

NEEDHAM
ZONING BOARD OF APPEALS
AGENDA
THURSDAY, September 19, 2024 - 7:30PM

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 869-6475-7241 To join the meeting click this link: https://us02web.zoom.us/j/86964757241
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Minutes Review and approve Minutes from August 19, 2024 meeting.

7:30 PM **37 Moseley Avenue - Saybrook Construction, LLC**, applied for a Variance pursuant to Sections 7.5.3, and MGL40A, Section 10, from the following provisions of Section 4.2.3 and any other applicable sections of the By-Law to permit the demolition of a deteriorated single family residential dwelling with detached garage and shed and to allow the construction of a new single-family residential dwelling with a side setback of 13.8 feet where 25 feet are required and a front yard setback of 20 feet where 30 feet are required. The lot contains 35,726 square feet, less than the required 43,560 square feet. The property is located at 37 Moseley Avenue, Needham, MA in the Single Residence A (SRA) Zoning District.

NEEDHAM
ZONING BOARD OF APPEALS
MINUTES
THURSDAY, August 15, 2024 - 7:30PM

Charles River Room Public Services Administration Bldg. 500 Highland Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 869-6475-7241
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Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Appeals was held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA 02492 on Thursday, August 15, 2024 at 7:30 p.m.

BOARD MEMBERS PRESENT: Jonathan D. Tamkin, Chair; Howard Goldman, Vice-Chair, Valentina Elzon, Associate Member and Peter Friedenberg, Associate Member

BOARD MEMBER(S) ABSENT: Nik Ligris

STAFF PRESENT: Daphne M. Collins, Zoning Specialist

Mr. Tamkin, Chair presided and opened the meeting at 7:30 p.m.

1. MINUTES OF JULY 18, 2024

Mr. Goldman moved to approve the minutes of July 18 2024. Mr. Friedenberg seconded the motion. The motion was unanimously approved.

2. 20 ALDER BROOK LANE

SPECIAL PERMIT

APPROVED

Mr. Goldman moved to grant a Special Permit under Section 1.4.6 to allow the change, extension, alteration and enlargement of a lawful, pre-existing, non-conforming structure to allow the requested relief to the right-side yard setback and left yard setback as presented in the revised plans submitted. A written decision will be prepared. Ms. Elzon seconded the motion. The motion was unanimously approved.

3. 277 BROOKLINE STREET

INTERPRETATION OF A VARIANCE

APPROVED

Ms. Elzon moved to find that the plans and revisions submitted for the demolition of an existing two-family dwelling and its replacement with a new two-family dwelling with a detached two-car garage are consistent with the Variance issued January 18, 1951. A written decision will be prepared, Mr. Goldman seconded the motion. The motion was unanimously approved.

4. 6 BROOK ROAD

SPECIAL PERMIT

APPROVED

Mr. Goldman moved to grant Dog Waggers Pet Care, Inc. a Special Permit to allow the operation of a dog daycare/boarding/grooming business under Section 3.2.6.2 (h); and to waive strict adherence to the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3. A written decision will be prepared. Ms. Elzon seconded the motion. The motion was unanimously approved.

The meeting adjourned at 9:00 p.m.

A summary of the discussions on each subject, a list of the documents and other exhibits used at the meeting, the decisions made, and the actions taken at each meeting, including a record of all votes, are set forth in a detailed decision signed by the members voting on the subject and filed with the Town Clerk. Copies of the Decisions are filed at the Board website linked here:

<https://needhamma.gov/Archive.aspx?AMID=141&Type=&ADID=>

or by contacting Daphne Collins, Zoning Specialist, dcollins@needhamma.gov or 781-455-7550, ext. 261.

The hearings can be viewed at <http://www.needhamchannel.org/watch-programs/> and <https://www.youtube.com/@TownofNeedhamMA/videos>

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

August 26, 2024

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Saybrook Construction, LLC
37 Moseley Avenue, Needham, MA

Dear Ms. Collins,

Please be advised this office represents Saybrook Construction, LLC (hereinafter the Applicant and "Saybrook") with respect to the property known and numbered 37 Moseley Avenue, Needham, MA (hereinafter the "Premises"). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of architectural plans, including floor plans and elevations;
3. Seven copies of plot plans depicting existing and proposed conditions;
4. Seven copies of Memorandum in Support of the application; and
5. Check in the amount of \$200 for the applicable filing fee.

The Premises is situated in the Single Residence A Zoning District (SRA). It contains 35,726 square feet of land, less than the required one acre. It has an unusual or irregular shape, and a substantial portion of the lot, approximately two-thirds, is covered by wetlands. The Premises is currently occupied by an existing one-story residential dwelling that appears to have been built in 1922, as well as an associated detached garage. Both structures are in bad condition and the house has been subject to flooding due to proximity to wetlands and an apparent high water table.

Due, in part, to the condition of the existing structures, Saybrook desires to demolish the garage in its entirety, as well as the portion of the house that exists above the foundation. Saybrook then intends to build a new, single-family residential structure with an attached garage on top of the remaining foundation and structural elements. Because of the extensive wetlands that cover the

Premises, and the applicable limitations and regulations associated therewith, the useable portion of the lot is limited to a very small area, in the northwest corner (the right front corner of the property when viewed from the street). Furthermore, because of the apparent high water table and frequency of flooding, it is not practical or desirable to construct any occupied basement space, as same will likely incur water damage. As a result, the house construction has been designed without any basement, and therefore requires a bit more space above grade to meet current housing needs and standards.

Unfortunately, this requires intrusion into the applicable setback and, as a result, Saybrook is requesting a variance from applicable setback requirements. In particular, Saybrook is seeking to reduce the applicable side yard setback from the minimum 25 feet to 13.8 feet, at the closest point, and to reduce the applicable front yard setback from the minimum 30 feet to 20 feet. Saybrook asserts that such variations are permissible and warranted due to the shape of the lot, the soil conditions, and because strict application of the By-Law would impose a hardship.

While the Premises is situated in the SRA Zoning District, only two of the nine lots on Moseley Avenue contain the minimum one acre of area or more. All the rest consist of less than one acre. Furthermore, the houses on Moseley Avenue are situated and located in such a way as to be generally consistent with SRB development rather than SRA. Whereas the requested setback variations are very nearly consistent with the applicable SRB setback, Saybrook asserts that the requested side yard setback variation would be consistent with the general character of the neighborhood, and is generally appropriate.

Kindly schedule this matter for the next hearing of the Board of Appeals. If you have any comments, questions or concerns, or if you require any further information in the meantime, please contact me so that I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "George Giunta, Jr.", with a stylized, cursive script.

George Giunta, Jr.



