



# 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

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### Decision on the Petition of

Glenn Patterson

### On the Property Located at

35 Prospect Street, Reading, Massachusetts

### Case 21-11

September 7, 2022

The Zoning Board of Appeals (the "Board") held a public hearing on Wednesday, September 7, 2022 at 7:00PM, through remote and online measures to hear the petition of Glenn Patterson (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 allow an accessory apartment within the property located at **35 Prospect Street**, Reading, Massachusetts (the "Property").

The Property is located on a **15,089** square foot lot located in an **S-15** district, and includes a primary home of **2,963** square feet. The applicant intends to construct a new two-story addition to the existing Single-Family home. The entirety of the addition would be utilized as an Accessory Apartment.

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. A third of the principal dwelling is **987.67** square feet. The Petitioner proposes an Accessory Apartment of 986 square feet which conforms to the requirements of the Bylaw. It was noted that the proposed two-story addition is a by-right and conforms to all dimensional requirements of the S-15 Zoning District.

The proposed addition is depicted on the submitted Certified Plot Plan (the "Plot Plan") dated May 19, 2022, prepared and certified by John D Sullivan III, P.E., of P.O. Box 2004 Woburn, MA. The proposed addition is also depicted on architectural drawings and layouts pages 1 through 13, prepared by SLR Architects, of 28 Woodbine Terrace, Newton, MA 02466, dated July 22, 2022, showing the existing principal and proposed attached accessory apartment floor plans and elevations, 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 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. The Board members concluded that the proposed addition for use of an accessory apartment, as shown on the aforementioned plot plan and architectural drawings, conforms to the performance standards of the Bylaw, and was eligible for a Special Permit.

A motion was made and seconded, and the Board voted **4-0-0** 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 included with the application, *consistent* with conditions hereinafter. The conditions of the Board's approval shall be as follows:

The Special Permit is conditioned upon the following:

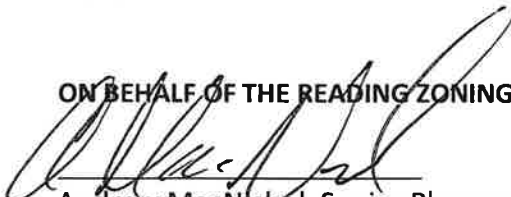
1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans, prior to the issuance of a foundation permit for the work.
2. The Petitioner's final construction plans for the new structure shall be submitted to the Building Inspector,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

**Board members sitting and voting on Case No. 21-11**

Cynde Hartman, Andrew Grasberger, Patrick Houghton, Cy Caouette