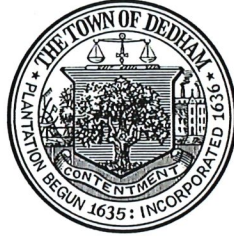


Members

James F. McGrail, Esq., Chair
J. Gregory Jacobsen, Vice Chair
Scott M. Steeves
Jason L. Mammone, P.E.
Sara Rosenthal, AIA, LEED AP



Dedham Town Hall
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Dedham, MA 02026-4458
Phone 781-751-9242
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ASSOCIATE MEMBERS

George Panagopoulos
Andrew Pepoli

**TOWN OF DEDHAM
ZONING BOARD OF APPEALS
DECISION**

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TOWN OF DEDHAM
CLERKS OFFICE

Applicant: Matthew Jasset

Project Address: 124 Milton Street, Dedham, MA

Legal Notice: Special Permit and a Variance to reconstruct a recently demolished nonconforming two-family house with a new two-family house with a side yard setback of 11.3 ft. and a floor area ratio of 0.45.

Section of Zoning Bylaw: Dedham Zoning Bylaws Section 3.3.2-3.3.7, 9.2, 9.3, Table 1 and Table 2.

Zoning District, Map & Lot: Single Limited Manufacturing Zoning District (LMA), Map/Lot 113-40

Date of Public Hearing: September 18, 2019

Date of Decision: September 18, 2019

Vote: 5-0

Voting Members: James F. McGrail, Esq., Scott Steeves, Gregory Jacobsen, Jason Mammone, P.E. and Sara Rosenthal, AIA, LEED AP

Date Filed with Town Clerk: September 30, 2019

The Zoning Board of Appeals (ZBA) of the Town of Dedham held a public hearing on Wednesday, September 18, 2019 at Dedham Town Hall, Bryant Street, Dedham, MA. Present were members, Chairman James F. McGrail, Esq., Scott Steeves, Gregory Jacobsen, Jason Mammone, P.E., Sara Rosenthal, AIA, LEED AP and associate members George Panagopoulos and Andrew Pepoli. The original hearing was duly advertised and notified pursuant to the requirements of MGL Chap. 40A Sec. 11 and the Town of Zoning Bylaw. 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 September 18, 2019, the Chairman called for the hearing on the appeal of Matthew Jasset for a Special Permit and Variances for Map 113, Lot 40, located at 124 Milton Street, Dedham, MA ("Subject Property"). The Applicant, Matthew Jasset, stated the subject property previously received ZBA approval on June 20, 2018. Mr. Jasset expressed, due to an oversight, the prior Board approval lapsed. Therefore, he was seeking the relief for the exact same proposal, namely to re-construct a new two-family house on the subject property. The subject property was previously occupied by a pre-existing nonconforming two-family house, which has since been demolished. The prior two-family house had a front yard setback of 21.9 feet, side yard setbacks of 6.9 feet and 10.3 feet, and a floor area ratio (FAR) of approximately 45%. Specifically, the proposed two-family house will have a front yard setback of 30 feet, a left yard setback of 11.3 feet, a right yard setback of 15.2, and a FAR of approximately 45%. Pursuant to Table 2 (Table of Dimensional Requirements) of the Dedham Zoning By-Law, building lots in the LMA Zoning District require a minimum front yard setback of 30 feet, a minimum side yard setback of 15 feet, and a maximum FAR of 35%. Four (4) parking spaces, two of which will be located inside the garages, will be provided.

The Applicant discussed the project satisfies the requirements and criteria for the issuance of the requested special permits and variances. The adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or neighborhood considering these requirements and criteria. The use (i.e., two-family house) remains the same, but the right- side yard setback as well as the front yard setback are being brought into conformity with the requirements of the LMA Zoning District. Further, the some of the remaining non-conforming areas (such as left side yard setback)

are “less nonconforming” than existed with the previously demolished two-family house. It is also important to note that pursuant to Table 1 (Principle Use Table) of the Dedham Zoning By-Law there are a number of commercial uses that are allowed as a right in the LMA Zoning District (and at the Subject Property) including but not limited to medical, business, and professional offices, banks, personal and general service establishments, and gas stations. Unlike the proposed new two-family, these uses are inconsistent with the residential character of the immediate neighborhood. Further, the Applicant currently has a legal right to rebuild the two-family house on the footprint of the previous two-family house. This would result in an even more nonconforming house being built on the Subject Property. If the variances are not granted, the Applicant will suffer a substantial financial hardship since the proposed two-family house could not be constructed.

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 proposal. There were none.

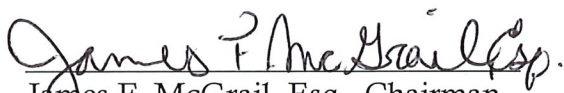
Upon motion being duly made and seconded, the ZBA voted unanimously (5-0) to grant such special permits and variances as required to reconstruct a recently demolished nonconforming two-family house with a new two-family house with a side yard setback of 11.3 feet and a floor area ratio of 0.45. In granting said special permit, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the Dedham Zoning By-Law, the adverse effects of Applicant’s proposal will not outweigh its beneficial impacts on the Town and neighborhood. In granting said variances, the ZBA finds that the Applicant has satisfied the requirements Section 10 of Chapter 40A of the General Laws of Massachusetts, to wit: a literal enforcement of the Dedham Zoning By-Law requirements would cause a substantial financial hardship to Applicant, and that the relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Dedham Zoning By-Law.


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 days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed and that no special permit shall take effect until a copy of this decision

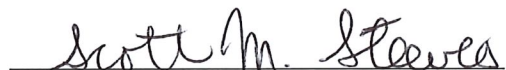
bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

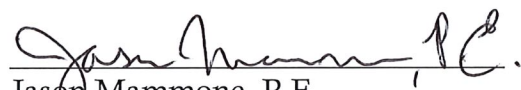
Date: September 30, 2019


Attest by the Zoning Board of Appeals:


James F. McGrail, Esq., Chairman



J. Gregory Jacobsen, Vice Chair


Scott M. Steeves


Jason Mammone, P.E.


Sara Rosenthal, AIA, LEED AP

Attest by the Administrative Assistant:


Jennifer Doherty