



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: March 9, 2020

PETITION NO. #4843

HEARING DATE: February 27, 2020

PETITIONER: Richard M. Densman

**PROPERTY: 9 Sachem Path, West Yarmouth, MA
Map & Lot#: 0023.247; Zoning District: R-25
Book/Page: 30751/0002**

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

It appearing that notice of said hearing has been given by sending notice thereof to the Petitioner and all those owners of property deemed by the Board to be affected thereby, and to the public by posting notice of the hearing and published in The Register, the hearing was opened and held on the date stated above.

The Petitioners are Richard M. Densman and Lisa P. Densman who each appeared and did a fine job of presenting their Petition seeking a Variance in connection with property located at 9 Sachem Path, West Yarmouth, property in a R-25 Zoning District. The request is to allow for the construction of a 10'x 15' shed which will replace an existing 6'x 8' shed.

No one appeared in opposition and no exhibits were received.

Correspondence in support of the project was received and read into the minutes from Mr. Gentili and Mr. Speen, abutters to the project.

The property is a corner lot bordering Sachem Path, its front yard, and Crowell Rd. and Yelverton Ln. to its west. If allowed, the Petitioner intends that it remain behind a stockade fence enclosure.

The Board felt that the Petitioner could relocate the shed a bit further from the Yelverton Ln. sideline and the Petitioner agreed. The Board otherwise felt that a Variance was appropriate as the literal enforcement of the by-laws would result in a substantial hardship to the Petitioners

who need reasonable storage and have little other practical options, that the relief was needed due to the long, tapered aspect of the lot and that relief could be granted without substantial detriment to the public good or nullification of the intent and purpose of the by-laws.

Motion was made by Mr. Nickinello, seconded by Mr. Campbell to grant the Variance on the condition that the shed be no closer than 6' from the property line adjacent to Yelverton Ln. Upon this Motion, the Board voted unanimously in favor and the Variance was, therefore granted.

No permit shall issue until 20 days from the filing of this decision with the Town Clerk. 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, a Variance shall lapse if the rights authorized herein are not excised within 12 months. (See MGL c40A §10)

Steven DeYoung, Chairman