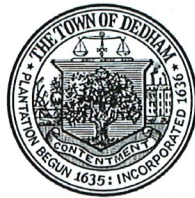


TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS



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TOWN OF DEDHAM  
CLERKS OFFICE

Dedham Town Hall  
26 Bryant Street  
Dedham, MA 02026-4458  
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Jennifer Doherty  
Administrative Assistant  
[jdoherty@dedham-ma.gov](mailto:jdoherty@dedham-ma.gov)

Members

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

Associate Members

Jared F. Nokes, J.D.  
George Panagopoulos

DECISION

**Applicant/Owner**  
**Property Address**  
**Zoning District**  
**Map and Lot**

**Erin and John Martin**  
**143 Taylor Avenue, Dedham, MA**  
**Single Residence B**  
**168/96**

**Legal Notice**

The applicant seeks to be granted a Special Permit be allowed to construct a new second floor over the existing house footprint which is 6 feet from the left property line instead of the required 10 feet, and 23 feet at the left front corner from the front property line instead of the required 25 feet. The property is located at 143 Taylor Ave, Dedham, MA in the Single Residence B Zoning District.

**Section of Zoning Bylaw**

*Town of Dedham Zoning Bylaw Sections 3.35.d Non-conforming single and two family residences, Section 4.32 Special Permit, Section 9.3 Special Permit, and Table 2 Dimensional Requirements.*

**Date of Public Hearing**

April 24, 2019

**Date of Withdrawal**

April 24, 2019

**Vote**

Unanimous approval

**Voting Members**

James F. McGrail, Esq., J. Gregory Jacobsen, 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 April 24, 2019, commencing 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, Scott M. Steeves, 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 7:25 p.m. the Chairman called for the hearing on the application of Erin and John Martin, 143 Taylor Avenue, Dedham, MA, to be granted a Special Permit to construct a new second floor over the existing house footprint which is 6 feet from the left property line instead of the required 10 feet, and 23 feet at the left front corner from the front property line instead of the required 25 feet. The property is located at 143 Taylor Ave, Dedham, MA in the Single Residence B Zoning District. *Town of Dedham Zoning Bylaw Section 3.35.d Non-conforming single and two family residences, Section 4.32 Special Permit, Section 9.3 Special Permit, and Table 2 Dimensional Requirements*

Prior to the hearing, Mr. McGrail announced that there would only be four voting members. The applicant would therefore require unanimous approval for withdrawal of his request for a Special Permit. The applicant chose to go forward with the application.

The Applicant represented herself initially. Her architect, Mollie Moran, AIA, joined the meeting somewhat later. 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 143 Taylor Avenue, Dedham, MA, and is shown on Dedham Assessors Map 168, Lot 96. The certified plot plan indicates that the subject Property contains 4,915 square feet of land, and has approximately 50 feet of frontage on Taylor 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 1953.

Mrs. Martin presented the petition, as their architect, Mollie Moran, was delayed. She was difficult to hear well. She said that they have a traditional Cape Cod style house, and would like to be granted a Special Permit to construct a new second floor over the existing house

footprint which is 6 feet from the left property line instead of the required 10 feet, and 23 feet at the left front corner from the front property line instead of the required 25 feet. There are currently two bedrooms upstairs and a bathroom downstairs. They have three sons. They would like to add four bedrooms and two bathrooms on the second floor. They plan to tear down the wall between the living room and third bedrooms downstairs. They are not building closer to the property line, and are just going up; the house is nonconforming in that it is currently 6 feet from the left property line instead of the required 10 feet, and 23 feet at the left front corner from the front property line instead of the required 25 feet. It will not be made any more nonconforming. Ms. Moran arrived. She said there are already two bedrooms upstairs, but they are taking the shed off in back to make more room.

A petition signed by neighbors on Alden Street and Taylor Avenue was submitted in support of the petition. No one in the audience spoke in favor or in opposition to the petition. The Board had no other questions.

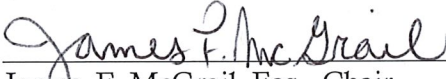
On a motion made by Scott M. Steeves and seconded by Jason L. Mammone, P.E., the Zoning Board of Appeals unanimously voted to approve a Special Permit to construct a new second floor over the existing house footprint which is 6 feet from the left property line instead of the required 10 feet, and 23 feet at the left front corner from the front property line instead of the required 25 feet. The property is located at 143 Taylor Ave, Dedham, MA in the Single Residence B Zoning District.

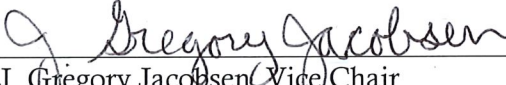
In granting said Special Permit, the Zoning Board of Appeals finds that the proposed modification will not be substantially more detrimental to the neighborhood. Furthermore, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the Dedham Zoning Bylaw, the adverse effects of the 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.

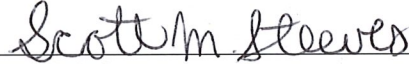
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no variance shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has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

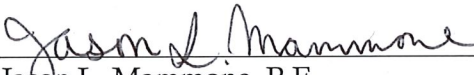
Date: April 24, 2019

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.

Date: April 24, 2019

Attest by the Administrative Assistant:

  
Jennifer Doherty