



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of John F. Shea, Jr. and
Janet A. Shea

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 8:05 p.m. on August 11, 1970, on the petition of John F. Shea, Jr. and Janet A. Shea, requesting an exception from the terms of Section XIX of the Zoning By-law which will permit them to construct an addition on the side of their dwelling at 5 Maurice Road with a side yard less than the required twenty feet.

On July 14, 1970, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

John F. Shea, Jr. spoke in support of the petition at the hearing.

No objections were made to the granting of the request.

Statement of Facts

The house involved was built in 1936, prior to the enactment of Section XIX of the Zoning By-law requiring a minimum twenty-foot side yard, and is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioners seek permission to construct a one-story addition 16' x 24' on the southeasterly corner of the house which is designed to provide a family room. The room is needed, it was alleged, by the petitioners and their four children, ages 6 months to 9 years, and it does not appear feasible to construct the desired addition in any other economic and practical manner. The petitioners have lived at this location for the past eight years and do not want to move from the neighborhood.

A plot plan was submitted drawn by John F. Shea, Jr., Engineer which showed the existing dwelling on the lot and the proposed addition. Said plan showed the addition to be located at the rear of the existing attached garage, 12' from the side lot line and continuing the line of the existing garage. An elevation plan submitted showed the foundation of a bay window to be 11' from the side lot line.

Decision

The Board finds that a real need exists for the proposed addition to be constructed on the side of the dwelling and the facts satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to grant a special exception from the application of the side yard restriction of that section.

The lot which contains 10,861 square feet, has a width of only 75.01', with the house approximately centered on it, 15' from the easterly

side line and 12' from the westerly side line. Compliance, therefore, with the side yard requirement of twenty feet is impracticable if an appropriate addition is to be made to the house, because of the width of the lot and the location of the dwelling on it. The lot was held under a separate and distinct ownership from adjacent lots on April 1, 1940.

It is the opinion of this Board that the proposed addition will not prove detrimental to the neighborhood or substantially derogate from the intent or purpose of the by-law.

Accordingly, the requested exception is granted under the terms of Section XIX of the Zoning By-law, and the Inspector of Buildings is authorized to issue a permit for the proposed construction in accordance with the plans submitted and on file with this Board, subject to the following conditions: that the foundation of the bay window shall be no closer than 11' from the side lot line and the foundation of the remaining portion of the addition shall be no closer than 12' from the same side lot line.

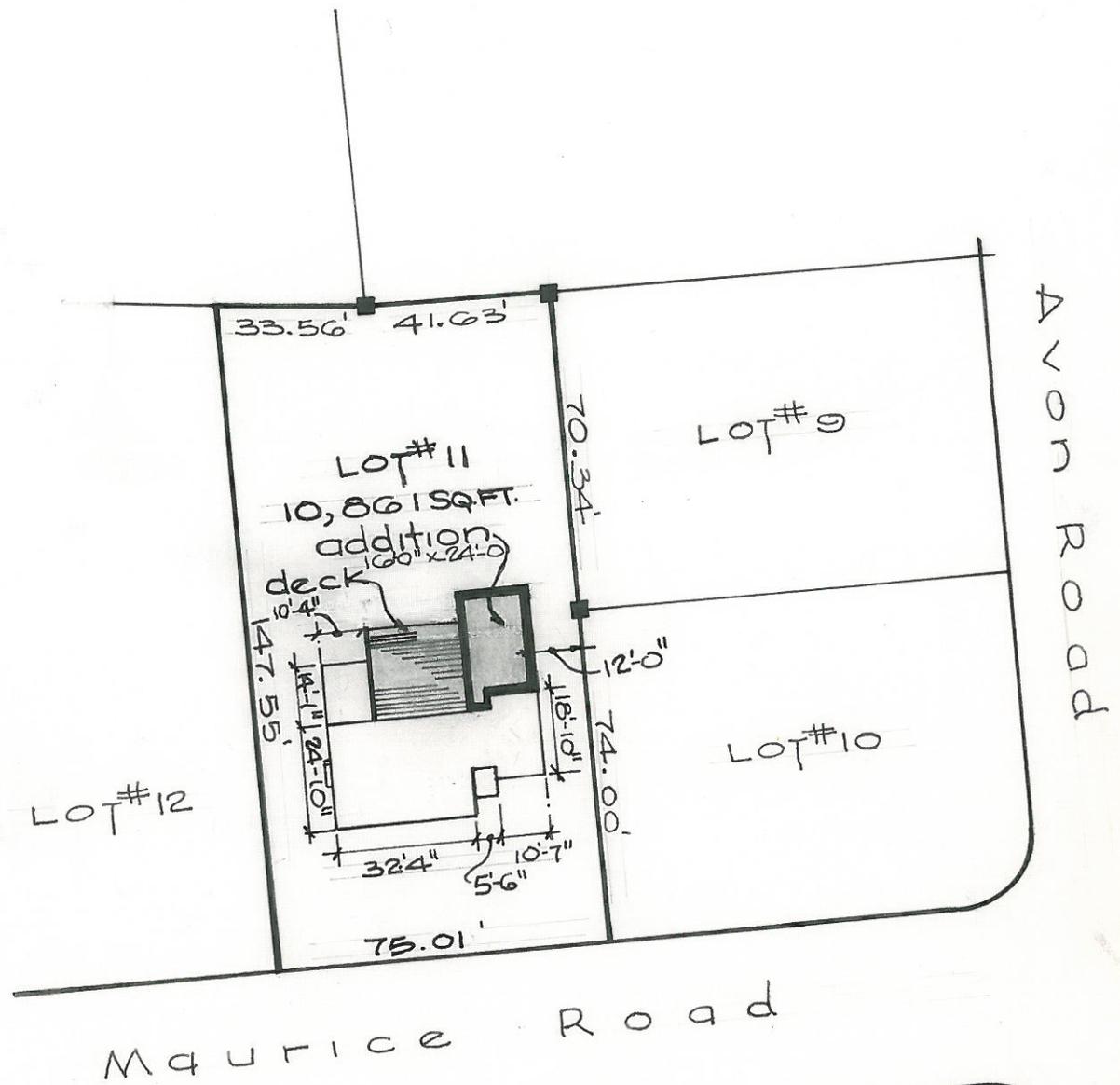
Philip H. R. Cahill
Philip H. R. Cahill

Dana J. Lowell
Dana J. Lowell

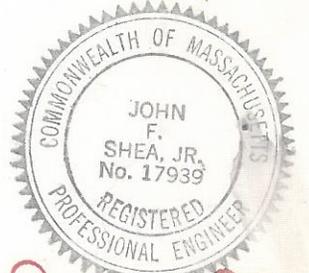
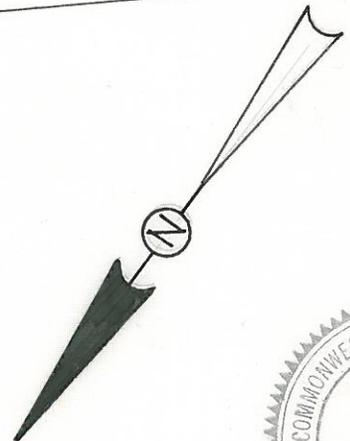
F. Lester Fraser
F. Lester Fraser

Filed with Town Clerk _____

2025 OCT 13 11:03:22



Addition to Dwelling at
 5 Maurice Road
 owned by
JANETA. & JOHN F. jr
SHEA



scale 1" = 40'-0" date 6-11-70

John F. Shea, Jr.