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SEP 25 3 28 PM '72  
BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of Winthrop and Alma R. Lewis

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 8:10 p.m. on August 17, 1972, on the petition of Winthrop and Alma R. Lewis, requesting an exception from the terms of Section XVIII, Area Regulations, of the Zoning By-law, which will permit the division of the land appurtenant to the house at #7 Ayer Road into two lots, namely, Lot "A" on which a dwelling house stands and Lot "B", with Lot "A" containing less than the required 10,000 square feet.

On July 5, 1972, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Winthrop Lewis, spoke in support of the petition at the hearing.

C. Joseph Grignaffini, 16 Fells Circle, also spoke in favor of the request. He has an agreement to purchase the property and would like to move an existing dwelling house from Everett Street in Wellesley to the proposed house lot. The house is attractive, he stated, and with the addition of an attached garage, he felt it would be in keeping with other houses in the neighborhood.

The following persons spoke in opposition to the request: Judith A. Nicholson, 7 Wall Street, Charles W. Homeyer, Jr., 11 Wall Street, and Robert Munn, 3 Wall Street. All felt that the relocation of the dwelling house onto the lot involved would be depreciating to their properties; they would like to see the old house removed and a new house built on the entire lot. They further stressed the need for having a house erected which would be comparable to other houses in the neighborhood.

Statement of Facts

The property involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioners seek permission to divide the property involved into two lots: namely Lot "A", which would contain 9,300 square feet with a dwelling house thereon, and Lot "B", a vacant lot, which would contain 10,569 square feet. They request a special exception from the terms of Section XVIII of the Zoning By-law which will allow the construction or placing of a dwelling house on Lot "B" with an area in compliance with the requirement of the Zoning By-law, and to allow the existing dwelling house to remain on Lot "B" with an area less than the required 10,000 square feet.

It was stated that when the petitioners purchased the property involved in 1943, it contained 20,000 square feet, and it has always been their understanding that they had a buildable lot. However, in 1969, the Town accepted Ayer Road and 131 square feet were taken to provide a rounding at the entrance to Ayer Road for better access.

It was further stated that the proposed division of the property appears to be the most practical manner in which to divide it. While the lot on which the existing house stands will contain less than the required area, the house will have the proper side yards and front yard as required by the Zoning By-law. It appeared more feasible, it was stated, to provide a greater area for the proposed house lot because of the greater restrictions imposed upon a corner lot.

A plot plan was submitted drawn by Alexander Crucicoli, Land Surveyor, dated May 27, 1972, which showed the proposed division of the property.

Decision

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

Section XVIII of the Zoning By-law provides, so far as pertinent to this case, that the Board of Appeal may make special exceptions to the provisions of said section when after a public hearing it shall find that adjoining areas have previously been generally developed by the construction of houses on lots generally smaller than is prescribed by this section.

The Board finds that five houses within the immediate area are on lots which contain less than the prescribed area, one of which abuts the property involved. It further finds that the neighborhood has been completely developed and to allow the house involved to remain on a lot containing less than the required area will not establish a precedent for other house lots in the area. It is the belief of the Board that the proposed house lot should contain the greater area so that a house, comparable to the other houses in the neighborhood, can be located on it and comply with the yard requirements of the Zoning By-law.

Accordingly, the requested special exception is granted and the Inspector of Buildings is hereby authorized to issue a permit for the erection of a dwelling on Lot "B" and the dwelling house involved is allowed to remain on Lot "A" with an area less than the required area, as shown on the plan submitted and on file with this Board subject to the following condition:

1. That prior to the issuance of a building permit for the proposed dwelling, a set of final house plans shall be submitted and approved by the Board of Appeal.

