

Town of Reading Zoning Board of Appeals

**The Decision of the Board of Appeals on the Petition of
Gregory Stepler and Heather Stepler
On the Property Located at
77 Mineral Street
Reading, Massachusetts
Case No. 19-22
September 18, 2019**

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The Zoning Board of Appeals (the Board) opened a public hearing in the Selectmen's Meeting Room at the Town Hall, 16 Lowell Street, Reading, Massachusetts at 7:00 PM on Wednesday, September 18, 2019 on the petition of Gregory Stepler and Heather Stepler, who sought a Special Permit under By-law Sections 7.0 and 7.3.2 in order to remove an existing 10' x 17' nonconforming addition and construct a new 10' x 24' two story nonconforming addition in the partial same footprint at the property located at 77 Mineral Street in Reading, Massachusetts.

The property is located in the S-15 zoning district with an existing legal nonconforming structure, a portion of which extends 10.2' into the side yard setback rather than the 15' setback required by the S-15 zoning district. Ms. Nancy Twomey of Twomey Design made a presentation on behalf of the petitioners. She explained that the petitioners were seeking to remove an existing one story 10'x17' portion of the dwelling and to construct a new two story 10'x 24' addition which would extend the existing nonconforming setback for an additional seven feet. The proposed construction is depicted on a certified plot plan dated August 5, 2019 which was prepared and stamped by Stephen M. Melesciuc, Professional Land Surveyor, and on Architectural Drawings number A-1 through A-10, dated August 5, 2019 prepared by Twomey Design.

Following discussion and comment among Board members, the meeting was opened to public comment. The Board, after public comment, closed that portion of the hearing. 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". A motion was made and seconded, and pursuant to Section 7.3.2, the Board voted 5-0-0 to make a finding that the proposed construction plans were not substantially more detrimental to the neighborhood than the existing nonconforming building or structure at the Property. (Jarema, Caouette, Redfern, Hagstrom, Pernice affirmative)

A second motion was made and seconded and the Board voted 5-0-0 to grant the Petitioner's request for a Special Permit under Section 7.0 and 7.3.2 of the Zoning By-laws in order to demolish the existing legal non-conforming structure on the property, and to construct a new 10x24' dwelling at the Property located at 77 Mineral Street, Reading, Massachusetts, as shown on the referenced Plot Plan of land. (Jarema, Caouette, Redfern, Hagstrom, Pernice affirmative).


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. 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 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



Damase Caouette, Chair

Board members sitting and voting on Case No. 19-22

Chair Damase Caouette, Vice Chair Erik Hagstrom, John Jarema, Robert Redfern, Nick Pernice