



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 – January 8, 2026**

***NOTE: New information in printed in bold italic type.***

<b>APPLICANT:</b>	Ari Koufos C/O Thomas Moore Home Design Company.
<b>PROJECT ADDRESS:</b>	46 Scarsdale Road, Dennis MA 02638
<b>MAP AND LOT NUMBER:</b>	Map 385 Lot 12 (0.46 acres – 19,938sf)
<b>APPLICANT ADDRESS:</b>	949 Long Pond Road, Brewster, Massachusetts 02631
<b>CASE NUMBER:</b>	
<b>ZONING:</b>	R-40; OK Historic
<b>HEARING DATE:</b>	December 15, 2025; <b><i>Continued to January 12, 2026</i></b>

<b>PROPOSAL</b>	<b>Proposal has been revised to retain three (3) cedar trees and relocate two (2) cedar trees nearby along the right of way of a designated scenic road.</b>
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>Scarsdale Road is a public road and a designated Scenic Road.</li> <li>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.</li> <li>The proposal <b>has been revised to retain three (3) cedar trees and relocate two (2) cedar trees nearby along the right of way</b> as the result of a proposal to demolish 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 the non-conforming lot.</li> </ul>
<b>Mass. General Laws Ch40 §15C Ch 87, §3</b>	<ul style="list-style-type: none"> <li>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.</li> <li>All 1.5 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...</li> <li>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.</li> <li>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.</li> </ul>

	<ul style="list-style-type: none"> <li>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 with the Town Clerk after said second public hearing before the Select Board.</li> <li>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.</li> </ul>
<b>SITE PLAN</b>	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. <b>Revised 12/16/2025</b>
<b>PLAN OF LAND</b>	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 **and not need a new driveway on the scenic road at a bend in the road.** Applicant does not want to share driveway as currently.
  - The trees **now** retained, **should** buffer the view of and from the house **along the scenic road.**
  - Proposal **has been revised to retain three (3) cedar trees and relocate two (2) cedar trees nearby along the right of way.** A new driveway 30' -40' from the existing driveway at a bend in the road will be created. 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).
  - **Revised plan retains the trees, 3 in place and 2 moved to either side of the existing trees**
  - **The only concern is that cars existing the 22' wide driveway may not have a clear sightline down the road. If that is the case, the two trees closest to the driveway should be relocated further south along the right of way.**
- **TREE WARDEN:** Submitted 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.
  - A Road Opening Permit will be required for construction of the proposed driveway.
- **CORRESPONDENCE:** **Before the first public hearing, Annie Walker wrote objecting to the removal of the 5 street trees and noted the applicant told the Historic Commission they would try to keep the trees and that there were alternatives to the driveway.**

<b>PROPOSED CONDITIONS</b>	<b>1. If the new driveway has an impaired sightline due to the trees closest to it blocking the view exiting the driveway, these two trees closest to the driveway shall be relocated further south along the right of way of Scarsdale Road in front of this house.</b>
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