

71-44

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Grace A. Wales

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 8:30 p.m. on June 24, 1971, on the petition of Grace A. Wales, requesting a special exception from the terms of Section XVIII, Area Regulations, of the Zoning By-law, which will permit the construction of a dwelling on Lot 1-B, Walnut Street, adjacent to 314 Walnut Street, which contains less than the required 15,000 square feet.

On June 7, 1971, the petitioner filed her request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

William A. Wales represented the petitioner at the hearing.

Francis J. Daly, 289 Walnut Street spoke in favor of the request. Vincent Pignatiello, 288 Walnut Street, also favored the request providing the proposed house has twenty-foot side yards.

The following spoke in opposition to the request: Hugh F. Maccoll, 316 Walnut Street, John Podger, 320 Walnut Street, Richard J. Doucette, 8 Kipling Road and Gert Van Dissel, 5 Tennyson Road. All felt that a lot containing less than the required area would prove detrimental to the neighborhood.

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JUN 30 1971

Statement of Facts

The lot involved is located within a Single residence District requiring a minimum lot area of 15,000 square feet.

The petitioner seeks a special exception which will permit the construction of a dwelling on the lot involved which contains 12,060 square feet. It was pointed out at the hearing that a number of houses within the neighborhood were built on lots containing less than the required area and in some cases less than the lot involved. The area requirement across the street, it was stated, is only 10,000 square feet and a number of those houses are built on lots less than 10,000 square feet. A house comparable to those in the area can be built upon the lot and comply with all other by-laws, it was stated, and would have no adverse effect on values in the neighborhood.

A plot plan was submitted, drawn by Gleason Engineering Company, dated August 3, 1951, which showed the layout of the lot involved.

No plans of a proposed house were submitted.

Section XVIII of the Zoning By-law provides that the Board of Appeal may make special exceptions to said section when it shall find that,

- " (1) Adjoining areas have been previously generally developed by the construction of houses on lots generally smaller than is prescribed by this section and the standard of the neighborhood so established does not reasonably require a "subdivision of the applicant's land into lots as large as hereby prescribed:
- " (2) Lots as large as is hereby prescribed would not be readily salable or economically or advantageously used for building purposes because of the proximity of the land to through ways bearing heavy traffic or to a railroad or because of other physical conditions or characteristics affecting it but not affecting generally the zoning district in which the land lies.

It is the opinion of this Board that although there are some houses in the neighborhood on lots smaller than the required area, the purpose of the Zoning By-law is to prevent over-crowding, and to permit the construction of a dwelling on the lot involved, could, in the opinion of this Board, create over-crowding in the neighborhood and prove detrimental to surrounding properties and the neighborhood in general. The lot is approximately 77' x 154' and to construct a house and comply with the yard regulations, in the opinion of the Board, could prove detrimental to abutting properties.

It is, therefore, the unanimous opinion of this Board that a special exception cannot be granted under the provisions of Section XVIII of the Zoning By-law.

Accordingly, the petition is dismissed and the request is denied.

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Richard O. Aldrich
Richard O. Aldrich

Dana T. Lowell
Dana T. Lowell

Robert T. Colburn
Robert T. Colburn

Filed with Town Clerk _____

Certificate - 82399
 Book 412
 Page 197
 Doc No. 282552
 June 2, 1917
 List No. 10890
 Old City No. 80585 -

