

05/10/2016

I hereby certify that
twenty days have elapsed
since this decision was
filed in this office
and no appeal from the
decision has been filed.

Paul Yeme
Town Clerk

TOWN OF READING

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ZONING BOARD OF APPEALS

DECISION ON THE PETITION OF FRANK JOHN AND THERESA WIGGINS

FOR THE PROPERTY LOCATED AT

61 TERRACE PARK, STREET, READING, MASSACHUSETTS

April 7, 2016
Case No. 16-03

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, April 7, 2016 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 Frank John and Theresa Wiggins (The "Petitioners"). The Petitioners sought a Special Permit under Section(s) 5.3.2, 5.4.7.2 and 5.5.1a of the Zoning By-Laws in order to construct a detached accessory building for use as an accessory apartment on the property located at 61 Terrace Park in Reading, Massachusetts (the "Property").

The Petitioners were represented at the hearing by O. Brad Latham, Esq.

The Petitioners proposed to construct a detached accessory building for use as an accessory apartment in accordance with a Plot Plan dated February 8, 2016, prepared by Vineyard Engineering & Environmental Services, 400 West Cummings Park, Suite 4800, Woburn, MA 01801 and certified by James J. Abely, Certified Land Surveyor and depicted in Architectural Drawings, sheets 1, 2, 4, 5 and 6, prepared by Phoenix Architects, Wakefield, MA, dated February 9, 2016 and sheet 3, dated January 28, 2016 and certified by Peter L. Sandorse, Registered Architect.

Section 5.3.2 of the Zoning By-Laws allows for a detached Accessory Apartment by Special Permit. Section 5.5.1a of the Zoning By-Laws provides that "accessory buildings or structures located within a required yard shall be limited to one story. Accessory buildings may be used for Accessory Apartments only as may be permitted pursuant to Section 5.4.7 of the Zoning By-Laws."

The Petitioners through counsel made a presentation addressing compliance with the requirements of 5.4.7.3a through 5.4.7.3k. After discussion of the requirements by the Board members and opening the hearing to public comment, a motion was made and seconded and the Board voted 4-0-1 to grant the Petitioners' request for a Special Permit under Sections 5.3.2, 5.4.7.2 and 5.5.1a of the Zoning By-Laws to permit construction of a detached accessory building for use as an accessory apartment on the property located at 61 Terrace Park in Reading, Massachusetts as shown on the above-referenced Plot Plan and Architectural Drawings.

The Special Permit is conditioned upon the following:

1. If deemed necessary, approval of the project by the Conservation Commission.
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. As-built plans showing the completed construction of the new structure being submitted to the Building Inspector immediately after the work is completed and prior to the issuance of an Occupancy 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.

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, 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.

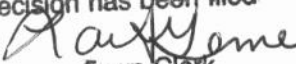
ON BEHALF OF THE READING ZONING BOARD OF APPEALS



David Traniello, Acting Chairman

Zoning Board Members voting on Case # 16-03

David Traniello, Damase Caouette, Kathleen Hackett, Erik Hagstrom, John Jarema (abstaining)

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