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	Saybrook Construction, LLC	Date:	8/26/24
Applicant Address	11 Shepard Drive, Brighton, MA 02134		
Phone	617-480-5990	email	danieldeychman@gmail.com
Applicant is ☒ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other _____			
If not the owner, a letter from the owner certifying authorization to apply must be included			
Representative Name	George Giunta, Jr., Esq.		
Address	281 Chestnut Street, Needham, MA 02492		
Phone	617-840-3570	email	george.giuntajr@needhamlaw.net
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____			
Contact ☐ Me ☒ Representative in connection with this application.			

Subject Property Information

Property Address	37 Moseley Avenue, Needham, MA 02492		
Map/Parcel Number	Map 213 / Parcel 60	Zone of Property	Single Residence A (SRA)
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☒ Yes ☐ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☒ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (select one): ☐ Special Permit ☒ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Single family residential dwelling with detached garage in bad condition and subject to flooding.

Statement of Relief Sought:

1. Variance, pursuant to Section 7.5.3 and M.G.L. c. 40A, Section 10, from the following applicable provisions of Section 4.2.3 of the By-Law:

- a. 25 foot minimum side yard setback requirement; and
- b. 30 foot minimum front yard setback requirement; and

2. Any and all other relief necessary for the partial demolition, enlargement, and reconstruction of the existing single-family dwelling by removal of that portion above the foundation and replacement thereof with new construction, resulting in a new single-family dwelling without basement access, as shown on the plans submitted herewith and approved by the Needham Conservation Commission pursuant to Order of Conditions DEP File #234-896..

Applicable Section(s) of the Zoning By-Law:

4.2.3, 7.5.3 and any other applicable section or By-Law.

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		
Numbers must match those on the certified plot plan and supporting materials		



ZBA Application For Hearing

Date Structure Constructed including additions:	Date Lot was created:
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Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	
Electronic submission of the complete application with attachments <i>(Required)</i>	
Elevations of Proposed Conditions <i>(when necessary)</i>	
Floor Plans of Proposed Conditions <i>(when necessary)</i>	

Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector 7/18/ 24
date of consult

Date: 8/26/24 Applicant Signature George Giunta Jr

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*

TO: THE MEMBERS OF THE BOARD OF APPEALS
TOWN OF NEEDHAM, MA

August 26, 2024

MEMORANDUM IN SUPPORT OF APPLICATION OF
SAYBROOK CONSTRUCTION, LLC
37 Moseley Avenue, Needham, MA

The applicant, Saybrook Construction, LLC (hereinafter both “Saybrook” and the “Applicant”), seeks a Variance, pursuant to Section 7.5.3 of the Needham Zoning By-Law and M.G.L. c. 40A, Section 10, and any and all other relief that is or may be necessary and proper to permit the partial demolition, enlargement and reconstruction of the single family dwelling at the property at 37 Moseley Avenue (the “Premises”) with less than the required side and front yard setbacks.

I. Existing Conditions / History

The Premises is identified as Parcel 60 on Town of Needham Assessor’s Map No. 213 and is located in the Single Residence A Zoning District (the “SRA”). It appears to originally have been created as a separate lot when it was conveyed to Harold W. Pierce by deed dated October 3, 1931, recorded with Norfolk County Registry of Deeds in Book 1947, Page 431. At that time, the lot contained only approximately 8,250 square feet. It was later enlarged through the addition of a portion of the land described in deed dated June 12, 1948, recorded with Norfolk County Registry of Deeds in Book 2765, Page 150, and shown on “Compiled Plan of Land in Needham, Mass.”, dated July, 1948, recorded with Norfolk County Registry of Deeds as Plan no. 732 of 1948 at Book 2775, Page 201.¹ As a result, at present, the Premises contains approximately .85 acre.

The Premises is currently occupied by a one-story, wood frame, single-family dwelling and a detached garage. The records of the Assessor’s Department indicate that the dwelling was initially constructed in 1922, and the index card on file with the Building Department indicates 1926.² Whenever the house was first built, it is currently in bad condition, as is the garage, and

¹ See Exhibit A attached hereto, excerpt of Assessor’s Map. Note that the original lot can be shown as the dashed line inside the current lot.

² See Exhibit B attached hereto, Assessor’s Residence Information and Building Department Index Card.

subject to flooding.³ The house contains five rooms, with two bedrooms and one full bath and its condition is graded as D- by the Assessor Department.⁴

Approximately two-thirds of the Premises is covered by wetlands, with the entire remaining area located inside the applicable 100 foot buffer zone. The first 25 in the 100 foot buffer zone, closest to the wetlands, is a so-called ‘no touch’ area where all but the most passive activities (such as walking on foot) are prohibited. The next closest 25 feet is also a restricted area, where structures, dwellings and construction are generally prohibited. Together, these two areas are sometimes referred to as the 50 foot buffer, and are distinguished from the remaining 50 feet due to the extremely limited nature of allowed activities permitted therein.

With respect to that part of the Premises that is situated outside of the wetlands, a substantial majority is not only located within the wetlands buffer zone, but is within the aforescribed more restrictive 50 foot buffer. In fact, only a small area of the Premises is located outside such buffer. The portion of the lot that is located between the right-side property line and the 25 foot no touch / no disturb buffer zone line to the left is only a bit over 45 feet wide. And, because of the way the wetlands wrap around the Premises in the rear, the portion of the Premises where structures and dwellings might be allowed, subject to approval of the Conservation Commission, is only approximately 100 feet deep. This results in a maximum useable area of approximately 45 feet wide by 100 feet deep. If the required side and front yard setbacks are applied to this useable area, it results in a buildable area approximately 20 feet wide by 70 deep, at best. But even then, because of the shape of the wetlands area in the rear, the back 20 feet or so are significantly constrained, resulting in an even smaller useable area.

II. Proposed Work

As indicated above, because of the bad condition of the existing house and garage, and the fact that the house is prone to flooding, Saybrook proposes to demolish the garage, together with that portion of the house above the foundation, and to enlarge and reconstruct the demolished portion of the house. From a practical and functional perspective, this will result in a new single-family dwelling and attached garage, even though a portion of the existing structure is being retained and incorporated into the reconstructed dwelling. To avoid

³ See Exhibit C attached hereto, photo of flooding in basement.

⁴ Refer to Exhibit B attached hereto.

and protect against future flooding, the new house will not include any useable basement.⁵ As a result, all the living areas and storage space will need to be located above grade. Given the small useable area created by the proximity of the wetlands and the applicable buffer zones, this is not practicalable if the side and front yard setbacks are strictly applied. Moreover, because of current stormwater requirements, a stormwater infiltration system also needs to be located within the small useable space, further limiting the size of any house situated at the Premises.

