

## TOWN OF READING

ZONING BOARD OF APPEALS  
DECISION ON THE PETITION OF MARY J. O'CONNOR  
FOR THE PROPERTY LOCATED AT  
41 LEWIS STREET, READING, MASSACHUSETTS

2018 AUG 23 AM 8:25

August 15, 2018  
Case No. 18-09

The Zoning Board of Appeals (the "Board") initially opened and held a public hearing on Wednesday, June 20, 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 Mary J. O'Connor (The "Petitioner"). The hearing was subsequently continued to July 18, 2018 and August 15, 2018. The Petitioner sought a Special Permit under Sections 7.0, 7.3 and 7.3.2 and also a Variance under Sections 4.5 and 6.3 of the Zoning By-laws to construct a two-story addition to an existing non-conforming dwelling on the property located at 41 Lewis Street in Reading, Massachusetts (the "Property").

The Property is located in the S-15 residential district. The lot is considered an existing non-conforming lot as it has less than the required minimum lot area for the S15 zoning district and, the existing residence is deemed a non-conforming structure due to an existing less than required minimum side yard setback. The Petitioner and their architect at the meetings stated that they were seeking a Special Permit for the proposed addition and would like to withdraw without prejudice their request for a Variance to exceed 25% lot coverage. The dwelling with proposed addition has been revised and is depicted on a Certified Plot Plan ("the Plot Plan") prepared by Kevin J. Kiernan P.L.S., 54 Shawsheen Road, Andover, MA and stamped by Kevin J. Kiernan, MA Professional Land Surveyor No. 40038, dated August 9, 2018 and stamped August 10, 2018.

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 and comment among Board members, the meeting was opened to public comment and subsequently closed. The Board then had further discussion with Applicant regarding proposed lot coverage.

A motion was made and seconded that the proposed addition, if modified by removing the proposed rear stairs and 3 foot landing, would meet the requirements for Special Permit under Section 7.3.2 of the Reading By-laws and said Special Permit be granted. The Board voted in the affirmative (5-0-0) to grant a Special Permit in order to construct a two-story addition as shown on the Certified Plot Plan and on the Architectural plan submitted, date stamped August 14, 2008, with the following conditions attached.

1. The Plot Plan and Architectural plans shall remove from lot coverage consideration, the proposed 10.5 feet wide rear steps and 3foot deep landing at the proposed "french doors" at the rear of the dwelling, until such time the Town may conclude that the proposed lot coverage does not exceed the 25% maximum allowed.

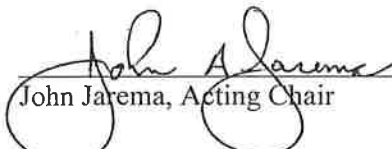
2. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans for the work prior to the issuance of a foundation permit for the work.
3. The Petitioner's final construction plans for the proposed addition shall be submitted to the Building Inspector, along with as-built foundation plans, prior to the issuance of a Building Permit for the work.
4. 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.

A second motion was made and seconded and voted in the affirmative (5-0-0) to allow the Applicant / Petitioner to withdraw without prejudice their request for a Variance concerning Case No. 18-09, for the property at 41 Lewis Street, Reading, MA.

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 and Special Permits 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 ZONNG BOARD OF APPEALS

  
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John Jarema, Acting Chair

Zoning Board Members voting on Case # 18-09  
John Jarema, Erik Hagstrom, Robert Redfern, Nick Pernice, Kyle Tornow

RZBA Case No. 18-09 41 Lewis Street Spec Perm withdr Variance req: RER