



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
 TELEPHONE
 235-1664.

Petition of Clara Jacobson

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 March 29, 1967, on the petition of Clara Jacobson requesting an exception from the provisions of Section XVIII of the Zoning By-law, applicable to fifteen thousand foot districts so as to permit the dwelling located at 186 Cedar Street to remain on a lot containing less than the required 15,000 square feet and also permit the construction of a dwelling on the adjacent lot on McLean Street which would contain an area of less than the required 15,000 square feet.

On March 10, 1967, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, Attorney, represented the petitioner at the hearing.

Stewart G. Kennedy, 189 Cedar Street spoke in favor of granting the request.

The following persons spoke in opposition of the request: John Sullivan, Attorney for Dorothy Keefe, 196 Cedar Street, Howard W. and Jane G. Boyd, 15 McLean Street, Eleanor M. Payne, 200 Cedar Street and Edmund H. Campana, 178 Cedar Street.

The Planning Board in its report stated that it was not persuaded that there was any need to relax the minimum lot size restriction in the area.

Statement of Facts

The lots involved are located within a Single-residence District requiring a minimum lot area of 15,000 square feet. The lot on which the dwelling stands contains 12,000 square feet and the adjacent lot in the rear contains 10,495 square feet. The petitioner seeks a special exception which will permit the construction of a dwelling on the vacant lot in the rear, and to allow the existing dwelling to remain on a lot containing less than the required area.

A copy of a plan drawn by A. Minichiello, C. E., Everett, Mass., dated June 1945, was submitted which showed the two lots involved. Said plan was filed with the Norfolk Registry of Deeds, Dedham, Mass., on November 25, 1946, No. 1085-1946 Bk. 2649 Pg. 65.

The petitioner and her late husband purchased the lot upon which the house is located on July 10, 1934, and the vacant lot in the rear on June 6, 1946, and have owned both parcels since 1946. Due to the death of her husband and resultant financial obligations, the petitioner finds it necessary to sell the vacant lot as a house lot. It was asserted on the petitioner's behalf not

only that the proposed division of the lots and sale of the one on McLean Street would be of financial benefit to her but also that the Town of Wellesley would benefit from the increased real estate taxes to be realized when the rear lot was built upon. The lot at the rear contains 10,495 square feet and has a frontage of 120.42' and a depth of approximately 100'. A house, therefore, could be built upon it which would be in keeping with other houses in the neighborhood and in compliance with the set-back and side-yard provisions of the Zoning By-law, if an exception to the 15,000 square foot requirement were granted. It was pointed out that a number of other houses in the immediate neighborhood have been built on lots containing less than the required 15,000 square feet.

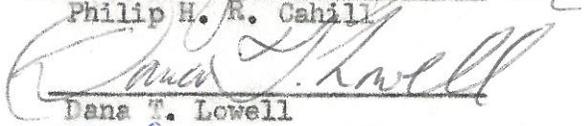
Decision

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 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 prescribed by this section and that neighborhood standards as established by such previous development do not reasonably require the subdivision of the petitioner's land into lots as large as prescribed under the by-law.

The Board finds that the majority of houses in the neighborhood have been constructed on lots containing less than 15,000 square feet, that several are smaller than the lots involved in this petition. It also finds that there is no neighborhood standard calling for a minimum lot size of 15,000 square feet. It appears to the Board that the conditions prescribed under the by-law for the grant of an exception to the 15,000 square foot requirement have been met in this case, and the Board is, therefore, of opinion that such an exception should be granted.

