

**23 UNCLE BILLS WAY, SD (ZVAR-25-6):** Timothy Burke (Trustee), 400 Washington Street, Suite 408, Braintree, Massachusetts (02184) is seeking a Variance to build s single-family home on a non-conforming lot. Located on a property located in the R-40 Zoning District, part of the Old Kings Highway Historic District at 23 Uncle Bills Way, South Dennis, MA (Assessor's Map 197, Parcel 41). **Continued without Testimony 12-22-2025**

Find Properties

Owner:

Parcel ID:

Address:   [Clear](#)

Condo/Cottage Colony:

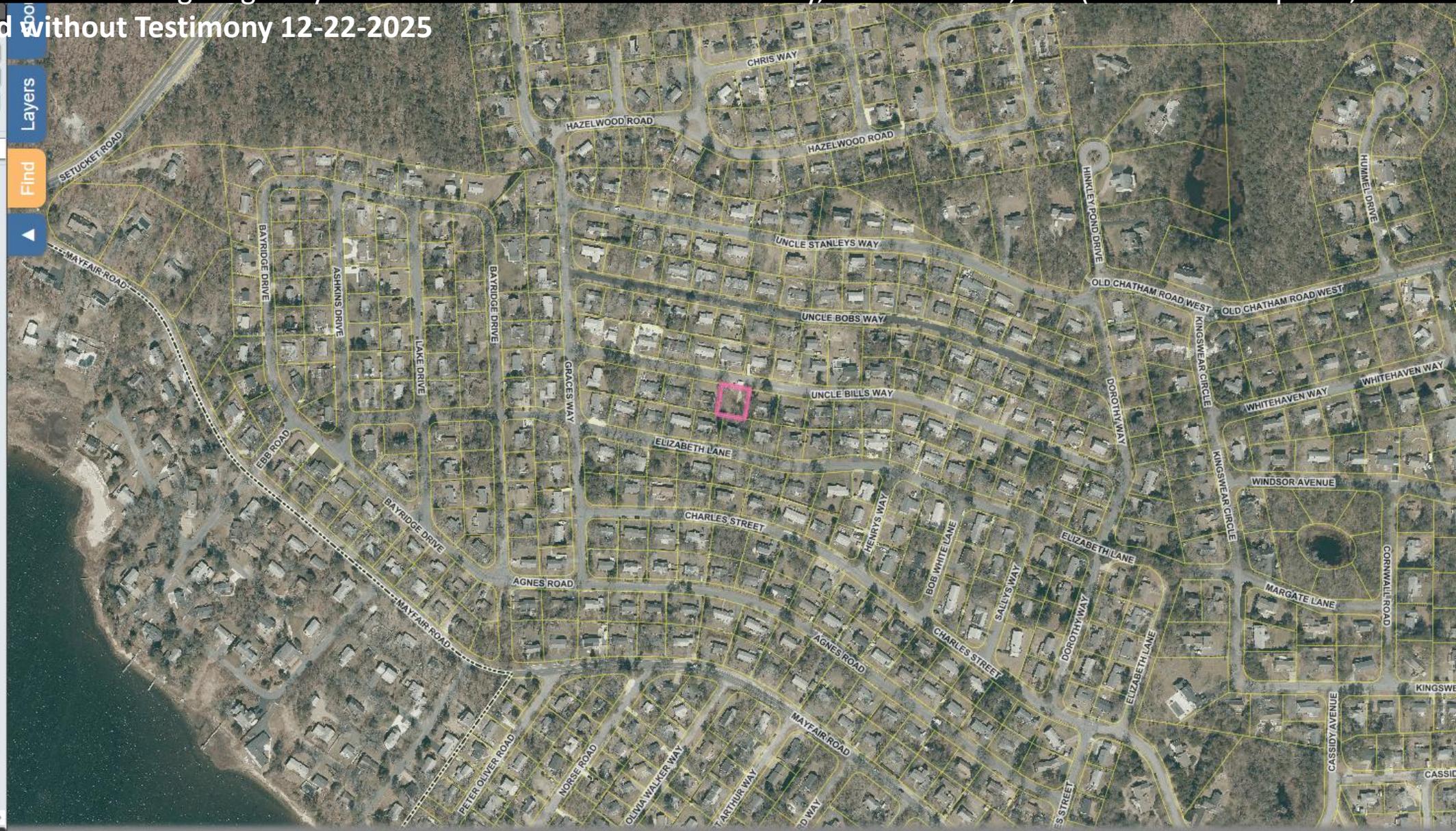
**Results Summary**

**Parcels**

Parcel ID	Address	Village	Owner
197-41-0	23 UNCLE BIL	SD	BURKE TIMOT

**Detail Information** [Zoom To](#)

CAMA ID	197-41-0
MapPar	197-41
Key	10049
Fiscal Year	2027
Extension	0
Address	23 UNCLE BILLS WAY
Village	SD
Property Type	R
Owner	BURKE TIMOTHY TRUSTEE
Co-Owner	T V B TRUST
Owner Address	400 WASHINGTON STREET
Owner City	BRAINTREE
Owner State	MA
Owner Zip	02184
Owner Country	
State Class #	1300
State Class Desc	DEVELOPABLE LAND
Deed Date	10/13/16 00:00:00
Book	N/A
Page	N/A
Certificate	210988
Last Sale Price	0.0000
Total Value	\$133,900.00
Land Value	\$133,900.00
Building Value	\$0.00
Detached Building Value	\$0.00
Acres	0.17
Prev Year Total Value	\$130,000.00



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Find Parcel #11

Owner:

Parcel ID:

Address:   Clear

Condo/Cottage Colony:

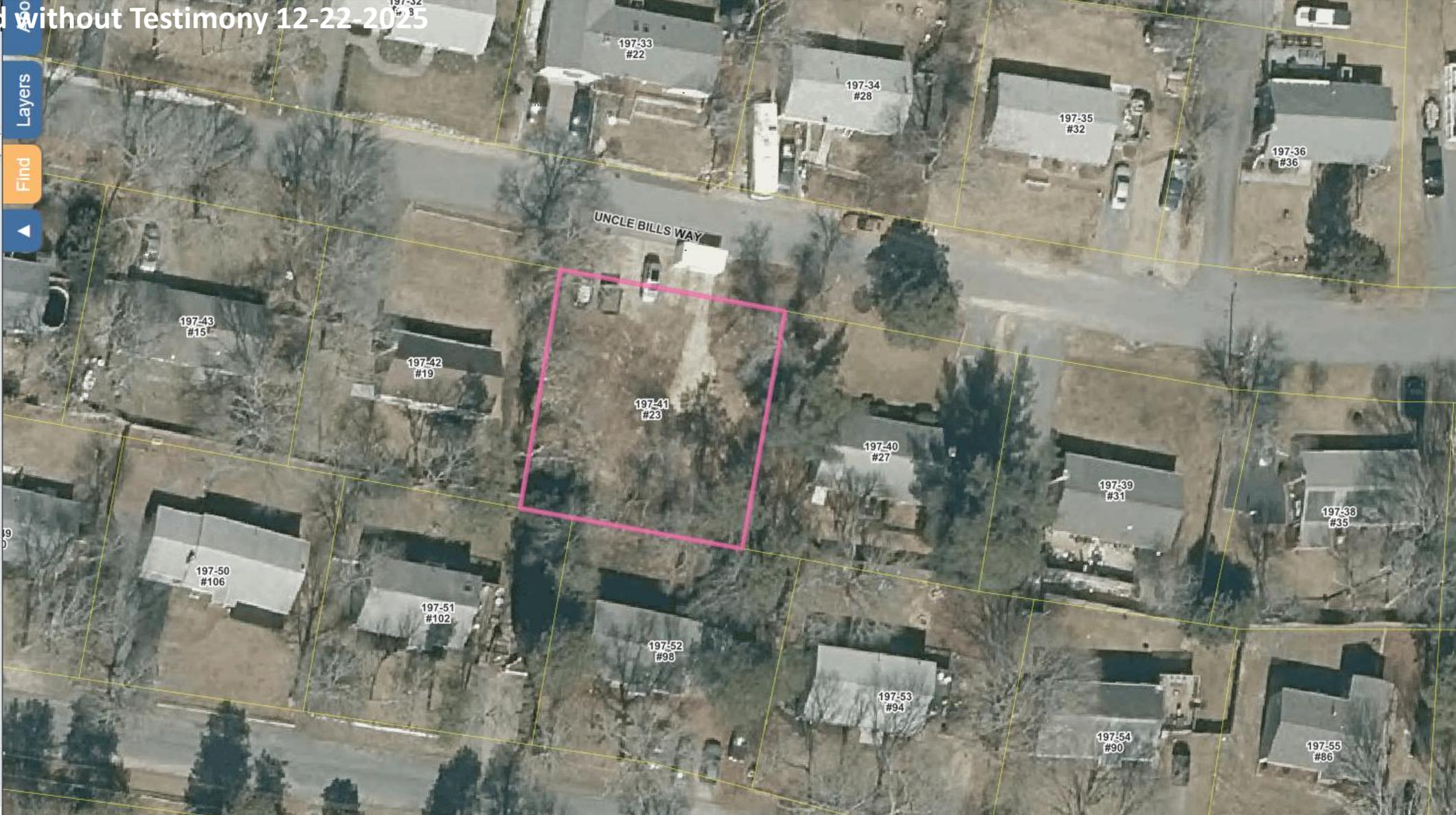
**Results Summary**

**Parcels**

Parcel ID	Address	Village	Owner
197-41-0	23 UNCLE BIL	SD	BURKE TIMOTI

**Detail Information** Zoom To

Key	10049
Fiscal Year	2027
Extension	0
Address	23 UNCLE BILLS WAY
Village	SD
Property Type	R
Owner	BURKE TIMOTHY TRUSTEE
Co-Owner	T V B TRUST
Owner Address	400 WASHINGTON STREET
Owner City	BRAINTREE
Owner State	MA
Owner Zip	02184
Owner Country	
State Class #	1300
State Class Desc	DEVELOPABLE LAND
Deed Date	10/13/16 00:00:00
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Total Value	\$133,900.00
Land Value	\$133,900.00
Building Value	\$0.00
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Acres	0.17
Prev Year Total Value	\$130,000.00
Property Card	<a href="#">PK Field Card</a>



