



Town of Dennis

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

46 SCARSDALE ROAD

PUBLIC SHADE TREE STAFF REVIEW – December 11, 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 – 19,938sf)
APPLICANT ADDRESS:	949 Long Pond Road, Brewster, Massachusetts 02631
CASE NUMBER:	
ZONING:	R-40; OK Historic
HEARING DATE:	December 15, 2025

PROPOSAL	Remove five (5) cedar trees on the right of way of a designated scenic road.
PROJECT SUMMARY	<ul style="list-style-type: none"> Scarsdale Road is a public road and a designated Scenic Road. A line of five (5) red cedar trees are in the public way. 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. The proposal to remove the trees is the result of a proposal to demolish a small non-conforming one and one half-story single-family house built in 1900 to be replaced by a much larger two-story single-family house on the non-conforming lot.
Mass. General Laws Ch40 §15C Ch 87, §3	<ul style="list-style-type: none"> Per MGL Ch. 40 §15C (Scenic Road Designation) and under the provisions of MGL Ch. 87 §3 (Cutting of Public Shade Trees), Public Shade Trees shall not be cut, trimmed or removed, in whole or in part, by any person other than the Tree Warden..., even if they be the owner of the fee in the land on which such tree is situated, except upon a permit in writing from said Tree Warden after a public hearing. All trees one and one half inches in diameter one foot from the ground within the public way are defined as public shade trees. The Tree Warden is responsible for the care, control, protection, and maintenance of all public shade trees, except those within a state highway... The law does not specify the finding the Tree Warden must make, but generally, if the tree is deemed to be a specimen tree that should be retained for its aesthetic value, provision of shade, environmental and economic benefits to the citizens of the town then the Tree Warden will not allow the removal. Even if the Tree Warden and the Planning Board find that the public shade tree is not a specimen or does not provide aesthetic value, provision of shade, environmental and economic benefits to the citizens of the town and may be removed, <u>if any objection in writing is made by one or more persons</u>, then the Tree Warden must advertise a second duly noticed public hearing at a Select Board Meeting. In this instance, the Tree Warden may only proceed with permitting the proposed removal of the tree(s) upon receipt of written approval from the Select Board filed

	<p>with the Town Clerk after said second public hearing before the Select Board.</p> <ul style="list-style-type: none"> The Tree Warden has noted that any decision allowing the removal of a healthy public shade tree should provide equitable replacement to the citizens of the town.
SITE PLAN	Site Plan of 46 Scarsdale Road Dennis, MA 02638 prepared for Ari Koufos, by Moore Design Home Company of Cape Cod, LLC,; P.O. Box 2124, 949 Route 137 Brewster MA. Plan consisting of 2 sheets with existing and proposed conditions, planting and clearing of property. Plan dated 11-11-2025. No Stamp.
PLAN OF LAND	Plan of Land of 46 Scarsdale Road, Dennis, MA 02638 prepared for Ari and Debra Koufos, 5 Bellevue Terrace, Watertown, MA 02472, by AJM Site Design LLC, 4 Crestview Drive, East Sandwich, MA 02537. Plan consisting of 1 sheet with existing and proposed conditions, and Grade Plane Calculations. Plan dated 8-10-2025; REVISED 10-29-2025 by Asa J. Mintz & Paul E. Sweetser.

TOWN DEPARTMENTS COMMENTS:

- **PLANNING:**
 - A line of red cedar trees stands in the public way of Scarsdale Road, a public road and a designated Scenic Road. Removal of public shade trees on a public way and scenic road require a permit after review and approval at public hearing with the Tree Warden and PB.
 - If applicant were to turn the proposed garage 90 degrees they could access the new garage from the existing driveway. Applicant does not want to share driveway as currently.
 - If the trees in question along the street front were retained, they would buffer the view of and from the house and not create a new driveway 30' -40' from the existing driveway at a bend in the road. The existing driveway is to be retained as it is used by a neighbor.
 - The existing House was built in 1900 and therefore subject to Demolition Delay (§61-3).
 - The proposed new driveway will need a Road Opening Permit.
- **TREE WARDEN:** To submit report on Friday December 12, 2025.
- **ENGINEERING:**
 - This larger 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
 - A Road Opening Permit will be required for construction of the proposed driveway.

PROPOSED CONDITIONS IF APPROVED	<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. 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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