



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

YARMOUTH TOWN CLERK

RB

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FILED WITH TOWN CLERK: August 26, 2013

PETITION NO: #4464 (and related Petitions #4463 & #4465)

HEARING DATE: August 8, 2013

PETITIONER: Broadway Electrical Co., Inc.

**PROPERTY : 440 Higgins Crowell Road, West Yarmouth
Map & Lot#: 0064.36
Zoning District: R-40 & Aquifer Protection District
Book & Page: 1105/361**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Debra Martin, Bryant Palmer and Robert Howard.

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 Broadway Electric Co., Inc. of 295 Freeport Street, Boston, MA. The Petitioner is seeking a Special Permit from Zoning By-law §202.5 Use Regulation Table P10. The relief sought is in connection with a proposed 861.3 KW ground mounted solar generating facility to be located at the Marguerite E. Small School grounds at 440 Higgins Crowell Road.

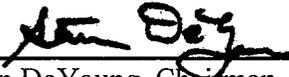
This Petition is related to Petition #'s 4463 and 4465. As the presentation and discussions addressed all three Petitions, the Decision #4463 is attached hereto and incorporated herein, by reference. Except for the information that may have been unique to the site of the Mattacheese Middle School, the information from the Petitioner's representatives was general as to all three sites referenced in Petition #'s 4463, 4464 and 4465 and, for brevity, the #4463 Decision is referenced and incorporated herein.

During Board deliberation on all three Petitions, Mr. Igoe made a Motion to approve each Petition in succession. No Board member objected to his Motion made to approve this Petition #4464. Ms. Martin seconded the Motion and the Board voted as follows:

DeYoung - In Favor
Martin - Opposed
Igoe - Opposed
Howard - Opposed
Palmer - Abstained

Therefore, the Petition and relief sought was denied.

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 DeYoung, Chairman