

*Law Offices of*  
**PETER A. ZAHKA, II, P.C.**

**12 School Street  
Dedham Square  
Dedham, MA 02026**

**Tel. 781/329-2601  
Fax 781/326-0617  
Peter@ZahkaLaw.com**

July 20, 2018

Dedham Building Department  
Town Office Building  
26 Bryant Street  
Dedham, MA 02026

Re: Arthur & Elizabeth Munchbach, Steven Munchbach, & Carolyn Elizabeth Begley  
10 Snow Lane, Dedham, MA

Dear Building Department:

Please be advised that the Zoning Board of Appeals Decision and the Town Clerk's Certificate of No Appeals relative to the above-referenced matter were filed on this same date with the Land Registration Office of Norfolk County as Document No. 1404736. Enclosed herewith is a copy of the Decision and Certificate as well as a copy of the receipt for said filing.

Very truly yours,



Peter A. Zahka, II

PAZ/cs

Enc.

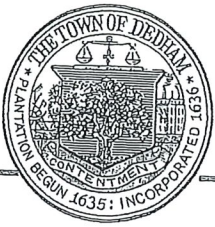
cc: Dedham Zoning Board of Appeals

R E C E I P T  
Printed: July 20, 2018 @ 13:20:18  
Norfolk County Land Court  
William P O'Donnell

Trans#: 159384 Oper: JACKK

Doc#: 1404736  
Ctl#: 907 Rec: 7-20-2018 @ 1:20:12p  
DEDH

DOC	DESCRIPTION	TRANS AMT
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	1 MUNCHBACH, ARTHUR L. DECISION	
	20.00 Surcharge	20.00
	30.00 LC Rec fee	30.00
	5.00 Tech. Surcharge	5.00
	20.00 State Increase	20.00
		-----
	Total fees:	75.00
	*** Total charges:	75.00
	CHECK PM 0161	75.00



# The TOWN OF DEDHAM

Commonwealth of Massachusetts

*Paul M. Munchbach*  
Town Clerk

DATE: July 20, 2018

To Whom It May Concern:

Please be advised that more than twenty (20) days have elapsed since the filing

Of the decision granted to: Arthur & Elizabeth Munchbach, Steven Munchbach & Carolyn  
10 Snow Lane, Dedham, MA 02026 Elisabeth Begley

By the Board of Appeals. Said decision was filed on: June 27, 2018

No appeal of this decision has been filed:

Yours truly,

*Paul M. Munchbach*

Paul M. Munchbach

Town Clerk

**TOWN OF DEDHAM**  
COMMONWEALTH OF MASSACHUSETTS

**RECEIVED**

**ZONING BOARD OF APPEALS** 2018 JUN 27 PM 1:23

Dedham Town Hall  
26 Bryant Street  
Dedham, MA 02026-4458  
Phone: 781-751-9242

Members

James F. McGrail, Esq., Chair  
J. Gregory Jacobsen, Vice Chair  
Scott M. Steeves  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®  
Jason L. Mammone, P.E.



Associate Members

Jared F. Nokes, J.D.

Susan Webster  
Administrative Assistant  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

**DECISION**

<b>Applicant/Owner</b>	<b>Arthur and Elizabeth Munchbach, Steven Munchbach, Carolyn Elizabeth Begley</b>
<b>Property Address</b>	<b>10 Snow Lane, Dedham, MA</b>
<b>Zoning District</b>	Single Residence B
<b>Map and Lot</b>	151/25
<b>Representative</b>	Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
<b>Legal Notice</b>	To be allowed such Special Permits and variances as necessary for creation of an accessory dwelling unit.
<b>Section of Zoning Bylaw</b>	<i>Town of Dedham Zoning Bylaw Sections 7.7, 9.3, and Table 1</i>
<b>Date of Application</b>	May 23, 2018
<b>Date of Public Hearing</b>	June 20, 2018
<b>Date of Decision</b>	June 20, 2018
<b>Vote</b>	5-0, unanimously approved
<b>Voting Members</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jason L. Mammone, P.E.
<b>Date Filed With Town Clerk</b>	<b>June 27, 2018</b>

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on June 20, 2018, commencing at 7:00 p.m. in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, and Jason L. Mammone, P.E. These hearings and meeting of the ZBA were duly advertised in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:30 p.m. the Chairman called for the hearing on the appeal of Arthur L. Munchbach, Elizabeth J. Munchbach, Steven Munchbach, and Carolyn Elizabeth Begley to be allowed such special permits and variances as necessary for creation of an accessory dwelling unit at 10 Snow Lane, Dedham, Massachusetts. *Town of Dedham Zoning Bylaw Sections 7.7, 9.3, and Table 1.*

The Applicants were represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present were the Applicants, Arthur L. Munchbach, Elizabeth J. Munchbach, Steven Munchbach, and Carolyn Elizabeth Begley. With the application, Attorney Zahka had submitted a plot plan of the Subject Property as well as architectural elevation and floor plan. The transcript from the hearing is the primary source of evidence and is incorporated herein by reference.

The Subject Property, known and numbered as 10 Snow Lane and shown on Dedham Assessor's Map 151, Lot 25, is currently owned by Applicants Arthur L. Munchbach and Elizabeth J. Munchbach. The Subject Property contains approximately 16,000 square feet of land, and has approximately 133 feet of frontage on Snow Lane. The Subject Property is occupied by an existing single family dwelling with three (3) bedrooms. According to the records maintained by the Dedham Assessors, the dwelling was constructed in 1984, and has a footprint of 2,490 square feet and a total area of 3,871 square feet. According the Zoning Map for the Town of Dedham, the Subject Property is located in the Single Residence B (SRB) Zoning District.

