



Town of Dennis

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22 Woodland Drive

ZBA SPECIAL PERMIT STAFF REVIEW – March 20, 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:	Charles H Alix ET UX C/O Paul Sweetser
PROJECT ADDRESS:	22 Woodland Drive, West Dennis
MAP AND LOT NUMBER:	Map 49, Parcel 30 (0.17 acres –7,500sf)
APPLICANT ADDRESS:	46 Great Road Sudbury, MA 01776
CASE NUMBER:	ZBAS-25-4
ZONING:	R-40; AE Flood Zone
HEARING DATE:	March 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	14' by 11' addition on the back of the house
PROJECT SUMMARY	<ul style="list-style-type: none"> • The single story, two-bedroom dwelling was built in 1961. • Existing dwelling footprint is 905 square feet to the drip edge and is 12.07% coverage which is 2.93% under the 15% allowed. • Existing screened porch is proposed to be enclosed and the new proposed addition behind that is proposed to be living room space. • The total area of the addition is 177 square feet to the drip edge added to the existing 905 square feet makes the total building area 1,082 sf (14.43% coverage). • No expansion into setbacks.
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</u> where a structure does not conform to current setback requirements;
PLOT PLAN	Site Plan of 22 Woodland Drive West Dennis, MA (02670) prepared for Charles and Julie Alix, 46 Great Road, Sudbury, MA (01776) 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 2-10-2025 by Paul E. Sweetser and Asa J. Mintz.
BUILDING PLANS	Plan of 22 Woodland Circle West Dennis prepared for Mr. & Mrs. Charlie Alix. Plan consisting of 3 sheets with Elevations, Floor & Foundation Plan and Existing Floor Plan. Plan dated 1-24-25 by E. A. Oman.

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	Yes

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	100'	75'	75'
Front Setback	25'	29.08'	29.08'
Right Side Setback	15'	11.49'	11.49'
Left Side Setback	15'	22.6'	22.6'
Rear Setback	25'	45.87'	31.2'
Lot Area	40,000	7,500 sf	7,500 sf
Lot Width	100'	75'	75'
Non-conforming floor space within Setbacks		86'	86'
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period		0	0
Cumulative footprint size of all structures		905 sf	1,082 sf
Cumulative lot coverage (footprint) percent for all	15%	12.07%	14.48%
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%		

§ 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; **No increase in 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 not within setbacks and will remain under 15% lot coverage.
 - Per comments below, the project must file an RDA with Conservation and apply for a variance from the Board of Health.
 - 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 area appears to be within flood zone. Will require Request for Determination of Applicability to be filed with Conservation for review and approval.
- **HEALTH:** Property located in an Environmentally Sensitive Area. Will require variance from BOH as well as Title 5 system inspection.

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 from the Conservation Commission or the Board of Health permit shall be deemed cause to revoke the ZBA Special Permit. 5. Any off-street parking shall be a pervious surface. 6. 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 shall be implemented.
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	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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