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TOWN OF READING

ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF JANET FORBES-SCOTT and KEVIN SCOTT
FOR THE PROPERTY LOCATED AT
52 PEARL STREET, READING, MASSACHUSETTS

09/23/2015
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.
R. [Signature]
Town Clerk

August 20, 2015
Case No. 15-07

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, August 20, 2015 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 Janet Forbes-Scott and Kevin Scott (The "Petitioner"). The Petitioner sought a Special Permit under Section 7.3.2 of the zoning bylaws in order to construct a front porch 18' X 6' with a right side line setback of 14.6' rather than the required 15' side yard setback on the property located 52 Pearl Street in Reading, Massachusetts (the "Property").

The Petitioner's Property is in a S-15 District. The existing Property is the Petitioner's residence, which is a non-conforming structure due to its proximity to the required 15-yard side yard setback. The Petitioner, represented at the hearing by Nancy Twomey of Twomey Design, explained that the proposed front porch would not increase the non-conformity into the side yard setback as the main structure currently encroaches as much as 7.6 feet into the required 15 foot side-yard setback. The proposed new structure is depicted in the Certified Plot Plan ("the Plot Plan") prepared by Stephen M. Melesciuc, 23 Fosters Lane, Wakefield, MA and stamped by Stephen M. Melesciuc, Professional Land Surveyor, dated July 29, 2015. Architectural and Elevation Plans, pages 1 through 5, prepared by Twomey Design, 23 California Street, Reading, MA, dated July 26, 2015, showing the proposed addition were also reviewed by the Board.

Revised Section 7.3.2 of the Reading zoning bylaws provides, in relevant part: "The Board of Appeals may grant a Special Permit to reconstruct, extend, alter or structurally change a nonconforming building or structure upon a finding that such reconstruction, extension, alteration or structural shall not be substantially more detrimental to the neighborhood than the existing nonconforming building or structure." Following discussion and comment by Board members and opening the discussion to public discussion, the Board concluded that the proposed front porch does not increase the nonconforming nature of said structure or create a new nonconformity and will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

A motion was made and seconded and the Board voted 5-0-0 in the affirmative to grant a Special Permit to Janet Forbes-Scott and Kevin Scott under Section 7.3.2 of the zoning bylaws in order to construct a front porch 18' X 6' with a right side line setback of 14.6' rather than the required 15' side yard setback on the property located 52 Pearl Street in Reading, Massachusetts as reflected in and consistent with: (1 Certified Plot Plan ("the Plot Plan") prepared by Stephen M. Melesciuc, 23 Fosters Lane, Wakefield, MA and stamped by Stephen M. Melesciuc, Professional Land Surveyor, dated July 29, 2015; and, (2) Architectural and Elevation Plans,

pages 1 through 5, prepared by Twomey Design, 23 California Street, Reading, MA, dated July 26, 2015. The conditions of the Board's approval shall be as follows:

The Special Permit is conditioned upon the following:

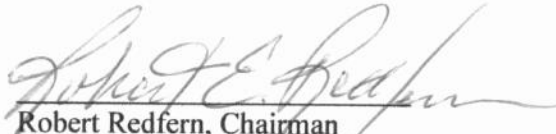
1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans, prior to the issuance of a foundation permit for the work.
2. The Petitioner's final construction plans for the new structure shall be submitted to the Building Inspector, 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


Robert Redfern, Chairman

Board Members voting on Case # 15-07

Damase Caouette, Robert Redfern, John Jarema, David Traniello, Kathleen Hackett

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