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**ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF MICHAEL TINE AND TAMMY TINE
FOR THE PROPERTY LOCATED AT
337 ASH STREET, READING, MASSACHUSETTS**

**JUNE 19, 2014
Case No. 14-10**

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, June 19, 2014 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 Michael Tine and Tammy Tine (The "Petitioners"). The Petitioners sought a Special Permit under Section(s) 4.3.2.8.2 of the zoning by-laws in order to recognize an existing accessory apartment attached to a single family dwelling on the property located at 337 Ash Street in Reading, Massachusetts (the "Property").

The Property is located in an S15 District and consists of a single family dwelling originally built in 1950, with an accessory apartment that Petitioners state in their application has existed since 1972. Petitioners indicated through their testimony that the Tine family had occupied the house for several generations and that they were very familiar with the history of the property. Petitioners did not submit any proposed plans for work relating to the accessory apartment because the apartment is already in existence. However, petitioners did submit, which the Board found credible, hand-drawn renderings of the dwelling's dimensions and calculated square footage.

The Board of Appeals may grant a Special Permit for an accessory apartment if the Petitioners meet the criteria set forth in Section 4.3.2.8.2 of the Reading By-Laws. The Board agreed with the Petitioners that the property was occupied prior to August 1, 1982 (4.3.2.8.2.a), that the apartment at 721 square feet did not occupy more than 1/3 of the gross square footage existing as of 1982 calculated to be 2,592 square feet, nor exceed the maximum allowable seven hundred and fifty square feet (4.3.2.8.2.b), and that the Petitioners would reside in the principal one family dwelling portion of the home (4.3.2.8.2.c). Given that Petitioner's application requires no modification to the existing dwelling, and subject to the condition set forth below, the Board finds that the Petitioners have meet the balance of the conditions required under 4.3.2.8.2.

The Special Permit is conditioned upon the following:

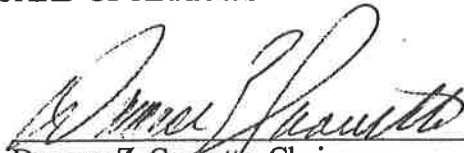
1. The Petitioner successfully passing a final inspection by the Building Inspector for the conversion of the second accessory apartment located in the basement back to a single family dwelling space.

A motion was made and seconded and the Board voted (4-1-0) to approve the petition for a Special Permit under section 4.3.2.8.2 of the zoning by-law in order to recognize an existing accessory apartment located within a single family dwelling, on the property located at 337 Ash Street in Reading, Massachusetts.

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 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, 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.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS



Damase Z. Caouette, Chairman

Zoning Board Members voting on Case # 14-10

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