



TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

**FILED WITH TOWN CLERK: June 25, 2008**

**PETITION NO. #4190, #4191, #4194, #4195**

**HEARING DATE: June 12, 2008**

**PETITIONER: National Grid-Gas Company**

**PROPERTY: 127 Whites Path, South Yarmouth  
Map and Parcel: 0098.81; Zoning District: B3  
Registry of Deeds Document #278220 Cert. #84810**

**MEMBERS PRESENT AND VOTING: David S. Reid, Chairman, Joseph Sarnosky, Diane Moudouris, Sean Igoe, Steve DeYoung, and John Richards, Alternate.**

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 petitioner, National Grid, as successor to Keyspan Gas, proposes to replace several signs at this site, and add new signs, in connection with the new ownership of the site and business. The petitions were all heard together, because they relate to the same site, and individual votes were taken on each sign proposed.

The property is located in a B3 zone. The property, contains 31.82 acres of land, and is improved with several buildings and structures. The petitioner presented a site sketch, where the sign locations were indicated by letter and numbers of the corresponding petitions indicated.

The first sign desired, labeled "B" on the sketch and being the subject petition #4195, is an attached wall sign, measuring 36" tall where 24" would be allowed. The sign takes up less area and less length than could have been proposed. The petitioner represents that the sign will identify the entrance to the building, but will not be visible from off site. The Board finds that since the sign is not visible from off of the premises, the sign can be allowed as proposed.

The second sign is labeled "G" petition #4190. This sign is similar to that proposed above (B), but is 42" tall, rather than 24", and is designed to fit on the existing sign brackets. The height is dictated by the proposed length and prescribed proportions, according to the petitioner. The Board finds that this sign, facing Whites Path, is partially obstructed by the gas pumping station, and by its distance from the road, justifying some latitude in the sign size to assure reasonable visibility.

The third sign proposed is a free-standing sign, labeled "D" and is petition #4191. It will replace an existing and taller free-standing sign. The proposed sign will be lower, and the surrounding vegetation will be lowered so as not to obstruct the sign. However, its total area will be 25 square feet; more than

the 18 square feet allowed. It will be not more than 6' tall, from grade, making it less visually prominent than the existing sign.

The final sign is a free-standing sign, to be posted at the entrance to the rear building/complex. It is labeled "F" on the sketch, and is the subject of petition #4194. It will replace a sign currently attached to the chain-link fence, at the gate to the rear area. It, too, will not be very visible from off premises, and is intended to identify their separate entrance for vehicles already on the site. It is proposed to be 25 square feet in area; more than the 18 square feet allowed. The Board finds this sign less necessary than the others, given its proposed location. The Board also finds the sketch to be inaccurate as to its location.

After hearing and discussions, the following motions and votes were taken:

1. A motion was made by Mr. Igoe, seconded by Mr. DeYoung, to grant petition #4191 (sign D), for a 25 square foot free-standing sign on White's Path, on the condition that it be not more than 6' tall, and that the vegetation around the base of the sign be replaced or trimmed to be below the lowest portion of the sign. Mr. Igoe, Mr. DeYoung, Mrs. Moudouris, Mr. Reid, voted in favor of the motion, Mr. Sarnosky voted against the motion, the Variance was therefore granted.
2. A Motion was made by Mr. Igoe, seconded by Mr. DeYoung, to grant petition #4190 (sign G) with a 42.25" tall attached wall sign, as proposed. Mr. Igoe, Mr. DeYoung, Mrs. Moudouris, Mr. Reid, voted in favor of the motion, Mr. Sarnosky voted against the motion, the Variance was therefore granted.
3. A motion was made by Mr. Igoe, seconded by Mr. DeYoung, to grant petition #4195 (sign B), the attached wall sign of 36.25" high. Mr. Reid, Mr. Igoe, Mr. DeYoung voted in favor, Mrs. Moudouris, Mr. Sarnosky voted against. The motion therefore failed to receive the needed majority and is deemed to have been denied.
4. A motion was made by Mr. Igoe, seconded by Mr. DeYoung, to allow petition #4194 (sign F), only to the extent of allowing a 4 square foot free-standing sign, at the location requested. The Board members felt that this sign was relatively unnecessary, and the full variance requested was not justified. The members voted unanimously in favor of the motion.

The petitioner's petitions are therefore granted in part, and denied in part.

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)

---

David S. Reid, Clerk  
Board of Appeals

