



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: May 21, 2018

PETITION NO: #4745

HEARING DATE: May 10, 2018

PETITIONER: Lisa Plantantis

**PROPERTY: 40 Hasting Avenue, West Yarmouth, MA
Map & lot#:0076.242; Zoning District: R-40
Book/Page: 31258/185**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Dick Martin, Thomas Nickinello, Gerald Garnick and Tom Baron (nonvoting) 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 Petitioner is Lisa Platanitis who seeks a Special Permit to relocate a home preschool to property located at 40 Hastings Avenue, West Yarmouth, MA which is in and R-40 Zoning District. The preschool is known as the "Crickets Corner".

The Petitioner did a fine job in explaining that she sought to move her existing preschool to a property located across the street from where it now exists. The property she currently occupies in which houses the preschool is a rental property and the Petitioner has, subsequently, purchased the property to which she now seeks to move the location of this preschool.

Mr. Robert J. Cullen both submitted correspondence and appeared to speak on behalf of the Petition. As well, the Board received correspondence from L. Irene Shaw. Each interested party spoke highly of the manner in which the preschool was conducted by the Petitioner. The Petitioner is properly licensed and the rear yard will be properly fenced in is a play area as represented by the Petitioner. The Board agreed that the grant of a Special Permit would not result in any undue hazard, nuisance nor congestion nor would it result in any substantial detriment to the present or future neighborhood or town.

The Board felt that the conditions previously set forth in Decision #4534 should be, as well, conditions to any grant of relief in favor of the Petitioner in this instance. A Motion was made by Mr. Garnick, seconded by Mr. Nickinello to approve the grant of a Special Permit on the sole

conditions that: 1.) Hours of operation of the preschool be between 7:30 AM-5:30 PM; and, 2.) That the preschool be conducted on Monday-Friday only. On this Motion, as conditioned, the Board voted unanimously in favor and so, therefore, the Special Permit was 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)

Steven DeYoung, Chairman