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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Amendment to Special Permit

***Adam Jacob Pase and Liat Rosen, Applicants
68 Wilshire Park
Map 31, Parcel 47***

June 16, 2022

Adam Pase, Applicant, made application to the Board of Appeals to amend the Special Permit dated June 17, 2021 by substituting new plans for the Revised Building Plans approved in the Special Permit. The property is located at 68 Wilshire Park, Needham, MA in the Single Residence B (SRB) District. A public hearing was held remotely on Zoom, on Thursday, June 16, 2022 at 7:30 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped May 24, 2022.
- Existing Conditions Plot Plan prepared by Christopher C. Charlton, professional land surveyor, stamp and dated April 12, 2021.
- Architectural Plans, A1.1-A1.3, A2.0, A3.0-A3.1, prepared by Smook Architecture, stamped by Clay B. Smook, registered architect, dated October 1, 2021, revised February 8, 2022 ("**February Revised Plans**").
- Front Elevation, Front Schematics prepared by prepared by Smook Architecture.
- Permit to Build-Town of Needham, Permit # BR-22-10289, dated March 29, 2022.
- Email from Daphne Collins to David Gorski and Adam Pase, dated May 18, 2022.
- Memo from Dave Roche, Building Commissioner, dated June 6, 2022.
- Email from Deb Anderson, Conservation Director, dated June 7, 2022.
- Letter from Lee Newman, Director of Planning and Community Development, dated June 8, 2022.
- Email from Dennis Condon, Chief of Department, Fire Department, May 27, 2022.

June 16, 2021

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair, and Howard S. Goldman, Member. Also participating was Peter Friedenberg and Nik Ligris, Associate

Members. Mr. Schneider opened the hearing at 7:30 p.m. by reading the public notice.

George Giunta, Jr., attorney representing the applicant, reported that construction had begun. The applicant wanted to make changes to the approved plans to bring more light and headroom to the second floor and to make changes to the façade. The changes would require that the roof be raised by 18". Furthermore, there will be two additional gable dormers for a total of three gable dormers on the facade. Mr. Giunta noted that the additions do not require any zoning relief. However, because these changes are to plans specifically referenced in the Special Permit granted in June 17, 2021 and the Building Commissioner felt that changes were a major deviation from the referenced plans, he wanted the new plans to be brought to the Board for review.

Comments received:

- Planning Board had no comment.
- Building Department felt that the changes required further review by the Board.
- Conservation Department thought that the project did not sound like it needed review. Mr. Schneider recommended that the applicant check-in with the Conservation Commission.
- Fire Department had no objections.

There were no comments from the public.

Mr. Goldman inquired if this was a Plan Substitution. Mr. Schneider responded that the Building Commissioner felt that the proposed changes were major, and a Plan Substitution was necessary. Mr. Goldman asked if the 1984 Variance was involved. Mr. Schneider replied that the 1984 Variance allowed the expansion into the setback without a referenced plan and that the Special Permit granted June 17, 2021 was based on the Board's Interpretation of the Variance.

Mr. Tamkin moved to amend the Special Permit granted in June 17, 2021 to allow a plan substitution of the revised plans dated February 8, 2022. Mr. Goldman seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:41 p.m.

Findings:

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

1. The subject property is situated in the Single Residence B zoning district and contains approximately 7,622 square feet with approximately 67 feet of frontage on Wilshire Park.
2. The Applicant, along with Liat Rosen, obtained a Special Permit from this Board by Decision dated June 17, 2021 in order to permit the alteration, enlargement and reconstruction of a non-conforming structure to permit the construction of the proposed addition to the side of the house in the location of the existing deck, landing

and stairs provided that the proposed addition does not extend further into the required side setback than the existing deck, land and stairs and obtained an interpretation of the 1984 Variance to permit the proposed addition, all based upon Revised Building Plans submitted with the earlier application.

3. The Applicant has commenced construction and now seeks to make changes to the approved plans to bring more light and headroom to the second floor and to make changes to the façade. The changes would require that the roof be raised by 18". Furthermore, there will be two additional gable dormers for a total of three gable dormers on the façade, all as set forth on the submitted February Revised Plans.
4. The Town Building Department is not opposed to the February Revised Plans and the Town Planning Department had no comment to the February Revised Plans, and no one appeared at the Zoning hearing to oppose the proposed plan revisions.
5. The Board finds that the February Revised Plans and the building depicted thereon will not create extension into the required setback than was approved in the Board's Decision dated June 17, 2021 and will not be substantially more detrimental to the neighborhood.
6. The Board further finds that the February Revised Plans and the building depicted thereon will be consistent with the general purposes of the Zoning By-Law and will not have a demonstrable adverse impact on the abutting residential properties.

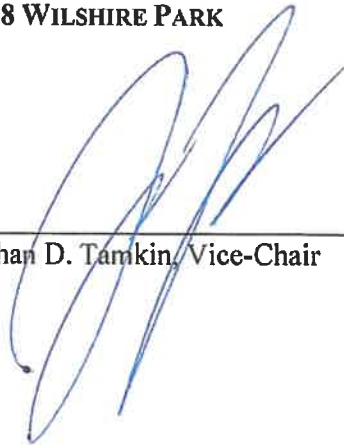
Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, does amend the Special Permit Decision of this Board dated June 17, 2021 in order to substitute the February Revised Plans for the earlier plans submitted and approved by this Board.

SIGNATORY PAGE – 68 WILSHIRE PARK

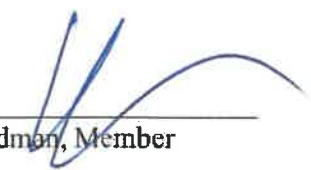

Jon D. Schneider, Chair

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Jonathan D. Tamkin, Vice-Chair

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Howard S. Goldman, Member