



## ZONING BOARD OF APPEALS

78-11

F. LESTER FRASER  
 WILLIAM O. HEWETT  
 FRANKLIN P. PARKER  
 WILLIAM E. POLLETTA  
 FRANCIS L. SWIFT  
 HENRY H. THAYER  
 ██████████

KATHARINE E. TOY  
 Administrative Secretary  
 Telephone  
 235-1664

Petition of William P. and Joan E. Gaughan

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:25 p.m. on June 8, 1978, on the petition of William P. and Joan E. Gaughan, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the side and rear of their dwelling at 12 Laurel Terrace, with a side yard less than the required twenty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On May 23, 1978, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

William P. Gaughan spoke in support of the request at the hearing.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house involved was built in 1927, prior to the enactment of the side yard requirement of twenty feet, on a lot containing 5,880 square feet.

The petitioners seek permission to construct a one-story addition with basement to the northwest corner of the existing house, with the back line of the proposed addition flush with the back line of the house and 9'5" from the lot line on the northerly side, as shown on the plan submitted, drawn by John J. Freeman, Land Surveyor, dated July 1977.

It was explained that in 1957, a variance was granted by the Board of Appeal to construct a screened porch on the existing concrete slab, but that it was never built. The proposed addition, it was stated, will follow the side line of the existing concrete slab, but will continue to the back line of the house. It will be slightly closer to the side lot line at the rear corner due to the angle of the lot line.

The proposed addition, if built, will provide a family room and will satisfy the need for additional living space. The petitioners have three children and the house now has only three small bedrooms. It is felt that the proposed addition will enhance the value of the house without a detrimental effect on abutters, surrounding area or the public good.

It was further stated that the construction of equivalent space elsewhere would not be feasible due to the size of the lot which contains only 5,880 square feet, the shape of the lot and the placement of the house on the lot which precludes most, if not all, alternatives. It was also pointed out that the unenclosed concrete slab often causes serious problems as it slopes toward the house causing a continuous

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 JOAN E. GAUGHAN'S OFFICE  
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poor drainage situation. This situation will be corrected if the proposed addition can be built.

Decision

It is the opinion of this Board after making a careful study of the plans and evidence submitted as well as viewing the locus, that there is a real need for the proposed addition which will provide a family room and that it will not prove detrimental to surrounding properties.

The lot is narrow, with a frontage of only 70' and narrowing down to 60' in the rear. The house is located less than twenty feet from both side lot lines which leaves no space available to construct an addition which will conform with the Zoning By-law.

Therefore, it is the unanimous opinion of this Board that owing to circumstances relating to the shape of the lot involved, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioners. It is the further opinion of this Board that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the proposed addition and showman the plan submitted and on file with this Board.

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Francis L. Swift  
Francis L. Swift

William O. Hewett  
William O. Hewett

Franklin P. Parker  
Franklin P. Parker

Filed with Town Clerk \_\_\_\_\_

Copies of the decision and all plans referred to in the decision have been filed with the Town Clerk.

