



ZONING BOARD OF APPEALS

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 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 8:45 p.m. on May 19, 1977, on the petition of Edward M. Levitt, requesting a variance from the terms of Section IIIA, 3 (c) of the Zoning By-law which will allow the construction of 13 Town Houses at 609, 611 and 617 Washington Street rather than 12.6, which is the maximum number allowed under the provisions of Section IIIA, 3. (c) of the Zoning By-law.

On May 3, 1977, the petitioner filed his request for a hearing before this Authority, and thereafter due notice of the hearing was given by mailing and publication.

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

Mary Ellen Fraser, Chairman of the Planning Board, stated that she did not recommend the granting of the requested variance.

Richard W. Clayton, Jr., 8 Cross Street, urged the Authority to grant the request as he felt that it would be a satisfactory resolution to a situation which has been a problem to the neighborhood for a number of years.

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. At the Special Town Meeting held in October 1976, it was voted to rezone the area involved from a Single Residence District to a Town House District.

Section IIIA, 3. (c) of the Zoning By-law requires that there shall be provided for each dwelling unit contained in the building or buildings a lot area of not less than four thousand (4000) square feet. Therefore, the petitioner would be entitled to construct 12.6 units and comply with the requirements of the by-law.

The petitioner, however, seeks a variance which will allow him to construct 13 units as $\frac{4}{10}$ ths of a unit cannot be constructed in conformity with the requirements. He pointed out that he had already experienced substantial financial hardship caused by years of unusual legal proceedings surrounding the eventual rezoning of the land involved, and he felt that the additional unit will not be a substantial detriment to the public good and will not nullify or substantially derogate from the intent or purpose of the Zoning By-law.

Plans were submitted in connection with a request to the Special Permit Granting Authority which showed the location of the proposed three buildings, the layout of the individual units, utilities, landscaping, etc. The Special Permit Granting Authority have approved the plans under a

decision filed with the Town Clerk

This Authority has examined the plans submitted to the Special Permit Granting Authority, with special reference to Plan L 2, drawn by R. Wendell Phillips and Associates, Boston, Mass., dated April 12, 1977.

After an examination of the plans and a careful study of the evidence presented at the hearing, it is the opinion of this Authority, that because of the setback requirement of thirty feet from all boundary lines and from all buildings on the property, as well as the landscaping, driveways and walks required and especially the requirements imposed by the Special Permit Granting Authority to provide additional surface parking and as far as possible to maintain the naturalness of the lot by the maintenance of all possible existing trees on the lot, the petitioner has been restricted to the coverage by buildings of 20%, and has not been allowed to utilize the full 25% of the lot as provided under the by-law.

For this reason, this Authority feels that because of the shape of the lot, that is, the shape of the remaining usable space, a literal enforcement of the provisions of the Zoning By-law would involve substantial hardship to the petitioner because of the circumstances which affect the lot involved but do not affect generally the zoning district in which it is located.

Therefore, it is the unanimous opinion of this Authority that the petitioner should be allowed to construct thirteen units as requested, which is only 4/10th of one unit over that allowed by the by-law, as shown on the plans submitted and on file with the Special Permit Granting Authority, drawn by R. Wendell Phillips and Associates, Boston, Mass., dated April 12, 1977.

Accordingly the requested variance is granted and the Building Inspector is authorized to issue a permit for the construction of thirteen Town House Units in accordance with the plans submitted and on file.

Francis L. Swift
Francis L. Swift

F. Lester Fraser
F. Lester Fraser

William O. Hewett
William O. Hewett

Filed with Town Clerk 7/28/77

Plans referred to in this decision have been filed with the Town Clerk and the Planning Board.

MEFFERTEAHV22
TOWN CLERK'S OFFICE
RECEIVED