



TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

**FILED WITH TOWN CLERK: March 15, 2017**

**PETITION NO: #4680**

**HEARING DATE: February 9, 2017**

**PETITIONER: Martin J. and Paula F. Galvin**

**PROPERTY: 50 South Sea Avenue, West Yarmouth, MA  
Map & Lot#: 0031.192; Zoning District: R-25  
Book/Page: 15434/332**

**MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Bryant Palmer, Dick Martin and Thomas Nickinello.**

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 Petitioners, Martin J. Galvin and Paula F. Galvin were well represented by Kieran Healy of the BSC Group, Inc. The Petition seeks either a Special Permit or Variance in connection with a planned addition to the structure located on Petitioner's property at 50 South Sea Avenue, West Yarmouth, MA, property in an R-25 Zoning District.

The proposed addition is to the southerly portion of the residence and designed to make better use of the interior space, in particular, the bathroom which currently is very narrow. Relief is required as the existing structure does not conform to required sideline set-backs.

Certainly, the relief sought is modest. It will result in a reduction in side set-back from 14.8 feet to 12.6 feet while providing needed relief to the structure and its utility.

Each member agreed that the relief granted would not result in any nuisance, hazard or congestion, nor would it be more detrimental to the existing or future character of the neighborhood or Town.

A Motion was made by Mr. Palmer to grant the relief of Special Permit which Motion was seconded by Mr. Martin and voted unanimously in favor of by the Board. The petitioned relief of a Variance was, therefore, deemed unnecessary and Mr. Igoe made a Motion, seconded by Mr. Nickinello, to withdraw the request for Variance, without prejudice, to which the Board voted unanimously in favor.

The requested Special Permit was, therefore, granted.

**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