

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

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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.



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Susan Webster
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Associate Members

Jared F. Nokes, J.D.

DECISION

Applicant/Owner	Deborah DiCenzo
Property Address	110 Alden Street, Dedham, MA
Zoning District	Single Residence B
Map and Lot	168/92
Representative	Deborah DiCenzo, Applicant/Owner

Legal Notice	The applicant seeks to be allowed a variance for a front yard setback of 8 feet instead of the required 25 feet, a side yard setback of 3 feet instead of the required 10 feet, and space between buildings of 3 feet instead of the required 10 feet to build a free-standing carport with a ridge height not to exceed 15 feet.
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Section of Zoning Bylaw	<i>Town of Dedham Zoning Bylaw Section 4.1, Table 2</i>
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Date of Application	May 21, 2018
Date of Public Hearing	June 20, 2018
Date of Decision	June 20, 2018
Vote	4-1, approved
Voting Members	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP® Jason L. Mammone, P.E.

Date Filed With Town Clerk June 27, 2018

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts, held public hearings on Wednesday, June 20, 2018, in the Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Present were members of the ZBA, James F. McGrail, Esq., Chair, J. Gregory Jacobsen, Vice Chair, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, and Jason L. Mammone, P.E.

The hearings for this meeting of the ZBA were duly advertised in *The Dedham Times* on June 1, 2018, and June 8, 2018, in accordance with the requirements of Massachusetts General Law, Chapter 40A, Section 11, and the Town of Dedham Zoning Bylaw. In addition, notices of the hearings were sent to abutters within 300 feet of the property in question on June 1, 2018. Notification of each hearing was sent to the abutting towns of Boston, Needham, Canton, and Westwood. Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Town of Dedham Planning Department.

The Applicant represented herself. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

On May 21, 2018, the Applicant submitted an application, which included:

1. Zoning Board of Appeals application
2. Certified plot plan prepared by Michael Paul Antonino, P.E., Antonino Land Surveyors, Inc., 31 Ledgebrook Avenue, Stoughton, MA 02072
3. Photographs of existing conditions
4. Signatures in support of the petition:

Joshua Grossman	111 Alden Street	Erin Martin	143 Taylor Avenue
Anita Rioux	117 Alden Street	Richard Archer	126 Alden Street
Pearl Conopka	142 Taylor Avenue	Alena Pelipenko	93 Alden Street
Joseph Fay	110 Kimball Road	Anne DeVirgilio	116 Kimball Road
Gina Cicerone	117 Kimball Road	John Limberis	89 Alden Street
Peter Maygar	94 Alden Street	John Masters	90 Alden Street
John Gillis	120 Alden Street	Virginia Gillis	120 Alden Street
Amanda Navikas	198 Sprague Street	Kim Chaplain	182 Sprague Street
Stephen Leivi	182 Sprague Street	Nicholas Poulakis	81 Alden Street
Susan Costa	82 Alden Street	Paul Raulinaitis	123 Kimball Road
Susan Trabucco	130 Kimball Road	Richard Trabucco	130 Kimball Road
Flora Morina	100 Alden Street		

The applicant is seeking to be allowed a variance for a front yard setback of 8 feet instead of the required 25 feet, a side yard setback of 3 feet instead of the required 10 feet, and space between buildings of 3 feet instead of the required 10 feet to build a free-standing carport with a ridge height not to exceed 15 feet. *Town of Dedham Zoning Bylaw Section 4.1, Table 2*

The subject property is known and numbered as 110 Alden Street, Dedham, Massachusetts, and is shown on Dedham Assessor's Map 168, Lot 92. The certified plot plan indicates that the Subject Property contains 8,737 square feet of land and has 99.56 feet of frontage on Alden Street. According to the Town of Dedham Zoning Map, the Subject Property is located in the

Single Residence B zoning district. Currently, the property is occupied by a single family dwelling. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 1955.

Ms. DiCenzo is seeking approval of a free-standing carport. She has health issues and would like to have a cover over her car so she will not have to shovel. The carport will cover two vehicles. No one spoke in favor of or against the petition. Mr. Maguire said he thought there was a better way to do this, and did not support it because he thought it sets a bad precedent for future requests for carports across town.

Section 9.2.2 of the Dedham Zoning By-Law, the ZBA has the power “to hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures as set forth on G.L. c. 40A, § 10.” Section 10 of Chapter 40A of the General Laws of Massachusetts states that a variance may be granted if:

...owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provision of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

The Applicant respectfully submits that the requirements and criteria for the issuance of the requested modification are satisfied.

Upon motion duly made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the ZBA voted 4-1, with E. Patrick Maguire, MLA, RLA, CLARB, LEED AP® voting against the petition, to allow a variance for a front yard setback of 8 feet instead of the required 25 feet, a side yard setback of 3 feet instead of the required 10 feet, and space between buildings of 3 feet instead of the required 10 feet to build a free-standing carport with a ridge height not to exceed 15 feet. Mr. Maguire voted against because he thought it sets a bad precedent for future requests for carports across town. In granting said variance, the Zoning Board of Appeals finds that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Furthermore, the Zoning Board of Appeals finds that, after consideration of the criteria in Section 9.3.2 of the Town of Dedham Zoning

Bylaw, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and the neighborhood.

The Applicant is advised that, in accordance with Massachusetts General Law Chapter 40A, Section 11, no variance shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed and that no Special Permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) 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, Esq., Chair

J. Gregory Jacobsen, Vice Chair

Scott M. Steeves

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

Jason L. Mammone, P.E.

Attest by the Administrative Assistant:

Susan N. Webster