

# MINUTES

**THURSDAY, October 17, 2019 – 7:30 PM**

Charles River Room, Public Services Administration Buildings  
500 Dedham Avenue, Needham, MA

Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Appeals was held in the Needham Town Hall, Charles River Room, 500 Dedham Avenue, Needham, Massachusetts. Jon D. Schneider, Chairman, presided and the following members were present: Jonathan D. Tamkin, Howard Goldman and Kathy Lind Berardi. The agenda is attached. Mr. Schneider opened the meeting at 7:30 p.m.

Mr. Goldman motioned to approve the Thursday, September 19, 2019 meeting minutes. Mr. Tamkin seconded the motion. The Board unanimously approved the minutes.

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| Case #1 | 73 Dedham Avenue | Granted |
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| Discussion Item | Article 7 - Accessory Dwelling Unit (ADU) Proposed Zoning By-Law Amendment |
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Mr. Schneider reported that the Planning Board invited the Board to attend the its meeting on October 22, 2019 to discuss and provide input on the proposed ADU Zoning By-Law. This article will allow for a separate defined space within a single-family residence for occupancy by a family member or by a caretaker.

Mr. Schneider raised concerns that the proposed By-Law did not identify criteria to base the granting of a Special Permit, had a narrow definition of family; and would be challenging for the Building Department to enforce.

Mr. Goldman was supportive of the ADU. He did not want the Special Permit to be transferable to a new owner.

Select Board Member Maurice Handel provided an overview of the proposal. He noted that the proposed ADU resulted from a survey conducted by the Department of Health and the Council on Aging which identified that the top priority needs for elders were transportation and the care of frail elderly who wished to age in place. A study then was conducted of ADUs in other communities which indicated that only a very small number of households convert their home to allow an ADU. The Planning Board moved on proposing an ADU provision and the Select Board supported the proposal. At May Town Meeting, the ADU Article was sent back to the Planning Board for further consideration. According to Mr. Handel the proposed ADU article is not ideal but once adopted there will be opportunity for refinement. He reported that the Building Commissioner had vetted the ADU and was optimistic that it was enforceable.

Mr. Tamkin was supportive of the ADU and expressed concerned about the lack of applicable criteria when granting a Special Permit. He noted that the article did not deal with ownership of a residence by a

limited partnership. Ms. Berardi was supportive and suggested that section 7.5.2 of the By-Law would apply in the absence of stated criteria.

There was general support of ADU by the Board. Mr. Schneider will attend the Planning Board meeting.

Case #3

1180 Great Plain Avenue

Continued to November 21, 2019

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. The hearings can be viewed at <http://www.needhamchannel.org/watch-programs/>

The meeting adjourned at 9:30 p.m.



Daphne M. Collins, Zoning Administrative Specialist