



Town of Dennis

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

217 OLD WHARF ROAD, DP

ZBA SPECIAL PERMIT STAFF REVIEW – October 27, 2025

APPLICANT:	Old Wharf Dennis LLC & Faros Properties C/O Jeffrey Ford
PROJECT ADDRESS:	217 Old Wharf Road, Dennisport MA 02639
MAP AND LOT NUMBER:	Map 20 Lot 45 (4.76 acres)
APPLICANT ADDRESS:	72 Main St PO Box 485, West Harwich, MA 02671
CASE NUMBER:	ZBAS-25-36
ZONING:	Seasonal Resort Community; AE Flood Zone
HEARING DATE:	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**

PROPOSAL	Applicant seeks to convert an existing Managers quarters / office to a residential cottage, shown as Cottage # 2 on the existing site plans
PROJECT SUMMARY	<ul style="list-style-type: none"> • The proposal is a <u>voluntary demolition</u> of a non-conforming one-story office cottage built in 1930 and located in the AE Flood Zone to be replaced by a single-story cottage in the same footprint. • The existing cottage is labelled in the application as managers quarters/office and will be converted to an additional rental cottage. • The property is owned by one entity and the cottages are owned by individuals that lease the land the cottages sit on. • Complex is largely pedestrian, internal lanes are used for egress to/from cottages.
REQUEST	Finding per: § 12.9 - Development which does not meet the criteria for as-of-right development for the Seasonal Resort Community Zoning District can be approved through the issuance of a Special Permit by the Dennis Zoning Board of Appeals.
PLOT PLAN	Site Plan of 217 & 241 Old Wharf Road Dennis Port, MA Chases Ocean Grove, prepared by Robert Perry, Cape Cod Engineering Inc. P.O. Box 1517 East Dennis MA, 02641. Plan consisting of 1 sheet with cottage colony layout. Plan dated September 26, 2025. Stamped by Bob Perry
BUILDING PLANS	Plan of Chase’s Ocean Grove by Sangiolo Associates, Architects, 9 Skecheconet Way, West Harwich, MA. Plan consisting of 5 sheets with Existing Cottage elevations, Proposed Cottage Elevations, Existing Maintenance shed information, Proposed Office/ Shop Floor Plans, and Proposed Office/Shop Elevations. Plans dated 2-5-2025; Revised 9-13-25 by Mark Sangiolo.

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	4.76 acres
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	?
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	No
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	No

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	Not listed	No change
Front Setback	25'	Not listed	No change
Right Side Setback	15'	Not listed	No change
Left Side Setback	15'	Not listed	No change
Rear Setback	25'	Not listed	No change
Lot Area	40,000	Not listed	No change
Lot Width	100'	Not listed	No change
Non-conforming floor space within Setbacks		Not listed	No change
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period		Not listed	No change
Cumulative footprint size of all structures		Not listed	No change
Cumulative lot coverage (footprint) percent for all	15%	Not listed	No change
Cumulative floor space of all structures (F.A.R.)		Not listed	No change
Cumulative floor space to lot area % all structures	30%	Not listed	No change

§ 12.9

ACTION	FINDING
Development which does not meet the criteria for as-of-right development for the Seasonal Resort Community Zoning District can be approved through the issuance of a Special Permit by the Dennis Zoning Board of Appeals.	

§ 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; **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.**

TOWN DEPARTMENTS COMMENTS:

- **PLANNING:**
 - Proposal is replacement of a small cottage on the same footprint. The normal basic site data was not added as it will not change and the nature of the densely developed cottage colony.
 - The existing cottage is labelled in the application as managers quarters/office and will be converted to an additional rental cottage.
 - Due to the location of the property in a dense residential neighborhood near the water, the time of year construction and not blocking the road conditions have been added.
 - The only concern is that since the property is owned by one entity and the cottages are owned by individuals that lease the land the cottages sit on; the applicant has not notified the other cottages. Abutters, those directly connected to a proposed project, are the ones who know the most about what is actually happening and most likely to know whether there are any agreements or restrictions in place that may affect a proposal.
 - The applicant’s attorney and Town Planner have a different interpretation with regard to notifying other cottages in the colony. The Statute says, “**petitioner, abutters, owners of land directly opposite...**”. The attorney for the client notified the owners of land within 300 feet, as is usual with a certified abutters list. However, with a cottage colony, the land is owned by a single entity and individual tenants own the cottages but lease the land.
 - The Town Planners interpretation is that “abutters” are people in the other cottages. Even if the exact MGL language did not contemplate a cottage colony, the spirit of the law is intended to apprise neighbors living within a certain distance of construction activity.
 - Applicant noted that with Conservation, which requires Certified Mail, the DEP directive was to notify the Board of Directors. It is not clear if the Board of Directors were notified or if they are any different from the applicant who owns the land under the cottages.
 - In any case, the rules and regulations for Chase’s Ocean Grove (attached) relative to any alterations proposed for neighboring cottage sites outline a process which includes that the “Tenant shall provide written notice of its proposal to all other Tenants of cottage sites within 100 yards of Tenant’s cottage.”
- **NATURAL RESOURCES:** Project will need to be review by the Conservation Commission via a Request for Determination of Applicability application.
- **HEALTH:** Property located in an ESA. Under DEP jurisdiction.
- **ENGINEERING:**

- Work is greater than 500-sf and therefore required to meet the intent of the Stormwater Bylaw. Review and approval from Conservation should be required for work in flood zone.
- Construction period erosion controls will be required as close to the area of disturbance both sites, and as approved by Conservation for #227 Cottage 2 as work is in flood zone.
- Work should not encroach on any areas exclusive to abutting cottages or limits of ownership (not sure if there are exclusive use areas or limits of “ownership/ improvements” are managed).
- Any sediment tracked onto Old Wharf Road should be removed daily by the Contractor.
- Inlet protection for any immediate downgradient catch basins on Old Wharf Road should be installed and maintained for the duration of the project.
- Plans do not provide horizontal setbacks to property lines from the exist./proposed structures.
- It appears no setback changes are proposed based on narrative, but setbacks should be provided to the sideline and road layouts at least for #227 Cottage 2 as it is possibly pre-existing non-conforming to the sideline and Old Wharf Road.
- The maintenance building at #241 may be sufficiently setback to the side and road.
- In the case of the existing maintenance building being converted to office/store at #241, sufficient available parking for the change in use should be confirmed. Parking availability at Cottage #2 should also be confirmed.
- **FIRE / POLICE:** No Comment

PROPOSED CONDITIONS	<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. 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 all conditions in the Conservation Commission Order of Conditions or the Board of Health Variance shall be deemed cause to revoke the ZBA Special Permit. 5. Any off-street parking shall be a pervious surface. 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. 7. There shall be no exterior construction (including foundation work) or heavy equipment between the Friday before Memorial Day and the day after Labor Day. 8. Construction vehicles shall not park in or block the road. 9. 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 the demolition delay expires.
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