



Town of Dennis

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

23 STEPHEN PHILLIPS ROAD, ED

ZBA SPECIAL PERMIT STAFF REVIEW – February 19, 2026

APPLICANT:	Mary Susan Muirhead C/O Marian Rose of Singer & Singer
PROJECT ADDRESS:	23 Stephen Phillips Road, East Dennis MA 02641
MAP AND LOT NUMBER:	Map 408 Lot 38 (0.47 acres – 20280 sf)
APPLICANT ADDRESS:	26 Upper County Road, P.O. Box 67 Law Office of Singer & Singer LLP, Dennisport, MA 02639
CASE NUMBER:	ZBAS-26-3
ZONING:	R-40; OK Historic
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
PROJECT SUMMARY	<ul style="list-style-type: none"> • The proposal is a <u>voluntary demolition</u> of a non-conforming two-story single-family house built in 1981 to be replaced by a two-story single-family house on a non-conforming lot. • The new house improves the rear setback from 90.2' to 85.4';
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 23 Stephen Phillips Road, East Dennis MA, prepared for Muirhead by Myer & Sons Inc, 852 Main Street West Dennis MA, 02670. Plan consisting of 1 sheet with existing and proposed conditions. Plan dated 01-15-26 by Edward Stone.
BUILDING PLANS	Plan of 23 Stephen Phillips Road, East Dennis MA, prepared for Muirhead Residence by Yarosh Associates Inc. Plan consisting of 11 Sheets with Proposed Basement/ Crawl Space Plan, Front & Right Elevations, Rear & Left Elevations, First Floor Plan, Second Floor Plan, Existing Front & Right Elevations, Existing Rear & Left Elevation, Existing Second & First Floor Plan, Existing Basement Plan, and Existing Sections 1-5. Plan Dated 12-2025.
OTHER	

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	20280sf
NAMES OF STREETS	Yes
NAMES OF ABUTTING PROPERTY OWNERS	No
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	200'	112'	112'
Front Setback	75'	39.3'	39.3'
Right Side Setback	30'	20.4'	20.4'
Left Side Setback	30'	20.3'	20.3'
Rear Setback	30'	90.2'	85.4'
Lot Area	60,000 sf	20,280 sf	20,280 sf
Lot Width	200'	112'	112'
Non-conforming floor space w/in Setback		3,963 sf	5,052 sf
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			27% increase < 40%
Cumulative footprint size of all structures	3042	2,028 sf	2,925 sf
Cumulative lot coverage (footprint) percent for all	15%	11%	14.5%
Cumulative floor space of all structures (F.A.R.)	0	2,438 sf	4,367 sf
Cumulative floor space to lot area % all structures	30%		22.86 %

§ 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:**
 - Per Engineering comments, the plan is lacking in certain specifics regarding contours drainage, stone wall, foundation, etc. Before Building Permit is issued a detailed plan should be submitted for review of whether a Scenic Road Hearing is required for stone wall.
 - 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 does not really improve setbacks and is under the bulk thresholds.
 - The Board can find that a lawful pre-existing non-conforming structure exists on the property and the proposed reconstruction, as conditioned, will not be substantially more detrimental to the neighborhood than the existing structure.
- **NATURAL RESOURCES:** Proposed work not within a wetland resource area's buffer zone or conservation regulated flood zone.
- **HEALTH:** Complete septic application required for upgrade of system.
- **BUILDING:** No comments
- **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.
 - Construction period linear erosion and sedimentation controls shall be provided as close as practical to the area of work, to prevent off-site discharge of sediment to the road layout and abutting properties. Installed and maintained until work is complete and vegetation stabilized.
 - Roof drainage to be directed to subsurface areas for infiltration or stone trenches on drip line.
 - The plan provides an existing dwelling top of foundation elevation and notes proposed additions resulting in an extended footprint. The narrative indicates this is a raze and replace,

- retaining portions of the existing foundation for construction of the new dwelling. Plan should provide clarity/notation to existing and proposed dwelling footprints if the entire dwelling frame will be removed, additional foundation installed, and label existing/proposed setbacks.
- The plan shows contours, but does not indicate elevations. If the existing foundation is to remain, with minor horizontal additions, it is assumed that there will be no substantial changes to the existing topography and runoff patterns over the site. The plan should provide contour elevations, and indicate any proposed grading.
 - The plan should show the existing circular driveway (assumed to be removed), and stone wall adjacent to the road layout. If this wall lies within the road layout, and will be revised, a Scenic Road hearing may be required, as determined by the Planning Department.
 - Prior to construction of the proposed driveway, the existing driveway should be utilized as a material storage area and vehicle entrance to the site during construction. Vehicles should not park on Stephen Phillips Road for extended periods of time or impede traffic. Contractor responsible for maintaining Stephen Phillips Road free of sediment during construction.
 - The plan should provide sufficient construction details and grades for the new driveway, such that any runoff generated from the drive surface (within the property boundary) will not be discharged to the Stephen Phillips Road layout. Possible methods to contain driveway runoff include, but are not limited to, providing a low point inboard of the property boundary to contain and direct stormwater to adjacent natural areas for infiltration, or providing structural drainage inlets (trench drain) and subsurface infiltration.
 - Any cobble apron or edging, if proposed, should be held back a minimum of 2 ft from the edge of pavement along Stephen Phillips Road, and the area infilled with asphalt to minimize potential for damage to the apron a/o town equipment during snow removal operations.

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. 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 Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit. 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. 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 of town engineering shall 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. Construction vehicles shall not park in or block the road. 9. Before Building Permit is issued a detailed plan per Town Engineering comments above should be submitted for review whether a Scenic Road Hearing is required.
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