



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

BOARD OF APPEAL

KATHARINE E. TOY, CLERK
TELEPHONE
CE. 5-1664

Petition of James W. Clark

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the first floor of the Intermediate Building at 324 Washington Street at 8:05 p.m. on May 25, 1961, on the petition of James W. Clark requesting a special exception from the terms of Section 9-C of the Zoning By-law which would permit the construction of a dwelling on Lot 37B, #21 Buena Vista Road with side yards less than the required twenty feet; the yard on the westerly side being nearer than the required twenty feet from the Town of Natick boundary line.

At the hearing the petitioner spoke in support of his petition.

Statement of Facts

The lot involved is located within a single-residence district requiring a minimum lot area of 10,000 square feet. While the lot involved contains only 7,960 square feet, a special exception was granted by this Board in June, 1959 allowing a dwelling to be built upon said lot.

The petitioner proposes to locate a 38' x 24' dwelling twenty feet from the westerly side line of the lot and twenty feet from the easterly side line when measured on a line parallel to Buena Vista Road but the rear easterly corner will be less than twenty feet from the nearest point on the line because the easterly line runs at a sharp angle to the road. Moreover, the Wellesley-Natick town line runs diagonally through the westerly lot side line so that the proposed dwelling, if built, will lie only fifteen feet from the Town line with an additional five-foot side yard within the Town of Natick.

A plot plan showing the desired location of the dwelling was submitted. Said plan was drawn by MacCarthy Engineering Service and dated May 8, 1961.

Decision

In the opinion of this Board the proposed easterly side would comply with the By-law requirement and that the proposed violation to the west is technical only. The requested variance will not change the character or appearance of the neighborhood or prove detrimental to or reduce the value of the neighboring properties. The projected location of the proposed dwelling is the allowable distance from the side lot line, but because of an intersecting town line, a violation is created. The lot involved adjoined other land of the same owner on April 1, 1940, therefore, this Board cannot make its finding for the side yard exception under Section 9-C of the Zoning By-law, but has considered the request under General Laws, Chapter 40A, Section 15.

In view of the evidence presented, it is the opinion of this Board that a literal enforcement of said section 9-C of the Zoning By-law would cause a substantial hardship to the owner of the property which can be avoided by granting the requested variance.

Petition of James W. Clark

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MASS.

Accordingly, the requested variance is granted and the issuance of a permit for the proposed dwelling as shown on the plan submitted and on file with this Board is hereby directed.

JUL 29 11:58 AM '82

Garrett S. Hoag

Garrett S. Hoag

John L. Hayden

John L. Hayden

Pana T. Lowell

Pana T. Lowell

Filed with Town Clerk _____

BK 3788 P 260 Dec 31 1959

THIS DEED NOT VALID UNLESS RECORDED IN THE PROPER REGISTRY OF DEEDS WITHIN 60 DAYS AFTER THE SALE

FORM 474

TREASURER'S DEED TO A PERSON
LAND OF LOW VALUE

THE COMMONWEALTH OF MASSACHUSETTS
Wellesley
NAME OF CITY OR TOWN
OFFICE OF THE TREASURER

I, Arthur K. Wells, Treasurer of the Town of Wellesley,

pursuant to the provisions of General Laws, Chapter 60, Section 79, in consideration of 74/100 dollars to me paid, hereby grant to Richard C. Morse Jr. & Dorothy M. Morse of Wellesley of the parcel described in the instrument of taking or tax collector's deed to which reference is made in the following schedule:

NAME OF PERSON ASSESSED IN THE YEAR OF THE TAX FOR WHICH THE LAND WAS TAKEN OR SOLD	LOCATION OF PARCEL	INSTRUMENT OF TAKING OR TAX TITLE DEED			NAMES OF INTERESTED PERSONS SERVED BY REGISTERED MAIL WITH NOTICE OF SALE UNDER CHAPTER 60 SECTION 79 A
		RECORDED	REGISTERED	Certificate of Title No.	
Geraldine H. Bell	Parcel of land on Morses Pond Road being Lots 527-528 and containing about 4,500 sq. ft. as described by the Norfolk Registry of Deeds	2756	100		Geraldine H. Bell

