



Town of Dennis

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

18 Country Lane

ZBA SPECIAL PERMIT STAFF REVIEW – January 27, 2025

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:	Andrew Sambuco C/O Michael Ferullo
PROJECT ADDRESS:	18 Country Lane, Dennisport MA (02639)
MAP AND LOT NUMBER:	Map 89 Lot 55 (0.32 acres – 14,365 sf)
APPLICANT ADDRESS:	PO Box 549, Yarmouth Port, MA (02675)
CASE NUMBER:	SP-029585-2024
ZONING:	R-40
HEARING DATE:	October 28, 2024 continued to December 23 Without Testimony; December 23, 2024 continued to January 27, 2025 Without Testimony

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	Build new 16' x 18' four season room
PROJECT SUMMARY	<ul style="list-style-type: none"> • Small addition, not in any setbacks. • About half of property is within 500-year flood but not area proposed for addition. • Note Health comments re: Title V Inspection Required to determine groundwater.
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	Plot Plan of 18 Country Lane Dennisport, MA (02639), prepared for Kathrine Ferullo, Ferullo Remodeling, P.O. Box 549, Yarmouthport, MA (02675) by Merrill Engineers and Land Surveyors, 427 Columbia Road Hanover, MA 02339. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated January 06, 2025 by Bradley K. Lemont.
BUILDING PLANS	Plan of Additions and Renovations at 18 Country Lane Dennisport, MA prepared for Andrew Sambuco by ERT Architects, 299 White’s Path South Yarmouth, Massachusetts, 02664. Plan consisting of 1 sheet with Proposed floor plan of Existing 1 st Floor, New Sunroom, Front Elevation, Left Elevation and Right Elevation. No date or Stamp.

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	14365sf
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	Yes

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	95.38ft	95.38ft
Front Setback	25'	101.3ft	93.2ft'
Right Side Setback	10'	20'	20'
Left Side Setback	10'	14'	14'
Rear Setback	25'	22.2ft	22.2ft
Lot Area	40,000	14,365 sf	14,365 sf
Lot Width	100'	95'	95'
Non-conforming floor space within Setbacks			Non-proposed
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			No increase
Cumulative footprint size of all structures			
Cumulative lot coverage (footprint) percent for all	15%	7.6%	9.5%
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%		N/A

§ 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 slight increase to the lot coverage which is still below 10% and does not impact any setbacks.
 - 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 is not in Conservation jurisdiction.
- **HEALTH:** Title 5 System inspection required with groundwater determination for potential ESA criteria.
- **ENGINEERING:** No comment.
- **BUILDING:** Increase in footprint of a structure on a non-conforming lot with insufficient lot width

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