

TOWN OF READING

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ZONING BOARD OF APPEALS

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DECISION ON THE PETITION OF DR. FRED RAVENS

FOR THE PROPERTY LOCATED AT

198-202 ASH STREET, READING, MASSACHUSETTS

June 19, 2014

Case No. 14-09

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 Dr. Fred Ravens (The "Petitioner"). The Petitioner sought a Special Permit under Section(s) 6.3.3/6.3.3.2 of the zoning bylaws in order to add a one story addition to the existing non-conforming structure for use as a dental office on the property located at 198-202 Ash Street in Reading, Massachusetts (the "Property").

The Property is located in a Business B district. The existing two-story building is a non-conforming structure due to its proximity to the rear setback. Nancy Twomey (hereinafter, Ms. Twomey), Architect, made the presentation on behalf of the Petitioner. Ms. Twomey stated that the Petitioner is requesting a Special Permit under Section 6.3.3 of the zoning bylaws to add a single story 20' x 40' addition and a rear covered porch. Ms. Twomey explained that the new addition and porch will be located off of the side of the existing structure and will conform to all required setbacks. Ms. Twomey stated that the adjacent lot, 202 Ash Street, was purchased by the Petitioner and has been combined with 198 Ash Street in order to expand the building and to add to staff parking. The dwelling is depicted in the Certified Plot Plan ("the Plot Plan") prepared by Sullivan Engineering Group, LLC, 22 Mount Vernon Road, Boxford, MA and stamped by John Sullivan III, Professional Engineer, dated May 1, 2014. Architectural Plans, pages 1 through 6, prepared by Twomey Design, 23 California Road, Reading, MA, were also reviewed by the Board.

Section 6.3.3.2 of the Reading zoning bylaws states, in relevant part: "The Board of Appeals may grant a Special Permit to reconstruct, extend, alter or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration or change does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood." Following discussion and comment by Board members and opening the discussion to public discussion, the Board concluded that the proposed one story addition to the nonconforming structure does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

Accordingly, a motion was made and seconded, and the Board voted unanimously (5-0-0) to grant the Petitioner's request for a Special Permit under Section 6.3.3/6.3.3.2 of the zoning bylaws in order to add a one story addition to the existing non-conforming structure for use as a dental office on the property located at 198-202 Ash Street in Reading, Massachusetts, as shown on the referenced Plot Plan of Land 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. As-built plans showing the completed construction of the new structure being submitted to the Building Inspector immediately after the work is completed and prior to the issuance of an Occupancy Permit.

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 Variance and Special Permits 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 and that any construction performed under the permit may be ordered to be undone.

ON BEHALF OF THE READING ZONNG BOARD OF APPEALS

A handwritten signature in cursive script, reading "Damase Z. Caouette", written over a horizontal line.

Damase Z. Caouette, Chairman

Zoning Board Members voting on Case # 14-09

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