The Applicants propose to construct an approximate 540 square foot addition to the existing dwelling and to utilize approximately 750 square feet of the same as an "accessory dwelling unit." After completion of the addition, it is anticipated that the dwelling will be conveyed to Applicants Steven Munchbach and Carolyn Elizabeth Begley, who will reside in the "main" house. Applicants Arthur Munchbach and Elizabeth Munchbach will reside in "accessory dwelling unit."

Pursuant to Section 7.7 of the Dedham Zoning Bylaws (Special Residential Regulations) the ZBA is authorized and empowered to grant a special permit for "an accessory dwelling" in

the SRB Zoning District provided that certain enumerated conditions are met. The Applicants satisfy all of these conditions as follows:

- a. *No more than one accessory dwelling unit shall be allowed per lot.* As shown on the plans and drawings submitted with the application, only one (1) accessory dwelling unit is proposed.
- b. *The lot on which the accessory dwelling unit is located shall contain at least ten percent greater land area than required by the dimensional regulations for its district.* Table 2 (Table of Dimensional Requirements) of the Dedham Zoning By-Law provides that lots in the SRB Zoning District require a minimum lot area of 12,500 square feet. Therefore, to accommodate an accessory dwelling unit, a lot must have at least 13,750 square feet of land. The Subject Property contains 16,000 square feet of land which is well in excess of that required for an accessory dwelling unit in the SRB Zoning District.
- c. *The accessory dwelling unit shall be accessory to the principal dwelling and the owner shall reside in either the principal residence or the proposed accessory dwelling unit.* As stated above, Applicants Steven Munchbach and Carolyn Elizabeth Begley will reside in the principal dwelling and Applicants Arthur and Elizabeth Munchbach will reside in the accessory dwelling unit.
- d. *The accessory dwelling shall be designed for two persons and shall not be occupied by more than two persons.* As shown on the plans and drawings submitted with the application the accessory dwelling unit has only one (1) bedroom and is intended to be occupied by not more than two (2) persons.
- e. *The building in which the accessory dwelling unit is located existed on the date the By-law was adopted.* As noted above, the Dedham Assessors' records indicate that the existing dwelling was constructed in 1984, before the adoption of the By-Law.

- f. *The special permit shall state that it is not transferable to a subsequent purchaser and a certified copy of the permit shall be filed with the Registry of Deeds. Except for the stated conveyance between the Applicants, this condition is understood and acknowledged.*
- g. *Exterior alterations shall meet applicable building, fire, and health codes and must be designed to conform to the architectural integrity of the structure and residential character of the neighborhood. The proposed alterations will meet all applicable code and are designed to conform to the architectural integrity of the structure and residential character of the neighborhood.*
- h. *The accessory dwelling unit shall be a minimum of 350 square feet and a maximum of 1,000 square feet, or 33 percent of the total building, which is less. The proposed accessory dwelling unit is 750 square feet which is 17.0% of the entire building ( $750/4,411 = .170$ ).*
- i. *One parking space shall be provided for the accessory dwelling unit in addition to the prior requirements for the property. There are two parking spaces in the garage and additional parking spaces in the driveway.*
- j. *Alterations to the building shall be designed to be compatible with the surrounding residential district, and shall not create a second entrance in front of the building. All new construction is compatible with the existing house and the surrounding residential district. The entry to the accessory dwelling is set back off of the existing home.*
- k. *The ZBA shall review and approve the septic system on site. Not applicable.*
- l. *Any special permit shall require the Applicant to request certification of the permit every three years, and failure to request certification shall cause the permit to lapse. This condition is understood and acknowledged.*

In addition, Section 9.3.2 of the Dedham Zoning By-Law provides that when acting upon requests for Special Permits, the ZBA must determine that the “adverse effects of the proposed use will not outweigh its beneficial impacts “after consideration of the six (6) enumerated factors set forth in said Section. Applicant respectfully submits it satisfies the above stated requirements and criteria for the issuance of the requested special permit. The adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or neighborhood considering these requirements and criteria. The accessory dwelling unit will allow Applicants Arthur Munchbach and Elizabeth Munchbach to remain in their home with their son. This satisfies social, economic, and community needs. As indicated above, there is sufficient parking on-site for the proposal. Since this is an existing building there is no issue as to the adequacy of utilities or other public services. The addition is minimal and will have little (if no) impact on the natural environment.

No one appeared in favor of or in opposition to the requested relief. However, the Applicant submitted a petition signed by thirteen (13) abutters indicating their support for the granting of the special permit. It is noted that the petition is signed by the abutters closest to the proposed addition.

Upon motion duly made by the ZBA voted unanimously (5-0) to grant and approve the requested special permit required to create an accessory dwelling unit at 10 Snow Lane, Dedham, Massachusetts. In granting of said special permits, the ZBA finds that, Applicant has satisfied the conditions of Section 7.7 of the Dedham Zoning Bylaw. In addition, the ZBA finds after consideration of the criteria in Section 9.3.2 of the Dedham Zoning By-Law, the adverse effects of Applicant’s proposal will not outweigh its beneficial impacts on the Town and neighborhood.

In accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

Date: June 20, 2018



Attest by the Zoning Board of Appeals:

James F. McGrail  
James F. McGrail, Esq., Chair

J. Gregory Jacobsen  
J. Gregory Jacobsen, Vice Chair

Scott M. Steeves  
Scott M. Steeves

E. Patrick Maguire  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®

Jason L. Mammone  
Jason L. Mammone, P.E.

Attest by the Administrative Assistant:

Susan Webster  
Susan Webster

A True Copy Attest  
Paul M Munchbach  
Town Clerk