



Town of Dennis

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

7 ASPEN LANE

ZBA SPECIAL PERMIT STAFF REVIEW – August 21, 2025

APPLICANT:	Domenic A Maitino ET UX
PROJECT ADDRESS:	7 Aspen Lane, Dennis MA 02638
MAP AND LOT NUMBER:	Map 302 Lot 39 (0.27 acres – 11860 sf)
APPLICANT ADDRESS:	6 Gavin Circle, Stoneham, MA 02180
CASE NUMBER:	ZBAS-25-30
ZONING:	R-40; Flood zone: AE; OK Historic
HEARING DATE:	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

PROPOSAL	Remodel of primary home - Both exterior & interior
PROJECT SUMMARY	<ul style="list-style-type: none"> • A Special Permit is requested for the purpose of adding additional outdoor deck space of approximately 87 (ft²) within the rear setback and raising the building height per elevation drawings of approximately 2'. • An existing garage will be converted to a bedroom. • The exterior scope of project to include: All new windows, doors, siding, decking, railings and stairs, lighting, raising roof with front dormers and 2' extension of garage front wall adding 28 (ft²) for conversion to bedrooms with closets. • Add new side deck/walkway and bulkhead enclosure. • Interior scope of project: New basement footings for structural beam elements, new first floor plan configuration to include primary bedroom/bath, laundry/storage, full bath, kitchen/living/dining open concept. New HVAC, insulation, walls, doors, floors, electrical/plumbing as needed, and raise ceilings.
REQUEST	Finding per: § 2.4.1.2.B - Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental (B.1) 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;
PLOT PLAN	Site Plan of 7 Aspen Lane Dennis, Massachusetts prepared for Domenic A. & Kathleen M. Matino by Paul E. Sweetser Professional Land Surveyor P.O. Box 1146 Dennisport MA 02639. Plan consisting of 2 sheets with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated January 22, 2025 by Paul E. Sweetser.

BUILDING PLANS	Plans of 7 Aspen Lane Dennis, MA 02638 prepared for Domenic & Kathleen Matino by Jeff & Chris Dennis of 7 Evsun Drive Sandwich, MA 02563. Plan consisting of 7 Sheets with 3D Perspective Renderings, Envelope, Floor Plan, Exterior Elevations, Interior Kitchen Elevations, Interior Bedroom Elevations and 3D Renderings. Plan dated 7-6-2025
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1.3.2 Plans and Specifications

REQUIREMENTS	PROVIDED ON PLAN
CERTIFIED PLOT PLAN INCLUDING	
LOCUS MAP	No
PERIMETER DIMENSIONS, INCLUDING FRONTAGE	Some
AREA OF LOT	11860sf
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	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'	472.82'	472.82'
Front Setback	25'	25.65'	25.65'
Right Side Setback	15'	42.1'	42.1'
Left Side Setback	25'	52.79'	45.66'
Rear Setback	25'	19.96'	19.96'
Lot Area	40,000sf	11,860 sf	11,860 sf
Lot Width	100'	70'	70'
Non-conforming floor space within Setbacks	0	357	357
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period	0	0	0
Cumulative footprint size of all structures	1,779 sf	1,479 sf	1,507 sf
Cumulative lot coverage (footprint) percent for all	15%	12.47%	12.71%
Cumulative floor space of all structures (F.A.R.)	3,558 sf	1,933.6 sf	2,140.8 sf
Cumulative floor space to lot area % all structures	30%	16.3%	18.05%

§ 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;	

§ 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; **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 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 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 a very small addition and conversion of existing interior space and is under the bulk thresholds.
 - The raising of the roof for cathedral ceilings shall not be converted to second floor space without returning to the ZBA for a finding.
 - The new exterior deck access and stair in the back (southwest corner) extending the rear non-conformity south is the only concern in terms of possibly creating a new non-conformity.
 - The Board should consider whether to allow or remove this small section of exterior access.
 - This section of deck moves closer to the part of the property in VE Zone but does not enter.
 - The Board can find that a lawful pre-existing non-conforming structure exists on the property and the proposed addition, as conditioned, will not be substantially more detrimental to the neighborhood than the existing structure.
- **NATURAL RESOURCES:** Not in conservation jurisdiction.
- **HEALTH:** Property located in an ESA. Variance approved on 7/28/2025. Dwelling remaining 3 bedrooms. T5 inspection completed 7/22/2025
- **BUILDING:** SP required for increase in footprint and height
- **ENGINEERING:**
 - The Engineering Department offers the following comments based upon a review of “Proposed Conditions Plan of Land, 7 Aspen Lane, Dennis, by Paul E. Sweetser PLS, dated January 22, 2025.”
 - The project as presented has the potential 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.
 - No grading has been indicated on the site plan as the existing dwelling will remain, and limited deck and structure additions are proposed. If any sitework will be conducted as part of the project, stormwater will need to be contained and infiltrated on-site. Natural areas surrounding the dwelling should be graded and vegetated to slow the velocity of, and contain runoff for infiltration prior to reaching the property boundary.
 - As part of the renovation, roof drainage shall be contained by gutters and downspouts and directed to separate subsurface infiltration areas, or discharged to stone drip trenches along the roof drip line.
 - Any existing screening to abutting properties should be maintained to extents practical.
 - If the applicants decide to expand or modify the driveway as part of the project, measures to contain and infiltrate runoff from the driveway surface should be provided, or pervious material utilized. As Aspen Lane is a private road, no road opening permit will be required, however any work will need to comply with the Stormwater By-Law with respect to preventing off-site discharge of runoff to the road or abutting properties.
 - In addition to use of the existing driveway, a stone construction entrance should be considered for parking of construction vehicles and storage of materials. No parking of construction vehicles should be permitted for extended periods of time on Aspen Lane. The contractor shall be responsible for maintaining Aspen Lane (Private Way) free of sediment during construction.
- **FIRE/POLICE:** No comment

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. Any off-street parking shall be a pervious surface. 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. 7. The raised roof with dormers shall remain cathedral ceilings and shall not be converted to additional floor space without returning to the ZBA for a finding. 8. Construction vehicles shall not park in or block the road.
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