

71-28

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of Joseph T. Fleming, Jr. and  
Joseph C. Impallaria

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 8:20 p.m. on May 13, 1971, on the petition of Joseph T. Fleming, Jr. and Joseph C. Impallaria, requesting an exception or variance from the terms of Section XVIII-D of the Zoning By-law which will allow the dwelling at 480 Washington Street to be converted into a two-family dwelling although said dwelling is located 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 February 25, 1971, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Joseph T. Fleming, Jr. spoke in support of the petition at the hearing.

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.

It appears that the dwelling always has been occupied as a one-family dwelling since it was built. The petitioners now find that it is not economical or practicable to continue to use it as such due to its location and its best use would be to convert it into a two-family dwelling with two small apartments, one on the first floor and one on the second floor.

It was pointed out that the property is located on Washington Street, a through way bearing heavy traffic and a short distance from the Railroad. It is across the street from a funeral home and the Police Station and within a few hundred feet of several business buildings. While a two-family dwelling is an allowable use of the property within a General-residence District, in such a district, under the provisions of subsection D. 1. of Section XVIII, "there shall be provided for each dwelling hereafter constructed or placed therein a lot containing not less than 5,000 square feet for each family for whose habitation such building is designed or adapted..."

A plot plan was submitted, drawn by Gleason Engineering Company, dated April 8, 1968, which showed the dwelling on the property.

Decision

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

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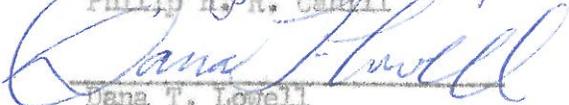
Section XVIII of the Zoning By-Law provides, so far as pertinent to this petition, that the Board of Appeal may make special exceptions to the provisions of said section when after a public hearing it shall find that lots as large as therein prescribed would not be readily saleable or economically or advantageously used for building purposes because of the proximity to the land of through ways 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.

While the application of the restrictions contained in subsection D. 1. is not free from doubt in the case of a lot containing a dwelling constructed thereon many years before the adoption of the Wellesley Zoning By-law, upon the assumption that they do apply, it appears to the Board that conditions justify it in making an exception to the area regulations of Section XVIII are present in this situation.

The Board finds that the property involved is close to the railroad, on a busy thoroughfare, and across from the Police Station and several business buildings. For this reason, in its opinion, it is not readily saleable and cannot be economically or advantageously used for single family residential purposes.

Accordingly, the Board hereby grants the requested special exception and the Inspector of Buildings is authorized to issue a permit for the alteration and conversion of said dwelling into a two-family dwelling.

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Philip H. Cahill  
  
Dana T. Lowell  
  
Robert T. Colburn

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

PLAN OF LAND

# WELLESLEY, MASS.

SCALE 90 FEET TO AN INCH  
APRIL 8, 1968.

GLEASON ENGINEERING COMPANY



WASHINGTON STREET

