



THE TOWN OF WALPOLE

Commonwealth of Massachusetts

MRS. MAR - 7 P. 11.43

TOWN OF WALPOLE

BOARD OF APPEALS

March 7, 1986

DECISION - BOARD OF APPEALS CASE NO. 7486

Applicants:

Claence J. Campbell

Location of Property Involved

31 Burris Avenue and shown on Assessors Maps as Lot No. D-155-5, Zoning District, General Residence.

Application for:

Variance from the provisions of Section 4-B of the Zoning By-Laws to allow a building lot with 62.28 feet of frontage. Frontage requirement is 100 feet.

Vote of Board

On March 5, 1986 at 7:00 p.m. a public meeting was held at the Walpole Town Hall in the Main Meeting Room, for the purpose of receiving information, drafting and voting upon a decision as to the granting of a variance for Clarence J. Campbell. The following members were present and voting:

- Joseph E. Geranno, Chairman
- Albert A. Lambert, Vice Chairman
- Ira H. Levy, Clerk
- Mark G. Alveda, Member
- Harold L. Paul, Associate Member

A motion was made and seconded to grant (Clarence J. Campbell) a variance of 37.72 feet from the frontage requirements of Section 4-B of the Zoning By-Laws to allow a lot known as 31 Burris Avenue to be a building lot. Said property is shown on Assessors Maps as Lot No. D-155-5, Zoning District, General Residence.

The vote was 4-1, Geranno, Lambert, Levy and Paul voting in favor; Alveda voting against, therefore the variance is hereby granted.

Reason for Decision - Variance

Reference to Section 4-B of the Zoning By-Laws and based on testimony at the public hearing, the Board made the following findings: The Board of Appeals may grant a variance including use variations, from the terms of this by-law when the Board of Appeals find that, owing to circumstances relating to such conditions, change of use of such property or to such structure, and subject to the following general provisions, a variance will be in the public interest and will not be detrimental to the health, safety and general welfare of the community. The Board of Appeals may grant a variance including use variations, from the terms of this by-law when the Board of Appeals find that, owing to circumstances relating to such conditions, change of use of such property or to such structure, and subject to the following general provisions, a variance will be in the public interest and will not be detrimental to the health, safety and general welfare of the community. The Board of Appeals may grant a variance including use variations, from the terms of this by-law when the Board of Appeals find that, owing to circumstances relating to such conditions, change of use of such property or to such structure, and subject to the following general provisions, a variance will be in the public interest and will not be detrimental to the health, safety and general welfare of the community.

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Clarence J. Campbell

that desirable relief may be granted without substantial detriment to the public good and without nullifying or derogating from the intent or purpose of this by-law.^a

It is the finding of the Board that the applicant has 62.28 feet of frontage which abuts that portion of Burns Avenue which has been accepted by the Town of Walpole as a public way. Further, that the Town does maintain a portion beyond the 62.28 feet although it has not been officially accepted as a public way. Therefore, the applicant's property abutting both the accepted portion and the unaccepted portion, although maintained by the Town, does constitute a substantial hardship in that the parcel contains 20,625 sq. ft., which is more than the requirement of the zone in which the property is located. To deny the variance would render the lot useless to the applicant in that he would be required to pay taxes on a nonbuildable property. It is the finding of this Board that substantial hardship does exist relating directly to the parcel and granting of said variance does not derogate from the intent and purposes of the Zoning By-Laws and will not be detrimental to the public good.

Appeals, if any, regarding the above decision must be filed in the courts within twenty (20) days from the date stamped on this decision letter filed with the Town Clerk. After the appeal period is over the applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be recorded at the Registry of Deeds. A copy of said recording must be returned to the Town Clerk to complete the file. Said variance is granted pursuant to Chapter 40A of the Massachusetts General Laws and if the rights authorized by the variance are not exercised within one year of the date of grant of such variance, such rights shall lapse; provided however, that the Board of Appeals in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided further that the application for such extension is filed with the Board of Appeals prior to the expiration of such one year period. If the Board of Appeals does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the original one year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of Section 17, Chapter 40A, Massachusetts General Laws.

Walpole Zoning Board of Appeals,

Ira H. Levy
Ira H. Levy
Clerk