



## 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 DECISION**

<b>APPLICANT:</b>	3 P Properties, LLC (Koopman Lumber) C/O Jean Kampas (Attorney) & Eliza Cox (Attorney) of La Tanzi, Spaulding & Landreth LLP.
<b>PROJECT ADDRESS:</b>	180 South Yarmouth Road, Dennis MA 02638
<b>MAP AND LOT NUMBER:</b>	255-3 & 255-4
<b>APPLICANT ADDRESS:</b>	20 West Road PO Box 2300, Orleans, MA 02653
<b>PROPOSAL</b>	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.
<b>CASE NUMBER:</b>	ZBAS-25-49
<b>ZONING:</b>	Limited Business; OK Historic

**REGISTRY OF DEEDS REQUIRED INFORMATION**

<b>Current Property Owners:</b>	3 P Properties, LLC (Koopman Lumber)		
<b>Owners Property Address:</b>	665 Church Street, Whitinsville, MA, 01588		
<b>Project Property Address:</b>	180 South Yarmouth Road, Dennis MA 02638		
<b>Registry of Deeds Title Reference</b>	<b>Book:</b>	36197	<b>Page:</b> 271
or Certificate of Title #	NA	And Land Ct Lot	And Plan # 124/85

<b>HEARING DATE</b>	Continued w/out Testimony 10-27; Heard on November 24, 2025
<b>SPECIAL PERMIT FINDING REQUIRED</b>	Special Permit finding(s) required 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: (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.
<b>REQUEST</b>	Finding that the proposed structure is not substantially more detrimental than the existing nonconforming structure to the neighborhood and is substantially less non-conforming than the existing nonconforming structure to the neighborhood.

<b>PLOT PLAN</b>	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 proposed location of new lumber shed on 180 South Yarmouth as part of
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	Koopman Lumber campus at 243 Route 6A. Plan dated September 24, 2025 by Walter R. Knapik. Revised November 19, 2025 per OKH conditions.
<b>EXISTING CONDITIONS PLAN</b>	Existing Conditions Plan for 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 location of Koopman Lumber yard on 243 Route 6A and house on 180 South Yarmouth. Plan dated September 24, 2025 by Walter R. Knapik.
<b>BUILDING PLANS</b>	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.

<b>PROJECT SUMMARY</b>	<ul style="list-style-type: none"> <li>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.</li> <li>The two parcels will be combined once approvals are secured.</li> <li>The project will require Site Plan Review and Special Permit Review for Change of Use at the Planning Board as well.</li> </ul>
<b>BOARD FINDINGS</b>	<ul style="list-style-type: none"> <li>A portion of the existing residential house is within the 25' front setback, applicable to residential dwellings.</li> <li>The new proposed shed would be within the 75' front setback applicable to a commercial accessory structure.</li> <li>The proposed shed will be located 9.1 feet farther away from South Yarmouth Road than the existing dwelling.</li> <li>The Planning Department has received complaints from neighbors about noise (the beeping of trucks and forklifts backing up and early morning and night deliveries), and floodlights that glare into residential properties. The Applicant notified the Board that early morning and night deliveries have ceased.</li> <li>The septic system will be abandoned and inspected in compliance with Title 5 and Town of Dennis Health Department Regulations.</li> <li>ZBA staff suggested review is appropriate under § 2.4.1.2 F.4: 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.</li> <li>The Attorneys for the Applicant suggested that the Board should look at § 2.4.1.2 E.5, which also could apply to this project, depending on the Board's interpretation of the Bylaw.</li> <li>The Board finds that the proposed shed, with a setback of 28.8' (consistent with Building Number 2 on the 243 Route 6A parcel), is substantially less non-conforming than the existing residential house, in compliance with § 2.4.1.2F.4.</li> </ul>

§ 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 existing lumber yard retail use at 243 Route 6A was authorized by Special Permit from the Planning Board in 2022. The Applicant will seek Planning Board approval to expand the use to the subject property, which is zoned LB.**
- b. Suitability of the site for the proposed use in light of the applicable district intent, as provided in §2.1.5; **As conditioned, the proposal conforms to the District Intent.**
- 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; **Hours of Business Operations will be conditioned to control traffic flow to and within 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; **The proposal will not conflict with the existing neighborhood character. The property abuts residential properties and is very close to a residential district. The proposed shed will be conditioned to contain noise and lights and to preserve views.**
- e. Adequacy of provision of utilities and other necessary or desirable public services; **The proposed shed 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; **As conditioned, the proposal adequately controls artificial 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. **As conditioned, the proposal will not degrade the natural environment.**

<b>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.</li> <li>3. Consistent with Planning Board Special Permit No. 255-2, Business Operations shall not commence before 7:00 am nor continue after 6:00 pm Monday through Friday and shall not commence before 7:00 am nor continue after 5:00 pm on Saturdays or Sundays.</li> <li>4. No Deliveries shall be made outside of these hours. This shall include that delivery trucks shall not arrive at the site outside of these hours and wait and idle.</li> <li>5. The existing lumber retail use and the proposed shed shall not generate excessive 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.</li> <li>6. Failure to comply with all conditions in Board of Health Permit shall be deemed cause to revoke the ZBA Special Permit.</li> <li>7. 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.</li> </ol>
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La Tanzi  
Spaulding  
& Landreth

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Orleans

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January 13, 2026

Anna Pannell  
Dennis Planning Department  
685 Route 134  
South Dennis, MA 02660

Re: 3 P Properties, LLC (Koopman Lumber) – 180 South Yarmouth Road  
Case Number: ZBAS-26-49

Dear Anna,

For your files, I have enclosed a recorded copy of the above referenced ZBA Special Permit Decision.

Thank you for your assistance with this matter.

Very truly yours,

Eliza Cox

EZC/maf

Encl.

*A Legal Beacon since 1969*

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