



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: March 9, 2020

PETITION NO: #4842

HEARING DATE: February 27, 2020

PETITIONER: Dominic F. Arpino

**PROPERTY: 76 Evergreen Street, South Yarmouth, MA
Map & lot#: 0034.48; Zoning District: R-25
Book/Page: 20297/251**

MEMBERS PRESENT AND VOTING: Steven S. DeYoung, Chairman, Sean Igoe, Thomas Nickinello, Doug Campbell and Tim Kelley.

Notice of the hearing has been given by sending notice thereof to the Petitioner and all those owners of property as required by law, and to the public by posting notice of the hearing and publishing in *The Register*, the hearing opened and held on the date stated above.

The Petitioner is Dominic Arpino who seeks relief in connection with property located at 76 Evergreen St., South Yarmouth, MA which is within an R-25 Zoning District. The Petitioner seeks approval for the construction of an addition within the required setback on a pre-existing, nonconforming lot. The Petitioner appeared along with Kevin Fair. No one spoke in opposition and no exhibits were received.

The Petitioner has had an ownership interest in this property for many years and has made various improvements for which he has sought no permits. What he now proposes is a modest 16'x18' addition to the easterly side of his existing one family residence. The proposed addition will result in the structure being 8.1 feet from the sideline. Bordering this property is an undeveloped strip. The addition will have no undue impact to this undeveloped strip.

The Board members generally felt that the addition would result in no undue hazard, nuisance nor congestion nor would it be a substantial detriment to the existing or future character of the neighborhood or Town. A Motion was made by Mr. Igoe to approve a Special Permit on the conditions that: 1. The home consist of three bedrooms only; 2. That the Petitioner have all work performed by him, without the benefit of a building inspection, properly inspected by the Town; and, 3. That the addition be subject to his obtaining Board of Health approval. Mr. Nickinello seconded that Motion and the Board voted unanimously in favor. At the Petitioner's request, the

request for a Variance was allowed to be withdrawn, without prejudice on a Motion made by Mr. Nickinello, seconded by Mr. Kelley and the Board voted unanimously in favor.

No permit shall issue until 20 days from the filing of this decision with the Town Clerk. This decision must be recorded at the Registry of Deeds and a copy forwarded to the Board of Appeals. Appeals from this decision shall be made pursuant to MGL c40A section 17 and must be filed within 20 days after filing of this notice/decision with the Town Clerk. Unless otherwise provided herein, the Special Permit shall lapse if a substantial use thereof has not begun within 24 months. (See bylaw, MGL c40A §9)

Steven S. DeYoung, Chairman