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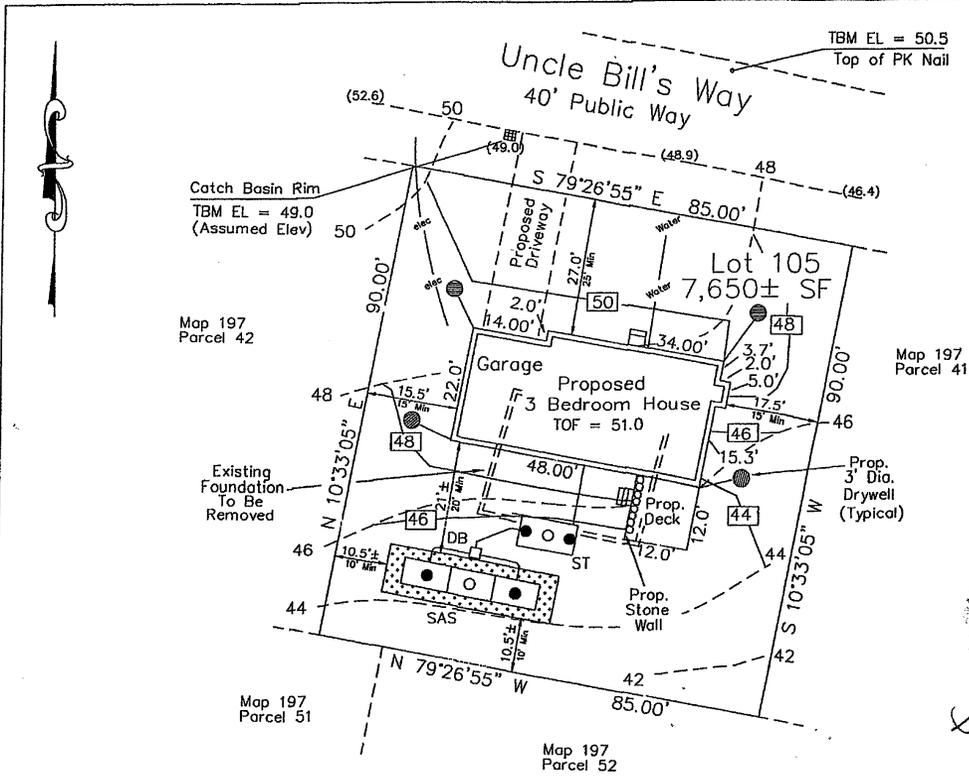
**Layers**

- Dennis Administrative Boundaries
  - Town Boundary
  - Village Boundary
- Old King's Highway Historic District
- South Dennis Historic District
- Voting Precincts 2020
  - 1
  - 2
  - 3
  - 4
  - 5
- Zoning Overlay Districts
  - Medium Wind Facility Overlay District
  - Large Wind Facility Overlay District
  - Med. & Large Wind Facility Overlay Distr
  - Scenic Corridor
- Zoning
  - Residential 40
  - Residential 60
  - General Commercial I, II, or III
  - Limited or Extensive Business
  - Industrial
  - Resort Areas
  - Dennis Port Village Center Areas
  - West Dennis Village Center District
  - West Dennis Village Center Support Dist
  - West Dennis Marine Open Space District
  - West Dennis Mixed Use Marine District
  - West Dennis Residential-Commercial
  - Quivet Neck-Crowes Pasture Resource Protection District
- MassGIS Census Data
- MassGIS Coastal Features
- MassGIS Conservation
- Base Maps
  - 2023 MassGIS Orthos
  - Town Basemap

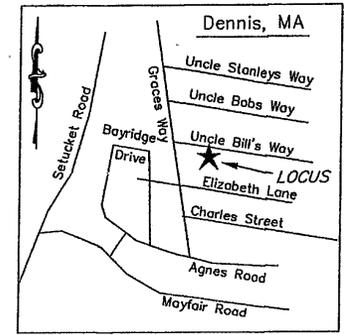


23 Uncle Bills Way  
Dennis, Massachusetts  
[View on Google Maps](#)



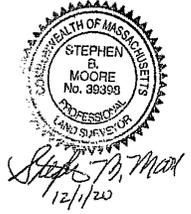


Zone: R - 40  
 Area: 40,000 SF  
 Frontage: 50'  
 Width: 100'  
 Setbacks  
 Front: 25'  
 Side: 15'  
 Rear: 25'  
 Max. Coverage: 15%  
 Proposed Coverage: 14.7%

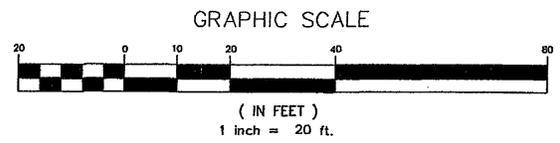


SITE LOCUS  
 NOT TO SCALE

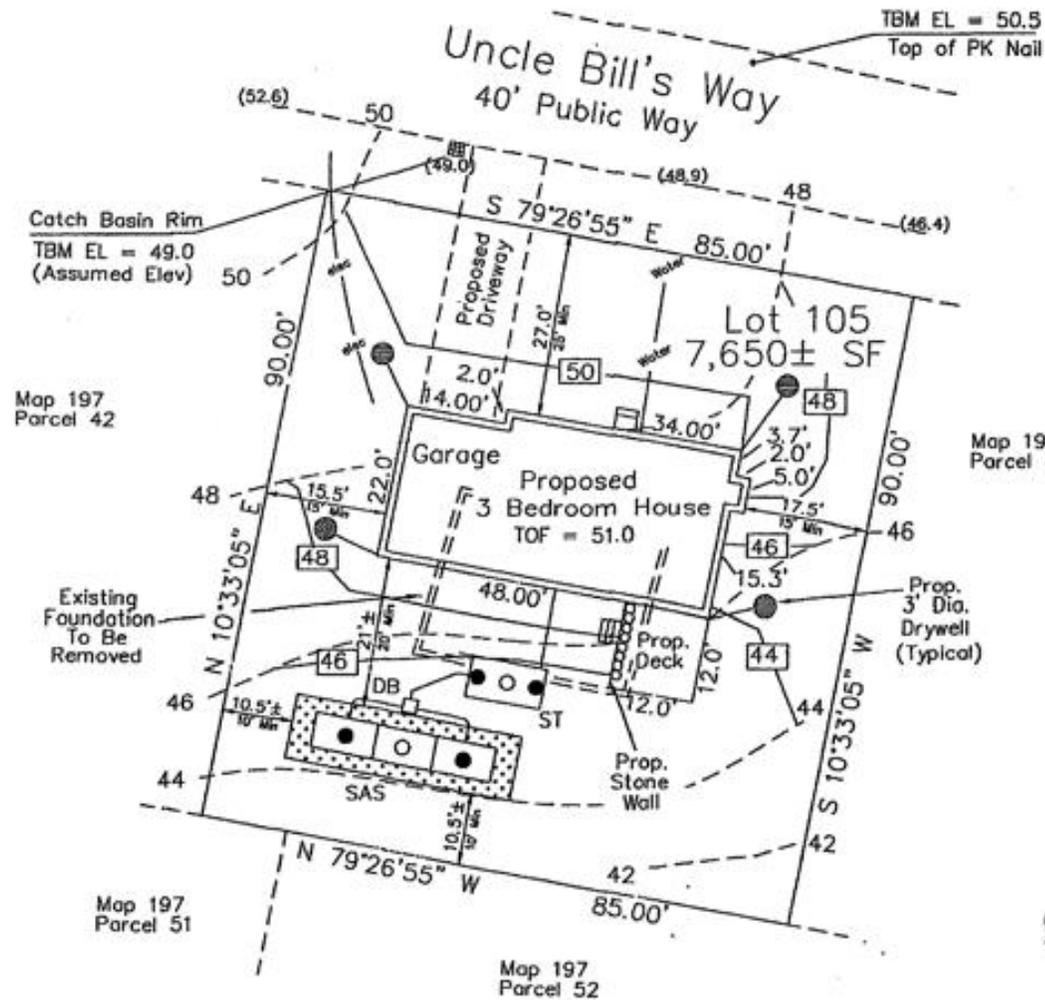
- 1.) Assessor's Map 197 Parcel 41
- 2.) C210988
- 3.) L.C. Plan 32986 B-4 Lot 105
- 4.) This property is not in a Zone II Wellhead Protection District
- 5.) This property is not in the Flood Zone.



