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TOWN OF READING
ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF JOBEAL CAPITAL, LLC
FOR THE PROPERTY LOCATED AT
65 LONGFELLOW ROAD, READING, MASSACHUSETTS

November 7, 2018
Case No. 18-10

The Zoning Board of Appeals (the "Board") held a public hearing on Wednesday, November 7, 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 Jobeal Capital, LL (The "Petitioner"). The Petitioner sought a Special Permit under Section 7.3.2 of the Zoning By-laws for the rebuilding of a residence within required setbacks on the property located at 65 Longfellow Road in Reading, Massachusetts.

The Property, located in the S-15 residential district, and the existing domicile is a non-conforming structure due to numerous setback intrusions and is sited on an undersized lot lacking sufficient frontage on a public street. The Petitioner would like to demolish the existing domicile and build a new residence in's place. The hearing was initially opened on July 18, 2018 and subsequently continued to August 15, 2018, October 3, 2018 and November 7, 2018 at the request of the Petitioner's representative and to obtain an opinion from Town Counsel. The Petitioner's representative explained that the updated plan is rebuild a new residence upon the exact footprint of the to be demolished domicile. The footprint of the existing domicile is depicted on a Certified Plot Plan ("the Plot Plan") prepared by LJR Engineering, Inc., North Reading, MA and stamped by Scott M. Cerrato, MA Professional Engineer #50049, rev. dated May 9, 2018 and stamped June 18, 2018.

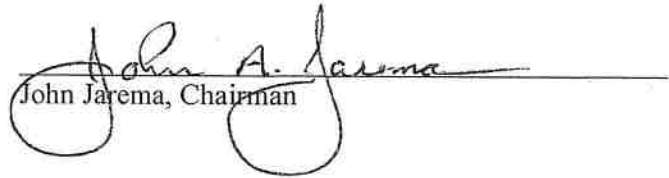
Based upon the fact that the existing domicile has been in place for ten years or more, and even without a valid build permit for the construction of such, Town Counsel is of the opinion the existing domicile is considered a legal, non-conforming structure and, as such under Section 7.3.1 A of the Zoning By-laws, allows the alteration (rebuilding) of a single family dwelling where the new structure "will not increase the footprint of the existing structure, create a new dimensional non-conformity, or extend an existing dimensional non-conformity".

A motion was made and seconded and a finding was made and voted by the Board (5-0-0) that because the existing domicile is considered a legal, non-conforming structure, the Petitioner is allowed by right under Section 7.3.1 A of the Town of Reading Zoning By-laws to demolish said domicile and rebuild a single family residence on the same footprint, so long as no new non-conformities are created or extended.

A second motion was made and seconded at the request of the Petitioner's representative that the application for a Special Permit be withdrawn without prejudice. The Board voted 5-0-0 in favor of the withdrawal without prejudice of the Special 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.

ON BEHALF OF THE READING ZONNG BOARD OF APPEALS


John Jarema, Chairman

Zoning Board Members voting on Case # 18-10
John Jarema, Damase Caouette, Robert Redfern , Nick Pernice, Kyle Tornow

RZBA Case No. 18-10 65 Longfellow Rd Finding: RER