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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Special Permit

***Andrew McKinney
33 Fenton Road
Map 123, Parcel 30***

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

June 17, 2021

33 Fenton Road – Andrew McKinney, applicant, applied to the Board of Appeals for a Special Permit under Sections 6.1.2, 7.5.2 and any other applicable Sections of the By-Law to allow an additional car garage space for a three-car attached garage. The property is located at 33 Fenton Road, Needham, MA in the Single Residential B District. A public hearing was held at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, MA, June 17, 2021 at 7:30 pm

Documents of Record:

- Application for Hearing, Clerk stamped May 25, 2021.
- Plot Plan, Existing Conditions prepared and stamped by A. Matthew Belshi, Jr., professional land surveyor, dated April 28, 2021.
- Plot Plan, Proposed Conditions prepared and stamped by A. Matthew Belshi, Jr., professional land surveyor, dated May 16, 2021.
- Design Plans, A-102, A-201 dated April 25, 2020.
- Email from Dave Roche, Building Commissioner, dated June 8, 2021.
- Email from Thomas A. Ryder, Assistant Town Engineer, dated June 10, 2021.
- Letter from Lee Newman, Director of Planning and Community Development, dated June 14, 2021.
- Email from Leandra MacLennan, 4 Pershing Road, June 14, 2021.

June 17, 2021

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.

Andrew McKinney, applicant, presented that he was proposing a third garage in the new house he is building. This will provide parking for the Accessory Dwelling Unit (ADU) that was

approved [under a Special Permit granted on May 20, 2021.

Comments received:

- Planning Board had no comment.
- Engineering Department requested that the plans be revised to show erosion controls and stormwater mitigation prior to receiving a Building Permit. The applicant said they will be revising the plans to address the erosion controls and stormwater mitigation raised.
- Building Department had no objections.
- Leandra MacLennan, 4 Pershing Road, objected to the request for a third garage.

There were no comments at the hearing from the public.

Mr. Goldman thought the garage design was nice. He inquired about the exterior lighting for the garage. Romeo Mirzac, partner of the applicant, responded that there would be a fixture above the garage door which will be directed downward and would not flood beyond the observable lot lines.

Mr. Goldman moved to grant a Special Permit under Sections 6.1.2, 7.5.2 and any other applicable Sections of the By-Law to allow an additional car space for a three-car attached garage at 33 Fenton Road as shown on the plans submitted to the Board. Ms. Berardi seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:35 p.m.

Findings:

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

1. The premises is a 12,240 square foot conforming lot in the Single Residence B District. The applicant is demolishing an existing house and constructing a new single-family house that complies with all dimensional and density requirements of the By-law.
2. By a Decision dated May 20, 2021, the Board granted the applicant a Special Permit for an Accessory Dwelling Unit in the new house.
3. The applicant seeks an additional Special Permit under Section 6.1.2 for a third garage. Only two garages are allowed of right in the Single Residence B District.
4. The premises are reasonably adaptable to a third garage, It will not alter the character of the premises in which it is located, will not have a material adverse effect on the value of the land and buildings or structures in the neighborhood or the amenities thereof, and will not produce noise, odors, or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent properties. The granting of a Special Permit is consistent with the criteria of Section 7.

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 under Section 6.1.2 of the By-Law to allow an additional third garage as shown on the plans submitted with the application.

SIGNATORY PAGE—33 FENTON ROAD



Jon D. Schneider, Chair

SIGNATORY PAGE – 33 FENTON ROAD

Howard S. Goldman, Member



SIGNATORY PAGE –33 FENTON ROAD



Kathy Lind Berardi, Associate Member