



Town of Dennis

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**118 TAUNTON AVENUE**

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

<b>APPLICANT:</b>	Robert Langway C/O Tullio Pereira of Imagine Building Solutions
<b>PROJECT ADDRESS:</b>	118 Taunton Avenue, Dennis MA 02638
<b>MAP AND LOT NUMBER:</b>	Map 344 Lot 122 (0.13 acres – 5662 sf)
<b>APPLICANT ADDRESS:</b>	4 Ruth Street, Harwich, MA 02645
<b>CASE NUMBER:</b>	ZBAS-25-39
<b>ZONING:</b>	R-40; Partially in AE Flood zone; 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>	Addition of a 16' x 12' three-season porch with deck on top.
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>• New three-season room addition on northwest side of house.</li> <li>• Includes a roof deck above the addition with access via a new sliding glass door.</li> </ul>
<b>REQUEST</b>	<p>Finding per: <b>§ 2.4.1.2.B</b> - Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental (<b>B.1</b>) 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; AND : <b>§ 2.4.1.2.D.3</b> – exceeds 15% Lot Coverage and 30% F.A.R. by a small amount.</p>
<b>PLOT PLAN</b>	<p>Plot Plan of 118 Taunton Avenue Dennis, Massachusetts prepared by Canal Land Surveying and Permitting Inc. 306 Old Plymouth Road, Sagamore Beach, MA 02562. Plan consisting of 1 sheet with building and addition location and Basic Site Data. Plan dated 8-1-2025 by Richard J Hood.</p>
<b>BUILDING PLANS</b>	<p>Plan of 118 Taunton Avenue Dennis, Massachusetts prepared by Buildone Engineering Design. Plan consisting of 5 sheets with General Notes, Existing Plans &amp; Elevation Views (Isometric), Proposed Plans &amp; Elevation Views (Isometric), Foundations &amp; Frame Plan Views &amp; Details, and Schematic Section &amp; Typical Details. Plans Dated July 10, 2025; Revised 8-19-2025.</p>

1.3.2 Plans and Specifications

REQUIREMENTS	PROVIDED ON PLAN
CERTIFIED PLOT PLAN INCLUDING	

LOCUS MAP	Yes
PERIMETER DIMENSIONS, INCLUDING FRONTAGE	No
AREA OF LOT	5662sf
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	No
PROXIMITY OF WETLANDS	No
EXISTING AND PROPOSED TOPOGRAPHYAND/OR OTHER LAND ISSUES	No
DIMENSIONS OF EXISTING AND PROPOSED STRUCTURES	No
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	No
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	No

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	100'	70'	70'
Front Setback	25'	4'	4'/12.6' to addition
Right Side Setback	15'	9.7'	9.7'
Left Side Setback	15'	10.1/38.3'	10.1'/25.8'
Rear Setback	25'	8'/38.2'	8'/38.2'
Lot Area	40,000sf	5,570 sf	5,570 sf
Lot Width	150'	70'	70'
Non-conforming floor space within Setbacks	<b>.4 = 380sf</b>	<b>950 sf</b>	<b>180 sf</b>
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			<b>18.9 %</b>
Cumulative footprint size of all structures	835.5 sf	<b>1,095 sf sf</b>	<b>1,275 sf</b>
Cumulative lot coverage (footprint) percent for all	15%	<b>19.5%</b>	<b>22.8%</b>
Cumulative floor space of all structures (F.A.R.)		<b>1,503.5 sf</b>	<b>1,683.5 sf</b>
Cumulative floor space to lot area % all structures	30%	<b>26.9 %</b>	<b>30.2 %</b>
<b>Note: Lot Coverage, Non-Conforming Area &amp; Floor Area Ratio Calculated by staff in bold italic type.</b>			<b>Needs to remove approximately 14 sf</b>

§ 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;	

§ 2.4.1.2 D Actions Requiring a Finding of Substantially More Detrimental

ACTION	FINDING
D3 The addition of floor space to a lawfully pre-existing non-conforming structure on a site that exceeds the fifteen percent (15%) lot coverage restrictions, if said addition would exceed a floor space to lot area of thirty percent (30%) excluding basement and uncovered porch/deck.	<b>Exceeds 15% lot coverage &amp; needs to be revised slightly to get under 30% F.A.R. rule.</b>

§ 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 small addition on a small lot. However, the plans submitted do not include all of the required existing and proposed basic site data including lot coverage and floor area ratio or accurate flood plain information.
- Staff measured the plans and finds the Lot Coverage in Gross Square Feet (20' by 30' times 2 floors, plus a 120-sf porch (20' by 6') and a 375-sf garage (25' by 15') is 1,095-sf or 19.5% of the 5,570-sf lot.
- For the Floor Area Ratio, the livable area with the exterior walls on all floors was removed for the calculation. {First Floor 539 sf (18.75' by 28.75') plus Second Floor 539 sf (18.75' by 28.75') plus Porch (18.75' by 5.5') plus garage (24' by 11') plus new porch (11.5' by 14.5'). Total of 1,683.75-sf or 30.2 % of 5,570 sf. The plan needs to be reduced by approximately 14 square feet to get under 30% F.A.R.
- The site plan shows two septic systems for this small 2-bedroom, 1-bathroom house. Why? The Assessor notes that narrative describes this as a two-unit dwelling whereas Assessing has listed as two-bedroom single-family. Assessing is requesting an interior site visit.
- Due to the location in a dense residential neighborhood near the water, the Board should consider whether the time of year construction condition should be added.
- **Recommendation at this time:** The plan needs to be revised and include all relevant information 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. The Board should wait for a revised site plan with all of the required information accurately included on the stamped

plan and showing the revised proposal under 30% so that the Decision contains the proper plan citation. The issue of the number units as listed by Assessing and why there are two septic systems needs to be resolved.

- **NATURAL RESOURCES:**
- **CONSERVATION:** Conservation signed off on both the Conservation Review for 118 Taunton Avenue and the 16B Variance for the Health Department based on the site plan provided compared with the FEMA layer on our GIS. Conservation agrees the site plan should be updated to show the boundary of the AE Flood Zone on the plan.
- **HEALTH:** Property located in an Environmentally Sensitive Area. Will require 16B variance from the Board of Health.  
**ENGINEERING:** No Comments yet. Should include usual comments on drainage and erosion control. Possible addendum on Monday.  
**ASSESSING:** We have this as a single-family home with 2 bedrooms, 1 bath. The narrative indicated a 2-unit dwelling. Assessing is requesting an interior inspection.

<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 Commission review or the Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit.</li> <li>5. Any off-street parking shall be a pervious surface.</li> <li>6. 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.</li> <li>7. There shall be no exterior construction (including foundation work) or heavy equipment between the Friday before July 4 and the day after Labor Day or on Legal Holidays.</li> <li>8. Construction vehicles shall not park in or block the road.</li> <li>9. Before a Certificate of Occupancy is issued, the Applicant must revise the proposal so that the addition shall not exceed 30% Floor Area Ration (FAR) per § 2.4.1.2.D.3. and submit a revised site plan with all of the required Basic Site Data, the AE Flood Zone located on the plan and any other required information.</li> <li>10. Before a Certificate of Occupancy is issued, the Applicant shall resolve the number of legal units with the Assessing, Building and Health Departments.</li> </ol>
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**Taxes Paid:** Yes \_\_\_\_\_ No \_\_\_\_\_