



Town of Dennis

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

15 ALBION WAY, SD

ZBA SPECIAL PERMIT STAFF REVIEW – August 21, 2025

APPLICANT:	Thomas F Ahrensfeild C/O Law Offices of Paul R. Tardif
PROJECT ADDRESS:	15 Albion Way, South Dennis MA 02660
MAP AND LOT NUMBER:	Map 127 Lot 2 (0.85 acres – 39918 sf)
APPLICANT ADDRESS:	490 Main Street, Yarmouth Port, MA 02675
CASE NUMBER:	ZBAS-25-31
ZONING:	R-40; Flood zone: AE & X; SD Historic
HEARING DATE:	August 25, 2025

PROPOSAL	Raze and Replace
PROJECT SUMMARY	<ul style="list-style-type: none"> Proposal is for the voluntary demolition of a non-conforming two-story single-family house built in 1956 and located within 50 feet of a coastal bank to be replaced by a two-story single-family house on a non-conforming lot. Located on a property in the R-40 Zoning District; AE Flood Zone; and part of the South Dennis Historic District Existing two-story, single family dwelling has 3 bedrooms, 2 ½ bathrooms, and is 8 feet from the mean high-water mark to the rear, and 12.2' from southerly boundary. The existing structure sits entirely within the 100-foot Riverfront area, within feet of a coastal bank, and almost entirely within 50 feet of the coastal bank.
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 15 Albion Way Dennis, Massachusetts prepared for Thomas & Rebecca Ahrensfeild 236 South Street, 2 nd Floor Harwich, MA 02645 by Cape & Islands Engineering Summerfield Park 800 Falmouth Road Suite 301C Mashpee, MA 02649. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated April 10, 2025 by J. Jacob Fricke and Raul Lizardi-Rivera.
BUILDING PLANS	Plans of 15 Albion Way South Dennis MA prepared for Tom & Becca Ahrensfeild by ERT Architects 299 White's Path South Yarmouth Massachusetts, 02664. Plan consisting of 2 Sheets with Front/ East Elevation & Left/ South Elevation, Type of Decorative Column, Rear/West Elevation & Right/North Elevation, and Type of Deck Support Column. No date on plan.

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	39918sf
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	Yes
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'	250.11'	250.11'
Front Setback	25'	127.5'	25.5'
Right Side Setback	15'	46'	59.1'
Left Side Setback	15'	12.2	22.2'
Rear Setback	25'	8'	50
Lot Area	40,000sf	39,918sf	39,918sf
Lot Width	100'	130'	130'
Non-conforming floor space within Setbacks	0	500	0
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period	40		0
Cumulative footprint size of all structures	5,988 sf	2,754 sf	4,790 sf
Cumulative lot coverage (footprint) percent for all	15%	6.9%	12%
Cumulative floor space of all structures (F.A.R.)			
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 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 moves the house site back away from the water and up a hill a bit.
 - The proposal is significantly larger than the existing house, but it is flood compliant and improves a couple of setbacks and is under the bulk thresholds.
 - 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:** Raze and replace approved by Conservation with an Order of Conditions.
- **HEALTH:** Project heard at 7/10/25 BOH hearing. Pending revised floor plans as well as septic application to relocate existing septic tank. BOH approved use of existing system as this property is located in Phase 1 (active phase) of the wastewater plan.
- The property is located in Phase 1 of the wastewater project. Under the new Sewer Connection Regulations, the Board of Health is not approving any new systems in an active construction phase, which we are in phase 1 now.
- The project was conditioned that they revise floor plans to show that the first-floor office does not have any closets and that it meets the 5' cased opening, and a septic application is required to relocate the existing septic tank.
- BoH approved the use of the existing system, with a condition being that they are required to connect to sewer within 90 days when available, not the standard one year.
- **ENGINEERING:**
 - The project as presented appears to alter a ground surface equal to or exceeding 20,000sf. This should be confirmed with the Building Commissioner. A Stormwater Management Permit is recommended for this project even if the disturbance is less than 20,000sf, as there are sufficient details for erosion controls, and the site appears to be designed to meet the requirements set forth in the Stormwater By-Law. Engineering is satisfied that the plan as presented provides the necessary information to issue a Stormwater Management Permit.
 - The plan appears to address erosion and sedimentation control, mitigation planting and conservation with adequate details and notes. All details should be thoroughly reviewed and approved by the Conservation Commission.

- Construction period linear erosion and sedimentation controls should be provided as detailed on the plan at the clearly defined limit of work. These controls should be installed and maintained until all work is completed and any new vegetation has stabilized.
- Provides drywells for subsurface infiltration of roof runoff as well as drainage and infiltration.
- As grading is being performed at the site, especially on the north side between the dwelling/driveway and the coastal bank, the contractor should consider additional construction period vegetated swales upgradient of the bank to slow the velocity of runoff and reduce potential for erosion into resource area. Consider permanent for same reason.
- 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.
- If not already planned by the contractor, phasing of the sitework is recommended, to minimize the time bare areas are left exposed. This will permit the stabilization and re-establishment of smaller areas to take place while other areas of the site are worked.
- Any existing screening to abutting properties should be maintained to the extents practical. Additional screening along the 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 Bylaw.
- The proposed driveway appears to be graded to direct runoff to a subsurface infiltration area and not discharge to the road layout of Albion Way.
- A stabilized stone construction entrance should be installed and maintained at a suitable location to minimize transport of sediment off the site. Construction vehicles should not park along Albion Way for extended periods of time such that vehicle travel is impeded.

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 Conservation Commission Order of Conditions or the Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit. 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. 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 shall be implemented. 7. Construction vehicles shall not park in or block the road.
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