



Town of Dennis

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

7 Port Way

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:	Michael Anthony Recny C/O Edward Shea
PROJECT ADDRESS:	7 Port Way West Dennis MA (02670)
MAP AND LOT NUMBER:	Map 27 Lot 159 (0.17 acres – 1,726sf)
APPLICANT ADDRESS:	11 Memorial Drive Unit: Suite 2 Plymouth, MA 02360
CASE NUMBER:	SP-029084-2024
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	New interior and exterior additions
PROJECT SUMMARY	<ul style="list-style-type: none"> • To construct a conforming 100± sq. ft., one-story addition to fill in a jog at the front of the house and two doorway roof overhangs at the front and side of the house. • Side roof overhang of addition will be set back further than the existing deck (7.4’ existing, 10.7’ proposed); Front overhang will be pulled in slightly from exist. stoop; • The property is the AE Flood Zone and subject to BoH and Conservation, both of whom have already approved the project.
REQUEST	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;
PLOT PLAN	Site Plan of 7 Port Way, West Dennis, Massachusetts prepared for Michael Recny by Dan Ojala of Down Cape Engineering 939 Main Street (Route 6A) Yarmouthport MA (02675). Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated February 21, 2024 by Dan Ojala.
BUILDING PLANS	Plan of 7 Port Way, West Dennis MA prepared for Michael Recny by Duxboroug Designs 34 Clifford Road, Plymouth MA (781). Plan consisting of 7 sheets with First Floor Plan, Proposed Right & Front Elevations, Proposed Rear & Left Elevations, Foundation Plan, Roof & Ceiling Framing Plan, Proposed & Existing Roof View, Existing right, Front, Left & Rear Elevations and Existing Floor Plan. Plan dated 8-19-24

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	Yes
DISTANCES EXISTING AND PROPOSED STRUCTURES TO PROPERTY LINES	Yes
PROPOSED ADDITONS/ALTERATIONS OF EXISTING BLDGS W/ SETBACKS	Yes
PROXIMITY OF WETLANDS	Yes
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'	23'2	23'2
Right Side Setback	15'	12'5	12'5
Left Side Setback	15'	7'4	10'7
Rear Setback	25'	31'7	31'7
Lot Area	40,000	7,500 sf	7,500 sf
Lot Width	100'		
Non-conforming floor space within Setbacks		1,528sf	1,726sf
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			13%
Cumulative footprint size of all structures			
Cumulative lot coverage (footprint) percent for all	15%	21.7%	23.6%
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%		22.1%

§ 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:**
 - Small addition with a slight improvement in the left side setbacks and under the bulk threshold.
 - 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 has been approved by Conservation.
- **HEALTH:** Project was approved by BOH on 8/4/2023
- **ENGINEERING:**
 1. The project will require review and approval by the Conservation Commission, as well as building code review for construction in the flood zone.
 2. It is likely that the cumulative area of ground disturbance to construct additions, access the work areas and upgrade the septic tank will impact greater than 500ft. surface area. Therefore, it is recommended that this project be required to meet the intent of the Town of Dennis Stormwater By-Law.
 3. Roof drainage shall be directed to subsurface drywells or stone trenches along the drip line for infiltration
 4. Construction period linear erosion and sedimentation controls should be installed along a clearly defined work limit approved by the Conservation Commission, and maintained until all work is completed and new vegetation has stabilized
 5. Any existing buffer screening or landscaping to abutting properties should be maintained
 6. Additional linear erosion controls should be considered surrounding the areas of work, to prevent off-site discharge of sediment to abutting properties or the private road.

7. Permanent measures to contain runoff on-site for infiltration, such as natural swales or vegetated depressions, should be considered between the house and the resource area to contain and infiltrate runoff if there is evidence of flow in that direction, and the current surface cannot properly infiltrate the runoff.
8. Any revisions to the existing driveway (if proposed) will not require a road opening permit, as Port Way is a private road. Any driveway revisions should be constructed with a low point within the property boundary to contain and direct runoff to adjacent natural areas for infiltration on-site. No runoff from the driveway should flow into the road layout.

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. 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. 6. Construction vehicles shall not park in or block the road. 7. There shall be no exterior construction (including foundation work) or heavy equipment between the Friday before Memorial Day and the day after Labor Day.
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