



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL
Executive Secretary

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~~235-1664~~ 431-1019

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MAR 12 1 47 PM '85
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85-6

Petition of Estate of Mary F. Theriault (Pauline M. Keefe, Executrix)
10 Fisher Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in Room 17 of the Town Offices, 12 Seaward Road, Wellesley Hills, on February 21, 1985 at 8 p.m. on the petition of the ESTATE OF MARY F. THERIAULT (PAULINE M. KEEFE, EXECUTRIX) requesting a variance from the terms of Section XIX of the Zoning Bylaw to allow the existing dwelling at 10 FISHER AVENUE with less than the required front yard setback and to allow an existing detached garage with less than the required front yard setback and left side yard. Said property contains approximately 14,798 square feet of land, located in a Single Residence District. Request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On February 1, 1985, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Bruce Ledoux, attorney for the petitioner, who stated that the house was built about 1927, purchased by the Theriaults from the Fishers in 1967. Upon a recent attempt to sell the house, the mortgage engineers found the house and garage to be non-conforming and the mortgage approval is pending until a variance can be granted to bring the property into conformance with the existing bylaws.

Lois Fisher Morrill, 15 Fisher Avenue, stated that the house and garage have been unchanged for many years. No others were present expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 10 Fisher Avenue containing 14,798 square feet of land, in a Single Residence District. A two-story dwelling exists on the property with a front yard setback of 13 feet and a one-car detached garage exists with a front yard setback of 11.5 feet and a left sideyard of 9 feet.

The petitioner is requesting a variance to bring the existing property into conformance with the present bylaws in order to sell the property.

*see built
915*

Petition of Estate of Mary F. Theriault (Pauline M. Keefe, Executrix)
10 Fisher Avenue

A Plan of Land was submitted, by James W. Bougioukas, Registered Land Surveyor, of Bradford Engineering Co., Haverhill, dated January 10, 1985. Photos were also submitted.

The Planning Board, at its meeting of February 12, 1985, voted to offer no comment on the petition.

Decision

This Authority has made a careful study of the evidence presented and is of the opinion that the existing dwelling and garage at 10 Fisher Avenue are not in conformance with the present Zoning Bylaws of the Town.

This Board is of the opinion that a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship to the petitioner. Furthermore, the allowance of a variance would not be detrimental to the neighborhood nor be in derogation of the intent or purpose of the Zoning Bylaw.

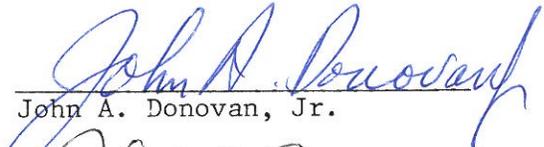
Therefore, the requested variance from the terms of Section XIX of the Zoning Bylaw and pursuant to Section XXIV-D of the Zoning Bylaw is granted, to allow the existing structures at 10 Fisher Avenue including the dwelling with a front yard setback of approximately 13 feet and the one-car detached garage with a front yard setback of approximately 11.5 feet and a left side yard of approximately 9 feet.

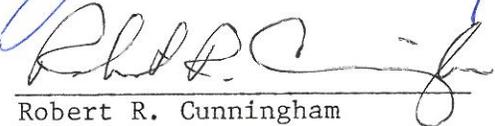
APPEALS FROM THIS DECISION,
 IF ANY, SHALL BE MADE PURSUANT
 TO GENERAL LAWS, CHAPTER 40A,
 SECTION 17, AND SHALL BE FILED
 WITHIN 20 DAYS AFTER THE DATE
 OF FILING OF THIS DECISION IN
 THE OFFICE OF THE TOWN CLERK.

