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

**3 Girard Lane**

**ZBA SPECIAL PERMIT DECISION**

<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 – 11019 sf)
<b>APPLICANT ADDRESS:</b>	72 Main St PO Box 485, West Harwich, MA 02671
<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>CASE NUMBER:</b>	ZBAS-25-27
<b>ZONING:</b>	R-40; OK Historic

<b>REGISTRY OF DEEDS REQUIRED INFORMATION</b>					
<b>Current Property Owners:</b>		Cynthia Gelsthrope Fish Trustee & Beach Plum Trust			
<b>Owners Property Address:</b>		2055 Oyster Harbors, Osterville, MA 02655			
<b>Project Property Address:</b>		3 Girard Lane East Dennis MA 02641			
<b>Registry of Deeds Title Reference</b>		<b>Book:</b>	5321	<b>Page:</b>	324
<b>or</b>	<b>Certificate of Title #</b>	<b>And Land Ct Lot</b>		<b>And Plan #</b>	16261A

<b>HEARING DATE</b>	July 28, 2025
<b>SPECIAL PERMIT FINDING REQUIRED</b>	Special Permit finding(s) required 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 voluntary demolition and reconstruction of a building or structure nonconforming by dimension...and the non-conforming nature of the new proposed structure is found to be substantially less non-conforming.
<b>REQUEST</b>	Finding that the non-conforming nature of the new proposed structure is substantially less non-conforming.

<b>PLOT PLAN</b>	Site Plan of 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. Odea.
<b>BUILDING PLANS</b>	Plans of 3 Girard Lane, East Dennis, Mass. Prepared by Polyhemus Savery Dasilva Architects & Builders 157 Brewster-Chatham Road (Route 137) East Harwich, MA 02645. Plan consisting of 26 Sheets with Zoning Map, Pre-Existing Nonconforming Conditions, Lower Level Plan, First Floor Plan, Second Floor Plan, Roof Plan, South Elevation, East Elevation, North Elevation, West Elevation, Shed Floor Plan & Elevations, Existing Conditions Main House, Existing Conditions Shed, Existing Lower Level Plan, Existing First Floor Plan, Existing Second Floor Plan, Existing South Elevation,

	Existing East Elevation, Existing North Elevation, Existing West Elevation, Existing Shed Plan & Elevations, Proposed Rendering South, Proposed Rendering East, Proposed Rendering North, Proposed Rendering West, and Shed Renderings. Plans dated June 18, 2025
<b>LANDSCAPE PLAN</b>	Schematic Landscape Plan Option 3 - 3 Girard Lane, East Dennis, Mass. Prepared by Polyhemus Savery Dasilva Architects & Builders 157 Brewster-Chatham Road (Route 137) East Harwich, MA 02645. Plan consisting of 1 Sheet with rendered landscape plan and vegetated buffer. Plan Revised May 13, 2025.

<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.</li> </ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>Proposal conforms to setbacks and is within the bulk threshold limits.</li> <li>Project reviewed and approved by Conservation with an Order of Conditions. All work must follow the Order of Conditions and approved Plan of Record.</li> <li>Property located in an Environmentally Sensitive Area (ESA) and is subject to the Board of Health (BOH) and requires variance from BOH at a public hearing.</li> <li>Project results in a ground disturbance greater than 500 sf and is therefore required to meet the intent of the Stormwater By-Law.</li> <li>The Board can find that a lawful pre-existing non-conforming structure exists on the property and the proposed reconstruction, as conditioned, is substantially less non-conforming.</li> </ul>

§ 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 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; **The site will continue to be used similar to that of other properties and its historical use.**
- e. Adequacy of provision of utilities and other necessary or desirable public services; **No change**
- 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.**

<b>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 July 4th 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 demo. delay expires.</li> </ol>
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<b>BOARD FINDING</b>	The Board finds that the proposed increase in size compared to the existing nonconforming structure and the reconstruction not in the existing footprint, as conditioned, is Not Substantially More Detrimental than the existing nonconforming structure to the neighborhood.
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<b>VOTE</b>	The Board voted unanimously (5-0-0) to approve the Special Permit with conditions (James Kyrimes (Chair), Aaron Ridley, Elisa Ridley, Gary Barber and Dan Chamberlain).
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Details of the hearing and decision are on file in the Planning and Appeals Office at the Dennis Town Offices as File ZBAS-25-27.

Appeal from this decision may be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days of filing with the Town Clerk. This Special Permit shall lapse if substantial use or construction has not commenced without good cause within one year from the date issued.

I certify that a copy of the original decision has been filed with the Town Clerk.



James Kyrimes, Chair, Dennis Board of Appeals

