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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
SPECIAL PERMIT**

***Design Concepts Pro Contractors, Inc., applicant
Sundip and Milee Pradhan, owners
19 Riverside Street
Map 73, Parcel 40***

December 19, 2019

Design Concepts Pro Contractors, Inc., applicant, made application to the Board of Appeals for a Special Permit under Sections 1.4.6, 1.4.7.2, 4.2.1, and 7.5.2 to permit the demolition, extension, alteration, enlargement and reconstruction of the lawful, pre-existing, non-conforming single-family dwelling to allow the expansion of the roof line to add two side dormers. The property is located at 19 Riverside Street, Needham, MA in the General Residence District. A public hearing was held in the Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, December 19, 2019 at 7:30 p.m.

Documents of Record:

- Application for Hearing, dated November 25, 2019, Clerk stamped November 25, 2019.
- Proposed Plot Plan, prepared by A. Matthew Belski, Jr., professional land surveyor, stamped November 15, 2019, dated November 14, 2019.
- Needham Residential Property Card, November 25, 2019.
- 19 Riverside Street, Community Software Consortium
- Proposed Plans, A-1- A-4, prepared by RAV & Assoc., Inc., October 31, 2019.
- Revised Proposed Plot Plan, prepared by A. Matthew Belski, Jr., professional land surveyor, stamped December 11, 2019, dated December 10, 2019.
- Letter from Sundip Pradhan, November 25, 2019.
- Letter from David A. Roche, Building Commissioner, December 10, 2019.
- Letter from David A. Roche, Building Commissioner, December 13, 2019.
- Letter from Thomas Ryder, Assistant Town Engineer, December 16, 2019.
- Letter from Lee Newman, Director of Planning and Community Development, December 18, 2019.

December 19, 2019

The Board included Jon D. Schneider, Chairman; Jonathan D. Tamkin, Member; and Howard S. Goldman, Member. Also participating were Kathy Lind Berardi, Associate Member and Peter Friedenberg, Associate Member. Mr. Schneider assigned Ms. Berardi to replace him as

the Board member acting on this application. Mr. Schneider opened the hearing at 7:30 p.m. by reading the public notice.

Pasqualino Spadorcia, acting for the applicant, stated that they were proposing to renovate the single-residence home and expand the attic space with dormers to provide additional space to accommodate the owner's growing family needs.

The property located in the General Residence District is a legal pre-existing, non-conforming property containing an area lot of 3,462 sf and a frontage of 50'. In addition, the west side setback is also non-conforming at 9.2'.

Sandip Pradhan, owner, reported that he and his wife had owned the house since 2013. The Town Assessor's Residential Property Record Card indicated that the property was built in 1920, prior to the adoption of the Zoning By-Law.

The Board had no issues regarding the pre-existing legal non-conforming status of the property.

The proposed dormers will not exceed 35' in height nor will they exceed the side limits of the existing side walls of the house.

There were no comments from the public.

Comments received:

- The Building Commissioner reported that the east, rear and front setbacks were in compliance with the By-Law; and that the west setback at 9.2' means that the applicant needs a Special Permit under 1.4.7.2.
- The Planning Board made no comment.
- The Engineering Department had no comment.
- The Planning Board had no comment.

Mr. Goldman moved to grant a Special Permit to the applicant to allow the alteration, enlargement and reconstruction of the lawful, pre-existing, non-conforming single-family dwelling to permit the expansion of the roof line to add two side dormers provided that the dormers do not encroach further than the existing limits of the house. Mr. Tamkin seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:50 p.m.

Findings:

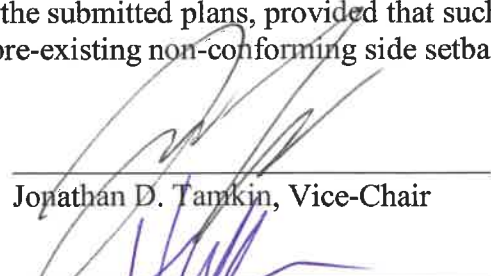
On the basis of the evidence presented at the hearing, the Board makes the following findings:

1. The applicant, Design Concepts Pro Contractors, Inc., brought the application on behalf of Sundip Pradhan and Milee Pradhan, owners of the property located at 19 Riverside Street, in the General Residence District. The property includes 3,461 square feet.
2. The property currently includes a single-family house. The applicant seeks to enlarge the second story of the house by expanding the attic space with the addition of two dormers.

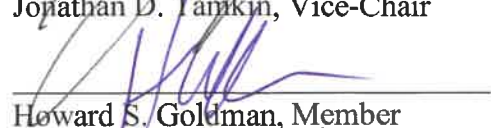
3. The existing house is located 9.2 feet from the west side property line. This does not meet the current side setback requirements. The lot is 3,461 square feet, which does not meet the current lot size requirements. Additionally, the frontage of the lot does not meet the current frontage requirements. Due to these three nonconformities, the applicants seek a Special Permit allowing the addition of the two dormers.
4. Pursuant to Section 1.4.6 of the By-Law, a lawful pre-existing non-conforming building may be structurally altered, enlarged or reconstructed by Special Permit if such change, extension, alternation, enlargement or reconstruction would not be substantially more detrimental to the neighborhood than the existing non-conforming structure, and if it is designed in a manner that is compatible with the existing natural features of the site and the characteristics of the surrounding area.
5. The applicants submitted the Town Assessor's Residential Property Card demonstrating that the house was built in 1920 on the current lot. The existing lot and house, therefore, predate the existence of zoning requirements and therefore the house is a lawful pre-existing non-conforming structure.
6. The applicant confirmed during the hearing that the proposed dormers will be constructed directly above the existing structure and will not encroach on or enlarge the existing non-conforming side setback and will not affect the current frontage or lot size.
7. Based on the evidence submitted to the Board during the hearing, the Board finds that the existing structure is a lawful pre-existing non-conforming structure and that the proposed addition will not further encroach on or enlarge the existing nonconformities of the structure. The proposed addition will not result in a structure that is substantially more detrimental to the neighborhood than the existing non-conforming structure. The Board further finds that the proposed addition is a design that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.

Decision:

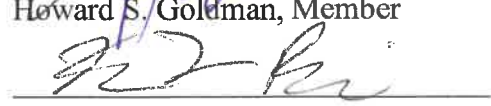
On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, grants the applicant a Special Permit under Sections 1.4.6, 4.2.1 and 7.5.2 of the Zoning By-Law to expand the roof line by adding two dormers at 19 Riverside Street according to the submitted plans, provided that such addition does not encroach on or enlarge the lawful pre-existing non-conforming side setback, frontage and lot size.



Jonathan D. Tankin, Vice-Chair



Howard S. Goldman, Member



Kathy Lind Berardi, Member