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TOWN OF READING

ZONING BOARD OF APPEALS  
DECISION ON THE PETITION CJM BUILDERS, INC.  
FOR THE PROPERTY LOCATED AT  
183 SALEM STREET, READING, MASSACHUSETTS

October 6, 2016  
Case No. 16-14

11/9/16  
I hereby certify that  
twenty days have elapsed  
since this decision was  
filed in this office  
and no appeal from the  
decision has been filed.

*Joe P. Rogan*  
Assistant Town Clerk

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, October 6, 2016, at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, on the appeal of CJM Builders, Inc. (the "Petitioner"), which sought a Variance pursuant to Section 5.3.2 of the Zoning Bylaw in order to demolish an existing single family dwelling and to construct a new two-family dwelling at the property located at 183 Salem Street, Reading, MA 01867 (the "Property").

The Property is located in an S-15 Zoning District, and the current Bylaw limits residential uses of structures in that district to single family dwellings. However, Section 5.3.2 of the Bylaw provides an exception to this limitation stating that "a single family dwelling existing prior to April, 1942, which at the time had at least eight (8) finished and habitable rooms may be altered into a two-family dwelling, provided that the external appearance of a single family dwelling is retained". Michael Newhouse, Esq., representing the Petitioner, made a presentation, and argued first that that the Property is eligible for a conversion from a single family dwelling to a two-family dwelling pursuant to Bylaw's exception noted above. Attorney Newhouse further addressed the four criteria pursuant to M.G.L. c. 40A § 10, which provides in pertinent part: that the Board may grant a Variance upon a finding that that "owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law."

Attorney Newhouse argued that given the poor condition of the existing structure, it would be economically unfeasible for the Petitioner to convert the existing single family dwelling to a two-family dwelling, and sought relief from the Board, in the form of the requested Variance, to permit demolition of the existing single family home and to then permit construction of a new two-family dwelling in its place. After discussion among Board members and with the Petitioner, the public session was opened to the public and closed.

Accordingly, a motion was made and seconded, to grant the Petitioner its request for a Variance from Section 5.3.2 of the Zoning Bylaw to demolish the existing single family dwelling and to construct a new two-family dwelling. The Board voted unanimously (0-5-0) to deny the Petitioner's application.

Any person aggrieved by this decision of the Board may appeal to the appropriate court pursuant to M.G.L. 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.

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

Zoning Board Members voting on Case # 16-14

Damase Caouette, John Jarema, Robert Redfern, David Traniello, Erik Hagstrom