

Town of Reading Zoning Board of Appeals
The Decision of the Board of Appeals on the Petition of

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Bill Nolan and Savoie Nolan Architects LLX,
on the Property Located at
264 High Street, Reading, Ma 01867
Case #20-01

March 4, 2020

The Zoning Board of Appeals (the “Board”) held a public hearing on Wednesday, March 4, 2020 at 7:00 p.m. in the Great Room at the Pleasant Street Center, 49 Pleasant Street in Reading, Massachusetts to hear the petition of Bill Nolan and Savoie Nolan Architects (the “Petitioner”). The Petitioner sought a **Special Permit** to demolish the existing non-conforming garage and construct a new garage with a nonconforming side-yard setback to an existing non-conforming dwelling located at 264 High Street, Reading, Massachusetts (the “Property”), under Sections 7.0, 7.3, and 7.3.2 of the zoning bylaws.

The Property is located on a 7,949 square foot lot located in an S-15 district, and includes a single family dwelling of 1,170 square feet. The applicant intends to construct a new 14’ x 41’ garage in conjunction with other property improvements to provide accessibility to a family member who is mobility impaired. The improvement does not extend the non-conforming side setback as it does not encroach further into the current non-conforming side yard setback of 10.05’.

The proposed addition is depicted on the submitted Certified Plot Plan (the “Plot Plan”) dated January 28, 2020, prepared and certified by Stephen M. Melesciuc, of 514 Gazebo Circle, Reading, MA. The proposed addition is also depicted in an architectural drawing, on four unnumbered architectural renderings, prepared by Savoie Nolan Architects, of 264 High St. Reading MA, dated January 31, 2020, submitted as part of the application and reviewed by the Board.

Section 7.3.2 of the Reading Zoning By-laws provides the standard that shall apply to alternations of single family dwellings. The Board discussed the standard with the Petitioner. Following discussion and comment by Board Members and opening and closing the hearing to public comment; all the Board Members concluded that the proposed addition, as shown on the aforementioned plot plan and architectural drawing, to be no more substantially detrimental to the neighborhood than the existing non-conforming structure, and therefore eligible for a Special Permit under 7.3.2.

A motion was made and seconded; and the Board voted 5-0-0 in the affirmative to grant a Special Permit to the Petitioner under Sections 7.0, 7.3, and 7.3.2 of the Zoning Bylaws in order to construct a garage as reflected in and consistent with (1) aforementioned Certified Plot Plan and, (2) aforementioned Architectural Rendering included with the application, consistent with conditions hereinafter. The conditions of the Board’s approval shall be as follows:

Board Members sitting & voting on Case #20-01

Chair, Damase Caouette, Erik Hagstrom, Nick Pernice, Robert Redfern, Hillary Mateev
ZBA Case No. 19-27, 374 Main Street, Withdraw w/o Prejudice: RER

The Special Permit is conditioned upon the following:

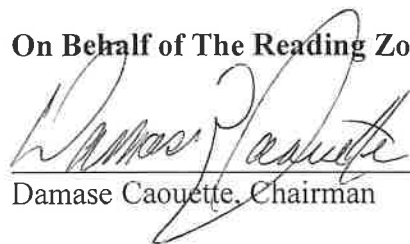
1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans, prior to the issuance of a foundation permit for the work.
2. The Petitioner's final construction plans for the new structure shall be submitted to the Building Inspector, along with the as-built foundation plan(s), prior to the issuance of a Building Permit.
3. The Petitioner shall submit as-built plans to the Building Inspector showing the completed construction immediately after the work is completed and prior to the issuance of an Occupancy Permit.

Any person aggrieved by the decisions 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, 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.

The 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 Caouette, Chairman