71-31

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Peter Nuzzi

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 8:35 p.m. on May 13, 1971, on the petition of Peter Nuzzi, requesting permission to continue to use the dwelling owned by him , located at 62 Washington Street and #1 Crescent Street as a three-family dwelling. Said request was made under the provisions of Section XXIV-E of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On April 16, 1971, the petitioner filed with this Board his written request for a hearing and thereafter due notice of the hearing was given by mailing and publication.

The petitioner was represented at the hearing by Henry D. White Attorney.

No objections were made at the hearing to the granting of the request.

Statement of Facts

The house involved is an old twenty-four room house located on the southwesterly corner of the intersection of Washington Street and Crescent Street in a Single-residence District. It is immediately across Crescent Street from a large old residence now used as a funeral home under a special permit granted by the Board of Appeal, and almost directly across Washington Street from a block of three stores. Next to the funeral home is a large antique establishment and next to that a public garage.

The petitioner purchased the property in 1956 and at that time it was run-down and dilapidated and a liability to the neighborhood. A special permit was granted by this Board to the petitioner in 1957 to use the dwelling for three apartments and this permit was granted on a one-year basis until 1961 when a permit was granted for five years and again in 1966 for five years.

The petitioner now requests a renewal of the permit for another five-year period under the provisions of Chapter 40A, Section 15, of the General Laws. It was stated at the hearing that the conditions imposed in the last permit have been complied with; the first and second floors only have been used and the third floor has been closed off. It was further stated that due to the location of the building, the heavy traffic on Washington Street and the small amount of land around the house, it is not condusive for occupancy by single families especially with children.

It is the opinion of the petitioner that the house involved cannot be used at a reasonable expense and with a fair financial return for a use regularly permitted in a Single-family District and that unless relief is granted by the Board to continue its present use as a three-family dwelling, undue hardship will result. The property will deteriorate which will depreciate surrounding properties and will result in substantial detriment to the public good.

Decision

The Board granted the petitioner permission to use the property involved as a three-family dwelling on July 1, 1966, for a period of five years, subject to compliance with certain conditions. The Board has not been informed of any violation of the conditions imposed in the permit nor has any complaint been called to its attention.

The Board, therefore, grants the requested permission under the provisions of Chapter 40A, Section 15, of the General Laws, but subject to the following conditions:

1. That the first and second floors only shall be used for human occupancy.

2. That the third floor shall continue to be closed off.

3. That the Building Inspector shall inspect said premises annually and make report of his findings.

4. That said permit shall be contingent upon compliance with these conditions, all applicable rules and regulations now or hereafter issued by this Board, and, unless sooner terminated, shall expire five years from this date.

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Philip H. R. Cahill

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