



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Maurice E. Temple

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 April 29, 1969, on the petition of Maurice E. Temple, requesting a special exception from the terms of Section XVIII, Area Regulations, of the Zoning By-law, which will permit the construction of a dwelling on a parcel of land adjacent to #19 Hunting Street which contains less than the required 10,000 square feet.

On March 29, 1969, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Arthur S. Scipione, attorney, represented the petitioner at the hearing.

The following persons spoke in opposition to the granting of the request: Janet E. Maffucci, 34 Hunting Street, George W. Cashman, 20 Damien Road and Alexander Achmat, 30 Hunting Road. All felt that if a dwelling is built on the proposed lot, property values in the neighborhood would depreciate; children's safety walking to school would be in danger, as Hunting Street would have to be built along the front of the lot and traffic would increase.

The Planning Board opposed the request in its report as it felt that the division of the property constitutes a subdivision of land fronting on a way which is inadequate.

Statement of Facts

The lot involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioner seeks a special exception which will allow the construction of a dwelling on the lot involved which contains 9,063 square feet. It was pointed out that a number of houses within the neighborhood were built on lots containing less than the required area and in some cases less than the lot involved. The petitioner proposes to construct a house where will be comparable in value to other houses in the neighborhood and it will comply with all other by-laws. It was alleged that unless the requested permission is granted, undue hardship will result to the petitioner.

A plot plan was submitted, drawn by MacCarthy Engineering Service, Inc., dated January 23, 1968, which showed the lot involved as well as the adjacent lot upon which house numbered 19 Hunting Street stands.

Decision

Section XVIII of the Zoning By-Law provides that the Board of Appeal may make special exceptions to said section when it shall find that,

"(1) Adjoining areas have been previously generally developed by the construction of houses on lots generally smaller than is prescribed by this section and the standard of the neighborhood so established does not reasonably require a "sub-division" of the applicant's land into lots as large as hereby prescribed:

"(2) Lots as large as is hereby prescribed would not be readily salable or economically or advantageously used for building purposes because of the proximity of the land to through ways bearing heavy traffic or to a railroad or because of other physical conditions or characteristics affecting it but not affecting generally the zoning district in which the land lies."

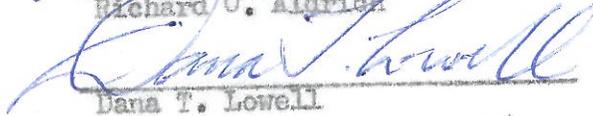
The Board has made a careful study of the area involved and finds that there are some houses in the neighborhood on lots smaller than the required area and a few considerably smaller than the lot involved; however there are a number of lots which contain considerably more than the required area. The purpose of Zoning is to prevent over-crowding, and to permit the construction of a dwelling on the lot involved, would, in the opinion of this Board, create over-crowding in the neighborhood and prove detrimental to surrounding properties and the neighborhood in general.

Hunting Street has not been built in front of the lot involved, and while this Board is not prepared to determine the legality of the street and the conditions under which it can be built, it does feel that further evidence would have to be submitted to satisfy this Board relative to its future development.

It is, therefore, the unanimous opinion of this Board that a special exception cannot be granted under the provisions of Section XVIII A of the Zoning By-law.

Accordingly, the petition is dismissed and the request is denied.


Richard O. Aldrich


Dana T. Lowell


Robert T. Colburn

Filed with Town Clerk _____

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