

TOWN OF READING

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ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF DAVID P. JOHNSON, 2012 SEP 26 A 10:23
FOR THE PROPERTY LOCATED AT
173 GROVE STREET, READING, MASSACHUSETTS

September 13, 2012
Case No. 12-12

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, September 13, 2012, in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the petition of Mr. David P. Johnson (the "Petitioner"). The Petitioner sought a Special Permit under Section 6.3.8 of the Zoning By-Laws in order to demolish a single family dwelling on a non-conforming lot and to construct a new single family dwelling as per plans submitted on the property located at 173 Grove Street in Reading, Massachusetts (the "Property").

The Property is located in the S-20 Zoning District. The parcel is considered a legal, non-conforming lot because its lot size and frontage do not meet the current minimum lot area (20,000 s.f.) and frontage (120 feet) requirements for the S-20 zoning district. The lot has an existing area of 7,642 square feet and street frontage of 75.27 feet. The Town's Residential Property Record Card indicates the existing dwelling was built in 1925, which pre-dates Reading's Zoning By-laws.

At the hearing, the Petitioner presented his case to demolish the existing dwelling with associated detached garage and, to construct a new two-story, single family dwelling with a two car garage underneath, on the lot. The Petitioner noted the existing dwelling employs an on-site septic system for sewage disposal and he intends to properly abandon the existing septic system and tie into the Town water and sewer in Grove Street. The Petitioner also noted that the current legal owner of the property is GMAC / Fannie Mae and that has been given permission to obtain all necessary permits for demolition of the existing dwelling and construction of the new dwelling.

The proposed two-story, single family dwelling is shown on a submitted Certified Plot Plan titled "Showing Proposed Dwelling in Reading, MA, 173 Grove Street", prepared by D & A Survey Associates, Inc., P.O. Box 621, Medford, MA 02155, dated August 13, 2012 and stamped by Paul J. DeSimone, PLS. Architectural renderings / elevations of the proposed colonial style dwelling, prepared by William J. Gavin Associates, Architects, 128 Warren Street, Lowell, MA (Sheet Nos. 1, 5, 6 & 7), were also submitted with the application.

Section 6.3.8 of the Reading Zoning By-Laws allows the Board to grant a Special Permit for such reconstruction where the Board determines that the proposed reconstruction will not be substantially more detrimental than the existing non-conforming structure to the neighborhood.

Following a presentation by the Petitioner, discussion and comment by Board members and, then opening the hearing to public comment, the Board concluded the proposed dwelling, as presented, will meet the required setbacks and building height of the zoning district and the new dwelling will not be substantially more detrimental to the neighborhood than the existing non-conforming dwelling proposed for demolition.

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Accordingly, a motion was made and seconded, and the Board voted unanimously (4-0-0) to grant the Petitioner's request for a Special Permit under Section 6.3.8 of the Zoning By-laws to permit the demolition of the existing single family dwelling and detached garage and, allow construction of a new two-story, single family dwelling on a non-conforming lot on the property at 173 Grove Street, Reading, Massachusetts, as shown of the referenced certified Plot Plan and architectural drawings with the following conditions:

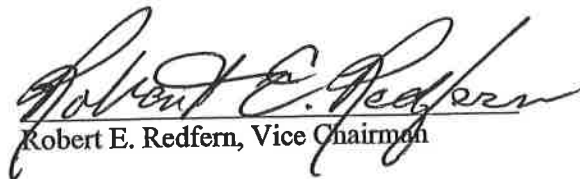
This Special Permit is also conditioned upon the following:

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

ON BEHALF OF THE READING ZONING BOARD OF APPEALS


Robert E. Redfern, Vice Chairman

Zoning Board Members voting on Case # 12-12
Robert Redfern, John Jarema, Kathleen Hackett, David Traniello

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