As a result, Saybrook is requesting a variance from the side and front yard setbacks, so that instead of a 25 foot side yard setback, the house be located 13.8 from the right, northwesterly, sideline, and instead of a 30 foot front yard setback, the house would be located 20 feet from the front property line. The proposed front setback is consistent with the applicable front yard setback in the SRB Zoning District, and the proposed side yard setback very nearly so.⁶

Notwithstanding the location of Moseley Avenue in the SRA Zoning District, the houses on the street are laid out more like houses in the SRB Zoning District; being closer together and situated up close to the street. Furthermore, of the nine lots located on Moseley Avenue, only two contain the requisite minimum area of one acre or more; the rest consisting less than one acre. Finally, while the existing house technically complies with the applicable side-yard setback, that is only because there is a different setback applicable to existing houses versus the one applicable to new construction.⁷

In furtherance of Saybrook's desire and intent, it previously sought and obtained an Order of Conditions from the Needham Conservation Commission, DEP File No. 234-896, permitting the construction proposed herein. The Order restricts the work and the location of the new home so as to leave the natural area untouched and protect the interests of the MA Wetlands Protection Act and the Needham Wetlands Protection By-law.

⁵ Although the existing foundation is being retained, no access to the current basement space will be provided inside the enlarged and reconstructed upper portion of the house.

⁶ Compare 13.8 feet proposed v 14 feet applicable in the SRB Zoning District.

⁷ The side-yard setback applicable to new construction is 25' whereas the side-yard setback applicable to existing dwelling is only 15'.

III. Law

Massachusetts General Laws, c.40A, Section 10, provides that variances may be granted when,

owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

The foregoing criteria are mirrored in Section 7.5.3 of the Needham Zoning By-Law.⁸

Section 1.1 of the By-Law states that is the intent and purpose of the By-Law to

promote the health, safety, convenience, morals or welfare of the inhabitants of Needham; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town and to preserve and increase amenities under the provisions of General Laws, Chapter 40A.

IV. Analysis / Argument

There currently exist circumstances relating to the soil conditions and shape of the Premises that especially affect the Premises but not generally the Single Residence A Zoning District. As can be seen from the plans submitted with the application, the Premises consists of an usual or irregular shape, one that is not found generally within the SRA Zoning District. Moreover, the presence of wetlands over so much of the lot and the apparent high-water table (as

⁸ That Section authorizes the Board to grant a variance where, “owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the By-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law”.

indicated by the flooding), constitute soil conditions which are also not generally found throughout the SRA Zoning District.

Literal enforcement of the provisions of the By-Law would involve substantial hardship, financial or otherwise. The current condition of the house and detached garage, combined with the continuing damage from flooding makes partial demolition and substantial renovation a necessity. Strict application of the setback requirements of the By-Law, when combined with the location and extent of the wetlands on the lot, would result in a severely and unduly limited space within which to build a home and the necessary infiltration system associated therewith. As it is, the vast majority of the lot is completely unusable due to the extent and location of the wetlands, and even the area where the enlarged, reconstructed portion of the home is to be located is subject to frequent flooding. Therefore, strict application of the side and front yard setbacks would result in a tremendous hardship to Saybrook.

Finally, the requested relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law. While the Premises is currently situated in a Single Residence A Zoning District, the other houses on the street are located and laid out more consistent with conditions found generally in the Single Residence B Zoning District. They are closer together and closer to the street than generally is found throughout the SRA Zoning District. Moreover, while Saybrook is requesting a variation from the setbacks, the proposed setbacks are only a bit closer than the existing house, and are effectively consistent with those found in the SRB Zoning District. Therefore, issuance of a variance would not present any apparent detriment and further does not nullify or substantially derogate from the intent or purpose of the By-Law, as it would permit the continued use of a lot for single family residential purposes that has been so occupied for approximately 100 years.

V. Conclusion

The Board is currently presented with a compelling situation. The Premises consists of an usual and irregular shape. It is substantially and materially occupied and covered by wetlands, which wrap around the lot leaving only a small area in the front right corner useable to any real extent. And after the application of current wetlands regulations and setback requirements, this area becomes that much smaller and limited.

Given the current condition of the existing dwelling and garage, and the fact that the existing house is prone to flooding, they require extensive work at a bare minimum. And considering the work that would be necessary, as well as current housing standards, only a larger house makes practical and economic sense. However, if the setback requirements of the By-Law are strictly applied, any enlarged or rebuilt house would be impractically small, with less than adequate space and function. Moreover, because stormwater infiltration is required, the area available for a dwelling is further limited.

This would impose a tremendous and needless hardship upon Saybrook and would be inconsistent with not only the use of the Premises and its treatment over the past 100 or so years, but also the purposes of the By-Law. As a result, Saybrook has requested zoning relief so as to locate a modest house on the lot in a location that is generally consistent with the requirements of the SRB Zoning District. This is consistent with the useable portion of the lot and with the characteristics of the neighborhood. Therefore, Saybrook asserts that the issuance of a variance is proper and appropriate, and requests that same be granted.

Respectfully submitted,
Saybrook Construction, LLC
by its attorney,



George Giunta, Jr., Esquire
281 Chestnut Street
Needham, Massachusetts 02492
781-449-4520
george.giuntajr@needhamlaw.net

[illegible]

EXHIBIT B
1. Assessor's Residence Information

PARID: 1992130006000000
SAYBROOK CONSTRUCTION LLC

MUNICIPALITY: NEEDHAM
37 MOSELEY AVE

LUC: 101
PARCEL YEAR: 2024

Residential Card Summary

Card/Building:	1
Stories:	1
Condition:	8 - POOR
Grade:	D- - POOR
CDU:	PR - POOR
Exterior Wall:	WS - WOOD-SHN-SHK
Style:	BN - COTTGE-BNGLW
Year Built:	1922
Effective Year:	1980
Square Feet of Living Area:	672
Total Rooms:	5
Bedrooms:	2
Full Baths:	1
Half Baths:	0
Additional Fixtures:	0
Roofing Material:	AS - ASPHALT-SHNG
Heating:	D - HOT WATER
Fuel Type:	O - OIL
Dwelling Value:	\$52,400

Sections

Card #	Addition #	Lower	First	Second	Third	Area	RCNLD
1	0					672	0
1	1		P			44	900

EXHIBIT B
2. Building Department Index Card

PT. NO 1941		FEE 3.00	DATE 4/6/26
LOCUS 37 Moseley Avenue			
BLDG. Single Family	NO. RMS		
OWNER Harold Pierce	VALUE 2,500.		
BLDR. Same	FEE		
ELECT.	PT. NO.		
PLBR.	PT. NO.		
GAS FTR.	PT. NO.		
SEPTIC TANK	SEWER		
HEAT	GRADES		
COMPLETE			
OCC. PT			
TOWN OF NEEDHAM INSPECTION DEPARTMENT			WHDX C68-0105

