



Town of Dennis

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180 SOUTH YARMOUTH ROAD

PLANNING BOARD SPECIAL PERMIT - STAFF REPORT – March 12, 2026

APPLICANT:	3 P Properties, LLC C/O Eliza Cox of LaTanzi Spaulding & Landreth, LLP
PROJECT ADDRESS:	180 South Yarmouth Road, Dennis MA 02638
MAP & LOT NUMBER:	Map 255 Lot 2 and Lot 4
APPLICANT ADDRESS:	20 West Road, PO Box 2300, Orleans, MA (02653)
CASE NUMBER:	PB 26-2
ZONING:	Limited Business; OK Highway Historic
2.1.5.4 District Intent	<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 <u>through landscaping and design or through preservation, enhance the existing natural landscape and historic environs</u> ; at the same time <u>protecting scenic vistas, minimizing the visibility of parked cars, avoiding the appearance of commercial strips</u> as well as congestion in abutting ways, and retaining the character and the quality of life in a rural New England seaside village.
HEARING DATE:	March 16, 2026

PROPOSAL	Modify SP 255-2 to expand retail lumber/hardware use to abutting property.
PROJECT SUMMARY	<ul style="list-style-type: none"> The 243 route 6A site was previously a Hinckley Home Center. The site has been before the PB and ZBA numerous times over last 40 years (see below). The existing operation was approved by PB to expand on the 243 Route 6A property. This expands the business to a new property in LB District that was formerly a residence. <u>PB SP/SPR in 1987:</u> For retail building with material sales. 8 Conditions were: 1) <u>pre-7 am trailer arrivals must park onsite and not idle in the road</u>; 2) All <u>onsite lighting must be shielded</u> from above; 3) all “truckload” sales or special promotions from trucks, must be confined to the back parking lot and yard, not the front lot or yard; 4) <u>no outside sales or storage beyond the front gated area</u>; 5) <u>no bulk items can be stored outside gated area</u>; 6) front building must be removed within six (6) months of issuance of temporary occupancy permit for the main store; 7) <u>no fork lifts or onsite motorized activity before 6:30 am</u>; 8) violation of or failure fulfill the conditions of this permit may cause this permit to be revoked <u>ZBA SP in 1991:</u> For change of use of a non-conforming structure. 7 Conditions were: 1) the first floor of the principal structure shall be a mercantile use, i.e. antiques sales; 2) the second floor of the principal structure shall be business use and manufacturing, i.e. book sales, and Anderson-type window assembly respectively; 3) the window assembly shop shall cease operation on 10/7/92; 4) any change of use in the existing accessory buildings shall require a special permit; 5) merchandise of any use on site shall not be displayed outside the fenced area as shown on the site plan, display in connection with special promotions or events no more than four times per year shall be allowed inside the fenced area; 6) hours of operation shall be as follows: Antique

sales/book sales: 10am-8pm from 5/1 to 10/31 & 10am-6pm from 11/1 to 4/30, Hinckley lumber yard use: 6:30am-6pm year round; 7) violation/failure fulfill the conditions may cause this permit to be revoked.

