



Town of Dennis

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

46 SCARSDALE ROAD

ZBA SPECIAL PERMIT STAFF REVIEW – October 22, 2025

APPLICANT:	Ari Koufos C/O Thomas Moore Home Design Company.
PROJECT ADDRESS:	46 Scarsdale Road, Dennis MA 02638
MAP AND LOT NUMBER:	Map 385 Lot 12 (0.46 acres – 19938sf)
APPLICANT ADDRESS:	949 Long Pond Road, Brewster, Massachusetts 02631
CASE NUMBER:	ZBAS-25-46
ZONING:	R-40; OK Historic
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	Raze and Replace of a Single-Family dwelling
PROJECT SUMMARY	<ul style="list-style-type: none"> • The proposal is a <u>voluntary demolition</u> of a small non-conforming one and half-story single-family house built in 1900 to be replaced by a much larger two-story single-family house on a non-conforming lot. • The property is an ESA and needs a Board of Health Variance. • Part of property is within 200’ riparian zone of Chase Creek. • Scarsdale Road is a public road and a designated Scenic Road. A line of red cedar trees appears to clearly be in the public way (though plan shows them outside RoW). Removal of public shade trees on a public way and a designated scenic road require a permit after a joint public hearing with the Tree Warden and Planning Board.
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 46 Scarsdale Road Dennis, MA 02638 prepared for Ari and Debra Foufos, 5 Bellevue Terrace Watertown MA 02472 by AJM Site Design LLC, 4 Crestview Drive East Sandwich, MA 02537. Plan consisting of 2 sheets with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated 8-10-2025; REVISED 9-12-2025 by Asa J. Mintz.
BUILDING PLANS	Plan of 46 Scarsdale Road Dennis, MA 02638 prepared for Ari Koufos by Moore Home Design Company of Cape Cod, LLC, P.O. Box 2124, 949 Route 137 Brewster MA. Plan

consisting of 5 sheets with First Floor plan, Second Floor Plan w/ Window Schedule, Front & Right Elevations, Rear & Left Elevations, and Foundation Plan. Dated 9-23-2025.

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	19938sf
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	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'	150.55'	150.55'
Front Setback	25'	31.67'	28'
Right Side Setback	15'	58.34'	65.3'
Left Side Setback	15'	74.73'	33.5'
Rear Setback	25'	38.37'	34'
Lot Area	40,000sf	19,938 sf	19,938 sf
Lot Width	100'	150.55'	149.55'
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		1,105 sf	2,312 sf
Cumulative lot coverage (footprint) percent for all	15%	5.1%	14%
Cumulative floor space of all structures (F.A.R.)	5981.4	1,257 sf	3,941 sf
Cumulative floor space to lot area % all structures	30%	6.3%	19.77%

§ 2.4.1.2 C - Special Provisions for Relocation/Recon. of 1 -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 <u>found to be substantially less non-conforming by the ZBA.</u>	

§ 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 create a new driveway in front which requires the removal of several trees, some of which appear to be public shade trees. The existing drive will remain because it is the access to another lot behind this one. The new driveway creates an unnecessary new drive close to the existing drive and may cause a dangerous situation as it would be around a bend, whereas the existing driveway is at the bend. The turn around needs to be moved out of the 10' vegetated buffer. The applicant should consider accessing the garage from the existing driveway.**
- 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 removes a number of trees.**

TOWN DEPARTMENTS COMMENTS:

• **PLANNING:**

- The proposal is significantly larger than the existing house but conforms to all setbacks, Lot Coverage, building height regulations and is within the dimensional bulk thresholds.
- House was built in 1900 and is therefore subject to Demolition Delay General Bylaw (§61-3).
- Scarsdale Road is a public road and a designated Scenic Road. A line of red cedar trees appears to clearly be in the public way (though plan shows them outside RoW). Removal of public shade trees on a public way and a designated scenic road require a permit after review and approval at a joint public hearing with the Tree Warden and Planning Board.
- Applicant should consider revising the plan to access the garage from the existing driveway on the left side rather than creating a new road opening in the front.
- The proposed new driveway will need a Road Opening Permit.
- As noted by Town Engineering, the parking/turn around area to the left side of the new driveway is within the 10' vegetated buffer. This should be smaller, shifted or removed.
- The proposal also removes several shade trees for the septic system.
- It should be noted that, with so many raze and replace applications coming to the ZBA, the Town and State have a large Affordability Gap between the average price of a home and what is affordable to the Area Median Income; The cost of materials and land is extremely

