

TOWN OF YARMOUTH
BOARD OF APPEALS

MEMO TO FILE

PETITION NO: #4035
MEETING DATE: May 10, 2007
PETITIONER: Town of Yarmouth DPW-Highway Division
PROPERTY: 507 Buck Island Road & 74 Town Brook Rd. WY
Map & Parcel: 045.90.1 Zoning District: R25 & B2

MEMBERS PRESENT AND VOTING: John Richards, Vice-Chairman, Joseph Sarnosky, Sean Igoe, Douglas Campbell, Irene Hamman.

Notice of the meeting has been given by posting notice of the meeting in compliance with the Open Meeting Law, the meeting opened and held on the date stated above.

The petitioner requests a minor modification of its site plan, to relocate the proposed building, at the request of a neighbor. The petitioner believes that the modification would be within the scope of the relief already granted, but requests the Board's confirmation that no further relief is required to make the requested change. The Board agreed to review the request at this meeting.

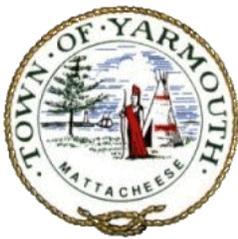
On May 11, 2006, the Board granted a Variance from the building height limitation in order to allow the construction of a new salt shed, in connection with the expansion of the existing DPW property/yard. The petitioner represented that the closest residential neighbor to the west requested that the building be moved farther away from them. The new site plan shows the building rotated and shifted to the east, to a distance of 175 feet from the affected abutter's lot line. The relocation would also make unnecessary the construction of the sound fence, but a stockade fence, mound or other sound mitigation measures, would still be included. During the review, the same neighbor asked if it could also be moved forward, toward the street. The petitioner indicated that considerable time and expense had been undertaken to accommodate the present request, and that further modification would not be acceptable.

The Board finds that the proposed modification will benefit the one closest neighbor, and will not otherwise alter the previously granted relief or subsidiary findings. The building, as previously approved, was conforming, except as to height. The relocation will further mitigate any impact on this neighbor from the height and will remain otherwise conforming as to location.

Accordingly, a motion was made by Mr. Igoe, seconded by Mr. Campbell, to accept the minor modification as being within the scope of the Variance granted, without the need to a formal modification. The members voted unanimously in favor of the motion. The prior Variance (#4035) therefore stands, with the substituted site plan, dated January 9, 2006.

David S. Reid, Clerk

Cc George Allaire, DPW
James Brandolini, Building Commissioner



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: May 23, 2007

PETITION NO: #4108

HEARING DATE: May 10, 2007

PETITIONER: Jeffrey D Pear, Inc. Bass River Motors

PROPERTY: 433 Station Avenue, South Yarmouth
Map & Parcel: 088.87 Zoning District: B1

MEMBERS PRESENT AND VOTING: John Richards, Vice-Chairman, Joseph Sarnosky, Sean Igoe, Douglas Campbell, Irene Hamman.

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.

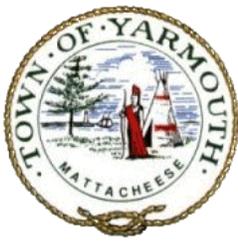
The petitioner request a modification of Special Permit #4083, to relocate the parking spaces designated for vehicles offered for sale to the front of the building. The petitioner's existing permit identified specific parking spaces and areas where "for sale" vehicles would be placed. The petitioner represents that the arrangement has proven unfeasible. He now proposes sale vehicles to be parked mostly to the front, with some in the rear. The enclosed rear compound would now contain repair vehicles and employee vehicles. The petitioner submitted a revised site plan (sketch), (undated but received by the Board March 26, 2007).

The petitioner represents that customers have not adjusted well to the planned layout, resulting in unsafe turning and backing out into the road. The revised plan, they believe, will be safer because it will permit greater control of customer's vehicles, and greater visual control and awareness of customer's movement on the site.

A motion was made by Mr. Sarnosky, seconded by Mrs. Hamman, to grant the modification of Special Permit #4083, condition #1, to permit the relocation of the parking spaces designated for vehicles offered for sale, as shown on the revised parking plan (sketch) received by the Board on March 26, 2007. The members voted unanimously in favor of the motion. The Special Permit is therefore modified, and in all other respects remains in force and effect.

No permit shall issue until 20 days from the filing of this decision with the Town Clerk. Appeals from this decision shall be made pursuant to M.G.L. C40A §17 and must be filed within 20 days after the filing of this notice/decision with the Town Clerk.

David S. Reid, Clerk



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: May 23, 2007

PETITION NO: #4113

HEARING DATE: May 10, 2007

PETITIONER: John Forde & Noelle Manning

PROPERTY: 19 Wadsworth Lane, Yarmouthport
Map & Parcel: 107.5 Zoning District: R40

MEMBERS PRESENT AND VOTING: John Richards, Vice-Chairman, Joseph Sarnosky, Sean Igoe, Douglas Campbell, Irene Hamman.

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 seeks a Special Permit per bylaw §104.3.2, in order to construct a farmer's porch addition to their existing home. The property is within the R40 zone. The lot contains approximately 39,840 square feet. The site is improved with an existing two (2) story single-family home.

The lot is a long pie-shaped lot with the narrowest portion at the road. The home is approximately 157' from the street frontage. The proposed porch will extend to within 16.2' to the westerly side lot line. The house is currently 20'6" from the same lot line. However, because the lot tapers (narrows) toward the road, the porch, being the same width as the house, ends up closer to the line. The adjoining area is heavily wooded, with no dwellings immediately affected. The petitioner's architect tried to angle the porch, to follow the lot line, but the orientation of the house to the line made this ineffective and awkward in design.

No one appeared in opposition to the petition. The Board finds that the proposed addition to the front of the house, to construct a farmer's porch, as shown on the petitioner's Site Plan (dated April 10, 2007), to extend to within 16.2' of the side lot line, would not be substantially more detrimental to the neighborhood. The requested intrusion into the setback is modest, in relation to the lot and house, and neighborhood.

The Board notes that the plan also show other proposed modifications to the house which are not before the Board and are not part of this petition or decision. Accordingly, a motion was made by Mr. Campbell, seconded by Mr. Igoe, to grant the Special Permit as requested, for the farmer's porch only. The members voted unanimously in favor of the motion, the Special Permit is therefore granted.

No permit shall issue until 20 days from the filing of this decision with the Town Clerk. Appeals from this decision shall be made pursuant to M.G.L. C40A §17 and must be filed within 20 days after the filing of this notice/decision with the Town Clerk.

David S. Reid, Clerk

