



Town of Dennis

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

**10 FLAKEYARD ROAD, DP**

**ZBA SPECIAL PERMIT STAFF REVIEW – February 19, 2026**

<b>APPLICANT:</b>	Jeffrey J Robinson ET UX C/O Adam Schroth of AGS Architecture
<b>PROJECT ADDRESS:</b>	10 Flakeyard Road, Dennis Port MA 02639
<b>MAP AND LOT NUMBER:</b>	Map 22 Lot 8 (0.13 acres – 5281sf)
<b>APPLICANT ADDRESS:</b>	938 Summer Street, Marshfield, MA 02050
<b>CASE NUMBER:</b>	ZBAS-26-7
<b>ZONING:</b>	R-40
<b>HEARING DATE:</b>	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

<b>PROPOSAL</b>	Demolition of home and reconstruction of a new single-family residence.
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>• The proposal is a <u>voluntary demolition</u> of a non-conforming two-story single-family house built in 1930 and located within 50 feet of a coastal bank to be replaced by a two-story single-family house on a non-conforming lot.</li> <li>• The new house improves the front setback non-conformity from 17’3” to 17’ 9.5””; the left setback from 6’ 7.75” to 7’2”, right setback remains at 30’ 6.75””; and the rear setback from 15’9.5” to 17’3.5””;</li> <li>• The property is an ESA and Coastal Bank buffer subject to BoH and Conservation.</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 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.
<b>PLOT PLAN</b>	Site Plan of 10 Flakeyard Road, Dennis, Massachusetts prepared for Jeffrey & Kathleen Robinson by Outermost Land Survey Inc. 1 Independence Way Brewster, MA 02631. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated 02-03-2026 by Donald T. Poole.
<b>BUILDING PLANS</b>	Plan of 10 Flakeyard Road, Dennis, Massachusetts prepared for Jeffrey & Kathleen Robinson by AGS Architecture 938 Summer Street, Marshfield, MA 02050. Plan consisting of 17 Sheets with; Cover Sheet, Existing & Proposed Site Plan, Existing LL & F1 Plans, Existing F2 & Roof Plans, Existing Garage Plans, Existing Elevations, Existing Garage Elevations, Proposed Site Plan, Proposed LL & F1 Plans, Proposed F2 & Roof Plans, Proposed Garage Plans, Proposed Elevations (x2), Site Photos, and Rendered Comparisons (x2). Plans Dated 1-19-2026.

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	5,281 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	Yes
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'	70'	70'
Front Setback	25'	17.25'	17.79'
Right Side Setback	15'	30.56'	30.56'
Left Side Setback	15'	6.65'	7.17'
Rear Setback	25'	15.79'	17.29'
Lot Area	40,000	5,281 sf	5,281 sf
Lot Width	100'	70'	70'
Non-conforming floor space within Setbacks		985 sf	871 sf
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			< 40%
Cumulative footprint size of all structures		1478	1384
Cumulative lot coverage (footprint) percent for all	15%	29.4%	28.1%
Cumulative floor space of all structures (F.A.R.)		2,430	2,418
Cumulative floor space to lot area % all structures	30%	46%	45.8%

§ 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	

§ 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; **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; **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 existing house appears to be a very nice historic home that is large relative to the tiny property with lot coverage of almost 30% and F.A.R. of 46%. The proposal was revised to improve some setbacks and bring the lot coverage and F.A.R. down a bit though not within the bulk thresholds. Revised plans do reduce several setback and size non-conformities.
  - New house appears slightly larger but plans show it is on a slightly smaller footprint. Garage footprint is being reduced but a second floor is being added. Buildings appear larger but plans claim F.A.R. being reduced by a sliver.
  - Was “bonus room” above garage included in calculation?
  - 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.
  - Proposal has to go to Conservation, Health and Historic.
  - If Conservation, Health or Historic make changes proposal may have to return.
- **NATURAL RESOURCES:** Existing garage is within the 100-foot buffer zone to a coastal dune. Given that some work is proposed in that area the proposal will have to be reviewed by the Conservation Commission under a Request for Determination of Applicability.
- **HEALTH:** Raze and Rebuild = New construction. Septic system required to be upgraded. If found to be located in an Environmentally Sensitive Area, will require a variance from the Board of Health at a public hearing. Limited information in file.
- **BUILDING:** Requires Special Permit finding.
- **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 Flakeyard Road for extended

periods of time as to impede traffic flow. The contractor shall be responsible for returning Flakeyard Road (private) to preconstruction condition at the completion of the project

- Construction period linear erosion and sedimentation controls shall be provided and maintained until all work is completed and any newly installed vegetation has stabilized.
- The plan indicates a new top of foundation substantially the same as the existing dwelling, Construction must contain runoff and infiltrate prior to reaching the property boundary.
- Roof drainage to be directed to subsurface for infiltration or stone trenches on drip line.
- The areas of existing driveway and garage removed as part of the project should be stabilized and vegetated. Applicant should consider enhancing screening to the abutter.
- **POLICE/FIRE:** Contact FD to see if can use for training on building before demo.

<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 Conservation Commission Order of Conditions or the Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit.</li> <li>5. Any off-street parking shall be a pervious surface.</li> <li>6. 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>7. 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>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.</li> <li>9. Construction vehicles shall not park in or block the road.</li> <li>10. The proposed demolition must be referred to the Historic Commission per the Demolition Delay General Bylaw (§61-3). This Special Permit shall not be valid and a Building Permit shall not be issued until such time as the Historic Commission either votes that the building is not preferably preserved or the demolition delay expires.</li> </ol>
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