



Town of Dennis

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

25 West Wind Drive

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 notice.

APPLICANT:	Mary Connaughton C/O Paul Sweetser
PROJECT ADDRESS:	25 West Wind Drive, Dennis, MA 02638
MAP AND LOT NUMBER:	Map 334 Lot 81 (0.22 acres – 10,000sf)
APPLICANT ADDRESS:	P.O. Box 1146, Dennisport, MA 02639
CASE NUMBER:	ZBAS-25-6
ZONING:	R-40
HEARING DATE:	April 28, 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	Add a second-floor master bedroom.
PROJECT SUMMARY	<ul style="list-style-type: none"> • The proposal is to remove a first-floor bedroom and create a new second story in the rear of the house with a master bedroom. • The house was built as a single story 2-bedroom home in 1969.
REQUEST	<p>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; (B.3) Increase in building height for any structure with a non-conformity subject to item B1 above if the increase in height is located within the portion of the structure that is non-conforming or for any structure covered by item B2 above;</p>
SITE PLAN	Site Plan of 25 West Wind Drive, Dennis, MA. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated March 15, 2025 by Paul E. Sweetser.
BUILDING PLANS	Plan of 25 West Wind Drive Dennis MA for the Connaughton Residence by Daniel Garte Architect (DGA) 220 Rocky Hill Road, Plymouth MA (02360). Plan consisting of 4 sheets with Foundation & First floor plan, Second Floor & Roof plan, Elevations, and Building sections. No date or stamp on plan.
Non-con Plan	Portion of Site Plan of 25 West Wind Drive, Dennis, MA dated March 15, 2025 by Paul E. Sweetser confirming non-conforming area is less than 40% per §2.4.1.2.D.2

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	Yes
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	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'	80'	80'
Front Setback	25'	22.81'	22.81'
Right Side Setback	15'	12.26'	12.26'
Left Side Setback	15'	25.1'	25.1
Rear Setback	25'	39.43'	39.43'
Lot Area	40,000 sf	10,000 sf	10,000 sf
Lot Width	100'	80'	80'
Non-conforming floor space within Setbacks		175	41
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			23.5%
Cumulative footprint size of all structures	1500	1,519	1,549
Cumulative lot coverage (footprint) percent for all	15%	15.19%	15.49%
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%		<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;	
B2 - Increase in the lot coverage of a structure where the structure currently exceeds lot coverage;	
B3 - Increase in building height for any structure with a non-conformity subject to item B1 above if the increase in height is located within the portion of the structure that is non-	

conforming or for any structure covered by item B2 above; and 2.4.1.2 C	
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§ 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 an addition of second story in rear of house.
 - After consulting with the Project Surveyor, they have confirmed the additional non-conforming area is less than a 40% increase.
 - The plans should confirm that the F.A.R. is less than 30% because the building is over 15% lot coverage. The area of the proposed second-story is about 500 sf including the deck. Therefore the F.A.R. is just over 2,000 sf on a 10,000 sf lot or just over 20% F.A.R.
 - 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 Comment
- **BUILDING:** No Comment
- **ENGINEERING:**
 - The project as presented does not appear to alter >500 sf of ground area and is therefore NOT required to meet the intent of the Stormwater By-Law.
 - Engineering recommends linear erosion controls (silt fence/wattles) be provided in areas of work to contain stormwater runoff and sediment on site as required during construction.

- Roof drains directed to subsurface structures or drip trenches for infiltration shall be provided on all new construction (and existing dwelling as required).
- Any disturbed areas should be stabilized and revegetated as soon as practical. Existing vegetation and screening to the abutting properties should be maintained to extent practical.
- The contractor should be responsible for maintaining West Wind Drive clear of sediment throughout construction. Construction vehicles should not park along the road edge in any manner which will impede traffic flow.
- **FIRE:** 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. 4. Failure to comply with all conditions in the Board of Health permit shall be deemed cause to revoke the ZBA Special Permit. 5. 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. 6. Construction vehicles shall not park in or block the road.
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