

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

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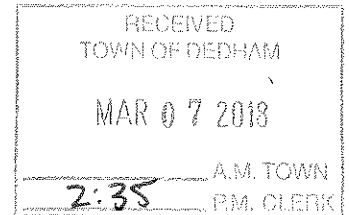
Dedham Town Hall
26 Bryant Street
Dedham, MA 02026-4458
Phone: 781-751-9242

Susan Webster
Administrative Assistant
swebster@dedham-ma.gov

Associate Members

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

DECISION



Applicant	218 High Street, LLC
Property Address	218 High Street, Dedham, MA
Property Owner/Address	218 High Street, LLC, et al, and Hub Development, LLC, TC, 1 Union Place, Dedham, MA
Zoning District	General Residence
Map and Lot	Map 111, Lot 67 and Map 111, Lot 3
Application Date	January 23, 2018
Representative	Stephen Clifford, Manager
Legal Notice	To be allowed to construct a two-family dwelling on 10,321 square feet of land on Lot 111-3 instead of the required 11,000 square feet, a front yard setback of 15 feet instead of the required 20 feet, a waiver of the combining requirements so that lot 111-67 retains its status as a special lot size exception for a single family dwelling, and a 15 foot front yard setback for Lot 111-67 instead of the required 20 feet.
Section of Zoning Bylaw	Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements, and Section 4.5.1
Date of Public Hearing	February 21, 2018
Voting Members	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jared F. Nokes, J.D.
Date Filed with Town Clerk	March 7, 2018

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, February 21, 2018, in the Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Present were members of the ZBA, James F. McGrail, Esq., Chair,

J. Gregory Jacobsen, Vice Chair, Scott M. Steeves, and E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®. In the absence of Member Jason L. Mammone, P.E., Mr. McGrail appointed Associate Member Jared F. Nokes, J.D. to sit in his stead.

The hearings for this meeting of the ZBA were duly advertised in *The Dedham Times* on January 27, 2018, and February 3, 2018, in accordance with the requirements of Massachusetts General Law, Chapter 40A, Section 11, and the Town of Dedham Zoning Bylaw. In addition, notices of the hearings were sent to abutters within 300 feet of the property in question on January 26, 2018. Notification of each hearing was sent to the abutting towns of Boston, Needham, Canton, and Westwood. Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Town of Dedham Planning Department.

The Applicant was represented by Stephen Clifford, Manager. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The property is located at 218 High Street, Dedham, Massachusetts, and is located in the General Residence zoning district. On January 23, 2018, the Applicant submitted an application seeking to be allowed to construct a two-family dwelling on 10,321 square feet of land on Lot 111-3 instead of the required 11,000 square feet, a front yard setback of 15 feet instead of the required 20 feet, a waiver of the combining requirements so that Lot 111-67 retains its status as a special lot size exception for a single family dwelling, and a 15 foot front yard setback for Lot 111-67 instead of the required 20 feet. This included:

1. Zoning Board of Appeals application
2. Petition statement dated 12/28/17, prepared by Stephen Clifford
3. Copy of Zoning Board of Appeals Decision dated 5/21/14
4. Copy of Zoning Board of Appeals Decision dated 10/21/16
5. Petition statement dated 8/24/16, prepared by Stephen Clifford
6. Proposed foundations plan dated 2/19/14, prepared by Patrick Roseingrave, PLS
7. Sewer Connection Plan dated 2016, prepared by Alpha Surveying and Engineering, Inc., 695 Wareham Street, Middleborough, MA 02346
8. Photographs of ledge
9. Renderings and elevations of proposed two family and single family dwellings

The subject property is known and numbered as 218 High Street, Dedham, Massachusetts, and is shown on Dedham Assessor's Map 111, Lot 3 and Map 111, Lot 67. The certified plot plan indicates that the Subject Property contains square feet of land on Map 111, Lot 3, and has 103.21 feet of frontage on High Street. The certified plot plan indicates that the Subject

Property contains 5,200 square feet of land on Map 111, Lot 67, and 52 feet of frontage on High Street. The parcels are adjoining. According to the Town of Dedham Zoning Map, the Subject Property is located in the General Residence zoning district. Currently, the property is occupied by vacant land and ledge.

The Town of Dedham Zoning Board of Appeals is authorized and empowered to grant requested relief under a number of provisions of the Town of Dedham Zoning Bylaw. Sections 3.3.2 and 3.3.3 provide that the ZBA may grant Special Permits to change, alter, extend, or reconstruct nonconforming uses and structures, respectively. Per said Sections 3.3.2 and 3.3.3, the ZBA “may award a Special Permit ... if it determines that [the proposed change, alteration, extension, or reconstruction] shall not be substantially more detrimental than the existing nonconforming [use or structure] to the neighborhood.” Furthermore, with respect to nonconforming single and two-family residential structures, Section 3.3.5 of the Town of Dedham Zoning Bylaw provides, in pertinent part, that if “the nonconforming nature of such structure shall be increased by the proposed reconstruction, extension, alteration, or change, the Zoning Board of Appeals may, by Special Permit, allow such reconstruction, extension, alteration, or change where it determines the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.”

