

**Town of Reading Zoning Board of Appeals**  
**The Decision of the Board of Appeals on the Petition of**  
**Stephen DeBellis**  
**For the Property Located At**  
**170 Franklin Street, Reading, Massachusetts**  
**November 15, 2017**  
**Case No. 17-12**

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2017 NOV 28 P 2 431

The Reading Zoning Board of Appeals (The "Board") held a public hearing in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts on Wednesday, November 15, 2017 to hear the petition of Stephen DeBellis (the "Petitioner") who sought a variance under Section 6.3 of the Zoning Bylaw in order to construct a 13' by 13.5' sunroom with a proposed rear yard setback of 7.2' on the property located at 170 Franklin Street, Reading, Massachusetts (the "Property").

The Property is located in an S-20 residential Zoning District and also in an AQ overlay district. The Petitioner proposed to construct a sunroom as depicted on Plot Plan of Land dated October 6, 2017, prepared and certified by John D. Sullivan III, PE, P.). Box 2004, Woburn, MA 01888 and Brady-Built Sunrooms drawings, enclose with the application.

The Board may grant a variance from the By-Law if it determines that the following conditions are met: (1) particular circumstances relating to soil conditions, shape or topography which affect the land and structure in question, but which do not generally affect the zoning district in which the land or structure is located; (2) literal enforcement of the zoning ordinance would involve substantial hardship, financial or otherwise to the Petitioner; (3) desirable relief can be granted without substantial detriment to the public good; and (4) the requested relief does not nullify or substantially derogate the intent or purpose of the zoning ordinance.

Kevin Kieler of Brady Sunrooms and Steven DeBellis, the Petitioner, made a presentation to the Board addressing the details of the project and their proposed compliance with the variance criteria. Following their presentation, board discussion and public input which included approval letters from direct abutters, the Board concluded the Petitioner satisfied all the criteria for a variance and upon a duly made motion, the Board voted unanimously (5-0-0) to grant the Petitioner's request for the variance to add a sunroom to their existing structure in accordance with the referenced plans with the following conditions:

1. The Petitioner shall obtain approval of the Town Engineer of a compliant recharge system.
2. The Petitioner shall to the Building Inspector a certified Plot Plan of the proposed construction and a proposed foundation plan prior to the issuance of a foundation permit for the work.

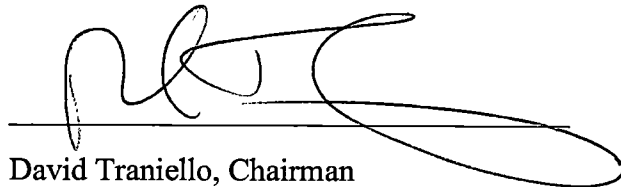
3. The Petitioner shall submit to the Building Inspector final construction plans for the proposed structure, along with the As-Built foundation plan for that structure, prior to the issuance of a Building permit.
4. The Petitioner shall submit to the Building Inspector, As-Built plans for the new structure prior to the issuance of an Occupancy Permit.

As the property is located in an AQ district, section 10.3.3.i of the Zoning Bylaw requires land uses that alter a lot such that the amount of impervious surface within the district would not exceed 2,500 square feet or 15% of that portion of the lot located within the district, whichever is greater, unless a system of artificial recharge of precipitation is designed and implemented. Without such a system, a variance would be required from section 10.3.3.i. Petitioner will implement a compliant recharge system and will not require a variance from section 10.3.3.i of the Zoning Bylaw and requested withdrawal for the need of a variance. A motion was made and the Board voted unanimously (5-0-0) to accept the withdrawal request.

Any person aggrieved by the decisions of the Board may appeal to the appropriate court pursuant to M.G.L. c. 40A Section 17, within 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) as provided in Section 17.

This variance shall not take effect until a copy of this Decision, bearing certification of the Town Clerk that twenty (20) have elapsed after the decision was filed with 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 Granter'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 variance does so at the risk that a court may reverse the variance and order undo any construction performed under the variance.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS



A handwritten signature in black ink, appearing to read 'D. Traniello', is written over a horizontal line. The signature is fluid and cursive.

David Traniello, Chairman

Zoning Board Members Voting: Damase Caouette, Eric Hagstrom, John Jarema, Robert Redfern and David Traniello