

TOWN OF READING
ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF GARY BUONAROSA
FOR THE PROPERTY LOCATED AT
287 LOWELL STREET, READING, MASSACHUSETTS

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November 20, 2019
Case No. 19-26

The Zoning Board of Appeals (the “Board”) opened and held a public hearing on Wednesday, November 20, 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 Gary Buonarosa (The “Petitioner”). The Petitioner sought a Special Permit under Sections 5.3.2, 5.4 and 7.2 of the Zoning By-laws to allow a change in use on the property located at 287 Lowell Street in Reading, Massachusetts (the “Property”).

The Property is located in the residential S-15 Zoning District of Reading. The existing structure on the property is conforming to all required setbacks. The Petitioner was present at the meeting and was also represented by Attorney David Traniello of Lynnfield. Attorney Traniello stated that the Applicant is seeking a Finding and /or Special Permit in order to allow a change in use of the combined retail / residential use of the property establishment. The current establishment is run as a convenience store (P & S Convenient) with a residential apartment on the second floor in which the Applicant currently resides. The Applicant, because of ongoing family health issues, would like to move on from the operation of a convenience store. The Applicant wishes to continue the retail use of the property, as permitted by a Variance granted in 1970 the Board, but discontinue the use of the convenience store and allow a lessee / possible purchaser ” Mark Tango Plumbing” to operate his retail / service business from the property. The existing property with structure / dwelling is depicted on a Certified Plot Plan (“the Plot Plan”) prepared by Sullivan Engineering Group, LLC, Woburn, MA, dated November 11, 2019 and stamped by John Sullivan Registered P.E. An architectural rendering of the proposed first floor layout of the Mark Tango Plumbing business is reflected on Architectural Drawing No. A1, prepared by Avo Asdourian, Registered Architect MA, PO Box 290, Watertown, MA and dated September 16, 2019.

Section 7.2 of the Reading Zoning By-laws states, in relevant part, “where non-conforming uses are changed ..., the use may be reconstructed, altered, extended or structurally changed”. The Zoning Board of Appeals may grant a Special Permit upon a finding that such reconstruction, extension, alteration or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. Following discussions with the Petitioner and his Attorney and among Board members, the hearing was opened to public comment. Comments were heard from the public in attendance in support of the Applicant’s request and the public comment portion of the hearing was subsequently closed.

A motion was made and seconded by the Board that the proposed change in use from a retail convenience store to a plumbing retail / service business would not be substantially more detrimental to the neighborhood than the existing dwelling and, would meet the requirements for Special Permit under Section 7.2 of the Reading By-laws for a proposed change in use and alteration to the existing structure’s first floor. The Board voted in the affirmative (5-0-0) to grant a Special Permit in order to allow a change in use on the first floor of the structure on the property at 287 Lowell Street as shown on the previously noted Certified Plot Plan and Architectural drawing submitted with the application request.

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 Permit 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



Damase Caouette, Chair

Zoning Board Members voting on Case # 19-26
Damase Caouette, Hillary Mateev, Erik Hagstrom, Nick Pernice, Robert Redfern