

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

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



ASSOCIATE MEMBERS

George Panagopoulos
Andrew Pepoli

**ZONING BOARD OF APPEALS
DECISION**

Applicant: Kimball Inn Condominium Trust
Project Address: 4 Spruce Street Dedham, Ma.
Property Owner: Kimball Inn Condominium Trust

Property Owner Address: 4 Spruce Street Dedham, Ma. 02026
Applicant Representative: Kevin F. Hampe, Esquire 411 Washington Street
Dedham, Ma.

Legal Notice: The applicant, Kimball Inn Condominium Trust of 4 Spruce Street Dedham, Ma. seeks to be allowed to amend a previous decision of the Board of Appeals dated January 31, 2006, recorded in Norfolk County Registry of Deeds Book 23453 Page 462, by allowing the trustees of the Condominium to convey 1,702 square feet of land to the abutting property owner at 14 Spruce Street, Dedham, Ma.

Section of Zoning By-Law: Town of Dedham Zoning By-Law section 3.3.2, Section 9.3 and M.G.L.A. CH. 40A, Sec. 9

Zoning District, Map and Lot: Single Residence B, Map 108, Lot 88

Date of Public Hearing: July 17, 2019

Date of Decision: July 17, 2019

Vote: 5-0 Unanimous

Voting Members: Chairman James F. McGrail Esq., Andrew Pepoli
Scott Steeves, Gregory Jacobsen, and George
Panagopoulos

Date filed with Clerk: August 1, 2019

The Zoning Board of Appeals (ZBA) of the Town of Dedham held a public hearing on Wednesday, July 17, 2019 in the Town office building, 26 Bryant Street, Dedham, Ma. Present were members, Chairman James F. McGrail, Esq., Andrew Pepoli, Scott Steeves, Gregory Jacobsen, and George Panagopoulos.

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 Zoning By-Law. Notice of the hearing was sent to the 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 the detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning and Zoning Department.

On July 17, 2019, the Chairman called for the hearing of Kimball Inn Condominium Trust on their request for an amendment to a special permit dated January 31, 2006 recorded in Norfolk County Registry of Deeds Book 23453 Page 462 and to convey 1,702 square feet of land to the abutting landowners. The applicant was represented by Attorney Kevin F. Hampe. Attorney Hampe indicated that in 2006 the Board granted a special permit to the owner of 4 Spruce Street to convert a dental office into apartments. There existed at that time a mixed use building on the property that was a non-conforming use for the zoning district. In July of 2007, the Board of Appeals allowed a special permit for the property owners to add two dormers to the main structure. On October 30, 2007, the property was converted from apartments to condominiums. The Trustees of the condominium, with the consent of all the owners of the individual condominiums, have entered into an agreement to sell 1,702 square feet of land to Douglas Smink and Kara Tierney, abutters to the condominium, who reside at 14 Spruce Street, Dedham, Massachusetts.

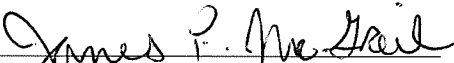
Attorney Hampe indicated that the Applicant was requesting to amend the special permit dated January 31, 2006, which allowed the non-conforming office use to be changed to a residential use on a lot having 17,209 square feet, to be amended to allow the residential use to be on 15,507 square feet of land, and to allow Lot B, which is shown on the plan submitted with the application to be conveyed to the abutting property at 14 Spruce Street, Dedham, Ma. for the purpose of a wider driveway and landscaping. Attorney Hampe indicated that if the relief is allowed the petitioner intends to file a Form A plan with the Planning Board. No neighbors appeared at the hearing to oppose the petition but Fred and Jan Civian, who are neighbors, sent an email in support of the petition.

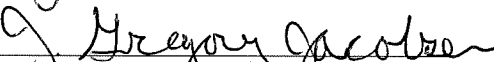
The Board found that the Applicant had met the requirements for the issuance of a special permit in accordance with Section 3.3.2 of the Town of Dedham Zoning By-laws and M.G.L.A. 40A sec 9 and that the relief granted would not be more detrimental to the existing neighborhood and would be an improvement from the existing condition.

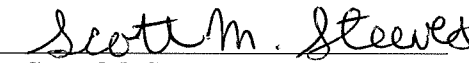
Upon Motion by Mr. Steeves and seconded by Mr. Jacobsen, the Board unanimously voted to grant the special permit relief requested by the applicant.


Appeals of this decision, if any, shall be made pursuant to Section 17 of Chapter 40A of the general Laws of the Commonwealth of Massachusetts and shall be filed within 20 days after the date of filing of this decision with the Town Clerk.

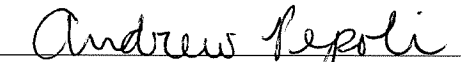
Dated: August 1, 2019


James F. McGrail


J. Gregory Jacobsen


Scott M. Steeves


George Panagopoulos


Andrew Pepoli

Attested to by Administrative Assistant


Jennifer White Doherty