

**TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION**

YARMOUTH TOWN CLERK

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FILED WITH TOWN CLERK: September 21, 2017

PETITION: #4706

HEARING DATE: September 14, 2017

PETITIONER: Benjamin Feliciano and Jacob Feist

**PROPERTY: 256 Old Main Street, South Yarmouth
Map and Parcel: 0060.205; Zoning District: RS-40
Book/Page: 29888/112**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Dick Martin, Tom Nickinello, Susan Brita and Tom Baron, nonvoting Alternate.

It appearing that notice of the hearing has been given by sending notice to the petitioners and all of those owners of property deemed to be affected thereby, and to the public by posting notice of the hearing and published in *The Register*, the hearing was opened and held on the date stated above.

The applicant seeks a Special Permit under Zoning By-law §104.3.2(4) & Use §202.5 (A10) and/or a Variance from Zoning By-law §203.5 (P) to modify use of a pre-existing non-conforming gas station to allow creation of a two bedroom single family apartment as well as operate a landscape business on site.

The Petitioners were present and were well represented by Matt Fitzsimmons, Esq. Attorney Fitzsimmons presented to the Board that the Petitioners seek to cease the sale of fuel, to revert the front of the building to a single unit two bedroom residential apartment, and convert the rear of the building (a 601 sq. ft. garage) into a space for the operation of their landscaping business with no retail sales. The Petitioners also intend to renovate the building, maintaining the existing footprint and replace the cedar siding, roof, trim, windows and doors.

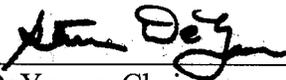
Lengthy discussion ensued regarding the hours of operation of the landscape business, the parking of vehicles, dumpster location and turning ability of vehicles using the apartment.

Several neighbors abutting the property spoke expressing concerns with the Petition.

The Board itself, beside the expressed concerns of the abutters and parties of interest, expressed concerns that Salt Works Lane is a narrow roadway for commercial vehicles with trailers to enter and leave, that the conduct of such a business at this location would cause undue burden to the neighborhood and the Zoning District is an RS-40 and should remain residential.

Attorney Fitzsimmons requested to withdraw without prejudice.

Mr. Igoe made a Motion, seconded by Mr. Nickinello to allow withdrawal of the Petition, without prejudice, to which a unanimous favorable vote was given.



Steven DeYoung, Chairman