NOTE:  
 LOCATION OF UTILITIES IS APPROXIMATE AND ALL UNDERGROUND AND OVERHEAD UTILITIES MUST BE DETERMINED IN THE FIELD PRIOR TO COMMENCEMENT OF ANY WORK, THIS INCLUDES, BUT NOT LIMITED TO, REQUESTS TO DIGSAFE, ANY PRIVATE UTILITY COMPANIES AND THE LOCAL WATER DEPARTMENT.



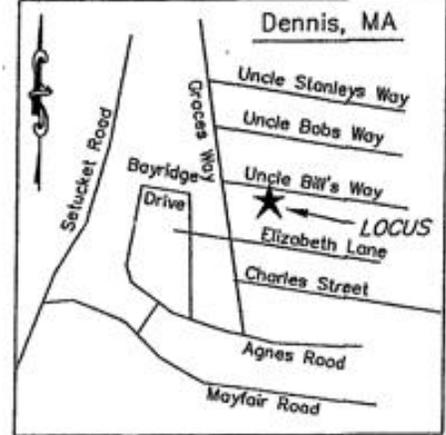
<b>Proposed Site Plan</b>			
<b>23 Uncle Bill's Way Dennis, MA</b>			
Prepared for: TVB Trust 400 Washington Street Suite 408 Braintree, MA		Prepared by: All Cape Septic LLC 618 Route 28 West Yarmouth, MA 02673 (508) 771-4200 allcapeseptic@gmail.com	
Date: 12/01/20	Sheet 1 of 2	By: MA	Check: SM
Project No. AC-266SitePlan			



Zone: R - 40  
 Area: 40,000 SF  
 Frontage: 50'  
 Width: 100'

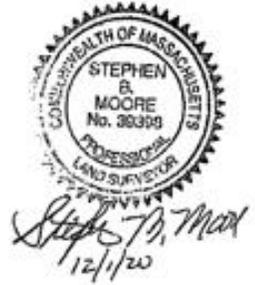
Setbacks  
 Front: 25'  
 Side: 15'  
 Rear: 25'

Max. Coverage: 15%  
 Proposed Coverage: 14.7%

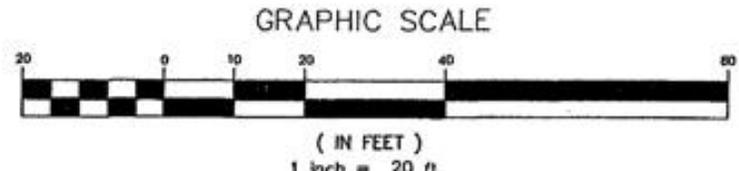


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<b>Proposed Site Plan</b>			
<b>23 Uncle Bill's Way Dennis, MA</b>			
Prepared for: TVB Trust 400 Washington Street Suite 408 Braintree, MA		Prepared by: All Cape Septic LLC 618 Route 28 West Yarmouth, MA 02673 (508) 771-4200 allcapesepctic@gmail.com	
Date: 12/01/20	Sheet 1 of 2	By: MA	Check: SM
Project No. AC-266SitePlan			

# Uncle Bill's Way 40' Public Way

TBM EL = 50.5  
Top of PK Nail

Zone: R - 40  
 Area: 40,000 SF  
 Frontage: 50'  
 Width: 100'

Setbacks  
 Front: 25'  
 Side: 15'  
 Rear: 25'

Max. Coverage: 15%  
 Proposed Coverage: 14.7%

Catch Basin Rim  
 TBM EL = 49.0  
 (Assumed Elev)

Map 197  
 Parcel 42

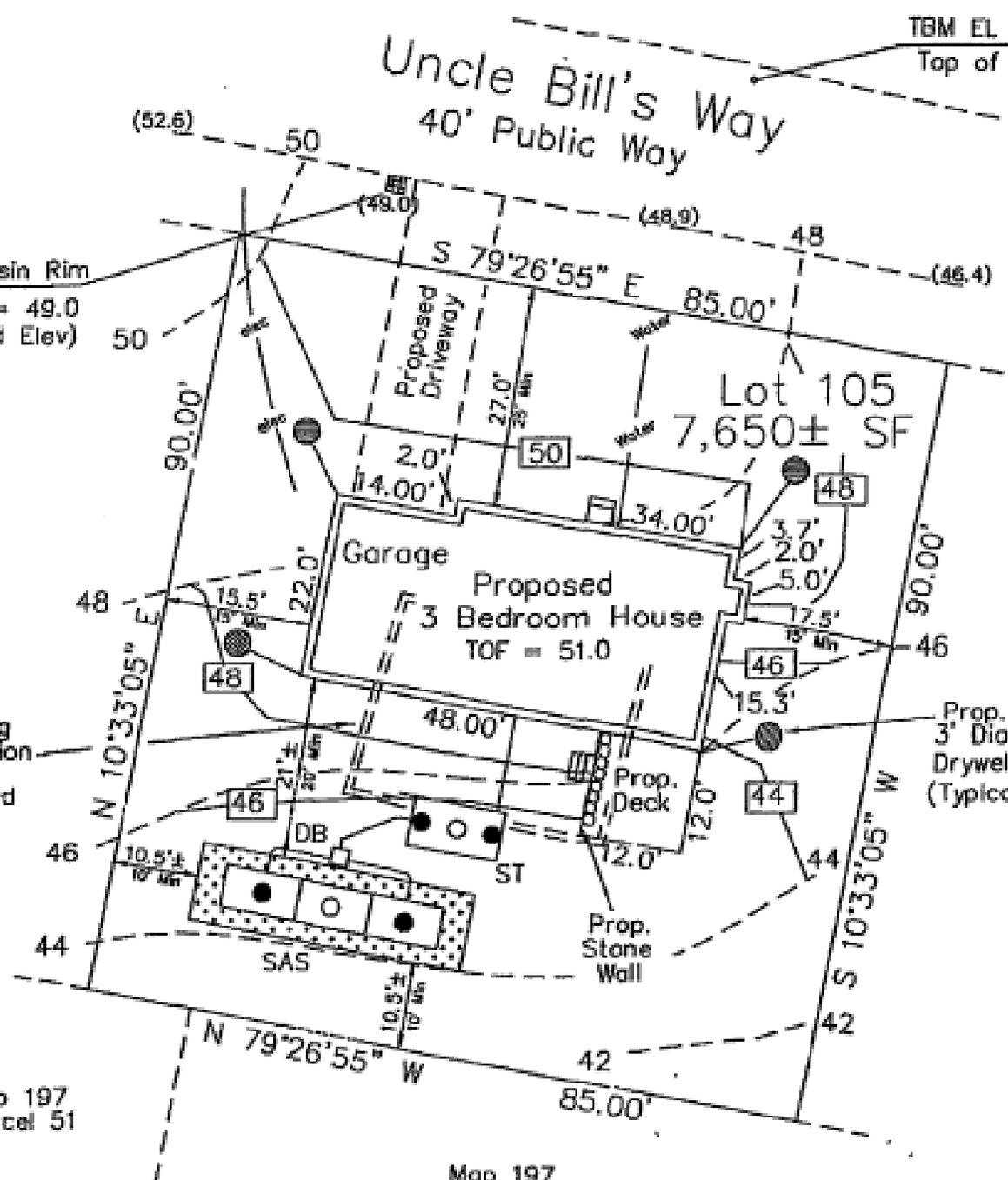
Map 197  
 Parcel 41

Existing  
 Foundation  
 To Be  
 Removed

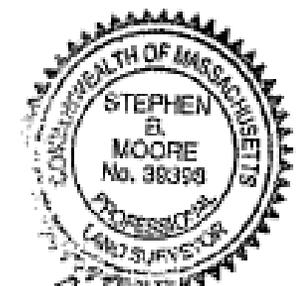
Prop.  
 3' Dia.  
 Drywell  
 (Typical)

