



Town of Reading

16 Lowell Street, Reading, MA 01867

Zoning Board of Appeals

Ph: 781-942-6654 or Fax: 781-942-9071

readingma.gov/zoning-board-of-appeals

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Decision on the Petition of

Matthew Digby

On the Property Located at

16 Winter Street, Reading, Massachusetts

Case No. 22-01

February 3, 2022

The Zoning Board of Appeals (the "Board") opened and held a public hearing on **Thursday, January 6, 2022**, which after discussion was continued to **Thursday, February 3, 2022**, at 7:00 p.m. through remote and online measures, in lieu of meeting in the Select Board's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the petition of **Matthew Digby** (The "Petitioner"). The Petitioner sought a Special Permit under Sections 7.3 and 7.3.2 of the Zoning By-laws to construct a two-story rear addition along an existing non-conforming side-yard setback on the dwelling for the property located at **16 Winter Street** Reading, Massachusetts (the "Property").

The Property is located in the **S-15** residential district of Reading. The existing lot is considered legal non-conforming, due to the fact that it does not meet the current area (15,000 square feet) and frontage (100 linear feet) requirements for the S-15 zoning district it is in. The existing lot maintains approximately 7,950 square feet of area and 60 linear feet of frontage along Winter Street. The S-15 Zoning District requires setbacks of 15' from the side lot lines and 20' from the front and rear. The existing dwelling (a "Colonial" style house, circa 1907) is deemed a legal, non-conforming structure due to less than required minimum side-yard and front-yard setbacks to the property lines. The Petitioner was present at the meeting, and is the current homeowner. It was stated that the Petitioner is seeking a Special Permit to construct a two-story rear addition that would extend the existing non-conforming side-yard setback to the north by approximately 20.47'. The existing dwelling with proposed addition is depicted on a Certified Plot Plan ("the Plot Plan") prepared and certified by Douglas L. Johnston, Professional Surveyor No. 47879, DLJ Geomatics, 276 North Street, Weymouth, MA 02191, dated January 20, 2022. Architectural layouts and elevations for the proposed addition, consisting of sheets 1 through 4, prepared by Fused Studios, 524 Westford Street, Lowell, MA 01851, were also submitted with the Petitioner's application.

The existing dwelling maintains a pre-existing non-conforming side-yard setback of 8.9' to the northern lot line. The proposed two-story addition is to be built set in 3' from the non-conforming side-yard setback, maintaining a 11.9' setback from the northern lot line. The two-story addition shall maintain a maximum height of 28', one-foot lower than the existing dwelling. The proposed work also includes a deck and covered porch, both of which meet setback requirements and require no relief.

When the hearing was opened on January 6, 2022 the Board presented concerns on the massing and impact that the proposed addition would have to the direct abutter to the north. The plans were then modified to include the three-foot additional setback and one-foot drop in height as described above.

The Board also discussed impact to the existing landscape/trees located along the northern lot line. It was stated that the trees shall not be removed or harmed during construction. When the trees are in bloom they shall help screen the proposed addition. Additional impacts such as loss of sunlight and privacy were also discussed.

Following discussion with the Petitioner and comment among Board members, the meeting was opened to public comment. A discussion of project impacts and benefits was conducted with multiple abutters. The need for additional space due to family growth, property value improvement, and mitigated impacts were suggested as benefits from some abutters. Additional public comments on the impact to landscape, privacy, stormwater runoff and massing were further addressed. With no further input from the public forthcoming, the public comment portion of the hearing was closed.

Section 7.3.2 of the Reading Zoning By-laws states, in relevant part, "For those alterations not eligible for a building permit pursuant to Section 7.3, the Zoning 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".

A motion was made and seconded by Board Members that the proposed addition would not be substantially more detrimental to the neighborhood than the existing dwelling and would meet the requirements for Special Permit under Section 7.3.2 of the Reading By-laws for a proposed two-story addition to an existing dwelling. The Board voted in the affirmative (5-0-0) to grant a Special Permit in order to construct the two-story addition as described for the dwelling at 16 Winter Street as shown on the previously noted Certified Plot Plan and Architectural plans submitted, with the following conditions attached.

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

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.

The 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



Andrew MacNichol, Staff Planner

Board members sitting and voting on Case No. 22-01
Hillary Mateev, Cy Caouette, Alex Normandin, Patrick Houghton, Andrew Grasberger

