

Law Office of Singer & Singer, LLC

26 Upper County Road
P. O. Box 67
Dennisport, Massachusetts 02639

Andrew L. Singer
Marian S. Rose

Tel: (508) 398-2221
Fax: (508) 398-1568
www.singer-law.com

Myer R. Singer (1938-2020)

Dennis Board of Appeals

20 Pine Street, Dennisport

SUMMARY OF REASONING

Christopher Gendreau, (“the Applicant”) owns the property located at 20 Pine Street in Dennisport at the intersection of the “L” shaped, Nickerson Court [“Property”]. The Property is located in the RR Zoning District and is developed with a one-story, single-family dwelling and shed. The Property has three front setbacks (Pine Street and two on Nickerson Court) and is pre-existing nonconforming as to lot size, lot width, and building coverage (lot size : 40,000 sf required in the RR district where 5,657 sf provided; width: 50’ (Pine) and 75’ (Nickerson Court) where 100’ required and existing lot coverage: 23.2%, or 1,314 sf where 15% allowed). The single-family dwelling is pre-existing nonconforming as to two front setbacks (Nickerson Court south and east), 2.3’ and 9’ where 25’ required; and side setback (north) 5.5’ where 15’ required). The third front setback (Pine Street) is conforming (42.1’ existing, 36.’1 proposed and 25’ required.).

The Applicant proposes to alter and expand a pre-existing nonconforming, one-story, single-family dwelling by slightly altering the single-story roof line which will remain a single-story structure, and by adding two covered porches and a rinsing station to the existing dwelling. The existing dwelling’s footprint will not otherwise be altered. The two porches will be no more nonconforming as to setbacks than the existing structure and total 348 sf. in coverage. The dwelling will conform to height limits (16.2’, existing, to 17.3’ proposed where 30’ allowed). There will be no change in the total number of bedrooms in the two-

family dwelling. No new nonconformities will be created.

Building coverage and site coverage are nonconforming and will increase but the proposed work will not exceed the 30% rule or 40% rule limits allowed for special permit relief (existing building coverage (23.2%, 1,314 sf); proposed building coverage (29.4 %, 1,662 sf where 30% (single story as calculated gross floor area) allowed). Building height will remain conforming.(17.3”). Nonconforming floor area will increase by only 3.1% or 175sf (33.4% proposed where 40% max allowed).

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 (nor at all detrimental) and that it will be substantially less non-conforming than existing conditions because:

1. The Property is currently used for single-family, residential use, and there will be no change in this use;
2. The footprint of the existing dwelling will expand by just 348 sf and the expansion of the footprint will be limited to covered porches. There will be no expansion of conditioned floor area. The existing footprint will be unchanged with the exception of the covered porches and rinsing station.
3. The front setback from Pine Street (36.1’) will remain conforming, the other setbacks will remain unchanged and no more nonconforming. The project, as proposed, meets the 30% and 40% rules required for properties where existing building coverage exceeds 15%.

4. Building height will increase by less than two feet, remain conforming and well under the maximum allowed (17.3' proposed, 30' allowed);
5. There will be no change in the number of bedrooms on the Property (3 bedrooms)
The Applicant will work with the Dennis Health Department and Board of Health as necessary in connection with the redevelopment;
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, plans for a two-story replacement structure on the Property were recently (SP -026124-2024/Sahagian) permitted by the prior owner of the Property by special permit.
7. The proposal will not result in any increase in traffic nor decrease in traffic safety.
Conforming (2 spaces) parking is shown on the site plan within the confines of the Property and not encroaching on Nickerson Court which acts as a driveway at access the Property and 4 Nickerson Court to the rear:
8. All stormwater runoff 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.