

12, 07, 2016

hereby certify that  
twenty days have elapsed  
since this decision was  
filed in this office  
and no appeal from the  
decision has been filed.

*J. J. Jarema*  
Town Clerk

RECEIVED  
TOWN CLERK  
READING, MASS.

2016 NOV 16 P 12:31

**TOWN OF READING, MASSACHUSETTS  
ZONING BOARD OF APPEALS  
DECISION ON THE PETITION OF GARY & ANNMARIE GOODSPEED  
FOR THE PROPERTY LOCATED AT  
155 WAKEFIELD STREET, READING, MASSACHUSETTS**

**November 3, 2016  
Case Number 16-15**

The Zoning Board of Appeals (the "Board") held a Public Hearing on Thursday, November 3, 2016 in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the petition of Gary and Annmarie Goodspeed (the "Petitioner"). The Petitioner sought a Variance under Section 5.5 of the Zoning By-laws in order to construct an in-ground pool and accessory building on the property located at 155 Wakefield Street in Reading, Massachusetts (the "Property").

The Chairman opened the hearing, which had been continued from September 1, 2016 in order for the Petitioner to meet with the Code Enforcement Officer for clarification of required setbacks. The Board heard testimony from the Petitioner that the proposed pool was considered an accessory structure by the Code Enforcement Officer and met all required setbacks and that no further action was required on that aspect of the Application. This was confirmed in a memorandum from the Code Enforcement Officer, sent via e-mail, dated November 2, 2016.

In that same e-mail, the Code Enforcement Officer did state that a Variance was required for the existing accessory structure (cabana) previously constructed in the rear yard, at the northeast corner of the residence. This cabana is located 6.0 feet from the back of the existing dwelling, rather than the current by-law requirement of 10.0 feet. The Petitioner stated that the cabana was constructed in 2012 by other parties without obtaining the proper building permit. The Board asked the Petitioner to review the four criteria necessary for a Variance. The Board felt that criteria number one, "circumstances relating to soil conditions, shape or topography which especially affect the structure in question", was a specifically relevant criteria in this situation. The Petitioner stated that the cabana was constructed in the only area available in the rear yard, due to the fact that the rear yard slopes steeply and there are multiple stone retaining walls in place, in order to create level areas in the rear yard. This information was corroborated by an abutting neighbor during the public comment portion of the hearing.

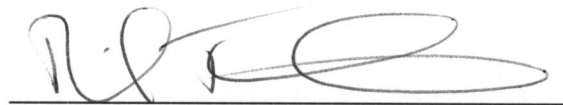
A motion was made, duly seconded and the Board, deeming that the Petitioner met the four criteria required for a Variance, voted 4-1-0 (Jarema opposed) to approve the Petitioner's request for a Variance for the current accessory building (cabana) in the rear yard of the property.

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 16-15

David Traniello, Damase Caouette, Nick Pernice, Robert Redfern, John Jarema

12/07/2016  
I hereby certify that  
thirty days have elapsed  
since this decision was  
filed in this office  
and no appeal from the  
decision has been filed.  
  
Town Clerk