



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: January 16, 2018

PETITION NO: #4720

HEARING DATE: January 11, 2018

PETITIONER: Marcos A.L. Pereira, Abraao L.N. Lourenco, Joabe H.N. Lourenco, and Andre F.N. Lourenco M. Daniels

**PROPERTY: 18 and 20 Wood Road, South Yarmouth, MA
Map & lot#: 0050.146
Zoning District: RS-40
Title: Book 28914, Page 293**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman; Sean Igoe, Richard Martin, Thomas Nickinello and Tom Baron

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 pursuant to Zoning Bylaw §104.4, and/or a Variance from Zoning Bylaw §104.4, to convert to a condominium form ownership in connection with property located at 18 and 20 Wood Road, South Yarmouth, Massachusetts. The property is located in the RS-40 zoning district and contains approximately 27,415 square feet and approximately 148 feet of frontage on Wood Road. The property is improved with two structures, the first being a one story 3-bedroom dwelling built in 1955 and which was the subject of Variance, #4237, dated February of 2009, which permitted the conversion of the use of the building from a fellowship hall of the nearby Baptist Church to a single family dwelling; and the second being a 1 ½ story 4-bedroom dwelling built in 1971 and which was the subject of a Variance, #1034, dated May of 1971, which permitted the construction of this building to act as a parsonage for the Baptist Church minister. Each structure has its own septic system, and there is no change of use proposed for the property.

The Board was presented with the proposed Condominium Declaration of Trust together with the Wood Road Condominium Master Deed. The Board also received an acknowledgement by Mark Grylls, the Yarmouth Building Commissioner, that he had waived the necessity of conducting a Site Plan Review meeting, pursuant to Yarmouth Zoning Bylaw Section 104.1.1.

No one appeared in opposition to the Petition. The Board reviewed the Petitioner's submission and the provision of property management and was satisfied that the documents met the intent and requirements of the bylaws. Further, the Board was satisfied that the grant of the requested relief would not cause any undue nuisance or hazard and would not be more detrimental to the present or future character of the neighborhood or Town. It was discussed that even though a Special Permit was being granted in this case, that any future changes to either the structures or uses would require a Variance, due to the 2 prior Variances issued.

Accordingly, a motion was made by Mr. Igoe, seconded by Mr. Martin, to grant the Special Permit, as requested, with the condition that any future alterations to either the use or the structure will require a variance. The members voted unanimously in favor of the motion.

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