



Town of Reading

16 Lowell Street, Reading, MA 01867

Zoning Board of Appeals

Ph: 781-942-6654 or Fax: 781-942-9071

readingma.gov/zoning-board-of-appeals

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Zoning Board of Appeals

Decision on the petition of
1337 Main Street Reading LLC
for the property located at 1337 Main Street
Reading, MA 01867

17 December 2020

Case No. 20-11

The Zoning Board of Appeals (the "Board") opened a public hearing via Zoom virtual meeting, in lieu of meeting in the Select Board's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts to hear the petition of 1337 Main Street Reading LLCC (The "Petitioner"). The Petitioner sought a Variance under Sections 6.0 and 6.3 of the Zoning By-laws to create a Canopy over fuel pumps that would create a non-conforming front lot set back on the property located at 1337 Main Street Reading, Massachusetts (the "Property").

The Property is located in the Business A Zoning District of Reading and is a commercial Fuel Filling Station with fuel pumps, and area for car sales, and one structure. The Petitioner was present at the meeting, along with the agent, O. Bradley Latham Esq. It was stated that the Petitioner is seeking a Variance for a Canopy over the existing fuel pumps that would be parallel to Main Street. A Variance is required because the Canopy would encroach on the required 15 foot set back from the front property boundary by approximately six (6) feet. The proposed Canopy is depicted on a Certified Plot Plan ("the Plot Plan") prepared and certified by Jarosz Land Surveying, 3 Mill Street Manchester MA 01944 Commonwealth of Massachusetts Professional Surveyor No. 47394, dated November 26, 2020. Architectural layouts and elevations for the proposed Canopy consist of: above mentioned plot plan; Plan of Land sheet prepared by Jarosz Land Surveying, 3 Mill Street Manchester MA 01944 Commonwealth of Massachusetts Professional Surveyor No. 47394 dated 19 October 2020; and 3 Austin Mohawk shop drawings of a Canopy dated 5 October 2020. All of these documents accompanied the 9 November 2020 application by the Petitioner. During the meeting the petitioner agreed to the following conditions for the application:

- Petitioner would maintain the landscaped area owned by the Town between said property and Main Street
- Petitioner would submit documentation of the stated cost of approximately \$100,000 to relocate pumps and associated piping in order to construct a Canopy not requiring a Variance
- Petitioner reserved the right to substitute an equivalent Canopy to the one described in the Shop Drawings submitted with the application.

A motion was made and seconded by Board Members that the proposed Canopy would meet the criteria for a Variance under Section 7.4 of the Reading By-laws. The Board voted in the affirmative (5 to 0) to grant a Variance in order to construct the Canopy at 1337 Main Street Reading as shown on the previously noted Certified Plot Plan, Architectural plans and commitments stated above.

Any person aggrieved by the 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 Variance 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 ZONNG BOARD OF APPEALS


Robert Redfern, Chair

Zoning Board Members voting on Case Number 20-11
Hillary Mateev, Jamie Maughan, Nick Pernice, Robert Redfern, Cynde Hartman