

TOWN OF WELLESLEY



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WELLESLEY, MASS.

65-55

BOARD OF APPEAL

1966 JAN 5 PM 1:40

GARRETT S. HOAG  
JOHN L. HAYDEN  
DANA T. LOWELL

KATHARINE E. TOY, CLERK  
TELEPHONE  
CE 5-1664

Petition of Allister W. and Anne G. Shepherd

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 December 2, 1965, on the petition of Allister W. and Anne G. Shepherd, requesting an exception from the terms of Section XVIII, Area Regulations, of the Zoning By-law, which will permit the construction of a dwelling on Lot 152, Washburn Avenue with an area less than the required 15,000 square feet.

Allister W. Shepherd represented the petitioners at the hearing.

The Planning Board in its report believed the lot involved to be exempt from the 15,000 square foot area regulation requirement.

On November 6, 1965, the petitioners filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The lot involved, which contains 14,364 square feet, is located within a single-residence district requiring a minimum lot area of 15,000 square feet. The petitioners seek a special exception which will permit the construction of a dwelling on said lot.

A plot plan, drawn by Gleason Engineering Company, dated October 11, 1965, was submitted which showed the lot involved together with the adjacent Lot 153, upon which there is presently a dwelling house.

The petitioners own Lot 152 and Lot 153, and have lived in the house located on Lot 153 for a number of years. They desire to construct a dwelling on Lot 152 for their own occupancy as their present dwelling is too small for their needs. It was pointed out that the lot involved is the only remaining undeveloped lot within the immediate neighborhood; that the area had been developed in accordance with a subdivision plan approved on March 26, 1940, prior to the effective date of the by-law requiring a minimum lot area of 15,000 square feet; and that a number of the lots within the area contain less than the present requirement of 15,000 square feet.

Decision

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

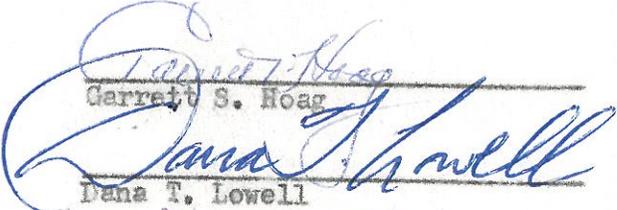
Section XVIII of the Zoning By-law provides, so far as pertinent to this case, that the Board of Appeal may make special exceptions to the provisions of said section which after a public hearing it shall find that adjoining areas have previously been generally developed by the construction of houses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

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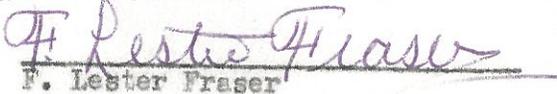
The lot involved is the only remaining undeveloped lot within the neighborhood and was part of a subdivisions approved prior to the effective date of the Zoning By-law requiring a minimum lot area of 15,000 square feet in the area involved. Subsequent to the approval of this plan the area of the lot was changed slightly as shown on LandCourt Plan Case No. 7129-7, recorded in 1940, Book 123, Page 127, and, therefore, could not be exempt from the requirements of the by-law.

The Board finds that the majority of houses in the immediate neighborhood are on lots containing less than the prescribed area and four contain less than the area of the lot involved. Because of these facts, it is the opinion of this Board that an exception should be granted.

Accordingly, the requested special exception is granted and the Inspector of Buildings is hereby authorized to issue a permit for the construction of a dwelling on Lot 152, as shown on the plan submitted and on file with this Board, subject to the condition that the attached garage now located on Lot 153, shall be moved and located in compliance with the Zoning By-law and Building Code.

