

TOWN OF WELLESLEY



MASSACHUSETTS

72-26

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BOARD OF APPEAL

JUN 15 4 23 PM '72

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

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

Petition of Loretta Estella

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 June 15, 1972, on the petition of Loretta Estella, requesting an exception from the terms of Section XIX of the Zoning By-law which will allow the petitioner to construct a swimming pool on the side of her dwelling at 316 Worcester Street with side yards less than the required twenty feet.

On May 26, 1972, the petitioner filed her request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Edward Fitzpatrick, son-in-law of the owner, spoke in support of the request at the hearing.

Statement of Facts

The lot involved which contains 13,900 square feet, is located within a single-residence district requiring a minimum lot area of 15,000 square feet. The house on the lot was built in 1938, prior to the enactment of the Zoning By-law requiring a minimum lot area of 15,000 square feet and prior to the enactment of the Zoning By-law requiring twenty-foot side yards.

The petitioner seeks permission to erect a swimming pool twenty feet in length, twelve and fifteen feet in width at the ends and ten feet in the center, and is to be located ten feet from the attached garage on the dwelling, eleven feet from the lot line on the easterly side, 46.5' from Worcester Street and twenty feet from the southerly boundary line.

It was stated at the hearing that the petitioner has had a tank-type, above-ground pool for the past five years located in approximately the same location as the proposed pool is desired, but the materials have rotted and it needs to be replaced. It was also explained that because the lot is on a corner, more restrictive requirements are imposed which makes it more difficult to locate a pool on the property and comply with the by-laws. It was stated that the petitioner has talked with all the neighbors and no one had any objections.

A plot plan was submitted, drawn by Sidney R. Vaughan, Land Surveyor, which showed the dwelling as well as the proposed pool located on the lot.

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 the Zoning By-law. The house was built in 1938, prior to the enactment of the side yard requirement and was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. It is a corner lot,

containing 13,900 square feet, relatively narrow with the house located approximately in the center of the lot. Therefore, due to the size and shape of the lot, compliance with the by-law would be impracticable.

The Board has taken a view of the locus and has made a careful study of the evidence submitted. In its opinion, the proposed pool will not prove detrimental to the public good nor derogate from the intent or purpose of the by-law. The petitioner has had another type pool on the property for the past five years and apparently it has not proved objectionable to the neighbors as no objections were made to the granting of the request at the hearing.

For these reasons, the Board feels that a special exception can be granted under the terms of Section XIX of the Zoning By-law which will allow the petitioner to construct a swimming pool as shown on the plan submitted and on file with this Board as it appears to be the only practical location for it on the lot.

Accordingly, the requested exception is granted and the Inspector of Buildings is authorized to issue a permit for a swimming pool to be constructed in accordance with the plan submitted.

Richard O. Aldrich
Richard O. Aldrich

F. Lester Fraser
F. Lester Fraser

Edward T. Kilmain
Edward T. Kilmain

Filed with Town Clerk _____

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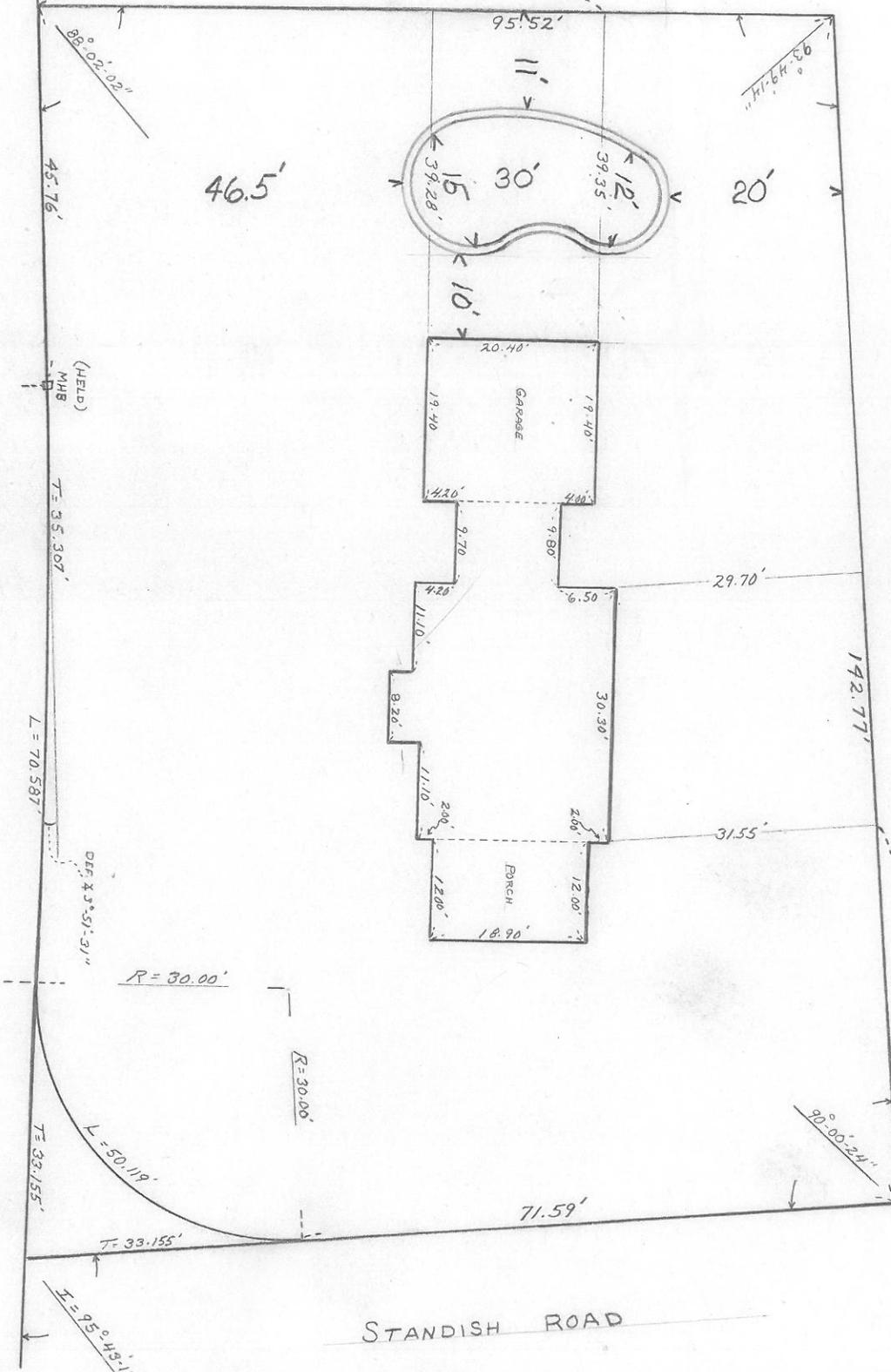
STA. 194+88.15

WORCESTER STREET

William H. & Dorothy S. Mulherin

66.45'

(HELD)
MHB



R=1048.14'
STA. 186+89.42

R=1048.14'

SCALE: 1" = 20'

316 WORCESTER STREET
WELLESLEY MASS.

Stephen H. Bishop Jr. & Charlene M. Bishop

STANDISH ROAD

C.C. R.M.
4/8/72