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Dennis Board of Appeals

42 South Village Road, West Dennis

SUMMARY OF REASONING

Domenic Previte and Patricia Previte [collectively “Applicants”] own the property at 42 South Village Road in West Dennis [“Property”]. The Property is a corner lot located in the R-40 Zoning District and is developed with a one-story, single-family dwelling. The Property is pre-existing nonconforming as to lot size and building coverage. The dwelling is pre-existing nonconforming as to front setbacks from both South Village Road and Chapman Road, side and rear setbacks, and floodplain compliance.

The Applicants desire to raze the existing dwelling and replace it with a less-nonconforming, flood-compliant two-story dwelling on the same overall footprint. The proposal will result in significantly improved environmental protection with a flood-compliant replacement dwelling and elimination of one front encroachment.

The Applicants are seeking a Special Permit in accordance with Section 2.4.1.2(C)(2) of the Dennis Zoning By-Law [“Zoning By-Law”] and M.G.L. Chapter 40A, Section 6, in order to complete the work as shown on the submitted plans. The Board is authorized to grant the relief requested if it determines that the proposal will not be substantially more detrimental than the existing nonconforming conditions and that the nonconforming nature of the replacement structure will be substantially less nonconforming than existing conditions.

The Applicants respectfully submit that the proposal will not be substantially more detrimental than the existing nonconforming conditions (nor at all detrimental) and that the nonconforming nature of the replacement structure will be substantially less nonconforming than existing conditions because:

1. The Property is currently used for permitted, single-family residential use, and the use will not change;
2. The redevelopment will result in the removal of a dwelling located below base flood elevation and replacement with an elevated, fully-flood-compliant dwelling;
3. Building height will remain conforming (34 ft. 8 in. proposed, 35 ft. allowed);
4. The encroachment into the front setback from South Village Road will be eliminated, and the nonconforming setback from Chapman Road, as well as the side and rear setbacks, will remain the same;
5. The proposal will substantially improve and enhance environmental protection from flooding, stormwater flowage, and potential property damage;
6. There will be no change in the number of bedrooms in the dwelling, and the septic system will be upgraded with a new FAST septic tank for enhanced treatment of nitrogen with no change in the existing leach field;
7. While nonconforming building coverage will increase slightly (from 19.3% to 19.6%), the gross floor area on the Property will be conforming (28.8% proposed, 30% allowed);
8. The proposed increase in nonconforming floor area will be only 119 sq. ft., or 23% where 40% is allowed;
9. The Dennis Conservation Commission has reviewed and approved the proposal;
10. The Dennis Board of Health has reviewed and approved the proposal;

11. The replacement dwelling will be in keeping and compatible with the character of the neighborhood, which is a mix of one- and two-story dwellings, some elevated;
12. The proposal will not result in any increase in traffic nor decrease in traffic safety;
13. In addition to elevating the structure above base flood elevation, all stormwater runoff will be contained on site, and there will be no negative impact on water supply or the environment;
14. Utilities serve the site and will remain; and
15. The proposal will not adversely affect the public health, safety, convenience or general welfare of the Town.

For all of the above reasons, the Applicants request that the Board make findings that the proposal satisfies the Zoning By-Law standards and grant a Special Permit to allow the proposal to be completed as shown on the plans.