

02/18/2015

hereby certify that
twenty days have elapsed
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DECISION OF THE ZONING BOARD OF APPEALS ON THE PETITION OF
MBA BUILDING GROUP/ALLEN CARPENELLA FOR THE PROPERTY LOCATED AT
92 CURTIS STREET, READING, MASSACHUSETTS

January 28, 2015

Case No. 15-01

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, January 15, 2015, in the Selectmen's Meeting room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the petition of MBA Building Group/Allen Carpenella (the "Petitioner") who sought a Special Permit under Section 6.3.8 of the Zoning By-Law in order to construct a new single family dwelling on a non-confirming lot located in an S-20 zoning district on the property located at 92 Curtis Street in Reading, Massachusetts (the "Property").

The Petitioner's Property is in a S-20 District, and is non-conforming due to lot frontage, which is currently 100.11 feet, where the requirement in the S-20 District is 120 feet. The existing structure on the property has been demolished and the Petitioner proposes to construct a new single family residence. The Petitioner, represented at the hearing by Jack Sullivan, P.E. stated that the request for a Special Permit under Section 6.3.8 of the zoning bylaws would not encroach into any of the required setbacks and the only non-conformity was the lot frontage. The Petitioner proposes to increase the building footprint. The proposed new structure is depicted in the Certified Plot Plan ("the Plot Plan") prepared by John D. Sullivan III, P.E., 22 Mount Vernon Road, Boxford, MA and stamped by John Sullivan III, Professional Engineer, dated December 8, 2014. Architectural Plans, pages 1 through 5, prepared by Donohue Design and Construction, LLC & MBA Building Group LLL, dated January 13, 2015, showing the proposed structure were also reviewed by the Board.

Section 6.3.8.1(b) of the Reading zoning bylaws provides that a Special Permit is required in the event that a proposed reconstruction of a dwelling in a Residential S-20 District would (a) cause the structure to exceed the volume or area of the original non-conforming structure or (b) cause the structure to be located other than on the original footprint. The Board of Appeals may allow such reconstruction, by Special Permit, where it determines that the proposed reconstruction will not be substantially more detrimental than the existing non-conforming structure to the neighborhood. After questioning by the Board, and review of the materials submitted, the Board confirmed that the proposed structure would meet all required setbacks and that the proposed new structure would not be substantially more detrimental to the neighborhood.

A motion was made and seconded and the Board voted 5-0-0 in the affirmative to grant a Special Permit to MBA Building Group/Allen Carpenella pursuant to Section 6.3.8.1(b) of the By-laws in order to construct a new single family dwelling on a non-confirming lot located in an S-20 zoning district on the property located at 92 Curtis Street in Reading, Massachusetts as depicted on the previously referenced Certified Plot Plan and Architectural Drawings.

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 # 15-01

Robert Redfern, David Traniello, Damase Caouette, John Jarema, Kathleen Hackett


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