



Town of Dennis

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

3 PORT WAY, WD

ZBA SPECIAL PERMIT STAFF REVIEW – October 22, 2025

APPLICANT:	Sean J George C/O Down Cape Engineering, Inc.
PROJECT ADDRESS:	3 Port Way, West Dennis MA 02670
MAP AND LOT NUMBER:	Map 27 Lot 160 (0.18 acres – 7665 sf)
APPLICANT ADDRESS:	939 Route 6A, Yarmouth Port, MA 02675
CASE NUMBER:	ZBAS-25-45
ZONING:	R-40; OK Historic; Flood zone: AE & VE
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	New single-family home
PROJECT SUMMARY	<ul style="list-style-type: none"> • The proposal is a <u>voluntary demolition</u> and reconstruction of a non-conforming two-story single-family house built in 1956 and located within 50 feet of a coastal bank to be replaced by a two-story single-family house on a non-conforming lot. • The application states the new house improves the front setback non-conformity from 25.5' to 25.3'; the right setback from 22.2'to 25.2'; and the rear setback from 24.1'to 26'. • The property is an ESA and Coastal Bank buffer subject to BoH and Conservation • The new house will be significantly larger overall, but on a smaller footprint with some setback improvements and flood-compliant.
REQUEST	Finding per: § 2.4.1.2.C. - Special Provisions for Relocation/Recon. of 1 or 2-Family Structures Not Located w/n Existing Footprint (C.2) The <u>voluntary demolition and reconstruction</u> of a building or structure <u>nonconforming by dimension</u> ...and the non-conforming nature of the new proposed structure is found to be substantially less non-conforming.
PLOT PLAN	Site Plan of 3 Port Way, West Dennis MA prepared for Sean & Andrea George by Dan Ojala, Down Cape Engineering Inc. 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 8-5-2025 by Dan Ojala.
BUILDING PLANS	Plan of 3 Port Way, West Dennis MA prepared by Herzog Architecture, 575 South River St. Marshfield, MA 02050. Plan consisting of one sheet with existing 1 st and 2 nd Floor plans. Plans dated 6-13-25. No stamp.

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	7665SF
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	Yes
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'	167.27'	167.27'
Front Setback	25'	25.4'	25.3'
Right Side Setback	25'	22.2'	25.2'
Left Side Setback	15'	10'	14'
Rear Setback	25'	24.1'	26'
Lot Area	40,000SF	7,665 SF	7,665 SF
Lot Width	100'	78'	78'
Non-conforming floor space within Setbacks	40% = 127 sf	318 sf	19 sf
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period	445 sf	318 sf	< 40%
Cumulative footprint size of all structures		1,862 sf	1,479 sf
Cumulative lot coverage (footprint) percent for all	15%	24.3%	19.3%
Cumulative floor space of all structures (F.A.R.)		1,986 sf	2,298 sf
Cumulative floor space to lot area % all structures	30%	26%	29.9%

§ 2.4.1.2 C - Special Provisions for Relocation/Recon. of 1 or 2-Family Structures Not Located w/n Existing Footprint

ACTION	FINDING
C2 - Voluntary demolition and reconstruction of a building or structure which is non-conforming by dimension on any other location on the lot in which it is located outside of the existing non-conforming footprint unless it conforms with the dimensional regulations of the zone in which it is located or the non-conforming nature of the new proposed structure is found to be substantially less non-conforming by the ZBA	

§ 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:**
 - 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 proposal is significantly larger than the existing house, but it is flood compliant and improves a couple of setbacks and is under the bulk thresholds.
 - The ZBA has had several similar raze and replace projects in the Fingers neighborhood recently.
 - The Board can find that a lawful pre-existing non-conforming structure exists on the property and the proposed reconstruction, as conditioned, will not be substantially more detrimental to the neighborhood than the existing structure.
- **NATURAL RESOURCES:** Reviewed and approved by the Conservation Commission with an Order of Conditions in 2025.
- **HEALTH:** Property located in an Environmentally Sensitive Area. Pending approval at 10/9/2025 Board of Health Hearing.
- **ENGINEERING:**
 - The project will require review and approval by the Conservation Commission, as well as building code review for construction in the flood zone.
 - The project will alter greater than 500sf of ground, and is therefore required to meet the intent of the Town of Dennis Stormwater By-Law.
 - A stone construction entrance should be installed, preferably in the area of the proposed driveway, and used for material storage area and as vehicle entrance to the site during construction. Vehicles should not park on Surfside Road or Port Way (both private) for extended periods of time.
 - The contractor shall be responsible to maintain both road surfaces free of any accumulated sediment sourced from the project site.

- Construction period linear erosion and sedimentation controls shall be provided at the clearly defined limit of work shown on the plan. These controls should be installed and maintained until all work is completed and any new vegetation has stabilized, or as directed by the Conservation Commission.
- Post construction, stormwater will need to be contained and infiltrated on-site. Natural areas surrounding the dwelling should be graded and vegetated to slow the velocity of, and contain runoff for infiltration prior to reaching the property boundary or the resource area. Any infiltration areas should be sited to maximize the setback to the resource area. Drainage and infiltration of runoff from the permeable paver and crushed stone patios should be in a manner acceptable to the Conservation Commission.
- Subsurface drywells for roof drainage are shown on the plan.
- The proposed pervious paver driveway meets the minimum 10ft. setback to the property line required by zoning. The landscape plan indicates minimal additional screening will be installed in the area between the driveway and the property line. The applicant should consider adding additional plantings adjacent to the driveway, as well as along the south property line, to enhance screening to the abutter as the driveway and vehicle parking will be a new feature in this area.
- The landscape plan proposes three parallel parking spaces along Surfside Road. These spaces are not recommended as they do not appear to permit the full width of vehicles to be located beyond the edge of pavement when utilized. Surfside Road is a private road, and no road opening permit is required. However, it is recommended that any parking space(s) allow the entire vehicle to be located beyond the edge of pavement (at a minimum). Ideally, the entire vehicle should be able to pull far enough off the road to park within the property boundary.
- **FIRE/ POLICE:** Please contact fire for possibility to do training before tear down.

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 Permit 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 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.
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