EXHIBIT C
Photo of Flooding in House Basement



TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

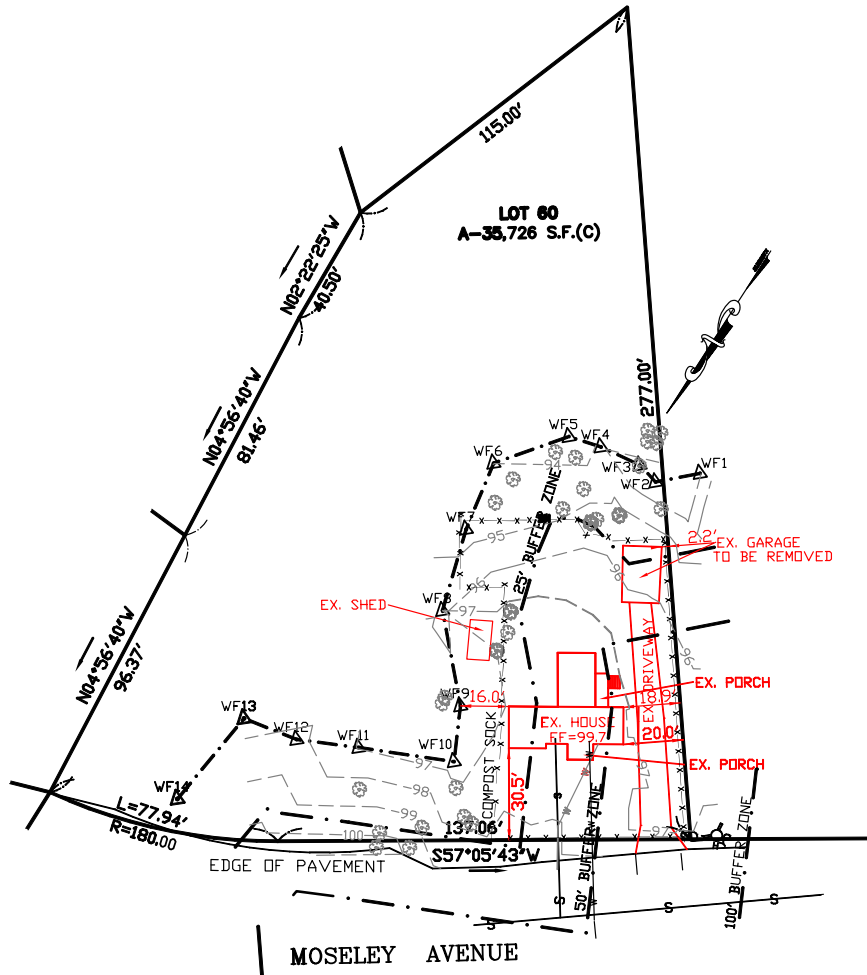
Assessor's Map & Parcel Number: 213 LOT 60

Building Permit No. _____ Zoning District: SRA

Lot Area 35,726 S.F. Address: 37 MOSELEY AVENUE

Owner SAYBROOK CONSTRUCTION LLC Builder: MIKHAIL DEYCHMAN

DEMO/PROPOSED PLOT PLAN/FOUNDATION AS-BUILT/FINAL AS-BUILT
40' Scale



Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the town of Needham. All plot plans shall show existing structures and public utilities, including water mains, sewers, drains, gaslines, etc.; driveways, Flood Plain and Wetland Areas, lot dimensions, dimensions of proposed structures, sideline offsets and setback distances, (allowing for overhangs) and elevation of top of foundations and garage floor. For new construction, elevation of lot corners at streetline and existing and approved street grades shall be shown for grading along lot line bordering streetline. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in unsewered area.
(*Accessory structures may require a separate building permit— See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

The above is subscribed to and executed by me this 21 day of JULY, 2022.

Name A. MATTHEW BELSKI, JR. Registered Land Surveyor No. 37557

Address 35 MAPLE ST. City W. NEWBURY State MA Zip _____ Tel. No. (978) 363-8130

Approved _____ Date _____
Approved _____ Building Inspector Date _____

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

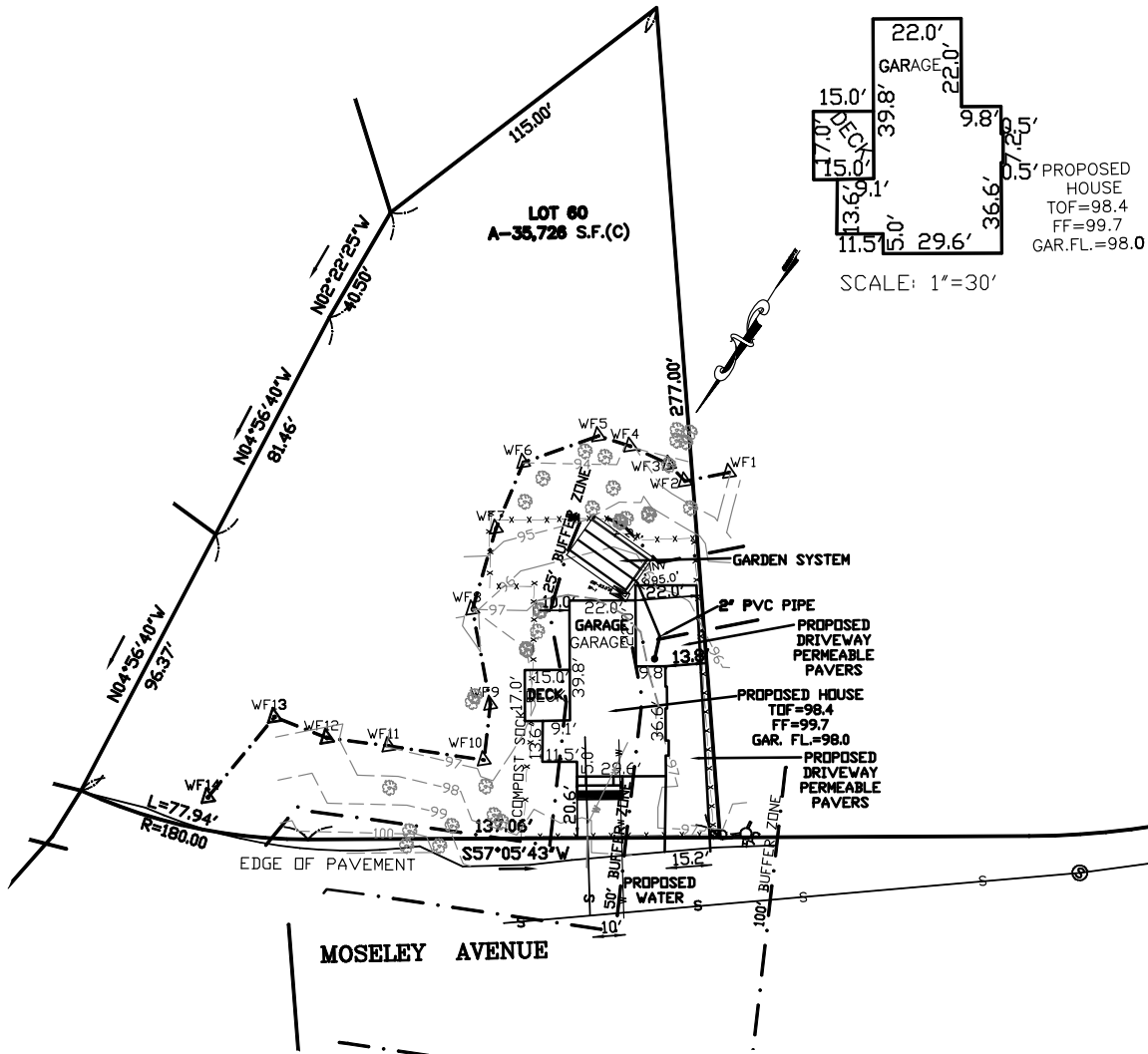
Assessor's Map & Parcel Number: 213 LOT 60

