



TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

**FILED WITH TOWN CLERK: September 29, 2017**

**PETITION NO: 4707**

**HEARING DATE: September 28, 2017**

**PETITIONER: Shoestring Properties Ltd. Partnership and Bobby Palma, MRL Realty, LLC**

**PROPERTY: 1221 Route 28, South Yarmouth, MA  
Map & Lot#: 50/108; Zoning District:  
DOC#:692,979; CTF#:144241**

**MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Dick Martin, Tom Nickinello, Gerald S. Garnick and Tom Baron, Alternate.**

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 are Shoestring Properties Ltd. Partnership and Bobby Palma, MRL Realty, LLC who seek relief in connection with property located at 1221 Route 28, South Yarmouth, MA, property in a B-2, R-40 and Village Center Overlay Zoning Districts. Specifically, the applicants seek a Variance under Zoning By-law 102.2 to allow the manufacture of teeth in the building constructed in 1987 by Boston Five Savings Bank.

The Petitioners appeared and were represented by Attorney Michael Stusse. No one spoke in opposition to the Petition.

## **II. PROJECT DESCRIPTION**

The proposed use is the manufacture of teeth which is accomplished by use of a three-dimensional printer. The teeth can be made of either porcelain or gold, both inert and harmless materials. The business employs three people in addition to the owner, is open during normal business hours,

Monday through Friday from 8 a.m. to 5 p.m. Approximately thirty-five (35%) percent of the patrons will visit the site to either order or pick up the finished product. Retail sales account for approximately thirty-five (35%) percent of the applicant's business.

The remaining 65% of the users are doctors who send in orders over the internet with size, shape and dimensions for the tooth to be manufactured.

Therefore, the use, while technically manufacturing, is extremely low impact with minimal noise, emissions, traffic or other noticeable characteristics.

The building has more than adequate parking under Table 301.5 which requires one space per two occupants as there will be a maximum of four occupants with occasional visitors and there are 12 adjoining spaces including a marked handicapped parking area.

### **III. ZONING CRITERIA SATISFIED**

After hearing, the evidence, Board of Appeals made the following findings:

First, the parcel of land is an irregular shape as distinguished from other lots in the zoning district. The lot has access both onto a commercial highway and a residential side street (Wood Road).

Secondly, and most importantly, there is a hardship as the parcel contains a relatively new and attractive building that was specifically built as a bank has been unused and become derelict over the past several years.

Third, there is no detriment to the public, the Town or the neighborhood in that there are no environmental impacts associated with the proposed use and the environmental impacts of the use are substantially less than that of uses that are allowed in the B-2 Business District.

Upon motion made and seconded, it was VOTED:

To grant the requested relief upon condition that all landscaping shown on the plan "Site Plan of Land, 1221 Route 28, South Yarmouth, MA for Shoestring Properties, LLC dated August 25, 2017" and on file with the petition be installed and maintained by the Petitioner.

Motion was made by Mr. Igoe and seconded by Mr. Martin, the Board voted unanimously in favor and the Variance was, 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 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, a Variance shall lapse if the rights authorized herein are not excised within 12 months. (See MGL c40A §10)

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Steven DeYoung, Chairman