, Section 53E ½, of the Massachusetts General Laws to increase the spending limits for the COA and Recreation revolving funds for the Fiscal Year 2023:

Program or Purpose	Authorized Representative or Board to Spend	FY2023 amended Authorization
COA Revolving Fund - 565	Council on Aging Director	\$200,000
Recreation Dept Revolving Fund - 590	Recreation Director	\$350,000
Golf Revolving Fund - 585	Golf Director	\$475,000

ARTICLE 3. On motion of Jim Plath, Select Board Member, it was unanimously voted to indefinitely postpone the article, to transfer \$17,406 from free cash to the Finance Committee Reserve Fund line #7A of Article 4 of the May 3, 2022 ATM.

ARTICLE 4. On motion of Paul McCormick, Select Board Member, it was unanimously voted to amend §33-1 of the Town By-Laws to strike the cable revolving fund section as follows:

Program or Purpose Authorized Representative or Board to Spend
Department Receipts

Cable Revolving Fund from cable	MIS Director	Monies received
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~~receipts may, after receipt, be expended, and without further appropriation to fund cable-related expenses.~~

ARTICLE 5. On motion of Paul McCormick, Select Board Member, it was unanimously voted to transfer \$50,000 from the PEG Access and Cable Related Fund to the general fund Information Tech budget for cable related expenditures.

ARTICLE 6. On motion of Paul McCormick, Select Board Member, it was unanimously voted to appropriate \$79,591.56 from the PEG Access and Cable Related Fund for PEG Access Television per the Agreement with Cape Media Center.

ARTICLE 7. On motion of Paul McCormick, Select Board Member, it was unanimously voted to create a Cable Capital Stabilization Fund for capital costs for public, educational or government (PEG) access facilities to include studio and production costs, such as equipment, cameras, lighting, editing machines, studio rent or property costs and other expenditures related thereto into which all annual \$52,500 “PEG access facilities” payments are to be deposited, and to be held there solely for expenditures for “PEG access facilities” capital costs; and further to transfer \$52,500 from the PEG Access and Cable Related Fund to the Cable Capital Stabilization Fund for the first year payment received in FY22.

ARTICLE 8. On motion of Jim Plath, Select Board Member, it was unanimously voted to indefinitely postpone this article, to transfer \$XXX,XXX from free cash to the Capital Improvement Stabilization Fund.

ARTICLE 9. On motion of Chris Lambton, Select Board Chair, it was unanimously voted to appropriate \$155,000 to redevelop and/or replace the existing irrigation wells at the Pines and Highlands Golf Courses and to transfer \$110,000 from the Golf Capital Improvement Fund and transfer \$45,000 from Article #10 of the May 3, 2022 ATM, Pines Well Installation.

ARTICLE 10. On motion of Chris Lambton, Select Board Chair, it was unanimously voted to amend §33-1 of the Town By-Laws to amend the Golf Revolving Fund as follows:

Program or Purpose Authorized Representative or Board to Spend
Department Receipts

Golf Revolving Fund Golf Director ~~25~~-30% of golf cart rental fees

received are to pay for the Town's lease of golf carts, revenue from the golf course pro-shops fees or charges are to support the operations of the golf proshops and a portion or all of the Head Golf Professional's salary along with benefits may be paid from the golf revolving fund, revenue from the Golf Handicap and Information Network are to pay the Massachusetts Golf Association dues for members' handicaps.

ARTICLE 11. On motion of Chris Lambton, Select Board Chair, it was unanimously voted to amend Chapter 19, §19-11 of the Town By-Laws as follows:

The Select Board is hereby authorized to amend the fees to be deposited into the Golf

Capital Improvement Fund as follows: 5% of the green fees, and 2835% of all membership Fees.

ARTICLE 12. On motion of Chris Lambton, Select Board Chair, it was voted by majority to amend Chapter 5, *Article IV, Section 5-5* of the Waterways Bylaw by deleting the text shown in strikethroughs:

Article IV, Section 5-5.

The powers and duties of the Waterways Commission is set forth in 5-5 (b) and provides as follows:

The Commission shall advise the Select Board, Harbormaster and Town Administrator on the use, maintenance, regulations, administration, and development of all navigable Town waterways and lakes over 10 acres in area, including related shore facilities. Commission members will be expected to attend occasional meetings beyond their regularly scheduled meeting in support of the Commission's charge.

