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TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS

SPECIAL PERMIT

Richard Lind, applicant
52 Coulton Park
Map 32, Parcel 8

(Filed during the Municipal Relief Legislation, Chapter 53 of the Acts 2020)

June 18, 2020

Richard Lind, applicant, made application to the Board of Appeals for a Special Permit under Sections 3.1.5, 7.5.2, and any other applicable Sections of the By-Law to permit an Accessory Dwelling Unit containing 850 square feet, located in a two-story addition on the south side of a single-family residence located at 52 Coulton Park, Needham, MA in the Single Residential B District. A public hearing was held remotely on Zoom, Meeting ID Number 869-6475-7241, on Thursday, June 18, 2020 at 7:30 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped May 27, 2020.
- ADU-ZBA Special Permit Application
- Certificate of authorization to apply by Jasper Bogosian, owner, May 7, 2020
- Certified Plot Plan prepared by O'Driscoll Land Surveying, Inc., dated February 7, 2020.
- Plot Plan of Existing Conditions and Proposed Conditions, prepared and stamped by Daniel A. O'Driscoll, Certified Professional Land Surveyor, dated May 19, 2020.
- Design Plans, A0-10, EX1-5, prepared by Mitchell Construction Group, Inc., dated May 10, 2020.
- Exterior photographs of Property, 3 photos.
- Email from Dennis Condon, Chief of Fire Department, June 2, 2020.
- Email from Tara Gurge, Assistant Public Health Director, June 8, 2020.
- Email from Chief John Schlittler, Needham Police Department, June 1, 2020.
- Email from David A. Roche, Building Commissioner, June 11, 2020.
- Letter from Lee Newman, Director of Planning and Community Development, June 9, 2020.
- Letter from Thomas A. Ryder, Assistant Town Engineer, June 16, 2020.
- Email from Karen Sunnaborg, Community Housing Specialist, June 4, 2020.

June 18, 2020

The Board held this meeting virtually on Zoom as allowed under “Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20”.

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Howard S. Goldman, Member. Also participating was Kathy Lind Berardi, Associate Member and Peter Friedenber, Associate Member. Mr. Schneider opened the hearing at 7:30 p.m. by reading the public notice.

Rick Lind, Production Coordinator for Mitchell Construction, introduced the design build team consisting of Jim Mello, Vice President of Operations and Kevin Moniz, Architect. Jasper Bogosian, the owner, hired Mitchell Construction to design and build an accessory dwelling unit (ADU).

Kevin Moniz, the architect, stated that the addition will be located on the south side of the existing dwelling. The addition complies with the By-Law setbacks and lot coverage limitations. The addition has three levels - the basement level with a single-car garage and an exterior entrance; the first floor containing an open living and kitchen area; and the third floor with a master bedroom/bathroom suite.

The unit will have two main exits - a basement entrance and an exit in the back to a deck. The existing deck will be expanded along the addition. The existing deck stairs will be demolished and a new set of stairs will be constructed.

The daughter of the property owner will be living in the ADU and the owner will occupy the principal unit.

Mr. Schneider reviewed the ADU requirements:

- the ADU must be subordinate to the primary residence;
- the house should maintain a single-family appearance;
- one unit must be occupied by the owner;
- the occupant of the other unit must be a relative or caretaker of the owner
- the ADU is be limited to 850 square feet in size;
- there must be parking available for both units;
- there must be two means of egress; and
- there must be adequate water, sewer and drainage connection.

Mr. Schneider said that his only question was about parking. Mr. Moniz responded that the driveway area can accommodate four cars outside and one car in the garage.

Comments received:

- The Fire Department had no concerns.
- The Health Department requested that prior to renovation, and approval of this addition, a pest control service company be hired to verify whether pests are present on site. If evidence of pests is found, ensure proper pest treatment is conducted prior to start of construction.
- The Police Department has no issues.

- The Building Commissioner had no comment.
- The Engineering Department noted that the proposed structure requires a minimum combined volumetric capacity of 1 inch over the entire impervious area of the property to be recharged as required by the Stormwater By-Law. The plans are to be revised, prior to receiving a building permit, to collect roof run off from the entire structure based on the impervious area of the entire site for a minimum of one inch into drywells at one or more corners of the structure. Erosion control provisions are also to be provided and shown on the plan prior to the issuance of a building permit.
- The Housing Specialist had no comment.
- The Planning Board had no comment.

There were no comments from the public.

