

66-15

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

GARRETT S. HOAG  
JOHN L. HAYDEN  
DANA T. LOWELL

KATHARINE E. TOY, CLERK  
TELEPHONE  
CE 5-1664

Petition of Robert W. Skinner and  
Mary T. Skinner

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 8:00 p.m. on May 19, 1966, on the petition of Robert W. Skinner and Mary T. Skinner, requesting an exception or variance from the terms of Section XVIII of the Zoning By-law which will permit them to convert the existing one-family dwelling at 127 Linden Street into a two-family dwelling on a lot of land containing less than the required 10,000 square feet. Said request was made under the provisions of Section XVIII of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On April 22, 1966, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

A letter favoring the request was received from Robert L. DiSchino, 114 Linden Street.

Statement of Facts

The house involved, which is over fifty years old, is located on a lot of land containing 9,000 square feet and within a General Residence District requiring a minimum lot area of 10,000 square feet.

The dwelling has always been occupied as a one-family dwelling and the petitioners now desire to convert it into two apartments, one on the first floor and one on the second floor. It has eight large rooms and one small room and can be converted into two apartments with very little alteration.

The property abuts a municipal parking lot on the westerly side and Industrial zoned land on the southerly side. The lot involved

originally contained 5,221 square feet and while owned separately, it was part of the Tailby property from which the Town acquired the land for the Municipal parking lot. In order to provide a larger house lot, an additional parcel of land was acquired from the Town which raised the area of the lot to 9,000 square feet. While a two-family dwelling is an allowable use of the property within a General Residence District, 5,000 square feet must be provided for each family for whose habitation such building is designed or adapted. The owners of the property have recently moved and desire to rent the property as a two-family dwelling as they have found it too large to rent as a one-family dwelling.

A plot plan was submitted which showed the lot involved as well as the adjoining Town of Wellesley Parking Area. Said plan was drawn by Gleason Engineering Company and dated March 7, 1966.

Decision

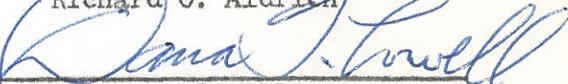
The Board has made a careful study of all pertinent facts in this case and has taken a view of the locus.

Section XVIII of the Zoning B-law provides, so far as pertinent to this case, that the Board of Appeal may make special exceptions to the provisions of said section when after a public hearing it shall find that 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 thoroughways 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 finds that the lot involved is approximately 200 feet from the railroad in the rear and because of its location on a busy thoroughfare and its proximity to the municipal parking area on one side and industrial and commercial activity in the vicinity, it is not readily salable and cannot be economically or advantageously used for single family residential purposes.

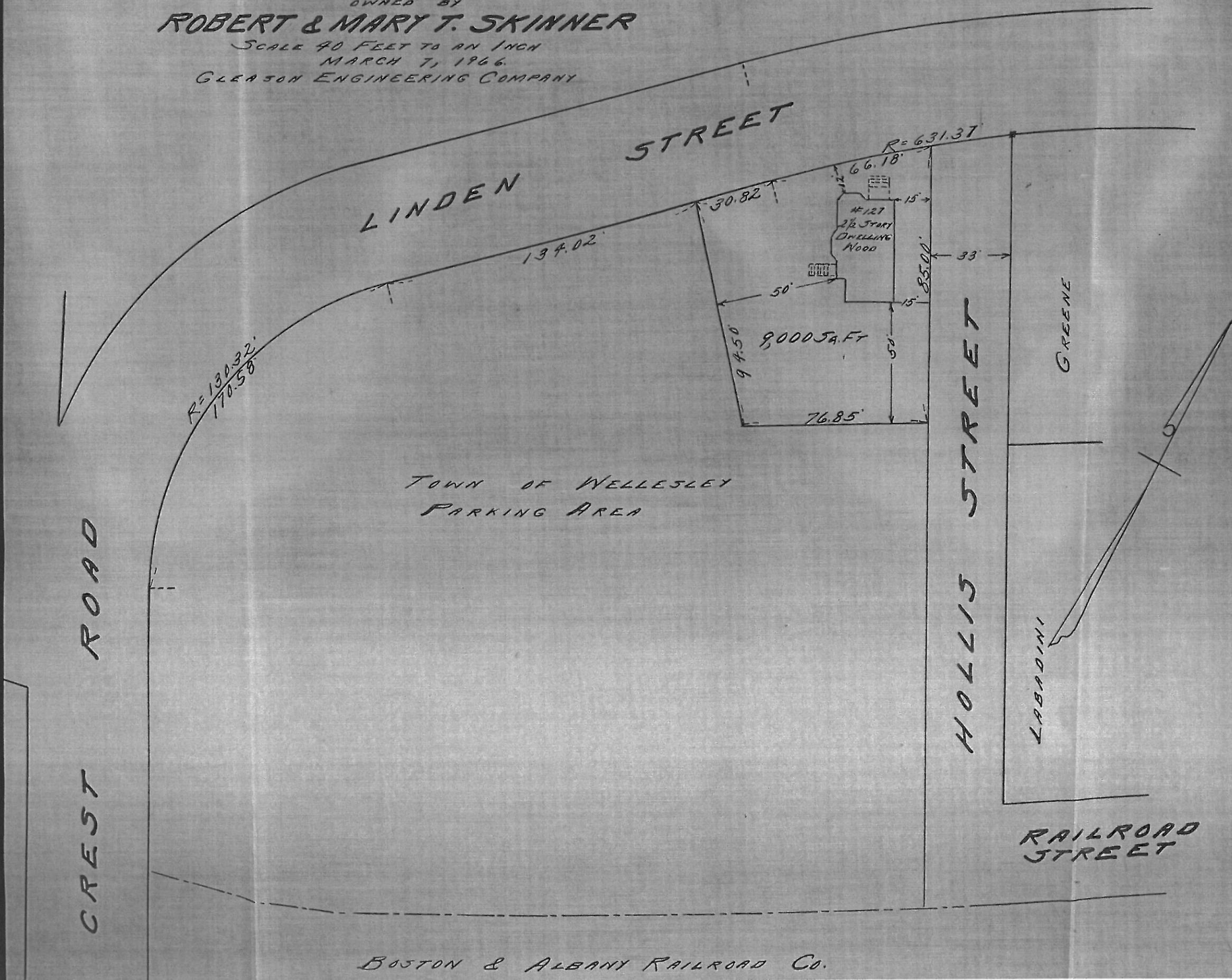
Moreover, the foregoing conditions do not affect generally the zoning district in which this lot is located and a literal enforcement of the provisions of the by-law would involve substantial hardship to the petitioners. In the Board's opinion desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law.

Therefore, the Board hereby grants the requested special exception and the Inspector of Buildings is authorized to issue a permit for the alteration of said dwelling as shown on the plan submitted and on file with this Board.

  
Richard O. Aldrich  
  
Dana T. Lowell  
  
F. Lester Fraser

Filed with Town Clerk \_\_\_\_\_

PLAN OF LAND  
IN  
**WELLESLEY, MASS.**  
OWNED BY  
**ROBERT & MARY T. SKINNER**  
SCALE 40 FEET TO AN INCH  
MARCH 7, 1966.  
GLEASON ENGINEERING COMPANY



BOSTON & ALBANY RAILROAD CO.