



Town of Dennis

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

**16 PETER OLIVER ROAD, SD**

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

<b>APPLICANT:</b>	Shirly A Bator Trustee C/O Paul Sweetser
<b>PROJECT ADDRESS:</b>	16 Peter Oliver Road, South Dennis MA 02660
<b>MAP AND LOT NUMBER:</b>	Map 183 Lot 9 (0.15 acres – 6537sf)
<b>APPLICANT ADDRESS:</b>	P.O. Box 1146, Dennisport, MA 02639
<b>CASE NUMBER:</b>	ZBAS-25-36
<b>ZONING:</b>	R-40; OK Historic
<b>HEARING DATE:</b>	September 22, 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

<b>PROPOSAL</b>	Extend sunroom over existing deck
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>• The proposal is to replace the existing deck and replace it with a sunroom addition resulting in the increase of building height of a non-conforming structure on a nonconforming lot with a one-story single-family house built in 1952.</li> <li>• The existing deck infringes upon the front setback and is part of the front entry from driveway. Otherwise, the proposal would require a variance.</li> </ul>
<b>REQUEST</b>	<p>Finding per: <b>§ 2.4.1.2.B</b> - Actions Requiring a <u>Finding that the proposal is NOT Substantially More Detrimental (B.1)</u> 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>(B.2)</b> Increase in the lot coverage of a structure where the structure currently exceeds lot coverage; <b>(B.3)</b> 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>
<b>PLOT PLAN</b>	Site Plan of 16 Peter Oliver Rd. South Dennis, prepared for Shirly A. Bator Trust by Paul E. Sweetser, P.O. Box 1146 Dennisport, MA 02639. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated August 2, 2025 by Paul E. Sweetser.
<b>BUILDING PLANS</b>	Plan of 16 Peter Oliver Rd. South Dennis, prepared by Daniel Garte Architect, 220 Rocky Hill Road Plymouth, MA 02360. Plans consisting of 2 pages with Front & Side Elevations, and Floor Plan & Existing/Demo Plan. Plans dated 7-23-2025.
<b>OTHER</b>	

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	6537sf
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	NA
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	100'	75'	75'
Front Setback	25'	21.35'	21.4'
Right Side Setback	15'	16.42'	16.42'
Left Side Setback	15'	10.63'	10.63'
Rear Setback	25'	37.22'	37.22'
Lot Area	40,000sf	6537sf	6537sf
Lot Width	100'	75'	75'
Non-conforming floor space within Setbacks	76 sf	186	225 sf
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period	39 sf		21%
Cumulative footprint size of all structures	980	1,187 sf	1,262 sf
Cumulative lot coverage (footprint) percent for all	15%	18.16%	19.31%
Cumulative floor space of all structures (F.A.R.)	0	1,187 sf	1,262 sf
Cumulative floor space to lot area % all structures	30%	18.16%	19.31%

§ 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	

§ 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 a very small addition to an existing house. The infringement of the front setback is existing because the deck and stairs are part of the front entry to the driveway.
  - However, the deck was not covered so it was not counted toward lot coverage. The non-conforming area of the sunroom over the front setback is 39 sf, which is under the 40% allowed. The plans show a decrease in non-conforming area because they thought the uncovered front deck and stairs were counted as lot coverage, which they are not, even though they do enable the project as a Special Permit rather than a Variance.
  - The sunroom addition does not increase further than the footprint of the existing deck and stairs. The stairs to the driveway appear to be a primary entrance to the home.
  - Because the front deck is part of the entry which leads to the driveway it is part of the structure, therefore making this a Special Permit rather than a Variance.
  - The small addition to the single-story single-family home is under the bulk thresholds.
  - The Board can find that a lawful pre-existing non-conforming structure exists on the property and the proposed enclosure, as conditioned, will not be substantially more detrimental to the neighborhood than the existing structure.
- **NATURAL RESOURCES:** Not in Conservation jurisdiction.
- **HEALTH:** 3-bedroom septic system installed in 2002. Current Title 5 system inspection will be required for the addition of habitable space.
- **BUILDING:** Referred as Special Permit.
- **ENGINEERING:**

- The project as presented does not appear to alter >500 sf of ground area and is therefore NOT required to meet the intent of the Stormwater By-Law.
  - Roof drains directed to subsurface structures or drip trenches for infiltration shall be provided on all new construction (and should be considered for existing dwelling as required).
  - Any vegetated areas disturbed as part of the construction should be revegetated as soon as practical.
  - The contractor should be responsible for maintaining Peter Oliver Road clear of sediment throughout construction. Construction vehicles should not park along the road edge in any manner which will impede traffic flow.
- **FIRE/ POLICE:** No comment.

<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 Board of Health permit shall be deemed cause to revoke the ZBA Special Permit.</li> </ol>
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Taxes Paid: Yes  No