The Commission's work shall include, but not be limited to, the following:

- (1) Assist the Harbormaster in providing input to the Department's annual operating budget and capital budget requests. Including the five-year capital plan;
- (2) Assist the Harbormaster in the development of short and long term goals and objectives for the Department;
- (3) Assist the Harbormaster in developing a long range maintenance plan for all waterways and facilities;
- (4) Receive and review monthly and annual financial reports of waterways revenue;
- (5) Seek information, advice, and assistance from various Town departments that are affected by or affect waterways operation;
- (6) Encourage community support of the Town waterways;
- (7) Review and become acquainted with all waterways and their assets;
- (8) Provide annual updates to the Select Board and the Town Administrator as to the Commission's deliberations and recommendations during the annual fee hearing, review of the Harbormaster's goals and objectives as well as capital and operating budget reviews;
- (9) Advise, consult and confer with the ~~Town Administrator~~ Select Board Liaison regarding any operational issue affecting the Town's waterways.

The Commission shall meet at least on a monthly basis or as needed, and a majority of members must be present for the Commission to meet and conduct any business scheduled before it. All meetings of the Commission or any sub-Commission established by the Commission are to be held in a public location, properly posted and open to the public, in accordance with the Massachusetts Open Meeting Law. Minutes of each meeting shall be prepared and approved by the Commission within a reasonable time after said meeting and distributed to the Select Board. ~~Commission members shall be mindful of their attendance obligations at Commission meetings as identified in Section 5-10 of the Town of Dennis By-Laws.~~

ARTICLE 13. On motion of Chris Flanagan, Select Board Member, it was unanimously voted to accept the provisions of Chapter 184, Section 51 of the Acts of 2002, which

amends MGL Chapter 59, Section 5, Clause 41C, and authorizes the Town to increase the real estate tax exemption amount under this section from \$500 to \$1,000.

ARTICLE 14. On motion of John Terrio, Select Board member, it was unanimously voted to transfer \$23,375 from line #59 to line #60 of Article 4 of the May 3, 2022 ATM for the increased costs of the Pumper 111 frame replacement.

ARTICLE 15. On motion of John Terrio, Select Board member, it was unanimously voted to transfer \$325,327 from the May 3, 2022 Annual Town Meeting under Article 4, line item #3A Town Administrator Settlements to fund Non Union COLAs in the amount of \$26,618 and seasonal salary increases in the amount of \$298,709.

ARTICLE 16. On motion of John Terrio, Select Board member, it was unanimously voted to transfer \$600,000 from the Ambulance Receipts Fund for the purchase of a new ambulance.

ARTICLE 17. On motion of Jim Plath, Select Board Member, it was unanimously voted to raise and appropriate \$18,244 to line #48 of the May 3, 2022 ATM Article #4, Public Property/Buildings for the cost of outsourcing the mowing of Town properties.

ARTICLE 18. On motion of Jim Plath, Select Board Member, it was unanimously voted to raise and appropriate \$125,000 for the maintenance of Town buildings in Dennis Port Village.

ARTICLE 19. On motion of Paul McCormick, Select Board Member, it was unanimously voted to raise and appropriate \$30,000 for the cost of classification and/or compensation studies for positions in Units A and B, Local 2977 of Council 93 of the American Federation of State, County and Municipal Employees (AFSCME), Massachusetts Laborers' District Council of the Laborers' International Union of the North America, AFL-CIO Public Employees Local Union 1249 (MLDC) and Craft Maintenance.

ARTICLE 20. On motion of Chris Flanagan, Select Board Member, it was unanimously voted to transfer of \$39,322 from the May 3, 2022 Annual Town Meeting under Article 4, line item 3A Town Administrator Settlements to fund a collective bargaining agreement between the Town of Dennis and the Dennis Patrol Officers MassCOP, Local 504 Union, for Fiscal Year 2023.

ARTICLE 21. On motion of Chris Flanagan, Select Board Member, it was unanimously voted to transfer of \$38,371 from the May 3, 2022 Annual Town Meeting under Article 4, line item 3A Town Administrator Settlements to fund a collective bargaining agreement between the Town of Dennis and the Dennis Police Sergeants MassCOP, Local 505 Union, for Fiscal Year 2023.

ARTICLE 22. On motion of John Terrio, Select Board Member, it was unanimously voted to raise and appropriate \$90,000 to create a new permanent, full time position of Wastewater Superintendent.

ARTICLE 23. On motion of Paul McCormick, Select Board Member, it was unanimously voted to reclassify the Media Specialist as a new permanent, full time position of Media and Communications Specialist.

ARTICLE 24. On motion of Chris Lambton, Select Board Chair, it was unanimously voted to appropriate \$258,000 from the Community Preservation Historic Preservation Reserves to retire a Bond Anticipation Note issued to include ADA accessible parking and walkways at 90 Old Main Street.

