



Town of Dennis

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

**7 ALLAIN WAY, WD**

**ZBA SPECIAL PERMIT STAFF REVIEW – November 4, 2025**

APPLICANT:	Deborah S Gustafson C/O Stephanie Sequin
PROJECT ADDRESS:	7 Allain Way, West Dennis MA 02670
MAP AND LOT NUMBER:	Map 81 Lot 1 (0.35 acres – 15000 sf)
APPLICANT ADDRESS:	Box 439, S. Orleans, MA 02662
CASE NUMBER:	ZBAS-25-55
ZONING:	R-40; AE Flood zone
HEARING DATE:	November 24, 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>	Construction of a second story addition, deck and stairs
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>• The proposal is the addition of a second story on one part of an existing one-story single-family house built in 1969 and added onto in 2003.</li> <li>• The new 22' by 32' (704 sf) second floor will contain a bedroom and a bathroom.</li> <li>• An existing bedroom will become an office with a 6' wide opening per Board of Health to not be considered a bedroom.</li> <li>• A new 77 sf deck will extend over the existing deck on the second floor.</li> </ul>
<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.3</b> ) Increase in building height for any structure with a non-conformity subject to item B1 above if the increase in height is located within the portion of the structure that is non-conforming or for any structure covered by item B2 above;
<b>PLOT PLAN</b>	Site Plan of 7 Allain Way, West Dennis, MA prepared for Deborah Gustafson by Ryder & Wilcox, Inc. P.O. Box 439, South Orleans, MA 02662. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated September 15, 2025; Revised 10-21-25 by Stephanie Sequin.
<b>BUILDING PLANS</b>	Plan of 7 Allain Way, West Dennis, MA prepared for Debbie Gustafson by, Betsy Laughton, Orleans Mass. Plan consisting of 4 Sheets with, Front, Rear, & Left side Elevations (Existing & Proposed), First Floor Plan, Second Floor Plan, and Existing Foundation & First Floor Plan. Plan dated 5-2-25; Revised 10-15-25.

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	15000sf
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	No
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'	170.8'	170.8'
Front Setback	25'	17.7'	17.7'
Right Side Setback	15'	86.7'	86.7'
Left Side Setback	15'	11.1'	11.1'
Rear Setback	25'	10.4'	(10.4') 13' to 2 <sup>nd</sup> story
Lot Area	40,000 sf	15,000 sf	15,000 sf
Lot Width	100'	201'	201'
Non-conforming floor space within Setbacks	241 sf	602	(+ 236) 838 sf
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period	0		39.2 %
Cumulative footprint size of all structures		1,829 sf	1,906 sf
Cumulative lot coverage (footprint) percent for all	15%	12.2%	12.7%
Cumulative floor space of all structures (F.A.R.)		1,829 sf	2,610 sf
Cumulative floor space to lot area % all structures	30%	12.2%	17.4%

§ 2.4.1.2 B Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental

ACTION	FINDING
B3 - Increase in building height for any structure with a non-conformity subject to item B1 above if the increase in height is located within the portion of the structure that is non-conforming or for any structure covered by item B2 above; and 2.4.1.2 C	

§ 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 a relatively small addition to an existing house that does not add to lot coverage and is under the bulk thresholds.
  - The only question was the addition of non-conforming area on the second floor. This is pulled back a bit from the non-conforming setbacks and the applicant calculates that it is under the 40% allowance.
  - 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:** This project was reviewed and approved by the Conservation Commission via an RDA in September 2025.
- **HEALTH:** Property located in an ESA. Item placed on 11/13/2025 BOH Agenda.
- **ENGINEERING:**
  - This project as presented does not 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 paved surface of Allain Way in a 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 (and existing dwelling as required).

<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 or legal holidays.</li><li>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>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><li>5. Any off-street parking shall be a pervious surface.</li><li>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.</li><li>7. Construction vehicles shall not park in or block the road.</li></ol>
--------------------------------	---