

TOWN OF READING, MASSACHUSETTS

**ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF MATT & NAOMI MUSE
FOR THE PROPERTY LOCATED AT
166 PRESCOTT STREET, READING, MASSACHUSETTS**

**April 19, 2012
Case Number 12-05**

The Zoning Board of Appeals (the "Board") held a Public Hearing on Thursday, April 19, 2012 in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the petition of Matt and Naomi Muse (the "Petitioners"). The Petitioners sought a Special Permit under Section 6.3.3.2 of the Zoning By-laws in order to remove a 6-foot by 6-foot entry and to add a one story, 6-foot by 6-foot entry, as per plans submitted, within the required side yard setback of 15 feet, on the property located at 166 Prescott Street in Reading, Massachusetts (the "Property").

The Property is located in the S-15 Zoning District and is a legal lot whose frontage and area exceeds both the minimum lot frontage and lot area requirements for the zoning district. Due to proposed interior kitchen remodeling, the Petitioners are proposing to demolish / remove an existing non-conforming 6' x 6' roofed landing that is less than the required 15 feet from the easterly side property line and, construct a new 6' x 6' roofed bulkhead entrance to the basement. This new roofed bulkhead will match the existing 7.4 foot offset from the easterly property line of the "to be demolished" roofed landing. The proposed 6' x 6' roofed bulkhead is depicted on the Certified Plot Plan ("Plot Plan") and on five architectural drawings submitted with the application. The Plot Plan was prepared by John D. Sullivan III, P.E., 22 Mount Vernon Road, Boxford, MA 01921, , stamped by John D. Sullivan III,, Professional Engineer, dated March 20, 2012, titled Plot Plan of Land, 166 Prescott Street, Reading, MA 01867. The architectural drawings are numbered 1 thru 5 and were prepared by Twomey Design, 23 California Road, Reading, MA 01867, and dated March 26, 2012.

The Petitioners' architect made a presentation explaining how the proposed new kitchen layout will negate a basement entrance through and from the kitchen and that the existing outside entrance to the kitchen will be closed off due the kitchen remodeling and, a new enclosed bulkhead entrance to the basement will be necessary.

Section 6.3.3.2 of the Reading Zoning By-laws allows the Board to grant a Special Permit for reconstruction, alteration or change to a non-conforming structure if the Board determines that such change does not increase the nonconforming nature of said structure or create a new nonconformity and, the change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board found that the proposed construction of the 6' x 6' roofed bulkhead will not create a new nonconformity in regards to side yard setback and the construction of the proposed roofed bulkhead will not be substantially more detrimental to the neighborhood than the existing dwelling.

The Chair opened the hearing to public comment and no public comments were received at the meeting. A letter from the Petitioners' easterly side abutter, who voiced support of the petition, was

received and read aloud at the hearing. The Chair then closed the public comment portion of the hearing. Following, and upon a motion duly made and seconded, the Board voted unanimously (5-0-0) to grant the Petitioners' request for Special Permit under Section 6.3.3.2 of the Zoning By-laws in order to remove / demolish the existing 6-foot by 6-foot covered entry and construct a new 6-foot by 6-foot, one-story basement entry at 166 Prescott Street, Reading, MA as shown on the referenced Plot Plan by John D. Sullivan III and, as depicted on the submitted architectural drawings prepared by Twomey Design.

This Special Permit is conditioned upon the following:

1. The Petitioners shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plan prior to the issuance of a foundation permit for the work.
2. The Petitioners final construction plans for the new structure shall be submitted to the Building Inspector, along with the as-built foundation plan, prior to the issuance of a Building Permit for the new structure.
3. As-built plans showing the completed construction of the new structure 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 MGL 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 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 Number 12-05
Jeffrey Perkins, Damase Caouette, John Jarema, John Miles, Robert E. Redfern