

TOWN OF READING

**ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF
STONEGATE CONSTRUCTION CORP.,
C/O 259 MAIN ST., READING, MA
FOR THE PROPERTY LOCATED AT
259 MAIN STREET, READING, MA 01867
OWNED BY 259-267 MAIN STREET LLC**

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**JULY 15, 2020
Case No. 20-07
aka 19-19 REVISION**

The Zoning Board of Appeals (the "Board") held a public hearing on Wednesday, July 15, 2020 at 7:00 p.m. remotely online via Zoom Meeting to hear the petition of Stonegate Construction Corp. (the "Petitioner"). The Petitioner sought a determination pursuant to Section 4.6.2.4; modification to special permit issued in Case No. 19-19 on October 2, 2019.

Applicant was granted a special permit in Case No. 19-19 to alter and extend an area of the property historically used for commercial parking and storage within the S-15 District, to be used for driveways, walkways and parking accessory to the proposed multi-family redevelopment of the A-40 District portion of the property. Applicant sought to modify the conditions of that special permit to increase allowed number of parking spaces in the portion in the S-15 District.

The board determined the proposed modification of condition #1 was not substantially different or detrimental. The total number of parking for the redevelopment had increased, however 9 parking spaces were moved from the A-40 District into the S-15 District; increasing those spaces from 12 to 21. The increase in parking results in less than a 1% increase in additional usage in the S-15 District.

The proposed addition is depicted on the submitted Permit Site Plan dated May 20, 2020, Sheet E1, prepared by Hancock Associates for Stonegate Construction Corp., submitted as part of the application and reviewed by the Board.

A motion was made and seconded; and the Board voted 4-0-0 in the affirmative to grant a Modification to a Special Permit to the Petitioner under Section 4.6.2.4 of the Zoning Bylaws reflected in and consistent with (1) aforementioned Permit Site Plan included with the application, consistent with conditions hereinafter. The conditions of the Board's approval shall be as follows:

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.

1. 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.
2. 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

Board Members voting on Case #20-07 aka 19-19 Revision:
James Maughan (yes), Nick Pernice (yes), Damase Caouette (yes), Robert Redfern (yes)