

TOWN OF WELLESLEY



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WELLESLEY, MASSACHUSETTS

58-45

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

1958 SEP 29 AM 11:19  
BOARD OF APPEAL

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

Petition of Salvatore DeFazio, Jr.

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 8:00 p.m. on August 14, 1958 upon the petition of Salvatore DeFazio, Jr. for permission to use the premises at 325 Washington Street, now owned by the Estate of Carolyn J. Peck, for business offices as provided under Section 7-C of the Zoning By-law and Paragraph 3 of Section 15 of Chapter 40A of the General Laws.

Statement of Facts

The house involved is located within a general-residence zone wherein the desired use of the property is not a use regularly permitted. The Board of Appeal, however, in specific cases, may grant permission for additional uses under Section 7-C of the Zoning By-law where it finds that a real need exists and that the proposed non-conforming building or use will not substantially reduce the value of any property within the district or otherwise injure the neighborhood.

On June 26, 1958 the petitioner made application to the Board of Appeal for a hearing and thereafter due notice of the hearing was given by mailing and publication.

J. Haller Ramsey, representing the petitioner at the hearing, stated that the petitioner has entered into an agreement to purchase the property involved and desires to convert the building into business offices; the property contains 8,800 square feet; is located in a general residence zone at the corner of Washington Street and Cliff Road; it is a frame building with five rooms on each of the three floors and has been occupied by the Peck family for the past seventy years with very few improvements made during the past fifty or sixty years. On the west of the property is the Post Office and Railroad Station with the railroad at the rear of the property; on the east are two single-family dwellings and beyond them the Unitarian Church and Wellesley Hills Square. Mr. Ramsay emphasized that, in the opinion of the petitioner, the location is not desirable for residential purposes, the proposed use of the property should not depreciate surrounding property in any way and ample parking space will be provided to accommodate cars parked incidental to the proposed use. A plan, drawn by Gleason Engineering Company dated August 1, 1958, was submitted which showed the location of the building on the lot as well as the proposed parking spaces to be provided.

Claude F. Machen, 38 Sawyer Road, representing the Unitarian Church, and Frederick A. Stanwood, Jr. representing his parents who are the owners of the property at 323 Washington Street, opposed the granting of the petition. A letter opposing the proposed change was also received from Jeannette Stanwood, 323 Washington Street.

The Planning Board opposed the granting of the requested permission in its report.

Conclusion

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The petitioner invokes paragraph C of Section 7 of the Zoning By-law and paragraph 3 of Section 15 of Chapter 40A of the General Laws, as amended. Paragraph C authorizes this Board to grant temporary and conditional permits "....for a period of not more than one year at a time." It is designed to permit this Board to alleviate a temporary situation, not for use in such a case as this where the variance to be useful to the petitioner obviously must be substantially permanent. Paragraph 3 of Section 15 of Chapter 40A, on the other hand, is limited among other things to cases in which ".....a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship to the appellant,..." But here no hardship, within the meaning of that word as used in the quoted clause, to the petitioner is involved, as he signed an agreement to purchase the property with full knowledge that the property is located within a General Residence district wherein the use for which he asks a variance is not permitted as of right.

Accordingly, the requested permission is denied and the petition dismissed.

*Sherman J. Brown*  
Sherman J. L. Brown

*John L. Hayden*  
John L. Hayden

*Garrett S. Hoag*  
Garrett S. Hoag

Filed with Town Clerk 9/29/58

PLAN OF LAND  
IN  
WELLESLEY, MASS.  
SCALE 40 FEET TO AN INCH  
AUGUST 1, 1958.  
GLEASON ENGINEERING COMPANY

BOSTON & ALBANY R.R.

CLIFF

ROAD

FREDERICK A. & JEANNETTE S. STANWOOD