ARTICLE 25. On motion of Chris Lambton, Select Board Chair, it was unanimously voted to appropriate \$120,000 from the Community Preservation Historic Preservation

Reserves to retire \$120,000 of a \$343,000 Bond Anticipation Note issued to stabilize and extensively repair the timber frame of the West Schoolhouse located at 61 Whig Street.

ARTICLE 26. On motion of Chris Lambton, Select Board Chair, it was unanimously voted to appropriate and transfer \$14,000 from the Community Preservation Open Space & Recreation Reserves for the purchase and installation of conservation area kiosks, signs and fencing and any other costs related thereto, with any unspent balance to be returned to the Community Preservation Open Space & Recreational Reserves.

ARTICLE 27. On motion of Chris Lambton, Select Board Chair, it was unanimously voted to appropriate and transfer \$104,800 from the Community Preservation Open Space & Recreation Reserves and \$200,000 from the Community Preservation Undesignated Fund Balance for the restoration of Johnny Kelly Park, and any costs related thereto, with any unspent balance to be returned to the Community Preservation Undesignated Fund Balance.

ARTICLE 28. On motion of Chris Lambton, Select Board Chair, it was unanimously voted to appropriate and transfer \$308,800 from the Community Preservation Undesignated Fund Balance for playground upgrades at the West Dennis Graded School and Johnny Kelly Park and any costs related thereto, with any unspent balance to be returned to the Community Preservation Undesignated Fund Balance.

ARTICLE 29. On motion of Chris Lambton, Select Board Chair, it was unanimously voted to appropriate \$149,106 from the Community Preservation Historic Preservation Reserves as a grant to the Jericho Historical Center Committee pursuant to a grant agreement between the Select Board and the Jericho Historical Center Committee for the exterior restoration of the Jericho Historical Center Barn, and further to authorize the Dennis Select Board to enter into said agreement upon such terms and conditions as it deems appropriate, which shall include a historic preservation restriction to be granted by the Town.

ARTICLE 30. On motion of Chris Lambton, Select Board Chair, it was unanimously voted to appropriate \$341,250 from the Community Preservation Community Housing Reserves as a grant to Habitat for Humanity pursuant to a grant contract between the Select Board and Habitat for Humanity of Cape Cod for the Setucket Road Community Housing Project, and further to authorize the Dennis Select Board to enter into said agreement upon such terms and conditions as it deems appropriate, which shall include an affordable housing restriction on the buildings to be acquired by the Town.

ARTICLE 31. On motion of Chris Lambton, Select Board Chair, it was unanimously voted to appropriate \$235,000 from the Community Preservation Community Housing Reserves and \$450,000 from the Community Preservation Undesignated Fund Balance as a grant to FORWARD (Friends or Relatives with Autism & Related Disabilities, Inc.) pursuant to a grant contract between the Select Board and FORWARD for the FORWARD at the Rock, Phase II project, and further to authorize the Dennis Select Board to enter into said agreement upon such terms and conditions as it deems appropriate, which shall include an affordable housing restriction on the buildings to be acquired by the Town.

ARTICLE 32. On motion of Chris Lambton, Select Board Chair, it was unanimously voted to appropriate \$388,800 from the Community Preservation Community Undesignated Fund Balance as a grant to the Dennis Housing Authority for the Dennis Rental Assistance Program pursuant to a grant agreement between the Select Board and Dennis Housing Authority, and further to authorize the Dennis Select Board to enter into said agreement upon such terms and conditions as it deems appropriate.

ARTICLE 33. On motion of Jim Plath, Select Board Member, it was voted 194 yes to 5 no, to amend the Dennis Zoning By-law to:

- Section 2.2.2 item k, by deleting existing k Dwelling, One Unit with Accessory Apartment and replacing it with k. Accessory Dwelling Unit;

- add new provisions for Accessory Dwelling Unit by amending Sections 9.2.3, 9.3.3, 9.5.3, and 9.6.3 relative to Permitted Uses in the West Dennis Village Center Zoning Districts
- amend Section 3.1.3.2 to add parking requirements for ACCESSORY DWELLING UNIT; and
- Amend Section 5 Definitions by deleting DWELLING, ONE UNIT WITH ACCESSORY APARTMENT and adding ACCESSORY DWELLING UNIT
- Add New Section 4.11 Regulations Specific to Accessory Dwelling Units
- Delete Section 4.9.3.4 **Affordable Housing Apartment Accessory to Residential Use**

Additions shown in **BOLD**, deletions shown in *ITALICS*.

