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TOWN OF DEDHAM ZONING BOARD OF APPEALS DECISION



Applicant and Owner: Kevin M. Gillette
Property Address: 108 Crane Street, Dedham, MA
Case #: VAR-06-16-2102
Map/Lot, Zoning District: 156/62, General Residence
Application Date: June 16, 2016
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jared F. Nokes, J.D.
Representative: Kevin M. Gillette
Legal Notice: To be allowed a variance for a left side yard setback of 7.6 feet instead of the required 10 feet to add a second floor to the existing house.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 4.1 Table 2, Table of Dimensional Requirements*

DATE FILED WITH TOWN CLERK: July 29, 2016

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, July 20, 2016, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, Scott M. Steeves, and E. Patrick Maguire, LEED AP. Member Jason L. Mammone, P.E., was unable to attend the meeting, so the Chair appointed Associate Jared F. Nokes, J.D. to sit in his stead. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings, and

notification regarding each hearing was sent to the neighboring towns (Boston, Needham, Canton, and Westwood).

Kevin M. Gillette, owner and applicant, represented himself. 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 108 Crane Street, Dedham, MA, and is shown on Dedham Assessors' Map 156, Lot 62. The certified plot plan indicates that the Subject Property contains 6,250 square feet of land and has 50 feet of frontage. 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 1959.

Mr. Gillette would like a variance to add a second floor to his single story ranch. The setback to his neighbor's property is 7.6 feet, so he needs a variance. He does not wish to move from the Town, but he wants to add on to his family, and needs the room for his family. There will be no dormers. Pictures of the property were shown to the Board. The following abutters signed a petition in support of the application:

Thomas Dietrich	104 Crane Street
Jessica Dietrich	104 Crane Street
Ruth Pray	105 Crane Street
Kenneth McLaughlin	103 Crane street
Michael Nosky	112 Crane Street
Michael Dundon	111 Crane Street

No one on the Board had any questions, and no one in the audience spoke on behalf or against the application.

On a motion made by J. Gregory Jacobsen and seconded by E. Patrick Maguire, LEED AP, the Zoning Board of Appeals voted unanimously (5-0) to allow a side yard setback of 7.6 feet instead of the required 10 feet to construct a second floor addition.

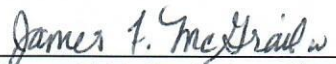
The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the Variance was not granted. There is no detriment to the public good or derogation in the intent of purpose

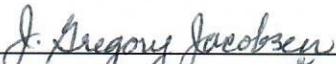
of the bylaw. In granting of said variance, the ZBA finds that, after consideration of the criteria Dedham Zoning By-Law, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood and will not be substantially more detrimental to the neighborhood.

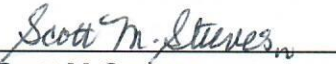
The Applicant was advised that, in accordance with MGL Chapter 40A, Section 11, no variance shall take effect until the Town Clerk certifies a copy of the decision stating that 20 days have elapsed since the decision was filed with that office, and that no appeal has been filed within such time. The decision must then be recorded in the Norfolk Registry of Deeds, or the land Registration Office of Norfolk County.

Dated: July 20, 2016

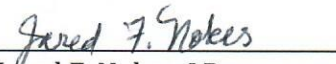
Attest, by the Zoning Board of Appeals:


James F. McGrail, Esq., Chairman


J. Gregory Jacobsen, Vice Chairman


Scott M. Steeves


E. Patrick Maguire, LEED AP


Jared F. Nokes, J.D.

Attest, by the Administrative Assistant:


Susan N. Webster

Materials Submitted:

- Zoning Board of Appeals application
- Signed petition from neighbors (see above)
- Building permit plan prepared by Alpha Surveying & Engineering, Inc., 695 Wareham Street, Middleborough, MA 02346
- Elevations
- Photographs of existing conditions