

James F. McGrail, Esq., Chairman
J. Gregory Jacobsen, Vice Chairman
Scott M. Steeves
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®
Jason L. Mammone, P.E.

Jessica L. Porter, Associate Member
Jared F. Nokes, J.D., Associate Member



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TOWN OF DEDHAM ZONING BOARD OF APPEALS DECISION



Applicant:	Andrew Spognardi and Mary Davis
Property Address:	42 Manning Road, Dedham, MA
Property Owner:	Andrew E. Spognardi, Jr., et ux and Kevin C. Davis et ux
Property Owner Address:	42 Manning Road, Dedham, MA
Applicant Representative:	Mary Davis, owner
Legal Notice:	To be allowed a Special Permit for an existing accessory dwelling unit that has lapsed.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 7.7 Special Residential Regulations, Section 9.3.5 Special Permits Conditions</i>
Zoning District, Map and Lot:	Single Residence B, Map 147, Lot 51
Date of Application:	December 8, 2017
Date of Public Hearing:	January 17, 2017, March 1, 2017, 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 7:25 p.m., the Chairman called for the hearing on the petition of Andrew Spognardi and Mary Davis, 42 Manning Road, Dedham, MA, to be allowed a Special Permit for an existing accessory dwelling unit that has lapsed. The property is located at 42 Manning Road, Dedham, MA. *Town of Dedham Zoning Bylaw Section 7.7 Special Residential Regulations, Section 9.3.5 Special Permits Conditions*

The Applicant was represented by Mary Davis. The Applicant had submitted an Application for a Special Permit on. This included:

- Zoning Board of Appeals application
- A copy of Zoning Board of Appeals decision #01-08, approving an accessory dwelling unit
- A copy of Zoning Board of Appeals application dated January 29, 2001
- Certified plot plan prepared by Paul N. Robinson, Jr., RLS, 37 Exchange Street, P.O. Box 135, Millis, MA 02054
- Town of Dedham Database information
- Renderings of floor plans

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 subject property is known and numbered as 42 Manning Road, Dedham, MA, and is shown on Dedham Assessors' Map 147, Lot 51. The certified plot plan indicates that the Subject Property contains 14,359 square feet of land and has 71 feet of frontage on Manning Road and 145.69 feet on Washington Street. According to the Dedham Zoning Map, the Subject Property is located in the Single Residence B zoning district. Currently, the property is occupied by a family duplex, that is, a single family dwelling with an accessory dwelling unit. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 2001.

This hearing was originally on January 18, 2017, but no one appeared to present the petition. The petition was rescheduled for March 1, 2017, but again no one came to the meeting. This is

the third continuation. Ms. Davis said the family moved in and did not realize that the Special Permit for the accessory dwelling unit, where her parents live, needed to be renewed.

According to the Town of Dedham Zoning Bylaw Section 7.7, Special Residential Regulations, an accessory dwelling unit must fulfill the following:

- a. 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.
- and
- 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.

Mr. Mammone asked how she found out that this needed to be renewed, and Ms. Davis said she found out when she went to the Building Department to check on a permit.

On a motion made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the Zoning Board of Appeals voted unanimously, 5-0, to approve a Special Permit for an existing accessory dwelling unit that has lapsed. The Applicant was reminded that this needs to be renewed every three years.

In granting of said special permit, the ZBA finds that the Applicant has satisfied the conditions of Section 7.7 *Special Residential Regulations* and Section 9.3.5 *Special Permits Conditions* of the Dedham Zoning By-Law. In addition, the ZBA finds that 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 is advised that, 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 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.

Date: March 15, 2017

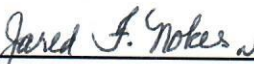
Attest by the Zoning Board of Appeals:


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