



Town of Dennis

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174 LOWER COUNTY ROAD

ZBA SPECIAL PERMIT STAFF REVIEW – April 24, 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:	Jon Hall
PROJECT ADDRESS:	174 Lower County Road Dennisport, MA 02639
MAP AND LOT NUMBER:	Map 36 Lot 44 (0.27 acres – 11761 sf)
APPLICANT ADDRESS:	P.O. Box 636, Dover, MA 02030
CASE NUMBER:	SP-029919-2024
ZONING:	Resort Residential; Partly in 500-year flood zone
HEARING DATE:	November 25, 2024, Continued several times with taking testimony to April 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	Create two-rooms (192 sf & 396 sf = 588 sf) on second floor above garage.
PROJECT SUMMARY	- Proposal is to create a bedroom/apartment with two-rooms (192 sf & 396 sf = 588 sf) on the second floor of part of the front building above one of the garages. - The former Gas Station had been vacant for many years. Property consists of workshops w/ concrete floors in front. There have been various additions at various stages. A 2-story single-family residence with 3-bedrooms is attached behind. - The workshops/garage bays face Lower County Road and the property is also accessed via Ezra's Path on the west and Lorree Lane on the east. - The project has been revised significantly since the original submittal. - Workshop space on first floor would remain as storage of vintage cars - The proposed addition would include an upgrade of the entire front in a traditional Cape style with new cedar shingle siding. The large overhead doors on the left would remain and the roof would be raised slightly.
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 174 Lower County Road Dennisport, MA prepared for Jon Hall by Weller & Associates, P.O. Box 417, Centerville, MA. Plan consisting of 1 sheet with Existing and Proposed Lot area. Plan dated 05-14-2024, revised 4-16-2025 by Steven W. Rumba.
BUILDING PLANS	Plan of 174 Lower County Road Dennisport, MA. Plan consisting of 3 sheets. With Front Elevation (revised 3-8-2025), Existing First Floor plan (7-23-24), and Second Floor Elevations (revised 3-8-2025).
OTHER	

1.3.2 Plans and Specifications

REQUIREMENTS	PROVIDED ON PLAN
CERTIFIED PLOT PLAN INCLUDING	
LOCUS MAP	No
PERIMETER DIMENSIONS, INCLUDING FRONTAGE	Yes
AREA OF LOT	11,761 sf
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	None
PROXIMITY OF WETLANDS	N/A
EXISTING AND PROPOSED TOPOGRAPHYAND/OR OTHER LAND ISSUES	No
DIMENSIONS OF EXISTING AND PROPOSED STRUCTURES	No
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	Hand Drawn
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	Bldg Card

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	104.99'	104.99'
Front Setback	25'	27.5'	27.5'
Right Side Setback	25'	30.2'	30.2'
Left Side Setback	25'	2'	2'
Rear Setback	25'	11.4'	11.4'
Lot Area	40,000	11,761 sf	11,761 sf
Lot Width	100'	104.99'	104.99'
Non-conforming floor space within Setbacks		480 sf	480 sf
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		2,269 sf	2,269 sf
Cumulative lot coverage (footprint) percent for all	15%	19%	19%
Cumulative floor space of all structures (F.A.R.)		2,935 sf	3,529 sf
Cumulative floor space to lot area % all structures	30%	25%	29.9%

§ 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	

§ 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 storage of collection of cars. The proposal is to add a bedroom on the second floor above garage. Owner has three children and said additional bedroom/apartment is for them when they visit. Proposal is to continue to be used as single-family residential.**
- 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 should 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 was a gas station and then vacant for years. It is hoped that the proposal will improve the aesthetics, character and views. Small increase to residence should be much less impactful than gas station use or subsequent blighted appearance.**
- 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 be conditioned to 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 hope is the addition will improve the situation relative to the environment and decrease the asphalt.**

TOWN DEPARTMENTS COMMENTS:

- **PLANNING:**
 - The proposal does not increase the lot coverage. The small addition is the most the site can handle with regard to Floor Area Ratio.
 - The former Gas Station, listed as originally built in 1950, had been vacant for many years. The property consists of workshops with concrete floors in the front of the property where the owner stores a collection of automobiles. There have been various additions at various stages. A 2-story single-family residence is attached behind.
 - The project has been revised significantly since the original submittal. The small site, surrounded on three sides by roads and significant existing lot coverage is challenging.
 - It is hoped the proposal will improve the aesthetics of the long vacant site covered with asphalt and dilapidated front façade. Applicant says they would maintain the traditional Cape style appearance with new cedar shingle siding.

- The applicant has worked with the Planner to scale the project down to something that could be allowed within the bylaw. It is understood that the owner is a car collector and mechanic and that the site may require some or all pavement to remain due to its past. However, it was hoped a more robust landscape or
- The applicant has said they will bring the 21E report showing the gas tanks were removed and the site is clean with no Activity Use Limitations (AUL) and an improved landscape plan to the meeting.
- Until such time as it is determined that the site is clean, an adequate landscape plan improving the appearance of the property, and Engineering has a chance to comment on drainage the Board should hold off on making a finding.
- **NATURAL RESOURCES:** Not in Conservation jurisdiction.
- **HEALTH:** Comments made November 2024 with previous plans on old platform.
 - No septic design on file. Complete Title 5 System Inspection required.
 - If system design not adequate for proposed use, will require system upgrade.
 - If groundwater found within 6' of surface, property located in an ESA and will require variance from BOH.
- **BUILDING:** Architectural control plans ensuring structure can handle second floor apartment will be required for Building Permit.
- **ENGINEERING:** Has not had time to review plans as application was made in previous online platform and was not transferred to new platform. Applicant was not able to upload documents. Planning has scanned and forwarded to Town Departments.

PROPOSED CONDITIONS	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 and Inspection 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. The ground floor area denoted on the plans as "Existing Garage Bays" must remain open with uses limited per code. 7. Construction vehicles shall not park in or block Lower County Road, Uncle Ezra's path or Loree Lane. 8.
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