



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: **May 17, 2019**

PETITION NO: **#4803**

HEARING DATE: **May 15, 2019**

PETITIONER: **Marie Caron**

PROPERTY: **797 Route 28, South Yarmouth, MA**
 Map & lot#: 0033.75; Zoning District: B2

MEMBERS PRESENT AND VOTING: **Steven S. DeYoung, Chairman, Sean Igoe, Dick Martin, Thomas Nickinello, Richard Neitz, 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 Petitioner, Marie Caron and Dan Ojala, Down Cape Engineering presented. The applicant seeks Modification of existing Decision #3765 or in the alternative a new Special Permit under Use Table §202.5 (L5) to expand office area of existing building located in the B2 Zoning District.

The extension to the left rear will create more space in the office area to help facilitate communications in connection with the towing business operated from the site and will be constructed in conformity with the plans submitted.

The relief sought was found to be modest, reasonable and no new encroachment/non-conformity will result and the Board found the relief could be granted without resulting in any hardship, nuisance or congestion nor harm to the existing or future character of the neighborhood.

No one spoke in opposition to the Petition.

Motion was made by Mr. Igoe, seconded by Mr. Nickinello, the Board voted unanimously in favor of the grant of the Special Permit without condition.

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 S. DeYoung, Chairman