



Town of Dennis

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

**42 DAVENPORT ROAD, WD**

**ZBA SPECIAL PERMIT STAFF REVIEW – January 22, 2026**

<b>APPLICANT:</b>	Sean S. Lyons 2015 Revoc. Trust C/O Robert Perry of Cape Cod Engineering
<b>PROJECT ADDRESS:</b>	42 Davenport Road, West Dennis MA 02670
<b>MAP AND LOT NUMBER:</b>	Map 26 Lot 25 (0.24 acres – 10473sf)
<b>APPLICANT ADDRESS:</b>	PO Box 1517, East Dennis, Massachusetts 02641
<b>CASE NUMBER:</b>	ZBAS-25-62
<b>ZONING:</b>	R-40; Property is in the 500-year flood zone (not regulated)
<b>HEARING DATE:</b>	January 26, 2026

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>	Demolish an existing home and replace it with a new larger home.
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>• The proposal is a <u>voluntary demolition</u> of a single-story Ranch house built in 1957 to be replaced by a two-story single-family house.</li> <li>• Proposed replacement dwelling approximately mimics the existing footprint and adds a second-floor w/ no increase in bedrooms.</li> <li>• The existing coverage is 15.8% and the proposed building coverage is 19.4%.</li> <li>• Proposal is within the setbacks, therefore zero non-conforming floor area proposed.</li> <li>• Proposed Floor Area Ratio (FAR) is 27.7% (net) or 29% (gross), height is 28.7 feet.</li> <li>• Site utilities, electric, cable water shall be upgraded as necessary.</li> <li>• The proposed bedroom count is 3 bedrooms. Septic system was replaced in 2015.</li> <li>• The project eliminates the dimensional nonconformity on the right side and will bring the residential use into compliance with current building codes.</li> </ul>
<b>REQUEST</b>	Finding per: <b>§ 2.4.1.2.C.</b> - Special Provisions for Relocation/Recon. of 1 or 2-Family Structures Not Located w/n Existing Footprint <b>(C.2)</b> The <u>voluntary demolition and reconstruction</u> of a building <u>nonconforming by dimension</u> ...and the non-conforming nature of the <u>new proposed structure is found to be substantially less non-conforming</u> .
<b>PLOT PLAN</b>	Site Plan of 42 Davenport Road West Dennis, Massachusetts prepared by Robert M. Perry, P.E., Cape Cod Engineering Inc., P.O. Box 1517 East Dennis, MA 02641. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated December 5, 2025 by Robert Perry.
<b>BUILDING PLANS</b>	Plan of 42 Davenport Road West Dennis MA, prepared by Nazeih Hammouri P.E., 47 Manfeild Street Everett, MA 02149. Plan consisting of 6 sheets with First Floor Demo Plan, Basement Demo Plan, Existing Left Side Elevation, Existing Right-Side Elevation,

	Existing Rear Elevation, Existing Front Elevation, Proposed Foundation Plan, Proposed Second Floor Plan, Proposed First Floor Plan, Proposed Left & Right-side Elevations, Proposed Front Elevation, Door and Window Schedule with Window Types A-M, and Proposed Rear Elevation. Plans Dated 12-05-25 stamped by Nazeih Hammouri.
<b>OTHER</b>	Narrative Summary for Special Permit at 42 Davenport Road West Dennis, Massachusetts prepared by Robert M. Perry, P.E., Cape Cod Engineering Inc., P.O. Box 1517 East Dennis, MA 02641. Narrative consisting of 2 pages describing the proposal.

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	10,473 sf
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	No
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'	100'	100'
Front Setback	25'	30.8'	26.3'
Right Side Setback	15'	14.7'	15.4'
Left Side Setback	15'	15.2'	15.4'
Rear Setback	25'	44'	38.5' (App) 39.5'(plans)
Lot Area	40,000 sf	10,473 sf	10,473 sf
Lot Width	100'	100'	100'
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	40	0	0
Cumulative footprint size of all structures	1,570.9 sf	1, 649 sf	2,045 sf
Cumulative lot coverage (footprint) percent for all	15%	15.8%	19.4%
Cumulative floor space of all structures (F.A.R.)	3141.9	1368	2897
Cumulative floor space to lot area % all structures	30%	13.1%	27.7%

§ 2.4.1.2 C - Special Provisions for Reconstruction of 1 or 2-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 found to be substantially less non-conforming by the ZBA	
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§ 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; **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 slight improvement in the non-conforming right setback.
  - Due to the location of the property in a dense residential neighborhood near the water, the time of year construction and not blocking the road conditions have been added.
  - The proposal is significantly larger than the existing house, but improves the one non-conforming setback and is under the bulk thresholds.
  - The required 10' vegetated buffer was removed recently and should be restored.
  - The Board can find that a lawful pre-existing non-conforming structure exists on the property and the proposed reconstruction, as conditioned, can be found to be substantially less non-conforming.
- **NATURAL RESOURCES:** The entirety of the property is not within the buffer zone to a wetland resource area or a flood zone under the review authority of the Conservation Commission. No review or approval needed from Conservation.
- **HEALTH:** New Dwelling encroaching on septic tank. Must maintain minimum setbacks or will need to request variance. Patio cannot cover any component of the septic system.
- **ENGINEERING:**

- The project as presented has the potential to alter greater than 500 sf of ground, and is therefore required to meet the intent of the Town of Dennis Stormwater By-Law.
- Roof drains discharging to subsurface drywells are noted to be installed on the plan.
- Construction period linear erosion and sedimentation controls should be provided at a clearly defined limit of work as close as practical to contain the area of disturbance. These controls should be installed and maintained until all work is completed.
- The plan does not indicate proposed grading of the site; however, it is reasonable to assume only limited grading will be required to accommodate the new dwelling. Any post construction grading of the site should be performed with the intent to contain and infiltrate stormwater on-site. Natural areas surrounding the dwelling should be graded and vegetated to slow the velocity of, and contain runoff for infiltration prior to reaching the property boundary.
- The plan shows a 15'+/- wide crushed stone driveway/parking area running along the west property line from the front to the back of the property. This area appears to be used to access the rear of the property, and is currently used to park watercraft. According to the plan, this area is located right up to the west property line, and a portion of the rear property. Based on review of aerial imagery, this area did not exist as far back as 2023. Construction of this area removed any vegetated buffer/grass that existing between the dwelling and the abutting properties.
- The existing driveway should be utilized to the extents practical for storage of materials and parking of construction vehicles. Construction vehicles should not park along the Road for extended periods of time, if impeding safe pedestrian and vehicular traffic flow. The contractor shall be responsible for maintaining Davenport Road (Private Way) free of sediment during construction.

- **POLICE/FIRE:** Questions about any plan to Demo the building

<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.</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 Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit.</li> <li>5. Additional screening should be provided in areas where vegetation has been removed including along the western property boundary.</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 shall be implemented.</li> <li>7. Any off-street parking shall be a pervious surface.</li> <li>8. There shall be no exterior construction (including foundation work) or heavy equipment between the Friday before July 4 and the day after Labor Day and legal holidays.</li> <li>9. Construction vehicles shall not park in or block the road.</li> </ol>
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