



ZONING BOARD OF APPEALS

FRANCIS L. SWIFT, Chairman
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 WILLIAM O. HEWETT
 WILLIAM E. POLLETTA
 WILLIAM F. CULLINANE
 FRANKLIN P. PARKER

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 Administrative Secretary
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 235-1664

Petition of L. Grignaffini & Sons

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 8:40 p.m. on July 27, 1978, on the petition of L. Grignaffini & Sons, Inc., requesting a variance from the terms of Section XIX of the Zoning By-law, which will allow the construction of a dwelling and garage on Lot No. 1, 8 Oakow Road, with a front yard less than the required setback from the street. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On July 11, 1978, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

C. Joseph Grignaffini, spoke in support of the request at the hearing.

Kerwy R. Lyne, 131 Glen Road, spoke in favor of the request at the hearing.

Statement of Facts

The lot involved which contains 20,866 square feet, is located within a Single Residence District requiring a minimum lot area of 20,000 square feet.

The petitioner seeks permission to construct a dwelling and garage on the lot involved less than the required setback from Oakow Road.

Section XIX of the Zoning By-law contains provisions regulating the dimensions of front and side yards. According to the plan submitted, the proposed dwelling is in compliance with the side yard requirement, but is set back 31' from Oakow Road at the nearest point, rather than forty feet as required in this instance.

The petitioner, therefore, requests a variance from the application of the proviso contained in Section XIX that:

".....where, on a frontage of 500 feet including the lot to be affected, or on a frontage between two intersecting or entering streets if such frontage is less than 500 feet, all existing building (if they are not less than three in number) have front yards of a depth greater than 30 feet, the minimum depth thereof shall be the depth required."

It was stated that the front-yard depth of the existing house governing the setback of the proposed house is forty feet. It was further stated that although the house will be set back fifty feet from Glen Road, it would not be feasible to move it any closer to Glen Road because of the drop in the topography and the many large trees which would have to be removed. The lot is long and narrow in shape which creates a problem to build a substantial house to meet the character of the other houses in the neighborhood, and still comply with the yard restrictions of the Zoning By-law.

A plot plan was submitted, drawn by James G. Crowther, Land Surveyor, which showed the location of the proposed house to be 31'.0" back from Oxbow Road at the nearest point and 37'0" from Oxbow Road at the farthest point. Said plan was dated May 18, 1978.

Decision

The Authority has made a careful study of the evidence submitted and has taken a view of the locus. It has examined the plans submitted as well as the Town plan showing the adjacent lots involved with the location of the dwellings thereon. It has also given careful study to the meaning and application of Section XIX of the Zoning By-law with respect to the issue involved. It is clear that within a 500' frontage, there are three existing buildings set back a depth greater than thirty feet from Oxbow Road, the nearest and governing building is set back forty feet.

While the lot involved contains 20,866 square feet, it is a corner lot upon which greater restrictions are imposed than would be otherwise. It has a frontage on Oxbow Road of 274.88' with a depth on the northerly side of only 63.91' and a frontage of 130.00' on Glen Road. Therefore, due to the shape of the lot, it would be difficult to place a dwelling on the lot which would comply with the setback regulations and also retain the natural landscaping and trees on the lot. There is also a sharp drop in the land on the southerly side which would require a great deal of fill to bring it up to a level upon which it could be built.

Therefore, it is the unanimous opinion of this Authority that owing to circumstances relating to the shape and topography of the lot involved, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantial detriment to the public good and without nullifying or 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 dwelling as shown on the plan submitted and on file with this Board, drawn by James G. Crowther, Land Surveyor, May 18, 1978.

