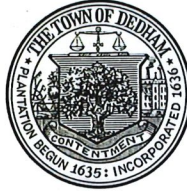


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TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS

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J. Gregory Jacobsen, Vice Chair  
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ZONING BOARD OF APPEALS

DECISION

**Applicant:** Arlene Roberts  
**Project Address:** 12 High Rock Avenue, Dedham, MA  
**Property Owner:** Single Residence B  
**Property Owner Address:** 12 High Rock Avenue, Dedham, MA

**Applicant Representative(s):** Arlene Roberts, owner  
**Legal Notice:** To be allowed a variance for variance for a side yard set-back of 5 feet instead of the required 10 feet in Single Residence B zoning district. The property is located at 12 High Rock Ave, Dedham, MA.

**Section of Zoning Bylaw :** *Town of Dedham Zoning Bylaw Section 4.1, Table 2 – Table of Dimensional Requirements.*  
**Zoning District, Map and Lot:** Single Residence B, Map 98, Lot 67

**Date of Public Hearing:** April 24, 2019  
**Date of Decision:** April 24, 2019  
**Vote:** Unanimous approval, 4-0  
**Voting Members:** James F. McGrail, Esq., Chair, J. Gregory Jacobsen, Vice Chair, Scott M. Steeves, Jason L. Mammone, P.E.

**Date Filed with Town Clerk:** May 3, 2019

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts held public hearings on Wednesday, April 24, 2019, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were Members of the ZBA, Chair James F. McGrail, Esq., J. Gregory Jacobsen, Vice Chair, Scott M. Steeves, and Jason L. Mammone, P.E. There were only four voting members of the Board present for each hearing. Mr. McGrail explained that, according

to Zoning Bylaw Section 9.2.5 Quorum, a unanimous vote must be made to approve any petition. The Applicant was informed of this and chose to proceed.

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 hearings were sent to abutters within 300 feet of the property in question. Notification of the Public Hearing was sent to the neighboring 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 Dedham Planning and Zoning Department.

At 7:20 p.m., the Chairman called for the hearing on Arlene Roberts, 12 High Rock Avenue, Dedham, MA, who was accompanied by her husband. The Applicant seeks to be allowed a variance for a side yard setback of 5 feet instead of the required 10 feet in Single Residence B zoning district. The property is located at 12 High Rock Avenue, Dedham, MA, and is in the Single Residence B Zoning District. *Town of Dedham Zoning Bylaw Section 4.1, Table 2 – Table of Dimensional Requirements*

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

The subject property is known and numbered as 12 High Rock Avenue, Dedham, MA, and is shown on Dedham Assessors Map 98, Lot 67. The certified plot plan indicates that the subject Property contains 12,300 square feet of land, and has 120 feet of frontage on High Rock Avenue. According to the Dedham Zoning map, the property is located in the Single Residence B zoning district. Currently, the property is occupied by a single family dwelling. According to records maintained by the Dedham Board of Assessors, the building was constructed in 2002.

Mr. and Mrs. Roberts explained that they would like to add to their existing garage to make it a three car garage. This triggered the need for a variance for a side yard setback. The applicants had submitted a petition in support of their project that was signed by a number

of neighbors. In addition, an abutting neighbor, Cathy Meagan of 179 Harding Terrace, spoke in favor of granting their request.

Mr. Steeves made a motion to grant a variance for a side yard setback of five (5) feet instead of the required ten (10) feet, seconded by Mr. Jacobsen. The vote was unanimous at 5-0.

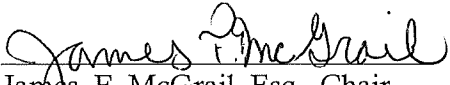
Mr. Steeves moved to allow a variance for a side yard setback of 5 feet instead of the required 10 feet in Single Residence B zoning district. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

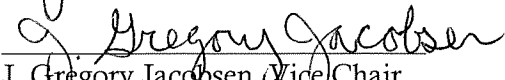
In granting said variance, the Zoning Board of Appeals finds that the proposed modification will not be substantially more detrimental to the neighborhood. Furthermore, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the Dedham Zoning Bylaw, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and the neighborhood. In granting said variance, the Zoning Board of Appeals finds that the Applicant has satisfied the requirements of Section 10 of Chapter 40A of the General Laws of Massachusetts, a literal enforcement of the Dedham Zoning Bylaw requirements would cause a substantial financial hardship to the Applicant, and that the relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of purpose of the Dedham Zoning Bylaw.

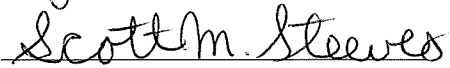
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no variance shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has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

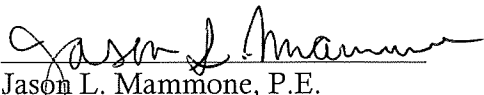
Date: April 24, 2019

Attest by the Zoning Board of Appeals


  
James F. McGrail, Esq., Chair

  
J. Gregory Jacobsen, Vice Chair

  
Scott M. Steeves

  
Jason L. Mammone, P.E.

Attest by the Administrative Assistant

  
Jennifer Doherty