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ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF HCR CONSTRUCTION, INC. -3 PM 12: 18
FOR THE PROPERTY LOCATED AT
79-81 SALEM STREET, READING, MASSACHUSETTS

June 19, 2019
Case No. 19-11

The Zoning Board of Appeals (the "Board") held a public hearing on Wednesday, June 19, 2019 at 7:00 p.m. in the Selectboard's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts to hear the petition of Brian Powderly of HCR Construction, Inc. (The "Petitioner"). The Petitioner sought a Special Permit under Section 7.8 and 7.3.2 of the Zoning By-laws in order to demolish the existing two family dwelling and to construct a new two family dwelling in its place at the property located at 79-81 Salem Street, Reading, Massachusetts (the "Property").

The Property is located in the S-15 residential district, and the existing dwelling is a legal non-conforming two family structure. The Petitioner stated that he was requesting a Special Permit under Section 7.8 and 7.3.2 of the Zoning By-laws to demolish the existing structure and to construct a new two family dwelling at the Property. The Petitioner further explained that the new structure would comply with the dimension setback requirements for the S-15 district with the exception of the left side yard setback, which would encroach into that side yard 13'6" and 14'2", but that these setbacks would be an improvement over the existing 9'9" left side yard setback. The proposed addition is depicted on a Certified Plot Plan ("the Plot Plan") prepared by Dresser, Williams & Way, Inc., and stamped by Francis J. McDonald Land Surveyor, dated September 4, 2018, a Grading and Utility Plan prepared by Dresser, Williams & Way, Inc. prepared by Stephen R. Dresser, Professional Engineer dated May 16, 2018 and on architectural renderings A-1 - A-11, prepared by David E. Capaldo, AIA dated April 1, 2018.

Following discussion and comment among Board members, the meeting was opened to public comment. The Board, after public comment, closed that portion of the hearing. 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". A motion was made and seconded, and pursuant to Section 7.3.2, the Board voted 5-0-0 to make a finding that the proposed construction plans were not substantially more detrimental to the neighborhood than the existing nonconforming building or structure at the Property. (Jarema, Caouette, Redfern, Hagstrom, Pernice affirmative)

A second motion was made and seconded and the Board voted 5-0-0 to grant the Petitioner's request for a Special Permit under Section 7.8 and 7.3.2 of the Zoning By-laws in order to demolish the existing legal non-conforming structure on the property, and to construct a new two family dwelling at the Property located at in Reading, Massachusetts, as shown on the referenced Plot Plan of land. (Jarema, Caouette, Redfern, Hagstrom, Pernice affirmative).

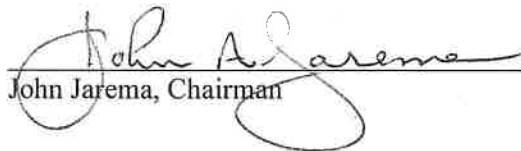
The Special Permit is conditioned upon the following:

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 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 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, Chairman

Zoning Board Members voting on Case # 19-11
John Jarema, Damase Caouette, Robern Redfern, Erik Hagstrom, Nick Pernice