



Town of Reading

16 Lowell Street, Reading, MA 01867

Zoning Board of Appeals

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Decision of Finding on the Petition of Monica McCarthy

On the Property Located at
57 County Road, Reading, Massachusetts

Case No. 22-06
May 19, 2022

The Zoning Board of Appeals (the "Board") opened and held a public hearing on Thursday, May 19, 2022 at 7:00 p.m. in the Select Board's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts to hear the petition of Monica McCarthy (The "Petitioner"). The hearing also allowed participation through remote and online measures. The Petitioner sought a Variance from Sections 6.0 and 6.3 of the Bylaw and/or finding for the proposed one-story addition on the property located at 57 County Road in 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) or frontage (100 feet) requirements for the S-15 zoning district. The existing lot maintains 8,329 square feet of area, 61 linear feet of frontage along County Road and 85.64 linear feet of frontage along Howard Street. The existing dwelling conforms to the dimensional requirements of the S-15 zoning district. The Petitioner was present at the meeting, along with representative William Crowley. It was stated that the Petitioner is seeking a finding that two front setbacks are not required for the lot or that if no finding is granted that relief from Section 6.0 and 6.3 be granted in order to construct a one-story addition on the north side of the existing dwelling.

The lot is a corner lot located along County Road and Howard Street. It is addressed to County Road, though the frontage along Howard Street is longer and the existing drive access to the dwelling is located off of Howard Street. The Building Commissioner issued a Letter of Denial for the building permit application noting that a Variance was required from Section 6.0 and 6.3 of the Bylaw, specifically related to front-yard setback requirements. The front setback requirement in the S-15 zoning district is 20 feet and the proposed addition was setback 15.8 feet from the northern lot line adjacent to Howard Street. The Building Commissioner determined that front setback requirements applied to both the County Road side of the lot as well as the Howard Street side of the lot due to the definitions of yard, front and frontage in Section 2.0 of the Bylaw.

Yard, front is defined as, "The area extending away from the lot line on which a lot has frontage and across the full width of the lot" and frontage is defined as, "The continuous portion of the line separating a lot from a public way or way shown on a plan approved in accordance with the subdivision control law, to which the owner of the lot has a legal right of access. The measurement of lot frontage shall not include jogs in street width, back-up strips or other irregularities in street line. In the case of a corner lot, the measurement of lot frontage may, at the owner's option, extend to the midpoint of the curve connecting street lines, instead of to their intersection." It was interpreted that front setback requirements apply from lot lines which have frontage; and the northern lot line met the definition of frontage by separating the lot from the way of Howard Street.

The Petitioner stated that no definition or dimensional requirement was specified for corner lots in the Bylaw. It was stated that a side-yard setback should be applied from the northern lot line as the front-yard was from the western lot line and off of County Street. If a side-yard setback were to apply the application would be allowed by-right and no require a variance as the side-yard setback requirement in the S-15 zoning district is 15 feet. The Petitioner and their representative asked that a finding of no variance required be granted for the application. The Petitioner requested that until clarity on corner lots is provided in the Bylaw – one front, one rear and two side-yard requirements apply.

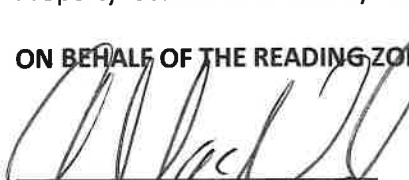
The Board discussed the definitions presented and the dimensional requirements within the Bylaw. The Board agreed that the Bylaw was not clear on how to apply dimensional requirements to corner lots. The ambiguity allowed for different interpretations of the requirements. The Board was presented with Town Counsel input that applying two front-setback requirements is reasonable. They were also presented with history of corner lot permits issued, some of which met two front-setback requirements and others which did not. However, it was noted that each of these permits had its own nuance and merits.

After further discussion, the Board opened the hearing to public comment. Ms. Nancy Twomey stated that in her experience one front-yard setback has been required. She agreed that the Community Planning and Development Commission (CPDC) and Town Meeting should address the Bylaw to clarify the requirements. Ms. Twomey questioned that if two front-yard setbacks apply would two rear-yard setbacks also be required. This would be too onerous on those who own corner lots as four 20-foot setbacks would be required instead of two. The Board agreed that such would be onerous and no language existed stating that side-yard setback requirements could be applied to such. With no further public comment the Board closed the public comment portion of the hearing.

The existing dwelling with the proposed addition is depicted on a Certified Plot Plan (“the Plot Plan”) prepared and certified by Scott C. Lynch, Professional Surveyor No. 51636, of Rober 1072A Massachusetts Avenue, Arlington, MA 02476, dated January 20, 2022. Architectural layouts and elevations for the proposed addition, consisting of sheets 1 through 6, dated October 19, 2021, prepared by Our House Design and Build, 59 High Street, Reading, MA 01867, were also submitted with the Petitioner’s application.

A motion was made and seconded by Board Members that a front-yard setback requirement apply to the western lot line off of County Road and a side-yard setback requirement apply to the northern lot line off of Howard Street, thus making the proposed addition a by-right application and no Variance be required to construct the proposed addition as shown on the previously noted Certified Plot Plan and Architectural plans submitted. The Board voted in the affirmative (4-1-0) to grant the Finding for the Property located at 57 County Road, Reading, Massachusetts.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS



Andrew MacNichol, Staff Planner

Board members sitting and voting on Case No. 22-06

Cynde Hartman, Cy Caouette, Alex Normandin, Andrew Grasberger, Patrick Houghton