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TOWN OF READING
ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF Jon Taubman
FOR THE PROPERTY LOCATED AT
34 Orange Street Reading MA

15 July 2020
Case No. 20-04

The Zoning Board of Appeals (the "Board") opened and held a public hearing on Wednesday, 15 July 2020 at 7:00 p.m. in the Select Board's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts to hear the petition of Jon Taubman (The "Petitioner"). The Petitioner sought a Special Permit and Variance under Sections 4.7, Table 5.32 and Section 7.8C of the Zoning By-laws to create a structure that extends an existing non-conforming non-conformality (side yard, and height.) setback on the dwelling on the property located at 34 Orange Street in Reading, Massachusetts (the "Property").

The Property is located in the Zoning District S 15 residential district of Reading. The accessory structure (an "Old" style house, circa 1898) is deemed a legal, non-conforming structure due to less than required minimum side-yard setbacks to the property line and structure height. The Petitioner who is also the property owner was present at the meeting. It was stated that the Petitioners seeking a Special Permit for use change and Variance for height for an accessory structure at the eastern side of the existing dwelling. The existing dwelling with proposed additions is depicted on a Certified Plot Plan ("the Plot Plan") prepared by PJF & Associates and certified by Paul J Finocchio, Professional Surveyor No. 36115, 4 Highland Ave Wakefield, MA dated March 17, 2020 and on architectural layouts and elevations for the proposed addition, consisting of sheets 1 thru 4, dated January 6, 2020 (sheets 1 and 2) March 3, 2020 and December 12, 2019 prepared by Savoie Nolan Architects LLC 4 South Main Street Ipswich MA 011938, were also submitted with the Petitioner's application.

The new Structure was determined by the Board to be a creative space and not an accessory apartment.

Section 7.3.2 of the Reading Zoning By-laws states, in relevant part, "For those alterations not eligible for a building permit pursuant to Section 7.3, the Zoning Board of Appeals may grant a Special Permit to reconstruct, extend, alter, or structurally change a nonconforming building or structure upon a finding that such reconstruction, extension, alteration or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming building or structure". Following discussion with the Petitioner and comment among Board members, the meeting was opened to public comment and, with no input from the public forthcoming, subsequently closed.

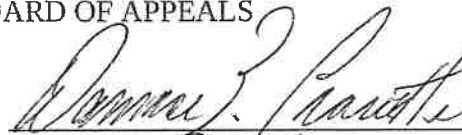
A motion was made and seconded by Board Members that the proposed reconstruction of the non-conforming accessory structure would not be substantially more detrimental to the neighborhood than the existing dwelling and, would meet the requirements for Special Permit under Section 7.3.2 of the Reading By-laws. The Board voted in the affirmative (4 in favor 0 opposed) to grant a Special Permit in order to reconstruct the accessory structure at the dwelling at 34 Orange St. Reading MA shown on the previously noted Certified Plot Plan and Architectural plans submitted. A second motion was made, and seconded by Board members, to issue a variance to allow 18' in height of the accessory structure where 12' is the maximum. The Board voted in the affirmative (4 in favor 0 opposed) to grant a Variance with the following conditions attached:

1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans for the work prior to the issuance of a foundation permit for the work.
2. The Petitioner's final construction plans for the proposed addition shall be submitted to the Building Inspector, along with as-built foundation plans, prior to the issuance of a Building Permit for the work.
3. As-built plans of the completed construction 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 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



Damase Caouette, Chair

4 Zoning Board Members voting on Case # 20-04
Voting Members
Robert Redfern
Damase Caouette
Nick Pernice
James Maughan

RZBA Case No20-04 Spec Perm for new use and variance for height