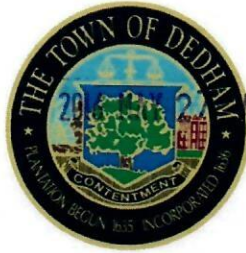


**ZONING BOARD MEMBERS**

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

**ASSOCIATE MEMBERS**

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



DEDHAM TOWN HALL  
26 BRYANT STREET  
DEDHAM, MA 02026-4458  
PHONE 781-751-9242  
FAX 781-751-9225

ADMINISTRATIVE ASSISTANT  
SUSAN WEBSTER  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

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



**Applicant and Owner:**

**Property Address:**

**Case #:**

**Map/Lot, Zoning District:**

**Application Date:**

**Present and Voting:**

**Jeremiah P. and Maureen A. Donohue**

**87 Commonwealth Avenue, Dedham, MA**

**VAR-04-16-2085**

24/7, General Residence

April 13, 2016

James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.

**Representative:**

Jay Gallant, AIA, LEED AP, Gallant Architecture, 42 Maple Street, Paxton, MA 01612

**Legal Notice:**

To be allowed a side yard setback of 3.77 feet instead of the required 10 feet, and a front yard setback of 17.7 feet instead of the required 20 feet to construct a second floor addition.

**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 Jay Gallant, AIA, LEED AP, Gallant Architecture, 42 Maple Street, Paxton, MA 01612. 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 87 Commonwealth Avenue, Dedham, MA, and is shown on Dedham Assessors' Map 24, Lot. 7. The certified plot plan indicates that the Subject Property contains 4,500 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 1952.

Mr. Gallant explained that the Cape-style house was built around 1950, and it was 3.77 feet from the property line. The applicant added a shed dormer in 2003, but only built three-quarters of it to comply with the ten foot side yard setback. He now wishes to complete the dormer, add another dormer in the front, and construct a front porch across the entire house. A signed petition from direct abutters was presented. Mr. McGrail said that Mr. Donohue and his wife are outstanding Dedham citizens, and vouched for his character.

On a motion made by Jason L. Mammone, P.E., and seconded by Scott M. Steeves, the Zoning Board of Appeals voted unanimously (5-0) to allow a side yard setback of 3.77 feet instead of the required 10 feet, and a front yard setback of 17.7 feet instead of the required 20 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.

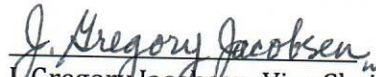
The Applicant was advised that, in accordance with MGL Chapter 40A, Section 11, no variance shall take effect until the Town Clerk certifies a copy of the decision stating that 20 days have elapsed since the decision was filed with that office, and that no appeal has been filed within

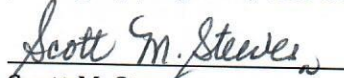
such time. The decision must then be recorded in the Norfolk Registry of Deeds, or the land Registration Office of Norfolk County.

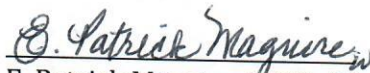
Dated: May 18, 2016

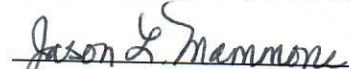
Attest, by the Zoning Board of Appeals:

  
James F. McGrail, Esq., Chairman

  
J. Gregory Jacobsen, Vice Chairman

  
Scott M. Steeves

  
E. Patrick Maguire, LEED AP

  
Jason L. Mammone, P.E.

Attest, by the Administrative Assistant:



Susan Webster

**Materials Submitted:**

- Zoning Board of Appeals application
- Plan of Lane prepared by C. S. Kelley, PLS, 25 Center Street, Pembroke, MA
- Elevations of first and second floors prepared by Gallant Architecture, 42 Maple Street, Paxton, MA 01612
- Petition in favor of project signed by direct abutters