

# Planning Board March 3, 2025

## ADMINISTRATIVE BUSINESS:

- **ANR - Farm Lane ANR:** The purpose of this ANR plan is to reduce and reconfigure three existing Land Court Lots in the Farm Lane Association to create two lots. The house at 111 Farm Lane (Map 117 Lot 41) will be demolished and the lot will be combined with 107 Farm Lane (Map 106 Lot 1) to create a single buildable lot. The Farm Lane Association Access to the Association Pier will be relocated to the east of 111 Farm Lane.

## PUBLIC HEARINGS:

- **Zoning Bylaw Amendments - ADU and Lot Merger: Continued from February 10, 2025.** To see if the Town of Dennis will amend the Dennis Zoning By-laws by Amending the following Sections: §2.2.2 (Use Regulation Schedule); §2.2.10 (Use Regulation Schedule – Notes re Lot Merger); §2.3.2 (Intensity of Use Schedule); §2.3.3.6 (Accessory Structures); §2.4.1.2 (Non-Conforming Uses); §4.11 (ADU); and § 5 (Definitions). The purposes of the Amendments, pursuant to M.G.L. c. 40A, § 3, ¶ 11 and 760 CMR 71.00, are to incorporate Sections 7, 8 and 10 of Massachusetts Chapter 150 of the Acts of 2024 relative to regulating Accessory Dwelling Units and Lot Merger for lots of a certain size and age. *NOTE: The Zoning Bylaw Study Committee is invited and may constitute a quorum of ZBSC.*
- **CURRENT & LONG-RANGE PLANNING:** Town Planner update
- **OTHER BUSINESS:** Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting.
- **NEXT MEETING:** Scheduled for Monday March 17, 2025



Town of Dennis  
Public Meeting Notice

### Planning Board Agenda – March 3, 2025

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, signed into law on March 29, 2023, the **Planning Board will hold a public meeting on March 3, 2025 at 6:30 in the Dennis Town Hall, STONE HEARING ROOM, 685 Route 134 Dennis MA.**

The public is welcome to attend in-person or by the alternative public access provided.

**ZOOM Meeting information**  
Zoom Link: <https://us02web.zoom.us/j/8780036813>  
Meeting ID: 878 003 6813  
OR  
By Phone Dial: 646-558-8656  
When prompted enter Meeting ID:  
Passcode: 878-003-6813

### AGENDA

1. **ADMINISTRATIVE BUSINESS:**
  - a. **Board Minutes:**
  - b. **ANR - Farm Lane ANR:** The purpose of this ANR plan is to reduce and reconfigure three existing Land Court Lots in the Farm Lane Association to create two lots. The house at 111 Farm Lane (Map 117 Lot 41) will be demolished and the lot will be combined with 107 Farm Lane (Map 106 Lot 1) to create a single buildable lot. The Farm Lane Association Access to the Association Pier will be relocated to the east of 111 Farm Lane.
2. **PUBLIC HEARINGS:**
  - a. **Zoning Bylaw Amendments - ADU and Lot Merger: Continued from February 10, 2025.** To see if the Town of Dennis will amend the Dennis Zoning By-laws by Amending the following Sections: §2.2.2 (Use Regulation Schedule); §2.2.10 (Use Regulation Schedule – Notes re Lot Merger); §2.3.2 (Intensity of Use Schedule); §2.3.3.6 (Accessory Structures); §2.4.1.2 (Non-Conforming Uses); §4.11 (ADU); and § 5 (Definitions). The purposes of the Amendments, pursuant to M.G.L. c. 40A, § 3, ¶ 11 and 760 CMR 71.00, are to incorporate Sections 7, 8 and 10 of Massachusetts Chapter 150 of the Acts of 2024 relative to regulating Accessory Dwelling Units and Lot Merger for lots of a certain size and age. *NOTE: The Zoning Bylaw Study Committee is invited and may constitute a quorum of ZBSC.*
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 17, 2025

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.

# 107-111 Farm Lane ANR

Quick Zooms

Find Properties

Owner:

Parcel ID:

Address:   [Clear](#)

Condo/Cottage Colony:

## Results Summary

### Parcels

| Parcel ID | Address      | Village | Owner        |
|-----------|--------------|---------|--------------|
| 117-41-0  | 111 FARM LAN | SD      | DELAGI FAMIL |

### Detail Information

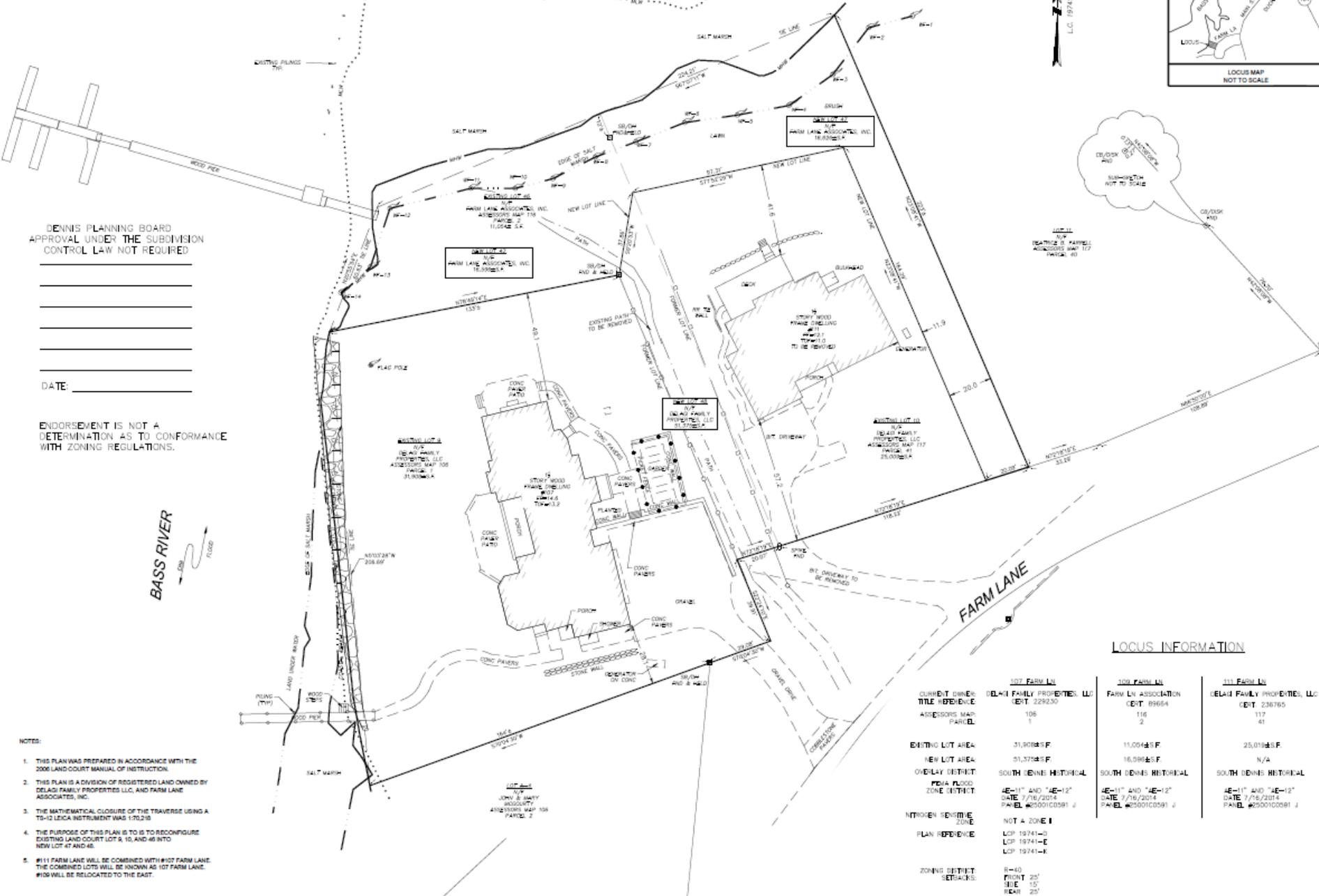
[Zoom To](#)

|                         |                          |
|-------------------------|--------------------------|
| CAMA ID                 | 117-41-0                 |
| MapPar                  | 117-41                   |
| Key                     | 7638                     |
| Fiscal Year             | 2026                     |
| Extension               | 0                        |
| Address                 | 111 FARM LANE            |
| Village                 | SD                       |
| Property Type           | R                        |
| Owner                   | DELAGI FAMILY PROPERTIES |
| Co-Owner                |                          |
| Owner Address           | 107 FARM LANE            |
| Owner City              | MA                       |
| Owner State             |                          |
| Owner Zip               | 02660                    |
| Owner Country           |                          |
| State Class #           | 1010                     |
| State Class Desc        | SINGLE FAMILY            |
| Deed Date               | 08/12/24 00:00:00        |
| Book                    | N/A                      |
| Page                    | N/A                      |
| Certificate             | 229147                   |
| Last Sale Price         | 1775000.0000             |
| Total Value             | \$1,700,600.00           |
| Land Value              | \$761,200.00             |
| Building Value          | \$939,400.00             |
| Detached Building Value | \$0.00                   |
| Acres                   | 0.61                     |
| Prev Year Total Value   | \$1,646,700.00           |

