



Town of Dennis

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

34 Heirs Landing

ZBA SPECIAL PERMIT – October 22, 2025

APPLICANT:	Sarah Henry CO/ John Casale
PROJECT ADDRESS:	34 Heirs Landing, South Dennis
MAP AND LOT NUMBER:	95-9 (1.15 acers- 50,000 sf)
APPLICANT ADDRESS:	P.O. Box 1503, South Dennis, MA 02660
CASE NUMBER:	ZBAS-25-40
ZONING:	R-40; AE Flood Zone; SD Historic
HEARING DATE:	October 27, 2025

PROPOSAL	Lift existing barn and place on new foundation
PROJECT SUMMARY	<ul style="list-style-type: none"> • Original home built in 1780. Additions to main house were approved through Special Permit last year. • Proposal is to add a foundation to existing barn by lifting, pour footings with 4' foundation walls, pour a dust cover, install new floor system and place Barn down on new foundation. • No change to height or placement on the property. • Remove existing white cedar siding and replace with new white cedar siding. No change to windows or interior floor plan. • This was referred for increase in height but applicant states that there will be no increase in height.
REQUEST	Findings 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</u> lot coverage or <u>building height</u> where a structure does not conform to current setback requirements;
SITE/PLOT PLAN	Site & Sewage Disposal System Design of 34 Heirs Landing, Dennis, MA prepared for Sarah Henry by J.M. O'Reilly & Associates, Inc., Professional Engineering & Land Surveying, 1573 Main Street (Rte 6A) Brewster, MA 02631. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Soil Test Logs. Plan dated 3/17/2021, Revised 10/22/2021, stamped by John M. O'Reilly
BUILDING PLANS	"Henry Barn Lift". Plans consisting of 1 sheet, by Thomas T. Turcketta, 65 Red Top Road Brewster, MA 02631. No Date.

1.3.2 Plans and Specifications

REQUIREMENTS	PROVIDED ON PLAN
CERTIFIED PLOT PLAN INCLUDING	Yes
LOCUS MAP	Yes

PERIMETER DIMENSIONS, INCLUDING FRONTAGE	Frontage not listed
AREA OF LOT	50,000 sf
NAMES OF STREETS	Heir's Landing
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'	115'	115'
Front Setback	25'	95.3'	95.3'
Right Side Setback	15'	12.7'	12.7'
Left Side Setback	15'	69.4'	69.4'
Rear Setback	50'	40'	40'
Lot Area	40,000	50,000 SF	50,000 SF
Lot Width	100'	adequate	adequate
Non-conforming floor space within Setbacks			No increase
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			No increase
Cumulative footprint size of all structures		2,105 sf	2,518 sf
Cumulative lot coverage (footprint) percent for all	15%	7.4% Upland	8.6% Upland
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%	< 30%	<30%

§ 2.3.3.5 No structure ... shall be located within fifty (50) feet of the top of the bank of any river or stream

ACTION	FINDING
No structure other than a ramp, roadway, drive, walk, stairway, seawall, dock or boathouse shall be located within fifty (50) feet of the top of the bank of any river or stream having a year-round running flow of water, of any lake or pond containing one thousand (1000) square feet or more of water eleven (11) months of the year, coastal bank, or mean high water.	Existing Barn is being lifted and set back on a new foundation.

§ 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;	Footprint is not expanding.

§ 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; **The site will continue to be used similar to that of other properties and its 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 historic Main House was completely renovated and restored last year after SP review with most expansion in the area that is the least historic with the exception being that dormers were approved on second floor of historic main house. Project was approved by SDHC.
 - Per comments below, project must re-file with Conservation.
 - The Board can find that a lawful pre-existing non-conforming structure exists on the property and the proposed addition will not be substantially more detrimental to the neighborhood than the existing structure.
- **NATURAL RESOURCES:** Previous issued Order of Conditions permitted new foundations for cottage and dwelling but not barn/garage. If the application is for the barn/garage a new Notice of Intent application would have to be applied for.
- **HEALTH:** No Comments
- **ENGINEERING:** (Engineering issued comments in January 2024 for a previously approved scope of work at this location (SP24390-2023) These comments have been uploaded to the attachment folder and should remain applicable through completion of all work at the site, including construction of the proposed barn foundation.)
 - This project as presented appears to result in a ground disturbance greater than 500sf. and is therefore required to meet the intent of the Stormwater By-Law.
 - Provide temporary construction period linear erosion controls per detail at the clearly defined work limit surrounding the work areas as shown on the Site Plan

- Permanent erosion controls such as swales or natural depressions should be constructed as required between the existing buildings and top of coastal bank to contain and infiltrate runoff flowing in this direction to the maximum extents possible.
 - Roof drains discharging to subsurface drywells or stone trenches along the drip line should be provided for all new construction, (and existing structures as required)
 - Disturbed areas should be stabilized and revegetated as soon as practical following construction to minimize erosion.
 - Maintain any existing ground cover or vegetation to the extents practical. Any existing screening to abutting properties should be maintained.
 - The contractor should be responsible for maintaining Heirs Landing in a condition free of accumulated sediment during construction.
 - The plan does not indicate any revisions to the existing dirt driveway. If any revisions will occur, the new driveway shall be constructed such that runoff from the driveway area (within the property boundary) is contained and infiltrated on-site. Options include constructing a low point within the property boundary to direct runoff to adjacent natural areas for infiltration, or installing suitable drainage structures to contain and infiltrate runoff. The pervious driveway will likely compact over time, and result in less infiltration through surface.
- **POLICE/FIRE**: No Comments

PROPOSED CONDITIONS:

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 shall be deemed cause to revoke the ZBA Special Permit.
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