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Myer R. Singer (1938-2020)

Dennis Board of Appeals

7 Aspen Lane, Dennis

## SUMMARY OF REASONING

Domenic and Kathleen Maitino, (“the Applicants”) own the property located at 7 Aspen Lane, in Dennis, on a corner lot, bordered by Aspen Lane and New Boston Road [the “Property”]. The Property is located in the R-40 Zoning District and is developed with a one-story, single-family dwelling. The Property has two front setbacks and pre-existing nonconforming as to lot size (11,860 provided where 40,000 sf required). The existing dwelling is pre-existing nonconforming as to the rear setback (5.6’ (deck) where 25’ required). The dwelling is otherwise conforming to setbacks, height and coverages. While the Property is partially within the AE zone, both the existing and proposed renovated dwelling are wholly within the X zone.

The Applicant proposes to alter and expand a pre-existing nonconforming, one-story, single-family dwelling by adding dormers to the front-facing roof, slightly raising the existing garage’s roofline to the higher level, and constructing a decked walkway from the front of the dwelling to the rear entrance door at the rear deck. The dwelling will remain a one-story dwelling. While the bedroom count will remain the same (3), the floor plan will be altered. The garage will be converted to two bedrooms with vaulted ceilings, the living area will be altered to provide an open kitchen and living area in the central section of the home, and the easterly section will be converted into a master bedroom and bath with a separate laundry room. A walkway will be constructed along the western side of the dwelling.

The footprint of the house will be marginally larger (13.20% (1,566 sf) existing, 13.44% (1,594 sf) proposed). The footprint of the dwelling will increase by 28 sf, the area needed to square off the front portion of the garage to “square off” and meet dwelling’s front-facing dimensions. Conditioned nonconforming floor area will remain unchanged. Should the access decking be considered nonconforming floor area, the increase in square footage is minimal. Under the 40% rule, 305 sf of additional nonconforming square footage could be approved by special permit and less than 90 (84 sf) square feet of nonconforming decking is provided. (+/- 10%) .

The Applicant’s goal is to modernize the structure and provide access to the rear deck area from the parking area without expanding in a way that would be out of place in the neighborhood. The zoning relief requested is for minor aspects of the renovation, namely the increase in roof height in the rear portion of the converted garage within the rear setback and, as mentioned earlier, the portion of the decked walkway within the rear setback, if required.

The Applicant seeks a Special Permit in accordance with Section 2.4.1.2(B) of the Dennis Zoning By-Law [“Zoning By-Law”] and M.G.L. Chapter 40A, Section 6, in order to complete the work as shown on the submitted plans. The Board is authorized to grant the requested Special Permit if it determines that the proposal will not be substantially more detrimental than the existing nonconforming conditions and that it will be substantially less non-conforming than existing conditions.

The Applicant respectfully submits that the proposal will not be substantially more detrimental than the existing nonconforming conditions because:

1. The Property is currently used for single-family, residential use, and there will be no change in this use;
2. The changes subject to zoning review are minimal. The expansion of footprint in the front of the dwelling requires no zoning relief. The height increase of the nonconforming footprint is modest and the dwelling remains a conforming one-story structure with a conforming height. (18.28’ (existing) to 20.57’ (proposed) where 30’ is allowed);

3. The rear deck setback will be very slightly less nonconforming (5.16' existing, 5.21' proposed where 25' is required). The access deck walkway will be less nonconforming to the rear setback than the existing deck. All other setbacks will remain conforming. No other nonconformities will be created by the proposed work;
4. The project, as proposed, meets the 40% limit to increased nonconforming floor area where there is no increase in conditioned nonconforming floor area and the access decked walkway, if counted, is less than 90 sf where an expansion of 305 sf would be permissible by special permit;
5. There will be no change in the number of bedrooms on the Property (3 bedrooms) The Board of Health has reviewed the project and determined that no variance relief is necessary;
6. The renovated structure will be in keeping and compatible with the character of the neighborhood as the additions are minimal and the home will remain a one-story structure; Of note, the project has been reviewed by the Old Kings Highway Historic District Committee and has been issued a Certificate of Appropriateness. Further, immediate abutters and others are in support of the project as evidenced by emailed letters of support submitted to the Board;
7. The proposal will not result in any increase in traffic nor decrease in traffic safety;
8. All stormwater run-off will be contained on site, and there will be no negative impact on water supply or the environment;
9. Utilities serve the site and will remain; and
10. The proposal will not adversely affect the public health, safety, convenience or general welfare of the Town.

For all of the above reasons, the Applicant requests that the Board make findings that the proposal satisfies the Zoning By-Law standards and grant a Special Permit to allow the proposal to be completed as shown on the plans.