



Town of Dennis

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

106 Edgemere Road

ZBA SPECIAL PERMIT STAFF REVIEW – July 23, 2025

APPLICANT:	Lisa A Kellett ET UX C/O Karen Orlandi
PROJECT ADDRESS:	106 Edgemere Road, South Dennis MA 02660
MAP AND LOT NUMBER:	Map 170 Lot 39 (0.21 acres – 9148 SF)
APPLICANT ADDRESS:	2255 Providence Hwy Providence Hwy, Walpole, MA 02081
CASE NUMBER:	ZBAS-25-24
ZONING:	R-40; OK Historic
HEARING DATE:	July, 28 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	Demolish existing cape built in 1950 and construct a new 2-story house.
PROJECT SUMMARY	<ul style="list-style-type: none"> • Demolish existing mostly single-story home with a partial second story and rebuild a new 2-story, 3-bed, 2 1/2 bath cape style house. • The existing home has 2 bedrooms and 1 bath.
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	Plot Plan of 106 Edgemere Road in South Dennis, Massachusetts prepared for Lisa Kellett by D&L Design Group Civil Engineering & Land Surveying, 115 Water Street Milford MA, 01757. Plan consisting of 1 sheet with existing and proposed conditions. Plan dated 4-29-2025 by Bruce E. Wilson Jr.
BUILDING PLANS	Plans of (Needs Street Address on plan), South Dennis MA 02660 for Millbrook Homes LLC- Walpole/ Kellett 4 Box by Apex Homes of PA LLC, 7172 Route 522 Middleburg, PA 17842. Plan consists of 10 sheets with Front Elevation, Rear Elevation, Left Side Elevation, Right Side Elevation, 1 st Story Floor Plan, 2 nd Story Floor Plan, 1 st Story Electric Plan, 2 nd Story Electric Plan, Foundation Plan, and General, 2015 IRC & Electrical Notes. Plans dated 1-8-2025 by ACS.

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	9,148 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	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'	80'	80'
Front Setback	25'	26.4'	26.6'
Right Side Setback	15'	28.3'	20.7'
Left Side Setback	15'	28.3'	20.7'
Rear Setback	25'	42.1'	38.5'
Lot Area	40,000 SF	9,148 SF	9,148 SF
Lot Width	100'	100'	100'
Non-conforming floor space within Setbacks			
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			0
Cumulative footprint size of all structures		864 sf +?	1,100 sf
Cumulative lot coverage (footprint) percent for all	15%	10.4%	12%
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 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 proposed two-story house does not cross any setbacks and is within the bulk thresholds.
 - The existing home was built in 1950, 1949 is the current date for Demolition Delay.
 - Plans indicate two existing driveways. The access off Edgemere road is only a few feet from the neighbor's property. Applicant should re-configure this second driveway to provide a minimum 10-foot vegetated buffer to the abutting property per § 2.3.4.1.b.
 - There are two sheds on the property. One must be moved to be compliant with the zoning setbacks.
 - 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 Board of Health is required.
- **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.
 - The existing driveway(s) should be utilized as construction entrances, and for parking of construction vehicles and storage of materials. No parking of construction vehicles should be permitted for extended periods of time on Edgemere Road or Cedar Road.
 - The plan does not propose any modifications to the existing driveways, although the proposed dwelling appears to encroach over a portion of the access off Edgemere Road. If any modifications are performed to either driveway, the surfaces should be graded to contain runoff within the property boundary for on-site infiltration, and if possible the access off Edgemere should be re-configured to provide a minimum 10ft. vegetated buffer to the abutting property.
 - The contractor shall be responsible for maintaining Edgemere Road and Cedar Road free of sediment during construction.

- 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 indicate a horizontal or vertical datum, or provide a proposed top of foundation/finish floor elevation. It does not appear that this property is within a flood zone. Horizontal and vertical references should be provided, and proposed elevations confirmed.
- 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 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.
- **FIRE:** Could the contractor or owner call The Fire Chief and discuss the possibility before demolition of the building if the Fire Department could do training.

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 reconstruction 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. Any off-street parking shall be a pervious surface. 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 second access off Edgemere should be re-configured to provide the minimum 10-foot vegetated buffer to the abutting property per § 2.3.4.1.b. 9. One of the two sheds must be moved to be compliant with setbacks.
----------------------------	--