



Town of Dennis

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

141 Beach Street

ZBA SPECIAL PERMIT STAFF REVIEW – July 24, 2025

APPLICANT:	Peter Salem C/O Thomas Moore
PROJECT ADDRESS:	141 Beach Street, Dennis MA 02638
MAP AND LOT NUMBER:	Map 326 Lot 7 (0.42 acres – 18588 sf)
APPLICANT ADDRESS:	949 Long Pond Road, Brewster, Massachusetts 02631
CASE NUMBER:	ZBAS-25-25
ZONING:	R-40; OK Historic
HEARING DATE:	July 28 2025

1.

PROPOSAL	Demolition of a single-story home built in 1966 to be replaced by a two-story, single family dwelling.
PROJECT SUMMARY	<ul style="list-style-type: none"> The project is for the demolition of the existing single-family dwelling and replace with a new single-family dwelling in a different location. The existing single-story home has 2 bedrooms and 2 bathrooms whereas the proposed house will have 4 bedrooms and 3 full bathrooms.
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.
PLOT PLAN	Site Plan of 141 Beach Street Dennis, MA prepared for Peter and Nancy Salem, 11 Gray Terrace Bedford, MA 01730 by AJM Site Design LLC., 4 Crestview Drive East Sandwich MA 02537. Plan consisting of 1 sheet with Subsurface Sewage Disposal System. Plan dated 4-8 (11?)-2025 by Asa J. Mintz and Paul E. Sweetser.
BUILDING PLANS	Plans 141 Beach Street Dennis, MA prepared for Peter and Nancy Salem by Moore Home Design Company of Cape Cod, LLC. P.O. Box 2124, 949 Route 137 Brewster, MA. Plans consisting of 4 sheets with First Floor Plan, Window Schedule & Second Floor Plan, Front & Right-Side Elevations, and Rear & Left side Elevations. Plans dated 6-19-2025.

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	18,588 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	Yes

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	125'	124'
Front Setback	25'	34.8'	31.3'
Right Side Setback	15'	50.9'	31.3'
Left Side Setback	15'	15.7'	19.7'
Rear Setback	25'	71.4'	61'
Lot Area	40,000sf	18,588 sf	18,588 sf
Lot Width	100'	125'	124'
Non-conforming floor space within Setbacks	0	0	0
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period	0	0	0
Cumulative footprint size of all structures		1,471	
Cumulative lot coverage (footprint) percent for all	15%	8.4%	14.8%
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%	10.9%	23.2%

§ 2.4.1.2 C - Special Provisions for Reconsruction 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; **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 proposed house is under the 15% lot coverage restriction. The proposed lot coverage is 14.8%, therefore the 30% Floor Area Ratio does not apply.
 - Aerial images show a heavily vegetated lot but pictures of the site and Site Plan show much of the lot has already been cleared. The 10-foot vegetated buffer should be re-established.
 - The proposal is significantly larger than the existing house, but is within 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:** Not in Conservation jurisdiction
- **HEALTH:** A Complete septic application to the Board of Health is required.
- **ENGINEERING:**
 - The project as presented will 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 provides detailed grading information, which appears to construct vegetated swales along the front and sides of the dwelling which will direct surface runoff to the rear of the site. These grading conditions, if constructed in accordance with the plan, appear to contain and infiltrate stormwater on-site, prior to the runoff reaching the property boundary.
 - The proposed driveway surface appears to be graded to direct accumulated runoff away from the road layout, and around the dwelling to vegetated swales for containment and infiltration. The backing/turning portion of the proposed driveway layout appears to be located greater than 10ft. from the side property line, however this should be confirmed during construction to provide the required 10ft. vegetated buffer set forth in the Zoning By-Law.
 - As grading is being performed at the site, the applicant should consider an additional vegetated swale or low area along the base of the new slope at the rear of the dwelling (if conditions warrant) to slow the velocity of runoff and maximize infiltration prior to reaching the rear property boundary.
 - All disturbed areas of the site should be stabilized and re-vegetated as soon as practical, especially on newly graded slopes, or in areas close to the property boundary. Bare earth should not be left exposed for extended periods of time. Additional erosion and sedimentation controls should be provided during construction, as site conditions warrant, to contain sediment and runoff within the work limits.
 - The plan provides drywells for subsurface infiltration of collected roof runoff.

- Any existing screening to abutting properties should be maintained to the extents practical. Additional screening along the side and rear property lines should be considered in locations where existing vegetation is removed as part of the project.
- As the existing driveway layout will be modified, a Road Opening Permit will be required.
- A small portion of the existing stone wall will require removal to accommodate the proposed driveway layout. Any stones removed as part of the construction should be used to extend the wall in areas not occupied by the new driveway, or utilized to bolster adjacent sections of the wall as required. The Scenic Road designation for Beach Street extends from New Boston Road to Wild Hunter Road, effectively ending the designation at or around this property. If deemed applicable, a Scenic Road hearing may be required for alteration of the wall.
- The existing driveway should be utilized as a construction entrance and for parking of construction vehicles and storage of materials. As a new driveway is proposed, the exiting driveway surface should be converted to a stone entrance to mitigate transport of sediment into Beach Street. No parking of construction vehicles should be permitted for extended periods of time on Beach Street.
- Inlet protection shall be provided and maintained at the two drainage structures located along Beach Street on both sides of the existing/proposed driveway. Any damage to the town owned drainage structures shall be repaired at the expense of the applicant/contractor.
- The contractor shall be responsible for maintaining Beach Street 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. 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. 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 as suggested by town engineering comments shall be implemented. 7. Construction vehicles shall not park in or block the road. 8. The site shall provide the minimum 10-foot vegetated buffer to the abutting properties per § 2.3.4.1.b before a Certificate of Occupancy is issued.
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