

TOWN OF WELLESLEY



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MASSACHUSETTS
TOWN OF WELLESLEY
WELLESLEY, MASS.
8:11 AM '68

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Marion T. and Ernest Reynolds

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 8:30 p.m. on February 15, 1968, on the petition of Marion T. and Ernest Reynolds, requesting permission to construct a group house consisting of ten contiguous single-family houses separated by party walls on premises at #7 Bethel Road, Wellesley, as shown on a plan filed with the Board of Appeal. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws. The petitioners further request an exception from the terms of Section XVIII, Area Regulations, of the Zoning By-law which would allow the proposed houses to be constructed on lots containing less than the required 10,000 square feet.

On January 3, 1968, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Edward O. Proctor, Jr., attorney, represented the petitioners at the hearing.

Charles Akerson, Realtor, stated that the proposed use of the property, in his opinion, would not devalue any of the surrounding properties in the neighborhood. He pointed out that similar contiguous dwellings had been erected in another location within Wellesley and from a study of value trends of surrounding properties in that area, he found that values had increased since the erection of the houses. Graphs were submitted to substantiate his statement.

The following persons spoke in favor of granting the request: G. Arnold Haynes, 44 Washington Street, Leon H. Golay, 15 Cedar Street, Herbert Austin, 11 Leighton Road, Albert Blakeney, 37 Cedar Street and Ernest Reynolds, 179 Oakland Street.

A petition signed by approximately forty-five persons was submitted. Said petition stated in part, "...We have examined the preliminary plans and we wish to register the fact that we have no objection to the issuance of a variance to permit such construction at the site, feeling that such construction would not be detrimental to the neighborhood or derogate from the intent of the Zoning By-law and moreover, that such construction would have a tendency to up-grade the neighborhood."

Howard M. Wilkoff, President of the Board of Trustees of Temple Beth Elohim, stated that the Board of Trustees could not have a meeting until March 11, to discuss the matter and requested that the Board reserve its decision until after that time. He personally felt that single, detached houses would be more advantageous to the Town than the proposed development and he questioned the landscape plan.

Subsequently, a letter dated March 12, 1968, was received from the Temple Beth Elohim in which it stated that the Trustees voted to render no objection to the building of town houses in accordance with plans submitted. It was hoped by the entire board, however, that Mr. Reynolds would do all possible to properly landscape the property and would make no deviation from the plans as presented.

The Planning Board in its report stated its view that to change the use of land from single-family residence to multi-family residence would be in effect a change in zoning district and that the request should properly be directed to the Town Meeting.

A letter was received from Arnold C. Devlin, 42 Cedar Street, in which he opposed the proposed request as he felt that it would lower the property values and overcrowd the schools as well as increase traffic.

Statement of Facts

The land involved is a parcel containing 51,830 square feet which is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. The land fronts on Bethel Road on the southeast, adjoins residential lots on the east, the Schofield School area and playground on the north and part of the northwest side, on land of Temple Beth Elohim on its southwest side. The topography of the land in the immediate area is fairly level and is presently unimproved except for two small single-family frame houses each on the two northerly sub-parcels of this lot. Bethel Road is a dead end street which leads from Cedar Street, a heavily traveled thoroughfare on a down grade to the area in question which is substantially below the elevation of Cedar Street.

The petitioners seek a variance which will permit them to construct a group house consisting of (ten) contiguous single-family houses separated by party walls. Each house will have a single-car garage and an additional parking area will also be provided. It was argued that the land is not well suited for single-family detached dwelling development due to its proximity to a high, steep gravel bank a distance of about forty feet west of the lot, the existence of public buildings in the immediate vicinity, the difficult access to the three back lots, the isolation of the area and the lack of privacy. It was stated further that it would be unlikely to be developed for any other permitted use within a Single-residence District due to its proximity to the Temple and abundance of public land in the immediate area; ie., Schofield School and Playground and other adjacent Town land.

The use sought is one permitted in the next zoning classification, namely, General Residence, which requires a lot having an area of at least 5,000 square feet for each dwelling unit. The area generally is not entirely a residential area. There is some business on Cedar Street and the Temple and School nearby. For these and other reasons the petitioners feel that the proposed use would not prove detrimental to surrounding properties or nullify or derogate from the intent or purpose of the Zoning By-law.

