



# Town of Reading

16 Lowell Street, Reading, MA 01867

## Zoning Board of Appeals

Ph: 781-942-6654 or Fax: 781-942-9071

[readingma.gov/zoning-board-of-appeals](http://readingma.gov/zoning-board-of-appeals)

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**Decision on the Petition of**  
Susan Cotter  
**On the Property Located at**  
70 Belmont Street, Reading, Massachusetts

**Case # 22-10**  
September 7, 2022

The Zoning Board of Appeals (the "Board") opened and held a public hearing on **Wednesday, September 7, 2022** at 7:00 p.m., through remote and online measures, to hear the petition of **Susan Cotter** (The "Petitioner"). The Petitioner sought a Special Permit under Sections 7.3 and 7.3.2 of the Zoning Bylaws to construct a front porch along an existing structure with a non-conforming side-yard setback on the dwelling on the property located at **70 Belmont Street** in Reading, Massachusetts (the "Property").

The Property is located in the **S-15** residential district of Reading. The existing lot is considered legal non-conforming, due to the fact that it does not meet the frontage requirements (100 linear feet) for the S-15 zoning district it is in. The existing dwelling (circa 1939) is deemed a legal, non-conforming structure due to a less than required minimum side-yard setback to the southern property line. The S-15 Zoning District requires a 15-foot side-yard setback and the existing dwelling maintains a setback of 10.7-feet. The Petitioner was present at the meeting, along with project architect Stephen Reilly, and it was stated that the Petitioner is seeking a Special Permit for a single-storied roofed porch at the front of the existing dwelling. The existing dwelling with proposed addition is depicted on a Certified Plot Plan ("the Plot Plan") prepared and certified by **Vernon J. LeBlanc, Professional Surveyor No. 33600, 161 Holten Street, Danvers, MA 01923**, dated July 7, 2022. Architectural elevations and structural plans for the proposed addition were also submitted with the Petitioner's application.

The proposed porch runs along the front of the dwelling and maintains the existing side-yard setback of 10.7' to the southern lot line. Following discussion with the Petitioner and comment among Board members, the meeting was opened to public comment and, with no input from the public forthcoming, subsequently closed.

Section 7.3.2 of the Reading Zoning By-laws states, in relevant part, "For those alterations not eligible for a building permit pursuant to Section 7.3, the Zoning 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 change shall not be substantially more detrimental to the neighborhood than the existing nonconforming building or structure".

A motion was made and seconded by Board Members that the proposed addition would not be substantially more detrimental to the neighborhood than the existing dwelling and would meet the requirements for Special Permit under Section 7.3.2 of the Reading By-laws for a proposed addition to

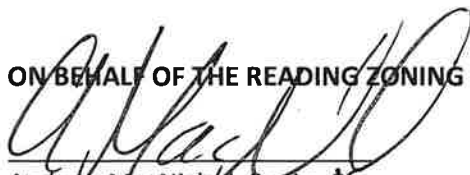
an existing dwelling. The Board voted in the affirmative (4-0-0) to grant a Special Permit in order to construct the proposed porch at the dwelling located at **70 Belmont Street** as shown on the previously noted Certified Plot Plan and Architectural plans submitted, with the following conditions attached.

1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans for the work prior to the issuance of a foundation permit for the work.
2. The Petitioner's final construction plans for the proposed addition shall be submitted to the Building Inspector, along with as-built foundation plans, prior to the issuance of a Building Permit for the work.
3. As-built plans of the completed construction shall be submitted to the Building Inspector immediately after the work is completed and prior to the issuance of an Occupancy Permit.

Any person aggrieved by the 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.

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, 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**



Andrew MacNichol, Senior Planner

**Board members sitting and voting on Case #22-10**  
Cynde Hartman, Andrew Grasberger, Patrick Houghton, Cy Caouette