Amend Section 2.2.2 item k, by deleting existing k Dwelling, One Unit with Accessory Apartment and replacing it with k. Accessory Dwelling Unit

PRINCIPAL USES	DISTRICT									
	R-40 R-60	Quivet Neck/Crowe' s Pasture Resource Protection District	RR	LB	EB	GC -I	GC-II GC-III	I	DPVC Area A	DPVC Area B
2. RESIDENTIAL USES										
<i>k. Dwelling, One Unit with Accessory Apartment</i>	Y	N	Y	Y	N	N	Y	N	Y	Y
k. Accessory Dwelling Unit	S	N	S	S	N	N	S	N	S	S

amend Sections 9.2.3, 9.3.3, 9.5.3(B), and 9.6.3(B) relative to Permitted Uses in the West Dennis Village Center Zoning Districts:

- ADD TO PERMITTED USES
- **ACCESSORY DWELLING UNIT**

Amend Section 3.1.3.2 to add

USE	PARKING SPACES
RESIDENTIAL USES	
ACCESSORY DWELLING UNIT	2 for primary residence + 1 per bedroom in accessory dwelling unit

Amend Section 5, Definitions, by deleting-DWELLING, ONE UNIT WITH ACCESSORY APARTMENT and adding ACCESSORY DWELLING UNIT

DWELLING, ONE UNIT WITH ACCESSORY APARTMENT An owner(s)-occupied building containing two (2) living areas, one (1) of which shall be an accessory apartment with a net floor living area not to exceed six hundred (600) square feet, which includes not more than one bedroom, a kitchen, living room and bath. The apartment created by this definition shall be restricted to the use by the property owner's immediate family, including in-laws (mother, father, brother, sister, son, or daughter), or a health care professional providing a service to the above owner(s).

ACCESSORY DWELLING UNIT An owner-occupied building containing two (2) living areas, one (1) of which shall be an accessory apartment with a net floor living area not to exceed the lesser of eight hundred (800) square feet or 40% of the total living space in the existing dwelling, inclusive of sleeping, cooking, and sanitary facilities, and which includes not more than two (2) bedrooms. Accessory Dwelling Units shall not be separated by ownership from the principle dwelling on the property.

4.11 Regulations Specific to Accessory Dwelling Units (ADU)

4.11.1 Any special permit issued for an ADU shall be subject to all state and local laws, rules and regulations promulgated, enforced, or otherwise within the jurisdiction of the Board of Health of the Town of Dennis. An applicant must follow all statutes, by-laws and regulations.

4.11.2 An Accessory Dwelling Unit (ADU) may be created by converting space within an existing dwelling. An ADU may also be created by building or by creating new space attached by new or existing Conditioned Space (as defined in the Massachusetts Building Code 780 CMR 202) to a Principal Residential Structure. The following additional standards and conditions shall govern special permits issued under this subsection:

4.11.3 An ADU may only be created on lots on which there already exists a Principal Residential Structure, and may only be created within an existing dwelling or by creating new space attached by new or existing Conditioned Space to such Principal Residential Structure.

4.11.4 An ADU shall be subject to the following additional restrictions.

4.11.4.1 Lot must be a minimum of 15,000 sf.

4.11.4.2 There shall not be more than one ADU on a lot.

4.11.4.3 Lots that exceed maximum lot coverage, i.e. pre-existing non-conforming lots shall not be permitted an ADU.

4.11.4.4 Lots that are below 15% maximum lot coverage may be permitted to construct an addition up to the maximum lot coverage to accommodate an Accessory Dwelling Unit.

4.11.4.5 Parking:

4.11.4.5.1 Shall be on-site.

4.11.4.5.2 Shall be incorporated to blend in with the existing residential parking on-site (i.e. garage and/or within the driveway or expanded driveway area)

4.11.4.5.3 Shall not encroach on the 10 foot side line green area required under Section 2.3.4.1.b.

4.11.4.6 An ADU shall not be located in a designated AE or V flood zone as regulated by the Dennis Flood Maps adopted on May 6, 2014.

4.11.5 An ADU shall be considered an “accessory use” to the principal use on the lot and shall be restricted so that the ADU is never divided by ownership from the principal structure.

4.11.6 Any lot containing an ADU shall be subject to a recorded restriction that shall restrict the lot owner’s ability to convey interest in the ADU separate from the owner of the Principal Residential Structure.

4.11.7 A dwelling proposed to include an ADU:

4.11.7.1 Shall be subject to the granting of a Special Permit by the Dennis Planning Board;

4.11.7.2 May be expanded by the granting of a Special Permit which is based upon a finding by the Planning Board that the conditions present on the site are adequate to support the proposed use, protect the surrounding neighborhood and be consistent with all other restrictions found in this by-law.