- About
- Layers
- Find
- ▲



# 107-111 Farm Lane ANR



DENNIS PLANNING BOARD  
APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW NOT REQUIRED

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\_\_\_\_\_

DATE: \_\_\_\_\_

ENDORSEMENT IS NOT A  
DETERMINATION AS TO CONFORMANCE  
WITH ZONING REGULATIONS.



- NOTES:
1. THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE 2006 LAND COURT MANUAL OF INSTRUCTION.
  2. THIS PLAN IS A DIVISION OF REGISTERED LAND OWNED BY DELAGI FAMILY PROPERTIES LLC AND FARM LANE ASSOCIATES, INC.
  3. THE MATHEMATICAL CLOSURE OF THE TRAVERSE USING A TD-12 LEICA INSTRUMENT WAS 1:70.218
  4. THE PURPOSE OF THIS PLAN IS TO IS TO RECONFIGURE EXISTING LAND COURT LOT 8, 10, AND 48 INTO NEW LOT 47 AND 48.
  5. #111 FARM LANE WILL BE COMBINED WITH #107 FARM LANE. THE COMBINED LOTS WILL BE KNOWN AS LOT FARM LANE. #108 WILL BE RELOCATED TO THE EAST.

### LOCUS INFORMATION

|                             | 107 FARM LN   | 108 FARM LN   | 111 FARM LN   |
|-----------------------------|---|---|---|
| CURRENT OWNER               | DELAGI FAMILY PROPERTIES, LLC                             | FARM LN ASSOCIATION                                       | DELAGI FAMILY PROPERTIES, LLC                             |
| TITLE REFERENCE             | LEVIT 229230  | CEIT 89684  | CEIT 236785   |
| ASSESSORS MAP               | 108<br>1  | 116<br>2  | 117<br>41   |
| EXISTING LOT AREA           | 31,808± SF  | 11,004± SF  | 25,018± SF  |
| NEW LOT AREA                | 31,378± SF  | 16,896± SF  | N/A   |
| OVERLAY DISTRICT            | SOUTH DENNIS HISTORICAL                                   | SOUTH DENNIS HISTORICAL                                   | SOUTH DENNIS HISTORICAL                                   |
| PLANNED FLOOD ZONE DISTRICT | AE-11 AND "AE-12"<br>DATE 7/16/2014<br>PAVEL #2001C0581 J | AE-11 AND "AE-12"<br>DATE 7/16/2014<br>PAVEL #2001C0581 J | AE-11 AND "AE-12"<br>DATE 7/16/2014<br>PAVEL #2001C0581 J |
| NTHORZEN REVIEW ZONE        | NOT A ZONE I  |   |   |
| PLAN REFERENCE              | LCP 19741-D<br>LCP 19741-E<br>LCP 19741-K                 |   |   |
| ZONING DISTRICT             | R-40  |   |   |
| SETBACKS                    | FRONT 25'<br>SIDE 15'<br>REAR 25'                         |   |   |

FOR REGISTRY USE ONLY

I CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.



1/28/2025  
NICHAN J. HEALY, PLS. DATE  
FOR THE BSC GROUP, INC.

APPROVAL NOT  
REQUIRED PLAN

AT  
#107, #109, & #111  
FARM LANE  
IN  
SOUTH DENNIS  
MASSACHUSETTS  
(BARNSTABLE COUNTY)  
JANUARY 28, 2025

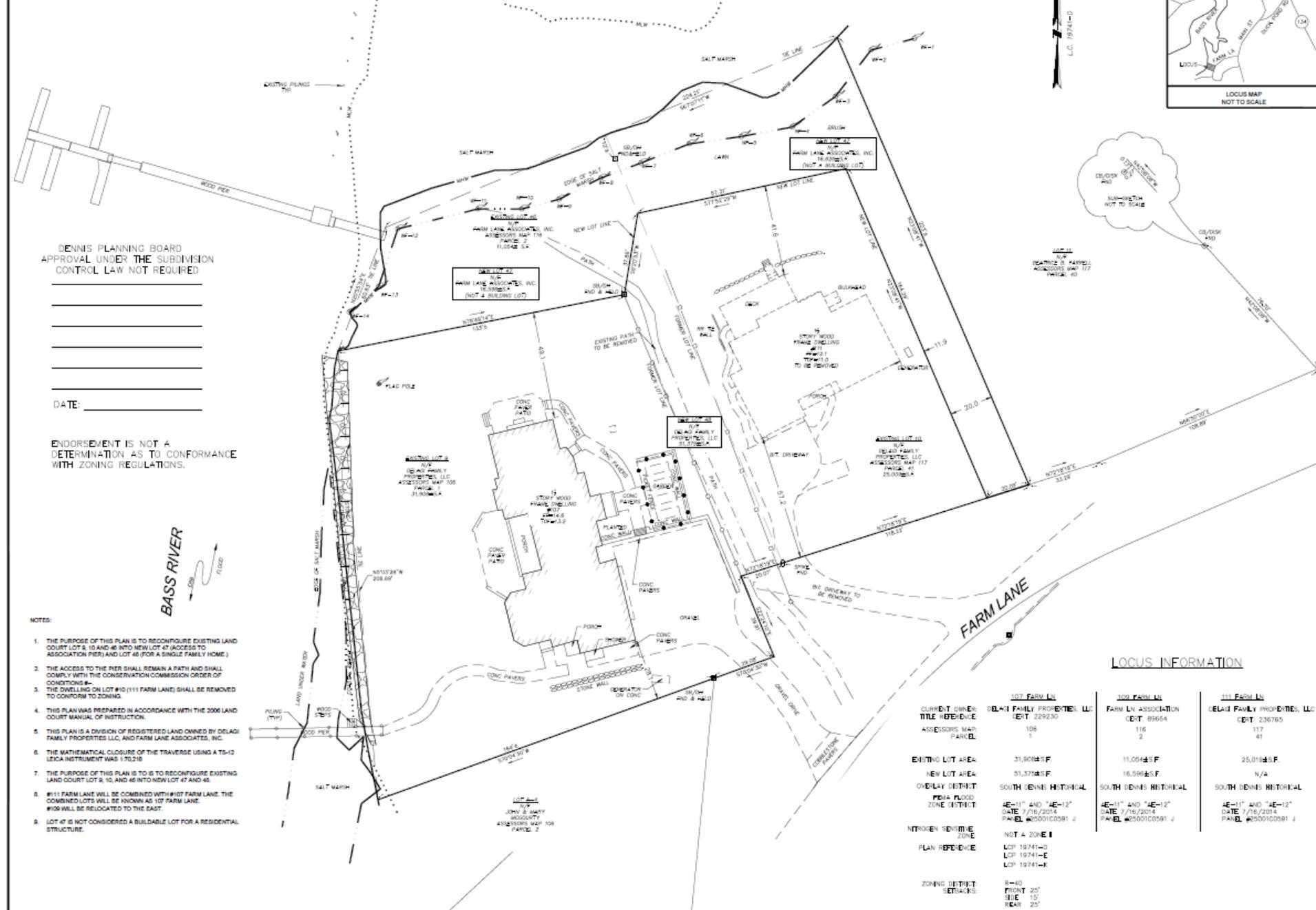
REVISIONS:

| NO. | DATE | DESC. |
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PREPARED FOR:  
GREGORY DELAGI  
107 FARM LANE  
SOUTH DENNIS, MA 02860  
RGDELAGI@OUTLOOK.COM

**BSC GROUP**  
BUILD | SUPPORT | CONNECT  
349 Main Street - Route 25  
West Yarmouth, Massachusetts  
02673  
508 778 3919

# 107-111 Farm Lane ANR revised



DENNIS PLANNING BOARD  
APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW NOT REQUIRED

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\_\_\_\_\_

DATE: \_\_\_\_\_

ENDORSEMENT IS NOT A  
DETERMINATION AS TO CONFORMANCE  
WITH ZONING REGULATIONS.

