

TOWN OF READING

**ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF ALAN COUILLARD 2014 FEB 19 A 11:41
FOR THE PROPERTY LOCATED AT
46 EVERGREEN ROAD, READING, MASSACHUSETTS**

**February 6, 2014
Case No. 14-02**

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, February 6, 2014 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 Al Couillard (The "Petitioner"). The Petitioner sought a Special Permit under Section(s) 6.3.8./6.3.8.1b of the zoning by-laws in order to demolish an existing single family dwelling and propose to construct a new single family dwelling on a non-conforming lot on the property located at 46 Evergreen Road in Reading, Massachusetts (the "Property").

The Property, located in an S-20 district, is a legal, non-conforming lot due to the fact that the property has an area of 17,174 square feet instead of the required 20,000 square feet and lot frontage of 99.74 feet instead of the required 120 feet. Priscilla Fitzgerald (hereinafter, Ms. Fitzgerald), made the presentation on behalf of the Petitioner and stated that the proposed single family dwelling conforms with all required setbacks and height restrictions and has no new non-conformities. The dwelling is depicted in the Certified Plot Plan ("the Plot Plan") prepared by Christiansen & Sergi, Professional Engineers & Land Surveyors, 160 Summer Street, Haverhill, MA and stamped by Philip G. Christiansen, Professional Engineer, dated December 18, 2013.

Section 6.3.8.1b of the Reading Zoning By-Laws states, in relevant part: "In the event that the reconstruction would (a) cause the structure to exceed the volume or area of the original non-conforming structure or (b) cause the structure to be located other than on the original footprint, a special permit shall be required from the Board of Appeals prior to such demolition. The Board of Appeals may, by Special Permit, allow such reconstruction where it determines that the proposed reconstruction will not be substantially more detrimental than the existing nonconforming structure to the neighborhood." Following discussion and comment by Board members and opening the discussion to public discussion, the Board concluded that the proposed dwelling will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

Accordingly, a motion was made and seconded, and the Board voted unanimously (5-0-0) to grant the Petitioners' request for a Special Permit under Section 6.3.8.1b of the zoning by-laws in order to demolish an existing single family dwelling and to construct a new single family dwelling on the property located at 46 Evergreen Road in Reading, Massachusetts, as shown on the referenced Plot Plan of Land.

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. As-built plans showing the completed construction of the new structure being submitted to the Building Inspector immediately after the work is completed and prior to the issuance of an Occupancy Permit.

The Special Permits 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 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. 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



Damase Z. Caouette, Chairman

Zoning Board Members voting on Case # 14-02

Damase Caouette, John Jarema, David Traniello, Kathleen Hackett, Erik Hagstrom