



Town of Dennis

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

6 Fiddlers Green Lane

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.

APPLICANT:	David Dorant C/O Andrew Singer of Law Office of Singer & Singer
PROJECT ADDRESS:	6 Fiddlers Green Lane West Dennis MA (02670)
MAP AND LOT NUMBER:	Map 15 Lot 2 (0.114 acres – 5,000 sf)
APPLICANT ADDRESS:	27 Upper County Road, P.O. Box 67; Unit 26, Dennisport MA (02639)
CASE NUMBER:	SP-028996-2024
ZONING:	R-40
HEARING DATE:	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**

PROPOSAL	addition to existing single-family dwelling and a larger deck
PROJECT SUMMARY	<ul style="list-style-type: none"> • Construct a conforming 185 sf (10' X 18.5') 1-story addition off the back of the house • Enclose an existing three-season space within the same footprint; • Replace the rear decks with a larger deck and remove a shed.
REQUEST	<p>Finding per: § 2.4.1.2.B - Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental (B.1) 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 lot coverage or building height</u> where a structure does not conform to current setback requirements;</p>
PLOT PLAN	<p>Site Plan of 6 Fiddlers Green Lane West Dennis MA prepared for David & Barbra F. Dorant by JC Engineering INC. 2854 Cranberry Highway East Wareham, MA (02538). Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated June 13, 2024. Revised 7-11-24. Not Stamped</p>
BUILDING PLANS	<p>Plans of 6 Fiddlers Green Lane West Dennis MA prepared for The Dorant Residence, by Lincoln Architects 8 Winchester Place Suite 205A, Winchester MA(01890). Plans consisting of 4 sheets with Crawl Space Floor Plan, Main Level Floor Plan, Building Elevations, and Building Elevations. Plan Dated 7-23-24</p>
OTHER	<p>Floor Plan of 6 Fiddlers Green Lane West Dennis MA by Glass House Media. Plan consisting of 1 sheet with First floor Bedroom(x2), Primary Bedroom, Bath, Hall, Screened- 3 season Sitting Room, Eat-In Kitchen, and Living room</p>

1.3.2 Plans and Specifications

REQUIREMENTS	PROVIDED ON PLAN
CERTIFIED PLOT PLAN INCLUDING	
LOCUS MAP	YES
PERIMETER DIMENSIONS, INCLUDING FRONTAGE	YES
AREA OF LOT	YES
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	
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	YES
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	YES

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'		
Front Setback	25'	21.2'	21.2'
Right Side Setback	15'	10.4'	10.4'
Left Side Setback	15'	17.8'	17.8'
Rear Setback	25'	61.2'	59.6'
Lot Area	40,000	8,801 sf	8,801 sf
Lot Width	100'		
Non-conforming floor space within Setbacks		1	1
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%	13.9%	14.99%
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%	1	1

§ 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;	

§ 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 is a small addition to an existing single-story house, conforming to setbacks and is under the bulk thresholds.
 - 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 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:** Project reviewed and approved by Conservation in November 2023. ** Plan does not match that approved by Conservation. Applicant will need to revise plan with Conservation prior to any work being done. **
- **HEALTH:** Property located in an ESA. Requires variance from BOH. Property came before Board in June 2024, however floor plans for this project not consistent with what was approved.
- **ENGINEERING:**
 1. This project as presented results in a ground disturbance greater than 500 sf and is therefore required to meet the intent of the Stormwater By-Law.
 2. Provide temporary linear erosion controls (wattles/silt fence) at a clearly defined work limit as close as practical to the area of construction to prevent discharge of stormwater or sediment to adjacent properties and/or roads.
 3. Maintain any existing ground cover or vegetation to the extents practical. Disturbed areas should be stabilized and revegetated as soon as practical following construction to minimize erosion. Existing vegetated buffers surrounding the lot should be maintained, or enhanced as necessary to provide the maximum screening possible to abutters.
 4. Grading shown on the plan appears to direct surface runoff to a low point via vegetated swales for infiltration on-site.

5. Roof drains should be installed on the addition and existing dwelling (if not existing) to collect runoff and direct to subsurface infiltration areas, or stone trenches along the roof drip line.
6. A stone construction entrance will be required in area of equipment access to and from the site. The existing gravel driveway may satisfy this requirement as long as it is properly maintained. Contractor should be responsible for repairing any damage to the private road.
7. As Fiddlers Green Lane is a private road, no road opening permit will be required for revisions (if proposed) to the existing driveway. If revisions are proposed, the applicant should attempt to shift the driveway to provide the 10ft. vegetated sideline buffer per zoning, or maximize the setback to the extents practical.
8. It is recommended to retain the existing gravel driveway surface to permit infiltration of water. If the driveway is to be paved, the new surface shall be graded to a low point within the property boundary where runoff can be collected and directed to adjacent natural areas for infiltration onsite. No runoff generated in the driveway should be discharged off-site

PROPOSED CONDITIONS	<ol style="list-style-type: none"> 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. 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. 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. 4. Failure to comply with all conditions in the Conservation Commission Order of Conditions or the Board of Health Variance shall be deemed cause to revoke the ZBA Special Permit. 5. Any off-street parking shall be a pervious surface. 6. Grading should be limited to what is absolutely necessary and as many existing trees as possible should be maintained. Disturbed areas should be stabilized and revegetated as soon as practical following construction to minimize erosion. Additional screening should be provided in areas where vegetation is removed or the grade is altered. 7. 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. 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. 9. Construction vehicles shall not park in or block the road.
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