



Town of Dennis

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

**37 HALL STREET, DP**

**ZBA SPECIAL PERMIT STAFF REVIEW – August 21, 2025**

<b>APPLICANT:</b>	SAO Family Partnership LLC C/O Tina McCormack
<b>PROJECT ADDRESS:</b>	37 Hall Street, Dennisport, MA 02639
<b>MAP AND LOT NUMBER:</b>	Map 91 Lot 27 (0.38 acres – 15585 sf)
<b>APPLICANT ADDRESS:</b>	55 Route 28, Harwich, MA 02671
<b>CASE NUMBER:</b>	ZBAS-25-19
<b>ZONING:</b>	R-40; DPVC AREA B; Flood zone: X
<b>HEARING DATE:</b>	July 28, 2025

1. Applicant has performed unauthorized work on Town property. They intended to create four paved parking spaces in front that would back into DP Village street. This is unacceptable even if it was on their property. But it was not, it was in Town Right of Way. Issue Needs to be resolved.
2. The Applicant needs to request a continuation so that the unpermitted work and paving in the Town Right of Way can be resolved.
3. Applicant did submit an existing condition plan last week but need a proposed plan resolving the violations in the public right of way, expansion of front parking, and removal of vegetative buffer.
4. Current proposal is very small but process, plans and resolution required before any permits.

<b>PROPOSAL</b>	Exterior entry work
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>• Proposal is an open covered roof over front stair and side landing. Front will not to exceed previously existing non-conforming area.</li> <li>• Seek to replace the previously existing larger front landing and stairs with a smaller version, and add a roof overhead for weather protection</li> <li>• Also seek to install a landing at the side entry to be code compliant, as one single step down to grade is not possible from that door</li> <li>• Removing the previously existing (somewhat large) covered entry in the rear, thus reducing total lot coverage</li> <li>• seek to install a stair case down from the deck above in the rear to provide egress</li> <li>• will be far smaller than the covered deck that had previously existed, again reducing lot coverage</li> <li>• decreasing the non-conformance of the front setback by 1.5' while increasing the curb appeal</li> </ul>
<b>REQUEST</b>	<p>Finding per: <b>§ 2.4.1.2.B</b> - Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental (<b>B.1</b>) for an Increase in the footprint of a structure that <u>does not comply with one or more required setbacks</u> where the <u>alteration will extend lot coverage or building height</u> where a structure does not conform to current setback requirements; (<b>B.2</b>) Increase in the lot coverage of a structure where the structure currently exceeds lot coverage; (<b>B.3</b>) Increase in building height for any structure with a non-conformity subject to item B1 above if the increase in height is located within the portion of the structure that is non-conforming or for any structure covered by item B2</p>

	above; Stamped Plans required to confirm that <b>§ 2.4.1.2.D</b> -Actions Requiring a Finding of Substantially More Detrimental ( <b>D.1</b> ) The creation of any new non-conformity where no non-conformity currently exists; is not in play.
<b>SITE PLAN</b>	Septic Plan of 37 Hall Street Dennisport, Massachusetts prepared for SAO Family Partnership LLC, 139 Riverside Drive West Harwich, MA 0271-1511 by J.C. Ellis Design P.O. Box 91 North Eastham MA, 02654. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated February 18, 2024 by Jason C. Ellis. <b>Applicant drew on stamped plan. Not acceptable.</b>
<b>BUILDING PLANS</b>	Plans of 37 Hall Street Dennisport MA for William Ashmore (King Tide Builders) by Yoana K. Guzman, 5 Madison St. Nantucket, MA 02554. Plans Consisting of 2 Sheets with Front & Right Elevations, and Left Elevations. Plans dated 06-09-2025.
<b>Existing Conditions Plan</b>	Certified Plan Plan of 37 Hall Street, Dennisport, Massachusetts prepared for SAO Family Partnership LLC, 139 Riverside Drive West Harwich, MA 0271-1511 by J.C. Ellis Design P.O. Box 91 North Eastham MA, 02654. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan stamped August 19, 2025 by Jason C. Ellis.

### 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	Yes
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	Yes
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	Yes
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	No

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	79'	79'
Front Setback	25'	12'	13.5'
Right Side Setback	15'	31'	31'
Left Side Setback	15'	19'	19'
Rear Setback	25'	118'	118'
Lot Area	40,000	15585sf	15585sf
Lot Width	100'	79'	79'
Non-conforming floor space within Setbacks			
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			
Cumulative footprint size of all structures			

Cumulative lot coverage (footprint) percent for all	15%		
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%		

§ 2.4.1.2 B Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental

ACTION	FINDING
B1 - Increase in the footprint of a structure that does not comply with one or more required setbacks where the alteration will extend lot coverage or building height where a structure does not conform to current setback requirements;	
B2 - Increase in the lot coverage of a structure where the structure currently exceeds lot coverage;	
B3 - Increase in building height for any structure with a non-conformity subject to item B1 above if the increase in height is located within the portion of the structure that is non-conforming or for any structure covered by item B2 above; and 2.4.1.2 C	

§ 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; **Applicant has performed unauthorized work on Town property. Intended to create four paved parking spaces in front that would back into DP Village street. This is unacceptable even if it was not in Town Right of Way. Needs to be resolved.**
- 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 unauthorized work**
- 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. **Applicant has removed all of the vegetation and natural environment.**

**TOWN DEPARTMENTS COMMENTS:**

- **PLANNING:**
  - The Applicant needs to request a continuation so that the unpermitted work and paving in the Town Right of Way can be resolved.
- **NATURAL RESOURCES:** Not in Conservation jurisdiction