



# Town of Reading

16 Lowell Street, Reading, MA 01867

## Zoning Board of Appeals

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

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### Decision on the Petition of

Fulton Harley

### On the Property Located at

84 John Carver Road, Reading, Massachusetts

### Case #22-13

September 7, 2022

The Zoning Board of Appeals (the "Board") opened and held a public hearing on **Wednesday, September 7, 2022** at 7:00 p.m. through remote and online measures to hear the petition of **Fulton Harley** (The "Petitioner"). The Petitioner sought a Special Permit under Sections 7.3 and 7.3.2 of the Zoning Bylaws to construct a two-story addition along an existing non-conforming structure with a non-conforming rear-yard setback on the dwelling at the property located at **84 John Carver 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 (15,000sf) and frontage (100 linear feet) requirements for the S-15 zoning district it is in. The existing dwelling (circa 1950) is deemed a legal non-conforming structure due to a less than required minimum rear-yard setback to the western property line. The Petitioner was present at the meeting and stated they are seeking a Special Permit for a two-story structure at the north side of the existing dwelling. The existing dwelling with proposed addition is depicted on a Certified Plot Plan ("the Plot Plan") prepared and certified by John D. Sullivan III, Professional Surveyor No. 41586, P.O Box 2004, Woburn, MA 01888, dated June 30, 2022. Architectural layouts and elevations for the proposed addition, consisting of Sheet A-1, dated August 10, 2022, prepared by FLH Architects, 15 High Street, Winchester, MA, were also submitted with the Petitioner's application.

The proposed addition would be no higher than the existing dwelling and also maintains the pre-existing non-conforming rear-yard setback of 17.4-feet from the western lot line. It measures 12.7-feet long and 4.7-feet wide, which would allow kitchen and bedroom expansion. Following discussion with the Petitioner and comment among Board members, the meeting was opened to public comment and, with no input from the public forthcoming, subsequently 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 addition to an existing dwelling. The Board voted in the affirmative (4-0-0) to grant a Special Permit in order to construct an addition to the dwelling at 84 John Carver Road 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.

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 ZONING BOARD OF APPEALS**



Andrew MacNichol, Senior Planning

**Board members sitting and voting on Case #22-13**  
Andrew Grasberger, Cynde Hartman, Patrick Houghton, Cy Caouette