**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO RECONFIGURE EXISTING LAND COURT LOT 9, 10 AND 46 INTO NEW LOT 47 (ACCESS TO ASSOCIATION PIERS) AND LOT 48 (FOR A SINGLE FAMILY HOME.)
2. THE ACCESS TO THE PIERS SHALL REMAIN A PATH AND SHALL COMPLY WITH THE CONSERVATION COMMISSION ORDER OF CONDITIONS.
3. THE DWELLING ON LOT #10 (111 FARM LANE) SHALL BE REMOVED TO CONFORM TO ZONING.
4. THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE 2006 LAND COURT MANUAL OF INSTRUCTION.
5. THIS PLAN IS A DIVISION OF REGISTERED LAND OWNED BY DELAGI FAMILY PROPERTIES LLC AND FARM LANE ASSOCIATES, INC.
6. THE MATHEMATICAL CLOSURE OF THE TRAVERSE USING A TS-12 LEICA INSTRUMENT WAS 1702.02
7. THE PURPOSE OF THIS PLAN IS TO IS TO RECONFIGURE EXISTING LAND COURT LOT 9, 10, AND 46 INTO NEW LOT 47 AND 48.
8. #111 FARM LANE WILL BE COMBINED WITH #107 FARM LANE. THE COMBINED LOTS WILL BE KNOWN AS 107 FARM LANE. #108 WILL BE RELOCATED TO THE EAST.
9. LOT 47 IS NOT CONSIDERED A BUILDABLE LOT FOR A RESIDENTIAL STRUCTURE.



**LOCUS INFORMATION**

|                           | 107 FARM LN                               | 109 FARM LN             | 111 FARM LN                   |
|---------------------------|---|-------------------------|-------------------------------|
| CURRENT OWNER             | DELAGI FAMILY PROPERTIES, LLC             | FARM LN ASSOCIATION     | DELAGI FAMILY PROPERTIES, LLC |
| TITLE REFERENCE           | DEED 229230                               | DEED 89684              | DEED 236765                   |
| ASSESSORS MAP             | 108                                       | 116                     | 41                            |
| EXISTING LOT AREA         | 31,904±SF                                 | 11,054±SF               | 25,019±SF                     |
| NEW LOT AREA              | 31,370±SF                                 | 16,596±SF               | N/A                           |
| OVERLAY DISTRICT          | SOUTH DENNIS HISTORICAL                   | SOUTH DENNIS HISTORICAL | SOUTH DENNIS HISTORICAL       |
| PLA FLOOD ZONE DISTRICT   | AE-11 and AE-12                           | AE-11 and AE-12         | AE-11 and AE-12               |
| DATE                      | 7/16/2014                                 | 7/16/2014               | 7/16/2014                     |
| PANEL                     | #25001C0581 J                             | #25001C0581 J           | #25001C0581 J                 |
| NTPROKEN ZONE             | NOT A ZONE I                              |                         |                               |
| PLAN REFERENCE            | LOP 19741-D<br>LOP 19741-E<br>LOP 19741-K |                         |                               |
| ZONING DISTRICT REFERENCE | R-40<br>FRONT 20'<br>SIDE 15'<br>REAR 20' |                         |                               |

FOR REISTRY USE ONLY

I CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REISTRY OF DEEDS.



*Heath J. Healy, P.E.* 7/20/2025  
HEATH J. HEALY, P.E. DATE  
FOR THE BSC GROUP, INC.

APPROVAL NOT  
REQUIRED PLAN

AT

#107, #109, & #111  
FARM LANE  
IN  
SOUTH DENNIS  
MASSACHUSETTS  
(BARNSTABLE COUNTY)  
FEBRUARY 20, 2025

REVISIONS:

NO. DATE DESC.

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PREPARED FOR:  
GREGORY DELAGI  
107 FARM LANE  
SOUTH DENNIS, MA 02660  
RGDELAGI@OUTLOOK.COM

**BSC GROUP**  
BUILD | SUPPORT | CONNECT  
349 Main Street - Route 28  
West Yarmouth, Massachusetts  
02673  
308 776 8919

© 2025 The BSC Group, Inc.  
SCALE: 1" = 20'  
0 20 40 60 80 100  
FILE: 4802803/48025-ANR.DWG  
DWG NO: \_\_\_\_\_ SHEET 1 OF 1  
JOB NO: 4-9529.02

# 107-111 Farm Lane ANR

- **Applicant:** Delagi Family Properties, LLC, Gregory Delagi C/O Kieran J. Healy, PLS, CFM, BSC Group Inc.
- **Project Address:** 107, 109, 111 Farm Lane, Map 106 Lots 1 and 2 and Map 117 Lot 41
- **Plan Summary:**
  - 107 Farm Lane (M 106 Lot 1) & 111 Farm Lane (M 117 Lot 41) owned by Delagi Family Properties, LLC. Delage purchased 111 Farm Lane recently.
  - 109 Farm Lane is owned by the Farm Lane Association and is access to the Association pier between 107 and 111 to the water.
  - The owner of 107 purchased 111 and does not want the access lot to not bifurcate his newly enlarged property.
  - Purpose of the ANR is for the Farm Lane Association access to the water to be relocated to the east side of what is now 111 Farm Lane in order to merge 107 and 111 Farm Lane.
  - The house at 111 Farm Lane (Map 117 Lot 41) would be demolished and the majority of the lot (other than the new access to be relocated) to be combined with 107 Farm Lane (Map 106 Lot 1) to create a single buildable lot, rather than two.
  - The plan would reconfigure three existing Land Court Lots in the Farm Lane Association to reduce them to two lots, only one of which will be buildable.

# 107-111 Farm Lane ANR

- The house at 111 Farm Lane (Map 117 Lot 41) must be demolished for the lots to conform to zoning.
- A letter from the Farm Lane Association President states that the Farm Lane Association voted to approve the ANR involving Farm Lane Association land on October 21, 2024.
- Town Engineering and Building agreed that the existing home at 111 Farm Lane **should be demolished first** before endorsement.
- Applicant Engineer felt that since this must also go to Land Court (which takes a lot of time) they wanted to proceed as soon as possible. Planning suggested they put they put the house to be demolished at 111 Farm Lane in a very faint lighter line. Current plan is slightly lighter and dotted.
- The project, with a planting plan, was reviewed and approved by the Conservation Commission.
- Notes on the Plan state:
  1. THE PURPOSE OF THIS PLAN IS TO IS TO RECONFIGURE EXISTING LAND COURT LOT 9, 10, AND 46 INTO NEW LOT 47 (ACCESS TO THE ASSOCIATION PIER) AND 48 FOR A SINGLE-FAMILY HOME.
  2. THE ACCESS TO THE PIER SHALL REMAIN A PATH WITH NO CUTTING WITIN 10 FEET OF PROPERTY LINE AND PER THE CONSERVATION COMMISSION ORDER OF CONDITIONS #...
  3. THE HOUSE ON LOT 10 (111 FARM LANE) SHALL BE REMOVED TO CONFORM TO ZONING.
  4. THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE 2006 LAND COURT MANUAL OF INSTRUCTION.
  5. THIS PLAN IS A DIVISION OF REGISTERED LAND OWNED BY DELAGI FAMILY PROPERTIES LLC, AND FARM LANE ASSOCIATES, INC.
  6. THE MATHEMATICAL CLOSURE OF THE TRAVERSE USING A TS-12 LEICA INSTRUMENT WAS 1:70,218
  7. THE PURPOSE OF THIS PLAN IS TO IS TO RECONFIGURE EXISTING LAND COURT LOT 9, 10, AND 46 INTO NEW LOT 47 AND 48.
  8. #111 FARM LANE WILL BE COMBINED WITH #107 FARM LANE. THE COMBINED LOTS WILL BE KNOWN AS 107 FARM LANE. #109 WILL BE RELOCATED TO THE EAST.

