



## 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 Charles S. Pollina and  
Kathryn C. Pollina

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 8:25 p.m. on June 17, 1976, on the petition of Charles S. Pollina and Kathryn C. Pollina, Trustees under a Declaration of Trust dated February 24, 1976, requesting an exception from the terms of Section XVIII D. 1., Area Regulations, of the Zoning By-law, which will allow three dwelling units to be located on the premises at 10 Wellesley Avenue with less than the required 5,000 square feet for each dwelling unit. Said petition was made under the provisions of Section XVIII and Section XXIV of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On May 26, 1976, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, Attorney, represented the petitioners at the hearing and spoke in support of the request.

The Planning Board opposed the granting of the request in its report on the basis that the lot contains much less than the required area for three dwelling units.

Statement of Facts

The property involved is located within a General Residence District, requiring a minimum lot area of 10,000 square feet, and a minimum requirement of 5,000 square feet for each family for whose habitation such building is designed or adapted. On the property is a large old house, approximately seventy-five years old, and a small building which contains an apartment and garage. The lot contains 11,341 square feet.

The petitioners seek permission to convert the existing one-family dwelling into two apartments and to continue to use the small building on the lot as an apartment and garage.

It was stated that the house involved contains ten rooms and is too large to be used economically as a one-family dwelling. It can be converted, it was stated, into two attractive apartments with very little change to the house.

The small building at the rear, it was stated, for some time was used as a funeral parlor, and in 1956, the Board of Appeal granted permission for it to be converted into a single-family dwelling with a one-car garage. A condition was imposed that no exterior additions or change could be made. Since that time, it has been occupied by one person.

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There should be ample space for parking, it was stated, as there can be provided two garage spaces and space for three additional cars in the driveway. Five spaces, it is felt, should be sufficient for three families, considering the size of the apartments and the probable number of people who may be occupying these apartments.

It was pointed out that within the immediate neighborhood, there are four houses located on lots containing less than the minimum lot area of 10,000 square feet; house No. 12, 8,000 square feet, house No. 14, 11,448 square feet, house No. 16, 5,204 square feet and house No. 15, 8,500 square feet, all pre-existing to the present zoning requirement. It is felt that the proposed use of the property as three units rather than two, will not prove detrimental to the neighborhood and will meet the need for small living units within the Town.

Decision

After careful consideration of all the facts in this case, the Board is of the unanimous opinion that to allow the house involved to be converted into two apartments and to allow the small building to be used as a dwelling unit, would substantially reduce the value of other properties within the district and would be injurious, obnoxious and offensive to the neighborhood. The Board has examined a plan of the neighborhood, and while it finds that there are other properties in the neighborhood containing an area of less than the required 10,000 square feet, it cannot find that the houses on these lots are being occupied by more than two families, nor can it find that any special permits have been granted by the Board of Appeal for non-conforming uses of the properties in the area. The Board accepts the statement of the petitioners that the house, which contains ten rooms, could be converted into two apartments and become more economically advantageous to them, but it does not feel that conditions justify allowing the premises to be used as a three-unit residential property. In its opinion, such use of the property would create overcrowding on the premises, with respect to the possible number of cars which normally would be parked on the property by the occupants of the property.

