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ZONING BOARD OF APPEALS 2017 NOV -8 P 1:031
DECISION ON THE PETITION OF JOSHUA GAGNON
FOR THE PROPERTY LOCATED AT
23 KING STREET, READING, MA 01867

November 1, 2017
Case No. 17-11

The Zoning Board of Appeals (the "Board") held a public hearing on Wednesday November 1, 2017 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 Mr. Joshua Gagnon (the "Petitioner"). The Petitioner sought a Special Permit under Section 7.3.2 of the zoning bylaws in order to construct a 4.08' x 3.75' addition on the property located at 23 King Street, Reading, Massachusetts (the "Property").

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 right side yard setback of 13.5 feet and an existing front yard setback of 12.2 feet. With regard to construction of the proposed side addition, which is an extension of an existing nonconforming entryway, the current 13.5 foot side yard setback of the dwelling is to be retained, and there will be no new non-conformity with the proposed structure.

The proposed addition is depicted on the submitted Certified Plot Plan (the "Plot Plan") dated October 2, 2017, prepared and certified by John D. Sullivan III, P.O. Box 2004, Woburn, MA 01888 and Architectural Drawings, sheets A-1 through A-5, dated September 7, 2017, designed by I.S. Hernandez Design Services, Inc., 111 Baker Street, West Roxbury, MA, 02132.

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 4.08' x 3.75' 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:

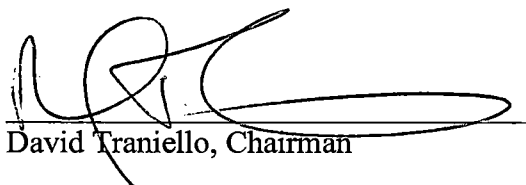
1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans, prior to the issuance of a foundation permit for the work.
2. The Petitioner's final construction plans for the new structure shall be submitted to the Building Inspector, 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



David Traniello, Chairman

Board Members voting on Case # 17-11

Nick Pernice, Damase Caouette, David Traniello, Robert Redfern, and John Jarema