



Town of Dennis

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

47 JUDITH ANN ROAD

ZBA SPECIAL PERMIT STAFF REVIEW – March 19, 2026

APPLICANT:	Deborah J Moran Trustee C/O Paul Sweetser
PROJECT ADDRESS:	47 Judith Ann Road Dennis MA 02638
MAP AND LOT NUMBER:	Map 324 Lot 52 (0.26 acres – 12,130 sf)
APPLICANT ADDRESS:	P.O. Box 1146, Dennisport, MA 02639
CASE NUMBER:	ZBAS-26-11
ZONING:	R-40; OK Historic; Floodzone: AE
HEARING DATE:	March 23, 2026

PROPOSAL	Raze and Replace
PROJECT SUMMARY	<ul style="list-style-type: none"> The proposal is a <u>voluntary demolition</u> of a non-conforming one-story two-bedroom single-family house built in 1953 and to be replaced by a two-story three-bedroom single-family house on a non-conforming lot. The new house improves the front setback non-conformity from 16.4' to 32.6'; and the rear setback from 1.1' to 26.5'; The property borders on the AE Flood Zone. The new house will be significantly larger with a full second floor, but on a smaller conforming footprint with some setback improvements.
REQUEST	§ 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 47 Judith Ann Road Dennis, MA prepared for Gerard Deborah Moran by AJM Design, LLC 4 Crestview Drive East Sandwich MA 02537. Plan consisting of 1 sheet with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated 2-4-26 by Asa J Mintz & Gary S LaBrie.
BUILDING PLANS	Plan of 47 Judith Ann Road Dennis, MA prepared for Moran Residence by Cotuit Bay Design, LLC 43 Brewster Road Mashpee, MA. 02649. Plan consisting of 3 sheets with Elevations, Second Floor Plan, and First Floor plan. Plan Dated 1-23-2026

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	12,130 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	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	100'	126.63'	126.63'
Front Setback	25'	16.4'	32.6'
Right Side Setback	15'	15.2'	48.1'
Left Side Setback	15'	51.5'	16.4'
Rear Setback	25'	1.1'	26.5'
Lot Area	40,000	12,130sf	12,128sf
Lot Width	100'	126.63'	126.63'
Non-conforming floor space within Setbacks	0	181'	0'
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period	72	0'	0'
Cumulative footprint size of all structures		1,844 Sf	1,819 sf
Cumulative lot coverage (footprint) percent for all	15%	15.2%	14.99%
Cumulative floor space of all structures (F.A.R.)			Sf not provided
Cumulative floor space to lot area % all structures	30%		

§ 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 is not historic and the proposed new house improves the front setback non-conformity from 16.4' to 32.6'; and the rear setback from 1.1' to 26.5'.
- Applicant must apply to Board of Health and may need to apply for a BoH Variance as described by Health Director below.
- 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: No comment**

- **HEALTH:** Septic system will be required to be upgraded. If adjusted high groundwater is found within 6' of the lowest part of lot, property considered an ESA and will require a 16B variance from the BOH at a public hearing.

- **ENGINEERING:**

- This project as presented results in a ground disturbance greater than 500sf. and is therefore required to meet the intent of the Stormwater By-Law.
- Provide temporary construction period linear erosion controls at a defined work limit to contain sediment and infiltrate runoff on-site.
- A stone construction entrance should be provided in the area of site access for equipment. If the existing driveway is to be used, contractors should be responsible for minimizing sediment tracking onto Judith Ann Road. The contractor should be responsible for maintaining Judith Ann Road free of accumulated sediment during construction.
- Runoff and sediment generated during construction should not be discharged from the site to abutting properties or the road layout. Additional linear erosion and sedimentation controls (wattles) should be installed along the existing edge of pavement as required to prevent the discharge of sediment to the road layout.
- Multiple layers of staggered erosion and sedimentation controls should be considered on steep bare slopes to reduce the velocity of generated runoff and transport of sediment.
- Permanent post construction erosion and sedimentation controls, such as vegetated swales and/or depressions should be considered at the base of slopes as required to contain any post construction runoff on-site for infiltration.

- Disturbed areas should be stabilized and revegetated as soon as practical following construction to minimize erosion. Bare ground should not be left for extended periods of time. It is recommended to phase stabilization and revegetation efforts to areas of completed work, to minimize potential for erosion.
- Subsurface drywells for infiltration of roof runoff have been shown on the plan.
- Existing screening to abutting properties should be maintained to the extents practical. New screening should be considered as required, or in areas where a 10ft. vegetated buffer in accordance with 2.3.4.1.b is not currently existing.
- The proposed driveway appears to slope toward the road layout based on grades shown on the plan. The driveway will need to be graded such that runoff generated from the drive surface within the property boundary will not be discharged to the town road layout. This could be accomplished by grading the drive to direct runoff to adjacent natural areas for infiltration, or by providing a low point within the property boundary where runoff can be collected in a drainage structure that discharges to a separate subsurface infiltration area. If construction of a low point, or directing runoff to adjacent natural areas is not practical, a trench drains with subsurface infiltration installed across the driveway width at the road property line, may be an option to consider.
- Any cobble apron or edge treatment shall be held back a minimum of 1ft. from the edge of road pavement. The area between the cobbles/edge treatment and edge of road pavement should be infilled with hot mix asphalt. As the proposed driveway is in a new location, a Road Opening Permit will be required.
- **POLICE/ FIRE:** No comment.

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 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. Additional screening should be provided in areas where vegetation is removed or the grade is altered. 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 comments shall be implemented. 7. Construction vehicles shall not park in or block the road.
----------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------