



Town of Dennis

685 Route 134, South Dennis, MA 02660 / Telephone: 508-394-8300 Fax: 508-394-8309

**129 Corporation Road**

**ZBA SPECIAL PERMIT STAFF REVIEW – September 19, 2024**

**NOTE TO THE APPLICANT:** The staff review is prepared for the Board of Appeals and is provided to applicants to inform them of issues that have arisen during the review of the application. The hearing is based upon the plans originally filed – the plans that the public were able to review upon receiving notice.

<b>APPLICANT:</b>	Anthony Tortolani C/O Theodore Streibert of Streibert Associates
<b>PROJECT ADDRESS:</b>	129 Corporation Road, Dennis MA (02638)
<b>MAP AND LOT NUMBER:</b>	Map 386 Lot 22 (0.38 acres)
<b>APPLICANT ADDRESS:</b>	15 Linden Tree Lane, Chatham MA (02633)
<b>CASE NUMBER:</b>	SP-028826-2024
<b>ZONING:</b>	R-40; Old Kings Highway Historic
<b>HEARING DATE:</b>	September 23, 2024

1. **Project Summary; Request per Zoning Bylaw; Plan Citations**
2. **Plans Specifications; Basic Site Data**
3. **Actions Requiring Findings**
4. **§ 1.4.2.1 Special Permit Granting Authority – Criteria and Proposal**
5. **Town Department Comments**
6. **Proposed Conditions**

<b>PROPOSAL</b>	Replace existing garage addition for family room/2-bedroom addition
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>• Demolish 1950 garage and replace with two-story addition in the same footprint.</li> <li>• Addition would have family room downstairs w/ 2-bedroom and bath upstairs.</li> <li>• The new structure would be proportioned as a Greek Revival to complement the main house and have a basement.</li> <li>• Septic system must be upgraded to appropriate number of bedrooms.</li> <li>• The proposed addition is within existing footprint and meets the bulk building thresholds other than the possible exceedance of non-conforming floor area to be checked.</li> </ul>
<b>REQUEST</b>	<p>Finding per: <b>§ 2.4.1.2.B</b> - Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental <b>(B.1)</b> for an Increase in the footprint of a structure that <u>does not comply with one or more required setbacks</u> where the <u>alteration will extend</u> lot coverage or <u>building height</u> where a structure does not conform to current setback requirements; <b>(B.3)</b> Increase in building height for any structure with a non-conformity subject to item B1 above if the increase in height is located within the portion of the structure that is non-conforming or for any structure covered by item B2 above;</p>
<b>PLOT PLAN</b>	Site Plans of 129 Corporation Rd. Dennis prepared for Anthony J. Tortolani by Paul E. Sweetser Professional Land Surveyor, P.O. Box 1146, Dennisport MA (02639). Plan consisting of 2 sheets with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated May 1, 2024. Revised Aug. 19, 2024 by Paul E. Sweetser.
<b>BUILDING PLANS</b>	Plans of 129 Corporation, Dennis MA (02668) prepared for Gormley/Tortolani House by Streibert Associates, 15 Linden Tree Lane, Chatham Massachusetts (02633). Plans consisting

of 4 Sheets with 1<sup>st</sup> Floor Plans, 2<sup>nd</sup> Floor Plans, and elevations 1 & 2. Plans dated ( in order), 8-20-2024, 5-12-2024, 4-12-2024, & 8-3-2024.

1.3.2 Plans and Specifications

REQUIREMENTS	PROVIDED ON PLAN
CERTIFIED PLOT PLAN INCLUDING	
LOCUS MAP	No
PERIMETER DIMENSIONS, INCLUDING FRONTAGE	Yes?
AREA OF LOT	Yes?(on Building plans)
NAMES OF STREETS	Yes
NAMES OF ABUTTING PROPERTY OWNERS	No
DISTANCES EXISTING AND PROPOSED STRUCTURES TO PROPERTY LINES	Yes
PROPOSED ADDITONS/ALTERATIONS OF EXISTING BLDGS W/ SETBACKS	Yes
PROXIMITY OF WETLANDS	No
EXISTING AND PROPOSED TOPOGRAPHYAND/OR OTHER LAND ISSUES	Yes
DIMENSIONS OF EXISTING AND PROPOSED STRUCTURES	Yes
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	?
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	?

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'		
Front Setback	25'	29.37'	29.37'
Right Side Setback	15'	45.39'	45.39'
Left Side Setback	15'	30.03'	30.03'
Rear Setback	25'	20.81'	20.81'
Lot Area	40,000	17,650 sf	17,650 sf
Lot Width	100'		
Non-conforming floor space within Setbacks		1,168 sf	1,168 sf
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			
Cumulative footprint size of all structures			
Cumulative lot coverage (footprint) percent for all	15%	9.55%	10%
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%	6.6%	6.6%

§ 2.4.1.2 B Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental

ACTION	FINDING
B1 - Increase in the footprint of a structure that does not comply with one or more required setbacks where the alteration will extend lot coverage or building height where a structure does not conform to current setback requirements;	
B3 - Increase in building height for any structure with a non-conformity subject to item B1 above if the increase in height is located within the portion of the structure that is non-conforming or for any structure covered by item B2 above; and 2.4.1.2 C	

