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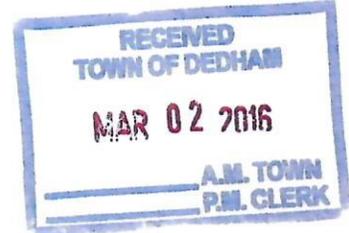
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TOWN OF DEDHAM
ZONING BOARD OF APPEALS
DECISION



APPLICANT: Gail and Edward Alderman
PROJECT ADDRESS: 155 River Street, Dedham, MA
CASE # VAR-12-15-2057
PROPERTY OWNER/ADDRESS: Same
MAP/LOT, ZONING DISTRICT: 128/77, General Residence

DATE OF APPLICATION: December 23, 2015
MEMBERS PRESENT AND VOTING: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jessica L. Porter

PETITION: To be allowed a variance to extend or build in addition onto a nonconforming structure in such a manner as to extend an existing nonconforming structure, i.e., existing front yard setback of 12 feet instead of the required 20 feet.

SECTION OF ZONING BYLAW: *Town of Dedham Zoning Bylaw Section 3.3.2, 3.3.3, 3.3.4, 3.3.5, and Table 2, Table of Dimensional Requirements*

REPRESENTATIVE: Joseph Smith, Licensed Builder, 31 Old Farm Road, Dover, MA
Gail and Edward Alderman

DATE FILED WITH TOWN CLERK: MARCH 2, 2016

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The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, February 17, 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, 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 subject property is known and numbered as 155 River Street, Dedham, MA and is shown on Dedham Assessors' Map 128, Lot 77. The certified plot plan indicates that the Subject Property contains 8,182 square feet of land and has 75 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 1945.

The Applicants would like to build a 22' x 22' one-story addition to the left side of their house. They will need approval for a front yard setback of 12 feet instead of the allowed 20 feet. Mr. Alderman is not in good health and is unable to go over stairs to the bedroom. The addition will contain an ADA compliant shower, walk-in closet, and laundry, and will allow him to have access to the living room and kitchen. The driveway will be relocated, and a new curb cut will need approval from the DPW.

No one in the audience spoke in favor or against the proposal. The Applicant presented a petition signed by five neighbors in support of the request. Mr. Jacobsen made a motion to approve a variance to extend or build an addition onto a nonconforming structure in such a manner as to extend an existing nonconforming structure, i.e., existing front yard setback of 12 feet instead of the required 20 feet. Ms. Porter seconded the motion. The vote was unanimous at 5-0.

On a motion made by J. Gregory Jacobsen and seconded by Jessica L. Porter, the Zoning Board of Appeals voted unanimously (5-0) to approve a variance to extend or build an addition onto a nonconforming structure in such a manner as to extend an existing nonconforming structure, i.e., existing front yard setback of 12 feet instead of the required 20 feet.

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: February 17, 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

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

Jessica L. Porter
Jessica L. Porter

Attest, by the Administrative Assistant:

Susan N. Webster
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:

- Zoning Board of Appeals application
- Certified plot plan prepared by Michael Paul Antonino, Registered Land Surveyor, 31 Ledgebrook Avenue, Stoughton, MA 02072
- Petition in favor signed by five neighbors
- Photographs of existing conditions
- Elevations of proposed changes