



Town of Dennis

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70 Depot Street Special Permit MODIFICATION

ZBA SPECIAL PERMIT STAFF REVIEW – August 21, 2025

APPLICANT:	Mark Sacco
PROJECT ADDRESS:	70 Depot Street, Dennisport, MA 02639
MAP AND LOT NUMBER:	Map 58 Lot 82 (0.25 acres – 1,026 sf)
APPLICANT ADDRESS:	70 Depot Street, Dennisport, MA 02639
CASE NUMBER:	ZBAS-25-2
ZONING:	R-40
HEARING DATE:	February 24, 2025

1.

PROPOSAL	Modification of Special Permit approved earlier this year to rebuild home damaged by fire. The Applicant seeks a finding that the proposed modification to the approved special permit is a minor modification not requiring a public hearing review.
PROJECT SUMMARY	<ul style="list-style-type: none"> Raze house (after gas explosion) and replace with larger, more conforming structure. Majority of the increased living space would be the addition of a second floor.
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	Site Plan of 70 Depot Street Dennisport, MA 02639, prepared for Mark & Rosa Sacco by Mallon Land Surveying LLC. 8 Commons Drive, Carver MA (02330). Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated 1-25-2025 by Shane M. Mallon and Stephen D. Matson.
BUILDING PLANS	Preliminary Drawings of 70 Depot Street Dennisport, MA, prepared for the Sacco Residence, by Cotuit Bay Design, LLC. 43 Brewster Road Mashpee, MA 02649. Plan consisting of 4 sheets with, First Floor plan, Second Floor Plan, Front & Left Elevations, and Rear & Right Elevations. Plans dated 1-20-2025.

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	10716sf
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'	71'	71'
Front Setback	25'	19'	25'
Right Side Setback	15'	13.3'	13.3'
Left Side Setback	15'	6'	15'
Rear Setback	25'	73'	73'
Lot Area	40,000	10,716 sf	10,716 sf
Lot Width	100'	148'	148'
Non-conforming floor space within Setbacks		466	177
D2. Increase in new non-conforming floor space by more than 40% within 10-year period			
Cumulative footprint size of all structures		1,358	1,607
Cumulative lot coverage (footprint) percent for all	15%	12.67%	14.97%
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%		

§ 2.4.1.2 C - Special Provisions for Relocation/Recon. of 1 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	
MODIFICATION: finding that the proposed modification to the approved special permit is a minor modification not requiring a public hearing review	

§ 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; **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; **Adequate.**
- 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 to modify a Special Permit granted earlier this year to raze what is left of existing one-story single-family structure following a gas explosion and replace it with a larger, two-story single-family more conforming structure.
- The approved plan improved a couple of setbacks and was under the bulk thresholds.
- Revised plan adds app. 10 sf (5' by 2") which takes the project over the 15% lot coverage.
- A revised site plan was received August 15, 2025. The table says the building is being made smaller to not exceed 15% lot coverage. The applicant proposes to remove the overhangs on the existing guest house to stay below the 30% Floor Area Coverage.
- The raised roof over the south side of the house is a cathedral ceiling over the living room and may not be converted to living space without a further finding by the ZBA.
- The Applicant needs to explain how they remove the overhangs on an existing guest house.
- The Board found 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. The Board needs to consider whether the proposed modification to the approved plan is minor.

- **NATURAL RESOURCES:** Not in Conservation jurisdiction.

- **HEALTH:** Need final septic application before sign-off for Building.

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 addition 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. Failure to comply with all conditions in the Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit. 5. There shall be no exterior construction (including foundation work) or heavy equipment between the Friday before Memorial Day and the day after Labor Day. 6. Construction vehicles shall not park in or block the road. 7. The raised roof over the south side of the house shall remain a cathedral ceiling over the living room and may not be converted to living space without a further finding by the ZBA.
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