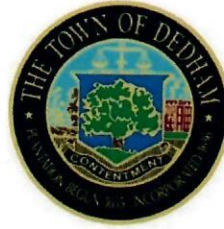


ZONING BOARD MEMBERS

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J. GREGORY JACOBSEN, VICE CHAIRMAN
SCOTT M. STEEVES
E. PATRICK MAGUIRE, LEED AP
JASON L. MAMMONE, P.E.



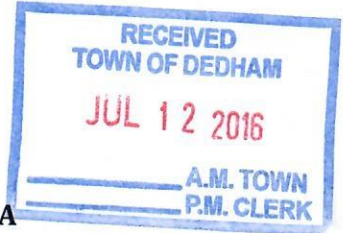
DEDHAM TOWN HALL
26 BRYANT STREET
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ASSOCIATE MEMBERS

JESSICA L. PORTER
JARED F. NOKES, J.D.

SUSAN WEBSTER
ADMINISTRATIVE ASSISTANT
swebster@dedham-ma.gov

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



2016 JUL 12 PM 1:24

Applicant/Owner: 185-189 Washington, LLC
Property Address: 185-189 Washington Street, Dedham, MA
Case #: VAR-05-16-2095
Map/Lot, Zoning District: 76/4, Highway Business
Application Date: May 13, 2016
Present and Voting: J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter
Representative:

- Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA
- Dan Toobian, Manager of 185-189 Washington Street

Legal Notice: To be allowed a Special Permit to expand a nonconforming use of the property from a two-family residence to a three-family residence
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 3.3.2, MGLA Ch. 40A, Section 9*
Date Filed with Town Clerk: July 12, 2016

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, June 22, 2016, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the Zoning Board of Appeals, J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. Chairman McGrail was not present for the meeting due to a work commitment. The Acting Chairman, J. Gregory Jacobsen, appointed Associate Member Jessica L. Porter to sit in Mr. McGrail's 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). Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning/Zoning Department.

At 7:30 p.m., the Acting Chairman called for the hearing on the petition of 185-189 Washington, LLC, 7 Beach Street, Newton, MA 02458, to be allowed a Special Permit to expand a non-conforming use of the property at 185-189 Washington Street, Dedham, MA, from a two-family residence to a three-family residence. *Town of Dedham Zoning Bylaw Section 3.3.2, MGLA Ch. 40A, Section 9*

The Applicant was represented by Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA. Accompanying Mr. Hampe was the property manager, Dan Toubian. 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 185-189 Washington Street, Dedham, MA, and is shown on Dedham Assessors' Map 76, Lot 4. The certified plot plan indicates that the Subject Property contains 14,863 square feet of land and has 90.2 feet of frontage. According to the Dedham Zoning Map, the Subject Property is located in the Highway Business zoning district. Currently, the property is occupied by a multi-family dwelling and a separate store. According to the records maintained by the Dedham Board of Assessors, the multi-family dwelling was constructed in 1870 and the separate store in 1920.

The applicant purchased the property in March 2016. There is a discrepancy between the Assessors records and those of the Building Department about the use of the property and its designation. There are three separate apartments in the building. The Assessors office has been assessing the building as a three-family dwelling, but the Building Department has it as a two-family. It appears that someone pulled a permit in 2004 for a basement apartment, which was granted. In 2006, it was signed off. The Building Department records do not reflect that. This is a nonconforming use in a Highway Business zone. The applicant would like to obtain additional financing to modernize the units, and would like the nonconforming use to be extended to a three-family; there are currently three units. It is not clear how they became

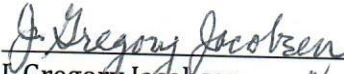
three units, but Mr. Hampe believes it has been used as a three-family unit since 2004 and assessed since 2009 as a three-family.

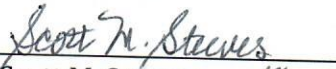
The property is also unique in that, along with the three-family, there is a small building to the left, which is designated as a commercial store. It has been this way since probably the 1920's. It is structurally pretty much in tough shape and has not been used as a store in a while. The applicant is considering demolishing it if the Board was able to give some relief for the designation a three-family. He would be willing to have that as a condition of approval.


Upon motion being duly made by Scott M. Steeves and seconded by Jessica L. Porter, the ZBA voted unanimously (5-0) to grant and approve such special permits as required for to expand the nonconforming use of the property at 185-189 Washington Street from a two-family residence to a three-family residence with the condition that the separate building be removed. In granting said special permit, the ZBA finds that the adverse effects of the Applicants' proposal will not outweigh its beneficial impacts on the Town and neighborhood.

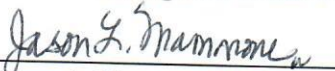
The Applicants are advised that, in accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal 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.

Dated: June 22, 2016


J. Gregory Jacobsen


Scott M. Steeves


E. Patrick Maguire, LEED AP


Jason L. Mammone, P.E.


Jessica L. Porter

Attest, by the Administrative Assistant:


Susan N. Webster

Materials Submitted:

- ZBA application
- Petition statement prepared by Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA 02026
- Quitclaim Deed filed at the Norfolk County Registry of Deeds dated March 11, 2016
- Town of Dedham Assessors Database information