

05/10/2016  
I hereby certify that  
twenty days have elapsed  
since this decision was  
filed in this office  
and no appeal from the  
decision has been filed

*Laura A. Gemme*  
Town Clerk

TOWN OF READING

ZONING BOARD OF APPEALS  
DECISION ON THE PETITION OF CHRIS BARCIKOWSKI  
FOR THE PROPERTY LOCATED AT  
27 WOODWARD AVENUE, READING, MASSACHUSETTS

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TOWN CLERK  
READING, MASS.

2016 APR 19 P 5:25

April 7, 2016  
Case No. 16-07

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, April 7, 2016 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 Chris Barcikowski (The "Petitioners"). The Petitioner sought a Special Permit under Section 7.3.2 of the zoning bylaws in order to construct a front farmer's porch and a rear deck which encroaches into the side yard setback of 15' on the property located at 27 Woodward Avenue in Reading, Massachusetts (the "Property").

Following discussion and comment by the Board, the Board voted 5-0-0 to bifurcate the vote regarding the construction of a front farmer's porch and the construction of the rear deck. The Board then reviewed the construction of the front farmer's porch and construction of a rear deck separately.

The Property, located in an S-15 district, has a non-conforming dwelling due to a left side yard setback of 10.8 feet. With regard to construction of the front farmer's porch, the Petitioner's presentation depicted full compliance with required front setback of 20 feet.

Revised 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 front farmer's porch was not substantially more detrimental to the neighborhood than the existing nonconforming building or structure.

Accordingly, a motion was made and seconded, and the Board voted (5-0-0) to approve the Petitioners' request for a Special Permit, under Section 7.3.2 of the Zoning bylaws in order to construct a front farmer's porch on the property at 27 Woodward Avenue, Reading, MA 01867 as depicted in the Certified Plot Plan ("the Plot Plan") prepared by Land Mapping, Inc., 10 Andrew Square, Suite 201B, South Boston, MA and stamped by Patrick Roseingrave, Professional Land Surveyor, dated March 12, 2016 and Architectural Plan prepared by JustDrawIt.com, 133B Main Street, North Reading, MA 01864 included with the application.

This Special Permit is conditioned upon the following:

1. The Petitioner shall submit to the Building Inspector a modified 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.

A TRUE COPY, ATTEST:

*Laura A. Gemme*  
LAURA A. GEMME  
TOWN CLERK

3. The Petitioner shall submit as-built plans to the Building Inspector showing 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.

The Board then reviewed Petitioner's request for a rear deck which encroached into the side yard setback of 15 feet. The Property, located in an S-15 district, has a non-conforming dwelling due to a left side yard setback of 10.8.' The Petitioner is proposing construction of a 14' by 20' rear deck that does not comply with the 15' side setback but does not increase the non-conformity into the side yard setback as depicted in the Certified Plot Plan ("the Plot Plan") prepared by Land Mapping, Inc., 10 Andrew Square, Suite 201B, South Boston, MA and stamped by Patrick Roseingrave, Professional Land Surveyor, dated March 12, 2016 and Architectural Plan prepared by JustDrawIt.com, 133B Main Street, North Reading, MA 01867 included with the application.

Revised 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."

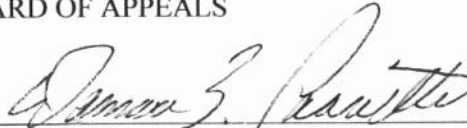
The Board questioned the size of the deck, the elevation and had concerns regarding possible noise and the impact on current and future neighbors. The Petitioner stated that elevation of the proposed deck is about four feet. The Petitioner stated that although there are shrubs, there is no fence separating the Petitioner's property from the property adjacent to the deck. During the public portion of the meeting, John Walsh of 25 Woodward Avenue, Reading, MA, owner of the property adjacent to the proposed deck, expressed concern regarding noise and privacy. Kathleen Dunn of 17 Vale Road, Reading, MA, owner the property directly behind the Petitioner's property, stated that although her dwelling is not directly behind the deck, she does have concerns about noise. The Board then discussed whether a reduction in the size of the deck would decrease concerns.

After board discussion and public comments, a motion was made and seconded, and the Board voted (3-2-0) to deny the Petitioners' request for a Special Permit, under Section 7.3.2 of the Zoning bylaws in order to construct a 14 'x 20' rear deck which encroaches into the side yard setback of 15' on the property located at 27 Woodward Avenue in Reading, Massachusetts as shown on the referenced Plot Plan of Land.

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.

ON BEHALF OF THE READING ZONNG BOARD OF APPEALS

05/10/2016  
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Damase Caouette, Acting Chairman

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