



TOWN OF WELLESLEY

MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH  
F. LESTER FRASER  
WILLIAM O. HEWETT

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

DEC 30 1973  
TOWN CLERK'S OFFICE  
WELLESLEY, MASS.

Petition of Joseph A. Gautreau

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 September 27, 1973, on the petition of Joseph A. Gautreau, requesting a variance from the terms of Section XVIII, Area Regulations, of the Zoning By-law which will permit the reduction of the area of Lot 12, #22 Eisenhower Circle, now owned by Oak Ridge Construction Co., Inc., to less than the required 20,000 square feet. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On September 4, 1973, the petitioner filed his request with this Board for a hearing and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of the request at the hearing.

The Planning Board recommended in its report that an exception not be granted to reduce the size of Lot 12 below the minimum area required.

Statement of Facts

The lot involved is located within a Single-residence District requiring a minimum lot area of 20,000 square feet, and is one of the lots within a subdivision approved by the Planning Board on October 18, 1971.

The petitioner seeks permission to alter the boundary line between Lot 12 and Lot 13, in order to increase the width of Lot 13. Lot 13 now has a width of only 60', and it is proposed to alter the lot line between the two lots so that the part of Lot 12 which lies south of Lot 13, will become part of Lot 13 and increase its width to approximately 90'. The proposed change in the lot line, however, will reduce the area of Lot 12 to 15,636 square feet and less than the required 20,000 square feet.

It was pointed out that by increasing the width of the lot involved, it will be possible to construct a house on it which will be comparable to other houses in the development. A house has already been constructed on Lot 12, which will still comply with all the setback requirements, if the requested change is granted. The petitioner stated that he has tried in every way possible to design a house which will fit on the lot as it is presently, but due to its narrow width and the side yard requirement of twenty feet on each side, it is not possible to build a house which would be comparable or acceptable to the area.

A plot plan was submitted, drawn by MacCarthy Engineering Service, Inc., Natick, Mass., dated July 26, 1973, which showed the proposed change in the lot line, and the location of the proposed house on the lot. Said plan showed Lot 12A as containing 15,636 square feet and Lot 13A containing 30,471 square feet.

Decision

The Board is unable to make the findings prescribed as conditions under which an exception may be granted under Section XVIII of the Zoning By-law, but it has considered the request under the provisions of Chapter 40A, Section 15, of the General Laws. In its opinion, the proposed change in the boundary line between the two lots, will not change the character and appearance of the immediate neighborhood or prove detrimental to the area. On the contrary, the Board feels that the proposed change will enhance the area. While Lot 13, is one of the lots within an approved subdivision plan, due to its width and shape, it would be physically impossible to construct a dwelling on it, in the opinion of this Board, comparable to other dwellings in the neighborhood and comply with the side yard requirement of the Zoning By-law. While Lot 12 will be reduced in area to less than the required 20,000 square feet, a dwelling has been constructed on the lot which is well situated and will be approximately seventy-five feet from the proposed new boundary line.

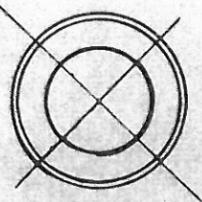
The Board, therefore, finds that owing to conditions especially affecting such parcel but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the by-law would involve substantial hardship, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such by-law.

Accordingly, the variance is granted under the provisions of Chapter 40A, Section 15, of the General Laws, and the Board hereby grants approval of the proposed change in the boundary line between Lot 12 and Lot 13, as shown on the plan submitted and on file with this Board drawn by MacCarthy Engineering Service, Inc., dated July 26, 1973, which will result in the area of Lot 12 to be reduced in area to 15,636 square feet; and the Building Inspector is hereby authorized to issue a permit for the construction of a dwelling on Lot 13 A as shown on said plan.

*Richard O. Aldrich*  
 Richard O. Aldrich  
*F. Lester Fraser*  
 F. Lester Fraser  
*William O. Hewett*  
 William O. Hewett

Filed with Town Clerk 12/20/73

DEC 20 8 42 AM '73  
 RECEIVED  
 TOWN CLERK



COMMONWEALTH METROPOLITAN WATER

$L=180.66'$   
 $R=1392.69'$   
 $T=90.45'$   
 $\Delta=07^{\circ}25'56''$   
 $S 81^{\circ}25'26'' W$

DISTRICT DIVISION

MASSACHUSETTS COMMISSION (SUDBURY AQUEDUCT)

FND S.B.  $N 9^{\circ}45'00'' W$   
FND S.B.  $N 70^{\circ}15'00'' E$

LOT # 14

25' WIDE DRAIN EASEMENT

LOT 13A  
24,281<sup>±</sup>

$L=65.68'$   
 $\Delta=83^{\circ}37'15''$   
 $T=40.25$

OAK

4' HIGH FENCE

O F

RIDGE

(PRIVATE - 40' WIDE)

**EISENHOWER**

CONSTRUCTION

LOT # 15

CO. INC.

**CIRCLE**

$\Delta=45^{\circ}13'53''$   
 $T=18.75'$   
 $L=35.52'$

EX. FOUND.

$L=178.68'$   
 $R=25.00'$   
 $L=20.72'$   
 $\Delta=47^{\circ}29'28''$   
 $T=11.00'$

$L=61.50'$   
 $\Delta=05^{\circ}52'22''$   
 $T=30.78'$

$\Delta=17^{\circ}03'45''$   
 $R=600.00'$   
 $T=90.01'$

LOT 12A  
21,826<sup>±</sup>

$S 00^{\circ}28'05'' W$   
 $140.19'$

OAK RIDGE

CONSTRUCTION

CO. INC.

LOT # 11

$106.00'$   
 $N 51^{\circ}08'25'' W$   
 $249.00'$

4' HIGH FENCE

WELLESLEY