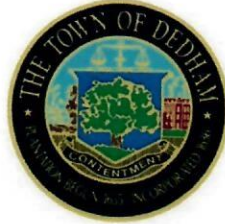


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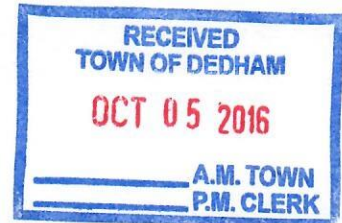


DEDHAM TOWN HALL  
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ADMINISTRATIVE ASSISTANT  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

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



2016 OCT -5 PM 3:00

**Applicant:** Richard A. and Natasha L. Carter  
**Property Address:** 8 Blueberry Hill, Dedham, MA  
**Property Owner:** Richard A. and Natasha L. Carter  
**Property Owner Address:** 8 Blueberry Hill, Dedham, MA  
**Agent/Attorney Name:** Kevin F. Hampe, Esq.  
**Agent/Attorney Address:** 411 Washington Street, Dedham, MA 02026

**Legal Notice:** The applicants seek to be allowed a Special Permit to have an existing accessory dwelling unit in a Single Residence B zoning district with a waiver of the condition that the lot on which the dwelling is located contains at least 10% greater land area than required, and to be allowed a Special Permit to change a nonconforming dwelling in a Single Residence B zoning district.

**Zoning District, Map and Lot:** Single Residence B, Map 179, Lot 76  
**Section of Zoning Bylaw:** Town of Dedham Zoning Bylaw Section 7.7, Special Residential Regulations, Section 3.3.3 Nonconforming Structures, Section 9.3.5 Special Permits Conditions  
**Date of Application:** August 26, 2016  
**Date of Public Hearing:** September 21, 2016  
**Date of Decision:** September 21, 2016  
**Vote:** 5-0, unanimous  
**Voting Members:** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.

**Date Filed with Town Clerk:** **October 5, 2016**

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on September 21, 2016, in the Town Office Building, Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott

M. Steeves, and Jason L. Mammone, P.E. In the absence of E. Patrick Maguire, the Chairman appointed Associate Member Jared F. Nokes, J.D., to sit in his place. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11 and the Town of Dedham Zoning Bylaw. 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).

At 7:38 p.m., the Chairman called for the hearing on the petition of Richard A. and Natasha L. Carter, 8 Blueberry Hill, Dedham, MA (hereinafter referred to collectively as the "Applicants"). The Applicants seek to be allowed such special permits and/or variances as required to have an existing accessory dwelling unit in a Single Residence B zoning district with a waiver of the condition that the lot on which the dwelling is located contains at least 10% greater land area than required, and to be allowed a Special Permit to change a nonconforming dwelling in a Single Residence B zoning district. The property is located at 8 Blueberry Lane, Dedham, MA, and is in the Single Residence B (SRB) Zoning District. *Town of Dedham Zoning Bylaw Section 7.7, Special Residential Regulations, Section 3.3.3 Nonconforming Structures, Section 9.3.5 Special Permits Conditions*

The Applicants were represented by Kevin F. Hampe, Esq. They had previously submitted a plot plan of the Subject Property, a petition statement prepared by Atty. Hampe, and a Massachusetts Quitclaim Deed dated July 26, 2016. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference. At the hearing Applicant was afforded an opportunity to make a full presentation.

The Subject Property, shown on Dedham Assessors Map 179, Lot 76, contains approximately 10,007 square feet of land and has approximately 286.63 feet of frontage on Blueberry Hill and 55 feet of frontage on Ledgewood Road. The Subject Property is occupied by a single family dwelling. According to the records maintained by the Dedham Board of Assessors, the dwelling in its present state was constructed in 1985. The Subject Property is located in the Single Residence B zoning district.

Mr. Hampe explained that the in-law apartment, which is inside the house, was constructed after the dwelling was built. It did not have the appropriate permits at that time. The house was previously a split level and was renovated to a colonial style with a second floor in approximately 1985. Between 1978 and 1985, an in-law apartment with a kitchen, bedroom, and bathroom was constructed on the lower level of the then-split level house. When the applicants were about to buy the property, they realized that the in-law apartment downstairs did not have any permits in the Building Department.

The applicant, his wife, their two children, and his mother currently reside in the house. They are seeking a Special Permit to legitimize the in-law apartment. It is already in the structure, and there will be no expansion of the footprint. All required conditions are met with the exception of the lot size being 10% larger than the required 12,500 in Single Residence B. Their lot is approximately 10,000 square feet, and was laid out in the 1960's when zoning was different. There is no way that they can possibly comply with that requirement, hence the waiver request. Mr. and Mrs. Carter will accept any conditions that the Board requires. If the Board feels that it cannot grant that relief, the alternative issue is that, because the house was built and is now a nonconforming dwelling with an in-law apartment, the applicant would be asking for the Board to grant the relief so the in-law apartment can be legitimized.

The applicants would like to enlarge and modernize the kitchen and the bathroom, and wanted to be sure that the electric and plumbing work were done properly. No permits were found when they went to the Building Department. They are trying to do the right thing by coming to the ZBA to petition that it grant permission to have the accessory dwelling unit, which would remain where it is without expansion. Mr. Hampe pointed out that the condition that requires 10% more land area is really for construction of additions onto a structure, not something inside an existing dwelling, and cannot be met by the applicant. Again, the applicants are more than willing to agree with all the conditions required, and agreed to come back every three years for re-certification of the accessory dwelling unit.

No one appeared in opposition to the requested relief. Mr. McGrail suggested that the first waiver request was the appropriate one.

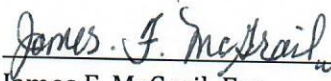
Mr. Steeves moved to grant Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

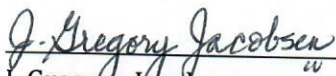
Upon motion duly made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the ZBA voted unanimously, 5-0, to grant and the Special Permit for an existing accessory dwelling unit at 8 Blueberry Hill, Dedham, MA, in a Single Residence B zoning district with the condition that the accessory dwelling unit cannot be transferred upon sale, and that the applicants must return to the Zoning Board of Appeals in three years to re-certify the accessory dwelling unit. In granting said special permits, the ZBA finds that, the Applicants have satisfied the conditions of Section 7.7 of the Dedham Zoning Bylaw except the condition 7.7b, for which they granted a waiver. In addition, the ZBA finds after consideration of the criteria in the Dedham Zoning By-Law, 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.

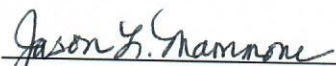
Dated: September 21, 2016

Attest, by the Zoning Board of Appeals:

  
James F. McGrail, Esq.

  
J. Gregory Jacobsen

  
Scott M. Steeves

  
Jason L. Mammone, P.E.

Jared F. Nokes,  
Jared F. Nokes, J.D.

Attest, by the Administrative Assistant:

Susan N. Webster  
Susan N. Webster

**Materials Submitted:**

- Zoning Board of Appeals application
- Petition statement prepared by Kevin F. Hampe, Esq.
- Mortgage inspection plan dated July 13, 2016, prepared by DesLauriers & Associates, Inc., 420 Fortune Boulevard, Milford, MA 01757
- Massachusetts Quitclaim Deed dated July 26, 2016.