

**TOWN OF READING, MASSACHUSETTS
ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF EDWARD NEWTON
FOR THE PROPERTY LOCATED AT
43 BELMONT STREET, READING, MASSACHUSETTS**

**June 7, 2012
Case Number 12-08**

The Zoning Board of Appeals (the "Board") held a Public Hearing on Thursday, June 7, 2012 in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the petition of Edward Newton (the "Petitioner"). The Petitioner sought a Special Permit and a Variance under Sections 4.3.2.8 and 4.3.2.8.2a of the Zoning By-laws in order to create an accessory apartment on the property located at 43 Belmont Street in Reading, Massachusetts (the "Property").

The Chairman opened the hearing and the Board heard testimony that a portion of the main dwelling, on the Property, proposed for the accessory apartment, was constructed after 1982. Assessor records indicate that the main dwelling at 43 Belmont Street, Reading was legally occupied in 1946. After review of Section 4.3.2.8.2.a. of the Zoning by-laws which states "The dwelling in which the accessory apartment is to be located was legally occupied prior to August 1, 1982." and subsequent Board discussion, a motion was made and seconded for a finding that the dwelling in which the accessory apartment is to be located was occupied prior to August 1, 1982. The Board voted 4-1-0 (Jarema opposed) to approve the motion that Section 4.3.2.8.2.a. of the By-laws was met by the Applicant.

The Board then discussed the remaining criteria required for an accessory apartment listed in Section 4.3.2.8.2. of the Zoning by-laws and was of the opinion that the Applicant met the remaining conditions *b.* through *i.* of the By-law. The Chairman opened the hearing for public comment and, upon having no person from the public requesting to speak or comment, closed the public comment portion of the hearing. Without further discussion and upon a motion duly made and seconded, the Board voted 5-0-0 to grant the Petitioner's request for a Special Permit to create an accessory apartment in the single family dwelling on the legal, non-conforming lot at the property located at 43 Belmont Street, Reading, MA. As depicted on the three (3) floor layout sketches prepared for Edward & Judy Newton, 43 Belmont Street and submitted with the application. This Special Permit is subject to the following conditions:

1. The existing dwelling at 43 Belmont Street shall not reflect any exterior changes to its' outside appearance in regards to the addition of the accessory apartment.
2. The Petitioner shall submit to the Building Inspector construction plans of the proposed construction of the accessory apartment prior to the issuance of a Building Permit for the work.
3. The Petitioner shall submit to the Building Inspector "as-built" plans of the finished construction prior to the issuance of an Occupancy Permit for the accessory apartment.

Any person aggrieved by this decision of the Board may appeal to the appropriate court pursuant to MGL c. 40A, §17, within twenty (20) days after the date of filing this Decision with the Town Clerk. Notice of appeal with a copy of the complaint must also be filed with the Town Clerk within twenty (20) days as provided in § 17.

This Special Permit shall not take effect until a copy of this Decision, bearing certification of the Town Clerk that twenty (20) days have elapsed after the decision was filed in the Office of the Town Clerk and no appeal has been filed, or if an appeal has been filed within such time, that it has been dismissed or denied, is recorded in the Middlesex South Registry of Deeds and indexed in the grantor's Index under the name of the owner of record, or is recorded and noted on the Owner's Certificate of Title. The fee for recording or registering shall be paid by the Owner or Petitioner. Any person exercising rights under a duly appealed Special Permit does so at the risk that a court may reverse the permit and that any construction performed under the permit may be ordered to be undone.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS



Jeffrey Perkins, Chairman

Zoning Board Members voting on Case Number 12-08
Damase Caouette, John Jarema, Jeffrey Perkins, John Miles, Robert Redfern