cc: Planning Board

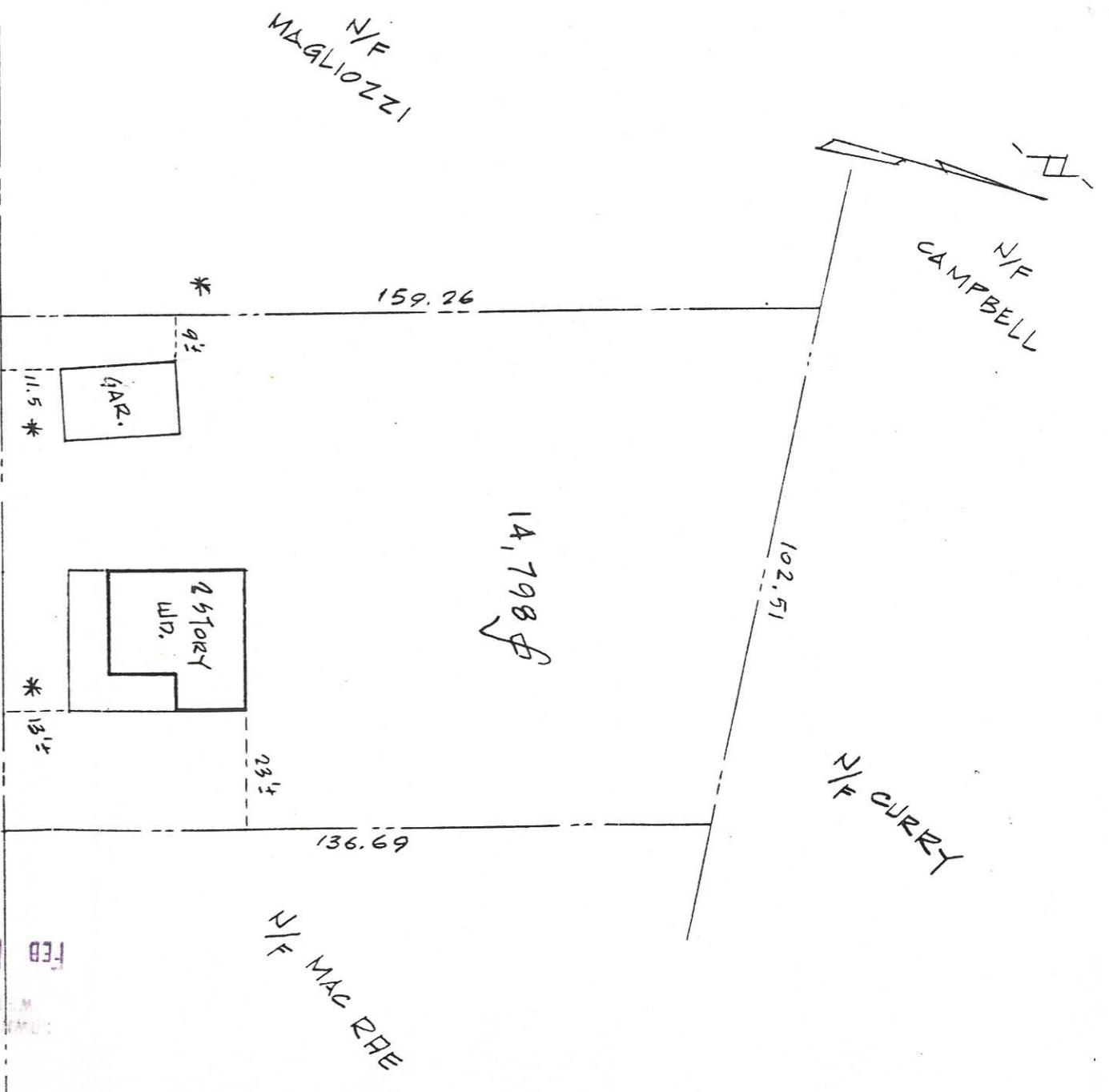
mam


 Stephen S. Porter, Chairman


 John A. Donovan, Jr.


 Robert R. Cunningham

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*
 FRONT & SIDE YARD
 ZONING VIOLATION

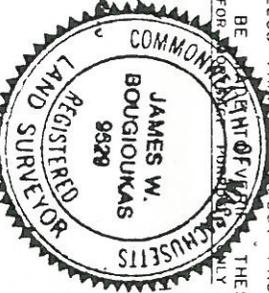
BUYER: PETER REYNOLDS & MILVANO MONTANELLI
 WELLESLEY
 MASSACHUSETTS

MORTGAGE INSPECTION PLAN
 LOCATED IN

TO THE FRAMINGHAM SAVINGS BANK AND ITS TITLE INSURERS
 I HEREBY CERTIFY THAT I HAVE EXAMINED THE PREMISES AND ALL EASEMENTS, ENCROACHMENTS
 AND BUILDINGS ARE LOCATED ON THE GROUND AS SHOWN.
 I FURTHER CERTIFY THAT THE BUILDINGS SHOWN, DOES (NOT) CONFORMED TO THE ZONING LAWS
 AND AMENDMENTS, (FRONT, SIDE AND REAR YARD SETBACK ONLY) OF WELLESLEY
 WHEN CONSTRUCTED. I FURTHER CERTIFY THAT THIS PROPERTY IS NOT
 LOCATED IN THE ESTABLISHED FLOOD HAZARD AREA.
 NOTE: THIS CERTIFICATION IS BASED ON THE LOCATION OF SURVEY MARKERS OF OTHERS, AND
 DOES NOT REPRESENT A PROPERTY SURVEY.

EXAMINATION OF THE RECORDS IS MADE ONLY SUBSEQUENT TO THE RECORDED DATE OF
 THE LATEST DEED AND DOES NOT INCLUDE VERIFYING THE ACCURACY OF THE DEED DESCRIPTION
 PREVIOUS TO ITS DATE OF RECORD.
 THIS COMPANY IS NOT RESPONSIBLE FOR ANY INDENTURES MADE SUBSEQUENT TO THE
 RECORDED DATE OF THE LATEST DEED OF RECORD.
 WHENEVER BUILDINGS ARE SHOWN LESS THAN ONE FOOT FROM THE PROPERTY LINE IT IS
 ADVISED THAT A MORE PRECISE SURVEY BE TAKEN.

THIS CERTIFICATION TO BE USED FOR ANY OTHER PURPOSE IS VOID.



James W. Bougioukas RLS# 9529

BRADFORD ENGINEERING CO.
 P.O. BOX 1244
 HAVERHILL, MASS 01831
 Tel 373 2396
 JAN. 10, 1985
 SCALE: 1" = 30'
 BOOK 3004 PAGE 79
 PLAN NO. 535 BK
 1027 PG.