



Town of Dennis

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

46 Wild Hunter 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.

APPLICANT:	Kyle & Christina Baker C/O Thomas Moore
PROJECT ADDRESS:	46 Wild Hunter Road, Dennis MA (02638)
MAP AND LOT NUMBER:	Map 347 Lot 24 (0.38 acres – 16,817 sf)
APPLICANT ADDRESS:	502 Alden Avenue, Westfield NJ (07090)
CASE NUMBER:	SP-029113-2024
ZONING:	R-40; Old Kings Highway Historic
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	Raze and replace
PROJECT SUMMARY	<ul style="list-style-type: none"> • Raze the existing 1-story, single-family dwelling built in 1957 and re-build a new 2-story single-family dwelling in an expanded footprint. • The exiting setback from the left side is 23.9’ where 25’ is required due to a paper road (Hippogriffe Road) that is a path. • The proposed new single-family dwelling will conform to all setbacks, lot coverage and building height regulations. • The proposed project will not have any non-conforming area. • The proposed new house will not encroach into any required setbacks. • The proposed house is under the 15% lot coverage restriction. The proposed lot coverage is 14.93%.
REQUEST	Finding per: § 2.4.1.2.C. - Special Provisions for Relocation/Recon. of 1 or 2-Family Structures Not Located w/n Existing Footprint (C.2) The <u>voluntary demolition and reconstruction</u> of a building or structure <u>nonconforming by dimension...</u> and the non-conforming nature of the new proposed structure is found to be substantially less non-conforming.
PLOT PLAN	Site Plan of 46 Wild Hunter Road (Lot 340) Dennis MA, prepared for Kyle Baker, 502 Alden Ave., Westfield NJ (07090) by AJM Site Design, LLC, 4 Crestview Drive, East Sandwich MA (02537). Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated 7-10-2024, Revised 8-18-24 by Paul Sweetser.

BUILDING PLANS	Plan of 46 Wild Hunter Road, Dennis MA, prepared for Christina & Kyle Baker, by Thomas Moore, of Thomas A. Moore Design Co., 949 Route 137, P.O. Box 2124, Brewster MA. Plan consisting of 5 sheets with, First Floor Plan, Second Floor Plan, Front & Right-Side Elevations, Rear & Left Side Elevations, and Foundation Plan. Plans Dated 8-20-2024.
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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	NA
EXISTING AND PROPOSED TOPOGRAPHYAND/OR OTHER LAND ISSUES	Yes
DIMENSIONS OF EXISTING AND PROPOSED STRUCTURES	Yes
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	Yes
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'		
Front Setback	25'	27'	32.1'
Right Side Setback	15'	21.4'	15.7'
Left Side Setback	25'	23.9'	25.7'
Rear Setback	25'	117.1'	76.7'
Lot Area	40,000	16,817 sf	16,817 sf
Lot Width	100'		
Non-conforming floor space within Setbacks		25sf	0 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%	8.1%+/-	14.9%+/-
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%	8.1%	24.59%

§ 2.4.1.2 C - Special Provisions for Relocate/Recon. of 1 or 2-Family Structures Not Located w/n Existing Footprint

ACTION	FINDING
C2 - Voluntary demolition and reconstruction of a building or structure which is non-conforming by dimension on any other location on the lot in which it is located outside of the existing non-conforming footprint unless it conforms with the dimensional regulations of the zone in which it is located or the non-conforming nature of the new proposed structure is found to be substantially less non-conforming by the ZBA	

§ 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:**
 - Raze the existing 1-story, single-family dwelling built in 1957 and re-build a new 2-story single-family dwelling in an expanded footprint.
 - The proposed new single-family dwelling will conform to all setbacks, lot coverage and building height regulations and will not have any non-conforming area or encroach into any required setbacks.
 - The proposal is significantly larger than the existing house, but improves a couple of setbacks and is under the bulk thresholds.
 - The Board can find that a lawful pre-existing non-conforming structure exists on the property and the proposed reconstruction, as conditioned, will not be substantially more detrimental to the neighborhood than the existing structure.
- **NATURAL RESOURCES:** Not in Conservation jurisdiction.
- **HEALTH:** Complete septic application required prior to sign off on Building Permit.
- **ENGINEERING:**
 1. 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.
 2. Drywells for infiltration of roof runoff have been shown on the plan.
 3. A stone construction entrance should be provided in the area of site access for equipment. If the existing driveway is to be used for access and storage of materials, contractors should be responsible for minimizing sediment tracking onto Wild Hunter Road. The contractor should

be responsible for maintaining Wild Hunter Road free of accumulated sediment during construction

4. Provide temporary construction period linear erosion controls at a defined work limit as close as practical to the area of disturbance 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 and confirmed by the engineer) where the new grade slopes toward the southeast corner of the site. Confirm that runoff from the new slope and driveway will be contained in this area and not discharge to abutting property.
6. A road opening permit will be required for the new driveway location. The driveway has been designed to meet the 10ft. vegetated buffer requirement. The engineer should confirm that runoff generated from the driveway surface within the property boundary will be contained and infiltrated on-site. A majority of the runoff appears to be directed to the low area in the southeast corner of the property off the driveway surface. As stated above, the engineer should confirm the ability of this area to accept and infiltrate the anticipated amount of runoff. Prior to issuance of the road opening permit, the engineer should confirm that all runoff from the driveway will be contained on-site, or provide any additional measures via grading, or separate inlet/trench drain type structure, to contain all driveway runoff.
7. Disturbed areas should be stabilized and revegetated as soon as practical following construction to minimize erosion. Special attention should be given to stabilizing any bare slopes, where runoff can cause sediment to flow toward abutting properties.
8. Existing screening to abutting properties should be maintained, or replacement screening installed as necessary to provide a minimum 10t. vegetated buffer

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 Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit. 5. 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. 6. A road opening permit will be required for the new driveway location. 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. Construction vehicles shall not park in or block the road. 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.
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