

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

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James F. McGrail, Esq., Chair
J. Gregory Jacobsen, Vice Chair
Scott M. Steeves
Jason L. Mammone, P.E.



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ASSOCIATE MEMBERS

Jared F. Nokes, J.D.
George Panagopoulos

**ZONING BOARD OF APPEALS
DECISION**

Applicant: Elizabeth and Francis Gerard Murphy, III
Project Address: 87 Richards Street, Dedham, MA

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, March 20, 2019, on the petition of 87 Richards Street, Dedham, MA.** The Applicant, Elizabeth and Francis Gerard Murphy III, seeks to be allowed a Special Permit for an 8 foot, 6 inch side yard setback instead of the required 10 feet side yard setback needed in SRB. Applicant also requests a waiver from the total impervious area requirements within the Aquifer Protection Overlay District of 34% instead of the allowed 25%.

Section of Zoning Bylaw : *Town of Dedham Zoning By-Law Sections 4.3.2 and 8.2.7.5.*

Zoning District, Map and Lot: Single Residence B (SRB) District, Map 107, Lot 40

Date of Public Hearing: Wednesday, March 20, 2019
Date of Decision: Wednesday, March 20, 2019
Vote: 5-0 Unanimous
Voting Members: Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason Mammone, P.E., and George Panagopoulos

Date Filed with Town Clerk: March 22, 2019

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts held public hearings on March 20, 2019, in the Town Office Building, Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory

Jacobsen, Scott M. Steeves, Jason Mammone, P.E., George Panagopoulos, and associate Jared Nokes. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:05 p.m., the Chairman called for the hearing on the petition of Elizabeth and Francis Gerard Murphy III, of 87 Richards Street, Dedham, MA (hereinafter referred to collectively as the "Applicants"). Both applicants were in attendance for the hearing, and they represented themselves.

The Subject Property is currently occupied by a single-family 2-story gable style dwelling. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1900. The current dwelling has a living area of 1812 square feet.

Applicants applied to the Zoning Board of Appeals for a Special Permit for a side stair encroachment to build a roof over their side steps. The steps do not encroach into the side yard setback more than 18 inches as allowed; however, the proposed roof over the steps would need a side yard setback per The Town of Dedham Bylaw Section 4.3.2.

The Applicants also require a Special Permit from the total impervious area requirements of the Aquifer Protection Overlay District. They wish to be allowed 34% impervious area instead of the required 25% as per Dedham Town Bylaw Section 8.2.7 (5). The current conditions exists at 26% impervious area.

Chairman Jim McGrail explained that the applicants had been before the Board of Appeals at the last meeting on March 6, 2019, however the Board had asked them to redo their application to better clarify the exact dimensions and percentages of relief that was being asked. The applicants did this, and were now before the Board for this new application. The application now matched what the certified plot plans showed, and the renderings for the proposed covered staircase.

Mr. McGrail asked if there were any comments or questions from the Board, and there were not. He then asked if there were any comments or questions from the audience, and the only comment was from Jane Weismann and Mary Louise Bell, both of 84 Richards Street, that they were in attendance to support the project. No one appeared in opposition to the requested relief. Applicants submitted a petition signed by all direct abutters on Richards Street and Court Street, indicating their support for the requested relief.

Upon motion duly made by Scott Steeves, and seconded by Gregory Jacobsen, the ZBA voted unanimously (5-0) to grant a Special Permit for an eight (8) foot, six (6) inch side yard setback instead of the required ten (10) feet as outlined in the Town of Dedham Bylaw Section 4.3.2. The ZBA also granted a waiver from the total impervious area requirements within the Aquifer Protection Overlay District, to allow the applicants 34% impervious area instead of 25% as per the Town of Dedham Bylaw Section 8.2.7(5).

Appeals of this decision, if any, shall be made pursuant to Section 17 of Chapter 40A of the General Laws of Massachusetts and shall be filed within twenty days after the date of filing of notice of this decision with the Town Clerk

Dated: March 22, 2019

James F. McGrail
James F. McGrail, Esq.

J. Gregory Jacobsen
J. Gregory Jacobsen

Scott M. Steeves
Scott M. Steeves

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

George Panagopoulos
George Panagopoulos

Jennifer W. Doherty
As attested by Administrative Assistant

Jennifer W. Doherty