

TOWN OF READING
ZONING BOARD OF APPEALS

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Decision on the Appeal of Louise L. Hillman

From the Site Plan Review Decision dated August 13, 2019 Issued to
Austin Preparatory School, 101 Willow Street, Reading Massachusetts

Case No. 19-24

The Reading Zoning Board of Appeals (the "ZBA") held a public hearing in the Select Board's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts on Wednesday, October 16, 2019. This public hearing was on the appeal of Louise L. Hillman (the "Appellant") from the Site Plan Review Decision issued by the Town of Reading Community Planning and Development Commission ("CPDC") on August 13, 2019. In this Site Plan Review Decision, the CPDC conditionally approved a project proposed by the Austin Preparatory School, located at 101 Willow Street, that was described in the decision as follows:

- 1) Overview: Applicant is proposing to redevelop and convert the existing outdoor 'Lower Sports Field' area which currently consists of two baseball fields, two soccer fields and a shotput pit into one synthetic turf multipurpose field. The Applicant proposed to regrade the fields and construct a subsurface stormwater infiltration and recharge system covered with synthetic turf, upon which will be located the multipurpose field. The project also includes the construction of six tennis courts, appurtenant bleachers, a press box, dugouts, a practice baseball infield on clay and grass, storage facilities, walkways, retaining walls and fences on the two lots.

The Appellant filed this appeal pursuant to Section 4.6.10 of the Zoning Bylaws of the Town of Reading, which states "[a]ny person aggrieved by a decision of the CPDC pursuant to Section 4.6 may appeal such decision to the Zoning Board of Appeals within twenty (20) days of the date filed with the Town Clerk."

The Appellant's appeal is dated August 27, 2019, and was filed on letterhead of the "Citizens Environmental League & Community Preservation Society." The letterhead indicated that the mailing address for this organization is 201 Washington Street, Boston, MA 02108. The document stated that the Appellant filed this appeal "[a]s an aggrieved party, on behalf of other aggrieved parties not Reading Residents and otherwise." The document was signed by Louise L. Hillman, individually. The document did not attribute any other address to Ms. Hillman or to Citizens Environmental League & Community Preservation Society other than the 201 Washington Street, Boston, MA 02108 address.

The Appellant's written submittal stated "I will be unavailable to address the proper board and/or commission in a public setting until the first week of October 2019. I respectfully ask to accommodate me with this restriction." Out of consideration of this request, ZBA staff scheduled the hearing for October 16, and noticed the hearing for that date in accordance with M.G.L. c.40A, §11.

The Appellant sent an email to the Staff Planner on October 11 asking that the October 16 hearing date be postponed without any presentation.¹ Austin Preparatory School objected to this request for a postponement, on the ground that this appeal was preventing construction of its proposed project, and that it would be prejudiced by a delay without the opportunity to address this merits of this appeal.

The Staff Planner responded to the Appellant, by email, that her request for a continuance would be taken up by the ZBA at the hearing, that there was no guarantee that the request would be granted, and that if the request was not granted then the appeal would be heard as advertised.

On October 16, the ZBA opened the public hearing on this appeal. The Appellant did not appear either in person or through any attorneys, agents, experts, or representatives. The ZBA discussed the Appellant's email request for a postponement, and voted unanimously to deny it.

The ZBA then heard from Austin Preparatory School, who argued that the Appellant was not aggrieved by the CPDC's Site Plan Review Decision, and therefore lacked standing to maintain this appeal. Section 4.6.10 of the Zoning Bylaw, which provides the basis for this appeal, states as follows:

Any person aggrieved by a decision of the CPDC pursuant to Section 4.6 may appeal such decision to the Zoning Board of Appeals within twenty (20) days of the date filed with the Town Clerk.

In support of its argument that the Appellant is not aggrieved by the CPDC's Site Plan Review Decision, Austin Preparatory School presented the following evidence, which the ZBA credits:

- The Appellant is not an abutter to the Austin Preparatory School.
- The Appellant is not an abutter-to-an-abutter to the Austin Preparatory School.
- The Appellant is not listed on the certified abutters' list concerning the Austin Preparatory School.
- The Appellant does not own property in the Town of Reading.
- A search of the Secretary of the Commonwealth's website does not disclose the existence of any organization entitled "Citizens Environmental League & Community Preservation Society."
- Citizens Environmental League & Community Preservation Society does not own any real property in the Town of Reading, near the Austin Preparatory School or otherwise.
- The *Daily Times Chronicle* sent a bill for the published notice of the public hearing to Ms. Hillman's Boston address for payment and the mailing came back marked "attempted not known."

¹ October 11, 2019 was a Friday, and Town Hall is closed on Fridays. October 14 was a holiday (Columbus Day), and as a result this email requesting a postponement was not received until October 15.

Based on the evidence in the record, the ZBA voted unanimously that the Appellant lacks standing to bring this appeal pursuant to Section 4.6.10 of the Zoning Bylaw.

Accordingly, the appeal of the CPDC's Site Plan Review Decision pursuant to Section 4.6.10 is hereby **DENIED**.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS



Damase Caouette, Chairman

Zoning Board Members Voting: Damase Caouette, John Jarema, Robert Redfern, Nick Pernice, Hillary Mateev