§ 1.4.2.1 To hear and decide applications for special permits upon which the Board is empowered to act under this By-Law pursuant to M.G.L. ch. 40A. Special permits may be granted only upon a finding by the Board that the proposed use will not create a nuisance, hazard or congestion, or other significant harm to the neighborhood, nor cause derogation from the general purpose and intent of the By-Law, the stated district intent or applicable use criteria. It shall be the responsibility of the applicant for any special permit to show, to the satisfaction of the Special Permit granting authority, that the following criteria are met:

- a. The use is allowed by special permit in the district in which proposed, pursuant to §2.2.2 - Use Regulations Schedule; **The site is used for residential purposes and will continue to be used as such.**
- b. Suitability of the site for the proposed use in light of the applicable district intent, as provided in §2.1.5; **Residential uses are allowed within this district.**
- c. Adequacy of management of traffic flow within the site as well as in relation to adjoining streets and properties, so as to minimize unsafe or harmful impacts of the use; **Proposed alterations will not increase traffic to the site.**
- d. Compatibility of the proposed use with surrounding land uses, so as to minimize harmful impact or conflict with existing desirable neighborhood character, including views, vistas and other aesthetic values; **Site will continue to be used in a fashion similar to that of other properties and historical use.**
- e. Adequacy of provision of utilities and other necessary or desirable public services; **The addition will not increase the need for utilities or other public services.**
- f. Adequacy of control of artificial light, noise, litter, odor or other sources of nuisance or inconvenience to adjoining properties, public ways and neighborhoods; **The addition will not generate light, noise, litter, odor or other sources of nuisance.**
- g. Adequacy of protection from degradation and alteration of the natural environment, including but not limited to slopes and other topographical features, vegetation, wetlands, groundwater and water bodies and wildlife habitat. **The addition will not degrade the natural environment.**

#### **TOWN DEPARTMENTS COMMENTS:**

- **PLANNING:**
  - The proposal may need to be checked by the Architect/Engineer/Surveyor to ensure the second floor does not add more than 40% to the existing non-conforming floor area on the southeast Jericho road corner per §2.4.1.2.D.2.
  - Due to the location of the property in a dense residential neighborhood near the water, the time of year construction and not blocking the road conditions have been added.
  - The proposed addition is within existing footprint and meets the bulk building thresholds other than the possible exceedance of non-conforming floor area noted above.
  - The Board can find that a lawful pre-existing non-conforming structure exists on the property and the proposed addition, as conditioned, will not be substantially more detrimental to the neighborhood than the existing structure.
- **NATURAL RESOURCES:** Not in Conservation jurisdiction.
- **HEALTH:** Septic system must be upgraded to appropriate number of bedrooms. Storage space on second floor of new addition meets the definition of a bedroom.
- **BUILDING:** increased height in rear setback
- **ENGINEERING:**
  1. Plan should identify the locations of additions and reconstruction on the existing dwelling.
  2. This project as presented appears to result in a ground disturbance greater than 500sf. and is therefore required to meet the intent of the Stormwater By-Law.
  3. The existing pervious driveway and parking area should be utilized as a construction entrance, and for parking of vehicles and storage of materials. The contractor should be

responsible for maintaining Corporation Road free of accumulated sediment during construction

4. Provide temporary construction period linear erosion controls at a defined work limit as close to the area of construction as practical to contain sediment and infiltrate runoff on-site. Runoff, or sediment generated during construction, should not be discharged from the site to abutting properties or the road layout.
5. Permanent post construction erosion and sedimentation controls, such as vegetated swales and/or depressions should be considered as required to contain any post construction runoff on-site for infiltration.
6. Disturbed areas should be stabilized and revegetated as soon as practical following construction to minimize erosion.
7. Roof drains should be provided on all new construction (and existing dwelling as required) to contain and direct roof runoff to subsurface drywells or stone drip trenches for infiltration.
8. Existing screening to abutting properties should be maintained to the extents practical
9. Any revisions, relocations or expansion of the existing driveway should be designed to meet the 10ft. vegetated buffer requirement. If the driveway will be reconstructed it should be graded with a low point within the property boundary to direct runoff to adjacent natural areas for infiltration, or a suitable drainage system provided. No runoff from the driveway surface should be discharged to Corporation Road.

<b>PROPOSED CONDITIONS</b>	<ol style="list-style-type: none"> <li>1. The lot owners shall apply for all required permits and will comply with the intent of the Dennis Stormwater By-law, all requirements of the Dennis Conservation Commission and Board of Health and any other permits that are required.</li> <li>2. Construction shall not commence before 7:00 am nor continue after 7:00 pm Monday through Friday and shall not commence before 7:00 am nor continue after 5:00 pm on Saturdays. No construction shall occur on Sundays.</li> <li>3. The addition shall not generate new light, noise, litter, odor or other sources of nuisance. Any new lighting shall be restricted to downward-shielded motion sensitive security lighting that is "Dark-Sky" compliant.</li> <li>4. Failure to comply with all conditions in the Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit.</li> <li>5. Any off-street parking shall be a pervious surface.</li> <li>6. The contractor shall be responsible for maintaining the road in a condition free of accumulated sediment during construction and all appropriate drainage and erosion control measures as suggested by town engineering comments shall be implemented.</li> <li>7. Construction vehicles shall not park in or block the road.</li> <li>8. There shall be no exterior construction (including foundation work) or heavy equipment between the Friday before Memorial Day and the day after Labor Day.</li> <li>9. The second floor shall not add more than 40% to the existing non-conforming floor area per §2.4.1.2.D.2.</li> </ol>
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