  
Garrett S. Hoag

Dana T. Lowell

  
F. Lester Fraser

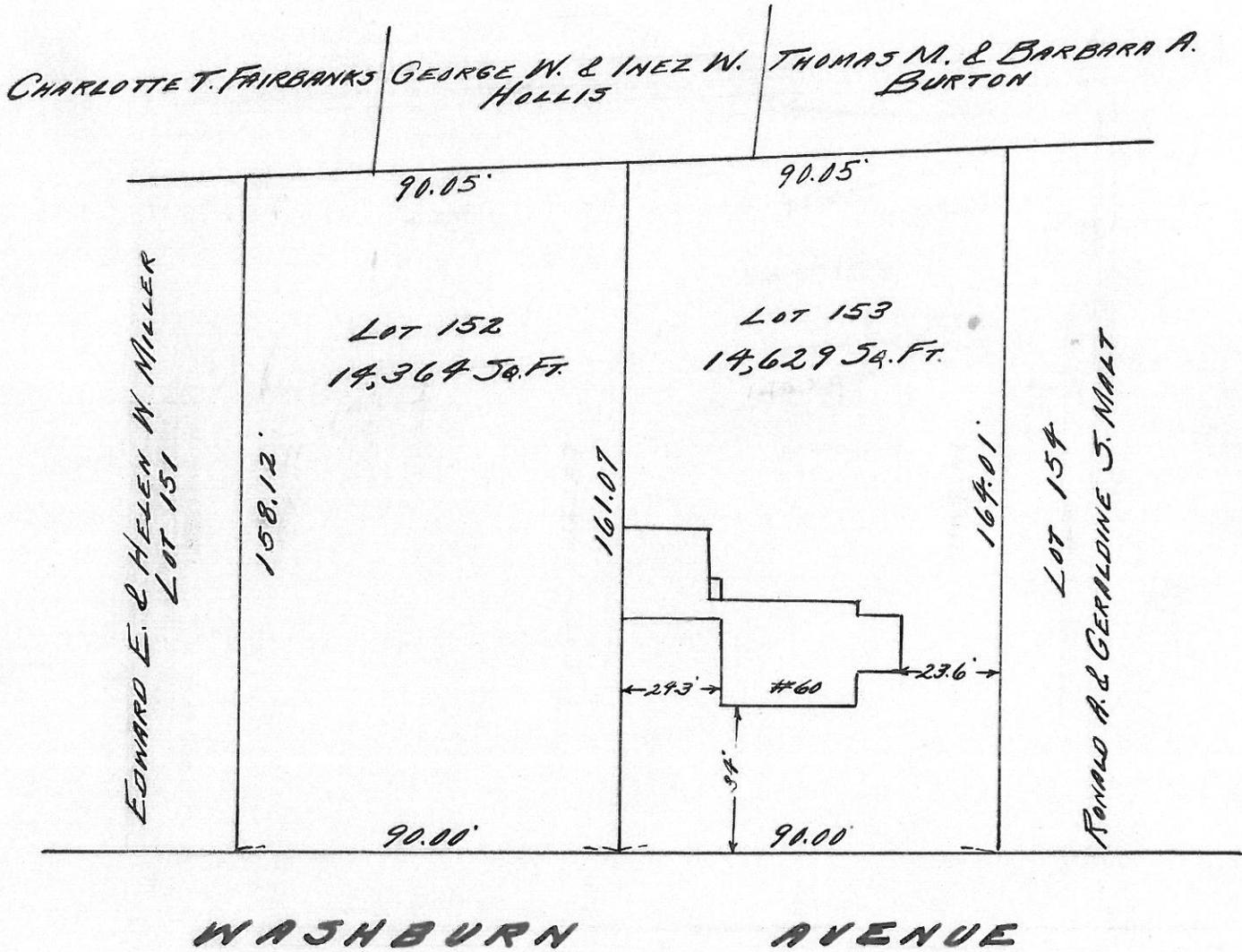
Filed with Town Clerk \_\_\_\_\_

PLAN OF LAND  
IN  
**WELLESLEY, MASS.**  
OWNED BY  
**ALLISTER W. & ANNE G. SHEPHERD**

SCALE 40 FEET TO AN INCH

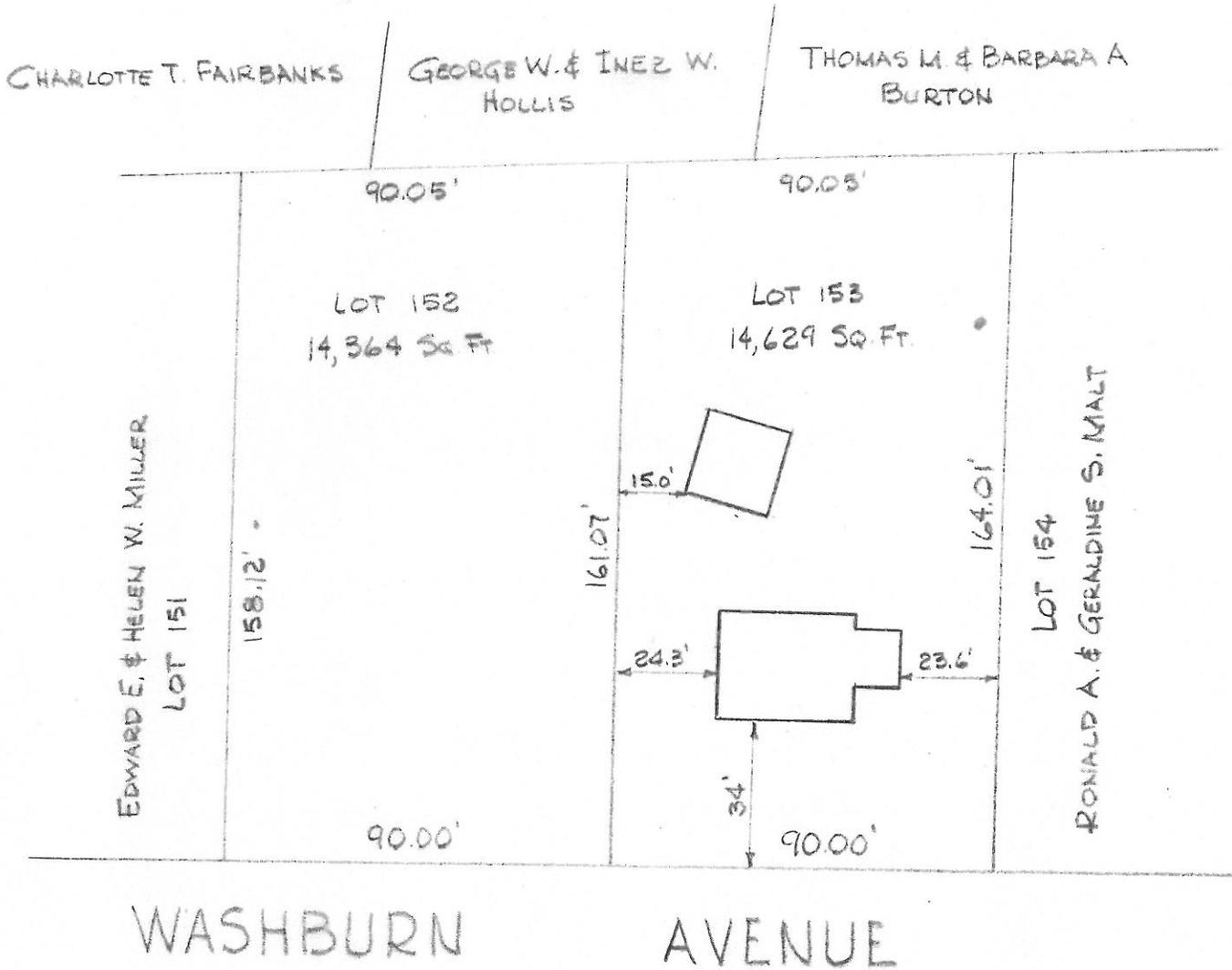
OCTOBER 11, 1965.

G LEASON ENGINEERING COMPANY



PLAN SHOWING PROPOSED RELOCATION OF  
EXISTING GARAGE ON LOT 153 FOR THE PURPOSE  
OF OBTAINING BUILDING PERMIT TO CONSTRUCT  
DWELLING ON LOT 152

SCALE: 1" = 40'



REFERENCE:

PLAN OF LAND IN WELLESLEY MASS. OWNED  
BY ALLISTER W. & ANNE G. SHEPHERD  
OCTOBER 11, 1965 - GLEASON ENGINEERING COMPANY



OCTOBER 12, 1965