



Town of Dennis

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84 Pilgrim Road

ZBA SPECIAL PERMIT STAFF REVIEW – May 15, 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:	Stephen T Gibbons
PROJECT ADDRESS:	84 Pilgrim Road, Dennis, MA 02638
MAP AND LOT NUMBER:	Map 367 Lot 32 (0.26 acres – 11250sf)
APPLICANT ADDRESS:	278 Main Street, Mashpee, MA 02649
CASE NUMBER:	ZBAS-25-11
ZONING:	R-40; OK Historic
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	Raze and rebuild
PROJECT SUMMARY	Proposed demolition of existing single-story single-family structure to be replaced by a new more conforming house with a partial second floor.
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 84 Pilgrim Road Dennis MA, prepared for Regina Rochefort by Down Cape Engineering, 939 Main Street (Route 6A), Yarmouthport MA, 02675. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated December 16, 2024 by Dan Ojala.
BUILDING PLANS	Plans of 84 Pilgrim Road Dennis, MA 02638, prepared for Steve Gibbons & Regina Rochefort by NOMAD Design Collaborative, 278 Main Street Mashpee, MA 02649. Plans consisting of 18 sheets with, Title Sheet, Notes & Project Information, Architectural Site Plan, Architectural Schedules, Demolition Plans, Architectural Plans(x8), Title Sheet, and Architectural Elevations (x4). Plans Dated March 17, 2025.

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	11250sf
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	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	50'	75'	75'
Front Setback	25'	63.2'	51.8'
Right Side Setback	15'	16.1'	15.9'
Left Side Setback	15'	15.7'	15.5'
Rear Setback	25'	33.7'	36.8'
Lot Area	40,000	11,250sf	11,250sf
Lot Width	100'	75'	75'
Non-conforming floor space within Setbacks			0
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			0
Cumulative footprint size of all structures	1687.5	1181.25	1676.5
Cumulative lot coverage (footprint) percent for all	15%	10.5%	14.9%
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%		N/A

§ 2.4.1.2 C - Special Provisions for 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 not degrade the natural environment.**

TOWN DEPARTMENTS COMMENTS:

- **PLANNING:**
 - The proposal is a slight improvement in the setbacks and is under the bulk thresholds.
 - The proposal is larger than the existing house, but improves a couple of setbacks and is under the bulk thresholds.
 - Several trees are proposed to be removed in front including two that may fall within the Town Right of Way on a public road.
 - Earlier plans had shown three parking spots in the front setback which is not allowed and should be conditioned.
 - 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:** No Comments
- **HEALTH:** Septic permit issued April 9, 2025 for new 4-bedroom system.
- **ENGINEERING:**
 - The project as presented appears to alter greater than 500sf of ground, and is therefore required to meet the intent of the Town of Dennis Stormwater By-Law.
 - Construction period linear erosion and sedimentation controls should be provided at a clearly defined limit of work as close as practical to contain the area of disturbance. These controls should be installed and maintained until all work is completed and any new vegetation has stabilized.
 - No proposed grading has been indicated on the site plan. Post construction, stormwater will need to be contained and infiltrated on-site. Natural areas surrounding the dwelling should be graded and vegetated to slow the velocity of, and contain runoff for infiltration prior to reaching the property boundary.
 - Roof drain drywell locations and a drywell detail have been shown on the site
 - Any existing screening to abutting properties should be maintained to the extents practical.

- The plan does not propose any modifications to the existing gravel driveway, which currently lacks a 10ft. vegetated buffer to the western property line. If the applicants decide to modify the driveway as part of the project, it is recommended that the layout be adjusted to increase the existing buffer and provide additional screening, or provide the required 10ft. buffer under 2.3.4.1.b. If any modifications are performed, the surface should be graded to contain runoff within the property boundary for on-site infiltration.
- The existing gravel driveway should be utilized as a construction entrance, and for parking of construction vehicles and storage of materials. No parking of construction vehicles should be permitted for extended periods of time on Pilgrim Road.
- The contractor shall be responsible for maintaining Pilgrim Road (Public Way) free of sediment during construction.

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. Any off-street parking shall be a pervious surface. 6. Grading should be limited to what is absolutely necessary and as many existing trees as possible should be maintained. Disturbed areas should be stabilized and revegetated as soon as practical following construction to minimize erosion. Additional screening should be provided in areas where vegetation is removed or the grade is altered. 7. 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. 8. Construction vehicles shall not park in or block the road.
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