



## BOARD OF APPEAL

F. LESTER FRASER  
 STANLEY J. GLOD  
 WILLIAM O. HEWETT  
 FRANKLIN P. PARKER  
 FRANCIS L. SWIFT  
 HENRY H. THAYER

KATHARINE E. TOY  
 Administrative Secretary  
 Telephone  
 235-1664

Petition of Joseph Doherty

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 8:05 p.m. on November 20, 1975, on the petition of Joseph Doherty, requesting an exception from the terms of Section XIX of the Zoning By-law which will allow him to construct a dwelling on the corner of Overbrook Drive and Hillcroft Road, numbered 68, with a front yard less than the required thirty feet.

On November 4, 1975, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Joseph T. Fleming, attorney, represented the petitioner at the hearing.

Frances E. Day, 65 Highledge Avenue and Patricia Start, 64 Overbrook Drive, examined the plans submitted and stated that they had no objections.

Charles R. Briggs, 37 Edgemoor Avenue, stated that he had no objection to the proposed dwelling being erected, but did question the placement of the engineer's stakes on the property.

Statement of Facts

The petitioner seeks permission to construct a dwelling 28' x 50' on the lots involved. If built, the dwelling will lie 21.44' from Hillcroft Road rather than the required 30'.

The property involved which consists of four lots, numbered 215, 216, 293 and 294, containing 11,050 square feet, are located within a Single Residence District requiring a minimum lot area of 10,000 square feet.

Mr. Fleming stated that he handled the conveyance of the property involved for the petitioner when he acquired it on September 19, 1974, from the Town of Wellesley as tax title land. The Town had acquired the lots in 1936.

The lots involved, he stated, are bounded by three streets, Overbrook Drive, Edgemoor Avenue and Hillcroft Road. Two of the lots in the rear, facing Edgemoor Avenue, have a frontage of only 32.87' and the two lots facing Overbrook Drive have a frontage of 98.24'. The two lots combined have a depth of approximately 160', 80' each. Due to the peculiar shape of the combined lots, as well as the added restriction of the 30' setback requirement from the three streets, leaves very little space for the placement of a dwelling on the lots which will

meet the required setbacks. The section of Hillcroft Road from Overbrook Drive to Edgemoor Avenue has not been built, stated Mr. Fleming, and, in his opinion, he doubted very much that it would ever be built.

The petitioner, he stated, is a live-long resident of Wellesley and has been working for the Fire Department in the Town for the past thirteen years. He has been living in Natick for several years, but is anxious to return to Wellesley if the requested exception is granted which will allow him to build his dwelling.

Decision

The facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to grant a special exception from the application of the side yard restriction of that Section. The lot is a corner lot and because of this the Zoning By-law places greater restrictions on it which makes compliance with the law impracticable because of the width of two of the lots and the peculiar shape of the combined lots. The lot was held under separate and distinct ownership from adjacent lots on April 1, 1940.

In view of the evidence presented, it is the opinion of this Board that a dwelling constructed on the lots involved as shown on the plot plan submitted, will not change the character and appearance of the immediate neighborhood. The plan showed the house to be 21.44' from Hillcroft Road at the nearest point, and it is the belief of this Board that it is unlikely that Hillcroft Road will be developed along the petitioner's property. It is a twenty-foot laid out paper street which runs between Overbrook Drive and Edgemoor Avenue.

Accordingly, the special exception is granted and the issuance of a permit for the proposed dwelling, as shown on the plot plan submitted and on file with this Board, drawn by Alexander Crucioli, dated October 18, 1975, is hereby authorized.

*Henry H. Thayer*  
 Henry H. Thayer

*F. Lester Fraser*  
 F. Lester Fraser

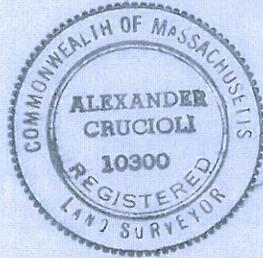
*Stanley J. Glod*  
 Stanley J. Glod

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

7/11 8 5 27 6/11/78  
 RECEIVED  
 TOWN CLERK'S OFFICE

PLAN OF LAND  
IN  
**WELLESLEY - MASS**

Scale: 1" = 40'    October 18, 1975.  
SURVEYOR    Alex. Crucoli  
ACRES-ENGINEERS, SURVEYORS, INC.  
6 Abbott Road  
Wellesley Hills, Mass.



*Alexander Crucoli*

**AVENUE**

**DRIVE**

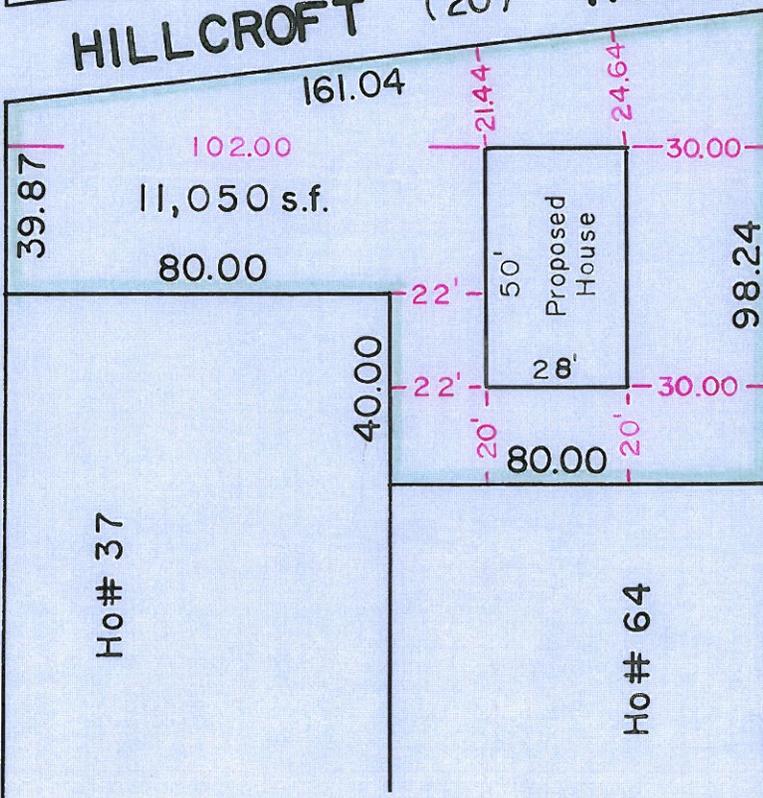
**HILLCROFT ROAD (20')**

(20')

(40')

**EDGEMOOR**

**OVERBROOK**



Ho# 37

Ho# 64