

TOWN OF READING
ZONING BOARD OF APPEALS
DECISION ON THE PETITION OF CAROLE ATKINSON
FOR THE PROPERTY LOCATED AT
27 HOPKINS STREET, READING, MASSACHUSETTS

November 7, 2013
Case No. 13-21

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, November 7, 2013 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 Carole Atkinson (The "Petitioner"). The Petitioner sought a Special Permit under Section(s) 6.3.3 / 6.3.3.2 of the zoning bylaws in order to construct a 9.6' x 10.2' deck with an 11.7' left yard setback on the property located at 27 Hopkins Street in Reading, Massachusetts (the "Property").

The Property located in an S-15 district, is a legal, non-conforming lot due to the fact that the left side yard setback is 11.7' and the right side yard setback is 11.3' instead of the required 15.0'. The Petitioner proposes to construct a 9.6' x 10.2' deck with an 11.7' setback rather than the 15.0' setback required in an S-15 District. The dwelling with the deck is depicted in the Certified Plot Plan ("the Plot Plan") prepared by Massachusetts Survey Consultants, 10 First Avenue, Suite 24, Peabody, MA 01960 and stamped by Thomas P. Bernardi, Professional Land Surveyor, dated October 2, 2013.

Section 6.3.3.2 of the Reading zoning bylaws states, in relevant part: "The Board of Appeals may grant a Special Permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration or change does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. . . ." The Petitioner explained that the deck will be built directly behind the garage, will not be seen from the street and will not encroach further into the left side yard setback than the rest of the home. Following discussion and comment by Board members and opening the discussion to public discussion, the Board concluded that the proposed 9.6' by 10.2' deck does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

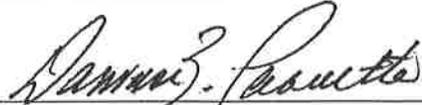
Accordingly, a motion was made and seconded, and the Board voted unanimously (5-0-0) to grant the Petitioner's request for a Special Permit under Section(s) 6.3.3 / 6.3.3.2 of the zoning bylaws in order to construct a 9.6' x 10.2' deck with an 11.7' setback on the property located at 27 Hopkins Street in Reading, Massachusetts, as shown on the referenced Plot Plan of Land.

The Special Permit is conditioned upon the as-built plans showing the completed construction of the new structure being submitted to the Building Inspector immediately after the work is completed and prior to the issuance of an Occupancy Permit.

Any person aggrieved by the 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 ZONNG BOARD OF APPEALS



Damase Z. Caouette, Chairman

Zoning Board Members voting on Case # 13-21

Damase Caouette, Robert Redfern, John Jarema, David Traniello, Kathleen Hackett