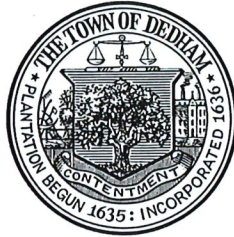


Members

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

ASSOCIATE MEMBERS

George Panagopoulos
Andrew Pepoli



Dedham Town Hall
26 Bryant Street
Dedham, MA 02026-4458
Phone 781-751-9242
Fax 781-751-9225

**TOWN OF DEDHAM
ZONING BOARD OF APPEALS**

DECISION

RECEIVED
2019 SEP 26 PM 2:26
TOWN OF DEDHAM
CLERKS OFFICE

Applicant: Erin McGowan

Project Address: 205 Bonham Road, Dedham, MA

Legal Notice: Special Permit to construct a +/- 869 gross sq. ft. accessory dwelling unit in accordance with Town of Dedham Zoning Bylaw 7.7, and a Waiver and/or Variance to be allowed the accessory dwelling unit to provide an additional entrance on the front of the accessory dwelling.

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

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

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 26, 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 of Erin McGowan, the Applicant, on the request for a Special Permit for Map 182, Lot 6 located at 205 Bonham Road, Dedham, MA. The Applicant supplied the board with information on the current home located at 205 Bonham Road. Ms. McGowan discussed she is seeking construct a +/- 869 gross sq. ft. accessory dwelling unit. The one-story accessory dwelling unit would provide an office, living room, kitchen, bathroom and bedroom. The Applicant further discussed the accessory dwelling is to allow her aging parents the ability to live with their family, yet provide some independence. 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 be 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 discussed the proposal is in compliance with all of Sec. 7.7 Special Residential Regulations requirements for the approval of a Special Permit, except for the provision regarding the creation on a second entrance in the front of the accessory dwelling unit. Ms. McGowan expressed a second entrance was necessary as her parents have mobility issues and the accessory dwelling unit will be placed adjacent to the existing driveway. As such, an entrance directly abutting the driveway would accommodate her parent's mobility issues as opposed to utilizing the main dwelling's front entrance which would not provide direct entrance to the accessory dwelling unit.

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. The Applicant presented the Board with a petition of support from seven abutters/neighbors.

Upon Motion made and duly seconded, the Board voted 5-0 to grant the Special Permit and Waiver/Variance requested by the Applicant, based on the following plans of record:

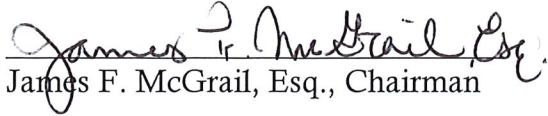
- Plot Plan entitled "Certified Plot Plan Located at 205 Bonham Road, Assessor's Parcel # 182-005, Dedham, MA, Norfolk County", dated July 26, 2019 and prepared by Continental Land Survey, LLC of Franklin, MA
- Floor plans and elevations entitled "General Notes & Details", "Exterior Elevations", and "Proposed Floor Plans", Sheets A1, A2, and A3, dated May 30, 2019 and prepared by Rogue Design.

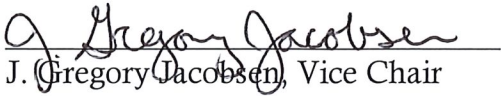
In accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an 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.

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.

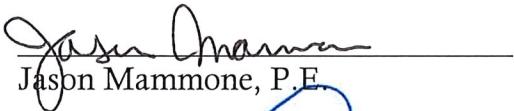
Date: September 26, 2019

Attest by the Zoning Board of Appeals:


James F. McGrail, Esq., Chairman

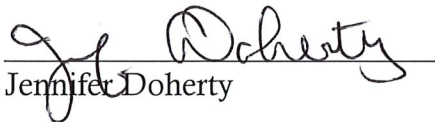

J. Gregory Jacobsen, Vice Chair


Scott M. Steeves


Jason Mammone, P.E.


Sara Rosenthal, AIA, LEED AP

Attest by the Administrative Assistant:


Jennifer Doherty