



Town of Dennis

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

**89 UPPER COUNTY ROAD, SD**

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

<b>APPLICANT:</b>	Michael J Cifelli C/O Christopher McGrath of Great Barns
<b>PROJECT ADDRESS:</b>	89 Upper County Road, South Dennis MA 02660
<b>MAP AND LOT NUMBER:</b>	Map 129 Lot 44 (0.114 acres – 5,000 sf)
<b>APPLICANT ADDRESS:</b>	400 main street, South Dennis, Massachusetts 02660
<b>CASE NUMBER:</b>	ZBAS-26-1
<b>ZONING:</b>	GC 2
<b>HEARING DATE:</b>	March 23, 2026

<b>PROPOSAL</b>	Construct 11'6" x 18 attached shed
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>The proposal is an 11.5' by 18' one-story shed <u>addition</u> to a non-conforming two-story single-family structure built in 1960 on a non-conforming lot.</li> <li>The property is currently at 15.8% Lot Coverage and the result will be 17.5 %.</li> </ul>
<b>REQUEST</b>	Finding per <b>§ 2.4.1.2.B</b> - Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental ( <b>B.1</b> ) for an Increase in the footprint of a structure that <u>does not comply with one or more required setbacks</u> where the <u>alteration will extend lot coverage or building height</u> where a structure does not conform to current setback requirements; ( <b>B.2</b> ) Increase in the lot coverage of a structure where the structure currently exceeds lot coverage;
<b>PLOT PLAN</b>	Site Plan of 89 Upper County Road, South Dennis, MA prepared for Michael Cifelli by Demarest Land Surveying, 338 Wayfair Road, South Dennis, MA 02260. Plan consisting of 1 sheet with existing and proposed conditions basic site data table. Plan stamped December 1, 2025 by John Z. Demarest Jr. PLS.
<b>BUILDING PLANS</b>	Perspective sketch of Proposed Shed Addition 89 Upper County Rd. Unsigned, undated, not stamped.

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	Yes
NAMES OF STREETS	Yes
NAMES OF ABUTTING PROPERTY OWNERS	Map & Lot
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 TOPOGRAPHY AND/OR OTHER LAND ISSUES	No

DIMENSIONS OF EXISTING AND PROPOSED STRUCTURES	No
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	Sketch
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	Sketch

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	105	105
Front Setback	25'	50.2	50.2
Right Side Setback	15'	9.3	9.3
Left Side Setback	15'	9.3	9.3
Rear Setback	25'	9.9	9.9
Lot Area	40,000	12,600 sf	12,600 sf
Lot Width	100'	12,600 sf	12,600 sf
Non-conforming floor space within Setbacks			zero
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			
Cumulative footprint size of all structures		1,890 sf	2,093 sf
Cumulative lot coverage (footprint) percent for all	15%	15.8 %	17.5 %
Cumulative floor space of all structures (F.A.R.)		1,890 sf	2,093 sf
Cumulative floor space to lot area % all structures	30%	15.8 %	17.5 %

§ 2.4.1.2 B Actions Requiring a Finding that the proposal is NOT Substantially More Detrimental

ACTION	FINDING
B1 - Increase in the footprint of a structure that does not comply with one or more required setbacks where the alteration will extend lot coverage or building height where a structure does not conform to current setback requirements;	
B2 - Increase in the lot coverage of a structure where the structure currently exceeds lot coverage;	

§ 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; **No change.**
- 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; **No change.**

- 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 should not degrade the natural environment.**

**TOWN DEPARTMENTS COMMENTS:**

- **PLANNING:**
  - The proposal is a very small addition that does not impact any setbacks.
  - The Board can find that a lawful pre-existing non-conforming structure exists on the property and the proposed addition, as conditioned, will not be substantially more detrimental to the neighborhood than the existing structure.
  - Applicant must apply to Board of Health with revised plans as required by Health Director below.
- **NATURAL RESOURCES:** Not within Conservation Commission jurisdiction.
- **HEALTH:** Require existing and proposed plans as well as site plan showing location of components to septic system. Title 5 system inspection will be required. Proposed structure cannot cover any component of septic system.
- **ENGINEERING:**
  - The project as presented does not appear to alter greater than 500sf of ground, and is therefore **NOT** required to meet the intent of the Town of Dennis Stormwater By-Law.
  - Engineering recommends the applicant provide suitable methods for roof drainage on any new construction, such as subsurface drywells or stone trenches along the roof drip line. If any existing roof drains are not connected to subsurface drywells or stone trenches, such improvements should be provided to capture and infiltrate all roof drainage.
  - The plan should include existing utility and sewage disposal system locations to confirm if any work will occur over, or within an applicable setback.
- **POLICE/ FIRE:** None

<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 or legal holidays.</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 Board of Health permit shall be deemed cause to revoke the ZBA Special Permit.</li> </ol>
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