Building Permit No. _____ Zoning District: SRA

Lot Area 35,726 S.F. Address: 37 MOSELEY AVENUE

Owner SAYBROOK CONSTRUCTION LLC Builder: MIKHAIL DEYCHMAN

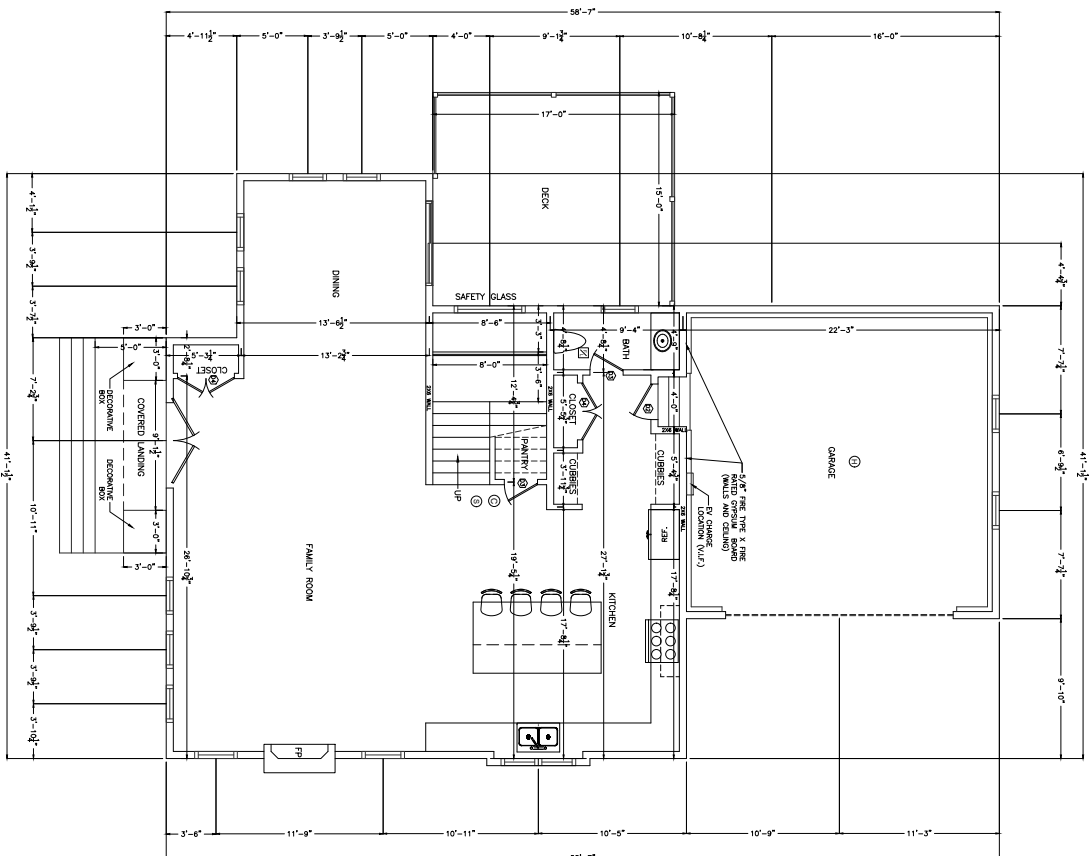
DEMO/PROPOSED PLOT PLAN/FOUNDATION AS-BUILT/FINAL AS-BUILT
40' Scale



HEIGHT OF DWELLING 35.0'
FROM AVERAGE GRADE
TO THE RIDGE OF ROOF

Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the town of Needham. All plot plans shall show existing structures and public utilities, including water mains, sewers, drains, gaslines, etc.; driveways, Flood Plain and Wetland Areas, lot dimensions, dimensions of proposed structures, sideline offsets and setback distances, (allowing for overhangs) and elevation of top of foundations and garage floor. For new construction, elevation of lot corners at streetline and existing and approved street grades shall be shown for grading along lot line bordering streetline. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in unsewered area.
(*Accessory structures may require a separate building permit— See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.
The above is subscribed to and executed by me this 16 day of JANUARY 2024.
Name A. MATTHEW BELSKI, JR. Registered Land Surveyor No. 37557
Address 35 MAPLE ST. City W. NEWBURY State MA Zip 02459 Tel. No. (978) 363-8130
Approved _____ Date _____
Approved _____ Director of Public Works
Approved _____ Building Inspector Date _____