Map 197  
 Parcel 51

Map 197  
 Parcel 52



- 1.) Assess
- 2.) C21098
- 3.) L.C. Pl
- 4.) This p
- Wellhea
- 5.) This p



*Stephen E. Moore*  
 12/1/20

## CONSTRUCTION NOTES

- 1.) ALL WORK SHALL CONFORM TO THE STATE ENVIRONMENTAL CODE, TITLE 5 (310 CMR 15.000) STANDARD REQUIREMENTS FOR THE DESIGN, CONSTRUCTION, INSPECTION, UPGRADE, AND EXPANSION OF ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS AND FOR THE TRANSPORT AND DISPOSAL OF SEPTAGE, AND THE LOCAL BOARD OF HEALTH REGULATIONS.
- 2.) ANY SEPTIC SYSTEM COMPONENT INSTALLED IN A LOCATION WHERE THERE IS POTENTIAL FOR VEHICLES OR HEAVY EQUIPMENT TO PASS OVER IT SHALL BE DESIGNED TO WITHSTAND AN H-20 LOADING. IF UNDER AN IMPERVIOUS SURFACE, SYSTEM SHALL BE VENTED TO THE ATMOSPHERE.
- 3.) TO MINIMIZE UNEVEN SETTLEMENT, SEPTIC TANKS AND D-BOX SHALL BE INSTALLED ON A STABLE MECHANICALLY-COMPACTED BASE ON SIX INCHES OF CRUSHED STONE.
- 4.) COVERS OVER THE INLET AND OUTLET TRENCHES OF THE SEPTIC TANK, THE DISTRIBUTION BOX, AND THE SOIL ABSORPTION SYSTEM SHALL BE RAISED TO WITHIN 6" OF FINAL GRADE. LEADING FIELDS, TRENCHES, AND OTHER SOIL ABSORPTION SYSTEMS WITHOUT ACCESS HANDLES SHALL HAVE AT LEAST ONE (1) INSPECTION PORT CONSISTING OF PERFORATED 4" PVC PIPE PLACED VERTICALLY TO THE BOTTOM OF THE SOIL ABSORPTION SYSTEM WITH A CAP, RED WITH MAGNETIC MARKING TAPE, ACCESSIBLE TO WITHIN 3' OF FINAL GRADE.
- 5.) PIPING SHALL CONSIST OF 4" SCHEDULE 40 PVC OR EQUIVALENT. PIPE SHALL BE LAID ON A MINIMUM CONTINUOUS DRAINAGE OF NOT LESS THAN 2% FROM THE BUILDING TO THE SEPTIC TANK, AND NOT LESS THAN 1% OTHERWISE.
- 6.) LINES FROM THE DISTRIBUTION BOX TO BE LEVEL FOR THE FIRST TWO (2) FEET BEFORE PITCHING TO THE SOIL ABSORPTION SYSTEM. DISTRIBUTION BOX SHALL BE WATER TESTED TO ASSURE EVEN DISTRIBUTION.
- 7.) GROUT TO BE USED AT ALL POINTS WHERE PIPES ENTER OR LEAVE ALL CONCRETE STRUCTURES IN ORDER TO PROVIDE A WATERTIGHT SEAL.
- 8.) HEAVY EQUIPMENT SHALL NOT BE ALLOWED TO OPERATE OVER THE LIMITS OF THE SEWAGE DISPOSAL FIELD DURING THE COURSE OF CONSTRUCTION OF THE SYSTEM.
- 9.) IN ACCORDANCE WITH 310 CMR 15.22, ALL SYSTEM COMPONENTS SHALL BE MARKED WITH MAGNETIC MARKING TAPE.
- 10.) THERE ARE NO KNOWN WELLS WITHIN 150' OF THE PROPOSED SOIL ABSORPTION SYSTEM.
- 11.) FROM THE DATE OF THE INSTALLATION OF THE SOIL ABSORPTION SYSTEM UNTIL RECEIPT OF THE CERTIFICATE OF COMPLIANCE, THE PERMETER SHALL BE STAKED AND FLAGGED TO PREVENT USE OF THE AREA THAT MAY CAUSE DAMAGE TO THE SYSTEM.
- 12.) THE DESIGNER WILL NOT BE RESPONSIBLE FOR THE SYSTEM AS DESIGNED UNLESS CONSTRUCTED AS SHOWN ON PLAN. ANY CHANGES SHALL BE APPROVED IN WRITING BY THE DESIGNER.
- 13.) THE BOARD OF HEALTH REQUIRES INSPECTION OF ALL CONSTRUCTION BY AN AGENT OF THE BOARD OF HEALTH AND THE DESIGNER. THE DESIGNER SHALL CERTIFY IN WRITING THAT THE SEWAGE DISPOSAL SYSTEM WAS INSTALLED IN ACCORDANCE WITH THE TERMS OF THE PERMIT AND THE APPROVED PLANS. 48 HOURS ADVANCE NOTICE IS REQUESTED.
- 14.) LOCATION OF UTILITIES IS APPROXIMATE AND CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE LOCATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF ANY WORK. THIS INCLUDES, BUT IS NOT LIMITED TO, REQUESTS TO DISASSEMBLE ANY PRIVATE UTILITY COMPANIES, AND THE LOCAL WATER DEPARTMENT.
- 15.) CONTRACTOR SHALL VERIFY THAT ALL WASTELINES ARE CONNECTED BY WATER TESTING WITHIN THE DWELLING PRIOR TO INSTALLATION OF ANY SEPTIC COMPONENTS.
- 16.) CONTRACTOR SHALL VERIFY EXISTING INVERT ELEVATIONS PRIOR TO INSTALLATION OF ANY SEPTIC SYSTEM COMPONENTS.
- 17.) TEST HOLES COMPLETED PER STATE ENVIRONMENTAL CODE, TITLE 5. SOILS CAN BE VARIABLE AND TEST HOLE DATA IS NO GUARANTEE OF SOIL CONDITIONS IN OTHER AREAS. IF SOILS DIFFER FROM THOSE SHOWN IN THE SOILS LOG, DESIGN ENGINEER IS TO INSPECT THE SOILS PRIOR TO PROCEEDING WITH INSTALLATION OF ANY SEPTIC COMPONENTS.
- 18.) EXISTING SEPTIC COMPONENTS TO BE LOCATED, PUMPED DRY, FILLED WITH CLEAN SAND AND ABANDONED IN PLACE OR REMOVED AS REQUIRED. AREA TO BE COMPACTED TO MINIMIZE SETTLEMENT.
- 19.) WATER/SEWER CROSSING: 4" PVC WASTELINE SHALL BE SLEEVED IN A 20" SECTION OF 6" PVC PIPE.

### TEST HOLE LOGS

DATE OF TESTING					BOARD OF HEALTH AGENT				
SOIL EVALUATION					PERCOLATION RATE (LESS THAN 2 MIN/INCH (2 LAYER))				
Test Hole #1 (EL=41.54)	Depth	Elev.	Layer	Soil Color	Test Hole #3 (EL=43.54)	Depth	Elev.	Layer	Soil Color

NO GROUNDWATER ENCOUNTERED

THE DENNIS BOARD OF HEALTH SHALL REQUIRE THE FOLLOWING INSPECTIONS:

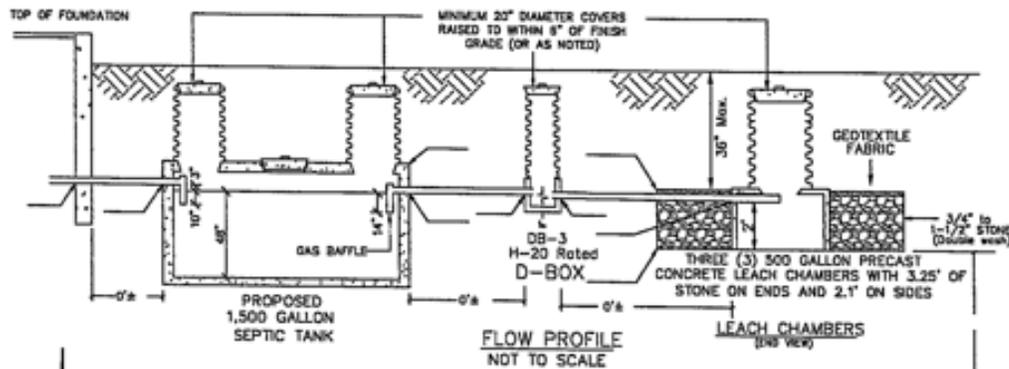
- 1.) INSPECTION OF UNSUITABLE MATERIAL REMOVAL (IF ANY).
- 2.) VERIFICATION OF SOIL CONDITIONS AND/OR GROUNDWATER ELEVATION (IF NECESSARY).
- 3.) VERIFICATION OF DEEPSPOOL/LEACH PIT REMOVAL OR ABANDONMENT (IF NECESSARY).
- 4.) INSPECTION OF CONTAINMENT WALL OR FLOW BARRIER INSTALLATION (IF ANY).
- 5.) INSPECTION OF THE 3/4"-1 1/2" STONE PRIOR TO PLACEMENT.
- 6.) FINAL INSPECTION OF ALL COMPONENTS PRIOR TO BACKFILLING.
- 7.) FINAL GRADING INSPECTION.

### EXCAVATION NOTES

- 1.) EXCAVATE ALL MATERIAL ABOVE SOIL HORIZON C (SEE DEEP OBSERVATION HOLE LOG) AT APPROXIMATE ELEVATION. FOR A LATERAL DISTANCE OF 5' (WHERE POSSIBLE) IN ALL DIRECTIONS BEYOND THE OUTER PERIMETER OF THE LEACHING AREA.
- 2.) FILL MATERIAL SHALL CONSIST OF CLEAN GRANULAR SAND, FREE FROM ORGANIC MATTER AND OTHER DELETERIOUS SUBSTANCES, WHICH MEETS THE TEXTURAL CRITERIA PUT FORTH IN SECTION 15.355(3) OF TITLE 5.
- 3.) SCARIFY THE BOTTOM SURFACE OF THE EXCAVATION PRIOR TO PLACEMENT OF FILL INTO THE RETAINING STRUCTURE.
- 4.) PLACE FILL ONLY WHEN BOTTOM SURFACE IS DRY.

