

**TOWN OF READING**  
**ZONING BOARD OF APPEALS**  
**DECISION ON THE PETITION OF GAETANO FODERA, MARIA FODERA**  
**AND MELISSA FODERA**  
**FOR THE PROPERTY LOCATED AT**  
**20 EATON STREET, READING, MASSACHUSETTS**

**March 1, 2012**  
**Case No. 12-02**

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, March 1, 2102, in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the petition of Gaetano Fodera, Maria Fodera and Melissa Fodera (the "Petitioners"). The Petitioner sought a Special Permit under Section 6.3.8.1.b of the Zoning By-Laws in order to demolish an existing, non-conforming single family dwelling and to construct a new conforming single family dwelling on a non-conforming lot on the property located at 20 Eaton Street in Reading, Massachusetts (the "Property").

The Property is located in the S-15 Residential District. The parcel is a non-conforming lot because of its lot size and frontage. It has a lot size of 10,559 sq. ft. and the S-15 area requirement is 15,000 sq. ft. It has a frontage of 67 feet and the S-15 minimum frontage is 100 feet. The structure is non-conforming because of a side setback. It has a southerly side setback of 11.4 feet and the S-15 minimum side setback is 15 feet.

The Petitioner proposes to demolish the existing single family dwelling and construct a new single family dwelling as shown on the Topographic Plan of Land dated February 2, 2012, prepared and certified by Benchmark Survey, 41 Elm Street, Suite 4A, Stoneham, MA 02180 and as shown on the design drawings titled "Proposed Building Drawings, 20 Eaton Street, Reading, MA 02867" dated January 12, 2012, prepared and certified by Kalkunte Engineering Corporation, 1749 Central Street, Stoughton, MA 02072 submitted with the application. The proposed new single family dwelling would be fully compliant with all zoning requirements for setbacks and lot coverage.

Section 6.3.8.1.b of the Reading Zoning By-Laws provides that, in the event the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original non-conforming structure, or (b) cause the structure to be located other than on the original footprint, the Board of Appeals may, by Special Permit, allow such reconstruction where it determines that the proposed reconstruction will not be substantially more detrimental than the existing non-conforming structure to the neighborhood.

Attorney Joshua Latham, representing the Petitioner, made a presentation of the proposed new single family dwelling. Following their presentation and discussion and comment by Board members, the Board opened the hearing to the public where there was no objection to the proposed project.

The Board then concluded the proposed new single family dwelling will not be substantially more detrimental than the existing single family dwelling to the neighborhood. Accordingly, a motion was made and seconded, and the Board voted unanimously (5-0-0) to grant the Petitioners request for a Special Permit under Section 6.3.8.1.b of the Zoning By-Laws to permit the

demolition of the existing single family dwelling and construction of a new single on the property at 20 Eaton Street, Reading, Massachusetts, as shown of the referenced Topographic Plan of Land.

This Special Permit Amendment is conditioned on 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 addition shall be submitted to the Building Inspector, along with the as-built foundation plan, prior to the issuance of a Building Permit for the work.
3. As-built plans showing the completed construction of the addition shall be submitted to the Building Inspector immediately after the work is completed and prior to the issuance of an Occupancy Permit.

Any person aggrieved by this 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 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, 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 ZONING BOARD OF APPEALS



Jeffrey Perkins, Chairman

Zoning Board Members voting on Case # 12-02

John Miles, Kristin Cataldo, Robert Redfern, John Jarema, Damase Caouette