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TOWN OF READING
ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF
JOSHUA LATHAM, AS AGENT OF
EILEEN GORHAM AND JOHN BUGDEN
FOR THE PROPERTY LOCATED AT
87 FRANKLIN STREET, READING, MA 01867

December 5, 2018
Case No. 18-21

The Zoning Board of Appeals (the “Board”) held a public hearing on Wednesday, December 5, 2018 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 Joshua Latham (the “Petitioner”) acting as agent of Eileen Gorham and John Bugden, the owners. The Petitioner sought a Special Permit for an attached Accessory Apartment under Sections 5.3.2 and 5.4.7 of the zoning bylaws in order to allow an accessory apartment within their property located at 87 Franklin Street, Reading, Massachusetts (the “Property”).

The Property is located on an 18,617 square foot lot located in an S-20 district, and includes a primary home of 1,997 square feet. The applicant intends to construct a new two story addition to an existing one-story Single Family home and expand the first-floor to include a two-story accessory apartment. This includes 122 additional square feet to the first floor and a new second floor of 2,038 square feet, for a total proposed principle of 4,157 square feet, as well as an accessory apartment attached to the residential dwelling, of 990 total square feet. The accessory use represents 23.8% of the primary dwelling, meets the performance standards of being less than 1,000 square feet, and is not more than 33% of the primary residence.

The proposed addition is depicted on the submitted Certified Plot Plan (the “Plot Plan”) dated September 10, 2018, prepared and certified by John D Sullivan III, P.E., of P.O. Box 2004 Woburn, MA. The proposed addition is depicted on an unnumbered eight page packet of architectural drawings and layouts, prepared by Phoenix Architects, of 9 Foster St # 2, Wakefield, MA 01880, dated October 10, 2018, showing the existing principal and proposed detached accessory apartment submitted as part of the application and reviewed by the Board.

Section 5.4.7.3 of the Reading Zoning By-laws provides the Performance Standards that shall apply to all Accessory Apartments. The Board discussed the standards with the Petitioner. Following discussion and comment by Board members and opening and closing the hearing to public comment; *not* all the Board members concluded that the proposed dwelling with the accessory apartment, as shown on the aforementioned plot plan and architectural drawings, conforms to the performance standards of the By-law noted herein, to be eligible for a Special Permit. The applicant took a 5 minute recess and returned with a few suggestions to modify the architectural drawings to alleviate concerns of a few board members, that the substantial rehab proposed, no longer gives the appearance of a Single Family home.

A motion was made and seconded, and the Board voted 4-1-0 in the affirmative to grant a Special Permit to the Petitioner under Sections 5.3.2 and 5.4.7 of the Zoning Bylaws in order to build an accessory apartment as reflected in and consistent with (1) aforementioned Certified Plot Plan and, (2) aforementioned Architectural Drawings included with the application, *consistent* with conditions hereinafter. The conditions of the Board's approval shall be as follows:

The Special Permit is conditioned upon the following:

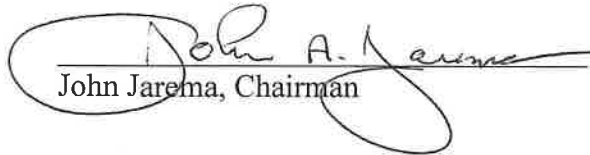
1. The front entrance to the primary residence closest to the accessory dwelling shall be modified to conform to performance standards in Sections 5.4.7.3(d) & (f). It shall be designed to maintain appearance of a Single Family Dwelling, in particular by maintaining the appearance of one primary entrance, while all other entrances must present as secondary. This shall be accomplished by removing the awning/overhang and changing the originally spec'd glass door to solid 6 panel door to the aforementioned front entrance. This door style shall also apply to the entrances of the accessory dwelling.
2. 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.
3. 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.
4. 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 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 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, 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 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 ZONING BOARD OF APPEALS


John Jarema, Chairman

Board Members voting on Case # 18-21:

John Jarema (no), Nick Pernice (yes), Damase Caouette (yes), Robert Redfern (yes), Erik Hagstrom (yes)