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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Special Permit

***Nader and Rhonda Sidhom
16 Edwardel Road
Map 26, Parcel 10***

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

February 25, 2021

Nader and Rhonda Sidhom, applicants, made application to the Board of Appeals for a Special Permit under Sections 3.15, 7.5.2 and any other applicable Sections of the Zoning By-Law to allow the addition of an Accessory Dwelling Unit. The property is located at **16 Edwardel Road**, Needham, MA in the Single Residential B District. A public hearing was held remotely on Zoom on Thursday, February 25, 2021 at 7:30 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped December 14, 2020.
- ADU – ZBA Special Permit Application, December 14, 2020.
- Letter from George Giunta, Jr., Esq., dated December 14, 2020.
- Design Plans, A-1.2-1.3, A-2.1-A-2.4, prepared by McKay Architects and stamped by Michael McKay Registered Architect; dated July 22, 2020.
- Certified Plot Plan, prepared by Field Resources, Inc., stamped by Bradley j. Simonelli, dated March 15, 2019.
- Memorandum of Support, prepared by George Giunta, Jr., Esq., dated January 12, 2021.
- Email from Dave Roche, Building Commissioner, dated January 12, 2021.
- Email from Tara Gurge, Assistant Public Health Director, dated January 12, 2021...
- Email from Dennis Condon, Chief of Department, Needham Fire Department, dated December 18, 2020.
- Letter from Thomas A. Ryder, Assistant Town Engineer, dated January 14, 2021.
- Letter from Lee Newman, Director of Planning and Community Development, dated January 4, 2021.

February 25, 2021

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; Howard Goldman, Member, and Kathy Lind Berardi, Associate Member. Also participating was Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 7:30 p.m. by reading the public notice.

George Giunta, Jr., attorney representing the applicant, reported that the property consisted of 17,236 square feet of land with 80 feet of frontage in the SRB zoning district. The original lot included a single-family that has been demolished pursuant a Building Permit #12018179. .

Currently under construction is a 2-story house which meets all the density and setback requirements of the SRB zoning district. The applicants propose to include an Accessory Dwelling Unit (ADU) within the home to be occupied by Nadir Sidhom's father.

The ADU will be 590 square feet located on the first floor and east side of the house. The ADU will contain a ¾ bath, a kitchen, and an open living/sleeping area. There are two exits – one to the foyer of the house and one to the back of the unit to the outside deck.

There is an attached two-car garage with an additional two off-street parking spaces in the driveway.

The unit cannot be seen from the exterior. It is consistent with a single-family house and the existing streetscape.

The primary dwelling unit will be occupied by the applicants and their two children.

Mr. Giunta highlighted 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 is 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.

Comments received:

- Planning Board had no comment.
- Building Department had no comment.
- Fire Department had no comment.
- Health Department requested that, if pests were identified by a professional pest management service, proper pest treatment be provided during construction

Mr. Schneider stated that a condition will be imposed that will require the owner, upon written request from the Building Commissioner, to 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.

Mr. Schneider noted that the Special Permit is associated with the applicant only and is not transferable.

Mr. Goldman thought the unit to be well integrated in the house.

The hearing was open to public comments.

Karen Cichowski, 9 Savoy Road, was concerned about a future with a new owner and the ADU being rented out to non-related individuals. Mr. Schneider responded that the ADU restricts the occupancy to a relative or caretaker and that the ADU Special Permit is limited to the applicant. A new owner would have to re-apply with the same tenancy limitations. If a neighbor notices an occupant other than a caretaker or a relative, they may take their concerns to the Building Department to investigate.

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 16 Edwardel 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.

Ms. Berardi seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:45 p.m.

Findings:

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

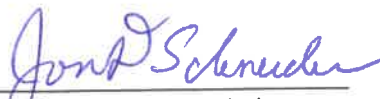
1. The premises is a 17,236 square foot lot located in the Single Residence B District. The applicant is demolishing the house on the premises and building a new single home that complies with all dimensional and density requirements of the By-law.
2. The applicant seeks a Special Permit to construct an Accessory Dwelling Unit ("ADU") inside the envelope of the new house. The ADU will be located in the front right of the new house and will contain 590 square feet with a kitchen, bath, bedroom and living/eating area. There will an entrance into the front foyer of the new house and a second off a deck. The ADU will be occupied by the applicant's father.
3. The proposed ADU complies with the requirements of Section 3.15 of the By-law and granting a Special Permit is consistent with the provisions of Section 7.5.2 of the By-law.

On the basis of the forgoing findings, upon motion duly made and seconded, after due and open deliberation, by unanimous vote the Board grants the applicant a Special Permit under

Section 3.15 to construct and maintain an Accessory Dwelling Unit in accordance with the plans submitted with the application subject to the following condition:

- a) upon written request from the Building Commissioner, the owner will 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 ZBA in accordance with the procedures for the appeal of other decisions of the Building Commissioner.
- b) the Special Permit is not transferable and will expire upon transfer of ownership of the premises.

SIGNATORY PAGE – 16 EDWARDEL ROAD


Jon D. Schneider, Chair

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Howard S. Goldman, Member

SIGNATORY PAGE – 16 EDWARDEL ROAD


Kathy Lind Berardi, Associate Member