


Town of Reading Zoning Board of Appeals

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Town Clerk

The Decision of the Board of Appeals on the Petition of

Anthony Caturello
On the Property Located at
57 Federal Street
Reading, Massachusetts
Case No. 16-01

January 7, 2016

The Zoning Board of Appeals (the Board) opened a public hearing in the Selectmen's Meeting Room at the Town Hall, 16 Lowell Street, Reading, Massachusetts at 7:00 PM on Thursday, January 7, on the petition of Anthony Caturello, who sought Special Permit under Section 7.3.2 of the Zoning By-Laws in order to expand a front porch with dimensions of 6.6' X 11.6', to expand the rear of the property to construct a two-story addition and add a rear deck with dimensions of 6' X 15' per plans and drawings submitted on the property located at 57 Federal Street in Reading, Massachusetts.

The Petitioner's Property is in a S-15 District. The existing Property is the Petitioner's family's residence, which Petitioner intends to purchase and renovate, which is a non-conforming structure due to its proximity to the required 15-yard side yard setback. The Petitioner, represented at the hearing by Nancy Twomey of Twomey Design, explained that none of the proposed construction or additions contained in the Petition would increase the non-conformity into the side yard setback. The proposed new structure is depicted in the Certified Plot Plan ("the Plot Plan") prepared and stamped by John D. Sullivan Professional Engineer, dated November 23, 2015. Architectural and Elevation Plans, pages 1 through 10, prepared by Twomey Design, 23 California Street, Reading, MA, dated December 1, 2015, showing the proposed additions were also reviewed by the Board.

Revised Section 7.3.2 of the Reading zoning bylaws provides, in relevant part: "The Board of Appeals may grant a Special Permit to reconstruct, extend, alter or structurally change a nonconforming building or structure upon a finding that such reconstruction, extension, alteration or structural shall not be substantially more detrimental to the neighborhood than the existing nonconforming building or structure." Following discussion and comment by Board members and opening the discussion to public discussion, the Board concluded that the proposed front porch expansion, two-story addition and new rear deck does not increase the nonconforming nature of said structure or create a new nonconformity and will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

A motion was made and seconded and the Board voted 5-0-0 in the affirmative to grant a Special Permit under Section 7.3.2 of the zoning bylaws in order expand a front porch with dimensions of 6.6' X 11.6', to expand the rear of the property to construct a two-story addition and to add a rear deck with dimensions of 6' X 15' on the property located 57 Federal Street in Reading, Massachusetts, as reflected in and consistent with the plans and drawings referred to above.

The conditions of the Board's approval shall be as follows:

The Special Permit is conditioned upon the following:

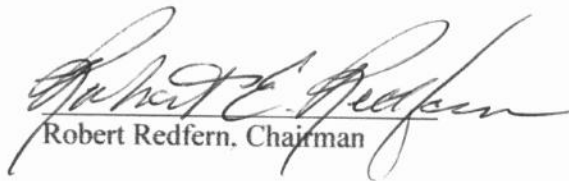
1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans, prior to the issuance of a foundation permit for the work.
2. The Petitioner's final construction plans for the new structure shall be submitted to the Building Inspector, along with the as-built foundation plan(s), prior to the issuance of a Building Permit.
3. 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 this decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws Chapter 40A, Section 17, within twenty (20) days after the date of filing of this Decision with the Town Clerk. Notice of an appeal with a copy of the complaint must also be filed with the Town Clerk within twenty (20) days as provided in Section 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.

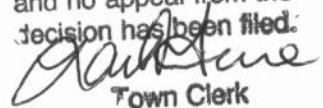
The person exercising rights under a duly appealed Special Permit does so at the risk that a court may reverse the permit and that any construction performed under the permit may be ordered to be undone.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS


Robert Redfern, Chairman

Board Members voting on Case # 16-01

Damase Caouette, Robert Redfern, John Jarema, David Traniello, Erik Hagstrom

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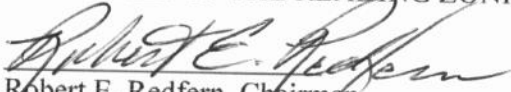
The Zoning Board of Appeals (the Board) opened a public hearing in the Selectmen's Meeting Room at the Town Hall, 16 Lowell Street, Reading, Massachusetts at 7:00 PM on Thursday, January 7, on the petition of Anthony Caturello, who sought a Variance under Section 6.3 of the Zoning By-Laws in order to add a single story detached two car garage and to add a platform/stairs to the front porch per plans and drawings submitted on the property located at 57 Federal Street in Reading, Massachusetts.

At the January 7, 2016, meeting, after discussion by the Board and the Petitioner the Petitioner requested to withdraw without prejudice Petitioner's request for a Variance as described herein.

A motion was made and seconded and the Board voted 5-0-0 in the affirmative to grant the Petitioner's request to withdraw without prejudice, its request for a Variance on the Property located at 57 Federal Street, Reading, Massachusetts.

Any person aggrieved by this decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws Chapter 40A, Section 17, within twenty (20) days after the date of filing of this Decision with the Town Clerk. Notice of an appeal with a copy of the complaint must also be filed with the Town Clerk within twenty (20) days as provided in Section 17.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS


Robert E. Redfern, Chairman

Board members voting on Case No. 16-01
Damase Caouette, Robert E. Redfern, John J. Jarema, Erik Hagstrom and David Traniello.