



## ZONING BOARD OF APPEALS

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 Administrative Secretary  
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Petition of Pietro Nuzzi

Pursuant to due notice the Permit Granting Authority held public hearing in the hearing room on the second floor of the Town Hall at 8:20 p.m. on July 7, 1977, on the petition of Pietro Nuzzi, requesting a special permit or variance from the terms of Section II of the Zoning By-law which will allow him to continue to use his dwelling at 15 Columbia Street as a two-family dwelling as provided under Section XXIV-D of the Zoning By-law.

On June 21, 1977, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, attorney, represented the petitioner at the hearing and explained in detail the petitioner's need for a continuation of the use of the property.

Statement of Facts

The house involved, which is approximately one hundred years old, is located on a lot containing 18,000 square feet, within a Single Residence District requiring a minimum lot area of 10,000 square feet. It is a two and one-half story frame dwelling containing ten rooms, five rooms and bath on the first floor and five rooms and bath on the second floor with an attic partially finished on the third floor. It was explained at the hearing that the petitioner purchased the house approximately thirty-five years ago and has occupied it with his family since that time. Until last year his married daughter and her children occupied the second floor and the petitioner and his wife occupied the first floor. A year ago, the Board of Appeal granted permission to the petitioner to convert the house into a two-family dwelling, subject to the condition that said permit would expire in one year. The petitioner now requests a renewal of that permit and seeks a variance which will allow the dwelling involved to be used as a two-family dwelling as long as the petitioner owns and occupies the house. The petitioner's attorney pointed out that because of the length of time the petitioner and his family has occupied the house and due to the fact that it has been kept in good condition during the past thirty-five years, he felt that the variance should be granted on a longer basis.

Decision

The Board has made a careful study of all the facts in this case and has taken a view of the locus.

It is the opinion of this Board that due to the size and location of the house involved, it can no longer be used or adapted at a reasonable expense and with a fair financial return as a single-family residence. It is the further opinion of this Board that there is still a real need for the

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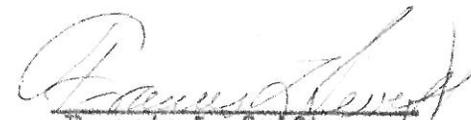
continuance of the non-conforming use as requested, and it appears that the continued use of the property will not alter the circumstances in this case sufficiently to result in depreciation of surrounding properties. There are other two-family dwellings in the neighborhood and the property involved abuts industrial zoned land at the rear, where Grossman operates a large business and parking lot for customers.

For these reasons, it is the unanimous opinion of the Board that the proposed use of the property, subject to the conditions hereinafter imposed, will not reduce the value of any property within the district and will not be injurious, obnoxious or offensive to the neighborhood, and that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance is granted, subject to the following conditions:

1. That not more than two families shall occupy the dwelling involved at any time.
2. 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 his tenant.
3. That said variance shall be contingent upon compliance with all laws, rules and regulations now or hereafter applicable to a two-family dwelling, to all rules and regulations now or hereafter made by this Board and unless sooner terminated, shall continue as long as the petitioner and his family occupy the dwelling, but in no case will this variance extend beyond a period of five years from the date of filing this decision with the Town Clerk.

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Francis L. Swift

  
Franklin P. Parker

  
William E. Pobletta

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