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**TOWN OF READING**

**ZONING BOARD OF APPEALS  
DECISION ON THE PETITION OF PETER GILLIES  
FOR THE PROPERTY LOCATED AT  
17 SANBORN STREET, READING, MASSACHUSETTS**

**March 6, 2014  
Case No. 14-05**

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, March 6, 2014, 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 Peter Gillies (the "Petitioner"). The Petitioner sought a Special Permit under Section 6.3.3 / 6.3.3.2 of the Zoning By-Laws in order to renovate the third floor of a multiple family dwelling on the property located at 17 Sanborn Street in Reading, Massachusetts (the "Property").

The Property is located in the Business "B" Zoning District and the Property, a five (5) unit residential dwelling, is considered a non-conforming use due to the fact that residential uses are not allowed for the zoning district. The Petitioner proposes to renovate the existing structure to bring it up to Code. A new dormer will be added to provide adequate ceiling height on the third floor and to provide a new second means of egress. The existing exterior stair will be rebuilt. The proposed dormer addition requires a Special Permit by Section 6.3.3.2 of the By-laws as it is considered a change to the exterior of the building. The footprint of the renovated dwelling is depicted on the Certified Plot Plan ("Plot Plan") titled "Proposed Stairs and Landing, Assessors Map 21 Parcel 27, 17 - 19 Sanborn Street, Reading, MA". The Plot Plan was prepared and stamped by Stephen M. Melesciuc, Registered Land Surveyor No. 39049, Massachusetts and is dated February 3, 2014. Architectural plans for the renovated multi-family dwelling were also submitted with the application and are dated December 13, 2013. The architectural plans are prepared by Intent Architects, 33 High Street, Suite 3, Reading, MA and are titled "Sanborn Street - Unit Renovation" and are numbered a-0 through a-5.

Section 6.3.3.2 of the Reading Zoning By-Laws allows the Board to grant a Special Permit for renovation of an existing non-conforming structure where the Board determines that the new construction will not increase the non-conforming nature of said structure or create a new non-conformity and, shall not be substantially more detrimental to the neighborhood than the existing non-conforming structure. Following a presentation by the Petitioner, discussion and comment by Board members regarding the legality of the existing multi-family dwelling in the Business "B" district and, opening the hearing to public comment, the Board concluded that the renovated multi-family dwelling will be maintained as five (5) units and will not increase the non-conformity of the dwelling, will create no new non-conformity and, will not be substantially more detrimental to the neighborhood than the dwelling before renovations.

Accordingly, a motion was made and seconded, and the Board voted (4-1-0) to grant the Petitioner's request for a Special Permit under Section 6.3.3.2 of the Zoning By-Laws to permit the renovation of the existing non-conforming, multi-family dwelling on the property located at 17 Sanborn 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. As-built plans showing the completed construction/renovations of the multi-family dwelling 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 # 14-05

For: Damase Caouette, Robert Redfern, Erik Hagstrom, John Miles

Opposed: John Jarema