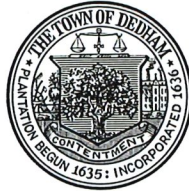


TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS

**Members**

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



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Dedham, MA 02026-4458  
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**ASSOCIATE MEMBERS**

Jared F. Nokes, J.D.  
George Panagopoulos

**ZONING BOARD OF APPEALS  
DECISION**

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Applicant: Genci Pance  
Project Address: 17 Maverick Street, Dedham, MA  
Property Owner: Tony Dajci

Property Owner Address: 82 Fairview Avenue, Malden, Ma. 02148  
Applicant Representative: Kevin Hampe Esquire, 411 Washington Street,  
Dedham, MA

Legal Notice: To be allowed a special permit to alter, extend,  
enlarge and change a non-conforming single family  
structure to a 2 family duplex style residence. To be  
allowed a variance to change the character of the new  
structure from a single family dwelling to a two family  
duplex style residence and to increase the cubic  
content of the new residence in excess of 20 percent  
from 21,424 cubic feet to 32,832 cubic feet.

Section of Zoning Bylaw : Town of Dedham Zoning By Law 3.3.3 and 7.2.1 and  
MGLA CH. 40A sec. 10 and 11

Zoning District, Map and Lot: Single Residence B, Map 95, Lot 20

Date of Public Hearing: January 16, 2019  
Date of Decision: Wednesday, March 20, 2019  
Vote: 4-0 Unanimous  
Voting Members: Chairman James F. McGrail, Esq., Scott M. Steeves,  
Jason Mammone, P.E., and George Panagopoulos

Date Filed with Town Clerk: April 5, 2019

The Zoning Board of Appeals (ZBA) of the Town of Dedham, Massachusetts held a public hearing on Wednesday, January 16, 2019 in the Town Office Building, 26 Bryant Street Dedham, MA. Present were members of the ZBA, Chair James F. McGrail, Esq. Scott M. Steeves, Jason L. Mammone, P.E., and Associate Member George Panagopoulos sat in place of Gregory Jacobsen. Patrick Maguire, LEED AP, was also unable to attend the meeting as well as associate Member Jared F. Nokes, J.D. Therefore, there were only four voting members of the Board present for each hearing. Mr. McGrail explained that, according to the Zoning By law Section 9.2.5 Quorum, a unanimous vote must be made to approve any petition. The applicant was informed of this and decided to request a continuance of the matter to the next scheduled meeting.

Two immediate abutters to the property were present. The Board allowed them to voice their concerns about the application at this meeting. The owner of 15 Maverick Street, Lorraine Botaish, who owns a two family house adjacent to the locus property was concerned about the size of the building and its location on the lot. Christopher Hoban owner of 25 Maverick Street, expressed his concerns about street parking from the proposed residents of the duplex. All parties were notified of the date of the next meeting. The Board voted unanimously to continue the matter to the next meeting.

The original hearing was duly advertised for two consecutive weeks in the Dedham Times in accordance with the requirements of MGLA CH. 40A, sec. 11 and the Town of Dedham By Law. Notice of the hearing was sent to abutters within 300 feet of the property in question. Notification of the public hearing was sent to the neighboring towns of Boston, Canton and Westwood. Copies of all plans referred to in the decision and a detailed record of the Zoning Board of Appeal proceedings are filed in the Dedham Planning and Zoning Department.

On March 6, 2019, at 7:00 P.M., the Chairman called for the hearing on Genci Pance for property at 17 Maverick Street Dedham, MA to be allowed a special permit to alter, extend and change a non-conforming single family structure to a two family duplex style residence and to be allowed a variance to increase the cubic content of the house from 21,424 cubic feet to 32,832 cubic feet and to allow a two family duplex style house to be built.

The applicant was represented by Kevin F. Hampe Esquire of 411 Washington Street Dedham, Ma. Accompanying Mr. Hampe was Genci Pance, the developer. The minutes of the hearing are the primary source of evidence and are incorporated herein by reference.

The subject property is known and numbered as 17 Maverick Street Dedham, MA and is shown on Assessors Map 95 lot 20. The subject property contains 23, 919 square feet of land and is occupied by a single family bungalow style house constructed in the 1800's and presently located on the property line of the property. In addition, there are three other structures on the property that have been used for storage and a business. The house in in disrepair and needs a major renovation.

The Petitioner proposed to change and enlarge the non-conforming structure and to construct a two family duplex style structure in accordance with amended plans submitted

to the Board at their request. The original plans indicated that the height of the building would be 38 feet. Each unit would have three bedrooms, loft, dining room, living room, kitchen, two and one half baths, and a garage. The Board was concerned about the height of the building in relation to the neighboring homes and the applicant suggested that they be allowed to submit an amended plan that depicted the building in relation to adjacent properties at the next Board of Appeals meeting. The matter was continued to the next meeting with the consent of the applicant and the Board.

On March 20, 2019 at 7:00P.M. the applicant again appeared before the Board and submitted an amended plan. The amended plan reduced the height of the structure to approximately 33 feet from 38 feet, eliminated the garages under the units and provided for 6 parking spaces at the rear of the property. The new structure will be moved 10 feet from the property line of the property. In addition, the Petitioner proposed that the three other buildings on the property would be removed. The existing structure was 21,424 cubic feet and the new proposed duplex style house is 32,832 cubic feet.

The Petitioner also provided evidence that 42 percent of houses in the immediate area are two families which were built prior to the change in zoning in 1968 from General Residence to Single Residence B. The Board found that the reduction in height of the structure by eliminating the garages would be in keeping with the height of the adjacent properties and the new plan provided also provided ample parking for the two units at the rear of the new building.

The Board found that the Petitioner had met the requirements for the issuance of a special permit for extension and alteration of a non- conforming structure and that the use of the property as a two family duplex style residence would not be detrimental to the neighboring community.

In addition, they found that the Petitioner had met the requirements for the granting of a variance in accordance with MGLA Ch. 40A sec. 10 to increase the cubic content of the structure in excess of 20 percent to 32,832 cubic feet and to also allow the residence to be a two family duplex style instead of a single family style.

The Board found that to keep the single family character of the house would be a hardship for the Petitioner and that as a result of the size and shape of the lot, the proposed location of the house on the lot was appropriate for a duplex style house and it was in keeping with the character and style of the surrounding properties.

No other parties spoke for or against the application at the March 20, 2019 meeting.

Upon motion by Mr. Steeves and seconded by Mr. Mammone, the Board unanimously voted to grant the special permit for the extension, alteration of the existing non-conforming structure by allowing the single family structure to be converted to a duplex style two family and a variance to allow an increase in cubic feet from 21,424 to 32,832 and to allow an exterior change in the character of the building from a single family to a two family duplex style residence. The vote was unanimous.

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: April 5, 2019

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

Scott M. Steeves  
Scott M. Steeves

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

George Panagopoulos  
George Panagopoulos

Jennifer W. Doherty  
As attested by Administrative Assistant  
Jennifer W. Doherty