



RECEIVED TOWN CLERK
NEEDHAM, MA 02455

2019 DEC 19 PM 3:03

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

SPECIAL PERMIT

***Westview Partners, LLC, applicant
642 Webster Street
Map 54, Parcel 64***

November 21, 2019

Westview Partners, LLC, applicant, made application to the Board of Appeals for a Special Permit under Sections 1.4.7.4, 3.2, 7.5.2, and any other applicable Sections of the By-Law, and for a finding pursuant to Section 6 of M.G.L. c. 40A, to permit the demolition, extension, alteration, enlargement and reconstruction of the lawful, pre-existing, non-conforming two-family dwelling and its replacement with a new two-family residence. The property is located at 642 Webster Street, Needham, MA in the Single Residential B District. A public hearing was held in the Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, November 21, 2019 at 8:15p.m.

Documents of Record:

- Application for Hearing, dated April 3, 2017 (sic), Clerk stamped October 28, 2019.
- Cover Letter, George Giunta, Jr., Attorney at Law, dated October 28, 2019.
- Existing and Proposed Site Plan, prepared by Field Resources, Inc., stamped by Bradley J. Simonelli, Professional Land Surveyor, October 25, 2019.
- Architectural Plans, G000, A100-A104; A110-A111; A114; A201-A204, A211-A212, A203-204, prepared by National Design & Draft, Inc., October 23, 2019.
- Memorandum in Support, prepared by George Giunta, dated November 15, 2019.
 - Exhibit A – Original Assessing Department Field Card, 1967.
 - Exhibit B – Current Residential Property Record Card.
 - Exhibit C – 1940 Census.
 - Exhibit D – Plumbing Permit No. 56, June 5, 1957.
 - Exhibit E – Electrical Permit No. 9109, September 24, 1979.
 - Exhibit F – Building Permit Application, July 31, 2008.
 - Exhibit G – Plumbing Permit, August 11, 2008.
 - Exhibit H – Building Department Field Card, 1952-1986.
- Email from Dennis Condon, Chief of Fire Department, November 8, 2019.
- Email from Tara Gurge, Assistant Public Health Director, November 13, 2019.
- Memo from John J. Schlittler, Chief of Police,
- Letter from David A. Roche, Building Commissioner, November 12, 2019.
- Revised letter from David A. Roche, Building Commissioner, November 12, 2019.

- Letter from Lee Newman, Director of Planning and Community Development, November 20, 2019.
- Letter from Thomas A. Ryder, Assistant Town Engineer, November 12, 2019

November 21, 2019

The Board included Jon D. Schneider, Chairman; Howard S. Goldman, Member; and Peter Friedenberg, Associate Member. Also participating were Jonathan D. Tamkin, Member and Kathy Lind Berardi, Associate Member. Mr. Schneider opened the hearing at 8:44 p.m. by reading the public notice.

George Giunta, Jr., representing the applicant, reported that the applicant is proposing to demolish a two-family structure and replace it with a new two-family residence.

The property consists of 9,048 square feet of land with 71.5 feet of frontage. The premises is occupied by a two-family, two-story residential property which is nonconforming as to use and side yard setback on the southerly side. The building, which is in poor condition, was built in approximately 1920 on a concrete block foundation. It has 2,240 square feet of living space with an 1,120 square foot basement. There are 12 total rooms with 4 bedrooms and 2 full baths.

Mr. Giunta noted that a 1921 deed of the property identified the street address as 640 Webster Street, but an examination of the area and lot plan shows that this was the locus. In 1925, when the first Zoning By-law was adopted, the Assessor's Valuation List showed the property as being a two-family house with a garage. The original Assessor's Department Field Card lists the property as a "2 fam house" on the front and the box "duplex" is checked on the back. The current Assessing Department Property Record Card describes the property as a two-family residence and it is currently taxed that way. Mr. Giunta represented that the 1940 census records listed two separate families as living in the property, and that his review of occupancy records of the property indicated that it was used as a two family residence continuously from 1925 to the present. He provided further evidence from Building Department records that the Building Department has consistently classified the property as a two-family residence.

Suzanne Bandanza, 646 Webster Street, confirmed that the property is a two-family property.

Mr. Giunta described the proposed new two-family structure. Each unit will include four bedrooms and two and half baths. There will be attic and basement living space.

In addition, a detached garage with space for two cars, one per unit, is proposed to be located in the rear back corner of the property. The garage is under 500 square feet. The driveway will stay on the right side where it is currently located. Mr. Friedenberg noted that the garage height is shown to be 17 feet on the plans and noted that if the garage height exceeds 15 feet, it would need to be set back further from the side and rear lot lines than the proposed 5' shown on the plans submitted to the Board. Mr. Giunta indicated that the applicant will reduce the height of the garage to be 15 feet and will submit to the Board a revised plan showing this.