- **ZBA SP in 1992**: For retail sales of antiques on second level. 2 Conditions from 1991 approval: #2 for book sales and windows and # 3 re window assemble hours were deleted and replaced by: 1) The second floor of the principal structure shall be a mercantile use only, i.e. antiques sales; 2) all other conditions of the original special permit not deleted by this modification shall remain in effect.
- **ZBA SP in 1995**: to allow for retail sales and customer services, storage and offices and to alter and change non-conforming buildings at the property located at 243 Route 6A for an Antique Center. 4 conditions were: 1) The use of the property for indoor auctions, within the 7,750 square foot building, shall be restricted to no more than 2 evenings per week and may run no later than 12:00 a.m. (midnight); 2) There shall be no outdoor display of goods; 3) There shall be no uses allowed which exceed the parking available on the ground; 4) There shall be no outdoor or exterior amplification or loud speakers.
- **PB SP in 2022**: for proposed retail lumber and hardware use. Project constituted a change of use from one retail use to another retail use triggering SP review in the Limited Business Zone. Conditions were: 1) The applicant erect signs advising traffic to not block the site driveway, and, along with the signs, a painted box illustrating the area cars are encouraged to keep clear; 2) The applicant return two years after opening its doors to review traffic conditions, providing actual Spring and Summer traffic data for the site and the South Yarmouth Road intersection; If the applicant's traffic monitoring demonstrates a 110% increase in peak season traffic over the ITE projections, the applicant will work with MassDOT- to try to gain an exit only driveway onto Route 6A to serve the right turn traffic exiting the site to Route 6A; 3) No delivery trucks larger than a single unit (SU-30) are to access the site from south on South Yarmouth Road; 4) Delivery Trucks larger than a WB-60 truck shall be directed to approach the site, and leave the site, by way of Route 6A north of South Yarmouth Road to reduce left turn impacts at the South Yarmouth Road/Route 6A intersection; 5) Truck deliveries, trash collection, etc. to the site should not occur before 7 am nor after 6 pm. Private contractors should be advised to not arrive at the site before 7 am. No truck loading shall occur after 7 pm; 6) No flood lights shall be used to light the property that will shine onto neighboring properties. The site shall use full cut-off lighting for all lights that might remain on for security purposes at night; 7) The site stormwater system shall be inspected, maintained and cleaned at minimum once a year to keep the system operating properly and silt free; 8) If any portion of the site storm water system fails, the property owner shall replace that portion of the system as soon as such failure is identified, presumably this would be found at the time of the annual inspections and cleaning; 9) The applicant shall obtain all other required town approvals for the proposed site improvements; 10) The site landscaping shall be enhanced with the planting of screening to the Dun Wandering side of the property; 11) The Alarm System shall be designed under the direction of Dennis Police Department; 12) The applicant shall apply for the changes shown on the VHB "Concept Plan Route 6A at S. Yarmouth Road" dated 3/31/2022 before receiving an occupancy permit.
- **PB in 2025**: The applicant was required by Condition #2 in 2022 to return to the PB to review traffic conditions, providing Spring and Summer traffic data to see if there was

	<p>a 110% increase in peak season traffic over the ITE projections, in which case they would try to gain an exit only driveway onto Route 6A. <u>PB approved as is.</u></p> <ul style="list-style-type: none"> • ZBA SP in 2025: To demolish a pre-existing nonconforming single-family structure at 180 South Yarmouth Road and reconstruct an accessory storage shed to support the expansion of the abutting retail lumber store at its adjacent 243 Route 6A property was approved by the ZBA on October, 27, 2025 with conditions. Those conditions included below in proposed conditions plus some of the historic conditions. • If approved, the two parcels will be combined.
PLOT PLAN	Site Plan of 243 Route 6A & 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 1 sheet with existing and proposed conditions. Plan dated 09-24-2025; Revised 11-19-25. Stamped by Walter R. Knapik
BUILDING PLANS	Building Plans of 243 Route 6A & 180 South Yarmouth Road Dennis, MA prepared for Koopman Lumber, 243 Route 6A Dennis, MA 02635. by, Krauter auto-stak, I 435 Brookville Way Suite C Indianapolis, IN 46239. Plan consisting of 2 sheets with Cover Sheet and Plan, Elevation, Section & End views. Plan dated 9-11-25.
OTHER	Existing Conditions Plan of 243 Route 6A & 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 1 sheet with existing conditions. Plan dated 09-24-2025 by Walter R. Knapik

