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**ZONING BOARD OF APPEALS** 2018 NOV 20 AM 8:55  
**DECISION ON THE PETITION OF**  
**THOMAS HURLEY, AS AGENT OF**  
**KATHERINE RADOCCIA**  
**FOR THE PROPERTY LOCATED AT**  
**24 HANSCOM AVE, READING, MA 01867**

**November 7, 2018**  
**Case No. 18-20**

The Zoning Board of Appeals (the "Board") held a public hearing on Wednesday, November 7, 2018 at 7:00 p.m. in the Selectman's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts to hear the petition of Thomas Hurley (the "Petitioner") acting as agent of Katherine Radocckia, the owner. The Petitioner sought a Special Permit for an attached Accessory Apartment under Sections 5.3.2 and 5.4.7 of the zoning bylaws in order to construct a new two story dwelling that includes an accessory apartment on the property located at 24 Hanscom Ave, Reading, Massachusetts (the "Property").

The Property is a 16,944 square foot lot located in an S-15 district and includes a primary home of 3,545 square feet, a garage of 600 square feet, and the proposed accessory apartment attached to the residential dwelling, of 744 square feet. The total building square footage is 4,889 (including the garage and basement), of which the accessory use is 744 square feet. The accessory use represents 21% of the primary dwelling and meets the performance standards of being less than 1,000 square feet and is not more than 33% of the primary residence.

The proposed addition is depicted on the submitted Certified Plot Plan (the "Plot Plan") dated September 18, 2018, prepared by Hayes Engineering, Inc. Civil Engineers and Land Surveyors of 603 Salem Street, Wakefield, MA 01880, and certified by Professional Engineer, Peter Ogren. The proposed addition is depicted on Architectural drawings and layouts, numbered A1.00- to A1.04, and A3.01 to A3.04 prepared by O'Sullivan Architects, of 606 Main St., Reading, MA 01867, dated September 4, 2018, showing the existing principal and proposed detached accessory apartment 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 and comment by Board members and, opening and closing the hearing to public comment, the Board concluded that the proposed dwelling with accessory apartment, as shown on the aforementioned plot plan and architectural drawings, conforms to the performance standards of the By-law noted herein and is eligible for a Special Permit.

A motion was made and seconded, and the Board voted 5-0-0 in the affirmative to grant a Special Permit to the Petitioner under Sections 5.3.2 and 5.4.7 of the Zoning Bylaws 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. The conditions of the Board's approval shall be as follows:

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

  
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John Jarema, Chairman

Board Members voting on Case # 18-20:

John Jarema, Nick Pernice, Damase Caouette, Kyle Tornow, Robert Redfern