



Town of Dennis

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71 Crocker's Path, ED

ZBA SPECIAL PERMIT STAFF REVIEW – May 14, 2025

APPLICANT:	Alison Sherman and Norman Schneeberger, Trustees of the Nobscusett Angler Realty Trust C/O James Norcross
PROJECT ADDRESS:	71 Crockers Path, ED, MA 02641
MAP AND LOT NUMBER:	Map 406 Lot 2 (0.114 acres – 165454 sf)
APPLICANT ADDRESS:	PO Box 707 156 Crowell Road, Chatham, MA 02633
CASE NUMBER:	ZBAS-25-14
ZONING:	R-60; OK Historic; AE &VE Floodzone
HEARING DATE:	May 19, 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	Demolition of an existing one-story structure, replacement with new construction two story structure
PROJECT SUMMARY	<ul style="list-style-type: none"> • The project scope includes the demolition of an existing one-story structure to be replaced with a new two story structure. • A portion of the new construction will be re-assembling an existing barn currently located on 65 Crocker's Path. • All building materials and details will be in keeping with the existing barn.
REQUEST	Finding per: § 2.4.1.2.C. - Special Provisions for Relocation/Recon. of 1 or 2-Family Structures Not Located w/n Existing Footprint (C.2) The <u>voluntary demolition and reconstruction</u> of a building or structure <u>nonconforming by dimension...</u> and the non-conforming nature of the new proposed structure is found to be substantially less non-conforming.
SITE PLAN	Site Plan of 71 Crockers Path East Dennis, Massachusetts prepared for Norm Schneeberger by Down Cape Engineering 939 Main Street (Route 6A) Yarmouth Port MA (02675). Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated April 10, 2025, revised April 30, 2025 by Dan Ojala.
BUILDING PLANS	Proposed and existing Floor Plans of 71 Crocker's Path, East Dennis, MA. Prepared for Pelagic Holdings Cottage, by Schneeberger Collective Architecture and Design. Plan contains 7 Sheets with Proposed & Existing First floor Plan, Proposed Second Floor Plan, Existing Cottage Photos, Existing Barn Photos, Proposed South & West Elevations, and Proposed North & East Elevations. Plan dated 4-16-2025 by Leslie E. Schneeberger.

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	165454 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	Yes
PROXIMITY OF WETLANDS	Yes
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	50'	100'	100'
Front Setback	75'	61.2'	61.2'
Right Side Setback	30'	53.1'	56.1'
Left Side Setback	30'		
Rear Setback	30'		
Lot Area	60,000 sf	16,5454 sf	16,5454 sf
Lot Width	200'	219'	219'
Non-conforming floor space within Setbacks		539'	610'
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			13%
Cumulative footprint size of all structures		1,634 sf	2,156 sf
Cumulative lot coverage (footprint) percent for all	15%	1%	1.3%
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%	0.7%	1.8%

§ 2.4.1.2 C - Special Provisions for Relocation/Recon. of 1 or 2-Family Structures Not Located w/n Existing Footprint

ACTION	FINDING
C2 - Voluntary demolition and reconstruction of a building or structure which is non-conforming by dimension on any other location on the lot in which it is located outside of the existing non-conforming footprint unless it conforms with the dimensional regulations of the zone in which it is located or the non-conforming nature of the new proposed structure is found to be substantially less non-conforming by the ZBA	

§ 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 be conditioned by Econsnot degrade the natural environment.**

TOWN DEPARTMENTS COMMENTS:

- **PLANNING:**
 - The proposal is on a very large property so does not come close to any bulk thresholds.
 - The proposal is significantly larger than the existing house, but improves a couple of setbacks and is well under the bulk thresholds.
 - The project will be reviewed by Conservation and Health due to its location near the Bay and in an Environmentally Sensitive Area.
 - The Board can find that a lawful pre-existing non-conforming structure exists on the property and the proposed reconstruction, as conditioned, will not be substantially more detrimental to the neighborhood than the existing structure.
- **NATURAL RESOURCES:** Project will require review and approval by Conservation. Applicant's representatives are aware and Conservation Agent has already had an onsite meeting.
- **HEALTH:** Property located in an ESA. Will require 16B variance from BOH at Public Hearing.
- **ENGINEERING:**
 - The area of disturbance within the work limit shown on the plan appears to be greater than 500 sf but less than 20,000sf. If the project is limited to this area, it will be required to meet the intent of the stormwater By-law. The plan also indicates vegetation restoration and coastal bank stabilization will be performed beyond the work limit, under plans by Crawford Land Management. These plans have not been provided for review. If the total site

disturbance exceeds 20,000sf, the project will require a Stormwater Management Permit from the Building Department.

- Provide temporary construction period linear erosion controls at the defined work limit to contain sediment and infiltrate runoff as far as upgradient of the resource area and buffer. Sediment generated during construction should not be discharged beyond limit of work.
- All erosion controls should be maintained until completion of the work, and only removed upon approval by the Conservation Department.
- No proposed grading is shown on the plan surrounding the new dwelling. It is assumed minimal grade changes are proposed. Permanent post construction erosion and sedimentation controls, such as vegetated swales and/or depressions should be considered upgradient of the resource area, at the top or upon the slopes, to contain any post construction runoff on-site for infiltration.
- Disturbed areas within the work limit should be stabilized and revegetated as soon as practical following construction to minimize erosion. Any vegetation restoration outside limit of work or coastal bank stabilization should take place in accordance with Conservation Commission.
- The plan indicates roof drainage will be directed to stone trenches along the drip lines. Capture and infiltration of runoff generated from hardscaped areas/patios should be considered and incorporated in the design to prevent eroded surfaces adjacent to these areas.
- Abutter information is not indicated on plan.

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 Conservation Commission Order of Conditions or 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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