

Town of Reading Zoning Board of Appeals

The Decision of the Board of Appeals on the Petition of

Carol and Bill Jackson

For the Property Located At

549 Pearl Street, Reading, Massachusetts

November 7, 2018

Case No. 18-18

The Reading Zoning Board of Appeals (The "Board") held a public hearing in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts on Wednesday, November 7, 2018 to hear the petition of Carol and Bill Jackson (the "Petitioners") who sought a Special Permit under Sections 5.3.2 and 5.4.7 of the Zoning Bylaw to construct an accessory apartment attached to an existing three car garage of a single family dwelling on the property located at 549 Pearl Street, Reading, Massachusetts (the "Property").

The Property is located in an S-20 residential Zoning District. The Petitioners proposed to construct an accessory apartment attached to an existing three car garage in accordance with Plot Plan of Land dated August 30, 2018 and revised November 1, 2018, prepared and certified by the Sullivan Engineering Group LLC, P.O. Box 2004, Woburn, MA 01888 and Architectural Drawings Sheets 1-7 dated September 12, 2018, prepared by Twomey Design 23 California Road, Reading, MA 01867, all enclosed with the application.

A Special Permit is required under Section 5.4.7 of the Zoning Bylaw for a new structure or addition to gross floor area of an existing structure and may be granted provided the performance conditions of Section 5.4.7.3 are met.

Ms. Twomey made a brief presentation supporting Petitioners request for a Special Permit. Following the presentation, board discussion and opening the meeting for public input, the Board voted unanimously (5-0-0) to grant the Petitioner's request for a Special Permit to add the accessory in accordance with the referenced plans subject to the following conditions and all other conditions for accessory apartments.

1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and a proposed foundation plan prior to the issuance of a foundation permit for the work.
2. The Petitioner shall submit to the Building Inspector final construction plans for the proposed structure, along with the As-Built foundation plan for the structure, prior to the issuance of a Building Permit.

3. The Petitioner shall submit to the Building Inspector, As-Built plans of the new structure 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 Section 17, within 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) as provided in Section 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 with 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 Granter'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 variance does so at the risk that a court may reverse the variance and order undo any construction performed under the variance.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS



John Jarema, Chairman

Zoning Board Members Voting: Damase Caouette, John Jarema, Nick Pernice, Robert Redfern and Kyle Tornow