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TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS

Special Permit

Michael and Siobhan O'Connell, Owner
50 Morningside Road
Map 24, Parcel 57

February 16, 2023

Michael and Siobhan O'Connell, owners, applied to the Board of Appeals for a Special Permit under Sections 3.15 and any other applicable Sections of the By-Law to allow the addition of an Accessory Dwelling Unit (ADU) to a single-family residence. The property is located at 50 Morningside Road, Needham, MA in the Single Residence B (SR-B) District. A public hearing was held remotely on Zoom, on Thursday, February 16, 2023 at 7:30 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped January 23, 2023.
- ADU – ZBA Special Permit Application, Clerk stamped January 23, 2023.
- Proposed Plot Plans, prepared and stamped by Robert Bibbo, Professional Land Surveyor, dated July 13, 2022.
- Existing/Proposed Basement Plans prepared by Costa Architects dated May 11, 2022, Revised January 12, 2023.
- Letter from Dave Roche, Building Commissioner, with attached Basement Plans, SK1 prepared by Costa Architects revised June 14, 2022 highlighted with door to remain, dated January 30, 2023.
- Email from Tara Gurge, Assistant Public Health Director, dated January 30, 2023.
- Letter from Lee Newman, Director of Planning and Community Development, dated February 7, 2023.
- Letter from Thomas Ryder, Town Engineer dated January 30, 2023.
- Email from Chief Tom Conroy, Fire Department, dated January 24, 2023.

February 16, 2023

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Howard S.

Goldman, Member. Also participating was Nik Ligris, Associated Member. Mr. Schneider opened the hearing at 7:48 p.m. by reading the public notice.

Siobhan O'Connell reported that she and her husband have been owners of the single-family home for over ten years. Currently, they are renovating the home and took the opportunity to propose the creation of a 638 square feet ADU in the basement for her parents.

Comments received:

- Engineering Department reported that the plans should be revised showing the calculations that the infiltration system is sized to contain a minimum of one inch of the total impervious area of the addition for infiltration; and provide the final location of storm drainage field for approval prior to field installation. Ms. O'Connell said that their engineer was preparing the required plans.
- Health Department had no comment.
- Building Department had concerns with the second means of egress through a walk-in closet. He recommended that the owner leave the current means of egress to the basement directly from the ADU bedroom as he highlighted in the SK1 plans dated June 14, 2022. Ms. O'Connell reported that the Building Commissioner is now satisfied with the egress to remain where it is.
- Planning Board had no comment.
- Fire Department had no issue.

Mr. Schneider reviewed the project against the By-Law requirements:

- the ADU be subordinate to the primary residence - compliant;
- the house maintains a single-family appearance. Ms. O'Connell reported that the ADU is located in the back and lower level of the house and is not visible from the front elevation - compliant;
- one of the units must be occupied by the owner as a principal residence - compliant;
- the occupant of the ADU must be a relative or caretaker of the owner living in the principal unit - compliant;
- the ADU is limited to 850 square feet in size - compliant;
- the unit must be self-contained providing living, sleeping, cooking and eating for the resident of the unit – compliant;
- there be parking available for both units – there is a two-car garage, sufficient room in the driveway for two more vehicles and there is a section adjacent to the house off the driveway which is assigned to the ADU's vehicle - compliant;
- there is adequate provisions for the proper disposal of sewage, waste, and drainage. The project will be connected to Town sewage – compliant;
- there be two means of egress – there is an exterior door to the left of the property, two egress windows to the back of the property, and a door from the closet/office into the basement - compliant;
- there be an interior door between units –compliant, and
- all stairways must be enclosed – compliant.

There were no comments from the public.

Mr. Schneider noted that, under the current provision of Section 3.15, the Special Permit is granted to is not transferable.

Mr. Schneider stated that a condition will be imposed that will require the owner, upon written request from the Building Commissioner, to 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.

Mr. Ligris asked the owner to identify the date of the latest layout plan with the agreed interior exit by the Building Commissioner. Ms. O'Connell noted it was the Existing/Proposed Basement Plan, SK1 prepared by Costa Architects dated January 12, 2023 submitted in the Board application.

Mr. Tamkin moved to grant a Special Permit under Section 3.15 to allow an accessory dwelling unit in accordance with the plans submitted to the Board conditioned the owner, upon written request from the Building Commissioner, provide evidence that the ADU and principal dwelling are being occupied in accordance with the By-Law. Mr. Goldman seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:58 p.m.

Findings:

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

1. The premises is an 8,545 square foot lot improved with a single-family home in the Single Residence B District.
2. The applicant proposes to renovate the house adding a 638 square foot ADU on the lower level/basement.
3. The ADU will have one bedroom, a living room, and a kitchen as well as a bathroom, walk in closet and laundry room. The ADU will have two entrances: one from the kitchen to the outside and another into the lower level of the principal dwelling unit. The renovated property will have a two-car garage and parking for two or more cars in the driveway. The house is serviced by Town sewer.
4. The owner will continue to reside in the principal dwelling and family members will occupy the ADU.
5. The renovated property will maintain the look of a single-family residence and otherwise meet the criteria of Section 3.15. The issuance of a Special Permit is consistent with the

criteria of Section 7.5.2.

Decision:

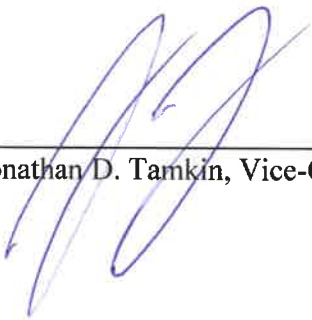
On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote grants the applicant a Special Permit under Section 3.15.3 to construct and maintain an ADU in accordance with the plans filed with the application, subject to the provisions of Section 3.15 and the following:

1. Prior to obtaining a building permit the applicant must obtain approval from the Town Engineer that the proposed construction contains drainage plans that comply with the Needham Stormwater By-Law, and
2. Upon written request from the Building Commissioner, the owner will 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 ZBA in accordance the procedures for the appeal of other decisions of the Building Commissioner.
3. The Occupancy Permit for the Accessory Dwelling Unit shall not be transferable upon a change of ownership of the property so long as the transfer is prohibited under the Bylaw.

SIGNATORY PAGE –50 MORNINGSIDE ROAD


Jon D. Schneider, Chair

SIGNATORY PAGE – 50 MORNINGSIDE ROAD



Jonathan D. Tamkin, Vice-Chair

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Howard S. Goldman, Member