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TOWN OF READING

ZONING BOARD OF APPEALS  
DECISION ON THE PETITION OF ANTHONY BONFILIO  
FOR THE PROPERTY LOCATED AT  
170 PEARL STREET, READING, MASSACHUSETTS

2013 AUG 28 A 4 37

August 15, 2013  
Case No. 13-17

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, August 15, 2013, at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the petition of Anthony Bonfilio (the "Petitioner"). The Petitioner sought a Special Permit under Section 6.3.8 of the Zoning By-Laws in order to demolish an existing non conforming, single family dwelling and to construct a new, single family dwelling on a non-conforming lot, as indicated on a plot plan dated March 17, 2013, on the property located at 170 Pearl Street in Reading, Massachusetts (the "Property").

The Property, built upon about 1948, is located in an S-15 Zoning District and is considered a legal, non-conforming lot due to the fact that the lot has a frontage of 80 feet, less than the required frontage of 100 feet for the zoning district. The lot is 24,745 sq. ft. in area, which exceeds the minimum 15,000 sq. ft. area requirement for the district. The Petitioner proposes to demolish the existing non-conforming, single family dwelling and construct a new one story, single family dwelling that will conform to all required dimensional setbacks. The footprint of the new dwelling is depicted on the Certified Plot Plan ("Plot Plan") titled "Certified Plot Plan of Land, 170 Pearl Street, Reading, MA". The Plot Plan was prepared by LeBlanc Associates, Inc., 161 Holten Street, Danvers, MA 01923, dated March 17, 2013 and stamped by Vernon LeBlanc, Massachusetts RLS. Architectural plans for the proposed one story, single family dwelling were also submitted with the application and are dated 05/12/2013. The architectural plans were prepared by KDK Design and are numbered 1, 2 & 4.

Section 6.3.8.1.b of the Reading Zoning By-Laws allows the Board to grant a Special Permit for such reconstruction after voluntary demolition where the Board determines that the new construction will not be substantially more detrimental to the neighborhood than the former dwelling. Following a presentation by the Petitioner, discussion and comment by Board members and opening the hearing to public comment, the Board concluded that the proposed dwelling will meet all required setbacks and that the new dwelling will not be substantially more detrimental to the neighborhood than the former dwelling.

Accordingly, a motion was made and seconded, and the Board voted unanimously (4-0-0) to grant the Petitioner's request for a Special Permit under Section 6.3.8.1b of the Zoning By-Laws to permit the demolition of the existing non-conforming, single family dwelling and to construct a new one story, single family dwelling on the existing legal, non-conforming lot on the property located at 170 Pearl Street in Reading, Massachusetts, as shown on the above-referenced Plot Plan and in general conformance with the architectural plans submitted with the application for Special Permit.

The Special Permit is conditioned upon the following:

1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans (slab on grade), prior to the issuance of a foundation permit for the work.

2. The Petitioner's final construction plans for the new structure shall be submitted to the Building Inspector, along with the as-built foundation plans, prior to the issuance of a Building Permit.
3. As-built plans showing the completed construction of the new structure shall be submitted to the Building Inspector immediately after the work is completed and prior to the issuance of an Occupancy Permit.

Any person aggrieved by this decision of the Board may appeal to the appropriate court pursuant to M.G.L. 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 District 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



Damase Z. Caouette, Chairman

Zoning Board Members voting on Case # 13-17  
Damase Caouette, Robert Redfern, John Jarema, David Traniello