



Town of Dennis

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

**68 UNCLE BARNEYS ROAD WD**

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

<b>APPLICANT:</b>	Philip S Amidon C/O Jeffrey Baroni
<b>PROJECT ADDRESS:</b>	68 Uncle Barneys Road, West Dennis MA 02670
<b>MAP AND LOT NUMBER:</b>	Map 44 Lot 13 (0.54 acres – 23468 sf)
<b>APPLICANT ADDRESS:</b>	900 Route 134 Unit 3-30, Dennis, MA 02660
<b>CASE NUMBER:</b>	ZBAS-25-33
<b>ZONING:</b>	R-40
<b>HEARING DATE:</b>	August 25, 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

<b>PROPOSAL</b>	Demolition and reconstruction of a single-family home
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>• Raze and replace an existing single-family home built in 1836.</li> <li>• Dark Skies compliant exterior lighting will be used to minimize light pollution.</li> </ul>
<b>REQUEST</b>	§ 2.4.1.2.C. - Special Provisions for Relocation/Recon. of 1 or 2-Family Structures Not Located w/n Existing Footprint <b>(C.2)</b> 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.
<b>PLOT PLAN</b>	Site Plan of 68 Uncle Barneys Road West Dennis, MA prepared for Philip Amidon by Down Cape Engineering, Inc., 939 Main Street (Rte 6A) Yarmouthport MA 02675. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated 6-23-25 by Dan Ojala.
<b>BUILDING PLANS</b>	Plans of 68 Uncle Barneys Road, West Dennis MA 02670 prepared for Amidon Residence by Michele Cudilo of Custom Crafted Homes, 900 MA-134 Building 3-30, South Dennis, MA 02660. Plans consisting of 20 sheets with Cover sheet, Foundation Plan, First Floor Plan, Second Floor Plan, Roof Plan, Front & Right Elevations, Rear & Left Elevations, Site Plan, Sections A-A, B-B & Eave Detail 2, Section C-C, Eave Detail 1, Header Detail 2 <sup>nd</sup> Floor Bathroom & Ridge Vent Detail Sections, First Floor Framing, Second Floor Framing, Attic Framing, Roof Framing, Window & Door Schedule, Massachusetts Checklist for Compliance, and General Notes & Material Specifications. Plan dated May 27, 2025 by Michele Cudilo.

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	23468 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	No

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	131.08'	131.08'
Front Setback	25'	20.4'	31.1'
Right Side Setback	15'	26.5'	16.1'
Left Side Setback	15'	44.6'	44.6'
Rear Setback	25'	89.5'	89.5'
Lot Area	40,000 sf	23,468 sf	23,468 sf
Lot Width	100'	132.5'	132.5'
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			
Cumulative lot coverage (footprint) percent for all	15%	7%	7.8%
Cumulative floor space of all structures (F.A.R.)			N/A
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 <u>is found to be substantially less non-conforming by the ZBA</u>	

§ 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. Proposal to demolish a house built in 1836 does not meet the intent to “protect the character of the character of the historic environs...”**
- 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.**
- 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 proposal is the demolition of a Half-Cape home built in 1836 (Andrew Jackson was President of the United States).
  - The house was the home of several sea Captains in the Crowell family.
  - The lot coverage is currently 7% and is proposed to be 7.8 %, well below the 15% level. The applicant could build the new home and keep the old home and still be under 15%.
  - The Applicant should consider retaining and restoring all or part of the existing historic house and building the new home off the back of the existing historic structure.
  - The proposal removes at least seven (7) mature trees.
  - The proposal is under the bulk thresholds.
  - The Board can find that a lawful pre-existing non-conforming structure exists on the property. However, **the Board should consider** whether the proposed unnecessary demolition of an almost 200-year old house will not be substantially more detrimental to the neighborhood than the existing structure.
- **NATURAL RESOURCES:** No Comment
- **HEALTH:** No Comment
- **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.
  - 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 any new vegetation has stabilized.
  - The proposed dwelling foundation elevation appears to substantially match the existing dwelling, which will likely result in minimal re-grading of the site. If any additional grading or landscaping is performed as part of the project, appropriate methods to contain and infiltrate runoff on-site should be considered, as required, up-gradient of the property lines to prevent discharge of stormwater off-site.

- Disturbed areas should be stabilized and re-vegetated to minimize erosion of bare surfaces as soon as practical following sitework.
- Roof drains directed to subsurface structures or stone trenches at the roof drip line for infiltration of roof runoff shall be provided on all new construction.
- Any existing screening to abutting properties should be maintained to the extents practical.
- The existing driveway should be utilized as a construction entrance, and for parking of construction vehicles and storage of materials. No parking of construction vehicles should be permitted for extended periods of time on Uncle Barneys Road.
- The contractor shall be responsible for maintaining Uncle Barneys Road(Public Way) free of sediment during construction.
- **FIRE/POLICE:** Would like to see a Smoke /Co located near the Mud room / Laundry room. Also, if the owner and the contractor could call Tony Kent. Before demo work to see if FD could use building for training.

<b>PROPOSED CONDITIONS</b>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. Failure to comply with Town Permit shall be deemed cause to revoke the ZBA Special Permit.</li> <li>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. Additional screening should be provided in areas where vegetation is removed or the grade is altered.</li> <li>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.</li> <li>7. Construction vehicles shall not park in or block the road.</li> <li>8. The proposed demolition must be referred to the Historic Commission per the Demolition Delay General Bylaw (§61-3). This Special Permit shall not be valid and a Building Permit shall not be issued until such time as the Historic Commission either votes that the building is not preferably preserved or the demolition delay expires.</li> </ol>
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