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**TOWN OF READING**

**ZONING BOARD OF APPEALS  
DECISION ON THE PETITION OF ALISSA & EVAN GALLEGOS  
FOR THE PROPERTY LOCATED AT  
320 LOWELL STREET, READING, MASSACHUSETTS**

2017 AUG -2 P 3:40

**July 20, 2017  
Case No. 17-05**

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, July 6, 2017, and continued to July 20, 2017, at 7:00 p.m. in the Selectman's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts to hear the petition of Alissa and Evan Gallegos (The "Petitioners"). The Petitioners sought a Special Permit for an attached Accessory Apartment under Sections 5.3.2 and 5.4.7.2 of the Zoning By-laws on the property located at 320 Lowell Street in Reading, Massachusetts (the "Property"). On July 6, 2017, after discussions with the Board, the Petitioners requested a continuance to July 20, 2017 in order to confer and 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 Property is meets required frontage and area minimums of the district. The existing dwelling is considered a legal non-conforming structure due to less than the minimum required 15 foot side yard setback ( 9.8 feet) at the easterly side yard property line. The Petitioner explained that the existing residence on the lot will be modified and an Accessory Apartment will be constructed therein. New construction of the altered dwelling will meet all applicable setback requirements and there will be no new non-conformities created. The proposed altered structure with accessory apartment is depicted on the a submitted Certified Plot Plan ("the Plot Plan") prepared by LeBlanc Survey Associates, Inc., 161 Holten Street, Danvers, MA and stamped by Vernon J. LeBlanc, Massachusetts Professional Land Surveyor, dated May 16, 2017. Architectural drawings and layouts, numbered A101, A102 and A103 prepared by JustDrawIt.com, 133B Main Street, North Reading, MA, dated May 2, 2017; Revised July 20, 2017, showing the proposed residence modifications / alterations and attached accessory apartment were also submitted and reviewed by the Board.

Section 5.4.7.3 of the Reading Zoning By-laws provides the Performance Standards that shall apply to all Accessory Apartments. The Board discussed the standards, "a through k", with the Petitioners. The Petitioner stated that after previous discussion with the Board and, after conferring with the Building Inspector and making revisions to the floor plans, the proposed Accessory Apartment will meet the maximum allowed floor area allowed, listed in the performance standards. In a letter to the Board dated July 20, 2017, the Town Building Inspector / Zoning Officer stated that the revised architectural plans and layout for the accessory apartment dated July 20, 2017 comply with the By-law and, it is his opinion the Special Permit should be granted. Following discussion and comment by Board members and, opening and closing the hearing to public comment, the Board concluded that the proposed altered single family dwelling with accessory apartment, as shown on the aforementioned plot plan and architectural drawings, conforms to the performance standards of the By-law noted herein and is eligible for a Special Permit.

A motion was made and seconded and the Board voted 5-0-0 in the affirmative to grant a Special Permit to Alissa & Evan Gallegos (the Petitioners) under Sections 5.3.2 and 5.4.7.2 of the By-laws in order to construct an addition 36 feet by 46 feet and alter the interior of the existing single family residence for the purpose of an accessory apartment on the property located at 320 Lowell Street in Reading, Massachusetts as reflected on and generally consistent with: (1) the aforementioned Certified Plot Plan and, (2) the aforementioned revised Architectural Plans. The conditions of the Board's approval shall be as follows:

The Special Permit is conditioned upon the following:

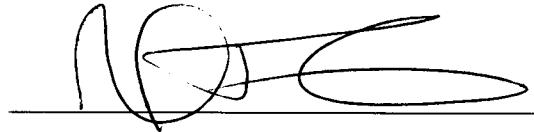
1. As the Property is located in Town's Aquifer Protection District, the Petitioners must install a Town approved artificial groundwater recharge system for precipitation runoff, in accordance with the Town By-laws, Section 10.3.3.1.
2. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans, prior to the issuance of a foundation permit for the work.
3. 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.
4. 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 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, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

David Traniello, Chairman

Board Members sitting and voting on Case # 17-05  
David Traniello, John Jarema, Erik Hagstrom, Nick Pernice, Robert Redfern