- high (and not likely to come down soon); Cape Cod has limited solid waste capacity and most of the Construction and Demolition waste is shipped to the Midwest at cost to the Town.
- The applicant should know that owners of the homes to be demolished could get a significant Donation Tax Credit, and possibly other tax credits, if donated to an affordable housing 501 C(3) and would save the cost of demolition if they were able to identify someone or some group willing to accept the donated house.
 - A nice cottage on a nicely landscaped property is being demolished for a house three times the size and the property being largely cleared. This seems to be a trend but when the proposal is a Raze and Replace the standard is higher and the finding is “whether the proposal is substantially less non-conforming?”.
 - The proposal would be less imposing if the garage were accessed from the existing driveway and the trees along the street front were retained to buffer the house and cleared site.
 - The Board should consider whether the proposed reconstruction, as currently laid out, is indeed **substantially less non-conforming**.
 - **NATURAL RESOURCES:** Approved by Con Com awaiting issuance of Order of Conditions at 10/16/25 meeting.
 - **HEALTH:** Property located in an ESA. Will require 16B variance from BOH at public hearing.
 - **ENGINEERING:**
 - This project as presented results in a ground disturbance greater than 500 sf and is therefore required to meet the intent of the Stormwater By-Law.
 - Provide temporary construction period linear erosion controls at a defined work limit to contain sediment and infiltrate runoff on-site. These controls should be installed per the plan approved by the Conservation Commission.
 - A stone construction entrance should be provided in the area of site access for equipment. If the existing driveway is to be used, contractors should be responsible for minimizing sediment tracking onto Scarsdale Road. The contractor should be responsible for maintaining Scarsdale Road free of accumulated sediment during construction.
 - Runoff and sediment generated during construction should not be discharged from the site to abutting properties or the road layout. Additional linear erosion and sedimentation controls (wattles) should be installed along the existing edge of pavement to prevent the discharge of sediment to the road layout.
 - Multiple layers of staggered erosion and sedimentation controls should be considered on steep bare slopes to reduce the velocity of generated runoff and transport of sediment.
 - Permanent post construction erosion and sedimentation controls, such as vegetated swales and/or depressions should be considered at the base of slopes as required to contain any post construction runoff on-site for infiltration.
 - Disturbed areas should be stabilized and revegetated as soon as practical following construction to minimize erosion. Bare ground should not be left for extended periods of time. It is recommended to phase stabilization and revegetation efforts to areas of completed work, to minimize potential for erosion.
 - Subsurface drywells for infiltration of roof runoff have been shown on the plan.
 - Existing screening to abutting properties should be maintained to the extents practical. New screening should be considered as required, or in areas where a 10ft. vegetated buffer in accordance with 2.3.4.1.b is not currently existing.
 - The applicant should review the proposed driveway layout with the Town Planner to determine if the turnout/backing area meets current zoning requirements with respect to the road property line setback.

- The proposed driveway appears to be graded to contain and infiltrate runoff generated from within the property boundary on-site by means of a subsurface leaching drywell. Any cobble apron shall be held back a minimum of 1ft. from the edge of pavement. If the existing driveway is to be discontinued, it should be revegetated to match existing adjacent conditions. A Road Opening Permit will be required for construction of the proposed driveway.
- **FIRE/ POLICE:** If possible, Fire Department would like to discuss doing training before demo.

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. Grading should be limited to what is absolutely necessary and as many existing trees as possible should be maintained. Disturbed areas should be stabilized and revegetated as soon as practical following construction to minimize erosion. Additional screening should be provided in areas where vegetation is removed or the grade is altered. 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. Construction vehicles shall not park in or block the road. 8. Additional vegetative screening should be provided if vegetation is removed. 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. If the Historic Commission votes that the original house built in 1899 is preferably preserved, the applicant will work with the Historic Commission and the Town Planner to explore alternatives to the proposed demolition.
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