



BOARD OF APPEAL

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

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of D. Michael and Frances A. Hopper

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 8:40 p.m. on February 17, 1977, on the petition of D. Michael and Frances A. Hopper, requesting an exception from the terms of Section XVIII, Area Regulations, of the Zoning By-law which will permit the subdivision of the property at 59 Edgemoor Avenue, into two house lots, each one to contain 9,600 square feet rather than the required 10,000 square feet.

On January 31, 1976, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioners spoke in support of the request at the hearing.

George E. Webb, Jr., 90 Overbrook Drive, stated that he was not going to oppose the subdivision of the property, but would to have the existing barn removed from the property.

Edra A. McDermott, 40 Edgemoor Avenue, stated that the property involved is the worst looking property in Wellesley; nothing has been done to it, except that it has been boarded up. She will oppose the request, she stated, unless the existing house is required to be demolished prior to the subdivision of the property.

Walter Bordewieck, 42 Seaward Road, stated that he would oppose two small lots, in his opinion, the parcel should remain in one large lot.

Statement of Facts

The property involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet, and contains 19,200 square feet. There is a dwelling on the lot which has been unoccupied for some time and is in dilapidated condition.

The petitioners seek permission to subdivide the property into two lots, each one to contain 9,600 square feet.

The petitioners stated that a similar request had been made in April 1976, by a party who had the property under agreement to purchase, conditioned to the Board of Appeal granting the requested exception. Although the Board granted the requested exception, it was stated, the party was unable to obtain financing and did not go through with the purchase.

The petitioners explained that shortly after they purchased the property involved, their financial position reversed to a point where they could not afford to rebuild the house which they had gutted, and they now find it necessary to sell the property. However, they have found that no

one is interested in purchasing the property unless it can be subdivided into two house lots, each one being approximately 400 square feet short of the required 10,000 square feet.

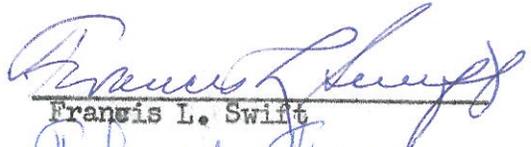
Decision

On July 8, 1976, the Board granted a special exception for the property involved to be subdivided into two house lots. The petitioner at that time, however, had entered into a purchase and sale agreement which was never finalized because of his inability to obtain the financing required.

The Board at that time found the criteria necessary to grant the special exception under the provisions of Section XVIII of the Zoning By-law. The facts appear to be the same in this case as the Board finds that adjoining areas have previously been generally developed by the construction of houses on lots generally smaller than is prescribed by said section. The plan of the neighborhood showed that a number of houses in the immediate area contain less than the prescribed area of 10,000 square feet, with some considerably less. The lots involved are short only 400 feet of the area required; therefore, in the opinion of this Board, an exception should be granted for this slight deficiency.

Accordingly, the requested special exception is granted, on condition that the existing house and barn be removed, in accordance with the demolition permits to issue from the Inspector of Buildings. The Inspector of Buildings is hereby authorized to issue a permit for the erection of a dwelling on the new vacant lot facing Overbrook Drive and a new dwelling on the lot facing Edgemoor Drive. No permit for the erection of a dwelling on either lot is to issue prior to inspection of the completed demolition of the existing building facing Edgemoor Avenue.

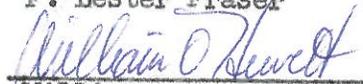
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TOWN ENGINEER'S OFFICE
JUL 13 11 11 AM '76



Francis L. Swift



F. Lester Fraser



William O. Hewett

Filed with Town Clerk _____

PLAN OF LAND
IN

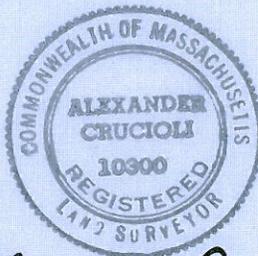
WELLESLEY - MASS

Scale: 1" = 40' March 6, 1976 .

SURVEYOR Alex. Cruciole

ACRES-ENGINEERS, SURVEYORS, INC.

6 Abbott Road
Wellesley Hills, Mass .



Alexander Cruciole