FIRST FLOOR PLAN

GENERAL NOTES

- ALL WORK SHALL CONFORM TO MASSACHUSETTS BUILDING CODE AND ALL FEDERAL, STATE AND TOWN OF NEEDHAM LAWS, CODES AND REGULATIONS AS EACH MAY APPLY.
- ALL EXISTING CONDITIONS MUST BE VERIFIED IN FIELD. IF DISCREPANCIES ARE FOUND, THEY HAVE TO BE REPORTED TO THE ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE SCHEDULING AND WORK OF ALL TRADES AND SHALL CHECK ALL DIMENSIONS, ALL DISCREPANCIES SHALL BE CALLED TO THE ATTENTION OF THE ENGINEER AND SHALL BE RESOLVED PRIOR TO PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE FOR THE CONSTRUCTION OF THE PROJECT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
- ALL WORK SHALL BE PERFORMED IN A FIRST CLASS AND WORKMANLIKE MANNER IN CONFORMITY WITH THE PLANS AND SPECIFICATIONS, AND SHALL BE IN GOOD USABLE CONDITION AT THE COMPLETION OF THE PROJECT.
- THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS, UTILITY LOCATIONS AND STRUCTURE PLACEMENT, PRIOR TO START OF THE WORK. THE CONTRACTOR WILL OBTAIN ALL POSSIBLE PRECAUTIONS TO AVOID DAMAGE TO SAME. ANY DAMAGE TO EXISTING UTILITIES AND STRUCTURES SHALL BE REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE.
- PRIOR TO BIDDING THE WORK, THE CONTRACTOR SHALL VISIT THE SITE AND THOROUGHLY SATISFY HIMSELF AS TO THE ACTUAL CONDITIONS AND QUANTITIES. IF ANY NO CLAIM AGAINST THE OWNER OR ENGINEER WILL BE ALLOWED FOR ANY EXCESS OR DEFICIENCY THEREIN, ACTUAL OR ESTIMATED.
- CONTRACTOR IS RESPONSIBLE FOR ALL DEMOLITION AND RELOCATION WORKS, IF ANY.

PROPOSED GFA (GROSS FLOOR AREA) CALCULATION:

ZONING DISTRICT: SF-A

PROPOSED FLOOR AREA OF THE BUILDING:

- 1ST FLOOR: 1,275 SF
- 2ND FLOOR: 491 SF
- 2ND FLOOR: 1,766 SF
- 4TH FLOOR: 669 SF (WITHIN 5' WALL)
- TOTAL PROPOSED FLOOR AREA OF THE BUILDING: 1,275 (1ST FL.) + 1,766 (2ND FL.) = 3,041 SF

INTERIOR DOORS SCHEDULE:

- ① 2'-0" x 8'-0" PRE. RATE, 20M MIN
- ② 2'-0" x 8'-0" PRE. RATE, 20M MIN
- ③ 2'-0" x 8'-0" PRE. RATE, 20M MIN
- ④ 2'-0" x 8'-0" PRE. RATE, 20M MIN
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NOTE: ALL FIRST FLOOR DOORS ARE 8' HEIGHT. ALL SECOND FLOOR DOORS ARE 7' HEIGHT. ALL EXTERIOR DOORS ARE 7' HEIGHT.

NOTES:

1. ALL EXTERIOR WALLS ARE 2'-0" x 16" O.C.
2. ALL INTERIOR WALLS ARE 2'-0" x 16" O.C.
3. INTERIOR (CEILING) WALL BETWEEN THE GARAGE AND THE BUILDING IS 2'-0" x 16" O.C.
4. DIMENSIONS TO THE OUTSIDE (PERIMETER) WALLS FOUNDATION WALL STOPS ON EXTERIOR FACE OF THE FOUNDATION WALL.
5. INTERIOR DIMENSIONS SHOWN BETWEEN CENTERS OF THE INTERIOR WALLS.

- ① PHOTO ELECTRIC HARD WIRED SMOKE DETECTOR WITH SECONDARY (STANDBY) POWER SUPPLIED FROM MONITORED BATTERIES
- ② FAN/LIGHT TO BE VENTED DIRECTLY TO OUTSIDE
- ③ CARBON MONOXIDE DETECTOR
- ④ HARD WIRED HEAT DETECTOR WITH SECONDARY (STANDBY) POWER SUPPLIED FROM MONITORED BATTERIES

05/05/24 LAYOUT REVISED
05/05/24 STRIKEOFF REVISED

DATE

REVISION

FIRST FLOOR PLAN

37 MOSELEY AVENUE,
NEEDHAM, MASSACHUSETTS

RAV & ASSOC.,
INC.

NEEDHAM, MASSACHUSETTS 02464

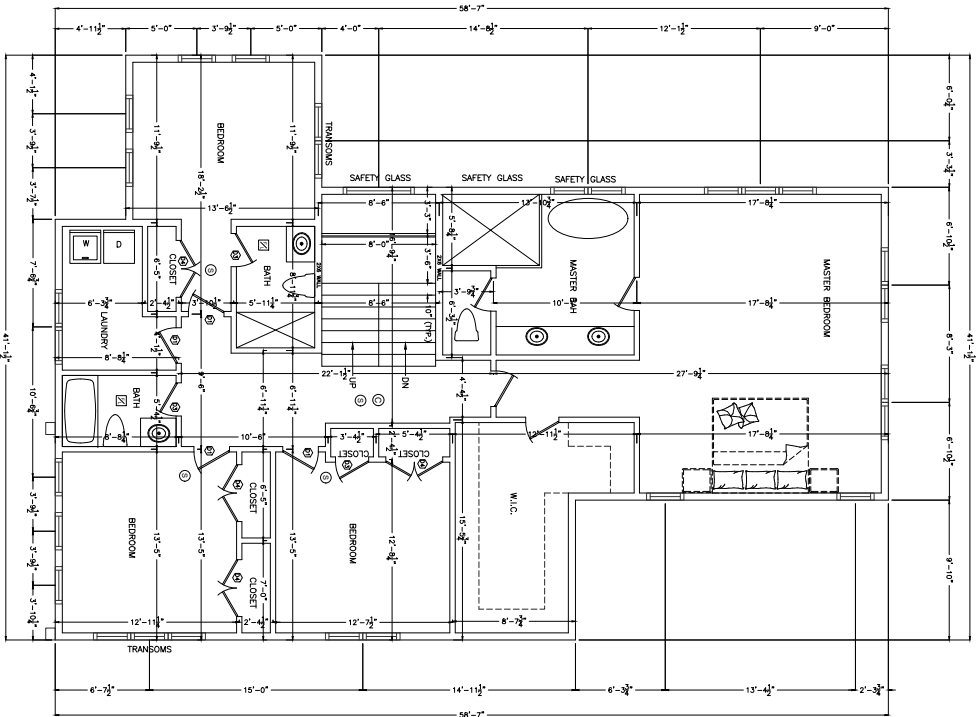
TELEPHONE: (781) 449-8200 FAX: (781) 449-8205

SCALE: 1/4" = 1'-0"