1. **TOWN DEPARTMENTS COMMENTS:**

- **NATURAL RESOURCES:** Location of proposed work not within Conservation Commission jurisdiction.
- **HEALTH:** Septic system must be abandoned and inspected in compliance with Title 5 and Town of Dennis Health Department Regulations.
- **BUILDING:** PB approval required for change in use at 180 S. Yarmouth Rd. from Residential to retail use in the LB zoning district
- **ENGINEERING:**
 - **Stormwater Comments:**
 - Review by the Building Commissioner will be required to determine if project is subject to a Stormwater Management Permit. The proposed area of disturbance is less than 20,000s.f., therefore at a minimum, the intent of the Stormwater Bylaw should be met. The type of use may be categorized as a Hotspot under the Stormwater By-Law and require a Permit.
 - The submitted Drainage Analysis Report, for the proposed stormwater system upgrade in the area of the cantilever rack and shed, includes design calculations, and supporting documentation typical of those submitted with a Stormwater Management Permit
 - The plan indicates roof runoff from the proposed shed will be collected and directed to the proposed subsurface drainage system. If the new cantilever rack will have a roof, roof runoff from this structure should be directed to separate infiltration structures such as drywells
 - Temp. construction period erosion/sedimentation controls proposed appear adequate.
 - Refer to the attached drainage plan markup for additional comments related to:
 - location of proposed stormwater drainage location, comp. elevations, grades on paving.
 - Grading proposed between new and existing building #2 & new building and S. Yarmouth.
 - **Plan Comments:**

- Proposed Site Plan for 243 Route 6A and 180 South Yarmouth Road, by Allen Engineering Assoc., Inc., dated September 24, 2025.
- Site Plans for Shed and Cantilever Rack, Koopman Lumber & Hardware, 243 Route 6A and 180 South Yarmouth Road, by Allen Engineering Assoc., Inc. dated February 11, 2026.
- Drainage Analysis for Shed & Cantilever Rack 243 Route 6A, by Allen Engineering Assoc, Inc., dated February 11, 2026.
- **General:**
 - As the proposal combines two separate lots, the approval should be contingent on subsequent preparation, review, and recording of an ANR plan. One address should be maintained for the combined property. Assumed it would remain 243 Route 6A. If change to address to a South Yarmouth Road number, this should be identified on the ANR plan.
- **PLANNING:**
 - The 243 route 6A site was once a Hinckley Home Center. The existing operation was approved by the Planning Board to expand on the 243 Route 6A property. This is expanding the business to a new property in the Limited Business District that was formerly a residence.
 - The proposed lumberyard building is 3,450 sf (30' by 115'). Site Plan includes a new 140' by 12' (1,680 sf) "rack structure" on the existing lumberyard property.
 - To remain as consistent as possible with the District Intent, no activities or access should occur between the new building and South Yarmouth Road and the lighting, hours of operation and deliveries of both the existing and expanded operation need to be enforced.
 - Planning Board Site Plan Review and Special Permit Review for a Change of Use to the residential property to look at Drainage, landscaping, lighting, vehicle circulation, and noise.
 - 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. There should be no activity between the building and South Yarmouth Road, the PB should consider pushing the building back and the landscaping should be improved with sketch from street illustrating future appearance.
 - For ZBA review the Department received numerous complaints about noise (beeping of trucks & forklifts backing up as well as early morning and night deliveries), and floodlights that glare into residential properties. Applicant agreed to conditions and to fix the problems.
 - Planning Department had recommended site plan be revised to push the proposed building back from South Yarmouth Road approximately 17' to conform to footnote 3 of Section 2.3.2 such that the new lumberyard building front face is located midway between the existing lumberyard building #2 at 243 Route 6A and the home at 174 South Yarmouth Road.
- 2. **§ 1.4.2.1 Special Permit Granting Authority:** 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. The following criteria must be met:
 - a. The use is allowed by special permit in the district in which proposed, pursuant to §2.2.2 - Use Regulations Schedule; **The existing lumber yard expanded a few years ago on the same property where it was pre-existing non-conforming due to its once being Hinckley Home Center. This proposal expands to a new property that was 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; ***Could be with some adjustments to plan and existing operation. "...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 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; **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 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, topo. features, vegetation, wetlands, groundwater, water bodies and wildlife habitat. **Proposal could be revised in order to not degrade the natural environment.**
3. **4.1.2.5 Design Objectives:** The following design objectives (*italics*) in addition to any standards elsewhere in the Zoning By-Law, shall be used by Planning Board in considering all site plans.
- a. **Landscaping:** *Every effort shall be made to minimize removal of existing vegetation and to integrate existing mature trees and vegetation into the landscape plan; Natural buffers ... shall be maintained whenever possible; A minimum 10-foot vegetated buffer shall be maintained to abutting properties; Landscaping shall include masses of trees and vegetation around/near buildings to reduce perceived scale and set them into the landscape.*
 - b. **Circulation:** *With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives, parking and loading areas, special attention shall be given to: Location and number of access points to the public streets; General interior circulation; Separation of pedestrian and vehicular traffic; Delineation of parking stalls and loading zones; Surface material; Access to community facilities; Accommodations for the handicapped.*
 - c. **Surface Water Drainage: Requires a Stormwater Management Permit** - *The removal of surface water shall not affect adjoining properties, streets or storm drainage systems nor obstruct circulation of vehicles and pedestrians. For parking areas serving new buildings or expansions to existing parking areas, the performance of surface drainage shall be based on standards set forth in the Dennis Subdivision Rules and Regulations for a 25-year storm frequency.*
 - d. **Building Location:** *Proposed building and structures shall be integrated as much as possible.*
 - e. **Building Design:** *The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roofline, arrangement of openings, color, exterior materials, proportions and scale of existing buildings in the vicinity.*
 - f. **Special Features:** *Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from adjoining properties and streets.*
 - g. **Safety** - *All open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment.*

