

Needham Times

Editorial

Make an exception to the rule

Needham resident Jeff Roche is nervous about tonight's meeting with the Board of Appeals. Roche is seeking two zoning variances in order to proceed with his plan to transform the old Hamilton House on Chestnut Street into a housing complex with at least six affordable housing units.

If you believe the bylaws are to serve the people of Needham, then this is a case the board should approve. Roche's plan will add 27 apartment units to Needham's paltry inventory, including six affordable units. Although the law stipulates that Roche cannot exclude people from other towns, his goal is to have the majority of the units rented to Needham people.

But first, Roche needs the variances.

Roche will be going in front of the Board of Appeals for two variances: one on use and one on the number of floors allowed in the district.

In terms of use, the Chestnut Street business district is zoned for commercial and retail use on the first floor. Roche is seeking a variance to allow residential use on the first floor as well.

Normally this request would be met with skepticism at best, but the old Hamilton House presents a unique situation. When you walk into the complex, you can walk down about five steps to what appears to be a basement/first floor. Four or five feet of the level is below ground, which gives it a basement feel, but technically it is a first floor because a basement is defined as being at least half underground.

But the fact that it is a bunker-style first floor does not lend itself well to commercial use.

Yet another unique aspect of the project is that the building was constructed in 1961 as a nursing home, which, while technically coming under the umbrella of institutional use, was residential in practice.

Thus, the building is designed for residential rather than commercial use.

Similarly, the parking problem would remain unaddressed in a commercial scenario as only 14 spaces exist in the lot currently. It is unlikely a commercial or retail business would thrive splitting the 14 parking spots with upstairs neighbors. Roche is proposing to remove the front portion of the building and add 13 additional spaces for a total of 27 spots on site.

Also, the lot is only 75 feet wide, which is less than the 80 feet now required by the bylaw. Thus, if a developer opted to purchase the plot and tear down the existing building a variance would have to be granted to put another building in the same spot.

As for the number of floors, the Hamilton House is also unique in that respect, as it already has three floors, which is over the two-and-a-half story limit in the district.

Due to concerns the Planning Board had about insufficient parking, Roche opted to get creative and relocate the front portion of the building to the back, thereby opening 14 new parking spots.

According to Roche, the decision was a no-brainer because he would have to seek a variance for the three stories anyway; he figured, what's one more? He is keeping the square footage of the building the same and is not going over the 35-foot height limit. In a way, Roche is only increasing the number of floors from three to either three-and-a-half or four, to satisfy concerns of the Planning Board. But either way, he would need a variance.

Considering the benefit to the town and its citizens and the fact that the building presents such unique problems, a variance granted by the Board of Appeals should not be seen as a precedent-setting decision. And if the bylaws were designed with the best interest of the public in mind, the board should grant both variances.