

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
295-1664

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TOWN CLERK'S OFFICE  
NOV 23 1970

Appeal of Salvatore DeFazio, Jr.  
and Mario DeFazio

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 8:15 p.m. on November 19, 1970, on the appeal of Salvatore DeFazio, Jr. and Mario DeFazio, being aggrieved by an order of the Inspector of Buildings to cease using the driveway at 11 Abbott Road as an entrance to land to the rear of that lot. The land involved is within a Single-residence District and such use of the property is in violation of Section II of the Zoning By-law. Said appeal was made under the provisions of Section XXIV-E of the Zoning By-law and Chapter 40A, Section 13 and 15 of the General Laws.

On August 28, 1970, the Building Inspector notified the appellants to cease using the above-mentioned driveway as an entrance to land at the rear of the lot and on September 21, 1970, the appellants appealed such order.

J. Haller Ramsey, attorney, represented the appellants at the hearing.

The following persons spoke in favor of granting the request: Christine J. Lanigan, 19 Abbott Road, Alfred A. Fraser, 330 Washington Street, Edward Bryant, 23 Abbott Road, Leo Rourke, 16 Prescott Street and Salvatore DeFazio, Jr.

The following were opposed: James J. Lanigan, 19 Abbott Road and Edmund S. Shaw, 26 Abbott Road. They felt that such use of the property would establish a precedent for others in the neighborhood which would be undesirable and detrimental to nearby property owners.

The Planning Board in its report opposed the granting of the request under the provisions of Chapter 40A, Section 15, as in its opinion, the granting of a variance is not a proper remedy and would be a substantial derogation from the intent and purpose of the Zoning By-law.

Statement of Facts

The driveway involved is located within a Single-residence District between the bank parking lot on the northerly side and the house on the lot involved numbered 11 Abbott Road on the southerly side.

The appellants seek permission to use said driveway as an access to land at the rear of their business block which is located on Washington Street within a Business District. It was pointed out by the appellants' attorney that they have been using this driveway for access for some years and prior to that they entered from Prescott Street over the Aqueduct. That part of the Aqueduct, however, has been leased to Mr. Lee, adjacent property owner, by the Town of Wellesley for the parking of motor vehicles and, therefore, can no longer be used as an access to the DeFazio

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property. The appellants' attorney contended that if the appellants were required to bring boxes of provisions to their store from Washington Street, which is the only other access, that extreme hardship would result. Such use of the property, in their opinion, will not prove detrimental to surrounding properties, most of which are zoned for business purposes.

Decision

The Board has examined the plans submitted and has taken a view of the locus. In its opinion, the requested use of the driveway involved, although within a Single-residence District, will not substantially reduce the value of any property within the district or otherwise injure or prove detrimental to the neighborhood. The only other means of access the appellants would have to load and unload their truck as well as other delivery trucks, would be from Washington Street which is a very heavily traveled way. The Board has observed that trucks have frequently parked in front of appellants' store during that forenoon period when parking is prohibited, thereby interfering materially with the flow of traffic at this peak period. The relief sought here should certainly eliminate this problem. It is, therefore, the opinion of this Board that a real need exists for the proposed use of the driveway and the Board also finds that the proposed use is a reasonable means of meeting that need at this time consistent with the provisions of Section XXIV-E of the Zoning By-law. Appellants did not submit sufficient evidence of facts which would warrant the granting of a variance under Section 15 of Chapter 40A of the General Laws.

Accordingly, the request is granted under the provisions of Section XXIV-E of the Zoning By-law which will allow the appellants to use the driveway as shown on the plan submitted and on file with this Board, as access to land at the rear of their block of stores facing on Washington Street, subject to the following conditions:

1. Appellants shall obtain such permission as may be required from the Town of Wellesley for passage over aqueduct land.
2. That said permit shall expire one year from the date of filing this permit with the Town Clerk.