The Town of Dedham Zoning Board of Appeals is the Special Permit Granting Authority for... Special Permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth by this Bylaw, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal
2. Traffic flow and safety, including parking and loading
3. Adequacy of utilities and other public services
4. Neighborhood character and social structures
5. Impacts on the natural environment
6. Potential fiscal impact, including impact on Town services, tax base, and employment

In addition, pursuant to the authority granted under Section 9.2.2 of the Town of Dedham Zoning Bylaw, the ZBA has the power “to hear and decide appeals or petitions for variances from the terms of this Bylaw, with respect to particular land or structures as set forth in G.L. c. 40A, § 27B. Owing to circumstances related to soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw.

The Applicant respectfully submits that the requirements and criteria for the issuance of the requested modification are satisfied.

Mr. Clifford had previously been approved for this petition, but he had not clearly requested a front yard setback of 15 feet, so it was not included in that decision. This occurred a year-and-a-half ago. The lot is currently empty and difficult on which to build. His construction will improve the neighborhood, and it appears to be a good project. He is asking for 15 foot setbacks for the single family dwelling and the two-family dwelling that he intends to build. Nothing else is different from the previous approval.

No one in the audience spoke in favor or against the petition.

On a motion made by Scott M. Steeves and seconded by E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, the Zoning Board of Appeals voted unanimously, 5-0 to allow Mr. Clifford to construct a two-family dwelling on 10,321 square feet of land on Lot 111-3 instead of the required 11,000 square feet, a front yard setback of 15 feet instead of the required 20 feet, a waiver of the combining requirements so that lot 111-67 retains its status as a special lot size exception for a single family dwelling, and a 15 foot front yard setback for Lot 111-67 instead of the required 20 feet.

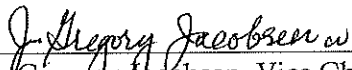
In granting said Special Permit, the Zoning Board of Appeals finds that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Furthermore, the Zoning Board of Appeals finds that, after consideration of the criteria in Section 9.3.2 of the Town of Dedham Zoning Bylaw, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and the neighborhood.

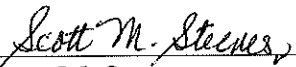
The Applicant is advised that, in accordance with Massachusetts General Law Chapter 40A, Section 11, no variance shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town 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 (20) 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.

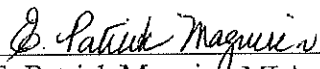
Date: February 21, 2018


Attest by the Zoning Board of Appeals:


James F. McGrail, Esq., Chair


J. Gregory Jacobsen, Vice Chair


Scott M. Steeves


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


Jared F. Nokes, J.D.

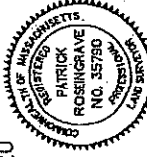
Attest by the Administrative Assistant:


Susan N. Webster

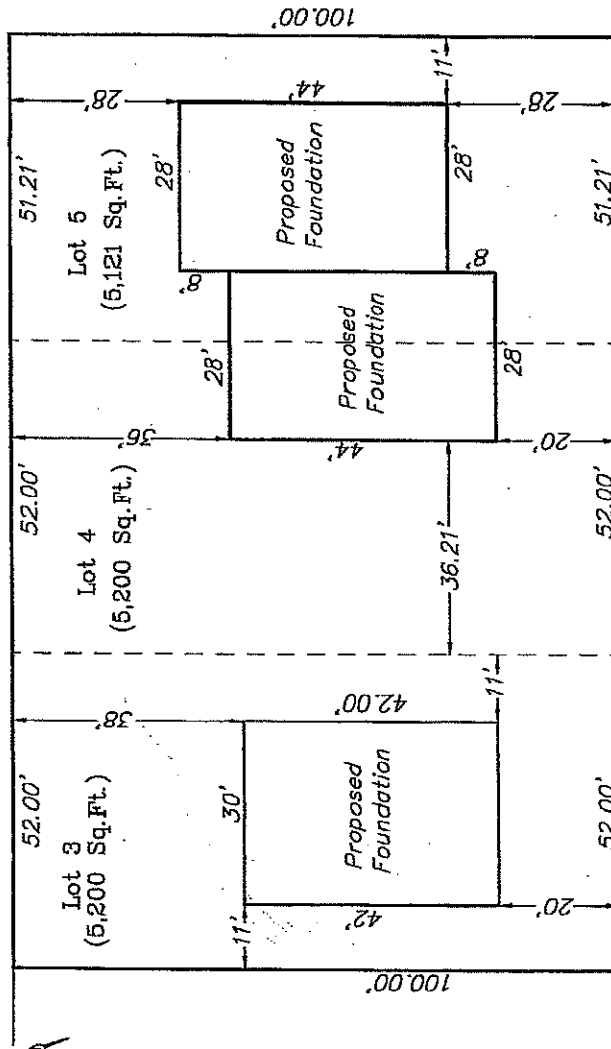
Proposed Foundations,
 # 218 High Street,
 Dedham, Ma.

CCR Associates
 Civil Engineers & Land Surveyors
 10 Mears Avenue,
 Quincy, Ma.
 Phone 781-335-6176

Date: - February 19, 2014
 Scale: - 1" = 20'



Patrick Rosajme



182.50' to S/End

High Street,