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**TOWN OF READING**

**ZONING BOARD OF APPEALS  
DECISION ON THE PETITION OF WILLIAM BETCHER  
FOR THE PROPERTY LOCATED AT  
15 OAK STREET, READING, MASSACHUSETTS**

**September 4, 2014  
Case No. 14-17**

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, September 4, 2014 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 William Betcher (The "Petitioner"). The Petitioner sought a Special Permit under Section 6.3.6 of the zoning bylaws in order to add a 16' x 21' addition located 10.3' from the side yard setback rather than the required 15' on the property located at 15 Oak Street in Reading, Massachusetts (the "Property").

The Property, located in a S15 residential district, and the existing two-story residence is a non-conforming structure due to a side setback on the left side of the home of 9.2'. The Petitioner stated that he is requesting a Special Permit under Section 6.3.6 of the zoning bylaws to add a 16' x 21' addition located 10.3' from the side yard setback. The Petitioner explained that the new addition and porch will be located off of the back of the existing structure and the proposed addition to the house will have a side yard setback on the left side of the home of 10.3' for approximately 16'. The Petitioner explained that the rest of the addition conforms to the setback regulations. The dwelling is depicted in the Certified Plot Plan ("the Plot Plan") prepared by Edward J. Farrell, 110 Winn Street, Suite 203, Woburn, MA and stamped by Edward J. Farrell, Professional Engineer, dated June 16, 2014. Architectural Plans, pages A-1 through A-4 and E-1, prepared by Perry Dean Rogers, Partners Architects, 177 Milk Street, Boston, MA, were also reviewed by the Board.

Section 6.3.6 of the Reading zoning bylaws states, in relevant part: "In the event that the Building Inspector determines . . . that the nonconforming structure would be increased by the proposed extension, alteration or change, the Board of Appeals may, by special permit, allow such extension, alteration or change where it determines that the proposed extension, alteration or change will not be substantially more detrimental than the existing nonconforming structure to the neighborhood." Following discussion and comment by Board members and opening the discussion to public discussion, the Board concluded that the proposed addition to the nonconforming structure 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 6.3.6 of the zoning bylaws in order to add a 16' x 21' addition to the existing non-conforming structure on the property located at 15 Oak Street in Reading, Massachusetts, as shown on the referenced Plot Plan of Land.

The Special Permit is conditioned upon the following:

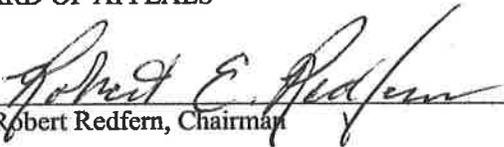
1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans, prior to the issuance of a foundation permit for the work.
2. The Petitioner's final construction plans for the new structure shall be submitted to the Building Inspector, along with the as-built foundation plan(s), prior to the issuance of a Building Permit.

3. 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.

This Variance and Special Permits 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.

ON BEHALF OF THE READING ZONNG BOARD OF APPEALS

  
Robert Redfern, Chairman

Zoning Board Members voting on Case # 14-17

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