



Town of Dennis

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355 MAIN STREET, DP

ZBA SPECIAL PERMIT STAFF REVIEW – June 18, 2025

APPLICANT:	VB355 RE LLC (Diego Beldevoni) c/o Paul R Tardif
PROJECT ADDRESS:	355 Main Street, DP, MA 02639
MAP AND LOT NUMBER:	Map 73 Lot 11 (0.51 acres – 17241 sf)
APPLICANT ADDRESS:	490 Main Street, Yarmouth Port, MA 02675
CASE NUMBER:	ZBAS-25-16
ZONING:	GC 2; partially Flood zone X
HEARING DATE:	June 23, 2025

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

§ 2.2.2.7.A Use Regulation Schedule - Special Permit

ACTION	FINDING
2.2.2.7.a - Special Permit required for Light Industrial Use in the General Commercial 2 District.	

PROPOSAL	Allow cabinet making use in rear building, in a property in the GC-2 Zoning District
PROJECT SUMMARY	<ul style="list-style-type: none"> • The property contains 17,241 square feet of area, and is improved with 2 structures. • The main building in front is a mixed-use two-story gambrel built in 1960 with office and residential uses. The Building Card indicates that there have been rental permits issued but elsewhere on the card does not indicate how many residential units. • Rear building is a one-story 3,280 sf metal industrial building constructed in 1978. • The proposal is to house light industry, i.e. cabinet construction in the back building.
PLOT PLAN	Site Plan of 355 Main St. (Route 28) Dennisport, MA prepared for Diego Baveloni by Down Cape Engineering, Inc. 939 Main Street (Rte. 6A) Yarmouth Port MA, 02675. Plan consisting of 1 sheet with existing conditions, Septic System Profile and Design with Test Hole Logs. Plan dated April 22, 2022 by Dan Ojala.
BUILDING	No Plan

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	17241sf
NAMES OF STREETS	Yes
NAMES OF ABUTTING PROPERTY OWNERS	Yes
DISTANCES EXISTING AND PROPOSED STRUCTURES TO PROPERTY LINES	Existing only
PROPOSED ADDITONS/ALTERATIONS OF EXISTING BLDGS W/ SETBACKS	Existing Only
PROXIMITY OF WETLANDS	NA
EXISTING AND PROPOSED TOPOGRAPHYAND/OR OTHER LAND ISSUES	Existing Only
DIMENSIONS OF EXISTING AND PROPOSED STRUCTURES	Existing Only
ARCHITECTURAL DRAWINGS ILLUSTRATING THE PROPOSED CONDITIONS	No
ARCHITECTURAL DRAWINGS ILLUSTRATING THE EXISTING CONDITIONS	Yes

Basic Site Data	Required/ Allowed	Existing	Proposed
Frontage	150'	116'	116'
Front Setback	50'	25.9'	25.9'
Right Side Setback	25'	16'	16'
Left Side Setback	25'	11.4'	11.4'
Rear Setback	25'	8.2'	8.2'
Lot Area	40,000sf	17241sf	17241sf
Lot Width	150'	117'	117'
Non-conforming floor space within Setbacks	0	3,854 SF	3,854 SF
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period	1542	0	0
Cumulative footprint size of all structures	12,068 sf	4,780 sf	4,780 sf
Cumulative lot coverage (footprint) percent for all	70%	28%	No change
Cumulative floor space of all structures (F.A.R.)			
Cumulative floor space to lot area % all structures	30%		No change

§ 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 to allow a cabinet maker use in an existing metal building in the GC2 District.
 - The Building Card indicates that there have been rental permits issued for the main building but elsewhere on the card it does not indicate how many residential units. This needs to be rectified on the card.
 - The property owner has been made aware of violations with zoning. This may have been inadvertent due to the obsolete language in the deed. According to the Stamped Site Plan, the property is 0.4 acres or 17,241 sf and the rear metal building is within the setbacks. Since 2021, when the current owner bought the property, they have cleared and used the property behind it for parking, storage and other uses. According to GIS and the Assessors records, the property behind (Map 73 Lot 45) is a half-acre owned by the Town.
- The Board can find that, as conditioned, the use is allowed by Special Permit, the site is suitable with respect to the District Intent, management of traffic flow, compatibility with surrounding land uses, provision of necessary or desirable public services, and should not create a nuisance or derogate the environment.
- **NATURAL RESOURCES:** Not in Conservation.
- **HEALTH:** Inadvertently not contacted by Open Gov. Was only notified June 18.
- **ENGINEERING:** Inadvertently not contacted by Open Gov. Was only notified June 18.

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. The property 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. 3. Failure to comply with conditions in the Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit. 4. Before a Certificate of Occupation is issued for the change of use, the applicant shall remove all vehicles, property and debris from Map 73 Lot 45, a half-acre Town owned lot. 5. Before a Certificate of Occupation is issued for the change of use, a final landscaping plan for this property improving the streetscape of Map 73 Lot 11 and the 10’ vegetated buffer and re-vegetating Map 73 Lot 45 shall be submitted for review and approval of the Planning Board. 6. The owner shall cooperate with the Town of Dennis Assessing Department to accurately list the uses of the property in the Town records.
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