*Richard O. Aldrich*  
Richard O. Aldrich

*F. Lester Fraser*  
F. Lester Fraser

*Dana T. Lowell*  
Dana T. Lowell

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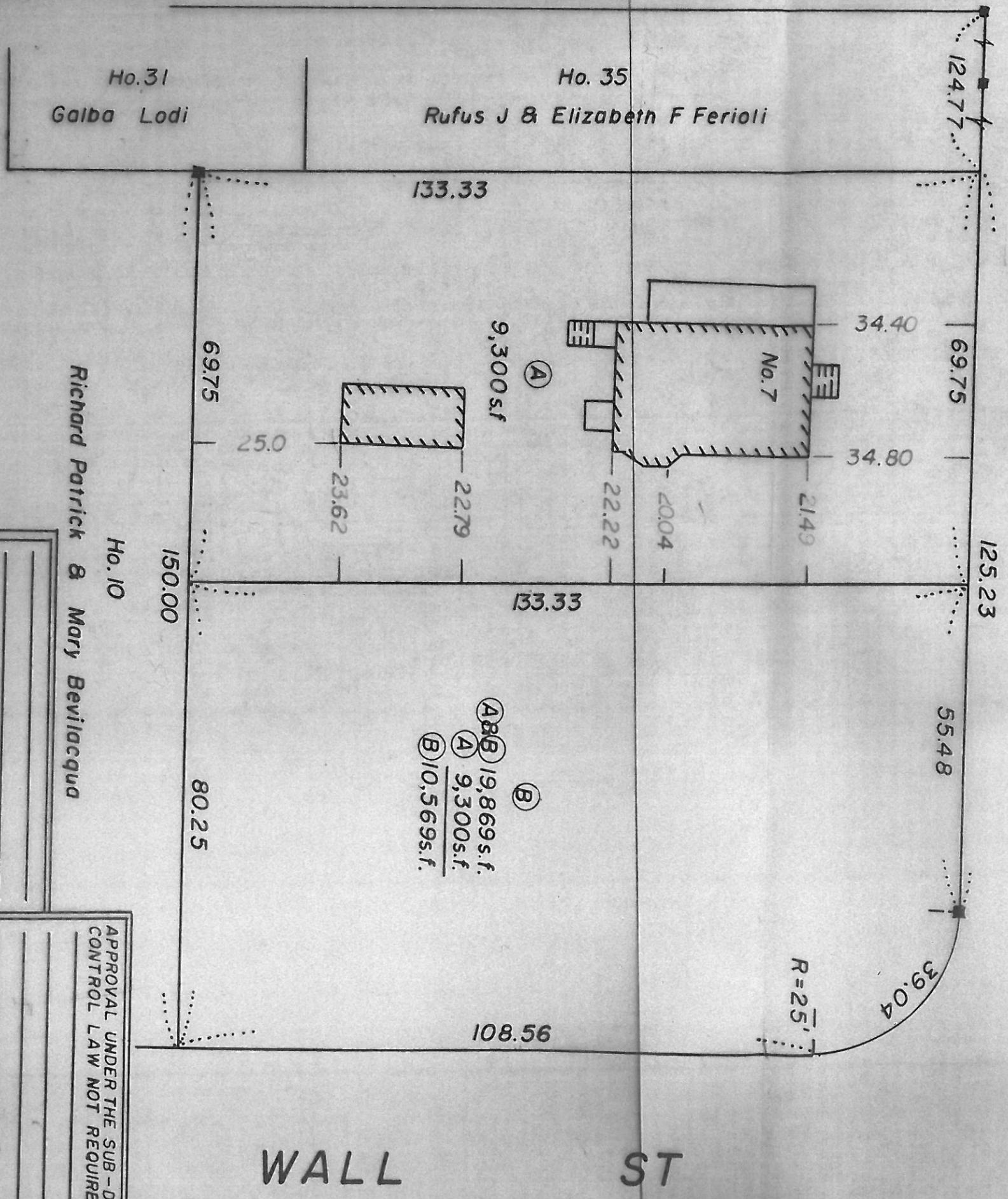
SUB-DIVISION  
PLAN OF LAND

**WELLESLEY-MASS**  
Scale: 1" = 20'  
May 27, 1972.  
SURVEYOR  
Alex Crucioni  
57 Winthrop Rd  
Chelsea, Mass.

AYER ROAD



*Alexander Crucioni*



(A) 9,300 s.f.  
(B) 19,869 s.f.  
(A) 9,300 s.f.  
(B) 10,569 s.f.

Richard Patrick & Mary Bevilacqua  
Ho. 10

APPROVAL UNDER THE SUB-DIVISION CONTROL LAW NOT REQUIRED.  
WELLESLEY PLANNING BOARD

WALL ST