



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
 TELEPHONE
 238-1664

Petition of Ethel M. Anderson

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 8:30 p.m. on June 25, 1970, on the petition of Ethel M. Anderson, requesting permission to continue to use the premises located at 156 Walnut Street as a two-family dwelling as provided under Section II 8 (a) of the Zoning By-law.

On May 26, 1970, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Daniel S. Fram, attorney, represented the petitioner at the hearing.

Statement of Facts

The house involved is located within a Single-residence District, a district in which the desired use of the property is not permitted unless special permission is granted by the Board of Appeal.

The petitioner seeks permission to continue the present non-conforming use of the above-mentioned property and requested that the permit granted by this Board a year ago be renewed. It was stated that the property is now occupied by the petitioner and a tenant on the third floor and that there are three off-street parking spaces provided for the occupants, all in front of the premises and located so as not to obstruct the sidewalk. The contract has been let out for the erection of a second means of egress to the third floor as requested by this Board a year ago, and it is expected that a ladder-type fire escape will be installed within the next few weeks. There is a real need for the continued non-conforming use of the property, it is felt, due to the large expenditure which was made a year ago to improve the property.

Decision

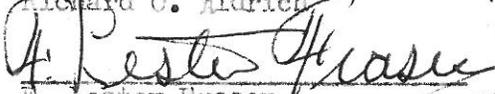
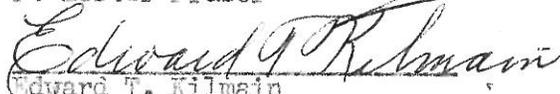
The Board feels, from the evidence submitted, that there is a real need for the requested permit to be granted for another year and that a substantial hardship will result to the petitioner if the permit is not granted. The Board, however, is not of the opinion that a permit for the requested non-conforming use can be granted for an indefinite period although it was stated as a condition in the permit a year ago that the Board would give consideration to renewal of said permit for an indefinite period. The Board remains opposed to parking cars in front of the house between the house and the street except in the garage and driveway.

At the time of the hearing, a second means of egress had not been installed as required in the Board's decision filed with the Town Clerk on July 23, 1969. The Board, therefore, has not seen the second means of egress to the third floor and until it is installed to the satisfaction of this Board, it cannot approve the request on an indefinite period.

Accordingly, the Board grants permission pursuant to Section II 8 (a) of the Zoning By-law, subject to the following conditions:

1. That not more than two families shall occupy the dwelling involved at any time.
2. That unless a second means of egress is installed to the third-floor apartment, satisfactory to this Board and the Inspector of Buildings, within thirty days of the date of this permit, this permit will become void.
3. That off-street parking spaces shall be used by the petitioner and her tenant.
4. That no cars at any time shall be parked in the space between the house and Walnut Street or otherwise so as to obstruct any passageway or public sidewalk by the occupants of the premises or their invitees.
5. That all applicable state and local laws, ordinances and regulations in respect to the premises and the use thereof shall be complied with by petitioner and her tenant.
6. That said permit shall expire one year from this date or sooner if the above-mentioned condition #2, is not complied with.

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 TOWN CLERK'S OFFICE
 1933


 Richard C. Aldrich

 F. Lester Fraser

 Edward T. Kilmain

Filed with Town Clerk _____