



Town of Dennis

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

18 PELHAM LANE, DP

ZBA SPECIAL PERMIT STAFF REVIEW – August 21, 2025

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| APPLICANT: | Francis X Hursey Q.P.R.T. ET AL & Nancy C Hursey Qual Per Res C/O Deane Ferioli |
| PROJECT ADDRESS: | 18 Pelham Lane, Dennisport MA 02639 |
| MAP AND LOT NUMBER: | Map 21 Lot 46 (0.70 acres – 26049 sf) |
| APPLICANT ADDRESS: | 155 Crowell Road, Chatham, MA 02633 |
| CASE NUMBER: | ZBAS-25-29 |
| ZONING: | RR; Flood zone: VE |
| 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**

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| PROPOSAL | Demolition of existing house and construction of nonconforming new house |
| PROJECT SUMMARY | <ul style="list-style-type: none"> • The existing 2-story year-round, single-family dwelling was constructed in 1930. • The home has 2,931 sf (11.3%) building coverage and contains 5 bedrooms • Existing house is nonconforming on the east side as 1,462 sf of the house is within the 25’ required building setback, at 5.8 feet from the rear/east lot line. • The proposal includes demolishing the existing 2-story single-family and re-constructing a new 2-story year-round, single-family dwelling closer to the ocean. • The new dwelling will reduce the nonconforming area on the by 1,402 sf. • The proposed dwelling will have 3,341 sf (12.8%) building coverage. |
| 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 18 Pelham Lane, Dennisport, Massachusetts prepared for Donald L. Poyant of Eastward Companies 155 Crowell Road, Chatham, by BSC Group 349 Route 28, Main Street West Yarmouth, MA 02673. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated July 2, 2025 by Kieran Healy. |
| BUILDING PLANS | Plans of 18 Pelham Drive Dennis MA prepared for Hursey Residence by Karen B. Kempton AIA Architecture, 43 Angela Way West Barnstable, MA 02668. Plan consisting of 5 sheets with Front & Right Elevations, Rear & Left Elevations, Foundation Plan, First Floor Plan and Second Floor Plan. Plan dated 6-12-2025. |

1.3.2 Plans and Specifications

| REQUIREMENTS | PROVIDED ON PLAN |
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| CERTIFIED PLOT PLAN INCLUDING | |
| LOCUS MAP | Yes |
| PERIMETER DIMENSIONS, INCLUDING FRONTAGE | Yes |
| AREA OF LOT | 26049 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 | Yes |
| EXISTING AND PROPOSED TOPOGRAPHY AND/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 | Photos |

| Basic Site Data | Required/ Allowed | Existing | Proposed |
|---|----------------------|-------------|-------------|
| Frontage | 25' | 152.09' | 152.09' |
| Front Setback | 25' | 31.6' | 25.5' |
| Right Side Setback | 15' | 157' | 110' |
| Left Side Setback | 15' | 61.1' | 95.6' |
| Rear Setback | 25' | 5.8' | 23.3' |
| Lot Area | 40,000 sf | 26,049 sf | 26,049 sf |
| Lot Width | 100' | 96' | 95' |
| Non-conforming floor space within Setbacks | | 1,462 sf | 60 sf |
| D2. Increase in new non-conforming floor space by more than 40% within any 10-year period | | | <40% |
| Cumulative footprint size of all structures | 3,907.35 | 2,943.54 sf | 3,334.27 sf |
| Cumulative lot coverage (footprint) percent for all | 15% | 11.3% | 12.8% |
| Cumulative floor space of all structures (F.A.R.) | | 3,773 sf | 6,118 |
| Cumulative floor space to lot area % all structures | 30% | | 23.4% |

§ 2.4.1.2 C - Special Provisions for Reconstruction of 1 or 2-Family Structures Not Located w/n Existing Footprint

| ACTION | FINDING |
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| 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 it is flood compliant, improves the rear setback and is under the bulk thresholds.
 - Due to location in a dense residential neighborhood by the ocean and next to the Pelham House the limitations on exterior construction during the season should be conditioned.
 - Preliminary plan submitted to Conservation showed a proposed future garage on the left side (furthest from Sound) on a steep slope. This would probably put the lot coverage over 15%.
 - 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:** Approved by Conservation with planting plan and Order of Conditions.
- **HEALTH:** Property located in an Environmentally Sensitive Area. Will require 16B Board of Health Variance at Public Hearing.
- **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 as specified on the plan should be provided 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. All work limit locations should be approved by the Conservation Commission.
 - The applicant should confirm the intent and limit of any proposed grading surrounding the pool patio. If necessary, vegetated swales or low depressions should be considered to minimize the flow of any post construction runoff from the improved areas of the site toward the resource area.

- 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 and patio runoff.
- Any existing screening to abutting properties should be maintained to the extents practical. Due to the location of proposed retaining walls along the east and west property lines, it cannot be confirmed if a 10ft. vegetated buffer can be provided in accordance with 2.3.4.1.b of the Zoning By-Law.
- The applicant should confirm how runoff from the proposed driveway will be contained and infiltrated on-site. The materials for the proposed driveway (impervious/pervious) have not been specified on the plan.
- Construction vehicles should not park in Pelham Lane for extended periods of time, as to block traffic when work is being performed at the site.

- **FIRE/POLICE:** Fire Department request re demolition of building for training.

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| 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 Variance 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 as suggested shall be implemented. 7. There shall be no exterior construction (including foundation work) or heavy equipment between the July 4 and the day after Labor Day. 8. Construction vehicles shall not park in or block the road. 9. 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. |
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