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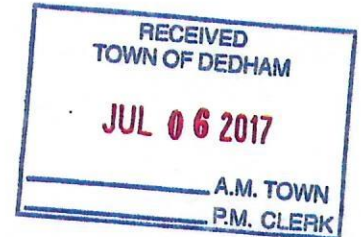
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## TOWN OF DEDHAM ZONING BOARD OF APPEALS DECISION



**Applicant:** José Santana  
**Property Address:** 11 Fresno Road, Dedham, MA  
**Property Owner:** José Santana and Alexandra Martinez  
**Property Owner Address:** 11 Fresno Road, Dedham, MA  
**Applicant Representative:** José Santana, Owner  
Paola Mendez, Contractor

**Legal Notice:**

The Applicant seeks to be allowed a variance for a side yard setback of 9 feet instead of the required 10 feet, and a 9 foot, 7 inch side yard setback instead of the required 10 feet to construct a two-story addition for a dining room on the first floor and a bathroom and bedroom on the second floor.

**Section of Zoning Bylaw:**

*Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements*

**Zoning District, Map and Lot:** Single Residence B, Map 168, Lot 23  
**Date of Application:** May 24, 2017  
**Date of Public Hearing:** June 21, 2017  
**Date of Decision:** June 21, 2017  
**Vote:** Approved unanimously, 5-0  
**Voting Members:** James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP,<sup>®</sup> Jason L. Mammone, P.E., Jared F. Nokes, J.D.

Single Residence B, Map 168, Lot 23  
May 24, 2017  
June 21, 2017  
June 21, 2017

**Date Filed with Town Clerk:**

**JULY 6, 2017**

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday June 21, 2017, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were Members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP,<sup>®</sup> and Jason L. Mammone, P.E. In the absence of Scott

M. Steeves, the Chairman appointed Associate Member Jared F. Nokes to sit in his place. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:20 p.m., the Chairman called for the hearing on the appeal José Santana, 11 Fresno Road, Dedham, Massachusetts, to be allowed a variance for a side yard setback of 9 feet instead of the required 10 feet, and a 9 foot, 7 inch side yard setback instead of the required 10 feet to construct a two-story addition for a dining room on the first floor and a bathroom and bedroom on the second floor. The property is located at 11 Fresno Road, Dedham, MA in a Single Residence B (SRB) Zoning District. *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements*

The Applicant represented himself at the hearing, and was accompanied by his, contractor, Paolo Mendez. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

José Santana (hereinafter referred to as the "Applicant") is the owner of the real estate known and numbered as 11 Fresno Road, Dedham, MA (hereinafter referred to as the "Subject Property"). The Subject Property, shown on Dedham Assessors' Map 168, Lot 23, contains approximately 8,146 square feet of land and has approximately 50 feet of frontage on Fresno Road. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the Single Residence B Zoning District. The Subject Property is currently occupied by a single family residential dwelling. According to the records maintain by the Dedham Board of Assessors, the dwelling was constructed in 1950. Said records further indicate a living area of 1,724 square feet.

In order to accommodate his growing family, the Applicant proposes to construct a two-story addition to the existing dwelling for a dining room on the first floor, and a bedroom and bathroom on the second floor. The addition will 9 feet from the side property line on the left, and 9' 7" from the side property line on the right. Frontage will remain 22.1 feet, and the rear yard setback will remain 134 feet, both of which comply with the Town of Dedham Zoning Bylaw. There is currently an existing addition, but this is one story and has no foundation. He would remove this and replace it with an addition that would be two stories and extend 20 inches on both sides. The Board asked for clarification on the certified plot plan, which showed 9.7 feet; Mr. Santana's application said 9'7," which is what he needs.

No one in the audience spoke in favor or against the petition. The Applicant presented a petition signed by neighbors who support the proposal:

Joan Conway	22 Fresno Road	James McGillicuddy	16 Fresno Road
Kevin Conway	22 Fresno Road	Stephen Lane	17 Fresno Road
Christine Conway	22 Fresno Road	Paul Lane	17 Fresno Road
Carolyn McGillicuddy	16 Fresno Road	Douglas Kelm	26 Fresno Road
Kathleen McGillicuddy	16 Fresno Road		

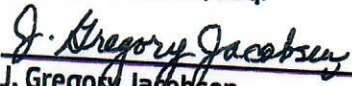
Upon motion duly made by J. Gregory Jacobsen and seconded by E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, the ZBA voted unanimously to grant and approve such special permits and/or variances as required to construct a two-story addition to the existing dwelling for a dining room on the first floor, and a bedroom and bathroom on the second floor.

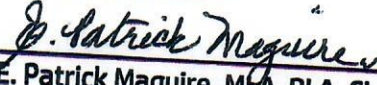
In granting said variances, the ZBA finds that the Applicant has satisfied the requirements of Section 10 of Chapter 40A of the General Laws of Massachusetts, to wit: a literal enforcement of the Dedham Zoning By-Law requirements would cause a substantial financial hardship to the Applicant, and that the relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Dedham Zoning By-Law.

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 and that 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.

Dated: June 21, 2017

  
James F. McGrail, Esq.

  
J. Gregory Jacobsen

  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®

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