



Town of Dennis

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**17 ELLIS DRIVE, DP**

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

<b>APPLICANT:</b>	Bentsion Boverman Trustee C/O Trevor Meyer
<b>PROJECT ADDRESS:</b>	17 Ellis Drive, Dennisport MA 02639
<b>MAP AND LOT NUMBER:</b>	Map 57 Lot 30 (0.17 acres – 7695SF)
<b>APPLICANT ADDRESS:</b>	852 Main Street West Dennis MA, West Dennis, MA 02670
<b>CASE NUMBER:</b>	ZBAS-25-61
<b>ZONING:</b>	R-40; Floodzone X
<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>	Second Floor Addition
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>• The proposal is an addition of a second-story to a one-story single-family structure built in 1967 on a non-conforming lot.</li> <li>• Existing one-story house has 3 bedrooms. Second Story adds a bedroom and converts downstairs bedroom to office. Plan Title says for Addition/ADU.</li> </ul>
<b>REQUEST</b>	<p>Finding per <b>§ 2.4.1.2.B</b> - Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental (<b>B.1</b>) for an Increase in the footprint of a structure that <u>does not comply with one or more required setbacks</u> where the <u>alteration will extend lot coverage</u>; (<b>B.2</b>) Increase in the lot coverage of a structure where the structure currently exceeds lot coverage; (<b>B.3</b>) Increase in building height for any structure with a non-conformity subject to item B1 above ...; and C.</p>
<b>PLOT PLAN</b>	Site Plan for Proposed Addition/ADU located at 17 Ellis Drive Dennis Port, MA prepared for Boverman Family Trust by Myer & Sons, Inc. 852 Main Street Dennisport MA. Plan consisting of 1 sheet with existing and proposed conditions. Plan July 1, 2025; Revised December 19, 2025 by Edward Stone.
<b>PLOT PLAN W/ Added Info</b>	<i>Non-Conforming Area Calculations added to Site Plan for Proposed Addition/ADU located at 17 Ellis Drive Dennis Port; Revised December 19, 2025 stamped by Edward Stone.</i>
<b>BUILDING PLANS</b>	Plan of 17 Ellis Drive Dennisport, MA prepared by Lauren O’Neal Residential Design 179 Warren Ave, Plymouth MA, 02360. Plan consisting of 7 sheets with Cover Page, Existing Foundation, First Floor & Roof Plans, Existing North, East, South & West Elevations, Window & Exterior Door Types & Schedule, Proposed First, Second & Roof Plan, Proposed North, East, South & West Elevations, Proposed Foundation Plan, Second Floor Framing Deck Plan, Roof Framing Plan, and Building Section. Plans dated 8-4-2020, 12-19-2023, and 10-30-2025. No Stamp.

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	7,695 SF
NAMES OF STREETS	Yes
NAMES OF ABUTTING PROPERTY OWNERS	No – M&L
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	NO
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	No
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	Yes

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	70'	70'
Front Setback	25'	26.4'	26.4'
Right Side Setback	15'	25.8'	25.8'
Left Side Setback	15'	9.4'	9.4'
Rear Setback	25'	32.9'	32.9'
Lot Area	40,000 sf	7,695 SF	7,695 SF
Lot Width	100'	70'	70'
Non-conforming floor space within Setbacks		322.8 sf	86.4 sf
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			26.7%
Cumulative footprint size of all structures		1,177 sf	1,182 sf
Cumulative lot coverage (footprint) percent for all	15%	15.3 %	15.4 %
Cumulative floor space of all structures (F.A.R.)		1,177 sf	App 1,800 sf
Cumulative floor space to lot area % all structures	30%		App. 23.4%

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

ACTION	FINDING
B1 - Increase in the footprint of a structure that does not comply with one or more required setbacks where the alteration will extend lot coverage or building height where a structure does not conform to current setback requirements;	
B2 - Increase in the lot coverage of a structure where the structure currently exceeds lot coverage;	
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; **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:**
  - 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.
  - Existing one-story house has 3 bedrooms. Second Story adds a bedroom and converts downstairs bedroom to office. Plan Title says for Addition/ADU.
  - Requested calculations re: non-conforming area were added to a previously submitted stamped plan. Floor Area Ratio was not calculated by applicant but appears to be below 30%.
  - Proposal does not improve on any of the existing setback non-conformities but is under the bulk thresholds.
  - Fence and existing shed on this property appear on Site Plan to encroach on neighbors' property at 19 Ellis.
  - 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:** None of the proposed work is within an area requiring Conservation Commission review
- **HEALTH:** Title 5 system inspection will be required. System installed in 2012 designed for 3 bedrooms.
- **ENGINEERING:**
  - The overall project as proposed has the potential to disturb greater than 500sf of ground, and therefore should be required to meet the intent of the Town of Dennis Stormwater By-Law.

- 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 and new vegetation stabilized.
- No grading has been indicated on the site plan as the existing dwelling will remain. If any sitework will be conducted as part of the project, stormwater will need to be contained and infiltrated 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 line.
- This property is close to a mapped flood zone. At minimum, an elevation should be provided on the top of foundation or other benchmark to confirm work will occur outside flood zone.
- No building plans or elevations were submitted as part of the application (**Submitted later**)
- As part of the renovation, roof drainage shall be contained by gutters and downspouts and directed to separate subsurface infiltration areas, or stone drip trenches along roof drip line.
- Any existing screening to abutting properties should be maintained to the extents practical.
- It appears that an existing shed and fencing encroach on the abutting property to the east. Any encroachments should be reviewed with abutting property owners and rectified if deemed necessary.
- A road opening permit will be required if any revisions are performed to the portion of existing driveway within the Town Road Layout. If revisions are performed, measures to contain and infiltrate runoff from the driveway surface will need to be provided in order to comply with the Stormwater By-Law, and any expansion shall maintain a minimum 10ft. buffer to the abutting property in accordance with Zoning.
- In addition to use of the existing driveway, a stone construction entrance should be considered for parking of construction vehicles and storage of materials. No parking of construction vehicles should be permitted for extended periods of time on Ellis Drive.
- The contractor shall be responsible for maintaining Ellis Drive (Town Way) free of sediment during construction.

<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. 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.</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 required by town engineering shall be implemented.</li> <li>7. Construction vehicles shall not park in or block the road.</li> <li>8. Encroachments should be reviewed with abutting property owners and rectified or written permission from neighbor submitted prior to Building Permit.</li> </ol>
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