58-19

TOWN OF WELLESLEY MASSACHUSETTS

SHERMAN J. L. BROWN
JOHN L. HAYDEN
GARRETT S. HOAG

BOARD OF APPEAL

KATHARINE E. TOY, CLERK
TELEPHONE
CE. 5-1664

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Petition of J. D. Builders, Inc.

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the first floor of the Intermediate Building at 324 Washington Street at 8:15 p.m. on April 17, 1958 on the petition of J. D. Builders, Inc. requesting a variance from the terms of Section 9-A, Area Requirements, of the Zoning By-law which would permit the erection of a dwelling on Lot 21B Webb Avenue which contains less than the required area of 15,000 square feet.

Statement of Facts

On April 4, 1958 the petitioner filed with this Board its written request for a special exception to said section and thereafter due notice of the hearing was given by mailing and publication.

At the hearing the petitioner was represented by Philip Ditch who stated that the lot involved, which is in a single-residence district, is one within a subdivision which was approved by the Planning Board on February 15, 1955. At the time of its approval the lot was numbered 21 on the subdivision plan and contained an area of 15,096 square feet. When the plan was originally approved it was intended that Webb Avenue would continue into the Town of Needham. It has since been decided by the Planning Board that the street will not continue into Needham and the subdivision has been amended in accordance with a new plan approved by the Planning Board, February 6, 1958 which provides a turnaround but in so doing, reduces the size of the lot which was formerly numbered 21 to less than the 15,000 square feet required in the area. The revised plan, drawn by MacCarthy Engineering Service, Inc., Natick, dated January 16, 1958 and approved by the Planning Board February 6, 1958, was submitted. It shows the permanent turnaround and the lot involved as Lot 21B containing 14,761 square feet.

No objections were raised at the hearing to the granting of the requested variance.

The Planning Board offered no objection in its report.

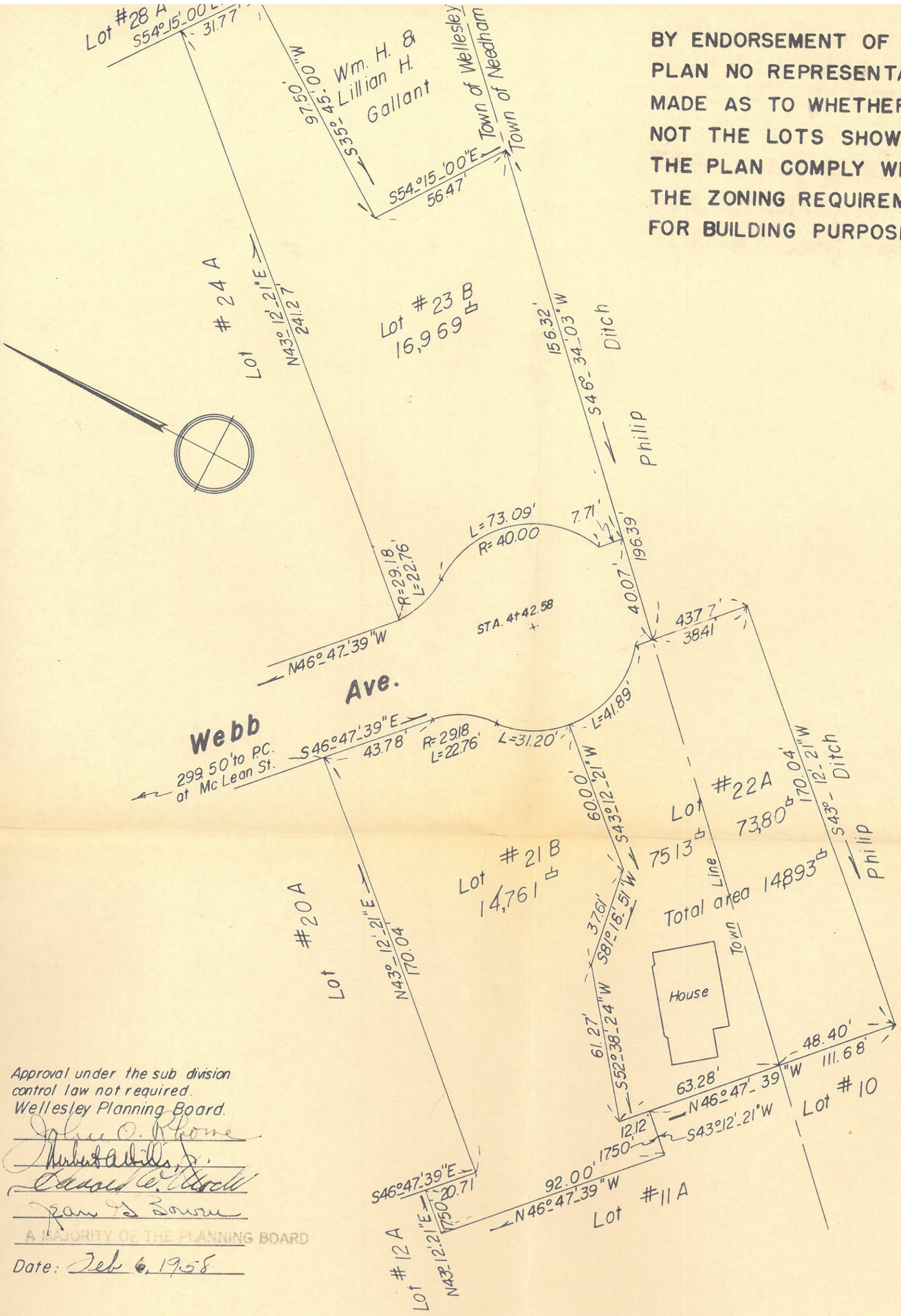
Conclusion

The lot involved having originally been larger than required in the area and reduced by the Planning Board's decision to revise the subdivision plan, the case clearly comes within the provisions of paragraph 3, of Section 15 of G. L. Chapter 40A. Therefore inasmuch as the adjacent lots have been built on and are not large enough to permit a re-allocation of land between them and lot 21 B which would result in all the lots being of the required size, and the variance requested will not result in substantial detriment to the public good or nullify or substantially derogate from the intent or purpose of the Zoning By-law the variance requested is granted.

Files with Town Clerk

John L. Hayden Garrett S. Hoag G. Arnold Haynes

BY ENDORSEMENT OF THIS PLAN NO REPRESENTATION IS MADE AS TO WHETHER OR NOT THE LOTS SHOWN ON THE PLAN COMPLY WITH THE ZONING REQUIREMENTS FOR BUILDING PURPOSES.



Approval under the sub division control law not required.
Wellesley Planning Board.

John O. Rhome
Herbert A. Hills, Jr.
Donald W. Mock
Jean G. Bowen

A MAJORITY OF THE PLANNING BOARD

Date: Feb 6, 1958

Plan of Land in Wellesley, Mass.

Showing Revised Lot Lines & Turn Around

Owned by: J.D. Builders Inc.

Scale: 1" = 40' Jan. 16, 1958

Plan by: Mac Carthy Engineering Service Inc.
Natick, Mass.

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