# ANR STATUTORY REVIEW

1. **Adequacy of Road/Way**: The division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if:
  - (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or
    - **Farm Lane and these lots are shown on a Land Court Plan from March 24, 1955.**
2. **Frontage**: (d) Frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law;
  - **Frontage for newly combined single-family lot will be adequate.**
  - **Engineering questioned whether the relocated access lot meets the definition of a panhandle lot and meets the frontage requirement.**
  - **Planning advised Applicant Engineer to clearly place a note on the new access lot that it is not a buildable lot. Therefore, relocation of access lot which is not buildable coupled with new merged lots, which are now less-non-conforming, should be okay**
3. **Area**:
  - **New merged building lot (once house removed) is less non-conforming.**

# DRAFT WARRANT ARTICLE

## ARTICLE XYZ – ADU\_LOT MERGER\_ACCESSORY STRUCTURES

The purpose of the proposed zoning bylaw amendments below is to amend the Accessory Dwelling Unit bylaw (§4.11) to be consistent with MA Chapter 150 of the Acts of 2024, *M.G.L. c. 40A, § 3, ¶ 11 and 760 CMR 71.00*, which protects certain Accessory Dwelling Units (§7 and §8) and allows lots of a certain size and age, not buildable for 50 years, to be developed (§10). The amendments also add a maximum height to accessory structures.

**To see if the Town of Dennis will amend the Dennis Zoning By-laws** by Amending the following Sections:

1. §2.2.2 (Use Regulation Schedule);
2. §2.2.2 Note 8 (Use Regulation Schedule Note);
3. §2.3.2 (Intensity of Use);
4. §2.3.3.6 (Accessory Structures);
5. §2.4.1.2 (Non-Conforming Conditions);
6. §4.11. A (Protected ADU); and Existing §4.11 ADU;
7. §5: DEFINITIONS.

**NOTE: Proposed New Language is Underlined in Bold Italic print in Times New Roman font.**

# Zoning Bylaw Amendments

## ADU and Lot Merger:

DENNIS TOWN CLERK  
RCUD 2025 JAN 24 AM 9:22  


### TOWN OF DENNIS - PLANNING BOARD LEGAL NOTICE

To see if the Town of Dennis will amend the Dennis Zoning By-laws by Amending the following Sections:

1. §2.2.2 (Use Regulation Schedule);
2. §2.2.10 (Use Regulation Schedule – Notes re Lot Merger);
3. §2.3.2 (Intensity of Use Schedule);
4. §2.3.3.6 (Accessory Structures);
5. §2.4.1.2 (Non-Conforming Uses);
6. §4.11.A (Protected ADU); §4.11 (ADU);
7. § 5 (Definitions).

The purposes of the Amendments, pursuant to M.G.L. c. 40A, § 3, ¶ 11 and 760 CMR 71.00, are to incorporate Sections 7, 8 and 10 of Massachusetts Chapter 150 of the Acts of 2024 relative to regulating Accessory Dwelling Units and Lot Merger for lots of a certain size and age.

Pursuant to Chapter 2 of the Acts of 2023, signed into law on March 29, 2023, the Dennis Planning Board will hold a public meeting on February 10, 2025, at 6:30 pm in the Dennis Town Hall, STONE HEARING ROOM, 685 Route 134, Dennis, MA. The public is welcome to attend, either in-person or via the alternative public access provided below, the following public hearing to review the below Zoning Bylaw Amendments:

**Zoning Bylaw Amendments - ADU and Lot Merger:** To see if the Town of Dennis will amend the Dennis Zoning By-laws by Amending the following Sections: §2.2.2 (Use Regulation Schedule); §2.2.10 (Use Regulation Schedule – Notes re Lot Merger); §2.3.2 (Intensity of Use Schedule); §2.3.3.6 (Accessory Structures); §2.4.1.2 (Non-Conforming Uses); §4.11 (ADU); and § 5 (Definitions). The purposes of the Amendments, pursuant to M.G.L. c. 40A, § 3, ¶ 11 and 760 CMR 71.00, are to incorporate Sections 7, 8 and 10 of Massachusetts Chapter 150 of the Acts of 2024 relative to regulating Accessory Dwelling Units and Lot Merger for lots of a certain size and age.

#### ZOOM Meeting information

Zoom Link: <https://us02web.zoom.us/j/8780036813>

Meeting ID: 878 003 6813

OR

By Phone Dial: 646-558-8656

When prompted enter Meeting ID:

Passcode: 878-003-6813

Proposed language for the bylaws can be requested from the Town of Dennis Planning & Appeals Office or found on the Town of Dennis Planning Department webpage at:

<https://www.town.dennis.ma.us/294/Planning-Department>

Elizabeth Patterson, Clerk

Publication Dates: 01-23-2025 and 01-30-2025

Bill to:

NAME: Planning & Appeals Department C/O Anna Pannell

ADDRESS: 685 Route 134, Dennis, MA 02660

EMAIL: [apannell@town.dennis.ma.us](mailto:apannell@town.dennis.ma.us)

PHONE: 608-760-6122

# Why are we amending the ADU Bylaw?

- The Town has an ADU Bylaw - §4.11
  - The Town bylaw (§4.11) requires, among other things:
    - Special Permit; Owner Occupancy of at least 1 unit; No subletting or assigning as an STR; Minimum 15,000 sf lot size; Annual affidavit's confirming eligibility as an ADU; An annual cap of 9 per year, etc.
- New State Law (Chapter 150 of the Acts of 2024)
  - Section 7 – Redefines Accessory Dwelling Unit (ADU) – State has replaced our definition of ADU.
  - Section 8 – No **zoning by-law shall prohibit, unreasonably restrict or require a special permit** for 1 ADU
    - In a single-family residential zoning district; provided, that ...**may be subject to reasonable regulations,**
    - **May be subject to restrictions and prohibitions on short-term rental,** as defined in section 1 of ch. 64G.
    - The accessory dwelling unit under this paragraph **shall not require owner occupancy of either...**
    - However, ADU over 900 sf \* or more than one on a property still subject to existing ADU Zoning Bylaw.
  - Section 10 – Allows lots that have not been buildable to be built on with 75' frontage and 10,000 sf.
- These ZBL Amendments do the following:
  1. Restricts that there shall be no Short Term Rentals in the protected ADU;
  2. Clarifies structures subject to Building and Health Codes as well as Dimensional Requirements of the ZBL.
  3. Reiterates some state language in order to clarify at local level and so that regulations are not forgotten.
  4. Requires new lots made developable by Section 10 record a notice reflecting the requirements.
  5. Sets a maximum height for Accessory Structures.

# CHAPTER 150 OF THE ACTS OF 2024: Sections 7 & 8 re ADU

## THE AFFORDABLE HOMES ACT – Section 7

- **SECTION 7.** Section 1A of chapter 40A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the definition “Accessory dwelling unit” and inserting in place thereof the following definition:- **“Accessory dwelling unit”**, a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than **1/2 the gross floor** area of the principal dwelling or **900 square feet, whichever is smaller**; and (iii) is **subject to such additional restrictions as may be imposed by a municipality**, including, but **not limited to, additional size restrictions and restrictions or prohibitions on short-term rental**, as defined in section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.

