

RECEIVED  
TOWN CLERK  
READING, MA.

2018 AUG 23 AM 8: 27

**TOWN OF READING**  
**ZONING BOARD OF APPEALS**  
**DECISION ON THE PETITION OF CASEY AND KEVIN PRESCOTT**  
**FOR THE PROPERTY LOCATED AT**  
**22 PINE RIDGE CIRCLE, READING, MA 01867**

**August 15, 2018**  
**Case No. 18-13**

The Zoning Board of Appeals (the "Board") held a public hearing on Wednesday August 15, 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 Casey and Kevin Prescott (the "Petitioner"). The Petitioner sought a Special Permit under Section 7.3.2, 6.3, and 5.5.1 of the zoning bylaws in order to demolish an existing nonconforming porch, and replace and extend the porch with a 12.0' x 31.92' single story addition on the on the property located at 22 Pine Ridge Circle, Reading, Massachusetts (the "Property").

The proposed addition to the rear of the existing structure does not conform with the required rear setbacks of 20 feet and to the 10 feet required distance from an accessory structure; a in ground pool.

The Property is located in an S-15 district and is a legal non-conforming residential dwelling on a legal non-conforming lot having an existing rear side yard setback of 14.58 feet and an existing accessory structure (pool) distance of 8.2 feet.

With regard to construction of the proposed rear addition, which is an extension of an existing nonconforming porch, the proposed rear yard setback of the extended porch will be 19.4 feet, and there will be no new non-conformity with the proposed structure. Additionally, the proposed addition will maintain the existing distance of 8.2 feet from the accessory structure; pool.

The proposed addition is depicted on the submitted Certified Plot Plan (the "Plot Plan") dated July 19, 2018, prepared and certified by Stephen M. Melesciuc, 117 Hill Street Apt. 504, Stoneham, MA 02180, and Architectural Drawings, sheets 1 through 9, dated July 23, 2018, designed by Twomey Design, 23 California Road, Reading, MA 01867.

Section 7.3.2 of the Reading zoning bylaws states, in relevant part: "The 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."

After Board discussion and opening the meeting for public comment, the Board concluded the construction of the side addition was not substantially more detrimental to the neighborhood than the existing nonconforming structure.

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 Section 7.3.2 of the Zoning Bylaws in order to construct a 12.0' x 31.92' addition 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 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

  
John Jarema, Vice Chairman

Board Members voting on Case # 18-13:  
Erik Hagstrom, Kyle Tornow, John Jarema, Robert Redfern, and Nick Pernice