69-38

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of persons aggrieved
(Gerald E. Butterworth)
28 Croton Street

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:10 p.m. on June 26, 1969, on the appeal of certain persons claiming to be aggrieved by the action of the Inspector of Buildings in issuing a permit to Gerald E. Butterworth for the construction of a dwelling and garage at 28 Croton Street. Said appeal was taken under the provisions of Section XXIV of the Zoning By-law, and claimed that the granting of the subject permit was in violation of Section XVI of the Zoning By-law.

The Inspector of Buildings, upon the application of Gerald E. Butterworth, issued said permit on May 5, 1969, there being no apparent violation of the Zoning By-law or of the Building Code. Within the ten-day filing period, six persons filed their appeals with this Board, alleging that the construction of the dwelling involved and the possibility of a second dwelling to be erected on the lot involved, would violate Section XVI-C of the Zoning By-law. They contended that the contemplated construction would be materially detrimental to property values in the area and harmful to the neighborhood.

No one appeared at the hearing in support of the appeals.

Letters of withdrawal were submitted at the hearing from William H. MacCrellish, Jr., 29 Croton Street and Albert F. Sise, 32 Croton Street. A withdrawal was also submitted by telephone from William D. Bradshaw, Jr., 37 Croton Street.

Leo J. Hession, attorney representing Gerald E. Butterworth, stated that there is a second application on file in the Building Department for a house to be constructed on the adjacent lot and his client would like to proceed as soon as the Board has made its decision.

Decision

In view of the fact that no evidence was submitted at the hearing to substantiate the alleged violation of Section XVI-C of the Zoning By-law, the Board finds no basis to consider the appeals which were not withdrawn, beyond information now in the record.

It has, however, examined the application filed for the house now under construction and finds no violation of the Zoning By-law or the Building Code and, in its opinion, the Inspector of Buildings issued the permit properly.

The Board, therefore, is of the opinion that the appeal should be dismissed and that the permit issued shall be regarded as effective as of May 5, 1969, the issuance date.

According, the appeal is hereby dismissed.

Richard C. Aldrich

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk _____