



Town of Dennis

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42 SOUTH VILLAGE ROAD, WD

ZBA SPECIAL PERMIT STAFF REVIEW – February 19, 2026

APPLICANT:	Domenic Previte C/O Andrew Singer of Singer & Singer
PROJECT ADDRESS:	42 South Village Road, West Dennis MA 02670
MAP AND LOT NUMBER:	Map 15 Lot 33 (0.11 acres – 4914 sf)
APPLICANT ADDRESS:	Law Office of Singer & Singer, LLC PO Box 67 (26 Upper County Road), Dennisport, MA 02639
CASE NUMBER:	ZBAS-26-5
ZONING:	R-40; Flood Zone: AE
HEARING DATE:	February 23, 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**

PROPOSAL	Raze and replace dwelling
PROJECT SUMMARY	<ul style="list-style-type: none"> • The proposal is a <u>voluntary demolition</u> of a non-conforming one-story single-family house built in 1960 to be replaced by a two-story single-family house on a non-conforming lot. • The new house improves the front setback non-conformity from 20.4’ to 25’. • The new house will be significantly larger overall but flood-compliant.
REQUEST	Finding per: § 2.4.1.2.C. - Special Provisions for Relocation/Recon. of 1 or 2-Family Structures Not Located w/n Existing Footprint (C.2) The <u>voluntary demolition and reconstruction</u> of a building or structure <u>nonconforming by dimension</u> ...and the non-conforming nature of the new proposed structure is found to be substantially less non-conforming.
PLOT PLAN	Site Plan of 42 South Village Road, West Dennis, MA prepared for Domenic Previte by Down Cape Engineering, inc. 939 Main Street (Rte. 6A), Yarmouthport MA, 02675. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated November 17, 2025; Revised January 12, 2026 (Pending BOH Comments) by Dan Ojala.
BUILDING PLANS	Plan of 42 South Village Road, West Dennis, MA prepared for Previte by, A.M.P.M. Design. Plan consisting of 2 Sheets with First, Second, Foundation & Roof Plan, and North, South, East, & West Elevations. Plans dated, 7-10-2025; Revised 1-14-2026.

1.3.2 Plans and Specifications

REQUIREMENTS	PROVIDED ON PLAN
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CERTIFIED PLOT PLAN INCLUDING	
LOCUS MAP	Yes
PERIMETER DIMENSIONS, INCLUDING FRONTAGE	Yes
AREA OF LOT	4914sf
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	NA
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'	153'	153'
Front Setback	25'	20.4'	25'
Right Side Setback	15'	11.3'	11.3'
Left Side Setback	15'	9.4'	9.4'
Rear Setback	25'	19.8'	19.8'
Lot Area	40,000	4,914 sf	4,914 sf
Lot Width	100'	58.8'	58.8'
Non-conforming floor space within Setbacks	0	515'	634'
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			23%
Cumulative footprint size of all structures			
Cumulative lot coverage (footprint) percent for all	15%	19.3%	19.6%
Cumulative floor space of all structures (F.A.R.)	1474	8,94 sf	1,415 sf
Cumulative floor space to lot area % all structures	30%	18.2%	28.8%

§ 2.4.1.2 C - Special Provisions for Recon. 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.	

or 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; **Proposed alterations 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; **The proposed essentially 3-story elevated structure is far too massive for the tiny lot.**
- 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 should 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 proposed essentially 3-story elevated structure is far too massive for the tiny lot.
 - The massive proposed structure makes it clear the bylaws need to be revised
 - Per § 6.4 Special Provisions for Lifting Existing Structures to New and Appropriate Elevations
 - *Notwithstanding the provisions of any other provision of the Dennis Zoning By-law to the contrary, except as otherwise provided pursuant to paragraph (3) of this subsection, a person shall be allowed to lift an **existing structure** located in an Area of Special Flood Hazard to a new and appropriate elevation, or constructing a staircase or other attendant structure necessitated by such raising without the need for Board of Appeals relief, provided, however, this exemption shall apply only to the minimum extent or degree necessary to allow the structure to meet the new and appropriate elevation with adequate means of ingress, egress ...*
 - *Appurtenant to lifting an existing structure, the existing structure may be relocated elsewhere on the lot as long as said relocation does not create a new, or increase the intensity of a setback nonconformity. For the purposes of accomplishing meeting the new and appropriate elevation, the restrictions found in Section 2.4.1.2 D 2 (a.k.a. the 40% rule) shall not apply.*
 - *The exemption established pursuant to paragraph (1) of this subsection **shall not be available to a person who has altered or is seeking to alter the original dimensions of a structure if, had the alteration not been made, the structure could have been raised to meet the new and appropriate elevation** either without the exemption or with an exemption of lesser degree than is needed with the alteration.*
 - The planner does not see that this section allows for massive increases in size.
 - The house next door did a similar project and ended up with an 8' tall, concrete raised septic.
 - The Planner understands that structures in the flood zone need to be raised but cannot in good conscience recommend to the Board that this proposal is “substantially less non-conforming”.
- **NATURAL RESOURCES:** The proposed project was reviewed and approved by the Conservation Commission in December of 2025.
- **HEALTH:** Project was approved at 1/8/26 BOH meeting with conditions.

- **ENGINEERING:**

- The project as presented will alter greater than 500sf of ground, and is therefore required to meet the intent of the Town of Dennis Stormwater By-Law
- The existing driveway should be utilized as a material storage area and vehicle entrance to the site during construction. Vehicles should not park on South Village Road (Town) or Chapman Road (Private) for extended periods of time as to impede traffic flow.
- The contractor shall be responsible for clearing any accumulated sediment from South Village Road (Town) that has been tracked onto the pavement from the construction site. The contractor shall also return Chapman Road(private) to preconstruction at the end of project.
- Construction period linear erosion and sedimentation controls shall be provided at a clearly defined limit of work as close as practical to the area of work. These controls should be installed and maintained until all work is completed and installed vegetation has stabilized.
- The plan indicates roof runoff will be contained and directed to shallow subsurface infiltration.
- Any post construction grading shall be performed with the intent to contain and infiltrate site generated runoff within the property boundary.
- Applicant should consider installing additional screening to abutting properties as practical.
- The plan does not indicate if any driveway revisions are proposed. The plan does show stairways encroaching into the existing driveway. As Chapman Road is a private road, no road opening permit would be required for revisions in this area. If any new driveway or parking will be constructed off South Village Road, a permit will be required.

- **POLICE/FIRE:** none

PROPOSED CONDITIONS	<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 or legal holidays. 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. 4. Failure to comply with all conditions in the Conservation Commission Order of Conditions or the Board of Health Variance shall be deemed cause to revoke the ZBA Special Permit. 5. Any off-street parking shall be a pervious surface. 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 to be implemented. 7. There shall be no exterior construction (including foundation work) or heavy equipment between the Friday before Memorial Day and the day after Labor Day. 8. The ground floor level can only be used as access, garage or storage per Code. 9. Construction vehicles shall not park in or block the road.
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