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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Special Permit

***Noreen Capraro
28 Jayne Road
Map 67, Parcel 1***

July 15, 2021

28 Jayne Road – Noreen Capraro, applicant, applied 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 enlargement with an attached single car garage and a second story addition to an existing single-family residence. The property is located at 28 Jayne Road, Needham, MA in the Single Residence B (SRB) District. A public hearing was held on Zoom, June 17, 2021 at 7:30 pm.

Documents of Record:

- Application for Hearing, Clerk stamped June 16, 2021.
- Plot Plan, Proposed Additions prepared and stamped by Christopher C. Charlton, professional land surveyor, dated May 22, 2021.
- Plot Plan, prepared by Alexander V. Zaleski., Civil Engineer or Surveyor, dated June 29, 1960.
- Design Plans, A0.1-2, A1.1-2, A2.1-2 prepared by Bee Howes Architect dated May 23, 2021.
- Letter from Dave Roche, Building Commissioner, dated July 7, 2021.
- Email from Thomas A. Ryder, Assistant Town Engineer, dated July 7, 2021.
- Letter from Lee Newman, Director of Planning and Community Development, dated July 2, 2021.
- Email from Chief Dennis Condon, Fire Department, dated July 6, 2021
- Email from Tara Gurge, Assistant Public Health Director, dated July 7, 2021.

July 15, 2021

The Board included Jon D. Schneider, Chair; Kathy Lind Berardi, Associate Member and Peter

Friedenberg, Associate Member. Mr. Schneider opened the hearing at 7:30 p.m. by reading the public notice.

Noreen Capraro, applicant, said the proposal was to expand her current 1,000 square feet one-story, single family house to accommodate living with her daughter, son in-law and their two children. The expansion of the house includes a new master bedroom on the first floor, a second story addition, a single car garage, a patio and an exterior partially covered front landing with stairs.

Mr. Schneider asked the applicant if the second story addition over the portion of the house that was 11.9 feet from the sideline would be built no closer to the lot line than the current structure. The applicant confirmed that was the case. Mr. Schneider asked if the proposed addition to the rear of the house would be 14 feet from the sideline so it would conform with the current setback. Ms. Capraro confirmed that it would conform with the current side setback.

Mr. Schneider inquired about the proposed roof covering over the front steps. Bee Howe, architect, reported that the unenclosed entrance is 50 square feet with a roof that does not cover the stairs. The roof would extend less than 5 feet from the house, although the uncovered portion of the steps would extend further into the front setback.

Ms. Howe reported that the house was built in 1957. The applicant submitted a Plan of Land dated May 7, 1957, which shows the current lot as Lot 15. A plot plan from 1960 for a porch addition to the then existing house illustrated a non-conforming left setback of 11.9 feet. The current side setback required by the By-Law is 14 feet.

Comments received:

- Planning Board did not review the proposal.
- Engineering Department had no comment or objection.
- Building Department had no objection.
- The Fire Department was satisfied with the proposal.
- The Health Department noted that if there were pest concerns as a result of the extensive work, a certified pest control service should be hired.

There were no comments at the hearing from the public.

Ms. Berardi moved to grant 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 single-family home located at 28 Jayne Road, in the Single Residence B District in accordance with the plans submitted. Mr. Friedenberg seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:40 p.m.

Findings:

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

1. The applicant, Noreen Capraro, owns the property located at 28 Jayne Road, which is in the Single Residence B District. The property contains 11,307 square feet.
2. The property currently contains a single-family house. The applicant seeks to add a new master bedroom on the first floor, a second story addition, a single car garage, a patio and an exterior partially covered front landing with stairs.
3. The existing house is located 11.9 feet from the east side property line. This does not meet the current side setback requirement of 14 feet. The applicants therefore seek a Special Permit allowing the addition.
4. Pursuant to Section 1.4.6 of the By-Law, a lawful pre-existing non-conforming building may be structurally altered, enlarged or reconstructed by Special Permit if such change, extension, alternation, enlargement or reconstruction would not be substantially more detrimental to the neighborhood than the existing non-conforming structure, and if it is designed in a manner that is compatible with the existing natural features of the site and the characteristics of the surrounding area.
5. The applicant submitted a Plan of Land dated May 7, 1957 showing the current lot size and configuration. The applicant also submitted the Plot Plan dated June 29, 1960, for an addition to the then existing structure, which indicates the side setback on the east side of 11.9 feet. The documents submitted by the applicant demonstrate that the existing home was constructed prior to the existence of the zoning side setback requirement. Accordingly, the existing house is a lawful pre-existing non-conforming structure.
6. The applicant confirmed that the proposed second story addition will be constructed directly above the existing structure and that no part of the proposed addition will encroach on or enlarge the existing non-conforming side setback. The Building Inspector confirmed that the proposed addition will meet all other dimensional requirements of the By-Laws.
7. Based on the evidence submitted to the Board during the hearing, the Board finds that the existing structure is a lawful pre-existing non-conforming structure and that the proposed addition will not further encroach on or enlarge the existing nonconformity of the structure. The proposed addition will not result in a structure that is substantially more detrimental to the neighborhood than the existing non-conforming structure. The Board further finds that the proposed addition is a design that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.

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 Sections 1.4.6 and 7.5.2 of the By-Law to allow the proposed addition to 28 Jayne Road according to the submitted plans, provided that such addition does not encroach on or enlarge the

- lawful pre-existing non-conforming side setback.

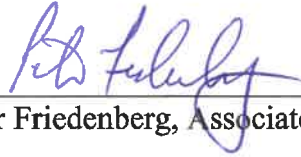
SIGNATORY PAGE –28 JAYNE ROAD


Jon D. Schneider, Chair

SIGNATORY PAGE – 28 JAYNE ROAD


Kathy Lind Berardi, Associate Member

SIGNATORY PAGE –28 JAYNE ROAD

A handwritten signature in blue ink, appearing to read "Peter Friedenber", is written over a horizontal line.

Peter Friedenber, Associate Member