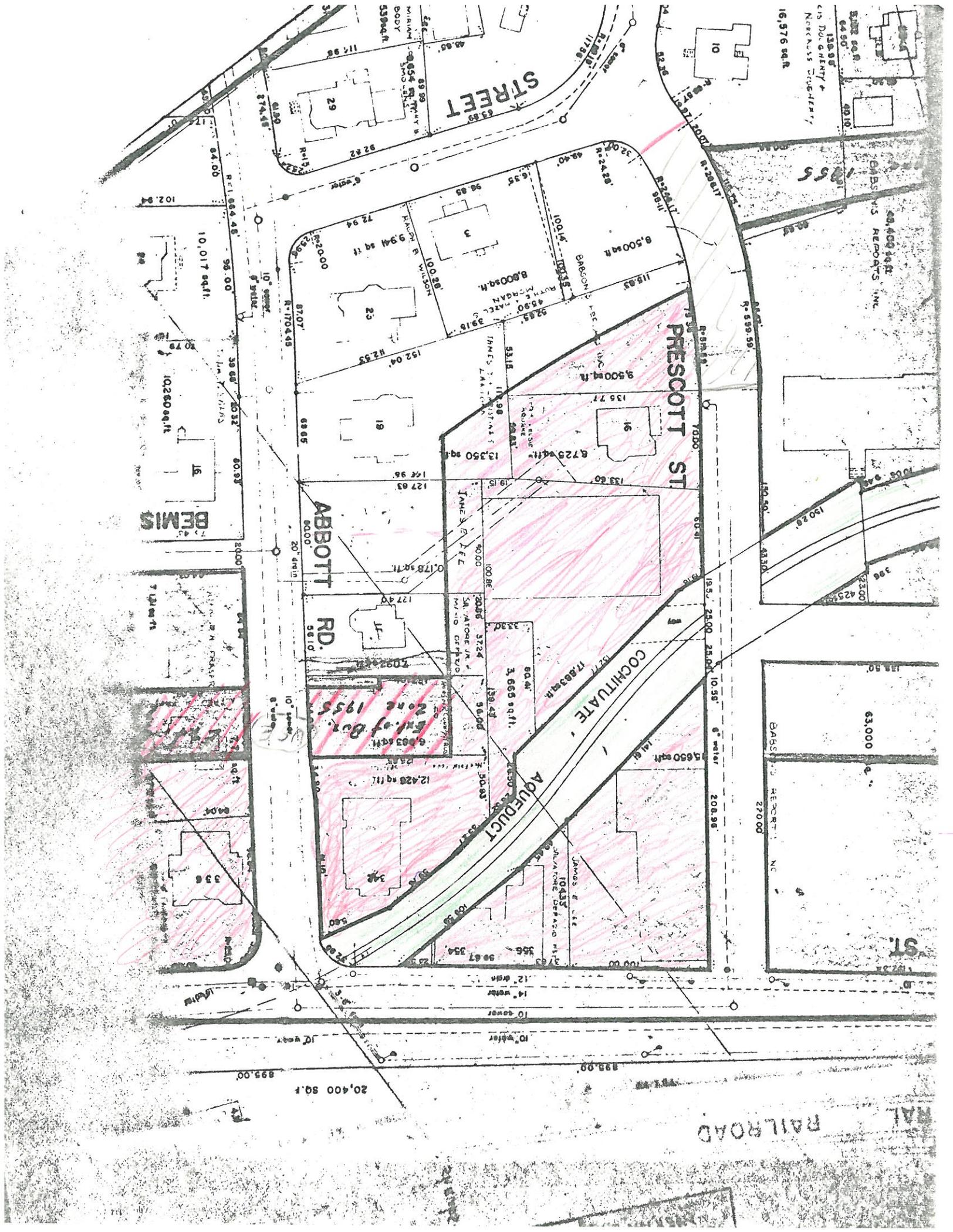
*Richard O. Aldrich*  
Richard O. Aldrich

*F. Lester Fraser*  
F. Lester Fraser

*Edward T. Kilmain*  
Edward T. Kilmain

Filed with Town Clerk \_\_\_\_\_

MAR 16 1 38 PM '71  
TOWN CLERK  
WELLESLEY  
METTEREY  
JONAS  
BERG



STREET

PRESCOTT ST

ABBOTT RD.

COCHITUATE

AQUEDUCT

BEMIS

RAILROAD

ST.

20,400 SQ.F

895.00

27000

63,000

2300

4250

15028

1008

1008

1008

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1008

16,576 sq. ft.

13,800 sq. ft.

