



Town of Dennis

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

**69 SOUTH VILLAGE ROAD, WD**

**ZBA SPECIAL PERMIT STAFF REVIEW – October 22, 2025**

<b>APPLICANT:</b>	Thomas Walsh C/O Josh Drohan
<b>PROJECT ADDRESS:</b>	69 South Village Road, West Dennis MA 02670
<b>MAP AND LOT NUMBER:</b>	Map 32 Lot 27 (0.21 acres – 9307sf)
<b>APPLICANT ADDRESS:</b>	125 Wianno RD, Yarmouth Port, Massachusetts 02675
<b>CASE NUMBER:</b>	ZBAS-25-41
<b>ZONING:</b>	R-40; Floodzone: AE
<b>HEARING DATE:</b>	October 27, 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>	Remodel existing front deck/stairs
<b>PROJECT SUMMARY</b>	The proposal is a small addition of a deck in front of a two-story single-family structure built in 2014 on a non-conforming lot.
<b>REQUEST</b>	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>PLOT PLAN</b>	Site Plan of 69 South Village Road West Dennis, MA prepared for Thomas Walsh by Down Cape Engineering, 939 Main Street (Rte. 6A) Yarmouth Port MA, 02675. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated 8-18-25 by Dan Ojala.
<b>BUILDING PLANS</b>	Plan of 69 South Village Road West Dennis, MA prepared for Thomas Walsh by Combination Design 480 Main Street Dennis, MA 02638. Plan consisting of 2 sheets with Front Elevation, Side Elevation, Section Thru. Deck, Section Thru. Landing, Deck Framing Details, Foundation Support, and Framing Plan. Plan dated 10-05-24.

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	9307sf
NAMES OF STREETS	Yes

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	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	50'	231.96'	230.96'
Front Setback	25'	24.2'	24.3'
Right Side Setback	15'	25'	25'
Left Side Setback	15'	15.4'	15.4'
Rear Setback	25'	67.5'	67.5'
Lot Area	40,000sf	9,307 sf	9,307 sf
Lot Width	100'	80'	80'
Non-conforming floor space within Setbacks	0	0	0
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period	0	0	0
Cumulative footprint size of all structures	0		
Cumulative lot coverage (footprint) percent for all	15%	7.6%	7.6%
Cumulative floor space of all structures (F.A.R.)	0		
Cumulative floor space to lot area % all structures	30%	7.6%	7.6%

§ 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;	

§ 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 an increase to the size of an uncovered deck at the entry to the house.
  - The existing deck is a landing about 5 feet wide and will be replaced by an approximately 14' wide deck along the front of the house extending out 6'6". It would be a fraction less into the setback but will extend the non-conformity. If it were covered it would probably exceed the 40% non-conforming area rule.
  - Per comments below they must file with Conservation.
  - The Board can 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:** The proposed deck is entirely within an AE flood zone and will have to be reviewed by the Conservation Commission as a Request for Determination of Applicability application. Review on Hold.
- **HEALTH:** All setbacks held.
- **BUILDING:** No Comments
- **ENGINEERING:**
  - This project as presented does not appear to alter >500sf of ground area and is not required to meet the intent of the Stormwater By-Law.
  - Engineering recommends providing linear erosion controls (silt fence/wattles) as necessary during construction to prevent discharge of stormwater or sediment to adjacent properties or the road layout.
  - Contractor shall maintain surface of Lower County Road and South Village Road in condition free of sediment for duration of project.
  - Roof drains directed to properly sized subsurface drywells or stone trenches should be provided for new construction with roof area (and existing dwelling as required).
- **FIRE/ POLICE:** No Comments

<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> </ol>
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	<ol style="list-style-type: none"><li data-bbox="349 142 1472 254">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 data-bbox="349 260 1472 369">4. Failure to comply with all conditions in the Conservation Commission Order of Conditions or the Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit.</li></ol>
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