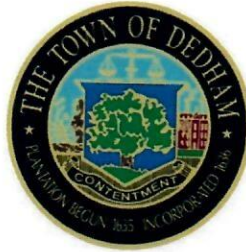


ZONING BOARD MEMBERS

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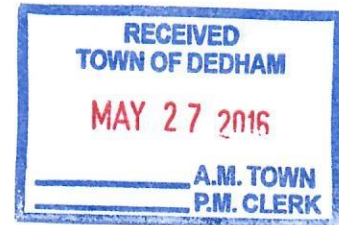


DEDHAM TOWN HALL
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DEDHAM, MA 02026-4458
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2016 MAY 27 AM 1:10

ADMINISTRATIVE ASSISTANT
SUSAN WEBSTER
swebster@dedham-ma.gov

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



Applicant and Owner: Brian Smith
Property Address: 46 Oscar's Way, Dedham, MA
Case #: VAR-04-16-2086
Map/Lot, Zoning District: 151/14, Single Residence B
Application Date: April 20, 2016
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative: Theresa O'Brien, AKBD®, Francis Harvey Remodeling, LLC, 697 Hartford Turnpike, Shrewsbury, MA 01545
Legal Notice: To be allowed a front yard setback of 19.5 feet to construct a covered portico at the front entry of the home
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 4.1, Table 2, Table of Dimensional Requirements*
DATE FILED WITH TOWN CLERK: **MAY 27, 2016**

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, May 18, 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, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. 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).

The Applicant was represented by Theresa O'Brien, AKBD®, Francis Harvey Remodeling, LLC, 697 Hartford Turnpike, Shrewsbury, MA 01545. 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 46 Oscar's Way, Dedham, MA, and is shown on Dedham Assessors' Map 151 Lot 14. The certified plot plan indicates that the Subject Property contains 12,800 square feet of land and has 80 feet of frontage. 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 2004.

Ms. O'Brien said the applicant is seeking approval of a front yard setback of 19.5 feet to construct a portico over the front entry of his home to shield the area from the weather. No one on the Board had any questions, and no one spoke in favor or in opposition to the petition.

On a motion made by J. Gregory Jacobsen and seconded by Scott M. Steeves, the Zoning Board of Appeals voted unanimously (5-0) to allow a front yard setback of 19.5 feet to construct a covered portico at the front entry of the home.

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: May 18, 2016

Attest, by the Zoning Board of Appeals:

James F. McGrail
James F. McGrail, Esq., Chairman

J. Gregory Jacobsen
J. Gregory Jacobsen, Vice Chairman

Scott M. Steeves
Scott M. Steeves

E. Patrick Maguire
E. Patrick Maguire, LEED AP

Jason L. Mammone
Jason L. Mammone, P.E.

Attest, by the Administrative Assistant:

Susan N. Webster
Susan N. Webster

Materials Submitted:

- Zoning Board of Appeals application
- Certified plot plan
- Petition letter from Francis Harvey Remodeling, LLC, 697 Hartford Turnpike, Shrewsbury, MA 01545
- Photographs of existing conditions
- Renderings of proposed construction