

TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS

James F. McGrail, Chairman  
J. Gregory Jacobsen, Vice Chairman  
Scott M. Steeves  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®  
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ZONING BOARD OF APPEALS  
DECISION

CLERKS OFFICE

2017 DEC 14 PM 5:50

TOWN OF DEDHAM

**Applicant:** Dora D. Hidalgo  
**Property Address:** 44 Dresser Avenue, Dedham, MA 02026  
**Property Owner:** Dora D. Hidalgo 2/3 Int et al, Caroline Marten-Ellis 1/3 Int Town Counsel  
**Property Owner Address:** 44 Dresser Avenue, Dedham, MA 02026  
**Applicant Representative:** Benyamin Ber, AIA, Neh•Koo•Dah, 2001 Beacon Street, Suite 211, Boston, MA 02135

**Legal Notice:** To be allowed a left side yard setback of 4.6 feet instead of the required 10 feet to extend a pre-existing nonconforming single family dwelling.  
**Section of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Section 3.3.4*

**Zoning District, Map and Lot:** Single Residence B, map 167, Lot 136  
**Date of Application:** October 12, 2017  
**Date of Public Hearing:** November 15, 2017  
**Date of Decision:** November 15, 2017  
**Vote:** Unanimous approval, 5-0  
**Voting Members:** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jessica L. Porter

**Date Filed with Town Clerk:** December 14, 2017

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, November 15, 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, Scott M. Steeves, and E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®,. In the absence of Member Jason L. Mammone, P.E., the Chairman appointed Associate Member Jessica L Porter 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 7:30 p.m., the Chairman called for the hearing on Dora D. Hidalgo, 44 Dresser Avenue, Dedham, MA, to be allowed a left side yard setback of 4.6 feet instead of the required 10 feet to extend a pre-existing nonconforming single family dwelling. The property is located at 44 Dresser Avenue, Dedham, MA, and is in the Single Residence B zoning district. *Town of Dedham Zoning Bylaw Section 3.3.4*

The Applicant had submitted an Application for a Special Permit/variance on October 12, 2017. This included:

- Zoning Board of Appeals application
- Certified plot plan prepared by Peter Nolan and Associates, LLC, 697 Cambridge Street, Suite 103, Brighton, MA 02135
- Plans prepared by Neh•Koo•Dah, 2001 Beacon Street, Suite 211, Boston, MA 02135

The Applicant was represented by her architect, Benyamin Ber, AIA, Neh•Koo•Dah, 2001 Beacon Street, Suite 211, Boston, MA 02135. The applicant was 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 Dedham, MA, and is shown on Dedham Assessors' Map 167, Lot 136. The certified plot plan indicates that the Subject Property contains 5,000 square feet of land and 50 feet of frontage on Dresser Avenue. 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 single family dwelling. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1940.

Ms. Hidalgo would like to extend her pre-existing, nonconforming single family dwelling in the rear. She would like to construct an addition that would include a closet and a porch, as well as stair access to her basement. No one spoke for or against this petition.

Upon duly made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the ZBA voted unanimously (5-0) to grant and approve a variance as required for a left side yard setback of 4.6 feet instead of the required 10 feet to extend a pre-existing nonconforming single family dwelling.

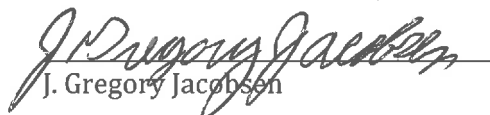
In granting said special permit, the ZBA finds that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Furthermore, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the Dedham Zoning By-Law, the 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: November 15, 2017

Attest by the Zoning Board of Appeals

  
James F. McGrail, Esq.

  
J. Gregory Jacobsen

  
Scott M. Steeves

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

  
Jessica L. Porter

Attest by the Administrative Assistant

  
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Susan N. Webster