



Town of Reading

16 Lowell Street, Reading, MA 01867

Zoning Board of Appeals

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readingma.gov/zoning-board-of-appeals

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Decision on the petition of

Pat Silva

On the Property Located at

34 Deborah Drive, Reading, Massachusetts

Case No. 22-04

February 17, 2022

The Zoning Board of Appeals (the "Board") opened a public hearing via Zoom virtual meeting, in lieu of meeting in the Select Board's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, on Thursday, February 17, 2022 at 7:00PM to hear the petition of Pat Silva (the "Petitioner"). The Petitioner sought a Special Permit for an attached Accessory Apartment under Sections 5.3.2 and 5.4.7.2 of the zoning bylaws in order to construct a two-story addition that would maintain an accessory apartment on the first floor, at the property located at **34 Deborah Drive**, Reading, Massachusetts (the "Property").

The Property is located on a 37,321 square foot lot located in an S-20 district, and includes a primary home of 2,646 square feet. The applicant intends to construct a 36' x 28' two-story addition to an existing Single-Family home. The first level of such addition would maintain an attached Accessory Apartment of 715 square feet and the second level would maintain 769 square feet of area, including a master bedroom for the Principal Dwelling. Access from the Accessory Apartment to the Principal Dwelling will be provided through an at grade door to ensure ADA accessibility. No dimensional relief is required for the proposed addition.

The applicable performance standards require the accessory apartment not exceed the lesser of 1,000 square feet or one-third the gross area of the Principal Dwelling on the lot. Including the proposed second-story addition the Principal Dwelling totals 2,975 square feet, a third of which is 981.75 square feet. The proposed accessory apartment of 715 square feet conforms to the performance standard. It was noted that the Accessory Apartment design would meet ADA standards and requirements.

The Board found that the Conservation Commission would require review of the proposed addition due to being within the 100' Bordering Vegetated Wetlands Buffer Zone. The Applicant stated that the project is before the Conservation Commission. Conservation will review the wetland delineation as well as drainage design. The Board also found that the Select Board would require review of the proposed second driveway. The Applicant confirmed a hearing with the Select Board had been scheduled for March 1, 2022 and stated they were committed to the application design regardless of driveway approval or not.

The proposed addition is depicted on the submitted Certified Plot Plan (the "Plot Plan") dated January 5, 2022, prepared and certified by John D Sullivan III, P.E., of P.O. Box 2004 Woburn, MA. The proposed addition is depicted on architectural drawings and layouts pages 1-7, prepared by John W.

Vining Residential Architects, dated November 19, 2021, showing the existing Principal Dwelling and proposed attached accessory apartment submitted as part of the application and reviewed by the Board.

Section 5.4.7.3 of the Reading Zoning By-laws provides the Performance Standards that shall apply to all Accessory Apartments. The Board discussed the standards with the Petitioner. Following discussion and comment by Board members and opening and closing the hearing to public comment. Public comment and question on the second driveway were provided to the Board. The Board suggested that concerns on the second driveway be provided to the Select Board. Board members concluded that the proposed dwelling with the attached accessory apartment, as shown on the aforementioned plot plan and architectural drawings, conforms to the performance standards of the Bylaw noted herein, to be eligible for a Special Permit.

A motion was made and seconded, and the Board voted 5-0-0 in the affirmative to grant a Special Permit to the Petitioner under Sections 5.3.2, 5.4.7.2, in order to build an accessory apartment as reflected in and consistent with (1) aforementioned Certified Plot Plan and, (2) aforementioned Architectural Drawings for the property located at **34 Deborah Drive**, and consistent with conditions hereinafter. The conditions of the Board's approval shall be as follows:

The Special Permit is conditioned upon the following:

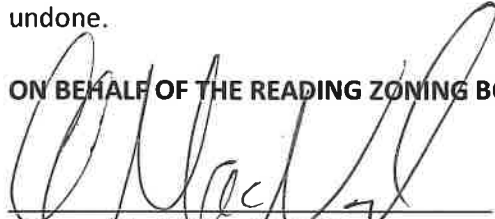
1. Prior to the issuance of a Building Permit, the Applicant shall have received an Order of Conditions from the Conservation Commission.
2. Prior to the construction of the second driveway, the Applicant shall receive approval from the Select Board for such.
3. The proposed Accessory Apartment shall maintain conformance with the Performance Standards set forth in Section 5.4.7 of the Reading Zoning Bylaw.
4. 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.
5. 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.
6. 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 the decisions 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.

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



Andrew MacNichol, Staff Planner

Board members sitting and voting on Case #22-04

Hillary Mateev, Cynde Hartman, Alex Normandin, Ryan Bourque, Cy Caouette

