



TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

**FILED WITH TOWN CLERK: January 2, 2014**

**PETITION NO: #4493**

**HEARING DATE: December 12, 2013**

**PETITIONER: Kitchen Creations**

**PROPERTY: 560 Higgins Crowell Road, West Yarmouth  
Map & Lot#: 0084.4; Zoning District: B-3 & Aquifer Protection  
District**

**MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Bryant Palmer,  
Chuck Hart and Richard Neitz.**

Kitchen Creations was well represented by its principals, Chip Harron and Phil Harron. The Petition seeks approval for the storage of more than 20 gallons of hazardous materials at the business, located at 560 Higgins Crowell Road, West Yarmouth, MA, property in a B-3 and Aquifer Protection District. It is because of its location in the Aquifer Protection District that relief is required under Zoning By-law §406.

In matters relating to Aquifer Protection District concerns only, the Board is always benefited by the prior review of the proposal by the Board of Health. As is usual, Carl E. Lawson, Jr. of the Board of Health provided a comprehensive review with recommended conditions. This Board deemed Mr. Lawson's report to be complete and well-considered. As will, the Board expressed its appreciation that Kitchen Creations, a family owned and operated business was located in Yarmouth.

Mr. Lawson's report of December 12, 2013 contained 7 conditions for the protecting of the Aquifer Protection District and upon his Board's approval was based.

Motion was made by Mr. Palmer, seconded by Mr. Hart to approve the relief requested by the Petitions, subject to the conditions set-forth by the Board of Health. This Motion carried by unanimous vote in favor and, therefore, the Special Permit was granted on the condition that the Petitioners fully comply with the conditions, 1-7, as set-forth in the memorandum of Carl E. Lawson, Jr., dated 12/15/13, which conditions are incorporated herein by reference.

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.

**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)**

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Steven DeYoung, Chairman