The proposed structure will meet all the setbacks and dimensional requirements of the Zoning By-Law with a lot coverage of 19.88%; a 16' right setback, 20' left setback, 25.7' front

setback, and 40' rear setback, but the lot will remain nonconforming with respect to both minimum lot area (10,000 sf required and 9,048 sf provided) and minimum lot frontage (80' required and 71.5' provided). The Building Commissioner was satisfied that the lot coverage met the requirements of the Zoning By-Law, correcting a prior memo interpreting the lot coverage under Section 1.4.7.4 (a).

Ms. Bandanza who lives adjacent to the premises was supportive of the proposed design.

Comments received:

- The Fire Department had no concerns.
- The Health Department requires that the applicant complete and submit a *Notification of Demolition* form.
- The Police Department had no issues.
- The Building Commissioner has found the lot coverage to be compliant under 4.2.1 of the SRB District.
- The Planning Board made no comment.
- The Engineering Department commented that (i) the plans should be revised to collect roof runoff in accordance with the Town of Needham Stormwater Bylaw, and (ii) prior to receiving a building permit, the plans should be revised to show the proposed driveway and grading, and to provide erosion control and a stormwater management plan, in accordance with the Town of Needham Stormwater Bylaw.

Mr. Goldman moved to grant a Special Permit to the applicant to allow the demolition and replacement of the two-family structure according to the plans submitted with modification to the detached garage to reflect a height of not more than 15 feet. Mr. Friedenberg seconded the motion.

The meeting adjourned at 9:00 p.m.

Findings:

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

1. The premises is a 9,048 square foot lot with 71.5 feet of frontage on Webster Street, located in the Single Residence B Zoning District. The lot is currently improved with a two-story house on a stone foundation.
2. The house was built around 1920, prior to the adoption of the first Zoning By-Law in Needham. All the records presented to the Board from the office of the Building Department or the Assessors indicated that the house was assessed or otherwise identified and recognized to be a two-family dwelling since at least 1925. This was buttressed by the federal census information and confirmed by an abutter. The applicant has presented sufficient evidence that the property has been continuously used as a two-family house and the use of the property for two-family purposes is a lawful, pre-existing, non-conforming use.
3. The applicant proposes to demolish the existing house and construct in its place a new two-family house. As shown on the plans submitted with the application, the new house,

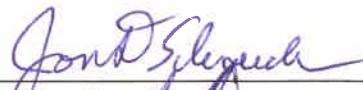
although larger than the existing structure, would be sited on the property so as to conform with all current applicable dimensional requirements of the By-Law, thus eliminating the existing nonconformity with the side yard setback requirement. The proposed structure would further comply with the applicable requirements of Sections 1.4.7.4.

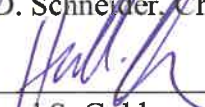
4. Since the new house will not be located in the same location and in the same footprint as the existing structure, the applicant is required to obtain a special permit from this Board pursuant to Section 1.4.7.4 of the By-Law. In addition, the applicant is required to obtain a finding pursuant to Section 6 of M.G.L. c. 40A.
5. The design of the proposed new house is an attractive design and, when viewed from the front, will look like a single-family house rather than a two-family house.
6. The proposed reconstruction and new house will be appropriate in scale and mass for the neighborhood, will not be substantially more detrimental to the neighborhood than the existing house (for purposes of both the Zoning By-Law and M.G.L. c. 40A, sec. 6), and will not derogate from the intent and purpose of the Zoning By-Law.

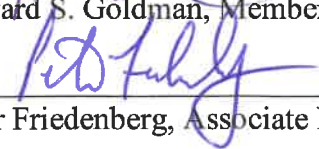
Decision:

On the basis of the foregoing findings, in open session, and by a unanimous vote after motion made and duly seconded, the Board grants the applicant a Special Permit under Sections 1.4.7.4 and 7.5.2 of the Zoning By-Law and makes the finding pursuant to Section 6 of M.G.L. c. 40A as set forth above, to replace the existing two-family dwelling on the property with a new two-family dwelling, substantially as shown on the plans referenced above and submitted to the Board, subject to the following conditions:

- a. the plans shall be revised as provided in, and the information shall be provided as identified in, the letter from the Public Works Department dated November 12, 2019 as part of the building permit application; and
- b. the applicant shall submit to the Board a new plan of the project showing the height of the detached garage to be not less than 15', which plan shall be deemed incorporated into this Decision.


Jon D. Schneider, Chairman


Howard S. Goldman, Member


Peter Friedenberg, Associate Member