



Town of Dennis

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

137 SEA STREET, ED

ZBA SPECIAL PERMIT STAFF REVIEW – November 4, 2025

APPLICANT:	James E McLoughlin IV
PROJECT ADDRESS:	137 Sea Street, East Dennis MA 02641
MAP AND LOT NUMBER:	Map 422 Lot 12 (0.55 acres – 24100sf)
APPLICANT ADDRESS:	PO Box 1675, East Dennis, MA 02641
CASE NUMBER:	ZBAS-25-56
ZONING:	R-40; OK Historic
HEARING DATE:	November 25, 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 existing house and garage. Construct new house with attached garage and move existing cottage to new location on property.
PROJECT SUMMARY	<ul style="list-style-type: none"> • The proposal is a <u>voluntary demolition</u> of a non-conforming one-story single-family house built in 1958 with detached garage and cottage to be replaced by a two-story single-family house with an attached garage and the cottage relocated.
REQUEST	<p>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.1) The relocation or movement of a building or structure in whole or in part which is nonconforming by dimension to any other location on the lot in which it is located outside of the existing non-conforming footprint unless every portion of such building or structure is made to conform to all of the dimensional requirements of the zone in which it is located, or the non-conforming nature of the new proposed location is found to be substantially less non-conforming by the Board of Appeals; and (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.</p>
PLOT PLAN	Site Plan of 137 Sea Street, East Dennis, Massachusetts prepared for Donna & James McLoughlin, PO Box 1675, East Dennis, MA 02641, by Commonwealth Design Corp. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated 10-22-2025 by James E McLoughlin IV and Jeffery J. Stefank.
BUILDING PLANS	Plan of 137 Sea Street, East Dennis, Massachusetts prepared for Donna & James McLoughlin, PO Box 1675, East Dennis, MA 02641, by Commonwealth Design Corp. Plan consisting of 7 Sheets with Front, Rear, and Left & Right-Side Elevations, Basement Foundation Plan, First & Second Floor Plan, and Attic Plan. Plans dated April 1, 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	24,100 sf
NAMES OF STREETS	Yes
NAMES OF ABUTTING PROPERTY OWNERS	Yes
DISTANCES EXISTING AND PROPOSED STRUCTURES TO PROPERTY LINES	Revised - 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	No
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	Yes
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	Yes

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	100'	100'
Front Setback	25'	53'	36' relocated cottage
Right Side Setback	15'	21' cottage	29'
Left Side Setback	15'	10'	16' cottage
Rear Setback	25'	10'	26'
Lot Area	40,000	24,100 sf	24,100 sf
Lot Width	100'	100'	100'
Non-conforming floor space within Setbacks	0	214 sf	0
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			0
Cumulative footprint size of all structures	3615	2,651	2,727
Cumulative lot coverage (footprint) percent for all	15%	11%	11.3%
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%		N/A

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

ACTION	FINDING
C1 - Relocation of structure in whole or in part which is nonconforming by dimension to any other location on the lot in which it is located outside of the existing non-conforming footprint unless every portion of such building or structure is made to conform to all of the dimensional requirements of the zone in which it is located, or the non-conforming nature of the new proposed location is found to be substantially less non-conforming by the Board of Appeals.	
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:**
 - Currently there is a 1,323-sf single story main house about 53' front the road (Sea Street) with a small area over the left side setback line. There is also a 413-sf cottage behind the main house that is conforming to setbacks. There is also a small one car garage at the back of the property that is over the setback in the rear.
 - The proposal is to demolish the house and build a new two-story house at the rear of the property but not over the 25' rear setback. The house would include an attached garage. The cottage would be relocated to the front left of the property.
 - The proposal improves a couple of setbacks and is under the bulk thresholds on the over ½ acre property. The new house and cottage will both be conforming to setbacks.
 - The house was built in 1958 and is not historic.
 - The only drawback to the plan is the new long straight driveway (material not identified) that results in the removal of many mature trees. Mostly pine but some mature oak.
 - The Board can find that a lawful pre-existing non-conforming structure exists on the property and the proposed reconstruction and relocation, as conditioned, will not be substantially more detrimental to the neighborhood than the existing structure.
- **NATURAL RESOURCES:** The proposed project site is not within the Conservation Commission's jurisdiction.
- **HEALTH:** Septic application required for connection to existing system. System sized for 6 bedrooms.
- **ENGINEERING:**

- This project as presented results 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 at a defined work limit to contain sediment and infiltrate runoff on-site. Runoff and sediment generated during construction should not be discharged from the site to abutting properties or the road layout.
- 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 Sea Street. The contractor should be responsible for maintaining Sea Street free of accumulated sediment during construction.
- Sea Street was fully reconstructed in 2024. No construction equipment shall be unloaded or travel on the paved surface of Sea Street. Contractors should not park on Sea Street for extended periods of time impeding pedestrian or vehicular flow.
- Silt sacks (or equivalent) shall be installed in both stormwater inlet grates located in front of the proposed site, and maintained throughout project completion.
- Multiple layers of staggered erosion and sedimentation controls should be considered on any 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. The sloped area immediately south of the proposed dwelling would benefit from the construction of a vegetated swale along its base, inboard of the property line to contain and infiltrate runoff within the property boundary.
- 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.
- As this project involves the relocation of a cottage, and demolition/construction of a new dwelling in opposite ends of the site, it is recommended that the applicant consider performing the sitework in phases (if practical). A greater degree of success in controlling construction period erosion and sedimentation, as well as ground restoration, may be realized from working smaller areas of the site in stages.
- 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. Additional screening has been proposed on the landscape plan submitted with the application.
- A road opening permit will be required for the proposed driveway. No cutting of Sea Street pavement will be permitted. The plan indicates the new driveway will 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. The portion of the existing driveway which will be removed should be revegetated to match existing adjacent conditions.
- **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 Permit shall be deemed cause to revoke the ZBA Special Permit.5. Any off-street parking shall be a pervious surface.6. 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.
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