Filed with Town Clerk _____

001 5 3 00 6W JB

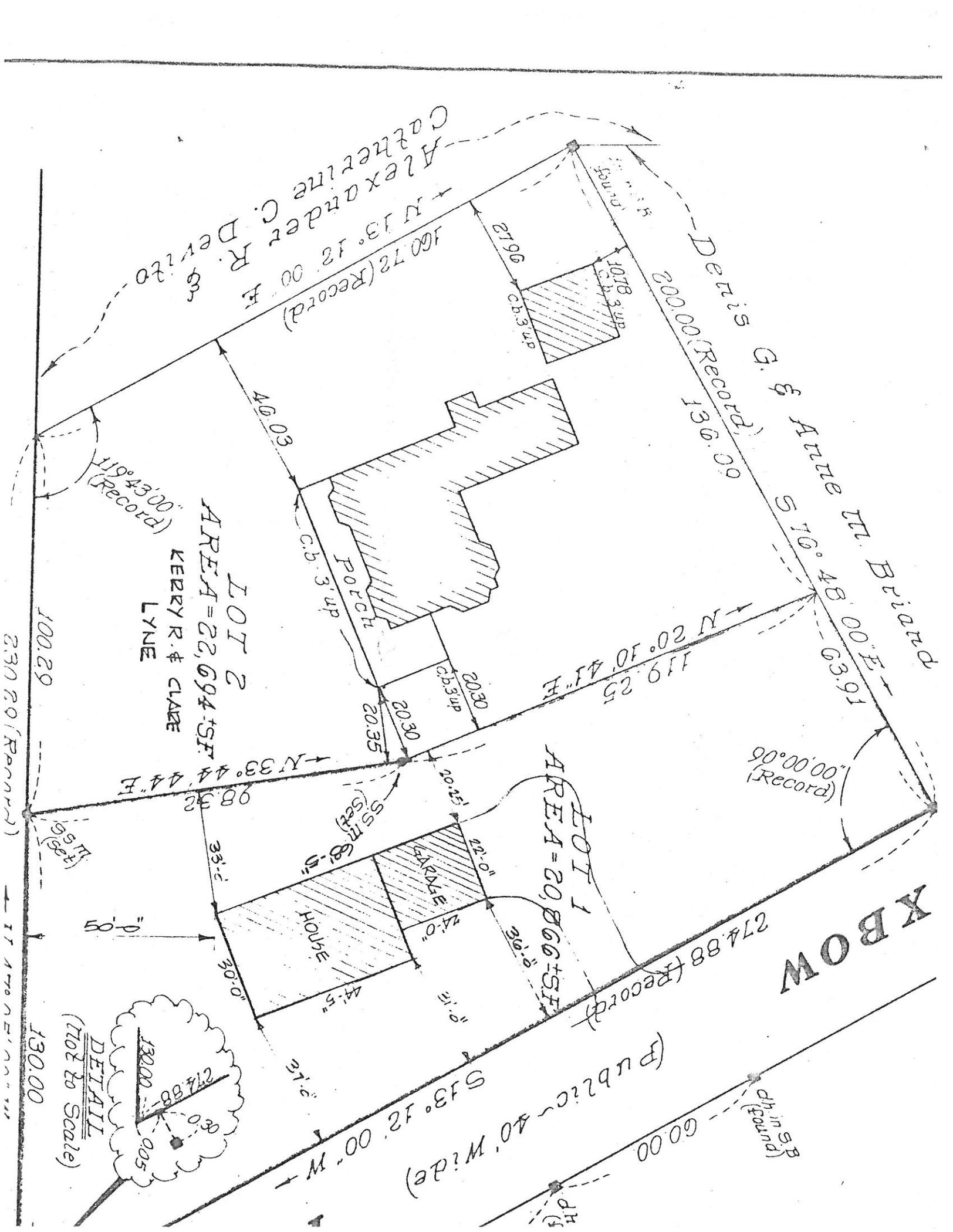
PLANNING BOARD OFFICE

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

Francis L. Swift
Francis L. Swift

William O. Hewett
William O. Hewett

William F. Cullinan
William F. Cullinan



Alexander C. R. Devitto & Catherine C. R. Devitto
 N 13° 12' 00" E
 160.72 (Record)

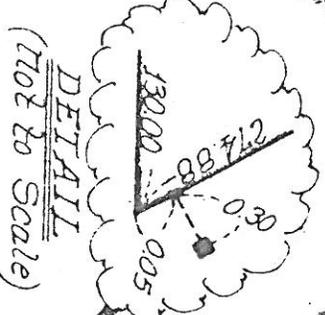
Dennis G. & Anne M. Briand
 200.00 (Record)
 130.00
 S 16° 48' 00" E
 48.00
 63.91

LOT 2
 AREA = 22,694 ± SF
 KERRY R. & CLARE LYNE

LOT 1
 AREA = 20,866 ± SF

X BOW

Public ~ 40' Wide
 S 13° 12' 00" W
 60.00
 274.88 (Record)



100.29

130.00

N 33° 44' 44" E
 98.32

N 20° 10' 41" E
 119.25

90° 00' 00" (Record)

S 51° 06' 51" E
 61.5

E 59° 01' 51" N
 30.0

S 12° 12' 00" E
 31.2

C.S. 3' up

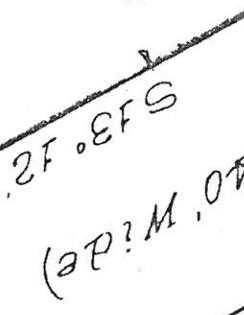
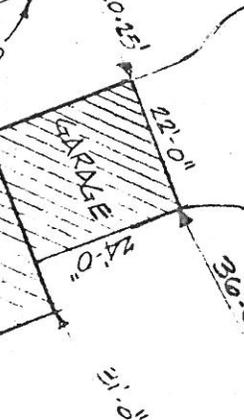
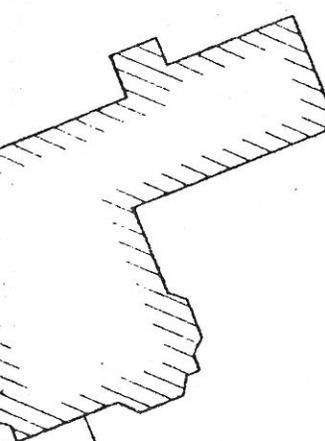
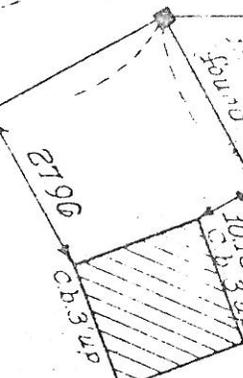
Porch

Garage

Shed

Shed

Shed



119° 43' 00" (Record)

230.20 (Record)

17.1702 (Record)

dh found

dh found

dh found