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Zone of Dist. 1955

12,428 sq ft

10,017 sq ft

10,260 sq ft

10,017 sq ft

3

29

25

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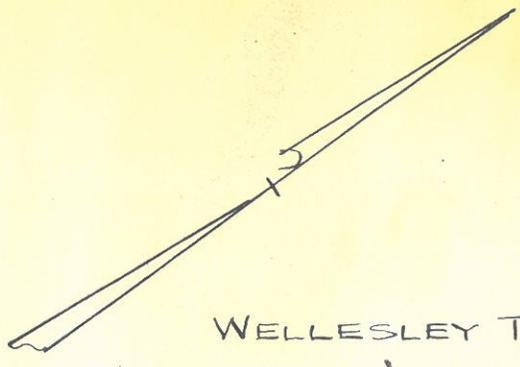
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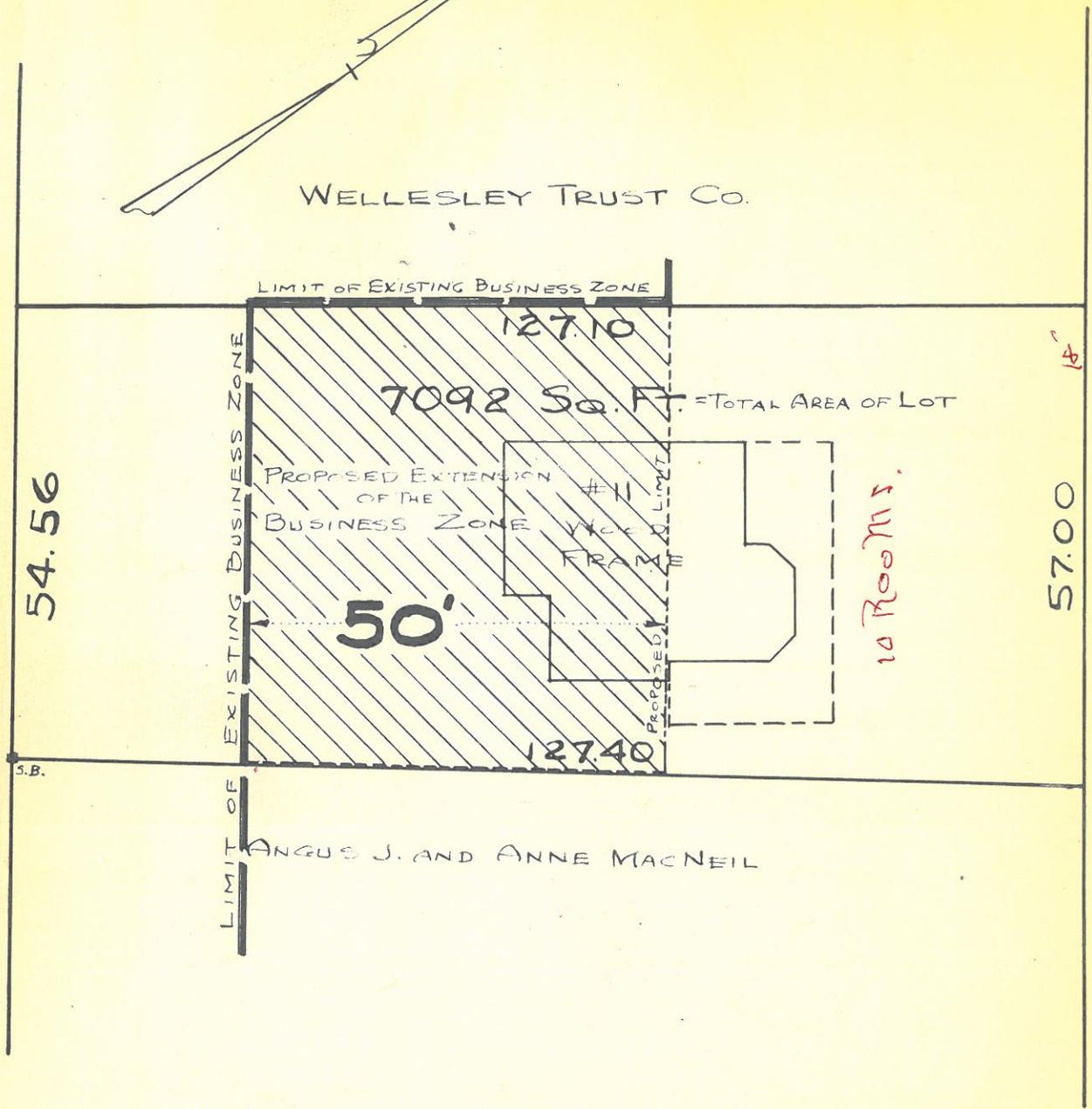
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MARIO AND SALVATORE JR., DE FAZIO



WELLESLEY TRUST CO.



ABBOTT ROAD

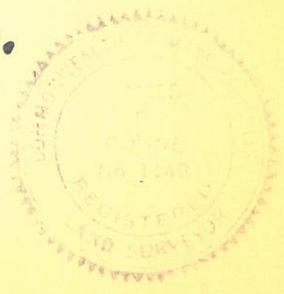
PLAN OF LAND  
IN

**WELLESLEY, MASS.**

SCALE 20 FEET TO AN INCH

FEBRUARY 19, 1962

JAMES P. DUNNE, CIVIL ENGINEER



PRESCOTT STREET

J. E. Lee

8060

THE COMMONWEALTH OF MASS

WELLESLEY TRUST

VALBORG J. AND BARBARA J. HOWE

SAMUEL AND SILVIA D

J. E. Lee

ANGUS AND ANNA K. MA

S.B.

30" M

25.00

RIGHT OF WAY

24" M

S.B.

19.59

19.16

RIGHT OF WAY

S.B.

20" E

20" E

155.08

155.25

ROBERT G. DREW

152.81

9300 SQ. FT. PARCEL NO. 3

CHAIN LINK FENCE

CHAIN LINK FENCE

20" M

20" M

14" E

16" E

S.B.

26.50

S.B.

18.81

S.B.

24" E

26.52

18' 50"

45.20

1788

STAKE

160.29

127.70

97.75

1788

STAKE

approx 6000