

RECEIVED
WN CLERK
READING, MASS.

2017 JAN 23 P 12: 27

**TOWN OF READING, MASSACHUSETTS
ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF O. BRADLEY LATHAM, ESQ.
ON BEHALF OF ARBORGREEN, INC.
FOR THE PROPERTY LOCATED AT
90 – 92 GREEN STREET, READING, MASSACHUSETTS**

**January 5, 2017
Case Number 16-18**

The Zoning Board of Appeals (the "Board") held a Public Hearing on Thursday, January 5, 2017 in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the petition of O. Bradley Latham, Esq. on behalf of Arborgreen, Inc. (the "Petitioner"). The Petitioner sought multiple Variances under Section 6.3 of the Zoning By-laws in order to demolish an existing multiple family residence and, to construct a new 4-unit Townhouse type residence on the property located at 90-92 Green Street in Reading, Massachusetts (the "Property").

The Chairman opened the hearing, which had been continued from November 3, 2016 and from October 6, 2016 (original case opening) at the request of the Petitioner. The Board heard testimony from the Petitioner, based on the comments and concerns heard from the Board in the previous hearings, revisions had been made to the original construction plans. Parking for the proposed 4-unit Townhouse has now been increased to 9 spaces on site. The front yard setback of the new structure has been increased to 20 feet, from the previous 7 feet front setback shown on the original plan. Lot coverage is now calculated at 26.7%, from an original lot coverage calculation of 32.3%; all at the behest of the Board. The Petitioner then requested that the Board grant the required dimensional variances based on the revised plan.

The Board discussed the Variances that would be required. (1) Maximum Lot Coverage is proposed at 26.7% where 25% is the maximum required; (2) Minimum Front Setback is proposed at 20.0 feet, where a minimum front setback of 30.0 feet is required; and, (3) Minimum Rear Setback is proposed at 14.9 feet, where 30.0 feet is required. The lot does exceed the minimum frontage required (80 feet) with 143.66 feet of frontage on Green Street. The lot is considered undersized at 12,368 square feet, where 40,000 square feet is required by the By-laws, but it is considered a "grandfathered" legal non-conforming lot as being in existence prior to the adoption of zoning by the Town.

A motion was made, duly seconded and the Board, deeming that the Petitioner met the four criteria required for the noted Variances, voted 5-0-0 to approve the Petitioner's request, with Conditions, for the Variances in order to construct a 4-unit Townhouse style multiple family residence on the property. All as depicted on the revised plot plan dated December 6, 2016, prepared by Vineyard Engineering & Environmental Services Inc., 400 West Cummings Park, Suite 4800, Woburn, MA 01801, stamped and signed by Massachusetts Professional Land Surveyor James J. Abely, No. 88520, and in general conformance with the submitted architectural rendering dated January 5, 2017 prepared by Phoenix Architects with the following amendment to the rendering. In the upper left corner the table titled "Lot Coverage" shall have its title amended to read "Gross Floor Area".

The following Conditions are hereby included as part of the Board's decision.

1. The existing shed depicted on the aforementioned plot plan in the upper left corner of the lot shall be removed prior to construction.
2. In the calculation of Gross Floor Area for the proposed structure, the unheated garage areas are considered non-habitable and as such, will not be considered as part of the Gross Floor Area of the structure.
3. 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.
4. The Petitioner's final construction plans for the new structure shall be submitted to the Building Inspector, along with the as-built foundation plans prior to the issuance of a Building Permit.
5. 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.
6. This Decision is contingent upon any necessary CPDC approvals.
7. This Decision is contingent upon approval by the Town Road Commissioners / Board of Selectmen of required curb cuts.

Any person aggrieved by this decision of the Board may appeal to the appropriate court pursuant to MGL 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 Variance 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 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



David Traniello, Chair

Zoning Board Members voting on Case Number 16-18
David Traniello, Damase Caouette, Erik Hagstrom, Robert Redfern, John Jarema