TOWN OF WELLESLEY MASSACHUSETTS 76-22

BOARD OF APPEAL

F. LESTER FRASER
STANLEY J. GLOD
WILLIAM O. HEWETT
FRANKLIN P. PARKER
FRANCIS L. SWIFT
HENRY H. THAYER

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of G. & D. Realty Tr.

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 May 6, 1976, on the petition of G. & D. Realty Tr. requesting an exception from the terms of Section XVIII, Area Regulations, of the Zoning By-law which will permit the subdivision of the property at 59 Edgemoor Avenue, now owned by D. Michael Hooper et ux., into two lots, each one to contain 9,600 square feet rather than the required 10,000 square feet.

On April 16, 1976, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Anthony Giacchetti, Trustee of G. & D. Realty Trust, spoke in support of the request.

George E. Webb, Jr., 90 Overbrook Drive, stated that he felt a new house on the property would be a great improvement to the neighborhood, but he felt that three houses so close together would be overcrowding the neighborhood.

Edra A. McDermott, 40 Edgemoor Avenue, stated that she would be in favor of the proposed division of the property, providing the existing house is torn down.

The Planning Board opposed the granting of the request in its report.

Statement of Facts

The property involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet, and contains 19,200 square feet. There is a dwelling on the lot which has been unoccupied for some time and in delapidated condition.

The petitioner seeks permission to divide the property into two lots, each to contain 9,600 square feet, with one facing on Overbrook Drive and the other to face on Edgemoor Avenue. The petitioner stated that he has an agreement to purchase the property provided the exception is granted, and would like to completely renovate the existing house and construct a new house on the other lot. He pointed out that on the Overbrook Avenue side there are eight lots of less than the required 10,000 square feet and also three undersized lots on the Edgemoor Avenue side. The house as it stands, he stated, is an eye sore and an attractive nuisance for children and arsonists.

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The present owner, it was stated, was in the process of renovating the existing house, but found it was much beyond his capibilities both financially and physically. He has tried to sell theproperty as is, but has been unable to get a buyer, as it is felt the project is only feasible if the other building lot is allowed.

A plot plan was submitted, drawn by Alexander Crucioli, Land Surveyor, dated March 6, 1976, which showed the division of the property into two lots with each containing 9,600 square feet.

Decision

The Board has examined the plan 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 when 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.

Upon examination of a plan of the neighborhood, the Board finds that a number of houses in the immediate area contain less than the prescribed area of 10,000 square feet, with some considerably less. The lots involved are short only 400 square feet of the area required; therefore, in the opinion of this Board, an exception should be granted for this slight deficiency.

Accordingly, the requested special exception is granted, on condition that the existing building be removed, in accordance with the necessary demolition permit to issue from the Inspector of Buildings. The Inspector of Buildings is hereby authorized to issue a permit for the erection of a dwelling on the new vacant lot facing Overbrook Drive and a new dwelling on the lot facing Edgemoor Drive. No permit for the erection of a dwelling on either lot is to issue prior to inspection of the completed demolition of the existing building facing Edgemoor Avenue.

Francis L. Swift

F. Lester Fraser

Stanley D. Mod

Filed with Town Clerk _____

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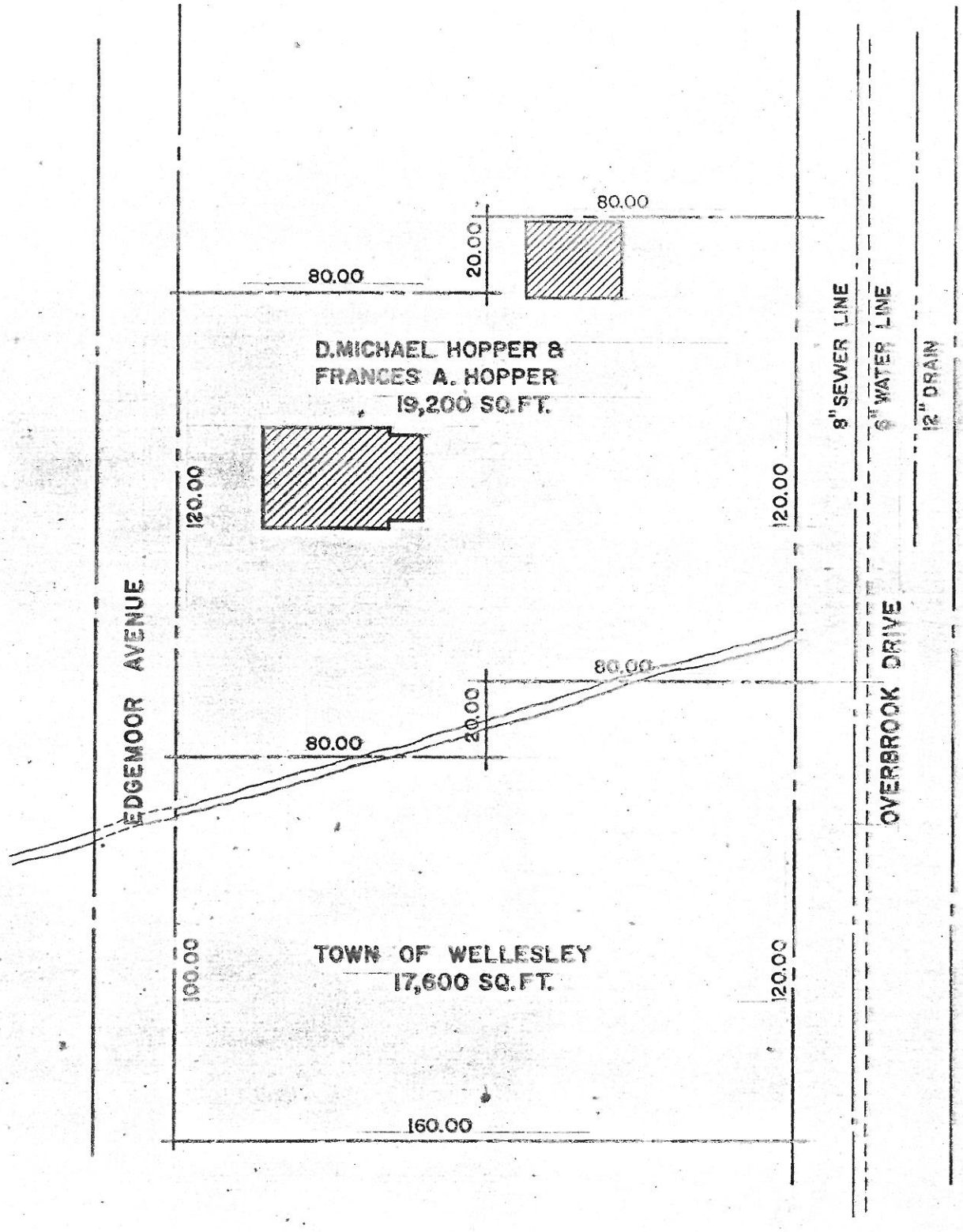
80.00
20.00
80.00
D.MICHAEL HOPPER &
FRANCES A. HOPPER
19,200 SQ.FT.
120.00
120.00
8" SEWER LINE
8" WATER LINE
12" DRAIN
EDGEMOOR AVENUE
80.00
20.00
80.00
OVERBROOK DRIVE
100.00
TOWN OF WELLESLEY
17,600 SQ.FT.
120.00
160.00