



TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

**FILED WITH TOWN CLERK: July 17, 2009**

**PETITION NO: #4257**

**HEARING DATE: July 9, 2009**

**PETITIONER: Sarah R. Horne & David S. Robbins**

**PROPERTY: 115-115A River Street, South Yarmouth  
Map & Parcel: 0043.1; Zoning District: RS40  
Book and Page #22393/70**

**MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Joseph Sarnosky, Sean Igoe, Debra Martin, Robert Howard, and Robert Palmer, 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 applicant seeks a Special Permit from bylaw §104.3.2 in order to remove a 4' x 8' (approximately) storage/entry area from an existing home and to replace it with an approximately 12' x 7' laundry area as shown on floor plans by ERT Architects, Inc. dated 05/15/09. The lot contains approximately 29,275 square feet of area. The lot that the existing structure is on is noteworthy as it currently has two single-family residences thereon, one of which shares a common wall with the barn/garage on the abutting property (at the rear of this lot). It is to the rear of this residence that the proposed removal and replacement/addition is to be added, and is shown on the petitioners site plan by BSC Group, dated 06/03/09.

The proposed addition is such that it will provide greater utility to the existing structure. There is substantial vegetation to the side of the property which will screen the abutter's view of the addition. An existing barn/garage is within 12' 7" of the sideline and an existing shed is within 9' 9". The addition will, when completed, be 13' from the sideline. Moreover, the Board considered the "way" on the abutter's property, as shown on the Plan of Land 115 River Street and 115A River Street, dated 06/03/09, Craig Field, Surveyor, would act as a deterrent to any construction on the abutting property within close proximity of the proposed addition. So, too, the Board was mindful of the character of this neighborhood in general and the somewhat unique lot configurations and close community feel.

The Board members felt that the conditions for a Special Permit were met by the petition. An abutter spoke in favor of the petition and no one spoke in opposition to the petition.

The Board concluded that the sideline setback relief and the petitioner's proposed construction would be minor and not substantially more detrimental to the neighborhood or town.

Accordingly, on Motion was made by Mr. Igoe and seconded by Ms. Martin, to grant the Special Permit as requested. The Board voted unanimously in favor, the Special Permit was granted without conditions.

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, the Special Permit shall lapse if a substantial use thereof has not begun within 24 months. (See bylaw §103.2.5, MGL c40A §9)

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Steven DeYoung, Chairman