(ATTACH SCHEDULE IF MORE SPACE IS NEEDED STATE NUMBER OF SCHEDULES ATTACHED)

The land hereby granted was included in an affidavit made by Robert T. Capelless, Robert T. Capelless Commissioner of Corporations and

Taxation, recorded on December 2, 1959, in the Norfolk Registry of Deeds, Book 3781, Page 151, Document No. , Certificate of Title No. ,

relative to the value of certain parcels of land taken ~~and~~ for non-payment of taxes and to the validity of the tax titles held thereon; and was offered for sale at public auction on December 26, 1959,

in accordance with a notice of sale posted on December 11, 1959, in Bulletin Board, Town Hall and was sold to the above-named

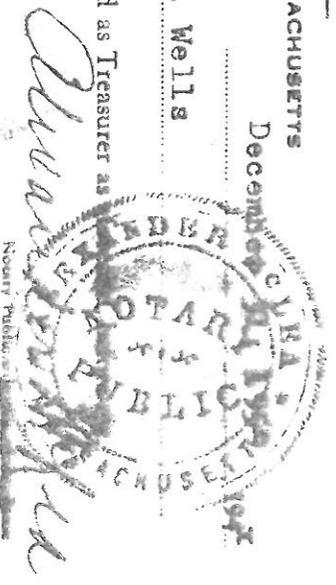
grantee ~~PROVIDED THAT THE TAXES DUE ON SAID PARCELS AS OF DECEMBER 26, 1959, BEING THE HIGHEST BIDDER WHOSE BID WAS~~ not rejected as inadequate.

This deed is given with the covenant that the aforesaid sale was in all particulars conducted according to law.

Executed as a sealed instrument this 31st day of December, 1959
Arthur K. Wells, Treasurer of the Town of Wellesley

THE COMMONWEALTH OF MASSACHUSETTS
NORFOLK
December 31, 1959

Then personally appeared the above-named Arthur K. Wells and acknowledged the foregoing instrument to be his free act and deed as Treasurer as My commission expires June 25, 1965



R 5

SEP 23 59 PM 07:52 MORE **5.0

We, Henry C. Nickerson and Eleanor R. Nickerson, husband and wife, both
of Wellesley, Norfolk County, Massachusetts
for consideration paid, grant to Richard C. Morse, Jr. and Dorothy M. Morse, husband
and wife, as tenants by the entirety, both

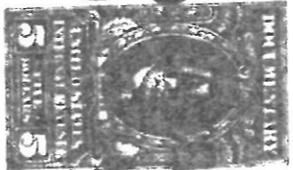
of Natick, Middlesex County, Massachusetts with QUITCLAIM COVENANTS
the land xx with the buildings thereon, situated partly in said Wellesley
and partly in said Natick, being Lots 524, 525, and 526, Section 2 on
a Plan of Morse's Pond Grove, Wellesley and Natick owned by Neil
McIntosh, Jr., Trustee, dated April 1, 1915, made by C. H. Gannett,
C. E. recorded with Norfolk Deeds, Plan Book 88, Plan 4272, and also
recorded with Middlesex South District Deeds, Plan Book 247, Plan 31,
bounded and described as follows:

- SOUTHEASTERLY by Morse's Pond Road, thirty (30) feet;
- SOUTHERLY by Pleasant View Road by two lines together measuring
seventy-one and 1/10 (71.1) feet;
- WESTERLY by Lot 523, as shown on said plan, ninety (90) feet;
- NORTHERLY by Lots 538 and 537, as shown on said plan, by two
lines together measuring thirty-five and 5/10 (35.5)
feet; and
- NORTHEASTERLY by Lot 527, as shown on said plan, ninety (90) feet.

Said three lots together containing 6,024 square feet of land according
to said plan.

Subject to restrictions of record so far as the same are now in force
and applicable.