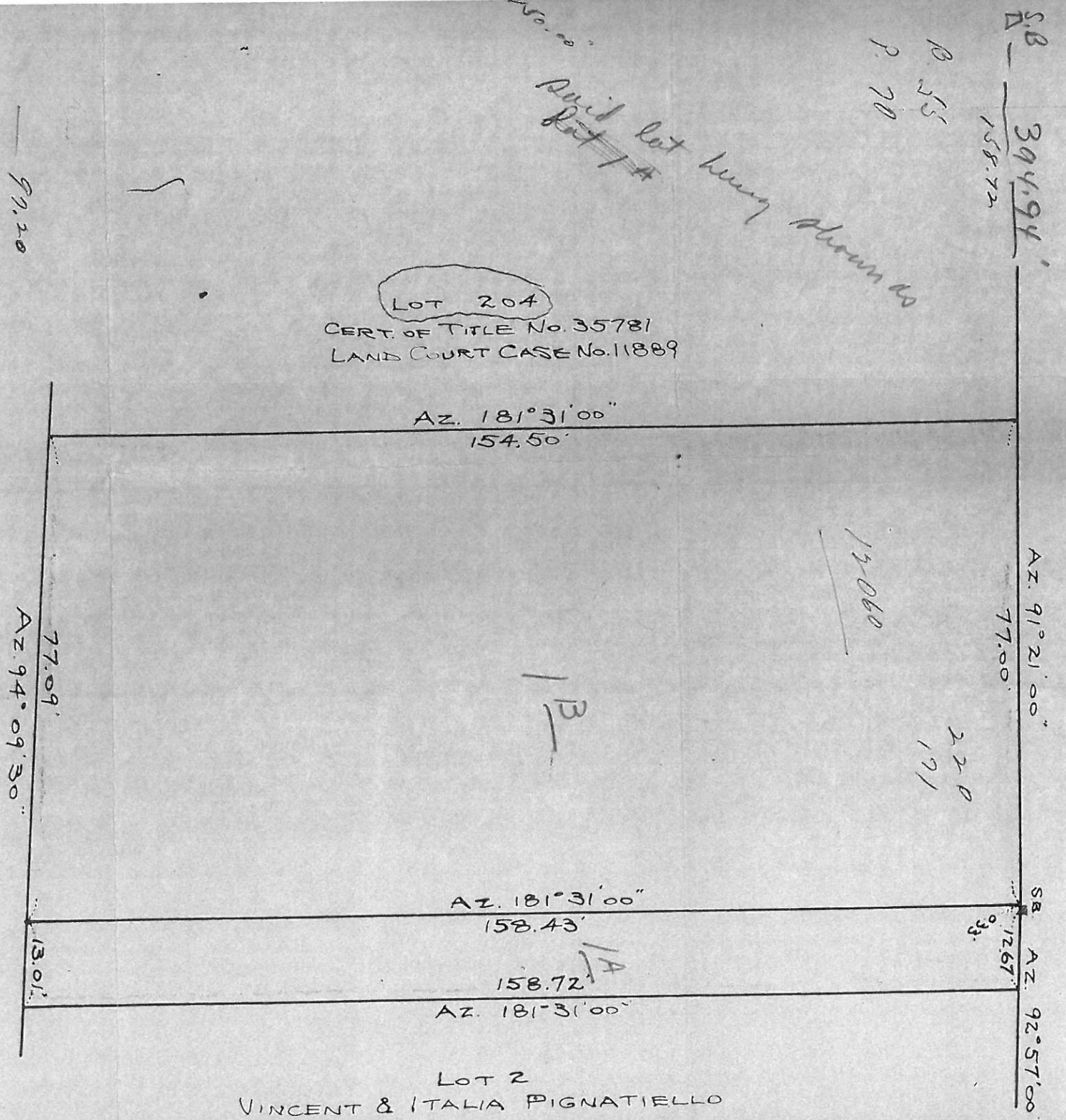
SUBDIVISION PLAN OF LAND IN WELLESLEY
 SCALE 20 FEET TO AN INCH
 AUGUST 3, 1951
 GLEASON ENGINEERING COMPANY
 BEING A SUBDIVISION OF LOT 1
 SHOWN ON LAND COURT PLAN 11889A

WALNUT STREET

220
 171
 Sup Deed
 Epsilon 1802000000

11889

S.B. 394.94'
 158.72
 P. 55
 P. 70
 Road lot being shown as



LOT 204
 CERT. OF TITLE No. 35781
 LAND COURT CASE No. 11889

LOT 2
 VINCENT & ITALIA PIGNATIELLO

EDWARD L. FORD

Plan 11889

WE CERTIFY THAT THIS PLAN WAS MADE IN
 ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 1950.
 AUGUST 3, 1951 Gleason Engineering Co. Surveyors.
 WELLESLEY, MASS.