4. PROPOSED CONDITIONS:

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.
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3. Business Operations 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 or Sundays. This shall include no fork lifts or motorized activity.
4. No Deliveries shall be made outside of these normal business hours. This shall include that delivery trucks shall not arrive at the site outside of normal business hours and wait for the business to open.
5. No access, business activity or operations of any kind shall take place in front of the new building proposed on the property currently listed as 180 South Yarmouth Road (Map 255 Lot 4) that is the subject of this permit.
6. The existing lumber yard and the proposed expansion shall not generate light, noise, litter, odor or other sources of nuisance. All lighting on the property shall be restricted to downward-shielded motion sensitive security lighting that is "Dark-Sky" compliant.
7. Failure to comply with all conditions in Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit.
8. All mature trees on the 180 South Yarmouth Road property in front of the existing house shall be retained to screen the expansion of the lumber yard. Additional vegetative screening should be provided.
9. Grading should be limited to what is absolutely necessary and as many existing trees as possible should be maintained. Additional screening should be provided in areas where vegetation is removed or the grade is altered.
10. 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 shall be implemented.
11. There shall be no exterior construction (including foundation work) or heavy equipment between the Friday before July 4 and the day after Labor Day.
12. Construction vehicles shall not park in or block the road.
13. no outside sales display of goods or storage or bulk items beyond the front gated area.
14. The applicant erect signs advising traffic to not block the site driveway, and, along with the signs, a painted box illustrating the area cars are encouraged to keep clear.
15. Delivery Trucks larger than a WB-60 truck shall be directed to approach the site, and leave the site, by way of Route 6A north of South Yarmouth Road to reduce left turn impacts at the South Yarmouth Road/Route 6A intersection;
16. Truck deliveries, trash collection, etc. to the site should not occur before 7 am nor after 6 pm. Private contractors should be advised to not arrive at the site before 7 am. No truck loading shall occur after 7 pm.
17. The site stormwater system shall be inspected, maintained and cleaned at minimum once a year to keep the system operating properly and silt free;
18. If any portion of the site storm water system fails, the property owner shall replace that portion of the system as soon as such failure is identified, presumably this would be found at the time of the annual inspections and cleaning;
19. A revised landscaping plan with more and more native plants shall be submitted to the Planning Board for review and approval before a Certificate of Occupancy is issued. Plan shall include sketches illustrating the view from South Yarmouth Road illustrating the future appearance.
20. An ANR combining the properties shall be endorsed before a Building Permit is issued.
21. Previous conditions from Special Permits are void and replaced by these conditions.