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TOWN OF DEDHAM
ZONING BOARD OF APPEALS
DECISION

Applicant:	Justin and Elizabeth Osborne
Property Address:	12 Massachusetts Avenue, Dedham, MA
Property Owner:	Same
Property Owner Address:	Same
Applicant Representative:	Justin and Elizabeth Osborne, owners Richard Morris, contractor, 42 Kenneth Court, Stoughton, MA
Legal Notice:	The applicants seek to be allowed such Special Permits and/or variances as required for an 18 foot front yard setback instead of the required 20 feet to construct a portico over the front door for protection against the weather.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements</i>
Zoning District, Map and Lot:	General Residence, Map 24, Lot 207
Date of Application:	February 8, 2017
Date of Public Hearing:	March 15, 2017
Date of Decision:	March 15, 2017
Vote:	5-0, unanimous approval
Voting Members:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
Date Filed with Town Clerk:	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 7:15 p.m., the Chairman called for the hearing on the appeal of Justin and Elizabeth Osborne, 12 Massachusetts Avenue, Dedham, MA, to be allowed such Special Permits and/or variances as required for an 18 foot front yard setback instead of the required 20 feet to construct a portico over the front door for protection against the weather. *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements*

The Applicants represented themselves. Their contractor, Richard Morris, 42 Kenneth Court, Stoughton, MA, was also present. 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 on February 8, 2017:

1. Zoning Board of Appeals application
2. Letters of support from Donna Croteau, 19 Massachusetts Avenue, and Dorothy Hathaway, 13 Massachusetts Avenue
3. Signatures in support of petition:

Anne Quinn	6 Massachusetts Avenue
Sean J. Quinn	6 Massachusetts Avenue
Steven McGloin	11 Massachusetts Avenue
Emma Martin	11 Massachusetts Avenue
4. Rendering of proposed portico
5. Certified plot plan prepared by Arthur F. Borden, RLS, 302 Broadway, Unit 4, Raynham, MA 02767

The subject property is known and numbered as 12 Massachusetts Avenue, Dedham, MA, and is shown on Dedham 4,757 square feet of land and has 132.12 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 1955.

Mr. and Mrs. Osborne would like to construct a portico over their front door for protection against the weather. Mrs. Osborne is currently pregnant and due to deliver in September 2017. She would like this to protect her infant when she leaves the home. She presented two letters in support, as well as a signed petition as noted. The Board had no questions, and no one in the audience spoke in favor of or against the petition.

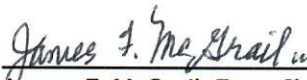
On a motion made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the Zoning Board of Appeals voted unanimously, 5-0, to allow such Special Permits and/or variances as required for an 18 foot front yard setback instead of the required 20 feet to construct a portico over the front door for protection against the weather.

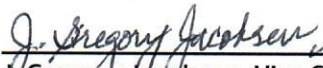
The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said 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.

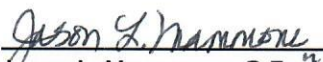
Dated:

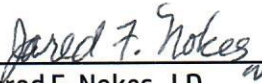
Attest, by the Zoning Board of Appeals:


James F. McGrail, Esq., Chairman


J. Gregory Jacobsen, Vice Chairman

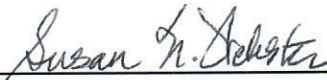

Scott M. Steeves


Jason L. Mammone, P.E.



Jared F. Nokes, J.D.

Attest, by the Administrative Assistant:



Susan N. Webster