



Town of Dennis

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

79 Lawrence Road Special Permit

ZBA SPECIAL PERMIT STAFF REVIEW – February 20, 2025

APPLICANT:	Patricia Brady c/o Michael Ryan
PROJECT ADDRESS:	79 Lawrence Road Dennisport, MA 02639
MAP AND LOT NUMBER:	Map 53 Lot 27 (0.14 acres – 6,075 sf)
APPLICANT ADDRESS:	12 Emerson Way, Salem, New Hampshire 03079
CASE NUMBER:	PBSP-25-2 - Inadvertently applied to Planning – Number to be reassigned
ZONING:	R-40
HEARING DATE:	February 24, 2025

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	Small approximately 2'9" x 4'6" addition to square off an irregular corner.
PROJECT SUMMARY	<ul style="list-style-type: none"> • Applicant would like to add a small section to the corner (approximately 2'9" x 4'6") of an existing room on the southeast side of building. • Proposal includes changing the flat roof to a pitch roof to help drainage. • Proposal requires an additional Sono-tube to support the new corner addition. • Exterior coverings removed to the studs and repair any necessary damage/rot that from water intrusion and bring all up to code. • Applicant inadvertently applied to Planning rather than Zoning on new platform.
FINDING REQUIRED	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; (B.2) Increase in the lot coverage of a structure where the structure currently exceeds lot coverage;
PLOT PLAN	Plot Plan of 79 Lawrence Road Dennis, MA 02639, prepared for Patricia Brady by Ryder & Wilcox Surveying, Engineering, Home Planning and Design, 3 Giddiah Hill P.O. Box 439 SO. Orleans, Massachusetts 02662. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated 11-05-20 by David Lyttle.
BUILDING PLANS	Architectural Plans 79 Lawrence Road Dennisport MA, prepared for Steve Mahoney by SJM Building & Remodeling Design. Plan consisting of 6 sheets with Project Cover, Foundation Plan (Existing and Proposed), Proposed exterior elevations, Structural Framing (Roof Plan), Proposed first floor plan. Plan dated 9-14-24

1.3.2 Plans and Specifications

REQUIREMENTS	PROVIDED ON PLAN
CERTIFIED PLOT PLAN INCLUDING	
LOCUS MAP	No
PERIMETER DIMENSIONS, INCLUDING FRONTAGE	Yes – 60'
AREA OF LOT	Yes
NAMES OF STREETS	6,075 sf
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	No
DIMENSIONS OF EXISTING AND PROPOSED STRUCTURES	No
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	Yes
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	Yes

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	100'	60'	60'
Front Setback	25'	26.3'	26.3'
Right Side Setback	15'	10.5'	10.5'
Left Side Setback	15'	10.8'	10.8'
Rear Setback	25'	36.7'	36.7'
Lot Area	40,000 sf	6, 075 sf	6, 075 sf
Lot Width	100'	60'	60'
Non-conforming floor space within Setbacks	911 sf	911 sf	911 sf
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			0
Cumulative footprint size of all structures		1,025 sf	1,037 sf
Cumulative lot coverage (footprint) percent for all	15%	16.9%	17.1%
Cumulative floor space of all structures (F.A.R.)		1,025 sf	1,037 sf
Cumulative floor space to lot area % all structures	30%	16.9%	17.1%

§ 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;	
B2 - Increase in the lot coverage of a structure where the structure currently exceeds lot coverage;	

§ 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 minimal proposal 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:** Not in Conservation Jurisdiction
- **HEALTH:** No change in room count.
- **ENGINEERING:** No comment.

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.
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