

RECEIVED
TOWN CLERK
READING, MA.

TOWN OF READING

ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF DANIEL A. DIMARE
FOR THE PROPERTY LOCATED AT
77 SUMMER AVENUE, READING, MASSACHUSETTS

2019 MAR 11 PM 3: 58

March 6, 2019
Case No. 19-04

The Zoning Board of Appeals (the "Board") opened and held a public hearing on Wednesday, March 6, 2019 at 7:00 p.m. in the Selectman's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts to hear the petition of Daniel A. DiMare (The "Petitioner"). The Petitioner sought a Special Permits under Sections 5.3.2, 5.47 and 7.3.2 of the Zoning By-laws in order to construct an addition and new screened porch and, to create an accessory apartment attached to an existing non-conforming dwelling on the property located at 77 Summer Avenue in Reading, Massachusetts (the "Property").

The Property is located in the S-15 residential district. The lot is considered an existing non-conforming lot as it has less than the required minimum lot frontage for the S15 zoning district and, the existing residence is deemed a non-conforming structure due to an existing less than required minimum side yard setback at the north side property line. The Petitioner and his architect, Ms. Nancy Twomey, both present at the meeting, stated that they were seeking a Special Permit for a proposed rear addition and for an attached accessory apartment. The existing dwelling with proposed addition and attached accessory apartment is depicted on a Certified Plot Plan ("the Plot Plan") prepared by John D. Sullivan III, P.E., P.O. Box 2004, Woburn, MA 01888 and stamped by John D. Sullivan III, MA Professional Engineer No. 41586, dated January 17, 2019. Architectural layouts and elevations consisting of plans 1 thru 9, and plans 1 thru 3, both sets dated January 22, 2019, were prepared and submitted by Twomey Design, 23 California Road, Reading, MA.

Section 7.3.2 of the Reading Zoning By-laws states, in relevant part, "For those alterations not eligible for a building permit pursuant to Section 7.3, the Zoning Board of Appeals may grant a Special Permit to reconstruct, extend, alter, or structurally change a nonconforming building or structure upon a finding that such reconstruction, extension, alteration or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming building or structure". Section 5.4.7 of the Reading By-laws states the purpose and criteria required for a Special Permit for an Attached Accessory Apartment to an existing dwelling. Following discussions with the Petitioner and his Architect, and comment among Board members, the meeting was opened to public comment and subsequently closed.

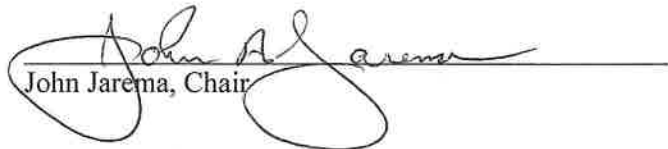
A two-part motion was made and seconded by Board Members that the proposed addition would meet the requirements for Special Permit under Section 7.3.2 of the Reading By-laws for the rear addition to the existing dwelling and, the proposed Attached Accessory Apartment met the requirements for a Special Permit for an Attached Accessory Apartment if it were noted that access and parking for the apartment was located on the southerly side of the lot and was wholly located within the confines of the property parcel. The Board voted in the affirmative (5-0-0) in both motions to grant a Special Permit in order to (1) construct a rear addition to the dwelling and, (2) construct an Attached Accessory Apartment to the dwelling, both as shown on the previously noted Certified Plot Plan and Architectural plans submitted, with the following conditions attached.

1. The driveway access and parking for the Attached Accessory Apartment shall be wholly within the property lot lines of the subject parcel and shall be located on the southerly side of the property, generally as shown on the Certified Plot Plan.
2. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans for the work prior to the issuance of a foundation permit for the work.
3. The Petitioner's final construction plans for the proposed addition shall be submitted to the Building Inspector, along with as-built foundation plans, prior to the issuance of a Building Permit for the work.
4. As-built plans of the completed construction 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 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 and Special Permits 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


John Jarema, Chair

Zoning Board Members voting on Case # 19-04

John Jarema, Erik Hagstrom, Damase Caouette, Robert Redfern, Nick Pernice,