Zone: R - 40  
Area: 40,000 SF  
Frontage: 50'  
Width: 100'

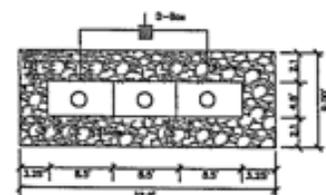
Setbacks:  
Front: 25'  
Side: 15'  
Rear: 25'  
Max. Coverage: 15%  
Proposed Coverage: 14.7%



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- 2.) C210988
- 3.) L.C. Plan 32988 B-4 Lot 105
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### SYSTEM DESIGN CALCULATIONS

SEWAGE DESIGN FLOW REQUIRED: 3 BEDROOM DWELLING @ 110 GPD / BEDROOM = 330 GPD REQUIRED  
SEWAGE DESIGN FLOW PROVIDED: THREE (3) 500 GALLON LEACH CHAMBERS WITH 3.25' STONE ON THE ENDS AND 2.1' STONE ON THE SIDES  
 $V_t = [(32 \times 9.0) + 2(32 \times 9.0)] (2) \times .74 = 334 \text{ GPD PROVIDED}$   
334 GPD PROVIDED > 330 GPD REQUIRED  
SEPTIC TANK CAPACITY REQUIRED: 330 GPD X 200 = 660 GPD  
SEPTIC TANK CAPACITY PROVIDED: 1,500 GALLON SEPTIC TANK  
A BARRAGE DISPOSAL IS NOT PERMITTED WITH THIS DESIGN FLOW



Note:  
This plan is only valid for current regulations and may not be suitable for future regulation changes that may occur.

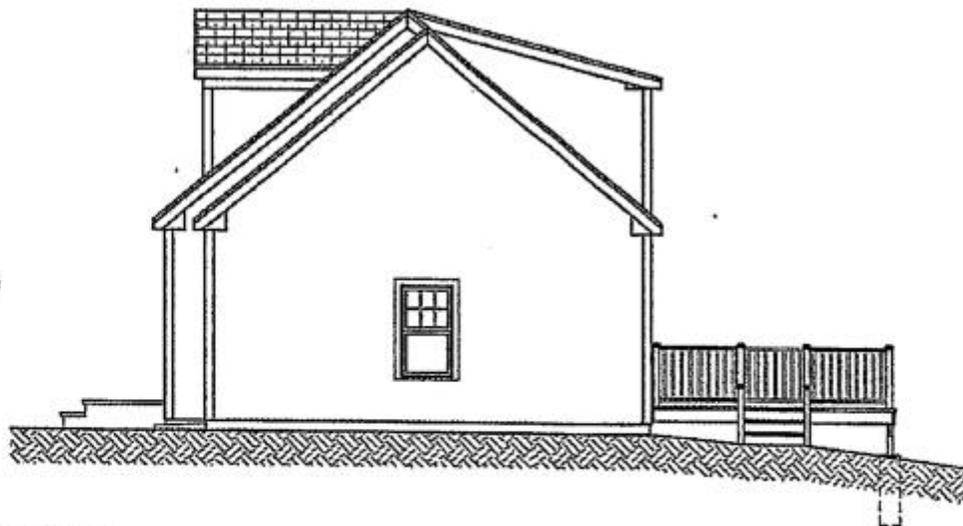
## Preliminary Sewage Disposal System 23 Uncle Bill's Way Dennis, MA

Prepared for:  
TVB Trust  
400 Washington Street  
Suite 408  
Braintree, MA

Prepared by:  
All Cape Septic LLC  
618 Route 28  
West Yarmouth, MA 02673  
(508) 771-4200  
allcapeseptic@gmail.com



**FRONT ELEVATION**  
(1/4" = 1')



**RIGHT SIDE ELEVATION**  
(1/4" = 1')



NEW DWELLING  
**TIMOTHY BURKE**  
23 UNCLE BILL'S WAY  
-FRONT ELEVATION  
-RIGHT SIDE ELEVATION  
MARCH, 2019

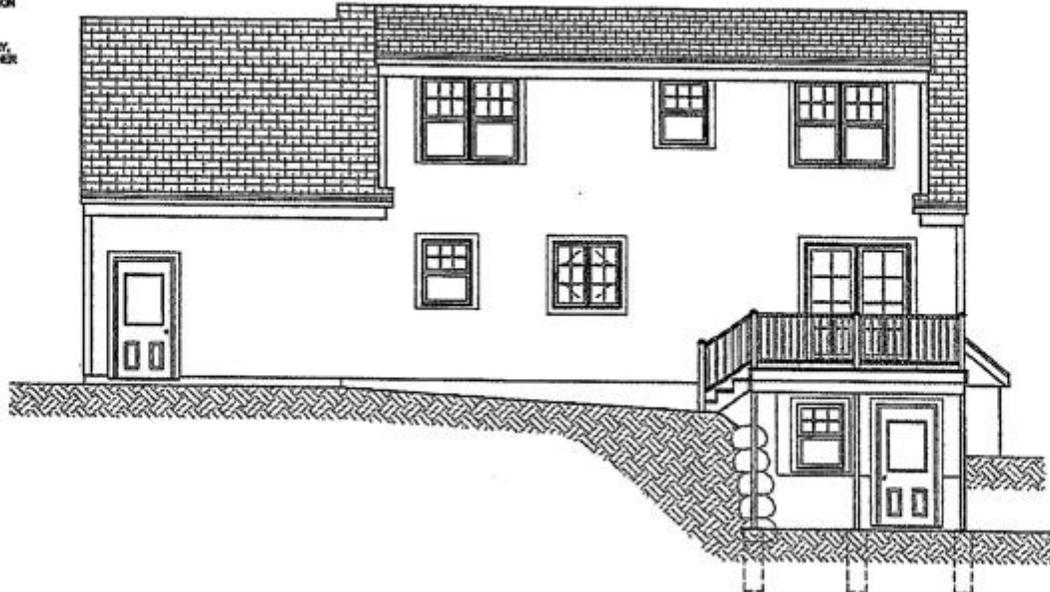
S. DENNIS

ARC Design, LLC  
ALAN P. CAMP  
903.933.0000

ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION AND WOOD FRAME CONSTRUCTION MANUAL FOR ONE- AND TWO-FAMILY DWELLINGS FOR EXPOSURE B WIND LOADS - 110 MPH  
ANY STRUCTURAL ENGINEERING REVIEW, IF NECESSARY, IS AT THE DISCRETION OF THE BUILDING COMMISSIONER AND WILL BE THE RESPONSIBILITY OF THE OWNER

REVISED:  
11/28/2020 - DECK SECTION,  
SMOKES, APA, ETC.

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 ANY STRUCTURAL ENGINEERING REVIEW, IF NECESSARY, IS AT THE DISCRETION OF THE BUILDING COMMISSIONER AND WILL BE THE RESPONSIBILITY OF THE OWNER.



REAR ELEVATION  
 (1/4" = 1')



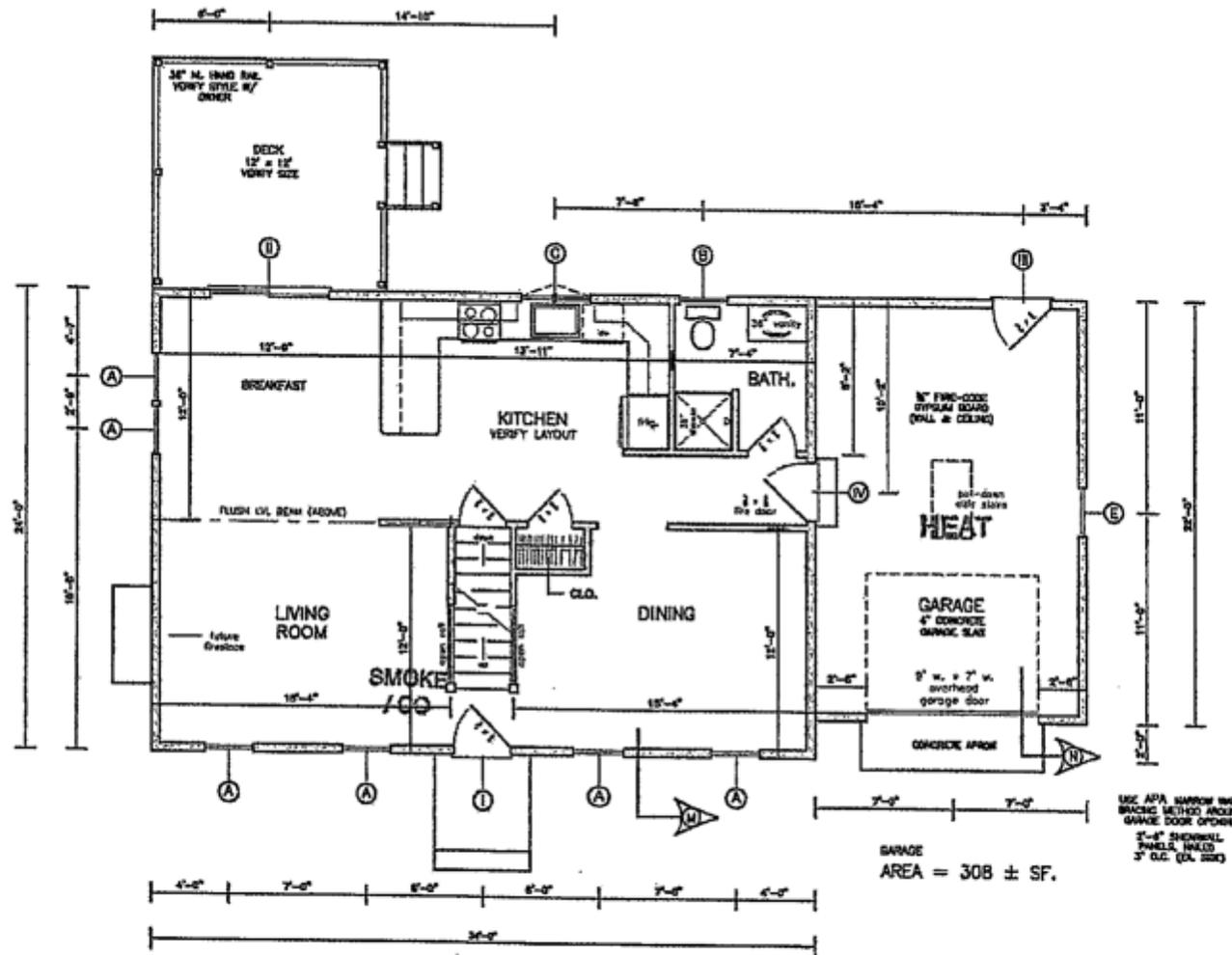
LEFT SIDE ELEVATION  
 (1/4" = 1')



NEW DWELLING  
**TIMOTHY BURKE**  
 23 UNCLE BILL'S WAY  
 -LEFT SIDE ELEVATION  
 -REAR ELEVATION  
 MARCH , 2018

S. DENNIS

REVISED:  
 11/28/2020 - DECK SECTION,  
 SMOKS, APA, ETC.



