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Town of Reading
Zoning Board of Appeals
Decision on the Petition of Michael Moschella
For the property Located at
117 County Road

November 05, 2020
Case No. 20-10

The Zoning Board of Appeals (the "Board") opened and held a public hearing on Thursday, November 05, 2020 at 7:00 p.m. via Zoom Call to hear the petition of Michael Moschella (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 front porch with roof that creates a non-conforming front yard on the dwelling on the property located at 117 County Road in Reading, Massachusetts (the "Property").

The Property is located in the S-15 Zoning District residential district of Reading. The Petitioner, who is also the property owner, was present at the meeting. It was stated that the Petitioner is seeking a Variance for a front porch addition with roof at the South Western side of the existing dwelling. The Variance allows for a front porch that enables the Petitioner, a wheelchair bound individual, access to the front entry of his house, to accept mail and packages. This porch will also serve as a place of refuge as a second means of egress from an existing dwelling that he is modifying to meet his needs. The current lot has many topographic level changes as well as a narrow footprint and is inaccessible to the owner due to previously mentioned mobility restrictions. The existing dwelling with the proposed porch addition is depicted on a Certified Plot Plan ("the Plot Plan") prepared and certified by John D. Sullivan III, Professional Surveyor No. 41586, P.O Box 2004, Woburn, MA 01888, dated September 1, 2020. Architectural layouts and elevations for the proposed addition, consisting of sheets A-0, A-2, A-4 and A-6, dated July 20, 2020, prepared by Steven Baczek, Architect, 46 Glenemere Circle Reading, MA 01867, were also submitted with the Petitioner's application.

In the article 1.0 of the Town of Reading Zoning Bylaw, the purpose is stated to promote the health, safety and general welfare of the inhabitants of the Town of Reading. Granting of this variance is enabling the Petitioner to use his home in a safe and manner which is not detrimental to the character of the neighborhood and is in keeping with the values we promote as a community. The reasoning set forth in the application for the variance is concise and well organized to allow the Zoning Board to understand the issues and render an opinion in this matter.

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 criteria for a Variance under Section 7.4 of the Reading By-laws for a proposed porch to an existing dwelling. The Board voted in the affirmative (5,0,0) to grant a Variance in order to construct a porch addition to the dwelling at 117 County Road as shown on the previously noted Certified Plot Plan and Architectural plans submitted.

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



Robert Redfern, Chair