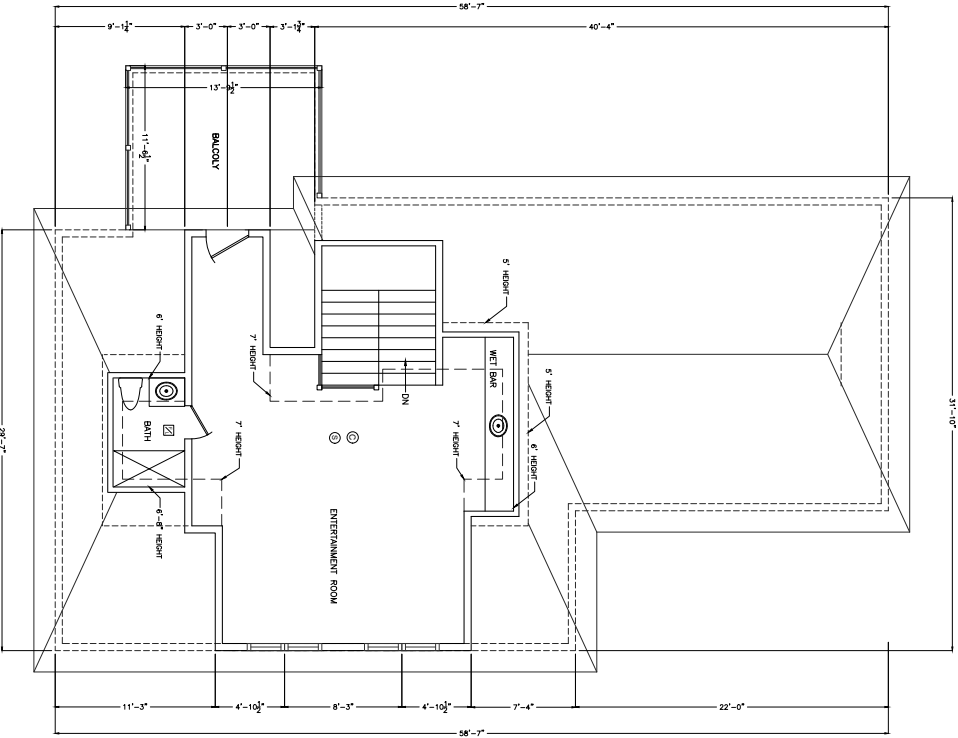
APPROVED: R.A.V. DESIGNED BY: L.B. DRAWING NO. A-1

DATE: 11/30/2023 CHECKED BY: R.A.V.





SECOND FLOOR PLAN



ATTIC PLAN

- INTERIOR DOORS SCHEDULE:
- ① 2'-6" x 8'-0" FIRE RATED, 20M MIN
 - ② 2'-4" x 8'-0" FIRE RATED, 20M MIN
 - ③ 2'-4" x 8'-0" FIRE RATED, 20M MIN
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 - ㊿ 2'-4" x 8'-0" FIRE RATED, 20M MIN

- NOTES:
- 1. ALL FIRST FLOOR DOORS ARE 8' HEIGHT.
 - 2. ALL SECOND FLOOR DOORS ARE 7' HEIGHT.
 - 3. ALL BASEMENT DOORS ARE 7' HEIGHT.
 - 4. PHOTO ELECTRIC HARD WIRED SMOKE DETECTOR FROM MONITORED BATTERIES
 - 5. FAN/LIGHT TO BE VENTED DIRECTLY TO OUTSIDE
 - 6. CARBON MONOXIDE DETECTOR
 - 7. HARD WIRED HEAT DETECTOR WITH SECONDARY (STANDBY) POWER SUPPLIED FROM MONITORED BATTERIES

NOTE: ALL ATTIC FLOOR WINDOWS TO BE EQUIPPED WITH CHILD-PROOF LOCK

03/03/24 LAYOUT REVISED
05/08/24 STRIKE&REPEL, ATTIC REVISED BASED ON NEW ROOF
DATE
REVISION
1. All light fixture, including but not limited to, emergency and security lighting, shall be the design of the architect and shall be installed in accordance with the applicable code requirements. The architect shall be responsible for obtaining the necessary permits and approvals for the installation of the lighting fixtures.
2. The architect shall be responsible for obtaining the necessary permits and approvals for the installation of the lighting fixtures.
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9. The architect shall be responsible for obtaining the necessary permits and approvals for the installation of the lighting fixtures.
10. The architect shall be responsible for obtaining the necessary permits and approvals for the installation of the lighting fixtures.

SECOND FLOOR AND ATTIC PLANS

RAY & ASSOC., INC.
 REGISTERED PROFESSIONAL ENGINEER
 MASSACHUSETTS
 TELEPHONE: (781) 469-8200 FAX: (781) 469-8205
 37 MOSELEY AVENUE,
 NEEDHAM, MASSACHUSETTS
 DESIGNED BY: L.B. DRAWN BY: L.B. CHECKED BY: R.A.V.
 DATE: 11/30/2023

Daphne Collins

From: Tom Conroy
Sent: Tuesday, September 10, 2024 9:38 AM
To: Daphne Collins
Subject: RE: 37 Moseley Avenue - ZBA Administrative Review

Hi Daphne,
No issues with Fire Dept.
Thank you



Thomas M. Conroy

Fire Chief - Needham Fire Department
tconroy@needhamma.gov
Ph (781) 455-7580

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, September 10, 2024 9:33 AM
To: Deb Anderson <andersond@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: RE: 37 Moseley Avenue - ZBA Administrative Review

Friendly Reminder...ZBA comments due today.

Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492
781-455-7550, ext 261
dcollins@needhamma.gov
www.needhamma.gov

In- Person Staff Hours are Monday – Wednesday 8:30 am – 5:00pm
Remote Hours – Thursday 8:30 am – 5:00pm

From: Daphne Collins
Sent: Wednesday, August 28, 2024 12:57 PM
To: Deb Anderson <andersond@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak

<jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel
<rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom
Conroy <TConroy@needhamma.gov>

Subject: 37 Moseley Avenue - ZBA Administrative Review

Good Afternoon-

37 Moseley Avenue – Saybrook Construction, LLC is seeking a Variance to allow the demolitions of an existing dilapidated single family, detached garage and shed and the reconstruction of a new single-family residential structure with attached garage.

The applicant is also seeking a relief for the right side setback at 13.8 feet where 25 feet are required; and a front setback at 20 feet which requires 30 feet are required. The property is located on a 35,726 square foot lot in the SRA Zoning District which has a minimum lot size requirement of 43,560.

Attached please find the application with its associated back-up documents for your information and review.

I appreciate your comments no later than **September 10, 2024** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Daphne

PS – A review request for this project was sent in March. The applicant withdrew the April application and is reapplying for September. I'm enclosing your previous comments for reference.

