



ZONING BOARD OF APPEALS

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 WILLIAM E. POLLETTA
 WILLIAM F. CULLINANE
 FRANKLIN P. PARKER

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Edward M. Levitt

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 8:30 p.m. on June 8, 1978, on the petition of Edward M. Levitt, requesting a variance which will allow the substitution of concrete sidewalks to be constructed at 609-617 Washington Street (Webb Town houses) in place of brick sidewalks as approved by the Zoning Board of Appeals in its decision dated April 12, 1977. Said petition was made under the provisions of Section XXIV-D of the Zoning By-law.

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

The petitioner spoke in support of the request at the hearing.

Richard W. Clayton, Jr., 9 Cross Street, stated that the concrete sidewalks already have been laid, and he felt that the bricks should be laid in concrete.

Statement of Facts

The property involved is located within a Town House District and consists of a parcel of land containing 50,547 square feet, upon which three buildings are now under construction. When completed, these buildings will provide thirteen Town House Units.

On July 28, 1977, the Zoning Board of Appeals, approved the plans for the construction of the buildings involved, subject to seven conditions. Condition No. 1., stated, "That all work shall be performed in accordance with the plans hereto fore and hereafter filed and approved by this Authority and in compliance with all other requirements of local and State laws." The plans submitted and approved at that time showed the sidewalks to be brick.

The petitioner now requests a variance from the plans approved which will allow the substitution of concrete sidewalks in place of brick sidewalks as shown on the plans approved.

The petitioner stated at the hearing that through an error, the plans submitted to the Board for its approval in May 1977, specified brick sidewalks. He explained that the bricks would have to be set on sand beds which he felt would heave during the winter and become hazardous. The concrete walks, he stated would provide a safer, uniform surface for the age group that are buying the condominiums. For this reason, he requested the Board to grant a variance which will allow the substitution of concrete sidewalks.

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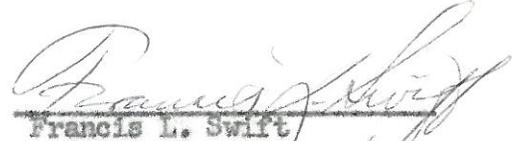
Decision

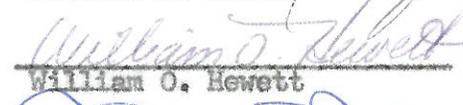
The Board has reviewed the plans which were submitted with the petitioner's original request for approval and studied the evidence submitted.

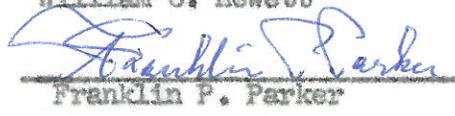
It appears to this Board that the possible hazardous condition which the petitioner explained would result if the brick sidewalks were constructed, no longer exists as the concrete sidewalks have already been installed, and the bricks can now be laid on the concrete base rather than on a sand bed.

The Board, therefore, is of the unanimous opinion, that the substitution of concrete sidewalks for brick is no longer a necessity and a variance is no longer required.

Accordingly, there is to be no modification of Condition No. 1. in the decision of the Zoning Board of Appeals, recorded with the Town Clerk on July 28, 1977, and the petition, therefore, is dismissed.


Francis L. Swift


William O. Hewett


Franklin P. Parker

Filed with Town Clerk _____

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