



Town of Dennis

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

180 SOUTH YARMOUTH ROAD

ZBA SPECIAL PERMIT STAFF REVIEW – October 27, 2025

APPLICANT:	3 P Properties, LLC C/O Jean Kampas
PROJECT ADDRESS:	180 South Yarmouth Road, Dennis MA 02638
MAP AND LOT NUMBER:	Map 255 Lot 4 (0.18 acres – 15600sf)
APPLICANT ADDRESS:	20 West Road PO Box 2300, Orleans, MA 02653
CASE NUMBER:	ZBAS-25-49
ZONING:	Limited Business; OK Historic
HEARING DATE:	October, 27, 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**

PROPOSAL	Demolish of a pre-existing nonconforming single-family structure and reconstruct an accessory storage shed to support the expansion of an abutting retail lumber store at its adjacent 243 Route 6A property. The two parcels will be combined.
PROJECT SUMMARY	<ul style="list-style-type: none"> • Demolish a pre-existing nonconforming single-family structure and reconstruct an accessory storage shed to support the expansion of an abutting retail lumber store at its adjacent 243 Route 6A property. • The two parcels will be combined once approvals are secured. • The project will require Site Plan Review and Special Permit Review for Change of Use at the Planning Board as well.
2.1.5.4 District Intent	<ul style="list-style-type: none"> • <u>Limited Business</u> – To provide for small-scale business development for local and transient services compatible with low density and rural residential development within park-like settings which through landscaping and design or through preservation, enhance the existing natural landscape and historic environs; at the same time protecting scenic vistas, minimizing the visibility of parked cars, avoiding the appearance of commercial strips as well as congestion in abutting ways, and retaining the character and the quality of life in the rural New England seaside village.
REQUEST	Finding per § 2.4.1.2 F Activities Requiring a Finding of Substantially More Detrimental for Structures Other Than Single- and Two-Family Structures with Setback Non-Conformities: In the following circumstances, alteration, reconstruction, extension or structural change (collectively "alteration") to structures other than single or two family residential structures shall be considered to increase the intensity of an existing non-conformity and shall be considered to create additional non-conformities and shall be considered to be substantially more detrimental than the existing nonconforming structure to the neighborhood:

	<p>F1 The creation of any new non-conformity where no non-conformity currently exists.</p> <p>F4 The voluntary demolition and reconstruction of a building or structure nonconforming by dimension 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 Board of Appeals.</p>
PLOT PLAN	Site Plan of 243 Route 6A and 180 South Yarmouth Road Dennis, MA prepared for 3 P Properties, LLC 665 Church Street Whitinsville, MA 01588 by Allen Engineering & Associates, Inc. 140 Hartford Avenue East Hopedale, Ma 01747. Plan consisting of 2 sheets with existing and proposed conditions, Septic System Profile and Design with Test Hole Logs. Plan dated September 24, 2025 by Walter R. Knapik.
BUILDING PLANS	Pre-Engineered Bulk Shed Plan of 243 Main Street Dennis, MA 02638 for Koopman Lumber by Krauter Auto-Stak, 1435 Brookville Way Suite C, Indianapolis, IN 46239. Plan consisting of 2 sheets With Title Page and Plan, Elevation, Section & End Views, and 3-Sided Shed. Plan Dated 9-11-25.

1.3.2 Plans and Specifications

REQUIREMENTS	PROVIDED ON PLAN
CERTIFIED PLOT PLAN INCLUDING	
LOCUS MAP	No
PERIMETER DIMENSIONS, INCLUDING FRONTAGE	
AREA OF LOT	15600sf
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	50'	155.2'	418.5'
Front Setback (Change of Use – 25' to 75')	25'/75'	19.7'	28.8'
Right Side Setback	15'	45.5' (28.5' on plan)	35.3'
Left Side Setback	15'	28.5'	120'
Rear Setback	25'	46.1'	120'
Lot Area	40,000sf	15, 600 sf	161,091 sf
Lot Width	100'	155.2'	418.5'
Non-conforming floor space within Setbacks			Not calculated
D2. Increase in new non-conforming floor space by more than 40% within any 10-year period			Not calculated
Cumulative footprint size of all structures		22,174 sf	25,214 sf

Cumulative lot coverage (footprint) percent for all	15%	13.76% (22.5% on plan)	15.65%
Total Site Coverage	70%		68%

§ 2.4.1.2 C - Special Provisions for Relocation/Recon. 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	Proposal is demolishing a residential structure and replacing it with a commercial structure. New structure would not meet 40% non-conforming rule if still residential.

§ 2.4.1.2 F Activities Requiring a Finding of Substantially More Detrimental for Structures Other Than Single and Two Family Structures With Setback Non-Conformities

In the following circumstances, alteration, reconstruction, extension or structural change (collectively "alteration") to structures other than single- or two-family residential structures shall be considered to increase the intensity of an existing non-conformity and shall be considered to create additional non-conformities and shall be considered to be substantially more detrimental than the existing nonconforming structure to the neighborhood:	
ACTION	FINDING
F1 The creation of any new non-conformity where no non-conformity currently exists.	Does not meet new setback.
F4 The voluntary demolition and reconstruction of a building or structure nonconforming by dimension 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 Board of Appeals.	Does not meet new setback.

