

Bond Case Briefs

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ZONING - MASSACHUSETTS

Pelullo v. Croft

Appeals Court of Massachusetts - October 22, 2014 - N.E.3d - 2014 WL 5343599

Abutting landowner appealed zoning board of appeals' approval of permit to construct a single family home. The Land Court entered summary judgment in favor of abutting landowner. Applicant for permit appealed.

The Appeals Court held that:

- Diagonal measurement of lot depth was not consistent with ordinary meaning of lot depth, and
- Fact that lot was combined with two other lots did not render controversy moot.

Diagonal measurement of lot depth was not consistent with ordinary meaning of "lot depth," in zoning bylaw that required a minimum lot depth of 125 feet for the construction of a single family home in an "RSA" residential zoning district, where lot was more or less rectangular, use of a diagonal line to measure the depth of a rectangular lot was contrary to the ordinary and accepted meaning of the term, and there was no evidence that there was an established practice of using a diagonal line.