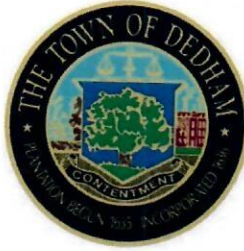


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**TOWN OF DEDHAM**  
**ZONING BOARD OF APPEALS**  
**DECISION**

<b>Applicant:</b>	<b>Richard Howdy</b>
<b>Property Address:</b>	<b>397 Whiting Avenue, Dedham, MA</b>
<b>Property Owner:</b>	Richard Howdy
<b>Property Owner Address:</b>	35 Heritage Hill, Dedham, MA
<b>Applicant Representative:</b>	Paul Lindholm, P.E., 80 Tarbox Street, Dedham, MA
<b>Legal Notice:</b>	Richard Howdy, owner To be allowed 68 feet of frontage instead of the required 90 feet, and lot area of 10,781 square feet instead of the required 11,000 square feet to construct a two-family dwelling
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements</i>
<b>Zoning District, Map and Lot:</b>	General Residence, Map 128, Lot 81
<b>Date of Application:</b>	June 16, 2017
<b>Date of Public Hearing:</b>	July 19, 2017
<b>Date of Decision:</b>	July 19, 2017
<b>Vote:</b>	4-0, unanimously approved
<b>Voting Members:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jared F. Nokes, J.D.
<b>Date Filed with Town Clerk:</b>	<b>AUGUST 22, 2017</b>

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, August 16, 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, and Scott M. Steeves. In the absence of Member E. Patrick Maguire, MLA, RLA, CLARB, LEED AP,<sup>®</sup> 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 7:13 p.m., the Chairman called for the hearing on the appeal of Richard Howdy, 35 Heritage Lane, Dedham, MA, to be allowed a lot width of 68 feet in the front and the rear building lines instead of the required 90 feet, and a minimum lot width of 68 feet instead of the required 90 feet for the front yard. The property is located at 397 Whiting Avenue, Dedham, MA, and is in the General Residence zoning district. *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements*

The Applicant had submitted an Application for a Special Permit/variance on June 16, 2017. This included:

- Zoning Board of Appeals application
- Petition statement prepared by Paul Lindholm, P.E., 80 Tarbox Street, Dedham, MA
- Certified plot plan prepared by Antonini Szerszunowicz, RLS

The Applicant was represented by Paul Lindholm, P.E., 80 Tarbox Street, Dedham, MA. The Applicant, Richard Howdy, was also present for the hearing. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The subject property is known and numbered as 397 Whiting Avenue, Dedham, MA, and is shown on Dedham Assessors' Map 128, Lot 81. The certified plot plan indicates that the Subject Property contains 10,781 square feet of land and 68 feet of frontage on Whiting Avenue. 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 1880. The Zoning Board of Appeals have approved the Applicant's request to demolish the building and construct a two-family dwelling on the site.

The subject property is known and numbered as 397 Whiting Avenue, Dedham, MA, and is shown on Dedham Assessors' Map 128, Lot 81. The certified plot plan indicates that the Subject Property contains 10,781 square feet of land and has 68 feet of frontage on Whiting Avenue. 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 1850.



The Applicant had been granted 68 feet of frontage instead of the required 90 feet, and lot area of 10,781 square feet instead of the required 11,000 square feet at 397 Whiting Avenue. Mr. Lindholm and Mr. Howdy bumped into Building Commissioner Kenneth Cimeno, who noted that Mr. Howdy needed additional relief for lot width at the front and rear buildings, and lot width for the front yard. He returned to the Board to request this.

Mr. Steeves moved to allow a lot width of 68 feet at the front and the rear building lines instead of the required 90 feet, and a minimum lot width of 68 feet instead of the required 90 feet for the front yard. Mr. Jacobsen seconded the motion. The vote was unanimous at 4-0.

No one appeared in opposition to the requested relief.

Upon duly made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the ZBA voted unanimously (4-0) to grant and approve such special permits and/or variances as required to be allowed a lot width of 68 feet in the front and the rear building lines instead of the required 90 feet, and a minimum lot width of 68 feet instead of the required 90 feet for the front yard.

In granting said special permit, the ZBA finds that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Furthermore, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the Dedham Zoning By-Law, the adverse effects of Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood. In granting said variances, the ZBA finds that the Applicant has satisfied the requirements 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 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.

The 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.

Date: August 16, 2017

  
James F. McGrail, Esq.

  
J. Gregory Jacobsen

  
Scott M. Steeves

  
Jared F. Nokes, J. D.

Attest, by the Administrative Assistant:

  
Susan N. Webster