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TOWN OF READING
ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF CHRISTOPHER WICKEN
FOR THE PROPERTY LOCATED AT
128 HOWARD STREET, READING, MA 01867
May 18, 2017
Case No. 17-04

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, May 18, 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 Mr. Christopher Wicken (the "Petitioner"). The Petitioner sought a Special Permit under Section 7.3.2 of the zoning bylaws in order to construct a two-story addition 18' x 22' on the property located at 128 Howard Street in Reading, Massachusetts (the "Property").

The Petitioner's Property is located in the S-15 Zoning District and is a legal non-conforming dwelling due to side-yard setbacks being less than the required 15' for that district. The Petitioner stated his proposed addition will be located in the rear of the dwelling. He also explained that while the addition will create new encroachments for both side-yard setbacks, the dimensions of those encroachments will be an improvement over the encroachments already in place. The proposed addition is depicted on the submitted Certified Plot Plan (the "Plot Plan") prepared and stamped by Edward J. Farrell, Professional Land Surveyor, dated May 4, 2017, an Architectural drawing designated A-1.1 and dated April 22, 2017, and amended Architectural and Elevation drawings designated A-1.2 and A-1.3 dated May 8, 2017, all prepared by Vision Design & Construction, 14 Western Avenue, Wakefield, MA 01880.

The Board also made a finding that the Petitioner's reconstruction, extension, alteration or structural change is not substantially more detrimental to the neighborhood than the existing non-conforming structure.

A motion was made and seconded and the Board voted 5-0-0 in the affirmative to grant a Special Permit to Christopher Wicken (the Petitioner) under Section 7.3.2 of the By-laws in order to construct a two-story addition 18' x 22' as reflected in and consistent with (1) aforementioned Certified Plot Plan and, (2) aforementioned Architectural Plans. The conditions of the Board's approval shall be as follows:

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 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



David Traniello, Chairman

Board Members voting on Case # 17-04

Erik Hagstrom, Damase Caouette, David Traniello, Kathleen Hackett, Robert Redfern