

Robert Keogh & Michael Bellante  
Trustees of Alibi Realty Trust  
100 Meadowbrook Rd.

TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS

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



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Associate Members  
Jared F. Nokes, J.D.

ZONING BOARD OF APPEALS  
DECISION

Applicant:	Robert Keogh and Michael J. Bellante, Trustees of Alibi Realty Trust
Property Address:	100 Meadowbrook Road, Dedham, MA
Property Owner:	Robert Keogh and Michael J. Bellante, Trustees of Alibi Realty Trust
Property Owner Address:	100 Meadowbrook Road, Dedham, MA
Applicant Representative:	Peter A. Zahka, II, Esq.
Legal Notice:	To be allowed such special permits and variances required to divide an existing lot occupied by a single family house and a two-family house into two separate lots; one with an area of approximately 94,827 square feet occupied by the existing single family house, and one lot with an area of approximately 40,093 square feet occupied by the existing two-family house.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw sections 3.1, 4.1, 4.7, 9.2, 9.3, Table 1, and Table 2.
Zoning District, Map and Lot:	SRA, Map 87, Lot 5
Date of Application:	June 20, 2018
Date of Public Hearing:	July 18, 2018
Date of Decision:	July 18, 2018
Vote:	5-0, unanimous approval
Voting Members:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jared F. Nokes, J.D.
Date Filed with Town Clerk:	July 31, 2018

TOWN OF DEDHAM  
CLERKS OFFICE

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08-21-2018 9:10:16

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on July 18, 2018, commencing at 7:00 p.m. in the Town Office Building, Bryant Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, 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 7:20 p.m. the Chairman called for the hearing on the appeal of Robert Keogh and Michael J. Bellante, Trustees, of Alibi Realty Trust, to be allowed such special permits and variances required to divide an existing lot occupied by a single family house and a two-family house into two separate lots; one with an area of approximately 94,827 square feet occupied by the existing single family house, and one lot with an area of approximately 40,093 square feet occupied by the existing two-family house. The property is located at 100 Meadowbrook Road, Dedham, MA, and is located in the Single Residence A (SRA) Zoning District. *Town of Dedham Zoning By-Law Sections 3.1, 4.1, 4.7, 9.2, 9.3, Table 1, and Table 2.*

The Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present on behalf of Applicant were Trustees Robert Keogh and Michael J. Bellante. With the Application, Attorney Zahka had submitted a certified plot (depicting the proposed division of the property), as well as photographs of the existing conditions. The transcript from the hearing is the primary source of evidence and is incorporated herein by reference.

The Subject Property, known and numbered as 100 Meadowbrook Road, and shown on Dedham Assessor's Map 87, Lot 5, is owned by Applicants Robert Keogh and Michael J. Bellante, Trustees, of Alibi Realty Trust. The Subject Property contains approximately 135,920 square feet of land and has over 315 feet of frontage on Meadowbrook Road. The Subject Property is occupied two existing residential houses: a single-family house constructed circa 1903 (per the Dedham Assessors' records) and a two-family house constructed circa 1905 (per the Dedham Assessors' records). According the Zoning Map for the Town of Dedham, the Subject Property is located in the Single Residence A (SRA) Zoning District.

The existing situation (two houses on a single lot) is pre-existing nonconforming. The existing houses satisfy all the current setback requirements for houses in the SRA Zoning District except the two-family house has a side yard setback of 24.9 feet (25 feet required). Applicant proposes to divide the Subject Property into two separate lots. After the proposed division, the single-family house will be on a lot with approximately 94,827 square feet of land and the two-family house will be on a lot with approximately 40,943 square feet of land. As proposed, the "new" lots and the houses on the same will comply with the dimensional Dedham Zoning By-Law dimensional requirements for the SRA Zoning District with the exception of the sideyard setback for the two-family house which will remain at the existing 24.9 feet (25 feet required). It is noteworthy that single-family dwellings are allowed in the SRA Zoning Districts. While conversion of certain single-family houses into two-family houses are provided for in the SRA District, the Dedham Zoning By-Law does not address the current two-family house situation (and may be considered pre-existing nonconforming).

Applicant has requested such special permits and variances to allow for the division of the lot as described above. (The actual division of the lots will still require approval of an Approval Not Required Plan by the Dedham Planning Board.) Pursuant to Section 3.3.2 of the Dedham Zoning By-Law the ZBA may award a special permit to change a nonconforming use if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The types of changes the ZBA may consider are those that change or substantially extend the use, or change from one nonconforming use to another, less detrimental, nonconforming use. Per Section 3.3.3 of the Dedham Zoning By-Law the ZBA may grant special permits to change, alter, extend, or reconstruct nonconforming structures. Per said Section 3.3.3, the ZBA "may award a special permit... if it determines that [the proposed change, alteration, extension, or reconstruction] shall not be substantially more detrimental than the existing nonconforming [use or structure] to the neighborhood." 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.