# CHAPTER 150 OF THE ACTS OF 2024: Sections 7 & 8 re ADU

## THE AFFORDABLE HOMES ACT – Section 8

- **SECTION 8. Section 3** of said chapter 40A, as so appearing, is hereby amended by adding the following paragraph:- No zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single accessory dwelling unit, or the rental thereof, in a single-family residential zoning district; provided, that the use of land or structures for such accessory dwelling unit under this paragraph **may be subject to reasonable regulations**, including, but not limited to, 310 CMR 15.000 et seq., if applicable, site plan review, regulations concerning dimensional setbacks and the bulk and height of structures and **may be subject to restrictions and prohibitions on short-term rental**, as defined in section 1 of chapter 64G. The use of land or structures for an accessory dwelling unit under this paragraph shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling; provided, that not more than 1 additional parking space shall be required for an accessory dwelling unit; and provided further, that no additional parking space shall be required for an accessory dwelling located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station. For more than 1 accessory dwelling unit, or rental thereof, in a single-family residential zoning district there shall be a special permit for the use of land or structures for an accessory dwelling unit. The executive office of housing and livable communities may issue guidelines or promulgate regulations to administer this paragraph.

CHAPTER 150 OF THE ACTS OF 2024:

THE AFFORDABLE HOMES ACT – Sections 10 re Lot Merger

- **SECTION 10.** Section 6 of said chapter 40A, as appearing in the 2022 Official Edition, is hereby amended by inserting after the fourth paragraph the following paragraph: - Adjacent lots under common ownership shall not be treated as a single lot for local zoning purposes if, at the time of recording or endorsement, the lots: (i) conformed to then existing requirements of area, frontage, width, yard or depth, where each such lot has not less than 10,000 square feet of area and 75 feet of frontage; and (ii) are located in a zoning district that allows for single-family residential use. Any single-family residential structure constructed on said lot shall not exceed 1,850 square feet of heated living area, shall contain not less than 3 bedrooms and shall not be used as a seasonal home or short-term rental.

# 760 CMR 71.00: PROTECTED USE ACCESSORY DWELLING UNITS

- Nothing in 760 CMR 71.00 is intended to supersede state health and safety laws and regulations, such as, but not limited to the Building Code, Fire Code, M.G.L. c. 111, § 189A: *Massachusetts Lead Law*, or any federal laws.
- Bus Station. A location serving as a point of embarkation for any bus operated by a Transit Authority.
- Design Standards. Clear, measurable and objective provisions of Zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU. Not “neighborhood character”
- Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.
- Protected Use ADU. An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.
- Short-term Rental. Short-term rental, as defined in M.G.L. c. 64G, § 1.
- Single-family Residential Zoning District. Any Zoning District where Single-family Residential Dwellings are a permitted or an allowable use, including ...where ... allowed as-of-right or by Special Permit.

## 760 CMR 71.03: Regulation of Protected Use ADUs in Single-family Residential Zoning Districts

- (1) Municipalities shall not prohibit, impose a Prohibited Regulation or Unreasonable Regulation, or, except as provided under 760 CMR 71.03(5) and 760 CMR 71.03(6), require a special permit, waiver, variance or other zoning relief or discretionary zoning approval for the Protected Use ADU...
- (2) Prohibited Regulation. A Municipality shall not subject the use of land or structures on a Lot for a Protected Use ADU to any of the following:
  - a) Owner-Occupancy Requirements. A requirement that either the Protected Use ADU or the Principal Dwelling be owner-occupied.
  - b) Minimum Parking Requirements. A requirement of, as applicable: (1)More than one additional on-street or off-street parking space for a Protected Use ADU if all portions of its Lot are located outside a 0.5 mile radius of a Transit Station; or (2)Any additional on-street or off-street parking space for a Protected Use ADU if any portion of its Lot is located within a 0.5 mile radius of a Transit Station.
  - c) Use and Occupancy Restrictions. A requirement that a Protected Use ADU be subject to a Use and Occupancy Restriction.
  - d) Unit Caps & Density. Any limit, quota or other restriction on the number of Protected Use ADUs that may be permitted, constructed, or leased within a Municipality or Zoning District. Protected Use ADUs shall not be counted in any density calculations.
  - e) Relationship to Principal Dwelling. A requirement that a Protected Use ADU be attached to or detached from the Principal Dwelling.

# 71.03:(3) Unreasonable Regulation.

a) ...any restriction or regulation imposed ... shall be unreasonable if the regulation or restriction, when applicable to a Protected Use ADU:

1. Does not serve a legitimate Municipal interest sought to be achieved by local Zoning;
2. Serves a legitimate Municipal interest ...but its application to a Protected Use ADU does not rationally relate to the legitimate Municipal interest; or
3. Serves a legitimate Municipal interest ... and its application to a Protected ADU rationally relates to the interest, but compliance with ...restriction will:
  - a. Result in complete nullification of the use or development of a Protected Use ADU;
  - b. Impose excessive costs on the use or development of a Protected Use ADU without significantly advancing the Municipality's legitimate interest;
  - c. Substantially diminish the use or development of a Protected Use ADU without appreciably advancing the Municipality's legitimate interest.

b) Municipalities shall apply the analysis articulated in 760 CMR 71.03(3) (a) to establish and apply reasonable Zoning or general ordinances or by-laws, or Municipal regulations for Protected Use ADUs, but in no case shall a restriction or regulation be found reasonable where it exceeds the limitations, or is inconsistent with provisions, described below, :

1. Design Standards. Any Design Standard that:
  - a. Would not be applied to a Single-family Residential Dwelling...
  - b. Is so restrictive, excessive, burdensome, or arbitrary that it prohibits, renders infeasible, or unreasonably increases the costs of use or construction
2. Dimensional Standards. Any requirement concerning dimensional standards, ... that are more restrictive than is required for the Principal Dwelling..., whichever results in more permissive regulation, provided that no minimum Lot size for a Protected Use ADU.
3. Utilities, Safety, and Emergency Access. Any requirement ...that is more restrictive than is permitted by state requirements, ... A Municipality may not require a separate utility connection, such as water, sewer, electric...
4. Environmental Regulation. Any regulation for the protection of public health, safety, welfare and the environment pursuant to 310 CMR 15.000: *The State Environmental Code, Title 5: ...*, that is more restrictive than is required for a Single-family Residential Dwelling ...
5. Site Plan Review. Site Plan Review for ADU that is not clear and objective or imposes terms and conditions unreasonable or inconsistent with as-of-right.
6. Impact Analysis, Studies, and Fees. Any requirement for any impact analysis, study, report, or impact fee that is not required for a Single-family ...
7. Modular Dwelling Units. Any requirement that prohibits, regulates or restricts a Modular Dwelling Unit from being an...ADU more restrictive than Code.
8. Historic Districts. Municipalities may establish Design Standards and Dimensional Standards for Protected Use ADUs located in an Historic District that are more restrictive or different from what is required for a ...however, that such standards are not unreasonable pursuant to 760 CMR 71.03(3)(a).
9. Pre-existing Nonconforming Structures. A Municipality may not prohibit the development of a Protected Use ADU in an existing structure or Principal Dwelling, or Lot due to nonconformance, that could be used for, or converted into, a Protected Use ADU in conformance with the Building Code, 760 CMR 71.00, and state law.

## 71.03:(4-6) Regulation of Protected Use ADUs Cont'd.

4. Enforceability of Restrictions and Regulations on Pre-existing ADUs. A Municipality shall not enforce any Prohibited Regulation or Unreasonable Regulation that was imposed as a condition for the approval of the use of land or structures for a Protected Use ADU prior to the effective date of 760 CMR 71.00, regardless of whether such Protected Use ADU complies with the Municipality's Zoning, including, but not limited to, use requirements and dimensional requirements, such as setbacks, bulk, and height.
5. (5) Special Permits for Multiple ADUs on the Same Lot. Notwithstanding 760 CMR 71.03(1), if a Municipality chooses to allow additional ADUs on the same Lot as a Protected use ADU in a Single-family Residential Zoning District, Zoning shall require a Special Permit for the use of land or structures for the additional ADUs.
6. (6) Floodplain and Aquifer Protection Overlay Districts. Municipalities may require a Special Permit for development of a Protected Use ADU in a floodplain or aquifer protection overlay if required for the Principal Dwelling, provided that the Special Permit is based on clear, objective, and non-discretionary criteria. \*

# Proposed Zoning Bylaw Amendments - ADU and Lot Merger:

To see if the Town of Dennis will amend the Dennis Zoning By-laws by Amending the following Sections:

1. §2.2.2 (Use Regulation Schedule);
2. §2.2.2 *Footnote 8* (Use Regulation Schedule – Notes); \* §2.2.10
3. §2.3.2 (Intensity of Use Schedule);
4. §2.3.3.6 (Accessory Structures);
5. §2.4.1.2 (Non-Conforming Uses);
6. §4.11 (ADU); ADD §4.11.A and additional language to §4.11
7. § 5 (Definitions). The purposes of the Amendments, pursuant to M.G.L. c. 40A, § 3, ¶ 11 and 760 CMR 71.00, are to incorporate Sections 7, 8 and 10 of Massachusetts Chapter 150 of the Acts of 2024 relative to regulating Accessory Dwelling Units and Lot Merger for lots of a certain size and age.

