



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: March 21, 2012

PETITION NO: #4381

HEARING DATE: March 8, 2012

PETITIONER: Teresa M. Hartranft

**PROPERTY: 13 Windemere Road
West Yarmouth, MA
Map & Parcel: 0021.43; Zoning District: R-25
Book & Page: 8593/039**

MEMBERS PRESENT AND VOTING: Debra Martin, Acting Chairwoman, Joseph Sarnosky, Robert Howard, Richard Neitz, and Bryant Palmer.

(Steven DeYoung recused himself due to appearance of conflict)

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 Teresa M. Hartranft, who seeks a Special Permit to allow for a modified roofline to the existing structure located at 13 Windemere Road, West Yarmouth, MA, property in an R-25 Zoning District. Essentially, the proposal would add a useable second floor to the existing structure.

The Board received correspondence from abutters opposed to the relief sought. In addition, several abutters appeared in initial opposition. The Board received five pages of photographs marked as Exhibits 1-5.

The Petitioner's presentation included an understanding of the abutter's expressed concerns that the addition would limit privacy on the abutting property. The Petitioner agreed to relocate the interior closet to minimize this problem.

Finding that the addition was modest and would create no undue nuisance, hazard or congestion nor cause any substantial harm to the existing or future character of the neighborhood or Town, the Acting Chairwoman, Ms. Martin, called for a Motion made by Mr. Neitz, seconded by Mr. Palmer to grant the Special Permit on the conditions that:

- 1) The closet within the proposed addition be repositioned so as to minimize the opportunity to view abutters yards; and
- 2) That the property will remain restricted to three (3) bedroom use. Such Motion, with conditions, was unanimously approved.

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)

Debra Martin, Acting Chairperson