



Town of Dennis

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

**3 Girard Lane**

**ZBA SPECIAL PERMIT STAFF REVIEW – September 17, 2025**

<b>APPLICANT:</b>	Cynthia Gelsthrope Fish Trustee C/O Jeffrey Ford
<b>PROJECT ADDRESS:</b>	3 Girard Lane, East Dennis MA 02641
<b>MAP AND LOT NUMBER:</b>	Map 422 Lot 44 (0.18 acres – 11,019 sf)
<b>APPLICANT ADDRESS:</b>	72 Main St PO Box 485, West Harwich, MA 02671
<b>CASE NUMBER:</b>	ZBAS-25-27
<b>ZONING:</b>	R-40; OK Historic
<b>HEARING DATE:</b>	July 28, 2025

<b>PROPOSAL</b>	Demolish a two-story 1,566 sf house built in 1925 and reconstruct a 2,693-sf two-story house with basement.
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>• The Applicant seeks to raze and replace the existing pre-existing non-conforming dwelling and shed on a pre-existing non-conforming lot and replace it with a new larger dwelling and shed. This is a modification to a Special Permit approved in July.</li> <li>• Applicant seeks a modification of previously approved SP ZBAS-25-27, to shift the foundation approximately 10 feet to the south.</li> <li>• Modification results in an improved right side-yard nonconforming setback, which will now be brought into conformity at 22.8+/- ft (where 13.7 was approved).</li> <li>• Rear nonconforming setback to be slightly improved, from 13.7' approved to 14.1'.</li> <li>• Proposed change results in an overall reduction of non-conforming area to 695 SF (14%) within the setback, where 947 SF (17%) was approved by SP in July.</li> <li>• There are no other changes to the dwelling, which will remain exactly the same size and footprint from what was approved. The previously approved landscape plan has also been revised to accommodate the shift of the dwelling.</li> </ul>
<b>REQUEST</b>	§ 2.4.1.2.C. - 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 Proposed Improvement at 3 Girard Lane, East Dennis, Mass. prepared for Cynthia Gelsthrope Fish Tr. (Beach Plum Tr.) 776 Boylston St. Boston MA 02199 by Sullivan Engineering & Consulting Inc. P.O. Box 659, 711 Main Street Osterville MA, 02655. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated May 28, 2025 by John C. O’Dea.
<b>BUILDING PLANS</b>	Plans of 3 Girard Lane East Dennis, Mass. Prepared by Polhemus, Savery, DaSilva Architects & Builders, 157 Brewster-Chatham Road (Route 137), East Harwich, MA 02645. Plan consisting of 10 Sheets with Zoning Map, Lower Level Plan, First Floor Plan, Second Floor Plan, Roof Plan, South Elevation, East Elevation, North Elevation, West Elevation, Shed Floor Plan & Elevations, Plans dated August 15, 2025

<b>LANDSCAPE PLAN</b>	Schematic Design Landscape Plan – Option 3; 3 Girard Lane East Dennis, Mass. Prepared by Polhemus, Savery, DaSilva Architects & Builders, 157 Brewster-Chatham Road (Route 137), East Harwich, MA 02645. Plans dated August 5, 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	11,019 sf
NAMES OF STREETS	No
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 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	Approved SP 2025-07	Proposed
Frontage	50'	116.85'	116.85'	116.85'
Front Setback	25'	48.5'	35.7'	33.9'
Right Side Setback	15'	13.6'	13.7	22.8'
Left Side Setback	15'			
Rear Setback	25'	8.7	13.7'	14.1
Lot Area	40,000SF	11,019SF		11,018SF
Lot Width	100'	116.85'		116.85'
Non-conforming floor area w/in Setbk		429 sf	267 sf	265 sf
D2. Increase in new non-conforming area by more than 40% within 10-year				Less than existing
Cumulative footprint of all structures		978	1,572 sf	1,572 sf
Cumulative lot coverage (footprint) %	15%	8.9%	14.2%	14.2%
Cumulative floor space of all structures (F.A.R.)		1686	4,107 sf <u>including basement</u>	4,107 sf <u>including basement</u>
Cum. floor space to lot area % all struc	30%	16%	37%	37%

§ 2.4.1.2 C - Special Provisions for Recon. 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; **No change.**
- 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; **Will not increase.**
- f. Adequacy of control of artificial light, noise, litter, odor or other sources of nuisance or inconvenience to adjoining properties, public ways & neighborhoods; **Will not generate light, noise, litter, odor 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 proposed larger house improves the front, rear & side setback by moving to the east
- A generator is proposed to be located very close to the rear property line.
- Due to the location of the property in a dense residential neighborhood near the water, the time of year construction and not blocking the road conditions should be considered.
- The proposal is significantly larger than the existing house, but same as raze and replace approved in July, is flood compliant, improves 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:** Project has been reviewed and approved by Conservation. All work must follow the Order of Conditions and approved Plan of Record.

- **HEALTH:** Property located in an ESA. Requires variance from BOH 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 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. All work limit locations should be approved by the Conservation Commission.
- As grading is being performed at the site, the applicant should consider an additional vegetated swale or low area along the base of the new slope, upgradient of the access drive/ROW, to slow the velocity of runoff and maximize infiltration reducing erosion.
- 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. Additional erosion/sedimentation controls to be provided during construction 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. 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 proposed parking area appears to match the extents of the existing driveway and will remain pervious. Consideration should be given to shifting the parking away from the property line to provide the 10ft. vegetated buffer in accordance with 2.3.4.1.b of Zoning.
- Constr. vehicles should not park or block the access drive/ROW during construction.
- The plan shows a combination of three lots on different subdivision plans, which are currently under common ownership. The use of the three lots combined as shown, should be confirmed with the Building Commissioner, for coverage and setback purposes.
- **FIRE:** Fire Dept. would like permission to do training before demolition.

<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 Order of Conditions or Board of Health permit shall be deemed cause to revoke Special Permit.</li> <li>5. Any off-street parking shall be a pervious surface.</li> <li>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.</li> <li>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 engineering shall be implemented.</li> <li>8. Additional vegetative screening should be provided if vegetation is removed.</li> <li>9. There shall be no exterior construction (including foundation work) or heavy equipment between the Friday before Memorial Day and the day after Labor Day.</li> <li>10. Construction vehicles shall not park in or block the road.</li> <li>11. 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. If the Historic Commission votes that the original house built in 1899 is preferably preserved, the applicant shall work with the Historic Commission and the Town Planner to explore alternatives to the proposed demolition.</li> </ol>
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