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.

2016 MAY

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

RECEIVED
TOWN OF DEDHAM
MAY 26 2016
A.M. TOWN
P.M. CLERK

TOWN OF DEDHAM
ZONING BOARD OF APPEALS
DECISION

Applicant and Owner:	**Alexander Ortiz and Yoseni Cabrera**
Property Address:	**66 Gibson Avenue, Dedham, MA**
Case #:	**VAR-04-16-2089**
Map/Lot, Zoning District:	138/17, Single Residence B
Application Date:	April 22, 2016
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacbosen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative:	Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA
	Alexander Ortiz and Yoseni Cabrera, Owners
Legal Notice:	To be allowed to construct a 14' x 17' one room addition to the rear of the house, which will be 12.8 feet from the rear property line instead of the required 25 feet.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Section 4.1, Table 2, Table of Dimensional Requirements

DATE FILED WITH TOWN CLERK: **MAY 26, 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 Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA. 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 66 Gibson Avenue, Dedham, MA, and is shown on Dedham Assessors' Map 138, Lot 17. The certified plot plan indicates that the Subject Property contains 11,200 square feet of land and has 140 feet of frontage. According to the 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 dwelling was constructed in 2013.

Mr. Hampe explained that the applicants would like to construct a 14' x 17' one room addition to the rear of the house that will be 12.8 feet from the rear property line instead of the required 25 feet. The dwelling is in close proximity to Wigwam Pond and there are many mosquitos in the summertime. The addition would be on the same footprint as the existing deck. They have one child, but Ms. Cabrera is currently pregnant, and there is concern about mosquitos and the Zika virus. A petition in support, signed by immediate abutters, was presented. No one spoke in opposition.

On a motion made by J. Gregory Jacobsen and seconded by E. Patrick Maguire, LEED AP, the Zoning Board of Appeals voted unanimously (5-0) to allow construction of a 14' x 17' one room addition to the rear of the house, which will be 12.8 feet from the rear property line instead of the required 25 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: 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 N. Webster

Materials Submitted:

- Zoning Board of Appeals application
- Petition Statement prepared by Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA
- Petition of support from abutting neighbors
- As-built plan of land prepared by Norwood Engineering Co., Inc., 1410 Boston-Providence Highway, Norwood, MA 02062
- Quitclaim Deed dated March 27, 2014
- Town of Dedham Assessors Database
- Photographs of existing conditions
- Certified Plot Plan prepared by David P. Terenzoni, PLS, 4 Allen Road, Peabody, MA
- Elevations of proposed addition