



Town of Dennis

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**11 WENDY WAY, WD**

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

<b>APPLICANT:</b>	Grant P Legoullon Trustee C/O Law Offices of Paul R. Tardif
<b>PROJECT ADDRESS:</b>	11 Wendy Way WD MA 02670
<b>MAP AND LOT NUMBER:</b>	Map 26 Lot 71 (0.21 acres – 9313sf)
<b>APPLICANT ADDRESS:</b>	490 Main Street, Yarmouth Port, MA 02675
<b>CASE NUMBER:</b>	ZBAS-25-32
<b>ZONING:</b>	R-40; AE & VE Flood Zone
<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>	Raze and Replace a single-family dwelling on a non-conforming lot.
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>• Proposal is for the voluntary demolition of a non-conforming one-story single-family house built in 1960 with 3 bedrooms and 1 bathroom to be replaced by a two and a half story single-family house in the R-40 Zoning District and AE &amp; VE Flood Zones.</li> <li>• Property fronts on Sandpiper Lagoon in the West Dennis “Fingers”.</li> <li>• Proposal is to raze the existing structure and construct a new two and one half-story single family dwelling, with 3 bedrooms, and continuing to meet all bulk requirements of the bylaw, including all setbacks, lot coverage and height</li> </ul>
<b>REQUEST</b>	Finding per: <b>§ 2.4.1.2.C.</b> - 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 11 Wendy Way Dennis, MA prepared for Karen & Grant Legoullon Family Tr. by Clark Engineering LLC 156 Crowell Rd Suite B, Chatham MA 02633, and Outermost Land Survey, Inc. 1 Independence Way, Brewster, MA 02631. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated 4-16-2025; revised 6-5-2025 by David A. Clark.
<b>BUILDING PLANS</b>	Plans of 11 Wendy Way Dennis, MA prepared for Legoullon by Rick Roy Construction LLC 123A Queen Anne Road Harwich, MA 02631. Plan consisting of 5 sheets with Existing Front, Rear, Right & Left Elevation & Existing Floorplan (Dated June 17, 2025); Proposed Front, Rear, Right & Left Elevation (Dated April 17, 2025); Foundation & Proposed 1 <sup>st</sup> Floor Plan (Dated June 4, 2025); proposed 2 <sup>nd</sup> & 3 <sup>rd</sup> Floor Plan (Dated June 4, 2025) and Section A (Dated May 1,2025)

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	9313sf
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'	90.7'	90.7'
Front Setback	25'	25.3'	26'
Right Side Setback	15'	20.2'	23.8'
Left Side Setback	15'	23.1'	19.4'
Rear Setback	25'	35.6'	33.1'
Lot Area	40,000sf	9,313 sf	9,313 sf
Lot Width	100'	90'	90'
Non-conforming floor space within Setbacks	0	0	0
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period	40	0	0
Cumulative footprint size of all structures		1,268 sf	1,390 sf
Cumulative lot coverage (footprint) percent for all	15%	13.6%	14.9%
Cumulative floor space of all structures (F.A.R.)		1,083 sf	2,729 sf
Cumulative floor space to lot area % all structures	30%	11.6%	29.3%

§ 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 is found to be substantially less non-conforming by the ZBA	

§ 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 significantly larger than the existing house but on a smaller footprint, will be flood compliant, improves the right setback and is under the bulk thresholds.
  - The existing house is a quaint cottage. It seems many of the houses in the Fingers are doing similar expansions upwards.
  - Due to the size of the lot near water and the density of neighborhood, the Board should consider conditioning that any off-street parking shall be a pervious surface.
  - The Board can find 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.
- **NATURAL RESOURCES:** Conservation Commission closed hearing on 8/7/25. Permit to be issued at 8/21/25 meeting.
- **HEALTH:** Property located in an ESA. Will require 16B Board of Health variance at public hearing.
- **BUILDING:** Special Permit for Raze and replace
- **ENGINEERING:**
  - The project as presented will 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 the clearly defined limit of work shown on the plan. The controls should be installed and maintained until all work is completed and any new vegetation has stabilized. All work limit locations should be approved by the Conservation Commission.
  - It appears the house will be elevated approximately a foot from the existing elevation. If any fill or grading will be performed and any new slopes constructed, the applicant should consider the inclusion of shallow swales or depressions to slow the velocity of runoff and maximize

infiltration prior to runoff reaching the property boundary or the resource area. These swales could be vegetated and remain post-construction to achieve the same purpose.

- All disturbed areas of the site should be stabilized and re-vegetated as soon as practical, especially on newly graded slopes, or in areas close to the property boundary. Bare earth should not be left exposed for extended periods of time. Additional erosion and sedimentation controls should be provided during construction, as site conditions warrant, to contain sediment and runoff within the work limits.
- The plan provides drywells for subsurface infiltration of collected roof runoff.
- Any existing screening to abutting properties should be maintained to the extents practical. Additional screening along the side and rear property lines should be considered in locations where existing vegetation is removed as part of the project or a 10ft. vegetated buffer can be provided in accordance with 2.3.4.1.b of the Zoning By-Law.
- The plan indicates the existing driveway will be removed, and a new driveway constructed. The new driveway appears to provide or exceed the minimum 10ft. sideline setback to provide the vegetated buffer in accordance with § 2.3.4.1.b., however the applicant should provide confirmation.
- Construction vehicles should not park in Wendy Way for extended periods of time when work is being performed at the site. A stone construction entrance should be installed in the area of the existing driveway (to be removed) or in an area where the new driveway will be installed.
- **FIRE/POLICE:** FD request for possible training opportunity before demo starts.

<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 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.</li> <li>4. Failure to comply with all conditions in the Conservation Commission Order of Conditions or the Board of Health Variance shall be deemed cause to revoke the ZBA Special Permit.</li> <li>5. Any off-street parking shall be a pervious surface.</li> <li>6. A 10-foot vegetated buffer shall be provided in accordance with § 2.3.4.1.b of the Zoning By-Law.</li> <li>7. 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>8. 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>9. Construction vehicles shall not park in or block the road.</li> </ol>
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