**FIRST FLOOR**

( 1/4" = 1' )

DWELLING

AREA = 816 ± SF.

USE APA HOLLOW WALL  
BRICKS WITH 2" INSULATION  
GARAGE DOOR OPENING  
2" x 4" SHANKWELL  
PANELS, UNLID  
3" O.C. (SEE SPEC)

GARAGE  
AREA = 308 ± SF.



NEW DWELLING

**TIMOTHY BURKE**

23 UNCLE BILL'S WAY  
-FIRST FLOOR PLAN

S. DENNIS

A&C Design, LLC  
ALAN R. CARVAL  
BURLINGTON

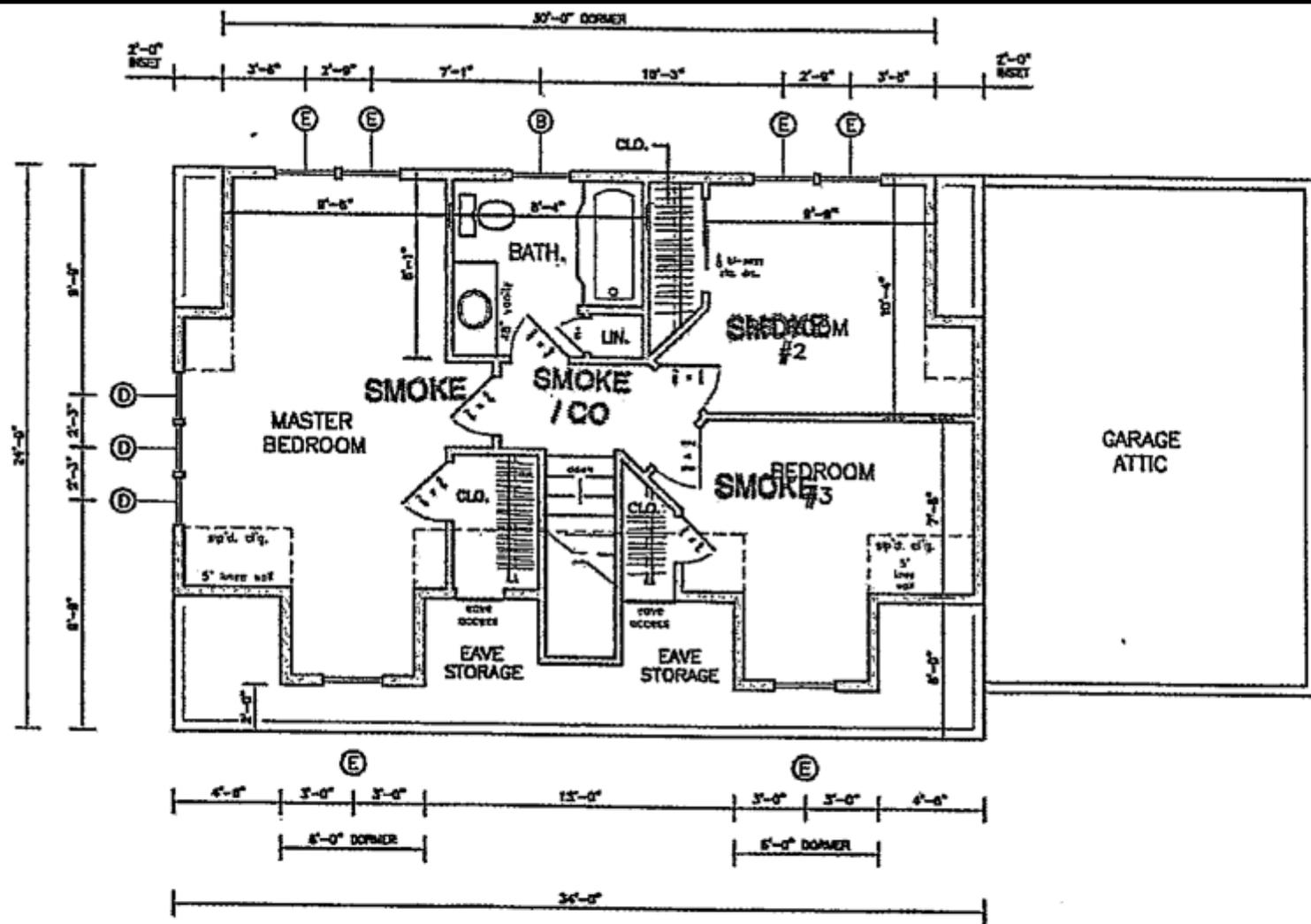
ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION AND WOOD FRAME CONSTRUCTION MANUAL FOR ONE- AND TWO-FAMILY DWELLINGS FOR EXPOSURE B WIND LOADS - 110 MPH

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REVISED:  
11/28/2020 - DECK SECTION,  
SMOKES, APA, ETC.

MARCH, 2019

3 OF 6



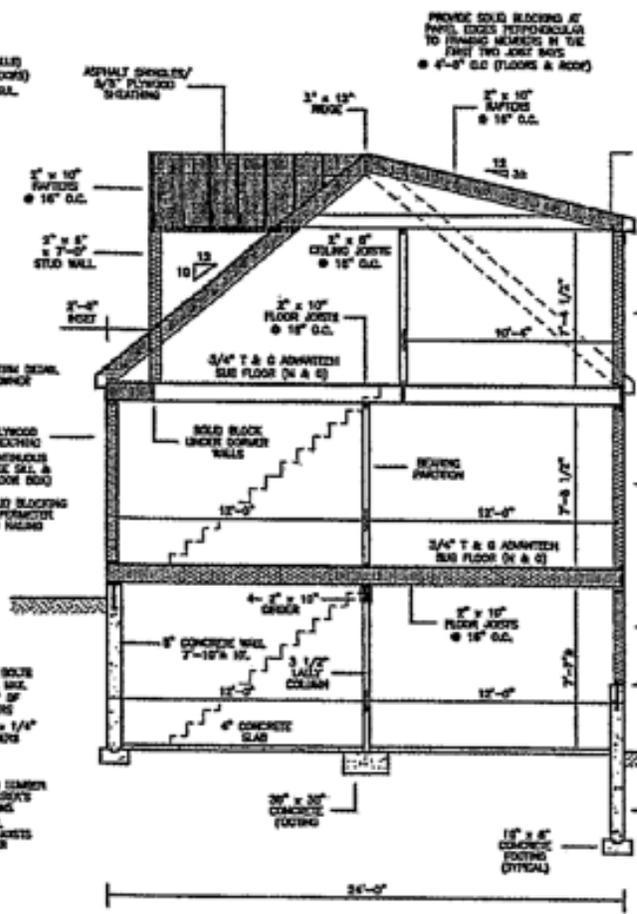
**SECOND FLOOR**

(1/4" = 1')

AREA = 651 ± SF.  
( TO KNEE WALLS )



**INSULATION:**  
 4" FIBERGLASS INSUL. = R10 (WALLS)  
 8" FIBERGLASS INSUL. = R19 (FLOORS)  
 7" CLOSED CELL SPURF FOAM INSUL. = R21 (CEILING)



**FRAMING SECTION "M"**

(1/4" = 1")  
 \* VERIFY ALL DETAILS WITH BUILDER ADJUST AS REQUIRED

\* ALL DIMENSIONS SHOWN PER MANUFACTURER'S SPECIFICATIONS  
 \* OPTIONS, USE 1/2" FLOOR JOISTS SEE BUILDER

ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION AND WOOD FRAME CONSTRUCTION MANUAL FOR ONE- AND TWO-FAMILY DWELLINGS FOR EXPOSURE B WIND LOADS - 110 MPH