The further contention was made that 10,000 square feet for each of the family units of the proposed town houses was not necessary and would not be reasonable as a requirement under the circumstances. The character of contiguous single-family dwellings is obviously different from separate single-family dwellings, most apparently in its need for a minimum lot size. For the reasons stated it was felt that there are physical conditions and characteristics

of this land affecting it, but not affecting generally the zoning district in which the land lies, which would cause this land not to be readily salable or economically or advantageously used for a purpose regularly permitted in this district.

A plot plan was submitted which showed the location of the proposed houses on the lot as well as the area to be provided for parking. Said plan was drawn by Gleason Engineering Company, dated January 2, 1968.

A preliminary plan was also submitted which showed the proposed layout of the buildings. Said plan showed each unit to be two-story with a kitchen, living room and dining combination and lavatory on the first floor and two bedrooms and bath on the second floor. Each one had a garage and storage space in the basement. The elevations showed the buildings to have exterior walls of brick, with pitched roofs and asphalt covering. Said plan was drawn by Donaldson Ray McMullin Associates, dated December 5, 1967.

Decision

The Board has examined the plans submitted; has taken a view of the locus and has carefully considered the evidence introduced; including supplemental plans requested by this Board.

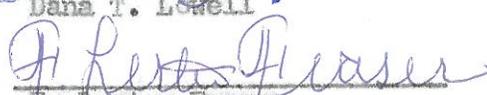
The Board feels the land involved is not suitable for development with single-family dwellings due to its physical characteristics and is significantly dissimilar to other undeveloped land in the general area. While it abuts undeveloped land of the Temple Beth Elohim and Town of Wellesley School Department, it is unlikely that either of these parcels will ever be developed with house construction. While the parcel contains 51,830 square feet, it has a street frontage of only two hundred feet which would allow the construction of only three houses with the required 60' frontage although the area would be sufficient for five separate single-family houses to be constructed.

The Board, therefore, feels that a literal enforcement of the provisions of the By-law which prevents the desired construction of ten single-family contiguous houses, would involve a substantial hardship, financial or otherwise to the petitioners and that relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law. The Board further feels that an exception can be granted from the requirements of Section XVIII of the Zoning By-law which requires at least 10,000 square feet of land for each dwelling unit. In its opinion the areas adjoining this land have previously been generally developed by the construction of houses on lots generally smaller than is prescribed and that the standard of the neighborhood so established does not reasonably require 10,000 square feet for each dwelling unit contained in the proposed building.

Accordingly, the requested exception is authorized under the provisions of Section XVIII of the Zoning By-law, and a variance is granted for the construction of the proposed units as authorized under the provisions of Chapter 40A, Section 15, of the General Laws, in accordance with the plans submitted and on file with this Board and subject to the following conditions:

1. That all work shall be performed in accordance with the plans hereby approved and in compliance with all other requirements of local and State law.
2. That the landscaping shall be maintained to the satisfaction of this Board for the life of the buildings and subject to such changes as the Board may by regulation from time to time prescribe.
3. That upon completion of the building a complete set of architectural plans, including a complete set of mechanical plans, shall be submitted to this Board showing exactly how the building was constructed. Said plans shall be submitted to this Board at least ten days prior to occupancy of the building.
4. That a surety performance bond running to the Town shall be provided in the amount of \$20,000 in form satisfactory to Town Counsel and the Board of Appeal which shall be posted with the Treasurer of the Town of Wellesley before commencement of the work. Said bond shall be conditioned on the completion of the work in accordance herewith and the performance of all conditions hereof, and shall be signed by party or parties satisfactory to Town Counsel and this Board.
5. There shall be no vehicular access from subject premises to the school parking area or its access driveway.
6. Adequate provision for sewage/^{drainage} and other utilities shall be provided at no expense to the Town of Wellesley.
7. That the owners of subject premises shall make such additional or changed provisions for off-street parking and screening thereof as the Board may by regulation from time to time prescribe.


Richard O. Aldrich

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk _____