



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

YARMOUTH TOWN CLERK

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FILED WITH TOWN CLERK: June 2, 2015

PETITION NO: #4594

HEARING DATE: May 14, 2015

PETITIONER: William C. Darling

**PROPERTY: 110 Mayflower Terrace, South Yarmouth, MA
Map & Lot#: 0119.60; Zoning District: R-40
Book/Page: 24877/304**

MEMBERS PRESENT AND VOTING: Steven DeYoung Chairman, Sean Igoe, Debra Martin, Bryant Palmer and Chuck Hart.

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, William Darling, appeared seeking relief under By-law §104.3.2 or, in the alternative, under §203.5. The Board concurred that, if relief was to be granted, it should be in the form of a Special Permit.

Mr. Darling, accompanied by family members, made a fine presentation of the relief he was seeking in connection with a residence located at 110 Mayflower Terrace, South Yarmouth, MA. Relief is required in order for him to reconstruct a prior existing deck and enlarge the same, to be located at the rear of the property. Relief is necessary as the completed structure would be 14.4 ft. from the abutter's side line.

The Board had correspondence from interested persons, including the most affected abutter, each of which supported the petitioned request for relief. No one spoke in opposition nor were any exhibits received.

The Board members concurred that the relief sought was modest, would result in enhancement of the property and, if granted would result in no undue hazard, nuisance or congestion nor cause any substantial hardship to the existing or future character of the neighborhood or Town.

Motion was made by Ms. Martin, seconded by Mr. Hart, to grant a Special Permit as sought by the Petition and without condition. On this Motion, the Board voted unanimously in favor and, so the Special Permit was therefore 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