



Town of Dennis

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

**14 SCOTT TYLER ROAD,**

**ZBA SPECIAL PERMIT STAFF REVIEW – June 18, 2025**

<b>APPLICANT:</b>	Glen D. Townsend & Darlene M. Townsend C/O Matthew Fitzsimmons
<b>PROJECT ADDRESS:</b>	14 Scott Tyler Road, WD, MA 02670
<b>MAP AND LOT NUMBER:</b>	Map 67 Lot 9 (0.24 acres – 10541 sf)
<b>APPLICANT ADDRESS:</b>	965 Route 28, South Yarmouth, MA 02664
<b>CASE NUMBER:</b>	ZBAS-25-17
<b>ZONING:</b>	R-40; property is just outside 500-year Flood Zone
<b>HEARING DATE:</b>	June 23, 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

<b>PROPOSAL</b>	Raze and Rebuild Dwelling
<b>PROJECT SUMMARY</b>	Raze a single-story single-family 1,591 sf dwelling built in 1962 and construct a two-story 2,491 sf home.
<b>REQUEST</b>	Finding per: <b>§ 2.4.1.2.C.</b> - Special Provisions for Relocation/Recon. of 1 or 2-Family Structures Not Located w/n Existing Footprint <b>(C.2)</b> 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.
<b>PLOT PLAN</b>	Plot Plan of 14 Scott Tyler Road Dennis, Massachusetts prepared for Glen & Darlene Townsend, 4 Ledgewood Drive Westboro, MA 01886 by EAS Survey Inc. P.O. Box 1729 Sandwich MA, 02563. Plan consisting of 1 sheet with existing and proposed conditions. Plan dated 3-14-25 by Edward A. Stone.
<b>BUILDING PLANS</b>	Plan Set for Glen & Darlene Townsend, 14 Scott Tyler Road, Dennis, MA prepared by George Davis Inc. 33 North Main Street, South Yarmouth, MA. Consisting of 8 pages of proposed and existing elevations, floor plans, sections and renderings. Dated 1/31/2025.

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	10,541 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	NA
EXISTING AND PROPOSED TOPOGRAPHYAND/OR OTHER LAND ISSUES	No
DIMENSIONS OF EXISTING AND PROPOSED STRUCTURES	No
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	Yes
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	Yes

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	183.11'	183.11'
Front Setback	25'	30'	30.2'
Right Side Setback	15'	12.7'	12.7'
Left Side Setback	25'	36.6'	30.3'
Rear Setback	25'	9.8'	20'
Lot Area	40,000	10,541sf	10,541sf
Lot Width	100'	124.9'	124.9'
Non-conforming floor space within Setbacks		185	54
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period		185	54
Cumulative footprint size of all structures	1581	1591	1799
Cumulative lot coverage (footprint) percent for all	15%	15.1%	17.1%
Cumulative floor space of all structures (F.A.R.)	3,161 sf	1,591 sf	2,491 sf
Cumulative floor space to lot area % all structures	30%	15%	24%

§ 2.4.1.2 C - Special Provisions for Reconstruction 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 improves the rear setback and is within other setbacks and bulk thresholds. The existing structure is not a historic structure.
- Town Assessing has the home at 1,060 sf plus the garage of 308 sf (14' X 22") for a total of 1,368 sf. That is 12.97 % of a 10,541-sf lot. The eaves, bulkhead and the roof over the shower have been confirmed on the site plan as being 224 sf resulting in a 15.1 % existing lot coverage.
- 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 may need to be reviewed and approved by Conservation due to location near the flood zone. A Request for Applicability (RDA) should be filed.

- **HEALTH:** The applicant applied for setback variances to the septic system which was recently inspected. The property is not located in an ESA. The dwelling will remain 3 bedrooms.

- **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 new vegetation stabilized.
- The plan does not include existing or proposed elevation information. The plan should include existing and proposed surface/structure elevations to confirm building height and the limits of the flood zone. The plan indicates the property is within Flood Zone X, which is not a hazard zone, but should be verified by elevation, and confirmed with the Conservation Agent.
- No elevations or 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 runoff should be contained and directed to subsurface infiltration areas or stone trenches along the roof drip line.
- Any existing screening to abutting properties should be maintained to the extents practical.

- The existing 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 Scott Tyler Road.
- The plan does not propose any modifications to the existing driveway. If any modifications are performed, the surface should be graded to contain runoff within the property boundary for on-site infiltration.
- The contractor shall be responsible for maintaining Scott Tyler Road free of sediment during construction.
- **ASSESSING:** The current sf of the dwelling is 1,050, which does not include the 14x22 attached garage.

<b>PROPOSED CONDITIONS</b>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. Failure to comply with all conditions in ae Conservation Commission or the Board of Health permit shall be deemed cause to revoke the ZBA Special Permit.</li> <li>5. 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.</li> <li>6. 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.</li> </ol>
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