4.11.8 For the purposes of 4.11, one unit shall be owner occupied on a year-round basis, except for bona fide temporary absences during which the owner-occupied unit is not rented.

4.11.9 The principal dwelling or the ADU will be used as the principal residence of the owner and the remaining dwelling will be leased for a minimum of twelve (12) consecutive months, with no subletting or assigning to occur and is prohibited from any use as rental units on a monthly, weekly or daily basis including, but not limited to, seasonal rental and rental through vacation rental services and websites. An ADU shall not be used for boarding, transient lodging, or other commercial use.

4.11.10 Contextual Design

4.11.10.1 If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.

4.11.10.2 An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property and the privacy of abutting properties is maintained, considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window location, and building materials.

4.11.11 Maximum Permits for ADUs,

(a) shall not exceed 9 in any calendar year.

(b) Any unused permits in any one calendar year shall not roll over to any subsequent calendar year.

(c) This provision will allow the Planning Board and other committees to study the impact of ADUs on the Town of Dennis and recommend future actions if needed. This provision 4.11.11 shall expire automatically on December 31, 2027 without further Town Meeting Action.

4.11.12 Enforcement

4.11.12.1 Real property containing an ADU, as described in this Section, for which a validly-issued Variance, Special Permit, Building Permit, or Occupancy Permit does not exist, may apply to the Building Department for an Occupancy Permit to continue use as an accessory dwelling unit provided the provisions of Section 4.11 and 3.1.2 are complied with.

4.11.12.2 To qualify under this Section, the unpermitted ADU must be a single accessory dwelling unit that is accessory to a single-family dwelling and must have been in existence prior to the date of adoption of this bylaw. It shall be the burden of the applicant to prove to the Building Department that the unlawful apartment was in existence before that date.

4.11.13 Monitoring and Other Provisions

4.11.13.1 Prior to the issuance of a building permit or Special Permit, a copy of the deed shall be provided illustrating the continued ownership and an affidavit verifying continued occupancy of the property by the applicant for a minimum of the most recent six months.

4.11.13.2 Prior to the issuance of a building permit or a Special Permit, a certificate in the form of a notarized affidavit to verify that the owner is and shall be in residence in one of the units shall be submitted to the Building Commissioner and to the Special Permit Granting Authority.

4.11.13.3 The unit to be leased shall maintain a rental permit with the Dennis Board of Health.

4.11.13.4 The property owner shall be required to annually file, on or before January 31st, with the Building Commissioner:

4.11.13.4.1 A copy of the Dennis Board of Health Rental Permit;

4.11.13.4.2 An affidavit stating that either the principal dwelling or the accessory dwelling unit will be used as the principal residence of the owner; and

4.11.13.4.3 A lease stating that the leased premises will be leased for a minimum of twelve (12) consecutive months, with no subletting or assigning to occur.

Delete Section 4.9.3.4 Affordable Housing Apartment Accessory to Residential Use

4.9.3.4 Affordable Housing Apartment Accessory to Residential Use

4.9.3.4.1 An Affordable Housing Apartment may be created by converting an existing accessory structure, or space within a Principal Residential Structure, to a dwelling unit. The following additional standards and conditions shall govern special permits issued under this subsection:

4.9.3.4.2 An Affordable Housing Apartment accessory to an existing residential use may only be created on lots on which there already exists a Principal Residential Structure, and may only be created within such Principal Residential Structure, or within an existing accessory structure, as that term is defined under Section 5 of the Zoning By-law. The accessory structure in which an Affordable Housing Apartment is proposed must have been in existence for at least five years prior to the filing of the special permit application.

4.9.3.4.3 An Affordable Housing Apartment accessory to a residential use shall not be allowed on lots of less than 20,000 sf.

4.9.3.4.4 Affordable Housing Apartments accessory to residential uses shall be considered an "accessory use" to the principal use on the lot and shall be restricted so that Affordable Housing Apartments are never divided by

ownership from the principal structure. A structure proposed to include an Affordable Housing Apartment may be expanded by the granting of a Special Permit which is based upon a finding by the Planning Board 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.

4.9.3.4.5 Any lot containing an Affordable Housing Apartment shall be subject to a recorded restriction that shall restrict the lot owner's ability to convey interest in the Affordable Housing Apartment except leasehold estates for the term of the restrictions.

4.9.3.4.6 For the purposes of 4.9.3.4, one unit shall be owner occupied on a year-round basis, except for bona fide temporary absences during which the unit is not rented.

It was unanimously voted to adjourn (dissolve) the meeting at 8:22 p.m. on October 25, 2022.

A True Copy, Attest:

Theresa T. Bunce, MMC/CMMC
Dennis Town Clerk