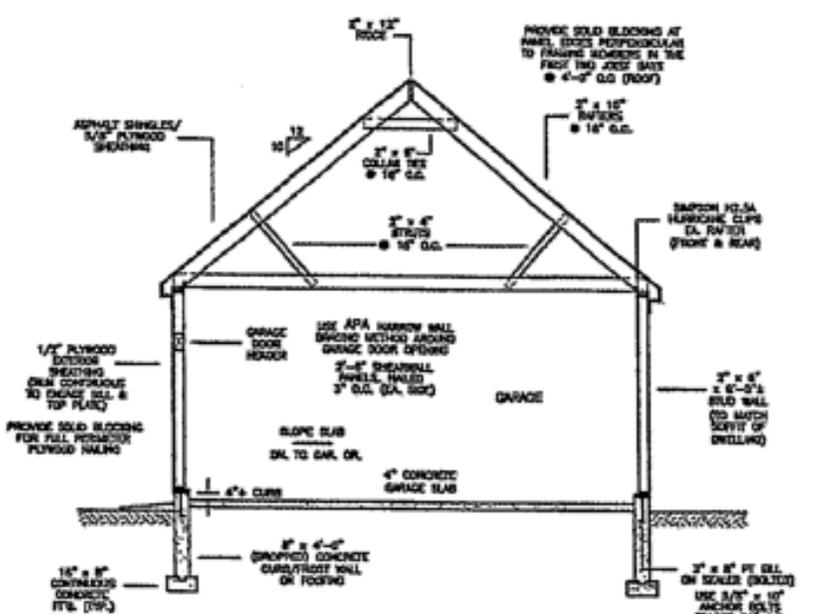
ANY STRUCTURAL ENGINEERING REVIEW, IF NECESSARY, IS AT THE DISCRETION OF THE BUILDING COMMISSIONER AND WILL BE THE RESPONSIBILITY OF THE OWNER

AND Designers, LLC  
 ALAN R. CHINA  
 ARCHITECT

PROVIDE SOLID BLOCCING AT PANEL EDGES PERPENDICULAR TO FRAMING MEMBERS IN THE FIRST TWO JOIST BAYS  
 • 4'-0" O.C. (FLOORS & ROOF)

**FRAMING SECTION "N"**

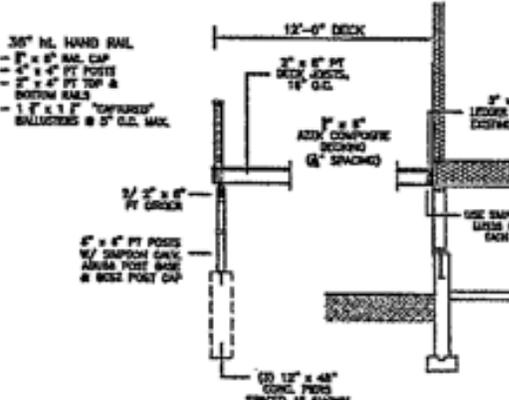
(1/4" = 1")  
 \* VERIFY ALL DETAILS WITH BUILDER ADJUST AS REQUIRED



**OPTIONAL INSULATION:**  
 4" FIBERGLASS INSUL. = R10 (WALLS)  
 7" CLOSED CELL SPURF FOAM INSUL. OR 14" FIBERGLASS INSUL. = R21 (CEILING)

**DECK FRAMING SECTION**

(NO SCALE)



NEW DWELLING

**TIMOTHY BURKE**

23 UNCLE BILL'S WAY

—FRAMING SECTION "M"—FRAMING SECTION "N"  
 —DECK FRAMING SECTION

S. DENNIS

REVISED:  
 11/28/2020 - DECK SECTION,  
 SMOKES, APA, ETC.



# DEINIS BUILDING DEPARTMENT

MAIN STREET, SOUTH DENNIS, MASSACHUSETTS 02660

394-8300

OWNER EVERETT W. BOY, JR. PHONE 394-3090

LEGAL ADDRESS P.O. Box 186, 51 Cove Rd, West Dennis, MA ZIP CODE 02670

PERMIT TO: CONSTRUCT  ALTER  ADD  DEMOLISH  MOVE

1-FAMILY  GARAGE  TOOL SHED

PROPOSED USE RESIDENTIAL ZONING DISTRICT R-40

NUMBER OF STORIES TWO NUMBER OF DWELLING UNITS ONE

LOCATION 23 UNCLE BILL'S WAY, DENNIS  
Number Street Village

SUBDIVISION 1 LOT 105 BLOCK South LOT SIZE 7,650 SF

STRUCTURE IS TO BE 24' FEET WIDE BY 32' FEET LONG BY        FEET HIGH

TYPE OF CONSTRUCTION WOOD FRAME = 4B USE GROUP(S) R-3  
(Wood Frame = 4B) (162 Family = R-3)

CALCULATED AREA 1317 SF PERMIT FEE 527-

COMPLETION COST 30,000.00 ASSESSORS SHEET # 197/41

CONTRACTOR EVERETT W. BOY, JR. PHONE 394-3090

ADDRESS P.O. Box 186, West Dennis, MA ZIP CODE 02670

REMARKS: \_\_\_\_\_

THE REQUIREMENT OF FULL COMPLIANCE WITH LAWS, CODES, ORDINANCES, RULES AND REGULATIONS IS NOT WAIVED BY THE ISSUANCE OF A BUILDING PERMIT.

APPLICATION FOR A PERMIT FOR ANY PROPOSED WORK SHALL BE DEEMED TO HAVE BEEN ABANDONED (6) MONTHS AFTER DATE OF FILING, UNLESS SUCH APPLICATION HAS BEEN DILIGENTLY PROSECUTED OR A PERMIT SHALL HAVE BEEN ISSUED.

ALL PROPOSED CONSTRUCTION SHALL BE SUBJECT TO TOWN OF DENNIS BY-LAW XV AND MASSACHUSETTS GENERAL LAWS, CHAPTER 131, SECTION 40, THE WETLANDS PROTECTION ACT.

NO PERMIT SHALL BE ISSUED UNTIL A DISPOSAL WORKS CONSTRUCTION PERMIT HAS BEEN ISSUED BY THE DENNIS BOARD OF HEALTH.

NO PERMIT SHALL BE ISSUED FOR CONSTRUCTION WITHIN THE OLD KINGS HIGHWAY HISTORIC DISTRICT OR THE SOUTH DENNIS HISTORIC DISTRICT UNTIL A CERTIFICATE OF APPROPRIATENESS OR A CERTIFICATE OF EXEMPTION HAS BEEN FILED WITH THE TOWN CLERK.

THE UNDERSIGNED ASSUMES RESPONSIBILITY FOR COMPLIANCE WITH THE STATE BUILDING CODE AND OTHER APPLICABLE CODES, ORDINANCES, BY-LAWS, RULES AND REGULATIONS.

SIGNATURE [Signature] TITLE CONST. SUPER. DATE 12/10/93

CONSTRUCTION PERMIT NO. 2685  
LUMBER PERMIT NO. 122843

## TOWN OF DENNIS BUILDING DEPARTMENT CONSTRUCTION SUPERVISOR FORM

DATE PRINT: \_\_\_\_\_ DATE 12/10/93

LOCATION 23 UNCLE BILL'S WAY, DENNIS  
NUMBER STREET VILLAGE

OWNER OF PROPERTY EVERETT W. BOY, JR.  
CONSTRUCTION SUPERVISOR EVERETT W. BOY, JR. # 032809 394-3090  
NAME LICENSE NUMBER PHONE

ADDRESS P.O. Box 186, W. DENNIS, MA 02670  
NUMBER STREET CITY/TOWN STATE ZIP CODE

UNLICENSED DESIGNEE (OTHER THAN SUPERVISOR) NAME LICENSE NUMBER

RESPONSIBILITY OF EACH LICENSE HOLDER:

- 1.1 The license holder shall be fully and completely responsible for all work for which he is supervising. He shall be responsible for seeing that all work is done pursuant to the State Building Code and the drawings as approved by the Building Official.
- 1.2 The license holder shall be responsible to supervise the construction, instruction, alteration, repair, removal or demolition involving the structural elements of buildings and structures only pursuant to the State Building Code and all other applicable Laws of the Commonwealth even though he, the license holder, is not the permit holder but only a subcontractor or contractor of the permit holder.
- 1.3 The license holder shall immediately notify the building official in writing of the discovery of any violations which are covered by the building code.
- 1.4 Any licensee who shall willfully violate Subsections 2.15.1, 2.15.2, 2.15.3 or any other Sections of these Rules and Regulations and any procedures prescribed, shall be subject to revocation or suspension of license by the Building Official.

All building permit applications shall contain the name, signature and license number of the construction supervisor who is to supervise those persons engaged in construction, reconstruction, alteration, repair, removal or demolition regulated by Section 109.1.1 of the Code and these Rules and Regulations. In the event that such licensee is no longer supervising said persons, the work shall immediately cease until a successor license holder is substituted on the records of the building department.

I have read and understand my responsibilities under the rules and regulations governing licensing construction supervisors in accordance with Section 109.1.1 of the State Building Code. I understand the construction inspection procedures and specific inspections as called for by the building official.

