

**TOWN OF DEDHAM**  
COMMONWEALTH OF MASSACHUSETTS

**ZONING BOARD OF APPEALS**

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

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

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

**DECISION**

<b>Applicant/Owner:</b>	<b>Annette Christ Thomas</b>
<b>Property Address:</b>	<b>99 Quincy Avenue, Dedham, MA 02026</b>
<b>Applicant Representative:</b>	<b>Annette Christ Thomas</b>
<b>Legal Notice:</b>	To be allowed a variance for a front yard setback of 11.5 feet instead of the required 20 feet to construct a portico over the front door of a single family dwelling.
<b>Section of Zoning Bylaw:</b>	Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements
<b>Zoning District, Map and Lot:</b>	General Residence, Map 128, Lot 29
<b>Date of Application:</b>	November 15, 2017
<b>Date of Public Hearing:</b>	December 13, 2017
<b>Date of Decision:</b>	December 13, 2017
<b>Vote:</b>	
<b>Voting Members:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jessica L. Porter
<b>Date Filed with Town Clerk:</b>	<b>JANUARY 10, 2018</b>

TOWN OF DEDHAM  
2018 JAN 10 PM 3:23  
CLERKS OFFICE

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, December 13, 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 E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, 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.

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At 7:00 p.m., the Chairman called for the hearing on Annette Christ Thomas to be allowed a front yard setback of 11.5 feet instead of the required 20 feet to construct a portico over the front door of a single family dwelling. The property is located at 99 Quincy 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 November 15, 2017. This included:

- Zoning Board of Appeals application
- Certified plot plan, existing and proposed conditions, prepared by Christopher C. Charlton, PLS, Continental Land Survey, LLC, 105 Beaver Street, Franklin, MA
- Photograph of existing conditions
- Elevations of proposed addition
- Signatures in support of petition

The Applicant represented herself. 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 99 Quincy Avenue, Dedham, MA, and is shown on Dedham Assessors' Map 128, Lot 29. The certified plot plan indicates that the Subject Property contains 9,750 square feet of land and has 65 feet of frontage on Quincy 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 1928.

Ms. Thomas is seeking a variance for a front yard setback of 11.5 feet instead of the required 20 feet so she can construct a portico over her front door as a shield against the weather. It will be attached to the mudroom. She presented a petition in support signed by eight neighbors:

Cheryl Peterson	105 Quincy Avenue	Donald DiMartino	94 Quincy Avenue
Cheryl Molloy	90 Quincy Avenue	James F. Molloy, Jr.	90 Quincy Avenue
Joan M. Abbott	85 Quincy Avenue	Lori Sulinski	87 Quincy Avenue
Avet Azizian	98 Quincy Avenue	Phillip Gonzalez	36 Blossom Street

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No one in the audience spoke in favor or in opposition to the proposed portico.

Upon duly made by J. Gregory Jacobsen and seconded by E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, the ZBA voted unanimously (5-0) to grant and approve such special permits and/or variances as required for a front yard setback of 11.5 feet instead of the required 20 feet to construct a portico over the front door of a 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: December 13, 2017

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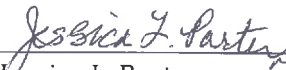
Attest by the Zoning Board of Appeals

  
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

  
Susan N. Webster