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Members

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: James M. Loughran & Ruth A. Loughran

Project Address: 117 Cedar Street, Dedham, MA

Legal Notice: The Applicants seek to be allowed a special permit to be allowed to convert a childcare facility into an accessory dwelling unit in accordance with the Town of Dedham Zoning Bylaw.

Section of Zoning Bylaw: Dedham Zoning Bylaws, 7.7 Special Residential Regulations, Massachusetts General Law Chapter 40A, 9 & 10.

Zoning District, Map and Lot: Single Residence B, Map 141, Lot 18

Date of Public Hearing: July 17, 2019

Date of Decision: July 17, 2019

Vote: 4-1

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

Date Filed with Town Clerk: August 1, 2019

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

The original hearing was duly advertised for two consecutive weeks in the Dedham Times in accordance with the requirements of MGLA Chap. 40A, Sec. 11 and the Town of Dedham Zoning Bylaw. 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 17th, 2019, the Chairman called for the hearing of James M. Loughran and Ruth A. Loughran, the Applicants, on their request for a Special Permit on Map 141, Lot 18 located at 117 Cedar Street, Dedham. The Applicants were represented by Attorney Keith P. Hampe. The Applicant supplied the board with information on the current home located at 117 Cedar Street which includes an attached 735 square foot area being utilized as a childcare facility. The Applicant wishes to convert said area into an accessory dwelling unit consisting of a one bedroom, one-bathroom apartment. Per the Town of Dedham Zoning Bylaws, 7.7 Special Residential Regulations, any request to create an accessory dwelling unit requires the issuance of Special Permit by the Zoning Board of Appeals.

The Applicant's proposal includes a request to be allowed a Special Permit under Zoning Bylaw Sec. 7.7 – Special Residential Regulations, which requires the applicant to meet the following conditions:

- a. No more than one accessory dwelling unit shall be allowed per lot.
- b. The lot on which the dwelling unit is located contains at least ten percent greater land area than required by the dimensional regulations for its district.
- c. The proposed dwelling unit is accessory to the principle and either the proposed dwelling unit or the principle residence is occupied by the owner or the lot on which the dwelling unit is located.
- d. The proposed dwelling unit shall be designed for two persons and shall not be occupied by more than two persons.
- e. The building in which the proposed dwelling unit is to be located existed on the date of the adoption of this subsection of the Bylaw.
- f. The Special Permit, if granted, shall clearly state that it is not transferable to a purchaser of the lot, and shall require, as a condition of its validity, that a certified copy of the permit by filed with the Registry of Deeds by the applicant.

- g. Exterior alterations required to meet applicable building, fire or health codes are permitted and must be designed to conform to the architectural integrity of the structure and the residential character of the neighborhood.
- h. The accessory dwelling unit created shall be minimum of 350 square feet and a maximum of 1,000 square feet or 33 percent of the total building size in the dwelling structure, whichever is less.
- i. One parking space shall be provided and designated for each accessory apartment established in addition to the prior requirements for the property. Such parking space shall be created in conformance with all applicable dimensional requirements and screened appropriately from abutting properties.
- j. Alterations to the building dwelling unit shall be designed to be compatible with the surrounding residential district and shall not create a second entrance in the front of the building.
- k. The Board shall review and approve the septic system on site as part of the approval process.
- l. Any Special Permit granted pursuant to this section shall require that the applicant request certification of the permit every three years and failure to request such certification shall cause the permit to lapse.

The Applicant's proposal is in compliance with all of Sec. 7.7 Special Residential Regulations (a)-(l) requirements for the approval of a Special Permit.

The Chairman asked if there were any questions from the audience regarding the Applicant's proposal, there were none. The Chairman then asked if the Board had any questions for the Applicant regarding the Applicant's proposal, there were none.

Upon Motion by Mr. Steeves and seconded by Mr. Jacobsen, the Board voted, 4-1, to grant the Special Permit requested by the Applicant with Mr. Panagopoulos voting in the negative.

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

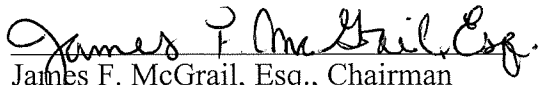
Dated: August 1, 2019

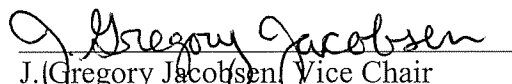
In accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of

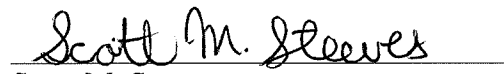
Norfolk County.

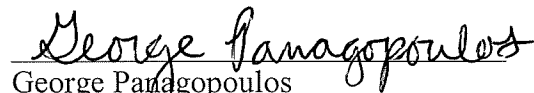
Date: August 1, 2019


Attest by the Zoning Board of Appeals:


James F. McGrail, Esq., Chairman

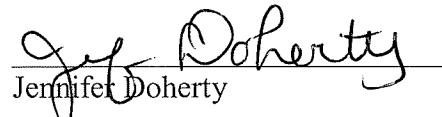

J. Gregory Jacobsen, Vice Chair


Scott M. Steeves


George Panagopoulos


Andrew Pepoli

Attest by the Administrative Assistant:


Jennifer Doherty