Mr. Schneider stated that a condition will be imposed to the Decision which will require upon written request from the Building Commissioner, the owner provide evidence that the ADU and principal dwelling are being occupied in accordance with the By-law. In the event the owner fails to provide such evidence to the Building Commissioner within thirty (30) days of a written request, the Building Commissioner may revoke the Special Permit for the ADU. Any such revocation may be appealed to the Board in accordance with the procedures for the appeal of other decisions of the Building Commissioner. The applicant was agreeable to the condition.

Mr. Goldman moved to grant a Special Permit to permit a Accessory Dwelling Unit containing 850 square feet, located on the south side of single family residence located at 52 Coulton Park with the conditions that:

- the Building Commissioner may request evidence of who is living in the Accessory Dwelling Unit. Verification shall be provided to the Building Commissioner within 30 days. Failure to provide satisfactory evidence, the Building Commissioner may revoke the Special Permit. The Special Permit holder can appeal the Building Commissioner's decision to the Board;
- the initial occupancy permit is for three years and must be renewed for succeeding three-year periods as long as the use continues to conform to the By-Law; and
- the Special Permit and occupancy permits are not transferable upon a change in ownership or occupancy.

Mr. Tamkin seconded the motion. The motion was unanimously approved.

Mr. Lind reported that the stormwater mitigation plans were in progress and will be submitted to the Building Departments upon completion.

The meeting adjourned at 8:50 p.m.

Findings:

On the basis of the evidence presented at the hearing, the Board makes the following findings:

1. The premises is a lot containing 11,247 square feet improved with a single-family house and located in the Single Residence B District.

2. The applicant is renovating the house to include an Accessory Dwelling Unit (“ADU”) on the south side of the existing dwelling, which would have three levels - the basement level with a single-car garage and an exterior entrance; the first floor containing an open living and kitchen area; and the third floor with a master bedroom/bathroom suite. The property is served by Town water and sewer.
3. The daughter of the property owner will be living in the ADU and the owner will occupy the principal unit. The owners seek a Special Permit under Section 3.15 of the By-law for an ADU.
4. The ADU will have two main exits - a basement entrance and an exit in the back to a deck. The existing deck will be expanded along the addition. The existing deck stairs will be demolished and a new set of stairs will be constructed.
5. There is not more than one ADU unit on the lot and the proposed ADU is located in the single-family detached dwelling and not in an accessory building.
6. The proposed ADU is subordinate in size to the principal dwelling unit and constructed to maintain the appearance and essential character of the single-family dwelling.
7. One of the units will be occupied by the owners and the other will be occupied by a member of the owners’ family.
8. The ADU will have no more than 850 square feet of living space and no more than one bedroom.
9. Off- street parking is provided for the residents of both units with a minimum of one parking space per dwelling unit.
10. Adequate provisions have been made for the proper disposal of sewage, waste and drainage generated by the ADU.
11. The exterior entrances and access ways do not detract from the single-family appearance of the dwelling. There is an interior doorway providing access between each living unit as a means of access for purposes of emergency response. All stairways to additional floors are enclosed within the exterior walls of the structure.

Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, grants the applicant (a) a Special Permit under Section 3.15 for an Accessory Dwelling Unit as described in the plans submitted at the hearing, subject to the following:

- a) compliance with all conditions of Section 3.15 including, the requirement that the Applicant obtain a new occupancy permit three (3) years after issuance of the original

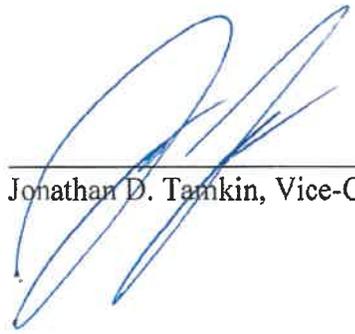
occupancy permit and additional renewals of the occupancy permit after each succeeding three-year period;

- b) No occupancy permit shall be transferable upon a change of ownership or a change of the occupancy of the property; and
- c) Upon written request from the Building Commissioner, the owner shall provide evidence that the ADU and principal dwelling are being occupied in accordance with the By-law. In the event the owner fails to provide such evidence to the Building Commissioner within thirty (30) days of a written request, the Building Commissioner may revoke the Special Permit for the ADU. Any such revocation may be appealed to the Board in accordance the procedures for the appeal of other decisions of the Building Commissioner.
- d) Applicant shall submit a stormwater mitigation plan which shall be acceptable to the Town Engineer.

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Jon D. Schneider, Chair

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Jonathan D. Tamkin, Vice-Chair

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Howard S. Goldman, Member