Daphne M. Collins

Zoning Specialist

Phone 781-455-7550, x 261

Web <https://www.needhamma.gov/>

<https://needhamma.gov/1101/Board-of-Appeals>

www.needhamma.gov/NeedhamYouTube

Town of Needham

Planning and Community Development

500 Dedham Avenue

Needham, MA 02492

Regular Office Hours: Mon-Wed 8:00am – 5:00pm

Remote Hours: Thurs 8:00am-3:00pm

Daphne Collins

From: Tara Gurge
Sent: Monday, September 9, 2024 10:58 AM
To: Daphne Collins
Subject: 37 Moseley Avenue - ZBA Administrative Review - Due Sept. 10th

Daphne –

The Public Health Division conducted the Zoning Board review for the property located at **#37 Moseley Avenue**, and have the following comments, below:

- The Public Health Division was able to confirm with the Water and Sewer Division that this property is actually connected to the municipal sewer system and is not on a private septic system. Due to this, as part of this project, we will need the existing septic system to be property decommissioned. A septic abandonment form will need to be filled out and submitted to the Public Health Division for our file.
- Prior to the demolition of the house, detached garage and shed, the owner/contractor must apply for this Demolition review online, via the Towns ViewPoint Cloud online permitting system through Public Health Division. See direct link to this permit review application- <https://needhamma.viewpointcloud.com/categories/1073/record-types/1006508>. This form will need to be completed along with the uploading of the required supplemental report documents for our review and approval (as noted on the form.) **PLEASE NOTE:** Pest control reports, along with the asbestos sampling reports, etc., must be uploaded to our online system for review and approval, prior to the issuance of a Demolition permit by the Building Department.
- Due to the condition of this home, a wildlife pest control service will also need to be hired, and a report uploaded to the online permit application. This wildlife pest report, along with a routine pest control service report for mice/pests, will need to be uploaded as part of your Demolition permit review.
- On-going routine pest control must be conducted during demolition AND on-going pest control must be conducted throughout construction.
- In reference to the applicants requested decrease in setbacks to wetlands, in order to increase the new home's footprint, that should only be allowed if the Needham Conservation Commission determines that these decrease in setback distances do not impact the surrounding wetlands and cause a detriment to the environment. And if the proposed setback distance requests are determined to be a detriment to the environment, those setbacks should be adjusted accordingly in order to minimize that.

Please let us know if you have any follow-up questions or need any additional information from us on those requirements.

Thanks,

TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



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Daphne Collins

From: John Schlittler
Sent: Tuesday, September 10, 2024 9:44 AM
To: Daphne Collins
Subject: RE: 37 Moseley Avenue - ZBA Administrative Review

No issues

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, September 10, 2024 9:33 AM
To: Deb Anderson <andersond@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: RE: 37 Moseley Avenue - ZBA Administrative Review

Friendly Reminder...ZBA comments due today.

Daphne

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Sent: Wednesday, August 28, 2024 12:57 PM
To: Deb Anderson <andersond@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 37 Moseley Avenue - ZBA Administrative Review

Good Afternoon-

37 Moseley Avenue – Saybrook Construction, LLC is seeking a Variance to allow the demolitions of an existing dilapidated single family, detached garage and shed and the reconstruction of a new single-family residential structure with attached garage.



Town of Needham
Building Department
500 Dedham Ave.
Needham, MA 02492

Tel. 781-455-7550 x 308

September 9, 2024

Town of Needham / Zoning Board of Appeals
500 Dedham Ave.
Needham, MA. 02492

Re: 37 Moseley Ave.

Dear Board Members,

This letter will serve to confirm that the applicant in this case has sufficiently re-designed the roof of the proposed home so that it is compliant with the 2.5 story height limitation of section 4.2.3.

The previous proposal showed a roof structure that violated the height limitation of section 4.2.3 as noted in my comment letter dated April 2, 2024.

This office now has no objection to or other concerns for this proposal.

Sincerely,

Joe Prondak
Building Commissioner

Daphne Collins

From: Deb Anderson
Sent: Tuesday, September 10, 2024 6:00 PM
To: Daphne Collins; Donald Anastasi; Jay Steeves; John Schlittler; Justin Savignano; Ronnie Gavel; Thomas Ryder; Tom Conroy
Subject: RE: 37 Moseley Avenue - ZBA Administrative Review

Conservation has not received any Amendment requests to the approved plans from the Applicants for 37 Moseley Avenue to date. They will need to come back before the Conservation Commission if there are any revisions to what was approved.

Debbie Anderson, PWS
Director of Conservation

Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 x 248

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, September 10, 2024 9:33 AM
To: Deb Anderson <andersond@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: RE: 37 Moseley Avenue - ZBA Administrative Review

Friendly Reminder...ZBA comments due today.

Daphne

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Zoning Board of Appeals
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Daphne

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Daphne M. Collins

Zoning Specialist

Phone 781-455-7550, x 261

Web <https://www.needhamma.gov/>

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www.needhamma.gov/NeedhamYouTube

Town of Needham

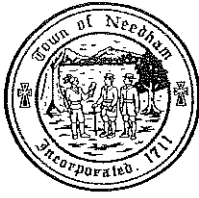
Planning and Community Development

500 Dedham Avenue

Needham, MA 02492

Regular Office Hours: Mon-Wed 8:00am – 5:00pm

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**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

September 11th, 2024

Needham Zoning Board of Appeals
Needham Public Safety Administration Building
Needham, MA 02492

RE: Case Review-Variance
37 Moseley Road

Dear Members of the Board,

The Department of Public Works has completed its review of the above-referenced Special Permit for the proposed demolition of an existing single-family home and new construction of a 2.5 story residential single-family home. The applicant is seeking a variance for front and side setbacks. The proposed home is also within the 100' wetland buffer.

The documents submitted for review are as follows:

- Application for Special Permit dated 03/18/24.
- Cover letter by George Guita Jr dated 3/4/24
- Certified Existing Conditions/Demo plan dated 7/21/22 by Matthew Belski
- Proposed Plot Plan by Matthew Belski dated 1/16/24.
- Architectural Plan and Elevation Views of Proposed Home
- Memorandum in support from Saybrook Construction dated 3/18/24
- Memo of Understanding dated 3/25/24

Our comments and recommendations are as follows:

- In accordance with the Town of Needham Stormwater Bylaw, the proposed new structure requires a minimum combined volumetric capacity of 1 inch over the entire impervious area of the addition to be recharged. The plans should be revised, prior to receiving a building permit, showing the calculations that the infiltration system is sized to contain a minimum of 1-inch of the total impervious area of the addition for infiltration.
- The final location of storm drainage field should be reviewed for approval prior to field installation.
- Project subject to Conservation Commission Order of Conditions that may not match this application.

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas A Ryder
Town Engineer