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**TOWN OF DEDHAM**  
COMMONWEALTH OF MASSACHUSETTS

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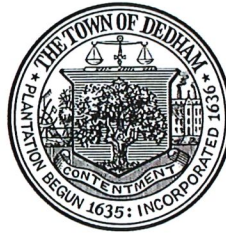
TOWN OF DEDHAM  
CLERKS OFFICE

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

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**Dedham Town Hall**  
26 Bryant Street  
Dedham, MA 02026-4458  
Phone 781-751-9240

Planning Director  
Jeremy Rosenberger

Administrative Assistant  
Jennifer Doherty

**ZONING BOARD OF APPEALS**  
**DECISION**

Applicant:	Warren Reeb and Lu Ann Reeb
Property Address:	16 Federal Lane
Property Owner:	Warren Reeb and Lu Ann Reeb
Property Owner Address:	16 Federal Lane
Legal Notice:	The Zoning Board of Appeals for the Town of Dedham, Massachusetts, will hold a public hearing in the Town Office Building, 26 Bryant Street, Dedham, MA at 7:00 p.m., Wednesday, November 20, 2019, on the petition of Warren and Lu Ann Reeb, 288 Highland Street, Dedham, MA. The Applicant requests Variances for an existing lot improved by a single-family dwelling to have less than the allowed minimum frontage of 95 ft. (+/- 52.13 ft.) and a lot width of less than the allowed minimum lot width of 95 ft. (+/- 52.13 ft.).
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 4.1 (Table 2), 9.2 and 9.3.
Zoning District, Map and Lot:	Single Residence B Zoning District Map 135 Lot 34
Date of Public Hearing:	November 18, 2019
Date of Decision:	November 18, 2019
Vote:	5-0, Unanimous
Voting Members:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott Steeves, Jason L. Mammone, P.E., Sara Rosenthal, AIA, LEED AP, NCARB
Date Filed with Town Clerk:	November 26, 2019

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts held public hearings on November 20, 2019, in the Town Office Building, Bryant Street, Dedham, MA. Present

were Members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason M. Mammone, P.E, and Sara Rosenthal. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:10 p.m., the Chairman called for the hearing on the application of Warren Reeb and Lu Ann Reeb, of 16 Federal Lane, Dedham, MA (hereinafter referred to as the “Applicant”). Applicant requests a variance to allow an existing lot at 16 Federal Lane, Dedham, MA, occupied by an existing single-family dwelling (currently accessed and served by a right of way per a ZBA Decision dated September 27, 1955) to have approximately of frontage on Highland Street of approximately 52.13 feet and a lot width of approximately 52.13 feet instead of the required 95 feet. The property is located at 16 Federal Lane and is located in the Single Residence B (SRB) Zoning District. *Town of Dedham Zoning By-Law Sections 9.2, 9.3, Table 1, and Table 2.*

Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present on behalf of Applicant were Warren Reeb and Lu Ann Reeb. Attorney Zahka had previously submitted a certified plot plan of the Subject Property as well as a Memorandum In Support of the Application. The transcript from the hearing is the primary source of evidence and is incorporated herein by reference. At the hearing Applicant were afforded an opportunity to make a full presentation.

Applicant is the owner of the real estate known and numbered as 16 Federal Lane, Dedham, Massachusetts, and shown on Dedham Assessors Map 135, Lot 34 (hereinafter referred to as the “Subject Property”). The Subject Property is occupied by a single-family dwelling served and accessed by a right of way. The Subject Property contains approximately 24,713 sf of land. The Subject Property consists of three (3) separate lots shown on plans recorded with the Norfolk Registry of Deeds. According to the records maintained by the Dedham Board of Assessors the single-family dwelling was constructed circa 1956. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the Single Residence B (SRB) Zoning District.

As noted above, the Subject Property consists of three (3) separate lots shown on recorded plans. Specifically, these lots are as follows:

1. A lot shown as "Lot B" on a plan entitled "Plan of Land in Dedham, Mass." dated September 9, 1955, prepared by Pilling Engineering Co., Inc., filed with Norfolk Registry of Deeds as Plan No. 1565 of 1955. Said Lot B contains 12,260 square feet of land according to said plan. A copy of the plan is attached hereto as Exhibit 1.
2. A lot shown as "12 ft. right of way" on the same plan reference in 1 above. This lot contains 2,775 square feet of land according to said plan.
3. A lot shown as "Sarah E. Shea" on a plan entitled "Plan of Land in Dedham, Mass." dated September 8, 1956, prepared by Norwood Engineering Co., Inc. A copy of said plan is attached hereto as Exhibit 2.

