



Town of Dennis

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

4 West Street

ZBA SPECIAL PERMIT STAFF REVIEW – May 14, 2025

APPLICANT:	Laura A Noble c/o Kieran Healy - BSC Group
PROJECT ADDRESS:	4 West Street, Dennisport, MA 02639
MAP AND LOT NUMBER:	Map 40 Lot 125 (0.18 acres – 6,082 sf)
APPLICANT ADDRESS:	349 Route 28, Unit D, West Yarmouth, 02673
CASE NUMBER:	ZBAS-25-13
ZONING:	Resort Residential
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 Replace of a Single-Family dwelling
PROJECT SUMMARY	<ul style="list-style-type: none"> • Demolition of a single-story single-family home built in 1958 on a nonconforming lot, to be replaced with a larger 2-story single-family home. • Proposal referred as a Special Permit for voluntary demolition and replacement of a non-conforming structure. However, in addition, the current proposal creates a new non-conformity with a new larger relocated bulkhead encroaching 8’ further into rear setback. Applicant maintains that the new bulkhead encroachment in the rear, 16.8’ to the rear lot line, is less non-conforming than the existing bulkhead on the left side (fronting on side street) of 9’. • The Board must also make a finding that either the new bulkhead non-conformity is Not Substantially More Detrimental or impose a condition that the bulkhead not encroach further than the existing rear setback of 24.4’.
REQUEST	<p>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. PLUS Finding per: § 2.4.1.2.D -Actions Requiring a Finding of Substantially More Detrimental (D.1) The creation of any new non-conformity where no non-conformity currently exists;</p>
SITE PLAN	<p>Site Plan of 4 West Street, Dennisport, Massachusetts prepared for Laura Nobel & Marie Montgomery, 139 Highland Street Townsend, MA 01468-1129 by BSC Group 349 Main Street-Route 28 West Yarmouth Massachusetts, 02673. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated February 17, 2025 by Kieran Healy.</p>

BUILDING PLANS	Plans of the Nobel & Montgomery House, Dennis, MA. Prepared by Albert, Righter, Tittmann Architects, 33 Union Street, 4 th Floor, Boston, MA 02108. Plans consisting of 24 sheets with, Cover Sheet, Existing Conditions (Site Analysis), Proposed Site Plan, Basement Plan, First Floor Plan, Second Floor Plan, Roof Plan, Exterior Elevations, Building Sections (x2), Window & Door Schedule, Wall Section Details (x3), Basement Electrical Plan, First Floor Electrical Plan, Second Floor Electrical Plan, General Notes, Foundation Plan, First Floor Framing Plan, Second Floor Framing Plan, Roof Framing Plan, and Details (x2). Plan dated 03-21-25
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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	6082 sf
NAMES OF STREETS	Yes
NAMES OF ABUTTING PROPERTY OWNERS	Yes
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	No

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	158.8'	158.8'
Front Setback	25'	24.2'	26.3'
Right Side Setback	15'	14.9'	15.6'
Left Side Setback (<i>Kingley Road – also a Front</i>)	<u>25'</u>	3.4'	9'
Rear Setback	25'	24.4'	<u>16.8'</u>
Lot Area	40,000	6,082sf	6,082sf
Lot Width	100'	64.76'	64.76'
Non-conforming floor space within Setbacks	0	1068	671
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period	0	1068	0
Cumulative footprint size of all structures	15	22.7	22.2
Cumulative lot coverage (footprint) percent for all	15%	22.7%	22.2%
Cumulative floor space of all structures (F.A.R.)	1824	1290	1794
Cumulative floor space to lot area % all structures	30%	21.2%	29.5%

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

ACTION	FINDING
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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	
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§ 2.4.1.2.D -Actions Requiring a Finding of Substantially More Detrimental

ACTION	FINDING
<ul style="list-style-type: none"> (D.1) The creation of any new non-conformity where no non-conformity currently exists; 	

§ 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; **Proposal will not increase traffic.**
- 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:**
 - Proposal is to demolish a single-story single-family home built in 1958 on a nonconforming lot, to be replaced with a single-family home with a partial second floor and full basement.
 - Proposed 2nd floor is setback from side 25’ due to private way requiring a 25’ setback on side.
 - Overall, the proposal will reduce the footprint (22.7% to 22.2%), total area within the current setback, Front, Left (also a Front) and Right setbacks.
 - The only issue is the current bulkhead is 3.4’ from the Kingley Road (Left) street line and the new bulkhead will be relocated to the rear but is within the rear setback requiring a finding either that it is Not Substantially More Detrimental or a condition that the bulkhead shall not encroach further than the existing rear setback of 24.4’ or Applicant must apply for Variance.
 - No change to the current driveway or parking area is proposed.
 - A new septic system will be installed to comply with Title 5.

- The proposal is larger than the existing house, improves a couple of setbacks with the exception of the bulkhead in the back and is otherwise under the bulk thresholds.
- 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 application received on 3/21/2025 for new 3-bedroom septic 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. Controls to be installed and maintained until all work is completed and vegetation stable.
 - 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 and contain runoff for infiltration.
 - Roof drainage shall be contained by gutters and downspouts and directed to separate subsurface infiltration areas, or discharged to stone drip trenches along the roof drip line.
 - Existing screening to abutting properties should be maintained to the extents practical.
 - The existing driveway lacks a 10ft. vegetated buffer to the eastern property line. The narrative indicates no changes to the existing driveway are proposed and the pre-existing condition will remain. If the applicants modify the driveway, the layout should be adjusted to provide some degree of natural buffer to the abutting property, and the surface be graded to contain runoff within the property boundary for on-site infiltration.
 - Existing driveway should be utilized for parking of construction vehicles and materials. No parking of construction vehicles to be permitted for extended periods on West Street.
 - The contractor shall be responsible for maintaining West Street (Public Way) and Kingley Road (Private 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 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 shall be implemented. 6. Construction vehicles shall not park in or block the road. <p><i>Depending of Finding per relocated bulkhead in rear setback:</i></p> <ol style="list-style-type: none"> 7. The Applicant shall remove the bulkhead from the
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