

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

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TOWN OF DEDHAM
CLERKS OFFICE
Dedham Town Hall
26 Bryant Street
Dedham, MA 02026-4458
Phone: 781-751-9242



Members

James F. McGrail, Esq., Chair
J. Gregory Jacobsen, Vice Chair
Scott M. Steeves
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®
Jason L. Mammone, P.E.

Associate Members

Jared F. Nokes, J.D.

Jennifer White Tahiraj
Administrative Assistant
jtahiraj@dedham-ma.gov

DECISION

Applicant/Owner	Evan and Colleen Grenier
Property Address	80 Sanderson Avenue, Dedham, MA
Zoning District	Single Residence B
Map and Lot	127/18
Representative	Evan and Colleen Grenier, owners Matt Bryant, Contractor
Legal Notice	The applicant seeks to be allowed Special Permit to extend a nonconforming structure by adding a second floor above an existing nonconforming first floor structure, and to be allowed a variance to construct a second floor bedroom above the existing first floor structure that will have a side yard setback of 5.5 feet instead of the required 10 feet.
Section of Zoning Bylaw	<i>Town of Dedham Zoning Bylaw Sections 3.3.3, 3.3.4, 3.3.5, and 4.1 Table of Dimensional Requirements</i>
Date of Application	May 23, 2018
Date of Public Hearing	June 20, 2018
Date of Decision	June 20, 2018
Vote	5-0, unanimously approved
Voting Members	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jason L. Mammone, P.E.
Date Filed With Town Clerk	June 27, 2018

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, June 20, 2018, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory

Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, 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.

At 7:35 p.m., the Chairman called for the hearing on the appeal of Evan and Colleen Grenier (hereinafter referred to collectively as the “Applicant”) to be allowed a Special Permit to extend a nonconforming structure by adding a second floor above an existing nonconforming first floor structure, and to be allowed a variance to construct a second floor bedroom above the existing first floor structure that will have a side yard setback of 5.5 feet instead of the required 10 feet. The property is located at 80 Sanderson Avenue, Dedham MA, and is in the Single Residence B Zoning District. *Town of Dedham Zoning Bylaw Sections 3.3.3, 3.3.4, 3.3.5, and 4.1 Table of Dimensional Requirements*

The Applicants represented themselves. Also present was Matt Bryant, their contractor. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The property is located at 80 Sanderson Avenue, Dedham, Massachusetts, and is located in the Single Residence B zoning district. On May 23, 2018, the Applicants submitted an application, which included:

1. Zoning Board of Appeals application
2. Certified plot plan prepared by Christopher C. Charlton, PLS, Continental Land Survey, LLC, 105 Beaver Street, Franklin, MA 02038
3. Photographs of existing conditions
4. Renderings of proposed addition

The subject property is known and numbered as 80 Sanderson Avenue, Dedham, Massachusetts, and is shown on Dedham Assessor’s Map 127, Lot 18. The certified plot plan indicates that the Subject Property contains 8,695 square feet of land and has 50 feet of frontage on Sanderson Avenue. According to the Town of 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 building was constructed in 1900.

Pursuant to the authority granted under Section 9.2.2 of the Dedham Zoning By-Law, the ZBA has the power “to hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures as set forth on G.L. c. 40A, § 10.”

Section 10 of Chapter 40A of the General Laws of Massachusetts states that a variance may be granted if:

Owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provision of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

Applicant submits that the requirements and criteria for the issuance of the requested special permits and variances have been satisfied.

Mr. and Mrs. Grenier currently live in a two-bedroom house with one child and another on the way. They would like to add a second floor, and are seeking a Special Permit to extend the nonconforming structure by adding this above a nonconforming first floor structure. They will also require a side yard setback of 5.5 feet instead of the required 10 feet to construct the second floor.

Jason Slater, 79 Sanderson Avenue, and John Whalen, 89 Lincoln Street, both direct abutters, spoke in favor of the petition.

Upon motion duly made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the Zoning Board of Appeals voted unanimously (5-0) grant and approve a Special Permit to extend a nonconforming structure by adding a second floor above an existing nonconforming first floor structure, and to be allowed a variance to construct a second floor bedroom above the existing first floor structure that will have a side yard setback of 5.5 feet instead of the required 10 feet.

In granting said special permit, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the Dedham Zoning By-Law, the adverse effects of Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood. In granting said variances, the ZBA finds that the Applicant has satisfied the requirements Section 10 of Chapter 40A of the General Laws of Massachusetts, to wit: a literal enforcement of the Dedham Zoning By-Law requirements would cause a substantial financial hardship to Applicant, and that the relief may

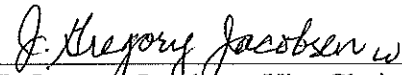
be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Dedham Zoning By-Law.

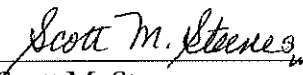
Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no variance shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed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


Date: June 20, 2018

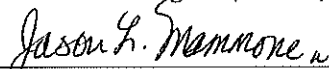
Attest by the Zoning Board of Appeals:


James F. McGrail, Esq., Chair


J. Gregory Jacobsen, Vice Chair


Scott M. Steeves


E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®


Jason L. Mammone, P.E.

Attest by the Administrative Assistant:


Susan N. Webster