

01, 20, 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.

RECEIVED  
TOWN CLERK  
READING, MASS.

*R. DiStefano*  
Town Clerk

DEC 30 A 10:26

**TOWN OF READING**

**ZONING BOARD OF APPEALS**

**DECISION ON THE PETITION OF SALVATORE RUSSO AND LINDA RUSSO  
FOR THE PROPERTY LOCATED AT  
55 HANCOCK STREET, READING, MASSACHUSETTS**

**Case No. 15-13**

**December 17, 2015**

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, December 17, 2015 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street, Reading, Massachusetts, to hear the petition of Salvatore Russo and Linda Russo (the "Petitioners"). The Petitioners sought a Special Permit under Sections 7.3/7.3.2 of the zoning bylaws in order to add a 23' x 24' two story garage with a room above it and to remodel the existing apartment at the property located at 55 Hancock Street, Reading, Massachusetts (the "Property").

The Petitioners' Property is located in a S-15 district and is legal non-conforming both with respect to dimensional controls (having street frontage of 95 feet and a side yard setback of 5.4 feet), and to use (as a two-family dwelling). The Petitioners explained that the proposed two-story garage addition would meet current dimension side and rear setback requirements and would not create any new conformity of the Property nor increase the nonconforming nature of the structure. Also, as the new room added above the garage and incorporated in the Petitioners' remodeling plan would share the same foundational footprint as the garage, that second aspect of the Petitioners' request for a Special Permit would likewise create no new nonconformity for the Property. The Petitioners' proposal is depicted on a Certified Plot Plan dated September 24, 2015, prepared and certified by John D. Sullivan, III, Professional Engineer, P.O. Box 2004, Woburn, MA 01888, and on Architectural Drawings, sheets noted as A-0, A-1 and A-4, prepared by Steven Baczek Architect 44 Glenmore Circle, Reading, MA 01867, all dated August 24, 2015, and certified by Steven Baczek, Registered Architect, all submitted with Petitioners' application for Special Permit.

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 made an affirmative finding that the Petitioners' proposal 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 the Petitioners' request for a Special Permit under Sections 7.3/7.3.2 of the zoning bylaw to allow

the construction of a 23' x 24' two-story garage with a room above it and to remodel the existing apartment at the property located at 55 Hancock Street, Reading, Massachusetts all as shown on the above-referenced Certified Plot Plan and Architectural Drawings.

The Special Permit is conditioned upon the following:

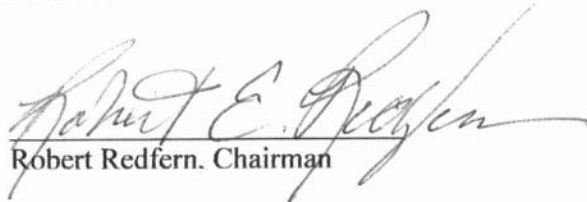
1. The Petitioners shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans, prior to the issuance of a foundation permit for the work.
2. The Petitioners' final construction plans for the new structure shall be submitted to the Building Inspector, along with the as-built foundation plans, prior to the issuance of a Building Permit.
3. As-built plans showing the completed construction of the new structure shall be submitted to the Building Inspector 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 # 15-13  
Damase Caouette, Robert Redfern, John Jarema, Erik Hagstrom, Kathleen Hackett

01/20/2016  
nereby certify that  
twenty days have elapsed  
since this decision was  
filed in this office  
and no appeal from the  
decision has been filed.  