Furthermore, Section 9.2.2 of the Dedham Zoning By-Law provides that 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.

Applicant respectfully submits it satisfies the above stated requirements and criteria for the issuance of the requested special permits and variances. The adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or neighborhood considering these requirements and criteria. The uses (a single-family house and a two-family house) will remain the same and will have same impact on neighborhood. In addition, the proposed “new” lots and the houses on the same will comply with all the dimensional requirements for lots and buildings in the SRA Zoning District with the exception of the existing side yard setback for the two-family house. No new nonconformities are being created. If the variances are not granted, Applicant will suffer a substantial financial hardship since it will not be able to divide the lot or have each house occupy its own lot.

No one appeared in favor or in opposition to this Application.

Upon motion being duly made and seconded, the ZBA voted unanimously (5-0) to grant such special permits and variances as required to divide an existing lot occupied by a single family house and a two-family house into two separate lots; one with an area of approximately 94,827 square feet occupied by the existing single family house, and one lot with an area of approximately 40,093 square feet occupied by the existing two-family house which will have a side yard

setback of 24.9 feet at 100 Meadowbrook Road, Dedham, MA, in the SRA Zoning District. In granting said special permit, the ZBA finds that, 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 granting said variances, the ZBA finds that the Applicant has satisfied the requirements Section 10 of Chapter 40A of the General Laws of Massachusetts, to wit: a literal enforcement of the Dedham Zoning By-Law requirements would cause a substantial financial hardship to Applicant, and that the relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Dedham Zoning By-Law.

Applicant is advised that, in accordance with MGL 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 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 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.

Dated: July 31, 2018

James McGrail  
James F. McGrail, Esq., Chairman

J. Gregory Jacobsen  
J. Gregory Jacobsen

Scott Steeves  
Scott M. Steeves

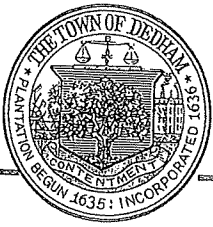
E. Patrick Maguire  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP

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

Attest by the Administrative Assistant

Jennifer Doherty  
Jennifer Doherty

A True Copy Attest  
Paul M Munchbach  
Town Clerk



# The TOWN OF DEDHAM

Commonwealth of Massachusetts

Paul M. Munchbach  
Town Clerk

DATE: August 21, 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: Robert Keogh & Michael Bellante, Trustees of Alibi Realty Trust  
100 Meadowbrook Rd., Dedham, MA 02026

By the Board of Appeals. Said decision was filed on: July 31, 2018

No appeal of this decision has been filed:

Yours truly,

*Paul M. Munchbach*

Paul M. Munchbach

Town Clerk

R E C E I P T  
Printed: August 21, 2018 @ 10:16:33  
Norfolk Registry of Deeds  
William P O'Donnell  
Register

Trans#: 184894      Oper:SDOHERTY

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Book: 36236 Page: 461 Inst#: 74054  
Ct1#: 303 Rec:8-21-2018 @ 10:16:25a  
DEDH 100 MEADOWBROOK ROAD

DOC	DESCRIPTION	TRANS AMT
	DECISION	
	10.00 rec fee	13.00
	20.00 Surcharge	20.00
	5.00 Tech.Surcharge	5.00
	STATE PG ADJ	3.00-
	Postage/Handling Fee	1.00
	State Fee \$40.00	40.00
		-----
	Total fees:	76.00
	*** Total charges:	76.00
	CHECK PM 0206	76.00



100 Meadowbrook Road

**Town of Dedham  
ZONING BOARD OF APPEALS  
LEGAL NOTICE OF HEARING**

The Zoning Board of Appeals for the Town of Dedham, Massachusetts, will hold a public hearing in the Lower Conference Room of the Town Office Building, 26 Bryant Street, Dedham, MA at 7:20 p.m., Wednesday, July 18, 2018, on the petition of Robert Keogh and Michael J. Bellante, Trustees of Alibi Realty Trust, 100 Meadowbrook Road, Dedham, MA. The Applicants seek to be allowed such Special Permits and variances required to divide an existing lot occupied by a single family house into two separate lots, one lot with an area of approximately 94,827 square feet occupied by the existing single family house, and one lot with an area of approximately 40,093 square feet occupied by the existing two-family house. The property is located at 100 Meadowbrook Road, Dedham, MA, and is in the Single Residence A zoning district. *Town of Dedham Zoning Bylaw Sections 3.1, 4.1, 4.7, 9.2, 9.3, Table 1, and Table 2*

The application and plans are available for inspection in the Town of Dedham Planning/Zoning office during normal business hours. Interested persons are encouraged to attend the meeting and make their views known to the Zoning Board of Appeals.

The Dedham Times: Friday, July 6, 2018