



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
Bill Nolan/SavoieNolan Architects

On the Property Located at
281 West Street, Reading, Massachusetts

Case No. 21-13
9/14/21

The Zoning Board of Appeals (the "Board") opened and held a public hearing on **Tuesday September 14, 2021** at 7:00 p.m. through remote and online measures, in lieu of meeting in the Select Board's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the petition of **Bill Nolan/SavoieNolan Architects** (The "Petitioner"). The Petitioner sought a Variance under Sections 4.5.2, 6.3 and 7.4 of the Zoning By-laws to create a single-story addition that creates a new non-conforming rear-yard setback on the dwelling on the property located at **281 West Street** in Reading, Massachusetts (the "Property").

The Property is located in the **S-15** residential zoning district of Reading. The Petitioner was present at the meeting, along with the homeowners Keith and Kate Raymond. The existing lot is considered legal non-conforming, due to the fact that it does not meet the current area (15,000sf) nor frontage (100 linear feet) requirements for the S-15 zoning district. The lot currently maintains 10,000sf of area and ~91 linear feet of frontage along West Street. The existing dwelling (a "Ranch" style house, circa 1959) is deemed a legal, non-conforming structure due to a less than required minimum rear-yard setback to the property line. The existing structure currently maintains a 17.7' rear-yard setback where 20' is required. It was stated that the Petitioner is seeking a Variance for a **one-story addition** at the rear (east) side of the existing dwelling. The proposed single-story addition would maintain a **15.6' rear-yard setback** and the existing non-conforming portion of the dwelling would be removed.

The Applicant presented their justification of the variance criteria. The first of the four criteria asks to describe the circumstances relating to soil conditions, shape, or topography which affects the land or structure in question. The Applicant responded that the existing lot includes a jog at the rear of the property that creates a uniquely shaped property, and in combination with the dwellings locations, would prevent practical expansion due to the enforcement of the 20' rear-yard setback requirement. The second criteria asks to describe how literal enforcement of the Bylaw would involve hardship (financial or otherwise). The Applicant answered that the portion of the structure needing relief would maintain a dining room for the family that is designed at minimum size, any smaller would be unpractical for use. Criteria three and four ask to describe how relief may be granted without substantial detriment to the public and how granting relief does not substantially derogate from the intent of the Bylaw. The Applicant stated that the addition would meet all other zoning requirements and felt that if the lot were square it would be able to be built by-right.

The existing dwelling with the proposed single-story addition is depicted on a Certified Plot Plan ("the Plot Plan") prepared by Medford Engineering & Survey and certified by Richard J Mede Jr, Surveyor No. 36864, of Medford Engineering and Survey, 15 Hall Street Medford MA 02155, dated August 2, 2021. Architectural

layouts and elevations for the proposed addition, consisting of sheets 1 through 7, dated August 3, 2021, prepared SavoieNolan Architects, LLC, 4 South Main Street, Ipswich, MA 01938, were also submitted with the Petitioner's application.

Following discussion with the Petitioner and comment among the Board members, the meeting was opened to public comment and, with no input from the public forthcoming, subsequently closed. The Applicant stated that the owners of the abutting property at 37 Fremont Street have been contacted prior to the hearing in order to discuss the proposal and they had no objection.

A motion was made and seconded by Board Members that the proposed addition would meet the criteria for a Variance under Section 7.4 of the Reading By-laws for a proposed one-story addition to an existing dwelling. The Board voted in the **affirmative (4-0-0)** to grant a Variance in order to construct a one-story addition to the dwelling at **281 West Street** as shown on the previously noted Certified Plot Plan and Architectural plans submitted.

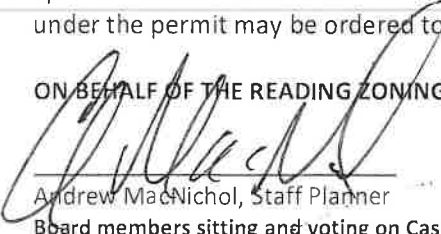
The Variance is conditioned upon the following:

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 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 Variance 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, Staff Planner

Board members sitting and voting on Case No. 21-13: 281 West Street
Jamie Maughan, Alex Normandin, Cynde Hartman, Hillary Mateev