# 1. §2.2.2 (Use Regulation Schedule);

## 1. Protected ADU should be added to the Use Regulation Schedule

- 1) ADD “*by Special Permit*” to 2.k for second ADU or ADU over 900 sf requiring a Special Permit.
- 2) ADD row 2.L for “Protected Accessory Dwelling Unit” allowed in all districts except Industrial.

§ 2.2.2 Use Regulations Schedule: Y - Permitted use; N - Prohibited use; S - Special Permit (1.4.2.1); SR –Special Review.

| PRINCIPAL USES  | DISTRICT     |                          |          |          |          |          |                 |          |                |                |
|---|--------------|--------------------------|----------|----------|----------|----------|-----------------|----------|----------------|----------------|
|   | R-40<br>R-60 | Quivet<br>Neck/<br>CPRPD | RR       | LB       | EB       | GC-I     | GC-II<br>GC-III | I        | DPVC<br>Area A | DPVC<br>Area B |
| 2 Residential Uses  |              |                          |          |          |          |          |                 |          |                |                |
| k. Accessory Dwelling<br>Unit <u><i>by Special<br/>Permit</i></u> | S            | N                        | S        | S        | N        | N        | S               | N        | S              | S              |
| <u><i>L. Protected<br/>Accessory Dwelling<br/>Unit</i></u>        | <u>Y</u>     | <u>Y</u>                 | <u>Y</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> | <u>Y</u>        | <u>N</u> | <u>Y</u>       | <u>Y</u>       |

**NOTE: Proposed New Language is Underlined in Bold Italic print in Times New Roman font.**

## 2. §2.2. Footnote 8 (Use Regulation Schedule – Notes); RE: Sec Ch. 150 Acts 24 Sec 10

- **ADD Footnote 8 to § 2.2. – “*Lot Merger: New houses proposed on previously non-conforming, non-buildable “remainder” lots, must first provide a title attorneys opinion, to be confirmed by Town Counsel, that at the time of recording or endorsement, the lot conformed to then existing requirements of area, frontage, width, yard or depth before issuance of a Building Permit and the new single-family residential structure constructed on said lot shall have a recorded notice that the structure shall not exceed 1,850 square feet of heated living area, shall contain not less than 3 bedrooms and shall not be used as a seasonal home or short-term rental before issuance of a Certificate of Occupancy.*”**

### Footnotes for Use Regulations Schedule

<sup>1</sup>Only if on premises of 5 acres or more, otherwise "S"

<sup>2</sup>There shall be no more than one security apartment per lot, containing no more than one bedroom.

<sup>3</sup>Temporary Uses are allowable under zoning, but they do require a permit from the Board of Selectmen. Such uses shall be allowable for no more than 11 days, from beginning of set-up to end of takedown.

<sup>4</sup>Parcels less than 5 acres.

<sup>5</sup>Where a Special Permit is required the Special Permit Granting Authority shall regulate the numbers of vehicles to be displayed and the area designated for such display.

<sup>6</sup>Except as allowed in §2.2.5.

<sup>7</sup> Any development of a community drinking water well shall require the filing of an environmental impact review that shall be subject to review and comment by the Board of Health and Conservation Commission, under the provisions of this Zoning By-law prior to Permit Approval by the Planning Board.

2.2.3 A home occupation shall include the services of the residents of the premises and no more than two

**NOTE: Proposed New Language is Underlined in Bold Italic print in Times New Roman font.**

### 3. § 2.3.2 (Intensity of Use Schedule);

- ADD Accessory Buildings to §2.3.2 to set maximum Building Height for new Accessory Structures. Add line with Accessory Structures.

2.3.2 Intensity of Use Schedule

|   | MINIMUM LOT REQUIREMENTS                  |                 |           | MINIMUM YARD SETBACKS       |               |                 | MAXIMUM                            |   |
|---|---|-----------------|-----------|-----------------------------|---------------|-----------------|------------------------------------|---|
|   | AREA<br>Sq.Ft.                            | FRONTAGE<br>ft. | WIDTH ft. | FRONT<br>ft. <sup>1,3</sup> | SIDE ft.      | REAR ft.        | TOTAL SITE<br>COVERAGE<br>% OF LOT | HEIGHT<br>STORIES                           |
| <b>DWELLING UNIT</b>                        |   |                 |           |                             |               |                 |                                    |   |
| In an R-60 District                         | 60,000                                    | 50              | 200       | 75                          | 30            | 30              | 15 <sup>4</sup>                    | 2½  |
| In Other Districts                          | 40,000                                    | 50              | 100       | 25                          | 15            | 25              | 15 <sup>4</sup>                    | 2½  |
| In the QNCP RP                              | See Section<br>2.3.3.12                   | 100             | 200       | 75                          | 50            | 60              | 15 <sup>3,6</sup>                  | 35 feet above<br>natural grade <sup>6</sup> |
| <b>DWELLING UNIT-TWO</b>                    |   |                 |           |                             |               |                 |                                    |   |
| In an R-60 District                         | 120,000                                   | 50              | 200       | 75                          | 30            | 30              | 15 <sup>4</sup>                    | 2½  |
| In Other Districts                          | 80,000                                    | 50              | 150       | 50                          | 25            | 25              | 15 <sup>4</sup>                    | 2½  |
| In the QNCP RP                              | See Section<br>2.3.3.12                   | 100             | 200       | 75                          | 50            | 60              | 15 <sup>3,6</sup>                  | 35 feet above<br>natural grade <sup>6</sup> |
| <b>DWELLING UNIT-MULTI</b>                  |   |                 |           |                             |               |                 |                                    |   |
| In an R-60 District                         | 180,000 +60,000<br>s.f per<br>unit over 3 | 100             | 200       | 75                          | 50            | 50              | 25                                 | 2<br>exclusive of roof                      |
| In Other Districts                          | 120,000<br>+40,000 s.f<br>per unit over 3 | 100             | 150       | 50                          | 50            | 50              | 25                                 | 2<br>exclusive of roof                      |
| In the QNCP RP                              | Not allowed                               |                 |           |                             |               |                 |                                    |   |
| <b>HOTEL/MOTEL OR MOTOR COURT</b>           |   |                 |           |                             |               |                 |                                    |   |
| In RR & GC Districts                        | 40,000<br>+2000 per guest<br>room or unit | 150             | 150       | 75                          | 35            | 50              | 70                                 | 2<br>exclusive of roof                      |
| <b>OTHER PERMITTED PRINCIPAL STRUCTURES</b> |   |                 |           |                             |               |                 |                                    |   |
| In an LB District                           | 40,000                                    | 150             | 150       | 75                          | 35            | 50              | 70                                 | 2<br>exclusive of roof                      |
| In an EB District                           | 40,000                                    | 200             | 200       | 100                         | 50            | 50              | 40                                 | "   |
| In a GC-I District                          | 40,000                                    | 150             | 150       | 50                          | 25            | 25 <sup>3</sup> | 70                                 | "   |
| In a GC-II District                         | 40,000                                    | 150             | 150       | 50                          | 25            | 25              | 70                                 | "   |
| In a GC-III District                        | 40,000                                    | 150             | 150       | 60                          | 25            | 25              | 70                                 | "   |
| In the DPVC Districts A & B                 | See Section 8                             | 100             | 100       | See Section 8               | See Section 8 | See Section 8   | NA                                 | See Section 8                               |
| In Other Districts                          | 40,000                                    | 150             | 150       | 50                          | 25            | 25 <sup>3</sup> | 70                                 | "   |
| In R-60 District                            | 60,000                                    | 200             | 200       | 75                          | 30            | 30              | 70                                 | "   |
| In the QNCP RP                              | See Section<br>2.3.3.12                   | 100             | 200       | 75                          | 50            | 60              | 15 <sup>3,6</sup>                  | 35 feet above<br>natural grade <sup>6</sup> |

# 3. § 2.3.2 (Intensity of Use Schedule);

3. §2.3.2 (Intensity of Use); Add lines to §2.3.2 for maximum Height for Accessory Structures.

