



Town of Dennis

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20 PINE STREET

ZBA SPECIAL PERMIT STAFF REVIEW – August 21, 2025

APPLICANT:	Christopher R Gendreau C/O Marian Rose of Singer & Singer Law Office
PROJECT ADDRESS:	20 Pine Street, Dennisport MA 02639
MAP AND LOT NUMBER:	Map 40 Lot 144 (0.13 acres – 5657sf)
APPLICANT ADDRESS:	26 Upper County Road, P.O. Box 67, Dennisport, MA 02639
CASE NUMBER:	ZBAS-25-34
ZONING:	R-R
HEARING DATE:	August 25, 2025

PROPOSAL	Addition of covered porches to pre-existing non-conforming.
PROJECT SUMMARY	<ul style="list-style-type: none"> • Proposal is to alter and expand a pre-existing nonconforming, one-story, single-family dwelling by adding two covered porches and altering the single-story roof line while remaining a single-story structure. • The two porches will be no more nonconforming as to setbacks than the existing structure and add 348 sf. The existing footprint will not otherwise be altered. • Pre-existing non-conforming small property is on a corner lot. • Building coverage is nonconforming and will increase but the proposed work will not exceed the 30% rule (existing building coverage (23.2%, 1,314 sf) • proposed building coverage of 29.4 % (1,662 sf) where 30% is maximum allowed. • Building height will remain conforming. (17.3”) • Application states non-conforming floor area will increase by only 3.1% or 175 sf (33.4% proposed where 40% max allowed). Not shown accurately on plan.
REQUEST	<p>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; (B.2) Increase in the lot coverage of a structure where the structure currently exceeds lot coverage; (B.3) Increase in building height for any structure with a non-conformity subject to item B1 above if the increase in height is located within the portion of the structure that is non-conforming or for any structure covered by item B2 above; and C.</p>
PLOT PLAN	Plot Plan of 20 Pine Street Dennisport, Massachusetts prepared for Chris Gendreau 74 Howard ST South Easton, MA 02375 by Merrill Engineers and Land Surveyors 427 Columbia Road Hanover MA 02339. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated June 26 2025 by Deana Boumitri and Timothy M. Santos.
BUILDING PLANS	Plans of 20 Pine Street Dennisport, MA prepared for Chris Gendreau by Eckstrom Home Designs 115 Main Street Suite 2B North Easton, MA. Plans consisting of 7 sheets with

	2015 IRC and 780 CMR 51.00 Residential Building Code Excerpts; Proposed Front & Right Elevations; Proposed Left Elevation; Proposed First Floor Plan; Proposed Roof Plan; Proposed Floor Framing Plan and Proposed roof Framing Plan. Plan Dated 6-23-2025.
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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	5,657 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	n/a
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	Photos

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	50'	50'
Front Setback	25'	42.1'	36.1
Right Side Setback	25'	5.5'	5.5'
Left Side Setback	15'	9'	9'
Rear Setback	25'	2.3'	2.3'
Lot Area	40,000sf	5,657sf	5,657sf
Lot Width	100'	50'	50'
Non-conforming floor space within Setbacks	2262	1716	1891
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period	40	30.3	33.4
Cumulative footprint size of all structures	848	1,314 sf	1,662 sf
Cumulative lot coverage (footprint) percent for all	15%	23.2%	29.4%
Cumulative floor space of all structures (F.A.R.)	0	1,314 sf	1,662 sf
Cumulative floor space to lot area % all structures	30%	23.2%	29.4%

§ 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;	
B2 - Increase in the lot coverage of a structure where the structure currently exceeds lot coverage;	

B3 - Increase in building height for any structure with a non-conformity subject to item B1 above if the increase in height is located within the portion of the structure that is non-conforming or for any structure covered by item B2 above; and 2.4.1.2 C	
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§ 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 does not lessen any non-conformities but the addition of the covered porch in front and raising the roofline is a bit of an improvement to the aesthetics.
- The Property is on a corner lot, and therefore subject to 25' setbacks on the front, right side and rear which is not indicated on the Site Plan. The Site Plan does not correctly calculate the non-conforming area. The plan should show the setback area and the correct setbacks.
- The right setback is actually 25' because of Nickerson as is rear. Left side is 15'. The proposal is probably fine because of the amount of existing non-conforming over the rear setback and left setback as well and because the bylaw inexplicably adds basements to the calculation.
- Because the rear of the property is also subject to 25' setbacks the non-conforming area will be large and may allow for proposal. This must be shown on a stamped site plan. The attorney for the proposal will try to get that confirmation on a plan by Monday.
- Lot coverage of 1-story building is at 30% FAR, so no second floor is allowed.
- The existing shed in rear street layout should be relocated to this property or removed.
- House built in 1945 making a demolition subject to Demolition Delay General Bylaw (§61-3).
- Pending confirmation that the non-conforming area is not exceeding 40%, 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:** No Comment

- **HEALTH:** Not in an ESA. Passing Title 5 from 2025. Porch addition and alterations do not encroach on septic system. Remaining 3 bedrooms.
- **ENGINEERING:**
 - The project as presented has the potential to alter greater than 500 sf of ground and should implement limited erosion control measures required to meet intent of Stormwater By-Law.
 - Due to the close proximity of construction to abutting properties and the access road (Nickerson Court), construction period linear erosion and sedimentation controls should be used to contain the area of disturbance. Installed and maintained until all work is completed.
 - Stormwater will need to be contained and infiltrated on-site.
 - Roof drainage shall be contained by gutters and downspouts and directed to separate subsurface infiltration areas or stone drip trenches along drip line. A drywell is shown rinse station, and could be utilized for roof drainage, or additional measures provided.
 - Any existing screening to abutting properties should be maintained to the extents practical.
 - Any sitework will need to comply with the Stormwater By-Law with respect to preventing off-site discharge of runoff to the road or abutting properties
 - The existing parking area should be utilized for parking of construction vehicles and storage of materials. No parking of construction vehicles should be permitted for extended periods of time on Nickerson Court or Pine Street as to block traffic or emergency access.
 - The contractor shall be responsible for maintaining Nickerson Lane (Private Way) in pre-construction condition, and Pine Street (Town Road) free of debris and obstructions.

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. 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. 7. 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. 8. The attic, denoted as storage must remain open with uses limited per code. 9. Construction vehicles shall not park in or block Nickerson Road or Pine Street or impede access for the other properties on Nickerson Road. 10. The existing shed shown on the site plan within the Nickerson Court layout, shall be removed or relocated to within the property.
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