



ZONING BOARD OF APPEALS

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Petition of John B. Gregg

Pursuant to due notice the Special Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:00 p.m. on February 15, 1979, on the petition of John B. Gregg, requesting a special permit which will allow him to convert part of his dwelling at 119 Benvenue Street, into separate in-law living quarters with kitchen facilities. Said request was made under the provisions of Section II 8 (a) and XXV of the Zoning By-law.

On January 31, 1979, the petitioner filed his request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Ann L. Gregg spoke in support of the request at the hearing.

Statement of Facts

The property involved is located within a Single Residence District, a district in which the proposed non-conforming use is not permitted unless a special permit is granted by this Authority.

The petitioner seeks permission to install kitchen facilities on the first-floor of his home in order to provide separate living quarters for his mother and father who plan to come and live with him and his family during their retirement years. It was explained that plumbing and electrical connections are already present and are located appropriately for the proposed kitchen, as the original kitchen was moved a few years ago. It was further explained that it is necessary to have two kitchens in order to have two separate meal schedules, separate entertaining and general privacy required for inter-family harmony. It was also stated that this set-up, if allowed, could be converted back to a single-family dwelling very easily by removing the kitchen facilities requested.

Decision

This Authority has made a careful study of the facts submitted as well as the provisions of the Zoning By-law under which the petition was presented.

Section II. 8 provides: any of the following additional uses upon the granting of a special permit as provided in Sec. XXV.

- (a) "Residence for not more than two families, or boarding or lodging house, but not a restaurant; provided, however, that the building so used was in existence when this By-law took effect; and provided further that the Board of Appeal make a written finding that the original building can no longer be used or adapted at a reasonable expense and with

a fair financial return for a use regularly permitted in the district."

The house involved was built in 1961, as a one-family dwelling in a Single-Residence District, and, therefore, in the opinion of this Authority, the criteria necessary to find before a special permit may be granted, does not exist in this case. The house was not in existence when the By-law took effect in 1925, a finding this Authority must make as well as the fact that the building can no longer be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in the district.

The request of the petitioner, therefore, is denied.

Francis L. Swift
Francis L. Swift

William O. Hewett
William O. Hewett

William F. Cullinane
William F. Cullinane

Filed with Town Clerk _____

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