

12/01/2015
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.

Audreyenne
Town Clerk

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TOWN OF READING, MASSACHUSETTS

DECISION OF THE ZONING BOARD OF APPEALS ON THE PETITION OF

OF NH SIGNS FOR THE PROPERTY LOCATED AT

749 MAIN STREET, READING, MASSACHUSETTS

November 5, 2015

Case No. 15-11

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, November 5, 2015, in the Selectmen's Meeting room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the Petition of NH Signs, agent for ASZ LLC, (the "Petitioner") who sought a Variance from Sections 8.0/8.2.5.e of the Zoning Bylaw in order to replace a portion of the existing free standing sign with an electronic sign on the property located at 749 Main Street in Reading, Massachusetts (the "Property").

The Property is located in a Business A zoning district. The Petitioner was requesting to replace a current manual gasoline price display on an existing free standing sign with an LED electronic gasoline price display with no change in the size of the free standing sign and numerics in accordance with architectural drawings, pages 2, 8, and 11 dated September 10, 2014 with revisions dated September 24, 2014 and November 4, 2014, prepared by Blair Companies, 5107 Kissell Avenue, Altoona, PA 16601, all of which were included with application.

The Board of Appeals may grant a Variance if it finds that the four following conditions have been met: (1) particular circumstances existing relating to soil conditions, shape or topography of the land or structures that are subject to the petition, but do not generally affect the zoning district in which it is located; (2) a literal enforcement of the zoning ordinance would involve a substantial hardship, financial or otherwise; (3) the desirable relief can be granted without substantial detriment to the public good; and (4) that the Variance does not nullify or substantially derogate from the intent or purpose of the zoning ordinance.

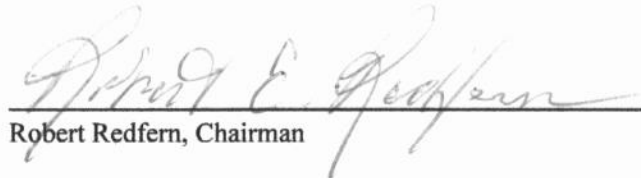
The Petitioner presented his case before the Board and gave explanations to the four criteria required to be met for a Variance and why the Petitioners' request for a Variance is warranted. The Chairman read an input from the Zoning Officer confirming the need for a variance and indicating the case should have been advertised as an LED reader board sign rather than an LED electronic sign. The Zoning Officer had no concerns with the Petitioner's proposal.

Following the Petitioner's presentation, board discussion and the public portion of the meeting, the Board reviewed the four criteria necessary for approval of a variance request and concurred with the arguments presented by the Petitioner for a Variance. Accordingly, a motion was made and seconded and the Board voted (5-0-0) to grant the Petitioners' request for a Variance from Sections 8.0/8.2.5.e of the Zoning Bylaw.

Any person aggrieved by this 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.

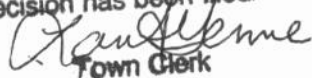
This Variance shall not take effect until a copy of this Decision, bearing certification of the Town Clerk that twenty (20) days have elapsed after the Decision was filed in the Office of the town Clerk and no appeal has been filed, or if an appeal has been filed within such time, that is has been dismissed 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 Variance 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

Zoning Board Members Voting on Case # 15-11:

For approval of a Variance: Damase Caouette, John Jarema, Robert Redfern, David Traniello, Kathleen Hackett

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