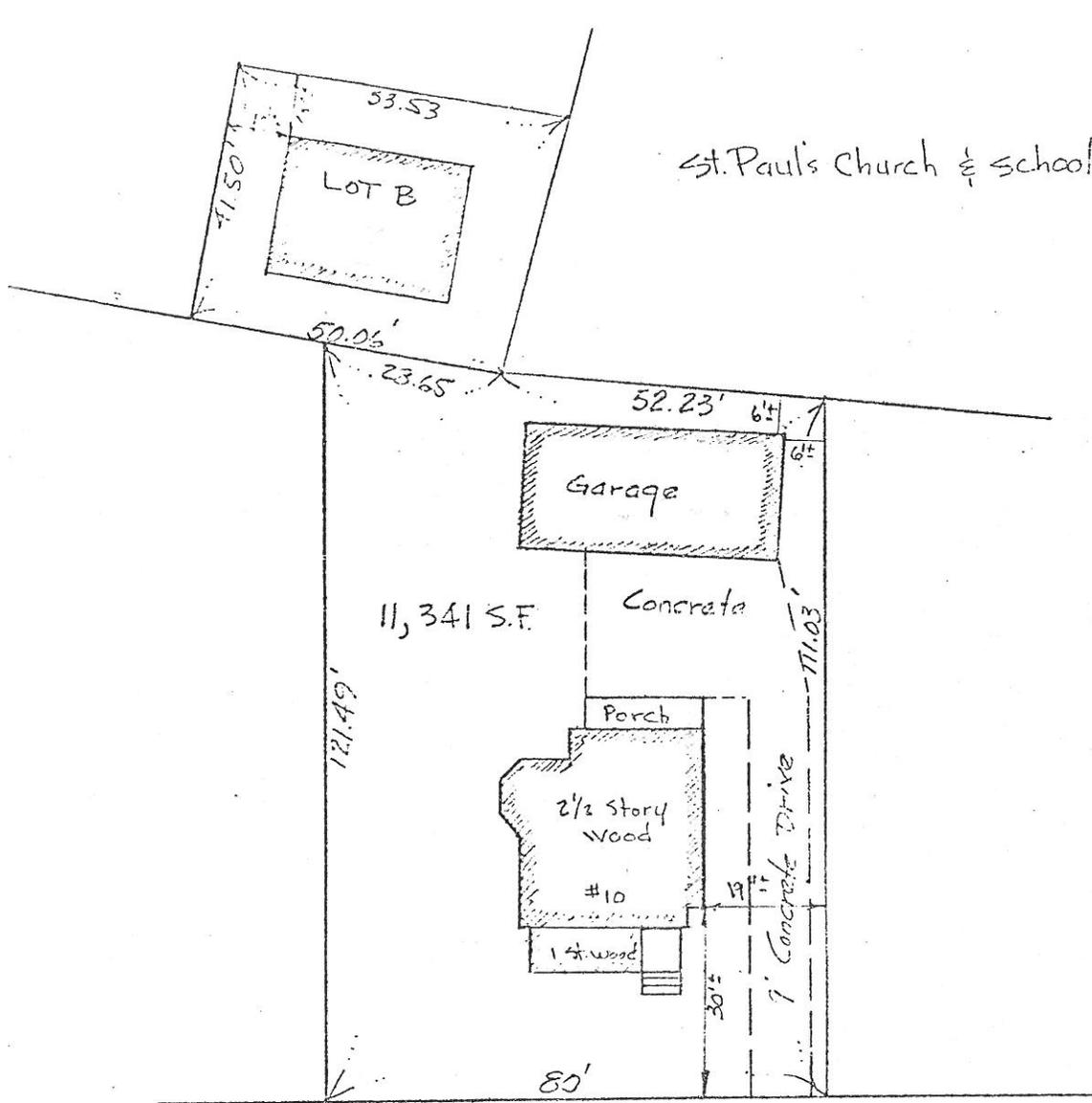
The Board takes note of the fact in this case, that the petitioners purchased the property recently and must have had knowledge of the limitations of the By-law and the special permit which had been granted by the Board of Appeal for the use of the small building on the property as an apartment and garage.

Therefore, the Board cannot find that the property involved would not be readily salable or economically or advantageously used because of physical conditions or characteristics affecting it but not affecting generally the zoning district in which the property lies, as it must in order to grant a special exception.

Accordingly, the request is denied and the petition dismissed.

  
Francis L. Swift  
  
F. Lester Fraser  
  
William O. Hewett

NOTE: This plan was drawn for mortgage purposes only and is not to be recorded.



ON THIS DATE 3-28-74, I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE PARCEL / S SHOWN DOES NOT FALL WITHIN THE FLOOD PLAIN AS SHOWN ON THE F.I.A. FLOOD HAZARD BOUNDARY MAPS DATED JUNE 21, 1974

*John T. Yunits*  
 YUNITS ENGINEERING CO., INC.

WELLESLEY AVENUE

MORTGAGE PLOT PLAN OF PROPERTY

in Wellesley, Norfolk County, Mass.

Owned by Charles & Kathryn Pollina

Scale: 1"=30'

Date: August 29, 1975

Book No. \_\_\_\_\_

Page No. \_\_\_\_\_

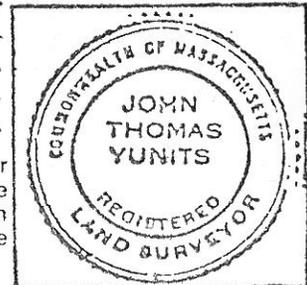
L.C. Cert. No. 350420

I hereby certify that the building or buildings and lot lines shown on this plan are approximately located on the ground as shown hereon and that they have conformed to the Zoning and Building Laws of the Town of Wellesley

when constructed and to restrictions on record.

By: \_\_\_\_\_

*John T. Yunits*  
 YUNITS ENGINEERING CO. INC  
 Registered Engineers and Land Surveyors  
 Holbrook, Massachusetts 02343



Field Book \_\_\_\_\_

Page \_\_\_\_\_

File No. \_\_\_\_\_