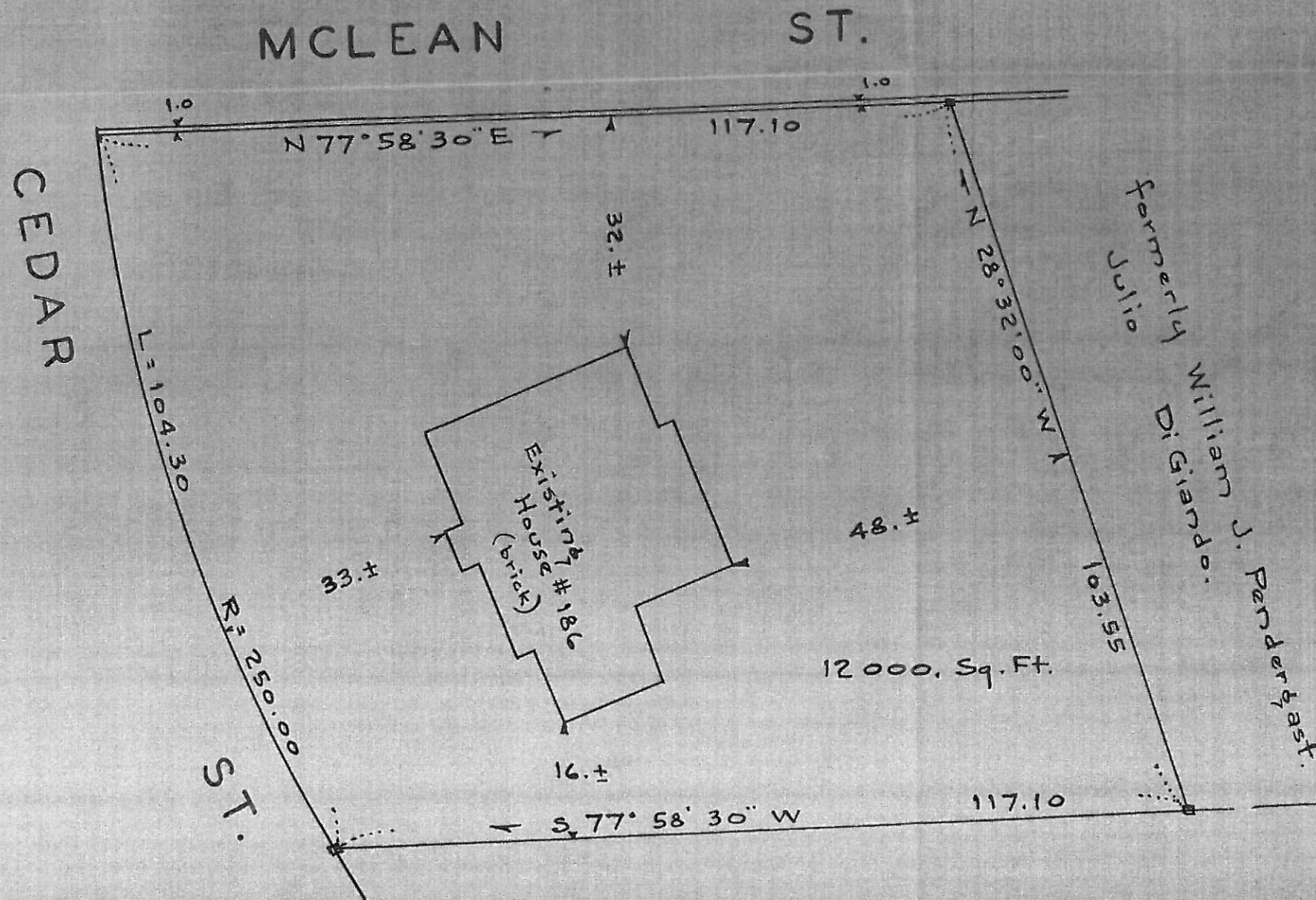
Accordingly, the requested special exception is granted and the Inspector of Buildings is hereby authorized to issue a permit for the erection of a dwelling on the rear lot which contains 10,495 square feet, and the existing dwelling may remain on the lot as shown on the plan submitted and on file with this Board.


Philip H. R. Cahill

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk _____

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.



Plan of Land in
WELLESLEY, MASS.

Scale: 1 in. = 20 ft. Cheney Engineering Co. Inc.
Needham, Mass.

March 27, 1967.

now or formerly
William J. Pendergast.

See plans: 1085-1946

2649-65

334-1934

2033-333