



Town of Reading

16 Lowell Street, Reading, MA 01867

Zoning Board of Appeals

Ph: 781-942-6654 or Fax: 781-942-9071

readingma.gov/zoning-board-of-appeals

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Decision of Finding on the Petition of

NKJ Dental, LLC

On the Property Located at

46 Woburn Street, Reading, Massachusetts

Case No. 21-03

April 20, 2021

The Zoning Board of Appeals (the "Board") opened a public hearing via Zoom virtual meeting, in lieu of meeting in the Select Board's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts to hear the petition of **NKJ Dental, LLC** (The "Petitioner"). The Petitioner sought a finding that the proposed use of the site described herein and reflected within the meeting minutes met the conditions of the April 23, 1958 Decision on the property located at **46 Woburn Street** in Reading, Massachusetts (the "Property").

The Property is located in the **S-15** residential district of Reading. The existing lot is considered legal non-conforming due to the fact that it does not meet the current area requirements for the zoning district it is in. The existing dwelling (a "Colonial" style dwelling, circa 1900) currently contains both one dwelling unit and a medical office and is deemed a legal, non-conforming use due to a variance approval for the site in 1958. The existing variance had previously approved the site to maintain two dwelling units and a medical office use. The Petitioner Nathan Jang, who is also the new business owner, was present at the meeting, along with representative Steven Cicatelli, Esq. It was stated that the Petitioner is seeking relief in order to maintain the site as a dental office instead of that of a doctor's medical office. It was unclear whether the dental use was allowed due to the previous variance being issued to a specific owner and user.

The Petitioner stated that there are no proposed interior or exterior building changes, thus it was found that no increase or change to parking requirements on-site are required. It was stated that due to previous building modifications the site now maintained one dwelling unit, a change from the two units originally approved in 1958. The Petitioner stated they would be living on-site within the residential unit once available to them. Due to being brought back into conformance with the S-15 Zoning District the Board found the site must maintain the one dwelling unit and no more but the unit is not required to be owner occupied.

After further discussion, the Board found that the site has had a multitude of owners since the variance approval in 1958. The Board found that new owners were allowed to continue the medical use by-right and were also not conditioned to live within the premise. They subsequently found that a dental office and use was substantially similar to that of a doctor's office and medical use as there was no clear distinction within the Bylaw. The Board found that parking requirements are the same for both dental and doctor office uses, traffic generation/impact for both dental and doctor office uses are calculated by

using the same numbers and both dental and doctor offices are mentioned in the Professional Services definition within the Bylaw.

A motion was made and seconded by Board Members that the proposed use would not be substantially more detrimental to the neighborhood than the existing dwelling and would meet the criteria of the 1958 Variance for the Property. **The Board voted in the affirmative (5-0-0) to grant a Finding in order to allow continuing medical and dental office uses (Professional Services) at the Property located at 46 Woburn Street, Reading, Massachusetts under the condition that the site be limited to one residential unit.**

ON BEHALF OF THE READING ZONING BOARD OF APPEALS

A handwritten signature in black ink, appearing to read "Robert A. Redfern", is written over a horizontal line.

Robert Redfern, Chair

Board members sitting and voting on Case No. 21-03
Robert Redfern, Nick Pernice, Cynde Hartman, Jamie Maughan, Hillary Mateev