

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.



Dedham Town Hall
26 Bryant Street
Dedham, MA 02026-4458
Phone 781-751-9242
Fax 781-751-9225

Jennifer Doherty
Administrative Assistant
jdoherty@dedham-ma.gov

Associate Members
Jared F. Nokes, J.D.
George Panagopoulos

ZONING BOARD OF APPEALS
DECISION

Applicant: Carol A. Miller
Property Address: 11 Woodlawn Street, Dedham, MA 02026
Property Owner: Carol A. Miller
Property Owner Address: Same

Legal Notice: 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 7:00 p.m., Wednesday, September 19, 2018, on the petition of Carol A. Miller, 11 Woodlawn Street, Dedham, MA. The Applicant seeks to be allowed a side yard setback of 9 feet instead of the required 10 feet to demolish and rebuild a two car garage with additional storage room on top.

Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements, 4.2, and 4.3. Section 3, Table 1.*

Zoning District, Map and Lot: SRB, 7/144
Date of Application: August 21, 2018
Date of Public Hearing: September 26, 2018
Date of Decision: September 26, 2018
Vote: Unanimous approval, 5-0
Voting Members: James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, Jared Nokes, George Panagopoulos

Date Filed with Town Clerk: October 15, 2018

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held a public hearing on Wednesday, September 26, 2018, 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, E. Patrick Maguire, and associate members Jared Nokes, and George

Panagopoulos. Members Jason L. Mammone, P.E., and Scott M. Steeves were unable to attend the meeting.

The hearings were duly advertised for two consecutive weeks in the *Dedham Times* in accordance with the requirements of MGL Chapter 40A, Section 11 and the Town of Dedham Zoning Bylaw. Notices of the hearing were sent to abutters within 300 feet of the property in question on August 31, 2018 and September 7, 2018. Notification of the hearing was sent to the neighboring towns, (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 Dedham Planning Department.

The Chairman called for the hearing on the petition Carol A. Miller, 11 Woodlawn Street, Dedham, MA. The Applicant seeks to be allowed a side yard setback of 9 feet instead of the required 10 feet to demolish and rebuild a two car garage with additional storage room on top. The property is located at 10 Woodlawn Street, Dedham, MA, and is in the Single Residence B zoning district. *Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements, 4.2, and 4.3. Section 3, Table 1.*

The minutes from the hearing are the primary source of evidence and are incorporated herein by reference:

Mr. McGrail asked who was in attendance for the applicant, and Carol A. Miller, the applicant and owner was representing herself. He went on to explain that the Building Commissioner, Ken Cimeno, had provided the Zoning Board with a memo that identified two small areas of concern with the application: (1) the plans did not show any means of egress/ingress from the house to the garage. He said there needs to be another exit point other than the garage doors, and (2) the elevation from the left side is different on certain pages, but it may just be an oversight in the drawings. Ms. Miller said there is an exit door in the garage and Mr. McGrail said that Mr. Cimeno's memo stated that no door was indicated on the engineer's plans. There needs to be another exit showing on the plans. She explained there were two doors there that were not listed on the plans. Mr. McGrail told her that when she goes to the building department she should bring updated plans showing those doors. Mr. McGrail then addressed the elevation differences on the drawings. He showed the drawings

to Ms. Miller and explained to her that this should also be fixed on her drawings before she submits them to the Building Department. Ms. Miller agreed to do these changes.

Mr. McGrail then asked Ms. Miller to explain what she would like to do with her garage. She explained that the existing garage was on a foundation of cinder blocks that were deteriorating, and she was afraid it would eventually cause the garage to collapse. She wants to shore up the foundation and rebuild the garage in the same foot print, and add a storage area on top of it. Mr. McGrail asked if there were any questions from the Board, and it was asked if there was any thought of connecting the new storage area on top of the garage to the top of the house, Ms. Miller replied no, she does not want it connected. She indicated the garage should stay the garage, and the house should stay the house, they should not be combined. Mr. McGrail asked if there were any comments from the audience, and there were none.

Mr. Jacobsen made a motion to allow a side yard setback of 9 feet instead of the required 10 feet to demolish and rebuild a two car garage with additional storage room on top. The motion was seconded by Mr. Maguire, and all were in favor. The motion passed unanimously (5-0).

The 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: October 15, 2018

Attest by the Zoning Board of Appeals

James F. McGrail, Esq.

J. Gregory Jacobsen

E. Patrick Maguire

Jared Nokes

George Panagopoulos

Attest by the Administrative Assistant

Jennifer Doherty