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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

SPECIAL PERMIT

***Peter and Melissa Loeb, owners
182 Pine Grove Street
Map 96, Parcel 25***

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

August 20, 2020

Peter and Melissa Loeb, owners, made application to the Board of Appeals for a Special Permit under Sections 1.4.6, 7.5.3 and any other applicable Sections of the By-Law to allow the change, extension, alteration and enlargement of a lawful, pre-existing, non-conforming structure associated with the addition of a second story addition. The property is located at **182 Pine Grove Street**, Needham, MA in the Single Residential B District. A public hearing was held remotely on Zoom Meeting ID Number 869-6475-7241, on Thursday, August 20, 2020 at 7:45 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped July 27, 2020.
- Plot Plan, prepared by Field Resources, Inc.; stamped by Bradley J. Simonelli, Professional Land Surveyor, dated April 30, 2020.
- Proposed Plot Plan, prepared by Field Resources, Inc.; stamped by Bradley J. Simonelli Professional Land Surveyor, dated April 30, 2020.
- Plans, Elevations & Floor Plans prepared by Excel Homes; stamped by Ryan W. Boring, Professional Engineer; dated January 1, 2020.
- Site Plan, prepared by Timothy Burke Architecture.
- Manufactured Buildings Program for the Commonwealth of Massachusetts, prepared by Aaron Trometer, dated February 6, 2020.
- Residential Property Record Card, Town of Needham Assessors Department.
- Letter from Dave Roche, Building Commissioner, dated August 13, 2020.
- Letter from Thomas A. Ryder, Assistant Town Engineer, dated August 13, 2020.
- Letter from Lee Newman, Director of Planning and Community Development, dated August 13, 2020.

The Board held this meeting virtually 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

Goldman, Member. Also participating was Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 7:45 p.m. by reading the public notice.

Mr. Mark Gianrusso, contractor for the owners, reported that the proposed project is to expand the one-story home by adding a modular box structure as a second-story which will be placed over the main section of the existing house. The house is a lawful non-conforming structure built in 1951 with a north side set back at 8'. The current minimum side setback is 14'.

Mr. Schneider said that the Town did not have side setback requirements until 1953, after the house was constructed.

Mr. Gianrusso stated that the proposed addition will remain within the existing boundary limits of the first floor and will be no closer than 9'6" from the sideline.

Mr. Gianrusso noted that modular construction is more time effective compared to traditional construction methods. He expects the second story addition to be completed within three weeks.

Comments were received from:

- The Building Commissioner who had no comments other than the addition required a Special Permit.
- The Engineering Department had no comment or objection.
- The Planning Board had no comment.

There were no comments from the public.

Mr. Goldman moved to grant a Special Permit for 182 Pine Grove Street to permit the change, extension, alteration and enlargement of a lawful, pre-existing, non-conforming structure associated with the addition of a second story as described in the plans submitted with the application. Mr. Tamkin seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:51 p.m.

Findings:

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

1. The property currently contains a one-story home located in the single Residential B District on a lot which contains 10,137 square feet.
2. The existing one-story dwelling was originally built in 1951, when there was no side setback requirement. When a side setback was added, the house became a legally non-conforming structure. The current side setback is 14 feet.
3. The applicant proposes to expand the one-story home by adding a modular second story that will be placed on top of the main house.

4. Section 1.4.6 of the By-Law permits application for a change, extension, alteration, or enlargement of a lawful pre-existing non-conforming structure as long as the change does not create new non-conformities and the proposed new structure is not more detrimental to the neighborhood than the existing structure.
5. Based on the comments received from the other Town departments, the absence of any public comment on the proposed project, and the Board's consideration of the materials provided to it, the Board finds that the proposed project will not be substantially more detrimental to the neighborhood than the existing structure (for purposes of both the Zoning By-Law and M.G.L. c. 40A, sec. 6) and will not be in violation of any dimensional, parking or intensity regulation with which the structure was theretofore in conformity.
6. The issuance of this special permit is consistent with the provisions of Section 1.4.6 and Section 7.5.2 of the By-Law, as well as the provisions of M.G.L. c. 40A, Section 6.

Decision:

On the basis of the evidence presented at the hearing, 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 and 7.5.2 of the Zoning By-Law, to permit the alteration to the lawful, preexisting, nonconforming single-family dwelling at 182 Pine Grove Street, Needham, MA in accordance with the plans presented at the hearing; and provided that Applicant shall build no closer than 9.6 feet from the northerly side yard.

SIGNATORY PAGE – 182 PINE GROVE STREET


Jon D. Schneider, Chair

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Jonathan D. Tamkin, Vice-Chair

SIGNATORY PAGE – 182 PINE GROVE STREET



Howard S. Goldman, Member

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