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**TOWN OF READING**  
**ZONING BOARD OF APPEALS**  
**DECISION ON THE PETITION OF**  
**CHRISTINA LAGONE EBERHART,**  
**ACTING AS AGENT OF**  
**MR. BRIAN LEARNED & MRS. KELLI LEARNED**  
**FOR THE PROPERTY LOCATED AT**  
**11 NUGENT LANE, READING, MA 01867**

**October 2, 2019**  
**Case No. 19-23**

The Zoning Board of Appeals (the “Board”) held a public hearing on Wednesday, October 2, 2019 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 Christina Lagone Eberhart (the “Petitioner”) acting as agent of Mr. Brian Learned & Mrs. Kelli Learned, the owners. The Petitioner sought a Special Permit to construct a new covered front porch entryway within a non-conforming front yard setback, onto an existing non-conforming dwelling, located at 11 Nugent Lane, Reading, Massachusetts (the “Property”), under Sections 7.0, 7.3, and 7.3.2 of the zoning bylaws.

The Property is located on a 20,523 square foot lot located in an S-20 district, and includes a single family dwelling of 2,210 square feet. The dwelling coverage is inclusive of a proposed two story addition that was very recently approved via special permit; case 19-15 on August 7, 2019.

The applicant intends to construct a 4’ x 6’ covered front porch entry representing a minimal alteration and extension of building foot print, resulting in a building coverage of 2,234 S.F. (10.9%), on a 20,523 S.F. lot.

The proposed addition is depicted on the submitted Certified Plot Plan (the “Plot Plan”) dated September 9, 2019, prepared and certified by John D Sullivan III, P.E., of P.O. Box 2004 Woburn, MA. The proposed addition is also depicted in an architectural drawing, on an unnumbered one page memo, prepared by RT Construction LLC, of 10 Allen Rd Ext, Peabody, MA 01960, dated September 4, 2019, showing the existing principal and proposed covered front porch entry submitted as part of the application and reviewed by the Board.

Section 7.3.2 of the Reading Zoning By-laws provides the standard that shall apply to alternations of single family dwellings. The Board discussed the standard with the Petitioner. Following discussion and comment by Board Members and opening and closing the hearing to public comment; all the Board Members concluded that the proposed addition, as shown on the aforementioned plot plan and architectural drawing, to be no more substantially detrimental to the neighborhood than the existing non-conforming structure, and therefore eligible for a Special Permit under 7.3.2.

A motion was made and seconded; and the Board voted 4-0-0 in the affirmative to grant a Special Permit to the Petitioner under Sections 7.0, 7.3, and 7.3.2 of the Zoning Bylaws in order

to construct a 4' x 6' covered front porch entry as reflected in and consistent with (1) aforementioned Certified Plot Plan and, (2) aforementioned Architectural Rendering included with the application, consistent with conditions hereinafter. The conditions of the Board's approval shall be as follows:

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, 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.

The 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

  
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Damase Caouette, Chairman

Board Members voting on Case #19-23:

John Jarema (yes), Nick Pernice (yes), Damase Caouette (yes), Robert Redfern (yes)