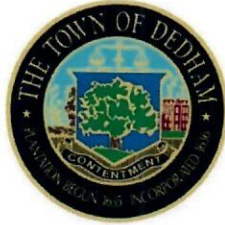


James F. McGrail, Esq., Chairman  
J. Gregory Jacobsen, Vice Chairman  
Scott M. Steeves  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®  
Jason L. Mammone, P.E.

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



Dedham Town Hall  
26 Bryant Street  
Dedham, Ma 02026-4458  
Phone 781-751-9242  
Fax 781-751-9225

Susan Webster  
Administrative Assistant  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

## TOWN OF DEDHAM ZONING BOARD OF APPEALS DECISION



<b>Applicant:</b>	<b>Edward and Ellen Donovan</b>
<b>Property Address:</b>	<b>127 Milton Street, Dedham, MA</b>
<b>Property Owner:</b>	Edward and Ellen Donovan
<b>Property Owner Address:</b>	41 Antwerp Street, Milton, MA
<b>Applicant Representative:</b>	Edward and Ellen Donovan
<b>Legal Notice:</b>	The applicant seeks to be allowed a Special Permit to set a garage 10 feet into the General Residence zoning district.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Zoning Bylaw Section 2.1.4.3 Location of Boundaries</i>
<b>Zoning District, Map and Lot:</b>	General Business/General Residence, Map 113, Lot 47
<b>Date of Application:</b>	February 28, 2017
<b>Date of Public Hearing:</b>	April 19, 2017
<b>Date of Decision:</b>	April 19, 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., Jessica L. Porter
<b>Date Filed with Town Clerk:</b>	<b>May 2, 2017</b>

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held a public hearing on Wednesday, April 19, 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 Jessica L. Porter, 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 and the Town of Dedham Zoning Bylaw. 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 7:00 p.m., the Chairman called for the hearing on the petition of Edward and Ellen Donovan, 41 Antwerp Street, Milton, MA, to be allowed a Special Permit to set a garage 10 feet into the General Residence zoning district. The property is located at 127 Milton Street, Dedham, MA, and is in the General Residence/General Business zoning district. *Town of Dedham Zoning Bylaw Section 2.1.4.3 Location of Boundaries*

The Applicants represented themselves. The Applicants had submitted an Application for a Special Permit on February 28, 2017. This included:

- Zoning Board of Appeals application
- Certified plot plan prepared by Stephen P. DesRoche, P.E., Neponset Valley Survey Assoc., Inc., 95 White Street, Quincy, MA 02269

The minutes from the hearing are the primary source of evidence and is incorporated herein by reference. At the hearing, the Applicants were afforded an opportunity to make a full presentation.

The subject property is known and numbered as 127 Milton Street, Dedham, MA, and is shown on Dedham Assessors' Map 113, Lot 47. The certified plot plan indicates that the Subject Property contains 16,917 square feet of land and has 84 feet of frontage. According to the Dedham Zoning Map, the front of Subject Property is located in the General Residence zoning district, and the rear of the Subject Property is located in the General Business zoning district. Currently, the property is occupied by a single family dwelling. The dwelling is used solely as an office for the Applicant's business; no residents live in it. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1830.

Mr. and Mrs. Donovan would like to construct a new three-car garage. The current garage will be torn down. There will be six parking spaces. The new garage will be ten feet into the General

Residence zone and will be used for storage for his electrical company. The property also contains a house that is used solely as a business; there are no residents. His plan is to keep the bucket truck in the garage, and to store his work material inside. The landscaping is good. Mr. Mammone pointed out that the plans submitted to the Board do not show the zoning line or the distance to the General Residence district. Mr. McGrail said the Board can vote with the condition that Mr. Donovan provides a plan with this. No one in the audience spoke in favor or against the petition.

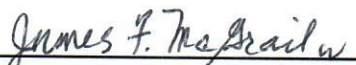
On a motion made by Jason L. Mammone, P.E., and seconded by Jessica L. Porter, the Zoning Board of Appeals voted unanimously, 5-0, to approve a Special Permit to set a garage 10 feet into the General Residence zoning district with the condition that Mr. Donovan provide a plan depicting the 10 foot distance from the zoning line to the end of the building within the General Residence district when he applies for a building permit..

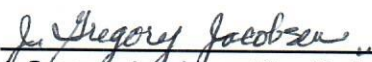
In granting of said special permit, the ZBA finds that the Applicant has satisfied the conditions of Section 2.1.4.3 Location of Boundaries of the Dedham Zoning By-Law. In addition, the ZBA finds that the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town 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: April 19, 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.

Jessica L. Porter  
Jessica L. Porter

Attest by the Administrative Assistant:

Susan N. Webster  
Susan N. Webster