§ 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; **It is not clear that the new use is allowed in the district. The existing lumber yard expanded a few years ago on the same property where it was pre-existing non-conforming. This proposal expands to a new property that is and has historically been residential, though zoned LB.**
- b. Suitability of the site for the proposed use in light of the applicable district intent, as provided in §2.1.5; **Not especially, "...small-scale business development for local and transient services compatible with low density and rural residential development within park-like settings which through landscaping and design or through preservation, enhance the existing natural landscape and historic environs; at the same time protecting scenic vistas..."**

- 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 increase traffic to the site. Hours of Operation need to be contained and traffic flow within the site needs to be efficient to reduce as much as possible the beeping of backing up trucks and forklifts.**
- 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; **The property abuts residential properties and is very close to a residential district. The expansion of the use needs to be conditioned to contain noise, lights and views.**
- 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 needs to be conditioned to reduce the existing light, noise, litter, odor and 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. **Proposal should be revised in order to not degrade the natural environment.**

TOWN DEPARTMENTS COMMENTS:

- **PLANNING:**

- At this time, Planning recommends the project request a continuation and schedule a staff review to go over in detail how the proposal can be improved. Currently the plans do not have adequate information and will need to be revised.
- This is a good business that we want to succeed but the plan is going to need to be modified.
- As currently proposed, this is a big stretch to say it is not substantially less non-conforming per 2.4.1.2.F.4 than the existing structure.
- The proposal will also need to go to the Planning Board for Site Plan Review and Special Permit Review for a Change of Use to the residential property. Drainage, landscaping, lighting, vehicle circulation, and noise will be reviewed in those reviews.
- The existing residential house has a small portion in the 25' front setback for a residential single-family. But the entire proposed lumber yard shed is in the 75' commercial setback.
- The shed should be pushed back at least per footnote 3 of Section 2.3.2 (the Use Regulation Schedule): *"Where a lot is abutted at its street frontage by two (2) lots, each with existing buildings, the front yard setback requirement shall be determined by computing the numerical average of the existing front yard setbacks of those two abutting lots"*, if not the full 75 feet, which is the setback for other permitted principal structures in the Limited Business Zone.
- The plans show a fenced in area along the road in front of the proposed building that would obviously be used for material storage eventually. Wherever the building is ultimately allowed, there should be no activity between the building and South Yarmouth Road.
- Department has received complaints about noise (beeping of trucks & forklifts backing up as well as early morning and night deliveries), and floodlights glare into residential properties.
- The ZBA review is for § 2.4.1.2 F. *"Activities Requiring a Finding of Substantially More Detrimental for Structures Other Than 1 or 2-Family Structures with Setback Non-Conformities: The voluntary demolition and reconstruction of a building or structure nonconforming by dimension 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 Board of Appeals"*. The current siting of the plan is not within the dimensional regulations of the zone and it would be a major stretch to find that it is substantially less non-conforming than the existing structure.

- Use per § 2.2.2 needs to be clarified.
- **NATURAL RESOURCES**: No Comments
- **HEALTH**: Septic system must be abandoned and inspected in compliance with Title 5 and Town of Dennis Health Department Regulations.
- **BUILDING**: Requires a finding
- **ENGINEERING**:
 - Application has a proposed site plan showing the two lots (243 Route 6A and 180 South Yarmouth Road) combined, the proposed commercial buildings and other improvements.
 - No formal 81-X plan has been provided to combine the lots.
 - The narrative provides detailed scope from demolition of the existing house through the commercial site improvements.
 - The ZBA application is for 180 South Yarmouth Road. However, the narrative appears to discuss not only the house demolition, but the commercial site improvements as well, upon future combination of the lots. Prior to combining lots, the commercial improvements appear to lie on the 243 Route 6A lot. Is there an issue with the combined scope on one application which may be at a different address?
 - The applicant may not want to go through preparing the 81-X plan without assurance that the required relief for the planned commercial improvements will be granted. The ZBA may have to consider if they need an 81-X plan first, or how to approve the commercial site improvements prior to having an 81-X plan showing the two lots combined. This may be possible, just I'm not aware how best to proceed, or if there is precedent in this type of situation. The ZBA may be able to issue an approval with conditions, or maybe they can consider the proposed site plan which has been submitted showing the improvements with the lots combined.... pending an 81-X plan. The proposed plan does provide the zoning table for the combined lots.
 - Following any ZBA approval, any site plan submitted to the Planning Board for review and approval would have to include details for drainage, landscaping, lighting, vehicle movement etc. Engineering would provide detailed comment on this plan for consideration by the Planning Board.
- **FIRE**: No Comments