For reference to title see deed from Mary K. Kinsman, Conservator
dated January 21, 1958 recorded with Norfolk Deeds, Book 3615, Page 484
and with Middlesex South District Deeds, Book 9091, Page 563.



WITNESS OUR hand and seal this 18 day of Sept. 19 59

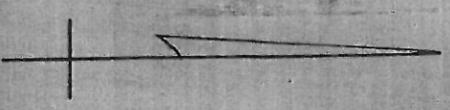
Henry C. Nickerson
Eleanor R. Nickerson

COMMONWEALTH OF MASSACHUSETTS

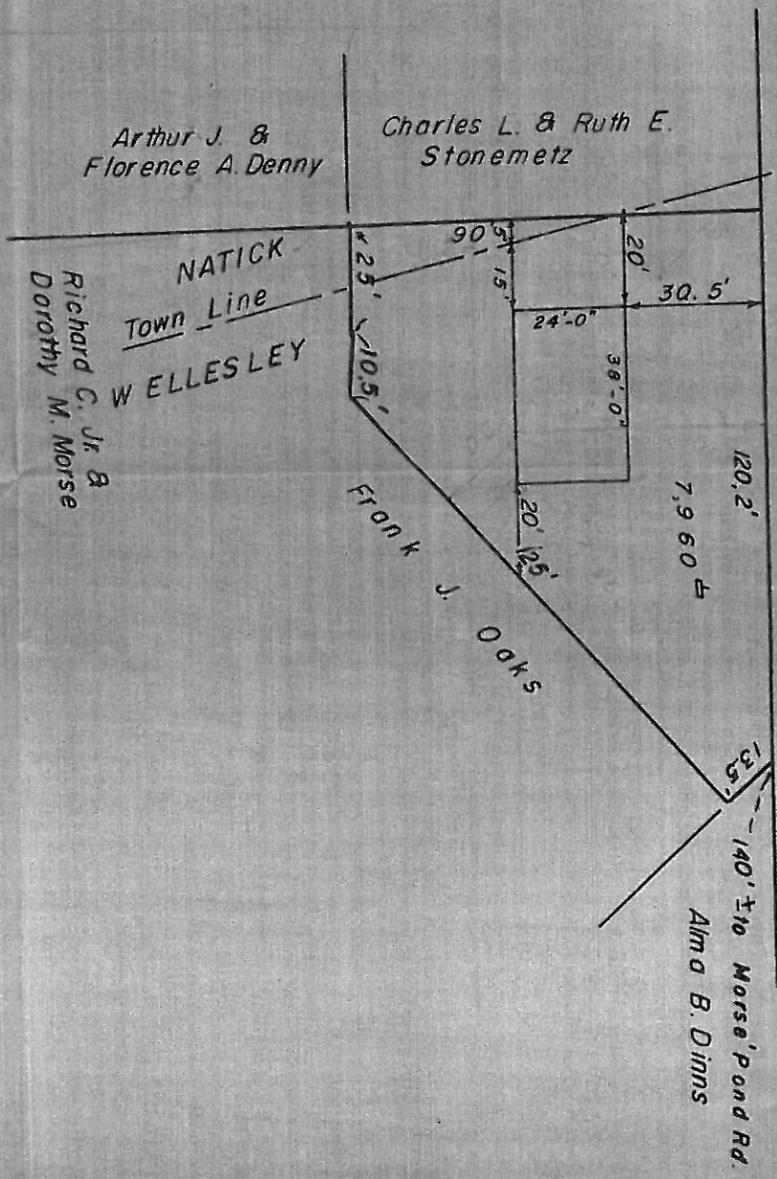
Norfolk ss. Sept. 18 19 59

Then personally appeared the above named Henry C. Nickerson and Eleanor R. Nickerson
and acknowledged the foregoing instrument to be their free act and deed, before me

Arving Remond
Notary Public



Buena Vista Road



Plot Plan of Land in Wellesley - Natick, Mass.

Owned by:

Scale 1"=40

Clark Builders Trust

May 8, 1961



Plan by: MacCarthy Engineering Service

Natick,

Mass.