



Town of Dennis

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37 HALL STREET, DP

ZBA SPECIAL PERMIT STAFF REVIEW – September 17, 2025

Note: new information is printed in Bold Italic Type.

APPLICANT:	SAO Family Partnership LLC C/O Tina McCormack
PROJECT ADDRESS:	37 Hall Street, Dennisport, MA 02639
MAP AND LOT NUMBER:	Map 91 Lot 27 (0.38 acres – 15585 sf)
APPLICANT ADDRESS:	55 Route 28, Harwich, MA 02671
CASE NUMBER:	ZBAS-25-19
ZONING:	R-40; DPVC AREA B; Partially in Flood zone X (500-year flood)
HEARING DATE:	July 28, 2025

PROPOSAL	Covered area over front stoop.
PROJECT SUMMARY	<ul style="list-style-type: none"> Proposal is an open covered roof over front stair and side landing not to exceed previously existing non-conforming area. Originally proposed to install a landing at the side entry but it is unclear if that is still part of plan as new patio is now on side of house. Originally submitted plans were hand drawn by applicants on stamped plan. Original plans also included removing the previously existing covered entry in the rear and install a stair case down from the deck. Unclear if that is part of plan as we have only received an existing condition plan without the proposal or basic site data. Applicants have purchased the neighboring property at 33 Hall Street and eventually plan to submit a multi-unit housing project in the rear of the property to the Planning Board.
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; Stamped Plans required to confirm that § 2.4.1.2.D -Actions Requiring a Finding of Substantially More Detrimental (D.1) The creation of any new non-conformity where no non-conformity currently exists; is not in play.</p>
SITE PLAN	<p>Septic Plan of 37 Hall Street Dennisport, Massachusetts prepared for SAO Family Partnership LLC, 139 Riverside Drive West Harwich, MA 0271-1511 by J.C. Ellis Design P.O. Box 91 North Eastham MA, 02654. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated February 18, 2024 by Jason C. Ellis. Applicant drew on stamped plan. Not acceptable.</p>

BUILDING PLANS	Plans of 37 Hall Street Dennisport MA for William Ashmore (King Tide Builders) by Yoana K. Guzman, 5 Madison St. Nantucket, MA 02554. Plans Consisting of 2 Sheets with Front & Right Elevations, and Left Elevations. Plans dated 06-09-2025.
Existing Conditions Plan	Certified Plan Plan of 37 Hall Street, Dennisport, Massachusetts prepared for SAO Family Partnership LLC, 139 Riverside Drive West Harwich, MA 0271-1511 by J.C. Ellis Design P.O. Box 91 North Eastham MA, 02654. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan stamped August 19, 2025 by Jason C. Ellis.

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	Yes
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	No
DIMENSIONS OF EXISTING AND PROPOSED STRUCTURES	Yes
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	Yes
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	No

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	79'	79'
Front Setback	25'	12'	13.5'
Right Side Setback	15'	31'	31'
Left Side Setback	15'	19'	19'
Rear Setback	25'	118'	118'
Lot Area	40,000	15585sf	15585sf
Lot Width	100'	79'	79'
Non-conforming floor space within Setbacks			
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			
Cumulative footprint size of all structures			
Cumulative lot coverage (footprint) percent for all	15%		Probably under 15%
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%		

§ 2.4.1.2 B Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental

ACTION	FINDING
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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; **Applicant has performed unauthorized work on Town property. Intended to create four paved parking spaces in front that would back into DP Village street and is in Town Right of Way. Town Planner has spoken with applicant who have a larger project in back they plan to bring to the Planning Board. However, the current issue either needs to be resolved now or some guarantee that it will be resolved.**
- 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 unauthorized work**
- 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. **Applicant has removed all of the vegetation and natural environment. Apparently, roots had interfered with septic. There are invasive species (Bittersweet) on edge of property.**

TOWN DEPARTMENTS COMMENTS:

- **PLANNING:**
 - The current proposal, an awning over front stoop not to exceed previously existing non-conforming area, is in itself a very small and acceptable project.
 - However, in the meantime, Applicant has performed unauthorized work on Town property.
 - Originally submitted plans were hand drawn by applicants on a stamped plan. Eventually we received an Existing Conditions plan that did not contain all of the relevant site data. It is unclear exactly what the proposal is beyond the covered front stoop.

- Applicants have purchased the neighboring property at 33 Hall Street and eventually plan to submit a multi-unit housing project in the rear of the property to the Planning Board.
- Unfortunately, they got ahead of themselves and paved a 60-foot wide and 25' to 40' deep apron and parking area in front, largely on Town Property.
- Width of opening is not allowed and Road Opening Permit is required for new access or expansion. This needs to be resolved.
- Applicant needs a proposed plan with the proposal and all required basic site data.
- Town Planner is reviewing Zoning Bylaws to see what can be allowed and whether this infringement of the public right of way, expansion of front parking, and removal of vegetative buffer can be resolved without ripping it all out.
- Applicant hopes to resolve when bigger project goes to Planning Board for Affordable Housing Special Permit. ZBA should not proceed until resolution agreed. Cannot depend on project eventually going to Planning Board.
- **Recommendation at this time:** A plan or agreement on final resolution to the infringement of the public right of way and road opening that is too wide should be provided before the Board may 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:** Not in Conservation jurisdiction
- **HEALTH:** Signed off of front entry proposal. Has not done site visit per unpermitted work done on Town Property yet.
- **BUILDING:** Signed off, No Comment.
- **ENGINEERING:** Signed off, No Comment.
- **FIRE/ POLICE:** Signed off, No Comment.
- **ASSESSING:** Signed off, No Comment.

<p>PROPOSED CONDITIONS AFTER RESOLUTION OF INFRINGING TOWN RIGHT OF WAY</p>	<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 or legal holidays. 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 any agreement to resolve the infringement of the Town Right of Way and zoning violations shall be deemed cause to revoke the ZBA Special Permit. 5. 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 shall be implemented. 6. Construction vehicles shall not park in or block the road.
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