

08, 08, 2016  
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Town Clerk

**Town of Reading Zoning Board of Appeals**

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**The Decision of the Board of Appeals on the Petition of  
Jack Sullivan on behalf of Owner  
On the Property Located at  
116 Van Norden Road  
Reading, Massachusetts  
Case No. 16-10**

2016 JUL 18 P 1:02

**July 7, 2016**

The Zoning Board of Appeals (the Board) opened a public hearing in the Selectmen's Meeting Room at the Town Hall, 16 Lowell Street, Reading, Massachusetts at 7:00 PM on Thursday, May 19, 2016, continued to July 7, 2016, on the petition of Jack Sullivan, on behalf of the record owner, who sought a Variance from Sections 6.2.1(b) Lot Shape of the Zoning By-Laws in order to create a buildable lot, on the property located at 116 Van Norden Road in Reading, Massachusetts.

The Petitioner, represented by Jack Sullivan, P.E. presented the request for a Variance. Members of the Board heard and commented on the request of the Petitioner.

The Property is located in the Residential S-20 zoning district. The Petitioner is requesting a Variance from Section(s) 6.2.1(b) of the zoning by-law in order create a buildable lot. The Petitioner presented a Certified Plot Plan dated April 26, 2016, and amended on May 31, 2016, prepared and stamped by John Sullivan, P.E., Sullivan Engineering Group, Inc., P.O. Box 2004, Woburn, MA 01888 and Paul J. Finocchio, PLS, showing the proposed lot.

The Board of Appeals may grant a Variance if it finds that the four following conditions have been met: (1) particular circumstances existing relating to soil conditions, shape or topography of the land or structures that are subject to the petition, but do not generally affect the zoning district in which it is located; (2) a literal enforcement of the zoning ordinance would involve a substantial hardship, financial or otherwise; (3) the desirable relief can be granted without substantial detriment to the public good; and (4) that the Variance does not nullify or substantially derogate from the intent or purpose of the zoning ordinance. See. M.G.L. c. 40A, §9.

The Petitioner provided explanation in support of his petition for relief from the four criteria required to be met for a Variance and why the Petitioners' request for a Variance is warranted.

(1) There are 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. The Petitioner explained that applicant is seeking to subdivide a 4.48 acre parcel of land that presently does not meet the lot shape factor into a separate building Lot (Lot A) and a non-buildable parcel (Parcel A). The creation of Lot A,

although not meeting the shape factor, is more conforming to the shape factor than the existing full lot. Both the existing lot and the newly created Lot A have sufficient lot frontage (120 feet) lot area, and lot width for the S-20 district. Lot A has an existing single family house on the property.

(2) A literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise. Lot A conforms with the zoning bylaw in every aspect except for lot shape. The creation of Lot A will result in a more conforming lot.

Desirable relief may be granted without substantial detriment to the public good. The resulting lot will be more conforming, with no impact to surrounding properties.

Relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning by-law. The granting of a variance on lot shape for Lot A, the lot shape factor for this lot will be in closer conformity than the existing lot shape (Existing lot shape is 50% less than required, the Lot A lot shape would be 40% less than required).

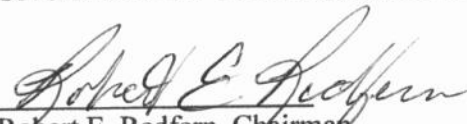
The petitioner noted that there was currently a pending ANRAD application with the town as well as an ANR application.

The Chair then opened the hearing for public comment and, after hearing comments, closed the public comment portion of the hearing.


After due consideration, the Board concluded that the Petition did satisfy the four statutory criteria contained in M.G.L. c. 40A § 9. Accordingly, a motion to approve the Petition was made and seconded, and the Board voted (5-0-0) to approve the Petitioners' request for a Variance from Section(s) 6.2.1(b) of the zoning by-law in order to create a buildable lot (Lot A), on the property located at 116 Van Norden Road in Reading, Massachusetts, consistent with the amended plot plan dated May 31, 2016.

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.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS

  
Robert E. Redfern, Chairman

Board members voting on Case No. 14-19 (Variance)  
Chairman Robert Redfern, Vice Chair David Traniello, John Jarema, Nick Pernice, Erik Hagstrom

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