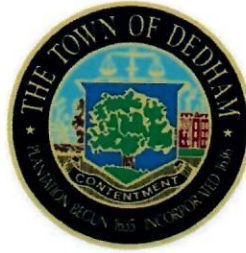


**ZONING BOARD MEMBERS**

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**J. GREGORY JACOBSEN, VICE CHAIRMAN**  
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**TOWN OF DEDHAM**  
**ZONING BOARD OF APPEALS**  
**DECISION**



<b>Applicant:</b>	<b>Dermot McElligott</b>
<b>Property Address:</b>	<b>11 Beacon Street, Dedham, MA</b>
<b>Property Owner:</b>	Dermot McElligott
<b>Property Owner Address:</b>	65 Harding Terrace, Dedham, MA
<b>Applicant Representative:</b>	Dermot McElligott, owner Harold McGonagle, AIA, 103 Keystone Street, West Roxbury, MA 02132
<b>Legal Notice:</b>	The applicant seeks to be allowed such Special Permits and/or variances as required for a front yard setback of 10' instead of the required 20' and a side yard setback of 6' instead of the required 10' to construct a second story and a farmer's porch.
<b>Section of Zoning Bylaw:</b>	Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements
<b>Zoning District, Map and Lot:</b>	General Residence, Map 24, Lot 139
<b>Date of Application:</b>	February 10, 2017
<b>Date of Public Hearing:</b>	March 15, 2017
<b>Date of Decision:</b>	March 15, 2017
<b>Vote:</b>	5-0, unanimous approval
<b>Voting Members:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
<b>Date Filed with Town Clerk:</b>	April 4, 2017

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, March 15, 2017, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, Scott M. Steeves, and Jason L. Mammone, P.E. In the absence of Member E. Patrick Maguire, MLA, RLA, CLARB, LEED AP, Mr. McGrail appointed Associate Member Jared F.

Nokes, J.D., to sit in his stead. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings, and notification regarding each hearing was sent to the neighboring towns (Boston, Needham, Canton, and Westwood).

At 7:22 p.m., the Chairman called for the hearing on the appeal of Dermot McElligott, 65 Harding Terrace, Dedham, MA, to be allowed such Special Permits and/or variances as required for a front yard setback of 10' instead of the required 20' and a side yard setback of 6' instead of the required 10' to construct a second story and a farmer's porch. *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements*

The Applicant represented himself, and was accompanied by Harold McGonagle, AIA, 103 Keystone Street, West Roxbury, MA 02132. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference. The minutes from the hearing are the primary source of evidence and is incorporated herein by reference. At the hearing, the Applicant was afforded an opportunity to make a full presentation.

The Applicant had submitted an application for such Special Permits and/or variances including:

1. Zoning Board of Appeals application
2. Town of Dedham Assessors Database
3. Certified plot plan prepared by Michael Paul Antonino, Land Surveyor, 31 Ledgebrook Avenue, Stoughton, MA 02072
4. Renderings of dwelling

The subject property is known and numbered as 11 Beacon Street, Dedham, MA, and is shown on Dedham Assessors' Map 24 Lot 139. The certified plot plan indicates that the Subject Property contains 4,500 square feet of land and has 50 feet of frontage. According to the Dedham Zoning Map, the Subject Property is located in the General Residence zoning district. Currently, the property is occupied by a single family dwelling. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1950.

Mr. McElligott recently purchased 11 Beacon Street, and is in the process of renovation. He will be adding a second floor using the existing footprint of the dwelling, as well as a farmer's porch, and requires a front yard setback of 10 feet and a side yard setback of 5 feet where there will be



an a two-story addition to the house to the rear. Renderings of the home were submitted to the Board, along with a certified plot plan prepared by Michael Paul Antonino, 31 Ledgebrook Avenue, Stoughton, MA 02072. The dwelling currently has two bedrooms, but there is no closet in the second floor bedroom, so it cannot be considered bedroom. There is also a very tiny kitchen. The footprint of the house is very small at 1,152 square feet, and will be increased to approximately 1,600 to 1,800 square feet with the addition. No one on the Board had any questions, and no one spoke against or in favor of the petition.

On a motion made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the Zoning Board of Appeals voted unanimously to approve such Special Permits and/or variances as required for a front yard setback of 10' instead of the required 20' and a side yard setback of 5' instead of the required 10' to construct a second story and a farmer's porch.

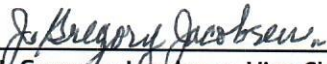
The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said variance, the ZBA finds that, after consideration of the criteria Dedham Zoning By-Law, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood and will not be substantially more detrimental to the neighborhood.

The Applicant was advised that, in accordance with MGL Chapter 40A, Section 11, no variance shall take effect until the Town Clerk certifies a copy of the decision stating that 20 days have elapsed since the decision was filed with that office, and that no appeal has been filed within such time. The decision must then be recorded in the Norfolk Registry of Deeds, or the land Registration Office of Norfolk County.

Dated: March 15, 2017

Attest, by the Zoning Board of Appeals:

  
James F. McGrail, Esq., Chairman

  
J. Gregory Jacobsen, Vice Chairman

Scott M. Steeves  
Scott M. Steeves

Jason L. Mammone  
Jason L. Mammone, P.E.

Jared F. Nokes  
Jared F. Nokes, J.D.

Attest, by the Administrative Assistant:

Susan N. Webster  
Susan N. Webster