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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

SPECIAL PERMIT

***Eugene Ho, owner
21 Utica Road
Map 71, Parcel 24***

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

December 17, 2020

Eugene Ho, applicant, made application to the Board of Appeals for a Special Permit under Sections 3.15, 7.5.3 and any other applicable Sections of the By-Law to allow an Accessory Dwelling Unit. The property is located at **21 Utica Road**, Needham, MA in the Single Residential B District. A public hearing was held remotely on Zoom Meeting ID Number 869-6475-7241, on Thursday, December 17, 2020 at 7:30 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped November 5, 2020.
- ADU – ZBA Special Permit Application.
- Exterior photos of the exterior of 21 Utica Road.
- Floor Plans prepared by A. Francis Contracting, drawn by MJC dated October 30, 2020.
- As Built Plan of Land, prepared by RealMapInfo, LLC, stamped by Todd P. Chapin, professional land surveyor, dated October 12, 2020.
- Email from Dave Roche, Building Commissioner, dated December 7, 2020.
- Letter from Thomas A. Ryder, Assistant Town Engineer, dated, December 5, 2020.
- Letter from Lee Newman, Director of Planning and Community Development, dated December 1, 2020.
- Email from Tara Gurge, Assistant Public Health Director, December 4, 2020.
- Email from Dennis Condon, Chief of Department, Fire Department, November 24, 2020.

December 17, 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 Kathy Lind Berardi, Associate Member. Mr. Schneider opened the hearing at 7:47 p.m. by reading the public notice.

Eugene Ho, owner, reported that the proposed Accessory Dwelling Unit (ADU) will be located on the second floor above the garage. There will be no changes to the exterior. The unit is connected to the primary residence by a hallway on the second floor. The ADU is a self-contained unit with a bedroom, bath, common area and kitchen. The unit contains 691 square feet and will be occupied by his parents. The driveway has a paved area which can accommodate one to two parking spaces. The unit will be connected to the town sewer. The unit has two means of egress - one interior and one exterior on the northwest side of the structure.

Mr. Schneider reviewed the ADU requirements and the project's compliance:

- the ADU must be subordinate to the primary residence –compliant;
- the house should maintain a single-family appearance – compliant;
- one unit must be occupied by the owner – compliant;
- no more than five unrelated people may occupy the structure – compliant;
- the occupant of the other unit must be a relative or caretaker of the owner - compliant;
- the ADU must be limited to 850 square feet in size – compliant;
- there must be parking available for both units - compliant;
- there must be two means of egress - compliant;
- there must be adequate water, sewer and drainage connection – compliant;
- there must be an interior doorway connecting the ADU to the primary residence – compliant;
- all stairways must be enclosed – compliant.

Mr. Schneider stated that a condition will be imposed that will require 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. 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 the procedures for the appeal of other decisions of the Building Commissioner.

Comments received:

- The Health Department had no comment.
- The Planning Board had no comment.
- The Engineering Department had no comment or objection.
- The Fire Department was satisfied with the plan.
- The Building Department had no objections.

There were no comments from the public.

Mr. Goldman thought the house looked like a single-family from the exterior and was supportive of the project

Mr. Goldman moved to grant a Special Permit under Sections 3.15, and 7.5.2 of the By-Law

to allow the addition of an Accessory Dwelling Unit at 21 Utica Road conditioned on the following:

- that the owner provide evidence that the ADU and principal dwelling are being occupied in accordance with the By-law and upon any request by the Building Inspector; and
- the Special Permit is not transferable.

Mr. Tamkin seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:56 p.m.

Findings:

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

1. The premises is a lot containing 9,000 square feet improved with a single-family house located on 21 Utica Road, Needham, MA in the Single Residential B District.
2. The applicants seek a Special Permit under Section 3.15 of the By-law for an Accessory Dwelling Unit ("ADU").
3. The applicant is constructing a new home which will include a new 691.3 sf apartment on the second floor, above the dwelling's garage as an ADU, to be occupied by the parents of one of the applicant's.
4. The proposed ADU is a self-contained unit with a bedroom, bath, common area and kitchen and will be connected to the applicant's primary residence on the second floor by a hallway and an interior door with access to the primary unit and two stair cases, one interior staircase leading to the hallway and a second means of egress by an exterior stair case to a mud room.
5. All proposed work is in the interior and there are no modifications proposed for the dwelling's exterior
6. The property is served by Town water and sewer and will have three parking spaces on the property.
7. There is not more than one ADU unit on the lot and the proposed ADU is located in the single-family detached dwelling and not in an accessory building;
8. The proposed ADU is subordinate in size to the principal dwelling unit and constructed to maintain the appearance and essential character of the single-family dwelling.
9. One of the units will be occupied by the owners and the other will be occupied by members of the owners' family,

10. The ADU will have no more than 691.3 square feet of living space and no more than one bedroom.
11. Three off- street parking spaces are provided for the residents of both units with a minimum of one parking space for the ADU.
12. Adequate provisions have been made for the proper disposal of sewage, waste and drainage generated by the ADU.
13. The exterior entrances and access ways do not detract from the single-family appearance of the dwelling. There is an interior doorway providing access between each living unit as a means of access for purposes of emergency response.

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 to permit the construction of an ADU at 21 Utica Road, Needham, MA in the Single Residential A District, and in accordance with the plans filed with the application. subject to the following:

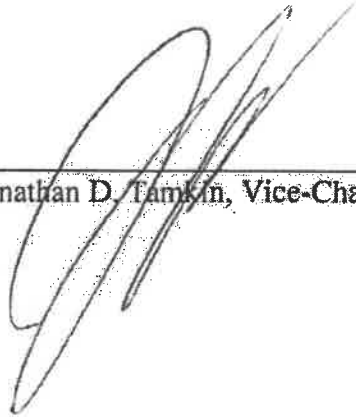
- a) compliance with all conditions of Section 3.15 including, the requirement that the Applicant obtain a new occupancy permit three (3) years after issuance of the original occupancy permit and additional renewals of the occupancy permit after each succeeding three-year period;
- b) No occupancy permit shall be transferable upon a change of ownership or a change of the occupancy of the property; and
- c) upon written request from the Building Commissioner, the owner shall 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 the procedures for the appeal of other decisions of the Building Commissioner.

SIGNATORY PAGE – 21 UTICA ROAD



Jon D. Schneider, Chair

SIGNATORY PAGE – 21 UTICA ROAD



Jonathan D. Fankin, Vice-Chair

SIGNATORY PAGE – 21 UTICA ROAD



Howard S. Goldman, Member