SIGNATURE [Signature]  
(LICENSED CONSTRUCTION SUPERVISOR)

BUILDING OFFICIAL APPROVAL

197/41

APPLICATION FOR PERMIT TO INSTALL AND REQUEST FOR ELECTRICAL SERVICE 10-10

Inspector of Wires \_\_\_\_\_  
Town of DENNIS Massachusetts Wiring Permit # \_\_\_\_\_ COM/Electric # 325397  
Building Permit # \_\_\_\_\_ Date 1/5/94  
Customer: REEF REACTY on (Street #) 23 UNCLE BILLS WAY  
Lot # \_\_\_\_\_ in the village of DENNIS utility pole number or underground number 221/3  
Customer's billing address: 24 SCHOOL ST. - W. DENNIS

Temporary  New installation \_\_\_\_\_ Change of service \_\_\_\_\_ Starting date \_\_\_\_\_  
Job description \_\_\_\_\_

Service entrance voltage 115/230 Amperage 30 Poles 1  
Wire size (cu. or al.) 6 AWG Conductor per phase 1  
Number of meters \_\_\_\_\_ Water heater \_\_\_\_\_ Off peak: Yes \_\_\_\_\_ No \_\_\_\_\_  
Estimated load: Electric heat \_\_\_\_\_ kw, lights \_\_\_\_\_ kw, Range \_\_\_\_\_ dryer \_\_\_\_\_ Motors, H.P. & Phase \_\_\_\_\_  
Ready for first inspection 1-5-94 Ready for final inspection \_\_\_\_\_  
Electrical Contractor CRAIG MASHORE Lic # 47616 Telephone # 385-3787  
Address 66 SO. VERMOUTH RD - DENNIS  
Additional Remarks: \_\_\_\_\_

Do Not Write Below This Line  
ELECTRICAL WIRING INSPECTION CERTIFICATE  
INSPECTOR OF WIRES

INSPECTIONS	DATE	FEE CHARGE
Temporary Service _____	_____	_____
Roughing in _____	_____	20.00
Service and Meter _____	_____	117.00
Off Peak Meter _____	_____	RTS
Final Approval _____	_____	_____
Disapproved* _____	_____	_____
*For the following reasons _____	_____	_____

CERTIFICATE OF INSPECTION

To the COMMONWEALTH ELECTRIC COMPANY, The installation described above has been completed and has this day been inspected and approval granted for connection to your service. Date Jan 7, 94

*Ray Spademan*  
Inspector of Wires

WIRING INSPECTOR TO BE NOTIFIED WHEN WORK IS READY FOR INSPECTION  
Permit Good For One Year From Date Of Issue

CA 46

INSPECTOR'S NOTICE

# Burke v. Zoning Board of Appeals of Dennis

Appeals Court of Massachusetts

August 19, 2025, Decided

24-P-1021

## Reporter

2025 Mass. App. Unpub. LEXIS 663 \*; 105 Mass. App. Ct. 1144; 265 N.E.3d 622; 2025 LX 399069

TIMOTHY BURKE, trustee,<sup>1</sup> vs. ZONING BOARD OF APPEALS OF DENNIS.

**Notice:** Summary decisions issued by the Appeals Court pursuant to M.A.C. Rule 23.0, as appearing in 97 Mass. App. Ct. 1017 (2020) (formerly known as rule 1:28, as amended by 73 Mass. App. Ct. 1001 [2009]), are primarily directed to the parties and, therefore, may not fully address the facts of the case or the panel's decisional rationale. Moreover, such decisions are not circulated to the entire court and, therefore, represent only the views of the panel that decided the case. A summary decision pursuant to rule 23.0 or rule 1:28 issued after February 25, 2008, may be cited for its persuasive value but, because of the limitations noted above, not as binding precedent. See Chace v. Curran, 71 Mass. App. Ct. 258, 260 n.4, 881 N.E.2d 792 (2008).

PUBLISHED IN TABLE FORMAT IN THE MASSACHUSETTS APPEALS COURT REPORTS.

PUBLISHED IN TABLE FORMAT IN THE NORTH EASTERN REPORTER.

**Prior History:** Burke v. Town of Dennis, 2024 Mass. LCR LEXIS 73, 2024 WL 2795913 (May 31, 2024)

**Disposition:** Judgment affirmed.

**Judges:** Singh, D'Angelo & Hodgens, JJ. [\*1].

## Opinion

### MEMORANDUM AND ORDER PURSUANT TO RULE 23.0

After the building commissioner for the town of Dennis declined to issue a building permit, the plaintiff, Timothy Burke, as trustee of the TVB Trust, unsuccessfully challenged that decision before the town's zoning board of appeals (board). The plaintiff appealed the board's decision to the Land Court by filing a complaint against the board pursuant to G. L. c. 40A, § 17. A judge entered summary judgment for the board. The plaintiff now appeals, and we affirm.

**Background.** On October 24, 1973, the town amended its zoning bylaws and increased the minimum lot area in its R-40 Zoning District from 7,500 square feet to 20,000 square feet. Forty-three years later, on October 13, 2016, the plaintiff bought a non-conforming, unimproved lot containing 7,650 square feet within the R-40 Zoning District. On June 2, 2020, the plaintiff filed an application for a building permit. The building commissioner denied the application, and the plaintiff appealed that decision to the board. On March 3, 2021, the board issued its decision indicating that it unanimously upheld the decision of the building commissioner.

<sup>1</sup> Of the TVB Trust.

On March 19, 2021, the plaintiff filed his [\*2] complaint and raised two claims: (1) the board's decision was legally unsupported, arbitrary, and capricious, and (2) the board issued a special permit allowing him to build on the property. The judge allowed the board's motion for summary judgment, affirmed the board's decision, and further concluded that the board did not issue a special permit.

**Discussion.** Our review of an allowance of a motion for summary judgment is de novo. *Blake v. Hometown Am. Communities, Inc.*, 486 Mass. 268, 272, 158 N.E.3d 18 (2020). We must view the record evidence, and all reasonable inferences that can be drawn therefrom, in the light most favorable to the nonmoving party, here the plaintiff. Id. Summary judgment is appropriate only where, viewing the record in that light, there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. Mass. R. Civ. P. 56 (c), as amended, 436 Mass. 1404 (2002). In the context of a zoning case decided by summary judgment, the judge "does not engage in fact finding," so "we do not give deference to the judge's decision." *81 Spooner Rd., LLC v. Zoning Bd. of Appeals of Brookline*, 461 Mass. 692, 699, 964 N.E.2d 318 (2012), citing *Albahari v. Zoning Bd. of Appeals of Brewster*, 76 Mass. App. Ct. 245, 248, 921 N.E.2d 121 (2010).

1. **Bylaw amendment.** The plaintiff bases his claim on section 1.9 of the town's zoning bylaws adopted in 1973 that expressly replaced the existing bylaws "but shall not affect such rights or duties that [\*3] have matured." Based on this language, the plaintiff contends that because the property satisfied the minimum lot requirement prior to the effective date of the 1973 amendment, his right to build had "matured" before the amendment. We disagree.

The Legislature permits cities and towns to "adopt[] and from time to time change[] by amendment" zoning ordinances and bylaws. G. L. c. 40A, § 5. The 1973 amendment at issue here did exactly that by increasing the minimum lot size. We discern nothing in the summary judgment record to suggest that the amendment did not apply to the property at issue. See *Leominster Materials Corp. v. Board of Appeals of Leominster*, 42 Mass. App. Ct. 458, 461, 677 N.E.2d 714 (1997) ("court cannot read into the ordinance an unexpressed exception"). The plaintiff's reasoning, that his rights were forever fixed by the lot size requirements of the superseded bylaw, is simply at odds with the power of the municipality to create uniform districts and to amend its bylaws. See G. L. c. 40A, § 4, 5. See also *SCIT, Inc. v. Planning Bd. of Braintree*, 19 Mass. App. Ct. 101, 107, 472 N.E.2d 269 (1984) ("basic assumption underlying the division of a municipality into zoning districts is that, in general, each land use will have a predictable character and that the uses of land can be sorted out into compatible groupings").

His contention is also at odds with the plain language of section 1.9. Nothing in the [\*4] record suggests that the plaintiff's particular "rights or duties" somehow matured through circumstances existing in 1973 when the amendment became effective. At that point in time, no "rights or duties" beyond the title of a prior owner existed: the plaintiff did not own the property, no building permit had been requested, no building permit had been issued, and no construction of a dwelling had commenced. Thus, forty-three years later when the plaintiff acquired title to the property, he did not also acquire ancillary "rights or duties," that had "matured" as contemplated by section 1.9. See *81 Spooner Rd., LLC*, 78 Mass. App. Ct. 233, 245 n. 29, 936 N.E.2d 895 (2010) ("local zoning bylaw must be reasonably construed, and must not be interpreted in a manner that would produce an absurd result"). Consequently, summary judgment properly entered for the board.

We also discern nothing in the board's decision that is unreasonable, arbitrary, whimsical, or capricious. The plaintiff asks us to look beyond the four corners of the decision and the governing law and consider the board's "long history of making zoning decisions which advanced the interests of some but excluded nonresidents." He contends that residents have successfully obtained variances from the lot [\*5] size limitations where nonresidents have failed. The case before us, however, is not an appeal from the denial of a variance; it is an appeal from the denial of a request to build as a matter of right. As the board conceded at oral argument, discretionary zoning relief may, theoretically, be available to the plaintiff through a dimensional variance, but he has not requested one. Therefore, the differential treatment claim that the plaintiff is now raising in connection with variances is not properly before us, and we decline to consider it.

We reject the plaintiff's alternative argument that the board actually issued a special permit after all. He relies on a line in the board decision, clearly boilerplate and added in error, "[t]his Special Permit shall lapse if substantial use