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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Special Permit

***Joseph F. Dinneen III and Cindy MacGowen
1625 Great Plain Avenue
Map 118, Parcel 4***

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

February 25, 2021

Joseph F. Dinneen III and Cindy MacGowan, applicants, have 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 **1625 Great Plain Avenue**, 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 February 5, 2021.
- ADU – ZBA Special Permit Application, February 5, 2021.
- Design Plans, Left Side Elevations, Front Elevations, Back Elevations, Basement Plan, Existing Second Floor, prepared by Sami LLC; dated December 15, 2020.
- Plot Plan, prepared by C & G Survey Company, March 15, 2019, dated August 12, 2020.
- Email from Dave Roche, Building Commissioner, dated January 12, 2021.
- Email from Tara Gurge, Assistant Public Health Director, dated February 11, 2021.
- Email from Dennis Condon, Chief of Department, Needham Fire Department, dated February 8, 2020.
- Letter from Thomas A. Ryder, Assistant Town Engineer, dated February 16, 2021.
- Letter from Lee Newman, Director of Planning and Community Development, dated February 16, 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 7:45 p.m. by reading the public notice.

Paul Hemond, contractor, reported that the applicant was proposing an addition to the existing single-family home. The addition would be on the west side of the existing house and would include an Accessory Dwelling Unit (ADU) on the first level above a single-car garage and an unfinished storage basement. The ADU is 760 square feet (the plans identify the unit as having 753 square feet) and will be occupied by Doris Bachard, parent of Cindy MacGowen who owns and lives in the home.

There is an existing detached two-car garage serving the main house.

Mr. Schneider reviewed the 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 – there were concerns by the Building Department that basement space could be improved, which would result in the ADU exceeding the square foot limit- the applicant agreed that this would remain unfinished space;
- there must be parking available for both units – compliant;
- there must be two means of egress – compliant. The unit has an egress through the basement front door by the garage and an egress through the main house front door.
- there must be adequate water, sewer and drainage connection –compliant;
- the stairways must be enclosed – compliant;
- there must be an interior doorway connecting the ADU to the primary residence – compliant. The unit is connected to the existing house through an opening to the dining room of the existing house.

Comments received:

- Planning Board had no comment.
- Engineering Department required a stamped surveyed plot plan which shall include the Town's Easement on the property; and that the proposed new structure requires a minimum combined volumetric capacity of 1 inch over the entire impervious area of the property to be recharged. The plans should be revised, prior to receiving a building permit, showing erosion controls at the work limits and a stormwater mitigation system to collect roof run off from the structure based on the impervious area of the entire site for a minimum of one inch into drywells at one or more corners of the structure.
- Building Department noted that the ADU was approximately 742 in gross floor area with a 120 square foot sundeck off the living area. Future finishing of the basement space is limited to the remaining balance of living space not to exceed the ADU maximum of 850 square feet.
- 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. Schneider stated that a condition will be imposed so that the basement space cannot be expanded beyond the total allowable square footage for an ADU.

There were no comments from the public.

Ms. Berardi moved to grant a Special Permit under Sections 3.15, 7.5.2 and any other provisions of the By-Law to allow the addition of an Accessory Dwelling Unit at 1625 Great Plain Avenue conditioned on the following:

- that a stamped survey plot plan including the Town Easements on the plans be submitted as requested by the Engineering Department;
- that the Stormwater By-Law provisions regarding recharge, collection of roof run off into drywells, and erosion controls at the work limit be provided as requested by and to the satisfaction of the Engineering Department;
- that the applicant comply with any pest control requirements per the Health Department;
- that the ADU cannot be expanded into any of the unfinished area of the basement;
- 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 within 30 days of such request; and
- the Special Permit is not transferable.

Mr. Goldman 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 27,207 square foot lot located in the Single Residence B District. The applicant is proposing to build an addition to the existing single-family house on the premises 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") within the proposed addition to the existing house. The ADU will be located on the west side of the existing house above a garage and will contain approximately 750 square feet with a kitchen/living area, bathroom, and bedroom. There will an entrance into the ADU through a door next to the garage and a second entrance through the front door of the main house. The ADU will be occupied by the applicant's mother. The ADU is connected to the main house through an interior door

leading from the ADU to the dining room in the main house. There is a garage and space for cars in the driveway. The ADU is located in the house in a manner that maintains the single-family appearance of the structure. The applicant agreed to satisfy the requirements of the Town Engineer regarding drainage and erosion controls.

3. Based on the evidence presented to the Board, the Board determined that the proposed ADU complies with the requirements of Section 3.15 of the By-Law and that granting a Special Permit is consistent with the provisions of Section 7.5.2 of the By-Law.
4. The applicant has not requested relief under Section 6.1.2 and the Board is not addressing the issue of a third garage.

Decision:

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 conditions:

- a) The applicant must submit a stamped survey plot plan including the Town Easements on the plans be submitted as requested by the Engineering Department;
- b) The applicant must comply with the storm water By-Law provisions regarding recharge, collection of roof run off into drywells, and erosion controls at the work limit be provided as requested by and to the satisfaction of the Engineering Department;
- c) The applicant must comply with any pest control requirements per the Health Department;
- d) The ADU cannot be expanded into any of the unfinished area of the basement;
- e) 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; and
- f) The Special Permit is not transferable and will expire upon transfer of ownership of the premises.

SIGNATORY PAGE – 1625 GREAT PLAIN AVENUE



Jon D. Schneider, Chair

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Howard S. Goldman, Member

SIGNATORY PAGE – 1625 GREAT PLAIN AVENUE



Kathy Lind Berardi, Associate Member