



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

Michael Weafer

On the Property Located at

31-33 Village Street, Reading, Massachusetts

Case No. 21-18

January 6, 2022

The Zoning Board of Appeals (the "Board") opened and held a public hearing on **Thursday, January 6, 2022** 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 **Michael Weafer** (The "Petitioner"). The Petitioner sought a Special Permit under Sections 7.3 and 7.3.2 of the Zoning By-laws to construct a second-story deck along an existing non-conforming side-yard setback on the dwelling for the property located at **31-33 Village Street** 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 current area (15,000 square feet) and frontage (100 linear feet) requirements for the S-15 zoning district it is in. The existing lot maintains approximately 6,682 square feet of area and 50.5 linear feet of frontage along Village Street. The S-15 Zoning District requires setbacks of 15' from the sides and 20' from the front and rear. The existing dwelling (an "Multi-TNHS" style house, circa 1920) is deemed a legal, non-conforming structure due to less than required minimum side-yard setbacks to the property lines. The Petitioner was present at the meeting, and is the current homeowner. It was stated that the Petitioner is seeking a Special Permit to construct a second-story deck at the south-west portion of the existing structure. The existing dwelling with proposed addition is depicted on a Certified Plot Plan ("the Plot Plan") prepared and certified by Norman H. Brown, Professional Surveyor No. 41782, Bayside Engineering, 600 Unicorn Park Drive, Woburn, MA 01801, dated August 17, 2021. Architectural layouts and elevations for the proposed addition, consisting of sheets 1 through 2, prepared by the same Bayside Engineering firm, were also submitted with the Petitioner's application.

The existing dwelling maintains a pre-existing non-conforming side-yard setback of 9.3' to the southern lot line and another of 6.5' to the northern lot line. The proposed second-story deck is to be built along the pre-existing non-conforming side-yard setback of 9.3' to the southern lot line. The proposed deck measures 10.5' x 7.0', and extends 2' to the north over the below hardscape area. The deck shall not be visible from the street. It was noted that the dwelling is a two-family unit and the abutting owners are the parents of the Petitioner. The Petitioner owns Unit 33.

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". 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.

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 (5-0-0) to grant a Special Permit in order to construct the single-story addition as described for the dwelling at **31-33 Village 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.

The 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, Staff Planner

Board members sitting and voting on Case No. 21-18

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