

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

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



Jeremy Rosenberger
Town Planner
jrosenberger@dedham-ma.gov

ASSOCIATE MEMBERS

George Panagopoulos
Andrew Pepoli

ZONING BOARD OF APPEALS

DECISION

RECEIVED
2019 OCT -1 AM 10:40
TOWN OF DEDHAM
CLERKS OFFICE

Applicant/Owner
Property Address
Zoning District
Map and Lot
Representative
Legal Notice

James G. Fay, Jr. and Susan P. Fay
14 Church Street, Dedham MA
Single Residence B
108/37
Edward J. Richardson

The Zoning Board of Appeals for the Town of Dedham, Massachusetts, will hold a public hearing in the Town Hall Office Building, Lower Conference Room 26 Bryant Street, Dedham MA at 7:00PM, Wednesday, September 18, 2019 on application of 14 Church Street, Dedham MA. The Applicants James and Susan Fay request a Special Permit and Variances to be allowed to change the existing occupancy from a mixed nonconforming use of two dwelling units a real estate office to a less intensive nonconforming use two family dwelling; to reconstruct and extend the existing nonconforming structure to increase the maximum lot coverage from 40 percent to 41 percent rather than the required 30 percent; and to reconstruct and extend the existing structure with a side yard of 4 ft rather than the required 10 ft and having a greater volume than the existing nonconforming structure. The property is located in the Single Residence B Zoning District (SRB), Map and Lot 108-37.

Section of Zoning Bylaw
Date of Application
Date of Public Hearing

Town of Dedham Bylaw Sections 3.3.2; 3.3.3; 3.3.4; Section 4.1, Table 2.
August 19, 2019
September 18, 2019

Date of Decision	September 18, 2019
Vote	5-0, Unanimous
Voting Members	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Sara Rosenthal
Date Filed with Town Clerk	October 1, 2019

The Zoning Board Of Appeals (“ZBA”) of the Town of Dedham, Massachusetts, held public hearings on Wednesday, September 18, 2019, in the Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Present were members of the ZBA, James F. McGrail, Esq., as Chairperson, J. Gregory Jacobsen, Vice Chair and Members Scott M. Steeves, Jason L. Mammone, P.E., Sara Rosenthal.

The hearings for this meeting of the ZBA were duly advertised in *The Dedham Times* on August 23, 2019 and August 30, 2019 in accordance with the requirements of Massachusetts General Laws Chapter 40A, Section 11, and the Town of Dedham Zoning Bylaw. 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.

The Applicant James G. Fay, Jr. was present and was also represented by Edward J. Richardson, Esq., 339 Washington Street, Dedham MA 02026. The minutes of the hearing are the primary source of evidence and are incorporated herein by reference.

On August 19, 2019 the Applicants submitted an application which included:

1. Zoning Board of Appeals Application
2. Plan of land prepared by Michael Paul Antinino, Antonino Land Surveyors, Inc., of 31 Ledgebrook Drive, Stoughton MA 02072
3. Floor plans and elevations of the proposed project showing existing structures and proposed structures prepared by T. Design, LLC, 1248 Randolph Ave., Milton MA 02186.
4. Photographs of the existing structures.

5. Signatures in Support of Petition, five (5) signatures in favor.

The subject property is known and numbered as 14 Church Street, Dedham, Massachusetts, and is shown on Dedham Assessors Map 108, Lot 37. The certified plot plan shows that the Subject Property contains 7,179 square feet of land. The Dedham Zoning Paper indicates that the Subject Property is located in a Single Residence B zoning district. The premises are currently occupied by a two-family dwelling, a portion of which is used as a commercial real estate office, and a separate garage. The principal structures on the property are lawful non-conforming structures and the uses on the premises as two family dwelling and commercial real estate office are lawful non-conforming uses.

The Applicant seeks a Special Permit to abandon the non-conforming commercial real estate use and to incorporate the area as part of the less intensive non-conforming two family use. The Applicant also seeks a Special Permit and/or Variance to be allowed to demolish and reconstruct an existing addition to the principal structure which will have a greater volume than the existing addition and will have an increased lot coverage of 41 percent instead of the existing 40 percent and the required 30 percent and will extend the existing side yard of 4 feet rather than the required 10 feet.

The Applicant seeks to improve the property by eliminating the commercial use from the two-family dwelling and to reconstruct the addition as a gabled roof addition rather than the present flat roof addition. The reconstruction of the non-conforming addition will increase the volume of the structure and requires dimensional Variances for the addition as well as a Special Permit for the change or extension of the non-conforming structure. The Building Department advised the Applicant that he would require the requested relief to change the use and also to reconstruct the addition.

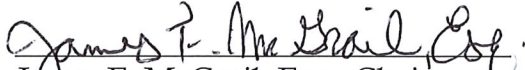
On motion duly made by and seconded, the Board voted unanimously, 5-0 as follows:
To be allowed a variance and/or special permit to change the existing occupancy from a mixed nonconforming use of two dwelling units and a real estate office to a less intensive

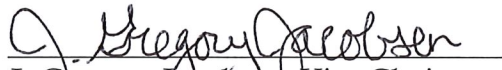
nonconforming use two family dwelling; to reconstruct and extend the existing nonconforming structure to increase the maximum lot coverage from 40 percent to 41 percent rather than the required 30 percent; and, to reconstruct and extend the existing structure with a side yard of 4 feet rather than the required 10 feet and having a greater volume than the existing nonconforming structure.

The Applicant is advised that, in accordance with Massachusetts General Laws 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 and that 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 within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

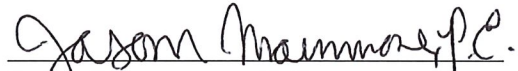
Date: October 1, 2019

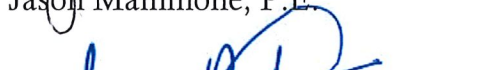
Attest by the Zoning Board of Appeals:


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