



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: June 10, 2015

PETITION NO: #4598

HEARING DATE: May 28, 2015

PETITIONER: Matthew R. White

**PROPERTY: 535 Higgins Crowell Road, West Yarmouth
Map & Lot#: 0074.16; Zoning District: B-3
Book/Page: 28550/157**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Bryant Palmer, Debra Martin and Richard Neitz.

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 Matt White, dba Matt White Dog Training, at property located in a B-3 Zoning District at 535 Higgins Crowell Road, West Yarmouth, MA. The applicant seeks relief pursuant to By-law §406 and Use §202.5 (K 11) in connection with his desire to conduct in-door dog training at this location.

Mr. White did a fine job in presenting his request. No one spoke in opposition and the Board received no Exhibits. The Petitioner currently runs his business at an adjacent building and seeks to expand his business.

The Petitioner's current business is seemingly well run. Chairman DeYoung noted that the Petitioner had successfully trained his dog, pointing out, however, that the Petitioner had no contact since and that there appeared to be no conflict.

Particularly since the business is in a B-3 Zoning District, the Board was of uniform belief that the Petitioner's business was a desirable type in a business district and would result in no undue hazard, nuisance or congestion nor would it cause any substantial harm to the existing or future character of the neighborhood or Town.

Accordingly, Motion was made by Mr. Palmer, seconded by Ms. Martin to approve the petitioned relief of a grant of Special Permit on the conditions that:

1. There be no boarding of dogs on the site
2. There be no grooming of dogs at the site;
3. That the hours of operation of the business be confined to 7:00 a.m. to 7:00 p.m.

Upon this Motion with stated conditions the Board voted unanimously in favor and the Special Permit was, therefore, granted subject to the stated conditions.

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