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TOWN OF READING  
ZONING BOARD OF APPEALS  
DECISION ON THE PETITION OF  
Andrew Grasberger  
FOR THE PROPERTY LOCATED AT  
129 Green Street, Reading, MA 01867

September 14, 2021  
Case No. 21-10

The Zoning Board of Appeals (the "Board") held a public hearing on **Tuesday September 14, 2021** 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, Reading, Massachusetts, to hear the petition of **Andrew Grasberger** (the "Petitioner"). The Petitioner sought a Special Permit under Sections 7.0, 7.3, and 7.3.2 of the Zoning By-Laws to create a two-story addition that has a non-conforming front-yard setback, to an existing non-conforming dwelling, on a non-conforming lot, for the property located at **129 Green Street** in Reading MA (the "Property").

The Property is located in the Single-Family **S-15** residential zoning district of Reading. The existing lot is considered legal non-conforming, due to the fact that it does not meet the current lot area requirement (15,000 square-feet) in the S-15 Zoning District. The lot's current area is ~11,050 square-feet and it maintains 50 linear feet of frontage along Green Street, 169.4 linear feet of frontage along Village Street, and 67.2 linear feet of frontage along Washington Street. The existing dwelling, an Old-style house, circa 1890, is deemed a legal non-conforming structure due to the existing, less than required minimum front-yard setbacks to the property line. The existing dwelling maintains a 13.5' front-yard setback where 20' is required.

It was stated that the Petitioner is seeking a Special Permit for a **two-story addition** at the front (northeast) of the property, that would be built to the same existing non-conforming front-yard setback measurement of **13.5'**. The two-story addition conforms to the all other dimensional requirements of the zoning district. The height of the structure would measure 24'10" and would maintain a powder room, laundry room, and workshop on the first floor; and, a terrace, master bathroom and master bedroom on the second-floor. It would be connected to the existing dwelling by a new hallway addition. The proposed increase of impervious area would bring the lot to 16.04% lot coverage, which does not exceed the 25% lot coverage requirements of the Bylaw.

The Board discussed the proposal and deemed that the proposal would not create a new non-conformity, is in keeping with the character of the existing house, and does not take away from the character of the neighborhood. There were comments made by Board Members that the proposed addition was of a different architectural style than the rest of the building, particularly with regard to color and materials (e.g. glass and clapboard). The applicant agreed to take these comments into consideration during final design and construction of the addition.

The existing dwelling with proposed addition is depicted on a Certified Plot Plan ("the Plot Plan") prepared and certified by Robert E. Grover, Professional Surveyor No. 30566, of J&B Survey, 204 Beech Avenue, Melrose, MA 02148, dated June 1, 2021. Architectural layouts of existing and proposed floor layouts, and elevations for the proposed addition, consisting of sheets 1 through 5, dated August 2, 2021, prepared by Paul Miller of Neighbor Studio, 21 Tenney Street, Cambridge, MA 02114, were also submitted with the Petitioner's application.

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”.

Following discussion with the Petitioner and comment among the Board members, the meeting was opened to public comment and, with no input from the public forthcoming, subsequently closed. It was noted that a letter of support from the abutting property at 234 Washington Street was submitted for the record.

A motion was made and seconded by Board Members that the proposed two-story 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 non-conforming dwelling. The Board voted **4-0-0 in the affirmative** to grant a Special Permit in order to construct the two-story addition on the dwelling at 129 Green Street, as shown on the previously noted Certified Plot Plan and Architectural plans submitted, with the following conditions attached.

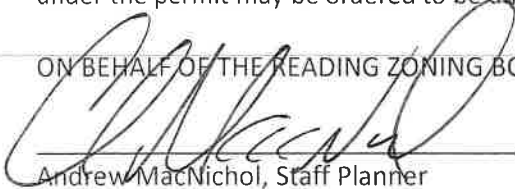
The Special Permit is conditioned upon the following:

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. The Petitioner shall submit as-built plans to the Building Inspector showing the completed construction immediately after the work is completed and prior to the issuance of an Occupancy Permit.

Any person aggrieved by the decisions 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, Staff Planner

Board Members voting on Case #21-10: 129 Green Street

Jamie Maughan – Chair (yes), Hillary Mateev (yes), Cynde Hartman (yes), Alex Normandin (yes)