



Town of Dennis

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**55 Lower County Road Special Permit  
ZBA SPECIAL PERMIT STAFF REVIEW – March 20, 2025**

***Note: New information is printed in Bold Italic Type.***

<b>APPLICANT:</b>	John and Susan Lovett c/o Ranney Building & Design, Inc
<b>PROJECT ADDRESS:</b>	55 Lower County Road U-11, West Dennis, MA 02670
<b>MAP AND LOT NUMBER:</b>	Map 13 Lot 58-11 (2.77 acres –120,819 sf)
<b>APPLICANT ADDRESS:</b>	239 Scudder Avenue, Hyannis, MA 02601
<b>CASE NUMBER:</b>	PBSP-25-1 _Project mistakenly applied as PB SP
<b>ZONING:</b>	R-40
<b>HEARING DATE:</b>	February 24, 2025; <b>Continued without testimony to March 24, 2025.</b>

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**

<b>PROPOSAL</b>	Construct an approximately 440 sf addition in the front of a single-story home.
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>• Project consists of a new 3-season porch in front and expansion of a bedroom.</li> <li>• Largest part of addition is a 23.25’ by 15.5’ (360 sf) addition of a three-season room in front in place of a pergola, deck and front lawn.</li> <li>• Also adding an 8’ x 10’ (80 sf) addition to the left front of the house to make more room in the existing primary bedroom</li> <li>• According to Septic Plans from 2015, the project needed to be re-designed to stay away from the leaching field.</li> <li>• <b><i>Applicants have slightly revised plans to avoid (it seems) the leaching field.</i></b></li> </ul>
<b>REQUEST</b>	Finding per: <b>§ 2.4.1.2.B</b> - Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental ( <b>B.1</b> ) 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 setbacks.
<b>PLOT PLAN</b>	Plot Plan of 55 Lower County Road U-3 West Dennis, prepared by Canal Land Surveying and Permitting Inc. 306 Old Plymouth Road, Sagamore Beach, MA 02562. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated 10-24-2024 by Richard J. Hood.
<b>BUILDING PLANS</b>	Plan of 55 Lower County Road West Dennis, by Ranney Building & Design, Inc. Hyannis, MA 02601. Plan consisting of 11 sheets with proposed designs (A-1 through A-5), Proposed Floor Plans (A- 6 and A-7), Proposed Deck Plans (A-8 and A-9), Proposed Sun Porch Plans, And Existing Structure dimensions. Plans dated 11/12/2024.
<b>OTHER</b>	<b><i>Need Condominium Vote</i></b>

1.3.2 Plans and Specifications

REQUIREMENTS	PROVIDED ON PLAN
CERTIFIED PLOT PLAN INCLUDING	
LOCUS MAP	Yes
PERIMETER DIMENSIONS, INCLUDING FRONTAGE	No
AREA OF LOT	74.3
NAMES OF STREETS	Yes
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/Yes
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	Yes
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	Yes

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	147'	147'
Front Setback	25'	127.2	129.7
Right Side Setback	15'	200'	200'
Left Side Setback	15'	128.8'	128.8'
Rear Setback	25'	26'	26'
Lot Area	40,000	934	1278
Lot Width	100'	400	400
Non-conforming floor space within Setbacks			
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			Zero due to condo w/ setbacks from whole.
Cumulative footprint size of this structure		1,054 sf	1, 516 sf
Cumulative footprint size of all structures in Condo		8,145 sf	8,537 sf
Cumulative lot coverage (footprint) percent for all	15%	7.9%	8.3&
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; **Should not increase traffic to 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 & other necessary public services; **no increase for utilities or 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. **Addition, once septic ascertained, should not degrade the natural environment.**

#### **TOWN DEPARTMENTS COMMENTS:**

- **PLANNING:** Project consists of a new 3-season porch in front and expansion of a bedroom.
  - According to Septic Plans from 2015, the project may need to be re-designed to stay away from the leaching field. The plan shows that the current structure is 10' from the leaching field in front. If the new three-season porch is on sono-tubes then it can be built just up to the leaching field. Current plans show the proposed 3-season porch and deck in front of the building encroaching on the leaching field, which is not allowed.
  - Applicant wants to confirm location of the leaching field and revise design only if necessary.
  - Due to the location of the property in a seasonal residential neighborhood near the water, the time of year construction and not blocking the road conditions have been added.
  - The proposal is significantly larger than the existing house, but is not subject to ordinary setbacks in the condominium association and overall units are under the bulk thresholds.
  - Several neighbors have written in support and evidence of a condominium vote approving the proposal is apparently pending.
  - If setbacks derived from Association Circular Drive, project could not be done in this location.
  - 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:** Conservation approved the project.
- **HEALTH:** Site is not in Zone 2 but there is a high-water table. 2015 Septic plans show leaching field is only 10' bare minimum from existing building. If plans are accurate design must be revised. Expansion of bedroom will require a 16B Variance from the Board of Health.
- **ENGINEERING:** The Engineering Department offers the following comments based upon a review of "Plot Plan Showing Proposed Conditions, #55 Lower County Road, Unit #11, West Dennis, Massachusetts" prepared by Canal Land Surveying and Permitting, Inc., dated December 1, 2024.

#### **General Engineering Comments:**

- 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.**

- Provide temporary construction period linear erosion controls at a defined work limit as close to the area of construction as practical to contain sediment and infiltrate runoff. Runoff, or sediment generated during construction, should not be discharged from the site to abutting exclusive use or common areas.
- The plan does not include an existing foundation elevation or information related to any site grading. Any grading shall contain all runoff within the exclusive use area.
- Permanent post construction erosion and sedimentation controls, such as vegetated swales should be considered as required to contain any post construction runoff generated.
- Disturbed areas should be stabilized and revegetated as soon as practical after construction.
- Roof drains should be provided on all new construction, and existing dwelling as required, to contain and direct roof runoff to subsurface drywells or stone drip trenches for infiltration.
- Existing vegetated screening to abutting properties or to adjacent condominium units on the property, should be maintained to the extents practical. If any vegetated buffer is removed during construction, equivalent or enhanced screening should be provided as replacement.
- The proposed construction will occur within a flood zone. Any specific structural requirements for the proposed work will need to be confirmed with the Building Department, and the need for Conservation Review and approval should also be determined.
- The applicant should confirm that the proposed work will not impact the ability to park resident vehicles completely off the edge of the existing access driveway, and within the exclusive use area. Use of common areas for resident parking should be confirmed if these areas will need to be utilized. Parking of contractor vehicles should be limited to the Unit's exclusive use area, and not obstruct any common/exclusive use areas, unless approved by CA.

<b>PROPOSED CONDITIONS</b>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. Failure to comply with all conditions in any Conservation Commission Permit or the Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit.</li> <li>5. Any off-street parking shall be a pervious surface.</li> <li>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 as suggested by town engineering comments shall be implemented.</li> <li>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.</li> <li>8. Construction vehicles shall not park in or block the road.</li> <li>9. Construction shall not begin until the exact location of the leaching field is determined and any development is at least 10 feet away from the leaching field and on sonotubes.</li> <li>10. Plans must be confirmed by Health Department that no construction shall occur within leaching area. Project must be reviewed by Health for Variance.</li> </ol>
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