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

***Cathy L. Livingston, owner
27 Warren Street
Map 53, Parcel 24***

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

November 19, 2020

Cathy L. Livingston, owner, has made application to the Board of Appeals for a Special Permit under Sections 1.4.6, 7.5.2 and any other applicable Sections of the By-Law to allow the change, extension, alteration, and enlargement to a lawful, pre-existing, non-conforming building associated with the addition of a first-floor bathroom. The property is located at **27 Warren Street**, Needham, MA in the Single Residential B District. A public hearing was held remotely on Zoom Meeting ID Number 81007196060, on Thursday, November 19, 2020 at 7:30 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped October 26, 2020.
- Proposed Plot Plan prepared and stamped by Michael A. Pustizzi, Professional Land Surveyor, dated July 15, 2020.
- MuniMapper of neighborhood identifying property, October 9, 2020.
- Quitclaim Deed dated March 25, 2019.
- Design Plans A1-A4, prepared by Studio Twenty Six; stamped by Registered Architect David Michael Johnson, June 6, 2020.
- Email from Dave Roche, Building Commissioner, dated November 13, 2020.
- Letter from Thomas A. Ryder, Assistant Town Engineer, dated November 11, 2020.
- Letter from Lee Newman, Director of Planning and Community Development, dated November 18, 2020.
- Letter from Rob Agne, dated October 10, 2020.
- Letter from Kathleen Kenny Jurgens, dated October 12, 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 and Peter Friedenbergl, Associate Member. Mr. Schneider opened the hearing at 8:00 p.m. by reading

the public notice.

Cathy Livingston, owner, reported that she was proposing to add a full bathroom to the first floor of her home so that it will allow her to continue to live in her house and age in place. Based on the records for the property the parcel appears to be created in 1888 with the house appearing in the Town's tax records beginning in 1915. Both the house and lot were in existence prior to the adoption of the Town Zoning By-Law.

David Michael Johnson, the project architect, noted that the proposed addition will be in the rear southeast side of the house. He identified the home's current non-conforming south side setback is three feet. The 110.5 square foot addition will be 10.5' by 10.5' with a five-foot south side setback.

Mr. Schneider noted that the SJC recently ruled that, with respect to non-conforming single-family and two-family structures, Zoning Boards may allow a non-conformity with a Special Permit and without the need of a Variance provided that proposed non-conformity is not an increase of the non-conformity and not substantially detrimental to the neighborhood.

Comments received were:

- The Building Commissioner made no comment.
- The Engineering Department had no comment or objection.
- The Planning Board had no comment.
- Rob Agne, 21 Warren Street, was in support of the project.
- Kathleen Kenny Jurgens, 73 May Street, was in support of the project.

There were no comments from the public.

Mr. Goldman thought the proposal was an appropriate, modest addition.

Mr. Schneider did not see any detrimental effect to the neighborhood especially since two out of the three direct abutters were in support of the project.

Mr. Tamkin found the project attractive and that the applicant has substantiated that the property is an established pre-existing legal non-conforming property. He was supportive of the proposal and for residents to continue to live and age in place. He thought the proposal conformed to the recent SJC case law by not increasing the current non-conformity.

Mr. Tamkin moved to grant a Special Permit for 27 Warren Street to allow the change, extension, alteration and enlargement to a lawful, pre-existing, non-conforming structure by allowing the addition of a first-floor bathroom in accordance to the plans submitted with the application. Mr. Goldman seconded the motion. The motion was unanimously approved.

The meeting adjourned at 8:07 p.m.

Findings:

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

1. The premises is located in the Single Residential B District, and is improved with a single family residence located on a 9,089 square foot lot at 27 Warren Street.
2. The lot is non-conforming in the Single Residential B District with a lot size of only 9,080 square feet and a southerly side yard setback of only 3.1 feet.
3. The parcel was created in 1888 and the house constructed before 1915 according to the Town's records. As both the house and lot were in existence prior to the adoption of the Town Zoning By-Law they are lawfully non-conforming.
4. The applicants seek a Special Permit under Section 1.4.6. to construct a 110.5 square foot first floor full bathroom addition which will be 10.5' by 10.5' with a five-foot south side setback.
5. The proposed covered bathroom addition will not place the house in violation of any dimensional, parking or intensity regulation with which the building was therefore in conformity, and is not substantially more detrimental to the neighborhood than the existing non-conforming lot and structure and will somewhat reduce the side set back non conformity, and will not derogate from the intent and purposes of the Zoning By-law.

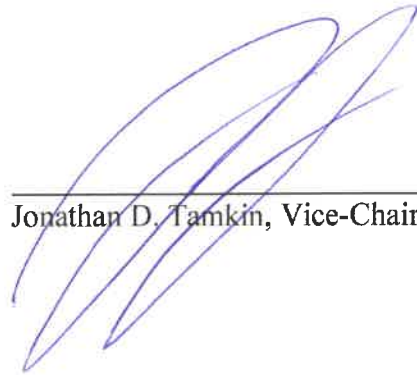
Decision:

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 first floor full bathroom addition at 27 Warren Street, Needham, MA in the Single Residential B District, and in accordance with the plans filed with the application.

SIGNATORY PAGE –27 WARREN STREET

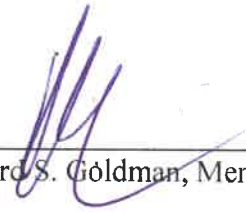

Jon D. Schneider, Chair

SIGNATORY PAGE – 27 WARREN STREET



Jonathan D. Tamkin, Vice-Chair

SIGNATORY PAGE – 27 WARREN STREET



Howard S. Goldman, Member