- 1) ADD the word "**FEET**" to the title of the Height column;
- 2) ADD "**ACCESSORY STRUCTURES**" to type of structure column (first column).
- 3) ADD "**IN ALL DISTRICTS W/ LESS THAN 6:12 SLOPE**" in 1<sup>st</sup> column and **18'** in Height column,
- 4) ADD "**IN ALL DISTRICTS W 6:12 – 12:12 SLOPE**" in 1<sup>st</sup> column and **25'** in Height column,

## §2.3.2 Intensity of Use Schedule

|  | MINIMUM LOT REQUIREMENTS |          |              | MINIMUM YARD SETBACKS |          |          | MAXIMUM                         |                                  |
|--|--------------------------|----------|--------------|-----------------------|----------|----------|---------------------------------|----------------------------------|
|  | AREA<br>SF               | FRONTAGE | WIDTH<br>ft. | FRONT Ft              | SIDE ft. | REAR ft. | TOTAL<br>SITE<br>COVER<br>% LOT | HEIGHT<br><br><u><b>FEET</b></u> |
| <u><b>ACCESSORY STRUCTURES</b></u>                         |                          |          |              |                       |          |          |                                 |                                  |
| <u><b>IN ALL DISTRICTS W/ LESS<br/>THAN 6:12 SLOPE</b></u> |                          |          |              |                       |          |          |                                 | <u><b>18'</b></u>                |
| <u><b>IN ALL DISTRICTS WITH<br/>6:12 – 12:12 SLOPE</b></u> |                          |          |              |                       |          |          |                                 | <u><b>25'</b></u>                |

**NOTE: Proposed New Language is Underlined in Bold Italic print in Times New Roman font.**

## 4. §2.3.3.6 (Accessory Structures); Add Section c for all structures

- 2.3.3.6.A.i-v for Accessory Structures with a footprint of 200 square feet or less... exists.
- 2.3.3.6.B.i-iv for all other Accessory Structures exists.
- ADD §2.3.3.6. c. for All Accessory Structures – Height

### 4.1 ADD §2.3.3.6.c. All Accessory Structures

- i. ***Height: The top of the ridge of the roof of an accessory structure may not be greater than Eighteen (18) feet above the top of the lowest floor elevation, except that a maximum height of twenty-five (25) feet shall be allowed for a structure with a roof pitch between 6:12 and 12:12.***

From §12.8 Seasonal Cottages

§12.8.d(ii)

(i) The first floor elevation must be no greater than the minimum clearance required under the Building Code, or other applicable flood plain regulations, above the highest point where the structure meets the existing grade, or above base flood elevation, which-ever is greater.

(ii) The top of the ridge of the roof may not be greater than Eighteen (18) feet above the top of finished first floor elevation, except that a maximum height of twenty five (25) feet shall be allowed for a structure with a roof pitch between 6:12 and 12:12.

***NOTE: Proposed New Language is Underlined in Bold Italic print in Times New Roman font.***

# 4. Existing Dennis Zoning Bylaw 2.3.3.6 Accessory Structures

## 2.3.3.6 Accessory Structures

- a) A single accessory building with a footprint of 200 square feet or less, and a building height of no more than 15 feet:
  - I. Shall not be located forward of the front face of the principal structure whose front face is seventy-five (75) feet or less from the street line. For corner lots the front face shall be determined by the street from which the property gains its street address;
  - II. Shall not be placed less than seventy-five (75) feet from the street line when the front face of the principal structure is more than 75 feet from the street line.
  - III. May be located within other setback areas in accordance with Section 2.3.2 provided no portion of the accessory building is located within two (2) feet of any lot line, and subject to appropriate screening requirements as determined by the Building Commissioner;
  - IV. Shall not be included in calculating: (a) maximum total site coverage under Section 2.3.2 (Intensity of Use Schedule); and (b) floor space under Section 2.4.1.2.D (Non-Conforming Conditions); and
  - V. Shall not be erected without a Zoning Compliance Certificate from the Building Department and is subject to all fees in accordance with the Building Department Fee Schedule.
- b) All other accessory structures:
  - I. Shall be located in conformance with the required setbacks as found in Section 2.3.2 of this by-law;
  - II. Shall be included in calculating (a) maximum total site coverage under Section 2.3.2 (Intensity of Use Schedule); and (b) floor space under Section 2.4.1.2.D (Non-Conforming Conditions);
  - III. Shall not be placed forward of any face of the principal structure which is seventy-five (75) feet or less from the street line; and
  - IV. Shall not be placed less than seventy-five (75) feet from the street line when the principal structure is more than 75 feet from the street line.

#### 4. §2.3.3.6 (Accessory Structures); Add Section c for all structures

##### **c. 2.3.3.6. c. All Accessory Structures**

- i. Height: The top of the ridge of the roof of an accessory structure may not be greater than Eighteen (18) feet above the top of the lowest floor elevation, except that a maximum height of twenty-five (25) feet shall be allowed for a structure with a roof pitch between 6:12 and 12:12.**

# Avoid Accessory Structures like this one...



# 5. §2.4.1.2 (Non-Conforming Conditions);

- Existing §2.4.1.2(A): Non-Conforming Conditions allowed by Building Commissioner.

## 2.4 NON-CONFORMING CONDITIONS

### 2.4.1 General

The Use or location of building or structure or use of land, lawfully existing at the time of enactment or subsequent amendment of this By-law, may be continued, although such building, structure or use does not conform with the provisions of this By-law subject to the following conditions and exceptions:

#### A. Building Department

In the following circumstances, alteration, reconstruction, extension or structural change (collectively "alteration") to a single or two family residential structure shall not be considered an increase in the nonconforming nature of the structure and shall be permitted as of right by the building commissioner without the need for further zoning relief from the Zoning Board of Appeals:

1. Alteration to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient area where the alteration will also comply with all of said current requirements except lot area;
2. Alteration to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements except frontage;
3. Alteration to a structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, lot coverage and building height requirements, notwithstanding non-compliance with current area and frontage requirements; and
4. Alteration to a non-conforming structure, which will not increase the footprint of the existing structure provided that the alteration of the structure will comply with all setback and building height restrictions.
5. The voluntary demolition and reconstruction of a single or two-family residential structure that is reconstructed within the same footprint, building height, and the same volume or less as the building voluntarily demolished.
6. The relocation or movement of a non-conforming single or two-family structure such that the resulting non-conforming portion of the footprint is completely located within the prior, lawfully pre-existing non-conforming portion of the existing footprint.

## 5. §2.4.1.2 (Non-Conforming Uses);

Add §2.4.1.2(A)(7): Protected ADU permitted as of right by Building Commissioner.

