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ZONING BOARD OF APPEALS  
DECISION ON THE PETITION OF MEISNER BREM CORPORATION  
FOR THE PROPERTY LOCATED AT  
107 MAIN STREET, READING, MASSACHUSETTS

December 4, 2019  
Case No. 19-25

The Zoning Board of Appeals (the "Board") held a public hearing on Wednesday, December 4, 2019 at 7:00 p.m. in the Select Board's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts to hear the petition of Meisner Brem Corporation (the "Petitioner"), acting on behalf of Michael Palmer, manager of 107 Main Street Reading, LLC. The Petitioner sought a variance under Section 5.3 "Table of Uses" of the zoning bylaws, in order to allow for the construction of 7 new parking spaces on the property located at 107 Main Street, Reading, Massachusetts (the "Property").

The Property is located in both the Business A, and Residential S-15 zoning district of Reading, with the proposed additional parking located in the S-15 district portion. The request stems from the scarcity of onsite parking needed to support the restaurant operations of the applicant's business, Fusilli Cucina. As a result of the lack of parking, employees and patrons are utilizing nearby on-street parking and parking on abutting parcels to meet the demand.

The existing dwelling and proposed parking is depicted on a Certified Parking Improvement and Notice of Intent Plan ("the Plot Plan") prepared by Meisner Brem Corp. of 142 Littleton Road, STE. 16 Westford, MA 01886, Revision # 4 (09/05/2019), and stamped by Jeffrey A. Brem, PLS.

Section 5.3 of the Reading Zoning By-laws provides the standard that shall apply to allowed uses. The Board discussed the standard along with the variance criteria with the Petitioner. Following discussion and comment by Board Members and opening and closing the hearing to public comment; all the Board Members concluded that the proposed modification, as shown on the aforementioned plot plan, to be no more substantially detrimental to the neighborhood, meet all four of the variance criteria and therefore eligible for a variance.

A motion was made and seconded; and the Board voted 5-0-0 in the affirmative to grant the Petitioner a variance from the Tables of Uses under Section 5.3 of the Zoning Bylaws in order to convert a mostly wooded underutilized portion of the parcel, in the S-15 Zone, to 7 new parking spaces, as reflected in and consistent with aforementioned Certified Plot included with the application.

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 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, 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 Variance does so at the risk that a court may reverse the Variance and that any construction performed under the permit may be ordered to be undone.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS

  
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Damase Caouette, Chairman

Board Members voting on Case #19-25: John Jarema (yes), Nick Pernice (yes), Damase Caouette (yes), Robert Redfern (yes), Hillary Mateev (yes)