

TOWN OF READING

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ZONING BOARD OF APPEALS

DECISION ON THE PETITION OF VINCENT and KIMBERLY SHANLEY
FOR THE PROPERTY LOCATED AT
32 WHITEHALL LANE, READING, MASSACHUSETTS

April 18, 2018
Case No. 18-02

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The Zoning Board of Appeals (the "Board") held a public hearing on Wednesday, April 18, 2018, continued and re-continued from the original opening of February 21, 2018, 7:00 p.m. in the Selectman's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts to hear the petition of Vincent and Kimberly Shanley (The "Petitioner"). The Petitioner seeks a Special Permit to construct an Accessory Apartment Accessory in a new addition to the existing single family dwelling, under Section 5.3.2 and 5.4.7 of the Zoning By-laws, on the property located at 32 Whitehall Lane in Reading, Massachusetts (the "Property"). On February 21, 2018, after discussion with the Board, the Petitioner requested a continuance in order to confer with and to clarify details with the Town Building Inspector regarding the size of the Accessory Apartment.

The Petitioner's Property is located in the S-15 Zoning District. The existing lot and dwelling meet current zoning and setback requirements. The proposed construction will meet all required zoning and setback requirements. A plan of the existing dwelling with the proposed construction and accessory apartment depicted thereon is shown on the submitted Certified Plot Plan ("the Plot Plan") prepared and stamped by John D. Sullivan III, P.E., Massachusetts Registered Professional Engineer #41586, P.O. Box 2004, Woburn, MA, dated, rev: March 23, 2018. Also, as depicted on five (5) architectural plans prepared by Phoenix Architects, (not dated or titled).

Following discussion and comment by Board members and, opening and closing the hearing to public comment, the Board concluded that the garage addition and Accessory Apartment, as proposed and shown on the aforementioned plans, will meet all current required setbacks required by Section 5.3.2 of the By-laws and, the proposed Accessory Apartment will meet the requirements of Section 5.4.7 of the By-laws.

A motion was made and seconded and the Board voted 5-0-0 in the affirmative to grant a Special Permit, subject to the following conditions, to the Petitioner.

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

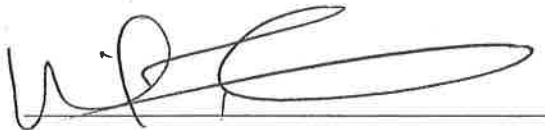
3. As Built plans showing the completed construction shall be submitted to the Building Inspector immediately after the work is completed and prior to the issuance of an Occupancy Permit.

Any person aggrieved by this decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws Chapter 40A, Section 17, within twenty (20) days after the date of filing of this Decision with the Town Clerk. Notice of an appeal with a copy of the complaint must also be filed with the Town Clerk within twenty (20) days 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 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

A handwritten signature in black ink, appearing to read 'D. Traniello', written over a horizontal line.

David Traniello, Chairman

Board Members sitting and voting on Case # 18-02
David Traniello, John Jarema, Damase Caouette, Nick Pernice, Robert Redfern