5.1 ADD §2.4.1.2(A)(7):

**§2.4.1.2(A)(7) Accessory Dwelling Units (“ADUs”) By-right Pursuant to  
G.L. c. 40A, § 3, ¶ 11 and 760 CMR 71.00**

## **6. §4.11.A (ADU); To Dennis ZBL §4.11 Regulations Specific to Accessory Dwelling Units**

**ADD §4.11. A (Protected ADU) before existing §4.11.**

**§ 4.11.A: Accessory Dwelling Units (“ADUs”) By-right Pursuant to G.L. c. 40A, § 3, ¶ 11 and 760 CMR 71.00, one Protected Use ADU is allowed on a lot in the following Zoning Districts: R-40, R-60, Quivet Neck/Crowe’s Pasture Resource Protection District, RR, LL, GC-II, GC-III, DPVC Area A, and DPVC Area BA. Protected Use ADU is defined as a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in Gross Floor Area than 1/2 the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller and is proposed to be located on a Lot in a Single-Family Residential Zoning District and no other Accessory Dwelling Unit is located on said Lot. For purposes of this section, Gross Floor Area shall be the sum of the areas of all floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, but excluding: (i) covered walkways, open roofed-over areas, porches and similar spaces; and (ii) pipe trenches, exterior terraces or steps, chimneys, roof overhands and similar features.**

- a) Any Protected Use ADU created shall be prohibited from serving as a Short-Term Rental defined in General Laws Chapter 64G, Section 1. The minimum leasing term for the Accessory Dwelling Unit or the Principal Dwelling Unit shall be for a term greater than thirty-one (31) days.**
- b) Any Protected Use ADU shall be subject to all state and local laws, rules and regulations promulgated, enforced, or otherwise within the jurisdiction of the Building Code, Board of Health Regulations and Conservation Commission and shall be subject to all Lot Coverage, Setback and Dimensional requirements and thresholds in the Dennis zoning bylaws.**
- c) Any Protected Use ADU shall be housed in a structure subject to Building and Health Codes.**
- d) Any Protected Use ADU may only be created on lots on which there already exists a Principal Dwelling.**
- e) A Protected Use 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.**
- f) A Protected Use ADU shall be designed so that the appearance of the ADU will be consistent with the character and design of the principal dwelling as much as feasibly possible, as determined by the Building Inspector. To ascertain this, architectural or design plans must be submitted at the time of application for a Building Permit.**
- g) For ADU’s not allowed by right, such as more than one (1) ADU 900 square foot or less in a single-family residential zoning district, or an ADU larger than 900 square feet in a single-family residential zoning district, or an ADU in an any district other than a single-family residential zoning district, there shall be a Special Permit for the use of land or structures for an accessory dwelling unit per § 4.11 of the Dennis Zoning Bylaws.**

**NOTE: Proposed New Language is Underlined in Bold Italic print in Times New Roman font.**

## 6.2. Language for Protected ADU to be inserted between § 4.11 and § 4.11.1.

Add language to begin § 4.11.1: “Any ADU not protected pursuant to M.G.L. c. 40A, § 3, ¶ 11 and 760 CMR 71.00 shall require a Special Permit.”



### 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.

6.2 ADD the following language to the existing ADU bylaw (§4.11) for ADU that still require a Special Permit.

- **§4.11.1 Any ADU not protected pursuant to M.G.L. c. 40A, § 3, ¶ 11 and 760 CMR 71.00 as described above in § 4.11.A , shall require a Special Permit, for which the following Special Permit requirements apply.** 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) by Special Permit may be created...**
- **§4.11.3 An ADU by Special Permit may only be created on lots on which...**
- **§4.11.4 An ADU by Special Permit shall be subject to the following additional restrictions...**
- **4.11.4.6 An ADU by Special Permit shall not be located in a designated AE...**
- **§4.11.5 An ADU by Special Permit shall be considered an “accessory use”...**
- **§4.11.6 Any lot containing an ADU by Special Permit shall be subject to a recorded restrictions...**
- **§4.11.7 A dwelling proposed to include an ADU by Special Permit:**
- **§4.11.8 For the purposes of §4.11, ADU by Special Permit, one unit shall be owner occupied...**
- **§4.11.10.1 If the primary entrance of an ADU by Special Permit is not...**
- **§4.11.10.2 An ADU by Special Permit shall be designed so that...**
- **§4.11.11 Maximum Permits for ADUs by Special Permit...**
- **§4.11.12 Enforcement - § 4.11.12.1 Real property containing an ADU by Special Permit...**
- **§4.11.13 Monitoring and Other Provisions, for an ADU by Special Permit:...**

# 7. § 5 (Definitions) Dennis Existing and State Imposed ADU Definition

## 1. Dennis Pre-existing Definition (to be removed):

1. **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.

## 2. State Imposed Definition per SECTION 7. Section 1A of chapter 40A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the definition “Accessory dwelling unit” and inserting in place thereof the following definition:-

1. **“Accessory dwelling unit”, a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.**

## 7. § 5 (Definitions).

1. Per Section 7 of Chapter 150 the existing definition of ADU shall be removed; and
2. Per Section 7 of Chapter 150 the existing definition of ADU shall be Replaced by the following Definition: *Accessory Dwelling Units (“ADUs”) By-right Pursuant to G.L. c. 40A, § 3, ¶ 11 and 760 CMR 71.00, one Protected Use ADU is allowed on a lot in the following Zoning Districts: R-40, R-60, Quivet Neck/Crowe’s Pasture Resource Protection District, RR, LL, GC-II, GC-III, DPVC Area A, and DPVC Area BA Protected Use ADU is defined as a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in Gross Floor Area than 1/2 the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller and is proposed to be located on a Lot in a Single-Family Residential Zoning District and no other Accessory Dwelling Unit is located on said Lot. For purposes of this section, Gross Floor Area shall be the sum of the areas of all floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, but excluding: (i) covered walkways, open roofed-over areas, porches and similar spaces; and (ii) pipe trenches, exterior terraces or steps, chimneys, roof overhands and similar features.*
3. Per Section 10 of Chapter 150 we need to add the following new definition allowing Lots of a certain age and size, that have been undersized for many decades to be developed with conditions. *New houses proposed on previously non-conforming, non-buildable “remainder” lots, that at the time of recording or endorsement, the lot conformed to then existing requirements of area, frontage, width, yard or depth and the new single-family residential structure constructed on said lot shall not exceed 1,850 square feet of heated living area, shall contain not less than 3 bedrooms and shall not be used as a seasonal home or short-term rental.*

*NOTE: Proposed New Language is Underlined in Bold Italic print in Times New Roman font.*

# These ZBL Amendments do the following:

1. Restricts that there shall be no Short Term Rentals in the protected ADU;
2. Clarifies structures subject to Building and Health Codes as well as Dimensional Requirements of the ZBL.
3. Reiterates some state language in order to clarify at local level and so that regulations are not forgotten.
4. Requires new lots made developable by Section 10 record a notice reflecting the requirements.
5. Sets a maximum height for Accessory Structures.

# Other Bylaws to consider for next STM:

1. Home Occupation Bylaw
  1. ZBSC has Draft for review
2. § 4.9 Local Bylaw to Encourage Affordable Housing Revisions :
  1. Clarify the language,
  2. Consider confining use to Commercial Districts near transportation and services;
  3. Not in AE Flood Zone, etc.
3. Multi-Family Overlay as Growth Incentive Zone
  1. Require certain amount of housing with commercial Development to avowing DRI Review.
  2. Allow increase in density rather than develop other parts of Town.

## § 4.9 Local Bylaw to Encourage Affordable Housing

- Clarify the language: Example
- Question for proposal regarding interpretation of 4.9.3.3.3.
- §4.9.3.3.3 “Only those basements with at-grade walk-out capabilities may be converted into living space and garage parking stalls may be converted into living space only if the applicant can demonstrate an efficient and cost-effective method for providing heat and other utilities to the unit to be created”.
- Question is whether §4.9.3.3.3 “...only those basements with at-grade walk-out capabilities may be converted into living space...” also applies to those units being created?

# CURRENT & LONG-RANGE PLANNING: Town Planner update

- Local Comprehensive Plan: Drafting RFP for consultants;
- Open Space Plan: State has provisionally approved Updated Open Space Plan. Still Need to: Update Public Participation including outreach to Environmental Justice Populations; Update plan accordingly and add funding sources; Revisions needed map; ADA and facility inventory forms; Some name changes of State Departments (DEM is now DCR)
- Hazard Mitigation Plan: Need to form Committee to Update 2011 plan to maintain CRS of NFIP. Need an active HMP plan to remain in the Community Rating System (CRS) of the National Flood Insurance Program (NFIP),
- 30 Bob Crowell Road Feasibility Study: Consultants working on 3 concepts. Check-in meeting with consultants tomorrow. Stakeholder Meeting to be scheduled in March. Public Meeting to be scheduled soon thereafter.

# Next Meetings: March 17, 2025

- 107-11 Farm Lane ANR
- 744 Route 6A ANR