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**TOWN OF READING**  
**ZONING BOARD OF APPEALS**  
**DECISION ON THE PETITION OF ADAM SWANSON & JUDITH SWANSON**  
**FOR THE PROPERTY LOCATED AT**  
**352 SUMMER AVENUE, READING, MASSACHUSETTS**

**March 6, 2019**  
**Case No. 19-05**

The Zoning Board of Appeals (the “Board”) held a public hearing on Wednesday, March 6, 2018 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 Adam Swanson and Judith Swanson (The “Petitioner”). The Petitioner sought a Special Permit under Section 7.3.2 of the Zoning By-laws in order to demolish the existing three family dwelling and to construct a second story addition at the property located at 352 Summer Avenue, Reading, Massachusetts (the “Property”).

The Property, located in the S-15 residential district, and the existing dwelling is a non-conforming structure. The Petitioners’ representative, Daniel McKiel of Integrity Building and Design, Inc., stated that the Petitioner is requesting a Special Permit under Section 7.3.2 of the Zoning By-laws to construct a new story addition at the property located at the Property. The Petitioner’s representative explained that the new addition to the dwelling would continue along an existing conforming side yard setback of 7.8’ and slightly improve that set back to 8’ from the abutting lot line. The proposed addition is depicted on a Certified Plot Plan (“the Plot Plan”) prepared by David E. Ross Associates, Inc., and stamped by Mark K. Wheeler professional engineer, dated January, 25, 2019 and on architectural rendering A-1 - A-3, prepared by Integrity Design dated January 31, 2019.

Section 7.2 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 and comment among Board members, the meeting was opened to public comment and comments heard. The Board, after public comment, closed that portion of the hearing.

The Board made a finding that the proposed construction plans were not substantially more detrimental to the neighborhood than the existing nonconforming building or structure at the Property.

A second motion was made and seconded with the finding that the proposed construction of the deck will not be substantially more detrimental to the neighborhood; the Board voted 5-0-0 to grant the Petitioner’s request for a Special Permit under Section 7.3.2 of the Zoning By-laws in order to construct a two story addition at the existing non-conforming structure on the property located at 352 Summer Avenue in Reading, Massachusetts, as shown on the referenced Plot Plan of land. (Jarema, Caouette, Redfern, Hagstrom, Pernice affirmative).

The Special Permit is conditioned upon the following:

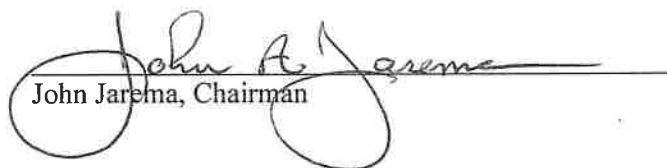
1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans, prior to the issuance of a foundation permit for the work.

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 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 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. 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 ZONNG BOARD OF APPEALS

  
John Jarema, Chairman

Zoning Board Members voting on Case # 19-05  
John Jarema, Damase Caouette, Robern Redfern, Erik Hagstrom, Nick Pernice