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TOWN OF READING
ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF WADE AND LORRAINE WILLWERTH
FOR THE PROPERTY LOCATED AT
26 GREEN STREET, READING, MASSACHUSETTS

October 16, 2019
Case No. 19-13

The Zoning Board of Appeals (the “Board”) held a public hearing on Wednesday, October 16, 2019 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 Wade and Lorraine Willwerth (the “Petitioner”). The Petitioner sought a Modification of Special Permit, previously granted in Case # 11-11, to covert storage space above the garage into living space in an existing dwelling, located at 26 Green Street, Reading, Massachusetts (the “Property”), under Section 7.3.2 of the zoning bylaws.

The Property is located in the Business B zoning district of Reading. The existing dwelling is deemed a legal, non-conforming “grandfathered” structure as residences are not legally allowed in the Business B zone per current by-laws. The Petitioners were present at the meeting and were also represented by Attorney O. Bradley Latham. Attorney Latham stated that the Applicants are seeking a Modification of a Special Permit in order to convert existing storage space into habitable living space; with the intention of using the space as a ‘family room’. A condition in Case #11-11 was that such space is to be used only for storage; not for human habitation.

The existing dwelling with is depicted on a Certified Plot Plan (“the Plot Plan”) prepared by Edward J. Farrell P.L.S., 110 Winn Street, Suite 203, Woburn, MA, dated May 4, 2011 and stamped by Edward J. Farrell MA P,L,S, #34813. Architectural renderings of the proposed enclosure of the second story deck are reflected on Architectural Renderings Nos. 2, 4, & 5 prepared by Phoenix Collaborative Architects, Wakefield, MA and dated September 2, 2019 Rev; showing the existing principal dwelling and proposed living area submitted as part of the application and reviewed by the Board

Section 7.3.2 of the Reading Zoning By-laws provides the standard that shall apply to alternations of single family dwellings. The Board discussed the standard with the Petitioner. Following discussion and comment by Board Members and opening and closing the hearing to public comment; all the Board Members concluded that the proposed modification, as shown on the aforementioned plot plan and architectural drawing, to be no more substantially detrimental to the neighborhood than the existing non-conforming structure, and therefore eligible for a Special Permit modification under 7.3.2.

A motion was made and seconded; and the Board voted 5-0-0 in the affirmative to grant a *modification* of the Special Permit previously granted in Case 11-11, to the Petitioner under Section 7.3.2 of the Zoning Bylaws in order to convert storage space above the garage into living space as reflected in and consistent with (1) aforementioned Certified Plot Plan and, (2)

aforementioned Architectural Renderings included with the application, consistent with conditions hereinafter. The conditions of the Board's approval shall be as follows:

The Special Permit is conditioned upon the following:

1. The Petitioner shall submit as-built plans to the Building Inspector showing the completed construction immediately after the work is completed and prior to the issuance of an Occupancy Permit.

Any person aggrieved by the decisions 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, 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.

The 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


Damase Caouette, Chairman

Board Members voting on Case #19-13:

John Jarema (yes), Nick Pernice (yes), Damase Caouette (yes), Robert Redfern (yes)