The above described three (3) lots did not come into common ownership until 1972. Prior to 1955, Lot B was "landlocked". The then owner of said Lot B applied for but was denied a permit by the Dedham Building Inspector to construct a dwelling on said Lot B to be accessed and served by a twelve (12) foot right of way. Upon appeal to the Dedham Zoning Board of Appeals (ZBA), the ZBA voted to authorize and direct the Building Inspector to grant the requested permit to construct a dwelling to be accessed and served by the twelve (12) foot right of way. The ZBA decision is unclear and ambiguous as to whether a dwelling was constructed on said Lot B without any frontage or with frontage on a right of way.

Subsequently, said Lot B and two (2) other lots referenced above came into common ownership. Inasmuch as all three (3) lots are now in common ownership (and the Subject Property now has actual frontage on Highland Street) Applicant submits that it is prudent that any confusion or ambiguity regarding the frontage be eliminated and that Highland Street be regarded as the legal frontage. Table 2 (Table of Dimensional Requirements) of the Town of Dedham Zoning By-Law provides that building lots in the SRB Zoning District require a minimum lot frontage and a minimum lot width of 95 feet. Since there is only approximately 52.13 feet of frontage on Highland Street, Applicant has requested variances from the frontage and lot width requirements to allow the Subject Property to be a building lot with frontage and lot width of approximately 52.13 feet.

Section 9.2.2 of the Dedham Zoning By-Law provides that the ZBA has the power "to hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular

land or structures as set forth on G.L. c. 40A, § 10.” Section 10 of Chapter 40A of the General Laws of Massachusetts states that a variance may be granted if:

Owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provision of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

Applicant respectfully submits that the requirements and criteria for the issuance of the requested variance are satisfied. Specifically, Applicant notes that there is currently confusion and ambiguity as to whether the Subject Property has any legal frontage. This could prevent Applicant in the future from being able to expend or add an addition to the dwelling. Accordingly, without the requested relief Applicant will suffer a hardship. It is noteworthy that with Highland Street considered as the legal frontage for the lot, the existing dwelling will comply with all setback requirements.

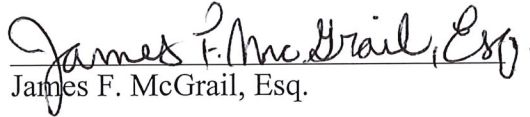
No one appeared in support or opposition of the proposed relief. Applicant submitted a list of “Signatures in Support of Petition” signed by six abutters on Highland Street and Alba Lane.

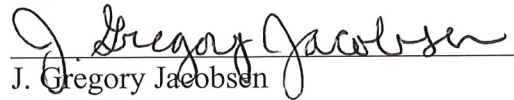
Upon motion duly made the ZBA voted unanimously (5-0) to approve and grant Applicant’s request for variances to allow an existing lot at 16 Federal Lane, Dedham, MA, occupied by an existing single family dwelling (currently served by a right of way per a ZBA Decision dated September 27, 1955) to be a building lot with frontage on Highland Street of approximately 52.13 feet and lot width of approximately 52.13 feet instead of the required 95 feet. Said approval is conditional upon the three (3) lots described above being considered as a single lot for zoning purposes.

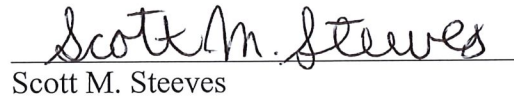
Appeals of this decision, if any, shall be made pursuant to Section 17 of Chapter 40A of the General Laws of Massachusetts and shall be filed within twenty days after the date of filing of notice

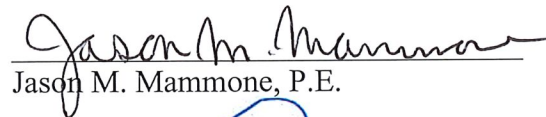
of this decision with the Town Clerk. Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no variance shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

Dated: November 26, 2019

  
James F. McGrail, Esq.

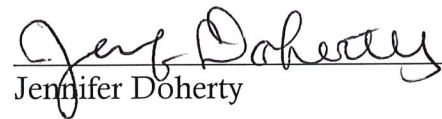
  
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Sara Rosenthal, AIA, LEED AP

Attest by the Administrative Assistant:

  
Jennifer Doherty