



Town of Dennis

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

**22 BEACH VIEW ROAD, WD**

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

<b>APPLICANT:</b>	Ryan R Maguire Trustee (Owner)
<b>PROJECT ADDRESS:</b>	22 Beach View Road, West Dennis MA 02670
<b>MAP AND LOT NUMBER:</b>	Map 11 Lot 11 (0.22 acres – 9766sf)
<b>APPLICANT ADDRESS:</b>	51 Columbine Rd, Milton, MA 02186
<b>CASE NUMBER:</b>	ZBAS-26-8
<b>ZONING:</b>	R-40; Floodzone: AE
<b>HEARING DATE:</b>	March 23, 2026

<b>PROPOSAL</b>	Adding a small plunge pool
<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>The proposal is a pool within a side setback.</li> <li>Additional materials to ZBA filing show significant hardscaping around pool.</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>PLOT PLAN</b>	Plan for Proposed Pool of 22 Beach View Road, Dennis, Massachusetts prepared for The Maguire Family Living Trust by Framingham Survey Consultants Inc. P.O. Box 1190 Framingham, MA 01701. Plan consisting of 1 sheet with existing and proposed conditions. Plan dated December 9, 2025. Stamp January 21, 2026 by William Tirrell PLS
<b>BUILDING PLANS</b>	Copy of Plan for Proposed Pool of 22 Beach View Road with colored markings of plunge pool, area for trex decking at ground level and grass area.
<b>OTHER</b>	Pictures submitted by Applicant of Trex Decking around pool.
<b>LETTER</b>	Correspondence from neighbor (Barbo) noting flooding issues in the area with increased hardscape and request to strictly observe setbacks.

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	9,766 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	No
EXISTING AND PROPOSED TOPOGRAPHY AND/OR OTHER LAND ISSUES	Flat – no topo
DIMENSIONS OF EXISTING AND PROPOSED STRUCTURES	No
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	No
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	No

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	50'	85'	85'
Front Setback	25'	33'	33'
Right Side Setback	15'	16.1'	16.1'
Left Side Setback	15'	25.4'	25.4'
Rear Setback	25'	11.7'	11.7'
Lot Area		9,766 sf	9,766 sf
Lot Width	100'	110	110
Non-conforming floor space within Setbacks			
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			0
Cumulative footprint size of all structures	2500	2500	2500
Cumulative lot coverage (footprint) percent for all	15%	25	25
Cumulative floor space of all structures (F.A.R.)	2500	2500	2500
Cumulative floor space to lot area % all structures	30%	25	25

§ 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;	

§ 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 proposal is a pool within a side setback, no closer to the side yard setback than the house. Note on plan says “Plunge Pool (Waters Edge)”. Presumably the structure extends beyond the setback line. This needs to be confirmed.
  - The actual site plan shows two decks being removed but then the additional hand colored plan shows Trex decking covering the entire space between the east wing and the west stairs to the 11'-foot setback. Applicant submitted photos illustrating the Trex decking is concrete. In discussion the applicant said they are willing to use an alternative that is permeable and remove the asphalt driveway.
  - Pools only appear to be considered in the Quivet Neck/Crowe's Pasture Resource Protection District (QNCP RP).
    - § 2.3.2 Intensity of Use Schedule Footnote 5: *Maximum total site coverage in the QNCP RP District shall be calculated by adding the square footage of the footprint of all structures, pools, patios, decks, parking, driveways (including gravel dirt or seashell) pavement, including street access drive, and “hardscape” including retaining walls and landscaping walls, but excluding walks, and dividing the total square feet thereby obtained by the total lot area in square feet.*
  - Plans did not include any of the usual Basic Site Data. The house appears to be over 15% lot coverage and has some non-conforming area. It appears that pools outside of the QNCP RP are not usually counted as lot coverage. Something the ZBSC should consider taking up, especially in flood prone areas.
  - There is also an orange circle assumed to be associated with the septic tank but not labelled. Hand drawn coloring on the site plan by the applicant indicate that the entire area between the west wing of the house and eastern stairs is being decked over.
  - 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.
  - **CORRESPONDENCE:** A letter from a neighbor was received that does not oppose the pool but notes flooding issues in the area that have increased as additional hardscape is added to all properties. They ask that all setback requirements be strictly enforced.
  - **The Board should get additional information** about revised surfaces, access to septic system, and containing stormwater runoff on the property before making a finding. All relevant information should be included on the official stamped site plan.
- **NATURAL RESOURCES:** The entirety of the property is within an AE flood zone so project will have to be reviewed and approved by the Conservation Commission with a Request for Determination of Applicability (RDA) application. **Note:** Applicant has filed RDA with Conservation Commission, scheduled to be heard March 19, 2026.

- **HEALTH:** Plunge pool meets setbacks to septic system components
- **BUILDING:** Allowed by special permit
- **ENGINEERING:** Project as presented for construction of pool appears to alter less than 500sf and is therefore NOT required to meet the intent of the Dennis SW Bylaw. No additional Engineering comment.
- **POLICE/ FIRE:** No Comments

<p><b>PROPOSED CONDITIONS</b></p>	<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 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. Additional screening should be provided in areas where vegetation is removed or the grade is altered.</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 engineering shall be implemented.</li> <li>8. There shall be no exterior construction (including foundation work) or heavy equipment between the Friday before Memorial Day and the day after Labor Day.</li> <li>9. Construction vehicles shall not park in or block the road.</li> </ol>
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