



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Emalene N. Lord

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 8:35 p.m. on August 17, 1972, on the petition of Emalene N. Lord, requesting an exception from the terms of Section XIX of the Zoning By-law which will permit her to construct an additional garage on the side of the garage attached to the side of her dwelling at 39 Standish Road, with a side yard less than the required twenty feet. Said petition was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On July 21, 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.

Hartley Lord spoke in support of the request at the hearing.

Letters favoring the request were received from: James F. Cowan, Jr., 36 Standish Road, John A. Taylor, 35 Standish Road, Grace P. Monahan, 47 Standish Road, and Frank and Helen F. Merlino, 11 Priscilla Circle.

Statement of Facts

The dwelling involved was built in 1940 on a corner lot containing 16,715 square feet, and is located within a Single-residence District requiring a minimum lot area of 15,000 square feet.

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The petitioner seeks permission to extend the existing attached garage eleven feet in a southerly direction toward Priscilla Circle. It was pointed out that the proposed addition, if built, will lie 24' from Priscilla Circle at the nearest point and that the front corner will be 36' from the street line, with approximately half of the garage encroaching into the setback requirement. It was further stated that the proposed addition will give better balance to the house and that there will be adequate vision for traffic approaching the corner. The petitioner, it was alleged, has need for a two-car garage and the proposed addition will make it possible to garage the second car which now remains outside.

A plot plan was submitted, drawn by MacCarthy Engineering Service, Inc. dated July 6, 1972, which showed the existing dwelling as well as the proposed addition.

Decision

The Board has made a careful study of the facts submitted and have taken a view of the locus. The house was built in 1940 on a lot which adjoined other land of the same owner on April 1, 1940. This Board, therefore, cannot make a finding under Section XIX of the Zoning By-law as said section authorizes the Board to grant such exceptions only if on April 1, 1940 the lot was owned of record under a separate and distinct ownership from adjacent lots. The Board, however, considered the petition under the provisions of General Laws, Chapter 40A, Section 15, and in its opinion a literal enforcement of Section XIX of the Zoning

By-law would cause a substantial hardship to the petitioner which can be avoided without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said section. The house is located on a corner where technically it must be set back at least thirty feet from the street line. However, if the proposed addition is constructed, it will not establish a precedent for other houses on Priscilla Circle, as the house involved adjoins a large parcel of land which is undeveloped, and in all probability cannot be used as a house lot. While the rear corner of the proposed addition will encroach into the setback requirement, the front corner will be back six feet more than the required setback. It is the opinion of this Board that there will be adequate vision for those approaching the corner, if the addition is constructed and that it will not prove dangerous in any way.

It is, therefore, the unanimous opinion of this Board that the requested exception or variance can be granted from the terms of Section XIX of the Zoning By-law under the provisions of Chapter 40A, Section 15, of the General Laws.

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

Richard O. Aldrich
 Richard O. Aldrich
Dana T. Lowell
 Dana T. Lowell
F. Lester Fraser
 F. Lester Fraser

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STANDISH ROAD
(PUBLIC - 40' WIDE)

JOHN A. TAYLOR & PHYLLIS M.

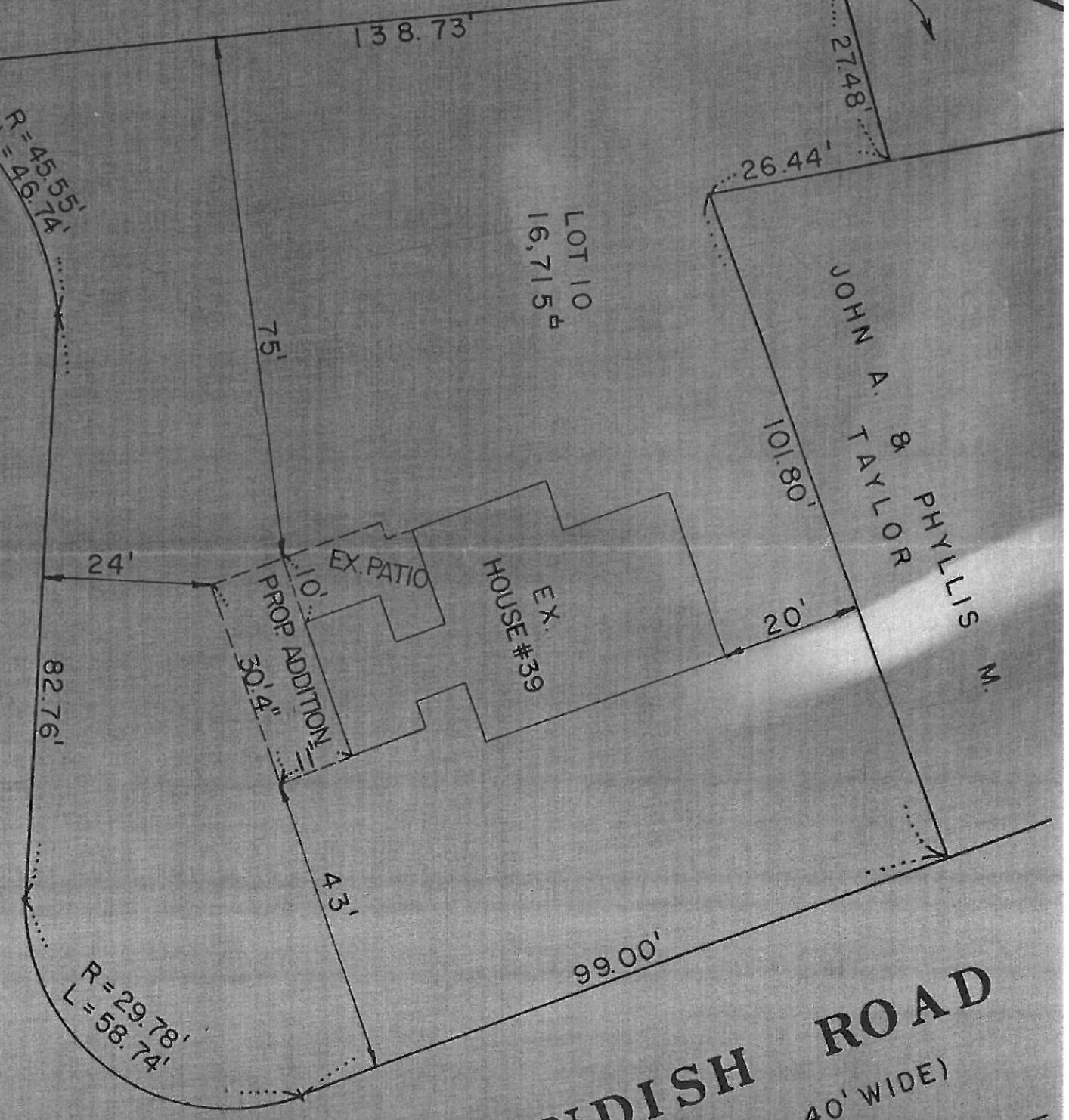
LOT 10
16,715[±]

ACADEMY OF THE ASSUMPTION

PRISCILLA CIRCLE
(PUBLIC - 40' WIDE)

APPROVED BY:
WELLESLEY BOARD OF APPEALS
FRANK A. 8
HELEN F.
MERLINO

DATE _____



PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY:

KENNETH S. 8
&
KATHERYN L. DUNCAN



SCALE: 1"=20'

JULY 6, 1972

PLAN BY:
JOSEPH R. SULLIVAN
REGISTERED LAND SURVEYOR
MAC CARTHY ENGINEERING SERVICE INC.
NATICK 8 MARLBOROUGH,
MASS.