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TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS
DECISION - EXTENSION OF APPROVAL



Applicant/Owner: Marc and Tabitha Dubois
Property Address: 71 Avery Street, Dedham, MA
Case #: VAR-06-15-1986
Map/Lot, Zoning District: 109/27, General Residence
Present And Voting: J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter
Representative: Marc and Tabitha Dubois
Legal Notice (2015): To be allowed to construct a 20' x 22' addition to a nonconforming single family dwelling and garage with a rear yard setback of 17.53 feet instead of the allowed 25 feet, left side yard setback of 3.2 feet instead of the allowed 10 feet, and lot coverage of 33.6% instead of the allowed 30%.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements, Section 3.3.3 Nonconforming Structures, Section 3.3.4 Variance Required, Section 4.3.2 Special Permit*

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 ZBA, J. Gregory Jacobsen, Acting Chairman, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. In the absence of Chairman James F. McGrail, Esq., the Acting Chair appointed Associate Member Jessica L. Porter to sit in his stead.

The subject property is known and numbered as 71 Avery Street, Dedham, MA, and is shown on Dedham Assessors' Map 109, Lot 27. The certified plot plan indicates that the Subject Property contains 4,034 square feet of land and has 44.45 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 single family dwelling. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1869.

Mr. and Mrs. Dubois are requesting a six-month extension of the above-noted variances, which were approved on July 15, 2015. They have been getting quotes for their project, but are not quite ready to commit to any of them due to the quotes being very high. They may in fact need to lessen the scope of work, which would not affect the previous Zoning Board of Appeals approval. However, the variances are due to expire within a month or so, and they wish to extend the approval. The Board had no questions.

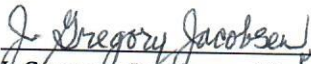
Mr. Steeves moved to extend the approval granted on July 15, 2015, and filed with the Town Clerk on July 31, 2015, to construct for six (6) months, seconded by Ms. Porter, voted unanimously 5-0.

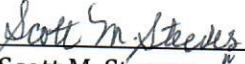
On a motion made by Scott M. Steeves and seconded by Jessica L. Porter, the Zoning Board of Appeals voted unanimously (5-0) to grant a six-month extension of an approval granted on July 15, 2015, and filed with the Town Clerk on July 31, 2015, for construction of a 20' x 22' addition to a nonconforming single family dwelling and garage with a rear yard setback of 17.53 feet instead of the allowed 25 feet, left side yard setback of 3.2 feet instead of the allowed 10 feet, and lot coverage of 33.6% instead of the allowed 30%.

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 extension 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.

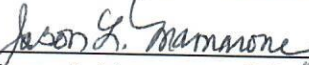
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County. Applicant is further advised that no waivers/variances will be issued by the Building Department until evidence is presented that this decision has been recorded in the Norfolk County Registry of Deeds. The Applicant should furnish the Zoning Board of Appeals with a receipt from the Registry of Deeds indicating that the decision has been filed.

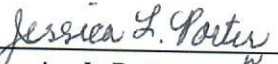
Dated: June 22, 2016


J. Gregory Jacobsen, Vice Chairman


Scott M. Steeves


E. Patrick Maguire, LEED AP


Jason L. Mammone, P.E.


Jessica L. Porter

Attest, by the Administrative Assistant:


Susan N. Webster

Copies of this decision are filed in the Dedham Town Clerk's office. 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 Department.

Materials Submitted:

- ZBA application asking for extension of approval