



## BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
 TELEPHONE  
 235-1664

Petition of John P. and Clare M. Hagan

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 8:10 p.m. on February 1, 1973, on the petition of John P. and Clare M. Hagan, 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) and XXIV-E of the Zoning By-law.

On December 11, 1972, the petitioners filed application for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, attorney, represented the petitioners 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.

Attorney for the petitioners stated that for the past three years, this Board has granted permission to the former owner of the property to use the house as a two-family residence on a limited and conditional permit. The petitioners who purchased the property during the past year, have moved into the house and are occupying the first and second floors. They now seek permission to continue renting the third-floor apartment which is presently occupied by another family.

As required by the Board in its decision, suitable off-street parking space has been provided for three cars, it was stated, one within the garage and accommodation for two cars on an area which has been black-topped. It was further stated that in the Board of Appeal's decision to Ethel M. Anderson, former owner of the property, which was recorded with the Town Clerk on July 23, 1969, it stated, "...it does feel that the house can no longer be used or adapted at a reasonable expense and with a fair financial return as a single-family residence..." If this were true at that time, it was alleged, the same is true now, and Mr. White urged the Board to act under Section II 8 (a) of the Zoning By-law which would allow the Board to grant the requested permission for an unlimited period rather than under Section XXIV-E of the Zoning By-law which limits the Board to not more than one year.

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 petitioners if the permit is not granted. The change of ownership does not alter the circumstances in this case sufficiently to compel its use to be reduced to one family. While the

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Board has considered granting the request on an indefinite period under the provisions of Section II 8 (a) of the Zoning By-law, it feels at this time that it cannot be done. In its opinion, the conditions hereinafter imposed should be reviewed in another year.

Accordingly, the Board finds that the continued non-conforming use of the dwelling involved will not substantially reduce the value of any property within the district, and will not otherwise be injurious, obnoxious, or offensive to the neighborhood, and hereby grants permission pursuant to Sect on XXIV-E of the Zoning By-law, for the property involved to be used as a two-family dwelling, subject to the following conditions:

1. That not more than two families shall occupy the dwelling at any time.
2. That off-street parking spaces shall be used by the petitioners and their tenant, or the subsequent owner of the property and its tenant.
3. 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.
4. That all applicable State and local laws, ordinances and regulations in respect to the premises and the use thereof shall be complied with by the owners of the property and the tenant.
5. That said permit shall expire one year from this date or sooner if the above-mentioned conditions are not complied with.

  
Theodore C. Merlo

  
Dana F. Lowell

  
F. Lester Fraser

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

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