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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Special Permit

***Jeanne Schwalbach, Owner
28 Tudor Road
Map 12, Parcel 78***

February 16, 2023

Jeanne Schwalbach, owner, applied to the Board of Appeals for a Special Permit under Section 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 28 Tudor 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 20, 2023.
- ADU – ZBA Special Permit Application, Clerk stamped January 20, 2023
- Proposed Plans, prepared and stamped by Christopher S. Kelly, Professional Land Surveyor, dated December 12, 2022.
- Plans prepared by Good Energy Construction.
- Elevation hand drawn pencil drawings dated January 13, 2023.
- Letter from Dave Roche, Building Commissioner, dated January 30, 2023.
- Email from Tara Gurge, Assistant Public Health Director, 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, 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 7:30 p.m. by reading the public notice.

Marc Bedine, reported that Jeanne Schwalbach, his mother and owner, planned to renovate the current single-family home with an ADU and add a second story. His family and he would move-in and occupy the principal dwelling unit; and the ADU will be occupied by his mother.

Comments received:

- Engineering Department had no comment.
- Health Department had no comment.
- Building Department had no issue with the Special Permit.
- Planning Board had no comment.

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 - compliant;
- one of the units must be occupied by the owner as a principal residence - compliant;
- the occupant of the ADU 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 and the driveway can accommodate two more cars - 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 – the main front door which is shared by both units and the back ADU door - 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 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. Tamkin noted that the elevation shared on the Zoom Screen Share was much improved over the schematic submitted. He inquired if the Building Commissioner had received a copy. John Savilonis, contractor, reported that the Building Commissioner had a copy. Mr. Tamkin requested a copy be submitted to the Board.

Mr. Goldman moved to grant a Special Permit under Section 3.15 to allow an accessory dwelling unit in accordance with the plans submitted, subject to the condition that 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. Tamkin seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:48 p.m.

Findings:

Based upon the evidence presented at the hearing, the Board finds as follows:

1. The premises is a 10,194 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 850 square foot ADU.
3. The ADU will have one bedroom, a living room, a kitchen, an office, as well as a bathroom, and laundry room. The ADU will have two entrances: one in the front of the house and another into the living room of the primary dwelling unit. The property has 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 occupy the ADU and family members will live in the principal residence.
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.

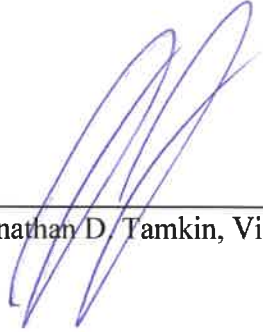
3. The Occupancy Permit for the Accessory Dwelling Unit shall not be transferable upon a change of ownership of the property so long as the transfer is prohibited under the Bylaw.

SIGNATORY PAGE –28 TUDOR ROAD



Jon D. Schneider, Chair

SIGNATORY PAGE –28 TUDOR ROAD



Jonathan D. Tamkin, Vice-Chair

SIGNATORY PAGE –28 TUDOR ROAD



Howard S. Goldman, Member